

City Council Regular Meeting Session Transcript – 4/26/2018

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[10:16:09 AM]

>> Mayor Adler: all right. I think we're at a place now where we could -- we could start this. But before we do, we have an invocation I think that pastor Bill Clark -- is he with us? Why don't you come up, sir, Westminster Presbyterian church. Would everyone please rise.

>> Thank you, Mayor Adler and members of the council. Let us pray. Good and gracious God, thank you for our mayor, these council members, and all who are gathered here to serve the common good of this community. We come before you on this day with a full agenda. The agenda that is laid out before us and those personal agendas in our hearts and minds. Help us to make room in all of this for your agenda, the care for -- to care for this community, concern for those who are most vulnerable, the stewardship of your creation in central Texas, and may we go about all this business not only with a sense of the urgency of time that comes to with a full slate but with an awareness of your bountiful blessings, a graciousness of spirit and, where possible, gratitude for your gifts, for this opportunity to serve, and even for one another in your holy and life giving name we pray. Amen.

>> Mayor Adler: Thank you. All right, colleagues. It is April 26, 2018. It is 10:18. We're going to convene this meeting. We're in the city council chambers here at 301 West Second Street, Austin, Texas.

[10:18:11 AM]

Let's take a look at our agenda and see what we have. Before we do, changes and corrections, items number 2 and item number 7 have been withdrawn. On item number 26, it should be noted that this item on April 16, 2018, was approved unanimously, recommended unanimously by the electric utility commission on a 7-0 vote with Vicar chair absent. There were two vacancies. Today's consent agenda is item 47, also item 86 and also item 90. With respect to our consent agenda, it looks like item number 8 has been pulled by five speakers, all of whom are speaking in favor of this. We have item number 10 being pulled by Alter, 11 by Flannigan and Alter, 12 by council member Flannigan, item number 27 has been pulled by council member Alter, 30 -- I mean, 28 I'm sorry by Casar and Kitchen. Item number 30

has been pulled to come up after our executive session briefing -- or after the briefing, rather. Number 8 and number 31, looks like it's been pulled by speakers, all of whom seem to be in favor of this item 31.

[10:20:23 AM]

Item 38 has been pulled by councilmembers tovo and pool. It's the intent to have that vote at 4:30 this afternoon. And then item number 90 has been pulled by alter. So going through these --

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes.

>> Kitchen: Items 77 and 78 were time certain for 4:00. Those are the renaming?

>> Mayor Adler: Right. And I haven't gotten to the calendar quite yet. I just want to make sure I'm pulling -- that's okay. With respect to the consent items let's make sure we have all of these. I'm showing the ones pulled are eight, ten, 11, 12, 27, 28, 30, 31, 38, and also 90. Mayor pro tem.

>> Tovo: I need to pull 36 as well, please.

>> Mayor Adler: Item 36. Which item is that?

>> Tovo: The codenext process.

>> Mayor Adler: Okay.

>> Tovo: I have two small amendments to make that I indicated on -- at the work session on Tuesday. I understand there's a revised draft that addressed most of the requests for changes, but mine were not addressed.

>> Mayor Adler: Okay. So 36 also being pulled. Eight, 10, 11, 12, 27, 28, 30, 31, 36, 38, and 90. We also have some people to speak on the be consent agenda. Let's go ahead and do that so that we can handle the consent agenda.

[10:22:29 AM]

Speaking on item number 17 and other items, Mr. Pena, are you here?

>> Always here, mayor.

>> Mayor Adler: Okay. Of the items that you've pulled, it looks like 28 has been pulled. Is Brennan griffin here? Okay. Item number 31 has also been pulled. So the other items I have for you are 17, 25, 32, 34, 44, 46, and 86.

>> 30 has been pulled?

>> Mayor Adler: Item number 30 has been pulled.

>> Okay. All right. I'm going to be brief, gust Pena I am a cofounder of veterans for progress. I'm here to speak on -- you 31?

>> Mayor Adler: 31 has been pulled.

>> All right. I'll make a generic and lump everything together. I'm here to speak on the municipal court judges also, but that has been pulled also, right?

>> Mayor Adler: 17, 25, 32, 44, 46, 86.

>> Okay, great. Give me a moment. What I'm here to talk about is this, number 1, and I'll preface it and continue to talk on what I'm going to talk. Mayor, profiling is a federal offense. I ran for city council twice, justice of peace, I was an IRS investigator and I find it very offensive that I find some officers profiling me. There are other people profiling. That has to stop. We're going to meet with the city manager, am I correct, Mr. Cronk? This is not acceptable to me. I'm not going to tolerate it.

[10:24:30 AM]

Having said that I'll go through the agenda. First and foremost, I want to thank councilmember alter because she did a good job of running the meeting last time and you were great, you know? So you were hardly missed, but you were --

[laughter] We're not ready to promote you yet. Anyway, my issues are this, the quality of life of the people, housing and, you know, crime, I just want to go to the capitol. I've been summoned by a couple senators on a hearing. Affordable housing is needed here, Mr. Mayor. I know I'm kind of deviating but it's very important that we have true affordable housing and what the definition affordable and what people find very expensive is not correct. I'll make this the last item, key and crucial. There was a press conference this morning about homeless veterans. The statement was made, I find it very offensive, that there are no more homeless veterans in Austin, Texas again. How much more do I have to make it clear that we have more and many homeless veterans on the streets? I would like to -- you know, mayor, you can bring body guards if you want to but if you want to let's go on a tour. I'll show you the camps, they're not going to want anybody else but me but they know me, I help out, we'll tour and see where the homeless veterans are at. Washington, you heard about this, we lost a veterans affairs nominee. How much more are we going to put up here with in Austin, Texas, on these issues. I'll leave it at that. I'm very, very discouraged, hurt to hear we still do not have homeless veterans in Austin. I am a veteran, first and third marine division. I think it's about time we stopped playing games and call it what it is. And, mayor, please stop this profiling.

[10:26:34 AM]

I'll take federal action and I'm going to meet with you -- I don't know when but we'll meet. Thank you very much.

>> Mayor Adler: Thank you. I just wanted to make sure you were in the room. The item that you had signed up for has been pulled, I think it was 31 so we're not to pulled items yet.

>> It's pulled? So I'll talk then.

>> Mayor Adler: It's been pulled. We're also pulling -- we had 86 has not been pulled -- people speaking on the -- is there anyone else here that signed up to speak on an item that has not been pulled? Okay. Ms. Garza, did you want to speak to item 17?

>> Garza: Yes. If you could pull up that card. 17 is accepting a grant, and it's I believe in large part due to the work that this council has done for early childhood education. This is a really neat -- and part of that grant is to fund marketing this program that our public health and all these great organizations are a part of, you know, kids don't come with a handbook and even I signed up for this. You receive a text. It gives you cute ideas for how to engage with your children during badge time, during, you know -- bath time, during any time, and I'm proud of the steps this council has taken to invest in different kinds of early childhood things like this. Studies show if we invest in early childhood we would have better academic outcomes, which means better jobs and lower incarceration so I want to thank our public health department and thank this council for making this one of the issues that we're prioritizing as we seek to find ways to help our working families and even -- and, frankly, you know, I have friends who are using this great resources, so I hope others will sign up for it as well.

>> Mayor Adler: Okay. Is there a motion to approve the six hundred mayor -- the consent agenda?

[10:28:40 AM]

Mayor pro tem moves. Is there a second to that? Mr. Renteria seconds that. Any discussion on the consent agenda? Mayor pro tem.

>> Tovo: Yeah it's been a long-time community interest in seeing us use publicly owned, publicly available land for affordable housing, and I know that our council has passed several resolutions. There were some passed in previous years as well. One of those that we passed about a year and a half ago that I had brought forward with some of my colleagues also asked our city manager to go forward and negotiate and apply for, through the bidding process, some of the aid properties that had been declared surplus that are available for sale or other kinds of arrangements with the school district, and so I'm very supportive of item 13, which is -- would, if it passes, have us purchasing two pieces of aid -- formally aid tracts and I hope we will use that in the way contemplated, which is to construct affordable housing in this community and I know we'll have more discussion about that in the months ahead but I just wanted to note it because, again, it is very responsive to the community's interest in seeing us use those publicly purchased lands for the good of the community if they are no longer intended for the use for which they were purchased.

>> Mayor Adler: Okay. It's been moved and seconded. Those in favor of the consent agenda please raise your hand. Those opposed. It's unanimous on the dais with councilmember troxclair not present. Okay. That gets us then to the pulled items. We also have a 10:30 briefing on echo. This looks to be a busy day today. I don't know if the people that have signed up on consent agenda items that had then been pulled all need to speak for the full three minutes.

[10:30:44 AM]

Item number 8, which was red river, Brian Garrett and Kimberly Levinson, are you here? Do you want to come on up and speak. Looks like this is going to pass, looks like everybody is in favor.

>> Just for one moment because I really wanted to say thank you to the staff for this, they really worked so hard on taking care of everything and facilitating these discussions. And I also really would like to thank the club owners for being so responsive to us neighborhood residents and stuff because without them this would not have passed so well and we would not be so in favor but we really support this and thank everybody involved and that's all I need to say.

>> Mayor Adler: Thank you very much. Yes, sir.

>> Mayor Adler, councilmembers, Brian Garrett with stubs barbecue, echoing what Kimberly just said, this program worked and I want to take a brief moment to thank all parties involved, the downtown neighborhood Austin association, north university neighborhood association, economic development party, music and entertainment division, Brian, Nicole, we've only just begun with this, these additional three hours a week are going to pay tremendous dividends to the live local music venues in the red river cultural district and the economy as a whole within the spectrum of music so thank you, councilmembers, we heard you, we got busy and I'm very proud of what we've accomplished so far so thank you very much.

>> Mayor Adler: Thank you. Is there a motion to approve this item number 8? Mr. Casar makes that motion. Is there a second to that? Councilmember pool seconds that. Any discussion? Mayor pro tem.

>> Tovo: Yes. A little discussion, and I did hand out a motion sheet this morning. You'll see it on there. It would add a new part four. So I wanted to also just echo my thanks to the various stakeholders from the club owners to the neighbors downtown and in neighborhoods up near mine, north of the university that participated in this.

[10:32:56 AM]

This has really been a success and big thanks to the staff. I want to clarify that the staff have continued -- have committed to continuing those stakeholder meetings and that's the substance -- the substance of my amendment captures that. And I also want to note that there are still ongoing questions about how

sound is measured and getting that information that would help us really come up with more accurate readings. So I hope that that will continue to be a point of discussion in the stakeholder meetings.

So one quick question: I know our staff have agreed to a more transparent system, online space where people can go to see what venues have percent and which don't and I want to confirm with our staff that that's the case.

>> Mayor Adler: As staff is coming up the mayor pro tem moved this amendment part four, is there a second to that? Councilmember alter seconds that. Go ahead.

>> Hello, Rebecca giello, interdirector of the development department. That is accurate. We have been working with the stakeholders to identify a broader and longer-term forum for engagement and we do intend to execute engagement in a formal in person forum at minimum four times a year, so quarterly. However as needed would also be our intent.

>> Tovo: Great. How about the hot line? I know we've had some discussions and I've heard from some of our community members that not all of -- not everyone is familiar with the hot line or how to use it.

>> I believe that's actually an excellent opportunity for us to engage not just our public information manager but also work with the engagement office as well as the corporate public information office so we can determine how best to really make that a far broader and more useful tool and put that out there in a -- in an elevated level. And we're absolutely committed to doing that.

>> Tovo: Thank you.

[10:34:57 AM]

And, you know, this has been an ongoing process for years, I think, of discussion, but this was a very good -- I think this is a successful approach to a situation that will benefit everybody in the long run, both the club owners and musicians as well as the neighbors. It is not -- I will say I've gotten some suggestions on some areas that still need attention. I mentioned a couple of them. The data collection and, again, how sound is being measured and the accuracy of that continue to be ongoing and people are interested in an ongoing look at how to do that better. So my amendment just, again, codifies that there will be continued stakeholder conversations and stakeholders will be defined much as they were during the stakeholder process so include not just people who you would immediately think are stakeholders downtown but also those neighborhoods who through a quirky feed of nature here the music from the red river district even though they are far north. That's it moved and seconded. Any further discussion on the amendment? Ms. Houston.

>> Houston: Thank you, mayor, and thank you mayor pro tem for those comments. It was interesting. I see the police department here. They may be on another issue, but the statistics as far as crimes have gone up with the increase of the number of hours, and I was wondering if you all have any reason or any knowledge about why that's happening? Anybody from A.P.D. Here? It seems like it's gone up not dramatically, but a lot.

>> Mayor, council, manager, assistant chief, Justin Newsome. One thing that was not parsed out was self-initiated activity. Red river has been a constant complaint from the business H business owners H business owners to us about the issues they've had.

[10:36:59 AM]

Because that have we've assigned more officers to be proactive and present in that area. You have that, you have a natural increase in the number of written reports and reported crimes that are reported by us that we initiated action on. So we do -- we actually have our staff delving into those numbers a little more right now, they weren't parsed out when those numbers were released.

>> Houston: And you all will keep looking at that?

>> Yes, ma'am.

>> Houston: Every quarter and give us a report back.

>> Yes, ma'am.

>> Houston: I appreciate that. Thank you.

>> Casar: Can I ask one more question? Sir, sorry, chief? But just to be clear, though, right now based on the extension of the hours you aren't seeing that actually causing that increase? It may just be correlated to something else?

>> That's correct. There's no correlation we've seen between the extension of the hours and increase in reported crime.

>> Casar: Thank you.

>> Mayor Adler: Ms. Houston.

>> Houston: But I heard you say that you hadn't parsed all of that out.

>> That is correct.

>> Houston: So if you look at the data from year to year, there is an increase and the only variable I see is that we've increases the hours so --

>> And I wasn't prepared to answer these questions today. I would probably have these answered, but when you look at the times where the increase was, I don't believe that there was a significant increase during those times.

>> Houston: So if you could do it during that increase of time that would be helpful to see.

>> Yes, ma'am, we can.

>> Houston: Thank you.

>> Mayor Adler: Okay. This item has been moved and seconded. Any further discussion?

>> Tovo: I was going to call my colleagues' attention, there is some information in the q&a, and I think that my staff may have gone back to ask for that additional information about timing, and, if not, I did think that's, why think that's important information to get.

>> Mayor Adler: Okay. I would just add to this, too, that I'm -- that I -- this whole issue of music and hours and impact on neighborhoods has been a point of contention in this city going back decades and, quite frankly, this is one of the first times I've seen where we were actually able to very constructively move this ball forward.

[10:39:09 AM]

So I really appreciate all the neighborhood people working on this, the industry people working on this, the staff was critical for making this happen. The council, we gave direction to move here with the music omnibus that we passed a couple years ago. This is a tangible reflection of that work. And I'm just excited to see this happening. It's an important event in kind of the historic evolution of this city. It's been moved and seconded. Those in favor please raise your hand. Those opposed. It passes unanimously on the dais with councilmember troxclair off. Thank you. Next item pulled by speakers -- I'm sorry. Oh, that was the amendment. Now the amendment passed. Now we'll vote on the main thing. Thank you. Those in favor of the motion as amended please raise your hand. Same vote, unanimous on the dais, troxclair off. Something else looks like it was pulled by speakers with another quick amendment appears to be item 31, mayor pro tem, I think this is yours as well. Item 31 has three people signed up to speak on this, also people that are just in favor of this. Mayor pro tem, you want to lay out your amendment on this? Or make the motion and --

>> Tovo: Sure.

>> Mayor Adler: Amendment.

>> Tovo: I'm just looking for the amendment. We had a brief discussion. It's on the last page in the discussion about this clarification on Tuesday. It just simply changes the language item to item for council consideration just to clarify that the intent is that we're directing the city manager to prioritize this as he prepares next year's budget. And so I will move approval of this item.

>> Mayor Adler: Mayor pro tem makes a motion to adopt the version as passed out on the dais, which makes this a budget item.

[10:41:16 AM]

Seconded by Mr. Renteria.

>> Tovo: Can I say a few words? Thank you. You know, we are talking a lot about how to end homelessness today. We'll have a staff briefing and opportunity to consider the action plan and, you know, that is -- and certainly we all need to focus on ways to previous homelessness and so this measure

is one among many that my office is working of this sort in other states, they have been successful at helping prevent tenant evictions if tenants who are facing that really unfortunate and disruptive and life-changing event can get an advocate to help them through that process, very often the evidence has shown that very often those evictions can be -- can be avoided and it's good for the property owner as well as good for the family that would otherwise have faced eviction so I think this would be an excellent investment. I know we'll have an opportunity to talk more about it if it passes during the budget discussions but I think it is and should be a very high priority and, again, I think it is in keeping with this council's prioritization of programs and services designed to end homelessness.

>> Mayor Adler: We have two people that are signed up to speak on this. Mr. Pena and Brendan griffin. It looks like this is going to be -- it looks like this will pass. You're entitled to take up to three minutes.

>> Thank you very much, Gus Pena, native east Austin night and founder of veterans for progress.

>> My name is

[indiscernible].

>> Okay. You know, I had Gina cannon of the -- one of these issues came up. You always are alone by yourself, you don't have anybody with you. Okay. This gentleman has known landlord tenant evictions and homelessness also like I have. I just want to let y'all know that the landlord tenant eviction process has been secured.

[10:43:22 AM]

One of the duties of the justice of the piece is landlord tenant eviction process. It is a strict law and sometimes more bent toward the landlord instead of the tenants. They don't have legal representation so they go in there saying, oh, oh, I'm scared, I don't know what to say. I go and help them out, not as around attorney, not as a legal assistant, but as a person who knows the law very well. When I ran for justice of the peace, that is one of the things -- it is very key and crucial, is landlord tenant evictions. It is a scary process for a lot of people, scary process for my single women with children that are now homeless. I brought my brother here from veterans for progress to be with me, to show that we do have constituency. We have African-Americans, hispanics, and poor anglos that are being evicted. Sometimes without cause, just because they made a little bit of noise, they're on the second or third floor, you know, the flooring is not adequate to keep noise out, and the kids. Kids, you know, you never should take it out on the kids. I just wanted to say we fully support this and thank you very much -- we fully support this and thank you very much whoever brought it up, sponsors and the whole council. It's a no-brainer. Please vote for this so they can have a legal tool for them, and I'm not going to apologize for my anger but I will say this when I see the system not working as it is, it should for my veterans, I'm going to fight for them. Legally. And I was a bailiff in municipal court and criminal court. I have a lot of judges I can bring them over here, John wiser, a lot of good people, Mike lynch, I worked with him and a lot of municipal court judges so I have the knowledge of it. Sometimes I go off, it's my PTSD when people say and do things wrong. That's not acceptable. Anyway, I'm here to help out any way I can and thank you for everybody voting for this and sponsoring it. Appreciate y'all very much.

[10:45:23 AM]

Thank you.

>> Thank you.

>> Mayor Adler: Mr. Griffin, you have three minutes if you want to take it.

>> Thank you. I'll try to be brief, thank you, mayor, mayor pro tem, councilmembers. I'm here wearing two hats. I work for Texas appleseed, deputy director there and we are definitely happy to support this kind of counseling program, eviction causes for many families and individuals a huge downward spiral and it's very hard to recover from, even on the -- even after being evicted years later it shows up on your record, makes it harder to rent spaces, but it also just puts people in a position of having to come up with all the money you need to move to put down deposits and all that kind of thing and has been shown to cause huge problems, definitely supportive of it. I'll be talking about this later with the H.U.D. Action plan, but there is an opportunity here we think to start thinking about a mobility counseling program to -- that the -- we think the city should support and look into about helping folks with vouchers to make sure they're moving to areas of high opportunity. I think there's ways to perhaps hopefully take the kind of counseling that you would do post-eviction process and think about some mobility counseling as well. I also am a member of -- board member for Ora, grass roots urban group and the vote voted to definitely support this as well so we were hopeful that this becomes a really good program for Austin. Thank you.

>> Mayor Adler: Thank you. We have a motion on this item number 31 that's made by mayor pro tem. It's been seconded. Further discussion? Mr. Flannigan.

>> Flannigan: I just wanted to thank the mayor pro tem for tweaking the language slightly, and I just want to make sure, you used the word "Prioritize" for the manager but it doesn't say that in the ordinance.

[10:47:27 AM]

I think it's great to have this prepared for us to debate on, and I will very likely support it. I think it's a really great program but I want to make sure we're not opening pan do are a's box of resolutions to prioritize budget items. Just one little bit of clarification.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I'm not sure how exactly to respond to that, but I think when we bring forward resolutions providing direction to the city manager to try to find money, you know, have it included within the budget -- I mean, we are setting priorities for it, so. . . It is -- that's just, you know, what I see us doing here. It doesn't mean it's going to be in the final budget, but we are definitely indicating a prioritization of the item in my opinion.

>> Mayor Adler: Councilmember alter.

>> Alter: I share some of councilmember Flannigan's reservations here and I suppressed them in work session as we move to an outcomes-based budget and try to implement our strategic plan which has housing and homelessness very high up in our priorities so I think it's perfectly reasonable to be looking at this particular program and seeing if it was a cost effective way to achieve some of those goals through the budget process. But I do think we need, as I requested at work session, greater clarity on how this is going to play out as we move to this process with speculate to the resolution -- with respect to the resolutions because one of the key reasons to move to the outcomes-based budgeting is for us to be in a position to compare the values we're getting for achieving our strategic outcomes. That is not to say this particular resolution doesn't lead to achieving a strategic outcome. It's just important I think to raise that issue that if our strategic planning efforts are going to bear fruit then we need to be moving in that direction and I do have some reservations about proceeding in this way with resolution after resolution.

[10:49:33 AM]

>> Mayor Adler: Further discussion?

>> Mayor Adler: Further discussion? Councilmember Houston.

>> Houston: Thank you, mayor. I have no problem with it being included or having the city manager look at it as part of the budget process, but the prioritization, I'm afraid we will be setting a precedent and from now on every budget item will be for him and his staff to prioritize these items. So the expectations I think we need to set for people is that they will go through a process and that process will yield some results and some will get funded and some won't, but I don't really like the word prioritized.

>> Mayor Adler: Okay. Further discussion on this? My reading on this for what it's worth, manager, is that you are going through the budget process, you're going to be talking to all the councilmembers and eventually bringing us a budget that's going to meet the strategic objectives that we have in the best way possible. I supported setting this homelessness issue as a priority. You have that action by the council in the strategic plans. I share the same concern with Mr. Flannigan and councilmember Houston and the intent is not pull this out of the budget process and be making a budget decision here so clearly we're not doing that. Obviously there's interest in the strategic deal so I would expect if this appears in your budget it's because you have determined in the totality of the circumstances and with respect to what can help us achieve results it's your recommendation that we do that given all those factors. I'm going to vote for this. Any further discussion? Those in favor please raise your hand. Those opposed? Unanimous on the dais with councilmember troxclair off. There's an item on our agenda we might be able to let staff go.

[10:51:35 AM]

It's not on the consent agenda, it's item 48, adopt changes in the bylaws approved by -- recommended by the finance committee to keep us in compliance with -- I think they were state requirements. The joint sustainability committee bylaws change. That was item number 48. I don't know, council, if even though that's not a consent agenda, it is set to be considered this morning. I don't know that it's controversial. No one has signed up to speak on this. Is there a motion to approve?

>> Houston: But I do have some questions.

>> Mayor Adler: I'm sorry?

>> Houston: I have some questions about 48.

>> Mayor Adler: Okay. Should we try to handle that? Let's call up item 48. Is there a motion in councilmember pool. Is there a second to that? Councilmember Garza. Someone on staff want to speak to this? Ms. Houston, do you want to ask your question?

>> Houston: Yes, please. Thank you for being here today. Could you tell me how the word "Diversity" is defined in this item from council?

>> I don't have the diversity definition in front of me. My understanding on this item is that it's -- the primary change that's being proposed is to add representation from the design commission. The joint sustainability, quick background, is composed of representatives from 14 -- 14 boards and commissions and this would be adding a 15th member. And that would be represented by the design commission. There are three at-large members. Those were previously appointed by the open space and environment committee and that would be changed to appointment by the audit and finance committee because the other committee doesn't exist anymore.

[10:53:42 AM]

>> Houston: So I guess my concern is when I asked in the Q and a the representation, the districts that these 14 -- I think it's 14 --

>> 14 which would become 15.

>> Houston: Which would become 15. We don't have the 15th person yet. But the 14 we currently have, if you look at the response, it's really not diverse. That's why my question is about the diversity. It kind of sort of is ethnically diverse, but as far as representation of the various districts, indictments 1, 3, 4, 5 and 8 have no -- districts -- on this committee. So how do we not get back into the position that we found ourselves in in the at-large system where everybody came from the same council districts? That's the diversity I'm trying to figure out.

>> I see. I understand the question. I think it is a challenge to address the diversity you're talking about. These 14 and now proposed 15 boards and commissions, those groups decide, I believe, among themselves who their representative to the joint sustainability committee would be. My understanding those decisions are made individually by the individual boards and commissions in question.

>> Houston: But as the city talks about equity and diversity and inclusion, seems to me we would be looking at all of these appointments through an equity lens to make sure that we're not just having the same people from the same districts or all look the same participating. So it seems to me that should be a part of the conversation with the appointing process.

>> I understand the desire behind what you're talking about, councilmember. I'm not sure how to resolve that.

>> Houston: And I'm not sure either, but I thought it was important I at least speak those words into the record because when I look at the representation, it doesn't represent me, there's nobody from my district there to talk about the kinds of issues that will be talked about.

[10:55:49 AM]

So who carries that message on this committee if we are not intentional about making sure it's diverse? I'll vote for it, but I just needed to say that. It's very not diverse regionally or ethnically.

>> Understood.

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

>> Flannigan: I have a question on the part 2 part where it talks about a council committee can put additional representatives on this commission or on this committee. Was that provision in there before? We just --

>> My understanding is that's just to address if the representative was not able to participate for some reason that there was a backup. I'm not sure if it was in there before, to be honest. I would have to double-check that.

>> Flannigan: I am -- okay. Thank you. I'm not comfortable having council committees assessing whether or not a committee or commission is making good decisions and that subcommittee of council putting more people on it in order to change the outcome of those committees' recommendations which is the way this reads. If the council committee assigned the authority on climate protection alone finds they need more people to ensure adequate representation, which is also to me read as if this -- if a committee, council committee, doesn't like how this committee is voting, they can put three more people on it to change how it votes. I'm not comfortable with that. So if -- so my question I guess is a staff question about is this in there now, so if I were to make a motion to strike this section, would some bad section remain? Because we're streaking something -- -- tweaking something.

>> Sorry so interrupt. That provision did exist and those three stakeholders were appointed by -- or nominated by the open space environment committee.

[10:57:51 AM]

Since the open space environment committee was dissolved, that section was also dissolved without those stakeholders having any one, any body to nominate. So the organization requested that a committee be added, did not specify the committee, but when taken to audit and finance, the audit and finance committee suggested they be the nominating committee.

>> Flannigan: And the way this reads, the council committee may appoint, which would be different than nominate.

>> No, sir. That was probably bad wording on my part, but they nominate and then it goes to the full council for approval.

>> Flannigan: That's the change that needs to happen. At the very last line it says the council committee may appoint three additional members to the joint committee. What it should say is the council committee may not name three additional stakeholders to the committee to be approved by the full council.

>> I'm sorry, are you reading the committee report or the draft ordinance?

>> Flannigan: Draft ordinance, part 2, section D, which is underlined.

>> Thank you.

>> Mayor Adler: Yes, councilmember alter.

>> Alter: I just wanted further clarification. Under the previous version when we had the open space committee were they automatically appointing three more or was it only in the case they found the diversity? So I think -- I mean ideally they have that role in order to add more diversity, but is it they are supposed to be appointing three regardless and one of the goals of their nominees is to improve diversity?

>> I don't have the -- I don't know the intent of when it was created. The option was there to appoint three to increase the diversity.

[10:59:52 AM]

I believe it was councilmember pool's item so she may be able to answer the origination of that.

>> Mayor Adler: Councilmember pool.

>> Pool: Thanks. If I'm remembering back when the open space and environment committee was made was a change that was made by a previous council, they put together this joint sustainability committee and the point being made, I believe, in the originating ordinance was to get support and input from the environmental -- the committee that had environment and sustainability issues as its core mission which is why it shows open space and environmental committee. So that's where that comes from. Which is a noble goal and I certainly supported that and clearly the previous council that was their intention. Since we no longer have the open space committee, staff suggested and the audit and finance committee agreed that we would take -- that committee would take over the nomination of those three spots. I

think they should continue to have a focus on environment and sustainability because that's what joint sustainability is about. And if we look at the mission of that commission, I think our way is clear. With regard to the second person, I believe that idea was to have an alternate. And so maybe the clarity that's missing in the item cover page would have something to do with it. They are not necessary -- I don't know, would they be a voting member or would they serve if someone is unable to make a meeting in order that that particular commission that they represent would continue to have a representative at a particular meeting.

>> They would serve as an alternate in case the -- the primary member was not able to attend. And that section was taken verbatim out of city code for the joint inclusion committee. So we are just -- they requested that provision be added in case their primary representative was not able to attend.

[11:01:59 AM]

So they would only be a voting member if the primary memo-

>> Pool: They would have a proxy vote.

>> Yes.

>> Pool: And support for that would be in the information that's also in the creating resolution, an ordinance that lists how many members of this committee, the number of members of this committee, and we are not changing that. The alternates don't change the number of members because they supplant somebody who is absent. So we still have -- I think you are adding one more person which is not what I'm talking about here, but the initiating and authorizing ordinance itself sets out how many people are on that committee.

>> That's correct.

>> Pool: Okay. I think that's the best I can do on this one.

>> Mayor Adler: Councilmember alter.

>> Alter: I just wanted to continue the clarification, councilmember pool. My question was whether we effectively had 15 members on the committee to date or whether we had 12 and every once in a while we added one or two or three. Because if it -- if the intention -- I had previously understood the way it worked was that the oversight committee appointed three members to the committee. This sounds like we have the option if we think the diversity is not there which is different than saying a committee is going to nominate three additional members of that committee. And so I wanted to land -- understand which one this was saying.

>> And I can --

>> Pool: And I can help on that point to the extent when these individual commissions were making appointments and the open space committee was making its points, we were not necessarily looking at what districts were they from. And we were -- and this was back in 2015, so that nuance while a key one may not have worked its way into these appointments, but I think saying is that the commissions

themselves make these appointments and they are authorized to do that and that's based on who has the ability or interest to go to these meetings, which is a lot of what we base our volunteer commission citizen involvement in.

[11:04:14 AM]

I think that the commentary here on the dais today is being acknowledged and received and likely transmitted back to the various commissions so that a light can be shined more directly on assuring that we have people from each of the 10 districts going forward. And so I think we all agree that there are not representatives from every district. What I would also say is it may not be a fair characterization to say that someone from a different district wouldn't have a concern or interest in the entire city. And I know that that individual district versus the entire city is a constant rub for us and we do the best we can to represent, you know, with a capital R all of the city. So --

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I have a question on a different part and that's the item D. The way it reads right now, unless I'm missing something, it says if the council committee that is assigned the authority to review climate protection, and I understand that what we're saying, the one that was one way and what we're saying is audit and finance, but I'm not sure and it may be I'm not as familiar with audit and finance, why this falls under audit and finance as opposed to another committee like the -- I mean the mobility committee, for example, has just a small part of this in the transportation aspect of it, but there are other committees that have -- that have impact on sustainability. And so I just want to understand, and if it is -- you know, if it's appropriate for audit and finance, it would be better to just say audit and finance because I'm not sure which council committees assign the review for climate protection.

>> Pool: I know the audit and finance handles all --

[11:06:17 AM]

>> Mayor Adler: Hang on a second. Councilmember alter.

>> Alter: So if in practice we have had 15 members, perhaps we could say if the audit and finance committee -- that the audit and finance committee should nominate three additional community stakeholder members to the joint committee. And then it's not something that we can play with based on how they are voting, they are just always three additional members, and the assumption would be greater diversity and different viewpoints that are not there, but I don't know that we have to state it. And that might address the issues that I'm hearing on the dais because if in fact we always operate with 15, then we're just saying that a committee has to nominate three people, that then the council has to approve to serve to fill out -- to round out the committee.

>> Mayor Adler: Hang on a second. In order. Councilmember pool.

>> Pool: And I agree with that and I think that that's kind of the direction this is going in. So --

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I'm fine with that approach, but I have to raise the question about why the audit and finance committee. Why the audit and finance committee for all three? I really think there's a nexus with mobility, not that I want to do more in the mobility committee and I'm speaking out of turn because I haven't talked to my colleagues, but -- but -- and I'll drop it if no one else cares, but -- but it just doesn't fit to my mind in audit and finance. I don't mind audit and finance doing this, but all three in audit and finance, is that really what we want to do is now we're talking about bringing forward those three? And I just bring that up for others. If others don't care about it, then --

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: I know you brought this up thinking it was going to be quick.

[11:08:20 AM]

>> Mayor Adler: Whoops.

>> Flannigan: If it might be a good idea, I can have staff prepare language. I like your idea, councilmember kitchen, one that is mobility and housing and let that go and then it's always that and then the council -- there's some language to be tweaked here I think and I'm prepared to have my staff pull that together and we can bring this back up when there is something to --

>> Mayor Adler: Without objection, we'll table this now so we're not trying to write this from the dais. It is confusing because climate change and talked about diversity and you couldn't tell diversity on climate change. I don't think it was ready to pass and mooch --

>> Is the will of the council to take councilmember Flannigan on his offer to craft new language or would you prefer for staff to, based on everything I heard, to proposal alternative language. Just wanted to make sure I'm clear.

>> Mayor Adler: I think it would be best to let staff do that. But certainly Mr. Flannigan weigh in with staff.

>> Very good. Thank you.

>> Mayor Adler: Thank you. Let's go to the echo briefing. That was set -- staff briefing. That was set for 10:30. Item number 49.

>> Good morning, mayor and council and guests. Sarah Hensley, interim assistant city manager and I have with me today kerry-honor, chief innovation officer. As they load the power point, I wanted to share with you this has been a journey and this is not the end, this is the beginning.

[11:10:23 AM]

We have worked with experts across the city both internally and externally and some of our guests here today are with us from outside the city. But you are also going to hear today from staff members who I consider to be experts inside the city who have spent an enormous amount of time helping us to create a plan on how to be -- how to move forward. Those names that you see up here are representative of departments such as EMS, the police, watershed protection, health department, parks and recreation, libraries, innovation office, downtown community court, office of performance management, city auditor's office and our wonderful partners and friends in the community, and certainly it's not inclusive, but particularly Echo. Ann Howard is here, Integral Care, Front Steps, Life Works. Downtown Austin Alliance and the many members of our faith community. To address the issues related to homelessness, it is a complex problem. Having had the opportunity since November of last year to get out and visit with people and talk to interested individuals, it's going to require a system focus meaning all of us coming to the table and speaking with one voice. This is not a new issue. Cities across the country are working hard to solve the issues. The difficult process is how to prioritize services and achieve multiple outcomes. But together with Echo and partners the city will work on this plan. The one you will be discussing today with Echo. There are three keys, aligning with key partners, raising awareness and enhancing the efforts.

[11:12:26 AM]

The outcome is -- we want to go reach is more efficient use of our resources and increased effectiveness in the community. Again, this takes a systematic approach and we believe that we have the means to do it. We can take care of this issue. It will not happen overnight. We are aligned with Echo. The question we know will come up and the answer is we're aligned. We wanted to show you how well we're aligned when you look at the endorsement you are going to make with the Echo plan and the recommendations that we have coming forward. But there's further refinement to be made and that is coming together to create one unified strategy with some specific goals and objectives and we ask that we be allowed to continue to work with the office of performance management to create those measures so that we have these things we can tick off together. The question may be raised about, well, what happened to all the resolutions. There were 11 of those resolutions and we have completed most of those except for two. The one which is about the pay for success which we are moving forward and am proud to say it is going to be moving forward soon and it's in the law department's hands working with the other entities. The other written is in regards to housing -- one is in regards to housing and we're also working on that to hopefully be able to fund by the end of 2018. Two areas to note, the two that were regarding panhandling, we finished and you have memos in your hands regarding that about two weeks ago, but highlighting those creative measures of creating a way to have people donate money through the possibility of a parking meter that are strategically placed in the city but hiring people homeless in areas such as parks, helping us to walk our pets, our animals at the animal service center and helping us remove graffiti across the city are some suggestions how we would help to hire individuals experiencing homelessness and be able to put them back to work.

[11:14:37 AM]

Also the city conducted -- city auditor's office conducted some audits. They've completed two phases. One will come before the audit and finance committee soon, but there were questions raised in November and December in regards to the ordinances and do they align. And then the coordination of the homelessness efforts. Today our efforts will hopefully help you and others see that by the recommendations we're making will help to reduce the issues related to sit-lie, camping and panhandling. We believe there are four things we can do as a city that will reduce those issues. Interrupt the crime, give team chances and places -- people chances and place to be, reduce the barriers to services, and provide housing. And you're going to hear more about that. In addition, you'll hear more about how we believe the efforts need to be coordinated across the city. I'm now going to turn this over to Kerry to talk a little about the reality from the ground up.

>> The innovation office has conducted interviews of about 120 people experiencing homelessness. We have a short three-minute video to show you today of some of these folks in their own words.

>> I'm thinking of one particular client. She's living with schizophrenia and she is untreated so she gets a check from social security and [inaudible]. She's so sick -- [lapse in audio] The way the money comes and [inaudible]. Her \$735 will go in less than 24 hours.

>> [Inaudible] One out of three work for almost all --

[11:16:50 AM]

[inaudible]. 18 years old and I didn't have medicaid. Led to street crime.

>> [Inaudible] So that's five jobs all together.

[Inaudible] It just goes on and on and it tends to happen a lot. But if we keep our heads up and everything, it should go as planned.

>> [Inaudible].

>> Yes.

[Inaudible].

>> You can give a coat, some socks, you can give them. Those things are wide open. What really sustains you is something that you can do.

[Inaudible] Ambiguous as it can be, what's the value?

[11:19:03 AM]

>> What's the value in that, it makes you feel like you are somebody. Those 120 interviews we broke down into 4100 data points. And in their own words, this is what people who are experiencing homelessness need. They need social inclusion. They need to keep taking their medication. They need to heal. They need to get sober. They need access to health care. They need to make ends meet. They need economic stability. They need not to be exploited. They need to not be illegal. They need to avoid being raped, molested or assaulted. They need safety. They need a place to store their inhaler, a place to wash their clothes and to shower. And they need solitude. They need a good environment and living situation. They need to deal with loneliness. They need to fill a void in their life. They need to get their children back. They need to be the best artist. They need to get their ged. They need a purpose. They need to put something together with my hands. They need to take care of their aging mother. They need to get a bus pass. They need to get directions. They need to get sneakers. They need to be pushed to do what they need to do. They need mobility. And most of all they need to stay optimistic and stay motivated. All of these needs when you happen them out, these are social determinants of health. And it's across these social determinants that we need to be looking to place our investments as we work to end homelessness.

[11:21:11 AM]

>> Good morning again, mayor and council. In addition to all those things, as Kerry laid out from their own mouths they need, they need a place to be. Prior to the Faulk library closing last fall, we had frequent 911 calls to Faulk almost daily either by the business owners, the property owners nearby for people camping and human waste, erratic behavior and sections disturbances at the bus stop and officers would respond and take whatever action we could to alleviate with the involvement of hosts and just patrol officers taking care of the moment. Once Faulk closed, we saw a large increase of people camping over in councilmember Renteria's district at the terrasois library. Each time we received these calls we start this resolving door that we're stuck in. The citizens complain either directly to us or through each of our offices which leads to us being required to take police being. And we -- police action. We cleaned the camps up and asked people to move along, but when they ask where do we go, we don't really have a good answer. About the only place we can tell them to go is the arch. It's well chronicled and documented the service there are insufficient baited on the number of people who need it. And so they create a new camp somewhere else which creates new complaints which creates new police action and we get stuck in this never ending resolving door cycle. You know, while people who are very challenged and have very strong needs are left in unstable environments which lead to an unstable life which leads to more police action and we just continue down that path until there are enough places to be while that two-year cycle runs its course for housing.

>> The innovation team when they parsed through the interviews, they found a pattern of deteriorating path where people are deteriorating in a very complex system.

[11:23:20 AM]

There's a relapsing path, that resolving door, but yet there's a resilient path where despite these barriers, people like our artists in the video, are resilient and they are finding their way. We're going to hear from the downtown Austin community court and paths.

>> Good morning. Peter Valdez. The population the community court serves is typically revolving between deteriorating path and relapsing pathment one client in particular that I'd like to present currently has 173 cases with our court. 36-year-old male. His first contact with the community court was in 2012. Since then he has been housed. He was actually housed this year. Unfortunately because of his severe mental health issues, he is living on the street again. He still has a home, but refuses to stay in that home because of, again, his severe mental health issues. This individual, what he needs is long-term hospitalization, but in Texas that is not available. So because of that he's bouncing back and forth between those two paths, and obviously needs much more support than we can provide. I should say that he is actively being supported by our case management, but he's also being supported by integral care's case management. So even with all of that support he still not maintaining his stability.

>> Amber price, community health paramedic. I'm going to tell you about a gentleman who is resilient. We like those stories that pushes us forward. As a community health paramedic I was on duty going down south congress and saw a gentleman laying on the road halfway on the sidewalk, halfway on the grass.

[11:25:23 AM]

Stopped and engaged with him. He was very open. We started talking about goals and what I felt like he deserved as a person. He agreed. We got together that day, he got in the tahoe and we went around, connected him to resources that he needed. We got him insurance, went to a clinic, saw a doctor. For the next three days we spent all three days together, I learned a lot about him. I learned he had two college degrees. I learned he was on his four year of medical school when depression and self-medication got him to that point. Over the next I'd say two or three weeks we worked together with downtown community court and integral care, and community first village. He went into rehab, never took another drink and he has been living at community first village for 17 months sober. He is truly resilient.

[Applause]

>> Those are our stories. And now we'll show you a few of the numbers that we've collected and you can see that there's a wide variance when we're trying to count people who are experiencing homelessness, depending on the data system that you are looking at, depending on how homelessness is defined and depending on how that information is entered into a data base. Hud has specifically scripted definitions for homelessness. The department of education includes in their count people who are housing unstable so you can see the number of folks identified by aid. The point in time count is one day, as you have heard and learned, but you can also see through our APD system and through our partners at central health that our numbers can vary widely up to 9,000 or 10,000. And this is one of the things that I believe we need to get a handle on is a survey of metrics. I remember in councilmember Caesar's district we had a conversation with the community about homelessness and there was a

veteran, a woman veteran there who says women veterans are the highest number of -- rising number of people experiencing homelessness but you will never find us.

[11:27:38 AM]

We are living in our cars and the last things we give up our cell phones and gym memberships because we can keep applying for jobs and we have a place to take a shower. So I don't know where in our data set you would find people like that. But we know that we have to keep looking for the people that we can't count.

>> This slide is pretty self-explanatory, but it basically tells us how many beds we are currently using, 902, but it also tells us that we have to double that. And that's just the tip of the iceberg and we need almost 900 more, a total of 1836 beds. So it paints the picture again of we're doing some things and we have a lot of great partners doing a lot of good things, but we need more beds to house and to put people in so they can get off the street. The question has been raised about how much are we spending in the city regarding services related to homelessness. This is, again, I use the word "Related" but this is not completely all but this is what we have. Over \$30 million across city departments and other efforts through grants and general funds system and then break it down a little below it talks how much directly is going to the Austin public health department. It tells you how much we're currently spending in direct services. But then if we look at the next slide, there's so many other things that we have that are being impacted in the city that are indirectly impacted. And this is being -- the money is basically being spent through those different departments' current level of funding. \$500,000 for public works for the downtown toilets, and obviously our partners at daa help us tremendous. Sidewalk cleaning and alley repairs. Encampments, a huge cost to clean those up and not necessarily because we want to run people off, but because of the debris and the needles and other things that are now getting into our waterways.

[11:29:48 AM]

And we have a responsibility to keep those clean. There's risk of wildfires and flooding and individuals who are experiencing homelessness who are living along the creek areas and when it does rain and we have a huge amount of rain are getting washed out and once again they go back through that cycle. They need services, they need supplies, they need equipment. And that's the vicious cycle. Displacement, it creates displacement all over the city. But imagine, imagine if we could say we did all the things we're going to recommend and we're reducing those indirect costs. We may be able to save money in the city. You see a picture here just to give you an example of a cleanup that took place along Williamson creek greenbelt. It took 70 different staff members on 30 days to clean this up. And you see those large trash containers. To the tune of 53, \$360. And -- \$53,360. This was a holistic approach of cleaning it. Now we'll have the libraries, they want to share exciting information which I think is a direction we need to go. Which is looking at how we use existing facilities in our city inventory to help address these issues.

>> Emmie Johnson, library. What we have done is partnered with city departments and other organizations such as our integral care, and we have brought the services to where our customers are who are in need of these services. And we call this wrap-around services. And we have selected initially Terrasos library, a high concentration of persons in need. We find that bringing the social work aspect to it, linking and connecting individuals with these services, where they are in a place where it's comfortable, we are a neutral, safe place has been successful.

[11:31:54 AM]

We would like to replicate these services and expand. We are monitoring how it's progressing. So thank you.

>> Good morning. Tate White, Austin police department. One of the tools is co-pack statistics, critical observations, police and community. What this does is allows our officers to assign a root cause or root causes to any call for service they go to. What this is able to do is able to identify vulnerable populations like homeless and able to identify certain places like vacant properties and certain things like places experiencing physical disorder. These can be the things that actually cause a call for service will be created. Now, this is important because each call for service costs resources and it can also be an indication of a potentially bigger problem. Additionally, the identification of these problems can lead to a better response. Now, I can respond to an emergency call for service and we do a pretty good job handling those emergency responses, but I've got nothing here on my belt that can fix homelessness. I've got nothing that can fix mental health or addiction. So one of the ways that we've used this before is with a Restore Rundberg project we were able to identify 44% of violent crimes in one of our hot spots involved a homeless person as either suspect or victim. We were able to pull together a response that involved Echo, good will and neighborhood partners to address that specific response. Now, a year later we were able to come back and in that very same hot spot our violent crime had been cut in half and we had zero violent crimes that involved a homeless person. Not only can we start to pinpoint where these specific issues are, but we can also use it to identify what resources are being used and start to be able to put a dollar amount on what some of these problems with costing us in city services.

[11:34:11 AM]

>> Josh, neighborhood housing. So what we have here is a city of Austin comprehensive homelessness map. Before I talk about that map, I want to talk about what this map does and doesn't do. It shows where city staff interact with people experiencing homelessness. It does not talk about maybe increasing rents or lack of services in an area. So understanding that and how we use this map primarily as a tool to provide resources and give people housing as opposed to solely enforcement. So what you can see up here is a map and you see all the different departments that are adding to this map. We have police data, parks and rec. If a park ranger sees a camp, it's easy to mark that site and have a data on that. So you see this comprehensive map that shows where camps are, where people are living and

where we're spending money on homelessness. You see a lot of these camps and a lot of places people are living are near bus lines. A lot of places in south Austin near parks. But it really works because we have a lot of departments adding data. We have the faith community and nonprofits using this and adding data. All of it comes together so departments can easily talk to each other without having to talk. This is also realtime and interactive. We didn't want a map that is just static and shows a point in time. We wanted a map that is going to constantly be added to. So if there was some host team that needs to go into an area, they can easily see what's happening in that area. It's interactive in that it's a story map so you can zoom into it, pick time periods, filter by certain crimes or ems calls. But it's a cool that is going to be added to consistently and it's highly interactive. It is also has some sensitive data and we're cognizant of the fact having a map like that which is point data that is going to be for city staff and nonprofits to use and having a public facing version that is more heat maps that shows things at a lower resolution.

[11:36:25 AM]

To access this map right now, council would need access to our gis online. I would encourage anyone using this map, it will constantly be added to. I'd be happy to help anyone walk through this map but it's a good tool to really understand what's happening and how we can best and most effectively use our resources.

>> Andy with ems. Ems participates and heads up the host team. The host team is a project that started back almost -- well, just a little over two years ago by APD and has now grown to be a place where programmatically it lives within ems but still a collaborative effort between the police department, ems, integral care, downtown Austin community court with extensive support from the downtown Austin alliance. It is a multi-disciplinary team. There are individuals that are on the ground that actually get out, actually interact and engage the individuals out on the streets. These are some of the numbers that reflect their efforts over the last year. 784 unique individuals were encountered and served by the host team. There were 921 interventions. These interventions include getting someone into medical care, providing medical care on site, performing a coordinated assessment, referring them to mental health services, taking care of an id issue, you name it, there's a whole lot of those. And this was done through about nearly 1400 contacts. There were 69 individuals that were diverted away from hospital emergency rooms during that time. 147 connections to mental health services. And 55 connections to substance abuse. We did divert 30 individuals from psychiatric emergency care. The host team is a team out on the streets, they are individuals that proactively engage those individuals that are experiencing homelessness.

[11:38:31 AM]

And with the intent of not necessarily housing the person themselves, but getting them linked up with services that can carry that ball moving forward. So the function of the host team is to identify the

individual, engage the individual, get them in touch with the intensive case management, the individual services that can actually take them and work on getting them into housing. So that's the function of host. Another effort that has come up and this is a big thanks to amber price, one of our community paramedics that a started working on this along with other host team members was the concept of a pop-up resource clinic. There was a need to take this effort to where the individuals are rather than requiring them to come into brick and mortar at a certain time, a certain place to talk with a certain person. There's too many barriers there. We actually -- she along with other host team members worked on taking the service to them. And started off very small. But the idea is that we take key stakeholders that have access and provide service -- provide essential services like health care, housing, we take individuals out to these locations. One was held at terrasos library, one at park Zaragosa last week and it's actually well received by the community that's experiencing homelessness. Word spreads very quickly. They can actually get out, meet with someone, get an id, get them enrolled in map, see a doctor, they can get assessed for mental health services, get a coordinated assessment, it's all done right there. They can get it all done in one shot. That's the benefit of the clinic.

>> We had less than a minute and a half video.

[11:40:34 AM]

[Music playing]

>> In conjunction with Austin county ems -- sponsoring a pop-up clinic for people experiencing homelessness. People can set up appointments at medical clinics, can set up mental health appointments with integral care, check in with the V.A. To see if they are entitled to services from the V.A. HIV testing on site, medical appointments and screenings on site. We have resources so you can get in and out of the arch. And we have all sorts of other services that people can access.

>> [Inaudible] Some of the things that were said, you know, I've been homeless for three years as I've done in the last hours. It was removing the barriers and making that face to face connection easy, that was the -- we can definitely make their quality of life better. And we can convert a crisis intervention into noncrisis. It helps with funding and that can be spread to other areas to possibly make more housing available.

>> It helps a lot. Just another security that I have but if anything goes wrong, you know, everything else I pretty much got figured out. I just got a job. About to -- the salvation Army is going to help me. It's one more thing off the checklist.

>> Thank you.

[11:42:35 AM]

>> Which brings us to housing. Rosy truelove, housing and community development. We need more housing options. Through our strategic housing blueprint, we set some goals. One to produce 100 permanent supportive housing units each year with 50 being housing first. Another to create 20,000 new housing units affordable to 30% mfi and below by 2027. You see the donut chart. That's just to remind folks of the incredible need and where we plan to -- what our goals are for housing at higher mfi levels. We can do this through permanent supportive highwaysing. It's -- housing. It's a tremendous expense. If you look there, that was a property that contains 50 housing first units. That comes at an expense. We contributed 3.8 million from our 2013 G.O. Bonds, less than 80,000 per unit. The total funding for that particular development is approximately \$20 million. Which looks at about \$400,000 per unit. We've seen other city or Austin housing finance corporation contributions towards permanent supportive housing units go up to even 100 to \$115,000 per unit. The price and cost to the city of Austin can vary. We have other options available such as rapid rehousing, the community first village model and things like our echo landlord outreach program which you can see the image on the right represents where we can get throughout the city geographically dispersed housing units by creating a voucher system to bridge the gap in what the rental rates are.

>> So this slide is pretty self-explanatory and that is if we just provide services and not housing, it won't balance out.

[11:44:42 AM]

That's why we need a citywide system of care so that we create the successful path for everyone. And Ann will tell you and we've discussed this, you can have the services and housing but you've got to have them both and strike the right balance. That's what we want to do here.

>> Also the bottom line is so what do we need. Well, we came up with five recommendations. One is to form a community brain trust, a meeting of the minds to take individuals from some of our largest investors in dollars related to homelessness. Right now homelessness first, but this brain trust could serve us in such -- many more capacities. For instance, we start with homelessness, we look at this brain trust to look at how we delve into issues related to workforce development which ties into homelessness. We look at housing and how we tie that back into it. Form child care issues and those kinds of things where we're looking at all the brain Tuesdays, the -- brain trusts and accessibility to quality health care services from a brain trust forum. Performing the performance measures together. Recommendation number 1 is to actually provide a city staff lead. I have had the opportunity to meet with the city manager and talk about that. And while I've had the pleasure of working with this and have enjoyed it immensely and will stay heavily involved as a liaison and key executive over this area, there is a need to have someone who is looking at the city resources, collaborating and forming city resources together to make sure we are spending our dollars the most efficient and effective way. But also to help with the coordination of the brain trust and helping us do more of the gap analysis in all the different agencies and what is being funded, what's not being funded, what needs to be funded and coming up with a recommendation that we can move forward.

[11:46:54 AM]

I also share with you there the actual item from the audit that was recently conducted where the auditor also recommended a city staff lead to make sure that we were spending our dollars the most efficient and effective way.

>> As we're looking at this homelessness challenge, we've got to ensure that we have effective sheltering and a housing service plan. As we understand that clients are spending more time in shelters. And so as we are looking at that, the housing plan that will include navigation services, will allow us to achieve the ultimate goal of placing clients in housing. We -- Austin public health, there's a resolution that we are to look at the Austin resource center for the homeless, and we are looking at a redesign for the arch. That has been a comprehensive community engagement process. We've held several stakeholder meetings. In addition to that working collectively internally with city of Austin departments as well as external partners. We have completed work with the national alliance to end homelessness. And there will be a solicitation that we will put out and the ultimate goal is is that we will have a contract and a vendor in place April 1st of 2019. You will note that maybe some of you may some of you looked ahead to your council agenda. There is an item may 10, and that item basically adds extension time to the current gender of front steps at the arch, and we did that because as we started this process and we started to unpack, we noticed that this is a little bit more complicated and we want to be intentional and do this process very deliberate and be very inclusive.

[11:49:18 AM]

Ultimately we negotiation as Rosie stated earlier, we need more housing options. In addition to that, we've got to look at this through an equity lens. We cannot lose sight that there are significant disparities in this system. The data shows the disparities. We've consulted with the equity observation but ultimately -- equity office, but ultimately we know we have to ensure that the services are community-based and culturally and linguistically appropriate services. One of the key things that we've received in feedback from the community is to always ensure that these services are compassionate, that we don't lose sight of being a compassionate service provider.

>> So we're getting to the end here, and the question is all the work in regards to our strategic plan and how does this align to our strategic outcomes and you, council, have the opportunity to prioritize those outcomes recently and, interesting enough, in your top six, particularly in top five, is homelessness and housing, accessibility to quality health care services both physically and mentally, fair administration of justice and then of course skills and capability of our community workforce and then condition of the quality of our facilities, which ties into looking into or facilities to house and help our people experiencing homelessness. So we align very well with -- indirectly and directly with those top areas and the next steps we're recommending is that we work with echo and others, particularly echo in developing alignment with those outcome measures to the strategic plan but also you will be seeing as we move forward in the budget process a multidepartmental, across departments, budget proposals that will be tied directly to what we're recommending here.

[11:51:23 AM]

As staff we'll be sitting down actually tomorrow from different departments looking at how do we move the needle that we've talked about today through a multidepartment budget approach and asking for those things that we need to do to make sure that we are addressing these issues.

>> Finally, I was reminded when doing this research of an article that I read in 2013, it's written by John Barry who works here at Austin at the Icra, vibrancy engineered, the system as a system. In Chicago they took Chicago data and said if we put it through a mathematical simulation could we figure out which project we could fund to make the city more sustainable and they found out much to their chagrin no project would do that. Then as they put in a strategic set of investments in multiple projects just like you and I might have an investment portfolio as they started tuning, they figured out through this mathematical simulation how to move the needle. So it's the right combination of projects that lead to a dramatic, vibrant, growing and thriving city. And I think that this research and the efforts that all of our community partners and the city are doing together demonstrate that we can build this kind of a dashboard, we can give you the measures that you need to direct the investments and we can do the right thing by our residents who are suffering right now.

>> There's a gentleman who has asked us to speak for a few minutes, and I'm compelled to hear his voice.

>> Councilmembers, members, mayor, I was one of those people who were downtown and I was down there for a year. And through caritas, through foundation communities, you know, I got help. I've been housed now going on four years through the process of the city.

[11:53:24 AM]

And I feel that, you know, what y'all are doing is good because it's more people that want help but at the same time they need more resources, they need to feel like they belong to something, they need to feel like somebody cares about them. Because without that, they won't be successful. They go through so many things, just like what was said earlier, drug addiction, losing family, not dealing with life, not feeling like they're part of something. But when all these things come together you look at what you see now, a success to a certain extent. I'm not where I want to be, but I'm not where I used to be either, you know, and I'm very thankful for that. I may -- excuse me. I made it a point to come to this meeting to let y'all know what is actually being done. It is helping people, but at the same time, people don't have the resources as far as to get a bus pass, to come and talk to people, to feel like people actually want to listen to them. If there were more -- if there were more case managers at the arch, if there were more people where they knew they could go and then actually get some help, without feeling like, you know, they don't want to listen, they don't care, then this thing wouldn't be what it is now. I mean, you know, all it is, what it boils down to, all it is is a matter of people caring about people. And if there's anything I

can do to help because of what's been given to me, I'm more than willing to do it. Thank you all for listening.

>> Mayor Adler: Sir, thank you for coming down.

[Applause]

>> Mayor Adler: Would you -- sir, sir? Thank you for coming down.

[11:55:26 AM]

Your voice is a real important one to be heard today. Would you state your name for the record.

>> Gregory Williams. I'm currently at foundation communities. I'm a client of caritas.

>> Mayor Adler: Mr. Williams, thank you very much for coming down.

>> Yes, you're welcome.

>> Mayor Adler: Thank you.

>> Thank y'all, thank y'all.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Thank you all very much. This was --

>> Mayor Adler: Is your presentation over?

>> We're finished.

>> Kitchen: Oh, yeah, I guess I should wait.

[Laughter] But it was very, very helpful, and I really appreciate all the works that been done in putting this together and highlighting for us the challenges in front of us that we need to -- that we need to take action on. I have one -- well, a question and a request actually. So Ms. Hensley, you talked in terms of next steps as part of the budget process, putting together, if I'm paraphrasing this right, putting together ideas or a program or whatever as part of the budget process to come back to us in the city manager's budget. I would like to ask that as part of that process -- and I'm assuming this is something that you're probably already doing, but I would just like to ask that you consider the various resolutions that different councilmembers have put forward over the last year in consideration of resources that may be needed to carry those out. And of course I'm thinking in terms of the ones that I brought forward with regard to panhandling and there are others, many others, that mayor pro tem and others have brought forward. So I'm assuming you'll let us know. And if there's any of those that don't make it into y'all's recommendations just let us know why and understand that.

>> Absolutely.

>> Kitchen: Then also related to that, this is my request, I think it was included -- it was included in the budget items we brought forward last year, but I don't think it made it all the way because of, you know, issues related to sufficient funding.

[11:57:36 AM]

But I would really want you to take a look at the respite service program, and for those that aren't familiar, that is the program that intervenes in the cycle of people going to the emergency room, being admitted to the hospital, discharged out on the street and because they cannot recover on the street ending up back in the emergency room, in the hospital. That's a low-hanging fruit in terms of the effectiveness of the respite program, which provides medical services in a medical setting for those individuals until they can recover and then connects them to permanent housing. And we are woefully underbedded on that. So I'd just ask that you consider that. And then, finally, I'd ask you to consider -- we've covered a lot of very important and high, high, high priority areas here, but I would just ask that you not forget about safety. Safety is one of the areas that you highlighted early on. We don't have any recommendations in what's in front of us with regard to echo specific to safety. I mean, obviously the kinds of actions that we're talking about taking will be helpful, but I think I would like to really understand what we can and should be doing as a city with regards to the safety issue that you highlighted early on.

>> Absolutely, councilmember kitchen. And we are including the resolutions, looking at what those costs would be. We are, as I said tomorrow staff will be meeting together to talk about the budget process of the police department and ems and all will be included. And then respite services is a top priority for us because we have seen individuals who have been moved out of the hospital system, walking the streets with their IV bags and other things and they're not ready to get out on the street and we need to find places for them to go.

[11:59:39 AM]

>> Kitchen: Okay. Thank you. I have two other quick questions. Would you like to go to someone else first?

>> Mayor Adler: Let's do that. Councilmember alter.

>> Alter: Thank you. I wanted to first of all thank Ms. Hensley and Ms. O'connor for helping to lead on this charge with respect to homelessness and all of the staff. I'm really heartened to see all of you working together. I'm sure you've been doing it, but really today's presentation made that very transparent. In addressing this issue, it's a very complex problem, and I wholeheartedly agree with the need to have multiple departments working together, and I'm excited to see a tangible aspect of how our strategic plan may be working out in the budget to see on the outcomes. Often in the conversation over this, the emphasis is on our new resources that we need, and perhaps you didn't say it as explicitly

in this presentation but I am excited to see us question how we are deploying existing resources and whether we are having as much impact as possible with those resources. So as you move forward with this budget approach, I hope you will also be looking at what we are doing with existing resources in conjunction, obviously, with that broader community conversation so that we can actually move towards solutions. Thank you.

>> Thank you, councilmember.

>> Mayor Adler: Councilmember Renteria and then Ms. Houston.

>> Renteria: Thank you. Thank you, mayor. I really want to thank all the council that addressed all those issues that we were happening, and I really want to thank you all. I have seen the improvement that has happened there. But I also -- you know, we have a lot of housing projects, especially low-income housing projects that allow these nonprofit -- a lot of these nonprofits are going through and the process, the planning and planning process, it's really holding a lot of these projects back, and I hope that you also get with other departments, especially, like, transportation, you know, there's so much cost involved when you're having to build a new road or have to move utilities.

[12:02:00 PM]

We need to really help these nonprofit groups that are trying to, you know, address our needs here, especially on the affordability side on housing. So really would just -- really would just encourage the management and all these departments when they see these kind of projects coming through that they give it a priority so that these projects that get that since I've been on the council I've worked on one particular project in the shady lane problems and Rebecca Bane Johnson problems where all of a sudden we're ready to break ground and then you have a road that parkland and it has to be moved and you have to run utilities. These kind of real late in the process to come up like that really delays these type of projects and it really delays us providing affordable housing to not only our seniors and to families. So I would hope that, you know, y'all really look into that when these projects come through and make sure that we get it right in the first process so that we don't have all these delays that continues to happen.

>> We will.

>> Mayor Adler: All right, council, colleagues, as we're talking about this, we're now just past noon. We have citizen communications that can't occur any earlier than noon but they could be called at any point. We have the ending of the discussion on the presentation and then we also have a related item, which is the endorsement of the echo plan, item number 30 all of which we were hoping to get done before we got to citizen communication. Also, it's where we are right now. Ms. Houston.

>> Houston: Mayor, I don't have my agenda -- five people.

[12:04:01 PM]

My suggestion is we go ahead and listen to citizens magazine. I know we say no earlier than 12:00 but people are here at 12:00.

>> Mayor Adler: How about if we listen to those five people but stay here, finish the conversation on homelessness, deal with the echo item, number 30, because I think we might have similar people and at that point we'll break for lunch. Work for everybody.

>> Houston: That's works for me.

>> Mayor Adler: Let's do that then. If you could bear with we'll pause for a second and listen to the citizens communication and then come back to you is Reuben Rivera Clemente here? Come on on. Is Tom Friedly here? You'll be up next at this podium. Sir. >>

>> Excuse me, I'm a little nervous. I'm here because of police brutality, something I'm a victim of. There are two types of police. There's a uniformed police and there's an undercover police. What I'm being dealing with is the undercover police. I have been harassed over ten years but I'm just going to talk about the last four or five. I've had drugs planted in my apartment. I had my vehicle tampered where it could have either burned my vehicle as well as myself, and I had the theft of my [indiscernible] Which I bought.

[12:06:01 PM]

I purchased, put them in my car to stop the police from going inside my vehicle. And that's been gone. I filed complaints with the police monitor, Gabe Thomas. I have filed -- I don't know how many times I've been to internal affairs. And I even wrote down this last one a couple months ago with the theft of my mirror cam that I knew nothing was going happen. When the officer came over, they even said it, you know, like you already expected nothing to happen. And I've sent letters to the department of justice as well as the attorney general both in Washington, D.C. About this matter. I have been to the FBI twice. The second one under the pamphlet I received from department of justice, telling me how to deal with it and hoping it could resolve my issue, but it didn't. I have talked to higher-ups within the police department. Fortunately enough I had an opportunity to talk at that time to assistant police chief Brian Manley as well as I had confirmation by sergeant Bircher, district attorney's office, in which I can record these officers, which I have. Opportunity to talk to attorney Bobby Taylor, who also confirmed to keep on recording them because that's my right. But, unfortunately, I can't catch these police officers. And the police keep on being protected by the police. And that's a problem. You know? I shouldn't be here. I should be out there enjoying the time with my grandkids, but, unfortunately, I don't see no end in sight. And I'm telling you the same thing I told the police, as well as I talked to -- significant Bircher, that's what I totally told Bobby Taylor.

[12:08:02 PM]

You can investigate all you want, but don't harass me, you know? They talked about mental illness. Yeah, I might have mental illness, anybody would after dealing with this. I didn't put drugs in that apartment.

[Buzzer sounding] My time is up?

>> Mayor Adler: It is. But you can finish your thought.

>> You know, and I keep on asking the police and I talk to higher-ups and I keep on asking this question, if I would have went to my apartment and saw that bag with that illegal substance and called the police and told them, and I quote "That's not mine. That was planted," what would have happened? No answer. Nobody says anything. Nobody has even answered. And the only person is the lieutenant, the one from the district attorney's office that actually told me there are police officers above the law.

>> Mayor Adler: All right. Sir, thank you for coming down.

>> You're welcome.

>> Mayor Adler: Thank you.

>> Hopefully something comes.

>> Mayor Adler: Tom Friedly here and Zenobia Joseph.

>> Thank you, I'm Tom Friedly. Thanks to Austin, Texas, it looks like I may get don

[indiscernible] Radio spot. Austin got that done. Give you updates on that later but the company is in bankruptcy right now. All right. Alfred north whitehead, he was a Brit who immigrated to Harvard in 1924. He once said "All western civilization can be seen as an extended footnote to Plato, to wit,." Post-modern [indiscernible]. It's not the concern of law that any one class in the city fare exceptionally well but it continues to bring about for the whole city harmonizing the citizens by persuasion and compulsion, making them share with one another the benefit that each class is able to bring to the commonwealth, and it produces such women -- that's the post-modern part, sorry, Plato, women and men in the city to let them turn whichever each way one wants but in order that it may use them in binding the city together from Plato's republic.

[12:10:30 PM]

I'll keep it short. I just wanted to check in, basically "The Austin chronicle" is doing my work for me today. Thank you, Nick, please call me. Two issues ago -- again, it something is updated I've been busy getting properly capitalized. Ian Carlton with echo northwest, when asked about this codenext as currently exists, help the middle class, give what I call free market dogma crushing this country since about the last 30 years, it still exists. I have a good friend with A.P.D. Who claims -- told me she busted a kid with 1,000 one dollar bills several weeks ago selling k2 near the arch. We should not allow the free market to solve housing because it obviously has not. I understand the people's plan is being looked at. That was from -- was it community not commodity. Councilmembers to their credit Garza, Renteria, Casar, who are procodenext have had this housing justice agenda so I'd like to sign off by going on

record reminding that Nick at the Austin chronicle is pushing for a draft so we can actually try to address this stuff and not be back where we started at where we only market homes to rich people that I'm about to be, god willing, supposed to be left when I go to mark cube ban's tax bracket. Thank you, city. Appreciate the time.

>> Mayor Adler: Thank you. Ms. Joseph, after Ms. Joseph then John goldstone. Is Mr. Goldstone here? You'll be up next.

>> Thank you, mayor, councilmembers. Do you have my maps, mayor?

>> Mayor Adler: Yes.

>> I'm Zenobia Joseph.

[12:12:32 PM]

My comments today rights act of 1964 and if we can, mayor, we'll talk about dollars and cents because what I see doesn't make sense. Route 333, councilmember kitchen's district, there are approximately 18.6 riders now on that bus route and it will increase to 15 minutes every day of the week seven days a week. Councilmember Flannigan's district there's 19.2 riders an hour and they only increase the frequency by five minutes, 30 minutes. So I'm here to wake councilmember Flannigan up. I appreciate he went to campo's meeting yesterday, as did I last night. However, his constituents have to wait twice as long. When you look at the service on 345, specifically on 45th street, it operated initially every 15 minutes. It will now operate every 30 minutes. The people in northeast Austin have to wait 60 minutes for a bus route to go to the U.S. Post office. What I want you to understand is every four years the federal transit administration and highway administration meet with the citizens in order to improve the services of campo and connections 2025 is underpinning for project connect, the \$3 million project for central Austin. What I want you to understand is that it's unfair, it's inequitable. When you look at metrorail you look at the domain. You have only seven riders an hour on the bus there and it costs \$280,000 now and narrate to \$1.7 million in time. The people across the street on route 240 will no longer have service to St. David's so this plan is inequitable. You heard Mr. Williams tell but people needing bus passes but the truth of the matter they need service. When you look at Parmer lane between Samsung and Dell by 2019 you'll recognize there's not even been any analysis of the growth in that area but for come to, mayor pro tem, they have analyzed the grove and the growth in the next ten years but we know historically, mayor, in 1942 when that development occurred the Cornell had an advertisement that said how it is for whites exclusively.

[12:14:48 PM]

What I want you to recognize is 0.4 African-Americans live in Hyde park today and there were only approximately -- actually 77.6% whites. So I want you to understand that capital metro's title 6 analysis specify that minorities have access to the frequent network because the 801 60-foot bus traverses 45th

street. We do not have access, mayor. I want you to understand you have the inequities and different displacement committees that you have but I want you to recognize that you can do something. On the screen is the federal transit administration contact information.

[Buzzer sounding] So what I want you to understand is that the council has an obligation to these citizens to put something in writing and not cap remap is coming, let's slow cap remap from happening at all. I would be remiss to tell you that moment is here as a supporter from the university of Texas community and route 2122, councilmember alter, on exposition boulevard. Thank you so much. If you have any questions I'll gladly answer them.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Sir.

>> Check, check. Mayor, councilmembers, my name is John goldstone, taxpayer advocate, and here I am again. I'm here to give you an award for transparency in your sale to the public this November of your \$850 million bond. Oh, no. This is the city of Austin. Sorry. It was Travis county that got the award for transparency in last year's \$185 million bond. Painfully I am actually here to call you liars in your official capacities of course and as I am about to define the term. My definition of a liar by the way is the same discussion of a lie that you as a parent would have with your son, let's say, if you asked them to stand alone repayment cost of the bond based on payments two times per year over 25 years at 5% and he replied no tax rate increase. Repeatedly and with a grin on his face.

[12:16:50 PM]

Oh, come on, little Johnny, that is a lie by confusion and you know it. At least I know the mayor knows it as he stated to me in the crowd at the Austin tech alliance, dog and pony show to sell the 2016 mobility bond, that often repeated \$56 number was absolutely not the repayment cost. Just as the \$60 number reported in the statesman March 30, 2018, is definitely not the repayment cost either. Let me say it again. The stand alone repayment cost per \$100,000 of value is the only number that a voter needs in order to make an informed decision about the bond. Kind of like knowing the car payment before you sign the car loan. Now for some strange reason maybe honesty or morals Travis county published page 1 of their materials the stand alone repayment cost of their \$185 million bond last year. You have a copy in your hand. Without relying on the tax rate lie. Lo and behold their bond passed, they received a public award regarding transparency in their bond process. I was there and it was beautiful. So do you want me to stand up here repeatedly call you liars as I defined before the November vote or do you want me to come here and help present an washed for transparency in the financial repayment disclosures of your \$850 million bond? Liars. Here's an award. Liars. Here's an award. Seriously, don't be Donald Trump up there. Let's get that award. I know you can do it. Thank you. .

>> Mayor Adler: Thank you. Pinaki Ghosh? Mr. Ghosh here? Our last speaker. You have three minutes, Mr. Ghosh.

[12:18:52 PM]

>> My name is pinaki. I'm going through codenext learning and I'm kind of in a dilemma and I want to show you something because we can run both ways, both sides pros and cons. In east Austin we have what you call [indiscernible] Laws and urban laws. We get 65% impervious cover and while everybody is jumping like a headless chicken when they see 45% impervious cover and when you add the [indiscernible] We get 80% impervious cover in subdivisions and we do not have laws. 99% of our streets do not have drainage. Look, it says a developmental project may not exceed 2 acres of total site area. It says in the city law, and it's a homegrown city, you make the laws. The state cannot -- state has to overall them now, see what happens and it also says that the cottage lots may not have more than -- all these laws are written. Now, what happens in reality? Here's a 3-acre lot. They cannot use cottage lots or anything like that. What are they going to do? They break up the lot into 1.5 and 1.5, two lots, in front of everybody. It's like when I support the law for irs, irs comes to me and says you cannot do that, they take -- actually, they can file suit against me and if I kind of play with the law. But here in this case in front of everybody, everybody is mock being at me, planning commission, because the lot has been broken up into 1.5 and everything then turns into cottage lot and if you look at that drawing that's 80% impervious cover? Guess what? We do not have any stormwater drainage. Now, the challenge, the question is here from codenext perspective, if you look at from a codenext perspective, for the next generation, we have to give them entitlement.

[12:20:58 PM]

They don't have anything. We have taken everything from them. So we need codenext. But then the second question comes, is that if we abuse the code like we are doing in east Austin because people do not -- poor people do not protest, then how is it going to work out for us? Because the laws today are different. So one side of me is saying that the construction building laws are different between west side and east side. We have to bring -- make it something equitable. We have to have codenext. But the other side is if we abuse the law -- because we are doing it. I showed you an example. Then how are we going to live with codenext? So it's something you need to look into when you approve codenext, and, finally, my thanks to councilmember Garza for coming to the ISD meeting.

[Buzzer sounding] We need public schools. Thank you.

>> Mayor Adler: Thank you. Council, those are all the speakers that we have on citizens -- okay, come on down. Sorry. What was your name?

>> Last but not least, my name is Daniel corral.

>> Mayor Adler: Daniel, I'm afraid I can't allow you to speak because you're not noticed so the law doesn't let me call you up. If you talk to the clerk over there about getting signed up for the next meeting -- but we can't let you speak because you're not noticed.

>> I'll do that, mayor and council.

>> Mayor Adler: Go ahead and talk to her so you can get properly signed up

>> For the next council meeting. I signed up for item 82, but 1 of the issues I wanted to --

>> Mayor Adler: So item 82 will be called up later this afternoon.

>> Okay.

>> Mayor Adler: It hasn't been called up yet.

>> As far as what I had to say about 3,000 people development for --

>> Mayor Adler: Just hold that until item 82 gets called up or if it's citizens communication you have to sign up at another meeting.

[12:23:04 PM]

>> I can say it in the --

>> Mayor Adler: Get with the clerk. She'll make sure that you get where you're supposed to get to. All right, council, that gets us back to where we were. We were in discussions on the report that we had, the briefing on the citywide plan. We're going to handle that. We're going to handle the echo item and then we'll be moving on. Ms. Houston?

>> Houston: Thank you, mayor. I want to thank all the presenters today. This was an excellent presentation, very informative and you spent a lot of work on it. There were a couple people on page 25 that were not part of your investors, and that's the school districts and that's the state of Texas. And so I would like to encourage you to reach out to both of those entities so that they could be a part of your investors. I think that -- I was so proud to hear that y'all talked to people who have a lived experience in homelessness to get their ideas, and so I hope that when this brain trust is formed you will continue to have people who are called the streets and highways of our city home as a part of that brain trust. I was glad to see a friend of mine, Larry, who is a participant in the street have a conversation about people need to do something, they need to have that feeling that they have been able to accomplish something, even if it's working with parks. The people I talk to on the street, sometimes their homes are not the first thing they say. They say I want a job. So I'm so excited that y'all are taking the services to where the people are rather than having them come into downtown during office hours to get the kinds of services they've been wanting. The one thing that I was saddened by and that was I was looking at the paper, I guess the date was -- hold on just a minute -- Tuesday, April 17, and in the paper it says that 42% of the individuals who are living on our streets, even though African-Americans are only 8% of the county's population, 42% of the people on the street look like me.

[12:25:38 PM]

And when I pass by the press conference this morning there was nobody in that room that looked like me. So if y'all are having difficulty finding representations from the African-American community to help you be culturally sensitive than please let me know. Because it was such a of us on the street and yet the people making these policy decisions look like you. I'd be more than happy. There are many congregations, I heard you mention churches, there are many churches in the area but they're not on the memory making decisions, not at the table when these conversations are being held to help us understand as a city how do we reduce the percentage of people who are living on the street who looks like me. So anything I can do to help you I would be more than happy to do that. Mr. Williams, I want to thank you personally for coming out. This is a very -- can be very intimidating to some people, but you did a great job, so thank you so much for speaking today.

>> Thank you, councilmember Houston.

>> Mayor Adler: Okay. Further discussion about the presentation? Councilmember kitchen.

>> Kitchen: Just quickly, if you could state again, if someone wanted to get involved, you know, if a resident downtown wanted to get involved with the community involvement that's occurring around arch, could you just state how they would do that or send me the information so I can pass it along?

>> Yes, ma'am. We will send this to you directly and actually we councilmembers so they can get it out so we can make sure that we're including everyone.

>> Kitchen: Okay. And then the last quick comment, I think that -- I think it would be very helpful, and I know y'all may be already planning this, to have some meetings in the neighborhoods where you can provide this kind of information on a shortened version.

[12:27:38 PM]

I know that we -- you have helped us working in the neighborhoods in district 5, and much of this information would be very helpful to them so I'll work with your office on that.

>> We'll be happy to do that and be happy to take this on the road, certainly shorten it and meet with neighborhood associations so we can talk about how we can engage our community even further on solving this.

>> Kitchen: Okay. My last comment is -- has to do with the resolution. So should I move to that now or.

>> Mayor Adler: Let's hold off on the resolution and talk about how we're going to handle -- we have a lot of people signed up for it and we're going to have to make a decision whether everyone wants to speak. If so we'll break for lunch and then come back, so we have speakers, but there are a lot at this point that have signed up on item number 30. I think there are 14 so we're going to have to test that. Anything else about the presentation? Councilmember Garza.

>> Garza: To the point of taking this presentation on the road, which I thought was really great, if you have the opportunity to get to, you know, have the ear of board of directors and different trustees

perfect different other public entities, I think it's important -- I really appreciated how it was emphasized that it takes a village, it takes, you know, city of Austin not saying we're not going to do hedge because that's central health, we have to do that. At the same time our other public entities like central hedge and capital metro have public land and they have the ability to prioritize affordable housing when they have different developments. And so if this is -- if you have that opportunity I'd encourage the great stories that are being discussed and how important housing is to this whole discussion and our partners like central health and cap metro can -- needed to also prioritize just as we have prioritized funding health and human services, other agencies need to prioritize helping funding and leveraging whatever they're doing with other streams for permanent supportive housing efforts.

[12:29:55 PM]

Thanks.

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

>> Tovo: Just quickly I wanted to offer a couple points of thanks. First, thank you for not just the informative presentation and the work that you've been doing but really for the way the presentation unfolded. You know, so often when we're talking about individuals who are experiencing homelessness we're looking at the numbers, we're now looking at the numbers by district, and need, and so I really appreciate the way you emphasized the individuals who are at the heart of this conversation, who are our neighbors, who are in, you know, a situation that none of us want to see continue. So thank you for emphasizing the stories. I think that helps remind us all really, you know, the importance of addressing this. So effectively. And I wanted, too, to thank -- you know, we probably will hear more about the point in time count findings in our next agenda item and there was a press conference this morning highlighting some of those findings, and the number of individuals who are experiencing homelessness has increased in this area, and that is alarming news for all of us, but I am -- I just want to say, and I'll say more about this when we get to the action plan, I'm so encouraged by the work that our city has done and that our community has done over the last couple years. As you've highlighted in your presentation, we have taken important strides between the homelessness outreach street team and this coordinated interdepartmental effort to really look at our city holistically and seeing how we're meeting the needs of individuals experiencing homelessness. This is very powerful work and important direction and I just thank you for your leadership, director Hensley, and all of those of you from different departments who are involved in this. The meetings I've attended -- have had the privilege of attending have included so many of you out there from the police department and ems and public health and housing and that's really the kind of concerted comprehensive approach it will take so thank you very much, and the innovation department of course.

[12:31:56 PM]

>> Mayor Adler: I won't take long. I just wanted to jump on that as well. Great presentation. Cross-discipline because this is a cross-discipline issue, everybody here talking about it. You know, it's more of the celebration of the potential of what happens next because everybody is involved with this, but it's not just the city. It is everybody. And everybody is spending money against this in so many different places and to have everybody working together, the work that the stakeholders and echo has done on that plan is a piece of this, it's a broader issue, and I think that the one-page that was really telling was the list of the strategic goals for the council's developed strategic plan because the top six all point to this either directly or indirectly. So I look forward to seeing a budget that reflects that and decisions by this council that continue to support that. It really is a priority in the community. So the wonderful thing about the presentation was the potential for future action that's inherent in having everybody working together. So thank you. Okay. Anything else on this? All right. That then gets us to this next item, which is item number 30. There are 14 people that have signed up to speak. Everyone is either for this or neutral. We're not going to get through 14 people before we break for lunch. Do the -- should -- so we could break for splurge come back and handle this item? So of the people who are here that signed up to speak, it looks like it's going to pass, are there -- how many people want to take advantage of that opportunity to be able to speak? So we have one, two, three -- fair number of people here.

[12:33:59 PM]

Do we want to pick this up right after lunch? Okay. Let's pick it up after lunch. We're going to take a lunch break. We'll go into executive session to take up three items, 551.074 of the government code, take up 87 personnel matters -- personnel matters related to municipal court judges, items related to item 52, potential action in codenext, item number 10, which is the planning commission, and I may also want us to take up item number 27, which is the scooter item. Item number 51 has been withdrawn without objection we'll now go into executive session. Mayor pro tem.

>> Tovo: Mayor, I'm not objecting. I just wanted to, one, give the audience a sense of -- we have a pretty lengthy executive session so I don't know if we want to provide an estimate, but my guess would be -- we'll be in executive session at least an hour and a half. Is that -- I mean, I would think it will be closer to 2:00 but, again, I wanted to give the audience who might want to come back and talk some sense of how long that will be.

>> Mayor Adler: My sense is 2:00 would be the earliest we could come back as well.

>> Tovo: Secondly on this morning a consent agenda I neglected to distribute amendments I had for 39, the union pacific item so I just wanted to signal if -- that I will be asking for reconsideration of that item after just to make a couple minor amendments we had worked with union pacific in crafting and I just neglected to bring it forward this morning.

>> Mayor Adler: When we come back we'll take that up for consideration. Councilmember Flannigan.

>> Flannigan: I didn't know if I heard 87 about the appointment of municipal judges.

>> Mayor Adler: 87 personnel matters was the first one up, 52, ten, and 28. I'm sorry, 27.

[12:36:00 PM]

Yes, councilmember pool?

>> Pool: Mayor, we've been asked -- back to the tabled item 48, we've been asked by the city clerk to postpone that item to our next council meeting because the work that they need to do is going to take longer than bringing it back this afternoon so I wanted to signal to anybody who maybe waiting in the audience on that item that I'm requested that we postpone that until our meeting that would be in may, may 10.

>> Mayor Adler: Any objection to postponing item number 48? Which is one we were working on with that part four, part two --

>> Pool: Joint sustainability committee.

>> Mayor Adler: Any objection to postponing that to our next council meeting on the tenth? Hearing none, that item then will be postponed.

>> Pool: Thank you.

>> Mayor Adler: Okay. So it is 12:36. Let's go back to executive session.

[2:20:24 PM]

>> Mayor Adler: Purchase.

[3:53:02 PM]

>> Mayor Adler: All right. We're back out of executive session. When we were in executive session we discussed personnel matters related to item 87, district court judges pursuant to section 51.074. We also discussed -- actually we discussed items 87, 52, 10 and 27. It is now 3:53. We are out of executive session, back on the dais. We had said to the group before that we would come right back from lunch and do the echo issue. So let's go ahead and do that. We have some people here to speak on it. This is item number 30. I'm going to call the people that are signed up to speak. Mr. Peña. On deck is Rana Ghana. Is she here? No? What about Steven potter? You'll be up next at this dais. You have time donated from Ronnie chalvin. Is Ronnie here?

>> He is not.

>> Gus peña, president of veterans for progress. The issue that y'all discussed before you left for executive session, it was a lengthy executive session, we -- veterans for progress, we support the

veterans housing issue. What we don't want to see is just business as usual. Our focus is housing veterans that are -- that need housing, affordable housing. But also we also support single women and children that are homeless to get housing also.

[3:55:04 PM]

That's very key and crucial. My verbiage when mayor Bruce Todd was mayor was wrap-around services and I'm glad somebody else is using that statement. Wrap-around services. Because if you just put them in an apartment, they are going to fall through the crack and they are not going to become self-sufficient. It's very important to become self-sufficient with all these services to support them and be able to rent a unit. One of the things I don't like, mayor and councilmembers, is this affordable housing. We need to have a clear-cut definition of what affordable is. What could be affordable to you, a millionaire, is not affordable to me. And a lot of my veterans and single women with children, female veterans that have children it's not affordable. I'm hoping when you all decided to this in echo housing really make it affordable for the people. You can't make it here in Austin, Texas anymore. I am a native east austinite from east fifth street, I've seen it go 1.5 million just the land I'm living on. Anyway, our committee on housing -- housing the homeless veterans is this, we will support you all. I think echo has done a good job, it's just I don't see affordability like it should be. That has been the comment. You met my vice president. This gentleman was homeless. My vice president was homeless as a veteran. But he got housing. And really affordable housing. I've known homelessness myself. You remember when you were campaigning for mayor, my wife and I when I was discharged from south Austin medical hospital used to phone bank for you and your campaign headquarters. You didn't know I had been homeless, but I was. That's why I am very passionate about making we get true blue affordability for the people.

[3:57:06 PM]

Because their income, little pension checks, just make it to 1400 or 800 a month for affordable housing. One of the things we're working on is the hud voucher. Veterans affairs supportive housing vouchers. They are not accepting them.

[Buzzer sounding] It's state law, federal law that you will accept the federal voucher. Anyway, mayor, I know I'm tough on you all, but darn it we have a lot of people that need housing. I'm supporting you all very much.

>> Mayor Adler: Thank you very much.

>> Mayor.

>> Yes.

>> It's my understanding there may be some individuals who have signed up who have time constraints coming up. I don't know who those individuals are. But I wonder if the council is agreement, we might ask anybody with a pressing time constraint to indicate.

>> Mayor Adler: We can do that. We're calling names. I called up Steven potter next. Are the people that have signed up for this item number 30 that have time constraints and they're going to need to leave? Okay. Let's continue through the list. All right. Next up is going to be Brenda griffin. After you, come on up. And while you're coming up, Brennan griffin. You'll be at the next podium. Three minutes.

>> Sir, Mr. Mayor, members of the council, my name is Steven potter. I am part of Austin's creative class. I'm a film-maker, writer, artist. I am also homeless. And I have been homeless for a number of years. I have served the homeless community as an activist. And I applaud what the city has done in general. I applaud the direction that the city is taking.

[3:59:06 PM]

But I would like to speak to a particular issue that my theater group and a few of our associates have had with certain ordinances, specifically the no sit, no lie, the camping bans. Basically, our point of view is you recognize that Austin has an affordable housing crisis. You recognize that Austin has nowhere near enough shelter beds. So with those two facts in mind, actively punishing someone for sleeping in public is socially wrong, morally wrong, a waste of time, money, and resources. Connecting that back to housing, someone who gets a ticket is less likely to get housing because they have a ticket. To put that in another way, because I didn't have a place to sleep, I got a ticket. And when I applied to get an apartment, I was denied that apartment because I got a ticket for having no place to sleep. When we ask that these ordinances be re-examined, brought back to the forefront, we ask that they be repealed. They do not do what they were meant to do. They are, again, currently a waste of time and resources that could be spent in better ways. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Mr. Griffin, before you start, is Mary here? What about Alex coggen? Okay. You'll be up at the next podium. Go ahead, sir.

>> Thank you, council, mayor, mayor pro tem. We applaud and support -- I speak on behalf of Texas appleseed, deputy director there.

[4:01:09 PM]

We applaud and support the city council's dedication to ending homelessness in the city of Austin. It's a very -- the plans going forward are very good. As part of the action plan being considered today, we urge the city council to also once and for all end the criminalization of homelessness in the city of Austin by

repealing the ordinances that criminalize camping, sitting, lying down, and soliciting. You just heard very compelling testimony about the kinds of problems that arise by criminalizing these issues. These ordinances -- I'm here to speak about the scale. These ordinances lead to a huge number of warrants. There were more than 8,000 for failure to appear issued by the downtown Austin community court last year. Maybe not all of those are related specifically to these ordinances, but quite a few were. And there were more than 1400 warrants issued for failure to pay fines or complete community service last year. And warrants cause -- lead to hundreds of arrests each year. There were 1400 arrests last year on dacc warrants. Criminal justice involvement hinders people's ability to escape homelessness and to escape poverty for exactly the reasons that Mr. Potter scribed. And accessing many services is denied if you have a warrant or a criminal record, including these kinds of offenses. When people are attempting to get their feet back on the ground to find affordable housing, to find employment, arrest warrants and being in jail sets them back and makes it more difficult to find housing and employment. We urge you to remove this additional barrier for people who are struggling to escape homelessness, and look forward to working with you on this. Thank you.

>> Mayor Adler: Thank you very much.

[Applause]

>> Good afternoon, mayor and city council. My name is Alex kegan, a soon to be graduate from UT with a master's in social work.

[4:03:10 PM]

Thank you for your leadership and dedication to addressing the issue of homelessness in Austin. This semester I've been working with grassroots leadership to end the criminalization of homelessness in Austin. Just saying that is almost shocking. How and why is being homeless a crime? I know you're aware of the answer, the ordinances. Both the city auditor's report and Austin's action plan to end homelessness have stated the harm of effects of the no sit, no lie, no camping, no soliciting, panhandling ordinances, but they still exist. It's clear from the data that there are not nearly enough beds and shelters for these individuals to rest during the day or evening. Where, then, where they supposed to go? How, then, are they supposed to rest? I was part of a team that collaborated with those directly affected by homelessness to survey more than 80 homeless individuals in Austin this past month. Our findings showed once more just how harmful these ordinances are on our community members. For the no sit, no lie ordinance alone, we found that people reported being ticketed up to 50 times and those people are still homeless. The argument you may hear from proponents of these ordinances is that they connect people to services, yet more than 94% of the people we surveyed who interacted with police due to these ordinances were not connected to services or resources. Once again, 94%. That means nearly every person who was cited or arrested did not receive services or resources. So why, then, is the city continuing to cite and arrest these individuals for simply trying to rest? As we all know, a criminal record limits someone's ability to obtain employment and housing. Why are we making it even harder for them to escape this cycle of homelessness? Before I end my testimony, I'd like to share a message

from a homeless man I interviewed at sunrise church. He said, "Instead of punishing the homeless, you should offer resources.

[4:05:13 PM]

A person should have a right to work instead of a criminal background." Today I urge the city to develop a plan to repeal these ordinances, expand APD's homeless outreach street team, and -- team, and invest in permanent supportive housing. Thank you for your time.

>> Mayor Adler: Thank you very much. Is Emily here? Come on down. And then, is Alvin Anderson here? Sanderson? Okay. Is Robert Williams here? Okay. And is John Alfred here?

>> John had to leave.

>> Mayor Adler: All right. Thank you. After she's done speaking, you'll have six minutes.

>> All right. Thank you.

>> Mayor Adler: Three minutes.

>> Thank you, councilmembers and mayor. My name is Emily, I'm an attorney at the Texas fair defense project. We work with low-income individuals, many of whom are homeless and have been ticketed under the ordinances talked about today. I want to thank the council for addressing these issues in general. We urge the council to repeal these ordinances, no sit, no lie, no camping, and no panhandling. In the presentation that was given this morning, it acknowledged there is a huge problem causing all these problems. But there was no solution for it. There is nothing in the recommendations to actually repeal the ordinances. And we really want to urge you to do that. The ordinances are inhumane. They create barriers to escaping homelessness and to getting jobs. People with warrants will get refused employment. They'll get refused housing. And they won't be able to get their licenses due to their tickets. Many people are also arrested. Even if you're only arrested overnight, that still will cause you to lose all your things if you're homeless, because you don't have anywhere to store them.

[4:07:20 PM]

And if it's an old ticket and you've already become housed, then you could lose your housing once you're jailed again. These ordinances, it's really, really important because it actually does put people in a lot of danger, and in some situations it's life or death. You're about to hear from Mr. Sanderson, who is one of the people who was pushed in avoiding getting an ordinance citation, had to go into more dangerous areas to avoid police. And the police are using the ordinances to go into the woods and hunt people down and give them tickets for violations of these ordinances. People are scared of the police. Homeless people are really vulnerable. They're afraid to contact the police. You have even more highly vulnerable populations within the homeless community include immigrants and people of color. About 40% of homeless people are African American, even though Austin is only about 8% African

American. And when you have ordinances like these, it makes it difficult for people to feel like they can trust the police and reach out to them. If you want to have the police doing outreach and actually providing people with services, that's not going to work if people are scared of them. There is also data in the presentation showing that there are about 10,000 people a year who are homeless in Austin who have been going through services and identified as homeless, so it's probably -- people are not being represented in that number. And only 5,000 people being sheltered a year. So that's 5,000 people at least who don't have shelter.

[Beeping]

>> Mayor Adler: You can finish your thought.

>> And until we provide sufficient shelter for everybody, people are going to be inhumanely targeted and criminalized by these ordinances.

[4:09:20 PM]

>> Mayor Adler: Okay. Thank you. All right.

[Applause]

>> Mayor Adler: Next speaker. Sir, you have I think six minutes. Go ahead.

>> Thank you, mayor, councilmembers, for allowing me to speak today. My name is Alan Sanderson. I'm 62 years old. Approximately six months ago, I became homeless. I got sick. Around the latter part of February, I was awakened by three police officers. I was in a wooded section between bowden creek and the railroad. I wasn't bothering nobody. I was trying to sleep. I was given a ticket. Approximately a week later I was given another ticket. They asked me why I didn't move on. I said where am I going to go? Because of the consequences of getting the tickets, and the no sit, no lie, no camping, no panhandling ordinance that I hope that you will change, I moved into the third tunnel underneath the Barton springs bridge, over the road. When I went to sleep, it was dry. I had a sleeping bag, all my belongings. About 1:30 a wall of water came through there. I stood up. Everything just washed away. I tried to get out of there. I thought I was going to die. It was so much water coming through there. It came to my waist, the water. I didn't have no shoes on. If you go and look at that creek right now, it's full of rocks.

[4:11:21 PM]

I almost died. I was scared. I was terrified. All behind me hiding, trying to find a place to sleep. The ordinance is not needed. They're barbaric. It's only behind something people don't have nothing and they need a place to sleep. The ordinances made me hide. A police officer told me, just hide. Where can you hide except for going in the woods, going underground? There's a large population underground. I was terrified. I got up, got in there, I was soaking wet. You could hear the roar of the water coming

through there. It took me an hour to get out of that creek. I just ask that you repeal this ordinance. Look at that, they're forcing people to go underground. They're forcing people to hide so they don't get services. They're never going to go there because they're afraid. There's a lot of abuse out there. It's dangerous out there. Every day, you know, when it rains, I hate it when it rains because I get wet. Everything about it, you lose everything you have. A blanket to keep you warm, you lose that, day in and day out. It's a struggle. It takes me an hour and a half to find a place to sleep. I work at a food pantry. I serve the homeless. I serve the poor. And I get up and a lot of times I'm so tired I can't move. I have to sit down and rest. But I jeopardize getting another ticket. And I just ask that you repeal this ordinance that is meaningless, that don't help nothing.

[4:13:28 PM]

These people don't have nothing. And they're made to -- you know, they're made to go to the courts that doesn't help them. A lot of people don't want to go. They're afraid of it. I lived that life. I'll go tonight and find me a place to live in the woods with the spiders and the rattlesnakes and all that other. I'm a productive member of society. I help the homeless even though I'm homeless myself. So I ask that each of you all really look at what this is doing. It's taking people. It's all about people. It's not about property, it's about people, taking care of them. The system of care, it's got to include that, that you don't give them a ticket. And I thank you for your time, sir.

[Applause]

>> Mayor Adler: Is Julian Reyes here? Come on down. While he's coming down, is Chris Harris here? Chris Harris? No? Come on down. What about Norma Herrera? Norma Herrera, you'll be at the next podium. Come on down, sir. Come to a podium. I see. Got it. You're up. You have three minutes.

>> Give me like 30 seconds before you start it. The video, you've got the video, right? Hey, guys, I'm Julian with the challenger street newspaper. And I'm now with the street performers for the no sit, no lie down troop.

[4:15:30 PM]

I wanted to mention -- I've spoken to this group many times. I want you to reach out to the homeless more than you have and more than echo has. I don't think 80 people, there are not enough voices of the constituents that are mostly affected and have the equity in this, or actual stakeholders, not the checkholders, but the stakeholders haven't been represented. I'm against moving forward on this until we have more stakeholders, until we've looked at the ordinances that have created the homelessness in the first place, which is the direct responsibility of the city. The legal ordinances put a shame on the city, on all of you guys. That's what we're talking about. Not just unethical and immoral ordinances, but illegal. It's the plan is not acceptable unless it's all-inclusive and I would like to have myself and the challenger newspaper be contacted by the mayor and the mayor's task force for ending systemic

gentrification of racism and the homelessness task force. And I'll show you what happens with the homeless. Go ahead and roll the video. This is how the police handle the homeless. And I think you guys are familiar with this. Hit play. This is a young lady in her pajamas outside the arch that was arrested simply, and detained simply for having her belongs at her feet. It was called littering. It's just another ordinance. Even if we look at anti-solicitation, no sit no lie down, and criminal camping, there's criminal trespass, public intoxication. There's so many bag of tricks laws that would be used.

>> It started off with a consensual conversation. Now more cops show up. That's someone who has assaulted me and arrested several of the press on the right there.

[4:17:37 PM]

[Video playing]

>> It's a homeless shelter.

[Video playing]

>> The officer tried to keep me from filming, which is against my constitutional rights, against federal law.

[Video playing]

>> You guys are familiar with bullying, anti-bullying campaigns? What does it look like the police are doing right now? All these stories of police involvement and oppression of the homeless.

[Beeping]

>> This is the good part. Let me finish my thought. So there's nothing -- this is not necessary. These are compliance techniques. She's already in cuffs. They're going to take her to the ground while the sergeant looks on, the corporal stands by. When we request these videos from APD, the camera doesn't exist that APD owns. The public information request, again, we're denied proof.

>> Mayor Adler: Thank you very much.

>> All right. Thank you. Let's do something.

>> Mayor Adler: Let's go. Thank you.

[Applause]

>> Mayor Adler: Introduce yourself and you have three minutes.

>> Hi, my name is Chris Harris from district one, grassroots leadership. Thank you for letting me speak today. I'm here primarily just to question why city council continues to refuse to address ninth somewhere - repeatedly show us, we do not have the beds. The adequate number of beds to house every one experiencing homelessness on a given night.

[4:19:41 PM]

Because of that, in particular, the no camping ordinance literally criminalizes each and every one of those individuals that is unable to find a bed each and every day. And while I respect the city auditor and the echo report that you all will be voting on today, action plan, understand and recognize that these ordinances are problematic and that they actually contribute to homelessness by giving folks criminal records and additional barriers to housing, to employment, to educational opportunities. The fact that there is no specific plan in place despite this recognition of the problematic element of these ordinances is unfortunate. And this body needs to act as quickly as possible. The homelessness community cannot wait for new services, new programs, and other things to be developed, much less to be implemented such that maybe they will, you know, blunt the traumatic impacts that these ordinances are having each and every day. As you heard Alvin talk about. And so again, I ask you to take up as a body, in a public forum, very specifically, these three ordinances and do all that you can to negate the negative impacts that criminalizing people is having on our community. And for me and my organization, that begins with the repeal of these ordinances immediately. Again, homelessness is not a crime. But that's how we treat it today in this community. And the plans that are currently in front of us are not adequately addressing that. If you look on page 25, under section 3.2, the three ordinances are mentioned as a problematic element. Yet in the proposed action column that appears directly to the right of it, there is nothing that addresses these ordinances.

[4:21:46 PM]

Literally it is listed as a problematic element and there's nothing to address there. And so I'm asking you to address it as quickly as possible, to bring forth a repeal ordinance for these three ordinances so that they're wiped off the books and people that are experiencing homelessness night to night and day-to-day in this community are no longer harassed by the police because of these ordinances. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: After Ms. Herrera speaks, then Daniel will speak. You'll be up next.

>> [Off mic]

>> Mayor Adler: Go ahead.

>> My name is Norma and I work at grassroots leadership. Thank you, mayor Adler and members of the council for your leadership and the opportunity to speak on the issue of homelessness and the city of Austin's response to it. It's been stated by several people here today that the best we can do right now is better plan for future housing and future resources that address the needs of individuals who have no place to go right now. So before adequate housing and resources are made available, we can make sure right now that we aren't criminalizing individuals simply for being poor and not having a place to stay. We can repeal the city ordinances that make it a crime to be without a home. Please include the repeal

of no sit, no lie, no soliciting, and no camping in the action plan. As Alex mentioned earlier, in partnership with the gathering ground theater group, we surveyed about 80 folks here in Austin experiencing homelessness. And when we looked through all of the comments and all of the feedback that they gave us, there were several themes that came up. And I wanted to point out one of them for you. And that is the theme of differential enforcement, specifically targeting people experiencing homelessness. So I'll read rather than explain it to you myself. I'll read someone's words. You see people on sixth street drinking.

[4:23:47 PM]

Those people are -- being told to move. It's wrong. People don't understand that they could easily be in our situation. 60% of women who leave abuse end up homeless. To finish out my time I'll just read from a list of comments. We asked people if you could share something for the people who decide on these laws, what would you share. I just try and live my life. I'd like to be allowed freedom. I helped homeless people before I was homeless, and I treated people like people. Lay off a little. Where do expect us to sleep at? The fact that we're trying to make money instead of robbing or stealing, that's a positive. Please leave broken, homeless people who have nothing alone. We're just milling around in your world trying to stay alive. Take your foot off our neck. We have nothing already. You want to take nothing from us? What do they expect us to do? Everyone has to be somewhere. Because the shelters and the food are here, meaning downtown. I am being constantly harassed for simply looking for a place to sleep. What do you expect for us to do? Leave us alone. You are not helping with any kind of support. Grow a conscience. With these ordinances, you have made it extremely difficult to get proper sleep and try and better myself. What am I supposed to do? Try to have a little more compassion. Try to put yourself in someone else's shoes before you start hurting them. I just don't see why they would make it illegal to just be a human in public. It's un-constitutional. Let us be ourselves. We have nowhere to go. Just let us be. Thank you.

[Applause]

[Beeping]

>> Mayor Adler: Okay. After this gentleman, the next speaker is Seneca. Is Seneca here? You'll be at the next podium.

>> Okay. First of all, ladies and gentlemen, I have a speech impediment, a mental impediment.

[4:25:57 PM]

To come here and speak, and try to help all you people out that don't have impediments or disabilities is extremely -- it's an extreme effort for me, believe it or not. So please bear with me if I take a little more time finding the right words. I am homeless, also. When I was a kid, I was extremely rich. One month later, I became extremely poor. Poorer than the poorest person in a Texas prison jail cell. That's how

poor I was. In Mexico City at age five years old. There wasn't a blade of grass or nothing to eat. And my father didn't have a job. He was a UT college graduate. He went to Korea. He wanted to be a bullfighter. My mom loved him. He tried to get her, went to Mexico, lost his job, we didn't have nothing. And he went out to the streets to try to sell a novel so we could eat something other than concrete. Okay. Now, everybody, you must understand that there was a time here in the united -- the microphone -- in our great American country that was called the great depression. There was half the population of more of American citizens white, black, native, and hispanics that were existing in America back then didn't have nothing to eat. There was soup kitchens, many rich people in current day America went through these times. You turn around to look at people in Austin. So many people say you're worth nothing because you're homeless. When their grandfathers were homeless even worse.

[4:27:59 PM]

Everybody is out for themselves. Not everybody, but a lot of people. They act like rats for their own cheese. Nobody is a rat. Nobody is a skunk. Everybody has to take care of everybody. Jesus said do unto another what you want another to do unto you. It's called the golden rule. Why is it called the golden rule? Because if you obey that rule, you will always have. You give and you receive. It's always reciprocal. When you hide your treasure or your wealth in someplace and say this is mine, I am not giving to anybody, I want to have more, I have more than the other, that's the joneses, see who has more. What happens is you create a bad competition. That bad competition --

[beeping]

>> Creates wars. So what we have to do --

>> Mayor Adler: Thank you.

>> Is try to be more Christian and less money -- worship god and not money. Thank you very much.

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

[Applause]

>> Mayor Adler: Our last speaker. Sir. Three minutes.

>> All right. Is this the appropriate height? Hi, I'm Seneca from district 4. I came to speak both in favor of passing this ordinance, as well as many others before me, towards the de-criminalization of homelessness. I am here representing dsa, but I'm also here because I spent a year in my 20s, late teens, being homeless after my mother had a mental illness and kicked me out. During that time, my single overriding fear every time I went to sleep was who is going to wake me up and is the person who wakes me up going to have a knife, or will they have a gun. And I was better off than a lot of other people, you know, and very clearly someone who speaks king's English.

[4:30:04 PM]

I have the skin color I have. People are inclined to view me well. But overwhelmingly we have a population that does not have my advantages, right. Not a teenager who everyone wants to give a chance to. When those people are afraid of waking up, their fear is far more justified than mine was. We have a situation where we know that there is a gap in housing and that is going to grow, right? The demand is getting larger and it's growing faster than the housing stock. And the stock that's being built is catered towards people who can't live here right now. So it's hard, right? We have a structural problem. And we try to make the structural problem disappear so that the people who are moving here, who have access to power and privilege, are able to ignore the problem, right? But we make people disappear. We can't connect them to services. When we make people's arrest records a metric of police productivity rather than the ability to connect people with services, we're actively incentivizing police officers to make the problem worse, to drive people further away from services and further towards communities where they are likely to be victimized. The homeless are not a source of crime. They are a source of victims. The further we get them from police, the further we get them from services, the more we increase the likelihood that they're going to be victimized. I'm extremely careless. I walk around with valuables all the time. I have minor brain damage that causes that. I have never been victimized while I've been relatively affluent. I've been robbed twice at knifepoint when I was homeless, when I had nothing. That's not a coincidence. That's a structural fact. People who have nothing are more easily victimized because they have a reason to run away from the police. And that reason is justified. I know the council is already planning on a very large housing bond.

[4:32:07 PM]

I would incentivize you to make that as large as possible. I know that the state prevents us from using the overwhelming amount of revenue to do more about that.

[Beeping]

>> But do what you can. Thank you.

>> Mayor Adler: Thank you very much.

[Applause]

>> Mayor Adler: We're now back up to the dais on this item number 30. Is there a motion? Mayor pro tem.

>> Tovo: I'd like to move approval.

>> Mayor Adler: Mr. Casar seconds that. Is there any discussion? Mayor pro tem.

>> Tovo: Yeah. I want to thank all of those of you who have come today to hear this item. Some of you have signed up in support and are just here to listen. Those of you who offered your testimony, I really appreciate you sharing your story, especially as it related to the ordinances. Thank you. I think you've given us a lot to think about as we move forward. But I want to really thank all of the providers who

worked so hard to develop this plan. This is really -- represents an unprecedented amount of collaboration and work together, and forward-thinkingness, if that's a word. And I think it will really stand our community in good stead as the ending community homelessness organization announced earlier today, there is the point in time count from January showed a 5% increase in this city and this community in terms of individuals experiencing homelessness. And that is certainly not the direction we want to be going as a city and a region. This plan should help us really understand well, how to invest well across the system, how to continue those programs that we know to be effective, and really make sure that we as a community are increasing the level of resources for this. As I had an opportunity to say earlier in the press conference around the point and time count, ending homelessness in this community cannot just be an initiative of the city, or the county. It is going to take each and every one of us in this city to commit to making that our goal.

[4:34:10 PM]

It is an achievable goal. And this plan really helps us know how to do it. And so I appreciate, again, all of the work and our staff's work in reviewing this. And again, we have some difficult challenges ahead of us, and a real crisis. Nobody in this city should be sleeping in the streets, the alleys, or the creek beds of our city. I look forward to continuing to look during our budget cycle for ways to increase the resources that we're putting toward this effort.

>> Mayor Adler: Mr. Casar.

>> Casar: I'd also like to really applaud everybody that was involved in putting together this action plan. I like how bold it is in trying to achieve a really significant goal of functioning zero in homelessness. I recently went to a meeting hosted by the police department up in the northern part of my district, near some of the neighborhoods that experience disproportionate rates around violent crime. You talk about safety issues with constituents from all over that area, and people's number one issue was actually about addressing homelessness in order to reduce the victimization of people experiencing homelessness, understanding that people experiencing homelessness are, indeed, you know, in a constant state of being worried about their own health and safety. And so I was really proud that not only this council listed housing and homelessness as one of our top strategic priorities, but that is something that is a priority across the city. And to be able to explain to those constituents that we had this sort of a plan was empowering. The community is ready to take bold action along with us. And so my comments are just broadly about the plan in that respect. I really appreciate that work and I'm excited to vote for it and pass it. But considering that we did have this testimony on the issue related to the ordinances on no sit, no lie, camping and panhandling, I wanted to ask a quick question.

[4:36:28 PM]

Since the auditor has put out their report and has put the ball in the staff's court, I just wanted to know whether or not you already had a plan for when any of these would be brought back to us for

reconsideration, or if you don't have that plan now, when you might be able to let the public know when the staff would post anything. Or if the staff isn't posting particular ordinances for reconsideration or discussion, when it would be appropriate for it to eventually be in the councilmember's court.

>> Thanks. We certainly are planning to give a memo back to the mayor and council based on the executive session we had recording these ordinances in two weeks.

>> Casar: At that point, the public can know what things would be posted by staff and what issues would have to be posted by council.

>> Correct.

>> Casar: Great. In closing, I do think it's appropriate that those ordinances are listed as challenges in this plan. I certainly am of the mind that these ordinances, as they currently exist, are morally unjust for the reasons that were listed, and also don't help us reduce homelessness. And I don't think I can put it any more eloquently than what was stated here. But the criminalization of homelessness is not helping us achieve the goals in the plan. But I very much appreciate what is listed in the plan as actions, because if we give people shelter, and care, and housing, and services they've been denied, we can address the root causes of what cause homelessness. But we shouldn't have to wait to do all of that to also do our part, in my view, which is to end that criminalization of homelessness. Before we functionally end homelessness and afterwards, because it isn't an APD decision, or a municipal court decision. It isn't anybody's decision but our own on this dais whether or not to have those ordinances. Ultimately it is up to us.

>> Mayor Adler: I want to join in those comments.

[4:38:30 PM]

I want to thank the folks in the community who came and spoke to us. It's an issue we're going to be picking up here pretty directly. I want to thank the stakeholders, echo, and the other service providers for working on this plan for a long period of time, going through a lot of revisions in that. I just want to note that I really think at this point in time there's the critical mass of political and social wealth in the community to really deal with this, as evidenced by many different things, including the council's work on the strategic session where this was listed as one of the highest priorities we have in the community. I want to thank echo for being part of the group that was convened a year ago to try to pull together everyone to come up with a plan. And I look forward to us finding as many different funding sources as we can to try and meaningfully hit this. Anyone else want to speak on this before we move on? It's been moved and seconded. Those in favor please raise your hand. Those opposed? It's unanimous on the dais with councilmember troxclair gone. Thank you all. Council, let's talk here about order just a little bit. A couple things. We have some folks here that I think potentially we're honoring with some of the road changes that are here now and can't be here later. So at the very least, we might want to be able to recognize and have them speak. There are 13 and 17 people signed up to speak on items 77 and 78, so I'm not sure we would call up those items, because that's the last thing we would do.

>> There may be overlap in those speakers, too.

>> Mayor Adler: Could be. We could talk about how to handle that. We also have councilmember alter here until the dinner break, so until 5:30, and then we'll going to lose her in the 9:30. And there are some items that she would like us to consider while she's here. The planning commission item, the committee item, the dockless item, and the codenext addition item.

[4:40:32 PM]

For me, I would suggest, as much as I would like to see the committees getting done, given the agenda we have today and the number of amendments we have coming from the dais, that might be something I apologize for not letting you work through this at work session on Tuesday when I wasn't here. But that might be a good thing to do, to take that item and bring it back so we're not handling those amendments. But the planning commission, the dockless bike, and the codenext petition might be something that we want to be able to handle. I don't know if we want to try to do some of those before 5:30 or pick those up after 9:30. We might be able to have people to speak on them, but then hold off taking action until 9:30 when councilmember alter came back. But those are what we have. Does anyone want to speak to scheduling now? Ann.

>> Kitchen: Of course I feel like it's important to move forward with 77 and 78. There may be some overlap in speakers, and maybe some speakers would not feel that they needed to speak the entire three minutes. But we do have folks here that cannot be here later. And I would like to get started on those. That would be my preference.

>> Mayor Adler: And then we also have another item, the plaza, which we're trying to have handled before the break as well so that the people could leave here and go to that reception. So we have those three things. And we have 45 minutes.

[Laughing]

>> Mayor Adler: Do we want to try and just barrel through those three things, and then come back after the break and let speakers speak to those issues, handle zoning and those things that we can, but that would mean we're not going to be deliberating before. And then we have the consent agenda, planning commission. If we could get through the consent agenda, we could probably let a lot of people go home as well, too.

[4:42:34 PM]

There's only one item on the housing issue that doesn't look to be controversial. So I guess what I'm trying to say is, we have a lot of speakers signed up. They're all in favor of these. So if we could move through them without people taking the full allotted three minutes, we could probably actually get through them and not have to wait until after dinner to finish. Does that work for everybody? And we're going to take the two -- we're going to take pat and steel, and then if we can consent zoning. Ms. Houston.

>> Houston: And I certainly appreciate that, mayor, but we've got a consultant just kind of sitting here. I don't know what kind of money clock is ticking and ticking.

[Laughing]

>> Mayor Adler: And we have that, too. All right. Let's see how quickly we can move through these things.

>> Kitchen: Okay.

>> Mayor Adler: All right? So, is it the council's will to move forward on the two road issues? Let's do that. 77 and 78. Let's call up 77. Do you want to make a motion on this? Let's call 77 and 78 at the same time. Do you want to make a motion?

>> Kitchen: I can --

>> Mayor Adler: Why don't you.

>> Kitchen: I move that, I guess, councilmember pool is okay if I move them both? I'll move item 78.

>> Mayor Adler: Yes.

>> Kitchen: And I move that the council approve adoption of changing the name of the Robert E. Lee road to Azie Morton road. And I'm going to have an amendment. I'd like to say a few things about that.

>> Mayor Adler: Before you do, is there a second to that motion? Ms. Houston seconds that. Ms. Pool?

>> Pool: Thanks, mayor. I've passed out an amendment. I'd like to move adoption of item 77 and authorize renaming Jeff Davis avenue to William Holland avenue.

[4:44:43 PM]

That says William, as authorized in chapter 14-5 of the city code. He was never actually known as will.

>> Mayor Adler: Is there a second to that? Ms. Houston seconds that. So those are both moved and seconded. We have folks to speak from the public. Do we want to call them, Ms. Kitchen, before you speak?

>> Kitchen: I was going to say something very short.

>> Mayor Adler: That's fine.

>> Kitchen: Azie was a very impressive individual. And I'm sure that her daughter, who's here, is very proud of her. And I'm not going to read the whole biography in the interest of time. It's in your backup. I think that we all probably know that she is still the only African American to serve as treasurer of the United States. Her connection to Austin includes the fact that she went to the -- she attended high school here. She worked for the Texas AFL-CIO. When she got back from Washington, she was active with Houston College. She served on the Austin housing authority board of commissioners. And I want to highlight one thing in particular that is particularly -- a particularly special connection to this road, to

what is now Robert E. Lee road. While she was in Austin, azie was known to swim in Barton springs in defiance of the segregationist policies of the time. Her story is recounted in the film a reflecting pool by Karen cokier, part of living springs, an interactive documentary about Barton springs. Similar such swim-ins became a prominent action early in the local civil rights movement. And while she alone was not the only one that participated in those swim-ins and there were many others in our community, she was instrumental as were others in helping move that special place in Austin to open it up to everyone in Austin.

[4:46:51 PM]

And that's a very special connection, I think, to this particular road. So I want to say also that while I understand the concerns of some that have raised concerns with me about changing the name of that road, on balance, I think changing the street name is an important step for healing our community, given the injustices of the past. And while, of course history itself will never change, nor should we forget the lessons of history, today we must ensure that those we memorialize reflect and honor our values. It is timely to move forward and a special place and person for this renaming.

>> Mayor Adler: Okay. Let's call the people. Do you want to say something before we get to the public?

>> Pool: I have some remarks, but I thought I would do it after we heard from speakers.

>> Mayor Adler: Let's call speakers up on 77 and 78. And again, don't feel compelled to take your full three minutes.

[Laughing]

>> Mayor Adler: If you'd oblige us. Yes. Sorry?

>> You may want to call Ms. Morton first.

>> Mayor Adler: Let's go ahead and do that. Is Ms. Morton here? Come on down.

>> Mayor Adler: Thank you.

>> Excuse me. Good afternoon, mayor, and city council. Thank you for allowing me to speak this evening. My name is Ms. Morton, I'm the oldest daughter of azie Morton. First, I'd like to thank councilwoman kitchen and all the councilmembers, community leaders -- [clearing throat] -- Excuse me, and the community who had a part in supporting the renaming a street after my mother, azie Taylor Morton. Her hard work, contributions, service to the fabric of America, dedication and vision was and still remains a part of the American dream.

[4:48:59 PM]

The renaming of this street and certainly this name means something very special to our family, our community, our city, our state, and our nation. This is a historic moment and we are all a part of this American story. We are a part of the hope, the love, the aspiration, future, and honor. She was a local product of Texas. Second, we must remember and acknowledge the contribution of slaves and their descendants to the prosperity of this country are indeed worthy of recognition. Our story is of people who have fought against oppression and injustice. As the struggle continues, we will forever forge ahead to form a more perfect union where everyone is welcome and appreciated for their contributions. Again, thank you for acknowledging my mother, azie Taylor Morton.

[Applause]

>> Mayor Adler: Thank you. Is kit Randal here? Come on down. What about Glenda Mckinney? You'll be up at this podium. Okay.

>> Hello. My name is kit Randal. I was actually born in Austin, Texas. My mother was born in Austin, Texas. I went to highland park elementary school, Lamar junior high, and McCallen high school. I live on Jeff Davis avenue. I've lived there since 2003. I just -- I'm not here to defend Jeff Davis. Jeff Davis to me is just a name. It's the name of a street. There are plenty of people in the United States that are named Jeff Davis. I don't think it's dishonorable to be named Jeff Davis.

[4:51:01 PM]

And I don't see why you have to change a name. I have nothing against will Holland or William Holland except good grief, now what kind of a street am I going to live on? It's going to be this long. We have personalized stationary. We have lots of expenses that will cause that we'll have to pay for because of this name change. Will Holland, there are plenty of streets you could name after him. You just don't need to rename my street. Since we've lived there in 2003 we've had no problems with our street or our street signage until Leslie pool brings it up and puts it in the newspaper. Since then we've had to have our street signs changed three times. We have a homeless community problem. And we're spending money redoing street names because we want to honor someone. You can honor someone. Every paper that you send out to us says this is to honor someone. That's not why we're renaming the street. This isn't a street name to honor someone. The reason you're renaming the street is to dishonor someone. It's not going to change who Jeff Davis was. And the worst part about this whole name change is that two-thirds of the people that live on this street have voted to not change the name of the street. Only one-third has said one way or the other. And I don't even know if they said they want it changed, or they just didn't answer the questionnaire. I don't know how it went. But I do know what it does do. It pits neighbors against other neighbors. When we have a 4th of July pick picnic, I know some of the people that don't want to change the name. Do I want to invite them to my picnic? No. This is not helping anything. We have lots of problems in this city. I love this city, born and raised in this city and I think that this is just a waste of time, money, and effort.

[4:53:07 PM]

Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Go ahead.

>> Howdy. I'm here to speak in favor of changing both the street names. She's right, we can't change history. But the history of these street names is not about the civil war, it's about the Jim crow era. It's about intimidation and segregation. And we want to get rid of that to the full extent possible. So I'm not going to take up any more of your time because I feel like it's obvious that this is the right thing to do. Thank you.

>> Mayor Adler: Thank you very much. Is Nick here? Come on down. Eric Goff.

>> Mayor Adler: Go ahead.

>> Thank you. Hello. My name is Nicholas Dement, I'm a long time resident of south Austin, Texas. You'll hear much talk about how it is wrong to honor or memorialize the confederacy from historical perspectives, or about the wicked white supremacist ideology of confederates like Jefferson Davis. I come before you to speak not about what happened in the past, but what is happening in the present. Right here in Austin, Texas, I have been a visible activist against confederate iconography for quite some time. And on the morning of March 3rd, I peacefully protested the inclusion of the confederate flag in the Texas Independence day parade, where I was beaten by a gang of violent white supremacists. They are dedicated to preserving confederate monuments, the very monuments that I seek to remove. My attack was not random. It was targeted and premeditated by a group of white nationalists known for openly making threats against the families of anti-confederate activists.

[4:55:10 PM]

My attack was reported on by local and national news media, including southern poverty law center. Members of the very group that beat me were present for the violence in Charlottesville and participated in it. The centerpiece of that violence in Charlottesville was the confederate monument to Robert E. Lee. All confederate iconography in Austin, Texas, must be removed because it presents a practical risk to public safety today. As you can see from the photo, that is South Congress on March 3rd. I ask you to remove these monuments as soon as possible across Austin, Texas. Thank you.

[Applause]

>> Mayor Adler: After Mr. Goff speaks on both items, is Christine Loscom here? No? Okay. What about Brennan Griffin? You'll be up next. Mr. Goff.

>> Howdy. My name is Eric Goff. One of my ancestors, John, owned slaves and I'm ashamed of him. I'm glad that he gave birth to his children because I'm alive. But other than that, I regret his actions and we

should regret our society that led to that time period and extended, as the last speaker said, into the future. And in my family's case, the descendants of the slaves that he used to own economically had no choice but to continue to live on the family property for 100 more years until the 1960s, just because of this no sharecropping Jim crow and the lack of economic opportunity. That family story is just an example of what happened all across the country, and we should as quickly as possible move into the future. So thank you so much for taking this action today.

[4:57:11 PM]

Thank you.

>> Mayor Adler: Thank you very much.

[Applause]

>> Mayor Adler: Before Mr. Griffin speaks, is Seneca here? Okay, why don't you come down. Mr. Griffin.

>> Hi. Thank you, council, mayor. I took off my jacket to signify I'm here on my own behalf this time. But I am an Austin native. I grew up here. I went to -- I'm an alumnus of the school formerly known as Robert E. Lee, now fortunately renamed Russell E. Lee elementary and I'm very proud that aid took those actions, and I would encourage you to follow suit and really appreciate that you guys are moving forward on this. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Mr. Savoy, and when he's done Tyler will be the next speaker. Is Mr. Weston here? No? What about Martha Chang? You'll be up next. Go ahead, sir.

>> I speak today in favor of this ordinance knowing that it is wholly insufficient, that it is literally the least that we can do, that we live in a city that was deliberately constructed to produce racial disparities and that there is a reason why the home-owning residents of the current Robert E. Lee street have the composition that they have, and that is because of active measures of this city's government to produce that outcome and to make sure it would have a particular composition. And those were decisions were the product of a previous edition of the United States government by people who were looking to preserve an economic system built on the expansion of human suffering. It is literally the least we can do to not honor those who tried to to expand the number of people in human bondage. As far as the cost, I think that we all know from Austin that there are multiple streets that have multiple names, right? We've all gone down 2222 and having access to a street that maybe has its name changed imposes cost.

[4:59:18 PM]

But the cost that we've already imposed on the city by deliberately building segregation and not reckoning with it are so many more times larger as to make that laughable. I don't know how to address those in good faith. So I say to this, do literally the very least that we can do and peel the name tag off the segregation at the very least. Thank you.

>> Mayor Adler: Thank you.

[Applause] Go ahead, please.

>> My name is Martha Chang, and I've lived on Jeff Davis avenue for almost ten years and I'd like to thank councilmember pool for helping push this forward and also councilmember Houston because she's been one of my heroes forever. I actually proposed the name change on our neighborhood list more than once over the past ten years, but I didn't know the process until councilmember pool's office got involved. Knowing that my street was named during the Jim Crowe era specifically to intimidate people of color makes me ashamed of where I live. Jeff Davis is a cut-through street, receives quite a lot of traffic, people use it to avoid the busy intersection there, so it's not some lull road nobody sees, especially as it's right between the two main routes to McCallum high school which has a higher percentage of African-American students than the aid average. Those kids deserve to know that the neighborhood and the city has their backs and cares about how they feel. Changing the name to will Holland avenue makes good since. Tsbvi is blocks away and the man's legacy more than speaks for itself. Austin's African-American leadership and heritage is rich and diverse and deserves more celebration throughout the city. If we change our street hundreds of people will know will Holland's name and knows Austin isn't stuck in the back waters of our past.

[5:01:19 PM]

Finally, change is uncomfortable. So be it. It's past time for us white folks in Austin to be a little uncomfortable for a little while in the name of progress. I've been working with Austin justice coalition, foundation communities, and

[indiscernible] To try to make Austin a little bit more fair and equitable, and those organizations are working on big problems that will take a long time to solve. This is one small problem that we can fix right here today. Thank you. And my daughter wanted to share one little thing with the remaining time.

>> I agree that we should change the name of my street, but I suggest we consider dedicating future streets in honor of an Asian person who contributed to Texas' history. I believe this this because a lot of Asian people are not honored and celebrated at least from what I can tell and plus I am a second generation Chinese American and love my culture. Thank you and I hope you take my idea into further consideration.

[Applause]

>> Mayor Adler: Thank you. Good job. Next speaker would be Durbin here? You'll be at this podium. You can have three minutes.

>> Good afternoon, Christy Coslow and I am the arc vis for Travis county. One of the projects I've had is to create a list of every elected official in Travis county history going back to 1840. We've had the name will Holland on the list for some time, he was a commission of precinct 1 elected in 1878 and held office until 1884. It wasn't until 2012 when doing research on behalf of an author that a discovery was made, Holland was African-American. This was a significant discovery because this was nearly 100 years before we thought we had an elected official in Travis county that was African-American. Census records and county election records confirm this fact. This wasn't unheard of for an African-American to hold office at the time Holland did.

[5:03:21 PM]

On the heels of the reconstruction period in which the south was rebuilt after the civil war African-Americans became active participants in the political, economic, and social life of the south. During that time some 2,000 African-Americans held public office throughout the United States. What is unfortunate, however, is that Holland has been overlooked for so long in the story of our local history and I appreciate the city council's efforts in changing this. Thank you.

>> Mayor Adler: Thank you very much. Is Rachel copperman here? No? I'm sorry, yes, I'll be at this podium. Go ahead, sir.

>> Yes, hi. My name is David Durbin, resident of district 7, and I totally agree with the point that, you know, Jeff Davis is a street that a lot of people do walk down, cycle down, drive down, including Mccallum students. There's real symbolism there. And there has been some question raised as to, you know, was it really named after the Jeff Davis? Very interesting article appeared in the statesman yesterday written by Bridget

[indiscernible], I think, I'm not sure how to pronounce it, Grumet and it's called was Jeff Davis avenue named after a different Jeff Davis and she cites rusty Heckerman from the Austin history center who said that the developer named that street in 1927. There's some relevance there because 1927 is one year prior to 1928, which has significance in Austin's history as most of us know. And that coincided with the resurgence in the 1920s of the lost cause idea that, you know, civil war was really overstates' rights and not slavery and also the rise of the kkk. So, you know, there was some question about, you know, was it actually named after the governor of Arkansas around the year 1900. So this article goes on to discuss that, so maybe it was.

[5:05:24 PM]

And what would that mean? So governor Jeff Davis of Arkansas, why a street would be named after an Arkansas governor is kind of a mystery unless that governor happened to be named Jeff Davis, anyway, governor Jeff Davis was a vocal opponent of African-American's right to vote, and extolled the virtue of lynching. His story [indiscernible] Wrote that governor Jeff Davis was responsible for the -- racial hatred,

not merely exclusion into political rhetoric. There's never been a time than right now to change the name of both of these streets in question. Will Holland on the other hand was a teacher here in Travis county. He authored legislation to establish prairie view A&M and lobbied for the creation of a school to serve hearing and visually impaired here in Austin and served as its superintendent until hi death. The school later became part of the school for the blind and visually impaired. So I guess that's about it. Thank you.

>> Mayor Adler: Thank you very much.

[Applause]

>> Mayor Adler: Ms. Copperman and then commissioner Travillion will be on deck. Go ahead.

>> My name is Rachel copperman and this is my daughter Madeleine. We've lived on Jeff Davis avenue for the past five years and plan on living on the street at least 50 more. This forever home is where I will raise my three children aged six, three, one. I want them to grow up on a street named after someone that we can be proud of. Most of the opposition that residents on the street has to do with the fact that it will be an inconvenience to them but this is not a good enough reason to not change the name.

[5:07:26 PM]

Yes, it will be a minor inconvenience to me and other residents for a short period of time when we need to alert friends, family and others of the name change. But it will be much easier than even when we have to move homes. My daughter is approaching the age where she will ask who is our street named after? I want to be able to say proudly, will Holland start aid school for children who could not hear or see so they could have the same opportunities as you. I don't want to have to say Jefferson Davis was the president of the confederacy of the states who decided they had they did not want to be part of our country anymore because they wanted to keep enslaving people. I might add we had the opportunity to rename the street but people didn't want to because it was a little pain in the butt. Think how much times that question will come up over the next 50 years as children drive or walk with parents down Houston north loop or 2222 and see the Jeff Davis sign. We must think the minor inconvenience to the impact you can make by saying yes to a name change. Supporting the Jeff Davis street name is the right thing to do. Final note, I am also a member of the neighborhood association steering committee. The potential rename has been on our monthly agenda for the last eight months including one meeting from a member of Leslie pool's office came to speak about the name change. At no time at any of those meetings about any resident in opposition of the name change attend a meeting to voice his or her concern. For those in attendance at the meetings the reaction were all positive toward the name change. Thus, it is the brentwood neighborhood association's view that the overall neighborhood is in support of the name change. The brentwood neighborhood association voted last month to support renaming Jeff Davis avenue to William Holland avenue. As a resident living on Jeff Davis I urge you to support the rename of the street to William Holland avenue.

[5:09:27 PM]

Thank you.

[Applause]

>> Mayor Adler: Commissioner Travillion, welcome to our home.

>> Well, thank you. It's good to be back home. I haunted this room for about 16 years, I think, so it's always good to be home. Wanted to speak for a few moments. I hadn't planned to but when given the opportunity to talk about such an important topic, I want to make sure that we look at these things from a historical perspective. When you look at people like azie Taylor Morton, they're austinites that we should be proud and have that we should remember. I have lived here now for 32 years and it troubles me that I can ride down 11th street and ride down 12th street and there is almost no history, no memory of the vibrant African-American communities that we had. And I think every time we have an opportunity to remember the significant commitment, the significant service that was provided by people like azie Taylor Morton that the treasurer of the United States, I believe we should take the opportunity to do so. And when we start talking about the context of whether and why we do these things, what I think we have to remember is, this history is not taught well. We need to make sure that we know what we're -- what we're naming things, who we're naming them after, what they represented in this community, and if we can define what they are, what they did and still decide that this is a person that represents what we stand for, then keep the names. But if we find that they represented things that are hurtful and damaging, then we ought to take the step of making the changes to people who represent our value system.

[5:11:36 PM]

The most important thing that we do is represent our value system as we represent the people of this community. So I would urge you to consider the history, consider the people that are being considered to change the street names to and make the appropriate decision. Thank you.

>> Mayor Adler: Commissioner, thank you.

[Applause]

>> Mayor Adler: Is Chris Johnson here? Come on down. You're up next. Come on -- while Mr. Johnson is coming down is bill spiesman here? Why don't you come on down. Go ahead.

>> I'm a 22-year homeowner and resident of Jeff Davis avenue. I have found the name offensive, embarrassing, disgraceful since I first looked at my house all those years ago. And I continue to find it so. So thank you very much for considering changing its name to someone who was actually a beneficial force in our community and state rather than Jeff Davis. Who was an advocate of the inhuman situation, of slavery and a leader responsible for the death of over 640,000 U.S. Troops. And with reference to a previous statement about a vote of resents on the street, I know nothing of this vote that supposedly was two-thirds against the name change.

[5:13:39 PM]

No idea what that's about. For myself, fully support it. I urge you to as well. Thank you very much.

>> Mayor Adler: Thank you.

[Applause] Before you start is Spencer nutting here? You'll be coming down to this podium. Sir, go ahead.

>> I'm bill spiesman, president of the neighborhood association and I wanted to say I'm real pleased my prepared remarks will repeat things people have already said here. I have to go through them. I'll abeefate -- abbreviate them a little bit. As Rachel copperman said, our neighborhood meetings have discussed this name change and there's been no opposition to it for many months. The Jeff Davis name change is necessary now because to retain it now would be an act of racism. Some claim that this is the wrong Jeff Davis, that the street is in fact named for a Jeff Davis governor of Texas, U.S. Senator, with no connection to Texas. So let me entertain this untruth for just a minute. That Jeff Davis of Texas was named by his father after Jefferson Davis, then president of the confederacy, and grew up to become one of Arkansas' most polarizing figures, he blamed city dellers, blacks, for problems according to known 88 history, he characterized -- he's characterized as race

[indiscernible] Distinguished by public drunkenness, chronic intemperance and general immoral behavior. The governor [indiscernible] Into a white supremacist publicity stunt by devoting most of his welcoming speech a defensive lynching.

[5:15:45 PM]

According to Tim Donovan's 1981 book of governors of Arkansas Davis' time in office was characterized by a constant outrageous behavior while in office. This is not the man to name a street after in Austin either. The real Jefferson Davis, U.S. Senator and U.S. Secretary of war, fort Davis was named in his honor while he served as secretary of war. He left the senate to lead the confederacy as it levied war against the united States in an act of treason as narrowly defined by article three of the U.S. Constitution. Treason is the only crime cited in the U.S. Constitution and he violated that. He forever aligned himself on the wrong side of history and on the wrong side of morality. So although there have been many Texans who have singling thighsed with the confederacy, few have recognition of Jeff Davis in a heatful gesture made decades ago Jeff Davis was specifically named to strike fear in the hearts of men, to retain the street name now would be an act of racism. Choose will Holland avenue. Thank you.

[Applause]

>> Mayor Adler: Thank you.

[Buzzer sounding]

>> Mayor Adler: Before you speak, I just want to -- former mayor pro tem Cheryl Cole will be the next speaker at this podium. Go ahead.

>> Good evening, mayor Adler, council representatives. I'm sure that a lot of people in the room are familiar with Robert Richard oberton who is going to be 112 later this month. I have a proposal in the mayor's office to change Woodridge square to Richard oberton square and have a bus made -- commissioned by Bob coffee be placed there.

[5:17:46 PM]

If you could get that on your agenda to make that happen because he'll be 112 days from now it would be a nice and appropriate birthday gift to that gentleman. And more importantly, the symbolism Woodridge, coincidentally, avoiding traffic I went on Woodridge street unintentionally and ended up passing the square, the square that the name should come down betas he was a former mayor, culprit who designated Hyde park, Clarksville, tear it down, all the other districts in town with a quid pro quo no blacks allowed. It's appalling. It's appalling. The name of that park should be changed certainly for a living black man who outlived that oppression and should be able to share and live for that. The other thing I'm going to say is I'm not really here to talk about Leslie but I thought it would be a pretty good idea if I came up with a better name to change Robert E. Lee to Leslie drive. Thank you.

[Laughter] Please do the right thing and name this park for this man while he's still alive to be able to visit it. Thank you.

[Applause]

>> Mayor Adler: As you may have guessed, colleagues, as we go through this more and more people are signing up to speak so numbers are growing. Mayor pro tem will speak and after the mayor pro tem the speaker would be Brian register. Is Brian register sneer you'll -- here? You'll be up next. You have donated time from crystal. You'll have six minutes should you decide to take it all. Mayor pro tem.

>> I don't believe that most of you simply have the capacity to know the magnitude of that which you are considering. I believe that because the insight into the African-American community has often not been shared.

[5:19:53 PM]

Our leaders often are not born. They are made. From a very early age. If you can read before you go to school or at a certain level at Sunday school, you were moved from third grade to fifth grade. There's a concerted effort to try to move the individuals that we believe will represent and represent well, such as azie Taylor Morton. And when that is recognized by individuals such as yourself, it lifts our hearts and our spirits. And so the significance I don't want to go by y'all lightly. Ms. Taylor experienced -- azie Taylor Morton experienced segregation, but she was strong enough to get past it. She experienced prejudice,

but she was strong enough to get past it. But that's not just a testament to her. That is a testament to an entire community. That is a testament to a community of 300 years of struggle. And I just don't think we say that enough so that you understand that when you recognize us or you treat us a certain way, especially those in positions of representing, whether it's by their own conduct or by just the conduct of the community, it hurts. In a very deep and special way. We are raised often hearing to whom much has been given much is required, on the shoulders of which you stand. For those he forenew -- I mean he called, he prediscontinued according to his purpose, those scriptures over and over in your head, and the idea is that you will be strong enough to make it to a place like this in life and in death of recognition.

[5:22:00 PM]

I don't know what it's like for someone to stop speaking before their time, but I'm going to try it. Thank all of you for this act.

[Applause]

>> Mayor Adler: Is Larry o'connor here? Mr. O'connor? You'll be up at this podium. Go ahead, sir.

>> Hi, Brian register, I speak for deconfederate Austin and education an activist -- I'm not just an educator I'm a philosopher so I'm not going to make things faster. Thank you to councilmembers for introducing these ordinances. To honor a person by dedicating a school, street, ship or monument to them is to treat them as honorable, streets and monuments have no historical value except as artifacts of the time they were made. Changing street names and taking down monuments corrects morality, honoring the dishonorable erases their misdeeds. A person is honorable only if he is distinctive for having pursued good in some unique way. Thus having named Davis and Lee, those streets named after Davis and Lee, Austin is saying that those men pursued some good in unique ways by prominent leadership or military acumen. Austin is mistaken. Davis and Lee pursued evil. It is sometimes said that the southern states -- if Davis and Lee were Lon habitable than the southern states succeed for a reason other than slavery or else slavery was not evil. The southern states did succeed to protect slavery. Davis wrote of the importance to extending slavery even in the prestates. In 1856 he described slavery as the question which now alone disturbs and -- in 1857 he said he was disappointed United States had not acquired Cuba as a new slave state, that a hoard of black Republicans had worked against the conquest of Cuba, the English treaty with Honduras prohibiting slavery in Honduras express that the south had hoped for the expansion of our institutions into Nicaragua.

[5:24:15 PM]

That's how far he wanted to push slavery. Of all the succeeding states only Georgia mentions any justification other than slavery but first they're all dependent on the central issue of slavery and says that Georgia only joined the United States because that was its best way of maintaining slavery within

itself. I've handed you the success documents. The worlds in italics are the ones about other issues. The bold in there about slavery. There's a lot of bold in there -- sorry, underlined. Jefferson Davis would have been horrified by the union blockade of southern ports, but to the contrary in his letters he writes it was providing a protection as boost to southern industry but the emancipation guaranteed a race wafer of total -- more to the non-slave southern soldier necessarily fight for Heather and home as Jefferson Davis had said as early as 1851 poor white men were not quote so blind to their own interests as to be cheated by emancipation out of their privileges which they now enjoy. They stand with the rich man. Never the poor main -- whenever the poor man labors for the rich he does so with terms of distinction between him and the Negro. Was that all of my time or just the first half? That was all six minutes?

>> Mayor Adler: That was --

>> I had been donated time.

>> Mayor Adler: Who donated you time?

>> I don't remember. Crystal?

>> Mayor Adler: Your time was donated to him?

>> Yes.

>> Mayor Adler: You have three more minutes.

>> Thank you. So according to Jefferson Davis in 1851, poor white southern men go to war to establish themselves as superior to black people without any further material reward and the prominent claim taught by my grand parents and public school teachers that the cause of success is a special kind of stupid. We use the vocabulary of rights to articulate and resolve disputes. The dispute was about slavery and the alleged states right at issue was the right to extend slavery to territories and enforce it in three states.

[5:26:19 PM]

For the southern states to you succeed overstates rights without any particular right being an issue would be like my showing up to the court demanding fair trial when I hadn't been accused of any crime to begin with. You can read the words of Robert E. Lee's slaves who he had hunted down at unusual expense, had him, his sister and cousin lashed 50 times each after stripped make ted and washed with salt water for having gone away when they believed they had been man emitted. General Lee did not believe slave was was on its way out. That it's necessary for their instruction as a race and I hope will prepare and lead them to better things. How long their subjew indication is necessary --

[indiscernible] Influences and with whom 2,000 years are but the a single day. This is not the -- in Robert E. Lee considered slavery would last as long as the infinitily patient day he wanted it to he was not concerned about ending an institution in which he participated as a brute. It is sometimes said we should not judge men of the past by our own standards. There are no other standards for us to use. If we're not supposed to judge them by our own we don't get to judge them at all. These street names are

a denial of morality so stop saying something false, that these men are honorable. They are not. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> O'connor, is Charles Myles here? Charles Myles? You'll be up next. Go ahead.

>> My name is Larry o'coner and I lived on Jeff Davis for more than 29 years. I don't understand why we're here. We took a vote on the street. It was 58 ballots came back, 20 to change the name, 38 not to change the name. That's the will of the people. I really don't understand. Are you guys going to make us whole for all the expenses it's going to cost us to change all these names?

[5:28:24 PM]

I don't know. My daughter never told me that she thought that street was racist.

[Indiscernible] Never told me that. So I don't know. I don't see how we change history. The other fact is nobody has really proven it's Jeff Davis or not, if it's Jefferson Davis or not, so I don't know. That's what I've got to say.

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

>> I'm here primarily to state -- regarding azie Taylor Morton -- that's spelled miles. Some of my good friends were here I wouldn't have to be here speaking tonight and I will speak on their behalf, people like Ann Richards, Ed rundberg and many other people who made Austin such a great city and not to mention Overton, just so many people that did that. But I don't know who the Holland is. I had never heard of him until today but I assume he was -- he was not a zed dent of American slaves that's for sure. Have ever been here if he had fought in the union and had been captured in Tennessee because the union -- I mean, the confederacy did not take black prisoners. They killed them. That's a historical fact. Okay. As far as the Robert E. Lee and Jeff Davis -- I'm all these different Jeff daviss and I don't understand that. We're talking about the president of the union, and he committed treason, so did Robert E. Lee. So they should have been shot. That's the punishment for treason.

[5:30:25 PM]

I wouldn't wanted them to be shot but locked up forever because I'm against the death penalty. So if I could be sure that I had -- we had six votes up there at the podium, I'd stop right now, but I'm not sure. Mr. Cesar -- is that how you pronounce your name? I know you would vote for it because azie was a great union person. That's her claim to fame, in addition to being the treasurer of the united States. Those groups loved azie in Austin, Texas, and the United States, except for right to work states, so Texas

was an exception, they loved her. Thank you very much. I'm going to hang around and see how you vote.

[Applause]

>> Mayor Adler: Councilmembers, we have a little over 30 minutes of testimony still to come on these issues. We do have item number 38, two speakers on that, Barbara rush and Vincent charged we might be able to take that up and take a vote on that real fast. I'm afraid we'll have to come back after dinner to take remaining testimony on items 77 and 78. But I would without objection take 77 and 78, put them on the table and call out Ms. Rush --

>> I would like to -- I don't mind calling up the other item, but you might ask the speakers may be willing to cut to a minute, you know, and if it means that they can go now instead of having to come back after --

>> Mayor Adler: We'll give them a choice kind of like that. So -- so Mr. Flannigan.

>> Flannigan: So just because we're contemplating dinner break there's also the municipal judge item and I just wanted to know because there's staff waiting for that if there are any councilmembers that will have questions for staff.

[5:32:27 PM]

Otherwise we can let them go.

>> Mayor Adler: I'm fine letting staff go on that question.

>> Thank you.

>> Mayor Adler: We have lots of things if we could just get a minute or two we could probably move through them and get done and we can come back to -- trying to do that real fast, but let's ask for a motion. Mayor pro tem, do you want to make a motion quickly on item 38.

>> Tovo: Thank you, mayor, I'd like to move approval of item 38, the naming of the pat Crowe plaza.

>> Mayor Adler: Councilmember pool, do you want to second that.

>> Pool: I do.

>> Mayor Adler: 38 moved and seconded. Ms. Rush, you want to come up and speak?

>> Yes.

>> Mayor Adler: We have no speakers for this one just a few minutes ago. We have two now. Mr. Harding, Vince charged, if you want to come up here, you'll be the next speaker to speak.

>> I'll donate my name.

>> Mayor Adler: All right. Thank you. Take your time. .

>> Stand up in front of me. Anyway, thank you all so much, especially to parks board member Rick for championing this. He's been talking about it for a year, so I just didn't do anything and he did it all. So I do appreciate it and I know you all knew pat on some level and she was a trip on many other levels, and she really -- you know, the thing about doing 32 campaigns over your lifetime means you don't end up with much at the end of life and she, you know, was -- worked with David butts for all those years and I really think they changed the face of things in Texas and Travis county, including the first openly gay -- let me have it.

[5:34:30 PM]

>> Okay.

>> Pat wouldn't have it any other way. Anyway, and first openly gay legislature in the state of Texas, first African-American female district judge in Travis county and really the list goes on and on for so many -- she did Gus Garcia, he sent a note, and then of course became mayor.

[Laughter]

>> Stop!

>> Anyway, just a quick introduction, this is pat's granddaughter, Lyla, and pat's name was Patricia Faye so she's her namesake. Patricia Faye rush was her maiden name and this is asher, he's mine.

[Laughter]

>> Here.

>> I got him.

[Laughter]

>> I'll reimburse the city.

[Laughter] Anyway, anyway, we really -- we really -- as you know, pat loved not only the city but she thought for women's if you read it, you know, she started down this campaign after a friend of hers was murdered and pat and she had been held hostage for a stalker and she had tried for -- you know -- okay. He had -- she had tried to get a protective peace bond and was unsuccessful, and then eventually he came after and -- murdered her in 1982 was running a woman in that J.P. Seat that promised to work on women's rights, and I think that's her legacy.

[Applause] And that was all -- that's what she always said, that she would only work for women that would work for women causes until Glen maxi came along in 1990 and that was her first rights that she ran for a man.

[5:36:34 PM]

Anyway, our family greatly appreciates you all and the work do you in this community. As you know I've worked for councilmembers so I know. I know the effort and work that you do.

[Buzzer sounding]

>> What's that?

>> It's no truck. Anyway, the work that you do in this community to keep our community safe and also Progressive and forward thinking. And so the naming of the Jeff Davis -- the renaming of that is just, you know, one small example of what y'all do, but I think that's it, and so with that I'm going to let y'all get going.

>> Mayor Adler: Thank you so much.

>> There's going to be a reception I hear at 5:30 if anyone wants cane, please stop by.

>> Mayor Adler: Those in favor of this motion please signify by doing anything you feel is appropriate.

[Laughter]

>> Thank you. It wouldn'ting right if we didn't have some kind of little campaign. Anyway, thank you again. We really greatly appreciate you and mayor pro tem Kathie tovo for leading this charge. And the rest of the women on the council for -- for cosponsoring.

[Cheers and applause]

>> Mayor Adler: I record that as unanimous on the dais with councilmember troxclair off. Thank you very much. That gets us back to 77 and 78. Is there anybody left on -- our choice is whether to take the vote before dinner or after dinner. If anybody wants to -- and everyone has the right to be able to speak for three minutes. Are there people here that would be willing to speak for less than three minutes, for a minute or so? The other people okay with not speaking? So those of that raised your hand why don't you come on down to the podium. Let's line up. We're going to limit it to the people that get in line. And even this number grows. Balance out at the other podium.

[5:38:38 PM]

Go ahead.

>> Good evening, mayor, council, I'm [indiscernible] Robinson. I want to say thank you. I knew azie Taylor Morton. When I first started my company she offered me office space in her office, so I grew to know and to love her and to deeply respect her, and she was one of those woman who for an African-American woman who was just starting out in the community, a real mentor and so for y'all to be able to honor her in this way, as Cheryl Cole talked about is really -- it makes a difference and makes it possible for us to continue to lead and to give and to serve, and so thank you so much.

>> Mayor Adler: Ms. Robinson, thank you so much. Sir.

>> Paul helders, her representing myself and father and mother who is in heaven, who is looking down on this tonight as a dear friend of azie Taylor Morton's and my only comment is that azie is deserving of all kinds of accolades and all kinds of honors and renaming a street is certainly a great one and doing this with Barton springs in mind ties her to the soul of Austin and she deserves that and all people of Austin should be persuade of azie Taylor Morton's accomplishments, black and white.

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

>> My name is

[indiscernible], I'm on the elected board of the Austin democratic socialists of America, dsa. In September we knocked on every door on both streets, collected dozens of signatures from residents, renters and homeowners, in favor of renaming. We delivered these signatures to councilmember pool and councilmember kitchen's offices. People whose doors we knocked on were mostly friendly, though one did get in their car to chase and harass us. Robert E. Lee owned slaves, many aspects of our built environment reflect institutional segregation. We should do away with all of them, starting with streets. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Ed sills, communication director with the Texas aflcio.

[5:40:41 PM]

We are honored that you are moving this proposal forward. Azie Taylor worked for us in the late '50s and early '60s as an administrative assistant. Our organization more than most job titles are suggestions and she developed leadership skills and other skills that she took to very high levels in the civil rights moment. She came back triumphant to our 1979 convention and she was a featured speaker and so is Cesar Chavez who you've already named a different street for. We're honored and touched this has gone forward.

>> Mayor Adler: Five speakers that are left.

>> Hi, name is Leah turner and I'm a resident of Robert E. Lee road, and I'm also a small business owner with a business registered on the street. So I will have to fill out twice as much paperwork and do twice as much to, you know, get up to date, but I am happy to do it and I really want the -- want to honor this great civil rights leader in Austin and I thank councilmember kitchen for putting this on the agenda. Thanks.

>> Mayor Adler: Thank you. Go ahead, sir.

>> Good afternoon, my name is [indiscernible] Brakes, native austinite and Barton hills resident, live at the intersection of Barton hills drive and Robert E. Lee and I'm here to testify in favor of renaming the street to azie Taylor Morton. I believe the time is now for us to move past the open wound of racial discrimination and slavery, and I hope that you will consider voting in favor of that change.

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

>> Yes, hello, my maim is Adam shrek and I also live on Robert E. Lee. One other thing in 1940 the name was first changed from river road to Robert E. Lee, part of a larger movement to rehabilitate the legacy of the confederacy and lost cause. There's no historical connection between Robert E. Lee and that road.

[5:42:43 PM]

Azie Taylor Morton deserves to have a street named after her in her work to make Barton springs available to all mixes is especially appropriate. Today I'm asking to you revoke this tribute to a champion of slavery, instead let us honor a woman of color and civil rights champion whose life work proves the lost cause of the confederacy is really just that. Thank you.

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

>> My name is Gilbert Ramos and I live on -- right next to Robert E. Lee road for about 20 years I've had to drive up and down Robert E. Lee, and it has caused me heartache and grief. I grew up -- the change is going to also affect other people who have been oppressed. Not only African-Americans but as a Mexicano I grew up in a valley where teachers would spit at me, slap me, I would be put on the back of a bus for being a wetback. Now, changing -- and to me that's -- growing up in the valley, I also saw the Ku klux Klan set up stations in winningsville to oppress those chicanos who were moving in and out. The confederacy represents, come on, guys, it represents oppression at the very bottom. States' rights, yeah, the right to keep a slave.

[Buzzer sounding] Anyway, guys, you're doing a good job. Thank you.

>> Mayor Adler: Thank you, Mr. Ramos. Go ahead.

>> I'm Susan shorn, live in councilmember kitchen's district. Thank you for bringing this forward. In 1869 Robert E. Lee was invited to a ceremony and he declined saying I think it's wiser to not keep open the sores of war but follow the examples of those nation who's endeavored to obliterate the marks of civil strife, commit to oblivion the feelings engendered so I think it's clear that anyone who does claim to support the memory of Robert E. Lee will support renaming of these streets.

[5:44:48 PM]

Thank you.

>> Mayor Adler: Thank you.

>> Thank you, councilmembers, just want to thank you all for all your hard work and everything you're doing. I strongly support the renaming of Robert E. Lee road to azie Taylor Morton. She was a graduate of houston-tillotson, she went on to go to D.C. And afterwards she worked at the housing authority or

served at the housing authority. To me the other day we saw a school asking students to name good things about slavery and that's very offense assist so I want to you to take this action today to send a clear message here in Austin, Texas, we know slavery was wrong, we don't put confederate places of honor but in places of dishonor and we raise up people like azie Taylor Morton. Thank you for what you're doing. I encourage the support of this and thank you for your work.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Councilmembers, item 77 and 87 have both been moved and seconded. Any discussion on the dais?

>> Houston: I have -- mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: I know we're trying to get away.

>> Mayor Adler: No, no, that's okay.

>> Houston: It's deja Vu but 43 years ago there was this same kind of conversation over changing the name of 19th street to remember Dr. Martin Luther king, Jr. And that was the only street that crossed I-35 north and -- east and west and it took forever and as legend has it, Dr. Seabrook, the president of Tillotson college at the time passed out in the council chamber and later died and that was the only reason that the street name got changed. I am so hopeful tonight that nobody will have to die in this chamber because I think that we have the will on this council to do the right thing and change both street names in honor of the people who have been named.

[5:46:49 PM]

>> Mayor Adler: Thank you. Councilmember pool.

>> Pool: Thanks, mayor. I wanted to thank everybody who came out to speak on the item, and I think our speaker said most of what needs to be said on this item so I won't take up too much time but I did want to make a couple remarks. I brought the application forward last summer after a number of my constituents, including some who came down here today and spoke, reached out to ask that the city change the street's name. The application to take Jefferson Davis from a place of honor and return him to our history classes while also elevating an African-American leader who has not received the honor and recognition he deserves was really on my mind and that leader is William 4679 Holland. There's a big if I in our backup today and I encourage attorney read more about him because he really did lead an astounding life and some of the speakers today have talked about the public service and leadership he brought to the state of Texas and specifically Travis county and the very fact that we're talking about him now is representative of a really remartial shift because up until a few years ago, back in 2012 is when we discovered that we had had an African-American commissioner on the Travis county commissioners court more than 100 years before any of us actually understood. So William H. Holland is

an extraordinary individual with a very impressive resume. He was born into slavery, freed by his father, fought in the civil war on the union side, attended college, served as an educator, a state representative, and a county commissioner. He helped establish prairie view, A&M university, introduced the legislation to establish prairie view A&M university and what we now call the deaf, dumb and blind institute for colored youth where he later served two terms as superintendent. As an aside, that's one of the predecessor institutions to the Texas school for the blind and visually impaired, which is now located just to the south of the street that will bear William Holland's name.

[5:49:02 PM]

What is probably the truest indicator of a person's character and integrity, his friends and colleagues thought very highly of him. After Holland died, one of his friends described him this way. ." Holland never prayed Holland, and every time I came in contact with him, I saw some new and noble quality that I had not before observed." Holland's contemporaries recognized his skill, integrity, service and legacy and I am so grateful that we are considering doing that here today as well. Thank you.

>> Mayor Adler: Thank you. It's been moved and seconded. Without objection, item number 77 as the name change is handed on the dais to be the azie Taylor Morton road. Is that correct? Yours is 78. Okay. 78, azie Morton road. Moved and seconded.

>> Kitchen: Sorry, it's 77. I'm sorry.

>> Mayor Adler: It's item number 77.

>> Kitchen: Yeah.

>> Mayor Adler: Mr. Casar.

>> Pool: We're getting confused. 77 is William Holland and 78 is azie Morton.

>> Mayor Adler: Road.

>> Pool: Yes.

>> Mayor Adler: Councilmember Casar.

>> Mayor Adler: We are moving them together in tandem. Mr. Casar.

>> Casar: So there is one part of context I do want to add before what I think is a really important action. It was earlier last year that I got the chance to meet vice mayor of Carlisle -- and he led that charge alongside the African-American community in response to the massacre by a white supremacist in South Carolina. And he led that charge knowing that he was part of a national movement that was taking a great risk, and emphasis take that great risk and ultimately the white supremacists from all over the country descended upon the city and we know the protests and counter-protests there also at that time just last year led to the murder of Heather Hair but a white supremacist in the city.

[5:51:29 PM]

I say that because it was only three days later and I just want to recognize my colleagues only three days later that I was on the phone with councilmember pool and councilmember kitchen and mayor Adler, three white elected officials in Texas, who were talking on the phone not about shying away from this issue but taking it on and figuring out how it was that we could get the right thing done and to respond to this movement of black folks and especially black young people across our country, asking for racial injustice and asking for as one of our speakers mentioned earlier, the bare minimum to get done as a launching pad to recognize not just the racial injustice in the past but to recognize the real attacks on communities of color happening today. And so I say that to be proud of this moment and this action that's responding to that movement that is actually not just here in Austin but national in scope, being led by community members of color, but we have a very diverse dais and I do want to recognize both the mayor and councilmembers where these streets are being renamed because I think it is an act that has taken too long but I'm proud to be a part of this dais that is working on this issue and on the racial injustice that continues in our city. I hope that this continues to inspire our community for us to take this opportunity to do more and work harder to bring racial justice to our community.

>> Mayor Adler: Thank you. Both items have been moved and seconded. Any further discussion? Those in favor of item 77 and 78 as amended please raise your hand. Those opposed. Unanimous on the dais. Councilmember troxclair gone. All right, council, it is almost --

[applause] Almost 6:00 at this point. Probably best for us at this point to just take a recess for dinner.

[5:53:34 PM]

My guess is we're not coming back earlier than 7:00. We have music and proclamations still to go but let's see how close we can get to that. It is now 5:53 and we are taking a recess.

[Recess]

[6:07:00 PM]

>> Testing 1, 2. Check, check, check. Check.

>> Mayor Adler: All right. We have now gotten to the absolute best part of city council meetings here in Austin, Texas.

[6:09:00 PM]

We are, after all, the live music capital of the world, so only fitting and proper that I think we have only city council

-- I think we are the only city council in the country that stops every one of its meetings, pretty much, to bring a little live music into this hall. If you have been at this meeting since we started at 10 o'clock this morning on our way to probably what will be midnight tonight, you will understand why it is that bringing music into this place is as important as it is. And we have just an absolute treat for us here this evening. We have el tule with us. For the last 15 years, el tule has been honing its unique sound, combining influences of cumbia, reggaeton and, salsa, afro Latin here in Austin, Texas. The history is about art and culture, often focusing on legends and tales of the mystical. The sound el tule brings naturally transcends all cultural and social backgrounds. Their high energy live show has brought them to festivals and venues across the country, including South by Southwest, Viva Big Bend, First Night Austin, Austin City Limits Music Festival 2015, in front of an estimated 70,000 people. Simply, el tule is for those who love to dance, to feel good, and to enjoy the positive expression of music. Please join me in welcoming to city hall, el tule.

[6:11:04 PM]

[Applause]

>> One, two, three, four.

[♪ Music playing ♪]

[6:15:21 PM]

[Cheers and applause]

>> Thank you so much. Muchas gracias.

>> Mayor Adler: ...Even better than that in this place. So tell me, if somebody was watching this here today and they wanted to find Ya, do you have, like, a website or web page or something people can go to?

>> Yes. El tule, t-u-l-e. Just a basic search on the internet will get you where you need to go.

>> Mayor Adler: Okay. And if somebody wanted total some of your music, what would be the best way to do that?

>> Right there on the website and usual culprits. It's out there. iTunes.

>> Mayor Adler: Okay. And speaking of that, what if they wanted to catch your next gig or two here in Austin, where would they find that?

>> So we do a few we go ones. We do [indiscernible] Right down the street the first Saturday, and every second Saturday, we do a Vegas cumbia night. It's getting good. And we have a cumbia festival we're putting together may 19th right over here at baracuda.

>> Mayor Adler: Very cool. .Well, I have a proclamation. Be it known that the city of Austin is blessed with citizens whose talents extend to virtually every genre and whereas our music scene thrives because Austin audiences support good music produced by legends and 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 April 26th of the year 2018 as el tule day in Austin, Texas. Congratulations.

[Applause]

[6:17:44 PM]

[No audio.]

[No audio.]

[6:21:09 PM]

[No audio.]

>> I have a approximate to read. My name is Jimmy Flannigan, city councilmember for district 6. Be it known that whereas, dear Texas provides meaningful ways to educate and encourage reading at every skill level, and whereas dear Texas gets books into the hands of those in need by supporting local libraries and title 1 schools exemplified by donation of over \$25,000 worth of books over the past three years, and whereas they create many programs and events throughout the state of Texas that support readers and writers of all ages, including authors in the park, which brings local authors to local parks to share their work with residents, therefore, I, Jimmy Flannigan, city councilmember, for Steve Adler, the mayor of the city of Austin, Texas, do hereby proclaim April 28th, 2018, as authors in the park day here in awnings. Austin, Texas.

>> Thank you for that. On behalf of the authors, we thank you for this and encourage to you participate in reading as it is a fun thing to do and we do appreciate everybody's support from the community. Thank you.

>> Let's take a photo over here.

[Applause]

>> I'm Delia Garza, councilmember for district 2, southeast Austin, and I'm happy to read this proclamation to recognize national infant immunization week. Be it known that whereas giving babies

the recommended immunizations by age 2 is the best way to protect them from childhood diseases, and whereas it's important to vaccinate children on time, according to the childhood immunization schedule to provide the best protection early in life when babies are have you vulnerableare and likely to be exposed to diseases, and whereas when outbreaks of diseases like pertussis and measles return, and whereas most children vaccinate their children in the U.S., and whereas we have the highest vaccine anyways supply in history, this will be celebrated as part of the world initiation week and world health initiative where all six regions will simultaneously promote immunization, advance equity and access to vaccination services, and enable cooperation.

[6:24:16 PM]

Therefore, I, on behalf of mayor Adler and the city of Austin, proclaim April 27th, 2018, as national infant immunization week. As a mom of a toddler, I know how hard it is to take your child to go in and get those vaccinations, and you just want to cry along with them, but it's important that we immunize our little ones and prevent these diseases that should -- you know, they should never come back. And I also want to say anybody watching, please -- you know, the city provides services that provide free immunizations for infants. If you know a family in need of such services, you can call 311 to get information on where they can go for that. So thank you to our public health department for all you do understand a all our partners to make sure we can provide this much needed service to our community.

[Applause]

>> Good evening. I'm Stephanie Hayden, director of Austin public health. We are very excited to be here this evening to receive this proclamation. Vaccines are very important to public health. These diseases are preventable, as was stated earlier, and we join in with other public health professionals, as well as health care professionals, to be able to administer vaccines in our community. Ultimately, we want to keep our community safe and keep us all healthy, so thank you all for being here with us this evening. Thank you.

[Applause]

[6:26:46 PM]

>> Pool: Good evening, everybody. I'm Leslie pool and I'm councilmember from district 7. It's my honor today to bring the students and the parent who were instrumental in organizing the March for our lives that was last month, and so I have a proclamation. And y'all come on and come stand with me and we'll read this. All right.

Proclamation: Be it known that whereas a mass shooting occurred at marginally Stoneman Douglas high school in parkland, Florida, in which 17 people were killed, around whereas students, teachers, parents, and community members planned marches in 800 U.S. Cities, calling for action on gun control and school safety reform; and whereas approximately 20,000 people joined together at Austin city hall on

March 24th, 2018, and marched to the Texas state capitol to March for our lives and to raise awareness for the need to make changes to gun policy in Texas and the United States; and whereas students organizing the Austin March for our lives event and moms demand action for gun sense in America continue to call on lawmakers to take decisive action and advanced gun control measures, including banning assault-style weapons, therefore, I, Leslie Pool, councilmember for district 7, on behalf of Mayor Adler and the entire city council, do hereby proclaim April 26th, 2018, as March for our lives day.

[Applause]

>> Can I -- okay. So my name is [indiscernible], and I have had the pleasure of organizing the March for our lives with the other students and Chris up here, and when we were first planning the March, we were only expecting maybe 200 students to show up, for it to be kind of small but just to make our voices heard.

[6:28:57 PM]

So the fact that over 20,000 people showed up is just really amazing to us and inspiring. I wanted to thank everyone who was there that day and to everyone who couldn't come, thank you for thank you for your support. This is only the beginning. There is so much more to be done. It's really great to be recognized and see that other people care and want to see change as well, so thank you.

[Applause]

>> Hi. My name is Christine. I'm one of the organizers of March for our lives and also a member of the moms demand action for gun sense in America. And, again, I do like to extend our gratitude and help in all to say people who showed up to help and all the people who tried to help. We had so many people offering to help, we couldn't even keep up. But we are continuing the fight on gun violence awareness and gun violence prevention, and I want to take this opportunity to let you all know that on June 2nd is wear Orange day, and this is a national day of gun violence prevention awareness. We will be hosting our event this year at the Pan American stage. It's from 11:00 A.M. to 1:00. And we plan to have a family-friendly event. We will have information on actions to take to further the movement. We will also have activities for the kids, and there will be music and there will be many organizations there, so you can find a place to help in the movement. This is an important issue, and as we always say, and I know it's very trite, but it's a marathon, not a race. We have a long way to go, but with your help, we can get there. So, again, June 2nd is wear Orange day, is at the Pan American stage from 11:00 A.M. to 1:00 P.M. Thank you.

[Applause]

>> Hi, everyone. I'm Jack, I'm one of the high school organizers of the March.

[6:30:58 PM]

I'd just like to quickly say a big thank you to all the members of city council and the city of Austin for supporting us in our March efforts. We had nearly every member of city council and countless other lawmakers showing their support on March 24th. And we could not have pursued the legislative action that we are currently in the midst of, attempting to get through the state legislature, and through federal legislature, without the support of our lawmakers, and we would like to thank them and recognize their support of our movement. So thank you.

[Applause]

>> Good evening. I'm councilmember Ora Houston from district 1, and I have a proclamation to read. Be it known that whereas Austin and Travis county residents value our natural environment and enjoy living near the wildlands and greenbelts in our community; and whereas wildfire continues to be an ongoing and persistent threat, it is not a matter of if, but when, a wildfire will occur; and whereas may traditionally brings hotter, dryer weather conditions that increase the risk of wildfires throughout Texas and marks the beginning of a heightened wildfire season here and statewide; and whereas the national fire protection association has dedicated may 5th, 2018, as national community wildfire preparedness day; and whereas we call on all residents and corporations to make Austin a fair adaptive community, actions to mitigate dangers to themselves and their property, therefore, on behalf of mayor Steve Adler and my colleagues, we proclaim may 8th, 2018, as wildfire awareness month in Austin, Texas.

[6:33:48 PM]

Who is here to accept this proclamation?

>> Thank you very much. On behalf of the Austin fireplaced and the Austin wildfire division, we'd like to say thank you for joining us in this proclamation. We understand that wildfire is an ongoing threat, and we are working diligently to reduce that threat to our community. We need your assistance and help with that in partnering, so we are currently working to -- through education and outreach efforts to improve the information that we provide to you. Again, thank you very much.

[Applause]

>> Ora Houston, district 1 city council member but I have a proclamation to present on behalf of councilmember Ellen troxclair. The proclamation reads, be it known that whereas ever more austinites are enjoying motorcycling on the roads of our city roads and beloved country, and motorcyclists are comparatively unprotected and more prone to injury or death in a crash than other vehicle drivers; and whereas it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country, and it is the responsibilities of riders and motorists alike to be mind fully -- to mindfully obey traffic laws and safety rules; and whereas all austinites would do well to become aware of the inherent risk involved in operating a motorcycle, and for riders and motorists alike to share a mutual respect as we travel on our journeys together, now, therefore, on behalf of mayor Steve Adler, mayor of the city of Austin, Texas, we proclaim may 2018 as motorcycle safety and awareness month in Austin, Texas.

[6:37:00 PM]

And -- there you are. Thank you so much.

[Applause]

>> Thank you very much, everyone, mayor, councilmembers. In the fiscal year '17, 2016, there was just under 400,000 registered motorcyclists in the state of Texas. That's a lot in one place but that only represents less than one and a half of the total vehicles registered until the state of Texas. So you can go days and weeks without seeing a motorcycle. The point in that one is, we go to make a lane change, pull out of a parking lot, we look out of our shoulder for a car. Not a motorcycle. What we're trying to do is draw awareness to the motorcycles. They're sharing the same road with you, following the same laws. Just take the extra time and look. Some of the highest incident rate happens in intersections. 34% of all reported incidents are happening in intersections in urban areas. 29% of those are from the result of a left turn. Car sitting at the parking lot, pulling out onto the big road, they look, they see a gap, they don't see the motorcycle in between the two vehicles that's sitting there. We call that an involuntary lane change. The guy we change on thinks we're just speeding ahead to get ahead of him, but trying to save a life. So there are things that you can do to draw awareness to motorcycles, in your vehicle. There are natural obstacles built into the car, pillars, headrests, that make it hard for you to do so all your points. Then there's the sticker in the back window, the kids' toys, ball cap, things hanging from the rear view Mitchell, the thing sitting on top of your dashboard, there's a lot you can hide behind. Take the extra time to think about that things unrestrained inside of your vehicle. They make harnesses for the dog now tie them in. That just causes one more distraction, and I cite that from a really good example. Thank you so much for the help. Thanks for the support.

[6:39:02 PM]

Take your time. Motorcycles are everywhere. The last point on it like to make is on phone technology. Leave it in your bag, set it down. What bit of information has got to occur while you're driving your vehicle that can't wait till later? This is one of the leading indicators of incidents with bikes. I had one myself on the way here. We call it doing a lap check. At the red light, head comes up, red goes down. Left turn light is still red but the driver is doing a lap check. Traffic in the through lane goes forward, head comes up, sees peripheral movement, starts going. Back of the bike. So, save the phone. Save it for later. Save a life. I'm a grandfather. I'm a father. I'm a husband. I'm a retired computer technician, and I'm a biker. We're trying to put faces to names to bikes. Thank you very much for your time. Thank you for your support. Appreciate you very much. Thank you.

[Applause]

[6:41:45 PM]

>> Mayor Adler: You ready? How you doing?

>> Good. How are you? Good to see you.

>> Mayor Adler: All right. We have another proclamation. Be it known that whereas, as of 2018, about 93% of all Austin businesses are small businesses with less than 100 employees, and as of 2017 the Austin metro area ranked nationally second in the number of new small businesses started; whereas Austin is fertile ground for launching and growing small businesses because of the many free or although-cost support resources that are available, as well as a local community who faithfully patronizes our small businesses; and whereas this upcoming special week annually recognizes the significant contributions made by entrepreneurs and is being celebrated with free coaching sessions, a myriad of business classes and requested events, and is this year partnering with the Austin public library to offer more classes in more locations; and whereas we urge citizens to show their appreciation this week and every week for the contributions, benefits, and jobs created by our innovative and passionate small business owners and entrepreneurs, now, therefore, I Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim April 30th to may 4th of 2018 as national small business week.

[Applause] And then I want to introduce synovia Robb to come in and talks us.

>> Thank you, mayor. As the mayor said, we in Austin have over 38,000 small businesses, and it is what makes the secret sauce in Austin. Everybody wants to know, what is that secret sauce?

[6:43:48 PM]

Well, it's small, local-owned business. And it is a fact that over 93% of Austin businesses are small. That means they have less than a hundred employees. Our local businesses create jobs and they create that vibe in Austin that makes it unique. We're here to recognize a tremendous accomplishments of our business and are excited about national small business week, April 30th through may 4th. I would like to thank our city council and the numerous other government entities that will provide services to small businesses next week. So to find a full listing of free -- and I will say that again -- free services, please visit us at smallbizAustin.org. Again, five days of free classes from business writing to a legal clinic. So we look forward to you coming out, learning how to start healthy and grow. And thank you, mayor.

[Applause]

>> Mayor Adler: So this is a proclamation that's well-deserved and important not only for the city but for me personally.

[6:45:49 PM]

So before I get to the formal notes of this, I just want to establish my bona fides for presenting this particular award. This is me and lauraine, almost 30 years ago.

[Laughter]

[Applause]

>> Mayor Adler: [Off mic] I've tweeted that picture, about four hours ago, in case you want to find it. So this is a proclamation. I got to know the city of Austin because I got to know Lauraine Rizer. She was my way into the city, and I'll tell you that for the first 25 years or so that we knew each other, we were always on the opposite side of cases. And I knew back then, for that over two decades, how good she was. But I'll tell you that until the last four years being on the inside here as a fellow city of Austin employee, I had no idea just how good you were or how important you were to the city. So I have a proclamation here. Be it known that whereas Lauraine Rizer has provided the city of Austin 28 outstanding years of dedication, exceptional leadership in managing all of the city's real estate needs; and whereas we recognize the numerous contributions made by Lauraine and her department, including the clean water program, named as one of the top infrastructure programs in North America's history by the International Right-of-Way Association, ranked eighth on the organization's top ten list of best infrastructure projects over the last 75 years; and whereas Lauraine has been a member of the International Right-of-Way Chapter, IRWA Chapter 74, for over 25 years, which makes that her very first year, serving as past president, she was selected as one of the top ten women in commercial real estate by the Austin Business Journal in 2012; and whereas amongst her many titles, her colleagues describe her as supportive, focused, knowledgeable, intuitive, committed, talented, and by-the-book straight-shooter, now, therefore, I, Steve Adler, Mayor of the City of Austin, Texas, on behalf of my grateful colleagues, we do hereby proclaim April 2016 of the year 2018 as Lauraine Rizer Day.

[6:49:16 PM]

[Cheers and applause]

>> Wow. Thank you guys. Quite an honor. What the mayor didn't mention is that we've actually been to the Supreme Court against each other.

[Laughter].

>> Twice.

>> Mayor Adler: Go ahead. Rub that in, will you?

>> We won. The city won.

[Cheers and applause]

>> The first thing I'd like to do is, could my staff stand up? Because everything that I've accomplished and done is because of these guys.

[Applause] This is the engine -- the little engine that could, and I couldn't have done it without you guys, so thank you so much for always supporting me no matter what. You know, the city of Austin has given me -- my life meaning in ways that I never could have imagined when I first started here. I've had such a variety of projects and got to meet with so many different people. For instance, earlier today you were

talking about azie Morton. We actually did a condemnation on her. But -- so I got to spend long hours with her, and actually, her house was falling into the creek, and we actually ended up relocating her, and it was a really good relationship, and I got to meet her. So I got to meet a lot of amazing people. And as I'm looking around the room and seeing lots of faces, I'm seeing lots of memories that I'll carry with me forever. Thank you for that.

[6:51:23 PM]

[Applause]

>> Mayor Adler: This is a -- this is a really special award that the city of Austin gives out for distinguished service, and for diligent services and dedication to the citizens of Austin during a 21-year career with the city.

[6:53:32 PM]

Coby Ramirez is deserving of public acclaim and recognition. Mr. Ramirez started as a pipe fitter on February 19th, 1997, with the Austin water department. He joined neighborhood housing and community development, nhcd in November of 1997, and during his tenure at nhcd, his dedication greatly improved the homes and lives of the citizens of Austin. He played a critical role in assisting hundreds of low and moderate income residents through his work and home rehabilitation and repairs, lead abatement, new home construction, and modifying homes for elderly and disabled citizens. Coby managed nhcd's construction services division for the last five years of his career. His management style and leadership not only embodied each of the city's pride values, but his compassion and selflessness created a true atmosphere of pride within his team and within his department. This certificate is presented in acknowledgment and in appreciation thereof, this 26th day of April in the year 2018, from the city council of Austin, Texas. Mr. Ramirez, thank you for your service.

[Cheers and applause]

>> Okay. Thank you, mayor. Thank you, council. I really appreciate this. It's a big honor for me. I also want to thank my family that was able to make it here, my wife, my mother, my brother came to support me. I also want to thank the staff at nhcd. Y'all can stand up, please. Please, come on --

[cheers and applause] We do great work there.

[6:55:33 PM]

We have great people. I also want to thank the management that we have there, directors, I think that's taken our department to good places now, Mandy de mayo, Rosie truelove, here just a little while ago, and Erica -- there you are -- through all for your support, and I really like the direction you're taking the department. I wish y'all well and I think you're going to do great things. It truly has been a labor of love working for the city, especially in this department. As I said in my retirement party, which was a great one --

[laughter]

-- I was born and raised in east Austin, Texas, so to be able to come back and serve people that I know going into these various homes throughout the city, throughout my years, I would run into people that I -- grandparents or parents of friends of mine that I 2020 friend of mine that went to school with, it's a blessing, I just loved it. I thank the staff for your support and wish y'all well. Thank you very much.

>> Pool: all right, I think I've got the last proclamation, and I'm going to declare this month parliamentary law month, and I've got Ronald reed, who is the president of the parliamentarian association.

[6:57:47 PM]

Proclamation, be it known that whereas the national association of parliamentarians has passed a resolution claiming April as parliamentary month, and where is Robert's rules is the most widely used and public parliamentary authority and whereas it is timely to reflect on the importance of parliamentary procedure in meetings and in providing for civil discourse, protecting individual rights, ensuring fairness and in maintaining order, now, therefore, I, Leslie pool, councilmember for district 7, along with mayor Adler and the entire Austin city council do hereby proclaim the month of April as parliamentary law month. Thank you. Here you go.

>> Thank you, mayor, mayor pro tem, city council, Leslie pool. Fully I'm Ronald reed, the president of the Austin parliamentarians, this is Gloria, my very able vice president. The Austin parliamentarians is a diverse group of individuals founded in 1970. We have recently seen four of our unit members become registered parliamentarians through our study group. We invite anyone interested in learning how to hold more effective meetings to join us every third Wednesday of the month at the north village library at 2505 strike avenue. Thank you very much and thank you for the proclamation.

>> Pool: Let's get a picture.

[Applause]

[7:30:56 PM]

>> Mayor adler: all right, council. I think we can go ahead and get started and move some things along. It is 7:30. We're back from recess. We have a quorum present. Still April 26th. As regards item none 12, my understanding is that staff be considered by us today. Indefinitely postponed. Since that was a staff item

it just means we're knots going to consider it until they put it back on the agenda if they ever put it back on the agenda. Item 12. So, council, we have some items that we can consider with councilmember alter gone, and I'm going to propose that we do start with the ahfc, move through that, that we go through the consent zoning so that we can take care of that. We're going to have a motion to reconsider item number 39, so mayor pro tem can have some changes. That gets us then to the muni judge matter, which then public hearings items 79 to 85. That's where we'll start. Let's go ahead and begin. We're going to then recess the meeting of the Austin city council here at 7:32 and we will convene the Austin housing finance corporation meeting. It is April 26, 2018, we're in the city council chambers here at 301 second street.

[7:33:07 PM]

We have a quorum present so you can begin to take us through our agenda.

>> Yes, Rosie truelove, treasurer of the Austin housing finance corporation. We have one item on the agenda today and that's to authorize the negotiation and execution of all documents and instruments necessary to transfer fee simple the property located at the northwest corner of Doris drive and Hathaway drive in district 7, northeast corner of Tannehill lane district 1 from the city of Austin to the Austin finance corporation. I offer it on consent.

>> Mayor Adler: Is there a motion to approve this item on consent. Councilmember pool makes that motion, mayor pro tem seconds it. Any discussion? Hearing none, those in favor please raise your hand. Those opposed. Unanimous with councilmember troxclair and councilmember alter gone. That's all of our business?

>> That is all of our business.

>> Mayor Adler: We are adjourning our meeting of the finance corporation. Sorry you were here so long today. Back at 7:33 in the city council meeting. Greg, you want to take us through consent zoning?

>> Thank you, mayor, council. Our 2:00 zoning items I can offer for consent, first 153, case mpa-2011-0016.04 for consent approval on second and third readings. Item number 54 case C pertain-2017-0140 for consent approval on second and third readings. On your dais, there's a revised ordinance that speaks to removing an access prohibition under part four of that ordinance that was recommended by staff, recommended by the commission, council approved it on first reading and the ordinance after talking with our legal staff was not entirely clear on that point so we wanted to put that in there to make sure it was clear so you do have a revised ordinance on item 54.

[7:35:22 PM]

55, mpa-2017-0016.06 ready for consent approval on second and third readings. 56, c14-2017-0150, also ready for consent approval on second and third readings. Item number 57, these are under zoning

neighborhood planning amendments for public hearings are open and possible action. Item 57, mpa-2017-2001.01, staff is recommending postponement of this item to may 24 agenda. Item number 58 is case npa-2017-0016.03, staff is recommending postponement of this item to your may 24th, we have I think two speakers signed up but they may not necessarily have been aware of the postponement.

>> Mayor Adler: Which numbers was that?

>> Item number 58.

>> Mayor Adler: And what property is that?

>> This is the one at 3232 and 3306 east Cesar Chavez.

>> Mayor Adler: Suzanne la man Saturday and Raul Alvarez are they here? Those are on the consent agenda for postponement.

>> Pool: I had a quick question on that one if I may. On 58, do you have the date for which the planning commission postponed that item to?

>> Yes, I did. That was postponed to June 12.

>> Pool: But we will take it up on may 24? That's my question? Should we take it up after the planning commission sees it June 12?

>> I would agree so we would probably end up suggesting that that would -- I think the first meeting you have after that Dade would actually be June -- you have after that date would actually be June 14. You could put it on the 28th.

>> Pool: The 28th, I would suggest that to give us more than two days.

>> Staff would also recommend the accompanying -- excuse me, let me continue, item 59 is npa-2017-0016.05, staff postponement to may 24.

[7:37:34 PM]

This was also postponed by the planning commission. They postponed it to may 22. We have one speaker has also signed up on this item, mayor. Staff would probably end up postponing -- recommend postponing this to the 6/14 meeting since it's only two days --

>> Mayor Adler: Suzana again, she's not here. This will be postponed to when?

>> Suggest six Santa Rosa 14 given that has been postponed by the economics to 5/22.

>> Mayor Adler: 58 postponed to 6/28, 59 postponed to 6/14. 57 postponed to when?

>> Pardon?

>> Mayor Adler: 57 postponed --

>> 57, that was a postponement --

>> Mayor Adler: Still may 24?

>> 5/24. No, that was one also postponed by the commission to 6/12 so we would suggest 6/28 for that one as well.

>> Mayor Adler: Okay.

>> Item 57 postponement to June 28, since the commission postponed it --

>> Mayor Adler: 58 to June 28 and 59 to 6/14? Okay? Proceed with item 60.

>> Okay. Item number 60 then is c14-2017-0106. Staff would recommend a postponement of this item to your agenda of June 14 for item number 60. And then, again, we have one speaker, my guess it's probably Suzana Almanza.

>> Mayor Adler: It is and she's not here. Okay. Postponed.

>> Let me continue. Item number 61, npa-2017-0016.02. I understand that councilmember Renteria would like to speak to this item, I think both the applicant and the neighborhood agreed to postpone this to May 10.

[7:39:36 PM]

>> Renteria: In this sense I'm fine. I just got my glasses on. I was blind here for a little while.

>> Mayor Adler: 61 and 62.

>> Renteria: 61 and 62.

>> Mayor Adler: Both applicant and the neighborhood are -- want to postpone until May 10.

>> Renteria: Correct, yes, I want to postpone.

>> Mayor Adler: Okay. All right. 61, 62 postponed to 5/10 is on the consent agenda.

>> Correct. Item 63, c14-2017-0149. I understand councilmember Houston may have an amendment to this case.

>> Houston: I'd like to have this on first reading only and then hear it again on May 24.

>> May 24. Okay. And then let me then continue. Item number --

>> Mayor Adler: The parties are okay with that? My question is should it go on consent or do we need to pull that? Applicant is fine with that?

>> That was Richard Suttle. Item 64.

>> Mayor Adler: Wait. 63.

>> Item 63, Richard Suttle I think was speaking on behalf of the owner, item 63, agreed to go first reading and coming back May 24.

>> Mayor Adler: Right. So there's no opposition to that?

>> Renteria: Mayor, excuse me.

>> Mayor Adler: Sorry.

>> Renteria: What was the discussion on the 59?

>> Mayor Adler: We haven't gotten to 69 yet.

>> Renteria: 59.

>> Mayor Adler: 59 postponed to June 14, planning commission postponed. Stay on 63 here for just a second.

>> Houston: And, mayor, I hear somebody who signed up to speak. Did pinaki Ghosh sign up to speak.

>> Mayor Adler: Yes. Pull that one?

>> Houston: Mm-hmm.

[7:41:37 PM]

>> Mayor Adler: Would you rather pull it and have it postponed?

>> [Off mic]

>> Houston: I said first reading only.

>> Mayor Adler: Councilmember Houston is recommending that it get approved first reading only and pulled back for discussion on may 24.

>> I'm out of the country so I would like to --

>> Mayor Adler: We'll go ahead and pull that item so you can speak on it.

>> Item number 63 is discussion.

>> Mayor Adler: Okay. Item number 64, c14-2017-0121, staff would offer this for consent approval on all three readings. 65, c14-2018-0017, staff would offer this for consent approval on all three readings. Item 66, related also to item 85, this will be discussion. I note that there's some amendments that staff would like to offer. I think there's some amendments that council would like to offer on this particular item.

>> Mayor Adler: 66 will be pulled.

>> Yes. Item number 67, this is case c14-2018-0018, staff would offer this for consent approval on three readings.

>> Mr. Guernsey or Mr. Mayor, I haven't had a chance to -- I hope we let you know we may not have -- this is recent. We've had questions from institutionalize I'd like to pull it because -- from neighbors so I'd like to pull it because I had some questions.

>> Mayor Adler: Which number? 67?

>> Kitchen: 67, yeah.

>> Awhat does that mean?

>> Mayor Adler: That means we're not going to approving it on the consent agenda, and call it up as an individual item for members to speak on.

>> Thank you.

>> Mayor Adler: Mm-hmm.

>> Item number 68, case c14-2018-0009, staff would offer this for consent approval on all three readings. Item number 69, c14-2017-0123, I understand councilmember kitchen would like to offer an amendment to this case.

[7:43:47 PM]

I'll skip that. It will be a discussion item. Item number 70, case c14-2018-0006, I understand councilmember Flannigan would like to discuss this case. There are five restrictive covenant items related to case 70 but I believe we could probably still offer all five for consent.

>> Mayor Adler: Mr. Flannigan, did you want to pull 70 or just comment on it?

>> Flannigan: I think it's more of a discussion item than just a comment so --

>> Mayor Adler: We'll pull 70. Go on to 71.

>> Items 71, 72, 73, 74 are restrictive covenants that relate to that same property, but I believe that everyone is fine offering those for approval.

>> Flannigan: I don't have any issues with those but as a matter of procedure it's probably better to pull them all at once and approve them all at once.

>> Mayor Adler: Pull items 70 through 74.

>> Item 76 is also a discussion item so I will not offer that.

>> Mayor Adler: Who is pulling that?

>> I believe you have some speakers that may have signed up for this one.

>> Mayor Adler: Yes, three speakers. Okay. So the consent agenda is items 53-67 but what's being pulled -- through 76, what's being pulled is 63, 67, 69, 70, 71, 72, 73, 74, 75, and 76.

>> Correct.

>> Mayor Adler: Is that correct? Is there a motion to approve the consent agenda?

>> Pool: Question.

>> Mayor Adler: Councilmember pool.

>> Pool: Did we also -- I missed on this one, item 66 was related to 85. Was that pulled or did you just -- there was a staff amendment?

>> 66 has been pulled for discussion.

>> Pool: Okay.

>> Mayor Adler: 66 has been pulled.

[7:45:47 PM]

I did not read that off. Thank you. Being pulled are 63, 66, 67, 69, 70, 71, 72, 73, 74, 75, 76. Okay. Motion to approve the consent agenda? Ms. Houston makes the motion. Is there a second to that? Councilmember Garza seconds that. Any discussion? Mr. Flannigan.

>> Flannigan: I'd like to be shown voting no on 56.

>> Mayor Adler: Okay. Any further discussion? Those in favor please raise your hand. Those opposed. The consent agenda is approved unanimously subject to Mr. Flannigan's note. Councilmembers troxclair and alter are off the dais. Item number 39, mayor pro tem, you wanted to reconsider that item to add some changes?

>> Tovo: Yes. So I distributed this earlier on the dais and as I mentioned I neglected to pull it to read into the record the amendments. So --

>> Mayor Adler: Okay.

>> Tovo: I distributed this morning. There's green text highlighting the passages that are new. Let me motion to -- I'm going to move to reconsider item 39.

>> Mayor Adler: There's been a motion to reconsider item 39. Is there any objection to that? Hearing no objection, it's -- we're now reconsidering that.

>> Tovo: I'd like to move --

>> Mayor Adler: Do you want to make a motion?

>> Tovo: Yes, I'd like to move passage of the version I distributed this morning with the green text highlighting the changes. As I mentioned these are changes that came around as a result of a conversation that my staff had with union pacific.

>> Mayor Adler: Okay. Is there a second to this item 39 with the changes made? Councilmember pool makes the second. Any discussion?

[7:47:48 PM]

Those in favor please raise your hand. Those opposed. It's unanimous on the dais. Number 39 passes on consideration. What about the muni judges, item number 87? Mr. Flannigan, you want to make a motion?

>> Flannigan: Let me pull it up here. So there's an ordinance in backup, so I will move approval of the draft ordinance of item 87, striking the name "Mark prior" from the ordinance.

>> Mayor Adler: Okay. Item number -- Mr. Flannigan moves item number 87, strike that one name from the materials in backup. Is there a second to that? Mr. Casar seconds that. Any discussion? Mr. Flannigan.

>> Flannigan: So just to let the community know, this is the second phase of the appointment of our municipal judges. We are adding some very talented and experienced folks to the bench. This concludes effectively our municipal judge appointment process. There were so many good, strong, talented folks that applied, and I want to thank all of them for participating in the process and our review panel for doing such a stellar job reviewing and providing the council the judicial committee with councilmembers Casar and Garza and pool joining me in that effort and I'm very thankful to the mayor for recommending my chairing the judicial committee, being able to lead this effort and I think it's been very successful for the city.

>> Mayor Adler: Okay. One speaker signed up, Mr. Pena. Is Gus Pena here? He's not here. Any further discussion? We only read the name that was going to be stricken from the names listed in backup. Okay. Those in favor please raise your hand. Those opposed. Unanimous on the dais, again, with councilmembers alter and troxclair off.

[7:49:53 PM]

That takes us to the municipal judge. That gets us to public hearings. Before we do that we have council here to speak on the codenext petition item, number 90, and the question was do we want to take his testimony, the attorney who is here?

>> Kitchen: Is that not one that councilmember alter wanted us to wait on.

>> Mayor Adler: She said she was okay with us taking testimony but making sure we didn't take votes. In fact my sense is she would rather us move through as much of the stuff as we can before she comes back. It's just someone -- counsel that we're paying to be here so I thought we might just call them up to explain to us. So I'm going to call item number 90 for that purpose. I'm going to bring up counsel on item number 90, which is the question of the petition. There was a memorandum you had written, Mr. Heath, that somehow or another made it into the public domain so there's no privilege associated with that right now. So without waiving any privileges in speaking to the matter that was made public, can you walk us and the community through your recommendation?

>> Yes, sir. And I certainly understand that when you have a petition submitted under a process provided in the charter and it's signed by thousands of citizens that that's something the council takes

very seriously. However, our legal analysis is -- and our legal advice is that a comprehensive rewrite of the land development code is not a topic that can be included in a citizen-initiated petition.

[7:51:58 PM]

The state law in cases interpreting state law in Texas dictate that zoning ordinances have been withdrawn from the initiative process. The supreme court almost 100 years ago said initiative in referendum do not apply when state law or charter provisions provide inconsistent procedures for passing an ordinance. About 50 years ago, Texas appellate court specifically said that zoning, because of the statutory requirements for notice and hearing that have to be complied with before you pass zoning ordinances, is outside the scope of initiative and referendum and that you can't hold an election to pass anything -- any sort of zoning ordinance. As a result, in 2003, just to summarize -- or a court, Texas court, appellate court, summarized the law by saying the Texas case authority historically prohibited the use of initiative and referendum with regard to zoning. Therefore, the petition that you have before you while properly validated by the city clerk contains an law you are unable to adopt and that you are not authorized to put to the voters for an election. Now, obviously article four of the Austin charter reserves people the power of direct legislation by initiative and allows people to propose any ordinance that is not in conflict with the charter, the state constitution or state laws. Qualified voters gather the required number of signatures of individuals who want to initiate a city ordinance, they provide the petition with proposed ordinance to the city clerk.

[7:54:04 PM]

The clerk is required to verify the signatures and certify that the petition is valid. Petition is valid and the clerk has indicated a sufficient number of signatures were attached. The charter requires that when the council receives an authorized initiative petition certified with the city clerk, the council must either adopt the ordinance exactly as set out in the petition or the council is to order an election for the voters to decide whether or not to adopt the ordinance. The problem here, though, is that state law dictates specific procedures set out for a city to adopt zoning regulations. And initiative and referendum are not consistent with the statutory procedures and the Texas courts have repeatedly held that zoning decisions, zoning ordinances are withdrawn from the initiative process. Under multiple decisions of Texas state courts, the subject of the proposed ordinance in the petition is one that has been withdrawn from initiative and referendum. Now, there are other legal deficiencies in the ordinance proposed by the petition, but the clearest legal impediment is the very consistent state law that zoning is not subject to an election.

>> Mayor Adler: Would you please introduce yourself protective order?

>> Oh, I'm sorry.

>> Mayor Adler: That's okay.

>> My name is C. Robert heath, I'm with the firm of bicker staff heath here in Austin.

>> Mayor Adler: Okay. Thank you. Any questions? Thank you very much.

>> Thank you.

>> Mayor Adler: All right, council. Let's go ahead and do the items that we have skipped over.

[7:56:12 PM]

I have the zoning cases and the public hearing cases. Let's do the zoning cases that have been pulled. Then we'll do the public hearing cases. Let's begin with item number 63. Was that one pulled? I think so. Mr. Guernsey?

>> Thank you, mayor, council, item number 63, c14-2017-0149. This is property located at 5521 spring Dale road, approximately a 6-acre tract of land. The applicant is proposing approximately 215-230 units. The staff and the commission recommended gr-mu zoning and it was approved on consent by the planning commission on a 12-0 vote. I think in this particular case councilmember Houston, I think, had asked for a delay on this, and Mr. Pinaki Ghosh is here and signed up to address you.

>> Mayor Adler: I'll give the applicant the first chance to speak here. Somebody will have five minutes and then we'll ask Mr. Ghosh, give him a chance to speak.

>> My name is Richard Suttle, here on behalf of the applicant. In the interest of time since this will be back in second reading on the 24th I'll withhold my comments for now

>> Mayor Adler: Mr. Ghosh, you want to come up and speak?

>> My name is pinaki Ghosh. I am speaking for this, not on behalf of the contact team.

[7:58:15 PM]

I am speaking as a citizen and about my concerns. So the important word here is entitle. We are giving somebody \$7 million worth of entitlement. And what is the number of jobs created? Zero. What will [indiscernible] be getting? Zero. What will be the money? \$200,000. If you invest \$7 million, would you really agree to that return on investment? That's a terrible return on investment. That's awful. But we are giving somebody an entitlement of \$7 million. We are focusing on our hike and bike trail, but please forget that we are looking at this park, which is a crown in the -- a jewel in the crown in our whole area. But let's look a little bit deeper. The proposed land is a gateway to a 206-acre park, which has very few gateways. There is an opportunity here to develop both retail shops and houses. It is on a large thoroughfare called Springdale road. Think about how many stores you have on the gateway to Zilker park, how many restaurants you have. And if you go down this entire area, there are two or three gas

stations, other than that, people have no place to buy anything. But there is also a bigger problem that has not been mentioned here. Next to it there is another development called

[indiscernible]. Somebody came to speak to us about the amount of crime.

[8:00:16 PM]

There is no job. It's low-income housing. Somehow we have to combine all these solutions together to provide a good urban dynamics, like we choose to design for Chicago projects. So the funnels -- there is

-- so the fundamental -- there is one more thing. We converted 950 acres down this corridor for high density housing. You are a signatory to that. And now there is one little portion which belongs to our charge, and I promise you, god will not get foreclosed if we -- charge, do not get \$2 million extra. We converted 990 acres, which is 1.5 times the size of Mueller, without any infrastructure --

[buzzer sounds]

-- And now we are trying to convert this little piece of land which we can build commercial, also into high density housing. Can I take one more minute?

>> Mayor Adler: Finish your thought.

>> Okay. This doesn't match with our contact team's goals. I need shops. I need commercial centers there. But I can leave -- house on top of it. We can have those also. Thank you.

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

>> Mayor, members of council, this is a case that went through the planning commission by consent and has staff recommendation. The issue that's been discussed is whether or not going to mu like that which is next-door to us and down the street would necessarily have commercial on bottom and residential on top. My client has it under contract from a church, and his goal is to build more housing. Right now, the discussion -- I'm sure we'll have some more discussion with Ms. Houston -- is whether or not we -- is there a way to do any kind of commercial mid block along Springdale, and I think that's what we're looking at discussing between now and second and third reading.

[8:02:29 PM]

I'd be happy to answer any questions you might have about that.

>> Mayor Adler: Okay. Thank you. Ms. Houston, you want to make your motion?

>> Houston: I move adoption on first reading only.

>> Mayor Adler: And post- -- it's not actually postponing because you're --

>> Houston: I mean first reading and come back on --

>> Mayor Adler: May 24th.

>> Houston: May 24th. I thought I did that already.

>> Mayor Adler: Is there a second to this motion? Councilmember pool seconds. Is there discussion? First reading only. Those -- close or keep open the public hearing?

>> Houston: We'll keep it open.

>> Mayor Adler: Okay. Those in favor, please raise your hand. Those opposed? Unanimous on the dais with troxclair and alter off. So we'll come back on the 24th to have that conversation, apparently. All right. We have an item I'm going to pull in here out of place because again, we have outside counsel here. If you look at item number 79, I see no one has signed up for this public hearing. We have an outside counsel with us. So I call item number 79.

>> All right. Good evening, mayor and councilmembers. I'm Rhonda Hawkins, telecommunications and regulatory affairs officer. This item is in regard to center point energy's statement of intent to increase rates that it filed with the city and other affected cities in their south Texas division to increase its system wide annual requirement by approximately \$490,000 and a 12-month surcharge to recover approximately \$675,992 and expenses it incurred related to hurricane Harvey, the restoration costs.

[8:04:33 PM]

Center point filed this application also with the railroad commission on the same date. Center point has approximately 800 customers there in southeast Austin, primarily in the good night ranch area, district 2. We coordinated review with the filing with other municipalities as part of the alliance of southern municipalities, south Texas division. Through this coalition, we engaged special counsel and rate consultants to review center point's application to increase rates. At the conclusion of an extensive review and negotiations, which included railroad commission staff to explore the possibility of a non-litigated outcome, the parties were successful in reaching an agreement on a proposed settlement that decreases center point's revenue which reduces by 5% in annual non-gas revenue. In addition, further reduction of approximately \$735,000 to be implemented within the next 18 months caused by the recent reduction in federal corporate income taxes from 35% to 21%. So the impact of these changes will reduce the fixed monthly customer charges. For residential, decreased from 23.24 to \$19. General service small customers, decrease from \$38.87 to \$25. This results in a decrease of about 5% in monthly customers bills. If the city approves reduction and rates, the decrease would go into effect about may 22nd, which is also the date that the railroad commission is expected to consider the settlement agreement. Our coalition's special counsel, consultants, and city staff recommend approval of the ordinance and the corresponding rates. That concludes my comments. Thank you.

>> Mayor Adler: Okay. Is there anyone here to speak on this item? Apparently not. Is there a motion to close the public hearing?

[8:06:37 PM]

Mr. Renteria makes the motion to close the hearing. Second to that Ms. Pool seconds that, any objection? Public hearing is closed. Any discussion on this item? Is there a motion to approve it? Ms. Pool makes that motion, seconded by Mr. Renteria. Those in favor, please raise your hand. Those opposed? Unanimous on the dais, with troxclair and alter gone. Thank you.

>> Thank you.

>> Mayor Adler: Okay. Let's pull book into the zoning items. That gets us, I think, to item number 66.

>> Thank you mayor and counsel. Greg Guernsey, planning and zoning. C814--2017-0001, for property located at 4025 west Riverside drive. The property I have the is about 63,000 square feet in size. The proposed zoning is a planned new development. It had come to you after some discussion that we had on first reading. You might recall counsel approved the planning commission recommendation on a first reading vote of 9 to 0 with some additional direction of staff to increase the affordable units to 12%. And determined they were able to work with the community development corporations to establish or accomplish affordable housing goals within the south central waterfront, allow public access to the green roof, process the adoption of the south central waterfront regulating plan as separate from codenext, and it is making its way through review right now, and the applicant should petition the Austin -- downtown Austin public improvement district for inclusion. As I noted when we introduced this case earlier, there is an item on your agenda, it's item number 85, which is a public hearing regarding the Austin downtown public improvement district adding this parcel into that.

[8:08:52 PM]

Staff does have some amendments that you have on your dais that are in yellow, and I can address those. They have item number 66 at the top. The first one addresses environmental landscaping that would allow for potable or reclaimed water to be used for irrigation within water quality controls, that's item number 1. Item number 2, the applicant is agreeing to the commercial design standards or something known as subchapter E in our code for exterior lighting, so that's going to be basically compliant with current code requirements. A part under 2b, that the modification to waive design standard for buildings within the Riverside pud, except that all building glazing systems shall have a 25% maximum exterior visible light reflectants and glazing systems, a minimum light transparency value of .6. Then finally a transportation, new part of the pud, under schedule C, the off-street loading requirement, table a is modified to require two off-street loading spaces that are at least 12 feet by 45 feet wide. I understand -- I understand mayor pro tem tovo has some additional amendments. I don't know if there's some comments from the applicant's agent, Richard Suttle here, representing the owner.

>> Mayor Adler: Okay. Let's get a motion on the table. Is there a motion to approve the base motion with the amendments that staff has laid out? Mr. Renteria makes that motion. Is there a second? Mr. Flannigan seconds that. So the motion is now before us.

[8:11:00 PM]

Mayor pro tem tovo, do you want to say what your amendments are before the speakers speak so they can respond to them?

>> Tovo: Yes. The first -- yeah, I can talk a little bit more about this, but -- so I know that this development is not proposed to include housing, but, you know, as we all know, market conditions can shift, and in the event that housing does become the use on this side, I want to be sure that there will be on-site affordable housing. So there is a provision within the pud to make sure that that happens. And so the levels -- so two of my amendments apply to that. The first would amend the multifamily rental housing part to change it from 10% to 12%, which is more consistent with the regulating plant -- with the south central waterfront plan, and it would change the mfi from 60% to 50%. Likewise, in the owner occupied housing, change from 5% of the units being rental to 12%. That's the last change on that.

>> Casar: You said rental. You mean snarf.

>> Tovo: Yeah. Yes. Uh-huh, 12% affordable. Thank you. So those are two of the three changes. The other is a little bit different. So right now the housing funds would be -- would go to the affordable housing trust fund -- I'm sorry, then there's one other change and it would change from -- so right now, as the pud ordinance is drafted, the housing funds that are generated would go to the affordable housing trust fund and be reserved for a period of five years to be used within the south central waterfront overlay district. My third amendment changes it from five years to ten years to give that district more time to develop because housing may not come on line here in the next several years. Ten years seem more appropriate to that. After that point, it would still be used for housing, it just wouldn't necessarily be restricted to the south central waterfront regulating district.

[8:13:05 PM]

The other -- the other measure, though, would allow for those housing funds to be spent in a slightly broader geographic area than the south central waterfront overlay. As we talked about at the first hearing, there is a community development corporation that had previously been focused strictly on the -- within the boundaries of the Bouldin creek neighborhood. It's now sort of more regional, it still includes other neighborhoods. I see potential for them to do work in that area. They reconstituted their board. They're determined to invest in affordable housing or other kinds of things, like provide property tax exemptions or other things that have been discussed, and so that's one possibility. But also, you know, I think likely there may be opportunities to do some affordable housing preservation within -- potentially within the waterfront, within the south central waterfront district, but more likely within the boundaries that extend a little bit beyond. So, again, that's -- my amendment would extend

--the availability of where those funds could be spent is -- I'm sorry, we have been here a long time. I'm stumbling over my words. It would extend the possibility broader than the waterfront district. I will note

I'm going to be suggesting -- I would ask for clarification on the motion. I don't want to pass this tonight on second and third reading. I would ask that we pass it on second reading. I think there still are a couple points that I would like a little more time to talk about, and one of those is just to look at the balance sheet and go over those -- go over the credits a little more carefully between second and third reading. And that's the -- that's the substance.

>> Mayor Adler: Okay.

>> Tovo: -- Of my amendments.

>> Mayor Adler: Okay.

[8:15:06 PM]

Let's go ahead and get to the public testimony. Mr. Suttle is the applicant. You have five minutes.

>> Again, in the interest of time, my name's Richard Suttle and I'm here on behalf of the applicant. We're okay with all those amendments. The percentages and the affordable housing and the thresholds are fine with us. Where the money gets spent, I think that's in your bailiwick. We have one issue that on third reading, I just want to give you a head's-up that we may be coming to you on this. During the process of the south central plan, we have power lines that are above ground along the side of this site, and they go on down past the Butler Center and all. And we had agreed early on that those should be buried. When we agreed that they should be buried, we also agreed that we would pay for them to be buried, which is a very expensive proposition. What we didn't anticipate was that the Austin energy folks would come back to us and say, good deal, I'm glad you're burying them, glad you're paying for it, but you're also going to give us quite a bit of your land outside of the right-of-way to bury these things. We were not anticipating that. There is one calculation that it's potentially a million dollars' worth of land that they want us to add to the right-of-way to bury these power lines. We're going to try our best to work it out with them. We have tried and they have been less than amenable to discussing this, but it just made sense to us, when we agreed to bury those power lines, that that would be within the city's right-of-way. We have a plan for doing that, and it's a plan that they don't agree with. So between now and third reading, we'll come back to you with a report on how that is. But if they stand strong, and the only way to bury those lines is if we put them on our property, I'm going to be asking the council to not make us bury them because they want 20 by 22, 20 by 20-foot switch gear stands, plus some extra easement, and it just doesn't make sense. I mean, it's a lot of property, especially when you're looking at a small triangle.

[8:17:21 PM]

And especially, we don't even pull our power off the lines that they're asking us to bury. So with that, I thank you for your amendments, and I hope that this passes on second reading, and we look forward to seeing you back next meeting. Thank you.

>> Mayor Adler: Is Ingrid Wygant here? And Gretchen Otto is on deck.

>> Mayor and councilmembers, I'm here to represent the south central Austin community development corporation. I know it's a mouthful. It used to be the Bouldin CDC. It's barn hills, Bouldin, Galindo. We're united in our goals for more affordable housing in the city. It's easy to shove affordability to the outlying areas of the city but all of us know we need it in the inner city. So we're here to support the affordability goals of the Riverside pud, and we're also here to support the amendments that councilmember tovo proposed. Mainly, we would like to -- we would like to support ex panded the radius of where the money can be spent, just in case it cannot be spent within the overlay area. We would rather not have the money go away just because it cannot be in this very precise area, so give a radius of maybe an additional two miles, I think it would be more certain the money does get spent in south central Austin. We would like also another five years to make it a total of ten years for the money to be spent before it reverts back to the general housing fund because all of us know how long it takes to get projects off the ground. So we are here to support those amendments, and we also would encourage you to expedite the process of set up the fund and set up the process of how those monies will be spent, and we hope to be able to work with your staff and continue to have input in how the money is spent in our neighborhoods.

[8:19:32 PM]

Thank you very much.

>> Mayor Adler: Thank you. I have a question, and I don't know if it's to you, and I don't know if it's to you, Greg, or to staff or to -- and I don't know who's appropriate to answer this question so I'm just going to throw the question out there and whoever it is. The original deal had 10% as opposed to 12% of residential units being affordable. Income was originally at 60%. The amendment lowers it to 50%. And I'm just -- I want to know where the original numbers came from. And if Mr. Suttle is agreeing to those changes because he has no intention of building any residential there. I guess I'm just trying -- because if -- 12% is better than 10% and 15% would be better than 12%, and 60% -- 50% is better than 60% and 25% would be better than 50%, and I don't know -- I mean, the numbers I'm talking about are -- we say at least 10% of the homes have to be affordable. The amendment takes it to 12%, which is better. But it would be better if it was 20%. And we say we're trying to reach down to affordability, to people making 60%, mfi, taken to 50% mfi is great, but 25% sounds like it would be even better than that. I just want to know where the numbers were that were originally set and why we think that these changes to the numbers would be -- would be appropriate but not going any further than these numbers.

>> Regarding the numbers in general, 10% is usually a bar that we would ask for affordable housing that would come forward to you on an application of this type. And the levels of 80% for actually ownership and 60% are ones that, you know, certainly we would think would be reasonable.

[8:21:39 PM]

It's something that we actually are looking for under codenext. But it is something that we've worked with nhcd on as numbers that we would bring forward. I think when this pud was originally submitted, I think there were 10 units, if I recall right, that were proposed to be developed on this property, and I believe that the application has been amended now, that there are no units actually proposed at this time, but it wouldn't preclude that in the future. I'm not sure about negotiating to 12 instead of 10, and from 60 to 50, but I understand that Mr. Suttle is agreeable to moving forward at some point in the future, if you do decide to do some residential on this property, that they would meet those, and that they're not that far off, depending on how many units that they are proposing to get 2% more and 10% lower median family income.

>> Mayor Adler: So I still have the same question, and I don't know if Mr. Suttle is agreeing to it because he has no intention of doing residential, and if he wanted it doubled, he might agree to that too. And manager, at some point, some people -- there was some discussion about bringing on to staff an additional fte that would be an economist that would help us be able to calibrate these things because it just seems as if there would be a right answer and that calibration should occur yearly to make sure that we're getting the fullest extent of what we could get, but still in a way that ensures that it would be taken. And for me, I hope that's something that you would consider as part of this budget, would be having that competence there. Because we've approved a lot of things that are 10% and 60% for rental and 5% and 80% for home ownership. And if we should have been asking for 12 all the time, I want to know why we haven't been doing that. It just -- the numbers at some point just seem to be almost arbitrary, and I would think that they shouldn't be arbitrary, they should actually be related to something.

[8:23:47 PM]

You want to address that, and then we'll come back?

>> I can explain a little bit of it. So this project originally, when we came in, we did have some residential, small amount of residential, and as it started out, it was going to be 10% of 10, which would have been 1, and we'd offered that up at 50% mfi, and it was viewed as being too cute. So we took the residential off because the value was higher on a project to pay the money into the affordable housing trust fund and not do the ten units residential. But as part of the pud thing, we had offered 50% because that was a deeper affordability. But it was only going to be one unit.

>> Mayor Adler: It was one unit.

>> One unit so that got to be silly. The 12% comes from, I believe the plan calls for 12% within the district. We had offered 10 as part of the pud but mayor pro tem had said, well, there's 12 under the south central plan. We agreed with that and said -- but in the end right now, we don't propose residential on this project. In the event this office project doesn't go, though, and it becomes residential, then the new requirements would kick in.

>> Mayor Adler: Okay. So rather than having to spend a lot of time here debating that issue, between second and third reading, I would like to have a better feel for how it is that we set those percentages so

that I can feel like I'm voting for something that makes sense for this, whether it be these numbers or more or less, just to know. Mayor pro tem.

>> Tovo: Just need to make one clarification, and it is that the south central plan sets as its goal 20% of the housing in that area to be affordable with 12% being the goal for private development, so that's -- I mean that connects with what Mr. Suttle said about that's why this is being changed from 10% to 12% because the expectation was, based on the plan, that there would be a 12% -- percentage -- 12% contribution.

>> Mayor Adler: Was that both --

>> Tovo: Allocation.

>> Mayor Adler: Was that both for rental and home ownership?

[8:25:49 PM]

>> Tovo: Yes, I believe so. I'd have to go back and check.

>> Tovo: 20% each or cumulative?

>> Tovo: Overall, I believe. We can go back and check but they did for the plan, so this would be the source of the 12%.

>> Mayor Adler: My question is 20% for each or cumulatively because I don't know if the cost for residential unit ownership is the same as the cost for a rental unit. I just don't know.

>> Tovo: If I understood your question, it was 20% of the housing across the whole district.

>> Mayor Adler: Okay. So then I would want to know, but we're not calling out a cumulative number here. We're calling out a goal in each section. I just want to make sure that makes sense to do when we have only a cumulative goal that's set in the plan. I just don't know, but I have a question between second and third reading on those issues.

>> Mayor, I failed not to mention, I don't know if you want to handle it at the zoning stage or pid stage, but you have item 85, it's the pid that's related to this. I don't know if you wanted to wrap it all up or not.

>> Mayor Adler: My sense is to postpone on 85 until third reading of this item. That's what counsel is advising us.

>> That's fine with us. We would want the pid effective on the date of third reading, not before.

>> Mayor Adler: So we'll postpone 85, let that come back to us at the same time third reading comes back to you. Mr. Flannigan.

>> Flannigan: Just to daylight that I have the same questions about how we set these numbers as you had, mayor, just so staff can hear it from more than one person on the dais.

>> Mayor Adler: Okay. All right. We have -- we have one more person to hear from. Gretchen hutham.

>> Good evening. I'll be brief. I know you guys have been here for a really long time. My name is Gretchen Otto. I'm the immediate past president of the south citizens, and also on the board of south Austin CDC.

[8:27:57 PM]

I'm here to reiterate what Ingrid said, that we support the amendments that mayor pro tem tovo is bringing forth. We feel that it's important to extend the amount of time that this money will be restricted in order to make sure we have opportunity to use it in the plan area or immediately outside the plan area. And five years just seems like too short of a window. So we appreciate your time and all the work that you do for our city. Thanks.

>> Mayor Adler: Thank you. The mayor pro tem moves her three amendments. Is there a second to those three amendments? Councilmember kitchen. Any discussion? Those in favor of those amendments, please raise your hand. Those opposed? They're added. I'm sorry, mayor pro tem.

>> Tovo: Yeah, I just want to do make one comment. I did have some discussion with housing, and I think we probably won't move in this direction. We had initially wanted to have a direct allocation for the CDC, and that doesn't appear to be possible, but I probably on third reading will add some language about directing housing to work with the CDC to see if there are any eligible projects within the area. The other -- the other thing that came out in our conversations about the current programs is that we -- while we have programs to assist -- assist individuals with the cost of rental housing on monthly basis, we don't have something similar for homeowners. I just wanted to signal that I'm interested in exploring that as an opportunity. I'll probably be bringing forward an ifc to ask our staff to look at developing programs that could support homeowners in meeting some of their costs, again, as a way of trying to keep people in their homes.

>> Mayor Adler: Thank you. It's been moved, this item number 66 has been moved and seconded to approve on second reading only, these three amendments have been added.

[8:30:00 PM]

Any further discussion? Those in favor, please raise your hand. Those opposed? Passes unanimously on the dais, with councilmembers troxclair and alter off. Colleagues, item number 11 is the committee work. I had suggested earlier that we consider postponing that rather than trying to draft that from the dais. Staff has asked me to make that decision now so some of the people can go home. My sense is we're going to be here late without having to draft that from the dais. That said, then 11 is going to be postponed, so whoever is watching this on the TV can let the staff know that. Mayor pro tem moves to postpone item number 11. Any objection? Hearing none, item number 11 is postponed. 85 --

>> Tovo: Move postponement.

>> Mayor Adler: Mayor pro tem moose also to postpone 85, so it follows with the item we just did. Any objection to that? Hearing none, 85 is also postponed.

>> And on number 85, which was related to the item we did just now on 66 --

>> Mayor Adler: Yes.

>> -- Was there a suggested date for which to come back on 66 for third reading consideration, for which we can then postpone 85 to a specific date?

>> Mayor Adler: I'd say as soon as you can, once you've had a chance to work through those issues.

>> So the suggestion, I guess, is may 10th, then we would have a specific date for third reading consideration on 66, and then postpone item 85 --

>> Mayor Adler: Is may 5 going to be enough time to work through those issues? Okay. Any objection to being postponed to may 10th? Hearing none, both those items are postponed to may 10th.

[8:32:00 PM]

All right. Where are we now? What's the next zoning case to come up?

>> I think it's item number 67.

>> Mayor Adler: Okay.

>> Case c14 20180018, property at 4101 Menchaca road, and it's -- tract is about 2100 square feet. It was recommended zoning by staff of general office mixed use or go-mu zoning. Commission voted 12-0 on this. I think councilmember kitchen had noted that there were some comments from adjacent property owners that had some concerns?

>> Kitchen: Yes. I wanted to raise those. I don't want to take a lot of time. If this is going to take time, I'm okay going ahead as proposed on first reading if we need to have further conversation about it. My question is simply this. I wanted to suggest the lo-mu instead of go-mu because if you look at the surrounding properties, all the surrounding properties are lo, and I don't think -- and I'm reacting to some concerns that I've had from -- just recent, so I apologize for this -- you know, for this late date, but some concerns and questions that I had from individuals living in the area. And the concern has to do with the height because all the surrounding properties are lo, which if I'm understanding correctly is three stories or so. So along that part of Menchaca, that's what you've got going on right now. The go would allow it to go to six stories. So I don't know what the intent is. And I'm not sure why it went to -- why the recommendation is go because nothing around it is go. So that's really my question.

>> So I'll be brief, but we might want to invite the applicant up --

>> Kitchen: Okay.

[8:34:01 PM]

>> -- To discuss this particular item. Yes. The property north is lo. Property to the south is lo. And cs and gr-mu to the south. Further to the easies 3, which would trigger compatibility, and limit heights on this property. Across the street is some lo-mu and some lo. But I know there's been discussion on this property. I think to develop six units.

>> Kitchen: Uh-huh.

>> I think there was concern about the floor area.

>> Kitchen: Okay.

>> I'll invite the applicant up to give more detail. I think they're here.

>> Kitchen: I guess my question is -- I don't have concern about the floor area. I'm just asking if there's a way -- I don't know if they need that much height. If go was just given in order to allow the far, we could pass it on first reading, or if you think it's something we can resolve right now --

>> I would suggest the applicant just come up and --

>> Kitchen: Okay.

>> -- They can express their opinions.

>> Kitchen: Mr. -- Go ahead.

>> On this, if there is a concern about height, there are ways to deal with that.

>> Kitchen: Okay.

>> Under the current ordinance, that exist.

>> Kitchen: Okay. It just would -- it doesn't match any of the sounding areas from a height perspective, and so that's really my question, is --

>> I agree with you, councilmember kitchen.

>> Mayor Adler: Would you identify yourself for the record, please.

>> I'm sorry?

>> Mayor Adler: Go ahead and identify yourself.

>> Good evening. My name is Charlotte, I'm the applicant and owner of the property. I originally went to the dak center, approached them about zoning Wisconsin spoke zoning. When I spoke with them their initial proposal was already mu or mf2.

[8:36:04 PM]

My original application went in mf 2. When the planning commission got a hold of it, my casing am, they said, you know, we really are encouraging commercial in that area. We would like you will to go lo-mu. I said, but I really need the far so I would like the mf-2 as they had recommended. They said in this case, how about if we give you the go-mu and you use that, as opposed to the mf-2. So the mu part of it works for me. I am only doing six units. There's actually three buildings, so six total condos. They are -- one unit is two-story because it has single-family behind it, then the other five units are three stories.

>> Kitchen: Which is fine.

>> Which is fine. And that is what I'm doing.

>> Kitchen: Okay. So is there a way to reflect that so that she can do what -- Mr. Guernsey, so she can do what she's talking about without zoning this for what could be six feet -- I mean --

>> Yeah. And we could add a conditional overlay that would modify height only. And what we might do, and I don't know the heights of the structures that are involved, but you could do first reading, give us, staff, some instruction. We could work with the law department to craft a co that would limit height under 45 feet -- might be something, if there's concern about what possibly might happen under a new code that could possibly be adopted in the near future, we could also look at that and see and come back at second and third reading, provide some assurance of how it might equate under the new quote because it may not need a co.

>> Kitchen: Okay. If that's all right with you, if it doesn't delay you too much, I would refer to do that.

>> Okay. And I'd like to ask a favor as well. So when going from mf-2 to go-mu, I now am subject to subchapter E.

[8:38:09 PM]

>> Kitchen: Okay.

>> So that changes everything that I had to do -- it costs a lot more money. My civil engineer had to go book and redo everything. It is not something that I wanted to do.

>> Kitchen: Okay.

>> So if you are going to choose to limit me -- which is fine, because that's my -- can we also make it that I don't have to file subchapter E? Is that possible?

>> Kitchen: Well, we can talk to Mr. Guernsey about that. I don't know what's required for that.

>> Instead of making something more restrictive, it might be relaxing certain regulations. I probably would need to talk to the law department about how that would apply in this case. I think if it was -- I think just multifamily, some of those restrictions wouldn't be required.

>> Kitchen: Okay.

>> But we can probably talk with law and when we come back, council would have a choice about which way you'd want to go and what those requirements would be, but we could still move forward with an ordinance for the go-mu-co with a height limitation and giving information I talked about.

>> Kitchen: Okay.

>> And if council wanted to make the zoning more restrictive than that, since there's a hierarchy zoning and the suggested zoning is higher, council could also zone it less that may accommodate, I think, the applicant's concern that she just expressed.

>> Kitchen: Okay. So I think what we're -- if I'm hearing correctly, we'll move it forward on first reading, bring it up again, we should be able to make it final on may 10th.

>> Okay.

>> Kitchen: So Mr. Guernsey, so what we're saying is, my motion will be to approve this on first reading on go-mu with a co --

>> Co.

>> Kitchen: With a height limitation.

>> That's correct. And I think we suggested 45 feet, something like that, would work for --

>> I believe that's fine.

>> Would work for the applicant.

>> Kitchen: Okay. That's my motion.

>> Mayor Adler: Is there a second to that motion?

>> With additional direction, to look at those other items.

>> Mayor Adler: Is there a second to that motion? Ms. Garza seconds that motion. There were no speakers signed up here on 67.

[8:40:11 PM]

>> And do you want to keep the public hearing open while the applicant --

>> Kitchen: I don't think it's necessary. I've already heard -- I know what I'm bringing forward is appropriate -- is something that the neighbors are okay with. So it's -- you know, I'm okay with closing.

>> Mayor Adler: The motion is to close the public hearing. Any further discussion? Fill Flannigan?

>> Flannigan: Can you repeat what the motion is again?

>> Kitchen: The motion is on first reading, go-mu with a co related to height restriction of 45 feet, I think.

>> Mayor Adler: Okay. So moved and he seconded. Any discussion? Let's take a vote. Flannigan votes no, others voting aye, counsel and alter and troxclair off the dais. Thank you. That gets us to item number 69. Anybody signed up to speak against this?

>> Item number 69 is case c14-2017-0123. This is for property located at 1109 west slaughter lane. The proposed zoning is for lo-mu. It was recommended by staff. The lo-mu was also recommended by the zoning and platting commission with a conditional overlay that would limit the number of dwelling units on the property to a single unit, so it would be a co for one dwelling unit, maximum. They recommended this on an eight to one vote. The acreage of the site is .67 acres, 29,000 square feet in size. It was originally submitted for a larger area, and it was reduced in size. There was a petition that was filed in opposition to the zoning -- the rezoning request, but it didn't meet the 20% threshold.

[8:42:12 PM]

It stands at about 18.98% at this time. It is consisting of a single platted lot, and I think I'll pause and the applicant's agent can come forward and make a brief presentation, then you can hear those in favor and opposed. And I know councilmember kitchen, I think, had some additional comments on this case.

>> Kitchen: I have a question. So my understanding is that this was originally presented as one lot, and then it was cut in half. Right?

>> I think it was actually -- there was two lots, and they withdrew the lot and it was to the west.

>> Kitchen: Okay.

>> And then left the lot that was to the east, and still pursuing the zoning change on this property to the east.

>> Kitchen: Okay. Is there -- is the other lot in process too?

>> No. This case has been withdrawn, or that property has been withdrawn from the zoning case.

>> Kitchen: Okay.

>> It's a smaller application than it originally started out to be.

>> Kitchen: Okay. Then the second question was, the petition -- I'm trying to understand what happened with the petition.

>> When --

>> Kitchen: So is there -- because of the -- instead of bringing the whole two lots together, did that affect the -- the area of the neighbors that could participate in petition?

>> It did. When a site area was reduced to a single lot to the east, the validity of the petition meeting the 20% threshold --

>> Kitchen: Okay.

>> -- Dropped to below 20%.

>> Kitchen: Okay.

>> So the zoning going forward would not require a super majority of the city council to approve the zoning, as recommended by the commission.

>> Kitchen: Okay. I think the concern is, after we -- everyone -- I'll just play out in the interest of time what my concern is.

[8:44:13 PM]

I think my concern is, since the two lots that are side-by-side are owned by the same person, or same individual, the concern is -- the concern all along from a petition standpoint from the neighbors was access onto Chism trail. And Chism trail is a small -- I believe it's a dead end, and it's a very narrow street. So the concern was not with what -- not with what the applicant is interested in building, but more a concern, access onto south Chism. And so the concern is, now, that what could happen is that, since the petition rights are no longer valid because of the way that this is bringing -- this has been divided to bring forward, the concern is that -- and since the owner owns both properties, that access could be -- could be allowed through that property onto south Chism trail. So when we get -- that's what I'm going to be talking about when we get to that. I'll stop there. I wanted to just indicate to everyone that that's a concern I'm raising, is access onto Chism trail, not the -- not the -- what's being proposed to be built.

>> And council could provide a limitation that would say access from this property could be prohibited to Chism trail.

>> Kitchen: Okay.

>> There is information in your backup that staff would not recommend that. Even though Chism trail is a -- a substandard street, as far as its construction, it would be considered safer to take access to Chism trail for traffic movements to get out onto slaughter, to have that joint access. However, if this property were developed for office, they could not take access legally across the tract to the west because it's zoned single-family, and you can't take office or commercial access through a single-family -- that sf-2 zoning tract.

[8:46:32 PM]

So if there are questions that come up, I can address those, and the applicant may want to speak to that as well.

>> Kitchen: Okay. I think the concern is and the question is, what happens later. If that property comes back to be zoned differently, then you could have access across it. So that's the concern.

>> Right. And council would have to look at that zoning change again if they were developing it back for commercial -- to take commercial access.

>> Kitchen: Yes. But then, in that case, if you were coming back for rezoning of the property that's not in front of us -- that's not before us right now, and the concern is the access from the property that is not before us right now, so you couldn't -- anyway, that's what the questions are.

>> I understand what --

>> Kitchen: Do you see what I'm saying?

>> Yes, I understand exactly what you're saying.

>> Kitchen: Yeah. So the question is, that can't be addressed later, and if it's going to be addressed, it has to be addressed now. That's really the question before us. Okay.

>> Mayor Adler: Okay. So let's hear public comment, beginning with the applicant.

>> I'm Jim -- councilmember kitchen, I can answer every one of your questions very clearly and concisely.

>> Kitchen: Okay.

>> So -- this property, as you can see here, is 29,000 square feet. The blue area on it is a drainage easement. Up at the top of the page in purple is a driveway apron that was built by txdot. Now, that's where things start to get weird and interesting. So we started off with two lots, and the property owner wanted to get lo zoning for two lots on slaughter lane. Didn't seem like it was going to be that big of a deal. He got neck deep in it, figured it was too much for him, so he hired me. I went to the neighborhood, met with them, was extremely open and straightforward, but I've got to tell you, it was one of the most contentious neighborhood groups that I've ever dealt with on any kind of case. But, I answered all their questions, I listened to all their concerns, and, yes, it's true they filed a petition, and yes, it was a valid petition.

[8:48:36 PM]

And when I withdrew the lot adjacent to Chism trail, it invalidated that petition. It took it below 20%. And when I was at the zoning and platting commission, I was chided by the chairwoman as a petition Boster. She didn't use those words, but I told her I was offended by that. This was not about busting a petition, it was about trying to get something done. So when we had the two lots together, the city told us, you can't take access to slaughter lane. We won't allow it. You have to take access to Chism trail. The neighborhood said, you can't take access to Chism trail, all the children in our neighborhood will die if you take access to Chism trail. They didn't say that, but they said it would be a huge safety concern. So we went back and forth, back and forth, back and forth. Finally, I talked to the property owner. I said, look, you're not going to get lo zoning -- and he wanted it because, as you can see on that drawing just off to the left -- top left corner of it, there's a building there. He took an old rundown residence and fixed it up, wanted to turn it into a little professional office building. So I told him, that's not going to

happen, though. I said the only way we're going to save anything from this, you're either going down inflames because the council is not going to overall a valid petition by the neighborhood, or

-- or we withdraw lot 5 and do only lot 4. If we do lot 5 by itself the city has to give us case to slaughter lane because that's the only access point and as Greg said, you can't put a driveway across an sf-2 lot. Now, if we get that, first thing we'll do is put a joint use access easement in place for that driveway, and then we will come back and file a rezoning --

[buzzer sounds]

-- For lot 5 and we'll ask for lo zoning, and we will deed restrict or prohibit access to Chism trail.

[8:50:41 PM]

So what we're doing, the city is being very difficult about this, even though the driveway approach already was built, so we're shoving it down the city's throat. Sorry. That's not a nice way of saying it, but that's what we're doing. We're forcing the city to give us access to slaughter lane. And this is the craziest case I've done in 36 years. And I only got to slide 2 of my presentation. So, oh, well. Thanks.

>> Mayor Adler: Thank you. All right. This is, what, item number 69?

>> Yes.

>> Kitchen: Yeah. We have testimony, I think, from neighbors.

>> Mayor Adler: I'm sorry?

>> Kitchen: There's people signed up to testify.

>> Mayor Adler: Right. So the next person to speak is dawn runwalt? And you have time donated by Lynn whichhiverni. Is she here?

>> No, sir.

>> Mayor Adler: Okay. You have three minutes.

>> Okay. My name is dawn. I'm a resident south Chism trail. I've lived there about nine years. We are a dead-end street. It is very substandard. You can't -- two cars can't pass at the same time going down our street. We have no street lights, no curbs. That might sound bad to some people, but we like it. We love it. It's a little gentleman in south Austin. I'm a little offended with Mr. Witliff saying this is the craziest case he's had to come up and talk about in 36 years. We're just family. We're owners. These are our homes. We've had neighbors that have been there for 35 years. They've raised their children, they've raised their grandchildren there. We all have an acre plus.

[8:52:44 PM]

We don't mind lo being up there. We've never -- they've never explained to us like what the intentions were. We did form a petition with the majority of the street due to the fact that we couldn't get straight answers. And having conversations and having meetings have not been the easiest. If you'd like something to read, look at the 141 pages of backup. There are emails probably from me and Mr. Wittliff, going back and forth asking, you know, simple questions that we could never get answered. As we -- I know we're not supposed to talk about lot 4 where the house is located. Lot 5 is not a feasible parcel. I don't really know who would purchase that property by itself and build a office building on it. There's a lot of encroachment. There's a huge drainage ditch. There's a lot of big, nice trees on that piece of property that I'm sure are going to come with restrictions and setbacks, so I don't see how that's a valuable piece of property to put a building on. They're going to have to put lot 4 into this to make it of any value. I think that's where our concern lies, is that we're going to finish this and we're going to approve something today, and then we're going to be right back here to square one to the actual problem. And I think we felt -- I don't know the right word. I think that we're all just a little bit crushed that our petition got kind of thrown out of -- thrown out of here. We kind of feel like our voice was getting left out a little bit. So that's what I have to say. And thank you. Thank you very much.

>> Mayor Adler: Thank you.

>> Okay. Thank you.

>> Mayor Adler: John Pisano?

>> Mayor, council, you guys know how to wear a guy out, I'll tell you.

[8:54:50 PM]

Anyway, out of Mr. Wittliff's mouth again, on record, was this entire change over to go to an 18.98%, to miss it by that much, to invalidate our prior petition, was a plan, a specific plan to readdress lot 4, the only lot, really. Part of that lot that has any real value. I could come here to shove anything down anybody's throat. I came here just to reiterate exactly what Mr. Wittliff, by his own admission, was. We don't want any more arguments. We simply want to address what's best for the neighborhood. I'd like to read something from our neighborhood association president in a letter he wrote to Mr. Wittliff and Mr. Solis and his son.

He ended with: The slaughter -- from the beginning, like in December -- the slaughter lane neighborhood association and residents of south Chism trail are for positive and smart growth along the slaughter lane corridor. We've always been in agreement with that. And what Mr. Mr. Wittliff failed to mention, he was talking about lo, but I didn't hear him talking about the lr submitted after originally saying it was lo. So there's been this back and forth. All we want is something that fits. If it's going to be light office, I realize that they're under no obligation to give us a site plan, but a little bit of an idea of what that might look like there. All I'm doing is getting it zoned so I can resell it? Okay, be honest. Say that. Or, this is kind of what the vision is. I will take a crayon and piece of paper and draw that out and present it to the rest of the neighborhood to give us something to look at, looking toward the future. Right now, we don't know.

There's nothing -- we can't tell what it's going to look like there, and that doesn't sound like it's going to be good for our neighborhood or good for the values of our properties.

[8:56:55 PM]

And I'll say no more. Thank you for your time.

>> Mayor Adler: Okay. We're now -- the applicant can close. >>

>> Okay. I'm going to reiterate first of all, I'm not a pellets buster. I told the neighborhood right out in writing that the reason we withdrew lot five from the zoning case was to give lot four an opportunity to get access to slaughter lane, which the city already told us, which is in writing in your backup, would be prohibited if the two lots were on the same zoning case. They would require access to Chisholm trail and not to slaughter lane. So this was all about a strategy to get access, and so this is a -- this is a three quarter acre lot or two-thirds of an acre lot on slaughter lane and we're asking for lo zoning. I mean, I don't think that's out of line. Questions about there's a huge drainage easement, I think I showed you -- could you put my thing back up? I think I showed you what that drainage easement looked like. It's not huge. It does take up perhaps 25% of the property, 30% of the property, but there's a lot of room there to develop. The trees that are on the property are not huge trees. They're, some of them, significant sized trees but none of them are protected or heritage and, you know, I think the guy has a right to put up a couple of small neighborhood offices on this property. It seems reasonable to me. I'm telling you right now we will come back after we get the driveway established, after we get a joint use easement in mayor, we will come back and ask for lo zoning for the other lot and agree to prohibit access to Chisholm trail.

[8:59:07 PM]

Because, you know, the guy deserves to have some use of his property. The house that is on the other property that he redid, it doesn't have a kitchen. You can't use it as a residence. There's no kitchen in there. So, you know, we're just trying to be reasonable people here, and I agree with one comment earlier, 141 pages of backup. That tells you a lot about the case. Thanks.

>> Mayor Adler: Thank you. Councilmember kitchen.

>> Kitchen: I'm ready to make a motion. I think that there's agreement here, if I'm hearing from you, Mr. Whiffle, there's no intention -- witliff, there's no desire to have access to Chisholm trail.

>> Correct.

>> Kitchen: I understand from the neighbors that that's their concern. I'm trying to figure out the motion. I want to put a condition on here that there's no access to Chisholm trail. So, Mr. Guernsey, you might have to help me. I think is it a -- how do we do that? Is it a co or -- I just want to make it clear that there's --

>> Yes. I have spoken with the law department and we're not ready to do three readings, only first reading tonight. I talked with the law department. We could craft language that would be put a conditional overlay that would prohibit access or future access from this prohibit to Chisholm trail.

>> Kitchen: Yeah, okay.

>> That would only allow access on to slaughter.

>> Kitchen: Okay. Then I move that this move forward with lo-mu-co -- too many acronyms -- with the direction being that the co relates to no access perfect this property to Chisholm trail.

>> I guess in order to say something, no vehicular access, people could still have pedestrian access.

[9:01:07 PM]

>> Kitchen: Right.

>> No motor vehicle access.

>> Kitchen: Okay, so that's my motion.

>> Mayor Adler: Councilmember kitchen makes a motion. Councilmember pool seconds that motion. You said staff did not recommend it on to slaughter because it wasn't safe? You recommended the access out to --

>> Chisholm.

>> Mayor Adler: Chisholm trail.

>> Even if you were to combine these lots together it wouldn't meet the standards we would normally allow for access to an arterial. We would take access to the side street. It's a safer maneuvering for people coming to the site or leaving the site because there's not enough frontage, and I think Mr. Witliff actually explained it rather well, I think that the strategy is to get this property zoned, he'll bring the property next door thinking that the neighbors would still front -- prohibit it, okay with the lo zoning, prohibiting access to Chisholm trail and you would by default gain access to -- or city staff would say it's not the preferred access --

>> Mayor Adler: So who is the advocate in the room right now for not having access out to slaughter?

>> It would be staff that's saying it's safer to take access to Chisholm than it is to take access to slaughter lane.

>> Kitchen: That's what I don't understand. Slaughter is a roadway with businesses along it. And so there are businesses all along slaughter right now that have access to slaughter. So I'm not -- particularly in this location -- and it wouldn't be as big -- it wouldn't be the same concern if Chisholm was, you know -- you know, a larger regarding but we've heard it's a substandard road and so putting access out on that road is very difficult. And so I am not understanding why -- you know, when we've got -- I mean, all along slaughter there's access by businesses.

[9:03:09 PM]

>> And I understand. If you would think that every small lot had a driveway access to slaughter lane or to any arterial, there are more points of conflict, there's more chances of having crashes. It also impedes the flow of traffic because people are slowing down along that roadway and trying to make that roadway more efficient. But there's language that's in your backup that was written with the assistance of our transportation department that specifically addresses the rationale for staff saying we would prefer access, even though the street is not -- meet a standard you would find that is desirable, it's better to have access to Chisholm trail for safer access to getting on and off of slaughter than it is to have additional driveways that would directly access slaughter.

>> Kitchen: I can see the general rule for that. I understand that as a general rule. And, you know, you don't want a lot of curb cuts, you want less access. It just contributes to a road's flow-through, so I understand that in general. But this circumstance I think is different, and I think accessing into a neighborhood on a substandard street is also not -- is also dangerous, and so in this case -- well, that's why I brought forward my amendment. That's what I'd like to move forward with.

>> Mayor Adler: And in the absence of hearing -- I mean, I'm at this point based on the evidence presented I'm voting with you on this because I understand kind of the general principles but I wanted to give transportation department the opportunity if there was really a safety concern here that we shouldn't be doing this because there's a significant safety issue now would be the time to tell us.

>> So, mayor, page 11 of the staff report, I can read it if you'd like or the council can read it, it gives the rationale behind this.

[9:05:11 PM]

If you'd like I can read it now or you can read it between now and second and third reading.

>> Mayor Adler: I'm fine going ahead with first reading and if staff thinks it's a significant issue that we shouldn't do this maybe staff can come testify to us or talk to us because what I can't gather is the comparative issues with respect to the safety, but I understand the general issue too. We're having to make a decision here, and to have that advice in the context of the other decisions we're making would be helpful. We understand the general rules. There's no one really advocating for --

>> I can advocate by reading it, but I also understand given the number of items you have on this evening if you want to wait until second and third reading to do that as well.

>> Kitchen: I'd suggest we move forward.

>> Mayor Adler: I would like staff if there's a significant safety issue to address that at the next meeting or not. Okay. It's been moved and seconded. Any further discussion on this? Mr. Flannigan.

>> Flannigan: You can count me as advocating for not adding admonish crew cuts to a corridor. You can add me as a advocate for not want to go do crew cuts. I believe this section of slaughter is both a corridor in mobility bonds campo corridor if I'm not mistaken.

>> Kitchen: Further west is campo.

>> Flannigan: But it is mobility bonds.

>> Kitchen: Yeah it is.

>> Flannigan: To clarify the motion, the co you're adding is the access to Chisholm and you're keeping the one unit co?

>> Kitchen: I'm sorry, I'm keeping what is recommended and I'm adding only -- so I'm moving forward with exactly what was recommended with the addition of a co that limits vehicular access on to Chisholm trail.

>> Flannigan: Recommended by staff or recommended by zap?

>> Kitchen:

>> The difference --

[9:07:11 PM]

>> Kitchen: The zap one, yeah.

>> Flannigan: So you're keeping the one unit co, limit to go one residential unit co that zap added to the case. Okay. Then I have two questions Mr. Guernsey and we can move on.

>> Council has done that before. I don't know the specific cases in the past, but I'm aware of in the last 10-15 years that there probably has been the case where there's been access prohibited to a side street.

>> Flannigan: Okay and as a general thought, I don't know why we would limit anything on a mobility corridor to one unit. So I'm gonna vote no, and then I'll probably vote no the next time if those cos stay on because both as a matter of good policy I don't think we should be adding curb cuts near intersections and I don't think we should be limiting properties on mobility corridors to one unit.

>> Kitchen: And I respect that. I think that it's important to understand the context, and so between now and the next reading I'll be happy to show you pictures of the area. So. . .

>> Mayor Adler: Councilmember pool.

>> Pool: I just wanted to speak to the safety issue that would occur if the access were on the unimproved and the lower substandard street, which is Chisholm trail. I think there was probably -- so if we're going to talk about safety concerns on slaughter, I also want to look at them on Chisholm because I think they will be greater on Chisholm considering the size -- the width, the lack of improvements on

the side of that street because I do not support allowing the access on to Chisholm so just want to prove that up.

>> Mayor Adler: Moved and second, passed on first reading. Any further discussion? Councilmember Garza?

>> Garza: I need to -- I'm just trying to understand because of the two lots.

[9:09:17 PM]

If -- so if lot four were to remain sf-2, couldn't -- I mean, doesn't the scenario exist that, you know, they could -- they wouldn't have to seek a zoning change, and as a condition of selling that lot create an easement for five that would allow whatever is on lot five to access that Chisholm trail?

>> Right. The only use that could cross from the lot that's being rezoned today through that lot next door, lot four, which is at the corner, it would have to be a use that's actually permitted in that sf-2 zoning. So if you built a house on this tract, they could, with the existing zoning in place, the sf-2 next door, drive across it and a single-family residence could take access to Chisholm. If they were to develop it as an office, because the office would then be taking commercial access through a single family tract, that would be prohibited. We would deny the driveway permit for that commercial lot and that he could not take access across that lot.

>> Garza: But if it's --

>> There are circumstances where you could take access.

>> Garza: If it stayed sf-2.

>> If it stayed sf-2, if the driveway for the use that's on the area being rezoned was a single-family home, yes, a single-family home could go across sf-2 if this prohibition wasn't there and take access to Chisholm. But if they want to take office access to the sf-2, no, they couldn't do that.

>> Garza: Okay.

>> Kitchen: Unless lot four was changed.

>> Yes, I think -- my understanding of the question was if the zoning stayed sf-2 what would happen.

>> Kitchen: Oh, okay.

>> Mayor Adler: Ready to talk a vote? Those in favor please raise your hands. Those opposed. Unanimous on the dais, Mr. Flannigan voting no, troxclair, alter off.

[9:11:18 PM]

Thank you. Okay. What about item number 70? This is the Loyola landing matters.

>> Yes, again --

>> Kitchen: I see some quizzical looks. What we just did is passed on first reading item 69 with a requirement that prohibits access from that lot on to Chisholm trail. We will have two more readings, which we can do at the same time, which will come back to us on may 10, I think. So just to let you know what happened.

>> Mayor Adler: Okay. So we have items 70-67 here.

>> Did we close the public hearing, too? I want to make sure on that last vote.

>> Mayor Adler: We didn't say.

>> Pool: I don't think we said but we should.

>> Kitchen: Yes, we can close the public hearing.

>> Mayor Adler: Any objection to closing --

>> For the clerk.

>> Mayor Adler: Any objection to closing the public hearing? Hearing none, public hearing is closed on the last matter we just addressed. Mr. Guernsey, 70-76.

>> Item 70, c14-2018-00067, Loyola landing, 6651 Ed Bluestein and 5601 durango pass. I think there was a question councilmember Flannigan had, and I can go into more -- I think there was a question.

>> Flannigan: So when I read the staff report, it looks like the neighborhoods that submitted -- the neighborhood group that submitted a letter of support said gr-mu-mu, without any cos, so that's where the -- what the letter of report says.

>> This is on tract two, it's the smaller tract, I believe it's in the corner on the corner of the exhibit that you see.

[9:13:24 PM]

Talking to my staff, we came back and added some restrictions on the property for the concern of having the more intense assist co zoning that's adjacent to that creek or buffer area you see along the eastern property line. I did converse with Alice G lasco, they did not ask for it, my staff offered that for the types of uses that were there.

>> Flannigan: So if a property is adjacent to a creek --

>> I'm giving you rationale why staff made certain recommendations on this zoning case to prohibit certain uses on that property.

>> Flannigan: What does a bail bonds service have to do with a creek.

>> I agree. There are some uses I think we could go back and suggest it would not have a detrimental on their -- laundry service, auto repair uses, some of the equipment, sales repair where you might have operation of cleaning of fluids, those would possibly have an effect.

>> Flannigan: Just to short circuit my concern on this, if we're talking about watershed or run-off, then the use restriction doesn't seem like the way you should handle that. There should be another way to handle that. We dealt with this in a case in my district where there was a site that theoretically runs into lake Travis, restrict automotive uses and when we had conversations with the environmental staff, the environmental staff acknowledged that the building codes that govern the types of things you build there appropriately capture and retain any potential runoff.

>> Kitchen: It's perplexing to me that staff's approach to solving a watershed issue is to do use restrictions even further perplexing they would be uses that had nothing to do with runoff. I don't need to run this any further but daylighting another moment of confusion for me on this.

>> Mayor Adler: Okay.

[9:15:26 PM]

Let's pull up the -- I guess the applicant is not here on this.

>> I believe Al Glasco is here.

>> Mayor Adler: Do you want to come up and talk to us?

>> I'm not aware of any speakers I think on this.

>> Mayor Adler: Item 70.

>> Either for or against.

>> Good evening, mayor, mayor pro tem, councilmembers, Alice Glasco representing the interests of the applicant in this case. I'm glad to answer any questions you might have. Mr. Flannigan -- councilmember Flannigan, you're correct, the conditions that are listed as conditional overlays are recommended by city staff and we do not object. I will accept whatever the city council deems appropriate, we'll -- we'll accept.

>> Flannigan: I think stereotypical a conversation we had earlier sometimes applicants don't object because it's not particularly relevant to the project they're contemplating, not necessarily a good political reason. It was more so my concerns about why staff injected this into the process when neither the applicant or neighborhood association seemed to ask for it.

>> Since this property will be subject to current regulations given that we're seek to go terminate the five restrictive covenants, which are basically grandfather the site to the rules -- that were in place in 1975, by terminating those covenants, the property, the 30 architects would be subject to current regulations, we're required to have on-site detention and water quality so that would be addressed, so you're correct, land use did not dictate that.

>> Mayor Adler: I'll continue to support the cos for this period of time before we're able to get a land development code in place that obviates these questions.

>> Houston: You can vote with him this time.

>> Mayor Adler: What?

>> Houston: You can vote with him this time.

[Laughter]

>> Mayor Adler: All right. Those -- it's been -- is there a motion to approve this item, Ms. Houston?

[9:17:29 PM]

>> Houston: I'd like to move to approve this item on all three readings.

>> Mayor Adler: Is there a second?

>> Houston: Close the public hearing.

>> Mayor Adler: Is there a second to that? Mr. Renteria that he could. Any discussion? Those in favor please raise your hand. Those opposed. Mr. Flannigan voting no, others voting aye. Alter and troxclair off the dais. That was item number 70. I guess that means we can take a vote on 71-75, removing restrictive covenants. Is there a motion to remove those restrictive covenants on 71-75. Ms. Houston makes the motion, Mr. Casar seconds the motion.

>> Mayor, on 75, it's an amendment, 77, 72, 73, 74 are terminations so I'll make that notation.

>> Mayor Adler: 71-74 are terminations and --

>> I'm 75 is a restrictive covenant amendment and then 71, 72, 73, 74 are terminations.

>> Mayor Adler: Okay. So items 71 through 75 Ms. Houston moves passage of those, Mr. Casar seconded those. Any discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais, troxclair and alter voting no.

>> Mayor, closing the public hearing on those?

>> Mayor Adler: Public hearing is closed. Okay that gets us then to item 76.

>> Item 76, c14-2017-0132, at 4515 south congress avenue, and Sheridan avenue, and the request is to cs-mu-np. Staff recommendation was to grant that. It has a limitation that would prohibit auto sales, pawn shops and development. We'd be limited to no more than 2,000 trips per day. The planning commission recommendation was to also recommend the staff recommendation on a unanimous vote of 12-0, and this property right now is currently developed and is proposed for ground floor retail up to 3,500 square feet and proposed for 240 apartment units.

[9:19:56 PM]

The applicant agent Michael Whellan I know has some suggested amendments to this and I think you've got a speaker that -- or speakers that may have signed up also for this case, Mayor.

>> Mayor Adler: That's correct.

>> Staff will pause if you have any particular questions at this time or can answer them after the applicant and the speakers have presented.

>> Mayor Adler: Okay. Should we call the speakers? Is the applicant here?

>> Thank you, Michael Whellan on behalf of the applicant. This case was filed in October of last year prior to filing it we spoke with and continued throughout this process to speak with the neighborhood. I'm handing out conditional overlays and I'll explain why in a moment because it relates to a change in the ITE code and to a request that the neighborhood had that we allow only emergency access on to Lexington, which is a pretty narrow road and I'll let them testify as to why they want to limit it and we've agreed to that limitation and there's a good reason why it needs to be in an ordinance rather than restrictive covenant. If it's in a private restrictive covenant staff does not have to apply by it and this would be the way to get the Austin transportation department to abide by that particular restriction. As was just mentioned, this assignment is supported by staff unanimously recommended with a 12-0 vote at planning commission. Frankly all we're doing is adding a V which better meets the south congress combined neighborhood plan. If you looked at pages 8-13 in backup you'll see the advantage of the V is it forces ground floor commercial, forces mixed use, two hundred feet perfect a bus stop on a core transit corridor. There's no water quality or detention on the site right now, almost 100% impervious cover, self-storage facility.

[9:21:57 PM]

We've worked, I believe, hard. You're going to hear from Mr. Cantu, the president. I appreciate very much him being here. We've pretty much agreement on most items that relate to the site that they've raised, lighting, pet amenity on-site, sidewalk on Lexington, we've agreed -- I hope the council will support limiting emergency access on Lexington Interlocal. So the one area that we haven't been able to reach agreement on is amount of affordability. We have voluntarily agreed to have -- to do the required 10% of the units at 80% MFI but if we have any units above 250 those units, the 10% would be at 60% MFI. We've voluntarily agreed to do that and voluntarily agreed to have the mix of affordable units be in the same proportionate market mix as the -- excuse me, have the affordable mix be in the same proportionate mix of one and two bedrooms as the market mix. The two conditional overlays circulated one has to do with the TIA. At the time we filed this we had to have ground floor commercial, about 3500 square feet and then multi-family elsewhere. The ITE was at the ninth edition addition of the ITE manual has 309 multi-family units for 2,000 trips. That was greatly reduced to 269 community that was just adopted in the last 45 days. So we would ask that part two of the conditional overlays is if we exceed 2,000 trips that we would have to do a TIA, we'd have to submit a TIA at site development permit application time.

[9:23:58 PM]

That's the request. Obviously that would mean we would have more units, which means more affordable units and as you well know city staff when there's a division of 10% and it's 25.8 or 25.1 they always bump you up to 26. So having more units is a good thing. So, again, this is also consistent, as you can see in your backup, with other properties in the same block, in the immediate vicinity that council recently approved. Again, I want to emphasize getting a V doesn't change the compatibility. Compatibility still applies and height still applies, the base district setbacks and heights still apply. It's the far that you get relief from. And, again, we have to do ground floor retail which helps add to the mix and meets the neighborhood plan document requirements. That's all I have. Again, I want to thank the neighborhood for lots of work on this and, you know, I'm hoping that we can go on and have this pass on all three readings. Thank you.

>> Mayor Adler: Thank you. All right, let's hear from the other folks that have signed up. On this item. Mr. Cantu. Is pinaki Ghosh still here? No? You have three minutes, Mr. Cantu.

>> Good evening, council, Mario Cantu from south congress contact team chair. I just wanted to pass on a couple things Mr. Whellan and us and the developer have been working pretty good with each other. We had some initial concerns and I think the main thing that's really been playing us is we don't really have a site plan or actual visual of what is going to be implemented within this area. So that's where the difficult for us as far as the garage where it's going to be, the lighting.

[9:26:03 PM]

We also -- a concern was on-site pet area because we have a park that's going to be within a couple hundred feet proximity to this development that we already know with the amount of units it's going to be with this development that we can already foresee that there will probably be at least 40 pets and that's on a minimal range so we already know there's going to be impact to this area. The lighting is a concern, and then we also are requesting a screened garage. The other part that -- that's been a little difficult with us as well is the affordability. As you know, our contact team has requested time before 10% 60. I think initially what we were looking at with the developer is about 1% 60. We've come down to 7% 60 mfi, and I think we're still working with that. As far as the developer, he may state that they can't come down anymore and we may be okay with that, but, you know, we're working through all of this. We've got a restrictive covenant that we've already drafted. We got -- have come together, but, again, the main thing that seems to be playing us is the -- plaguing us is the lighting from the development. We also mentioned that we want to take into consideration amber light as well with the shielded light. We also looked at the bee cave's Westlake city ordinance that they have that requires shielding. We wanted to have something equal or greater to that with this development in the corner of -- where the development is going to be because all the residential areas are going to be facing that. Right now the public at this time at nighttime if you drive by there, they have unshielded lighting within

the garage area, and that really puts a lot of lighting into the areas that the development will be. So if we have the exact same thing within our area, it could be even worse.

[9:28:07 PM]

So we've -- it's trying to find the language, I think, with the lighting to really kind of protect the people into saying that if this development comes in and we agree upon some shielded lighting, is it possible at some point in time to have amber lighting implemented within certain areas. And I think that's kind of the gray space between us and the developer and maybe with the city.

[Buzzer sounding] And we're trying to figure those things out still. So I would like to see if we could go to the next reading and maybe kind of filter some of these things out with the developer. Thank you.

>> Renteria: Mayor?

>> Mayor Adler: Yes.

>> Renteria: So is the -- the sticking point right now is the lighting?

>> Yes, it's going to be the lighting. My understanding is that, you know, we still -- we still want the affordable housing. We're looking at some numbers on that. We've gone through all the figures with all the different areas that this developer has pretty much grabbed zoning changes within our area and we stick to those numbers because that's the only way that we know that, you know, a single mom with a kid, a musician, artist, veteran can afford something at that low percentage, you know, 60% mfi, whether it's, you know, 5%, 7%, 10%, or whatever it maybe, but the 1%, 63 units doesn't really do anything for us. So, yes, it's that and the lighting.

>> Renteria: How many two bedrooms or three bedrooms are they offering here?

>> Three.

>> Renteria: Three.

>> Three units with two to three bedrooms.

>> Renteria: And how many units are there?

>> Excuse me.

>> Renteria: How many units are they building?

>> There's not going to be -- I think from my understanding it's one or the other. It's just, you know, that -- I mean there's a 10% 80 that they're gonna -- they talked about on that part but we are focusing on the -- initially it was 10% 60, which would give us more units, but now when they -- when we did the restrictive covenant and everything it's embedded within there.

[9:30:18 PM]

We were the math on that and it's 1%, 60, so it's three units at I think 280 units that they're looking at. From initially it was 250 units. It's gone up to 280 units they're looking at it it could possibly go to last we heard maybe up to 290 units.

>> Renteria: Okay. Thank you.

>> Mm-hmm.

>> Mayor Adler: Okay. Next person to talk is Kena Miller. Is Kena Miller here? Come on down.

>> Good evening, everyone, I'm Kena Miller, vice chair of the south congress contact neighborhood planning team and I'm here to talk about the affordable issues, specifically, and some points on that. I want to start by talking about we're talking about mfi in Travis county at 80. The mfi in district 3 is more about \$40,000, and this by neighborhoods more in the 20-\$60,000 mfi range so that's where we come up with our number of 60% mfi being what our neighborhood needs. We also have two other tracts in this block that have already been zoned for this particular same developer, and out of that we have gotten -- which plans to be a total of 260 units on the two already zoned tracts. There are 12 one bedroom units that they're offering at 60% out of 260. We do think that's enough. And on this particular tract we're talking about tonight at 4515 they've been talking about 280 total units, tonight we heard a number of 269 for the first time. Of the 280 units they're looking at three two to three bedroom units that's 1% of the entire development and don't believe that's going to be what our neighborhood needs.

[9:32:23 PM]

I also work for a school. We know teachers are making less than 60% mfi as well, mayor, starting off we're having a hard time recruiting and maintaining teachers for our school. So if the max 280 units is built here, we're looking at a grand total of 537 units across these three developments that will be related here, and of the 537 total proposed units we're -- they have given us 12 one bedroom units at 60% in that -- one of those developments. And we don't feel like that's satisfactory. Thank you.

>> Mayor Adler: Thank you. Applicant want to close?

>> Michael Whellan on behalf of the applicant. On the items unrelated to the affordable housing, those - we have agreed to an on-site pet area. We have agreed on the project lighting that if the project includes a multistory garage the interior garage lights located above drive aisles shall be screened along Sheridan and Lexington, the two streets they've indicated concerns about and we'll have ground floor residential or commercial space between the garage and Lexington so they'll also have that additional shield. And we also agreed to have a sidewalk on Lexington, also something that was important to them. I would note on the -- that interestingly, the V, the V in the program has worked. People have had on-site affordable units using the V. Some of the other programs as you well know because it's been studied haven't been as successful because people haven't taken advantage of them. Here we're willing to go beyond what is required, the 10% at 80% mfi, and do two things.

[9:34:29 PM]

One, be sure that the mix of affordable units is the same as the mix of market units and for any units above 250 that -- affordable units are required to have those at 60% mfi. Part of the distinction between the other property on the block is the fact that there is self-storage here that is generating quite a bit of income and obviously the cost of the land to replace the self-storage with housing and with ground floor retail is more expensive, and the rents south of Ben white haven't yet gotten to the place -- market rents haven't gotten to the place that they can absorb the cost of all the units being at 60% mfi. I mean, that's just a fact. They're just not yet at that place. They're more like at \$1,300. They're not at, you know, what you see elsewhere, which is much higher, ultimately, I know. Anyway, so that's the rationale. And that's why we've made that voluntary offer above and beyond what is required in the vmu section.

>> Mayor Adler: We're up to the dais.

>> Renteria: Mayor, I'm having a very difficult problem with this. You know, we've been often granting all these development in that particular area, and we're just not seeing the community benefit out of it. I'm very concerned that, you know, we're providing all these affordable one bedroom units but none for families. And do we really want to go down that aisle where -- that road where we're going to be putting in a lot of single family -- I mean, single person units in there and not enough families, you know? We're seeing this all over the city now, that, you know, especially in the inner part and in the lower income and middle income areas where we're displacing our families and providing just one bedroom housing.

[9:36:45 PM]

I'd be willing to approve this on the first and second reading with the understanding that we would like to see if they could come back with some better options than just the -- the three units and where they're actually -- want to find out exactly how many two and three bedrooms they would be able to, you know, give us. I'd be willing to do that but I think we're heading the wrong direction on this, and if we don't start really start to provide family units in these apartment complex, then we will not have families, and that's my big concern.

>> Mayor Adler: Councilmember pool.

>> Pool: I just wanted to check with councilmember Renteria if his -- when he makes his motion, is it going to include the modification of part two that was in this piece that was handed out? Because I don't think he's made his motion yet.

>> Mayor Adler: He hasn't made a motion yet.

>> Pool: Right. He was just talking.

>> Mayor Adler: Mayor pro tem, did you --

>> Pool: So I just wanted to check if he was intending to move forward with this?

>> Mayor Adler: The handout came from Mr. Whellan, from -- the applicant.

>> Pool: It has to do with tia and the recent adoption of the ite.

>> Mayor adler:mayor pro tem.

>> Tovo: I had a question for councilmember Renteria. Are you suggesting that we pass this on first reading only?

>> Renteria: Yes.

>> Tovo: Or first and second?

>> Renteria: Well, I have no problem with the first and second if we can -- because they -- well, I hear that they want to do first reading.

[9:38:53 PM]

>> Tovo: I'm more comfortable -- I agree with the points that you raised, and I would support this on first reading.

>> Renteria: Okay.

>> Tovo: Somewhat reluctantly, but I think you've raised some concerns and I think it would be great if the applicant can work harder to address them.

>> Mayor Adler: Mr. Renteria moves to pass this on first reading, incorporating the amendments that were handed out by Mr. Whellan with reference to tia and the ite -- I'm sorry.

>> I just want -- on the amendments.

>> Mayor Adler: Yes.

>> I've spoken to our transportation staff. My senior staff, and also Mr. Whellan. Staff on our recommendation would remove the 2,000 trip limit, that would also remove the requirement under Mr. Whellan's proposal for number 1. We would analyze the need for traffic impact analysis at the time the site plan is submitted and make the determination at that time, so that would remove a restriction from the ordinance and then when they actually come in for development, we've made determination if a tia is required or not and make that assessment. I believe the applicant, Mr. Whellan is in agreement. He's nodding his head, yes. On the second item, staff does have an objection. I do have transportation staff here that they can speak to that if you'd like to hear from them now or like to hear from them at a later date, that's up to you. I just wanted to note that staff does have an objection to item number 2 on Mr. Whellan's list.

[9:40:58 PM]

>> Kitchen: Mr. Guernsey, on the first item, can you tell us how this would read.

>> In the staff recommendation there's a notation that limits development to 2,000 trips. That would be removed. And then on Mr. Whellan's proposed amendment, we're just -- that would just not take place. So what happens is when they come in to redevelop this property, at the time of site plan, we do a transportation impact analysis determination. If a tia, a traffic impact analysis is required, we would require an application and he would have to hire an engineer and go through that process and we would do the review. If the trips are less than 2,000 at the time of site plan, then you would need to do nothing and it would be waived, just as staff has suggested at this point. So really we're deferring this action when he actually has the site plan designed to make that determination. And that's acceptable to staff and the agent. In this case.

>> Mayor Adler: Any objection to making that change? Mr. Renteria?

>> Renteria: No, I don't have any objection.

>> Mayor Adler: Any objection to removing that restriction so it comes up at site plan stage? Hearing none, that change is made. So the next one, you didn't speak to the request for for paragraph C, vehicular accidents project, the project to lexinger lane, do you want to add that now or hold off and keep that part of the discussions over between first and second and third reading.

>> Renteria: I want to have that for second and third.

>> Mayor Adler: Hold that over so the motion is to approve on first reading only the -- what was presented, removing the restriction 402,000 trips.

>> Casar: Mayor.

>> Mayor Adler: Yes, Mr. Casar.

>> Casar: Just for clarification from either councilmember Renteria or from staff, the lexinger lane issue, is that another crash gate? Essentially is that what it is?

>> Lexinger lane, this actually -- the property has three different frontages and lexinger lane is to the east and so what was suggested, prohibit except for the pedestrian, emergency and bicycle, and that's not staff.

[9:43:09 PM]

That's --

>> Casar: I'm just asking where it says emergency access ingress and egress and pedestrian, is that a crash gate?

>> It would probably end up being a lockbox or crash gate at that --

>> Casar: Right now there's frontage on south congress on lexinger and what else?

>> South congress, Sheridan, which is to the south and then lexinger --

>> Casar: We're not taking it up today. I just wanted to know what it was we're talking about for the next time.

>> I'll ask transportation staff and the applicant to get together and talk about that access point on to lexinger.

>> Mayor Adler: Okay. It's been moved and seconded. I'm not sure we got a second. Mr. Renteria --

>> Closing public hearing too?

>> Mayor Adler: Mr. Renteria moves to pass on first reading only, closing the public hearing, removing the restriction to 2,000 trips. Is there a second to that? Mr. Casar seconds that. Any discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais with councilmember troxclair gone. Thank you. Okay. What's the next thing we have? It looks like it's 80.

>> So staff, the planning commission didn't take action to postpone until June 12, after a three hour discussion, we would suggest that this come back to you June 14. The reason why we suggest June 14 is because the renotification issue on this particular case. But we could offer this for -- and I don't believe you have any speakers --

>> Mayor Adler: We have one person signed up. Is Mr. Goth here?

>> If it's delayed I don't want to talk.

>> Mayor Adler: Any objection to postponing this to June 14? This is number 80. Hearing no objection, this is being postponed to June 14.

[9:45:12 PM]

Thank you. That gets us then to item number 81.

>> 81 is to conduct a public hearing, submitting a regular plan for the plaza Sal tee I don't station area, amend the provisions regarding an additional density program for the property located at 140 mine and 1411 east fourth street. No one signed up, staff is recommending it. Commission recommended it on an 8-2 vote.

>> Mayor Adler: I have six people signed up for this item 81. They're all speaking in favor of it. Is there a motion to approve this item number 81? Mr. Renteria makes that motion. Is there a second to that? Is there a second? Mr. Casar seconds that. Before we ask the people who want to speak to it, anybody have any thoughts? Ms. Houston?

>> Houston: Yes, thank you, mayor. I've got a lot of people who are concerned about the height, and so I was wondering about limiting the height to the 70 feet.

>> We could change the density bonus program to reflect a lower height of 70. It would affect not only this tract but other tracts possibly in the future. If that's what you want to do we can work with it.

>> Renteria: Mayor? I think the occupants are in agreement with 70 feet.

>> I'm [indiscernible], representing habitat for humanity and, yes, we are okay with 70 feet.

>> Renteria: And this project here is -- we and this other neighborhood call it condos for the poor.

[9:47:15 PM]

And that's what there will be, is they're condos that are going to be built for low-income people so that they can have ownership there in their community. So a lot of this work and material have been donated, and so they are able to provide, I believe, if someone can come down and put -- and say how many units was gonna get built. Do you know how many?

>> This development habitat is building would be 50 units.

>> Renteria: How many?

>> 50.

>> Renteria: 50? And how many will be for the low-income --

>> 75% are affordable, 10% at 40% mfi, 25% at 60, 25% at 80, and 25% market.

>> Renteria: This is one of the kind of projects that is just amazing, you know, and it's -- I call it a godsend project because it's -- you'll never be able to see a condo in that area at that kind of price. I mean, it's just amazing. I just thought I'd make a statement.

>> Casar: Mayor?

>> Mayor Adler: Mr. Casar.

>> Casar: I have a question both for staff and for habitat. Is it possible -- and I think this may be habitat, maybe also able to help us with this as well, is it possible for us to limit the habitat to 70 feet but leave the density bonus program that we're creating, the option of up to 85 feet so that people can apply for it at that level? Is there anything that we can do? Because in the resolution passing this we were interested in potentially other tods having this option, and so I understand that habitat is good at 70 feet.

[9:49:16 PM]

Is there a way for us to effectuate 70 feet at the habitat site since that's what habitat needs but leave the option open as people apply for this and this tod and other tods potentially if somebody needs 80 feet I wouldn't want to cut us off today based on one project.

>> I talked to Ms. [Indiscernible] And she said habitat would be more than happy to provide a private restrictive covenant that would limit their height to a lesser if council wanted to maintain the option --

>> Casar: It looks like she is saying something else.

>> They're willing to do -- I guess there might be a legal question. About asking to do a limitation of height to a covenant. They don't have an objection limiting their height. That's what they've worked out with the neighbors, and I understand I think councilmember Casar is just asking to keep 85 because there may be another project in the future that may want more than 70 but maybe 85 or less.

>> Casar: Right. Because we passed a resolution asking for 85 to be available, and but this site only needs 70 and so I was trying to see if we could do both.

>> So I'm not sure -- there's not a way I can do a conditional overlay on a subdistrict. They could enter into a private covenant. It would be fairly easy. I would need to have a longer discussion with law how to do that or public covenant. Of I don't have a reading tonight and I think there's some urgency on their part that they are trying to move forward with their project as soon as possible.

[9:51:29 PM]

>> Casar: I'm not trying to slow this project down.

>> I mean, they have declared publicly that they would not exceed 70 and they seem willing -- and they can come to podium and say they're willing to pursue whatever mechanism to make people comfortable with that.

>> Renteria: So basically what they're -- an ordinance that we passed that would allow 85 feet?

>> Casar: Yeah, we passed a resolution saying to create a possibility of 85.

>> Renteria: Okay.

>> Casar: They don't need the 85 and we don't need to give them 85 but leave the door open so if somebody else wants to provide a 50 or 70% affordable project they really need the 80 or 85% we can consider it then.

>> Renteria: Can we put an rc there? Restrictive covenant.

>> I'm looking at nod. They're nodding their head. We'll work to create and perfect I guess a covenant that would address a height limitation of 70 feet on this property.

>> Renteria: Okay.

>> Casar: Cool.

>> Renteria: I would agree with that.

>> Mayor Adler: Okay. So with that -- what would that motion.

>> Renteria: That we approve the 70 feet with a restrictive covenant of 70 feet, should I say, instead of 85.

>> And approve the ordinance as presented.

>> Mayor Adler: Approve the ordinance as presented with a restrictive covenant of 70 feet.

>> Yes, with the properties that are referenced with your backup.

>> Mayor Adler: Okay. That's the motion. Mr. Casar seconds that motion. Any further discussion?

>> Pool: We're still at councilmember Houston's motion for 70 feet, yes?

>> Renteria: That's what it is. We did a restricted --

>> Public restrictive covenant limiting height to 70 feet that will be executed before the ordinance becomes effective and then the subdistrict as it's present body move forward that would allow someone in the future to take advantage of the density up to 85 but not on this property.

[9:53:34 PM]

>> Tovo: I guess my question for councilmember Houston, was that the intent of your motion, to allow the subdistrict to go to 85 feet even if this project limits its height to 70? The concerns that I was hearing about the height were not specific to this project, they were about that subdistrict. That's all.

>> Casar: Mayor, I think -- I don't think there's been an amendment.

>> Mayor Adler: Right. Ms. Houston was expressing a concern. I didn't hear a motion. I heard Ms. Houston express a concern about the height.

>> Houston: I expressed a concern and then Mr. Renteria affirmed that in a motion. To limit to 70.

>> Renteria: The resolution was passed at 85, and habitat only want to go -- they can only -- they only can afford to go up to 70 feet. So they want to continue their project so all I'm saying is that instead of, you know -- we can just do a restrictive covenant at 70 feet and it will satisfy the whole 70 feet.

>> Mayor Adler: Right. So the issue I think is -- and help me, Greg. We're -- are we looking just at this one parcel or are we --

>> I understand from the motion that's on the table that the limitation for this property would be 70 feet through a public restrictive covenant, but this district would have the ability, if applied elsewhere in the future, may be up to 85 feet.

>> Mayor Adler: Okay. And that was your intent?

>> Renteria: Yes.

>> Mayor Adler: You understand that, Ms. Houston.

>> Houston: Mm-hmm.

>> Mayor Adler: You okay with that?

>> Houston: Well, I'm trying to see the posting language. Are we posted for that?

>> We are posted for the 85. I think the covenant would be -- what is being more restrictive so we can do that.

>> Mayor Adler: We can do that with the posting language. All right, the motion is to adopt it as presented but adding a restrictive covenant for this property at 70 feet in height.

[9:55:41 PM]

That's the motion. Mayor pro tem.

>> Tovo: I'm just looking through some of the emails we got from members of the east Cesar Chavez planning neighborhood team clarifying -- and, again, they were speaking about the habitat property but they and mark Rogers, cndc, you know, it's not at all clear to me. I mean, they seemed to be all advocating for 70 feet, not 85. And it's just and I have some reservations about shifting back to 85 when our discussions, it seems to to this point, have been for 70.

>> Houston: Can I ask the staff, when you talk about the district, could you tell us what that is composed of, or where I can see the property that you're talking about for the district? Because there was some concerns about the adjacent neighborhoods and the housing. If the height was 85 feet

>> We're bringing up the map now. So if you look within the inner most circle, there's a little Orange dot. And I'll point it out.

[9:57:45 PM]

That's the parcel that we're speaking to. It is the only parcel within the entire tod that would have this type of district, this urban mixed use district. So right now, it wouldn't apply anywhere else because the district doesn't exist anywhere else. But the possibility that council could go back and amend the tod in the future to create this district would then raise the possibility of having 85 feet, but it would only occur if council approved it.

>> Casar: Mayor?

>> Mayor Adler: Yes, Mr. Casar.

>> Casar: To be really clear, what this means is that only if you are doing 10% of your square footage at 40% mfi, 25% at 60% mfi, and 40% at 80% mfi, can you even apply for this then we have to grant it.

>> That is correct. There are conditions -- I'm just talking about the possibilities.

>> Casar: Yeah. Just to be really clear, somebody would have to be presenting us with 75, of their units being affordable, including units at 40% mfi, for people to apply, and then just like we did in this case, we can set the height at anything we want. So if somebody in the future wants to apply at 85 feet and give us all of this, we can consider whether to give them 70, just like habitat, or 40 more feet. In the future when costs go up, we may have to give people 80 feet. I'll take 75% of affordable units at 40% almost any day. I just want to limit us at 70 feet arbitrarily because this one amazing project that I really appreciate happens to be good with 70 feet because I would like to potentially apply this to the tod in my district and give people 85 feet if they can give me something as good as this. So, you know, we saw the project being at 70 feet and zero other projects at 70 feet unless they come and apply to us, and coming in the door with 75% affordable units.

[9:59:52 PM]

>> But it would still require council approval.

>> Houston: So then what what are we -- what is the problem here?

>> Casar: There's no problem for me.

>> Houston: Because we've all agreed that it's 70 feet on this particular property. If you want something in your transit oriented development to be 85, you have to come back just like these did.

>> We would have to go through a similar process like this.

>> Mayor Adler: Okay. So we're discussing Mr. Renteria's motion, which is to define this district the way it was presented, add a restrictive covenant to make it 70 feet. That's where we are right now. Councilmember pool.

>> Pool: Yeah, I think the 70 feet, cost to build up to 85 adds significant costs to the constriction and the whole structure, so the 70-foot should be sufficient. It's also what fits in the neighborhood, and if, as councilmember Houston said, there are other tod's in the city that are looking for higher heights, I think we should take those up at the time they are presented to us, as opposed to continuing to put this -- continuing to have 85 feet on this one when that is not what the builder wants to do, necessarily, it's also what the surrounding neighbors want to see.

>> And this isn't triggering amendments throughout the city. We would actually have to hold a public hearing, go through a notice process similar to what we're doing now, even to create a new subdistrict, even within the plaza. So tod or another one. But it would set the anticipation, I guess, that this district would be here, but it would still -- even if I wanted to do one in the same subdistrict, it would still require council approval to approve a new subdistrict, and then we may be still having another discussion on another day.

[10:01:55 PM]

>> Pool: Which is why I'm saying I don't see the need to put a restricted covenant on it to -- I mean aside from limiting it to 70, to say that some other time in this super bonus situation at this site, that 85 might be appropriate because that's not what this developer is going to develop. So it just strikes me as odd. It's 70 feet for this development.

>> Mayor Adler: So my sense is that we are achieving the same result, except that perhaps we're setting a precedent for somebody else to try to for 85. And maybe we just put this to a vote. So, Mr. Renteria's motion is to make the district 85 feet, but to put a restrictive covenant on this property to limit it to 70 feet. I'll entertain an amendment to that to just say, no, the district is 70 feet, and then we can take a vote on that.

>> Renteria: And to tell you the truth, is that I was happy at 70, but my colleague came and said, listen, I would like -- I wouldn't want to be that restrictive in my district, so I said, well, however you would come up with -- you know, however you want to word it. But habitat at 4th street is going to go up and build only T 70 feet. How y'all want to decide the other part of it, that's uptown. That's how I want to see this happen, because they're waiting -- I dare anyone to come up and say that they have a project that's offering this affordability in their district. I don't think you'll ever find one like this, and I would hate to ever see something like that slip through our hands when it's going to help so many people.

>> Mayor Adler: And my sense is we're going to get there, we're going to get there real fast. I think if we put it to a vote, then we can move past it. It seems if someone would just propose an amendment to that, to just say rather than a restrictive covenant -- just make the district 70 feet and we'll take a vote on that.

[10:03:59 PM]

Councilmember pool?

>> Pool: I'll make that amendment. That seems to track with what my colleague, Mr. Renteria, is looking for. The motion to make the district 70 feet. And Ms. Houston seconds that. Now we're going to discuss that and then take a vote on it. Mayor pro tem.

>> Tovo: Mr. Guernsey, if I'm a developer and I want to develop within the same tod, and the district is 85 feet, did I hear you say that you would -- I would need to come to the council and request --

>> To create a new subdistrict, the same subdistrict in a different part, plaza saltillo on --

>> Tovo: So my property would be a zoned subdistrict?

>> You would have to come in and ask for a change to create a new subdistrict on your parcel elsewhere within the plaza saltillo tod. The difference would be, as I understand it, as councilmember Casar has suggested, the ordinance would say that you can go up to 85, but you still need council approval to create the same subdistrict somewhere else within the plaza saltillo.

>> Tovo: I'm sorry, I'm just really not understanding this. So if we're doing this for -- if we're doing this for the district and not just for this property --

>> You have to create this new subdistrict elsewhere in the plaza tod before it can be approved.

>> Tovo: Because the subdistrict is only going to be --

>> Applicable to this one property at this time.

>> Tovo: Then why would we be setting it at 85 to limit it at 70? That makes very little -- that's tremendously confusing. May I call up Ms. Bojo for just a second? I didn't really have a question, but it looked like you had information.

>> I think I can explain this because we've been talking to folks all weekend. There's a lot packed into this item, which I think is why it's confusing.

[10:06:00 PM]

So what the item before you does is three things. It creates the subdistrict called tod urban mixed use. It creates the density bonus that is applicable only in that subdistrict, and it changes the map to rezone the habitat property to that subdistrict. So those three things are all in this action before you. I'm sure they can be kind of parsed out, but those are the thing things that are happening. So I think what we've been talking about is that you would have to go through a rezoning to the subdistrict in order to dismissal administratively use the density bonus.

>> Tovo: Thank you very much.

>> Mayor Adler: Even though I think it gets us to the same place, if we have a developer or somebody owning a tract in that area and they have a shot at delivering 40% -- up to 75% affordability, and they can get there at 85 feet and not at 70 feet, I would like them to come back and give us that rather than looking at it at 70 feet and not coming to us because they can't make it work, recognizing no one can do anything unless they come back to us, so I'm going to vote against the amendment to support the original --

>> Pool: But we are still voting for the habitat project to be at 70 feet.

>> Mayor Adler: Yes.

>> Pool: And the 85 refers to some other project, possibly nearby, but not this project.

>> Mayor Adler: Right. And in order to do that, they would have to come back to us and ask for that.

>> Pool: And it's not relevant -- so that's my reason nor for the even wanting to go there because it's not relevant to this property. It's confusing.

>> Mayor Adler: Right. I just -- I would vote to put it in there just in case someone in the area wanted to bring back a project. But the reason to get you to do the amendment was so that we could take a vote and move on because in this case, it ended us up in the same place. Any further discussion on the pool amendment?

>> Houston: I call the question.

>> Mayor Adler: There's been a call to close off debate. Does anybody want to debate? Then Mr. Flannigan, it's a two-thirds vote.

[10:08:01 PM]

The motion has been made to cut off debate. Those in favor of cutting off debate, raise your hand. One, two, three, four. It's going to lack the two-thirds we need. Mr. Flannigan --

>> Flannigan: Thank you. Just one little thing to say. If we're going to apply or not apply zoning restrictions solely based on what we think one developer is going to do, then I think we'd be rethinking a lot of zoning we've been doing from this dais. I have heard many, many times that it doesn't matter what the applicant is saying they want, we zone based on any possible future that that site might have. And I'm encouraged to hear councilmember pool say that because the current developer isn't contemplating more than 70, then we don't have to worry about it because I would love to be in place where we think about what we want to decide and not just what one developer is saying or acknowledging that market forces can dictate, it doesn't always have to be zoning. I just want to say that. I'm also going to oppose the amendment and support the original.

>> Mayor Adler: Okay. Those in favor of the pool a mental please raise your hand.

-- Favor of the pool amendment, please raise your hand. In favor of the original, please raise your hand. The balance of the dais. Does not pass. Main motion from Mr. Renteria. Any further discussion? Those in favor, please raise your hand. Those opposed? It's unanimous on the dais. Councilmember troxclair was gone for both those votes. Okay?

>> Renteria: Mayor, I just want to say that I really want to thank habitat for coming into my community. I'm also a part member of the Cesar Chavez contact team, but I can't be on the board, but my daughter lives right try to say the street there, so -- and I really appreciate that. My whole goal of being on the council is to bring as many of the low income people back into that neighborhood, you know, especially - these are going to be family units, so I'm really just really proud of what you have done.

[10:10:04 PM]

I really want to thank y'all.

>> Mayor Adler: Okay.

>> Mayor, if we can do the reconsideration and it goes to the date it comes back to council?

>> Mayor Adler: Okay. On item 80 we voted on before, we postponed that, as you'll recall, to June 14th. But it's not going to the planning commission until June 12th. Mr. Guernsey, wouldn't it be more appropriate for us to postpone that to June 28th. June 28th.

>> Maybe just redo the notification that we did previously. So we're not sure what the commission is going to do on the 12th.

>> Pool: And that'll give us time to what they --

>> If they were to postpone, we've brought up two sets of postponements now. We postponed the first to the last meeting, which was early this week. If they postpone early again, we would need to postpone council action certainly to a different date. But if they do take action, staff may come back with a postponement in two weeks, then we wouldn't be sending another formal notice to the neighborhood again.

>> Mayor Adler: I'm confused. We just took an action to postpone to June 14th.

>> Yes.

>> Mayor Adler: There hasn't been a notice gone out to tell people that; right?

>> No, but if we're going to postpone it longer, that's what I'm talking about the notice.

>> Pool: That's what we're asking.

>> The you'd like to postpone it to the 28th, we can do that.

>> Mayor Adler: Does that require any more notice than postponing to June 14th?

>> We just renotify and send out back to those neighbors that we sent before.

>> Pool: And this is no different than the other cases that were also being heard by the planning commission on the 12th and we pushed them to the 28th.

>> Mayor Adler: Are you having to renotify if we say to the 14th or to the 28th, or is there some notification not 28th that's not having to be done if we go to the 14th?

>> There's no notice required if you post, I think a 60 day period, if I remember right. If it goes beyond that I would have to give another notice.

[10:12:07 PM]

It's a little difference to do notice, but not nearly as many as I might be sending out for something like this. Because this is affecting an entire neighborhood, versus only one tract.

>> Mayor Adler: So it's just notice for the one tract. But as a practice, we're not considering things two days after they go to planning commission.

>> No. They aren't. Although the planning commission, I think there was concern about postponing it for a longer period of time.

>> Mayor Adler: But for them, they haven't done that yet.

>> No.

>> Mayor Adler: So if we postpone it to the 14th and we don't hear it on the 14th and postponed it past the 14th because we know we're going to, even if they meet on the 12th, we're going to postpone it and not hear it on the 14th, do you have to send out notices if we then postpone it?

>> No.

>> Mayor Adler: Because you're jumping in smaller steps.

>> That's correct.

>> Pool: All right. Then we'll leave it be, knowing we will take that action then on the 14th.

>> It may be the 28th of June or maybe a later date.

>> Mayor Adler: Okay. But so as to not -- okay. So we're not going to reconsider that that gets us, I think, to item number 82. We are now past 10 o'clock, by the way. 10:13. Is there a motion to extend this meeting past 10:00? Councilmember pool makes the motion. Mr. Renteria seconds that. Any discussion? Those in favor of going past 10 o'clock, please raise your hand. Those opposed? It's unanimous on the dais, councilmember troxclair gone. Please proceed.

>> Good evening, mayor, councilmembers, I'm with the parks & recreation department. This is with the Texas parks and wildlife code. This public hearing is a change of use of 273 square feet of dedicated parkland known as little Stacy park to dedicated right-of-way. The legal fact finding for this item is that there's no feeble, prudent alternative to the use of dedicated parkland, which includes all reasonable planning to minimize harm to such lands.

[10:14:12 PM]

The dates of public notification in the American statesman were April 1st, 8th, and 15th of this month. This concludes my presentation. Do you have any questions?

>> Mayor Adler: Any questions at this point? We have one person signed up, Daniel Correll. Is Mr. Correll here? Okay. Is there a motion to approve this and close the public hearing? Councilmember Garza makes a motion. Is there a second? Councilmember pool seconds that. Any discussion? Those in favor, please raise your hand. Those opposed? Unanimous on the dais, councilmember troxclair gone. Thank you. I think that gets us to item number 83.

>> 83 is another check 26 public hearing. This is in response to a central Texas mobility authority project needing to relocate and install a permanent waste war line as a result of the Bergstrom expressway 183 project. This requires a permanent change of use of 514 square feet of dedicated parkland known as little walnut creek greenbelt. Fact finding for this item, there's no feeble prudent alternative to the use of dedicated parkland, which includes all reasonable planning to minimize harm to such lands. The dates of public notification in the American statesman were April 1st, 8th, and 15th of this month.

>> Mayor Adler: Okay. There's no one signed up to speak on this is there a .is there a motion to close the public hearing? Pool makes the emotion those in favor? Mr. Renteria?

>> Renteria: I just have a question. I find it interesting that if we're running utility lines through the parkland and -- I'm just trying to see if we won't get into a problem in the future.

[10:16:13 PM]

I know we had one at Rebecca Bain where we had to move the utilities in the road because the road was parkland, but the utilities were, years back, set through there. And then there were -- we spent another \$600,000 to move the utility lines because the park wanted the land back and it was parkland. So I'm just wondering, would we be facing that kind of problems in the future if there was ever a development between the parkland where they had to move the line somewhere else, or --

>> Well, this actual project was in response to the widening of that 183 project that's occurring right now. And there was existing manholes within the right-of-way. This project would eliminate them being located in the right-of-way to outside of that area.

>> Renteria: Okay.

>> For servicing of those manholes, should they need to be accessed. And so that was the purpose behind it, so they would locate them outside of the right-of-way. And that would be partially in --

>> Renteria: I just wanted to make sure that we were, in the future, set up -- okay. Thank you. I'll be supporting this item.

>> Mayor Adler: Okay. Those in favor of the motion, raise your hand. Those opposed? It's unanimous on the dais, councilmember troxclair off. Thank you.

>> Thank you.

>> Mayor Adler: That gets us to the next number, which is number 84. And also, Ms. Kitchen was off the dais for that last vote. Item number 84.

>> Good evening, council. I'm Angie Summers with community development. This is an item, public hearing on the action plan during the community needs assessment period. The action plan is the city's annual application to HUD to receive federal funding. We will also be back before council on June 14th to have a public hearing on the draft action plan.

[10:18:17 PM]

>> Mayor Adler: Okay. Thank you.

>> Thank you.

>> Mayor Adler: Is there a motion to approve the action plan? Mr. Renteria makes the motion. Is there a second to that? Councilmember Garza seconds. There's just the public hearing?

>> Yes. Just the public hearing.

>> Mayor Adler: Just public hearing. Sorry. You're right. There are four people signed up to speak. Let's see if they want to speak. Gus Peña? Not here. Stewart Hirsch? Sir?

>> Mayor and members of the council, stew from district 2. The 2018 needs assessment for Austin's next action plan is the first since the city council adopted the housing blueprint as an amendment to imagine Austin in 2017. I want to highlight one element of the muppet for

-- want to highlight one for the council like I did before. You haven't talked about this today. At the time of gentrification pressures, some homeowners have managed to remain in the homes they purchased when housing was much more affordable. Some of these homeowners need repairs they cannot afford to make and they have a continued need for investment in home repairs. The blueprint goal is 600 low income owner-occupied homes repaired each year. When balancing the housing needs of the poorest among us in next year's action plan, please do not forget the need for home repair and long waiting lists, and the possibility of unbudgeted repair needs, should the next flood come in the next budget year. I talked to the commissioners court about this, and I'm talking to you about this, and I'll continue to talk about this. Every time we have a flood, we act like we didn't think it would ever happen. And the result is that people need repairs after the flood, but we haven't planned for the flood. We need to plan for the flood. So please do not forget the poorest among us.

[10:20:18 PM]

Please do not forget the fact that many people flood who are not in the floodplain, when we have flooding, and please put together a budget this year that reflects the reality that we have on the ground, and rather than pretends that floods are this thing that rarely happens and we shouldn't expect them. Thank you very much.

>> Mayor Adler: Thank you. Juliana Gonzalez. Not here. What about Brennan Griffin? Those are all the speakers. Is there a motion to close the public hearing today? Mr. Renteria makes that motion. Is there a second to that motion? Councilmember Garza seconds. Any discussion? Those in favor, please raise your hand. Those opposed? Unanimous on the dais with councilmember Troxclair gone. That takes us through all those items, so the items we have left, council, are planning commission membership, number 10, the issue in 27, the mobility bond, 28, the codenext public hearing, which is 36, and number 90 will be the codenext petition. Let's move forward with number 10, which is the planning commission items. I think a lot of things have already been handed out. I handed out additional one. It's option C in the upper right-hand corner. What option C has is focusing on the language, real estate and land development, which is in the charter. I think the important words there were "And" and "Land development" so both real estate and land development. You can see in the resolved clause, it says when considering whether somebody is directly or indirectly connected with land development, it first describes, in essence, the a1 or b1, speaks to those elements that are in our charter that relate to land development and are all of the land development items which are considered by the planning commission.

[10:22:43 PM]

Item number C makes clear that we're not applying this to the people that work on behalf of non-profit organizations or governmental entities. That's what C would be. Two, on administrative remedies, this asks the clerk to get -- to check the standing. It also adds paragraph 3 which asks the city manager to come back and tell us and develop for us a process for removing planning commission members if the composition doesn't comply with the city charter.

>> Pool: Mayor, hang on just a second. I'm not finding that in -- yeah -- I'm not finding, if you have another copy. Sorry.

>> Mayor Adler: Do you all have option C in the upper right-hand corner? Maybe just one didn't make it over.

>> Tovo: Mayor? Do you have a copy that has red lines? Or no? Some is similar to what is in our backup and some is not.

>> Mayor Adler: Yeah, it was option C, trying to pull together something that was different than both a and B. That's why I was trying to point out what the differences were. I think that a and B generally look like what was option a, except that instead of having the word "And" between the two criteria, it has the word "Or" between the two criteria. I think that that makes that more restrictive for who can serve than our charter requires, but this is a resolution for us, and it has us going, I think, a little bit more restrictive than what the charter requires us to do. Section C is new, but I think we had a draft or language that came from councilmember kitchen that looked something like that on C, about not applying it to government or non-profits.

[10:24:50 PM]

The administrative requirements came out of work we've already seen, and what is added is number 3, the enforcement, which is new, but it relates to trying to figure out how we can change membership, which we've heard might require a charter amendment, but we're asking the manager to come back and tell us whether or not we would need to do that or whether there are other alternatives. So what I have in something like this, if someone else on the dais wants to make this motion, is trying to find some things that -- that are more restrictive, less restrictive, kind of a combination that I'm hopeful might get us a vote today. Councilmember pool.

>> Pool: I just have a quick question, mayor, so the intent, and I think this was also in councilmember kitchen's amendment. And it's on page 3, down at the bottom, C, a person shall not be deemed to be directly or indirectly connected with real estate and land development due to activities conducted on behalf of a non-profit organization or governmental entity. I understand governmental entity. So my question goes to non-profit organization. I can understand an organization or some other, but what

about a housing development non-profit? Because it would seem -- because there's a conflict, right, in the definition then because they are either real estate or land development.

>> Mayor Adler: So let me look over councilmember kitchen, because that's where I was trying to pull the language out of. There seemed to be some support and conversation -- so the question is, non-profit organization, would that include a non-profit whose mission was to provide affordable housing?

>> Pool: Because they are real estate or land development.

>> Kitchen: But my thought was, it did. I don't know if -- are you thinking the language is not that clear, or is it something that --

>> Pool: Well, there's a conflict in the land development or real estate piece, so I would be supportive of a non-profit organization if it were an arts organization or something like that, but if it's a housing non-profit, there may be, in fact, -- that's the profession of that non-profit.

[10:27:05 PM]

>> Kitchen: Okay. Then what would you say about the governmental entity part of it?

>> Pool: I'm fine with the governmental entity.

>> Kitchen: Okay. Well, I'm -- I don't have a -- if you want to modify language to non-profit, that's fine.

>> Pool: Great. I'll think about how to -- that is not a housing non-profit, I guess could be put in there, non-profit organization that is not involved in housing, land -- in land development or real estate. Just -- councilmember Casar is suggesting that we simply strike "Non-profit." That's fine.

>> Mayor Adler: Do what now?

>> Pool: Councilmember Casar just suggested to me that we simply strike -- well, he can speak for himself.

>> Casar: Mayor.

>> Mayor Adler: Yes.

>> Casar: I have no position on whether non-profit should be included or excluded, I'm just saying that if we wanted to get to councilmember pool's effect, it would be to just strike "Non-profit" because an arts organization would not be doing real estate and land development in relationship to -- does that make sense? This is already -- the non-profit section here is already self-contained to people deriving substantial income related to development of property.

>> Mayor Adler: You're saying non-profit, it would be non-profit organization.

>> Casar: Know, I'm just saying that I don't have -- I don't have a dog in the fight about whether non-profit is included or excluded, but I think the proper vote would be to keep non-profit or strike it, not to

amend it to say housing non-profit, because that's already generally covered here, because this is about -- if you read it in context, I think it's just --

>> Mayor Adler: But you mean non-profit organization, both words would be stricken.

>> Casar: Correct.

>> Mayor Adler: Okay. Do you want to make the motion with that change made to it?

>> Pool: Sure. That had be fine.

[10:29:06 PM]

>> Mayor Adler: Okay. Councilmember pool moves this option C, striking the word on behalf of striking non-profit organization or. She was moving option C.

>> Pool: Okay. Their point -- we don't have a motion. I was clarifying language on this -- you're right, we have not moved this.

>> Mayor Adler: Mr. Casar now moves option C without the language "Non-profit organization or." Is that correct?

>> Casar: I'm happy to move the original and have debate on how to handle the rest.

>> Mayor Adler: Okay. Mr. Casar moves option C. Is there a second to that? Councilmember Flannigan seconds that. Or Mr. Renteria.

>> Pool: Then let's go back -- to amend it to strike the words non-profit or. Is there a second to that amendment? Yes, I'll second that -- or councilmember Houston seconds that. Any discussion? Is there any objection to that change being made on this draft? Taking out "Non-profit organization or."

>> What's the reasoning? I'm sorry.

>> Pool: My concern is not for an arts organization that's a non-profit, my concern is for a non-profit that's in land development or real estate. Which was why I was trying to be more -- why I was trying to put a bracket around that.

[10:31:07 PM]

>> Mayor Adler: Okay. Further discussion? Mr. Flannigan?

>> Flannigan: In that sense, would a non-profit related to marks be related to land development?

>> Pool: I think we could have our attorney talk about the definition of land development that is included in this. My guess it would be, they're not developing for -- in the same -- in the same way. She had that list that she read to us earlier today.

>> Mayor Adler: Right. And it's addressed, I guess, in b1, so I guess the question would be, would a parks non-profit be going in for the matters that are in b1. And would you want that -- if they ever did, would you want that to be okay.

>> Good evening, mayor, mayor pro tem, council. My name is Erica Lopez, assistant city attorney. In reference to councilmember pool's question, the land development regulations' definition, which is found in the charter, article 10, section 4, section 2, talks about the definition of land development regulations, which include zoning, subdivisions, building, and construction, environmental, and other police power regulations, controlling, regulating, or effecting the use and/or development of land. Are there any other questions?

>> Mayor Adler: Okay. Mr. Flannigan.

>> Flannigan: So it seems that if a non-profit was engaged in the development of open space and required the zoning change in order to accomplish that, that would qualify as involved in land development.

>> If based on that definition that I just cited, yes. If they needed to go through any development process, through dsd or --

[10:33:09 PM]

>> Flannigan: Great. Is there a definition for the word "Actively" in b1?

>> B1 of which option?

>> Flannigan: Talking about option C, my understanding is that this definition was pulled in part or in full from the charter, so it says actively develops or finances the development of property. So if there was an arts organization that bought a piece of property and then wanted to have it rezoned in order to build a performing arts center, would that not then also make them fall under this definition of actively develops that requires a zoning or entitlement change?

>> Sir, just to clarify, councilmember Flannigan, you said the non-profit organization. This is a limitation that applies to a certain person, so is the person employed by the non-profit or representing --

>> Flannigan: That's another good question. Are we talking about employees or board members? And is there a difference between a board member of a non-profit and being an employee of an organization, private or non-profit employee, I guess, would be the same.

>> I think that would be up to council whether they want to make that distinction or not.

>> Flannigan: I think that's what we're doing right now. We're trying to figure out what that distinction is.

>> Pool: And then just to be specific about it, that means that that person would count toward the four people who could be on the planning commission as representing the profession of land development or real estate. And I'm fine with that. Originally I was really only going to limit it to the obvious, which is the

housing piece. My colleague, councilmember Casar, suggested that we just eliminate "Non-profit" entirely. Which then would put it to somebody who was going to develop a park or be an arts commission. My guess is that they -- so if they were on -- so if they were on the planning commission, then the question would become if that particular parks foundation was then going to develop something, I mean I think we're really going down -- down a rabbit hole here, the chances of that happening are possible, but pretty slim, I would think.

[10:35:20 PM]

So I come back to my concern that it's a housing non-profit because that is the profession, specifically the profession that's involved in land development and real estate. Mayor pro tem.

>> Alter: I wanted to ask -- this is a draft that has not been circulated. There are people in the audience that have been waiting all day to talk about this. We haven't heard from them. At the very least, can we put up the be it resolved on the criteria, which I think is particularly important to these people who are here to speak on the planning commission? It is late. They don't know what it says, and we're talking in circles, and we're all trying to pay attention here.

>> Mayor Adler: I think it's a good idea and the clerk has now moved to put it on the overhead.

>> Alter: Thank you.

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: My point was along the same lines but I'm going to request that we get some copies out for the same reason councilmember alter just said. I'm having -- I mean, as I mentioned, we've had option a, we've had option B in our backup. Councilmember alter posted some amendments. We've an opportunity multiple times in executive session and in other places to talk about some of these distinctions. I'm concerned that we now have another option without markings that, you know, our staffs don't even have. So if we could get some copies and distribute them to people in the audience, that would help.

>> Mayor Adler: We've given extra copies out to the clerk, who has them if people want to grab a copy.

>> Tovo: Great. I would also ask, too, before we go to the speaker testimony, if we can -- I would like to ask my colleague, councilmember alter, to talk about the amendments that she's proposed to option B so that the speakers can comment on that, too.

>> Kitchen: I have an amendment also if we're going to talk about option B, so...

>> Mayor Adler: Okay. Councilmember alter, you want to talk about the amendments you would like to bring?

[10:37:23 PM]

>> Alter: Sure. So I circulated this, I think, yesterday originally, and then again today at 3:56. So mine are red-lined into option B, which takes a broader definition of what it means in the charter when it says that a minimum of two-thirds of the planning commission shall be lay members, not directly or indirectly connected with real estate and land development. These amendments, in the whereases, it acknowledges that this change was approved by 67% of Austin voters in 1994. It reaffirms what -- why we believe this was added, so that there would not be undue influence over land use planning and zoning decisions. It explains why we think this is needed because this is needed to effectuate the charter's preventative conflicts purpose. So that is there because the original intent was to make it so that you wouldn't have to, in individual cases, figure out whether there was a conflict of interest. There would not be a conflict of interest because those people would not be serving as more than that portion, the planning commission. Part a has a clause in there that the last members appointed that exceed the threshold shall be removed as set out in section 3. It adds "With real estate and," which was left out in the staff portion. It moves the architect into item 1. It defines substantial income by a part of the city code. And it made a change that was referenced earlier today from saying the person is not actively engaged in building development, to the person is not engaged in land development.

[10:39:28 PM]

Then part C of the administrative requirements adds a process by which the ethics review commission will be the body that will determine, based on evidence, whether a nominee has reached this criteria and can be considered a lay person or not, and whether their appointment would then exceed the one-third threshold. It provides an option for council to override the ethics review commission, and then it also adds a section where the city manager is directed to process any appropriate changes to the city code and the ethics review commission procedures so the ethics review commission can exercise such authority. And finally, D is the clause which I think people are particularly concerned about, which creates a process by which we can remove current planning commissioners after June 1st, should they be deemed by the ethics review commission to be in violation of the one-third threshold. It has us removing those who fall in that category, being removed by drawing straws.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: I'd like to go through my amendment to to B also.

>> Mayor Adler: Okay. Describe yours, then we'll go to public testimony.

>> Kitchen: Okay. So my amendment to B uses B as the base, and what it recognizes is, it puts the reference to licensed attorney or engineering -- engineer, treats them as the same as an architect, someone in construction design, et cetera. So -- and I think that was -- when we originally talked about this, that was the idea. So it says the person does not -- it moves the reference -- do we have it to put up? Yeah. Okay. So it moves the reference to a licensed attorney or engineer, just moves it down under I.

[10:41:32 PM]

So those professions -- so all the professions are treated the same. So it says the person does not derive substantial income from a, and that's the reference to architecture, construction, et cetera, which is what is in councilmember alter's -- it's in the original item B and remains in councilmember alter's, but then it also puts practices in a field related to real estate or land development as a licensed attorney or engineer. So you'll see that. And then the other difference is down to C, where again I added the criteria doesn't apply to activity or property -- well, the new part is, and does not apply to income from a governmental or non-profit entity. Given conversation we just had, I'm happy to strike non-profit entity and just say does not apply to income from a governmental entity.

>> Mayor Adler: Okay. Are we ready to hear from the public? Item number 10, signed up to speak, is Mr. Bunch here, bill bunch? What about Eric -- Mr. Bunch, come on down. Eric Goff? You'll be at the next podium.

>> Pardon? All right. Bill bunch, thank you all for your service to our community. I have to say, though, that y'all are so off base, it takes my breath away. I'm a lawyer. The charter amendment is really clear in the language that we have. You don't need any of this. And every bit of this gobbledygook is designed to help you violate the charter and continue violating the charter as you have been for some time, either intentionally or inadvertently, and I think for most of you it was probably inadvertently.

[10:43:33 PM]

Y'all need to do the right thing. Just because you're good liberals and Progressives, you're not above the law. You need to follow the charter. You need to ask your people to step down from the planning commission because nobody's disputing, that I'm hearing, that you're not in violation of the charter right now. Seven of the members out of 13. The limit is one-third. The public understands this. Two-thirds shall not be -- shall be lay persons, not directly or indirectly related to real estate and land development. That's all you need to know. People understand what that means. And you're trying to crab that down to a fraction of what that plain language means. You can't do that. If you want to draft a charter amendment, put it up and try to get the voters to approve that in November, do that. But you're not above the law. Our president is not above the law. This isn't trump land in Austin. And people understand this. There's not one voter in 20 or 30 who thinks that real estate developers are underrepresented at city hall and need to have this special protection so they can dominate the planning commission. You know, the book on laughter and forgetting starts with the observation that the struggle of people against power is the struggle of memory against forgetting. Y'all are forgetting 1994 and what happened. And the rule council who was rapidly ejected, and the rule council that was voted in, three out of the four, because they -- the people before them, Sally shipman, George Humphrey, and smoot Mitchell forgot they ran as environmentalists, and neighborhood supporters --

[10:45:57 PM]

[buzzer sounds]

-- Who were going to manage the growth in the real estate industry. This is about flacking for the developers. All of this -- whenever you say "Deem," that means you're going to violate the charter and ignore what the charter says. Don't do this. Forget all of this. Let's reconstitute the planning commission right now in compliance with the charter. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Eric Goff? Is --

>> Howdy, everyone --

>> Mayor Adler: Is Michael

[indiscernible] Here? What about ray Collins? Didthe go ahead.

>> Who I am Eric Goff on behalf of aura, we focus on abundant housing and public transportation, and the problem with this language before you in the charter, it's so broad to be meaningless. Everyone in Austin is directly or indirectly connected to land development and real estate because everyone lives somewhere. And the reason that you have people come to these meetings to stay till 11 o'clock or 1 o'clock or 2 o'clock is because everyone cares about real estate in the city. That's the primary thing you deal with. If you think about it, anyone that cares enough to have read this provision of the charter is now suddenly clearly directly or indirectly involved in real estate because they're concerned enough to figure out what the charter says about land development. If you want to try to comply with this, consider how to have the planning commission represent the least among us that own the least property in the city, when someone owns a single-family home, in most cases, unless they're very wealthy, most of their wealth is tied up in their property, and they have a strong opinion, and you've heard earlier, people were saying, oh, this will affect the value of my property.

[10:48:07 PM]

That's why people come to testify. Perhaps you should consider a requirement that you have two-thirds of renters on the planning commission, or even two-thirds of people experiencing homelessness. I would love for a planning commission to hear people that were concerned about too much housing in the city if they were two-thirds people experiencing homelessness. Thank you.

>> Mayor Adler: And then after [indiscernible] Is letter weisenbach.

>> I'm with safer springs alliance. I think we're getting a little bit lost in a little bit of the rhetoric and forgetting that the issue today really is, you know, how many architects and land engineers should serve

on the planning commission, per the charter that the voters voted in in 1994. We're not really taking an opinion about who we want to be on the planning commission, it's really just what the charter says. First, if we have a bunch of houses that are being built by people who haven't used architects, I think we've got some concerns in our city. It's very clear that architects build homes, architects build buildings. Second, when we're -- when I'm down here discussing all of these sos-related cases, the people sitting across the table from me, there's usually a real estate attorney, and an engineer. That's who we're discussing all of these land development cases, and what's beneficial for the environment with water quality. That's because they get paid by developers to do water quality improvements for that land development. They're directly connected, if not indirectly. Let me put it just another way. If architects and engineers are not connected to the real estate industry, why are there multiple architects and engineers on reca's executive committee and the board of directors?

[10:50:09 PM]

It's because they're connected to the real estate industry. That's why they're on the real estate council. So it's pretty simple, option -- just follow the charter, I think is what should be on the table right now. So in the meantime, just obey the charter. If you want to put something different before the voters, we have a charter election in November. Let's move forward with that. Thank you.

[Applause]

>> Mayor Adler: Thank you. And Debbie Russell. Is James Casey here? There you are.

>> Mr. Mayor and council, thank you for your attention in this matter. I'm al Albert and also a citizen. If Austin is to grow in a way that serves the common good, we definitely need expertise of the development community on the planning commission, but it would not serve the common good to show favoritism by allowing too many members on that board that stands to benefit financially. The public trust and good governance is best served by voiding the appearance of trying to change the city charter simply to make the current inappropriate membership legal. I suggest that the city withdraw this resolution because of the inproposeness inappropriateness, and barring that I suggest this council emphatically reject it. Please maintain and enforce the current city charter. Thank you very much.

[Applause]

>> Mayor Adler: You have five minutes, Ms. Russell.

>> Fred Lewis couldn't remain. He's been here since 9:30 this morning and has a 5:30 A.M. Flight, so I want to point to his

[indiscernible] That appeared in the statesman at 7:30 this morning. If you haven't read it, please read it before the end of this vote.

[10:52:12 PM]

Y'all have been doing some really amazing things lately, and there's been some votes that have made me jump up and down for joy that we have 10-1 in place now. This is not one of them. This feels very at large to me. On the one hand, you're -- it this upending democracy, plain and simple. We voted in '94 on this matter. It's settled. It's clear in the charter. You have been violating it, and now the fix is to codify that violation in the face of the voters of Austin? Over two-thirds of voters voted to have this limit. This is a conflict of interest. This is an ethics law that we have on our books, and it's been in violation. The fix is not to actually upend the law. It's to fix it, to actually make things right. Please read Fred's piece and please do the right thing. Withdraw this. Don't ever revisit this again in this manner if you want the voters to vote on it again as they said, November. Thank you.

>> Mayor Adler: Okay. Those are all the speakers. We're now back up to the -- oh, I'm --

>> I signed up.

>> Mayor Adler: Okay. Let me refresh my page.

>> I beg your pardon?

>> Mayor Adler: Let me refresh my page.

>> I didn't hear you.

>> Mayor Adler: Come on down.

>> He signed up.

>> Pool: And also Megan meisenbach.

>> I'm sorry, this thing is supposed to help me hear, but I must have missed it. Sorry, mayor.

>> Mayor Adler: No, no, no, I'm still on my computer, not seeing it.

[10:54:15 PM]

But go ahead.

>> My name is ray Collins. I'm opposed to these resolutions.

>> Mayor Adler: Oh, I see.

>> I am more than ready for change in the way the planning commission is constituted. As it present exists, it preempts our plans, the way the Texas legislature preempts Austin ordinances. However, today council is posted to clarify the composition of the planning commission as per city charter. In my view, none of these draft resolutions by city legal or here on the dais, provide clarification the approach for clarification for which the council agenda is posted today, these resolutions, in other words, seems unlikely to achieve that end. My suggestion is that you inquire, of the Austin voters next November, how they want the planning commission to be constituted by giving them a choice of charter amendments which include the competing definitions. Thank you.

>> Mayor Adler: Thank you. Megan meisenbach.

>> Thank you. Good evening mayor, mayor pro tem and councilmembers. Thank you for your service, and thank you for working on this resolution. Again, the item seeks to clarify -- I think it's very clear that the planning commission has 13 members, as per the city charter. Only four of those members can be connected to development in a direct or indirect way, as per the city charter. A minimum of nine commissioned members must be lay persons as per the city charter. The citizens of Austin voted in 1994, as you heard, minimum of two-thirds will be lay members. Sometimes adding more words makes things more complicated. I think the city charter can be properly changed by citizen voters so we can all support and abide by it.

[10:56:17 PM]

Council resolutions, however possibly tempting to some, do not change the city charter. And you will be guided by the highest ethics to uphold the law. Law and honor the charter. Thank you.

>> Mayor Adler: Thank you. I think I have everyone who signed up now. There were some people I called earlier who weren't here. Is anybody here that signed up? All right. That gets us back now to that gets us back now to the dais. Mr. Renteria?

>> Renteria: I would like to ask legal a question. You know, we have a very Progressive council on the dais, and can you tell us why we cannot replace the planning commissioners? Is there a reason why we can't just kick them off the board tomorrow? Currently, the language of the charter provision states that the planning commission will serve two-year term, and this is the only board and commission that has that language, a two-year term. All the other boards and commissions are governed by city code section 2-1, and city code section 2-1 provides a removal process.

>> Renteria: So the newest members that got elected cannot replace their planning commission if they have just started just earlier -- they haven't completed their 11 year term that, means we could not replace them? Is that correct.

>> I'm sorry, can you please repeat the beginning part of your question?

>> If they haven't completed their two-year term can we replace them?

[10:58:22 PM]

>> If the planning commissioner has completed their two-year term? No. As the language of the charter states they have a two-year term. We have suggested language to the charter review commission which would change it to up to two-year term and place the procedures in the chart -- forgive me, in the boards and commission in the city code which could be changed via code amendment instead of a charter election.

>> Renteria: Thank you. And the big problem, too, is that when the council got elected, everybody picked their own commissioner. And no one knew who else was picking what at that time, so we ended up with, I guess, seven members and, you know, I don't have a -- you know, to me, I didn't pick a developer or a realtor or whatever -- it's a land developer on there, but, you know, even though my colleagues, they did and they have, you know, there's seven -- they can't replace them anyway until the term is over, until we change the charter. So I just wanted to make that statement.

>> Mayor Adler: Councilmember pool.

>> Pool: I have a follow-on question for our city attorney. If we have violated the charter through having more than four people in land development or real estate, how can we continue on with that violation, whether there's a two-year term listed or not? Wouldn't the violation -- wouldn't the council's violation of the city charter have primacy over a two-year term?

[Applause]

[11:00:23 PM]

>> Councilmembers, I think the question has to do with what y'all are interpreting for the charter, and I think the debate that you're having about who qualifies and who doesn't is one that you are having right now. And so you want to follow the charter in all respects.

>> Pool: Which is what -- okay, if I can understand what our city attorney just said we should be following the charter in all respects, which means we never should have had more than four people in land development and real estate be appointed, so we're still back to that same central problem. I guess what I'm trying to say is, pointing to what A.P.D. Appears -- what I call a property right in that appointment, which is in the charter, which is what my colleague, Mr. Renteria, was talking about, doesn't somehow dismiss or excuse or allow us or apologize or justify the fact that we have fundamentally violated the charter.

[Applause] And so I really still think we need to move in the direction that our constituents and our residents are here tonight telling us to do, which is fix that problem.

>> Mayor Adler: Okay. In front of us right now is what's been -- there's been -- Mr. Casar moved option C, seconded by Mr. Flannigan. That's what's in front of us now. It's open for amendment. Ms. Kitchen.

>> Kitchen: I am looking at option C and option B, and not seeing a whole lot of differences in them. So -- and I think there may be some confusion about where the differences are. So I'm looking at b-I under option C where it says actively develop finance.s I think that maybe the line that may be different and I would be interested in replacing that with practicing in a field related to.

[11:02:37 PM]

So does that make sense to anyone?

>> Mayor Adler: You're looking at option B?

>> Kitchen: I'm looking at option C.

>> Mayor Adler: Right, looking at option C.

>> Kitchen: There's a lot of overlap between all the amendments that are laid out.

>> Mayor Adler: I found option C be one -- I couldn't see where you were pulling language from.

>> Flannigan: Option C, bi-I have, and the practicing in a field related to is the kind of language used in option B, so that's what I was going to suggest, replacing "Actively develops or finances," because I'm not sure what the term "Actively" means there. I mean, that's pretty subjective. So that's why I'm suggesting that change.

>> What change?

>> Kitchen: You're not sure where I'm talking about?

>> Casar: No.

>> Kitchen: If you look at option C, you look under number 1, criteria for applying planning commission appointments, then you look under B, and then little I.

>> Flannigan: And the change?

>> Kitchen: I'd like to propose changing "Actively develops or finances" to "Practicing in a field related to."

>> [Off mic]

>> Kitchen: The rest of the words that are there, related to the development of property within the city.

>> Mayor adler:ms. Kitchen moves to change "Actively develops or finances" to "Practices in a field related to."

>> Kitchen: And keep the rest of the paragraph there.

>> Mayor adler:striking the first four words and adding in place of those first four words the six words "Practicing in a field related to."

[11:04:48 PM]

Councilmember pool.

>> Pool: Councilmember kitchen said that there wasn't a whole lot of difference between the two, and I'm not willing to just accept that because I think there may be some significant differences.

>> Kitchen: Okay. I think we need to articulate them then.

>> Pool: I agree. So I was beginning to go back to page 1 and see where on the alter amendments option B is the one I'm looking at, and then option C, and already on the first page there's -- her changes are not in C. I would like to recommend that we substitute alter's option B for C and work from that one because it has -- it has the additional changes that are necessary.

>> Kitchen: But in some ways it's actually more limiting and will apply to less people because it's more specific. Because it talks in terms of architects and engineers and those, you know -- architecture, construction, design, real estate, whereas option C is more open-ended, it's anybody in whatever field they're in.

>> Pool: Are you speaking to page 2 of alter amendment option B, the finding?

>> Kitchen: No, no. I'm talking about under the criteria.

>> Pool: So this is kind of the problem.

>> Kitchen: I'm wondering --

>> Pool: I'm not going to be able to follow.

>> Kitchen: I'm wondering if perhaps this is something that requires more consideration by all of us. Perhaps we need more time.

>> Mayor Adler: We can certainly take more time. I still have the -- I don't have a second yet. Councilmember alter.

>> Alter: I would like to second and then if I can speak to my own amendments I would appreciate that.

>> Mayor Adler: Okay.

>> Alter: Because I made the motion to --

>> Pool: Because I made the motion to substitute alter amendment B.

[11:06:51 PM]

>> Mayor Adler: She has an amendment that's on the floor so first thing we have to do is see if there's a second to the kitchen amendment. Is there a second to the kitchen amendment?

>> Houston: I'll second it.

>> Mayor Adler: It's been seconded. Okay. Now, you're proposing a substitute motion, which would get B on the table?

>> Pool: Yes.

>> Mayor Adler: I'm going to do that. Usually I don't like us to do substitute motions because the process for those is fairly complicated. And usually it's easier to amend. When you have a substitute motion like this that means we're going to work on both of the two motions until they're amended to the point

where they're at the form where they need to be and then there will be a motion then to substitute for -
- B out for C.

>> Pool: The reason I was making that motion is B is closer to I think the intent that we were driving toward, even recognizing that what our residents have been urging us to do today, which is simply not even do this but simply deal with the fact that we have too many people representing land development real estate on the planning commission.

>> Mayor Adler: So --

>> Pool: So I wanted to start perfect a place where we didn't V to make as many amendments, s are recognizing that I have had a lot less time on C to review it and my staff hasn't been able to review it at all to do a crosswalk between the two, and it feels uncomfortable and difficult for us to take up as the base motion an amendment that we only just now got when we have had B much longer and has been posted on the message board, which is why I was sort of just appealing to everybody's ability to get through this if we are going to do this tonight, let's start with B. Otherwise I would agree that we should table this and bring it up another time so -- when it's not -- what time is it, may?

[11:08:59 PM]

It's after 11:00.

>> Mayor Adler: Right. There's a desire at this point to postpone this and work on this?

>> Alter: I want to --

>> Mayor Adler: The motion would be to substitute it out so we would be -- we would fine-tune both B and then we would fine-tune C and then we would take the vote to substitute B out for C. But we would have to go through the amendment process for each of those. That's to do the substitute motion. Yes, mayor pro tem.

>> Tovo: Well, our practice have done substitute motions we've never done it in the very formal way that Robert's rules designates, we've just taken it as a substitute motion and considered it.

>> Mayor Adler: Our practice on this dais has been to do them with amendments to what we've had rather than substitute motion. So we haven't had a substitute motion before. We've replaced one thing with a completely different thing.

>> Tovo: I'm not sure about that.

>> Mayor Adler: The reason Robert's rules doesn't do that is because there are protections involved well-being able to be able to see what an entire motion looks like and then if you'll substitute that with something else you see what that other motion looks like.

>> Casar: Mayor, I feel like

[indiscernible] We should postpone, preempt everything else.

>> Mayor Adler: It does.

>> Casar: Can I make such a motion.

>> Mayor Adler: Yes, Mr. Casar moves to postpone. Is there a second to the motion to postpone. Ms. Kitchen seconds that motion. Is there a discussion on the motion to postpone? Mr. Casar goes first and then I'll recognize mayor pro tem.

>> Casar: Frankly, we've been -- had this posted for executive session many times and I would like to be able to do it tonight but given the length of the agenda left to do and how long it seems like this will take it seems like this is something better left for being done in between council meetings.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Yeah this has been a topic that I think has been in the community for a while, it's been on our executive session agenda multiple times.

[11:11:01 PM]

We had a lengthy executive session about it Tuesday and today again. I'm ready to make a decision and move forward on this. I agree with the community members. I think the charter is clear, but I would support today option B with councilmember alter's amendments. I think they do provide -- I think they're consistent with the charter and provide direction, and so, you know, for -- I think it's -- I've had a lot of opportunity to review it. It's been posted on the message board and, again, I'm very comfortable with making a decision for that. I'm not at all comfortable with trying to review option C and figure out where it pulls and where it doesn't pull at this hour, but, you know, option B with councilmember alter -- but -- let me say even if I could compare it it doesn't have the components I think are most important, which are the additions councilmember alter brought forward so I'm going to vote against the postponement and in support of councilmember alter.

>> Mayor Adler: Okay. Further debate on the motion to postpone?

>> Renteria: Mayor.

>> Mayor Adler: Mr. Renteria.

>> Renteria: The reason I support postponing it, I don't think the charter is broken. I think what's happened is that we ended up appointing too many people to the planning commission and what weekender do is just -- what we should do is concentrate on the enforcement, you know? Where here on option C, number 3, is get that fixed so that we can find a way to get these people to the right number and be able to replace them, you know? And I don't think the charter is the part -- what's broken. I think it's just that we didn't know what we were go to we got elected and we appointed all the -- everybody appointed someone to the planning commission and now we're in violation and we don't know how to repair that.

[11:13:13 PM]

Now I think we need to do is just change the charter so that we can get rid of people and get it down to the right number, and we just don't have to go through all this -- all these amendments that we're going through.

>> Mayor Adler: Further discussion on the motion to postpone? Councilmember alter.

>> Alter: I'll try to keep this germane to the postponement. I obviously support my amendments. Mr. Cantu but if we are going to postpone -- but if we are going to postpone we need city staff to come and clearly explain why we can be in violation of the charter but yet they get to stay on the planning commission. In any other situation if you are in violation of the rules that allow you to sit on a commission or board you don't get to sit on the commission or board. I have been asking this question for a long time, and we have not heard an answer. And just because it says you serve two-year terms, if you're ineligible to be on the board in the first place you have no property right to that term. And that we have to understand, it does not make logical sense. The other thing that I do want to clarify, and if you'll forgive me for a minute I can see where this vote is going to go, the charter amendment in 1994 was changing it from less than a majority to two-thirds majority had to be lay. It was not a change in the language about a layperson who is directly or indirectly related to real estate development. It was a change that said we want two-thirds of the people to be in that category rather than less than a majority. And we need to remember that it was a very, very clear intention that was voted on. They weren't voting on the wording. That wording was in the charter before I think going back to 1973.

[11:15:15 PM]

And if it were the case that it was less than a majority we wouldn't be debating this question. It's the fact that it is more than that. So regardless of where this vote goes with the postponement, we need to remember our history so that we can -- you know, if we want to go forward we have to also look backwards and it's really important to understand how we got to where we are.

[Applause]

>> Mayor Adler: Further discussion on the motion to postpone? Mayor pro tem.

>> Tovo: One thing I neglected to say is -- neglected to say, I think the amendment most germane to this question contained within councilmember alter's is D, which as she laid out earlier, would remedy the situation after June 1. So to me that's a good reason not to postpone, but to move forward with this and get our planning commission back in compliance with the charter.

>> Alter: Mayor, if I can add another thing.

>> Mayor Adler: Yes.

>> Alter: There's another way to come into compliance, is that the members who have -- planning commissioners who violate this, if enough of them were to ask their commissioners to step down, even

if they did it at the end of codenext, we might say that this is not a fair time for them to be without representation, we could probably solve this fairly quickly I'm sure after the codenext experience we'll have several commissioners who want to resign moving forward, but we could just get this taken care of.

>> Mayor Adler: Any further discussion on the motion to postpone? Let's take a vote. Those in favor of postponing please raise your hand. Kitchen, Garza, Renteria, me, Casar, and Flannigan.

[11:17:18 PM]

Those opposed raise your hand. It's the other four. The motion to postpone passes. Let's move to the next item. It is dockless vehicles, item number 27.

>> Houston: Mayor, may ask a question? It would help me when we get additional things if we have a red line so I'm able to tell what's being removed so I can track it. So as you work on yours, if you would do that, that would -- I'd appreciate that.

>> Mayor Adler: That gets us up to item 27, dockless. It's been suggested we take the mobility thing first, you're saying a lot of people could leave on that? Staff has requested we take up mobility first. Let's go ahead and do that.

>> Alter: Excuse me, mayor, can I ask a procedural question. Do we have to set a date for postponement or did we just postpone it?

>> I'm sorry. You do need a date to postpone the item to. You just -- unless you want to postpone indefinitely you need a date to come back. So do you want to -- does anybody have a suggestion for a date to come back?

>> Pool: We have two meetings in may, the tenth and the 24th. Seems to me we need to do this sooner rather than later, and I agree with my colleagues that the solution can be reached quickly in a couple of different ways, and we have a solution in one of these in option B. So I would propose may 10.

[11:19:36 PM]

Mayor, are you thinking deep thoughts?

>> Mayor Adler: I am. Just I don't know what's set on the tenth but it seems to me it should be either the tenth or 24th and I just don't know what's set on that and when it comes back I'd like for us to be able to finish it. Mr. Flannigan.

>> Flannigan: Because I have come to appreciate that silence is sometimes interpreted as acceptance, I want to daylight for staff that I don't agree with the way option -- that part D, where it defines a method, I don't agree with that and I wouldn't support that method of drawing straws. I don't think it

would make sense. It would be the same thing as drawing names out arrive hat to pick the mayor pro tem. So I don't think that's anything we'd want to be doing, and if staff wants to put together options that comply with other removal procedures or options that are defined in other state laws about how one might do removal procedures, then I think that would be more amenable to me, I'll just put it that way.

>> Pool: So, mayor, back to the date, maybe what we could do is set it for the tenth and if we're not ready then we postpone it to the 24th. Because we always have the issue of how many items are going to be stacked up. We've moved a number of the zoning cases to may 24, as I recall.

>> Mayor Adler: It's been moved to postpone this to may 10. Is there a second to that? Is there a second to move it to the 24th? Is there a second to move it to the 24th? No one wants to pick it up.

>> Pool: I think you missed councilmember alter, who was --

>> Alter: I was motioning.

>> Mayor Adler: Councilmember alter seconds -- I didn't see it. Councilmember alter seconds postponing to the tenth. Any discussion? Councilmember Flannigan.

>> Flannigan: Because we are an even number I'm curious if we know when our 11th member might return les we end up in a 5/5 even by then.

[11:21:42 PM]

I would hate for us to go through this exercise three or four times in a row. You think August? I just wanted to daylight that as an unlikely possibility, but possibility nonetheless.

>> Mayor Adler: Okay. How about if we set it for may 10 and then have a conversation on the eighth and if it looks like we could get 11 people present on the 24th that that would be a reason to postpone it from the tenth to the 24th. Ongoing? With that said, any objection to postponing it until the tenth? We're going to postpone it to the tenth, talk about it in work session on the eighth and decide whether it really gets' heard on the tenth or not. Hopefully there could be work done on the language and elements between now and then so we'd be in a better position to be able to move forward. Okay. Let's do the mobility bond next. That's the one you wanted done next? Item number 28. We have staff here for that? Okay.

>> Good evening, Mike Trimble, head of the corridor office, it is still the staff proposal, base proposal that was presented is before you today.

>> Mayor Adler: Someone want to make a motion to approve the base proposal? Ms. Kitchen makes that motion. Is there a second to that? Mr. Casar seconds that. Discussion? Ms. Kitchen?

>> Kitchen: I have two amendments that I passed out, and I think there may be at least one other amendment from Mr. Casar. So do you want me to go over my amendments, mayor?

>> Mayor Adler: Okay.

>> Kitchen: Okay. So okay, I'll go over the first one, which came as a recommendation from the mobility committee.

[11:23:45 PM]

So it's the one at the top that says "Mobility committee." And it adds two clauses to the resolution, and I might add that the language has -- we have worked with the staff on the language, and the language of this one is exactly what was voted out of the mobility committee, and it's language Mr. Trimble has seen and basically it says -- do you want me to go through? The first part is the city manager is directed by city council to return to council at the completion of the preliminary engineering phase for approval to proceed. Then the second part is to continue coordination with cap metro staff and the asmp to advance projects and programs that improve transit. There's some additional language about that but basically the purpose of this is to allow our staff to get further along in the planning process as well as cap metro getting further along in their planning process and then considering more specifically what transit priority treatments would be appropriate. So, Mr. Trimble, I think I said that, and my colleagues, I think I explained that the way my colleagues and I were looking at it, but I look to my colleagues on the mobility committee if they want to say anything further about it.

>> Mayor Adler: Councilmember alter.

>> Alter: I second it.

>> Mayor Adler: Is there any objection to this amendment being added? Mayor pro tem.

>> Tovo: Yeah, I support it being added. I just do have a question for Mr. Trimble, though. I want to -- I think this addresses some of the concerns that the stakeholders I met with have, and that is because as I understand this first be it further resolved, before proceeding with any of the projects you would be coming back for a further council vote.

[11:26:01 PM]

>> With this amendment, that's correct, yes.

>> Tovo: Okay, thank you.

>> Mayor Adler: Okay. Any objections to this amendment? Mr. Trimble you're okay with this amendment?

>> So we do have one suggested addition to this and I think it's proposed by legal but we propose adding the last sentence, and I think you had seen this.

>> Kitchen: Yes Spanish -- and I objected to that addition.

>> Mayor Adler: Ask K we hear what it is.

>> The city manager is directed to use mobility funds for this work only if approved by bond counsel as lawful use of those funds, again complying with the bond ordinance.

>> Kitchen: I objected to that because that language goes to the entirety of your use of funds and I don't think -- I don't see that that language is applicable to this amendment and I don't think it's necessary.

>> Mayor Adler: I'm confused.

>> Kitchen: I'm not sure why it was even added because it is -- it is -- it has to do with the use of the bond funds which you also address in the base motion.

>> This language was suggested by legal so I'll let leela speak to that.

>> Thank you, leela fireside for the law department and we felt we were moving into a territory that hadn't necessarily been addressed explicitly in the original ordinance and the resolution relating to the bonds, and we thought it would be cautious to just note this.

>> Kitchen: Well, and so you'll have to explain further. I'm not certain how we're possibly moving into an area that's not in the original bonds because all this does is pick up language in the original bonds. It certainly doesn't spend money in any way differently than what's in the original bond. So if you could point to the specific language that you're concerned about, that might be helpful.

>> Well, my concern is that we were not adopting in the contract with the voters the capital metro memo, and so I just wanted to make sure that we weren't doing something that went beyond the fairly detailed contract with the voters that y'all had very carefully put together.

[11:28:26 PM]

>> Kitchen: I think if you'll read this language, it simply says that the preliminary engineering phase includes studying transit supportive corridor improvements recommended by capital metro in their memo. The bond -- the covenant with the voters was very specific to include transit.

>> Yes.

>> Kitchen: So this is nothing other than transit, and so I really object to adding language that could be perceived as raising questions about the legitimacy of this, so I can't accept that amendment, I don't think it's appropriate.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I just wanted to clarify where you were suggesting that sentence go, and I now understand it's after the second be it further resolved.

>> Yes.

>> Tovo: And then that made me look at the last sentence and I would just say titles should I think be titled.

>> Kitchen: I want to move forward with the motion as I presented it.

>> Mayor Adler: I understand that. To be clear would you repeat the sentence you're recommending again?

>> The city manager is directed to use mobility bond funds for this work only if such use is reviewed and approved by the city's bond counsel as a lawful use of these funds. So.

>> Kitchen: My other concern is you are actively putting in place a review process that is not -- reviewed and approved. So you're actually saying that bond counsel has to review and approve this language? Is that what you're saying?

>> What I'm saying is that before the funds are expended, that we have the bond attorney look it over to make sure that it fits in with the contract with the voters so that when we issue the bonds we are -- we have his assurance that the attorney general's office will not raise any questions.

[11:30:47 PM]

>> Kitchen: I'm really concerned because it adds a step to the process which delays the work of Mr. Trimble and his group. I think it's unnecessary. We've already gone -- we've already obtained a review and approval from the bond counsel on use of our dollars related to transit. This is nothing other than that so I say we just move forward without this language and I don't appreciate -- well, I thought we had an agreement not to include it, and so this is a surprise to me that this is being suggested at this time of night as I bring forward this motion.

>> And I apologize. I had put this language into the materials that I had provided to your office and apparently there is a miscommunication because I didn't realize that you had a concern with it.

>> Kitchen: Yes, my office contacted you to let you know we had a concern.

>> Mayor Adler: Regardless, if you had a concern about this, this is something that the whole counsel should hear anyhow, regardless, so the whole council can decide whether or not it needs to be included or not so don't ever hold anything back that's a concern. Always daylight that. That said, it seems to me then if you have a concern at any point on anything, we check on that. So I don't know it's words we need to include here. If that's a concern then you should check on that as you would any other time. Nothing in here precludes you from doing that. Always make sure we're spending money the way we should be spending money. With that understanding I think it's a surprise for me, I don't need that to be included in the language councilmember alter.

>> Alter: Is that something that's been done on everything else that's in the plan before us in the base motion?

[11:32:48 PM]

>> Mayor Adler: I'm sorry.

>> Alter: Is that something that presumably has been done on everything in the base motion?

>> Yes.

>> Alter: So they haven't looked at this piece?

>> Yes, the permits that are included were based on the contract with the voters in the bond election ordinance and reviewed thus far.

>> Mayor Adler: As I read this I don't see a conflict between this and what we've done. This seems to be consistent with that, but if you have a concern about that there's nothing in here that would stop you and I would expect you to check and bring that back to us if that is a concern. But for us to raise that I'm not sure that would seem to imply that we're suggesting this is inconsistent with that and I don't know that we want to be doing that. So we have this amendment in front of us. People want to make any changes to this? Anybody have any objection to this being adopted? Hearing none, this amendment is adopted. Thank you. All right. We're still discussing this. Ms. Kitchen, you have a second amendment?

>> Kitchen: Okay. I'll go forward with the second amendment. And this one is one that we've been working with Mr. Trimble on, and I believe we have language that we've worked out. And this relates to the -- it relates to south Lamar and the corridorwide mobility improvements for south Lamar and I have been signaling this amendment for the last couple of work sessions, so this is the one that relates to, as you all might recall, there was -- there's a proposal from staff in the item brought forward to work on the enhanced improvements for the bicycle track, on the southern end of south Lamar, the panther trail to Ben white. And so in conversations with Mr. Trimble and with the bicycle community, we wanted to instead have this work performed on the northern end, which -- so this is all within south Lamar, but the northern end, which is from Riverside to Barton springs road.

[11:35:12 PM]

That the enhanced mobility related to bicycles would be in that area. So that's why you see the language in the first bullet that talks about adding up to .5 miles of full reconstruction with enhanced pedestrian and bicycle facilities, et cetera, from Riverside drive to Barton springs road. So that's what that one is doing. And then the second bullet makes changes in the rest of the document to allow for that. And then there's a footnote that recognizes that there could be a situation where when they finish their preliminary engineering studies that they have to -- they have to consider how to fund that, and so the thinking is that that funding could come from efficiency -- could come from perhaps not needing as much dollars from south Lamar south and if that's not the case we could consider looking at a portion of the dollars from slaughter lane on the western portion of slaughter lane, and the reason for that is that's the portion of slaughter lane that just got funded from campo. Again, at this point in time it's early in the process, as I understand, from Mr. Trimble. There's not a certainty about whether additional dollars would be needed. This footnote is just included to give some flexibility to Mr. Trimble and his team as he goes forward. Did I get that accurately, Mr. Trimble?

>> I think so, yes.

>> Kitchen: Okay. So I move passage of this -- I'm sorry, it's getting late. I don't know if I already moved it.

>> Mayor Adler: That's all right. Councilmember kitchen moves these three amendment points. Is there a second to them? Ms. Houston seconds them. I have a question because I'm not sure what these mean and I don't know what the effect of them are.

[11:37:14 PM]

So staff went away, came back and came up with metrics to try to analyze where the greatest need was and then you took the money that had been developed and you allocated that money in certain areas for certain projects. Tell me what the effect -- for each of these through bullets, tell me what the effect of the first bullet is, then we'll ask for the second and then ask for the third.

>> Sure. So in the list of projects, one of the prongs that was prioritized to move forward was doing a quarter-wide mobility package for south Lamar. What this amendment would do is add within that package of improvements to do full design and construction for a segment from Riverside to Barton springs. That would be additional scope within that package of improvements, and that's the part of the discussion that councilmember kitchen was mentioning, is that we can't say for certain that we would have funding within the existing budget to do that, that at this point that looks like additional scope but, again, we're going to be working on our comps estimates and looking for comps efficiencies and we may find something for south Lamar and we discussed potentially --

>> Mayor Adler: Backing up for a second because I'm not following what you're saying.

>> Okay.

>> Mayor Adler: So the project had -- there was different levels of work that could be done on each of the corridor areas, and you had recommended doing basically the initial work on many different areas except for Riverside drive, where you had doing further work. But then you also had design work being done on some of the other areas where we're not doing construction now, so that if campo money became available or additional money became available we would be ready and able to move those projects right away, which we weren't able to do with some projects this time because we weren't in that engineering position, okay? Does this change any of that?

>> So let me just -- yeah, let me start back with the base proposal.

>> Mayor Adler: Okay.

>> For the spending of the 482. What's in the base proposal is quarterwide mobility improvement packages for all nine corridors and two of the enhancement modal segments on Riverside drive.

[11:39:22 PM]

This would basically add on south Lamar full design and construction for enhanced multimodal segment from Barton springs to Riverside.

>> Mayor Adler: It would be going beyond the design work we had had on others and adding design work for the enhanced project?

>> That's correct. This was not a project that was part of the design only, as councilmember was mentioning, design only funding was allocated for panther trail to Ben white, basically, which was the southern segment of south Lamar, so this would be moving that design funding up to this segment and looking at construction funding as well.

>> Mayor Adler: So it would be taking design dollars that were scheduled -- that you had recommended go further south on south Lamar and move that design funding further north on south Lamar?

>> That's correct.

>> Mayor Adler: And that's what the first bullet point is for, right?

>> And also looking for construction funding.

>> Mayor Adler: And also construction money. So first I want you to speak to your recommendation relative to why you are recommending spend the design money south as opposed to sending the design money north. And if we were not going to spend the design money south, would the next priority project be the north side of that same road or would there be a higher scoring element somewhere else if we were moving -- if we decided we didn't want to put it on south Lamar at panther road, is there a next higher priority project that would rate higher than the north end of south Lamar? That's first question. The second question is with respect to construction money, is there -- if we got the construction money, we got additional money, is that the first project that we would want to spend construction money on if we were able to get new construction money from somewhere else or if we saved money and turned up additional construction money or if txdot funded one of our prongs that were in the city and we turned up additional is this the next project that we would be doing from a priority standpoint?

[11:41:34 PM]

>> So the staff process, to answer your first question, the staff process to develop the recommendation now, which had the recommendation for not just the full design and construction for the quarterwide mobility packages at Riverside but also the segments for design only, including the south Lamar segment, that southern segment, was based on looking at the prioritization, so what came out of the prioritization model but then also look at geographic dispersion, that's what got us to doing quarterwide packages. Most of the corridors were relatively high in the process. And so we looked at moving all the quarterwide packages forward but then also the next set of projects we have is design only funding scored relatively high, again, the next set of projects that scored high in the prioritization model so we're recommending to put design only funding to those and seeking additional construction funding. So

would thereby another project that would score higher in the segment we're talking about in this amendment? Most likely because the segment was in the third category, which was to seek other funding sources in the staff prioritization and ultimately our recommendation. So it was in that third funding strategy of seeking other funding.

>> Kitchen: Let me --

>> Mayor Adler: So just to finish and then I'll turn it over to you, so my concern is it sounds as if we'd be elevating something from the third category up to the first category and bypassing other projects that might be rated or scored higher than this. If we were going to move it around I don't know where why we're not moving it to the next ranked project.

>> Kitchen: Let me just speak to this. First off we're talking about existing money on south Lamar. And what we're talking about is moving from -- and part of the issue with this is the way the segments are cut, you know, from -- I mean, you had to choose segments and that contributes to the dollar amount. So let me just say that the conversation we've had is that the -- if you know -- if you think about south Lamar, which is a major corridor in district 5, then that segment from panther to Ben white is not the first segment that you would want to develop -- or that you would want to enhance for bicycle purposes.

[11:44:00 PM]

I mean, basically that segment leads into the freeway and it's not a very -- and it's not the segment that the bicycle master plan uses right now for south Lamar. Instead it routes in through panther which is north of there. So this is simply suggesting that -- and remember the criteria, as Mr. Trimble said, the criteria that he's looking at has a subjective component which is the geographic dispersion and there's some other subjective criteria too. So if you think about the north end of south Lamar from Riverside to Barton springs road, that makes better sense to -- that makes better sense to develop in this way. And I don't see any problem with it. I wouldn't have any concern if anybody else such as councilmember Casar felt like it was appropriate to move dollars around on that particular corridor, understanding what the constituents are interested in and understanding the area. So I'm really -- I'm really not understanding why this is raising concerns.

>> Mayor Adler: For me it's raising concerns because we haven't spent money by district. We've spent money by need and I just want to make sure that we're tracking spending money by need and not by district.

>> Kitchen: I'm not talking about by district. I'm talking about needs on this road.

>> Mayor Adler: Can you explain to me why it is that -- because what councilmember kitchen is saying is making sense to me. If you're going to do bicycle work why wouldn't you do it on the part of south Lamar that's closest to downtown where it's most of the people that are riding bicycles and why doesn't that score higher than something which is south of Ben white?

[11:46:00 PM]

>> With the prioritization model that we put together, again, we tried to do our best to translate directly from the priorities from the contract with the voters, and the contract with the voters really looks at all modes of transportation. So it didn't look at any one mode in particular over the other. It looked at the quality of those modes and the potential enhancement to the metrics related to those modes as well as the level of service for those modes across -- whether it's vehicular transit, bike, pedestrian, and so it didn't look at any particular one in particular. I can tell you that one of the other reasons that the segment -- the southern segment of south Lamar scored higher than the other ones was the cost. It didn't have -- again, based on our cost risk assessment, which is a pretty robust process, it didn't have quite the anticipated right-of-way drainage type issues you might see further up on south Lamar, any people that have been on south Lamar, it's a little more constrained and there's types of issues like that we have to look at versus the southern segment. It's kind of how it scored but also how it came out for costs as well.

>> Kitchen: So if I could speak to that for a moment. So, yes, it was cost. So if you think about it from that perspective, why would we not move dollars to another area of the road which is actually -- can benefit better and where there's a better -- a higher need for this particular enhancement? Particularly since the only reason that the panther road segment scored higher is because it cost less. Well, costing less is not a determining factor on how it's going to be used. And the -- and the importance of placing these improvements in a place where they'll be used better. So and, again, I'm not suggesting that we pull dollars off of other corridor -- you know, I'm not suggesting a major rearrangement even though, you know, south Lamar was one of the corridors that didn't get that much money.

[11:48:13 PM]

And even though south Austin didn't get that much money. I'm not -- I'm not suggesting those kinds of changes. I'm simply looking at a very simple change along one corridor just moving from the south end to the north end. I don't see a problem with it.

>> Mayor Adler: So is all the costs then -- this change going from more south, south Lamar to more north south Lamar, is that an equal cost shift?

>> If it was -- if we're talking about design-only funding, then it would be comparable. Construction funding, I can't say that. I mean, because we didn't have any construction funding in for the southern segment of south Lamar so that construction funding -- that's when we talk about -- we're talking about additional --

>> Mayor Adler: I think Ms. Kitchen was talking about taking the money that was programmed for the south part and moving it to the north part. So we're not --

>> That's right.

>> Mayor Adler: So there's no construction money to move up, so Ms. Kitchen isn't moving up any construction money. She's just moving up -- is that right, councilmember kitchen?

>> Kitchen: Well, but I have suggested that if construction money is available we ought to be able to use it. For example, as we've talked to Mr. Trimble about before, you know, the dollar amounts that are estimated for the preliminary engineering are not exact, and so it's possible that they -- as they finish this possible -- as they finish this process they may have additional dollars available, which I would like to continue to be used on south Lamar and could be used for the construction. I've also identified another corridor, which is the slaughter lane corridor, the western portion, which just got additional dollars from campo, so there's quite a bit more on slaughter lane now than originally anticipated, that if there was a need -- and we don't know if there will be, but if there is a need for additional dollars for construction, we can consider that segment.

[11:50:19 PM]

Now, I think it's important to remember also that the amendment that we just did, the first one, has this coming back to us after full design. So we'll have an opportunity at that point, too, to discuss this further if there is concern.

>> Mayor Adler: So I have -- I might go with you on moving the design money from the south for the north if it's just the same kind of design and the only reason that one ranked over the other was because this was a cheaper project and this would ultimately be a more expensive project to the north, take more money accommodation but I don't know that I could be with you on actually moving construction money from a different project to this place without having -- even if they were both in your district, without an analysis of if we get funding for prongs that are construction money -- projects that are construction money, I would want to know what was the next most needed place to use that construction money based on whatever criteria we had rather than moving it to something we were trying to decide now was the next priority.

>> Kitchen: Okay. If we're going to have that conversation then I would want to have a conversation about the criteria as a whole and the fact -- you know, there's other things that people have brought up, property tax, different councilmembers have brought up the fact that perhaps other areas in south Austin like William cannon perhaps should have received more funding or other things like that. I have attempted not to blow up the whole project by raising those kinds of concerns and just taking what appears to me to be a very simple solution and limited solution.

>> Mayor Adler: Okay. Mr. Flannigan and then councilmember Garza.

>> Flannigan: So I share the mayor's concerns. I'm more comfortable shifting on the corridor, but I'm curious first as a question of staff as this program moves forward, there's the list of campo projects that will be approved by the campo board in may.

[11:52:20 PM]

There may be another list of projects approved by the campo board next year, I believe. There may be more. Projects in the city or some that like councilmember Houston has raised at previous times that weren't being contemplated and we might be able to make those things happen. If there is additional funding available either because other entities fund it or it became cheaper to do or whatever it is, how long those funding decisions be made?

>> Sure. Obviously we take memo account any council direction we receive but the staff process, that's one of the reasons we had Teed up projects for design-only funding, those are projects that scored relatively high in our prioritization process and those would be the next set of projects we would look to seek construction funding in the staff-based projects. As we saw those opportunities those would be the first we'd look that but we would look at other projects, for example that score well through some other grant funding opportunity. Obviously we'd be looking for those opportunities as well.

>> Flannigan: And that decision you would review but council would approve?

>> Well, what we would do is, again, with the amendment you've already approved we would come back to council and we are anticipating doing refined cost estimates after preliminary engineering and we're going to be updating our cost risk assessment and then we'll have a better idea if we're having any cost efficiencies, cost savings, things like that and, yes, if we had a recommendation for where we would put those dollars to we would bring that recommendation to you as well.

>> Flannigan: Because you would have to bring it to us before you allocated funds differently than is currently being approved?

>> Sure, what we would do next as we move into full design is start crafting the design packages and moving forward. We'd want to have a good idea of getting council direction and moving it to that next phase of really designing those design packets.

>> Flannigan: I bring it up because I think the footnote councilmember kitchen has laid out I think informs your recommendation but does not automatically approve a move of dollars from slaughter to Lamar.

[11:54:20 PM]

Is that a fair assessment?

>> I think that's correct. I think this is just to do that analysis.

>> Flannigan: As long as it comes back to council for final approval, if we want to make a footnote that informs your recommendation, I'm perfectly fine with that.

>> Mayor Adler: Mr. Casar -- sorry, Ms. Garza was next.

>> Garza: I really appreciate and respect what you're trying to do in your district but I'm just -- I'm really reluctant to -- it feels like a slippery slope to be moving money around outside of what the matrix that --

I actually don't agree with what is in front of us, but because there were several projects in my district that ranked higher and should have kicked, I think, like two districts out of anything but because of geographic dispersion projects in district 2 were kicked back because we needed -- even though they ranked higher because of the geographic dispersion part. And so I've accepted that because of this matrix that staff has worked very hard on in trying to analyze all these different things, and to move funding from further south Austin to closer to downtown, I just -- I can't -- I can't support that. Because if in the case -- if we're moving -- if we're saying it's cheaper to do everything for the southern segment if we move the funding for the design more north and, let's say, it's going to cost 4 million to fix it but it could have cost 2 million to construct this and we find 2 million, now we can't do anything because we took the design money -- away, it's still not enough to do this up here, it just seems like a slippery slope for us to be moving this money around within districts. So I --

>> Kitchen: Could I --

>> Garza: I can't support it.

[11:56:21 PM]

>> Mayor Adler: Ms. Houston and then Mr. Casar and then we'll come back.

>> Houston: So I'm a morning person, and I'm getting really loopy. I've got three just very quick things, so as soon as we can get through I would like to just read my motions into the record.

>> Mayor Adler: We'll get to you next. Mr. Casar.

>> Casar: I recognize the concern about new construction money and us not knowing exactly -- and reallocating that preemptively, but to echo what councilmember kitchen and councilmember Flannigan said, this would just be -- this would be a potential opportunity for us to do that but the staff would have to check back in because the [indiscernible] Just passed. And I think while the model has had some good parts to it, I do think that it is to segments that so clearly right now have potential for really improving ridership and really improving walkable and doing all that both on south and north Lamar, and so I'm comfortable with the way so I'm comfortable with the way it's written. If there's construction money that pops up, we'd have to approve it and mayor it to other multimodal projects and reexamine how it is we are doling out some money, compared to issues that seem glaring, if you go down Lamar at Ben white or at 35, it doesn't seem to be what the common sense priority is on multimodal improvements.

>> Pool: I just wanted to say that moving -- on the north Lamar question, moving the money from the northern portion down further south is fine with me, and to the extent that we're talking districts, it moved it from seven to four, but I recognize the reasoning that both councilmember kitchen and councilmember Casar have put forward, and I think it's a better -- a better expenditure and will promote the multimodal in those areas better than it would certainly in -- and I'm much more familiar with north Lamar area than the portion in south Lamar.

[11:58:52 PM]

>> Mayor Adler: So I would support moving the design money from one segment of south Lamar to a different segment and apparently from one segment of north Lamar to a different part of north Lamar, and the design money shift, I think that -- I think that councilmember Houston has in her three points in exhibit "C." So long as we were not making a determination here to move any construction money from project --

>> Mayor, if I could just reiterate, what we're going to be doing next is engineering before we come back to you. At the end of that we're hoping to do revision of our cost risk assessment and updated cost estimate so we'll have that information to bring back to you to talk about how things are looking then.

>> Mayor Adler: I have no objection on you doing analysis on what the construction costs would be and how they could be used on that project on the north side of south Lamar, but I would also want to know what were the projects that ranked on the matrix so that I could compare that with, regardless of where that money turns up, regardless of where the district money turns up, just to see citywide where would be the best place to put those things. All right. Given what I just said, is there anything inconsistent with that understanding with approving councilmember kitchen's motion?

>> I don't believe so.

>> Mayor Adler: Okay. With that understanding and direction, this language still would get us to that place.

>> I believe so.

>> Mayor Adler: Then I'll support councilmember kitchen's amendment. Is there any further discussion on it? Those in favor of the kitchen amended, please raise your hand. Those opposed? Garza and Renteria voting no, the others voting aye. Next amendment. Ms. Houston?

>> Houston: Thank you, mayor. I've passed out a motion sheet and this is just to amend exhibit "C," which is proposed corridor construction program to add items for consideration and analysis as part of the design phase.

[12:00:55 AM]

I've been through this with the corridor folks and they agreed to it. In the first but, we're talking about airport boulevard. The only thing we've added at the end of that paragraph is evaluation of intersection improvements with turn lane modification at east 12th street. The second bullet, we went from three traffic signal improvements to four, and the third bullet, it's a footnote to have them look at preliminary engineering on the corridor-wide improvements to include evaluations of partnerships, coordination opportunities for sidewalks on decker lane from the city limits to the elementary school that is actually in manor ISD and the county. And that's -- that's all.

>> Mayor Adler: Okay. Is there a second to that? Mr. Flannigan seconds that. Would you talk to me about these changes in relation to the conversation that we just had the last half an hour?

>> Right. So what this does is it makes an amendment to exhibit "C," which basically just gives us certain things to look at as we're doing some of the additional analysis and as we're getting to engineering, I think some of the conversation we had previously, these are just some other things we're going to be evaluating and looking at as we move into that phase and we'll give an update.

>> Mayor Adler: That doesn't change prioritization, spending or construction?

>> These are within investment packages.

>> Mayor Adler: Is there an objection to this amendment being included? Yes, mayor pro tem?

>> Tovo: Yeah, I'm trying to manage -- trying to really understand all of these different changes. It's kind of challenging at midnight. The bullet one, as I understood councilmember Houston, the only addition to this is evaluation of intersection improvements with turn lane modifications. That's the only difference from what is in our current backup?

>> That's correct.

[12:02:57 AM]

>> Tovo: Okay. All right. Thank you.

>> Mayor Adler: Any objection to this amendment being included? Hearing none, it's included. Mr. Casar?

>> Casar: And I just handed out the amendment. I'd like to move the amendment I just handed out, the amendment that we just talked about on north Lamar.

>> Pool: And if you need a second, I'll second.

>> Mayor Adler: All right. Mr. Casar is proposing something, this is -- is this consistent with the other conversations that we've had?

>> Yes.

>> Mayor Adler: It's having moved some design money, but it's not changing any construction money or any of the priorities, that kind of thing. Yes?

>> Casar: So let me -- I'll explain it. So all it is, is, we currently -- the model currently spit out to design multimodal improvements at the furthest upper end of north Lamar at I-35 in district 7, and just a few miles south, almost at the exact same -- they've almost got the exact same number of points between Thurmond and rundberg, we're moving design money from the very northern end to the middle end. The cost is virtually the same, and so this just goes to show that the boundary between 407 is just a political electoral line, we all use north Lamar up there, and really the rundberg/thurmond area is where

you have tons of pedestrian traffic and needs for this multimodal improvements, and so councilmember pool and I both agree, and I think anybody --

>> Mayor Adler: So what does this change?

>> Casar: It just moves the design money from one area to another, and then updates the corridor plan that was done years ago to -- from eight pedestrian hybrid beacons to nine, given some needs on west Yeager lane, which is for a corridor improvement plan that really, you know -- whatever it is, two thousand bucks, it's not -- I don't think it's really -- for the engineering, my understanding, it's no different.

[12:05:03 AM]

>> Yeah. Similar to the conversation we've had. That's within a current investment package for the corridor Y that was planning to go for full construction.

>> Mayor Adler: So it doesn't change any money allocation except for those areas. I think one of the things to take a look at is with respect to the matrix and evaluating whether that's evaluating need in the way that we would feel that. I think that the emphasis -- somehow or another, the matrix going forward, needs to take a look at where the greatest needs for the multimodal -- or where the greatest amount of traffic is. There appearance to be a major glitch in the system.

>> Just to be clear, we did account for all that. When I talk about cost, like we had presented to council previously, it's bang for the bucks. We did look at very robust matrix on the front end. We looked at the contract with the voters and looked across all the modes and then looked at various other community considerations, and that was all -- you know, that's the outcome part, but then also costs that didn't factor in, you know, for the bang for the buck part of it. So I definitely understand the concerns and definitely, you know, appreciate the direction council is giving.

>> Mayor Adler: Okay. I guess -- I guess -- I guess what's associated for the bang for the buck are not ringing true. Maybe it's a question of priority. I understand you're trying to get geographic be distribution, but maybe the need is great enough to focus on where we really have the greatest opportunities, even though it costs more, even the expense of having the geographic dispersion, which, quite frankly, was not one of the higher priority 3 areas. The higher three priority areas talked about the things that the council is talking about here today, as opposed to the ancillary consideration, which include the geographic distribution. Maybe that percentage on that one was too high and it's -- and it's messing up the three primary ones.

[12:07:07 AM]

All right, is there any objection to this -- yes, councilmember Garza.

>> Garza: Again, we're moving money from further out to closer in, to downtown.

>> Casar: Sure, I guess technically it's closer to downtown, but this is -- if you would look at a picture, this is the -- a part of north Lamar -- moving design money from a part of north Lamar that has some newer development, but frankly is -- has very few -- has just less scrambling to get on the bus than parts of rundberg and Thurmond, which is nine or eight miles from downtown, but not twelve.

>> Pool: This area is north of 183 and the area that Greg is talking about is a pretty dense at rundberg area, it's really dense. There's a lot of commercial and houses back behind there. At any rate, I don't have any problem with it. I suppose if I was trying to deal with the money aspect of it, I would say, well, I want an equal amount of money to do something else in district 7 that I'm losing for the design, but I don't see it as losing the money. I see it as we are putting the money and the work and the design efforts where they should be appropriately at this time. There may be some day when further up toward I-35, where north Lamar intersects, which goes pretty far out, that it will be more densely trafficked. But it isn't at this time. And if we want these to be model pilot projects so to show how this will work, I want it to be in a place where it will be successful, given my knowledge of how traffic in the area is right now.

>> I want to reassure council, too, like we told brushings we're going to be working the entire program of projects, whether they were seeking our funding or design, only for looking at leveraging opportunities. And having a program with 30 more investment packages gives us more opportunity to do that we feel like that will provide more money back to the city and the voters as well.

>> Pool: H.

[12:09:07 AM]

>> Garza: And again, I want to see I appreciate and respect what councilmembers are trying to do here, but to see money being diverted from further out to closer in, regardless of -- it's the, you know, chicken and egg thing that we face, that I deal with a lot of my district. No, you can't get a fire station out there because you don't have enough people out there, but they're still paying the same taxes that everybody else is. It's just -- it's frustrating to see, again, outer reaches of our city are not getting the same attention that -- you know, anything within 3 or closer are.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: And I appreciate that concern and we can talk more about that, councilmember Garza. The area that I'm moving is from -- it doesn't meet the -- doesn't meet that description. We're talking about the south part of Lamar, south Lamar to the north part of north Lamar. It's not that big of difference. The south part where the money was is not in south Austin at all. I mean, it's not in far south Austin at all. It's north of Ben white.

>> I'm very familiar with the area we're moving the money from.

>> Kitchen: Yeah, I know you are. I just don't agree with that characterization that I was moving some -- I share your concerns. I do represent south Austin, I do share your concerns, and I don't think that what I was doing meets that characteristic. And we can talk about it more.

>> Mayor Adler: Oak. Is there a second to Mr. Casar's motion, his amendment?

>> Casar: Councilmember pool made it.

>> Mayor Adler: Pool seconded? Any objection to that being concluded? Let's take a vote. Those in favor, please raise your hand. Those opposed, Renteria and Garza voting no, others voting aye, troxclair off the dais, and Ms. Houston off the dais. That amendment is brought in. We have some people that have signed up to speak on this. Mr. Goff, do you want to speak?

>> Briefly.

>> Mayor Adler: Is Brennan griffin here?

>> No.

>> Mayor Adler: What about Tom Marshall?

[12:11:09 AM]

Cathy Norman? Mike -- you're our speaker.

>> I'll be brief. I want to go home as much as you do. I appreciate the discussion on trying to move transit spending where people use transit. It's clear that the matrix is off, technically, if it recommends areas that are further south and further north on Lamar when more people want to go into the city and using more central parts of Lamar. No matter where you live, you end up using those parts of the streets. So I appreciate that. It's just common sense, whatever the matrix is, that if you want to improve transit, you want to pick the areas with the highest transit ridership and try to improve that corridor to get more transit ridership. That's the way you try to boost transit altogether. By the way, I [indiscernible], I forgot to mention that. We know that we're going to see a light rail proposal on Guadalupe and Lamar, and it's critical that we coordinate our spending with that priority that I think almost everyone shares. So we would really like to see dedicated right-of-way for Guadalupe and Lamar and any other corridor that is good for. Finally, safety. The voters talked about spending money to address congestion and enhance safety, not or enhance safety. So we really request that you design all of the corridors for safe design speeds that don't put people's lives at risk. Lower design speeds mean fewer people will die. So please vote in a way that will make fewer people die. Thank you.

>> Mayor Adler: Okay. That gets us back now to -- to the dais.

[12:13:13 AM]

It's item number 28. Those are all the speakers. It's been moved and seconded and amended. Those in favor of further conversation? Mayor pro tem?

>> Tovo: Sorry. It's been such a long day, I forgot I had some things I needed to say. So I think we may have had some testimony a little earlier about this, but I know most of us have heard from the university

of Texas and from other stockholders in the area and the Guadalupe corridor, and I just want to ask Mr. Tremble to reconfirm, as we did on -- at the work session, that, indeed, you've outlined a very clear process for stakeholder input, that would include UT, it would include the university area partners, students in the area and others who can come together and talk about the proposed changes that our -- that you will be studying as part of this, part of what we're about to approve.

>> That's correct. Yes.

>> Tovo: And so it's my think that the stockholders, Mike Mahone others that had to leave, two on nueces, of course both of those issues were of interest to UT as well, so those will be subjects about which you'll be doing very concerted public engagement.

>> We'll be reaching out to them very soon.

>> Tovo: Okay. Very good. Thank you.

>> Mayor Adler: Okay. Those in favor of this item number 28, please raise your hand. Those opposed? It's unanimous on the dais with councilmembers Garza and troxclair off. Let's go ahead and pick up the scooter item, item number 27. By the way, while staff is coming to join us, I know everybody feels safe when we're in council chambers like this, due in part to folks keeping us safe, one of whom is celebrating his birthday as of a few minutes ago.

[12:15:21 AM]

Happy birthday to Paul caterly sitting there.

[Applause] Fortunately for you, we don't sing for people off the dais. All right.

>> Mayor and council, Robert spillar, Austin transportation department. Item number 27 is to approve an ordinance amending city code 14-9, traffic or sidewalk obstructions, to expand the types of acts that are prohibited, creating a citywide service license and declaring an emergency so that this ordinance would go into effect immediately on passing. Council previously took action on February 1, 2018, approved resolution number 20180201-59, authorizing the city manager to establish a pilot program and determine a permanent process for privatized bike share operations on a 10-1 vote with councilmember troxclair voting against. The action asked council to make the necessary amendments to title 14-9 to maintain safety and order on the public right-of-way as it relates to sale, good, services, rentals or leases. Council previously authorized development of the dockless program. One key element of this system is the ability from mobility devices such as bicycles and electric assist scooters, to be stored on public right-of-way for personal mobility uses. The amendment authorizes shared mobility services to occupy the public right-of-way through an established permit process. Rapid change in the dockless mobility marketplace necessitates this action be brought to council now, assists the city in welcoming new mobility options while maintaining safety and order on the pedestrian realm.

[12:17:33 AM]

>> Mayor Adler: Okay. Thank you. We have people that have signed up to speak on this. Do you want to hear from them first? Let's do that. Thank you. Is Michael Schramm here? Is Jenny Whitacre here? You have five minutes, Mr. Schramm. While you're coming down, is Dan cashette here? You have some donated time from Eric Goff. Eric here? Bobby levinski. Is Bobby still here? Don't see him. You'll have five minutes at the other -- okay. Go ahead, Mr. Schramm.

>> Cool. Let's getting late. I'll try to keep it quick. Good evening, councilmembers and mayor. My name is Michael Schramm. I'm CEO and owner of an Austin dockless scooter company called goat and also a resident of district 7. I want to make a distinction today that I'm in front of you guys today and not a representative or employee of our company. It's me here talking with you guys. I've had the privilege of watching you guys throughout the day. I appreciate y'all's service, and I really appreciate how difficult of a role it is that you guys truly have. I've seen this, you know, all day, and this is just so crazy, so I really appreciate what you guys do and the service that you guys give. I was born here in Austin. My dad was born here in Austin. Had is dad was born here in Austin. I think it's easy to say Austin is my home and will continue to be my home for as long as I'm alive. I'm woven into the cultural fabric of what makes Austin unique. It's a deep, longstanding respect and appreciation between austinites, local businesses, and city government, of course. And what makes this possible and has made this possible is one thing, and that is trust between all entities and parties. When we approached the city in March to launch our dockless scooter company, we were told that a process would be put in place and that we needed to wait and that we needed to work with the city to bring this to market.

[12:19:38 AM]

And we did that. We left the market wide open because we trusted the process and we trusted you guys. This left the market wide open for two California companies to move in and exploit this open market with no competition whatsoever. In this time, they have been able to ramp up without competition and successfully capture the mind share of austinites. You can't turn on a TV, you can't turn on the radio without seeing this is brands, these companies, everywhere. And I don't blame these two companies. They've operated within the law and are simply looking to put as many scooters on every possible corner in every possible city in the country. They're not going to just saturate these markets, their goal is to oversaturate, they're detached from true fundamentals of how a market operates. They're heavily vc-backed and they're to oversaturate these markets to avoid competition and allow businesses like goat and many others to be able to operate in cities just like Austin. The situation exists because we have been and are still being told to wait. Every day that passes you reduce the likelihood that a local company here in Austin will have an ability to compete. While the best way to resolve this is certainly unclear, and this is not easy for you guys, and I'm not saying, hey, there's an easy solution, I'm not coming here saying, hey, this is what I want you guys to do. I elected you guys. I mean, we believe in what you guys do and we believe that as a cohesive unit, you guys will do what is best for the voters and what is best for the people of Austin, Texas. So we're now in an unfortunate situation where we trusted the city and we now face an insurmountable uphill battle, once the city allows companies to compete in

the dockless scooter market. Permitting or financial requirements for local and California-based companies to operate will only further slow down these local companies.

[12:21:39 AM]

Money is a core strength for these California companies, and they've had time to establish their stride and establish their brands in Austin. There's very little risk for them to put tens of thousands of dollars up front because they've justified the market and they already have market penetration. Trust is what got us into this situation, and I truly believe that trust is what will get us out of this. So please consider the damage done to local companies who have patiently waited, who have patiently been working with the city to enter the market at the right time and the right way. Cool. Thank you guys.

>> Mayor Adler: Thank you. Mr. Cashett, you have seven minutes. Is Elliott Mcfadden here? You'll be up next. You have three minutes. Sir.

>> All right. I -- a wise man once told me that nothing good happens after midnight, and I hope that that's not the case tonight. So my name is Dan Cashett. I am a district 9 resident. I do not have a personal financial stake in the outcome of this. I'm not with one of the companies. I'm happy to use an Austin company, California company, whoever is out there, but I do have a very personal stake because I am not comfortable behind the wheel of a car, I am not comfortable on a bicycle, and these scooters have proved a very good option for me. I am used to getting around on foot and on the bus, and this provides another great option. So I'm going to go through a little bit about why here. They're great for the environment. They're great for safety. They're great for mobility. On the environment, as we know, 28% of the U.S.'s greenhouse gas emissions come from the transportation sector, so it's not only energy. I know that energy has been the big issue that we talk about the environment. It's not only electricity, but it's also transportation.

[12:23:40 AM]

And I -- you know, I think that if any of us said one month ago that Austin was going to have a thousand more electric vehicles on the streets, we would have been overjoyed, and I am overjoyed, and I am. Safety, as Mr. Goff said, design speed matters and the design speed of a scooter is to go no more than 15 miles an hour. If you got hit by a scooter, I am sure that it would hurt and it would do damage, but the difference between getting hit by a 20-pound scooter or 30-pound scooter at 15 miles an hour and a 2,000-pound car going 30 miles per hour is literally the difference between life and death. And the mobility, what you have here on the left is a trip that I took from home to work, a commute. It took me ten and a half minutes and cost \$2.50. And on the right is Google Maps drawing a 22-minute commute. Google Maps walks faster than I do. It takes me about 25 minutes. Now, how can we do this? How can we do this well? What is good for making this happen, scooters in Austin? And I'm going to emphasize this as a public health message, make doing the right thing easy. We have to make it easy to do the right thing. And so the first thing is, we had to -- and this is a little bit of a backwards-looking thing. I

really wish that we had allowed scooters in the pilot that is coming up without the scooter companies forcing a conflict. Because that I know no one here on the dais is looking forward to another transportation company conflict, you know, in the style that we're all familiar with from last year. In March, I sent an email to atd asking for scooters to be included in the pilot. On April 4th, they told reporters that scooters are not -- not an option.

[12:25:44 AM]

I don't see scooters being part of this particular pilot demonstration, so that was April 4th, and then April 5th, they began stocking Austin streets with scooters. The reason I'm belaboring this, there's been a little bit of misremembering in some of the press where there's been a misremembering that Byrd and line came here when they could have just waited for the pilot. The truth is, if it weren't for Byrd and lime putting out scooters on the street we would not be having a conversation about having scooters in the pilot. I wish the atd had done the right thing and I hope in the future they do. I'm saying here -- one thing I've seen that's been done very well is a UTPD here, there is a tweet, they're already out there doing social media, showing a good way and a bad way to leave a scooter in the street. We all have heard tons about scooters being left in the wrong place. This has been -- UTPD has really embraced scooters and sent the message, let's do scooters but let's do them right. Here's another great one, saying how to do it well and how to do it poorly. Some other things that we could do, and I have heard the atd is working on this, and I'm really happy for it and I really hope to see this, is to provide brand neutral symbol for where scooter parking is encouraged. This isn't about punishing or fining or saying we're going to impound a scooter if it's in the wrong place, it's about saying, hey, I know that people, the austinites want to do the right thing. Let's just give them a little nudge and say, here you go. Here's a good place to put your scooter. Here's a place that isn't going to obstruct pedestrians, is not going to mean a person in a wheelchair cannot get through, and I included as an example, a brand new symbol that I think you might be familiar with. Other things that we could do in the short term to make scooters great, finish what you started on making two-way streets.

[12:27:48 AM]

I do not know why Colorado street has had a bag over its -- over its traffic signals for the last item months. Atd started the process of making this two-way. On a scooter, a two-way street is far more important than a car. Going around a block on a scooter takes longer than it does on a car, and you see a lot of people going up on the sidewalk when they're going the wrong way down a one-way street. I'm glad they're not on the street. I don't want them on the sidewalk. If they were -- if these streets were two-way, I think we would see more of them doing it the safe way and doing it on the street. We -- in the median term, I would love to see us invest more on bike lanes, scooter lanes. Where they're available, people use them. A quick montage here, one, two, three, four, five, six, seven, eight pictures of a -- of people using scooters in the bike lanes. I know there's been a lot of feedback that scooters are not safe because people are using them on the sidewalks, and that is absolutely true, where they do not

have the safe option of the bike lane. We can go big, we can make a big difference if we provide the facilities for people to do the right thing, make it easy for people to do the right thing. Even if we can't have a bike line, if we design our streets like this ten-foot I won't, ten-foot lane street, second street, you can see these two guys are perfectly safe here in this street. It's one way -- one lane each direction, ten-foot lanes. This is much safer than taking a scooter, say, on the four-lane wide Guadalupe navaca. Traffic impact assessment, you've heard a few of them today saying you can't go higher than this level because -- because it won't accommodate cars.

[12:29:50 AM]

It will accommodate scooters. So I really, really hope that -- I really, really hope that we don't just look at scooters and say, how can we make sure that they don't have the worst impact, but say let's go big and let's make this a scooter city, let's make this really work for all of us.

>> Mayor Adler: Thank you very much.

[Applause]

>> Mayor Adler: Ray Collins will be on deck at this podium here.

>> Mayor Adler, councilmembers, city manager, thank you for giving your time to address you this evening, or this morning. I'm the executive director of bike share of Austin, the local non-profit that operates the city-owned Austin B cycle system. On behalf of our community baseboard of directors, I'm here today to voice our organization's strong opposition, joining the daa, in the staff's attempt to accelerate the dockless pilot to begin may 1. We ask that you advise staff to be patient with the implementation of a pilot and take the time to get it right and respect community stockholders. We can make it possible for innovation to happen without throwing process out the window and respecting our community's values. So why are we rushing the process? 13 of the 15 vendors who are interested in operating in our city have waited for the process and waited for stockholder input. There's no reason to rush here. There are, however, real threats to public safety and environmental impact that have not been addressed in this discussion. An independent review of dockless fleets in Seattle, in Washington, D.C. By the tool design group, found that 15% of the fleet had major mechanical problems that made the vehicles unsafe to ride. If all the interested vendors maximized their permits under this proposal, we would have 15,000 vehicles on the street downtown.

[12:31:54 AM]

And without proper securely protections, that means 2000 of them will be unsafe to ride. The demand for vehicles in public space must have generous weight and height requirements, as well as counter measures against tampering with safety equipment. We must make sure vehicles meet high levels of safety requirements. That same report also found that 30% of dockless bikes are left in inappropriate places and 10%, nearly 10% were in places that violated Ada access and were dangerous to the public. In

contrast, Portland's dockless system has designated parking areas and has locks that require bikes to be locked to racks. And they only had 1% of their fleet in inappropriate places. Again, under the current proposal, we can expect over 4,000 bikes and scooters to be left where they shouldn't be and over a thousand that are in dangerous locations for pedestrians and the public. In the last and most disturbing part of the report found that 20% of the vehicles were not where the app said they were. That's because these vehicles are light, can be picked up and taken by anyone who wishes to. It's been documented that these vehicles end up in waterways, in Seattle and in Dallas, and when we have scooters and e-bikes, we're introducing equipment with lithium batteries, lead and Mercury that will end up in our creeks and rivers. Are we willing to risk making Barton creek and lady bird lake a super site to give the companies what they want?

[Buzzer sounds] This is all to say this has not been fully thought out and we need to time to get this right and we ask the council advise staff to take the additional time to work through this process, work with the stakeholders and let's be smart. Thank you.

>> Mayor Adler: Thank you. Ray Collins up, and Julian Reyes, is Julian Reyes here? What about Esparza? You have time donated from Carter stern.

[12:33:56 AM]

Is Carter stern here? You have three minutes. You'll be up next. Mr. Collins.

>> I'm going to come at you out of left field with a different sidewalk obstruction that I'd like to see added to this. I propose adding trash pickup services to the draft resolution. A guy who was in a wheelchair for a while called my attention to dumpsters blocking the sidewalks a couple miles north of where I live. Many months ago, we called 311 multiple times to no effect. As you can see from these pictures I took last weekend. I did discover two things from the 311 operators. One, the dumpsters are there because the owners pay the city for them to be there and have an agreement with Austin resource recovery, and two, the 311 operators never considered the consequences of a disabled person -- to a disabled person of locking the sidewalk. And I bring this situation to your attention today and ask you to amend the draft resolution to prohibit trash pickup services from blocking sidewalks with their dumpsters. Thank you.

>> Mayor Adler: Thank you. Okay. And then on deck will be Brandon Thomas. Is Mr. Thomas here? No? What about Nick zienga? What about Curtis Rogers? You'll be up at this podium. Sir, you have five minutes.

>> Mayor Adler --

>> Mayor Adler: I'm sorry, three minutes.

>> Mayor Adler, mayor pro tem tovo, councilmembers, thank you for your time today. I'm head of public policy for central region of the Zucker I'm also a resident of the city, I live in district 7. A bit of background, most widely used bike share company in the world. We've taken the opportunity to meet with atd since several months ago to -- before the announcement and before the February 1st decision

to start a stockholder process before a pilot program, and since then we've had some great conversations, heard some feedback from stockholders throughout different parts of the city.

[12:36:14 AM]

I want to share just two concerns that we have about some of the details we've learned about the program itself. One is that the \$30 per bike fee or per mobility vehicle is high, it's actually higher than any city that operates in the U.S., so I just want to kind of highlight that. I know there's been some details shared about what that fee is for and we'd like to kind of flush that out a little bit more, just to understand what that use would go toward. I also want to highlight that we believe that the number of bikes in the fleet should be a market decision, but understand that because of a number of operators that are interested in joining the market, that that's concerning. I think we'd love some flexibility in terms of those operators that are operating to the standards that the city sets, that there be some flexibility built into grow their fleet, especially for operators who want to serve other areas outside of the downtown core or the map that was shared in the presentation from atd. And so with that, for -- we also think that for companies that want to serve the underserved areas, that there be some flexibility in either the fee or the number of bikes that can be served. I think with the cap of 500 bikes and the \$30 per bike fee, I think you're going to have a lot of different companies that are going to want to serve just the core because everybody's going to be interested in making up that \$30 as soon as possible. And so I think there should be some flexibility put in place. I think the presentation itself from atd, since there's a bonus, we'd love to kind of see a little bit more flexibility built in that so that this can actually be a mobility service and transit option for everyone, and not just kind of the downtown core area. So thank you so much for your time.

>> Mayor Adler: Thank you.

[12:38:16 AM]

Is Troy folks here? What about Tyler Weston? You'll be up next at this podium. Sir.

>> My name is Curtis Rogers. I'm a resident of district 3 and actually have the pleasure of calling Tio my neighbor. We've unfortunately not had mobility services like bike share in our neighborhood and I'm not really -- I don't really have skin in the game as far as bikes or scooters, but I really do love the idea that it will add mobility to our neighborhood. I do think there is room for regulation. Obviously, we don't want to see -- we don't want to look like Dallas does, but having lived in Dallas and without -- this is a while ago -- and having spent time there recently, I can tell you it's great to have a resource like this, clutter and all. I know that we're a car state in the state of Texas, but when you consider the toll that we have to pay, whether it's lives or bad air quality with cars, I don't think scooters are that dangerous. I don't think scooters are that scary, and the same with dockless bike share. I appreciate pushing this -- pushing through whatever you have to do with regulations, I just would like to consider the mobility, and I also want to say that whatever regulations you have to put in, I hope that we can prioritize the east side

because I do fear that there will be pressure to make back whatever it is as far as fees or if there's quotas, I fear that that won't extend to the east side. So I want to make sure we, you know, do whatever we can to make that happen. Thank you.

>> Mayor Adler: Thank you. Sir?

>> Yes. I'll donate my three minutes to you all. Go take a break. Anyways, Troy folks. I've lived here for 14 years here in Austin. Jet is my business. I've been working about eight months here. So it's not just about scooters, it's about electric transportation as things progress, that's my business model.

[12:40:20 AM]

And not just dockless, but I have locations that I have to pay money for, so just a few points to -- I haven't seen what the new ordinance is going to be, but a few points to please keep in mind as you move forward. One would be, my current locations, I will not be able to put any of my bikes outside. It's against the rules. So I can't put them outside of my locations, but the dockless can be anywhere throughout the city. To me, that seems not right because I'm paying rent and I'm being harmed because I'm permitted that way. So please keep that in mind. Secondly, what about size limits? I'm going to have multiple sizes, not just scooters, I'm going to have a variety of different electric transportation that's proactive for everybody to use. So just please keep that in mind, what is -- is there a size limitation, or is it just scooters? So keep that in mind also, please. And then what about the limitation? 500, what about some of these other companies starting other shell companies and putting out a thousand or 2,000? I'm sure they've all considered that. Will there be a cap on number of companies that be able to have the 500? Will it be three companies? Five companies, 20 companies? A hundred companies? Please keep that in mind also. And other than that, you know, a little -- get you guys' blood flowing and we're all good. Thank you so much for all your time. It's been a long, long night.

>> Mayor Adler: Thank you.

>> I appreciate it.

>> Mayor Adler: Thank you. Tyler Weston?

>> Hello.

[12:42:20 AM]

Good morning. I'm a cyclist. I don't think I'll ever use these scooters, but I am interested in improving road safety and I think these are going to be allies, these are going to be people who are willing to get out of their car to get around town. I think there's people who respond to a lot of negative incentives, if that's drunk driving penalties or lack of parking, but I've seen users of these scooters who are responding to more positive incentives. I think they're having fun, you know, going point A to point B. I think that will get a lot better response, long-term. But safety I think really depends on protected

intersections. We need a concrete barrier between motor vehicles and these other accelerated road users, whether they're segway scooters or bikes. The bike lanes need to be wide enough to accommodate passing. I don't want to have to go into road traffic to pass a slow user. I do think the earlier discussion on the previous item overemphasized the local nature of cycling. Definitely, don't discount those highway crossings. They really cut off the different parts of the city, and southwest, northeast, whatever it is, people want to go long distance, people are willing to exercise for an hour to avoid a 40-minute commute. The last point is a note of caution. I do believe these batteries are very awful. Who knows how they're produced? China is willing to absorb a lot of pollution to produce them. There's a bunch of money behind these companies. Capture some of it. Prevent these from going into the creeks. Make the deposit fee roughly equal to the retail price. That's all I have.

>> Mayor Adler: Thank you very much. I think those are all the speakers that we have. Anybody else sign up? Gets us back up to the dais.

[12:44:24 AM]

Is there a motion to approve the base ordinance? Councilmember kitchen makes the motion to approve the base ordinance. Is there a second to that?

>> Can I ask a question?

>> Mayor Adler: Go ahead.

>> Alter: I see that Bobby levies back. Did he still want to speak --

>> Mayor Adler: He donated his time and his time was credited.

>> Alter: I'm sorry. Thank you.

>> Mayor Adler: That's okay. Is there a second to the motion? I'll second the motion. Base motion is moved and seconded. Any discussion? Councilmember kitchen. Go ahead.

>> Kitchen: Okay. Let's see, I passed out an amendment earlier, and this adds -- this is an amendment that I've worked with staff on, and we discussed at the work session. But it adds additional item 5, 6, and 7 to the criteria for a license. And number 5 relates to -- it relates to data reporting. Number 6 relates to financial responsibility and talks in terms of minimum liability insurance. Number 7 relates to contact information and a requirement for the units to physically display contact information to vendors. So I move adding this amendment.

>> Mayor Adler: Ms. Kitchen moves adding items 5, 6, and 7. Is there a second to that? Mr. Renteria seconds that. Councilmember alter?

>> Alter: I -- those might have been passed out when I wasn't here. Does anyone have an extra copy of kitchen's and of tovo's?

[12:46:26 AM]

>> Houston: And, mayor, may I ask you a question? If I have questions for staff, when do I get to ask them? We're already in the process of passing out without a base motion on the floor on the amendment --

>> Mayor Adler: You can ask questions now.

>> Houston: So, Mr. Spillar, some of the downtown folks have had some concerns about, again, the lack of stockholder engagement, and I think they're very important parts of this conversation. And so one of the suggestions that we all received yesterday was from the downtown Austin alliance that said is there any way to put an enforcement mechanism in place, and then direct staff to take the time to craft and circulate the rules and regulations before initiating the pilot. I see that you did get this. Have you thought about that as an option rather than the base motion that's before us now?

>> Councilmember, yes, thank you. Problematic spillar, thank you. Robert spillar, transportation department. I'm sorry, it's late. I apologize. Yes. With the base motion, we still have to do -- go through the rules process. We can go through the typical rule process or standard rule process, rather, that we would post the rules and allow comments for 40 days. That could receive comments back which we would need to respond to through the city manager, and so could take up to 70 days to get the permits onto the street. The alternative is if we perceive that there's an emergency to move through, and I don't want that to be confused with the emergency ordinance that we're doing here tonight, we could do emergency rules and set the policy and then ask for comments and correct -- or revise the permits afterwards.

[12:48:37 AM]

I think the other option that you might be referring to is to direct staff to -- or add the enforcement capabilities to staff -- to the ordinance and ask staff to continue with the pilot process and still come back to council. I think legal may have advised you on how to do that as well. Did I answer your question? I'm sorry.

>> Houston: Yeah. And I don't remember legal advising us to do that.

>> Okay.

>> Houston: But I think the concerns -- the concerns of the people that I've heard from is that this takes time, and this is -- it feels rushed. It feels rushed to me. And if we vote on this base motion tonight, then those things are in place until some point in the future and maybe we've done it the wrong way or we've tweaked, as councilmember Casar says, we've had an unintentional consequence because we can't figure that out right now. And so I guess what I'm asking, is there any way that we can do the enforcement piece and still, while they're out there already, and then still work on the rules and regulations and not have this declared an emergency and start it on may 1st, which is next week?

>> I'm going to ask Angela to help here.

>> Angela Rodriguez in the law department. Hello, councilmember Houston.

>> Houston: If you told me this earlier today, it was earlier today.

>> Oh, no, ma'am.

>> It was yesterday.

>> That's right. It was yesterday, and it was, I believe, with your aides, not with you directly, so you didn't forget. There is a way that you can do the enforcement piece but still direct staff to proceed with the pilot and the study of the pilot. What you would have to do is strike parts, I believe 9, 10, and 11, that refer to the citywide licensure and the requirements of that licensure, and add a statement in the enforcement parts because right now it says you can't do X Y, and Z in the right-of-way without authorization by the city.

[12:51:04 AM]

Atd would be able to give authorization for the pilot while not requiring a licensure process while we're studying how to best do that. So you could make that motion, and then we could do that.

>> Houston: So we both of it, so we'll figure this out in a minute.

>> Yes.

>> Houston: Thank you, ma'am.

>> Mayor Adler: Is there a reason why you're recommending this licensure as opposed to the pilot that you were just describing?

>> Mr. Mayor, the reason we moved directly into this process is we were surprised by a couple of companies going ahead and starting to deploy their devices. We think that there's a high possibility that there will be mobility modes that we're unaware of still coming to the market, whether they be private pods. We've seen Toyota and several others advertising personal mobility three-wheel devices to get around town, or even we're aware of some places in Europe, cars being literally dropped much like the scooters or the bikes would be, into a shared program. And so we decided that we thought it was best to move on into a permit system, much like the Seattle system started out with ands had blazed the trail on. Our reasoning is, with the permits that we're proposing would be six months in duration, that we could come back to council if the process wasn't working and ask for a change in that permit process, or likewise, that could be council-initiated. And then obviously with the budget process every year, you have built-in process to reevaluate the wisdom of a permit system. And so we had trouble calling it a pilot system, knowing that it would be better going into a new legislative year with a permanent system.

[12:53:11 AM]

We do continue to plan to work with the public, and especially the downtown property owners, to fine-tune this as we go forward. We know there's interest in also taking a look at the fees as we go forward to see if there is an opportunity for these devices to help pay for some of the structure that we're putting out there that allows them to operate as well. So I think this is still a process, whether we call it a pilot and come back to you for a future permitted system or we move into the permit system and continue to modify that over the next 6 to 12 months. I think it achieves the same purpose. But it's the pleasure of council, whichever way you would like to do it. I would say with regards to the rules with the permit, that the current ordinance is requested as an emergency ordinance so that we can begin enforcing the ordinance immediately. That does not mean that the rules process has to be deemed an emergency. And so the normal rules process requires us to post the rules for 40 days, take comment, respond to those comments before we start the actual permit process. Alternatively, we could deem this an emergency need to move forward, which would allow us to move forward as early as may, yes, and take comment after the fact and address the permits after we've started to operate with those permits. And we would certainly take advice from council on which you would prefer.

>> Mayor Adler: And at this point, the base motion is drafted so as to move forward with licensing?

>> Yes, sir.

>> Casar: Mayor, procedurally, do we have to vote on councilmember kitchen's amendment? Are we debating that? I'm just trying to figure out steps, and my hopefully uncontroversial one. I think she moved an amendment and I don't know if we voted on it or if it was just incorporated.

[12:55:14 AM]

>> Mayor Adler: I think it was incorporated without objection.

>> No.

>> Mayor Adler: No?

>> Kitchen: Yeah, I think it was incorporated without objection.

>> Mayor Adler: Have we got the wrong one?

>> It's this one.

>> Mayor Adler: It was items 5, 6, and 7 that were being added.

>> Kitchen: That's right.

>> Mayor Adler: I don't think we have moved on those.

>> Right.

>> Mayor Adler: So we're still in the process of discussing 5, 6, 7.

>> Casar: Just trying to keep us on track here.

>> Mayor Adler: Sounds good. Thank you for that. Now back to the amendment. Mr. Flannigan.

>> Flannigan: I'm going to support it in the end, but I had questions so it was not automatically incorporated. The data reporting requirement have -- there have been conversations with the vendors on the -- their ability to provide this data.

>> Yes. I believe that we have been having that conversation as part of the early pilot process. The conversations with the vendors and so forth. We believe that we can get this type of ridership information and usership information that we can provide as part of that report.

>> Flannigan: And do we know what the performance bond per unit would look like on the number 6?

>> As far

>> I think we had a dollar amount identified in the discussion with the pilot there was the -- the standard 1 million and \$2 million performance bond.

>> Let me explain, councilmember, the performance bond, that's not per device. That's --

>> Flannigan: It says per unit in the amendment.

>> I think is what she put in there.

>> Right, but I -- I think you were talking about something different.

>> Correct.

>> Yes. A performance bond is in case a company were to decide to leave town without picking up their equipment. The performance bond could then be used by the city to correct that situation.

[12:57:17 AM]

We don't have a value per device. I think that there's a process to establish what a performance bond is.

>> That's correct.

>> Flannigan: So it would be per device? The amendment says per device.

>> Yes, it would be per device and scalable. What Jason was talking about, what we've seen at other places, the total system performance bonds have been in the order of 1 million to two -- 2 million, divide that by the number of devices and then you'd get the number per device.

>> Councilmember, we don't have a number that we would ask for right now. That would still be part of the process to determine what the value should be. We would charge it or ask them to set up a performance bond per device in aggregate. They could pull it all together.

>> Flannigan: So if there was a million dollar performance bond divided by 500 units, which is our cap, that's how much they would have to give the city in I guess escrow of some kind? That seems like a lot of money.

>> Right. So that information is based off of what has been done in the city of Seattle. Those systems are bigger than that, so I'm not trying to mislead you in terms of the size but just trying to give you some idea for a system, whether it be a thousand or 1500 devices, could be up to a million dollars performance bond. That's not a payment by the company to us. That's an insurance bond that they would purchase and list the city as the recipient, or the insured party.

>> Flannigan: I'm just concerned about the intersection between what I'm hearing you say is a flat amount regardless of the size of the system and a very low per unit cap which seems like per unit, it's a pretty hefty ask if we're only limit to go 500.

[12:59:24 AM]

>> And I'm not trying to suggest the cost would be 1 million to 2 million per system. I'm saying that's what Seattle has experienced. I don't know what the total size that have bond would be right now. We'd have to determine the appropriate size based on the number of units, so it would be smaller than that. I know I'm confusion you. I apologize.

>> Flannigan: No, no. You are not confusion me. I am unsure if I like it. That is what my confusion face means.

>> Okay.

>> Flannigan: I definitely like number 7. I think the units need to have contact information on them. No question about that.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: I just want to -- wanted to do here is have the language specific enough to understand what we're trying to address, but not to be prescriptive, in other words, it's important to allow our staff to have the flexibility. So I wouldn't want to put in here the amount of the performance bond or the amount of the liability insurance. I think that the purpose here is to, you know, cover the risk of financial liability to the city, and I think our staff can determine what an appropriate amount is. So that's why it's not so specific as to say what the amount is.

>> Mayor Adler: I only question to that -- because the intent was not being prescriptive, where I thought you were going but I think you might have ended up at a different place. I understand putting in a performance bond requirement. Are we sure that the unit of measure is going to be per unit? Sore is there going to be a potential -- or is there going to be a potential performance bond associated with getting a permit?

>> Mr. Mayor, I'm advised it should be per unit because somebody that has 500 units versus a thousand units would have to have a different size performance bond.

[1:01:28 AM]

>> Mayor Adler: It's not prescriptive of the unit measure, it's the appropriate unit measure. Further conversation? Councilmember alter.

>> Alter: So how should we be reading these items? Because these are -- these are direction -- I mean, this is direction in the ordinance? For the rules? So does all the direction have to be in the ordinance?

>> Kitchen: Could I --

>> Alter: I'm just trying to understand how we should legally think of this portion. I'm not objecting to the points, but I have other things that I want to have incorporated and I'm unsure of the appropriate way to proceed then for providing this level of detail within the ordinance that may not only apply to dockless scooters or bikes but for other things we haven't imagined yet.

>> Angela Rodriguez again, and, councilmember, the way the ordinance is structured is to provide -- is to have the guidelines established by rule, so that's the administrative. However, if council would definitely like to see certain things as a requirement for these permits, then that's -- you would put them in the ordinance so that staff has no flexibility on that, whereas for the rules they can make some determinations.

>> Alter: What if we don't know how to do something yet because we're in this, like -- for instance we know we don't want all this waste in our street and in our landfills but we don't have the method for doing that? Would that be something that needs to be in the ordinance or in the rules?

>> Well, you can give direction. You can give direction for things to consider while making the rules. Or you can make it a requirement and put in the ordinance.

[1:03:28 AM]

I guess it would depend on the type of thing that you'd lining to see and -- like to see and whether or not we have a -- whether or not it's something that staff would still have to study during the pilot or something we're quite certain about right now. For instance, councilmember kitchen's motion includes that she would like to see data reporting or anonymous data requirements so that's something we know for sure. We don't have to study to see that that would be good for the city. So that would be an example of something that is -- something that council might want to put in the ordinance rather than leaving it to the rules.

>> I hope I make sense.

>> Alter: No, you are.

>> Thank you.

>> Alter: This is a complicated set of issues and it's kind of like we're damned if we do, damned if we don't, no matter what we do on this, and so trying to figure out how we can move forward to --

>> Mayor Adler: We have in front of us two different ways to do similar things.

>> Alter: Yes.

>> Mayor Adler: We have councilmember alter's direction -- I don't know if you have a copy of that, and then we have councilmember kitchen's inclusion into the ordinance, and I think part of the question that councilmember alter was asking or at least the question that gave rise if it wasn't, was what's a better way for us to do these things?

>> Alter: Mayor pro tem also has another -- she has direction as well.

>> Mayor Adler: All right. Mayor pro tem.

>> Tovo: I guess generally on that point, the problem -- I guess I would say generally, whatever we do tonight, I think that we need to revisit -- I think we need to send a clear signal that we're going to continue to look at and revise and make adjustments, and so, for example,, councilmember alter, you have the point that you just referenced about environmental -- can you remind me what it was exactly?

[1:05:34 AM]

>> Alter: About keeping things out of our landfill streams. I just didn't have time on my sheet to -- I've noted that here for when I introduce it but I haven't -- I didn't have a chance to edit it.

>> Tovo: Me neither. But, for example, for that one, I see the problem that you were alluding to. I mean, it's -- we have raised it -- you've raised it as a concern. I did as well. Neither of us have a solution for it. Eventually there needs to be a solution in an ordinance if we're going to continue with a program like this. I think some of what we're providing is direction or providing as direction for the rules eventually needs to be in the ordinance. I think it should be -- I think as many of these things should be in the ordinance as possible. Some of them aren't really fleshed out enough to be in the ordinance is sort of how I'm seeing it but would need to be incorporated later and everybody needs to be clear that if we pass this it's going to be revised.

>> Yes, ma'am, councilmember pro tem, that's what I'm saying, this continues to be a process and we're happy to take direction and work on those items and come back again in six months or a year to report back to where we are and then add these additional items.

>> Alter: So --

>> Mayor Adler: Councilmember alter.

>> Alter: So that's part of what concerns me, is this, like, idea that we're going to jump into this and you're not going to be back talking to us for six months. We've already seen the changes, good and bad, that have happened in the last few weeks, and this seems to be very much evolving. And I asked this in correspondence and I don't know that I got a firm answer, but is there a way to set up a permit that's not a, like, you get it for six months but it lasts no longer than six months but if we pass this other stuff, the rules change, when we get our rules ready and they're right, we can change the rules on you moving forward.

[1:07:34 AM]

I don't know how you structure that, but, I mean, that's the reality of where we are. I mean, if we take all of these scooters off the streets all of a sudden now that they're there and people are enjoying them and we wait, you know, three months we're going to have a lot of problems of people who are enjoying the scooters but we have a lot of challenges and things that we need to address for the safety of our public and for our businesses that are concerned about what's happening with these things. And so I guess I'm looking for something more flexible than we don't look at this again for six months, and I don't -- I was imagining, okay, you get a permit for maybe two months and then know if there's a mechanism we could use that would be a little more flexible that we could just write into it to our language for the permit that this is an evolving thing. We're trying to make it work on the ground, but, you know, we can change the rules and we'll alert you with a certain amount of notice, but for the safety of the public we're going to change the rules. Is there some mechanism that we could imagine that would enable something like that?

>> Councilmember, then I would recommend that we approach this as councilmember Houston suggested, is to do the enforcement piece of this, replace the necessary language to create an ongoing pilot and then pursue those, that process that way.

>> Alter: Okay.

>> And come back after the pilot, when we have established answers for you. To create the permits.

>> Mayor Adler: Or during the pilot.

>> Or during, absolutely.

>> Alter: But the pilot wouldn't be the same pilot that we were doing? It would be a -- in that case, would it? The one -- it sounds like we're starting a new pilot tonight, if convention center that, as opposed to the -- if we do that as opposed to the pilot we already engaged in.

[1:09:44 AM]

>> It would be a rebooted existing pilot we have now where we'd move into actually authorizing the devices out on the street and so that we can learn from that process and move forward and return to you for the permit system when we feel we have enough information.

>> Alter: So I had the same language prepared. I wasn't sure if I wanted to use it or not so I hadn't distributed it. If you do that, does that provide enough clarity to the companies out there as to what's going on?

>> I don't know that I can answer that, councilmember. I think that it will certainly cause heartburn for some of them and others maybe not. I don't know the answer.

>> Alter: So if we strike parts 9, 10, 11 and then we allow there to be a license or a specific authorization, which could be the pilot, that would allow us to enforce not having these scooters in our right-of-way until we had a license or a pilot version of that and we could change that as we needed?

>> I believe so. What I would do as the director is to authorize through the pilot deployment of some number of devices out there, much like we had proposed something up to 500 devices per company, and learn from that experience over the next 6/8 months. In the meantime come back to y'all as necessary once we have better answers or better understanding of where the market is going to establish a permit system.

>> Alter: What would be the likely timing for the start of such a pilot in that case?

>> It could commence immediately. It could continue as we had planned sometime in the end of may/june time frame.

[1:11:48 AM]

>> Alter: Okay. Thank you.

>> It is quite fluid in terms of -- or flexible as to when we could do that.

>> Alter: Okay. Thank you. Is.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: I don't know where we're at procedurally, because I --

>> Mayor Adler: We haven't taken a vote on your amendments.

>> Kitchen: Okay. I would like to move forward with my amendment because I do not -- although I appreciate the thinking along the lines of a pilot, I don't think that it gives us the kinds of certainty in terms of our statement on what we want to see the parameters. I think that moving forward with a license like this that lists the 1-7 things that people -- the expectations of these companies are, this is much clearer to proceed with a licensure with this -- you know, these seven criteria the -- as well as the information in the items that are in the mayor pro tem's motion. I don't think that that's inconsistent

with your concerns about learning and bringing back information. So I think that can be done, and so my question actually from legal is, what is the -- and I don't remember from the ordinance itself. So does the ordinance contain information in it about renewal of licenses, or are these licenses contemplated for a certain time period? I'm sorry, I just don't remember what it says right now.

>> Councilmember, I can answer that. The permits are for six months' period so that would imply that every six months we would have to issue new permits.

>> Kitchen: Okay. So in response to -- so then, councilmember alter, these permits are only for six months in the first place.

[1:13:50 AM]

So and the pilot that we're talking about would be for six months. So I think we get greater clarity if we're specific as to what we see in these permits and what's required to get a permit, and I think that provides better protection for the city and better safety for the city because the expectations are clearly laid out here. That doesn't prevent us from learning and it doesn't prevent us from changing criteria in the future because these licenses are only good for six months in the first place. So I would urge us to keep the framework of this ordinance with the various amendments that people have, and then the -- I think that the mayor pro tem's language regarding reporting back to us after six months will give us the kind of information that we need to determine whether we want to make changes. And we can -- if we're concerned about calling it a pilot, we can talk about that language with what mayor pro tem is bring forward. But I think it's important to have clarity right now, particularly since we've had one instance already where we've had two companies go into our market without -- you know, without working with our staff, and so some could argue that perhaps they didn't have clarity. This will make it crystal clear what the expectations are for our community at a minimum, and I think that it's very important that we do that.

>> Mayor Adler: Councilmember alter.

>> Alter: I appreciate the need for clarity and I don't have issue with the particular things under here. I think nimbleness is important here. We've already seen what happens in two weeks with these devices on our streets.

[1:15:55 AM]

I really am worried about if we do this for six months and we cannot act within that six months to change things because we've given them permits to do X and then we have to go in and tell them you can't do X anymore, which is different than having something set up which is designed to be nimble and designed to move forward and it could be to their benefit. It's not all constraining. It's just providing a nimbleness to how we can approach things that I'm concerned about us not having the other way.

>> Kitchen: Well, then, I would rather write that into the licensure and make it a three-month licensure something like that. Nimbleness also means that we don't have any way to be real clear or to enforce our expectations, and that's -- has happened to us in the and this that's what will happen in the future if we're not clear on what our expectations are as a community. That's why we're in this position in the first place, is because it wasn't clear to the -- you know, and we were in a situation where we had companies on our streets without -- you know, without complying, and so we need to be really clear. So I think -- I am not comfortable with something that is -- that repeals this part 9. I'd be happy to see additional language that says that these are provisional licenses for an initial three-month period, if you're thinking that we need to have feedback before three months we could just establish a provisional license for three months, after which point we can review and make changes and then establish a more permanent license for six months or whatever the time frame is. But at this point I think it's really important that we establish clarity and some basic framework.

[1:17:58 AM]

>> Mr. Mayor --

>> Mayor Adler: Do a permit by its license that by its terms say that as we learn things we have the ability to be able to be nimble and decrease or eliminate or change or add to the program.

>> Mr. Mayor, if we establish the permit through the will rules system, which is what we've proposed, then we can change them through the rules system as well. So that would be an administrative rules process. One other thing, if I could just --

>> Mayor Adler: Hold that thought. Don't forget your one other thing. But I didn't understand what you just said. Can with we do a six-month permit but over the course of the six months if we learn that we should delete some of these seven things or should add three more things or a few more things because it becomes apparent to us two months into this there's a battery issue we need to provide for, can we layer those things on or remove those things?

>> Mayor, I think if the items are placed in the ordinance I'd have to come back to council to change those, and certainly I would.

>> Mayor Adler: I'm talking about these that are not in the ordinance, that are going by way of direction.

>> Right.

>> Mayor Adler: You get the direction a month into this you realize, boy, I sure wish we had asked everybody to number their batteries or whatever it was, could you at that time in the process come back and say there's now a rule that says you have to number your batteries? Can we be nimble with what we require?

>> Mr. Mayor, I think we could change the rules. There is a time process to do that, but Angela advise me that we believe we can write the initial rules process broad enough to allow us to make changes like, wow, we've figured out there's a problem with the batteries --

[1:20:10 AM]

>> Mayor Adler: Isn't that the right answer then? If we know we need these, we can put these things in if we're asking them to analyze these things or learn as we go through the process, that over the period of time you can propose rule changes and be able -- give people a chance to react to them as part of the process but you don't have to wait until the six months to initiate the process to change things if you learn -- if we all learn collectively there should be some changes?

>> Yes, I believe that's true.

>> Mayor Adler: Is that the -- between this? Councilmember alter.

>> Alter: I want to clarify, though, if they already have a permit and we change the rules they have to follow the new rules not that we have to wait until they get a new permit.

>> Mayor Adler: Which means over the course of the six-month permit, the new rule applies even if it began to apply in month 4 of a six-month permit.

>> I believe so. Again, we can write those initial rules broad enough that if we detect an environmental problem that we can give a directive to correct that problem immediately. So I think we can react and meet that desire, yes.

>> Alter: That's just one example.

>> Yes.

>> Mayor Adler: So we're back now with Ms. Kitchen -- no, you had one more thought.

>> I have a thought I've been holding onto. It's about to go. Mr. Mayor and councilmembers, we were talking about the six-month duration that was the intent. Unfortunately when we drafted this that detail got left out. We will put that back in. I just wanted to be very clear that it was a mistake that we left it off the written copy.

>> Mayor Adler: Okay. No objection to making it a six-month permit at this point. We have the three things that councilmember kitchen is at. Any objection to adding those three things. Mr. Flannigan. Is it objection to all three things or just -- any objection to adding number 5 in the list?

[1:22:10 AM]

>> Flannigan: Yeah. I object to doing it this way. I prefer to do it at staff recommendation through rules process. That's my general objection.

>> Mayor Adler: Okay.

>> Kitchen: Could I speak to that?

>> Mayor Adler: Okay.

>> Kitchen: The problem with that is enforcement. So I hate to be, you know -- I mean, we really have to talk about being clear. This says we want data reporting. It gives the authority to enforce for data reporting and more so than if you have it in rules. So it's not prescriptive as to what has to be reported when, and the rule-making process can get into the detail of what is reported when. But it's -- from my perspective, I think that data reporting is something that we know we want. It's not a -- from my perspective, anyway, it's not something that I have any question about whether or not I want it or not because I know that we need data reporting to really understand what's happening in managing our public right-of-way. So that's a given. The details of what kind of data and when it's reported and all that can be handled in the rules. But I don't want it in the rules because then it is much more subject to change. If it's in the rules it can be changed and situated, we don't even have any data reporting. Same goes for the other items on 6 and 7. So the reason I brought this forward is because 5, 6 and 7 are things that I think that we need to have.

>> Mayor Adler: Okay. Mr. Flannigan -- go ahead and speak and then councilmember pool.

>> Flannigan: For legal staff, is there a difference in an enforcement ability if it is a rule versus in the ordinance?

[1:24:10 AM]

>> I'm thinking. The ordinance here has, you know, a class C misdemeanor. The rules are not going to have that in there so there is a difference. The administrative rules are going to need to follow once they're put into place.

>> I'm just trying to think of the penalty for not following the rules versus the criminal penalty of the ordinance. Except that, yes, you would lose your permit if you don't follow the rule for the permit. Ostensibly you would lose your permit. And but not be criminally liable.

>> Flannigan: Okay. I like that better.

>> Kitchen: Well, but the other aspect of what I said is the rules can change and you may end up not even requiring data reporting or these other items. The financial responsibility, which I think is a -- at a bare minimum we need these companies to take financial responsibility, and the reason I'm making this argument is simply that it's a given for me and I don't want it in rules because rules can be changed where you don't have it at all.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Mayor, I agree with councilmember kitchen and I'm ready to move. It sounds like there's -- whatever it needs to happen that forces us to vote on it, there's an objection. So I would love to --

>> Mayor Adler: I'll give councilmember pool a chance to speak.

>> Tovo: Sure, I'd suggest if councilmember kitchen moves proximity of her amendments I'd be happy to second.

>> Pool: I want to make sure that I don't know if it's going to be in the data collection piece that councilmember kitchen is describing, I want to make sure that we have a way -- I'm concerned about the independent verifiability of the data, and I realize that that may not be something we can get into here, but if the only -- if the only data we are getting is from the companies and there isn't any way to confirm it or audit or validate it, then I would have a problem, and we all should, really, trusting the data, and that would hold with any of our franchises.

[1:26:19 AM]

So that's something that I want to just put a pin in and talk about. It may be that's something that goes to rule making. I don't know. But I want to get that out there and just indicate my skepticism.

>> Mayor Adler: Okay. So to tee this up so that we can vote on the issue, I think the first vote is whether these things should be required by way of rule making, or whether tender be in the ordinance. They should be in the ordinance. I understand what --

>> Kitchen: No.

>> Mayor Adler: Yes.

>> Kitchen: The vote is my motion on the floor.

>> Mayor Adler: Yes, you have a motion to put those in as part of the ordinance. There's someone else on the dais who would like to have those things included but wants them in the rules as opposed to being in the ordinance.

>> Kitchen: Are they making a substitute motion.

>> Mayor Adler: It would be Mr. Flannigan making the motion to takes items 5, 6, 7 and give them for direction for staff to put into the rules.

>> Kitchen: Okay.

>> Mayor Adler: That would be an amendment. We could vote on that and decide which one of those two it is. Is that right, Mr. Flannigan? Do you want to make a motion to put 5, 6, 7 in direction for staff to consider for rules?

>> Flannigan: No. Because I know there are other amendments that are more robust in their direction for rules. I assume we're taking those up.

>> Mayor Adler: We will. So my problem is that I want these three things included, if it's just a yes-no vote on whether to include these things or not I'm going to vote to include them. If I have an alternative to include them as part of the rules for staff to consider as part of the direction, I would vote for that.

>> Flannigan: I see.

>> Mayor Adler: I don't know how else to tee up that choice.

>> Kitchen: Well, I see what you're saying. You need a motion to tee that up because my motion on the floor includes this in the --

>> Mayor Adler: That's very clear.

>> Kitchen: Yeah.

>> Mayor Adler: That's very clear.

[Laughter] But if I'm the only one that would move it into being a direction as opposed to an ordinance then I won't make that change.

>> Flannigan: I'm going to decline to make a motion.

[1:28:19 AM]

>> Mayor Adler: Okay. Then we have a vote. We have a vote on including 5, 6, 7 as part of the ordinance. Those in favor of including 5, 6, 7 as part of the ordinance please raise your hand. Pool, Casar, mayor pro tem, me. Those opposed? Houston voting no, Flannigan voting no and alter voting no. The amendments are included. Further amendments to this --

>> Pool: Mayor.

>> Mayor Adler: Yes.

>> Pool: Is four -- or is there somewhere else in the ordinance -- is that what prohibits their use on sidewalks? I'm trying to find that? Where does it say you're not supposed to be on sidewalks?

>> Councilmember, it does not say you cannot use the sidewalk. In fact state law allows them on sidewalks.

>> Garza: Both scooters and bikes?

>> Yes. If the scooters are traveling at a slow enough speed and are -- meet the state size requirements, force, power.

>> Garza: That was confusion because I've heard both. So they are allowed to be on sidewalks? Scooters?

>> If they -- depending on their speed, weight, and horsepower, yes. They are able to be on the sidewalks.

>> Garza: So what is the speed?

>> I believe it's below 20 miles an hour. 19 or lower, yes.

>> Garza: I thought there was a portion of downtown where you could not be on sidewalks?

>> There are a small number of streets, congress as well as east sixth street, and I can't even name the others right offhand where they're prohibited. We would like to come back to you sometime in the next

-- before the end of the calendar year and streamline that to describe it in terms of vulnerability so that scooters and bicycles would always be yielding to pedestrians and that bikes -- or those devices would typically be allowed on sidewalks unless posted and so we would go to on the sidewalk ramps and actually post a -- much like the streets, the legends on the ramps.

[1:30:50 AM]

>> Garza: And what's the height, the hike and bike, sorry, they cannot be?

>> This only authorizes them to be on city right-of-way and so right now the hike and bike and parks, trails, do not allow them, yes, that's correct.

>> Garza: Okay. Thanks.

>> Casar: Mayor, I'd like to move my amendment to remove the inadvertent banning of lots of other kinds of activities. Pretty simple, pretty straightforward but I'll take a second and then explain it.

>> Mayor Adler: Okay. Go ahead and explain it.

>> Casar: Sure. Basically, it's puts the word dockless transportation in the intended places in the ordinance, basically in front of the words "Services" or "Goods." We have this emergency ordinance in order to address this specific issue with dockless transportation. However the way the staff presented the ordinance it would inadvertently ban things like people asking for work on the right-of-way or people washing windows on the right-of-way for earning money so we put the word "Dockless transportation" in ten places and in one place the staff removed the word "Bulky" from the ordinance, basically right now we're banned from having bulky items on the street alley or sidewalk and for whatever reason the staff changed it to "Any item" I figured that is also inadvertently banning things we haven't even thought about so --

>> Mayor Adler: Is there an objection to including this amendment? Hearing none, this amendment is included. Councilmember alter?

>> Alter: Included. So I have the impression that these were not the only services on our right-of-way that we might need to be worried about.

[1:32:57 AM]

And they may or may not be dockless. I imagine there's things I haven't imagined yet, but I would rather we're not in the same position again where we can't regulate it because it's not in our ordinance. Are there other things that, in your opinion, in your experience from your expertise, that would not be covered by this now if we adopted this language that we need to be thinking about?

>> Councilmember, this ordinance that we are amending came out of a right-of-way management when we were trying to allow stores and so forth to put wares out in front of them like south congress or any of our retail districts, we're trying to get away from managing clothing or other stocks and merchandise. If I read this it maintains that capability. It just adds the dockless services, lease or rent to that. This stays land-based mobility, from what I can read here. There is discussions in the industry of aerial-based mobility delivery services, but this certainly responds to the needs. And I don't know that this doesn't respond because I think I could call that dockless transportation also. So for the foreseeable future and, remember, engineers have trouble telling you what the future is going to be, at least I do, I think this responds to what we need.

>> Alter: And does this create any -- there was a gentleman speaking of a business already in existence that had rental space and other things where they had bikes and vehicles on what might appear to be the sidewalk, what was rented space.

[1:35:01 AM]

Would this be affecting that kind of scenario? And I don't have all the details of that, but --

>> So that was allowable under the previous version before we edited it, and so I'm assuming that it is still eligible.

>> Alter: Okay.

>> That was the whole purpose of the original ordinance, was to allow brick and mortar shops to have their wares in their front porch.

>> Alter: Thank you for the clarification.

>> Mayor Adler: Cesar's amendment went in without objection. Councilmember alter, do you want to make an amendment?

>> Alter: Sure. I had staff direction. There's a little bit of overlap between mayor pro tem tovo's and mine, and they say virtually the same thing so I will point out which those are and she can tell me whether she prefers her language to that on those two parts of it.

>> Mayor Adler: I would also suggest because it's direction, if it says the same thing two different ways it's fine. I'm not sure we have to knit it to that level.

>> Alter: Okay, that's fine. So my -- mine is not amendments. It's directions to staff for the dockless bike and scooter administrative rules and related processes. Some of this stuff is more obvious than others, how you might do it. So first of all sustain penalties and fines for noncompliance with the license. And is there a noncompliance clause already for -- within the ordinance?

>> Yes, there is a clause, councilmember, for revocation of the permit, 14-9-25.

[1:37:09 AM]

>> Alter: Okay.

>> For a variety of reasons for failing to hold up to the requirements.

>> Alter: Okay. So these would be, you know -- for a variety of things that would be in the permit, rules that you'd have penalties and fines for noncompliance. Establish clear mechanisms to ensure the dockless vehicles themselves and their associated batteries do not proliferate in our landfills nor creeks and rivers. These mechanisms should ensure that the cost of environmentally sound disposal are borne by the companies and not the taxpayers and support zero waste goals. Create an easy complaint process for follow-up of any complaints and that is different than the companies having a number on their scooters, which was in the prior thing that we added that would be, you know, how do you complain to the city if somebody is in your -- on your property with a scooter or you're experiencing problems somehow with these dockless devices? Clarify liability in the case of accidents or other incidents related to operation of these dockless vehicles, update, clarify or create ordinances or procedures that may be necessary to ensure access for austinians with disabilities. Address outstanding issues of liability if such vehicles left on private property. Provide for the possibility to increase fee rates should the cost of service related to the permits increase substantially even before the first six months are up. Provide for the possibility that permit holders apps have to provide specific alerts to riders in realtime, for instance on rules and regulations such as motorized vehicles are not allowed on the hike and bike trail or that, you know, they need to have some mechanism to be able to -- you know, if you're getting on a scooter and we decide that the rules of the road, that we have a way to notify people of that it's not just up to the city to be providing the riders that information.

>> Mayor Adler: Okay.

[1:39:09 AM]

>> Alter: And I believe I shared this with John Michael before, and I don't know if there are any new objections but there weren't any concerns that I was aware of.

>> Angela Rodriguez, councilmember, there are no concerns from atd but I wanted -- in order to preserve the council manager line, if -- I think we should say something to the effect of direction to staff to explore establishing -- just to make sure that the line is clear, that it's still within the manager's discretion for the rules so that's why I bring it up.

>> Alter: That's fine. I won't be happy if it's not in there, but that's fine.

>> Again, that's why I said just to put the line in --

>> Mayor Adler: With that change does anybody have any objection to that being included? Hearing none, that change is included as well. Mayor pro tem.

>> Tovo: So I handed out a slightly updated version at 7:35. It's nearly identical to what I handed out 14-ish hours earlier except I added one additional item for the staff to explore and so this covers reporting. It covers what good standing would consist of, also creates a process for companies to restore good standing if they are, for example, operating now before we have a program. It talks about a fee structure. It addresses environmental impact, user accountability, and public education. And so I understand some of you don't have that. I'm happy to get some copies to you. Some of these could probably be addressed in the ordinance. We didn't write it up as ordinance language but I'm happy to have it bicked into the ordinance if that's appropriate.

[1:41:13 AM]

Orientation, leaving it as direction for the rules is fine.

>> Mayor Adler: Okay.

>> Tovo: Yes, I'll just leave it there. So I'm moving approval of that.

>> Mayor Adler: Mayor pro tem includes inclusion of these as directions, seconded by councilmember kitchen. Councilmember pool?

>> Pool: I had a question for the mayor pro tem. Do you think that under your reporting area where you have "Other relevant data" or provide the interim report to council after six months, do you think it would be okay to add in there language that would address the concern that I have about trying to find a way to confirm or provide an audit of the data that is provided? So that we can be sure that the information is accurate?

>> Tovo: I'll have to think about that. I don't have a concern about it except that I'm not -- I certainly wouldn't want that to be an expense the city bore.

>> Pool: I understand. I'm too tired even to come up with the actual ordinance to make it, to offer the language, but maybe we -- I think staff is hearing and maybe they could come back with some additional suggested language or process.

>> Tovo: Maybe you could add something like explore methods for verifying data -- accuracy of the data received.

>> Pool: That sounds --

>> Or third party audit or something like that.

>> Mayor Adler: Without being prescriptive like that because it depends on the information, just say explore ways, methods for verifying information.

>> Pool: Yes, thank you.

>> Mayor Adler: Any objection to including that language? Hearing none that language is included. Mayor pro tem, I'm fine with all this. I just have the two concerns I think I raised with you earlier. On the

companies to restore good is standing, if they reimburse the city for costs certaintied with the company's lack of compliance, I read that to speak to the fines for the noncompliance where there was a violation of law that we haven't collected.

[1:43:33 AM]

So if that understanding is correct then I'll be okay with that one.

>> Tovo: Let me just be sure I'm understanding what you're -- that any and all costs are the -- could you -
-

>> Mayor Adler: Would be the fines for impounding of vehicles which were not assessed but could have been assessed or in the process of being assessed under our existing ordinance so that was unknown -- a known violation with a known penalty that they should make good on if they were in violation.

>> Tovo: Those are certainly included within the costs.

>> Mayor Adler: Beyond that if it's including any and all costs associated with early entry staff time and those kinds of things, I think -- I don't think we're allowed to collect those under law. So I wouldn't want to be directing the staff to try to collect something that I don't think we're allowed to collect.

>> Tovo: I'm somewhat more comfortable with the broader language. I think we have a point of disagreement on that and I would just look to my colleagues to weigh in.

>> Mayor Adler: I would be fine saying all costs and fees, you know, consistent with law and then let staff work through what they can legally ask for and not legally ask for. Would that be okay with you?

>> Tovo: I'm very comfortable asking the staff to stay within the law, sure.

[Laughter]

>> Thank you.

>> Mayor Adler: And then the -- that's okay. So with that change I'm fine with that.

>> Tovo: Juts because I'll be asked for this, I know to know where we're putting that, reimbursement of any and all costs.

>> Mayor Adler: As allowed by law at the end of the sentence. Last one, waiting 72 hours after licensing begins before filing an application. Again, I don't think that's something that we're allowed to do.

[1:45:41 AM]

So I would move to strike --

>> Just for point of clarity, as long as -- as I was mentioning to councilmember alter with her direction, this is still going to be a direction for the manager to explore. So certainly we would discuss -- the manager would discuss the legal parameters of that since you're not putting it in the ordinance as a requirement, as far as the costs are concerned or the 72 hour period, it's something that staff would explore the validity of and whether or not we can.

>> Mayor Adler: If that's the understanding I have no problem at all with what you're exploring.

>> That's exactly what we'll do.

>> Mayor Adler: The possibility.

>> Tovo: That's where I get very uncomfortable with doing this as direction.

>> Okay.

>> Tovo: For the rules rather than as a requirement because part of my comfort level with moving ahead was starting the program for rapidly than it had been promised to lots of stakeholders is that there would be certain basic requirements. I don't know how to fix that here.

>> The basic requirements would be you put them in the ordinance.

>> Tovo: Right.

>> That is -- that then we don't have flexibility as staff as we would if it was direction to explore.

>> Tovo: Are we able to direct you to put this in the ordinance without having the ordinance language before us right now is this.

>> You make the amendment. If you move for an amendment and tell me --

>> Tovo: Which sections?

>> -- What you want included, I can -- which we've done in the past, determine the appropriate language as long as council is clear on what it's voting on on the record. But if you're going to do that, that's where mayor Adler's concerns might need to be more fleshed out.

>> Tovo: So I would say -- I'll have to think about the reporting, but bullet one, ensuring permit applications approved only for operators and compliance with city laws and in good financial standing, et cetera, that would seem to me to belong in the ordinance.

[1:47:52 AM]

Bullet 2 would also seem to belong in the ordinance, though not with that language about creating a process. It would be companies can restore good standing if they do X, Y, Z.

>> Mayor pro tem, just because you're asking us to put it in the ordinance now I think we need to be really clear. Maybe we could, you know, do a motion sheet or something to get the language correct or you could come back later with it.

>> Mayor Adler: Mr. Flannigan.

>> Kitchen: I think.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I appreciate the city attorney coming up. Mayor pro tem, you and I have a different perspective on the rules process. What you expressed is your hesitation with using that is the thing I like about it in this instance so I wouldn't want to see things put into the ordinance because I want the staff to be more nimble and be able to react to changes in the market more quickly than putting it in ordinance, especially when it comes to questions of the matter of law. I think it might be -- it is my -- I'll put it this way, it's my preference that we can incorporate all this as direction, let staff come back with the rules process and once we see how they publish rules for the permit operators, if we don't like it we can bring amendments to the ordinance later as a council.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Yeah. And having a fair amount of familiarity with the rules process I know it's one where once -- once we turn some of these things over to the rules process, they are out of our hands and they're -- and the public can make comments and appeal them but there's no council vote on them. So what I would do, given the time and the opportunities we have here to create motion sheets, which are really limited at this hour, I think what I would do is keep them -- I'll keep them as direction with the understanding that perhaps we come back with amendments for the may 10 council agenda to bring them into ordinance form.

[1:49:59 AM]

But I think one of my colleagues has a comment.

>> Kitchen: Yeah.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I can suggest language right now for the good standing part.

>> Tovo: Okay.

>> Kitchen: If you'd like me to do that. I would amend section 14-9-23 to add a -- to add a D that states the director shall ensure that permit applications are approved -- no. It would be license in this case. "Director shall ensure that license applications are approved only for operators in compliance with city laws and in good financial standing with the city. Once an operator files a permit application and pays the permit fee." And then I would -- then the next sentence would be -- let's see -- okay. "Companies can restore good standing if they take the following actions," and then I would have those four that are listed there as subbullets.

>> Tovo: That sounds good to me. And just so that it's very clear, my intent here and really this is something I worked on with some other council offices, including councilmember kitchen's, you know,

the intent here is to say we are happy to have the scooters moving forward here in the city of Austin, but we recognize the comments and the concerns that have been raised about the unfair competitive advantage that several companies have seized by starting their pilot too soon. You can still participate, but we would expect these steps. And one of the steps that I would expect and I hope that would be effective, the change that would be affected by the passage of this if it does pass is that the companies who are currently operating would take their scooters up until they receive a permit.

[1:52:11 AM]

>> Mayor Adler: Councilmember alter.

>> Alter: Should we proceed this way, would you be amenable to adding a fifth bullet that would give staff flexibility to add additional requirements to be in good standing? So I don't know what the language would be. I just want to make sure there's a bullet under there that allows you to add -- not take away from those four if we're putting that in, but there maybe something we haven't thought of or is not included in there that we want.

>> Councilmember, you could add a fifth bullet that says "And other requirements as determined by the director."

>> Alter: Perfect. Is that amenable?

>> Tovo: Mm-hmm.

>> Mayor Adler: so the motion from the mayor pro tem was to include all these as directions. That's what was seconded. Now there's a discussion about taking this section of it and making it into an ordinance as opposed to keeping it as a directive. So I guess you're moving to amend your motion so as to take that section and turn it into a directive?

>> Tovo: Yes. And there may be one other section I'm going to do that with.

>> Mayor Adler: Is there a second to that?

>> Tovo: We'll pull out good standing and use the ordinance language councilmember kitchen crafted.

>> Mayor Adler: So there's a motion to change the good standing section into ordinance language as opposed to directive? And at this point I'll support keeping that as a directive. Is there -- as a direction, as a direction. So we have a motion to amend it to make it part of the ordinance. Ready to take a vote on that? Those in favor of taking the good standing part and making it part of the ordinance please raise your hand. Pool, alter, mayor pro tem.

[1:54:14 AM]

Todd? Me, Flannigan, Casar, it becomes part of the ordinance. I would move to strike and reimburse the city for any and all costs that still contains the language as allowed by law.

>> Tovo: Yes.

>> Mayor Adler: Then the waiting 72 hours is something that I still would move to strike because I don't think it's something that we can legally do.

>> Kitchen: I think we just voted on it.

>> Mayor Adler: We voted to characterize them as ordinance and not as --

>> Kitchen: We voted on this language as in the ordinance. If you'd like to --

>> Mayor Adler: I'm moving to amend it so as to strike -- I expressed the desire to do that earlier on the deal. We were making the decision about whether to make it an ordinance or not. I don't think we can take the -- I don't think we can punish someone for doing something that wasn't against the law beyond what the penalty was for breaking the law.

>> Kitchen: And I don't see this as doing that, but. . .

>> Mayor Adler: Okay. Is there a second to my motion to strike the 72 hour waiting period? Mr. Flannigan seconds that. Any discussion? Put that to a vote. Councilmember kitchen.

>> Kitchen: I would just say I don't see this as -- I the word that you used but I don't characterize it in that way. I see it instead as a criteria for restoring good standing. Which is, you know, something that -- that's typical to do for being eligible for licensure.

>> Mayor Adler: Okay. Take a vote. Councilmember alter?

>> Alter: Does staff feel like that's something that we can legally do?

>> I think we addressed it in executive session and our recommendation is that you not do it. We have to make a record tied to the health and safety.

[1:56:14 AM]

>> Mayor Adler: Ready to take a vote? Those in favor of the amendment to take out the 72-hour waiting period, please raise your hand. Flannigan, alter, Casar, me, Houston, Renteria. That passes. The others voting no, raise your hand. And it's the other four on the dais with councilmember troxclair gone. That's out. Next item.

>> Tovo: So, mayor, I'm going to add that back in as direction to staff for the rules process, to explore -- to explore some method for making sure that companies who are not in good standing are carefully evaluated before they're given a permit, which might mean that they are delayed beyond some of the other companies' receipt of their permits.

>> Houston: I'll second that.

>> Mayor Adler: That language asks staff to explore whether or how they can do that. I don't have a problem with asking staff to explore that. Any objection to that amendment going in or that amendment going in as a direction for staff to explore whether or not or how that could be done? That's included --

>> Kitchen: Could I ask a question? I heard the mayor pro tem say it, if I understood correctly, to explore how that could be done, not whether it can be done, but how it can be done. Right?

>> Mayor Adler: No. If they can't do it, when they explore it, they determine they can't do it, then they can't do it.

>> Kitchen: Well, the complete language, if I understand correctly -- and mayor pro tem, help me here, but there's a difference between whether and how. So how did you say it?

>> Mayor Adler: Well, my objection to this is, I don't think they can do it.

>> Kitchen: Well, and my concern is, I --

[1:58:17 AM]

>> Mayor Adler: But I'm happy to let staff explore whether or not they can do it. And if they can do it, I have no problem with them exploring how they can do it.

>> Tovo: Well, if I could clarify then, let me try this. Explore how to restore -- how to restore a more balanced, competitive environment? Okay. We'll just keep it at "Whether."

>> Mayor Adler: Okay. So whether and how is what's included. Next item. Any other amendments to this?

>> Houston: No, because I want to go home, and we've got some other things to do after.

>> Mayor Adler: Are we ready --

>> Houston: It's horrible to do this on the dais at this time of night.

>> Tovo: I think the rest of my items with the possible exception of the reporting -- let me think about the reporting for a minute, but fee structure and environmental impact use, accountability and public education, I'm comfortable with putting into rules.

>> Mayor Adler: Okay. Any objection --

>> Tovo: User accountability I think would go in an ordinance eventually but it's not ironed out fully at this point, how that would work.

>> Mayor Adler: Okay. Any objection to including those elements into the list that councilmember alter had earlier mentioned and we had voted?

>> Tovo: I'll add reporting to that, too. I've decided to not craft ordinance language, and the rest of the sheet --

>> Mayor Adler: Rest of these things get added to the list that councilmember alter presented earlier that got passed. Any objection to that being added? Hearing none, those are added. Councilmember alter.

>> Alter: So for clarity, for our reporters, for public, trying to to make sense of what we're doing here, if we proceed with the base motion, everything that we've done up here, what should people be expecting?

[2:00:17 AM]

We're doing this on an emergency basis. You know, what happens tomorrow, when will this process be happening? You know, I'm not saying nobody's going to make an amendment after that, but can you provide some clarity on your understanding of how we're proceeding over the next few weeks and how this plays out? Given -- I think we understand our broad direction and the requirements for what goes into the permitting process, but in terms of, like, what actually happens to those scooters and bikes on the ground right now.

>> First of all, councilmember, we'll watch the tapes tomorrow to figure out what we accomplish here today just to make sure we are on base there. But, no, seriously, you know, with this being adopted in emergency fashion, it would become effective tomorrow or immediately upon passage. Our anticipation is, we would send a letter to the companies that are currently operating, informing them of the requirement and allow them 24 hours to correct that, come into compliance. We don't have a permit yet, so we would start the rules process as soon as we could again deduce from tonight's proceedings what all needs to go into those rules process. We would start that process immediately. My intent would be to go into a typical rule process, which would be a 40-day comment period, unless I receive direction or advice otherwise that I could consider, to go into an emergency rule, which would change that schedule somewhat.

>> Alter: So would that be 40 days from when you -- when you drafted rules or 40 days, like, from when you start --

[2:02:20 AM]

>> So the standard process, we'd start a rules process and it would be 40 days before I'd have a permit process. If the -- if, on the other hand, we decide that we need emergency rules, we'd put rules into place immediately, which we'd need a permit immediately. We'd be available immediately, being the next week or so, and then take comment afterward.

>> Alter: So under emergency rules, do you have to come back to us? So let's say you start this and you feel like you're ready and you want to put those rules in, you feel like you have enough, could you come back to us and say we're ready with the rules, let's do it under emergency, would that come to council?

>> No, ma'am. Rules are administrative.

>> Mayor Adler: Do you have a -- I thought you were going to do the emergency rules so that we could move quickly on this rather than try to have a two-month period of time where we didn't have scooters and dockless bikes on our streets. What that's going to mean is, we're just looking to fight.

>> I'm happy to take suggestions on how you'd like me to proceed with that. You know, with the dynamics of how this is changing, we're going to need some time to make sure that we're at least all on the same page with what you asked for.

>> Mayor Adler: I'd like to see you move as quickly as you can to put rules in place, recognizing that part of the rules in place was allowing you to iterate on those, and figure out what the rules need to be as you iterate. So I would prefer you not to be bound by non-emergency constraints.

>> I understand.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I was just going to say the same thing because I was thinking from our previous conversation at work session that the thinking was that the permitting process would be available, you know, within a week or two.

[2:04:33 AM]

So --

>> Mayor Adler: Okay. That's how I understood the conversation to go as well. Do you need a finding from us in order to be able to do that, or can you just do that?

>> No, sir. I appreciate the advice, though.

>> Mayor Adler: Okay. Anybody else? Fill Flannigan? Okay. My sense is, that's the will of the council.

>> I understand.

>> Mayor Adler: All right. Take a final vote on this married then. All those in favor, please raise your hand. Those opposed? It's unanimous on the dais with councilmember troxclair gone. That gives us one item --

>> Thank you, by the way.

>> Mayor Adler: One item left for us to deal with. It is the item number 90 --

>> 36.

>> Alter: And 36.

>> Mayor Adler: Item number 36? Public hearing process for codenext. Let's do -- let's do 90 first. Okay? Item number 90 is -- does anyone want to make a motion on item number 90? Or do you want to hear the speakers? Let's hear the speakers on number 90. Mr. Fred Lewis, not here. Mr. Levinski?

>> Bobby levinski. Fred Lewis had to leave because he's taking his daughter to her new school. He asked me to read his comments. Since he's the man that started this whole thing, I thought that was fair. So, again, these are not my words, so please, don't hold them against me. So this is not a courtroom and you are not judges. You are not trained to be judges and are not impartial in codenext.

[2:06:33 AM]

The council is a legislative body, not a judicial body. You should honor the voters' wishes and adopt the petition initiative today as an ordinance and let the voters vote up or down on codenext. One part of section 211, Texas local government code is clear. The council on its own has the authority to allow the public to vote on codenext. Section 211.015d states clearly: A governing body of a municipality may adopt a zoning ordinance and condition its effect upon the ordinance receiving the approval of the electors at an election. The city charter, article 4, section 4, also specifically authorizes you to adopt the codenext petition, which is what you are considering today. Honor the people's wishes and save us all cost of litigation. Briefly, if you should seek to address them, there has been a lot of information in this narrow, esoteric law. I, meaning Fred, and one of the few lawyers in Texas who has been involved in such cases, the only legal issue on whether the codenext petition goes on the ballot is whether the codenext petition initiative subject matter has, with unmistakable clarity been removed from the initiative and referendum process. This is a very high hurdle because courts don't want city council to interfere with sovereign people's right to legislate by initiative. There's no argument that the vast majority of codenext position has not been within the field of the initiative process. The petition calls for a waiting period. This is expressly allowed by law and upheld by the courts. It is not a substantive zoning regulation. The vast majority of codenext, which is a land development code, is not a zoning code, doesn't involve zoning, but affordable housing, water quality, flooding, infrastructure, transportation, construction standards, permitting processes, et cetera, no one argues these subjects are not within the -- are not the subject of the initiative.

[2:08:36 AM]

Only one section, one-tenth, involves zoning laws, chapter 4 of 13 chapters. The codenext, in its entirety, the statute expressly allows voters to vote to repeal zoning laws. The petition then says if voters vote to repeal the codenext, that the voters then readopt the existing code. This is a reasonable reading of the petition, whether people can make other right, reasonable arguments. Therefore, council must place the codenext petition initiative on the ballot because the petition subject matter has not been completely removed from the initiative process.

[Buzzer sounds] He goes on, but I'm sure you guys have letters from him, and I will do my best to scan this and send it to you and put it in the public record. Thank you.

>> Mayor Adler: Thank you. Mike? Megan meisenbach. Debbie Russell?

>> Hello. Debbie Russell, district 3, speaking on behalf of Austin on this matter. We have been there and done that with council many times in the past 18, 20 years, in my experience, where we brought signatures, been validated, and council fights us putting it on the ballot. The law is clear. You've heard Fred Lewis's words up in the earlier speaker's eight hours ago, comments, because he's special and got to speak. But the law is clear for what you're supposed to do tonight. We have the signatures. You have to put it on the ballot. We've done this, like I said before, and it's -- with our at-large council, like I said, this feels very at large, this act here, of trying to keep it off the ballot, and I think that if you put it on the ballot and then wait -- and then if it passes, then you can -- we can have the legal arguments in court about the language, or whether or not we -- the petition is not something that the voters -- you don't have to put it into effect, in other words.

[2:10:51 AM]

You can have that fight later, but it's clear to me that you're having this fight now and spending this money now with lawyers because you want to keep it from getting on the ballot in the first place because you don't want the result that it may happen, that the citizens don't like what's coming out in codenext. So I urge you to do what the law says for you to do tonight, and then we can visit all of the legal stuff later and spend the money if we have to, if it passes. Thank you.

>> Mayor Adler: Thank you. Bill bunch. You have three minutes.

>> Good morning, mayor, councilmembers. Thank you for your efforts this morning. This is also one about people and power and memory and forgetting. I just want to say pat crow would remember. And she would approve of these comments. She was there, as a leader in the "Save our springs" campaign. And like this matter, that was an initiative, very instructive for us today. I was one of the young lawyers at the time working on it. We were blessed to have Dave Richard and Phil durst and Michael curry helping us. And when I say "Us," that was a save our springs steering committee, of which councilmember kitchen and I were the plaintiffs, in suing the rule council to force them to put the initiative on the ballot.

[2:12:54 AM]

The courts are very clear. Once your city clerk certifies a petition is valid, you have -- you have three choices, but you have no discretion to not choose one of those three. You can adopt the ordinance as is -- that's what you're posted to possibly do tonight -- you can put it on the ballot within a reasonable -- a fixed period of time, or you can put it on the ballot with an alternative that you think would be better. But you have no choice not to do those three, one of those three. The courts are also crystal clear and

they've said it over and over, that unless and until the voters approve the initiative at the ballot box, whether it's legal or not is a hypothetical question, speculative or contingent situation. Courts are not empowered to decide hypothetical questions. So if y'all try to refuse to put it on the ballot, you don't choose tonight, you will be sued and the courts will force you to put it on the ballot, and they'll do that just simply because you have to. And they won't look at judging the merits of it. Now, you should adopt it tonight because it does only three things. It requires a waiting period. It requires voter approval before it takes effect. And it has a severability clause if something there is not --

[buzzer sounds]

-- Legal. There's nothing substantive whatsoever in that ordinance. It's purely procedural and giving the voters a right to check your work.

[2:14:58 AM]

And we'd love nothing more than to tell voters to approve what you approve.

>> Mayor Adler: Thank you.

>> So please do your job and choose one of those three, prefer preferably choosing to adopt it tonight. Thank you.

>> Mayor Adler: Thank you. Council, it gets us up to the days.

>> Mayor, I'd like to make a motion.

>> Mayor Adler: Okay. We are noticed today only on the issue of whether or not to adopt the ordinance. The question of whether or not to put it on the ballot is not before us tonight. Councilmember pool.

>> Pool: I'd like to make a motion to adopt a citizen-initiated ordinance supported by a petition certified sufficient on April 23 to amend the city code relating to comprehensive revisions of the land development code.

>> Mayor Adler: Okay. Is there a second to the -- to the motion? Councilmember Houston. Discussion? Mayor pro tem.

>> Tovo: Just one very if I can thing because it's very late. As you noted, mayor, we're not posted today to discuss the issue of whether or not to put this on the ballot for voters in November, but I hope that we are able to take that question up very soon, before our summer break, and I will support doing so, either as a lead sponsor or as a co-sponsor, bringing that forward to council for its consideration.

>> Mayor Adler: Okay. Further discussion, councilmember kitchen.

>> Kitchen: I'm not certain what order to do this in, so I have a motion that is for council direction, and so would you like me to wait until after this? It's not -- I mean, I can wait till after, or how would you like me to do that?

>> Mayor Adler: I think after would be good.

>> Kitchen: Okay.

>> Mayor Adler: So we can give staff direction on what to do next.

[2:16:58 AM]

>> Kitchen: Okay.

>> Mayor Adler: Further discussion on the motion? Councilmember Flannigan.

>> Flannigan: So I'm not going to support adopting the ordinance. The charter language is pretty clear about what we have to decide, and we are not allowed to make changes to what was on the petition in the very simple way that the petition is enacting an ordinance that would override the charter. That, for me, is enough to say that we cannot pass it as it is. We can decide the election question later. I have other thoughts and feelings on that I don't have to share tonight.

>> Mayor Adler: Councilmember alter.

>> Alter: I wanted to first clarify that if we prove the motion to adopt the ordinance, this would require a vote on codenext and putting it on the ballot. What it would not be doing is putting it on the ballot in November for a vote on whether we want a waiting period and whether we want a vote on codenext. Is that correct?

>> Uh-huh.

>> Alter: Okay. Still able to think at this hour. Okay. So mine will be short and sweet here. It's very clear that from the broad community discussion that we've been having, that there's a lot of satisfaction with how we're managing growth and planning in Austin. The 2017 community survey results show that only 16% of residents were satisfied with how the city is planning growth, which is significantly below the national average. I'm not a lawyer, as much as I try to ask legal questions. I do know the facts that we have over 30,000 people who signed this petition, who want to be able to vote on codenext, and that we've had hundreds of people engage. We're trying to understand the details. I think we should allow them to vote, and I'm going to support adopting the ordinance today so they can be assured as we go through this process that they will have a vote at the end of it.

[2:19:00 AM]

I also hope that we as a council can get to a point with codenext that they would approve what we come out. I think we shouldn't assume that we can't get there. So I will be voting for this. Ready to take a vote? All those in favor of the motion, please raise your hand. Pool, alter, mayor pro tem, Ms. Houston. Those opposed, please raise your hand. That's the balance of the dais with councilmember troxclair off. The motion does not pass. Councilmember kitchen.

>> Kitchen: I have a motion to make which I have passed out, but before I begin, I want to make just a few very, very short comments, given -- given our time. Would that be appropriate if I make a few comments, then make the motion?

>> Mayor Adler: Yes.

>> Kitchen: Okay. I want to say that as a long-time austinite, I do understand people's fears for their lives and their future during periods of rapid change like we're seeing now, and I also know that good people have worked very hard because of what they believe during this long, difficult process of creating a new land development code for our city. That makes it harder for me, but it doesn't change my responsibility to the law and to our city. I cannot in good conscience vote to adopt this ordinance. I believe this petition ordinance violates state law and violates our city charter, which is our city's constitution, and which I took an oath to uphold. The city attorneys, legal scholars, and the courts have clearly stated that under Texas law, zoning is not a proper subject for initiative in Texas.

[2:21:01 AM]

With that said, I care deeply about the concerns, fears, and especially the lack of trust that I am hearing from some in our community. I believe there's another way, another way to address these concerns, one that council can legally put in place and one that doesn't require us to wait up to five years to fix our city's problems. And as I've said before, I pledge to take the time to do this right with regard to the code, and I believe that means not rushing to adopt a code before it's ready, and if the council adopts a code, taking the necessary time to put a new code in place, which includes testing periods, implementation, and allowing a clear process for amendments. So with that said, the motion that I'm making is in the form of a council direction, and I'll read it for everyone. City staff is directed to include on the codenext timeline for council consideration on may 8th, the following.

Number one: Include a time period of at least six months before any new code takes effect. So that would be at least six months before any new code takes effect after the council passes it if they do.

Number two: An explanation of the process for testing the code, with an overview of the testing that has been going on and how that will continue. That contemplates that there's a time period during which any new code would need to be tested.

Number three: An explanation of the process for implementation of the code with an emphasis on timing so people have clarity and can understand what that process might be.

And number four: A clear process for amending the code as we go into the future. So just to close, I would say I appreciate and I'm very thankful for the time and energy and work of all who have been participating in this difficult process, and I really hope, I really hope that we can be patient with each other, we can come together as a community, and continue to work for solutions as quickly as is feasible.

[2:23:18 AM]

There's too much at stake to give up. And I invite people to be at the table as they have been because we can't give up on Austin. I think this is an important time for our city. It's time we face the challenge of better managing growth. And I'll stop right there.

>> Mayor Adler: Okay. And I don't think -- there's no motion that we can do, but in terms of direction for the staff, manager, you're coming back --

>> Kitchen: No, this is a motion to vote on direction to the staff, like we did on the previous directions we did -- so we would vote on it. I mean, I styled it that way, as a vote on council direction. Is that not in order?

>> Mayor Adler: I don't think it is because it's not noticed that way, but I think you accomplish exactly the same thing.

>> Kitchen: Okay.

>> Mayor Adler: Because the manager is coming back to us on the 8th with the timeline, and I think all these things are things that need to be included in that, and they then get Teed up for the council as councilmember kitchen has put here so that we consider these on may 8th. And I support these. These elements. Councilmember alter.

>> Alter: Thank you, appreciate you putting this forward, Ms. Kitchen. I was wondering if you could explain what you mean by testing the code.

>> Kitchen: Well, I would -- my understanding is that an implementation process can include and often does a time period for testing the code. I asked our staff to be more specific with us, what that might mean. I hesitate to describe it too fully tonight because I'm not the expert on it, but I know that there are ways in which to determine whether a code is going to work in a particular area, for example, and whether or not it should be applied and that sort of thing.

[2:25:23 AM]

So I think testing -- that's what I want our staff to come back to us with, is explain what that process is, what's been done so far, how that would continue, and exactly what that would look like. Testing is one of the ways to consider whether code provisions are going to work.

>> Alter: So there's, you know, one kind of testing, for instance, at work session I brought up the fact that there are exemptions for attics and porches and other things in there that one way to test these things is to be modeling what you can build, and it's something that our community has been asking to see, to understand the implications and to have put forward. And so when I think of testing, that's the kind of thing that I'm thinking of. And so I hope that your language would include that.

>> Kitchen: Well, you're welcome to add language to this and say that you support it. I mean, I know that we're out of order to adopt it, but I'd very much appreciate hearing from other councilmembers that support this.

>> Alter: I was just clarifying what testing meant. I don't know that I need to add more to that. Then in addition, I just want to say that I understand where you're coming from in your interpretation of the law. I do not believe, from what I've read, that it is, and that's my interpretation, and I think we should, for tonight, agree to disagree on that.

>> Kitchen: Absolutely. All I was saying was explaining, as you did and others did, your perspective. I think it's very important. I believe that, as I said a minute ago, that the ordinance violates state law.

>> Alter: And all I just wanted to communicate is that, for myself, that I don't believe that, which is why I voted the way that I voted.

>> Mayor Adler: So let's go on then to item number 36. Councilmember pool. Okay.

[2:27:29 AM]

Item number 36. Mr. Flannigan?

>> Flannigan: So I move to accept item 36, and if there's a second, I can briefly explain, and then I think there might be a couple of amendments being proposed.

>> Okay. Mr. Flannigan moves adoption of item number 36. Is there a second to that? Second to that item? Councilmember Garza seconds that. Mr. Flannigan.

>> Flannigan: So I just want to thank my colleagues for working through this a little bit in work session, and we tried to accommodate as much of the feedback that we received in the updated ordinance that we posted on the message board, pretty much right after work session, and then was posted in the agenda as a revised ordinance. We're really just for the public, we're really just trying to be very clear as far in advance as possible, how the public hearings are going to run so there's no last-minute questions about how many minutes and in what order and all those other elements, so we're just trying to be as clear as possible as soon as possible so people can be prepared.

>> Mayor Adler: Okay. Councilmember kitchen. We also have two people signed up to speak.

>> Kitchen: Oh, well, they can speak first. I have a question, for legal, I think.

>> Mayor Adler: Do you want to ask it and we'll call them?

>> Kitchen: Sure. I'll ask it real quick, just because I'm trying to understand the procedure. I was really thinking I could ask for a vote on the council direction that I brought earlier. I understand the thinking that it's not -- doesn't fit within the posting for the previous one, but because this one relates to processes and procedures, would it fit under the posting for this one?

>> Mayor Adler: These are procedures for the public hearings before the city council on codenext.

>> I think these are pretty specific about that process.

>> Kitchen: Okay.

>> I think the manager certainly understands your direction from before and we're going to be talking next week, and you can give some more direction then on the 8th.

[2:29:31 AM]

>> Kitchen: Okay.

>> Mayor Adler: Okay? It's been moved and seconded to adopt. Let's first go to people here. Debbie Russell here? What about James Casey? You'll be up next.

>> You all have got to fix those mic issues before next time. They keep going in and out. Debbie Russell, district 3, two things about this. One is, it contradicts itself in the first part. It says people have three minutes. In the second part, it says the chair can do whatever he wants in terms of time, which could mean limiting it to 30 seconds or whatever they need to do, or whatever the chair feels like he needs to do. So that needs to be fixed because that is not clear. If the intention was clarity. So the other piece of it is -- I'm going back and my new coined phrase, it feels very at-largey again -- and apologies to Matt largey if he's still watching -- to have two public hearings on the biggest thing, the biggest change in our code, period, ever, in one swoop, that affects millions of dollars of decisions. So two city hall based ones. When we envisioned one, we envisioned big things like this taking place around the city in the geographic districts, envisioning each one of you, perhaps, hosting a meeting in your district so that we could take and really get the input from the different sections of the city that can't get downtown and don't have the time to dedicate to getting to downtown. So I would urge you to consider that, consider that in the past at-large councils would have done what you're doing right now. Thank you.

>> Mayor Adler: Ever.

>> I'm Jim Casey.

[2:31:31 AM]

Ever.

>> I'm Jim Casey. I'm speaking you of the right to stockholder coalition, in the another one crescent like [indiscernible] And communities of color united and undoing white supremacy and some other groups. And I want to remind you that you have an equity office. You know, if you think hard, you might remember that. It's there. And they have come up with something caused the equity assessment tool to help clarify and address the inequities that impact the quality of life for low-income communities, which I know are a great concern of yours because you left this issue to the very last thing tonight. Very symbolic, I think. Which, by the way, are disproportionately communities of color. One section of this addresses community engagement, and looking at the community engagement process for codenext, it is apparent that this tool has been overlooked, or maybe perhaps it's being ignored. Let's -- you know, using this tool to evaluate the process, and I invite you to do so, because you can go and look at the tool

yourself and go through the process, what the codenext community engagement processes has looked like. I think you're going to give yourself an F on that process. There's very poor access for public hearings. You have two hearings a month before you vote on this thing. They're down here. You should have at least one hearing every district with some kind of provisions to help people who are going to be most impacted by this to actually get to the hearing and give you their -- you know, their input. The notices for this hearing are all in English. The only thing in my notice that actually translate into one language, Spanish, says call that 311 number to get more information here, which I did and got put on hold, of course. I'm sure if I'm a busy, working class person, I've got plenty of time to stay online and ask my codenext questions.

[2:33:37 AM]

There are no interpreters. There's no asl, there's no child care for working people, there's no transportation assistants, there's no food provided for hearings that are going to go on all day. None of this. You all really -- if you care so much about working class people, and some of you maintain you do, why don't you take a look at your own equity assessment tool and see how you stand up, you know. How do you grade? Unfortunately, these deficiencies are par for the course, for a system of power, which you are near the top of here. Mr. Crank, you are at the top of it. System of power that systematically discriminates against lower income residents of the city, disproportionately communities of color. Codenext will make Austin even less habitable for these communities.

[Buzzer sounds] They deserve a fair chance to have their voices heard.

>> Mayor Adler: Thank you. That brings us back up to the dais. I just would point out, Mr. Russell, the rules as I understand them don't allow the presiding officer to limit any speaker's time except with respect to the standard rule section 113, which are the decorum provisions. So if somebody was starting to yell or be abusive to other people, that's the only circumstance in which the presiding officer has the ability to impact time. Mr. Flannigan, then mayor pro tem.

>> Flannigan: There were two things as we worked through this with the clerk that she wanted to have us make sure we clarified. The first thing is, if we're going to have the staff -- and I think as we discussed in work session, we might have staff helping to manage the process, and there are some other things that staff are doing hopefully -- I don't want to make promises, they say they are, but that will help streamline in a way we haven't seen before I know we're going to have extra coefficient kiosks for sign-up, there will be other provisions.

[2:36:08 AM]

We have at times allowed people to request a certain order because they're all members of an organization or whatever their reason is, so the question is, do we want -- if we wanted to allow that for the public, for these codenext public hearings, how would we direct staff to accommodate that request?

Would we limit the number of people you could ask to speak in sequence? Would there be a limitation on how late in the long list you could pull from to build your order of speakers. And I think there's a question of, well, then people are jumping over others. It would be my preference that we stick with the nine minutes, which is one speaker and two donations, and not have people requesting to resort the order, because I think it kind of opens up a very difficult question about how many you allow and from how long down the list can you pull someone up to an earlier sign-up. But I know the clerk wanted us to provide clarity on that. Then there was a clarity question about interpretation, Spanish language or sign language, and if the clerk could help clarify what she needed on that.

>> Mayor Adler: One way to resolve the issue of jumping the line is if people want to pull together in succession so they can make that kind of presentation. It doesn't necessarily happen when the first person would have been called, if you have someone that's -- that is ranked fifth and someone that's 20th and someone that's 35th, you could pull them to kind of roughly the middle spot so that you are pulling from above down as much as you were pulling down-up.

[2:38:08 AM]

Mayor pro tem.

>> Tovo: So I pulled this from a consent agenda this morning, actually, to make just such an amendment. If now is the appropriate time -- I see our clerk. I'm not sure if she had a point, but I had made -- I had raised three points of concern on Tuesday, and they're all still -- the points I had concerns about are all still in the draft. And so I'm going to suggest amendments to all three of them. That was one. On page 2, section 2, item 3, the presiding -- I'm sorry, not that one. 2a, the presiding officer shall call speakers in the order they're registered, I'm going to propose we change that to: Unless groups of speakers suggest organizing themselves into a particular sequence, comma, the presiding officer -- the presiding officer shall call speakers in the order they're registered. As I mentioned on Tuesday, I think that proves, you know, three minutes isn't much time. Not everybody wants to donate time. Sometimes there's a coherent narrative that can be framed if people organize themselves into sequence, and we do allow that, typically. We don't usually have large numbers of people who want to operate that way, but affording that ability seems to me to make good sense. So that's my amendment on that point.

>> Mayor Adler: Okay. Any discussion on that amendment? Anybody have objection to that being pulled forward?

>> Flannigan: Does the mayor pro tem have a second?

>> Mayor Adler: Yes. Mayor pro tem seconds.

>> Flannigan: Great. So I have something to say. So I'm concerned about someone showing up early, and then many people showing up late, and then having them all grouped up at the front, circumventing folks who maybe can't show up early in the morning, they have to show up later, and we don't want to necessarily shift that around. I do think that while it's electric you that it is not a necessarily frequent occurrence, this is maybe a topic that it might be something of concern.

[2:40:11 AM]

That's why I wanted us to go through this discussion way in advance so we could daylight this before people prepared a bunch of coordinated speeches, and then later we decided, and then people would be mad. So I would still prefer that we just not allow it at all. I think nine minutes is sufficient. But I -- so I wouldn't support the amendment as you laid it out. I might be open to other forms, depending on how people wanted to suggest them.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Yeah, just to be really clear, I'm not suggesting people get more than nine minutes. I'm just simply suggesting that they be allowed to organize themselves and to do the kind of preplanning that allows them to make a longer point across multiple speakers. I just -- I think that we're all better served when we have thoughtful, deliberative dialogue, and sometimes allowing people to organize themselves that way and to work ahead of time and organize their thoughts allows them to present a fuller -- a fuller conversation. And I think our goal here should always be to, you know, have the most deliberate, thorough discussions possible on either side of the dais, and that allows us to do it. I think the mayor suggested a couple options for how we could do that fairly in terms of when people sign up. And I would -- I would figure that piece of it out before. I'm open to either -- you know, whenever you call people is fine with me, if you call them based on the middle person or -- whatever. But I still think -- I think this is worth doing.

>> Mayor Adler: Okay. And with that discretion given to the chair to be able to do it in an equitable or fair way, I think I could -- I would support this. Mr. Flannigan?

>> Flannigan: One of my intentions is to not have that negotiation happening on the dais. I want -- my hope is that the staff will be able to answer people's questions in advance about when they think their term will be up, and so having the staff be able to manage that coordination, I think, is going to provide value to the community so that there's more predictability in which their turn will be called.

[2:42:20 AM]

>> Mayor Adler: Then I would go ahead and say that if there's a group that wants to work -- wants to go in order like that, that they be set at roughly where the average position is of the group.

>> Flannigan: I can live with that.

>> Mayor Adler: Okay. Is there objection to that? Councilmember alter?

>> Alter: I'm just wondering if, like, it's three groups of nine, because I mean if somebody is presenting over a whole -- I mean do we want somebody to be able to jump the queue and present for a full hour? There's going to be a lot of people here. I mean, there could be a benefit of having that, but --

>> Mayor Adler: Let's come up with a limit.

>> Alter: I don't have a specific limit. It's almost 3:00 in the morning, but, you know --

>> Tovo: Half hour? That's fine.

>> Mayor Adler: Eight people or nine people?

>> Alter: Because they get nine minutes.

>> Tovo: Yeah, that's fine.

>> Mayor Adler: Okay. But no more than, say, eight times three, no more than 24, so no more than eight people either speaking or donated? So 24 minutes would be the largest block you could get.

>> Flannigan: Coordinated across multiple speakers.

>> Mayor Adler: Coordinated across multiple speakers and roughly what the average position is.

>> Alter: May I suggest it's 27, so three groups of nine if my math's right?

>> Mayor Adler: 27 would work. That make sense?

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: I think I just need to clarify. So I would make -- I would amend my amendment thusly, unless groups of speakers suggest organizing themselves into a particular sequence of no more than --

>> Mayor Adler: 27 minutes. . >> Tovo: Of no more than 27 minutes total -- yeah, I would probably have expressed it as of no more than nine individuals, but I would probably have talked about it in terms of individuals rather -- it doesn't matter.

[2:44:23 AM]

27 minutes total is -- 27 minutes is fine, and then the rest of the sentence. And we're not -- we're not applying any limitations on the number of those groups. We're just saying -- yes.

>> Mayor Adler: Correct. And they would go at roughly the average, the placement of -- the average placement of those nine people. Okay. What's your second amendment? No objection, that one's included. What's your second?

>> Tovo: My second one is 1ai. Same concern I raised earlier, that if we have -- while I appreciate that the staff, it sounds like, are working to get multiple kiosks and iPads or other mechanisms, you know, I think we're going to have hundreds of people potentially at our public hearings, and if they all arrive and are intending to register no earlier than 30 minutes -- I mean we couldn't manage a hundred people trying to register 30 minutes before the public hearing, and I don't -- I don't believe -- I appreciate that there's a concern about people being able to come a couple days earlier, but getting to speak first, but it

just -- it seems to me kind of unreasonable to ask everybody to sign up the day of. And so I would revert back to the person may register at any time starting three days before each public hearing. And then perhaps we can, you know, let people know if we -- if we know by day two that we already have a hundred speakers registered, you know, we can put on our website or tweet out or whatnot, you know, we likely -- we're already at noon on the day of the public hearing, so, you know, if you come and register -- I mean we can give updates about how many hours we already have scheduled testimony for so that people can come -- they can schedule their time on the public testimony -- on the public hearing day to come at a later time.

[2:46:29 AM]

You know what I'm saying? We can be creative about how we broadcast to people when they might get a chance to speak. But, again, I think having all of our speakers try to register the day of is going to impact our ability to run an effective hearing.

>> Mayor Adler: Okay. Mr. Flannigan.

>> Flannigan: Does the mayor pro tem have a second on that?

>> Mayor Adler: Is there a second to this? Is there a second to this? No second.

>> Tovo: Okay. And then on B, 2b, a member of the body conducting the public hearing is encouraged to hold all questions. We talked about that on Tuesday. As a council member, I need the ability to ask a speaker if I don't understand what he or she said. I don't think -- I think we can certainly encourage one - - I mean we can certainly try to hold our comments or our questions for staff until the end, but there are times where it's extremely helpful, if we get five speakers standing up over and over, making a -- raising a question about something that we can easily pull up a staff member to answer, I think that would help clarify the discussion and would be worth doing. I also think, as I said, if we have speakers who have taken time out of their day to come and talk to us about their concerns or their ideas or their suggestions, and we're not understanding of them and that's our one and only opportunity to clarify that with them, we need to be able to ask them a question. I see that it says encouraged, but I think it still sets an expectation that I'm not comfortable setting. So that's --

>> Pool: I'd second that if that's a motion.

>> Mayor Adler: It's been seconded by councilmember pool.

>> Pool: And I apologize, because I would have seconded the first thing you brought up, but I was handing off my binder to send my staff home.

[2:48:38 AM]

>> Tovo: Thank you, councilmember. If you and I are the only -- if you're the only second, then we couldn't pass it anyway. I think we all should be thinking, though, about how we're going to manage hundreds of people coming at the same time trying to register.

>> Pool: I agree, and I think maybe we -- I know it's really late. Do we have to do all of this today? I know we're really close, but if there are some things that we can't -- can't take up because we don't have the band width, maybe we could also revisit things later.

>> If I understand what you're talking about, is deleting B altogether.

>> Tovo: Yes.

>> Okay.

>> Mayor Adler: Do we -- so the motion is to delete B. It's been seconded. And is it a discussion over -- your concern, since it doesn't prohibit it and it just says encouraged, your issue is, that creates --

>> Tovo: It creates a sense if you're a councilmember asking a member of the public, you're sort of diverging from the agreed upon rules of the day. It sets it as an exception in a way and it also -- yeah, I just object to it on a lot of grounds.

>> Mayor Adler: Okay. Mr. Flannigan?

>> Flannigan: Mayor, I think you brought up the point, it's not prescriptive. I understand, mayor pro tem, you don't want to feel like asking a question is out of order, but I think it's also direction to the community that we want to get as many speakers through as we can, and limiting our questions and limiting their expectations that we're going to ask questions, I think, is going to be more helpful to get as many folks their opportunity to speak as possible.

>> Mayor Adler: It's been moved and seconded. Further discussion? Those in favor of the amendment to strike B, please raise your hand. Pool, alter, mayor pro tem.

[2:50:38 AM]

Those opposed, please raise your hand. It's the balance of the dais. That one also does not pass. Okay. Those were -- any other amendments? Councilmember alter.

>> Alter: To address the concern of the overcrowding, I was just wondering if the clerk thought that if a half hour was early enough or we needed to be allowing an hour before or something else, if you have a recommendation.

>> So our plan is, we currently have three kiosks that are in the lobby for council meetings. We have a fourth one that we're going to move out and we're going to add four additional laptops out there so that we will have eight kiosks in the lobby. We will have staff out there to make sure everything is working, and if anybody has any problems registering, we will be there to assist them throughout the meeting. For us, it's just a click of a button is to when we open it up, so I -- I'm flexible. It's hard to know how many people are going to show up right at, you know, 9:30 to start registering, or how many will kind of

filter in through the day as they can. So I'm not sure I can give you a good estimate on whether or not we will be flooded at the beginning or at some point during the day.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I would also suggest we think about having -- I think one of our days is a Saturday, that we think about having both security posts open on that Saturday. As I told this story on Tuesday, you know, when we had our district 9 meeting in the chambers to talk about codenext, we had so many people attend, hundreds, 300, just from district 9 attending, that we had a huge backup at security. So that was sort of the impetus for my move to make an amendment, if we had people standing in line for 20 or -- I mean we had to start late because so many people were coming through security.

[2:52:42 AM]

>> And I have already talked to security to let them know that we're going to have two large public hearings, one on a Saturday, so I will confirm that they will have both doors open. We're also going to put out, in the lobby, two large screen televisions that we can put up, connect to a laptop so that people can see, you know, the -- at least the top -- however many names we can get on that big screen TV that would show the order that is coming up. If you want to increase the length of time that they can register, the only thing I would ask you to consider is for the Saturday, you do want us to move anybody that didn't get to speak on Tuesday to be the first group on Saturday, so I would need time after the Tuesday hearing in order to do that. So if you want to increase it, you know, you could make it the day before, whichever you would prefer.

>> Alter: I was more thinking like an hour instead of half hour, and -- you know, to give it a little bit more time. But it's my understanding, since we're doing the hearing and we're the one listening, we don't have to wait for people to sign up to begin hearing from the people who want to come and speak to us because no one -- very few people are going to be here all day, I would suspect.

>> Or you could make it 8:00 A.M. Because that's when the building is open to the public on Tuesday, for sure.

>> Mayor Adler: I would support starting earlier than 30 minutes. The mayor pro tem said three days, and that didn't seem right to me, but if we wanted to move it to an hour before or two hours before, I'd be fine with that.

[2:54:44 AM]

What? The building opens at 8:00.

>> Alter: Let's do an hour. They have to open the building even earlier on Saturday, so I think an hour gives people some time, if we have eight kiosks.

>> Mayor Adler: Is there a majority of people that would change B to -- the first one -- 1a to be 60 minutes as opposed to 30 minutes? Those in favor of 60 minutes, please raise your hand. Those opposed? Passes unanimously. So it'll be 60 minutes. Any other amendments to this deal?

>> I just had one clarification.

>> Mayor Adler: Yes.

>> If you had a feel for the size of possibly Spanish interpreters and translators. Normally, your standard rules are, we ask that they contact us 24 hours in advance, but I didn't know if it would be more appropriate if we had interpreters already here for -- during a certain period, like from 4:00 to 10:00, to accommodate without citizens having to request that service.

>> Mayor Adler: Councilmember Garza.

>> Garza: I think it would be good to have some here.

>> It would make it easier for us to plan, rather than having to deal with it last minute. We could make arrangements now.

>> Mayor Adler: Sounds good. Why don't you plan for that.

>> Okay.

>> Mayor Adler: Anything else? Let's take a vote. Those in favor of this item, what is it, 36? Those in favor of 36, please raise your hand. Those opposed? Passes unanimously. It is 2:56. That is all of our items. Ms. Houston?

>> Houston: I just want you to know that as soon as I get home, I'm going to file a complaint, an elder abuse complaint.

[2:56:48 AM]

[Laughter]. I wake up at 4 o'clock in the morning. As councilmember Garza said, I've been up almost 24 hours now. This is too long.

>> Renteria: Mayor, I think we actually broke a record today.

>> Mayor Adler: I think we did, unfortunately. All right. We're done.