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[10:14:21 AM]

>> Mayor Adler: All right. I think we could get this thing going. Before we begin our meeting, we have an invocation from rabbi Alan freedman from the temple Beth shalom. Everyone please rise. >> Heavenly one our source of unity in divisive times the noise is over. We now need to do the hard work of actual governance. I ask that we move this city forward that we love. Instill in them the wisdom of your grace and concern for all of our citizens. On this day we particularly have in mind our first responders. Protect them, oh god, as they go forth into our communities to protect us. Strengthen them in their critical work and provide them with the wisdom to both protect and serve. Be with our first responder families as well, those who share the first responders' dedication, but who also bear concern for those they love. May our city continue to receive a sense of your blessing and this council a sense of your guidance as we move forward together into a future without limits. And let us all join together in this prayer by saying, amen. >> Thank you. All righty then, today is Thursday, November 15th in the year 2018. It's 10:14 A.M. We are in the city council chambers here at 301 west

[10:16:21 AM]

second street in Austin, Texas. Colleagues, our consent agenda today is items 1 through 50. Actually, one through -- I can't tell if it's 50 or not not. It's 1 through 50, plus item 73 from the addendum, and 74, which is the police contract. I didn't do well. Let me say it again. The consent agenda is item 1 through 50 and also items 73 and 74. I'm showing as items to be pulled number 15, but we don't need to pull that, we're just going to put in \$75,000. Noose the number that legal would have us put in. We discussed that in executive session. So 15 is going to remain on the consent agenda with the \$75,000 put in. By the way, item number 6 is withdrawn. Items 20, 22 and 36 there was a motion to disapprove, but it failed on a vote for in favor and two against due to the lack of a quorum. Item number 45, the sponsors are Flannigan, Garza, kitchen, Renteria and Adler. Continuing with the pulled items, the first is number 18 pulled by by Mr. Flannigan, 20 by Mr. Flannigan and 22

[10:18:21 AM]

by Mr. Flannigan. Item number 23 is pulled so we can discuss it in executive session by councilmember pool. Item number 36 has been pulled by Flannigan. Item number 73 has been pulled by Garza, and the police contract we're going to handle later, not now, but again I appreciate everyone's assistance in this. I have a meeting with the mayor's of the 15 largest cities to discuss the agenda for next legislative session and we have a speaker coming, visiting with us in the morning, so this will be our only opportunity to visit together and I think it's real important that I'm there to discuss the revenue cap issue with the mayors. So my hope is that we'll call up the contract and the ordinance and address both those prior to taking our dinner break at 5:30. So we'll call that up after lunch, before 5:30, give people a chance to speak if they can, and hopefully dispose with those two things. If on for whatever reason we don't dispose of them I'll drive back from San Antonio, but I couldn't get back here from 11 to 11:30 so I would ask that it be postponed to 11 or 11:30, which is an option, a horrible option for everybody, including me, so I think that with what's been happening here and hearing the press conference this morning and talking to people in community, I think we ought to be able to do that, take the votes on both of those items. So what I'm showing is being withdrawn right now are items 18, 20, 22, 23, 36, 73 and 74. Anything else being pulled before we get to speakers on

[10:20:22 AM]

consent? Mr. Flannigan? >> Mayor, I handed out an amendment to item number 41 that I think the sponsors might just accept as friendly. Adjust added some whereas clauses around staff work. >> Mayor Adler: Any objection to adding the amendment to 41 in? Hearing none, it's included. Thank you. >> Mayor Adler: And then we have item 16 pulled for speakers. I think that's the only one pulled for speakers. Okay. Let's hear it from the people speaking on the consent agenda. Is Carlos Leon here? Would you like to come? >> Since I signed up for two items, I'll speak to one first, then immediately speak to the other. >> Mayor Adler: You have three minutes to speak to both of them, items 2 and 28. >> Oh, I don't get six minutes, sir? >> Mayor Adler: No. >> Okay. Then I'll choose to speak on one. Thanks for letting me know ahead of time, mayor. SOI Carlos Leon. November 15, 2018, to speak what's right. [Please speak. First and foremost thank you for letting me fight evil, fighting cap metro from within related to item 28. Your resolution says the quarter cent projects must speak specific criteria, including transportation safety. Exhibit C lists approved projects that appear to be physical improvements to structures are, sidewalks, streets and signals, which help. However, missing are needed

[10:22:24 AM]

mental health projects to address bus driver mental illness issues that need to be fixed asap or be grounds for their firing because they directly affect transportation safety for us passengers. For example, older white female driver operator id 6477 is a psychologically controlling, abuse active pathological liar who keeps trying to gas light and dominate me by unlawfully making up and trying to enforce her own unconstitutional, overly restrictive rules under the collar of cap metro's uniform. Like her repeatedly telling me if I can't bring my gear on board all at once, how she wants, then I'm not allowed to ride. Then she threatens me to tell me she will not stop and board me next time if I don't follow her made up, disrespectful bull crap, which I never do. Though her insanity gets documented in writing with cap metro following cap metro's policy, she's still driving for them, though she belongs in a mental hospital. Like crooked Hillary, operator id 6474 acts like a man hating, hunt witch feminist who should be locked up, powerless and penniless. Therefore, fund projects to fix or firemen tally ill public servant drivers like her who should not be working with the public in any capacity in their current sicko controlling condition. Pray for their healing and salvation, but take no crap from them in the meantime. This is a much bigger problem than you all realize. In Jesus' name I pray, amen.

[10:24:25 AM]

Thank you, lord. God bless Texas, the united States of America, constitutional law and truth and above all as always god's word. >> Mayor Adler: Okay. Is Gus Pena here? >> Right here, mayor. >> Mayor Adler: I see you. >> You said number 16? >> Mayor Adler: This is consent so you had signed up I think on 6, 11, 12, 13, 14, 17, 26 and 29. >> Gus Pena, native austinite. Number 6, we're for all these ems items so I'm not going to speak to them. I just want to make sure that ems in Austin is okay with that. You did say number 16, am I correct, mayor? >> Mayor Adler: Number 16 is -- is pulled. Gus Pena okay. Number 13 is just for the renewal of the agreement with the community care collaborative to break ground for emergency medical services. This is with ems also. You did say number 14 too, also? >> Mayor Adler: Yes, you signed up for 14 as well. >> Number 14 is the sobriety local government corporation to purchase medical supplies. We're supportive of that also as much as we can to support sobriety issues with the community. I'm all for that. Mayor, I just wanted to make this, I wanted to thank all the people that voted for me. It was a surprise for for me and I wanted to say thank you very much to everybody. Without money, no yard signs, no pamphlets, no -- homeless, yeah, I'm homeless

[10:26:25 AM]

right now. And that's the reason I know about homelessness. And I want people to know that it can be done if you want to. I gave you a hard time over there, mayor, but that's what we need to do to you and everybody else to make sure that the people's best interests is at heart and they have all these srts that they need to make it functional in a community. And functional zero. You were at the luncheon with the veterans, you mentioned functional zero. I'm going to tell you this again, mayor, there's still homeless veterans in Austin, Texas. Okay. I brought it up in the forums, I'm going to bring it up again. I want you to know I'm not going to let you forget about that, there are homeless veterans in Austin, Texas. I just

heard in the news two days ago there's more funding for single women and children that are homeless, thank you for that also to get these families off of the streets. And by the way, Mr. Flannigan, my wife concurred with me also in saying have respect for you and others also on the council dais. I just -- you say I see this vote as both affirming and directing this next council to do stuff. We have a lot of challenges, mayor, so it ain't hunky-dory here in Austin T and I'm not going to let you forget about that. That was my platform also. You remember well there's problems here in Austin, Texas, with people out of jobs, out of housing, et cetera. So we as a collaborative city of Austin need to help out. And crime is also on the increase. They're getting juveniles to do the crime so they won't pay the time. That's not good. So just remember that, remember my words over at the forums, mayor. And that's all I have to say about that. I want to thank god and Jesus for allowing me to live,. And it was a pleasure meetin some of the colorful people out there as mayoral candidates and I won't forget them. I want to thank them because they helped me out. Thank you and have a good day. Thanks a lot for everything.

[10:28:26 AM]

>> Mayor Adler: Thank you. Is Sylvia Mendoza here? I think you signed up to speak on number 1, which is the minutes. >> Yes. That was the last time you will be using Sylvia Mendoza. I put it will on there because my name was pronounced last time so that's why I'm going to speak on the minutes. And it was pronounced -- I guess y'all want a piece of me, it was pronounced sliver. It was misspelled and mispronounced. From now on it's silver white mountain. So for that -- you will be subjected to hear this because I guess some of you don't want me coming around here no more. You want me to beat it. [♪Music♪]. You want me to beat it. I'm coming back. [Playing the song "Beat it"]

[10:30:38 AM]

Can't go back in time and change it. You want to tell me to beat it. That's enough. I need them to proofread next time, whoever is doing that, and get my name right. It's silver white mountain. I got it on my social security card. It's no longer Sylvia Mendoza. That was my former husband's name. >> Mayor Adler: Thank you. Bob nix, do you want to come up and speak? >> [Inaudible]. >> Mayor Adler: That would be fine. I think those were all the people that I had signed up to speak on the consent agenda. So again, what I'm looking at now, consent agen goes 1 through 50, plus items 73 and 74, I'm showing pulled items being 16, 18, 20, 22, 23, 36, 41, 73 and 74.

[10:32:41 AM]

Actually, 41 is not pulled. All right. So again, 16, 18, 20, 22, 23, 36, 73 and 74. Anybody have any comments they want to make on the consent agenda? Yes? Yes, councilmember troxclair. >> I >> Troxclair: I just want to be shown voting no on items 8 and 51. >> Mayor Adler: Okay. Yes, Ms. Houston?

>> Houston: Show me voting no on item 49 and 50. >> Mayor Adler: Okay. Is there a motion -- yes, councilmember alter. >> Alter: I'm not sure what the process is with the fire chief. I just wanted to make a quick remark. >> Mayor Adler: We're going to do that next. We've -- >> Alter: Is that pulled then? >> Mayor Adler: We're not going to pull it, but we're going to speak to it. We're going to approve it on consent and then call up that item because the manager wants to talk and then we'll pull up the fire chief and the like. >> Alter: Okay. >> Mayor Adler: Yes, councilmember pool? >> Pool: If you could show me voting no also on items 49 and 50. Those are the alcoholic beverages. >> Mayor Adler: Okay. Is there a motion to approve the consent agenda? Councilmember alter makes a motion. Is there a second to that? Councilmember Houston. Discussion? Those in favor of the consent agenda, please raise your hand? Those opposed? It's unanimous on the dais with the mayor pro tem off. The mayor pro tem, by the way, is off receiving a green construction award for Mueller and she's doing that for all of us. So we appreciate her doing that. She will be back after lunch. All right. So that's -- that has us taking care of the consent agenda. Let's pull up item number 17

[10:34:43 AM]

17. And there was also I think an item -- councilmember Garza, which item did you want to speak to? Or you had a question? >> Garza: 73. >> Mayor Adler: 73? That concerns fire stations? Do you want to do that first? >> Garza: Sure. I just wanted to get an update from our staff about where we are. I appreciate the work that's been done to get us here. And the constituents have been asking about the progress. They're really excited about getting the fire station out in del valle. So if you could just give a brief update and when you think they will be turn be dirt there. >> Most certainly, councilmembers. Richard Mendoza, public works director. So the item for consideration today is an exciting milestone in the project to build the five high priority fire and ems stations within five years. This action really is actually 28 days ahead of our original schedule. It was made possible through a cost functional team, including public works, cco, smbr, real estate. And we've been meeting on a weekly basis, an executive steering group format, to get us to this point. So with this will enable us to do, and we expect to begin negotiations with this highest scored candidate as soon as next Monday, we'll get the design packages together so that we can get them through our permitting process and meet our goal to break ground on the first station, which is the Morris crossing, no later than June of next year. And for us to be able to get to that point we've already engaged some of the other partner utility departments, namely the Austin energy, Austin water, Austin

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watershed, to ensure that we're anticipating any of the challenges and the timelines that they're required to make sure that this new facility is open 12 months after that. The goal is to have ground opening in June of 2020 and have it ready to go. So our partners at fire, our partners at ems, our public works, we have a dedicated project manager. Councilmember, we are on schedule and we're highly anticipating breaking ground on the first of this -- the first station, the del valle station, no later than

June of 2019. Real estate is still securing the remaining properties and we'll be breaking ground on that second station in Travis country 12 months after that. >> Mayor Adler: Thank you. >> Garza: Thank you. Just a reminder to my colleagues and anyone watching that this is a part of town that is experiencing higher insurance rates because of their distance from the fire station. And they're the only part of Austin facing that. Things we need to consider when development is happening outside and the expense that that costs us, but the need to be able to service those families that pushed out to those areas. So thank you again and I'll move approval of item -- >> Mayor Adler: Councilmember Garza moves approval of item 73. Those in favor raise your hand? Those opposed. It's unanimous on the dais with the mayor pro tem off. 73 passes. All right, let's pull up item 17 here. This is the fire chief who we have already approved. >> Flannigan: >> Mayor, with your unanimous approval, you have approved my choice of Joel baker for the city of Austin. This process has been a number of months that included a national search. We had incredible candidates, but Joel baker really rose to the top of that list. So after engaging with the community, having a number of channels, I made that appointment of Joel baker a

[10:38:45 AM]

few weeks ago. And with your confirmation today I am pleased to introduce him to the Austin community. Joel has an incredible career. Most recently as the chief of fire in Atlanta, Georgia. He's also a proud veteran of our armed forces, as a marine, as the national reserve. His dedication to leading the public, and he has the expertise to lead any department. So I'm prude to say that he will be leading the fine women and men of our Austin fire department. I want to thank your interim chief, Tom Dodds for this interim position. He's been with the Austin fire department for more than three decades and I'm thankful we have had someone who can fill in that job so capably. Chief Dodds I am happy to welcome you to the Austin family and look forward to working with you in the weeks and months ahead. So mayor and council, I'm pleased to introduce Joel baker to the city of Austin. [Applause]. >> Mayor Adler: Chief, welcome home. >> Thank you. I'd like to start off by saying to the wonderful citizens of Austin, the honorable mayor, mayor Steve Adler, to all the members of council, to Mr. Spencer cronk, city manager, and to the heroic, brave, women and men of the Austin fire department. Good morning. I am indeed honored and humbled to receive this confirmation from council. I pledge full commitment and to continue the support of the Austin fire department, which is a fire department that's recognized and respected not only I the state of Texas, but throughout the country. So it's my goal to continue to serve as an ambassador, not only to the city of Austin, but to the Austin fire department. And I too would like to personally thank chief Dodds and all the executive staff for the wonderful job they have done.

[10:40:45 AM]

So will you please again give Mr. Chief Dodds a round of please for his outstanding work. [Applause]. So thank you, Mr. Mayor, and your administration for all your support. >> Mayor Adler: Thank you. Thank you, we look forward to having you aboard here. >> Thank you, sir. >> Mayor Adler: Excited, thank you. Councilmember alter. >> Alter: Thank you. Chief baker, I would also like to welcome you to Austin. In

our one on one conversation I've already been very impressed with your fresh perspective and I look forward to what you will bring to our operations here at AFD in this next chapter. One of the things that we spoke about was wildfire. And as we have members of our force that are in California fighting wildfires there, I look forward to working with you to make sure our city is ready and prepared to avoid those situations, and should they occur that we have everything that we need to keep our citizens and our property safe. So thank you and welcome. >> Thank you, ma'am. >> Mayor Adler: I'm going to go ahead and call up before we get back to the dais, Bob nix. >> Thank you, mayor, city manager and council. My name is Bob nix, I'm president of the Austin firefighter association. I stand in support of chief baker. I don't think it's any secret over the last nine years we have had at times contentious relations between us and the fire department. I think chief Dodds has worked hard on those issues as of late. I've spent time with chief baker in person and over the phone and I truly believe he's the right person to lead us to the next level.

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I look forward to great relations to chief baker. Myself and our board commit to that and I feel very confident that with his leadership we're going to be able to solve the issues we had and move on to running the department in even a better manner. I want to thank the city manager for the process in selecting the chief. I thought it was superior to what was done in the past. We truly involved stakeholders in the city including labor and management and people in the community. To cull through really a great list of people and end up with who I believe is the best candidate. So I want to thank you and council for all your diligence in this. Real quickly I want to thank public works on their work on the fire station project. I was very critical as you probably know about the timelines and I think they've done everything they can. They've even exceeded the timelines and it is remarkable in my career to see something progress as well as it has. Thank you so much, city manager again, and public works for all your great work on that project. And chief baker, welcome aboard and we look forward to working with you. >> Mayor Adler: Mr. Nix, thank you and the association for your involvement in the selection process as well. Anything else on the dais? Councilmember Garza. >> Garza: I was able to briefly meet chief baker and I look forward to meeting you more. As a former firefighter and a third generation firefighter, you know that the fire department is a family. And you know that this profession affects some of the most selfless and dedicated and amazing individuals, and so I'm so looking forward to getting to know you. And please, if there's anything that you can do to help you in this transition, please reach out. >> Thank you. >> Mayor Adler: Councilmember Houston. >> Houston: Thank you, mayor. And chief baker, I want you

[10:44:50 AM]

to know I will not be on the dais after January the 7th, but I will be keeping in touch because the fire service is important to my community and it's important to me that we continue to grow and create the diversity that I know is in the city of Austin so that the young people in my high schools and middle

schools know that there is a career, a very good career, and as a public servant in the fire service. So you will be hearing from me. I'm not going away from fire, I'm going away from everything else, but I will be in touch. [Laughter]. >> Mayor Adler: Anybody else to speak on this? Let's take a vote. Oh, we already voted. [Laughter]. [Applause]. Just thought we'd make that doubly certain but I guess we don't need to do that. All right. We've taken care of those two items. Let's continue on. Item number 18. Mr. Flannigan you pulled this item, the breakerwoods annex? >> Flannigan: Yes, in the backup it says that this property is for the development of a single-family home, and I'm curious to know if that is the maximum number of units, one unit is the maximum number of units we could get. So I don't know, Alex, if this is a real estate question or a planning question or a development question, but to better understand how we're going to try and maximize the value of this property for our housing needs. >> Mandy de mayo, housing and community development. The lot is I believe it's 4250 square feet and the minimum -- the minimum requirement for a duplex or two units on the site would be 5750. So it only can accommodate

[10:46:51 AM]

within its current parameters, it only can accommodate one single unit. I will say from our department's perspective, we looked to maximize the number of affordable units wherever we can. It is our policy. We are in the process of putting together our land acquisition and development policy in light of the \$250 million in affordable housing bonds, and included in that will be a commitment and a strategy for maximizing the number of unit on any site that we -- Austin housing finance corporation or neighborhood housing and community development owns. >> Flannigan: So I just want to make sure I understand the limitations of this site are effectively self-imposed. >> That is correct. >> Flannigan: Or to what extent might we be not so difficult with ourselves in maximizing the housing on the site? >> It is -- I am familiar with the site. It is uniquely situated. It's almost like a corner. It's on a bend. And it is a small site with trees. There are limitations, development limitations, many, but we feel confident that we'll be able to fit a small, modest, single-family home which will go into our community land trust which will subsequently be sold to income qualified homeowner. >> Flannigan: I would ask staff in the future, as you bring these items to the council, that it would be -- I think it's better to not predetermine in the backup what's going to get built. So even if it was just the development of affordable housing as opposed to calling out single-family home, because we're about to have a very big conversation in this community about what we can and cannot build and what sites we can and cannot build them on and I would not like to tie the hands of staff moving forward when we might find ourselves to be more creative around innovative with our -- and innovative with our housing stock. >> Casar: So the 5750 for one unit limit station, does it exist within all Zones?

[10:48:54 AM]

Or if it were mf-1 zoned or P zoned or something else, could we -- >> I believe it's all signs, but I'll let Greg Guernsey take that one. >> There are -- Greg Guernsey with planning and zoning department. We do have smaller lot sizes that you -- sizes that you might find under other zoning categories. Some

3500. In some other areas you might have lots as small as 5500 if those neighborhoods had opted in to certain infill housing standards that council approved. So we do have lots that are smaller in Austin than 5750. >> Casar: Exactly. So what I'm asking is if this zone -- if this lot were zoned, and it's owned by us, if it were zoned otherwise could we -- would the answer to councilmember Flannigan's question be different? >> Even if we own the lot, we usually subject ourselves to the same regulations. >> Casar: I understand we determine the zoning for the lot. If councilmember Flannigan's question could we get a very attractive, great complex or three units on a site that we owned -- >> Not without changing the code. Because as I heard, it sounds like the lot is only 4200 square feet and so even a zoning change to the property, we'd still have to get to the code to get a lot size small enough that you could have two units in and our code doesn't provide for that today. >> Casar: What you're saying is there's no zoning classification in our current code that we could legally apply this to this lot that would get us more than one? >> Not without changing the code at some point. >> Casar: So the answer is there's no current zoning category that we could change this to. >> That's correct. >> Casar: Okay. I just wanted to understand. That seems like we don't have enough tools to me.

[10:50:59 AM]

>> Garza: So when we have requirements in the code and people come ask for variances, is there an instance where there would be a variance request? >> You would have to show hardship. I guess that would be a question for the board of adjustment. Usually it's not self imposed hardship. This lot is similar configuration to other lots in the neighborhood, and -- but that question really has to come before the board adjustment to prove a hardship and I think it would be difficult on a vacant lot of land even though it's small in size? >> Garza: Do you know what defines the criteria for what is a hardship? >> Usually a configuration, topography, it could be trees that were noted, but usually those are things that you will be probably looking at if you're trying to fit what would normally be allowed on the property. We would normally have to allow some use of the property, and there's already provisions in our code that would allow development of a single-family home. If you're asking could they get a variance to just remove the lot sizes, to build multiple units, I would be hesitant to really speak to that without having more information on the property. And probably talking with the board of adjustment. >> Garza: Did we -- is the criteria that defines a hardship something that council created that was in policy? >> It's a combination of state law and city ordinance that deals with the board of adjustment. In finding those criteria it was something that was established I think by the legislature in the early 80s that you have to prove hardship. It's not just an arbitrary decision that's made by the board. >> Garza: Okay. >> Flannigan: Mayor? I feel like we're having two conversations and they're getting a little overlapping. I understand that the code that we have right now won't allow us to do all the things I might north Austin. That's why we're going to be entertaining rewriting it.

[10:53:01 AM]

So my question isn't so much about what the code allows, it's more a site conditions question. Is this site -- does this site have environmental features, heritage trees we would never want to move, that kind of thing? So in a universe where we desired a complex duplex and the geometry of the site allowed it, notwithstanding code restrictions, are we self-imposing a limitation of units because the way the code is written and is that the only barrier to getting that second or third unit? >> I'm going to let the folks here speak to it. I'm not familiar enough with the site to answer that. >> We have not done a tree survey on the site. I have a survey of the site. And just knowing the site because it's in my neighborhood, it doesn't appear that there are heritage trees on the site. The limitation from my perspective really, just looking at the survey, would be the site's configuration. And the setbacks. It is a small lot. >> Councilmember Flannigan, mayor and council, Alex gale, interim officer for the office of real estate. One thing that was pointed out is in the above the line it doesn't talk about getting affordable housing in there and below the line is where it speaks to the single-family housing. So the above the line portion would allow for the ability to get the greatest amount if for some reason code changes or something changes were not stuck to a single-family housing because that's stated in the below the line. Item of the rca. So we could potentially if things change get result units -- get multiple units because it allows above the line for affordable housing, affordable residential housing. >> Flannigan: Yeah, I understand that. That's tough for the community to understand. If it's in the backup it feels like that's what we're voting on, to go back, I feel like that's a challenging narrative to put out in the public.

[10:55:02 AM]

But just to be clear, the code -- our self-imposed code is the only restriction on the site that prevents us from exploring two or three units. Is that right? >> That is my understanding. >> Mayor Adler: So I read this now -- what we would be adopting is authorizing negotiation and execution of all documents necessary for the development of affordable residential housing. I think that's what we're approving. And then there's a comment that basically says that following passage of this, the Austin housing finance corporation is going to move forward with a single-family home, which you would expect them to do because that's the only thing that's currently allowed. But I don't think we're imposing a restriction by this adoption because what we're adopting is development of affordable residential housing. So only because I was thinking what would we amend if we wanted to keep open that possibility -- do I understand that correctly? >> Correct. >> Mayor Adler: So I appreciate you pointing that out in the difference, but I think for your intent we're okay with just what it says. Councilmember Casar. >> Casar: I think for discussion purposes, I would want the staff to know and notice some of our questions about this because perhaps before we go and stick a shovel in the ground and put a site plan up, it might make sense to have a code amendment that says why would we have a minimum lot size for our own land that we want to put affordable housing on. Because in lots of places people are building apartments on 4,000 square feet in places that we just designated as historic up the road, many of these folks that came and testified we were talking about houses on 2,000 square-foot lots, that we are saying that this is important historic character of Austin, but now in our own affordable housing-owned land we want to box ourselves out of that. So I think before -- I would

[10:57:03 AM]

just want to know when we were getting close to sticking a shovel in the ground so if council wants to entertain a code amendment at minimum to allow us to have the option on our own land that's owned by the housing corporation to not restrict other selves from providing the affordable housing that we want. I think that's part of the point of this discussion is it sounds like there's nothing we can do today, there's no rezoning case that we could do today to provide more units here, but this is probably just one of multiple cases. I think we did one of these in Clarksville recently. I know there's lots in parts of my district that we might consider purchasing, and if the only restriction is our selves, then maybe we should lift that restriction on ourselves shortly before we miss more opportunities. >> Mayor Adler: It's something we're deciding today. The motion in front of us is authorize negotiation for further development of affordable residential housing on this lot. Councilmember alter. >> Alter: I would like to move passage and we are putting affordable housing at on site in my district and like to suggest perhaps this is an excellent conversation for us to move to the planning and housing committee so we can explore some of the legal options that are raised by this question. >> Mayor Adler: All right. It's been moved. Is there a second to that? Mr. Renteria seconds. >> Renteria: I just want to make a quick comment if it's possible, I know my son has a lot, a five-bedroom house on a 3500 square foot lot. I wish whatever you built there maximize the bedrooms so you can have a big family there. >> We would love to put family friendly housing on that site. >> Mayor Adler: Those in favor? Those opposed? Unanimous on the dais. >> Garza: I don't know if co-ops are considered family friendly but there would be an option for that as well.

[10:59:05 AM]

>> Mayor Adler: Certainly considered residential housing, so that door would still be open. That takes care of item number 18. How about picking up now the three, 22, 23 and 26. Mr. Flannigan I believe you pulled those. >> Flannigan: I believe we have speakers, but I would like to ask staff a couple of questions first. >> Mayor Adler: Okay. So just in general can you help me understand the procurement side of this issue, the singer bidder and the timing? It seemed like there was a very short window to receive bids on the contract. I think it was started in June and ended in July, seems like a quick turn-around. >> Councilmember, Anthony segura, parks and recreation. The original contract had a two five-year term. So the city had decided at the end of the first term which ended in July we were going to do another solicitation and hence forth wanted to eliminate the second five-year term. That's why we ended up going in June to do the solicitation for these services. >> Flannigan: And the reason why there was only one bidder? >> We didn't receive any responses from anybody else. No comments received. And so what we've looked at it is what is the rationale for why somebody wouldn't have bid. It's only a two-year agreement and you are asking a company to invest significant resources and staff for a two-year agreement. Other variables such as our terrain is difficult, we have limestone you have to dig in, the soils at five cemeteries are not the same so you have challenges to begin with. Any contractor that comes in

[11:01:05 AM]

here will have to work with what we have available. Not to mention there's only a small group of actual companies that do this type of services. So it's not an area that has a multiple of companies that are willing to do this type of service. >> Flannigan: Okay, I mean the fact there are other vendors, site conditions all have to deal with that in other cemeteries, but I understand the term of the contract is a limiting factor. The issue of storing equipment on the site, I've talked with some of my constituents about that and there's some questions about whether or not you can and whether or not you should, can you help me understand how that was and is being addressed. >> The current contract provisions allow for the contractor to leave equipment on premises. It does have a component that says we can ask the vendor to remove equipment on a daily basis for any that is not approved. Everything that they have there is done and used -- the land for internment services. We implement 24 hours and it's in the best interest we have our contractors store their equipment. Mind you had we gone out to a vendor and somebody else had bid, they would have wanted to keep their equipment on premises as well. Keep in mind, it's behind storage, it is within Gates, and it's almost an invisible component of the cemetery that nobody can see. We looked at it in the best interest of what the operation needs in terms of our efficiencies. >> Flannigan: Is it the storage of equipment or are there chemicals or other things that the contractor stores -- is it just, like, backhoes and whatever. >> It's equipment to do internments. >> Flannigan: Or in

[11:03:05 AM]

subpoena tort of the equipment. My last question is the time line. This is the last contract in the future we will be doing this in-house which I think is prior council direction so I'm glad to see that we're doing that a little longer to get there than I think some of us had hoped. Can you give us the time line on the bringing it in-house? >> Yes, sir. First and foremost, the fy-19 budget that was approved included one-time purchases for our equipment that we're starting to work with purchasing and fleet departments for the equipment needed and included staff. So we're already utilizing what we've told council in terms of going to in-house operations. So I'm pleased to say that the contractor will be working with our team to help train the staff with the intent of doing the transition period from year 2 to 3 that helps our folks make sure that they are adequately trained and they will be supervising and acting in a capacity that would make sure we are doing everything accordingly to the provision required. >> Flannigan: Thank you. That's all my questions for now, mayor. We have speakers too. >> Mayor Adler: Let's call the two speakers that have signed up. Sharon Blythe. Is Dale flat here? You will be up next. >> My name is Sharon Blythe. Thanks for the opportunity, mayor and council, to speak. The parks and recreation board on October 23 said -- requested that you all vote no on this contract for numerous reasons. They flat out said do not approve it. Since Jim Bagwell internment services, he's changed his name several times over the

[11:05:06 AM]

last several years, had the contract 29 years, at least to the point you need to make a decision whether he's really a contractor or employee of the city. The fair labor standards act says that if it's in integral part of the city's business, it would be one aspect that he may be an employer. The permanency of the relationship, 1990 to 2018, very permanent. The nature and the degree of the control of the city, the city is very contrng over there. The city grants use of supplies and property and all these are factors under the fair labor standard practice. You need to ask does the city hold back employment taxes for this contractor. The amendment today is to strip off what was highly debated and negotiated knife years ago to not allow Jim Bagwell to crank up noisy machines at 2:00, 3:00 in the morning waking up neighbors on turnabout lane and waking them up and taking his equipment all over. This was the reason it was in that contract. It's now been stripped out with no condition in this contract that he will not crank up his machines and start them at 2:00 or 3:00 in the morning. We're back five years, ten years ago with the same problem of this contractor doing it, if you all don't have a condition in this contract that he not start his motors and start work at 2:00 or 3:00 in the morning. Parks seems to have a problem understanding the difference between daylight and night. Reasons are just for daytime, it wasn't for night. Also several years ago Mr. Bagwell constructed a gasoline service station on Austin memorial park. The fire department came out and told him that was a fire hazard and he was asked to remove it. What's he going to do with the gasoline now for that equipment now that he's allowed to store it on site?

[11:07:08 AM]

Is he going to have the gas tanks back in there? Does he already have the gas tanks back in there? We don't know, but that's a concern you need to really understand what they are going to do for his fueling of his equipment since they are never going to leave the premises. So I'm asking to you please put the condition in the contract under section 2.2.9 that he does not start his equipment at 2:00 or 3:00 or in the nighttime hours -- [buzzer sounding] -- That's going to prevent the people from resting and enjoying their homes. Amount of time that I would ask these things to be done, there are other bidders, there were other bidders in the summer that the parks department did not do a thorough job with handing out their solicitation because they missed his major competitor on purpose, I believe. >> Mayor Adler: Thank you. >> That competitor is Austin memorial every day -- >> Mayor Adler: Thank you very much. >> Thank you very much. >> Mayor Adler: Thank you. Mr. Plat. >> Good morning, mayor, city manager and councilmembers. My name is Dale flat. I have been involved with the city cemetery since about 2002. In 2004 I started working with the parks department, created a nonprofit and we've been with the city for 14 years working on our preservation programs. I'm here today to support items 20, 22 and 36, brought fort by parks and city purchaser to modify the services with internment services corporation. I'm also the chair of the masonic cemetery and we exclusively use this vendor. We've tried others in the past and now only exclusively use Mr. Bagwell's corporation. Cemeteries are different from any other service that we provide our citizens.

[11:09:08 AM]

It is the last service we provide some of our citizens. As in just a few moments ago you are going to hear emotional testimony from people, but a lot of times that testimony isn't based on fact, it's based on emotion. I've known Mr. Bagwell since 2002. His professionalism and his employees' ability to meet the needs of the citizens and the city who entrust us with care of loved ones has for many years been above par for municipal service. He also services San Marcos, New Braunfels, as well as five veterans cemeteries in central Texas. This is a testament to his professionalism and the company's ability to address any issues that may arise. Therefore I ask that you support and adopted the amended contract which will allow to meet the needs of the public without disruption of service. >> Renteria: Mayor? I just want to thank Dale for that -- when you came and gave us a -- we went over to Oakwood cemetery and gave us that tour down there and gave us the history of what's there. I just really want to thank you for all that informant information and when I have an opportunity I'm going to take that tour so I can learn even more history. Buried there, the famous families that are there that are buried. I want to thank you. >> Thank you, councilmembers. We've been working hard at save Austin cemeteries to open our cemeteries up to the public and let them realize how important the history of Austin is and how it's embedded in our city cemeteries. The chaplain just reopened. It's going to open in January and the museum division of parks is staffing that and we're going to have -- that and

[11:11:09 AM]

we're going to meet the need of the public. >> Renteria: Thank you. >> Thank you. >> Mayor Adler: Thank you. Is there a motion to approve these three items? Ms. Houston makes that motion, seconded by councilmember Pool. Any discussion? Mr. Flannigan. >> Flannigan: I want to thank staff for working through this. The parks board was in a difficult decision. There were only six members in attendance that day. I spoke to my own parks board member who voted to deny this contract, but I think ultimately the challenge is we've got to have burial services. It's not an ideal situation for anyone. I think the fact that we are finally making substantial progress towards bringing these services in-house, I hope will satisfy the folks that are concerned about the relationship between the vendor and the department because in the long term we'll be bringing all this service in-house and I think as we get through the next couple of years of work, I think we'll be better off in the long term and we can fix all of that in this. Thank you. >> Mayor Adler: It's been moved and seconded. Those in favor of these three items, 20, 22, 36, please raise your hand. Those opposed? Councilmember Troxclair voting no, the others aye. Mayor pro tem is off the dais. Those three items pass. Let's call up the Austin Housing Finance Corporation. I'm going to recess city council and convene the Austin Housing Finance Corporation.

[See separate transcript for Austin Housing Finance Corporation]

And I am calling back the city council meeting. Still November 15, still in city council chambers, and it is 11:14. Councilmembers, on the consent agenda, we had item 16 pulled, that's the oversight issue. Item number 23 we're going to discuss in executive session. As soon as we can get there. And then item number 74 is -- holding that until

[11:15:11 AM]

after lunch. We can take up the nonconsent items that are not timed out for us. That would begin with item 51, the eminent domain proceeding for temporary work space. ISIS there a motion to approve item 51, described in the agenda for the current meeting for the public uses therein described? There a motion? Mr. Flannigan makes that motion. Is there a second? I need a second. Councilmember Casar seconds. Discussion? Those in favor please raise your hand. Those opposed. Unanimously approved, item 51. >> Houston: I didn't hear why we can't do the ones with the speakers, 16. >> Mayor Adler: With the what? The ordinance. We told people we were going to call people later but if they are here I'm going to take testimony on that. Is there anyone here that would like to speak on either of those two items, either 74 or item number 16? I'm sorry, item number 16. You want to speak? Council, I thought we would go into executive session because I think we could handle that matter because it's not something else for us to take up. Councilmember pool. >> Pool: On the executive session, the mayor pro tem had asked that we ensure that she is available to be part of that discussion. And can you remind me what time she thought she would

[11:17:11 AM]

be back? About 11:00 or 11:30. >> Mayor Adler: Soon. >> Pool: Great. Thank you. I'll keep my eye out for her. Yes, Mr. Peña. >> Gus Peña, president of veterans for progress. I am a former IRS investigator. I attended the sheriff's academy class of '93. I will tell you this much, I respect the police department, DPS, Travis County Sheriff's Department, et cetera, and IRS investigators, which I was one of them. But I want to say this, you know, and I think I spoke with a lot of officers regarding the office of police oversight. I think it is good, you know, both sides have agreed on that, you know, I just want to make sure that the community is well taken care of, but also the good police officers. Now, there are some bad actors in the community and some bad actors in the department also. But hopefully this will make sure that the people are treated courteously and in an appropriate manner, and likewise we support our police officers also as we should. If there are bad actors out there, you know, we need to take care of them however the police department has the function for that. But, you know, I approve wholeheartedly as president of veterans for progress to approve that ordinance adding new chapter 15 to create the office of police oversight. And a lot of officers, there's a lot of good officers. We have nothing to hide. Go for it. And that's good, you know. And the other side also, the community also. So I think it's -- it's a welcome ordinance and, you know, I think it will be good for everybody. Thank you. >> Mayor Adler: Council, the only things we can take up now are items 16 and 74, which we can't take up, we'll take up those after

[11:19:12 AM]

lunch. Item 23 which we're going to discuss in executive session. Everything else has a time that we can't call up before -- before noon. >> Did you say 74? 74 after lunch? >> Mayor Adler: Well, we'll calling people up to speak on 16 and 74 at the same time. >> Okay. >> Mayor Adler: So we've had one speaker on those two items, and we have some other people. We're going to take those up after lunch. That being the case, we have just the one item to discuss in executive session. So I'm going to recess us now at 11:19. Let's -- I don't know if lunch is ready back there, but maybe we can go back there and see -- we'll try to reach the mayor pro tem. So we are in recess right now. We're going to go into executive session to take up one item. We're going to go into -- we have to come back out at noon. So we're going to recess right now. Let's see if we can pick up executive session. If we can, we will. And we would take up pursuant to 551.071 of the government code legal matters related to item 23, which is the intergovernmental agreement. If we're able to do that, we'll do that before noon, we'll come back out at noon irrespective and handle citizen communication so we are in recess at 11:20. [Recess]

[12:20:26 PM]

. >> Mayor Adler: All right. It is November 15th. It is 11:20 -- 12:20. We're back out of executive session. While we were in executive session we discussed legal matters related to item 23. We're now back out. We have four members of the council that's out at this point. I'm going to call the people in order. If you want to wait for two more people to walk out you certainly can. If you want to talk now to us it's recorded. I'll give people a chance to do that. We should have more people coming back, but let me just check. Is Richard Colgon here. >> Mayor Adler: You want to wait for a few more people? That's fine. Kathie Muelker? Not here. What about Paul Robbins? >> I'll wait. >> Mayor Adler: Paul wants to wait. What about Susana Almanza? Do you want to wait or do you want to come talk? Come on up. ING. >> Good afternoon, mayor and city councilmembers and city manager. I'm Susana Almanza with Poder, people organized in defense of Earth and her resources. I want to state that my topic on this, reclaim, rename and rebuild our city for people of all incomes, because I was asked oh, what are you trying to rename, but that was a misprint in the agenda so I just want to correct that. I'm not trying to rename the whole city of Austin or anything. [Laughter]. I want to correct that. But what I've come for is as you remember on MLK the coalition presented the people's plan and the people's plan covered to create low income housing trust fund and appropriations, the right to

[12:22:26 PM]

stay and the right to remain and return. And then to use city land for low income and economic development. And to expand the neighborhood conservation combining district and historic districts,

and also to establish the interim development regulation in the areas of inadequate drainage and also implementing Austin environmental quality review. Now the anti-displacement task force moved the people's plan forward to you and you all then approved it and sent it on to the city manager to analyze and look at it. We've now gotten the response of the annualization of the people's plan and we're currently working on responding to that and also to set appointments to talk more about people's plan. So that's moving forward. But I also want to come back because we did pass the housing -- affordable housing bond, and one of the things that we're really happy is that mayor, you all decided -- you approved the rider, which commits to prioritizing funds from the housing bond for urgent implementation to address rapid gentrification displacement and homelessness. It instructs the city manager, sponsor cronk, to -- Spencer cronk, to treat prop a in the non-realtable, affordable housing houses taxi that was given in the 2016 mobility bond. So what we included in that particular thing, we said that we wanted 25 million for city strike fund to purchase low income and class C apartments. 28 million for the city to rapidly provide manufactured and other housing types on city land. And two million to produce and implement 20 neighborhood combined conservation districts and 15 historic preservation districts. And 1.5 million for the right to stay program, which

[12:24:26 PM]

is assisting people in services to prevent displacement. And 800,000 to create an anti-displacement office to ensure that the city has an effective and accountable anti-displacement program. So I just wanted to put that back on the radar because I know as we get into the Thanksgiving and Christmas season things tend to slow down, but in -- [buzzer sounds] -- 2020, we need to start back up looking at this. Thank you very much. Richard colgon. Paul, you're on deck. >> Good afternoon, mayor, members of council, Mr. City manager. My name is Richard -- my real name is Richard, but I go by Terri. I live in district 10. And I'm here today with two asks. Number one, for the council to work with the city manager to search nationally for a new chief animal services officer. Number two, for members of the council, city manager, assistant city manager Hensley to follow a team of respected volunteers on a tour of Austin animal center. I along with many active volunteers believe the tour and discussion will open eyes and determine why we need a new chief animal services officer. Current management has lost control of the shelter. Anecdotal evidence includes several times each week a large part of the animal care staff calls in sick, leading to understaffing of the direct care, feeding and cleaning of our animals in the shelter. Number two, as a direct result of the my way or the highway management attitude and communications approach, there are now many former

[12:26:27 PM]

long-term Austin animal center volunteers at Lockhart, Williamson county, Austin pets alive and the Austin humane society. I'm one of the former volunteers who spends time at another shelter. Third is a direct result of management not listening nor being visible. We had several dogs die preventable deaths at the hands of other dogs when the causes, number one, the removal of a kennel caution sign, and

number two, improperly secured kennel doors, were known to management and ignored. Fourth, the crates continue to be used both indoors and outdoors to house overflow dogs. Volunteers observe that those kennels are not being properly cleaned and sanitized by staff. That and overcrowding are likely issues -- likely causes of kennel cough and the distemper outbreak at the shelter. We need real leadership that is visible, engaged and ready to communicate and listen to staff and volunteers alike. It is clear the current Austin animal center management is none of these and it's time for a change. I again ask the council to encourage the city manager to immediately begin a nationwide search for a new chief animal services officer, and I also ask that council, city manager, assistant city manager Hensley -- [buzzer sounds] -- Meet with volunteers to tour the facility and discuss the shelter's ongoing issues. Thank you. >> Mayor Adler: Thank you. Mr. Robbins is up next. On deck is Dr. Koo Hyun Kim. Is he here? You will be up next.

[12:28:29 PM]

Go ahead, Mr. Robbins. >> Council, I'm here to speak to the Texas gas service conservation rate. I appreciate your delay of this until the next meeting. There are a number of things wrong with this proposal and I will speak to two of them today. First, there is the issue of the rate structure. Even though this program has been funded to my knowledge through a volumetric fee for 32 years, the gas company is proposing to change this to a fixed charge. Since low income customers use less energy than higher income customers, flat fees are regressive rates. This chart shows the impact as you can see with lower uses at the left end of the bar the cost will increase, while higher users at the right end of the bar will see a decrease. Also, you must consider that this is being layered on to the existing regressive rate that is the base fee. While only about 15% of Austin energy's non-fuel residential revenue comes from monthly fees, about -- this is an estimate, 60% of Texas gas service non-fuel residential revenues comes from the monthly fee. And this chart shows both the base fee and the proposed conservation fee layered upon each other an approximate 118-dollar increase for lower users and approximate 147-dollar decrease for higher users. So rather than changing the conservation charge to a flat rate, you should lower the monthly base fee in your next rate case. Any variations in weather can be handled by a weather adjustment clause. The other issue I will touch on is the determination as to whether the programs are

[12:30:32 PM]

cost effective to the ratepayer. I believe that as much as \$4.5 million of ratepayer money is being wasted, however, it could be much worse. The 35 language requires that a third-party consultant verify cost effectiveness. Unless I misunderstand the context, council, it appears that the expert chosen to conduct a third-party cost effectiveness evaluation has also worked as a consultant for the gas company. I content until the time that a consultant who really is a third-party conducts the required cost effectiveness analysis. The proposed rate is in violation of the tariff language and cannot be approved. Do not be crowded into passing this without the required evaluation. The November 30 final deadline

for passage that you were given is a false deadline. [Buzzer sounds] The rate that is currently in effect --
>> Mayor Adler: Finish your thought. >> The rate that is currently in effect was passed last February.
Thank you, council. I'll be back. >> Mayor Adler: Dr. Kim? Is Brian Seay here? You will be up next. Mr.
Kim, you have three minutes. >> Good afternoon. I have in here since 2006 to today, more than 12
years. You rejected all of my items requested. And you use the police officers [indiscernible] Outside
several times. Now I received president

[12:32:32 PM]

Donald Trump appreciation letter for what I did for America. I sue governor Greg Abbott, attorney
general Ken Paxton, controller Glenn Hager, and [indiscernible] Since 2005 up until today, assistant to
governor. I sue the criminal court. They didn't respond. And I won. I won, I'm the winner. Governor Greg
Abbott cannot be reelected governor. Texas government is [indiscernible] Government. He lost in the
supreme court, still he elected, won. Texas supreme court of criminal, I sue those people, they didn't
respond. Whole system of Texas government is evil government, top, [indiscernible], animal, cobra. All
the time complain of Donald Trump, what he did wrong? I'm working on the Nobel peace prize in 2018
and 2019 again. You all [indiscernible] Me from here outside, you use the police officers. What is a
[indiscernible]. Governor Greg Abbott release all terrorists.

[12:34:34 PM]

Punish me as a litigant. He [indiscernible]. Harvard, Yale, Stanford, they are broken law schools. We
need to change it. Mayor, you saw me several times. You received my request. You never responded.
You never responded. [Buzzer sounds] >> Mayor Adler: Thank you. Next speaker? Come on down, Mr.
Seay. Is Anthony Farmer here? You will be on next. Mr. Seay, three minutes. >> Good afternoon. I'm here
today to talk to you -- good afternoon, city council. I'm here today to talk about educating drivers on,
but not limited to how to drive in a manner that doesn't create congestion. Now, take a step back
for a second. Look at how we're educating drivers. It's signs and signals. And when a driver violates signs
and signals that are put into a class that teaches them signs and signals. Most of the time drivers violate
signs and signals because they, a, didn't recognize they were in a school zone or B, they didn't care
about the double white line because they felt safe. Now, what I did, I put out an item on Craig's list,
educating services for a 15-year private professional. Within a year I got an overwhelming response for
people wanting to purchase my services. Mostly it was adults wanting to purchase service for their
children. What does that tell you? We have a lack of education on the roadway. Now, in regards to
traffic congestion, we believe it's a population problem so what we're doing is we're building large roads
and we're building new roads. But what we're learning is that new roads can just

[12:36:36 PM]

the same as old roads because it's no coincidence that it's the same spots on the roads at E same times on the same days, worse on Fridays or days before holidays because these areas are choke points. They're not population problems, they're terrain problems. I-35 northbound at Riverside is an excellent example of a terrain problem. If you look there's a huge downhill and that's what causes the problem. The same with 183 northbound at 360, it's in reverse, it's an uphill all the way to oak knoll. So what I suggest for the city is give me a focus group. Let may he teach these focus groups what I'm talking about and how to drive in a manner that doesn't create congestion. And like somebody asked me, can you build a computer model for this? I said yeah, of course I can, but I'm in the getting paid for this. I can't quit my job and learn how to create a computer model to show what I'm talking about. My example is birds. Birds are an excellent group of group dynamics, right? And we clearly don't drive like birds. We believe that our necessity to be in front of the object in front of us is greater than anybody else's necessity. But birds don't act like this, so there is a solution here. And I know education is not the best course of action, but it is definitely a course of action that I think that I could demonstrate with a focus group. Thank you. >> Mayor Adler: Thank you very much. Come on down. Is Mckinley Gibson here? You will be at this podium next. Three minutes, sir. >> I'm about to make some of you feel a little uncomfortable, but to quote Dr. King, the truth must be told. On may 24th I proposed to you that step one towards fixing Austin ago affordability problem was an efficiency problem. As you know problem K as failed. That was a slick campaign

[12:38:36 PM]

against prop K, many of austinites who are working class and liberal that prop K was a dark money conspiracy that would allow rich right wingers to influence Austin. According to the fine print in their ads these anti-prop K folks hereby referred to as the real estate and construction industry, were perilorenz, Janis [indiscernible], stratus properties and central Texas building and trades. These names should sound familiar to you. In fact, nine of you accepted money from these individuals for your campaigns. According to your finance records. The mayor pro tem's friend and campaign treasurer is the husband of one of these individuals and the mayor's real estate and investment investments and close ties to this industry are well documented. I'm concerned that these folks influence your position on prop K. If only there was a control group to test my concern? Well, councilmembers troxclair and Houston, the only members that didn't receive money on their campaigns from these shady individuals, actually wrote an editorial in favor of prop K. Now, this all sounds pretty juicy, but the juiciest question of all is why is the real estate and construction industry so interested in prop K? It's not a real estate or construction proposition? It almost seems that if there was an independent audit that they would lose money somehow. And that brings us back to affordability. We pass bonds, but I don't believe Austin's affordability problem is going to improve under your leadership because with all due respect you're too intimately tied to the real estate and construction industries. These are industries which profit when rents and mortgages go up. Take, for instance, the mayor. He owns millions in properties here. Congratulations. But when rent and properties go up, when these prices go up in Austin, he gets richer. As gentrification progresses, he gets wealthier. As homelessness increases, so does his bank account. I'm

not saying the mayor -- this should preclude him from being a mayor. He has a real estate empire, but I would like to see him recuse himself from votes a little more often. That would be refreshing.

[12:40:37 PM]

Prop K was never a Democrat versus Republican issue. I knew that WHE I saw prop K signs outside of planet K next to old boerne Sanders sides. The real estate industry made the Koch brothers the face of -- . These are the faces of prop K and we're trying to stop frivolous spending and hold our leaders accountable. Thank you very much. >> Mayor Adler: Thank you. Why don't you come on down, Ms. Gibson. Is Janet mason here? Is mark Nowacki here? This is our last speaker. >> Hello,. >> Mayor Adler:, hello council. My name is Mckinley Gibson and I am a homeless college student in the city of Austin as of right now. I moved here just to pursue my college and start a career as well. My only concerns right now as far as housing, the Austin housing authority and the influence that -- and the influence that the community has or the boards of community has as far as funds and housing being able to be granted for people who are currently living right now on the streets. There are a list of -- there are a list of 12 plus people whom just this office of city hall can prove that they received their housing, but they're still sleeping outside on the hard concrete because social workers there -- get this, there there are social workers who don't even have their international itinerary number to be found in a governmental system, which is actual illegal, thank you. There are -- just federal -- just federal crimes with our

[12:42:39 PM]

mail being violated. There is not one individual person handing us our mail there. There are day-to-day separate, different people just handing us our mail. I have not even been here a week, not bothering anyone, not doing anything to anyone, minding my own business, trying to get housing, community service, counseling and everything that I needed to get done to be able to better myself and move forward, and they kicked me out within a week and I was only in this city not even a week and the shelter there has already kicked me out. The services there, the social workers there, just the mental treatment of how they treat people there is nowhere near any kind of -- you are social workers, you were counselors, nurses. There should be no reason in any way -- way, shape or form why we should be hearing conversations of -- of the people that are there at these services, receiving these services, there should be no reason why we hear our case managers and counselors speaking -- as soon as they close their door on us, they're speaking bad about us. We can publicly hear these conversations. That's a violation against our minds and human rights for human services. What about our souls, our rights as human beings to -- I spoke to Greg McCormick, which is the CEO, of which this city hall office gave him that position. This city hall office gave him that position as CEO over the arch front steps facility. That facility may not even be there at the beginning of January 2019. They are actually within violation of just kicking people out, leasing your property, mayor Adler. [Buzzer sounds] >> Mayor Adler: Thank you for your time. Thank you. Anyone else signed up to speak? All right, council. Let's turn to item number

[12:44:41 PM]

23. Is there a motion to postpone this item until the next meeting. Councilmember pool? >> Pool: I would like to move to postpone this to get additional information. I think some of my colleagues wanted to get information to make sure were included in that additional conversation. >> Mayor Adler: Is there a second to the motion? Councilmember Houston seconds it. Discussion on item 23. Ms. Kitchen. >> Kitchen: I just wanted to request during this time period that staff come back to us with a proposed restrict that goes with the land, that addresses the regulations or -- development regulations that are required and that that be brought back to us as part of this item. And that our -- and that our staff also through this process work to include the S.O.S. Requirements as requirements to include in that restrict. -- Restrictive covenant. >> Mayor Adler: Councilmember pool. >> Pool: I need staff to show us on a map, it looks to me on the release of 290 is Austin's etj and that raises some concern. So I wanted to see if staff have a map that they could put up on the overhead and maybe walk us through the location of at least that one parcel. >> Virginia Collier from the planning department. I apologize I didn't hear all the beginning of the discussion. You're correct on the northside of 290 the property that is in red on the map that's in the backup and coming up on the board is the the one that we're considering releasing or recommending releasing to dripping springs. To the west of that is a

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single tract of land owned by a different property owner. In order for properties to be included in dripping springs' etj at this distance from their city limits would require the owner's consent. You can't expand your etj beyond your statutory boundary or limit based on the population unless you have the owner's consent so that adjacent property owner wasn't part of this discussion and it was still -- it still remained in Austin's etj because it is contiguous along highway 290? >> Pool: And how far are both properties from dripping springs? >> Approximately six miles. >> Pool: And what is the consent of the etj piece that you were just talking about? What's the distance to be -- >> So based on their population they would have a half mile etj. Their etj extends out way beyond that because visit property owners have requested to be included in their etj over time. >> Pool: And did you say that this particular property owner did or did not? I didn't quite catch what you said. >> The one in blue was not part of the current request. If he comes back in the future or Mr. Bryant acquires that property, he could make that request to be included and it would make a better boundary there, but because the individual in blue was not part of the current request it would remain in Austin's etj. >> Pool: So that is essentially a stranded piece of property there? >> It's contiguous and still subject to our regulations along highway 290. It does have an awkward boundary, though. >> Pool: Okay. It's kind of hard to see here, but the connection with 290 then attaches it to the city of Austin. >> That's correct. And as an example in Buda when we released several thousand acres to Buda, we retained Austin's etj in the environmentally sensitive area in a narrow strip for many years until they were then able to claim that etj. So it was still under Austin's

regulation for say maybe 10 years. >> Pool: Thank you. >> Tovo: I think between now and the time when this comes back to council I would like to understand how

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many other tracts library similarly situated, that is being in the etj and subject to S.O.S. Thank you. >> Mayor Adler: Okay. Any further discussion on this? It's been moved and seconded to postpone this, bring it back next week -- next meeting with a restrictive covenant as strong as you can get. Those in favor please raise your hand? Those opposed? Flannigan and troxclair voting no. The others voting aye, Casar is off the dais. That item is postponed. Council, those are all the items that we can take up before 2:00 other than the police contract and the related ordinance. Do you know, manager, an idea -- or Jerry, when we do, when we come back first thing we'll do is probably the consent agenda. What's not going to be on the consent agenda? This is between items 56 and 68. >> Sure. I believe the only discussion items we'll probably have this afternoon is item 65 and two related cases that can be considered at the same time, number 67 and 68. >> Mayor Adler: And you think those will be discussion? >> Yes. >> Mayor Adler: Okay. How much discussion do you anticipate? >> Not that much, mayor. Less than an hour. >> Mayor Adler: Less than an hour. I think our goal is to try to take care of as much of this agenda as we can so that we leave the maximum amount of time to do the contract and the ordinance. We could come back at 2:00 and do that and then have to recess and leave and we could come back at 2:30 or 3:00 and zip through. Anybody have a preference? Mayor pro tem. >> Tovo: Mayor, I think I would suggest we come back at 2:00 in case that discussion goes long and we're not delaying. I know it's not as efficient

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to have a break, but it seems the most cautious approach. >> Mayor Adler: Okay. I'm seeing heads nod on the dais. Let's do that. Come back at 2:00. We're in recess until then. >> Tovo: Mayor, I just wanted to say one thing before we started. And you may announced this earlier, but I wasn't able to be here for this morning. I wanted to say how excited I am for chief baker to come to the city of Austin. I wasn't able to vote on that confirmation, but if I wasn't here I would have voted for it. The reason I wasn't here is last night the Mueller project received one of the highest Edwards from the U.S. Green building council, the international U.S. Green building council awarded it, one of the leadership awards. So I traveled to Chicago and participated in that with several other people who have been involved in that project all along. And I wanted to say one of the things that was fun about the ceremony is that for many people the project was new and people were very excited about it. It's something we've come to really I think take for granted. Its model of sustainability energy and its model of reuse of city owned tract. And so it was -- that was a really important and well deserved honor. But I think one of the things that's most exciting to me about Mueller is the way it was really a community vision and I tried to emphasize that to the people who came up and complimented the city and the private partner as it really is so much a product of the community's work, both the community members who for many years, for decades

really, asked that the airport be moved and then participating in that visioning process that led to the master plan that enabled the private developer to tell us to come in and do such a great job implementing it. So it's really a compliment both to our city staff who have worked for decades on it as well as to community and to our private partner in catellus for that collaboration. >> Mayor Adler: Sounds good. Thanks for attending for us

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all. With that here at 12:52 -- >> [Inaudible - no mic]. >> Mayor Adler: We're coming back at 2:00, but we'll come back and the first thing we'll do is the consent agenda and then probably pick up the zoning case that is contested or discussion. We'll see if we can -- and then if we can, we'll move into the contract and the ordinance. That leaves just the three public hearings. So we'll fit those in as the space indicates it's available. With that at 12:52 we're Rece

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>> Mayor Adler: All right. We're back from our recess. It's 2:08. It's still November 15th. >> Still!?!? >> Mayor Adler: Still the 15th. Let's go ahead and do the consent agenda. Why don't you walk us through that. >> Mayor, I don't think I have enough to do. Some of these -- well, I might be okay. >> Mayor Adler: You have six people up here. You don't have enough what to do. >> Three readings on one or two of these. >> Mayor Adler: Why don't you take us through. >> I'll go through whatky do. >> Mayor Adler: Go through as if we had seven here and I'll have seven votes in a second. >> By the time we get there, okay. ING good Greg Guernsey, planning and zoning department. Item number 56 I can offer for approval on second and third readings. It is c-14-h 1981-0018, the Kenny house. This is ready for approval on second and third readings. Item 57 is case npa-2017- npa-2017-0021.01, staff is requesting a postponement of this case to December 13th. Item number 58 and 59 will be discussion items. The applicant would like to address you and also a member of the public would like to address out 58 and 59. Item number 60 is case c-14-2018-0062. This is a staff postponement to December 31th. Item number 61 is case c-14-2018-0056. Staff is requesting a postponement on this item to November 29th. Item number 62 is case c-14-

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c-14-85-288.43 rca. Staff is requesting a postponement of this item to your November 29th agenda. Item number 63 is case c-14-2018-0079, staff is requesting a postponement of this item to your November 29th meeting. Item number 64, this is case c-14-2018-0092. Staff is requesting a postponement of this item to your December 13th meeting. Item number 65 is case c-14-2018-0077. I understand councilmember Houston would like the council to consider a postponement of this item to 11-29. The applicant and neighbors are still discussing a possible agreement on a recommendation, and

councilmember Houston and the neighbors are in agreement with letting those negotiations continue. >> Mayor Adler: The neighborhood and the applicant are okay with the postponement? >> That's correct. >> Mayor Adler: Thank you. >> So it's a postponement, item number 65, will be a council postponement to 11-29. Item number 66 is case c-14-2018-0094, ready for consent approval on all three readings. Item number 67 and 68, I believe you have a citizen that signed um that would like to discuss these items. >> Mayor Adler: Took. On items number 58 and 59, were those -- I know Ms. Houston said you wanted to make a comment on it D it stay on the consent agenda? >> The applicant would like to discuss with council changing one of the conditions that was recommended to you by the commission. And adding a prohibition that they've agreed to with the neighborhood and also have a citizen wishing to speak on that. >> Mayor Adler: Okay. So the consent agenda is

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items 56 through 68, and what's being pulled right now are 58, 59, 67 and 68. >> Correct. >> Mayor Adler: Okay. 65 being postponed to 1129. So it's just 58, 59 and 67 and 68. Is there a motion to approve the consent zone agenda. >> And closing the public hearing -- >> Mayor Adler: And closing the public hearing on those where it's appropriate. Councilmember Garza makes that motion. Is there a second to that motion? Councilmember pool seconds that motion. I don't see anyone speaking on the consent agenda unless the person speaking on number 65, parker hike here? No? That matter is being postponed. I just wanted to give him a chance to talk. 65 is being postponed. So it's been moved and seconded. Those in favor of the -- Ms. Houston? >> Houston: Just let me ask a question. 67 and 68 is the discussion item? >> Yes. 67 and 68 we have a citizen signed up that would like to discuss. >> Mayor Adler: 58, 59, 67 and 68, those two. Those in favor of the consent agenda please raise your hand? Those opposed? It's unanimous on the dais with councilmember troxclair off. Let's take care of these two if we can. Let's call up first 58 and 59. >> Very good. Mayor and council, item 58 is case npa 2018--- >> Mayor Adler: Hang on a second. You said there were some people wanted to speak to this on the neighborhood. Whoever it is, they need to come down to the clerk and sign in. Perhaps while you're speaking. >> Okay. >> Mayor Adler: Unless it's just that one person, Rick. >> And the applicant would like to address you as well. >> Mayor Adler: I

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understand. Please proceed. >> Item number 58 is case npa-2018-0023.01. This is for the properties located at 6203, 6205, 6207 Berkman drive and 6210 Hickman avenue. The accompanying zoning case is item it 59, c-14-2018-0037. This is for those same properties. On the neighborhood plan amendment it would change the proposed changes for the future land use map to go to mixed use, and for the zoning change it would be to gr-mu-np. Zoning on this property, the planning commission's recommendation did grant the applicant's request, to approve the applicant's request to the mixed land use classification. And the commission did make a recommendation to grant gr-mu. They added a conditional overlay to the case np zoning. The conditional overlay would limit the height of buildings on the property to be no

more than 40 feet or three stories in height, prohibit vehicular access to Hickman. That is the street along the east side that is a flag that attaches. Also to prohibit 23 uses on the property and to make eight other uses conditional uses on the property. There are supplemental use regulations that address general retail sales, general personal improvement and restaurant. These have the effect of limiting the square footage in general for the various

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uses. For the restaurant in particular it requires offsets for set back for certain types, and prohibits drive-through restaurants. The staff recommendation varies, but when the planning commission brought their recommendation forward forward, their recommendation in essence is very similar to the staff recommendation, except it goes through and prohibits a lot of the uses that are in the gr district to make it similar to the lr district as well as making those conditional uses. Also the limitations of height would also bring it closer to being what would be allowed under the staff recommendation, the lr recommendation. I think I'll pause if you have questions. I know Rick wanted to come up and speak and the applicant is here as well. >> Okay. >> Mayor, may I add, the staff is in agreement to the conditions that the applicant and the neighborhood just agreed to and Mr. Howard is [indiscernible]. >> Mayor Adler: Thank you. You have five minutes. >> Thank you, mayor. Good afternoon, councilmembers. My name is Jeff Howard and I represent the applicant. I'll be very brief since Mr. Guernsey gave you a good overview. The property is currently zoned lr-mu and sf 6 and it's bounded to the north and south by mf 3 and that's important because mf 3 requires a higher F.A.R. And density than the lr-mu. And we don't want quite as high as gr-mu, but we need more than lr-mu. This is a site that's currently undeveloped. You can see to the east there is about 30-foot wide connection to Hickman drive. This is the zoning map, you can see gr-mu in the area and of course the mf 3 north and south.

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We have met with the Windsor park neighborhood, both the neighborhood association and the neighborhood neighborhood planning contact team. The client has been meeting with this organization since February of this year. Most recently we met Monday night with the organization. And at that meeting we discussed both the -- the planning commission recommendation, in which the neighborhood planning contact team confirmed their support and we also discussed access to Hickman and we discussed an additional prohibited use for service stations. So our requested action of you today is in line with those discussions. To approve the gr-mu-co as recommended by the planning commission and the neighborhood. With the height of three stories, which Mr. Guernsey read previously and the co to prohibit the uses to lr, but to add the prohibited use of service station at the request of the neighborhood. And then finally, what we had wanted was to clarify that the vehicular access prohibition did not include emergency access. That we would be allowed to have emergency access to Hickman. We discussed that issue specifically with the neighborhood Monday night and they agreed that that was something that was warranted. And I think you may have an email to that effect. With that I'll be happy

to answer any questions you may have. Thank you. >> Mayor Adler: Thank you. >> Houston: Mayor, before he sits down may I can a question? -- May I ask a question? There was a discussion about fencing on the Hickman side but you decided to make that emergency only? >> Yes, ma'am. >> Houston: So would that part of the driveway and the part behind the development, will that be buffered by some way -- because there are houses on both sides of the property. >> So let's see. So on the screen if you see that notched out lot right

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there on Hickman, that is I think a planned duplex. And that duplex will be constructed and it will actually share the driveway that connects to Hickman. There's a joint use driveway access there. So it will be open there to allow access to both the duplex and to our properties. And it would be gated further back to make it so that it's only emergency access only. >> But I guess I'm asking about the house to the north? Of the red line, whether or not there's going to be fencing or any kind of buffer there. >> Councilmember, in answer to your question, we can certainly fix it. And because that area is about 30 feet wide and we'll need the driveway to be wide enough for fire width for fire lanes, so we give about a five foot buffer there. >> Let hear it from the public speaker, go ahead. >> And just to be clear that the code would also require some sort of screening against that sf 3 with the compatibility standards so there would be some sort of screening required, fence, hedge or something that would basically be a visible block. >> Mayor Adler: Is Rick [indiscernible] Here? And tell me how close I came. >> Thank you, mayor and councilmembers, mayor pro tem. Briefly before I introduce myself, I wanted to thank mayor pro tem tovo for recognizing the honor that Mueller got last night. It very well -- [indiscernible]. >> Mayor Adler: You need to speak up. >> My name is Rick [indiscernible]. I am only representing myself today. I am not on the contact team and I am no officer in current officer in the

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Windsor park neighborhood association, but I very much worked on the neighborhood plan. Are we speaking to both agenda items right now. >> Mayor Adler: Yes. >> So on item 58, which is amending the Flum, I wanted to address that it's the address 6203 is included on the agenda item for changing it to mixed use. And at least on my Flum map it already is mixed use. 6205 and 6207 are not. And I'm fine with that. I just wanted to note that that was the a case. So then on the zoning, this is a little more complicated because I don't think everybody is aware that councilmember Casar actually, you may be a little bit, but there are improvements happening on Berkman drive and right in front of this property, and we don't know exactly where it's going to happen, is a median planned in the road that could potentially make access from Berkman right in and right out only. So I'm going to advocate that there are actually B, vehicular traffic on to Hickman because I think you probably have always -- have all seen this around town. You fence it off, but it's difficult to get in to a property and yet -- and especially if your unit is at the back of that, while my parking is back there, but it's not easy to get in and out of. Whereas I can park on Hickman and I can walk in and it's much more convenient. So I think that allowing Hickman

vehicular he's access is really something that ought to be considered. You can leave it up to the developer but if you pass it, as I understand it would not be allowed and have to come back and be amended. Thank you. >> Thank you. >> Tovo: I think Rick was involved in the effort to move the airport. I think I once saw you at a Windsor park neighborhood project with a t-shirt that said move it. Thank you and all others

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that are involved in that project. >> Mr. Casar? >> Casar: Mayor, can we get the applicant's condition of the right in, right out only, because I wouldn't -- there have been a lot of advocacy about trying to make Berkman safer and friendlier, especially with the Mueller development happening on the south end of it. So how were the conversations with folks and with your client on the potential intersecting with this Berkman changed? Did y'all consider that in the most recent consideration conversation with the team? >> I'm sorry, councilmember, the access to Hickman? >> Casar: I understand that folks had concern about access to Hickman. In particular folks probably living on Hickman, but were they having that conversation in context with that on Berkman we may wind up with a median in front of this property which could change the calculus? >> I don't recall any discussions about that. I'm not aware of-- I may have discussed it with my client in earlier discussions. I think our concern has been with the driveway spacing requirements we're likely only to have one driveway on to Berkman. So we would need have that emergency access on to Hickman to address that limited access. I don't know about the median -- >> The question being folks on Hickman may not want vehicular access now, but if it wound up only being right in, right out, and a lot of folks wind up parking on their street instead of on your property because of that, then they may have wished we had made a different decision today. >> That could be. That could be the case. >> Mayor Adler: Further discussion? >> Mayor and council, I want to point out there is a letter in backup that has a concern about traffic on Hickman. And if access was taken. So I just wanted to point that out. >> Casar: And I understand that, Mr. Guernsey. I guess I would want some advice on this because if -- I understand people would have concerns about access on to Hickman, thinking that

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people would use that rather than the access on Berkman. But if we're trying to make Berkman safer in restricting access on Berkman, then are we all of a sudden -- >> Staff was not suggesting an access prohibition to Hickman, even under what we were recommending. >> Houston: Mayor, do we know in fact the transportation department is about to put in a median that is right in, right out. >> I don't have information about that at this time. Houston, Texas so where did that information come from, other than Rick? >> I know we're putting medians in and I recall there's one more or less in that area, but I don't have it memorized. >> Houston: And I know that we were putting in a crosses walk so kids could get across the street, but I do not know about the median. So if we could figure out what the reality of that is, that would -- what the reality of that is, that would help us all. >> We could follow up with your

office later after this we make a decision on this case and provide that information to you. >> Casar: I wonder how we dispose of this case quickly because there's support for it, but I'm trying to figure out how it is that we navigate information -- we deliver information to the neighbors one way, but in fact something the city is going to change the situation, I just don't know. >> Mayor Adler: I think there are two options. We either approve this -- I guess three options. We approve it with no access out to Hickman, we approve it with access out to Hickman or we postpone the case. >> You could also do first reading only today. Bring it back in two weeks with an answer. >> Houston: Because I think that's important for the neighbors to know. >> And also there is the option of doing emergency access for emergency vehicles, which was I guess agreed to by the applicant and some of the neighbors.

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>> Mayor Adler: I would imagine that the default is going to be to approve it with the emergency access. What do you think about the-- does it make sense to postpone this on that issue? To vote on first reading and keep that issue alive or no? >> I think that's fine, mayor. We had actually -- we weren't aware that the ordinance had been prepared so we were prepared for first reading only today coming back in two weeks. So I think that's fine. I think -- certainly I think you could also pass it with emergency access and then it could be addressed at a later time if there is a median or we can get the answers. We're flexible. >> Mayor Adler: Okay. >> Casar: Let's move it on first and see what comes back. >> Mayor Adler: Is there a motion to approve it on first reading with the emergency access only? >> Houston: Obviously, councilmember Casar, if you make the motion, you're leading this whole thing. You make the motion and I'll second it. >> Mayor Adler: Councilmember Casar makes that motion -- sorry. >> Inch there was also an agreement to prohibit service stations. And then also just to be clear, for for -- basically allow buildings to be 40 feet in height. So that would be part of the ordinance that we would bring back. >> Mayor Adler: It was limiting it to 12 height, limiting it to 12 uses. It was emergency access only. >> Right. And prohibiting the service station use. >> Mayor Adler: And no service station use. Those four things. On first reading only. Is Mr. Casar's motion. Councilmember Houston seconds it. Any discussion? >> Houston: Mayor, I would like to make some comments. I'm going to respect the work that the developer and the team have done, but I want to share just briefly why I'm torn on this particular case. This is going to be, I think, a really good test case on how development will

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ultimately transform a neighborhood. That's a lot of intensity. This is in my district although I have not been that intimate with this particular case. The intensity of this development is going to I think, and I think this is an opportunity for us to be able to track and analyze what happens when this amount of intensity comes into the middle of a block. As you know or may not know, there are two income accessible -- I call them income accessible because nobody knows what affordability is, but very cheap housing on either side. Some apartment complexes have been there -- I think one from the '80s and I'm not sure of the date of the other one. And so I suspect that as this project moves forward that those two

apartment complexes that are now affordable or income accessible will be flipped. Those people who are now able to live there on a bus line where they can get to and from groceries and other kinds of amenities that we talk about when we talk about compact and connected will be forced to move out and the new neighbors will come in at a higher income rate. That impact of parking, reduction of parking in the development, we will be able to see in fact if that causes more congestion on Hickman and on the street which are west of Berkman, which is single-family at this point. The contact team will also be able to see whether or not these kinds of developments have a positive or a negative impact on Harris elementary, which is a school that is in walking distance to the development. So things that we talk about in abstract, I think that this particular development will be able to test some of those premises and give

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people an idea about displacement and gentrification in a whole different area that's different from the ones that we've been talking about. So I'm going to support this on first reading and I'll support it when we come back with an ordinance, but I want us to be really cognizant of how we can see what's going to happen when we put this kind of intensity on a small street in the middle of a neighborhood. Thank you.

>> Mayor Adler: Okay. Thank you. It been moved and seconded. Any further comments?

Councilmember Garza. >> Garza: I wanted to say I'll support this on first reading, but I will not support it if there's a crash gate. I think owe mean of you have heard my concerns about crash Gates. I think if we - we have to grow, we have to be accessible, we have to have ways to get around our neighborhood. When people talk about cut-through traffic, it's your neighbors trying to get to day care and work and I really hope we stop getting these recommendations with crash Gates that basically island off parts of our neighborhoods and communities. >> Mayor Adler: Ms. Houston? >> Houston: I've already talked. >> Mayor Adler: Mr. Flannigan and Mr. Casar. >> Flannigan: I've talked about this and the complexity of it. I'm fine with it moving forward. I will echo councilmember Garza's comments and support her in that perspective. You know, as I said, I don't think some of these cos are necessary. They're impractical on the site. But I think moving forward as we think about how we correct a broken code, I want to make sure that things like traffic access are not only solved at zoning case time because there's going to be a lot of properties that have the zoning they want. We want to make sure that the site plan process and the development services process are able to account for these things in a way that don't require months and months and months of commission hearings and council meetings and things where we need to get this housing on the ground sooner than later. So I think there's a lot of mid block apartment complexes throughout the city. It will be interesting to

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see, to councilmember Houston's point, how this will impact this area, but I think there are examples of this all over town too. So even just right next to this property, which is already multi-family. So we'll see what it does, but I think we have a lot of examples across the city that this is the appropriate kind of

density that we need for neighborhoods as we incrementally grow in a way that is sustainable and not so much forcing communities into ginormous or nothing changes. Thanks. >> Mayor Adler: Mr. Casar. >> Casar: And councilmember Houston and I share much of this area. To the gentrification and displacement point, I have to respectfully agree with some of the comments in that -- disagree with some of the comments that I don't think we're going to -- this particular development with 20 something small ownership units is what is going to change prices in this area. Prices in Windsor park have been skyrocketing for years now. And within my first little bit of time on council just south of here there was already displacement, already were many people who put a new coat of paint on their apartment buildings, raised rents and people were displaced. And so that displacement and market pressure is happening in this part of council really rapidly right now and has been. And I think that's why we're seeing new development, an undeveloped parcel. I think it would be not a fair conclusion to say because this parcel developed that's why prices went up. It's because prices have continuously been going up in this area and that's why we're seeing redevelopment and why we're seeing new housing. And I think that what I'm learning from this case is that we don't have, as councilmember Flannigan pointed out, a good clean way of providing small scale mixed use retail plus ihop options in -- home ownership options in our current code and we need to work towards that to get income restricted housing units

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where things are selling for 400,000 bucks and small retail. But I don't think it makes sense to me to say when this thing gets built prices are going to go up, but right now prices are rapidly rising in this. I don't see this being the triggered and I think if we didn't do the zoning case this would be zoned I-1 and unfortunately if the city or government doesn't intervene we would lose those low income units. I'm not happy about that, but I think it's something we're all working on. >> Houston: Is it 50 units? How many units in the development? >> I don't have a precise number of the number of units. >> Councilmember, it's 40 units, which we have agreed with the neighborhood to be income restricted. >> Houston: 40. And did the contact team and the neighborhood agree to emergency access only on Hickman? >> Yes, we discussed that Monday night and they understood that and I think there was a clarifying email to that effect. >> Houston: Thank you. I got that this morning. I'm not here to debate because we all have different opinions about this, but I do know just as some other people have asserted that it's not going to happen that the two low income apartments on either side will be sold and something else will be developed there. I believe that just as other people believe it's not going to happen. So those people who live in those units will be displaced. And I hope to be around to see that happen so I can say to somebody, I told you this was going to happen. And yes, it may happen anyway, but I think this will just - - this is my opinion and I'm entitled to that. This is just going to -- what is that word? Expedite, thank you. Expedite the tear down and redevelopment. As I said, I'm going to vote for it today on first reading and then when you all come back with the things that the neighborhood agreed with and the other things that you've added, then I will be ready to vote on second and third reading as well. >> Mayor?

[2:37:55 PM]

So this is item 58 and 59. >> Mayor Adler: 58 and 59. >> And closing the public hearings on both of those. >> Closing the public hearing. Cos that were up on the board a second ago. First reading only. Those in favor please raise your hand? Those opposed? It's unanimous on the dais and we're all here. All right. So now let's take up the other item, the 67 and 68. >> Yes. Item number 67 is case npa 2018-0028.01, this is known as the dessau homes. This is a neighborhood plan amendment to the heritage hills, Windsor hills combined neighborhood neighborhood planning area for the property located at 10300 he dessau road. This is to change the land use designation to a higher density single-family designation. The companion zoning case is item 68, case c-14-2018- c-14-2018-0075. Again, this is for 10,003 dessau road. This is to change the zoning on the property to the sf 6 classification, so townhouse condominium designation. It does have the support of the planning commission for the higher density single-family residential land use classification for the Flum change on 67 and they also support it. On 68 the zoning change to sf 6 with a conditional overlay of adding a maximum number of dwelling units of 18 units, the Windsor hills neighborhood association is in support you would of that limitation of 18 and the Appl to that as well. Staff has also recommended the sf 6 and the higher density classification.

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I can go into a little bit more detail or you can hear from the citizen that you have here today. >> Mayor Adler: Let's hear some public testimony before we hear the offer. Does the applicant want to address it first? The applicant will have five minutes to open. >> Good afternoon, mayor and the city council. Today we are requesting a zone change of sf 3 to sf 6 high density single-family units at 10300 dessau road. It's about like two acres of land. It's in that growing part of town. South of Parmer a little north of [indiscernible]. So we are proposing that we build 18 units, which the neighborhood required and we accepted the conditional overlay of -- restricting us to that many units. That's what we have today. If you have any questions I'd be more than happy to answer. >> Thank you very much. We have public testimony from Mary Elizabeth hair. You have three minutes. >> Thank you. I am here -- I'm sorry my voice is going -- in concerns of our property and neighborhood. As far as I would like to keep it as a single-family dwelling. During the high density it's on a hill so you're moving the ground coverage, the grass and the soil, and that

[2:41:56 PM]

would increase flooding in the backyards of the adjacent property owners plus it goes downhill so with the rain flow you will have it run downhill so there will be erosion. On the street they want to develop it on, the main street they want to use as transportation is substandard. It's not wide enough. It's called Applegate. And the city is not planning to widen or improve it. They will not curb and gutter so you're looking at increased erosion. The drainage from the property that they're wanting to develop will again flow downhill causing -- causing flooding down below. In the zoning process when we went we asked

where would the drainage go? Houston hill. No one is going to curb and gutter. They will curb and gutter their property, but not the substandard road. They're also going to use their equipment trucks, their construction trucks, they will be coming up and down Applegate, again substandard. And the weight limit for that street is no trucks greater than 7,000 pounds empty. So if they don't Applegate they will be using falon and warring ton. That's additional weight and damage on those two roads, which would mean erosion and fissures because we've had them before. My concern is number one my property is a value to me so if we're getting flooded out and you're looking at your high density, that's increase the traffic on our streets, which means decreased safety for us that we have already. So with increased traffic that's a concern for me. I'm looking at time. When we're looking at the property value that increases our taxes. So you will end up with someone either being displaced because they can no longer afford to pay the taxes or foreclosure, and if our property value is

[2:43:58 PM]

devalued because of all the flooding, then what do we do when you do sell it. Would we be able to afford to move someplace else? So I'm saying, you know, to me the council, you are the voice of the people and we have elected you. And I'm saying please help us protect our property, our investment. We moved to the community. We bought our homes for a reason. And that is for safety. And we don't want to devalue our property. And I value my home just like the rest of our community. [Buzzer sounds] That's enough time. Please help us out. >> Mayor Adler: Thank you. Those are all the speakers we had. That gets us back up to the dais. The applicant has a chance to close. You can respond. >> My name is Travis molts with catellus engineering group. >> Mayor Adler: Can't hear you. >> Can you hear me now. Hi, my name is Travis molts. It's good to see all of y'all. We've been here to kind of help with the site planning and the zoning and everything for the site. So I know there's been a couple of questions and issues that she brought up like with the drainage. If we can show the first sheet. So the first sheet here you can see in the northwest corner at the point of the L, that's the high point in the property. So half of that property does flow back to these residential lots on the southside of the property. What we're proposing is to basically build that area up and everything would flow towards apple gait. On a proposed site plan we will have a detention pond which will then reduce the flows back to existing.

[2:45:58 PM]

So we would not be increasing my flows that is going to Applegate drive. Currently we haven't gone through any site development plans to the city and we haven't talked to the fire department per se about Applegate drive and the reconstruction of that. As of right now we're talking about putting in a new driveway into Applegate drive and we're not looking at doing any approvals to the Applegate drive at this moment. >> Mayor Adler: Any questions? Ms. Houston. >> Houston: Do you know how many feet wide apple gate is. It's fairly small. >> Currently it's a 70-foot right-of-way, but I think the -- I think asphaltwise it's probably 25 to 30 feet wide. Probably greater than 30 feet drive. I don't have the exact number for that, but it does allow for two-way traffic. The road is relatively in bad shape, about thaw

isn't necessarily this site's concern. >> Councilmember, information I have that shows the pavement that is approximately 22 feet wide. >> Houston: I think as you go west on Applegate, I think there's a real narrow bridge where you can't get but one car across at a time but that's further west of this location. >> Mayor Adler: Further discussion on the dais? Thank you, guys. Is there a motion on item number 67 and 68? >> And mayor and council, this is ready for three readings for both items. What the commission has recommended with the conditional overlay, and I also ask if you are closing the public hearing as part of the motion as well. >> Mayor Adler: Okay. Your recommendation is the same as the commission's recommendation? >> Yes. We are fine with the commission's recommendation.

[2:47:58 PM]

There's not fundamentally a large difference of the number of units that you could construct on the property between the sf 6 and the sf 6 with the 18 unit limitation. >> Mayor Adler: >> Mayor Adler: Okay. Is there a motion to approve the commission recommendation and close the public hearing? Ms. Houston makes that motion S there a second to the motion? I need a second. Councilmember pool. Any discussion? >> Houston: So this is another one that's very difficult for me because dessau road is in fact one corridors that's not mentioned in any of the plans that is in fact growing and the need for homes is very apparent in that area. The issue for me, the conflict that I have on this one, is Applegate is so narrow. And it's my understanding again from what I've heard and read from the plans that you've given us is that the entrance and exits is going to be on Applegate and nothing will be on dessau, which is a-- I don't know, folks go 70, 80 miles per hour down dessau road. So that would be the primary entrance and exit and then they will have to go through the neighborhood to get back to another street to get on to dessau. And I'm sorry that there's nobody here from transportation to help me idea why there was no entrance on dessau. Is it because it's so -- the traffic is congested so fast? >> I'm not sure about the access restriction specifically on dessau. I know that those would be examined at the time of site plan when they come in. The applicant would be required to probably install a sidewalk along that Applegate section for pedestrian access, but I'm not aware of the access prohibition other than they would not be able to have a driveway within probably about 100 feet or so or 60%

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of their frontage from the intersection of Applegate and dessau. >> Houston: And dessau. And could I ask the developer to come up again? Because you all have had the conversation with the neighborhood for some time now. Am I correct in saying that they're limited to an access -- there's no access on dessau in or O or for emergency access only or did I make that up? >> Actually, the main road is dessau, the in and out. The property is at the intersection of Applegate and dessau. So that is an access from the property into dessau, but just that visibility is a little bit not good -- that side. So we are proposing to enter and exit from Applegate, but the main traffic will be getting on to the dessau since that is at the corner. So we are anticipating that the traffic will not be going in the roads, but it will be going in and out of like -- even though they are exiting and entering through Applegate, but the main traffic will be

flowing along dessau. >> Houston: I know the main traffic. So people don't have to enter and exit on Applegate. They can enter and exit on dessau, which would relieve some of the neighbor's concerns about the small amount of cut-through traffic, even though there are new marble falls neighbors. I think that was her concern. So if you're saying the entrance is going to be on dessau, that's very different than what I heard. >> No, ma'am. There won't be an access from -- to dessau unless it's an emergency access. Based on the slopes there. And just the driveway spacing between what is Applegate and then on to our property and the speed of dessau. More than likely we would be allowed to put a driveway going directly on to dessau. >> Houston: Thank you. Because you were making me feel like I had lost my mind and I knew I had read that someplace. So the exit and entrance will be on Applegate. >> Yes, for the residents there, that will be their

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access. If there is an access on to dessau, that would slowly be for emergency and that would be something we would figure out in the site plan phase. >> Houston: Okay. Thank you. I understand your concerns. I've been through there. We've had flooding in that area already. But this is where -- if we're going to put housing anywhere, this is one of those places where even though we have no transit out there and everybody has to get in a single occupancy car, this one I'm going to support. And I certainly understand your concerns. >> Mayor Adler: Thank you. This item has been moved and seconded, all three readings. Mr. Flannigan? >> Flannigan: I want to thank the neighborhood folks for showing up too. I share many of those concerns about green field development. That's why I hope we can as a city get to where we're doing more incremental refill and redevelopment because then you're redeveloping a thing that's already impervious, that's already got some infrastructure around it even where we have localized flooding at least it's been identified. If we don't build housing inside the city, we will just keep sprawling out. And this is just another step towards that. I'm not going to support the case, but because I don't think we should be doing unit restrictions. Even though the -- when the applicant says that you could pretty much only fit 18 units on the site, then great. Why do we have to complicate everything with these additional restrictions? But more importantly, this is the housing that the code allows me to build right now. And it's not the greatest kind that I want to build, but I'm hopeful that moving forward as a city we can do better. >> Mayor Adler: It's been moved and seconded all three readings on the commission recommendation. We'll take a vote. Those in favor please raise your hand? Those opposed? It's unanimous on the dais with councilmember troxclair gone and Mr. Flannigan voting no.

[2:54:00 PM]

So that was a 9-1-1 vote. >> That concludes videophoning for the day. >> Mayor Adler: That means, councilmembers, that gets us to the two police related items and to the four items that are -- that we can't consider until we get to 4:00. Mr. Casar, do you want to lay out what your changes are while we're all here before we take a break? This would be related to the ordinance. >> Casar: Correct. So I've handed up and down the dais, let me know if you don't see it, just one set of amendments to the office

of police oversight ordinance. I think the police working group, which included the association and advocates and our staff did a great job led by director muscatin. I think that's really produced a great ordinance and the memo explaining on the back explaining how the new office will function and how it will be empowered to work in its scope and work, I fully trust if we pass the ordinance as is that we could do great work with the people we currently have, but we're not just establishing an ordinance for ourselves. We wanted to establish an ordinance in an office that no matter who the manager is, no matter who the chief is, no matter who the director of the office of over sight are that the expectations that get set and the work that this working group does lives on. I largely moved things that were in the memo into ordinance to make sure that we memorialize that work. And so -- and then I made two changes to the ordinance to reflect the important work that were done in labor and negotiations. So if you look at the yellow amendment, there's one amendment to the definition section, and that is an amendment to the definition of complaint because the definition of complaint as written in the ordinance is just the way we can do it

[2:56:01 PM]

under chapter 143 currently without a contract. However, when we negotiate in the contract we actually have negotiated to expand the definition of complaint, and so this ordinance change reflects what I think makes a lot of sense, which is the definition of complaint will be whatever we're allowed to do under law or whatever we're allowed to do under contract, that way we don't have to have any question when we sign a contract whether that works or not. So that's the reason for that first change. Then the next few changes are all reflected in the memo, and I handed out a white printout that has the memo that is attached in backup. And I connected the changes in the ordinance to what's already in the memo so that you can see here, for example, where we add the office shall advise the city manager on the public release video. You could go and look at -- I wrote down memo I. You could go back to the memo and I've annotated it there on page there with the letter I so that you can see that we've pulled the language in the city manager's memo as it relates to videos and made it so that it's appropriate for the ordinance. So essentially we want to memorialize that the office of police oversight will advise the manager on the public release of police video. That the new office will conduct preliminary reviews of external complaints, will conduct random assessments of the department's use of force reviews and will conduct community engagement activity. I think these are things that were really important to the community this that working group. So instead of just having them in the memo we're bringing them up into the ordinance as part of the core duties of the office. And the last line here is again new sort of from the contract. The ordinance currently says that we will -- the office of police oversight ordinance currently says that we will not be making

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information public. That we're not allowed to make public. That's my expectation as well. But because the contract expands our ability to be more transparent with the community, I changed the ordinance to

say of course we will not make public anything we're not allowed to make public, but if through negotiations we increase the ability for the office to provide more transparency, then we will of course do so. So again, just making the ordinance more reflective of the achievements in the contract. And the achievements in any future contract. So that is the brunt of this. The last thing that I'll mention and then I'm happy to answer questions, is that through that working group conversation there was a conversation around now that we have body cameras on all police officers we should really take a look at how this office interacts with that and how we release that video. And I think that the city manager is interested in working with community folks and our police officers to work on that between here and January so that as we create this new office we could also provide not just data, but also the video that we have as transparently as we can, but of course within the legal constraints of state law and the -- and any contract that we are under. So I think with these amendments, I think it was already a really great ordinance, and with these amendments I think it's a real model reflective of the hard work of a lot of stakeholders. Stakeholders. >> Mayor Adler: And your understanding is these amendments are acceptable to the stakeholders that you are aware of that were involved in this process? >> Casar: My understanding is ultimately that these amendments are largely what's already reflected in the ordinance, it just up lifts them and makes them permanent. So everybody that I brought

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them up to largely has responded that this makes -- this just makes permanent into ordinance what we talked about, and the second thing it's reflective of the contract that's also on the agenda and points to some more work that should be done that relates to the police video. >> Mayor Adler: Sounds good. Councilmember, there's nothing we can do between 3:00 and 4:00 unless there's people here ready to speak on this, and I think there might be. So I would call some of those people to speak to us. Councilmember pool. >> Pool: I just had a question for miss musc latin. She may be able to answer. >> Mayor Adler: Okay. >> Pool: Hi, good afternoon, and first off thanks for the good work you put forward to get us to this place and to the other staff who have accomplished some pretty important work to get us to this place. I had a question for you about the staffing of the office. Can you fill us in on what has happened over the past few months when the office of police monitor essentially was done away with, but we had some staff, were they able to be reassigned on temporary assignment and able to come back to work for the office of police oversight. >> So right now I would say about I think three, maybe four staff members are currently on special assignment, and it was always in the context of it being temporary until a lot of this was resolved. We're hoping we reach a point of resolution today which I'm excited about. And then I had a staff meeting on Tuesday to talk about the direction of the office, the new direction and to answer questions of the staff. So we're hoping to, you know, come back to some normalcy, and we discussed some additional training that will be happening, and I'm really excited to announce working with the director of the Seattle oversight and he's coming to Austin with his lead investigator to help train some of our staff.

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So I'm really excited about that opportunity and building that relationship and that's some of the stuff we talked about at our staff meeting on Tuesday. They will be coming back full time once we resolve every Zell. >> Pool: What is the staffing plan? >> The office is currently staffed with nine, nine full-time employees. And so I think you recall in the city manager's member hoe he talked about some increased staffing, resources for increased staffing because our scope has expanded and we are focusing a lot on community outreach. And so we're still working that through. I mean, this is relatively a new development and so those plans are still being worked through, but our team is growing, no shrinking. >> Pool: Great. And the page where that staffing piece is mentioned in case anybody has that in front of them from the city manager, it is page 4 at the bottom and the city manager's memo was the one from November 2nd. >> That's correct, yes. >> Pool: Great. Thank you. Those were the questions that I had. >> Not a problem. >> Mayor Adler: Thank you. So let's see if there's some people -- does anyone here ready to speak on these two items, 16 or 74? >> I am. >> Mayor Adler: You already spoke. >> [Inaudible] >> Mayor Adler: I called you before lunch. Is anybody else ready to -- >> [Inaudible] >> Mayor Adler: I'm sorry? What we're doing is we're calling both items together and I said that this morning and everybody gets a chance. If I let you speak more than once, I don't know how I don't let everybody else speak twice. >> [No mic on] >> Mayor Adler: Why don't you come on down, Mr. Peña,

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if you didn't understand what I said. >> I don't abuse the system. >> Mayor Adler: That's okay. Come on down. >> Good afternoon. Gus Peña, president of veterans for progress, and I understand this -- these are 16 and 74 together, right, mayor? >> Mayor Adler: That's correct. >> On number 16 regarding police oversight practices, my understanding is is that the -- the police association and the members are okay with that. Now, having to say that, 74, I just want you all to know what we went through in the '50s, some of you were not even here in Austin. I was crossing east avenue, used to be east avenue, now it's I-35 frontage road, and I got arrested by a police officer who was a red neck and very well disrespectful. Chief Bob Miles was chief at that time. Mayor Tom Miller, not for lack of a better term, unarrested me so I know about what is going on here. I'm also a former discrimination and complaints investigators for the feds also. So I'm supporting here what has happened, you know, and I just feel it should have been a lot more individuals in the process, but I'm for these two things. I'm supporting the officers. There's some officers that -- 5% that shouldn't be in the department, but overall they are good outstanding citizens, and also I just want to say this, we had a task force under chief Stan Neal -- excuse me. Chief Stan Neal, and we know how to address police issues and -- as it relates to the community. So I just want to say is thank everybody that got together and formed this and it is good for the community and it's good for the police officers also, and I'm going to support both of them. My community and the police

[3:06:04 PM]

officers and box, president of the association and thank everybody for working together in what is in the best interest of the community and the police officers. I support the police officers heavily and I know I hold them accountable also if any negative goes on. I want to thank you very much for the way you voted and allowed what they had to say. If they are good with it, I'm good with it also. Thank you for allowing me to speak, Steve, but I don't feel good, man, I just got out of the hospital yesterday and I am probably going to have to go back again. But thank you all very much for allowing me to speak. >> Mayor Adler: Thank you. Anyone else here ready to speak on 16 or 74? Come on down. >> Good afternoon. I hope you all are doing well and drinking water. My name is [indiscernible]. I did neutral for items 16 and 74. I have a couple of just concerns about how the work groups went in terms of the information that was gathered and who was asked and the time period. I do know that we wanted to make sure we had something, but I'm also recognizing that since doing work in Austin, we continuously do things just to say we did things and it may not be the best version. Being able to say there's a lot of elderly communities that may not have been part of the process because of how they were outreached to. So being mindful that we're having communities like St. John's, their housing participates, Riverside participate, making sure that information is getting to the communities that are being impacted and especially because they are doing a lot of work around the Riverside community. They are thinking about working class citizens, people who have two jobs, how are they able to be able to participate and making sure the office of police oversight works for them. Just being mindful if we're going to have something, we need to make sure it's best practices for all parties

[3:08:04 PM]

involved, not just the administration and the community and the community is saying how it works for them. Also being mindful the community is people protect and serve. I have my issues with the police system. So if the office of police oversight, how is that going to make sure police officers get to talk about other police officers in a way that doesn't get them to, you know, be I guess retribution if they decide to talk to somebody or if there is a false claim by the community, are they going to make sure there's remediation between people who surf and community members. Just to make sure the office has buy-in from patrol because if patrol officers don't buy in that means we're missing a whole population of people who actually have to interact with the people we're talking about. So just being mindful of having patrol, district reps, different versions of the APD different from apart of the different population. Item 74, I don't think that oversight should be a part of the bargaining process. When I came to you all a year ago, I said that, that was why we wanted to be at the table. Being at the table meant that accountability and transparency should never be a bargaining chip and it's still a bargaining chip and that is a problem. I don't know whose problem that is. Everybody is pointing the finger at everyone else. But at some point we have to be mindful accountability and transparency is a given. It shouldn't be something that the bargained for, the community and the people who are paid to protect and serve deserve to be able to have accountability and transparency. So for me, yes, contract, they need to be able to be assured. No on community advocacy and accountability and transparency being a bargaining chip. Thank you. [Buzzer sounding] >> Mayor Adler: Thank you. Anyone else here to speak at this point? Come on down.

[3:10:07 PM]

Have you signed up to speak on this one? >> Yeah. >> Mayor Adler: Okay. >> One day police officers will be paid enough so they won't have to moon light. Some officers -- I'm speaking on the wage part. Some police officers wanted me to mention they did not appreciate when a certain councilmember marched with illegals. I'm 63 and into my third act of life. So today I'm Batman, I'm whatever the city needs. I can be friendly oversight, but I can turn into unfriendly criticism when you don't listen. >> Weapon systems online. It's up to me to stop Mr. Freeze. Two face. You're no match for my armor. [Sound effects] Initiate thermo scan. Scanning for enemies. Switch to active sonar. [Sound effects]. >> Like I said, I'm here for this city. Whatever the city needs. Also, it was me who mentioned to Suzanne about the era. I'm not even on the city's payroll. I thought I would tell her about the mistake.

[3:12:15 PM]

[Sound effects] >> Roger, ready to move out. >> That man doesn't like illegal activity. [Music playing] When I talk, you don't respond so I guess I have to be [inaudible]. [Batman theme playing]. >> Also, since the illegals ask for money from the public safety, I'm asking for the money that's going to illegals for public safety. Thank you. >> Garza: Mayor, I have prepared comments on this issue and I'm willing to make them now so I'm sure everyone on the dais is going to make comments so if that's okay if I make them now if there's no more speakers. >> Mayor Adler: I think there may be others who want to speak. >> Garza: I thought we were done with the people -- >> Mayor Adler: Why don't you come on down. Ms. Mitchell. >> Hi, Kathy Mitchell. I may be misunderstanding the process. We were expecting a time certain of 4:00 and there's a bunch of people who are coming. We were going to organize our comments around that. >> Mayor Adler: And what we have is I'm giving people an opportunity to speak before 4:00 if they would like to. But at 4:00 I'm also going to call for people to speak. So people that show up before 4:00 will be fine. >> With that clarification. I'll wait until the time certain. >> Mayor Adler: Would anybody else like to speak now? What we're going to be up

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against I think is that at 5:30 when we break for music, if we're not done at that point with these things, then probably they get picked up at like 11:00 or 11:30. I think the goal is to get everybody speaking short so we get this stuff done. Yes, councilmember Garza, do you want to speak? Ms. Houston. >> Houston: When you say 11:30, do you mean tomorrow or 11:30 tonight? >> Mayor Adler: Just not tonight and tomorrow morning we would have to talk because that's when we're going to be with the next speaker. I think we're going to get this done by 5:30. I think everybody has locked arms to do that. Everybody that signed up on this is speaking for it. So no one has signed up speaking against this, so we'll work our way through this as quickly as we can. Councilmember Garza, do you want to go ahead? >> Garza: Sure. Everything I've heard from the press conference this morning and just throughout the

last couple of days is that it seems it's a foregone conclusion that this contract is going to pass. In fact, I think one of the papers seemed to write it that it has already passed. With that in mind, in the into of time I wasn't going to say anything, but I thought this has been such an important conversation in our community that I did want to make a statement. The special called meeting back in December was the most emotionally tough meeting I've ever been in as a councilmember. There were over 200 members of our community asking us to vote no on the contract because they wanted more accountability and transparency. With over seven hours of testimony for and against and in the end we directed the city manager to go back to the bargaining table. My vote was not a vote against the police, it was a vote to keep talking to each other, even though that's been in the media was that this council rejected that contract. It was a -- the motion was to go back to the table. I said at the beginning of this process that I did not believe there were two sides on this issue.

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I said that one can both be a supporter of police reform efforts and movements like black lives matter and also a strong supporter of our police officers. This is the position I continue to be in as a sister of a police officer, I can't even proo tend to understand what it feels like to be in a tense situation that could result in a scenario where she fears for her life. I can't pretend to understand the split second decisions or explain how years of discrimination in our country that creates unfair bias. Policing is inherently dangerous and unpredictable regardless of how much training you have of. At the same time, as a mother and wife, I can't imagine getting a call my child or husband has been killed by a police officer following what started as a routine traffic stop. But as a wife and mother when I drop my child off at day care, I hope and pray that she's safe, but if anything bad happens, there will be someone that will come to help her and that someone is usually a police officer. I'm grateful we have found common ground on this issue because I firmly believe that at the end of the day we all want to be in a position where we minimize hurt and fear for everyone. I hope our officers know that we appreciate the work that that -- that they do in our community. There was hurt on both sides that night. There was pain and anger for the long history of police brutality, pain and anger from officers and families of officers who are truly some of the best our community has to offer. I hope we can now move forward in a way where each side stops thinking this is a side, but as the necessary work towards progress. In my comments before the vote, I stated I hope we get to a place where we can be proud of what happened that night. I hope that we can be proud that we had a hard and raw conversation and from that we were able to get to a place where everyone, police

[3:18:19 PM]

officers, family members and leaders feel like they are a valued part of our community. Thank you to our city manager and to our labor team for getting us to this place. >> Mayor Adler: Thank you. Mr. Van eenoo, can you come down for a second? Just some questions about the financing and -- associated with this contract. When the -- when we were looking at contract a year ago, one of the concerns that

was raised was whether or not we would be able to get to the recommended staffing levels over time under our budget. With respect to any contract which we adopt. So in that respect. The manager has indicated what his intended staffing level would be at this point what he would anticipate putting in each one of our contracts, new officers this career and out front for the four years covered by this contract. My understanding that staffing level is something the manager put in after consultation and input from the police chief. And I'd like to be able to support numbers being recommended by the manager and the police chief. Is -- when you overlay those additional staffing levels with the contract that we've negotiated here, do our budgets forecast still work? Does the percent of our budget that's going to public safety continue to stay the same or go down? And is there substantial sums that would be projected to still be available assuming the legislature comes back at 6% or is leaves

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it at 8%. If the percentage goes lower than that, we might have to relook at some of this. So my question to you is did you look at this contract over the next four years relative to the forecast with the staffing levels that the manager has indicated he would be seeking? >> Yes, we did. Good afternoon, mayor, mayor pro tem, members of the council. Ed van eenoo, deputy chief financial officer. In anticipation of this question, we ran all these numbers up there on the screen before you. Essentially wanted to look at the city's financial projections over a four-year span. There's a lot of assumptions that have to go into this it starting off with the revenues, you can see we're assuming a 6% property tax growth annually over three years. So we could have higher revenue projections if we wanted to go to the 8% allowable under state law, but we projected our revenue sources at 6%. Property tax growth, that gets you those revenue numbers up there. And then we took into account all the things you talked about, our base public safety costs exclusive of the Apa contract. Overlaid that with the Apa contract costs that's before you today. The police staffing plan that chief Manley and Austin police department have developed, which would be 30 additional positions in fiscal years 20, 21 and 22 so you can see what the cost of the police staffing plan would be over the next three fiscal years and plus this year. We have new fire stations that you talked about earlier today about the new fire stations that are being expedited. We anticipate one opening with a cost of \$1.8 million in fiscal year 20 and another in 21. We built those costs into our forecast. Then we also projected increases for everything else, all of our civilian workforce and nonpublic safety departments in the general fund, assuming wage

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increases, et cetera. We built all that in. The bottom line of this is is that at a 6% revenue increase, property tax revenue increase, we would project additional funds available in each of the fiscal years starting at \$900,000 in the current year, increasing all the way to \$18.9 million by fiscal year 2022. And that would be funding that would be available within a 6% property tax revenue increase to address other council priorities. If all of those funds were allocated to nonpublic safety services, we then calculated out the percentages and you can see a slight decrease in the percent of the budget that

would go to public safety costs under these assumptions from the current level of 68.3% dropping to 67.7% by fiscal year 21, 22. It was a pretty narrow needle to try to thread taking into account all of these factors, keeping the tax rate down, doing the police staffing plan, getting a contract in place and having that percent of the budget decrease over time. But the contract before you with our financial projections and the assumptions we're making accomplishes all that. >> Mayor Adler: Thank you. Anybody here want to take the opportunity to have the council with its fullest attention? Widest awake? Councilmember pool? >> Pool: I don't know if this is the best time or maybe wait until later in the day, but I did want to invite officer Villarreal maybe to come -- he was one of the negotiators to come for a and I don't know if he had comments he would like to offer if he's in the room. I think it would be great to hear from him. But I'm happy -- he's on his way, did you

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say? >> [Inaudible] >> Mayor Adler: We'll hear from him a little later. >> Pool: We'll give the gentleman some time. And then I also wanted to be sure to -- if we could, to hear from Mr. Desai. I would like to hear from the folks who were the primary sources bringing everybody together to get to this place. >> Mayor Adler: So I think that's all we're going to be able to accomplish now. It is 3:24. I think we could probably kick this off a little bit before 4:00 and start. Come on down. And then I'll propose we come back at quarter till and see if we have people here so we can kick this off as we go into 4:00. Yes. >> Alter: It looked like some other people who had come in. I didn't know if anyone else had signed up to speak. >> Mayor Adler: I'll ask again. >> Mr. Mayor, the remarks that I prepared are -- I guess they would be more appropriate after you guys take a vote and pass this thing -- >> Mayor Adler: We're going to let the public speak and then we're going to take a vote. So we have a list of people. A lot of people are showing up at 4:00 to speak and you could speak at 4:00 or you could speak now. >> I just have a few short remarks. >> Mayor Adler: Go ahead. >> Good afternoon, Mr. City manager and mayor, Thomas Villarreal, vice president of the Austin police association and I will be speaking on behalf of the Austin police association. I would like to take a moment to publicly thank the men and women of the Austin police department for their professionalism and dedication to the citizens of Austin during the past 11 months. I would also like to thank detective Kris Perkins for

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his leadership during the negotiations and the other officers who made up our bargaining team. I'm proud to stand before council today knowing that an unprecedented amount of work was performed by the Austin police association to show our community that when people want to see a Progressive police department, they do not need to look west. They can look right here in their own backyard. The community and council can be proud that the men and women that serve them overwhelmingly welcome the transparency this community desires. On behalf of the Austin police association, we would like to thank the manager and his team for their work on our contract as well. Thank you all. >> Mayor Adler: Thank you. Do you want to lay it out for us? [Applause] And then from here on out, it's jazz hands.

Do you want to address this? >> Thank you, mayor. Good afternoon to mayor, mayor pro tem, councilmembers. I want to start by saying this was long process over the past year, but I do want to thank my boss, Elaine hart, thank mayor and council, but most importantly the city manager for his leadership and support of both the staff and of the process to how we got here today. I want to give a big appreciation to the city team in my office along with Lowell Denton's firms and thank Ken Cassidy, Thomas who just spoke and it kills knee -- kills me to say this but Chris Perkins. I tried to rush through that last name. [Laughter] But they did come in to the table. It wasn't the ideal situation for what happened in decem R, but they came in with the focus just to focus in on how can we go from where we are to where we want to go, not looking back to what happened. And I appreciate their attitude and their focus on looked forward and not

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backwards. Through the past few months we've had very hard conversations at the table, outside of the table and I think the result of that is a contract that I hope council will pass today which gives a lot more strength to our oversight office and is a lot more fiscally conservative than what was presented in December. And I want to thank everybody involved in helping us get here. Part of the reason the labor relations office was created is to help keep the relations between management and labor in the period in between years of contract negotiations and that's what we've been doing since we've been created and that's what we'll continue to do with the police association along with our other two for the next four years so that we can help build this relationship back to where it needs to be and that four years from now we'll have a much smoother process during negotiations. I'm happy to answer any questions now or later from mayor and council. Thank you. >> Mayor Adler: Thank you. Anyone here want to address this? This is almost getting to the same 4:00 time. Anyone want to speak? Chaz, do you want to speak now or wait until 4:00? >> I'll wait. I'd like an audience. [Laughter] >> Mayor Adler: So let's do this. Let's break for 20 minutes and come back at 10 minutes to 4:00 and see if we can kick the thing off then and then move through this. It is 3:29. We'll come back at 10 till 4:00.

[3:55:10 PM]

>> Mayor Adler: Alicia has donated time. She's here. You have five minutes. >> All right, I won't be long because I'm trying to get out of here while the beer is still cold. I think -- I mean first I would like to say I think the major difference between this year and last year is the fact that in 2017 the people that were representing union just didn't want to talk to the community individuals. They tried to discredit us as much as possible. Then this year this -- this one cop who hesitant to call a friend, but I think I have at this point because I have talked to him more than my grandmother, Chris Perkins and final stretch Thomas Billy Villarreal said what do these guys and gals want and they brought us in and actually listened. Also Ron delord and even box. So for that I think for the community members that are here in support of ajc, I think it's okay to give them a round of applause for actually bringing us to the table and listening to us so we didn't have to repeat last year. [Applause] You know, you all know the details and the nuts and

bolts of this thing so I don't have to get into that, but I've said this plenty of times. Like I am hard on the police department here and that's only because I want them to be the best, and I think because of this contract and some of the things that they conceded in good faith in trying to repair some of the issues and relationships with the community, I think we can say that we -- we don't have the perfect police department, but I think we damn sure have the best in the state of Texas. You know, I'm looking forward to working with these guys over the next coming years and taking more Progressive steps and being as Progressive as we can possibly be. So I'm excited Mr. -- About the contract and hopefully it's going to pass today,

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hopefully as many votes on the dais as we can get. For my first ever written down statement. You are used to hearing from me about police shootings and police assaulting people of color, commenting briefly on this contract instead to make a proposal that we spend some of the immediate savings on the contract on getting to the bam of another APD issue. Misleading data provided by APD to city officials regarding clearance rates of sexual assault. As many learned for the first time over the weekend, APD conceals the fact most rape cases are not resolved with an arrest by categorizing cases as exceptionally clear, cases -- cases that are exceptionally clear were added the cases cleared by arrests and given to councilmembers as a clearance number for rape. The two reasons a case can be exceptionally cleared are because, one, the daa rejected the case -- da rejected for prosecution or survivors stopped cooperating with law enforcement. Either way the alleged perpetrator went free. We need to better understand why our police department is failing to investigate sexual assault cases. I'm proposing we set aside at least \$150,000 of the money saved by approving this contract to do independent review of APD sexual assault investigation. I think Austin is the best city in the world and I think we have to do a lot better and I think we can be a leader in actually taking sexual assault serious. It is a very sensitive case, a very sensitive issue for a lot of people in this country, a lot of people in the city in particular, and we need to do as much as we can to make sure that victims of sexual assault are not only taken seriously, but that the -- we can help with that traumatic experience as much as we can. So shut out to Chris Perkins, to Chris Harris, Kathy Mitchell. You know, 18 months, let's get this thing done.

[3:59:12 PM]

Go get some beer, like I said. [Applause] >> Mayor >> Mayor Adler: I also want to thank you for your involvement in this process as well. Is Kathie Mitchell here? While she's coming down, is Rebecca burn Hardt here? You will have three minutes. >> I will be brief, thank you. It took us a lot of work to get here. I want to thank council because having done this work for a very long time, one of the key differences that really made this different from the runup to the last contract and frankly the runup up to every contract that there ever has been is the degree to which many people, many of you on council, all of you, listened to the community. You took our meetings. You read our reports. You Teed up questions that came out of what we said and you asked staff to investigate. You determined for yourself that we

actually brought something -- something to the table. We knew what we were talking about. We were not wrong. I know that seems simple, but to a lot of the folks who were coming to you and coming to you and coming to you, feeling heard, feeling respected and feeling that when we brought you something you listened, you thought about it and you thought, huh, you know, that is actually an important point. I need to account for that when I think about how this contract fits into the big picture of my goals as a councilmember. So I'm here to say Greg

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Cesar thank you. You have always met with us, always been a leader, always worked with the non-profit and activist community. Madam alter, council woman alter, it's such an awkward set of words, you listened, you asked amazing questions and you always kind of stuck to your questions until you got to the bottom of things. Ann kitchen, amazing heart. You came to our forums, you listened to the people and what they had to say. You were impacted by what you heard. It was clear and wonderful. I probably don't have enough time to go through everyone. Jimmy Flannigan, thank you for meeting with us. Mayor, thank you for meeting with us. City manager, thank you for meeting with us. Kathie tovo, Ora Houston, Delia Garza, pool, thank you you. We couldn't have done this without your commitment and willingness to help out. >> Mayor Adler: Thank you. So before -- before you speak is suki McMahon here? What about Angelica [indiscernible]? What did Shane Johnson? What about Jana Simms. Beverlyly czar. Why don't you come to this pediatricianium. You have three minutes. Go ahead. >> Thank you, mayor, councilmembers. My name is Rebecca burnhardt. I'm here to follow up on Chaz Moore's comments on what can be done with a little bit of the savings from this contract. I know some of y'all heard a news story over the weekend

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regarding clearance rates and Austin police department and the issue of how clearance rates for rate can be really confusing and misleading and here in Austin how the police add together to give you the clearance rate. The number of arrests they've made or clearance by arrest and a whole bunch of other things called exceptional clearance to give you the clearance rate. So it's been really hard to tell here in Austin how many sexual assaults are actually getting resolved. And that's something that we should get to the bottom of. We have a series problem with the way rapes are handled in Austin and Travis county and this is an opportunity to do something about it. And that's why I'm speaking in support of finding an outside expert to do review of how the Austin police department handles sexual assault investigations instead of taking that money and just automatically throwing it into more detectives without figuring out what the actual problem is. When -- I don't know if you have any questions about exceptional clearance or clearance rates, but I'm available to answer those. Thank you. >> Mayor Adler: I think you're right, it's worthy of immediate attention, but probably not something that we're going to resolve here tonight. We'll focus on the contracts. But your point is well taken about the importance of that and

how we might use that money. Thank you. Is Emma 44 here? What about Joey gidesag? >> [Inaudible - no mic]. >> Mayor Adler: Thank you for that. Is Paul Kinsey here? Paul? No? What about Roy woody.

[4:05:17 PM]

What about Jared Brackenridge? Zach slackter. Okay. Donating time to someone else. I'll call sue Gabriel? Okay. Thank you. Jasmine Patel? Seneca Savoy? You have time donated from ashcandice ashcan [indiscernible]. Tell him he needs to come back in to donate his time. Mr. Lazar, you're -- Ms. Lazar, you're up. >> My name is Beverly Lazar and I was here last December to speak against passing the contract and I'm here today to say that this new proposal sounds really, really good. But I'm asking that you support councilmember Casar's amendments for the following reasons: All the functions of the office of police oversight should be established in the ordinance. City manager memos and integral agreements should not be changed without community, knowledge or input. It's important to have ordinances governing the office of police oversight that instill of values of community that are protected no matter who the city manager or director of the opo becomes. If the city finds itself

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without a contract again, the opo should have clear rules to move forward and body cam videos, particularly of critical incidents should be released publicly as quickly as possible, especially considering that other cities and even states require the release of body cam footage for violent incidents within 30 to 45 days. Specifically I'm asking for a working group to be established to develop a similar policy in Austin by the end of January. As I said before, my speech today is totally different than what I was saying when I came in December and I really approve of the contract and the hard work that's been done by grassroots Austin and the Austin coalition for justice and the mayor and the board members. So thank you very much. >> Mayor Adler: Thank you. Is [indiscernible] Ashcan here? It says 30 seconds. I imagine going through the metal detector. >> Mayor Adler: Is Chris Harris here? Do you want to speak? You have time donated from Roy Whaley, who I see, Lisa fifian. Thanks. So you will have seven minutes, Mr. Harris. >> Hello. My name is Chris Harris. I live in district 1. I want to say firstly that today is a really important landmark day, begins a new era in police oversight in our community and there's a lot of people to thank for that. But first I do want to specifically lay out why and what's important and why. It's really, really important that people are now going to be able to submit complaints anonymously. There are people in our community who do feel fear

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about reporting incidents that they either are the victim of or they witness with police officers. So that is an extremely important improvement that has been gained today. It is really, really important that this

new office of police oversight is going to be able to conduct a preliminary review of these incidents and that office is going to have access to police files and information that they haven't had before. It's going to allow them to vet these incidents, ensure that they are properly investigated and also submit complaints themselves which they have been previously not been able to do. It is important that they will be able to randomly look through video cam and dash cam footage and to find potential incidents. We know there are many incidents that may still go unreported as people are simply unaware that the office exists until we're able to really indicate all of the community about it. It is really, really important that the office is going to be able to make recommendations, particularly both as to whether or not an incident is sustained or not, but also to discipline. And that those recommendations will include case details so that everything about an incident that is pertinent to the outcome of it is known and that those case details involved in that recommendation will be made public post the chief's decision about the discipline. This is really, really important so that our community understands the true scope of police misconduct and so that issues with police as with regards to policy and broader issues can be identified and corrected by our community and by the leaders in the police department. It is really, really important that the police chief now has to respond publicly to disagreements that they have with the oversight entity about

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inlets of misconduct. The knowledge in the community that there is potentially some disagreement between the civilian and the sworn about the outcome of incidents is important for us to understand if our police department is policing in accordance with community standards. And if there are disagreements, there might be an issue with the police department that needs to be corrected in a more broad policy level and that now can be known and addressed. It is important that our community panel, which is to be created, is going to have more unfettered access to investigation files. There will now be no time limit on their ability to look through those files and they are able to actually conduct a more full review and that all gets done before the 180 daytime limit for that unfortunately still exists for handing out -- meting out compline discipline to officers. So that their recommendations actually mean something and matter as it relates to discipline of officers. It really, really is important that police misconduct records will no longer be downgraded. Suspensions will no longer go to written reprimands and then able to go for promotions. This is important so that officers that have a history of misconduct don't get promoted up the chain. And that their discipline, if it continues over time, is able to be considered in full such that that discipline can increase. There are additional transparency and accountability gains that I don't even have time fully to go into today that are included in this package of information, this package that you all are considering today. But I want to stress that it

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is awe really important and big monumental day as it relates to police oversight. I also do want to stress the importance of the proposed amendment to the ordinance specifically as that it directs the opo to

have direct access to those files as well as that it ensures that we are going to be working toward a policy of transparency for all body cam footage of serious ends because that is important information for the community to know and therefore it needs to be transparent and we need to be working towards a policy on that. So I highly encourage you to vote in favor of that amendment in addition to the ordinance itself. There are a lot of people to thank for this. There is obviously a quorum of council folks that had a press conference this morning who have been highly engaged in this topic, who has been attending all the of the meet and confer agreement negotiations with us. And without their involvement, engagement on this topic we would not be standing here today. I want to extend my thanks to all of them. That includes El Paso, alter and [indiscernible]. I want to thank regular Casar and his staff in this process allowed us to focus on the process and allowed us to have the strongest possible outcome that we will be considering today. Proo owe I also want to thank a lot of the city negotiating team, particularly [indiscernible] And her work with the working group and her work as it relates to this. However, there are things that we left on the table. There is still meat on this bone and it's important that as we look to four years

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from now assuming that you all approve this contract today that these issues are high on the radar. Many of them were prepared during this negotiation process, though it seems only for show and that's unacceptable. The 180 day rule limiting the ability for discipline to be rendered after 180 days after an incident is simply unacceptable as it stands. You're going to hear from someone here in a moment who is very experience deals with that. [Buzzer sounds] The 48 hour rule which gives officers unfair access to information for two days before they have to give a statement is unfair. So I do want us to be aware of that. The last thing I'll say is -- >> Mayor Adler: Go ahead and wrap up. >> This oversight needs to be independent. We still have too much in this contract. Ultimately we're going to have to stand up to the Apa and their lawsuits and so I urge you to put negotiators in place for the next session that we have. >> Mayor Adler: Thank you. [Applause]. >> Is ashcan [indiscernible] Here? Got you. You have five minutes. Is Brianna Williams here? Why don't you come on down. You have time donated from Andrew Herrera and also from James Casey. You will have seven minutes as well. >> [Inaudible - no mic]. >> Mayor Adler: You have five minutes and then you will have seven minutes. Go ahead, sir. >> Yeah. I'm Seneca, district 1, I'm here to heartily endorse and back the complete overhaul to oversight, and particularly councilmember Casar's amendment for increased transparency. The changes here are momentous. It's sorely needed. To give some context of why

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this matters so much, we can reliably say that use of force and disproportionatety and use of force tracks strongly on residential segregation and this is one of the most strongly segregated cities in the state if not the nation. We can see the rates in Austin mapped to over about 70% over what they are in el Paso who have similar crime rates. If we were to do it by population, once again, also about 70%

higher. Why is that? One reason has to do with statistical outliers and their persistence in the sample size. So in 2013, and unfortunately there isn't anything more recent. 1.5% of patrol officers accounted for about 20% total use of force. There's only one reason that happens. That's because statistical outliers stay in the pool and that is not a consequence dense. That is a direct product of lack of anonymous complaints. That is a direct product of lack of auditing authority for the oversight body. That is a direct consequence of barriers towards finding officers who have behaviors that are outliers. One situation where a few bad apples is very much true. And you've now put yourself in the means to actually do something about that, but it requires follow through. It will require not only that we follow up on the complaints, but that we seriously use audits. To compare a little bit, my job is in a call center and if I'm nearby an outlier and not complained against, I don't get a whole survey, my hold times are going to get pulled. They will listen to all the calls and find the reason for them and will get written up. With the transparency amendment this is something that citizen review boards can actually do. We can look at the behavior and context in which use of force happens and see if it's appropriate. Not just as an accuse cuization, but see if

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there's a pattern of behavior because the pattern matters more than the individual incident on to us. So if we want to get that under control and restore community trust, get where people are not afraid, we have to get rid or at least change the behaviors of people who are outliers who are using the most force. There are large numbers of officers who are using no force whatsoever, but the rest of them, right, fall under the shadow of those who are vastly disproportionate. Finally, we have to look forward to ways of changing the encounter that police have in ways that it's difficult with normal human capabilities to react rationally. There's already been thoughts about ace R. Crisis response centers. We know that there's models in New Orleans, Seattle and Dallas that are able to vastly improve this. And we've all read the audit. We know exactly where we stand in the national rankings in terms of mental health calls. We also hopefully with freedom cities will have the ability with discretionary arrests will see a change where officers can use force, such as traffic stops which is the second most likely thing to kill an officer. We can both save officers' lives and hopefully save lives and the trust of civilians. So this is a first step and one of the best first steps. I did not expect to see a contract like this today and I can only say thank you to the people that made this happen because I know I didn't do nearly enough myself. I want to say thank you to all the people who did. The contract negotiations last year along with this council's action around paid sick leave is one reason I stopped being politically inactive. The council's responsiveness to these kinds of measures are exactly the reason why citizens should be engaged, why we are managing to build better government here in Austin. And sometimes with a huge deficit to start. I can only ask that as we go

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forward that we continue to leverage the vast amount of information that we will find with this to find ways to make the city safer for its citizens and frankly for the officers too. Thank you for your time. You have a nice day. Clap last. >> Mayor Adler: I'm sorry, before you begin, is Shane Johnson here. Kristen lenau? Go ahead. You have seven minutes. >> Thank you. My name is Brianna Williams. I am here today because of an incident that occurred with me, a violent incident in which I was assaulted by the Austin police department in June of 2017. So about a year and a half ago. I want to thank all of you for hearing me. I want to thank Chris Harris and the rest of the folks at grassroots for helping my voice be heard because for so long I felt like I didn't matter. It was a violent incident. I was charged with four counts of different charges that night. And because of this 180 day rule, I was scared to come forward and complain even though what happened was wrong and it was captured on video. And now even though the charges have all been dropped within the past year, I have been able to come forward and complain, but I have still been fearful and feel like I don't matter. This incident impacted my life severely. I was severely injured. I don't know a lot about -- I'm not very well informed with the contract or with the things you all have passed before, but I think absolutely the release of body cam footage is vital, there's no reason why people shouldn't know about that. If anyone would have seen that and if anyone would have seen what happened to me, they would have stood up and I wouldn't be in the position I was today.

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I have made a complaint now with the office of the police monitor, but I know that these officers who I know are ready have had disciplinary action against them. Have already been complained against. Will probably have no disciplinary action for what they did to me because it's past that 180 day limit. And that needs to go. So as far as oversight and what we're looking at, there just needs to be something for us, for regular civilians. I was born here in Austin. I love this city. I'm very proud to be an austinite. My parents were austinites. It's something I've always taken a great deal of pride in. But right now I don't feel very prideful of it. I don't feel like I matter. And I think that that's what the most important thing that these new contracts and what they're trying to negotiate is going result in. It probably isn't perfection. I know there's a long way to go, but I think that they're vital in helping people, especially after the number of violent incidents that I've learned have occurred. Not just to myself, but to other people. I think that's it. Thank you very much. >> Tovo: Thank you. >> How much time do I have? >> Tovo: Would you remind me of your name, please? >> Shane Johnson. >> You have three minutes, Mr. Johnson. >> Thank you. That will help a lot since I haven't really prepared things. Shane Johnson. I live in district 7. And I'm a native austinite as well. So I don't know exactly what all has been said so hopefully I'm not too redundant. Obviously we're here for the police contract and it's taken a year 6:00 hard work on I would say mostly the community side to make sure that things are moving towards being more just. And this is -- as Seneca was

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saying earlier, this is an okay first step and we still have a long way to go and I think we're excited to be making real strides: One thing that I definitely want to emphasize is that -- the previous contract was a terrible contract by any sort of community standards or for advocating for justice, and the organization campaign zero, which is working, came out of Missouri and is working to eliminate police violence. They analyzed the 82 contracts and this was touched on by Chris a couple of days ago in a community debriefing of this whole process. They were analyzed 82 contracts. Six of them -- they had six categories in which contracts could be good or bad and Austin was one of the six 82 contracts, the sixth most terrible. And I misspoke vital there. There are eight different areas in which a contract could be good or bad. Austin was one of six cities that failed all of them. And now we have such this contract I think we've ticked one of the eight. So we're -- sorry, one of the six. And so we're definitely making progress, but we still have a long way to go. So I know we went from about 82 and a half million dollars to 44.6, so I urge you all to make sure that we're using that money for various forms of public safety that are not governed by the police. As many have people have said, we can't police ourselves out of public safety. There are many issues like mental health first response and I know where the council is beginning to pursue that. Thank you, councilmember kitchen, in leading that. So things like that really need to be funded and

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prioritized and continue over time from the money that we have saved. And I'll put on record that I'm strongly against some of the police stipends, which in court extra pay, which does incentivize for profit policing and it's been shown that things like that strongly do so in Houston and other cities. [Buzzer sounds] We definitely need to get rid of that, but we are taking some good first few steps in the right direction. >> Tovo: Will you tell me your name. >> Kristin lanau. >> Tovo: After Kristin is suki McMahon. Is suki here? How about Angelica cagliana. Emma freer? Paul quincy? Roy woody. If you're here police signal with your hand. Okay. Jared Breckenridge. Jack slackter. Sue Gabriel? Yasmin pat tell. Derrick Epp. You will be the next speaker. Is -- let's see, Thomas first co-, is he here? You will have three minutes at the appropriate time. >> How much time do I have? >> Casar: Before she starts, I think Ms. Gabriel raced her hand. >> We'll get to her then after. Thank you. >> And how long do I have? >> Tovo: I believe you have just three minutes.

[4:29:35 PM]

Yes, you have three minutes. Welcome. >> Thank you. My name is Kristin lanau. I live in district 1. I'm here as a member of the survivor justice project. You're probably getting a little tired of us coming in front of you and talking about sexual assault and I can assure you that we're weary of bringing it to you every year. We're here today because some of the news we received over the weekend regarding clearance rates in sexual assault in the city. As a community advocate I've been here for the last three years asking for more resources for the police department around this issue. I've asked for resources for sex crimes, I've asked for resources for victim services as well as for the lab itself. Because I believe that

survivors have a right to report and I believe that the system should be equipped to handle them appropriately when they do come forward. But I'm at the point as an advocate in this community where I can no longer stand in good conscience in front of you and ask for more resources for the department until we start seeing some transparency. We've been asking for transparency on sexual assault cases for years now and we need to see some take I believe results on that. And our survivors, they deserve better. We hope to see some continued oversight as a part of this contract negotiation. We hope to see some changes being made and we hope that you will take this seriously for the survivors that do decide to engage with our system here because there are so few that want to do it in the first place and we have a responsibility to handle them better when they do decide to come forward. So thank you. >> Tovo: Thank you very much. Mr. Epp, before you start, is Jackson Becart here? And Thomas Fiscoe? You will have six minutes and you will be followed by Sue Gabriel at this podium.

[4:31:36 PM]

So if Sue wants to come up and be prepared. Thanks. >> Okay, hi. My name is Derrick Epp, I'm a professor in the government department up here at UT, just up the street. Some of my research is on criminal justice and in particular I research the relations between police departments and the community and so I just wanted to come down today and voice my strong support for the type of pro transparency measures that are being discussed today. I think what's become clear to me from my research is these are going to be a crucial component for cities to implement going forward. The reality of policing is that it has always been a high scrutiny, a high profile profession that is especially true in a city like Austin, which is progressive and racially diverse. It is especially true now that everybody has a cell phone camera. So that is just the structural reality of the job. The other things that's true is that controversial incidents, unfortunate incidents, even tragedies, they are occasionally going to happen and we can hope they don't happen and we can work to minimize them, but these things are going to happen and they are going to presumably probably going to be caught on video. So what's being decided here today in part is if Austin is going to be a proactive or a reactive city when it comes to these types of things. And we've seen the reactive model demonstrated to us over the last few years by cities like Ferguson, by cities like Charlotte, by Baltimore, by New York. And what we've seen happen there is these aren't the only cities where tragedies happen, but they are cities where the trust that exists, that could exist between a community and a police department has become pressured to point where the city and the police department actually gets no benefit of the doubt. So that is the worst case scenario and you asked how can a modern city avoid this? I think to me the answer is very much the type of pro

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transparency measures that you all are going to be voting on. These are the type of measures that allow a police department and allow a city to stand before the community and say we are a police department for the community, by community and for the community. So it starts very much with issues like this. So I just wanted to suggest that from my research when these types of professor community trust remains are

enacted the community does notice and we tend to see an uptick in the property social behaviors that we would want from a wealthy community, a healthy relationship between the police department and the community. I just wanted to briefly say that and I wanted to say that these types of measures come with positive actionalities over and above some of the many things that have been discussed today. So thank you. [Applause]. >> Thank you very much. Sue Gabriel? Councilmember Casar, did I mishear you? >> [Inaudible - no mic]. >> Tovo: Very good. Thank you. Rachel manning. If Rachel manning is here. No. Julian Reyes. So we'll hear first from Mr. Reyes. Is Katie horshman here? And how about Meghan auden. If you would come down to this podium we'll hear you after Mr. Reyes. Meghan -- thank you. Mr. Reyes, you will have a total of seven minutes. >> Thank you. >> Hello, city council, Apa, APD and all the cities that rule overall. I'm here to give strong support to -- support stronger amendment plus stronger measures for 74 and

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no to 16 as well. I'm against item, referendum, however, 16, unless more citizens are involved in the beginning and there's more release of information, affidavits, reports, complaints, videos, especially if there's no discipline made. I think that should be released to the public. I want to say that the problem that I've noticed and others in the community that are is subject to your rules and your proxy rule is that we have no transparency. Now, without transparency we can't even have accountability. When I request video of people being runover by cars, by the police, I get the runaround since basically the fourth of July I've had the runaround with the public information office of APD. When I make complaints to internal affairs they go nowhere and they don't contact me back. So what we're going to do is add a couple more measures of mediation above a system that is clearly not open and transparency, clearly not working. The negotiators themselves are involved in -- Justin Barry for instance has assaulted me and almost killed me for filming the plus police. And due to technicalities he's so far gotten away with that and they've cleared him of that. Ken Cassidy also assaulted me for petting a horse and there was no accountability there. So I've repeatedly asked council how you will keep the police accountable and transparent and so far no one has contacted me directly other than possibly Spencer cronk, we did talk, but that was through a group. Of the individual access to the system and to you guys is clear. You guys are on a pedestal and I have problems reaching and I don't feel I'm represented that way because I don't have a voice. That tells me that other people don't have a voice that don't have time to make it true traffic to make it here before you guys vote on things that are so important and crucial to the safety of our lives.

[4:37:38 PM]

This is my life here. This is our lives. This isn't some kind of negotiation for money, for people that hold authority and power over our lives, false warrants by the courts, false arrests by the police. You can ask me about that any time. So I think before we have a vote on these things we need to handle old business first. We need people to be investigated in the department that clearly have complaints against

them and some of them are in the news, including first I want to thank the department for firing sergeant crowder recently for the involvement of illicit acts -- illicit acts, crimes of moral turpitude. Now it's time to investigate commander dusterhoff and figure out what's going on. We need to investigate Ken Cassidy, the downtown Austin command, including corporal sebec. We need to investigate the Austin police association and find out why they won't release their non-profit records. Why are they not following state law. Why are they hiding 500 off duty police contracts that crimes have been committed that I've told you about in the past and nobody has reached out to me again. I'm sorry to have to come bother you with these things. I know you guys are trying to roll forward with the money train but it's our money and we really want it spent at the right time. Like Chaz more told you before, you need to hold it close to the vest, hold your cards and make it free to get everything you want to protect your lives, my lives, you're children's lives, everybody that comes through this town as a tourist's life. And that's a problem. We can't have a live music capitol of the world if the artists aren't free to sit down and rest without getting harassed, stalked and beaten by the police. Let's see what else we have. Corporal cado on the east side has been stalking the homeless for a.

[4:39:48 PM]

Now I've getting investigated. I've asked councilmember kitchen to get back with me on ruggio and duster Hoff and others and some of the complaints we've had and I've had no direct communication. Vissi is another district represent that has personally harassed me for filming. So basically we need you to get rid of the clearance rates. Those are called quote tows. Those are unconstitutional. If there's performance bonuses and clearance rates for tickets and collars and arrests, that's unconstitutional and you can deal with that before you get sued, before we create a liability for the taxpayers ourselves. We need to protect Austin women from APD harassment, sexual assault, rapes by police, jokes about rapes. We dealt with that when we had chief Acevedo, our last chief of police, we had him making jokes in the public eye about rapes in the back of a police car. These aren't jokes. My real human being, leaders, would take these things serious and deal with the rape culture at APD and what's going on with the dusterhoff case. They're leading the people below them and we have to hold all of the public servants, including yourselves, to a higher standard than the average tax paying citizens. Average Joe like myself. You guys should be held to the higher standard and that's what I'm here to do. So I just want to say what do you say about that? What do you say to the women of Austin, what do you say to the citizens of Austin, the people experiencing homeless and the people like myself and the homeless press and other press that can't get public information and transparency on body cameras, halo cameras and other deleted video. All we do is get the runaround. I would like to ask Mr. Cronk to reach directly out to myself and grassroots about these issues and I'd like to ask all of you -- I'd like to give the rest of my time to either out or

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somebody else to speak. >> Tovo: Okay. Thank you. >> Silence is consent. Thank you. >> Tovo: Rachel manning. I see Colin Clarke in the back. You have a total of five minutes. >> Thank you. >> Tovo: And you will be followed by Michael nackbar here? Very good. You are up at the next podium, please. >> Good afternoon. I am here on behalf of undoing white supremacy Austin. My name is Rachel manning. I would like to take a moment. If there are folks who are here from usa who would like to come down and stand with me, that would be cool. Or I can just get started. We don't need to hold this up. So nearly a year ago we all made history. Community members, by showing up and speaking our truths and you all, Austin city council, who courageous yes voted to value transparency over the fear tactics of the and and their representatives, the Austin police association. And hold these institutions accountable to the communities of Austin. There has been a lot of hard work over the past year and we are grateful to all of the community members who have shown up time and time again. And to you all for really listening. We feel that. And what has been created is great. A new ordinance creating better accountability and a revised contract. We're especially appreciative of you, city manager cronk, and the way that you have really stepped in and listened. That's great. So uwsa supports the items, establishing the office of the police monitor or the new office of the police monitor, is the first of many tangible steps that we can take towards securing justice for individuals a

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communities who have experienced police violence and police misconduct. We urge you to pass this ordinance today. And the amendments proposed by councilmember Casar. We are also in support of the proposed new contract, and would like to remind everyone here that this is just the first of many contracts to come. Future contracts should only strength police accountability. This contract has credit debt accountability measures like allowing an online complaints and assuring that officers' misconduct is considered in future promotions and in their discipline and that's appropriate, but there will be steps. There things left on the table and we will continue showing up for those things. This contract will also save the city of Austin millions of dollars which should be used for the initiatives that will -- that will increase in community. We believe that an ordinance and the revised contract are necessary to updates to a system that has not been serving Austin's diverse communities, particularly communities of color. We look forward to continuing to write these historical wrongs by working together, listening with respect and taking action to dismantle the vestiges of white supremacy that have driven racial discrimination and disparities in police and law enforcement. We look forward to continuing to work with you all on this in the future. Thank you. >> Tovo: Mayor, Michael is at the podium and I believe Jackson had donated time, but that time was not used and we could go back to the people who were not here earlier. >> Good afternoon, council, my name is Mike [indiscernible]. I'm with dsa and I'm speaking in favor of 74 and of councilmember Casar's amendment. We talk a lot about how Austin is a unique city.

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It's unlike other cities, especially in state of Texas. It's this one liberal city in a very conservative place, but Austin is also a unique city in other ways. According to campaign 0's data we had the most killings of citizens by the police force between 2013 and 2017. Of all cities as safe as Austin, and we are one of the safest cities in the country, we had the fourth highest murder rate by police of citizens in the country. As a comparison, El Paso has a very similar crime rate to Austin and in that same time period police killed 72% more people in Austin. So it's something that I think is a shame of our city and it's something to do better on. And this is a real opportunity to do that. As the campaign zero data shows, there's a lot of correlation between increased oversight and less police violence and I think we have a great opportunity to make a dent in that today. I really hope we will vote yes on that ordinance and yes on the amendment. Thank you very much. >> Mayor Adler: Did you. Sarah goffer, why don't you come on down. Is Michael here? He just spoke. What about Jackson bokurt. Do you want to speak or no? Got it. Eric, go ahead. >> Hi, my name is Eric Goff here on behalf of aura. We believe in representation of everyone and that is in police oversight too. We want to talk about with people on the streets, that they have the opportunity to feel safe on the streets in every situation. It's also incidental, but how you design those streets can specifically make those streets safer, slower and reduce the need for traffic stops that can lead to all these incidents that we've

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talked about already. I don't need to readdress. But street design, street safety play directly into interactions with police so it's part of the larger picture, larger context of how this police oversight can happen. It will provide data for all sorts of useful things and will be extremely beneficial for you as you have a goal of reducing not just violence from interactions with police, but violence and interaction from traffic overall. So we definitely support this ordinance as well as the amendments. Thank you for your time and consideration. >> Mayor Adler: Thank you very much. So best as I can tell watching, even though I wasn't here, we've gone through this list twice. Are there people here who signed up that have not had a chance to speak yet? Why don't you come on down? Introduction yourself, please. >> Councilmembers, thank you for your time. This is for item 74. My name is Hannah sinco. And today I want to add to the concerns that have been raised about the sexual assault handling in our city. It's important to know that I am a sexual assault survivor that reported to Austin police department. My case was also one that was exceptionally clear. And today what I'd like to share with you is an email that I sent to chief Manley back on September sixth, 2018, regarding some concerns that I personally experienced as an advocate. Chief Manley, I'm reaching out to you as a concerned citizen of our Austin community with regard to the handling of sexual assault cases in Austin. Let me explain. I'm a two-time sexual assault survivor with my second assault occurring here in Austin. I have personal experience

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in going through the process of having a rape kit performed on me, a police report filed and prosecution denied for my case. With my own personal journey being closed years ago I have since committed

myself to helping to improve the landscape for how sexual assault is view and handled in our community. I have worked alongside with the organizations such as the safe alliance and people's community clinic. I have also begun publicly speaking about my own certainly story and my work in the assault advocacy space over this past year. Please note that all of my work in this space is 100% volunteer with zero personal gain other than hoping I can help make a difference. This past April I was thrilled to have received an invitation to join the multidisciplinary team for the sexual assault grant kicking off in Austin after APD was awarded such by the department of justice, U.S. Department of justice. Since my engagement, my concerns of handling of sexual assault cases by APD has only increased. Ly me provide further context. As part of the the training it was communicated that APD assistant chief would provide opening remarks with assistant city manager ray Arrellano in attendance. In the end neither occurred, leaving the impression that this wasn't a high enough priority for either of these individuals. Additionally it is important to know that D representatives and southern sworn sex crimes personnel were not in attendance either. I witnessed APD staff state that they were resistant to the idea of their processes being evaluated as part of the initiative as they felt nothing was needed for improvement. As they have a nine percent sexual assault rate in Texas I believe it is ignorant and even potentially negligent for anybody in the space to claim that improvements cannot be made. I've heard the APD sworn officers have been removed from the Austin sexual assault response resource team. While I am not clear on the

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reasons behind this decision it has let left me questioning once again how committed APD is seeking improvements to the handling of sex crimes in this city. I witnessed senior members, the lieutenant and victim services supervisor take control of the meeting discussions, allowing for open dialogue, as well as an overmanagement of the team ago perceptions, both of which left me disheartened as to whether real change was desired. Last week I learned that two of the key personnel leaving this project, Elizabeth don began and Kara Boyd as leaving. They gave me hope that change via this project was possible. I deeply question what is going on within the sex crimes unit at APD. I also question whether APD feels that there is even a problem to be solved here. I recognize that these questions can can be raised for most sex crimes units across our nation. I however would love to see Austin take the lead in bringing change to the space. I can tell you firsthand that the system is broken on many levels. I also believe that it is not unsolvable at the right people, at the right levels share in that sentiment. The right person here in Austin is you. I welcome the opportunity to sit down and discuss this matters with you at your convenience is. I know you are busy. I know you have more on your plate than I could imagine. I also know that everyday people's lives are changed forever as victims of sexual assault right here in Austin, while 99 percent of the perpetrators are walking away free and clear. Only you can decide if this is a significant enough concern for you, your staff and your city. I sincerely on hope that you prove my doubts and concerns wrong. I think it's important to close and let you know that I never received a response to this email. [Buzzer sounds] >> Mayor Adler: You can finish your thought. >> Okay. And the only response that I have received from APD, not in response to this email, was a letter indicating that the existing saki work group

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is being dissolved. I would no longer be a part of it. And that it's being replaced with six executive heads. Thank you. >> Mayor Adler: Thank you. [Applause] So I think several of us, manager, have raised the same issue relative to that report, and you indicated that you would be getting back to us right away on that. Because I think that's the highest priority and we need to move that, understand that. Is anyone else here to sign up to speak on the contract or the ordinance? That gets us then up to the dais. Does someone want to make a motion on the approval of the contract? Mr. Flannigan makes the motion. Is there a second to that motion? Councilmember alter seconds that. Is there a motion on the ordinance to approve the ordinance? Mr. Casar makes that motion. Is there a second to that motion? Councilmember kitchen seconds that motion. Councilmember Casar, do you want to, real short, because you laid it out for the council earlier today, you have an amendment to that ordinance. Is there a second to the Casar's amendment? Councilmember alter seconds that. Is there any objection to including that amendment? Hearing no objection, that amendment is incorporated into item number 16. [Applause]. That gets us up to the dais on discussion on items 16 and 74. It's my intent to call for a vote for them at the same time. Is there any discussion? Then let's take a vote and then we can address it afterwards. >> [Inaudible - no mic]. >> Mayor Adler: Ms. Houston? Do we know where Ms. Houston is? [Laughter] She's right here. >> Casar: Mayor, are you suggesting that vote and

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then make comments afterwards? >> Mayor Adler: Let's vote and get it passed and then let's make comments. Okay. So there's been a motion to approve both the contract 74 and the ordinance. There was an amendment added to the ordinance. They've been moved and seconded. We're going to take the vote and then if people want to take a comment we'll let that happen. Those in favor of these two items please raise your hands. Those opposed? It is unanimous on the dais, both pass. [Applause]. Congratulations. Council, you have four items for public hearing, but before you get to the public hearing items, if people want to talk they certainly can. I'm going to leave the dais probably right after we finish talking. Councilmember alter. >> Alter: I believe we are stronger when there is no us versus them, but a we who are committed to securing the best future for Austin. This agreement embodies cooperation across a diversity of perspectives and reimagines what public safety can be in this city. Thanks to everyone's dedication and willingness to innovate, we now have a contract that honors our officers and their sacrifices, restores trust within the community and enables us to meet critical needs throughout Austin. Finally, I would like to say that I'm very proud of this dais. I want to thank the city manager, I want to thank the police association and all of the advocates and everyone who helped us to learn along the way and to create and to craft a contract that we in Austin can be proud of. So thank you. [Applause]. >> Kitchen: Thank you. I'll be brief. I just want to say a few things that I mentioned this morning. I mean, basically I think

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this contract demonstrates our respect and gratitude to our police officers and their families for keeping us safe. I think the contract demonstrates the importance of building community trust as well as committing to our city's future. I'm proud to say that with this agreement we can hire new officers in line with the multi-year staffing plan and continue to pay our officers at the highest level in the state. So I want to also add my thank you, my sincere gratitude, and congratulations to everyone that was involved in this. It was a difficult process, as others have said, but it's just a really impressive demonstration of what we can do as a city when everyone comes together. And as some have mentioned, of course there's more work to be done, but we will roll up our sleeves as we have before and continue to do that. And so I also want to thank our city manager. He's demonstrated to us his ability to bring people together and we thank you for that. And I also want to thank all of our advocates, the work you do in the community and with us is just absolutely essential and thank you so much for continuing to have the trust to work with us to make change. Thank you. >> Mayor Adler: Anyone else want to comment on this? Council member Casar. >> Casar: I would like to thank the dais and our entire team at the city, including our new director of office of police oversight and our labor negotiations team and the manager for your really hard work on this. And of course I know our entire dais and our community is working hard to get the best agreement that we could for all sides on this. I would also like to thank you for incorporating this amendment language into the ordinance. As I laid out earlier, I think

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we will see how this all works and continue to modify it and do the best that we can. But it seems like one critical step laid out here in the amendment language is for us to work on our body camera policy to continue provide as much transparency as possible and as much use as we can out of the major investment this dais has made over the years in those body cams. I think there will likely be community meetings and reports back to council hopefully early next year. We also still have big questions to resolve around staffing. I think that this agreement gives us more flexibility to make decisions on investing in public safety and look forward to the conversations about future conversations about how much staffing is appropriate and how much investments in other areas address public safety. And I think that's an ongoing part of the conversation. By getting these things passed today opens the door for us to think creatively in that area instead of being overly constrained. That's, again, another benefit of the vote. I do want to highlight for the next round of police negotiations, some of the things that were brought up. We did not get everything that we wanted, but I think that's part of what having a negotiation means. I think one of the biggest changes that we got from this contract from the last one will be that we will really be able to see when there are disagreements between our office of police oversight and our police chief. And I think those should be generative disagreements where we'll get to learn a lot. Because of the push from the community and our labor negotiators and the vote of the police association, we will, in many of these cases, be able to actually see why there's a disagreement. The facts of the cases won't be hidden from public view, so we can actually publicly discuss what it is going on in our city and where there may be tension. And I think through that sunshine we can hopefully heal and we can hopefully make things

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better. Something we did not get in this agreement, though, is that if there is too wide of disagreement to the point where office of police oversight thinks that there is a violation, but our police chief thinks there was none, we may not be able to get all the details we want. I hope that those are rare instances, but I think the reason I describe that is just because I think it's important for us to know what some of those details are and air that now, because we're just about to be headed into several years of this particular system and I think it's important for it to be said so that when somebody looks back at this tape a few years from now they know what it is we were thinking. We got so much and I think it's going to help. Of course we didn't get everything and folks can think as we head into the next contract how we become more transparent. Coming out of the nitty-gritty details to me I think this council and the community took a really bold step a year ago to stop for a moment and think about what it is that we really want and I'm really -- we didn't all know how that was going to go. I think members of the association, members of the community, people on the dais didn't know how it would all go. But I think that that step showed real leadership on the part of the community and I just want to thank all of the groups who worked so hard to hold us accountable and to really ask their government to not just go through the motions but to stand up for what's right in this moment. And I think that that gamble really paid off. And I didn't know how it was going to go. I probably didn't imagine we were actually going to get to this spot. And that's, I think, thanks to the people of Austin and thanks to every single person involved in this who really showed up and stepped up and overcame expectations. >> Mayor Adler: Thank you.

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This has been a -- [applause] This whole contract negotiation has been a long process going on more than a year. And it's been a difficult process at times, as well. And I think that if you look at this process it's shown Austin at its most challenged and also at its best. I think the product we have today is Austin at its best. And the way that we were able to achieve it is Austin at its best. And I think the product of this negotiation, the ordinance and the contract are going to do right by this city over the next four years. The people that I would call out that I think we need to give real special thanks to include members of this dais that raised their hands in a way that councils in the past have not, to raise and bring attention to issues. And, quite frankly, have taken a lot of pressure for having done so. And the courage in that environment, I think, is to be applauded. I would give special thanks to the association which I think negotiated in good-faith a year ago and did everything that was asked of it and reached an agreement. To have the council say no to it. And then came back to the table in a very constructive way, a very helpful way, in a way that involved conversation with lots of different people. And this contract negotiation doesn't happen unless both parties are willing to make that happen. I think special thanks needs to go to Farrah, who is embarking on this new job. And if there's any indication from how you started this job I think your department will lead

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the country. And I'm just real proud of you and the effort that you made and the work that you did with the community. And then, finally, I think we need to thank the city manager. Quite frankly, I think you picked something up that nobody, very few people expected you to resolve on the timing that you have. Although everybody expected you to resolve it. [Laughter] But when I think back at what it was we were looking at in terms of characteristics, and as we were looking at competitors for the position, when we were filling the position, we were looking for characteristics that would help this community get through some of its historical and most emotional challenges. And so far the way you handled the budget and the way that you handled this, you have a pretty high batting average at this point, so thank you. >> Mayor? >> Mayor Adler: Yes. >> I would also give a shout out to the negotiating team that worked so hard. There have been countless hours and they came to my office and explained everything going on, the process. I really want to give a shout out to the negotiation team for all the hours that y'all spent. And I know y'all worked very hard and spent a lot of hours and days and months on this project. So thank you. >> Mayor Adler: I concur in that too. Anything else before we move on? Yes. Mr. Flannigan. >> Flannigan: I want to thank everyone for their comments and reiterate their thanks. There have been a lot of players involved in a very difficult conversation from those of us on the dais to the negotiators to the staff to the community who have all participated in this process. But I also want to especially thank the staffs of our offices, Marty buyer and others who seemingly worked on this day in and day out, attended the

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negotiating meeting, something I don't think staff have done in the past. And I think it really helped ensure our offices were engaged in this process in a way we haven't been engaged in the past. And thanks to the manager for your leadership on the staff side to make sure we got to today, flipping a unanimous no to a unanimous yes. And I think that's really good for the whole city. >> Mayor Adler: And I would add to my list the community as well too. Sorry. Sorry. Manager. >> Just again, mayor, council, members of the community. This was a challenge that I walked into when I joined this team in February. And certainly the process that has brought us to this point has been an important one. And so I am proud to be part of a team and a city that allows us to have both the important oversight that our community deserves. But also to support our men and women that are in our law enforcement departments. And so I specifically want to give a shout out to Devon and Farrah and to our police chief, to Mike and the law department. We had a great team to get us to this point. Again, all credit goes to our citizens, our residents that we dedicate every day to ensure that we E serving you and doing the best that we can to move our city forward. So thank you. >> Mayor Adler: Council member troxclair. >> Troxclair: So I said this morning and I'll say it again that having a safe city is the most important thing that us dais is charged with. We spend a lot of time on other issues, whether it's zoning or whether scooters should ride on the road or the sidewalk, or how to support small businesses, all those things.

But none of that matters if nobody wants to live in Austin because they don't feel safe here. And we can't do that without our police officers. So there was a -- somebody said earlier, somebody from the department said earlier this police department welcomes the transparency that this community desires. And that is just really, I

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think, embodies the reconciliation that we saw here today. So thank you to not only everybody who's been mentioned earlier, but also just to the police officers, I guess, who have been out there during this time, not really involved in this conversation at city hall but have been uncertain about their future with the city. I just want them to know that we value you. We appreciate the service you provide. And thank you for sticking with us throughout this process. I am looking forward to bringing forward -- or working with my colleagues. I've talked with council member kitchen about bringing forward a resolution to make sure that we're following through on the staffing plan as recommended by the city manager, and making sure we're adding the officers we need as our city grows. I look forward to working with my colleagues on that. Thank you all for your efforts on this issue. >> Mayor Adler: Mayor tem, I'll turn the chair over to you to resolve the last four items. >> Mayor Pro Tem: So that takes us to the public hearing portion. And we will start with item 69. So this is a public hearing consider an ordinance regarding Texas gas services revised conservation adjustment clause tariff. We had a discussion on Tuesday about potentially postponing this. It is my understanding, and I did see Mr. Graham here from Texas gas. It was my understanding there were not concerns about postponing it two weeks. If that's still the case, we might just go there. Council member alter? >> I wanted to make the motion to postpone. >> Mayor Pro Tem: Is there a

[5:12:06 PM]

second? Council member Garza. I'll invite Mr. Graham up just to confirm that two weeks is acceptable. >> I don't have any additional information. Thank you. >> Mayor Pro Tem: Mr. Graham, did you want to address us or would a two-week postponement work from your perspective? >> Thank you. We're here and we're happy to discuss it tonight, if you want. If you want the postponement, I mean, we're here at your pleasure, but we're here. Our preference would be to discuss it tonight. Just in case you guys do have questions and would like more information. >> Mayor Pro Tem: Okay. Thank you. Any other discussion on this item on a possible postponement. Council member Flannigan. >> Flannigan: I'm in support of the postponement but I would encourage you to reach out to our offices so we can make sure you know those questions far in advance of the next meeting so everyone is prepared to answer them. >> Mayor Pro Tem: Great. Okay. Ready to vote? All in favor of postponing this item? That is council member troxclair, alter, kitchen, Flannigan, tovo, Renteria, Garza, and pool. So that motion passes. Council members Houston, Casar off the dais. And the mayor also off the dais. Item 70. Welcome. Director truelove. >> Item no. 70 is an item to conduct a public hearing and consider a resolution relating to an application by amtex multi-housing LLC to the Texas department of housing and

community affairs for low-income housing tax credits for the construction of an affordable multi-family development to be known as the limestone ridge senior apartments located at 6907 and 7011 Mckinney falls parkway, Austin, Texas 78744, which is in the city's extraterritorial jurisdiction. >> Mayor Pro Tem: Thank you. We don't have anyone signed up

[5:14:06 PM]

to speak. Is there a motion on this item? Council member Renteria moves approval. Council member Flannigan seconds. >> I have a quick comment. >> Mayor Pro Tem: Council member Garza. >> Garza: This was the affordable housing apartment complex in district 2 that doesn't have service to cap metro, and I expressed some concerns then. I'll be honest, I still have concerns when we're putting these kinds of developments out. I hope we can have that policy discussion as we move forward with our affordable housing bonds and how we dole those out. There was a more recent memo. I had a discussion with the applicant and they said that they would mark it towards people and give options for transit with some different ideas. But I have to say, even the new memo, you know, it highlights opportunities but and also provides recommendations, and the recommendations have cap metro extend their service. And I hope we can move from I guess expecting our cap metro service to continue to move out when that in effect makes our system less efficient. And so we just had a big remap, cap remap trying to make it more efficient, trying to get people on transit. I look forward to the policy discussion. I don't know how that's being brought through our housing committee or what. I know we're having it at the regional affordability committee. But I will reluctantly be supporting this. >> Mayor Pro Tem: Other comments? Council member Renteria, I assume your motion was to close the public hearing and approve it. Yeah. Okay. All in favor? Okay. That passes with a vote of council member kitchen,

[5:16:06 PM]

Flannigan, tovo, Renteria, Garza, and pool. All opposed? Any abstentions? Council member troxclair abstains. Council members Garza and Houston are off the dais and mayor Adler is off. Alter. And actually, I believe council member alter was off on the previous vote as well. Council members alter, Casar, are you voting for it? All right. So we'll add you to the yeses but add council member alter, mayor Adler and Houston off the dais. >> My intention was to abstain. [Laughter] >> Mayor Pro Tem: Let's clarify by voting all over again. The motion is to close the public hearing and vote to approve. All in favor. Council member Casar, kitchen, Flannigan, tovo, Renteria, and pool. Any opposed? Any abstentions? Council members troxclair and Garza off the dais. Council member Houston and council member alter and mayor Adler. I think we're done with that item. >> Next one. Item no. 71 is an item to conduct a public hearing and consider a resolution relating to the application by rise residential construction to the Texas department of housing and community affairs for the construction of a multi-family development to be known as lakeway apartment homes located on fm 620 at storm drive in the city's extraterritorial jurisdiction and acknowledging certain facts related to the allocation of housing tax credits and private activity bonds within the city and near the proposed development. >> Mayor Pro

Tem: Thank you. And we do have someone signed up to speak, and that's Jeannie Elliott. Welcome. You have three minutes. >> Good evening. I'm Jeannie Elliott. I'm in district 6. I was the face of what affordable housing used to be. As a newly-married woman, mother with both my husband and I working full-time jobs we still couldn't afford an apartment.

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So we lived in affordable housing for three years before purchasing our first home. Affordable housing should be available in all areas and by restricting the housing development it punishes low and middle income residents. This is why I support this project. With your support as well, you allow others like me to strive to become better citizens in our community. Thank you. >> Mayor Pro Tem: Thank you so much for being with us today. Are there questions for staff? A motion to close the public hearing? Council member Flannigan moves to close the public hearing and approve. Second? Seconded by council member Renteria. Council member Flannigan. >> Jeannie, thanks for coming down here. I always like to thank the D 6 folks because it is a long drive. This project is just outside district 6 in an area that is highly unlikely to ever get served by public transit, but in a part of the community that is desperate for affordable housing. I'm really excited to see this, although I concur with council member Garza that these are the types of things we need to explore. I'm more comfortable when we're talking about tax credit projects that are not limited. If this was a limited type of pool of money then I would have a much different perspective. But I'm in very much support of this as are my constituents. >> Mayor Pro Tem: Thank you. Other comments? All in favor? And that is unanimous on the dais with council members alter, Houston off the dais and mayor Adler off the dais. So that brings us to our last item, which is item 72 to consider a public hearing and a resolution. >> Relating to the application by rise residential. This property is Austin Parmer II apartment homes located near the intersection of Bellingham and east Parmer lane in the extraterritorial jurisdiction. >> Mayor Pro Tem: Thank you. And I don't see anyone signed up.

[5:20:08 PM]

Is there a motion? Council member Renteria moves approval. Seconded by council member Flannigan. Discussion? All in favor? Sorry. Council member troxclair. >> Troxclair: I was going to make a quick comment that I am going to vote against this one just because it scored really low on a lot of the metrics that we look at, like mobility, jobs, environment, et cetera. So although to council member Flannigan's comment, although it's not necessarily a limited pool of money, this is our having the opportunity for the council to put forward these resolutions of no objection is the state asking us for our input of what kinds of developments we want to see -- and this is our opportunity to say yes this is a good spot for mobility. This is a good spot that is going to contribute to our community. So I'm going to continue to try to use my best judgment based on these metrics on where is the best place for us to have affordable housing. >> Mayor Pro Tem: Thank you. Council member Flannigan. >> Flannigan: I would add to that. I look forward to the day that the state of Texas takes input from the city of Austin seriously. >> Mayor

Pro Tem: Other comments? Okay. So the motion before us is to close the public hearing and to approve this item. Other thoughts? All in favor? Council members kitchen, Flannigan, tovo, Renteria, Garza, and pool. Any opposed? Council member troxclair. Off the dais again council members Casar, alter, Houston, and mayor Adler. >> Thank you. >> Mayor Pro Tem: I believe that's our last item, so we stand adjourned at 5:21 P.M., and I believe we do have music and proclamations, so stay tuned for those. Thank you. Yeah, that concludes the formal part of our meeting at 5:21.

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And at 5:30 we'll have music and proclamations.

[5:25:58 PM]

[♪ Music playing ♪]

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[Music playing] >> Mayor Pro Tem: Okay. Welcome. We have come to the live music portion of our council meetings. As many of you know, this is one of the things that makes the city council meetings here in Austin, Texas really unique. I believe we're one of the very few city councils who break up their meeting for both dinner and for live music each meeting. And tonight we have a very special guest with us, Aldo Ramon was born in Texas. As a teenager, he landed a gig touring internationally out of Miami, Florida but he always returned to Austin as his home base. Aldo has been a studio and touring musician for some of Latin music's biggest acts such as menudo and many others. You can hear his works on mtv, ps3 video games, applications, voiceovers and commercials. He is currently finishing a solo reggae record featuring various artists and a musical instrument called an air board. That will be released next year. Please join me in welcoming Aldo Ramon. >> Thank you. Thank you so much.

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[music playing] [Singing in Spanish] [Music playing] [Singing in Spanish] >> All right, everybody. Thank y'all so much for coming out here. I need y'all to put your hands together right now. If you love your mama, make some noise right now. Come on. If you love your mama, make some noise. That's right. I got to give a big shout out to

[5:37:32 PM]

my mom and my brother Anthony. All you beautiful people here in the audience. David, we got Eli, we got Joe right here. Simone Wilson, mark Shelby. Thank you so much for coming out, my name is Aldo Ramon, Austin, Texas my home and I thank y'all for all you have done for us. Let's put our hands together for Steve Adler and the staff right now. Put your hands together. Thank you so much. Now let me hear you say hey oh. Say ha ha. Yeah. Just make a lot of noise here in city hall. Thank you so much. My name is Aldo Ramon. Yeah, yeah, yeah. We're going to have an after party from 7:00 to 10:00 right down on sixth street. Thank y'all so much. [Applause] >> Mayor Pro Tem: Can you tell us, just remind us where we can hear you next. I think you mentioned an after party this evening. >> There's an after party atlasky from 7:00 to 10:00. Also I will be performing on Saturday at [indiscernible]. I'll be playing columbian music. >> Mayor Pro Tem: Terrific. Where can interested people find your music? >> Online. I go by Aldo caldo, like the soup. Aldo means soup in if Spanish. Yeah, I go by Aldo caldo. Follow atx music. >> Mayor Pro Tem: Thank you so much. On behalf of the entire city council we have a proclamation for you. Be it known whereas the city of Austin Texas [indiscernible] Every musical genera and whereas our music scene thrives because Austin audiences support good music produced by legends, our local favorites, and newcomers

[5:39:34 PM]

alike. We're pleased to showcase and support our local artists now therefore do proclaim November 15, 2018 as Aldo Ramon day in Austin, Texas. Congratulations. Thank you. [Cheering and applause] [Taking pictures] >> Mayor Pro Tem: So we have a few proclamations to present this evening our first one is going to be to our volunteers who work on behalf of the water quality protection lands. I want invite all of you who are

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here for this one to please come up. And maybe those of you who are here to support those folks could also join us. So this proclamation is going to be presented to Samantha Eberhardt. Thank you so much for all the work that you've done on behalf of the entire city and the entire city council. We're really grateful to you for serving our city in that way. Be it known that whereas the conservation efforts of the city of Austin's balcones land preserve and water protection lands are bolstered by the contributions of time, talent, and the expertise of volunteers. Whereas volunteers gave more than 2,700 hours in the past year alone. And that's more hours than is equivalent to one full-time employee. And these volunteers led guided hikes, they participated in habitat restoration, golden cheeked warbler surveys, plant studies, field moisture monitoring and seed collection. And whereas the work of volunteers such as Samantha Eberhardt who can be found restoring native grass lands and Debra Watson, who unfortunately couldn't be with us this evening but is also receiving a proclamation. Debra Watson has

worked to restore engaged species habitat and native grasslands. Both are leaders in land stewardship for these programs, exponentially increasing the capacity of the wildland conservation division to care for Austin's environmental treasures. We are so very, very grateful. Now therefore I, Kathie Tovo, mayor pro tem on behalf of Steve Adler, mayor of the city of Austin Texas, declare wildland conservation appreciation day in Austin, Texas. Thank you and congratulations. [Applause]

[5:43:59 PM]

[Taking pictures] >> Mayor Pro>> Hello, everyone. I'm council member Ann Kitchen representing district 5 south Austin. And I am honored and excited to present a proclamation and certificate of appreciation to Habitat for Humanity electrical crew -- excuse me. I can't talk today. And so would you all come down here? I know we have certificates of appreciation for Barry, Kirby, and Jon. And everyone else wants to come and join us? [Cheering and applause] >> Kitchen: And I also have a proclamation for them and for Austin Habitat. So thank you all. Come on down. Everyone is welcome that's here with Habitat. Okay. So, first I'm excited to read this proclamation. So be it known that whereas Austin Habitat for Humanity founded in 1985 has provided over 30 years of impactful service to Austin area families. Austin Habitat families and volunteers have devoted thousands of hours to building more than 400 Habitat for

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Humanity homes in Austin. You all should be very proud, and you have been very busy. So whereas Austin Habitat has the benefit of a long standing volunteer electrical crew which has installed the electrical equipment in over 175 Austin Habitat homes amounting to a contributed amount of over 600,000. Austin Habitat was then able to use those savings and other endeavors in its mission to provide a path to home ownership, to deserving hard-working low-income partner families here in Austin. And whereas of that crew, Barry Fisette, Kirby Watson, and Jon Wells have given a combined 54 years of volunteer service to Austin Habitat. [Cheering and applause] All right. Now therefore I, Ann Kitchen, on behalf of the city council and Steve Adler, mayor of the city of Austin, do hereby proclaim November 15 as Habitat for Humanity electrical crew volunteer recognition day. Thank you so much. [Applause] And I also have certificates of appreciation. So first for Barry for his years of volunteer electrician service with Habitat for Humanity. Barry Fisette. I hope I'm saying that right. Am I saying that right, Barry? Is deserving of public acclaim and recognition. Mr. Fisette is a member of a longstanding volunteer crew that has installed electrical equipment in over 175 Austin area homes. This certificate is issued in acknowledgment of the significant achievement. This 15th day of November in the year 2018. [Applause] I also have a certificate of

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appreciation for Kirby Watson. Also deserving of public acclaim and recognition. And also a member of the longstanding volunteer crew. And, again, that is installing electrical equipment in over 175 Austin area homes. So this certificate is issued in acknowledgment of this significant achievement, this 15th day of November. [Applause] >> Kirby spent a lot of money to make sure he didn't have to show up. [Laughter] >> Kitchen: And also for Jon wells. So thank you, Jon. Also deserving of public acclaim and recognition. And thank you so much for being a member of a crew that has installed electrical equipment in over 175 Austin area homes. I think that bears repeating over and over again. Thank you all so much. So thank you, Jon. [Applause] [Taking pictures]