

## City Council Regular Meeting Transcript –8/20/2015

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[10:16:09 AM]

>> Mayor Adler: Morning. Rabbi freedman would you like to lead us in invocation this morning? Would everyone please rise?

>> Heavenly one, we are gathered in gratitude this morning for the service of this council, their staff, our city manager and his staff as well as all those who labor on behalf of the citizens of this city. Grant them strength and good health as they go forth in their work each and everyday and view them, oh god, with a sense of wisdom to do the work of not only keeping Austin weird, but also safe and vital and just. Most of all, oh god, grant this city and all of its citizens a sense of shalom, a sense of wholeness and peace, and let us all say amen.

>> Mayor Adler: Rabbi freedman is the rabbi at temple bell shalom and also my rabbi. So thank you very much, sir. I am going to convene and open today's meeting. It is Thursday, August 20th, 2015. We are in the Austin city council chambers. It is 10:15. 301 west second street. I have some changes and corrections to read into the record. Item number 3 was approved on August 17th by the electric utility commission vote of 11-0.

[10:18:20 AM]

August 18 was a vote of 9-0. Items 27 and 41 have been recommended by the electric utility commission on 11-0 vote. 39 was recommended conditionally by the electric utility commission on an 11-0 vote. Item number 47 should also show as co-sponsors councilmember Delia Garza and councilmember Leslie pool. Item number 51 has been withdrawn. And it will be handled during the budget conversations that we have. We have a couple of items that have been pulled off of the consent agenda this morning. The items that I show as being pulled are item number 2, which is associated with number 52. Item number 4, item number 5, item number 11, item number 14. Items 17, 18 and 19. Item number 23, item number 35, item number 36. Item 41, 42. Item number 50. And those include the items that have been pulled by speakers as well as by councilmembers. And also item number 70 has been pulled. That was the addenda item with respect to Rainey street. I'm going to address that item in just a second.

[10:20:29 AM]

I have item number 22 pulled as well in addition to item number 23. 22 was pulled by Zimmerman and troxclair, 23 by Renteria. Yes, did someone have something else?

>> Gallo: I did. It was my understanding that we had requested that item number 2 and the corresponding item 52 be set for a time certificate at 2:00.

-- Time certain at 2:00.

>> Mayor Adler: Can you tell me why?

>> Gallo: I think there are a number of people that have requested a time certain speak they can be here to listen and observe and participate from both the neighbor and neighborhood side and also the industry side.

>> Mayor Adler: Anybody have any objection to a same attorney setting of the -- to a time certain setting of the strs at 2:00. Then we'll call that at 2:00. I also have number 6 pulled and number 14 pulled if I didn't say those earlier, I missed those. Again, the items I have pulled are 2, 4, 5, 6, 11, 14, 17, 18, 19, 22, 23, 35, 36, 41, 42, 50 and 70. Yes, Mr. Casar?

>> Casar: If we could pull item number 53 we could consensus dispense with it quickly, but in order.

>> Mayor Adler: And we'll handle that when we handle the non-consent agenda. Any other items to pull? We have two speakers to speak on the consent agenda, Stuart Hersh and Margot Dover.

[10:22:40 AM]

Mr. Hersh?

>> Zimmerman: Sorry, Mr. Mayor. Was item 11, were there speakers for that? Did I miss that?

>> There were speakers on item number 11, so that item was pulled. Four items pulled by speakers, 5, 11, 19 and 70. Mr. Hersh, you have three minutes.

>> Thank you, mayor and members of the city council. My name is Stuart Harry Hersh and like most in Austin I rent. And since the year when Harper Lee's new novel was released, I thought it important to address this item with the reference to the title of the book. It comes from chapter 21, verse 6 of Isaiah and it says for thus hath the lord said unto me, go set a watchman, let him declare what he seeth. And on item 44 I'm providing you a copy of both my comments this morning and the fact that some of us have been discussing Austin's investment in inspection and code enforcement since the last century and an international audience, and that hasn't been part of the Zucker conversation. This item allows an opportunity to discuss problems identified in the Zucker report in compliance with both dangerous long-term rental properties and short-term rental properties as well. Please note that page five of the Zucker summary highlights that the revenue estimate with permit fee increases in 2013 and 2014 was 17 million plus, but the actual revenue was 28 million, an 11-million-dollar difference. In 2012-2013 the estimate was 13 million, and the actual revenue was 21 million, an eight-million-dollar difference. I was the only citizen to testify against building permit fee increases, arguing at the time that projected revenue was an underestimate and actual revenue would be sufficient to pay for all the requested new positions and overtime.

[10:24:43 AM]

Comparable problems with code compliance exist were revenue in 2009, 2010 was \$245,000 and in the coming budget it will be \$18 million. So clearly revenue is not the issue. I'm glad that the council is discussing building inspection as an enterprise fund once again and possibly making plan, review, permitting, inspection and code enforcement, one department supported by enterprise funds like it was in the last century. I have prepared in 1998 showing a pattern of disinvestment in permit and code inspection from 1985, the staffing levels were no longer linked to revenue, but instead as a result of competition with public safety departments for general fund resources. I ask that you approve this item today and allow me and others to be part of the conversation that the contract will result in. And if building inspection is recreated, I would ask that you consider making the two divisions development services and neighborhood services. Thank you very much for your service and your time.

>> Mayor Adler: Thank you for your comments. The work being done by the city staff and the manager with respect to the permitting process is a high priority for the city. And for many of us on the dais. And I think a lot of us are excited at the prospect that we'll handle this issue in a big way and substantially change and improve the process. I had asked a question at work session with respect to this item

number 44 and it is my understanding from talking to staff that this contract is being expanded to include Mr. Zuckerman's recommendations on what the success metrics should be, taking a look at what has -- kind of the working document that's out there, giving us recommendations on what should be added or subtracted or changed.

[10:26:49 AM]

And it's going to be made part of the contract and in fact will be the first part of the contract that's handled. And it's anticipated that he will be able to get that back to staff and then back to us within 15 days of the execution of the contract, which will certainly help that process so we can get it up and down and we can then focus on execution. So I'm excited about that. The other person that we had speaking on the consent agenda was Margot Dover on item 22, except that item number 22 has been pulled. So we'll call that up when we -- as part of the regular agenda. You should wait because the item will come up so you will get a chance in a second. I apologize for that. So it will get called up. It's been pulled so it's not part of the consent agenda. I want to read into the record as to item number 46, there is a board and commission nomination that may not have been part of the record. It is the parkland events task force, Pam Thompson, who is the nominee of the environmental commission. So it's the environmental commission representative.

>> Zimmerman: Mr. Mayor, I thought my policy we weren't doing that, we weren't putting people on at the last minute and we're supposed to have them in by Wednesday afternoon.

>> Mayor Adler: And that was the position that I took. I think I might have been the lone vote the last time that that happened just because I think it's important for us to have these nominations in. I in my mind was going to make an exemption for this one because it's not really a council appointment. We've delegated that duty to the environmental commission. And this was -- this was theirs. But I can -- if it was a desire on the council, I could separate those out, otherwise because of that reason I was going to just call them altogether. If that's okay with you, then we'll just call them altogether.

[10:28:51 AM]

Ms. Tovo?

>> Tovo: I would encourage an exemption and also I would just remind the council that there's nothing in our code that prohibits us from making nominations from the dais, but also it's not even clear to me why we're affirming an appointment that's coming from one of our boards and commissions. We have a lot of boards and commissions that get to select from among their membership for different task forces

and commissions and others, so I'm not even really sure why this is on our list for approval anyway. It's a moot point as long as it's successful, but I guess we should just take a look at how we set those up. In this case I think that was my resolution. I didn't really intend for us to be affirming those appointments.

>> Mayor Adler: Let's do this. We'll go ahead and approve it as part of this in case we needed to. And if we didn't need to, then it's there anyhow and then the clerk can take a look at that question on whether or not those are appropriately on here or not. So that's item number 46. Is there a motion to approve the consent agenda. Ms. Gallo. Is there a second? Ms. Troxclair. Any debate? I'm sorry.

>> Zimmerman: There are some exemptions. And I've given those to the clerk already if you don't feel like reading them in. How does that work? Is it required to read them in?

>> Mayor Adler: I think so. Let's go ahead and read them in. So the items that have not been pulled and that are on the consent agenda, Mr. Zimmerman is abstaining from item number 3, he's abstaining from items 7, 8, 9 and 10. I don't have item number 12 being pulled, so if that's on the consent agenda you would be shown as voting against. Do you want that item pulled?

>> Zimmerman: Yes, I marked it to be pulled.

>> Mayor Adler: So item number 12 will also be pulled.

[10:30:57 AM]

Mr. Zimmerman is abstaining on item number 13. Abstaining on items 15 and 16. Against item 20. 19 has been pulled. Also on -- abstaining on item 20, abstaining on item 24, 25, 27, 28, 29, 30, 31, 32, 33 and 34. Abstaining on item 37, 38, 39 and 40. Abstaining on item 43, abstaining on item 45.

>> Zimmerman: That's correct, thank you.

>> Mayor Adler: Any other know additions before we approve the consent agenda? No further discussion it's been moved and seconded. Those in favor of approving consent agenda please raise your hand? Those opposed? Thank you. We're now going to handle the items that are not on the consent agenda. The first one of these I'm going to call is item number 70, which is the Rainey item. There's been a request that the Rainey item be pulled from this agenda. It was not an action item for us to resolve at this point. I know there are a lot of people that have shown up to speak on this item, so I'm going to make an exemption and let each side have one speaker if they wanted to for three minutes, if they wanted to avail themselves of that. And then I want to address the items associated with the Rainey street briefly and give the opportunity for others on the dais to do that if they so wished.

[10:32:58 AM]

Ms. Pool?

>> Pool: Mayor, can we check to see if both sides on item 70, which is 64 Rainey, are in the house? They may not have been expecting it to be -- to come up in front of us so early in our meeting. We should check to see if we have people from both sides of the question.

>> Mayor Adler: So if the group is not here, then I'm going to hold this off because we want a critical mass of the people that are here to talk so they can pick one representative to speak on that issue. So I'm going to hold off on 70 because it doesn't look like that group is here. So we're going to come back then to item number 70. I want to know resolve those things that are on the non-consent agenda that we might be able to dispense with quickly so we can let people go. So there are some of these items that I think we can resolve quickly. You had one, Ms. Tovo, is that correct?

>> Tovo: Thank you, mayor, I do. Item 35 I just have a quick question for our staff really, though perhaps the applicant for this -- the recipient of this, the potential recipient of this contract might also want to address it. Tovo my staff have a had an opportunity to talk to you. One of the questions we've gotten from another organization in time that does some similar work is the extent to which this recipient would be required or encouraged or some other action to work with other community partners in achieving these programs.

[10:35:03 AM]

Impervious cover good

>> Good morning, rondellahawkins. This is to award the management services contract to the Austin film society. And the whole mission of public access community media services is to work with non-profit organizations and community-based organizations and individuals to get their input and their use of these resources. So it is certainly the intent that the proposed contractor would work with all organizations in Austin to maximize the community media center and resources.

>> Tovo: Do you have a sense of what partnerships are going to look at this this point or what are the mechanisms for ensuring that different community partners will at least have an opportunity to have that discussion?

>> Yes. And just historically in our contract we have goals to ensure that the contractor reaches out to -- that there's diverse programming that's put on the public access TV channels. This is a -- a community resource and it's not intended to be for exclusive use. There will be outreach. I think that the contractor will work with organizations and and historically this is one of the missions and purposes of the program.

>> Tovo: Thank you. It was the Austin school of film that reached out and expressed an interest in talking with the potential with the Austin film society. I hope those conversations will be accessible to all community partners who might wish to be involved. So thank you. With that, mayor, I would like to move approval.

[10:37:09 AM]

>> Mayor Adler: Ms. Tovo move approval of item 35. Any discussion on item 35? Those in favor of 35 please raise your hand? Those opposed? It's unanimous on the dais with Mr. Zimmerman abstaining. Mr. Renteria?

>> Renteria: Quick one here is item 23. And basically I want -- it's authorizing the execution of the encroachment agreement with sky house Austin. And the amendment I would like to add is additional direction that the fund from this agreement, approximately 49,000, gets directed in the Rainey street district fund. And.

>> Zimmerman: Mr. Mayor, point of order, I voted on it for consent and if he would like to bring it up for consideration, I would make that motion. Go ahead.

>> Renteria: Basically the Rainey street fund was used to --

>> Mayor Adler: Hold on one second. I'm not sure that we have the right number. 23, I see. 23 was pulled.

>> Renteria: I pulled it.

>> Mayor Adler: You're right.

>> Renteria: Basically this fund was used to move some homes from Rainey, the historic preservation homes and move to Tillery. And right now this fund is supposed to be used for saving historic homes in the Rainey district, neighborhood district. And it's in a hole right now, but any type of that money for development in that district is supposed to go into this fund, but we're trying to bring it down so that when other developments happen we will have -- we'll have a smaller balance to work with, but this will reduce it to just we owe \$457,000 instead of the \$507,000 that we're in the hole right now.

[10:39:25 AM]

>> Mayor Adler: Okay. Is staff here on this issue, 23? Anyone here to speak to that? The question is any problem with us earmarking the fee paid for this to the Rainey street fund.

>> No.

>> Mayor Adler: Ms. Tovo? Hang on.

>> I think in order to move the money into that fund we may need to come back with a budget amendment, but if it's council's intent to give that direction, then we can come back with that budget amendment if we need it.

>> Mayor Adler: Okay. This item has been moved -- this amendment has been moved by Mr. Renteria. Is there a second to that? Ms. Tovo seconds that. And if it affects it, it would be fine. And if not, then legal would need to come back to us with a budget amendment. Further discussion on this amendment to item 23? Mr. Casar?

>> Casar: Mayor, I'm inclined to support the motion, but I would just want to know where this money would be going most likely in budget if it's just generally to the general fund or if it's another fund that we would be diverting it from.

>> Mayor Adler: I think where the money would have gone is the question.

>> Lorraine riser, officer of real estate. Currently encroach. Agreements the money goes into the support services fund for all encroachment agreements.

>> Casar: Thank you.

>> Mayor Adler: Any further discussion on this.

>> Considering the deficit in the Rainey street fund that there's a direct tie here and I feel comfortable supporting it. Thank you, councilmember.

>> Mayor Adler: Any further discussion on the amendment? Those in favor of the amendment raise your hand?

[10:41:26 AM]

Those opposed? It's unanimous on the dais. Now we'll vote on item 23 if there's no further discussion. Those in favor of item number 23, please raise your hand. Those opposed? 23 passes. Anybody else have any items that they've pulled here that they think are quick items?

>> Casar: I was unclear if 53 has to be taken up at a specific time as a zoning case or if it can be dispensed now. I think it woulding a quick item. It's just reading things into the record to get third reading.

>> Mayor Adler: Okay. We could certainly pull up 53 and take care of that quickly. It's been set any time after 10:00. Do you want to make your statement and then we'll move forward.

>> Casar: I move that we postpone this for just one week. I understand we have our Austin energy agenda, but I think it would pass on consent next week unless there are any questions. If there's any need for discussion, I understand that we would keep it for another agenda, but I would postpone it for one week so we can give direction to staff with the following conditions incorporated into the ordinance to replace those on second reading. That gr zoning on tract 1 have these uses prohibited. Auto washing sales and rentals, commercial parking, terminating services, funeral services, pawn shops, drop off recycling and service station. Cs-mu zoning on tract 2 has a limit of 209 multi-family units. That trips of limited to had thousand vehicle trips per day and in lieu of that traffic, at least 15,000 would be for pedestrian, traffic improvements on or near the site. It does not include items otherwise required by city code and the improvements shall be approved by the city council at the time the first site plan is submitted for the property.

[10:43:28 AM]

>> Mayor Adler: It's been moved to postpone item number 53 to next week with the understanding that we would actually consider it if it's on consent. And if not, we would bump it again. Ms. Gallo?

>> Gallo: You knew this was coming. I just -- I'm very reluctant for us to continue to schedule council meetings on the same Thursday as Austin energy meetings. That will give us four council meetings a month when we do that. In addition, this next week's meeting we have a hard stop at 11 to begin the budget meeting, and I'm not quite sure where we plan -- I think we've got one item that was moved to a council meeting already for next week. I just -- I want us to be -- I don't have a problem with postponing, but I think we need to postpone it to some other meeting than a special called council meeting on the same Thursday as Austin energy and also a budget meeting.

>> Mayor Adler: Okay. I have an alternative for you, Mr. Casar. We have decided as a council that we wanted to call a meeting on Tuesday morning. I'm going to call that. If I put that on that agenda, again with the understanding that it would be up or down vote, are you okay with us putting it on the agenda for Tuesday?

>> I'm fine with both as long as it's fine with legal. And our staff -- my understanding was that since next week we already have something on consent that this would add no time, but if Tuesday is the preference so that we don't set the precedent on Austin energy meetings, that's fine as well.

>> Mayor Adler: Let's do it on Tuesday.

>> Casar: And I understand the reason for the precedent and I appreciate y'all entertaining this case taking some time. It's just working out turning an industrial tract into a multi-use tract in the correct traffic arrangements was complicated. Hopefully I'll keep getting better at it as we take more time.

>> And thank you for taking the labor on this for the rest of the council. It's been moved and postponed to next Tuesday the 23rd. We'll put it on the agenda. With the understanding that it will be handled as consent or otherwise put off further.

[10:45:30 AM]

That's been seconded by Mr. Zimmerman. Is there any discussion on that to postpone?

>> Pool: Mayor, the date is the 25th. I think you said the 23rd.

>> Mayor Adler: Tuesday the 25th, next Tuesday. Any further discussion? Those in favor of postponing this please raise your hand? Those opposed? It's unanimous with Ms. Houston off the dais. So we have now taken care of item number 50. Any other items that are quick to handle? Ms. Gallo.

>> Elaine hart, cfo. We have one item, part of our bond sale, number 14. We have bond counsel and financial advisors here. Could we take that one next.

>> Mayor Adler: That would be fine. Mr. Zimmerman, you pulled this item. Did you have any questions?

>> I do and it's pretty quick. I'll call your attention to the back side of the council action page. At the time of the page where it's talking about the 16 million of contractual obligations, at the end of that paragraph it seize the remaining 6.9 million is associated with equipment included in the proposed 2015-2016 capital budget. So a common sense reading of that suggests you're asking us to vote on the money before budget has been approved because we haven't voted on the money for the next budget?

>> That is correct. And there is a listing in the attachments, attachment B provides a detailed listing of the equipment that we would expect that we're asking for approval in the budget. To the extent that you do not approve those appropriations we would reallocate the bond dollars to other capital items. Included in our listing of equipment is the gatrrs project, which is a six year project we're funding with KO's over six years and certainly at 5.3 million a year we're in the fourth year so the remaining bond items, if none of them were appropriated by this council during the budget adoption they can be used on the gatrrs project.

[10:47:37 AM]

And bond council has said that we do have the ability to reallocate.

>> Zimmerman: Okay. I'm asking the council that we take a look at the way we do budgeting. I've been critical of that. This is another instance. You're asking us to approve money before we've approved the budget. And if we approve the money before the budget is approved, then you'll allocate it somewhere else. That's not the city council being involved in budgeting process, right? If we're being asked to approve money for a budget that's not yet approved, then you will have the discretion to reallocate money, it's cutting the council out of the decision-making process.

>> Mayor Adler: How about if we do this? How about if you could write that policy question down I'll refer that to the audit and finance committee so that we can look at it more globally. Do we hold this up to address the policy question because it has been a recurrent issue that you've brought up before.

>> Zimmerman: Fair enough. I'll make a motion. I move that this item be amended so that the 6.9 million that's being requested here, that that be struck from this item. That's my motion. And we just take it out. Let's just do that right now, if I can get a second and discuss that.

>> Mayor Adler: It's the item with the 6.9 million removed.

>> Zimmerman: My motion is to amend that item to take it out.

>> Mayor Adler: Is there a second to that motion? Mix troxclair seconds that motion. So now discussion on that item.

>> We've issued two million in KO's for ongoing regular replacement of equipment for our departments.

[10:49:38 AM]

This would impede the ability of those departments to continue to provide services for road improvements and other things of the like. This particular one includes equipment for our golf courses that was not included in the two prior years. They do have ongoing equipment of replacement needs. We can look at changing the way that we do this for the next year so that it is on an after the fact basis. So what would happen is we would have a smaller sale in one year and then move to selling after the budgets are proved. But there are regularly -- there are items that are contracts before we go to council prior to the budget being adopted. There are three on today's agenda. This is the way that we've done our bond sales in the past, but we can certainly look at changing them in the future, but we do have the flexibility to reallocate. And the gatrrs project is one that has been approved by council. It's not we're in the fourth year of a six year project.

>> Mayor Adler: Any further discussion on this -- on this -- I'm going to be inclined to vote against the amendment so that this can proceed and then to ask the audit and finance committee to take a look at that practice more generally before you would make any changes like that. I would just as soon we take

a step back and you could explain the benefits and drawbacks of each way of proceeding. That's how I would vote. Further discussion on this item, Ms. Troxclair?

>> Troxclair: So our financial policies for the issuance of non-voter approved debt, say that if the capital expenditure is urgent, unanticipated, necessary to prevent an economic loss, revenue generating, approved and budgeted for or the most cost effective option?

[10:51:46 AM]

So I just think in general, and we can talk about this more if we're going to have a policy discussion about it, the regular replacement of our equipment I don't think falls into any of those categories, especially if it's things that have not been approved in the budget yet. So I guess I do have a concern of us issuing non-voter approved debt for things that I don't think fall under our city's financial policies. So I'm not going to be able to support this today.

>> That specific policy is relative to certificates of obligation. These are contractual obligations that are short-term, seven-year bonds that are issued for equipment, not -- generally real property is what Co's are used for. This is a different category of debt. Shorter term equipment type of things that are large pieces of equipment. So that policy is not really relevant to the KO's. It's for certificates of obligation.

>> Troxclair: But this is still non-voter approved debt.

>> Yes, it is.

>> Troxclair: I think that there should be a high bar of what we're using that money for if we're not going to ask the voters for approval for it. But we can talk about it in our broader policy conversation.

>> Mayor Adler: Further discussion, Ms. Tovo?

>> Tovo: I guess I need procedurally just so ask, we have a motion on the table, but it includes the amendment. Would it be appropriate to make a substitute motion for the staff recommendation as is or are we voting on the amendment?

>> Mayor Adler: We'll just vote on the amendment. If it gets voted down, then we'll vote to approve the item without the amendment.

>> Tovo: Okay. But the motion was made with the amendment part of it -- didn't you make the motion initially?

>> Mayor Adler: I guess there was no base motion. You're right. So yes, it would be in order for you to amend that motion to put back in the staff 6.9-million-dollar item. Move to amend to return this to its original form. Is there a second to that?

[10:53:48 AM]

Mr. Casar. Any discussion on the amendment to return it to its additional form? Mr. Zimmerman?

>> Zimmerman: Okay. I appreciate your sentiment about us getting sears about changing the budget policies and reforming some of this. I would like to make that statement when it really counts, when there's \$6.9 million involved. It's great for us to talk about abstract processes, that's fine, and I'm sure we will have that discussion, but I'd rather make that statement here and say let's have some spending discipline and just not approve money like this when it hasn't yet been approved in a budget. So I guess I'm now back to voting against the amendment to put the money back in. So thank you.

>> Mayor Adler: I think the reason why I will support the amendment is that I think sending this policy issue to the audit and finance is an important statement, and that's where I'm most comfortable with that conversation being held. And I think it's a good point for you to raise, both yours and Ms. Troxclair's, with respect to what that policy is. Further conversation on the amendment to restore this to its original form? Those in favor of Ms. Tovo's amendment please raise your hand? Those opposed? All voting yes except troxclair and Zimmerman. That amendment is back. We are now on item number 14 in its original form. Is there any further discussion? Those in favor of 14, please raise your hand. Those opposed? It's all in favor except troxclair and Zimmerman. That takes care of 14. Let's call up -- thank you very much. Let's call up number 18 which I think is something we also ought to be able to handle quickly. It was a presentation by law on number 18.

>> Mayor, mayor pro tem, councilmembers. My name is maria Sanchez. I'm an assistant city attorney in the law department and I'm here to recommend to you to approve a payment of 800,000 to settle a retail rate appeal filed by river place ratepayers.

[10:55:56 AM]

The settlement agreement has the following terms. The city will credit river place ratepayers the difference between what the city rates they paid for services provided in October 2014 and what they would have paid if their prior rates had remained in effect. The credit will appear on their bills no later than March of 2016 and the city will pay 800,000 that will go towards reducing the debt for the river place water and wastewater facilities. This settlement will resolve the pending appeal and the law department recommends settlement pursuant to these terms. I'm available for questions.

>> Mayor Adler: The action item is item number 4, is that correct?

>> It's related.

>> Mayor Adler: The related action number to this 18 is number 4, which I will call up if there are no further questions with respect to item 18. First we approve the settlement and then --

>> The payment of \$800,000.

>> Mayor Adler: So we are now in discussion on the recommendation to settle this lawsuit with the payment of the \$800,000. Mr. Zimmerman.

>> Zimmerman: So this is in district 6, one of my neighborhoods. And was the original settlement done back in July where I guess the parties came together?

>> I believe it was in July, yes.

>> Zimmerman: And the dispute here involved the additional property taxes that river place was paying to the mud in addition to having the full regular water rates, water and wastewater rates. So unlike other neighborhoods in Austin, they were getting city of Austin water bills, but they also had a mud tax. That was what it was related to.

>> That's correct.

>> Zimmerman: That's the only questions I had. Thank you.

>> Mayor Adler: Is there a motion on this item number 18? It's been moved to approve by Mr. Zimmerman. Seconded by Ms. Tovo? Any further conversation? Those in favor of number 18 please raise your hand? Those opposed?

[10:57:56 AM]

It is all in favor except for Ms. Kitchen, who is off the dais. That gets us then to item number 4, which is the corresponding and related ordinance. Is there someone to move adoption of number four? Moved by Mr. Zimmerman, seconded by Ms. Tovo. Those in favor raise your hand? Those opposed. All in favor with Ms. Kitchen off the dais. That takes care of those two. What about item number 17? This is a presentation by law as well.

>> Good morning, mayor, mayor pro tem, council. Megan Riley on past law department. I'm here to recommend that you approve a payment for the Austin life scare versus city of Austin lawsuit. As we discussed in executive session on Tuesday, the settlement payment is related to the outstanding issue of attorneys' fees, costs and expenses in the litigation, which involved the city's pregnancy resource center ordinance. Judge he will issued a ruling in 2014 which entitled the plaintiffs in this case to seek reimbursements of fees, costs and expenses and the recommended payment is the result of a mediation between the parties. In exchange for this payment, the plaintiffs to file a motion to dismiss the case

and release the city from liability associated with this lawsuit and the law department recommends approval of payment on these terms.

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

>> Zimmerman: I have a question for you. This is a legal question. There were quite a few lawyers involved on this case, right?

>> Yes. Plaintiffs -- there were five plaintiffs in total. Each of them had separate legal counsel.

>> Zimmerman: Okay. And then of each of those five, how would I know as a councilmember who those attorneys were?

[10:59:57 AM]

I have an interest in avoiding voting on something where I have an attorney that has represented me who is also part of the settlement. But I don't know who the attorneys are that are getting paid. So --

>> The settlement payment is going to go to liberty institute who is going to be distributing payment to all of the -- all of the attorneys. We can get you the list of all the lawyers that were involved in the case, of whom I believe there were seven in total.

>> Zimmerman: The point I have a lot of friends who are pro-life attorneys and I'm not 100% certain that there could be a conflict where one of those attorneys is going to be awarded fees out of here and that same attorney might have represented me so I think I need to recuse myself.

>> Mayor Adler: You could recuse or abstain from the vote. Given that issue you have now put in the record.

>> Zimmerman: I'll abstain from the vote because I've never seen the list of attorneys.

>> Mayor Adler: I think that's appropriate. This is item number 17. Is there a motion to approve item number 17? Ms. Houston. There a second? Ms. Troxclair. Any further discussion on item 17? Mr. Casar.

>> Casar: I just want to take a moment from my office to briefly thank all the councilmembers and advocates that champion that policy so boldly and despite the unfortunate results of the lawsuit, my office and my staff are still committed to doing work to bring trains papacy -- transparency.

>> Mayor Adler: Ms. Tovo.

>> Tovo: Thank you for those comments. I think it's also appropriate to thank counsel who provided legal counsel and that was Scott Douglas and Mcconnico.

[11:02:05 AM]

>> Mayor Adler: Those in favor of item 17 please raise your hand. Those opposed? It's all in favor with Mr. Zimmerman abstaining and Ms. Kitchen off the dais. Thank you. Item number 12 has no speakers. Mr. Zimmerman, you pulled that. Do you want to address that?

>> I do is there someone who can inform me about the abia? Coming from the economic development department, I've been a pretty vocal critic of the department. I don't think it's making wise use of our money. Mr. Johns, thank you for coming here. The first question is can you tell me who the executive director is of this abia -- or aiba.

>> Aiba [inaudible]

>> Zimmerman: Thank you, Rebecca. You are in the publication business. Have you been in the publication business with Mr. Ken martin of the Austin bulldog?

>> In past I was.

>> Zimmerman: In the past. Okay. So you don't have any business connection today with the Austin bulldog?

>> No business connection.

>> Zimmerman: That's the only question I have.

>> Thank you.

>> Mayor Adler: Okay. Is there a motion to approve item number 12 in Ms. Tovo, seconded by Ms. Houston. Any discussion on number 12? Those in favor of item 12 please raise your hand. Those opposed? It's all in favor with Mr. Zimmerman voting no and Ms. Kitchen off the dais. And I think I saw Ms. Garza vote yes. I think she voted yes and if not we'll fix that later. Ms. Gallo. It's approved. Ms. Gallo.

>> Gallo: I just had another agenda item that just had a couple of questions.

>> Mayor Adler: Please.

[11:04:06 AM]

>> Gallo: It would be number 36.

>> Mayor Adler: Okay.

>> Gallo: And it's really more of a policy issue question than anything else, but this is -- this is asking us to approve a contract with longhorn truck rental. And with a little bit of our research and it's an amount of about a million, a total of close to two million over the extension periods, but with a little bit of our background research, it looks like we have had three other contracts to approve with longhorn rental over the last handful of months. One was February and that was 1.2 million, one was in may at 1.3 million, and one in June for 1.2 million. I guess my question to staff -- good morning -- is there a reason that we scatter these out versus doing contracts for this large of amount on an annual basis? And I understand that contracts may terminate at different times, but I think it -- it helps us understand the volume of contracts that are going to a particular vendor when those are perhaps combined for the year. So I just wanted to understand why we're approving these in scattered amounts versus one total for the year.

>> I'm jerry cox, fleet officer for the city. In fact, those four contracts are going to two different businesses. Two of those contracts are going to longhorn international trucks, ltd. One of those two is for parts and service for crane carrier chassis which is the chassis under our large vehicles such as garbage trucks. The second for that company was for parts and service for navistar, original parts for navistar.

[11:06:09 AM]

Those are two going to one company. The other two contracts that you are referencing, one of those was an amendment that the company there is longhorn car and truck rentals, a separate company. One of those was an amendment to the current contract that you saw in may just to add some money to that contract to get us to the end of that contract which expires the 31st of August. The contract you are looking at today is the replacement for the existing current contract moving forward.

>> Gallo: Okay. Thank you for the explanation.

>> You're welcome.

>> Mayor Adler: Any further discussions? Any further discussion item 36? Is there a motion to approve item 36? Ms. Garza. Is there a second? Mr. Renteria. Further discussion? Those if favor of approving item 36 please raise your hand. Those opposed? All in favor with Mr. Zimmerman abstaining, Ms. Kitchen off the dais. Thank you very much.

>> Thank you.

>> Mayor Adler: That's item 36. Anybody else pull anything that they anticipated was a smaller item?

>> Item 6, Mr. Mayor.

>> Mayor Adler: Item 6.

>> Just a question about the reclaimed water cost.

>> Good morning, Greg Meszaros, Austin water.

>> Thank you, director Meszaros for coming. It's I think a pretty straightforward question about -- just kind of how the economics work with the reclaimed water. So we have certain cost of treating the raw surface water. If we put it through water treatment plant 4, we spend a certain amount of money per thousand gallons to treat the water for drinking purposes. And that has a certain cost associated with it. Then if we're in the water and wastewater and we want to take reclaimed water, we're going to have an operational cost of whatever purification is needed to make the reclaimed water suitable for use.

[11:08:17 AM]

I'm still trying to get the sense of what is the cost differential between the treated water that comes out of our new plant and the reclaimed water. The point being that if it costs twice as much, five times as much for reclaimed water, then spending millions and millions of dollars for piping for water that's too expensive for us to use wouldn't make any sense. Can you tell me what the cost comparison is for the water?

>> Yes. I'll start, the reclaimed water utility is a utility that operates below cost -- or above cost. The revenues from reclaimed water is less than the cost to operate it. Our budget submittal for next year, we estimate that the cost to operate the reclaimed system is approximately \$5 million and we would anticipate approximately \$1.7 million in revenues from customers. So that's about a \$3.3 million gap. The bulk of the cost for reclaimed water is in debt service, predominantly from the capital investments that we've been making into the system. We already treat that water, have to treat that water through our wastewater system. There's some marginal cost to pump it and a little bit extra chemical, but really the bulk of the cost of reclaimed water is for building pipes for that kind of activity. The reason the utility invests in reclaimed water is because of the other benefits that it has to Austin utility customers. First, reclaimed water does not count against our raw water purchase trigger. In 1999 the city invested \$100 million to pre-purchase water from Icra and we don't begin paying for additional raw water from Icra until we reach a trigger. The trigger is 201,000-acre feet of use over two years, an average of 201,000-acre feet or more over two years. When the 1999 deal was configured, it was forecasted that that trigger would be reached in the year 2020.

[11:10:21 AM]

With activities such as reclaimed water because reclaimed water use does not count against the trigger as opposed to regular water use would, we've been able to postpone that trigger at least ten years. Current raw water costs we would probably pay at least \$15 million a year in raw water once we hit that trigger and it's rising very rapidly as ILCRA is adjusting its firm water rate. Reclaimed water provides an overall benefit to all water utility customers by deferring the trigger. Secondly, reclaimed water also provides drought response and water supply flexibility options. For example as we were in this latest drought and reaching near record lows of the reservoirs, we were configuring options to take reclaimed water pipes and allow us to ultimately turn that water into potable water. So it gives us some flexibility from a water supply risk management perspective from the drought. So that's why we operate the utility and why we see at least for the foreseeable future that it's appropriate that it be operated at a slight loss in order to realize these external benefits. Councilmember, we are working to close that gap and reduce the subsidy that the water and wastewater utilities have and to reclaim. Our budget proposals over the last few years have been escalating the rate increases for reclaimed water. For example, next year's budget anticipates a 15% increase in reclaimed water so we've been trying to shrink that gap. We're also growing the customer base faster which is using existing assets, we're adding more customers so we would have a larger customer base in the future. Also for the first time in 2016 we're proposing a second reclaimed water rate. This would be for brand new developments when they connect as opposed to existing customers that we're trying to get to convert that they would pay a much higher reclaimed rate that would be a significantly lower subsidy and help with cost recovery.

[11:12:27 AM]

I covered a lot of ground but that's some of the reasons we have reclaimed water you till.

>> Zimmerman: You did cover a lot of ground. I was hoping there would be a simple explanation but instead it's complicated. It even involves the ILCRA water contract it sounds like. So you brought in a lot of complication. The question is you can't compute a cost, what it costs to produce the reclaimed water, what it costs us to produce treated water. There's an answer to that question and I didn't get it.

>> I don't have the answers in my head, we can follow up on specific details. We can give you the current reclaim rates --

>> Zimmerman: What are they?

>> 1.99 per thousand gallons. It's forecasted in the budget should council approve it to go to \$2.19 per thousand gallons.

>> Zimmerman: Okay. And that's the subsidized rates where there are millions of dollars not figured in the cost of that.

>> That's correct.

>> Zimmerman: What's the treated water like we get out of a water treatment plant for.

>> It depends what customer class. Are you asking for residential rates, are you asking commercial?

>> Zimmerman: Let's talk about comparable quantities of water. The reclaimed water there's a certain volume. Let's compare that to the volume for regular treated water.

>> Probably the best comparison would be our commercial rate because most customers are a commercial rate for reclaimed. I would need David anders.

>> Zimmerman: The reason this is important, we have really high water bills. We've made business additions and management decisions that have raised the price of water here in Austin. A lot of people are complaining. This is the kind of stuff that causes these rates to go up when we have to subsidize a certain water program, people have to pay. We're having to pay more. That's why this is important. Okay?

>> You are correct. It's 5.50 is the commercial rate.

[11:14:27 AM]

>> Daryl Slusher, assistant director. I'm not David but he will come up in a minute. Reclaimed water is wastewater that's treated at our wastewater plants, so rather than discharge it in the river, we put it back into the system to decrease potable use. So in that way it's a cost we're already incurring at our wastewater plants to produce that water.

>> Zimmerman: Qualitatively it makes fantastic sense. Everybody is for reusing water. Great idea. I'm trying to get to the economics. Everybody agrees reclaimed water is a great idea. I'm trying to get to the economics of it.

>> I understand. As far as producing that water, we are operating at a -- with a subsidy from the water and wastewater utility to the reclaimed. But the water itself is water we have to treat anyway as wastewater and then rather than put it in the river we send it back in the system.

>> Mayor Adler: Thank you. Any further conversation on item number 6? Ms. Tovo.

>> Tovo: Move approval.

>> Mayor Adler: It's been moved to approve item 6. Is there a second in Ms. Pool. Further discussion? Those in favor please raise your hand. Those opposed. All in favor, Mr. Zimmerman abstaining, Ms. Kitchen off the dais. Item 6 is approved. In case there was any confusion, item 51, which was the -- the discussion about the health care budget items, if anyone is here to speak on those, the appropriate time would be to speak later at a meeting when we have the public hearing on the budget and those folks should sign up for that if they want to publicly address this issue and any other issue. Ms. Houston.

>> Houston: And I just wanted to say although it's been withdrawn, it has been placed on the concept list.

[11:16:31 AM]

>> Mayor Adler: Okay. Which makes it an absolute certainty it's going to be discussed. Any -- so the next item I think we're going to try and call up now, trying to hit items handled quickly as well as items where it looks like we have significant staff waiting for that item to be called. Let's try item number 41.

>> Zimmerman: This will be quick. This is hardware and switching systems necessary because of solar pour installations.

>> Yes, sir.

>> Zimmerman: If you could explain the technical aspect. I've gotten tired of people telling me how solar pays for itself, solar pays for itself. I have to highlight there are other costs people don't generally factor in and this appears to be one of those. Is this for safety, for efficacy?

>> It's for inter connection. Dan Smith with Austin energy. I'm the vice president of electric service delivery. My responsibility would be to interconnect generators that add to the system or solar systems for that matter, customers. So in this case it's related to the community solar project and so it's a inter connection. So it would be for both control and protection. So ability to automatically isolate if it needed to taking that off the grid or remotely controlling it on and off the grid.

>> Zimmerman: The community solar program is already in place, already approved.

>> As far as details about this particular utility scale community, solar project, I can't speak to it other than to state that's -- that's been out there that I'm called to interconnect.

>> Zimmerman: The reason it's important, if this is a technical requirement of the original project should have been in the original requirement.

[11:18:39 AM]

If people want to low ball and under estimate and mislead people on the cost of solar they will leave these important items out so the budget item looks smaller so it's easier to approve. Then you come back and by the way this is an essential part of the system and we're going to add it. Do you see any objection, when the initial project comes forward, if these are essential they should have been included from day one.

>> I wasn't here when the original project was brought forth. I've often asked to give estimates and this one was a known item as far as what we would need to provide for the technical solution.

>> Councilmember Zimmerman, I would be happy to help augment Mr. Smith's response. Debbie Kimer Willy, vice president of customer energy solutions. This project was approved by the council last year. It's important to note that when the project was approved and it is underway we in fact recently finalized the lease agreement with power

[inaudible], that the customers who would subscribe for this project -- subscribe would not be subsidized but pay for the cost of the community solar project which is a ppa with power fin. There was no buy down associated with this project. It enables customers who were unable to install solar on their homes because of shading issues or because they live in multi-family complexes or who quite frankly can't afford the up front costs associated with the project to subscribe to an offering that they can pay for over time. And so it's really that simple. Reclosers are throughout our system. They enable system protection. We're transitioning to a smart grid. As you have more distributed generation and batteries throughout the system, it is very much as you indicated a safety and protection issue.

>> Mayor? I would call the question. And thank staff for the responses.

[11:20:40 AM]

>> Mayor Adler: It's been moved to end debate. Is there a second the motion to end debate? Ms. Tovo.

>> Tovo: I think we need a motion.

>> Mayor Adler: I think that's absolutely right. There's been a motion to approve item number 41 by Ms. Tool, seconded by Ms. Tovo. Further discussion on item 41? Hearing none we'll take a vote. Those in favor of item 41 please raise your hand. Those opposed. Mr. Zimmerman votes no, the rest vote yes with Mr. Casar and Ms. Kitchen off the dais. That handles 41. The next item I'm going to call up is item number 19. I'm calling number 19 because we could lose -- we have staff that has a -- another meeting. To attend so we're going to call this so staff can move to their next item. Item number 19 is the housing authority item.

>> Mayor?

>> Mayor Adler: Yes, Ms. Municipal.

>> Houston: Move adoption item 19 seconded by Ms. Pool. We have two speakers to speak to this. Gus Pena, is he here? Second speaker is James Garcia. Okay. It's been moved and seconded item number 19. This was pulled for speakers. Is there any discussion on the dais? Those in favor of item number 19 please raise your hand. Those opposed? Unanimous on the dais, Mr. Zimmerman voting no, Mr. Casar off the dais. Ms. Tovo.

>> Tovo: I notice item 6 was pulled by the same two speakers who appear not to be here any longer.

[11:22:47 AM]

>> Mayor Adler: That was also pulled by Mr. Zimmerman. We already handled that. Number 6 has been handled. So it's good the speakers aren't here. I just blew past them and for that I apologize. Number 19 is now handled. Let's try -- what about item number 22? The skillpoint alliance. This was pulled by Zimmerman and troxclair. Do we want to hear from the speaker first? Now is the time. Thank you.

>> My name is Margo Dover, director of stillpoint alliance and I'm here to show you this and to say that the skillpoint alliance innovation center will be a place where our residents, our community members who have been the kids riding buses to districts where there are better facilities, a school that can take them or a community center will be able to come to an innovation center located in east Austin that will tell them that they matter. For 21 years we have trained entry level workers. We train them all over central Texas. This will give us an opportunity to respond better to the needs of our community by training them in one local location, but better than that, this is a location that is all about innovation. That is all about saying that in a town where we talk about education gaps, economic development gaps, not only are we going to close them by training people in a forward-looking way with the technologies that will be here for years to come, but we're going to train them in a place where it says your community is important to us. Your faces are the faces that we want to see smiling and glowing because the same technology that we ask you to think about is present for you every day.

[11:24:58 AM]

We ask students ages 3 to -- to -- k-16 to do innovative projects for skillpoint all the time and send them home often to places where the only technology they have may be a cell phone. This is a place where all the technology will be available to them all the time. We're going to build it with technology showing so that they can come in, see what they've worked on, get a sense of it and then we can continue to train the workers who will use that -- those technologies for other buildings, for other opportunities to grow our community in a sustainable environmentally sound way. This building will be the first ever net zero energy building built in Texas. We're very proud that it will be built in Austin, Texas because it should be built in Austin, Texas. Sorry. I'm too excited when I talk about this for my own good. I will tell you that it will integrate innovation, it will integrate the community, it will integrate all of our education partners, but more than anything else again we will look at children who -- and adults who don't have anything to look at. That makes them feel important and say you matter. I have the privilege of being poor for a few years. I have the privilege of raising my children as a single mother with no other source of income. It is

humiliating to be poor, it's scary to be poor, it's the hardest thing I've ever had to endure in my life. And I could pick up a phone and call someone and say I need help. People who live in poverty --

[buzzer sounding]

>> Mayor Adler: You can finish your thought.

>> Don't have anyone to call. Skillpoint wants to be the people on the other end of that phone. We've had a fidelity to the people in poverty in our community for 21 years and we are not going to blink or give up or change our sights.

[11:26:59 AM]

Please support this.

>> Mayor Adler: Thank you. Mayor?

>> Mayor Adler: This item was pulled by Mr. Zimmerman. Mr. Troxclair, we're going to start there. Do you want to pull this? Let's get the motion out first. We have a motion to approve from Ms. Pool, seconded by Mr. Renteria. And now we'll go to discussion. Ms. Troxclair.

>> Troxclair: I have a couple questions for city staff but thank you for the work that you do. I appreciate it. I just wanted to understand how the price was determined on this 40-year lease.

>> Yes, councilmembers, this is a full fair market value of the property as if she is buying the property. And so that's how we originally started to negotiate the deal. But we -- after discussing it, we decided that we would do a 40-year lease with an additional option for I believe it is ten years and then after that point the building and the land would revert back to the city.

>> Troxclair: Okay. So the -- the price, the \$1.3 million you are saying is full market value for the land?

>> Yes. It's paying it all up front. The client department, Austin resource recovery really needed the money to -- to do some other programs that they needed to do so they wanted to sell the property. So in order to make it work for both department who owns the land and for skillpoint this is the way we instructed the deal.

>> Troxclair: So the property was owned by Austin -- by the --

>> Austin resource recovery, yes, ma'am.

>> Troxclair: Okay. That was my other question why all the revenue was going to that particular department.

[11:29:00 AM]

Why the revenue was going to that particular department.

>> They purchased it with bond money that's going to be paid off.

>> Troxclair: Okay. So we have other land that's owned by specific city departments?

>> Yes, ma'am.

>> Troxclair: Okay. Okay. And I guess, well now if they are paying full market value, I'm kind of confused why they don't just buy it. It doesn't seem like a good deal if they have to give it back to the city in 50 years.

>> That's what they've agreed to.

>> Troxclair: Okay.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Let me go back to how the Austin resource recovery acquired the property. You said it was with bond money.

>> Yes, sir.

>> Zimmerman: I'm going to venture a guess that Austin resource recovery did not say we want bond money to buy this piece of land so that we can sell it later.

>> Actually, councilmember, I was very involved in that and I can tell you the story is council came to me and said this is recycling plant, we no longer want it there so we would like to instruct real estate and Austin resource recovery to buy that and to move that facility into another location so that we would not have that type of facility in east Austin any longer.

>> Zimmerman: Okay.

>> Call the question.

>> Mayor Adler: Wait, wait, he's still -- Mr. Zimmerman.

>> Zimmerman: I'm not done. I concur with -- I'm sorry, somebody else has a comment?

>> Excuse me if I may, council. Nick Lange, assistant city attorney. I want to clarify one point about the actual ownership of the property. The city of Austin owns property as the city of Austin. Departments administer it or when property is acquired, it is allocated to departments, but technically speaking all property owned by the city is owned in the name of the city of Austin.

>> Yes, thank you, that's what I thought.

[11:31:00 AM]

Thank you for that clarification.

>> Zimmerman: The point I'm trying to make we're talking about budgeted, how money is allocated and spent. Does it make sense to you -- here's the question. We're faced with decisions to make so if Austin resource recovery comes and says we need bond money, we need to buy a piece of property for a recycling center or whatever. And the council says yes, we approve. Then years later or sometime later we come back and say we don't want that, we want to sell the property and put the money into our budget and then use it for something else. Do you see how the will of the council now has been compromised and we didn't agree to that?

>> Councilmember, it was the council that -- councilmembers that decided at a meeting that they wanted to relocate the prior use off of -- out of east Austin. So it wasn't staff coming and making that recommendation to council. There was a neighborhood meetings with the neighborhood for over a year every week and as a result of that, that was a direction -- an item from council directing us to do that. So that wasn't staff budgeting or anything, it was an item from council directing us to do it.

>> Zimmerman: Fair enough, but this says here this is a recommendation from council action. That's what the agenda item is. That means it came from staff.

>> This one did.

>> Zimmerman: You see how people would be confused. This is from staff and you said it's actually from council.

>> No, I thought you were talking about the previous purchase.

>> Zimmerman: I don't have any other questions. Thank you.

>> Mayor Adler: Any further discussion of this item?

>> Houston: I just had one question. I'm family with Bohm road but where is the closest bus line to this property?

>> I'm not sure it's on airport and Bahm road --

>> I know where it's at. It's on --

>> I know where that is. Thank you.

>> Mayor Adler: Okay.

[11:33:01 AM]

There's been a motion and second on item number 22. Any further comment?

>> Zimmerman: One amendment if I could. This is real easy. It says authorization the negotiation and execution of the 40-year lease. I would like to strike execution and leave everything else.

>> Mayor Adler: It's been moved to amend so as to take out and execution. There is there a second to that? No second. We're now -- no further discussion. We'll vote on number 22. Those in favor of 22 please raise your hand. Those opposed? It's all in favor, Mr. Zimmerman voting no. Let's try item 5, which I think Ms. Tovo may have been the item you were referencing, two speakers, Mr. Pena and Mr. Garza. Are they here? Is there a motion to approve item number 5? Ms. Tovo moves. Is there a second? Ms. Pool. Any discussion? Those in favor of item 5 please raise your hand. Those opposed? All in favor, troxclair voting no, Zimmerman abstaining. That takes care of item number 5. Let's try our luck at item number -- I think 19 we've already taken care of. What about item number 50? Item number 50 was pulled by Mr. Zimmerman.

>> Zimmerman: Thank you mayor. This is simple too.

[11:35:01 AM]

I wanted to divide the section and take out the section that refers to old lampasas trail and consider those separately.

>> Mayor Adler: Old lampasas trail. Let me see, will someone move adoption of item number 50 as presented with the exception leaving out at this point old lampasas trail. Mr. Zimmerman makes that motion. Is there a second to that motion? Ms. Houston. Any discussion on that? Those in favor please raise your hand. Those opposed? It's unanimous on the dais. That gets us to the annexation, setting the public hearing for annexation on lampasas trail. Does anyone want to move setting that public hearing? Ms. Tovo moves. Is there a second to that motion? Ms. Garza. We're now discussing whether or not to set the public hearing on old lampasas trail. Mr. Zimmerman, do you want to address that?

>> Zimmerman: Thank you, mayor. I would like to speak against a motion setting that for the simple reason that we're still in the process of locating these property owners and trying to contact them. The only one I've been able to make contact yet is a pastor at the Baptist church on old lampasas, his property is included. He said -- he said I've never heard of us getting any annexation action or hearing, so I want to have some certainty -- I mean some of the annexation cases the property owners are actually petitioning. There's one in Williamson county or a couple here that were in Williamson county

and the people are not only informed, they are asking for the annexation and the property owners are asking for the hearing. But that doesn't appear to be the case in the old Lampasas area so I'm asking for about a month for us to contact these people and let them know that a hearing is being considered. That's why I want to vote against.

>> Mayor Adler: Would you speak to that issue?

[11:37:05 AM]

>> Mayor and council, Greg Guernsey, planning and zoning department. If that's the pleasure of the council certainly you can do that. We can also make an effort to contact I guess the property owners along this area. There are six single-family homes. It sits on a street which is inside the city. In order to get to these properties you have to travel through the city of Austin to arrive at these properties. It's a dead end street right now. I believe the other tracts there is a church, there's a substation and I think there's a ranch that has some cattle on it so we're not talking a great deal of people, but we can certainly contact them. We could also keep it on the same schedule and make them aware that we're going to have a briefing with you on the 15th of next month so they have plenty of time. And again, this is just to set the public hearing. They will certainly have the opportunity to speak at the public hearing and we can contact those specific property owners to make sure they are aware of those, six homeowners that would be affected of that hearing date.

>> Zimmerman: Thank you, Mr. Guernsey. Did any of these owners contact the city and say we would like to have a hearing because we want to be annexed? I don't believe so. We're coming to you to get direction to set up these hearings. Once we set those we would do notice published in the paper as well and letting them know.

>> Zimmerman: So again, and my objection to this is I would rather have the people be notified first so they know what's going on. And then the hearing be scheduled sometime later. Actually I've been vocal on this before and I've -- I've been vocal on this before.

>> Mayor Adler: Ms. Houston.

>> Houston: Go ahead, Mr. Guernsey.

>> Guernsey: We actually don't mail a notice, there aren't notice actually sent until we set the hearing.

[11:39:11 AM]

>> Mayor Adler: Ms. Houston.

>> Houston: Mr. Guernsey, I have some of the same concerns. We have as a body set a hearing and then we notify the people that we're going to have a hearing about property that they don't even know is being considered for annexation. And I'm sure there's some legal reason why we do that. But it seems to me on the three properties that are in direct 1, if I were a property owner, I would want to know that the city is even considering annexing my property. Then we go to set the hearing and then they have an opportunity to participate in the public hearing. I know that might sound odd, but if I got a notice saying we're already setting a hearing, sounds like the decision has already been made to annex.

>> Guernsey: Certainly this has not been made. If staff were to go out and just start contacting people saying we are considering annexation and council takes no action, that might be a waste of staff resources if you are going out to all these areas saying you might be possibly annexed. If council gets some direction at least we know what's coming and we can contact those property owners which in essence we're required by state law to provide public notice of the hearings.

>> Mayor Adler: And are the rules prescribed by the state with respect to what you have to do in annexing property?

>> Yes. Having the hearings themselves, there's a prescribed process that's embedded in state law. We're required to have two hearings. Then we're actually not required, actually prohibited from taking action that day. We have to delay and bring back for first reading. Many times we'll come back for first reading and second and third at a later date. So there are two public hearings in which the public can come forward. They can also contact your offices directly. You know, when notice is given. At the meetings. After those meetings and even prior to the actual ordinances being passed.

[11:41:13 AM]

So there's several opportunities for them to come in and have the constitution.

>> Houston: But my question is about is there anything in state law about when notices can be done. I know when they have to be done, but could we notice them them --

>> Guernsey: We would only set the notice if we get direction to set the public hearings. Unless we have the public hearing, I can't set the date and send out the notices. The prescribed process by state law is one that takes time. This isn't something that happens next week or tomorrow kind of thing. That's why we set the public hearings so far in advance. So we would be setting the public hearings today and the first public hearing would not even take place until October 1st. So there's quite a bit of time in between getting permission to set the hearing and actually have the first hearing.

>> Mayor Adler: Okay. Ms. Pool.

>> Pool: So Mr. Guernsey, what you are saying is you don't have the authority as staff to send out those notices; it's council that gives us the direction and authority to send those out.

>> That's right because you are setting the hearing dates. Otherwise I would just be sending out notices on --

>> Pool: Limited jurisdiction gives people who live in that E.T.J. And the

[inaudible] Some idea that at some point possibly they will be annexed but that's a time out in the foot so you could almost look at that as a distant early warning of annexation.

>> Guernsey: You could. Property owners have the ability to -- councilmembers don't have the ability to participate in bond elections. They do have protections that are under zoning. They are required to get building permits. They do not pay taxes, interestingly enough. But we will be going through that in the briefing on the 19th which we'll be coming back to you two weeks or so before the first hearing if you move to give us direction today.

[11:43:22 AM]

>> Pool: Thanks so much.

>> Mayor Adler: Further discussion?

>> Houston: I'm sorry, I just have one more question for you. Are there plans that you are working on to use some of these -- this land for development and is that why we're going to be setting a hearing to have these three in my area annexed?

>> Guernsey: There's various reasons. Some of them are to take care of emergency issues. Some of them are at the request of property owners. Some of them are basically taking care of areas that are adjacent to the city of Austin where we may be providing water and wastewater service, they may be taking access through the city of Austin. There are various reasons and each one is really unique to the area being annexed.

>> Houston: Okay.

>> Mayor Adler: Any further discussion on this motion to approve the setting of a public hearing for old lampasas? Those in favor of setting the public hearing please raise your hand. Those opposed? Mr. Zimmerman voting no, the rest voting yes.

>> Guernsey: Thank you.

>> Mayor Adler: Thank you. I think we now have the speakers here. I'm going to call item 70, which is the Rainey street issue. As I've said before, this is not something that's going to be decided today, it's

going to be put off and pulled, but instead of not letting anyone speak because so many people showed up, I'm going to call, give the opportunity for one person on each side to speak for three minutes and then I have a couple comments and I think some people on the dais may have a comment or two. Is there someone here who would like to speak -- is there one person on each side that would speak?

[11:45:27 AM]

I want to you come on down. Thank you. I want to assure everyone before council would take action it would be called back up and there would be a public opportunity to speak. So this is not in lieu of or instead of a public hearing on this issue. If there's council action to be taken there would be a public hearing. But since people have shown up I wanted to extend that courtesy. Why don't you go ahead and speak.

>> Katherine mcman representing the Rainey street neighborhood and also the Rainey business coalition, the president is in the back. We want to say we are in favor of the proposal as it's written currently. We recognize the mac as a jewel to the city and a jewel to the neighborhood. We have worked on several items in the last year and even before that in association with the mac and so this is not an issue of fighting with the mac. We just say that 64 Rainey is an important issue from a safety and business point of view from the neighborhood. If you look at the proposal that the developer has made, you can kind of prioritize the items. And the one that comes up on top from a residence point of view and a small business point of view is the staging of the construction site at 64 Rainey as opposed to the middle of the street on Rainey street. If that is done over a two-year period or 18-month period, it's a serious safety issue, it's a serious business imposition. So that is our highest priority, that staging -- using 64 Rainey as a staging area would be much benefit -- much better than using Rainey street.

[11:47:36 AM]

The other items, the park, the living wall, the four feet of the alley way are important issues and as a general rule we went along with the mac board's recommendation in June on all of those issues. If that has changed, we can look at that, but we want to make sure the council is aware from the people living and working in the neighborhood today having the staging area out in the middle of Rainey street is a huge issue to us. And it would be much better if it could be on 64 Rainey. Thank you.

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

>> Dr. Jane Rivera and I'm speaking against the proposal that is put forward to you today. I'm speaking on behalf of the round table of Austin which is a coalition of individuals and groups that support the

mexican-american and other Latino organizations in the city of Austin. We several weeks ago sent you a letter stating our opposition, but I want to just let you know that our most concern is related to the alley. If the alley is expanded in size and becomes a major alternative to Rainey street, which is what I understand staff would like for it to be, that will cut off 64 Rainey completely from the mexican-american cultural center. So it won't be a pocket park accessible to the mac customers or people who even work there. So our concern is the alley is a way of taking that piece of property away from any future development of the mac and we are concerned also that it will increase traffic because the new project at 70 Rainey will have at least 160 cars because there's 165 units and maybe twice that many that may be using that in and out.

[11:49:42 AM]

We already have a very serious problem with parking on the circle that's right in front of the mexican-american cultural center, the circle drive. And so parking and traffic at the mac is already a very serious problem. Increasing the traffic and making it go directly through the edge of the mac parking lot will just make it that much worse. That's our major concern. And we are also concerned that this has been put off and put off and put on. This may be the first time this council has heard the issue, but in 2012 an earlier council passed a resolution directing the city manager to have staff work with the community to come up with alternatives for what could be done at 64 Rainey. And over 150 items were developed at that time. What happened to that planning effort? Why do we have to start over again now three years later? I understand you are a new council, but could you not perhaps start with looking at what has already been submitted in the past? And maybe it wouldn't be necessary to do so much planning again. What we would like to see done is a new master plan developed for finishing out the mexican-american cultural center. We would like to see it become even more of a crown jewel in Austin's crown. We believe that -- we know that the building is considered a work of art by many people not just in Austin but around the country and in Latin America. It is very well respected and renowned center and it's not a neighborhood center.

[Buzzer sounding] It's for the whole city and perhaps the whole country. Thank you forgiving us this opportunity to speak, mayor.

>> Mayor Adler: Thank you.

>> Mayor?

>> Casar: I want to ask procedurally if we could ask questions or since it being an item we're not taking action on today.

[11:51:46 AM]

I would like to ask a couple questions, but if we can't --

>> Mayor Adler: I think that's fine. I intend to make a statement myself for a minute or so. I think other councilmembers so it's not something we're going to immediately move off of. But since -- but this wouldn't be the time to negotiate the deal here and not that you are suggesting that, I'm just speaking out loud. But I think that if you wanted to ask questions that you thought would -- would better focus people as they went away, that would be appropriate to do.

>> Casar: I just had a couple of quick questions. I'm sorry that we haven't had a chance to meet privately on the issue. I intended to once it was an action item. What I am still trying to understand and get my head around is if the -- the sculpture garden idea that has been put on the table is something that -- I know that you can never get everybody to agree what should be on a piece of property, otherwise you wouldn't develop anything. But what -- if that sculpture garden idea is something that generally has support but that there is just issues with the alleyway and the way that it's been funded or if really from that long list of ideas for 64 Rainey other ideas rose so much more to the top that the idea of a sculpture garden does not -- does in the make sense.

>> I believe that the sculpture garden is still something that a number of community people would like to see happen. And I think what the community would like to see happen was the property be turned into a portion of the mac browns in any way, shape or form that could happen, instead of being something separate from the mac and developed completely without regard to what happens with the mac. I know in the past we had talked a few years ago about getting one of the historic structures that used to be a mexican-american homeowner's home on Rainey street turn that into a history center.

[11:53:48 AM]

That is also something a number of neighbors were supportive of including myself. But the problem is every time we seem to have a consensus and the council seems to be in agreement something falls down from the sky on that idea and we have to start over again.

>> Casar: So what I'm hearing from you is that the -- that the community and their representatives having a say about how that park is developed so that it feels unified with the mac is one concern and then second the actual traffic and how that can make you feel separated from the macc space is the second overriding concern.

>> That's correct.

>> Can I add one issue relative to that? It's my understanding that the original proposal involved including the community and the macc in the final decision of what would happen to that space. And I'm

not trying to say that that's -- that that's not what's being stated here, but I wanted to make clear the proposal I believe involving the community this the final decision of what happens to 64 Rainey.

>> Mayor Adler: I'm going to try and frame this issue because this was pulled from the agenda because it wasn't ready for us to take action. I wanted to put it on the agenda so I'm responsible for it showing up as an addendum item. I did that. And I did that in part because -- and you all can sit down now. Thank you so much for your time. I did that in part because it was sucking a lot of oxygen out of the room. It was an issue that just seemed to be one that we've never been able to put to bed and I -- I didn't want it to come off the agenda because I really want -- I really want this to be decided and I want -- I wanted it to be decided and whatever is going to happen to be implemented and then we move forward on it. And that's why I pulled it. It's my understanding that -- well, first thing I wanted to say is lest there be any question, if I have an opportunity and I expect to have the opportunity to vote to have this property turned into parkland and associated with the mac, it's something that I fully intended to because I think that's the highest and best use of that property for the community.

[11:56:09 AM]

It's the front door to the mac. And I think that we need to do that. Now, how we get there is open to debate and we need to do it in a way that maximizes the use of that property for that goal. And if we should immediately make that parkland, that's fine. If the better thing to do is immediately make it parkland subject to some interim uses that are restricted by time, that's fine with me too. But this tract, in my mind, is part of the park. It needs to be part of the mac and integrated with the mac and master minded with the mac. I wanted to be clear about that. There are a lot of issues I think associated with this and we're not going to negotiate this from the dais, it's not appropriate for us to negotiate from the dais. Staff is going to take care of this negotiating with the developer, but I have a couple observations just to make, manager, in terms of the staff and negotiating this. The first is there's an issue associated with staging. The city has an interest in not having Rainey street closed down. The city has an interest in that. The city has other interests here too in terms of what you just said in terms of the park, but we have an interest as a city in not closing that down. And -- and I don't know whether, manager, we have different departments I think that are working on this and each of them is looking at it from their point of view with respect to their department and since there would probably be even competing interest among city departments with respect to what happens, they might not -- they might be conflicting interests. So it might be that somebody needs to have the overall interest and receive the competing interest from the city and that may already be happening. I don't know, I'm not part of the negotiations, don't want to be that way. But it certainly seems to me that -- that if we work under the Normal procedures and we don't reach a deal, the developer is going to pay certain fees to close down Rainey, those fees will be cost reimbursements for the transportation costs associated with closing down that side of Rainey.

[11:58:26 AM]

So the money will be paid for the purpose of helping to facilitate the closing down of Rainey street and then the money is gone because it was just paid for that purpose. Seems to me if there is no agreement that was made, one of the things that could happen here is the city when it gets the application to close down Rainey street could respond to that and say, hey, you would have paid \$288,000 for the fee to close down Rainey street, we're not going to close down Rainey street, you should stage on this property that we have next door, pay the \$288,000, it's going to be for this limited period of time, and then the \$288,000 doesn't have to be paid to supervise the closing of Rainey street, the \$288,000 if this council wanted to, it could take that money and say use this money for the master planning of -- of the back, including this seems to be a better use of the money and I think by administrative rule you could say that is a better option than closing down Rainey street. Just something to consider again. I don't know whether that would work, but if it would be then we wouldn't close down Rainey street and we would get almost \$300,000 to go toward the funding of the study. Respect to the study, I think we really need to have the master planning that's done here because there are questions about the use of the mac that impact what happens on this lot 64. For example, one option for the use of the mac is to put an amphitheater in the back. If we do that it's going to require us to widen the entrance. If we widen the entrance, it's going to require some of the property associated with lot 64 be put to the widening of that entrance so as to facilitate the use of that amphitheater. If the amphitheater is what we're going to do, I want to make sure whatever we do with lot 64 doesn't stop us from being able to widen it we can use the amp amphitheater.

[12:00:27 PM]

This is a lot that has the ability to put a tall building on it. We're not going to use this for a condo building. I hope we use it associated with the mac. I've also heard some people say we should put a several floor building for use as a museum. Another use of that property. If we put -- if we widen the road -- back up. If we widen the road for the amphitheater then my understanding there's not sufficient land area to put the kind of building we would want on there in certain instances. We may have to choose between putting that kind of building on lot 64 and doing the amphitheater. That only leaves some of the lot that's left. I understand the developer in this instance is part of the proposals that they are making is offering when they build their building not to have a firewall, which is kind of an ugly wall built that's facing the mac and facing the entrance to the mac and is suggesting there might be an alternative treatment than a firewall which you can't have windows, can't have openings, that kind of thing and has proposed to do some kind of green wall. In order to do the green wall that requires us to agree that anything we would do on that property has to be set back from that property. Of course, if we set back from that property it limits the buildable area we have. I understand we could still do a museum on that property even if we set back, but then we couldn't do the road entering the property in

order to be able to do the amphitheater. I guess what I'm saying as I look at these issues, it seems to me there's a direct answer potentially with respect to the construction area because there's a best interest for the city on that and almost seems that could come off the table under any scenario it seems to me would, but all these other issues are interrelated and require us to make a decision about what we're going to do and we should make that decision.

[12:02:31 PM]

I understand that the developer is offering to help pay for that study. I am all in favor of having folks from the community help pay for planning studies that we have because then the taxpayers don't have to pay for it. On the condition that it is the city that administers and runs the master planning process. So someone who offers to pay and contribute to it, I think that's great, but that does not give that person under any scenario I could imagine we would ever do the ability to control the planning process or supervise the planning process or have the planners report to them. That doesn't seem to me to be the appropriate thing to do. Bottom line, I just wanted to say out loud what I had heard some of the competing issues and there's the alley issue. On the one hand if I look at this with just my city hat on that's concerned about parks, then I want to minimize the alley so as to increase the ability to move back and forth. In fact, potentially close it down. If I'm looking with just my parks hat on, on the other hand, if I look at it with my transportation hat on I'm going to be saying there's a certain amount of circulation we need in that area and that's why I think the different departments looking at this might have different priorities in terms of what they are doing and I don't know, you know, how those conflicting views get reconciled. But in any event, I wanted to have a second to state what I thought the outstanding issues were and there are probably 100 other ones but I would like us to resolve this issue because we've been talking about it so long. Other comments from the dais? Ms. Garza.

>> Mayor, if I could at some point, this issue came in front of the open space environment and sustainability committee and we did have a public hearing and I am ready at some point to make a report out of the committee. I think that's our Normal procedure.

>> Mayor Adler: Okay. And I don't have a problem.

[12:04:32 PM]

I was unaware when it showed up on the agenda last week that that happened and by public hearing when it comes back it would be consistent with those rules if it went to the committee, that's great. Any further comment? Ms. Garza, did you want to say something?

>> Garza: Yeah, it's been surprising to me how much controversy this little lot has caused and I've been following this for a couple years now. And this lot was -- originally was never -- it's not part of the master plan now and -- anyway, I won't even go into that. But it has never been a question in my mind it needs to be parkland and part of the mac. I agree with the mayor. That's what this piece of land needs to do. But when I heard of the possibility that we could leverage something and get -- get something for the mac, we started being a part of this conversation and my staff has worked really hard trying to get some kind of compromise and some kind of deal. Because at the end of the day, I just want -- if I could wave a magic wand, I would have a new master plan for the mac and it built out every single phase, but unfortunately we're limited. And I've seen so many times how we have worked with private developers, for example the good night development in my district, the developer has done a huge deal of work to work with the community. He's paid for the master plan of that park. At the dove springs rec center there's been huge collaboration. I wish we could fund our parks the way I would like that to be done, but we have to continue to work with the developer so I'm not sure where this item is going. I want to keep having this conversation with the developer and see what we can get from -- from this because it has been a conversation for a long time and I'm also ready for it to be over, but I think this is an opportunity to get a lot of community benefits and there's been so much misinformation about right-of-way fees and how much that would generate and the Rainey street fund.

[12:06:52 PM]

And at the open space meeting my goal was to get the facts out there, compare the two proposals and see where do we have the best benefit for the mac. And I hope and I see the developer is here and I hope he's willing to continue this conversation because, you know, being a councilmember for six months and I knew this before that everybody has to compromise. We all have to compromise. Nobody is going to get everything they are asking for and so I really hope this conversation continues and we can -- my goal is to get as much community benefits for the mac as possible.

>> Mayor Adler: Mr. Renteria.

>> Renteria: Thank you, mayor. I've been working on the mac project for over -- it's going on 30 years now. You know, I was on the original task force for this -- for the mac. And it's been a struggle. It took us 24 years just to get the bond passed to create the mac. And, you know, I go and visit the mac at least once if not twice a week. I'm always over there because that has always been my passion that I fought hard to make sure that we have a presence there on west of 35 because I know that slowly we were being pushed back, you know, our culture was getting pushed back across 35 and I knew at that time that we wanted a presence there. You know, so when we got the voters to approve the bond money to build the mac, it was one of the greatest victories that we really felt, you know, after 24 years with this struggle and working with -- with senator Barrientos, his wife Emma and people like Martha Gutierrez that these were the trail blazers that stood up and demanded that the mac get built.

[12:08:52 PM]

And, you know, I look at it now and visit it and it's -- it's not still there. Something is missing. It's not the tourist attraction, not the world class, even though we have a world class building, it's -- and I always think that, you know, what's lacking there is either a museum, either having an historic site there on 64 Rainey where people would come and visit that we could sell our -- an art and expose other people to what the history of Rainey and how the mac came about. And, you know, and I have been working with stockman on that issue and he had made a lot of agreement. In fact, at one time he was willing to agree to pay the city \$400,000 for this lot to use it as a staging area and work with us on finding and identifying and using that \$400,000 to -- to help us with the park and having, you know, maybe an historic home built there. To tell you the truth, I haven't heard about the amphitheater that was -- that the mayor had brought up. That's totally something new to me. So, you know, but I just want to state that I support what's -- you know, turning that into a parkland, but there's got to be some more to it. There has to be something there that people can come and visit, walk in, you know, look at some -- you know, the history there and that's what I'm going to push for in the future. And I hope that, you know, we really take the consideration that, you know, there's a lot that we could do with that, and I don't feel like waiting for two years for it to turn into my vision, which I just mentioned.

[12:10:59 PM]

And that's what I always looked at, you know, that we can do something with it, a lot more than what's being done at the mac. And I had always -- I also had -- you know, evacuate for using more funds to build a canopy there so we can use the plaza so it would become more user friendly. So those are the kind of things that I hope we can accomplish with this deal and negotiation.

>> Yes, thank you, mayor and thank you all for coming out this morning and talking about an issue that's very passionate and important to the whole city of Austin. I'm not sure that any of us thought that Rainey district would look like it is now when that vote was taken, and so I want to just say that you have my promise to work with the community and whoever else needs to be involved to make this work because it's so incredibly important that we maintain a cultural historic significance of that area and not get it -- have it caught up in that bar scene like we have seen now. So I'm willing to work with you and I just wanted you to know that.

>> Mayor, thank you for kind of laying out the multiple issues that I think are all included in what we're looking at today. You know, I -- I think the first question and maybe we need to separate these out, but I think the first question as you expressed is we have the developer that has two options. They can use Rainey street for their staging and pay the fees to do that which will cover the cost of closing Rainey

street, or we can as a council allow them to use 64 Rainey for their staging and that money would go towards establishing and paying for whatever it is that the community wants that 64 Rainey to become and be.

[12:13:02 PM]

But I think that we -- I think we talk about the cost of affordability in this town and I think every time we delay an owner of a property from being able to start on their construction and start the process, it just adds that interim interest to the project which results in the total project costing more and more. And we have a developer that I think needs an answer to this question one way or the other because if not my guess would be they will choose to use the street right-of-way and start their project. I think that piece of the issue is something that we need to give direction quickly. I'm not understanding why this continues to be delayed on that particular issue. That seems to be pretty straightforward. I look -- I look at our backup notes and it talks about the council approved resolution directing the city manager to develop a range of options for the use of 64 Rainey by use of parks and rec that would address the needs of the adjacent mac and that was in October of 2012, three years ago. And it sounds like that discussion hasn't been completed and the community hasn't decided exactly what they want to do with that area and so we're not even close after three years of that process. So I don't know, I think just the council has some discussion, I mean they have -- basically we have a choice, do we want to encourage the developer to stage on 64 Rainey and then the council and we've been struggling with ways to try to fund our parks and our community open space. And, you know, we have a choice of taking that money and being able to use it to do that or taking it and being able to use it -- or being forced to use it to close the street. And I think that's a decision that we need to make very quickly and once again I don't understand why we keep delaying because I think at one point probably fast the owner is going to say they are going to move forward and take the choice available to them.

[12:15:06 PM]

We have the choice of the living wall. I think he needs some direction on whether we're going to do the 25-foot easement -- not easement, setback to encourage and allow a living wall to be built instead of an 80-foot firewall and I think that's a decision the council needs to make fairly quickly because they need to start with their plans. So it just -- the community decision on what to do with 64 Rainey obviously is one that wants to be very thoughtful and provide the best benefit for the community but sounds like that's a discussion that's going to take longer given it's already been three years since the beginning of that. We have an owner that needs to hear from us specifically and quickly on these other two issues.

>> Mayor Adler: Thank you. Further conversations? Ms. Tovo.

>> Tovo: Thank you. I know it's involved the Rainey business owners, residents, advocates for the mac, the macc board, the developer and it is a difficult -- it's been a difficult and lengthy conversation, but I'm really pleased it's being on today's agenda because there are lots of moving parts. The Mexican-American cultural center is within district 9, my district, but clearly like so many other sites downtown it is an asset to the whole city of Austin and as one of our speakers said, it is a crown jewel in our community and its programs and resources serve youth and visitors as well as residents and that mission is just going to grow in the years ahead as the next phases of the mac are implemented. But this particular tract, 64 Rainey, has been really an important piece in the conversations and I think it's really critical to understand that those discussions started here at council with a proposed sale of that tract to a private developer who is going to incorporate it as parking. So little not a surprise that the -- it is not a surprise that the use of this tract would be of grave concern to so many in our community and we owe it to the community to really consider extremely carefully when we're looking at a piece of public land and contemplating allowing it to be used temporarily for -- by a private developer, I think we have to slow down and really look extremely carefully at the benefits and there clearly are some for the Rainey residents, for the Rainey businesses, for those who go down to the Rainey district, tourists and Austin residents.

[12:17:40 PM]

There clearly are benefits to using that tract for construction rather than closing part of Rainey but there are some tradeoffs and one of them is the delay, the potential delay of seeing this incorporated more formally into the mac site. And when there was a council discussion and decision back in 2012 not to sell that tract, I certainly feel that I made a commitment in voting for that at that time that this tract would become part of the macc land and I believe that's a commitment the council made and we have a responsibility to see that through. I agree with Dr. Rivera who said we should begin with the work the community has already done in identifying potential uses of that tract. Clearly that conversation is not finished but we should begin with the good work the community has already done in generating ideas for that tract. So, you know, my staff and I have had lots of conversations about this and we're willing and very keenly interested in helping facilitate those discussions coming to a close and some resolution on this proposal but we certainly need to work with staff and we need to get some very -- I know staff had been working very hard over the last couple weeks to get some of the Numbers that we requested in our open space meeting so that we can as a group and as a community really assess what are the costs and bets -- benefits of this proposal. As this comes back to council, I'm going to suggest that we do have a public hearing. I think what we were presented with at open space was considerable different than what will come forward to council if the developer brings forward a proposal. And for me I think it is critical that when the proposal come to council that it be accompanied by the zoning changes that are relevant and that will involve -- I think that was the intent. We had lots of conversations with the staff and that was my impression of what was happening, that this probably would come forward at the same time that those rezonings come forward so council has an opportunity to, one, rezone this tract as

parkland, but also to once and for all zone the macc land as parkland which again was a long-term commitment to the community that has not been realized.

[12:19:58 PM]

Again to all of those who are interested in this very willing to continue to work on this issue and to seeing forward all of these initiatives, not just this -- but making sure those have an opportunity to be considered by the council and moving forward on the future phases of the mac and planning for that process.

>> Mayor Adler: Mr. Zimmerman and then I think Ms. Pool and then Mr. Casar and Ms. Pool closes.

>> Zimmerman: I just have a quick question or comment. This resolution of October 2012, I did look at that too and it directed the city manager to do something. So it looked to me like there was a deliverable there. So was -- in the three years that have elapsed, mayor pro tem, was there a report generated by the city manager's office in answer to that resolution of October 2012?

>> Ott: Republicans is that there was. Burt, if you want to speak to that.

>> Mayor and city council, Burt Lumbreras. The answer is yes, councilmember Zimmerman. In response to that council resolution staff did prepare a report with community engagement. Bringing forward a variety of options that the residents and folks participating in that process had offered so we did provide that and we'll be happy to get you a copy.

>> Zimmerman: That would be terrific. Do you remember when that came out?

>> I couldn't speculate as to when, but it would have been in response to that resolution.

>> Zimmerman: Is it in the backup materials?

>> I -- I'll be happy to get you a copy. I don't know if it is or not.

>> Mayor Adler: Send it to all of us. Mr. Casar and Ms. Pool to close.

>> Casar: I appreciate your comments and I think for me this issue comes down to some of the questions that I asked Ms. Rivera in that if we as a community and as a body here can decide or have decided or feel like that piece of property would best function as that sort of pocket park and sculpture garden, it seems to me the deal on the table perhaps with some modifications makes sense.

[12:22:21 PM]

But if we aren't sure that's what we want to do with that property and we can't make that decision, then I understand seeking some sort of alternative to take the money and use it later. The reason that I make that sort of statement -- let me take a step back. If we were to think that's the best use as a sculpture garden and work out a way money comes to council so we can work with the community to make sure that pocket park is culturally relevant, feels part of the mac, that it's got good access across the street so it doesn't feel isolated, I think that would alleviate some of the concerns. And I think the concerns are legitimate that this could just feel like a pocket park for just the people in the apartments and condos and it would feel like it's a park available for people that live on the street and people that visit the mac and I understand those concerns. What would be very difficult for me is not take the extra money, for us to decide later that actually a sculpture garden or a park makes the most sense on that site and then we left money on the table that I -- I know is so scarce as far as parks go in my district in particular, we have thousands of children, the majority of whom are mexican-american with no developed park in their neighborhood. And I have a great deal of loyalty to the needs of the mac, the macc, you know, I don't have to talk about the way the mac makes me feel. It's just a stunning thing. But then I would be so torn about fining funding to finish developing a sculpture garden if there was money on the table to do that and I could use that for the real neighborhood needs I have in my district that are daily needs of children and families that are not walking distance to any developed park. And so with that difficulty, I would say that there are -- that the decision that seems to have to be made with some haste because of the development time lines is whether or not the sculpture garden as proposed is the right idea for that site and take that decision seriously because it is a short time line and if it is what we want to do, there's some way we get the money and identity and it's culturally relevant and feels integrated as part of the Mac.

[12:24:47 PM]

But if we're not ready to decide that not every deal is a good deal and I wanted idea with the complications we don't want to rush into anything but that's the difficulty that I'm facing considering the true park needs of my constituents every day but that also the desire to have an amazing -- an amazing facility at the mac that stands out for the world. Thank you to the council for thinking about this and let's try to do our best on this one.

>> Mayor Adler: Thank you. Ms. Pool close for us.

>> Pool: Thanks. In June we had a chance to here from both sides. People then on the macc board presented, some of those folks have cycled off and members of the community represented here today on both sides, Dr. Rivera was there. She's also chair of the parks board and along with the other community involvements that she has. It was clear to us on the committee that the agreement between the city and the developer was not -- wasn't baked yet. In fact, it was still real loose and the elements of it were changing. So our direction at that time was to have staff continue to negotiate with the developer. We took no other action. That was in June and we hoped that in the -- the July recess time

that more information would be forthcoming and that the compromise that the mayor has talked about and -- would be reached. My understanding is what has actually happened is elements of the deal have disappeared or been changed or are no longer valued at the level they were. I will say that there were promises to the macc board that \$400,000, you've heard that figure be mentioned, would be for the -- to make a park there.

[12:26:55 PM]

There was also some interest in having the maintenance in perpetuity. The \$400,000 shifted, my understanding is, to also fund a master plan update and we all know that it's expensive to do master planning so what I would tell you is that \$400,000 number is like a bead of Mercury. It is moving around and rolling around and staff has not been able to nail it down. This council can't make a decision on -- because we're stewards of this land. We have to look for the community benefit at large. It is adjacent to the mexican-american cultural center. There have been promises in the past 64 Rainey and 58 Rainey, which is on the other side of the street, the southwest corner there, would also be dedicated as part of the mac development and the entire property that the mac sits on had been promised to be dedicated as parkland. Anything going forward with regard to the mac coming out of this action that we will take at some future date but not today should include express direction to the city manager to dedicate 58 and 64 as well as the land that the mac is on as parkland. We need to have a conversation about that because as some have pointed out the land that the mac itself is on is extremely prized. And thereand there may be some council in the future who would like to move that mac somewhere else and put something -- a hi-rise up there. And that would be an extreme disservice to the mexican-american community that has fought decades to have that building be put in place. So with regard to the actions out of the committee that I chair we sent the signal to staff to work on a compromise agreement, or at least nailed agreement down and get it clearly defined with the developer, and that hasn't happened.

[12:29:03 PM]

Colleagues, we still have a long way to go on finding what the reality is for the use of the land. One question that I have, and staff can provide these figures to us at a later date, but it seems to me that it was actually cheaper to put 400,000 toward 64 Rainey and promise a future park there than it would be for the right-of-way to be dedicated for -- and pulled out of use during the time, which has also now crept up from two years to two years and nine months. So there isn't even any certainty on the amount of time that the staging area or the street would be needed for this development. I recognize that Sackman enterprises has some risk in this and that's an element, as I've said before, that's an element of that business. There's risk involved in a project of this size. So I think that council -- our role is not to

facilitate that risk, but rather to protect the community's benefit and make sure that we are not put at risk. So -- so some of the other things that I think we need to do is look at a master plan for the Rainey area. Anyone who has been down there lately knows that you can barely get a car down the street because there's parking on two sides of narrow streets. What homes are left there. And I used to work in that area before it was taken over the way it is now. There's no sidewalks. There's no real safe place for pedestrians to walk. I will say, though, that the fact that it's so crowded the cars can't drive very fast. So I think we're fortunate in that we haven't had any fatalities or any injuries down there, but the fact remains people have to walk in the street where the cars are as well. So a master plan for Rainey dedicating significant portions of that land as parkland, a discussion about if 64 Rainey is to be financed by Sackman enterprises, we need to look at the maintenance if it's to be in perpetuity, then there should be an escalator clause in that agreement so that the money that it costs today is the same money cost given present value situations with economics 50 years from now.

[12:31:27 PM]

I think the community deserves to have real serious answers to real serious questions and we just haven't had them answered. So I appreciate the fact that this has been put on the agenda as an addendum. I appreciate that the mayor went to that length. It has caused some questions in the community about what we were planning to do with this item today. I made certain that it would be discussed and the parties would have opportunity to speak and there would be no action today. I look forward to staying in this issue. It's highly Dell indicate and important to a lot of folks in Austin and I I work to work with anyone for a reasonable compromise towards both sides. The compromises cannot only come from the community. They must also come from the developer. Thank you.

>> Garza: I'm curious what the timeline is. What's next. So the my -- my understanding is staff is ready to go -- ready to present some kind of proposal to us. So if that is the case I would make a motion that we hear this at our next council meeting to hear what the proposal is.

>> Councilmember, we do not have an agreed upon proposal to give you at this point in time. As part of what we thought we heard at the open space committee was to go out and have the property appraised so we knew the fair market value of the property in which question that and we just concluded it probably a little over a week ago. So we went back with the developer. It was -- there were some difference between what the appraised value sand what the amount that the developer was offering.

[12:33:35 PM]

We tried to get a breakdown of specifically of each item, line item of which the developer is asking. And we haven't been able to get that. So we really started sitting down and negotiates on Monday. So we haven't had time to go through the issues in detail. We have what they've originally proposed and we have what the appraisal said, but they don't have anything in between.

>> Mayor Adler: At this point we don't want to get into the middle of negotiations. We don't have an action item that's sufficient for us to do that. If we get to the place where we're ready to get it back on to the agenda we'll post it. If members want to put something on the agenda they can post it. But this isn't an item that would -- if it was postponed would allow us to act on a matter if we wanted to act. Citizen communication was supposed to start 30 minutes ago. If there's pressing stuff we need to continue on this I'm ready to recognize people, otherwise Ms. Pool had closed. Ms. Gallo.

>> Gallo: I just had a follow-up. If we're talking about having the developer pay the fee in lieu, the traffic mitigation, the closing of Rainey street fees into some type of park fund and be able to stage on that property, why does any of that have to do with the appraised value of the property.

>> I'm not sure we know the answer to those questions. There's so many issues and we could have a 30-minute conversation on that question. My suggestion is we don't have that here on the dais because there are -- there are multiple answers to that question. Anything else on this before we move. Ms. Tovo?

>> Tovo: I promise I'll incorporate it all into one session. It was my understanding when it was scheduled for August 27th that staff were prepared to come forward with the rezonings on all three of the relevant tracks, the mac, 64 Rainey and 68 Rainey.

[12:35:43 PM]

I think councilmember Garza asked a question about timeline and I don't know if that's what you were asking, but that was my understanding. And I wanted to say there was a council resolution, I believe it was in response to the 2012 discussion about 64 Rainey that suggested staff develop a process for consideration of public land when there were proposals around it. And I think that may be part of my assessment is part of what has happened here is the discussion started with the macc board and pard and real estate got involved relative late. So I would say -- I think there were council offices having discussions with developers. I think that as we move forward I think it would be really helpful to ask staff to brief us about what that -- what their best recommendations are working on that interdepartmental team in response to that council resolution about how we -- how we begin those discussions about public land and its use so that we're not having so many disjointed conversations in the future without all of the relevant staff sometimes in the room.

>> Mayor Adler: I agree. All right. We're going to go ahead then and move forward. Thank you very much. This is what I'm going to do. We had citizen communication at noon. I'm going to call that up

now. And then before we break for lunch I'm going to call item 42 so that staff with leave before we have that break. I think it's another short item. It was something that you pulled, councilmember Zimmerman.

>> Zimmerman: There's item 11 and I think we have some people to speak on that. I'd rather get item 11 before 42, if we could.

>> Mayor Adler: We could do that too. Let's see where we are after citizens communication. I'll call up citizens communication right now. And the first speaker is -- by the way, we don't have executive session on 54, 55, 56 and 57, and now that we're after noon I can take those off the agenda. Citizens communication, the first speaker is Jeremiah Jarvis. Mr. Jarvis, you have three minutes.

>> My name is Jeremiah Jarvis.

[12:37:44 PM]

I'm a real testifily new returning -- relatively new returning citizen to Austin. I live in the district of Ms. Houston. I'm here to talk about the sustainable food system that's being developed. You have a joint board with the county of looking directly, specifically at sustainable food systems. I'm on one of the working groups that's focused on finding and establishing reasons for you all to maintain as much farmland, agriculturally appropriate land as you can in Travis county and in the city of Austin, of course. I'm also on the board of a land trust that covers bastrop, fayette, Lee and Caldwell counties as well as we have some easements in the eastern part of Travis county. We want to ensure that you find ways with the hundreds of thousands of new people that are going to come in is there's an ample supply of healthy, nutritious foods locally grown in a sustainable manner. Sustainable seems to be part of almost everything you all are looking at, and by the way, I've been here all morning and I'm astonished that your heads haven't exploded yet. This that I'm talking about is much simpler in the sense that we all eat. It's been clearly established in recent years that locally grown foods, sustainably grown, meaning that the soil is nourished and the water and air is not destroyed, we're not putting chemicals or pesticides and other poisonous things into our food system, in the water supply.

[12:39:58 PM]

So my purpose here is just to remind you all that you've got a huge number of staff people. I think 18 different departments in the city are looking at some aspect of securing a sustainable food supply. Our little group is looking at ways that you all can make it easier for people to have farmland in the city and make it easier for young people to get involved. I heard that the average age of farmers in Travis county

is 62, which from my perspective seems pretty young, but from the perspective of continuing to feed all the people that are coming in, we need younger people engaged in farming and sustainable farming activities are more expensive.

[Buzzer sounds] I'll be back another time. Thank you.

>> Mayor Adler: Thank you, sir. The next speaker we have is Richard Jung. Is Richard here? The next speaker we have is John Williams. After John Williams we have Sharon Williams. We have John goldstone. Mr. Goldstone.

>> Excuse my shorts. I rode my bike. Mayor, councilmembers, my name is John goldstone. I'm a renter in the city of Austin and I want to kill the new courthouse and make Austin more affordable, especially for renters. I'm going to suggest a radical and controversial position regarding the proposed 287-million-dollar new civil courthouse for the it Travis county. The position is asking the Austin city council to urge the voters of Austin to vote no on this property. I spoke before this body in the spring regarding the homestead exemption, mainly pointing out the unfairness to present rentiers who directly pay for your tax break to owner occupiers. Because as we all know, 55% of Austin rents.

[12:42:01 PM]

I was asked in my citizen to find spending cuts as a way to reduce overall taxes. I've found an easy one in the form of this 287 million-dollar courthouse boondoggle. We all know that you get blamed for the overall tax bill when the city's portion is only 19% or so of the total. We all know that the city and county traditionally cooperate on many, many items including utilities, roads and incentives, however there comes a time when the entities have differing interests and this is one of those times. Deferring to tradition is not the answer in this specific bond. There are several reasons why you can legitimately oppose this bond or at least not advocate for it. One, the courthouse will be built inside the city limits of Austin, there by forcing the city of Austin taxpayers to enterprise Diaz this county project in the form of a removal of a valuable piece of downtown property from the city tax rolls. Two the county is lying by omission, familiar words from my affordable housing bond opposition, by saying that it will cost \$15 per \$100 of valuation. It is double that according to my amortization calculations, meaning an average tear down in survey 704, valued at \$500,000 will pay between \$75 to \$150 a year in more taxes to pay off that loan. That's how much this loan will cost a taxpayer. Three, even if you were okay with the courthouse being built inside the city limits, these jobs should be located in an under served area on a transit route, maybe somewhere out of downtown, not downtown where only lawyers like the location. Four, do we actually need a new courthouse? It turns out that except for the few donors in the legal community as reported in yesterday's statesman who have donated 134,000 collars to the pac supporting this loan, there's not a single taxpayer who have a spoken to who wants to spend one penny on a new courthouse. They know that a company's decision to locate in Austin is partially based on infrastructure such as roads, utilities and parks. However, these taxpayers also known that apples,

Googles and teslas decisions to locate or not locate here were completely unrelated to a new courthouse.

[12:44:08 PM]

As usual this will harm renters the most as they cannot claim the benefit of any of the homestead exemptions that entities have chosen to give only to a select group of owner occupiers. It's rude and uncivilized by the way that the Numbers of the county and the city --

[buzzer sounds]

-- Put forth for bond issues always assume a homestead exemption. I understand that renters are not big donors. I'm trying to change that. Please make Austin more affordable. Tell voters no on the courthouse. Bond equals taxes. I'm sorry I went over.

>> Mayor Adler: The next speaker we have is Sylvia Servin. And then Joe quintero is on deck.

>> Hi, mayor and councilmembers.

>> Mayor Adler: Can you point the microphone a little closer to you? Point the microphone a little closer to you so we can hear.

>> Hi, mayor. I'm here today because as a professional pedestrian a title my son has given me, I'm walking, not just talking. Walking has kept me physically fit to 60 years of age. My personal trainer insists I have to keep walking in order to make it to 65 and then 70 and so on. He likes to count by five's. So my beef with you today is that when I walk on the sidewalks, there's hardly any room because of all the mailboxes. Don't panic, I'm not going to ask for them to be removed. But when I was a little girl I remember the mailman coming all the way up to the door to deliver the mail. Now every new subdivision has centralized mailboxes and mailboxes in certain areas have invaded the sidewalk. So I feel sidewalks need to be widened. The city owns the easement so this space needs to be utilized. I have to walk on the street most of the time. Like I said previously, I'm trying to make it to 65.

[12:46:08 PM]

Other people and also children are walking on the street. I see it everyday. So I'm starting with this topic now because it took the previous city council a long time to take fluoride out of Austin water. They never did. Now I hear y'all may be getting it done. Maybe everybody at city council is more efficient, more sharper, more intelligent, higher iq, you're getting better output and all the clever. Okay, about my previous topic on traffic problems, it's taken a year to paint over a little yellow concrete. My

understanding is the contractor under/bid/( ed)by and now he's taking his time to do the job. As I was washing my hands in the ladies' room, I thought well, the water temperature is just right. But then it got warmer and warmer, almost to the point of being uncomfortable. Check it out. You may want to conserve some utilities. Thank you. I've still got time? Wow, I'm good.

>> Mayor Adler: Joe quintero. That's what we have for citizen communication. We have two items that are on the agenda that we might be able to handle quickly. Item number 42 has no speakers and we have a staff member that we could release and wouldn't have to wait over the lunch break. And we have nine minutes' worth of speakers on item number 11. Do we want to handle those before we break for our lunch? Let's go ahead and do that. Let's call item number 11. This is the cemetery issue. It was pulled by speakers so let's start with the speakers. Sharon Blythe. Is David king here? David has donated three minutes.

[12:48:10 PM]

You have six minutes, Ms. Blythe.

>> Good afternoon. My name is Sharon Blythe. I was at the historic landmark commission on June 22nd and observed a -- supposed to be a board of seven. Four people showed up, but only three of them could vote. Commissioner wolflandton could not vote because she had a conflict of interest and she recused herself at the beginning of the meeting. I'd like to roll the tape of that -- video of that first of that meeting.

>> What was the date of this meeting?

>> June 22nd.

>> Thank you.

>> I think it leaves us short of a quorum vote. Do we also need to postpone that case?

>> [Indiscernible].

>> Yeah, because

[inaudible].

>> Right. If we took a vote of appropriateness that didn't have a quorum, the certificate would not be granted.

>> It's actually, the certificate [indiscernible]. So if y'all don't take any action -- [indiscernible].

[12:50:17 PM]

>> I would say we don't have a quorum then we have to postpone it.

>> If we don't have a quorum vote, yeah.

>> So we would have to postpone it to the 26th.

[Inaudible].

>> After some consultation, we will keep that on

[inaudible].

>> The bottom line was they didn't have a quorum, they put it up for discussion only because I was at the meeting, but after that discussion they went ahead and voted 4-0 to approve it. That is an invalid vote. It should go back to the historic landmark commission and let them have a valid vote on it. That's what I'm asking you to do is to vote against this action item until it can go back to the historic landmark commission for a valid vote. And I'm not opposed to the chapel restoration.

[12:52:17 PM]

I think it's -- it has to have appropriate uses, though. And if the city is going to not follow their own rules, the state laws about quorums and everything else, we don't have a level playing field here in this city, so that's all I'm asking is that we have a level playing field. Clearly the video shows that they did not have a quorum, and it was only for discussion. So I would appreciate if you would vote to send it back to the historic landmark commission. Thanks a lot.

>> Mayor Adler: Ms. Blythe, I don't know if you were there. I couldn't hear really well. What I was hearing was they didn't have a quorum because someone recused themselves and then they had a conversation. Did the person decide they didn't have the grounds to recuse themselves?

>> They said we're only going to have a discussion because I was in the room and they didn't say that we're going to vote. But they went ahead and called the vote and voted for it. So it was for discussion, it was not for a vote, and they went ahead and voted and approved it -- did not approve it. It was invalid approval. It got in your backup that landmark commission had approved it, which they had not done because it was invalid.

>> Mayor Adler: When the staff person came up and talked to the chair, there was that sidebar which no one could hear?

>> We did not hear what they said.

>> Mayor Adler: Then he walked back down. I thought he said they resolved that yes.

>> No. They said that they had for discussion because I was there.

>> Mayor Adler: Okay, thank you. The next speaker that we have is Soila Vega.

>> To answer your question, what Mr. Sandusky says, we're going to have a discussion only because we cannot resolve the issue. When they took the vote they went ahead and voted for, including commissioner wolfington who had to recuse herself, but she didn't. But the minutes of the meeting say the vote was 3-0 because commissioner wolfington had recused herself.

[12:54:24 PM]

Now they're saying she didn't recuse herself, she voted and that the vote is valid, but that's not what's shown in the video. In addition to the problems with the vote, for years we have been asking for the money from the two million dollars that we got from the 2012 bonds to be spent in the irrigation because hundreds of fees trustees have died at oakwood. Oldest ones you see are stumps left. Over 500 heritage trees have died. And this has to do with the issue I'll get to in a second. This is the effort that we have done, forestry board got involved, the parks board working group got involved. Everybody recommended that the trees need to be watered. When the bonds came in 2012 we asked some of that money be for irrigation. They said that we will have some input, that the spending on on the money will be prioritized according to the community. Those meetings have never happened. We never had any discussion about putting all the money on the oakwood chapel. We knew that there were some designs, but we didn't know that they were about to be ready to be built and we doesn't know that they wanted 925,000 to built it. This is what they told us the four million would be. They ended up getting only two million. These are the totals that I come up with. For the buildings it was going to be 370, for the irrelevant ration, 275. More or less the same. If you look at the distribution about the cemeteries, more or less balanced. That's not what happened. In the master plan as well, the rehabilitation of the chapel is priority two to be done three to five years. Not immediately now. So this is what's happening. They're asking you for 925,000 for the oakwood chapel restoration and then there's 128,000 next year to finish that. They already spend 583,000 mostly on the cemetery master plan and the oakwood chapel roof replacement. The restoration, there was some upgrades to the irrigation, but they were very minor.

[12:56:29 PM]

So in addition to this, in the budget that you have now, the parks department is asking for 6,000 per year to clean the chapel. So it seems to me like this is a case where the court -- the cart is getting ahead of the horse just like item 14. The money hasn't been approved and they're already asking you how to spend it. They're asking you can we send this on a sealed bid. The public comment needs to occur. I recommend that this goes back to the open space committee --

[buzzer sounds]

-- Or to the stakeholders, the cemetery stakeholders. Thank you.

>> Mayor Adler: Thank you. Ms. Tovo. And then I have questions of legal.

>> Tovo: I have a couple of questions of the staff too. I thought that was our last speaker.

>> Mayor Adler: That was our last speaker.

>> Tovo: If I may.

>> Mayor Adler: Go ahead.

>> Tovo: I see Ms. Thomas here. I wonder if she could address the legal question about whether the direction from -- what the direction from staff was at the landmark commission. And I guess my additional question would be do we need to have a recommendation from the landmark commission to take action today? Or are we able even if we decided that was not a recommendation or that there was some discrepancy in that decision, couldn't we take action today as a council regardless?

>> Debra Thomas with the law department. I can address the first question. I believe Ms. Crosby can address the second one. The first question, yes. The speakers were correct that the commissioner initially recused herself. It had been her practice when properties were also under the jurisdiction of the historical commission because she works there. That is not a mandatory recusal. And after she determined that there wouldn't be a sufficient vote if she did not vote in this particular case, she did vote.

[12:58:34 PM]

The vote was 4-0 and it is a legitimate vote of the commission.

>> Mayor and city council, if I may, Cindy Crosby, assistant city attorney. As to your second question, while the hlc approval is required for construction historic landmark commission, excuse me, the item before the city council today is to select the procurement method to decide on which contractor to use. So the item is only to decide whether or not to use competitive sealed proposal as the method of solicitation of vendors.

>> Mayor Adler: So would you help me understand. So what was the matter that was in front of the historic landmark commission?

>> It was a certificate of appropriateness because this is a state historical site.

>> Mayor Adler: So explain to me what a certificate of appropriateness is in this context.

>> Before renovations or construction can occur at the site certain approvals have to be obtained and one is from the historic landmark commission to make sure it's in keeping with the historic standards.

>> Mayor Adler: So I think if I can understand, I think the speaker was suggesting that improvements -- if there was one pool of money, the appropriate place for that money was not to -- not to fix the chapel, but to apply it to irrigation. That was not the question in front of the historic landmark commission, is that correct? Or was that the issue that was in front of the landmark commission. >>Ger rusthoven --

[indiscernible]. It was the certificate of appropriateness for the work that the parks department is planning on doing to the chapel. So it's because the property is zoned historic, it's necessary to get a certificate of appropriateness before you do any work.

>> Mayor Adler: How does the priority question that was raised get answered or decided?

[1:00:37 PM]

>> Well, I can prepare a memo. If you like I can give a quick explanation right now with regard to what happens with regard to the recusal?

>> Mayor Adler: No.

My question is this: The question that's been raised for us is is it a high priority to do the chapel renovation or to do irrigation?

>> I believe that would be a matter for the parks department to answer.

>> Mayor Adler: The parks department in this case seems to have answered that question by saying in their view it's the chapel work that has to be done.

>> Yes.

>> Mayor Adler: Is that right?

>> Yes, good afternoon, Marty stump, assistant director with the parks and reappreciation department. Yes, the chapel project is a high priority project that is one that has been discussed through the cemetery master planning process. It certainly was a process that was keyed up during the 2012 bond program deliberation. We received two million dollars under that bond program. As Ms. Vega

demonstrated, we had a larger ask at the time. Received a portion of the funding. The chapel project is approximately a one-million-dollar project. This is our opportunity to complete that restoration, which is urgent for the department. That building is in a deteriorating condition and needs to be addressed. Through our bond funding we do have funds earmarked and we have spent funds upgrading the irrigation systems within the parks to address the health of the trees as Ms. Vega was recommending. And we continued to carry a balance forward to do additional irrigation work within the park, but we do feel that the chapel project is a priority.

>> Mayor Adler: Okay. And finally, authorizing the use of the sealed proposal is because it's taking it out of the Normal contracting process?

>> Yes, Rosie Truelove, director of the city's contracting department. Because we are proposing construction procurement method that's different than standard competitive low bidding, we're requesting a competitive sealed proposal. State statute requires that we get council authorization for that methodology before we issue the solicitation.

[1:02:40 PM]

>> Mayor Adler: And real briefly, what's the difference in the methodology?

>> For this particular -- for competitive sealed proposal versus competitive low bid, the primary difference is that they're providing a proposal that we can evaluate based on criteria rather than just a bid that is determined -- where we would award to the lowest responsive bidder. So we can evaluate their cost, but also their experience, safety record, things of that nature.

>> Mayor Adler: Thank you. Further conversation or questions on this matter? Mr. Zimmerman?

>> Zimmerman: I'm still not understanding the particulars. I think part of the objections here is there's a disagreement about how the bond money was supposed to be allocated. So I think part of this disagreement arises from a more fundamental part than what we're talking about. And my question for my colleagues is, you know, are we limited to where we can't consider the original question or the original objection? Are the spending priorities correct? Are they in line with what the voters expected? Is there a sense in the council that we're not allowed to deliberate on that question? Because I think that's maybe a more important question than the one that's just in front of us.

>> Mayor Adler: My sense would be that any member of this council could direct the spending of city funds that way. It probably would take a motion to be posted and then -- it wouldn't be germane to this question, but I think that a councilmember could say I want to spend this part of the budget that way.

>> Zimmerman: So would it be in order for me to make a motion that this item be referred to the audit and finance committee so they could resolve that greater question of is the money being spent

according to the expectation of the bond voters? Is that a -- I can make a motion to refer it to audit and finance?

>> Mayor Adler: I think you could. Let me ask a question and I'll come right back to you. Does the bond authorization authorize the spending of these funds for this purpose?

[1:04:43 PM]

>> I'll speak on behalf of the parks and recreation department. I was intimately involved in the bond development program. The bond language certainly does provide the ability to direct the funding to the chapel building. The worksheet that was presented here earlier was a brake down of projects that were -- break down of projects that were anticipated during the bond program. Certainly as we find out more information moving forward with funding in hand, the actual costs and the specifics of projects are evidenced through that process and the determination is made at a staff level and through public process and in working through even the cemetery master plan that touches again upon those priorities and the needs priorities and the needs within the program. But we do have authorization under the bond program and through the bond language to spend the money in this fashion.

>> Mayor Adler: Okay.

>> Zimmerman: So what little there is of public participation are disagreeing with you. They're saying it's not public participation that led to this decision.

>> Mayor Adler: Mr. Zimmerman has moved to refer this matter to audit and finance. Is there a second to this? Okay. We're now continuing debate on this item. Ms. Tovo?

>> Tovo: I'd like to -- if I talk loud enough it goes on. I'd like to move approval of this item. I am persuaded by our information that we've received and by the staff's assessment that this is a high priority. I believe oakwood cemetery is one of our real cultural historical assets and I believe that preserving the chapel there is important to the friends and family who have loved ones buried there as well as, you know, again, I think it is a community asset.

>> Mayor Adler: It's been moved by Ms. Tovo, seconded by Mr. Renteria adoption of -- approval of item number 11.

[1:06:43 PM]

Is there any further discussion on that? Ms. Pool?

>> Pool: I was on that famous 2012 bond committee and I endorse the statements that Marty stump has said here today. There was a lot of public participation around we had public hearings and spent months working through the list of items. I was on the subcommittee for parks and oakwood cemetery received a great votes of support throughout the community for the work to be done there.

>> Mayor Adler: Any further discussion on this?

>> Pool: I certainly support this item.

>> Houston: Call the question, mayor.

>> Mayor Adler: I didn't mean to cut you off. Any further discussion? Hearing none, all in favor of item 11 raise your hand? Those opposed? Ms. Troxclair is off the dais, Mr. Zimmerman voting no and the others voting yes. We're going to -- thank you very much. Last item we'll handle before our lunch break is item number 42. 42 has no speakers. Mr. Zimmerman, you pulled this item.

>> Zimmerman: Thank you, Mr. Mayor. This will be quick, I think. Mr. Manley, thank you for coming.

>> Good afternoon, mayor, Bryan Manley, chief of staff Austin police department.

>> Zimmerman: Let me explain why it was pulled. If you look -- there's a little bit of information here, but pretty much the last line in the box there on the second page it says this purchase needs to occur prior to the end of September due to the funds being allocated for this purchase in the current fiscal year. And it's budget season, everybody is looking for ways that we can cut costs for things that aren't absolutely essential. So when I read that I kind of jumped out of my chair. I said wait a minute, wait a minute. If you really, really need something, you would buy it instantly, the minute you had the dollars ready, you would go out and buy these things.

[1:08:46 PM]

You wouldn't wait until the end of the fiscal year and go oh my gosh, the money is getting ready to go out of our budget and go back to the taxpayers. We've got to hurry up and spend it. So I'm having trouble believing the claim that we absolutely have to have these night vision goggles because of this sentence. To me it's kind of a freudian slip that admits the real reason we're doing this is because the money is getting ready to expire, not because we really need it.

>> To that point, this was a purchase that began at the beginning of the year. We did the tactical team looked at the need for this. This purchase project began on April 15th is when we submitted the purchase request for these items. So back in April the swat team had decided that this was the appropriate piece of equipment, filed their purchase request on April 15th. That made it over to our budget office on may 9th within the department. And at that point once our internal purchasing finished with that it went over to corporate purchasing. And once they put it through the process that they have

to, which if you need specifics on that, I can't give you those, but ultimately then once we went on the July recess, it's now before you. But this is not a last minute -- this is a process that began at the beginning of the year with a purchase requisition that was submitted on April 15th.

>> Zimmerman: That's very helpful. The timeline is very, very helpful. But I guess the money for this was actually allocated -- we're in budget season right now. So probably the money was put in a year ago. It was planned for a year ago. Is that not -- we do our budget cycles annually. I'm sorry, it's my first budget cycle. But we prepare the budget for the year. We're doing it right now for the next fiscal year. So wasn't this money put in in probably the summer of last year?

>> The vast majority of the money being used for this, as you see, the 103,000 amount -- the 100,000 survive dollars amount is actually seizure funds that would roll over.

[1:10:59 PM]

So it's not a end of the year spend it or lose it approach for us. This is just the way the purchase actually worked its way through the system. Again, we were looking at these items back in February and March making sure that we were purchasing the right equipment and the purchase requisition was put forth on April 15th.

>> Zimmerman: Okay. But it does say here the funds being allocated for the purchase in the current fiscal year. So you're minimizing that remark, I guess, is what you're saying. It really doesn't have anything to do with it?

>> There is another line item, the 3,372 that is currently part of our operating budget, those funds would actually expire at the end of the budget year. But the majority of this purchase, the initial 100,000, is actually through our seizure funds.

>> Zimmerman: Okay. And finally, how many units are we talking about? How many night vision goggles do we have now?

>> Right now we've got I believe there are five, but these are -- I actually had a swat team member here earlier in the day with me, but I asked that he go back to his duties. And the five that we have on their best day work minimally.

>> Zimmerman: Okay, thanks.

>> Mayor Adler: Any further discussion on item 42? Is there a motion to approve item 42? Ms. Pool makes that motion. Is there a second? Ms. Tovo? All in favor of item 42 please raise your hand? Those opposed? It's unanimous with everyone on the dais. Thank you very much.

>> Thank you.

>> Mayor Adler: Before we break for lunch and be thinking a second about how long you want to take, I just want to address we have three items that are going to be debated with a lot of people that are interested today and I just want to touch base on those. The first item is the public hearing on the budget. We're going to call everyone who wants to speak on that and give them the full three minutes to talk. We have the str issue which has gone to a committee, so consistent with the rules I'm going to call four speakers on each side as we provided for in our ordinance.

[1:13:09 PM]

If people want to talk to each other about how to apportion that time they certainly can. And then the third item is the Springdale farms issue that has not gone to a committee, but consistent with the earlier discussion in my posting, it's my intent to limit that discussion to 30 minutes on each side. And I'm going to look at the number of people -- if people want to share their time or do that, that might be good. I'll be taking a look at the number of people that are involved to see whether I get to 30 minutes by limiting the time that people speak or limiting the number of people. Those are the three items that we'll discuss. It is now 1:15. Do we want to come back at 2:00? Ms. Tovo?

>> Tovo: Mayor, I have a question. Do we have any other items we could take up before 2:00? I'm not immediately seeing any, but I may be wrong.

>> Mayor Adler: I don't think that we can. Everything else has the time certain. We managed to get through everything we could possibly get through this morning.

>> Tovo: Super. 2:00 sounds good.

>> Mayor Adler: 2:00, we'll be back.

[2:00:35 PM]

Test test test

[2:17:54 PM]

>> Tovo: Good afternoon. I'd like to call this meeting back to or at 2:17. The next item is items 2 and 52 at the same time and that is the short-term rental resolution. We're going to follow the committee

process -- the public speaking process outlined in the committee ordinance and that is that we will have entertained four speakers on either side of the issue at a total of two minutes each speaker, but we're going to start with our chair of the planning and neighborhoods committee councilmember Casar to lay out what the action was at the marathon meeting Monday evening.

>> Casar: Thank you so much mayor pro tem and thanks to everybody who is here after being with us so early on Tuesday morning. We recommended a pretty wide range of potential changes, some of them being changes, initiations of changed to the land development code being initiations of new city processes to deal with enforcements on our -- of short-term rentals. There is a resolution posted that has all the recommended items, the vast majority of which were recommended unanimously and there were a couple of items recommended with three of the four votes. So they are all here on the resolution. There were some items that were brought up by both the code department and councilmember Gallo and amendments by the mayor pro tem that will be discussed at a September planning and neighborhoods committee meeting which anything that gets recommended out of that meeting will then come back again to the council. So what is on the resolution today, the committee did decide was appropriate and recommended to be voted on today by the council or at least discussed today by the council. We felt like those were right either because they just made sense and also some of these recommendations were actually brought forward to us by the code department before the summer break.

[2:19:57 PM]

>> Tovo: Thank you, councilmember Casar. I'm going to call on councilmember Gallo to just give us a very brief overview of the resolution. I know most of you gathered today are well aware of it. I'll also note wheel she's preparing to speak, I have received four names to speak against the resolution and those are Paul Hilgers, bob Easter, Darius Sitzman and sundae Amanda. So hopefully that was the orchestrated plan for those who wanted to speak against. I have not yet received four names for those who wish to speak for it. Councilmember Gallo.

>> Gallo: Okay, thank you for everyone being here. It's so nice that it's actually daylight outside instead of 2:30 in the morning that we're talking about this again and just to, mayor, what you said, we really appreciate all the people that hung in there for a long and late night meeting the other day. This has been a long process and we ended up with a second resolution that basically had all of the or most of the comments and recommendations from all the groups we had talked to both neighbors, both short-term rental owners and operators and also the code department and put all of those together into one resolution. And at our council committee meeting what we determined was that it would make more sense to divide those items up into two groups, one of which would be -- one group would be discussed today, was recommended for being discussed today from the council committee meeting, and the other group would be heard once again before the council committee meeting in September and then heard at the September city council meeting. And so what we're looking at in the resolution that we have

before us is the division of those two groups and the ones that we'll be talking about today. We've tried to be really transparent in getting this information out to everyone. We had the initial resolution and then we had a changed resolution that reflected the items that would be talked about today.

[2:22:02 PM]

That resolution went through legal and then legal made a few changes to it and we have also posted yesterday, that was also posted and really the only -- none of the content was changed. There were just a little wording that was changed and then on a couple of the last recommendations that actually came from the code department, they were combined and so you don't see -- there's 12 items on this one where there were a few more on the previous resolution, but it's not that anything has been eliminated, it's just several have been combined.

>> Tovo: All right. Thank you very much. So let's start with speaker for and council, unless there is objection, I suggest we do -- we ought -- alternate for and against. We have a request for those speaking for have their third speaker speak for four minutes so unless somebody objects I'm going to allow that. Anybody object? Very good. Palmer corony, you are our first speaker for the ordinance. If you would please set the timer for two minutes.

>> Takes that long. My name is palmer corony. I represent a group of your constituents who have been directly impacted by short-term rentals. Someone recently asked us can we come to some kind of common ground, and the reality is I do think we have a lot of common ground with the other side. I think we can all agree that the current ordinance and its enforcement is a mess. Currently there are 5,000 air B and B alone. There are 1200 licenses. The city's 311 data on complaints is woefully inaccurate. I just heard a figure that Austin has a 72% str compliance rate. Those Numbers don't add up.

[2:24:03 PM]

And I think we can all agree that \$2.3 million of hotel occupancy tax that's been generated in the last year is very different than the 15 million that the industry has talked about. And, well, I don't think we would have been here until 3:00 A.M. If this wasn't a mess. I think we can also agree that we support homeowners who want to live in their homes and want to occasionally rent out their homes as a short-term rental. We support compliant str 1 owners.

[Applause] What is hurting our neighborhoods, what is hurting our communities, what's hurting affordable housing is str 2s. These are nonowner occupied short-term rentals. These are operating in our residential areas. These are not homes, people don't live there, they are hotels. Finally, I think we can

also all agree on that the str online platforms, that's the guys in the suits in the back of the room, they need to do more, they can do more and they should do more.

[Applause] We need to ask the corporate players -- we're asking council to do more, we're asking code to do more, you are asking citizens to do more. Now we need to start asking industry to do more. They are profiting from short-term rentals. They have the data, they have the technology, they can support compliant str's, they can help the city enforce, take off illegal listings --

[buzzer sounding]

-- They can collect hotel occupancy taxes and the burden shouldn't be on the city council or the city or the Austin citizens. Thank you very much.

[Cheers and applause]

>> Tovo: Thank you. Our next speaker is Paul Hilgers. Next after Mr. Hilgers, Christine -- Kristen hotop and after will be bob Easter. Mr. Hilgers.

>> Thank you, council. I'm Paul Hilgers. I'm the CEO of the Austin board of realtors. I'm representing our 11,000 members and the homeowners and rental property owners they work with every day.

[2:26:12 PM]

Abor believes in protecting the quality of life of residents. Short-term rentals when responsibly managed in the context of reasonable and consistently enforced regulations are compatible uses. Abor has an investment in protecting property owners' rights to use their properties in ways compatible with surrounding uses and do not degrade neighborhood or quality of life. Abor is supportive of this resolution in the form recommended by the planning committee with the exception of the occupancy changes recommended. Occupancy is a complicated restriction which must be clearly defined to be enforced. We're asking specifically today that council delay action on this provision to allow stakeholders more time to consider it. Abor does not support party houses or event centers in neighbors. We have to be a supporter of property codes for all properties. Abor does not understand why the code enforcement department and city legal do not leverage all tools at their disposal to enforce the rules and regulations that are already in place. We are supportive of today's resolution to ensure bad actors don't get a free pass but with this comes that the code department fully leverage authority to enforce the property code. That should be the understanding across all property types and we should take steps to -- operating with appropriate licensing within the city of Austin. From rundberg to cat mountain, known bad actors have been allowed to continue unabated to the detriment of the quality of life of neighborhoods and even the devaluation of their property value. Code enforcement has \$18 million in their budget next year proposed. It is not without --

[buzzer sounding] Resources to do their job and not just with short-term rentals but with other problem properties in the city. We continue to look forward to work with the city on this.

[Applause]

>> Tovo: Thank you, Mr. Hilgers.

[2:28:13 PM]

Ms. Hotop, then Mr. Easter and following Mr. Easter Richard Sheeley.

>> Thank you all for reviewing this issue today. My name is Kristen hotop, I'm here to express support for the pnc committee recommendations. And we're not here to go after type 1s. We support type 1s, we support the true home sharing economy. We do not support commercial businesses operating in a regulated manner in our -- unregulated manner in our neighborhood.

[Applause] That is the problem with type 2s. I would like to share this with the full council. I would like you to see what I'm trying to raise my 2-year-old son across the street from. This property is one of several in my neighborhood alone and I call into question the industry figure of 8 to 15. They pulled the 15 million revenue out of the air and they are pulling that figure out of the air too. I can name 8 to 15 problem properties in my neighborhood alone because we have no regulations to protect citizens like me and my family. This property rents for 1200 a night, sleeps 20. It's being marketed for parties and large events, bands, corporate retreats. I want to you see what's inside this home. This is one bedroom stuffed with one, two, three, four, five, six beds, second bedroom, one, two -- there's a double bunk bed, I didn't know they made those. Three, four, five, six, seven eight people in the second room. The third room, even the living room, everything folds out to a bed. We cannot continue to live this way. The former council unleashed these businesses on us into our neighborhoods and left us to fend for ourselves.

[Applause] This is a mess. We need your help. If the current ordinance were adequate, we would not be here today.

[2:30:14 PM]

I can't tell you how many hours I've taken off work just to come up here and speak with you all and to be here. I have a life to live and I want to get back to it and we're begging you for assistance with this.

[Applause] We do support the type 1s.

[Buzzer sounding] And we ask industry to step up and pay more than lip service to helping us fix this problem.

[Cheers and applause]

>> Tovo: Thank you, Ms. Hotop. Mr. Easter. After Mr. Easter will be Mr. Shili. I apologize. I'm doing worse and worse at your name I suspect. And after that will be Darius Sitzman.

>> City councilmembers, my name is bob Easter, vice president of the Austin rental alliance. We're the owners who were following the rules before there were rules. Councilmember Gallo, thank you for bringing this subject and this -- and we've stood side by side with you at the press conference and with our neighbors saying there should not be any party houses in this city and we do not appreciate the bad actors who have caused the problems to our neighbors. We stand side by side with them. There is no distance between us and Ara members. We want to see the small handful of bad actors punished and put out of business. Of the 21 suggested changes on improving existing codes, we support 19. Finally we want to speak loudly and clearly on behalf of the austinites who rent, use and stay at short-term rentals in the city, but time after time we are drug down here for four years to try to address the problems that our owners are not creating.

[2:32:18 PM]

[Applause] And Austin senior citizens who are str owners have been called out of town investors and signs posted in our neighborhoods saying no str type 2s here. Ignoring the fact Austin neighbors are using type 2 when remodeling homes, buying or selling a home or in times of emergencies. We think that our tenants are not just short-term rental owners, they are long-term also. Many -- 50% of my property, my str --

[buzzer sounding]

-- This career will be long term. Thank you so much for your service to the city and we're able to answer any questions that you would like. Thank you.

>> Tovo: Thank you, Mr. Easter.

[Applause] Next up Darius Sitzman.

>> Richard sly, a real estate broker here in Austin. A few years ago the city sold out to homeowners by listening to the siren song of more revenue, a pot of gold that turned out to be a tiny pot of silver. In the process they've unleashed a cancer in our neighborhood. The zoning laws have been broken, neighborhood restrictions have been broken by establishing commercial operations in single-family residential neighborhoods.

[Applause] Homeowners have found that the city has little to no control over these str. The operation of these rogue hotels has destroyed the quality of life, lowered home values -- anybody in here want to buy a house next to a hotel?

[2:34:20 PM]

>> No.

>> No.

>> How many of these s-2 -- str 2 owners live near their properties? None that I know of. Monday night none of the people that spoke live near their rental properties. Now there's a resolution presented to the city, some ability to enforce compliance for the str industry and they are fighting it, the industry is fighting it because it will prevent Austin from becoming one giant hotel in the central business district that they can profit off of.

[Applause] By the way, every str 2 takes one house out of the market that a family could buy, live in, raise their children and become part of the fabric of the city of Austin. City of Austin city of Austin.

[Applause] Instead you get 6 to 30 strangers a week moving in, making noise, partying, disturbing the neighborhood and generally driving the neighbors nuts. The industry home away and arabenb do it in other cities, but not for Austin. But they choose not to. Why? The more short-term rentals they can get, the more money they can make. Many cities have suffered through short-term rentals much longer than Austin and they are now banning short-term rentals and raising the fines. This includes Los Angeles, Seattle, Portland, Santa manuka, New York and Paris to name just a few. The city must decide if it wants to protect the quality of life of its citizens. Homeowners or protect the profiteers who don't care about the neighbors, the neighborhood or how much money they can make. The choice is yours as a city council.

[2:36:22 PM]

This resolution helps protect your citizens, your homeowners and by the way, your voters. If you all saw the --

[buzzer sounding]

-- I thought I had three minutes.

>> Tovo: If you could conclude your shot, Mr. Thigh. That was your three minutes. Conclude your thought.

>> If you saw the Austin business journal this morning, home away is objecting to basic tenants that any rental property has, keep the noise down, register guests, manage the property. These are all basic items. If somebody is renting a house, they are going to know who is there.

>> Tovo: Thank you.

[Applause] Mr. Sitzman, welcome. You will have two minutes.

>> Appreciate you guys' time. I'm just a dad and I've got five daughters and my wife and I enjoy renting our house, our primary residence in southwest Austin as a short term 1 and enjoy welcoming guests from all over the world to share the awesome city that we have. It's a pleasure, you know, that we really enjoy and it opens the door for us to go out and spend some time around the country and see the other places nearby. And it really enhances our life. What I wanted to specifically talk about is who -- who rents our house is -- our house is large being as we have five kids, so we target and are interested in and the majority of our guests are family events, right, coming in for a graduation, coming in for one of the daughter's weddings, coming in for, you know, a family reunion.

[2:38:25 PM]

One of the kids moved to Austin so mom and dad come, they rent our house and, you know, a couple of the other kids come and bring their boyfriend or whatever, you know. So big house, okay. This limit of just six people in, you know, any one house, the problem with it for us if you think about that in a few years my girls are going to be grown, it will be seven of us in our family and we wouldn't even be able to come back to Austin to visit and rent our own house, really any house in Austin. We've got to make this thing work. We've got to keep sanity here. I don't think a limit of six for any size house is at all reasonable. It's just crazy. My family couldn't even stay in one house. Thank you guys for your time.

[Applause]

>> Hello, greetings. Mary ingall, president of Austin neighborhoods council. I got one minute I got to speak fast. Commercial use of single-family residential property is wrong. It should be illegal. It's inequitable for other people who own single-family property.

[Applause] Commercial str's do not support keeping our housing stock for the people who live here. This is -- this resolution is a step in the right direction and I commend you councilmember Gallo and the rest of you and I hope you will work hard to make this better. The occupancy limits are critical. The ones in the resolution must stay despite what Arbor says and keep, have courage, do the right thing, let's get rid

of a commercial use of single-family property and put some teeth in where code compliance can do its job too. Thank you.

[Applause]

[2:40:26 PM]

>> Mayor Adler: Our last speaker is Darius Sitzman.

>> Tovo: Actually I believe our last speaker is Amanda Sunday. My notes aren't very good and he will have two minutes.

>> Mayor Adler: Thank you.

>> My name is sandy Hernandez. I want to thank the mayor, mayor pro tem for hearing me out today. I think that both sides of this argument are on the same page in that we want to prevent noise and disturbance and vandalism or any sort of problems. And I think we should focus on that's the problem we're trying to solve because I think a lot of the resolutions aren't really going to solve that problem.

[Applause] For example the registry will only be followed by people who are already following the rules. Anyone else who is packing 20 people into their house, just six of you sign it and the rest of us won't. If, and I think the -- the other thing is we need to look more closely at data and analyze it. I've heard a lot of Numbers from both sides and I don't know what's right, but I think city staff should be the one that's bringing forth these Numbers both on complaints and noise violation and the tax impact which I think we should understand before we enact any other resolutions. And so I think also that as a previous speaker said the occupancy limits, you know, seem to be one size fits all and I'm not sure especially for somebody who has a four-bedroom house or five-bedroom house, I'm not so sure that that, you know, is appropriate for them. If they were allowed to have a few more people I'm not sure that would create a lot of noise or other problems. We already have ordinances that relate to all these things. There's already an ordinance on occupancy, on noise, and I just think that a very easy solution to this problem is to move all these violations into administrative court, give code the ability and tools to enforce them and we can knock out sort of all the bad actors that everybody is complaining about on both sides.

[2:42:43 PM]

[Buzzer sounding]

>> Mayor Adler: You can finish your thought.

>> On both sides of the argument and I would just ask that the city council take the time to think through those issues. Thank you very much for your time.

[Applause]

>> Mayor Adler: We are now back on to the dais. Is there a motion and a resolution in front of us? Will someone move for -- and I understand there may be some changes, so we get something on the floor, do you want to make a motion, Ms. Gallo?

>> Gallo: I would make a motion to approve the resolution that is before you. I think there are -- my understanding is there will be an amendment to the motion to consider moving -- excuse me, moving one of the items to our September group and then I think there is a correction that our chairperson wanted to make.

>> Mayor Adler: Okay. So I want to make sure that I have the right base motion in front of me to start off with. How do I identify what is the base motion?

>> Gallo: It should say revised item 52, 8-18-2015, changes based on planning and neighborhood council committee recommendations.

>> Mayor Adler: Is it the one that says planning or panning?

>> Gallo: It should say planning.

>> Mayor Adler: I think that was a very clever way to make sure we were looking at the right one. So the one we're looking at is the panning one.

>> Gallo: It was. You caught me.

>> Mayor Adler: It was perfect. I need some kind of identifying feature. The base motion, Ms. Gallo moves adopting that base document and it is seconded by Ms. Houston. Now, was it your intent to -- to -- to take out one of the provisions from this?

[2:44:47 PM]

>> I think there's going to be amendment to this motion.

>> Mayor Adler: Okay.

>> To remove one of the items discussion.

>> Mayor Adler: And which part was that?

>> I'll just go ahead and make the motion if that's easier for everybody.

>> Mayor Adler: Okay.

>> Troxclair: Well, first I want to thank councilmember Gallo for working so hard on this issue and for all the people in the audience who have brought the issue to our attention and worked so hard to make sure that we come up with very thoughtful and effective policy going forward so that -- so that we can fix the problems that we clearly have with this issue. I think, you know, after listening to the planning committee and understanding that the members of that committee made the decision to take out some of -- not take out, but to move ahead as quickly as possible with the enforcement tools that there's broad agreement on so that we can go ahead and again target the properties that we know are problems. But the items that we needed -- felt like we needed more discussion on move to September. I think that item number -- let's see, number 5 on page -- one, two, three, four, five -- on page 5 that has to deal with the issue of limiting the occupancy to six adults is clearly something that we need to make sure that we get right and something that I'm not sure there has been consensus on yet so I think it's just appropriate that we talk about that issue in September in the broad context of the other issues that we're tabling until that time. And this really isn't a statement for or against that particular item. It's just, you know, it pains me to hear from constituents who say that they aren't going to be -- wouldn't be able to have their families stay in a home.

[2:46:50 PM]

I think all of our goal is to protect families so I think -- anyway, all I'm trying to say is I would like to make a motion to include that in our conversation in September.

>> Mayor Adler: Would it also be part of your motion to take out for the time being section 9 on the second to last page, which I think would be page 6, since there isn't a -- until we pass a number 5, there's not a residency -- there's not an occupancy limit to include.

>> Troxclair: That would be fine.

>> Mayor Adler: Okay. Ms. Gallo.

>> Gallo: Let me make a suggestion. The current occupancy limit would be the code that overlays all of Austin already which is not more than six unrelated and then in some areas it's not more than four unrelated. So our desire very quickly, and I think that would be the reason I would suggest we leave 9 in there is because we do want the advertising to reference that so that that is very clear for the people that are looking to rent something what the zoning code currently is.

[Applause]

>> Mayor Adler: I'm fine with -- so long as there's that occupancy limit in the deal, I'm fine with that. So it's been moved to amend it to, to strike item 5 and carry that over to the September discussion. Is there a second to that? Ms. Gallo seconds that. And I think you've already discussed that. That's okay.

>> Point of order. Motion first.

>> Mayor Adler: Further discussion on the decision so discussing now the question of number 5 and whether we put --

>> Mayor, let me remove myself from seconding the amendment since the motion was mine and I think you had someone else.

>> Mayor Adler: I'm sorry, Mr. Zimmerman can be the amender on that. So we have an amendment which has been seconded at this point and it's to move number 5 out of this and to be part of the September conversation.

[2:48:55 PM]

Any discussion on this? Yes. Mayor pro tem.

>> Tovo: I voted for this on Monday and I'm in support of having -- of changing the occupancy wording so it applies to unrelated adults. I think there are several -- there's a body of concerns that are raised by short-term rentals and some do involve those being used by party houses and I believe that occupancy has been one of the primary challenges for many people who live near short-term rentals that are not good actors. And there are multiple, multiple examples of houses that are being used and are overoccupied according to our code so I believe it's important to move forward with this. It's an important piece of the relief that we're trying to offer homeowners that are having trouble with particular short-term renters so I can't support this amendment.

[Applause]

>> Mayor Adler: Further discussion on this amendment? Ms. Kitchen and then Mr. Casar.

>> Kitchen: I want to say that I do support occupant Sitzman limits, but I would like to allow the committee some more time on how they craft this so I will support the amendment, but I don't want that to be misunderstood as being opposed to occupancy limits. I do support them.

>> Mayor Adler: Mr. Casar.

>> Casar: Mayor, I voted in favor of bringing this forward to us today and I imagine that in our discussion in September I'll -- if it so passes that we will discuss it at September. I'll continue to be supportive of this language, but at the same time understanding that we were very rushed in trying to talk through over 30 recommendations so late at night, if there are new ideas at the committee, I'll be happy to

entertain them and there was a request that night from councilmember Gallo who was author of this to have more time to talk about it.

[2:50:56 PM]

So I'll support it, but I imagine that it's very likely short of there being some new ideas which potentially there could be in the next month that you may just get this back from the committee the way it is, but perhaps discussing earlier earlier in the day we'll have ideas how to get through some of the issues presented, but I don't want to create loopholes that would continue to make this unenforceable. Right now keeping it simple is my preference.

>> Mayor Adler: Ms. Pool.

>> Pool: I wanted to be sure if we remove item 5 to September that is correct doesn't change the rule as it stands currently; is that right? So it remains status quo.

>> Mayor Adler: Yes.

>> Pool: I wouldn't want to remove any kind of cap on occupancy and I'm in the same place as my colleagues who have spoken on this issue. I'm concerned about the number of adults that are residing or renting and I think that really does need to be discussed further and have more clarity on it.

>> Mayor Adler: To what it's worth, I'm also going to be voting in favor of this amendment without any indication as to substance. I think one of the good things about this council is it's trying to be real thoughtful and deliberative as it goes through this process. I think that is our best hope of being able to fix the str problem so we're not back here every six to eight months trying to fix it again and I think that giving the committee the opportunity to be able to take this group of issues together is what we need to do from a process standpoint so I'll be voting for the amendment. Any further discussion? Mr. Renteria.

>> Renteria: Yes. You know, I'm going to probably support the amendment, but I know that we're going to be having next meeting on September 13 and that -- I'm going to make sure that it gets put in, back in because, you know, we need some limit on there and I've seen some of the amendments that my colleague, mayor pro tem tovo, had and I think we need a discussion on all those amendments so we can get this one right.

[2:53:24 PM]

You know, I know that we already have a limit of six adults in a house, but I think also that with the enforcement that we have on this resolution we'll be able to allow code inspection to go inside and to

make -- verify that they are abiding by the rules written here in our city ordinance. But I really, really just, you know, support that we have some kind of language written into our str to reinforce that, you know, there's a limit of how many adults, but I also realize that two per bedroom would take care of some of this problem we're facing with people that have four and five-bedroom homes. But I'm going to, you know, let me colleagues sit down and discuss this over so they can get it right and understand exactly what we're pushing for.

>> Mayor Adler: Thank you. Further discussion on the amendment? Mr. Zimmerman.

>> Zimmerman: Thank you, mayor. I am going to support this amendment, but I'm really concerned about this entire process. I remember a few years back hearing on the news all the debate about str, and I remember when this passed, this was before, of course, I got on council and I told my circle of influence get ready for a train wreck. I mean I could see this train wreck coming.

[Applause] Now, the city decided it would be a good idea what, 70 years ago, 80 years ago to get into the zoning business, right? Not all cities did that, but Austin decided before I was born to get involved in zoning. And in doing so they made commitments to people and said all right, if you buy in an area zoned for single-family it's going to be single-family. So they kind of set that out and said this is what you are going to get.

[2:55:26 PM]

Then they come along later and say we're going to have str and type 2 str and they did both. They promised a certain group interested in commercial enterprises, you can get an str license type 2 and buy a house and open it up and it's like a miniature hotel. They made that commitment. Some of those people now are here and they are like what are you going to do, pull the rug out from under us? You told us we could get a type 2 license and have a commercial business and they've been doing that. So here we are as a new council in the middle of a mess. Commitments have been made to both sides and there are some mutually exclusive options we have to make. So I'm really -- I'm just kind of disgusted at how we've been thrown in the middle of this and it gets worse.

[Applause] Hang on. I'm looking at page -- the top of page 6 to tell you how ridiculous this is, it says not more two adults per bedroom. We don't even know what a bedroom is. We have some realtors that are in here.

[Applause] Some -- some properties say, you know, they advertise their home with a great room or a spare room. And I can see a big conflict coming, oh, it's a bedroom, no, it's not a bedroom. Why is the government involved in deciding what's a bedroom and what's not a bedroom? So I don't see a good way to fix this problem yet, but I'll support this amendment and just hope and pray somebody comes up with a better idea because to me the problem here is we have a lack of enforcement of existing ordinances, even before the str came along we had issues with noise and disturbing the peace and

drunkenness. And there was not good enforcement of those. Now the problem is worse. We still don't have good enforcement of rules on the books without adding any new rules so that's where I am on this.

[Applause]

>> Mayor Adler: Thank you.

>> Mayor, I'd like to call the question.

>> Mayor Adler: Is there any further discussion on the amendment? Hearing none, those in favor of the amendment please raise your hand.

[2:57:29 PM]

Those opposed. All in favor, mayor pro tem voting no. We are now back to the main resolution on this number 2 and 52. Any further discussion? Ms. Tovo.

>> Tovo: Thank you. I appreciate councilmember Gallo's work on this issue. I think it is very critical. Councilmembers, I can't always say this, but I will say I agree with her comments. I think this is --

[applause] I believe that when the council voted to allow --

>> Mayor Adler: We're going to hear this str deal every week.

>> Tovo: I believe when council voted to allow commercial short-term rentals it was asking for the kind of difficulties we're experiencing and people were experiencing them at the time and signalled to council it was of concern to them to move forward with type 2 rentals. I have posted my proposed amendments on the council message board and I would encourage my colleagues to look at them. I've received some emails and calls urging that I move forward with them now in particular, moving forward with an immediate suspension of all new type 2 short-term rental licenses.

[Applause] And until our new code amendments are in place, I am persuaded that we will take this up in superintendent and I know again I know it's of interest to people that we move forward with it as soon as possible and there was a lot of interest in moving forward with it today because there's concern that there will now be lots of applications for these here in the next little while, but again we'll get to it in September of also of have to me is making sure that as we're contemplating a new accessory dwelling unit ordinance and one that would loosen the rules for accessory dwelling units that we do so but make sure that those new dwelling units aren't going to be used as short-term rentals.

[2:59:42 PM]

I did propose an amendment on Monday that I'm refining. I think we need to think a little more about what we do with those that are already on the ground that are classified as type 1. And so I've asked for information from staff and I'm thinking through some of my colleagues' comments and some of those from the community to figure out what the best way forward with accessory dwelling units current and new and I believe we should for sure look at the new ones that might come after revision. Again, those amendments are on Lyon for those of you intoed and I'll look forward to the continued conversation.

[Applause]

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

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: Thank you. I also wanted to let my colleagues know and everyone know that I will be posting on the message board an idea for the committee to consider in September that relates to -- I won't go into the details now, but I'll just say that relates to creation of a central data base which provides information about permitted strs, those that are operating without a license and complaints, et cetera, that type of information to be -- to help with the management, tracking and enforcement and to provide transparent information available to the public as well as to help our enforcing bodies.

[Applause] So I'll post that -- I'll post that proposed language on the message board and I look forward to my colleagues considering that in September.

>> Mayor Adler: Okay. Any further discussion on this before we go to a vote?

>> Houston: Mayor, is it too late to ask a question of Paul Hilgers?

>> Mayor Adler: No Houston Houston Mr. Hilgers, could you come up for just a minute, please? And I want to thank you for being here representing the Austin board of realtors.

[3:01:42 PM]

I listened closely to your comments. What I would like to know is what is the Austin board of realtors willing to do to help the citizens of this city and the code department solve this problem?

[Applause] We put a lot of emphasis on what we weren't doing, but what are you all willing to do?

>> Well, first of all, I would suggest that the Austin board of realtors has worked very diligently in all of the planning efforts of the Springfield in reviewing these rules and regulations and listening to our members about the effectiveness or lack of effectiveness of the enforcement of the rules that are on the books and will continue to do that. So we'll continue to provide information to the city about what we

believe the facts are. With regard to the lack of enforcement of known bad actors, the inadequacy of compliance. We have worked hard with identifying repeat offenders. We have actually broad forward case studies -- brought forward case studies of even pictures of residences that were brought forward today from the other side of where violations, we believe, are occurring that could be enforced, action could be brought against them today. But it is, frankly, difficult for the city, for the Austin board of realtors to convince this city to do the job that it has the authority to do, in all honesty.

[Applause] And that is, that is where we are ham strung. It's the frustration is that we do not feel that it's appropriate for us to be vilified for trying to get the city to enforce the laws that are on the books. And we are supportive of this amendment yet we're characterized as being -- we're supportive of this resolution but characterized have to be in the process of being opposed.

[3:03:50 PM]

We're trying to bring about good, factual based public policy for this city and that's what we'll continue to do. As an association that's very diverse that has different positions on everything that comes before council, our position needs to be balanced, well thought out, and frankly factually based. And with respect to the difficulty the city has in enforcing the laws that are on the books.

>> Houston: And so before you leave, when this came up three, four years ago, where was the board of realtors in that?

[Applause] Like councilmember -- please, please, we clap, somebody is always disappointed so I would ask we not do demonstrations like that because somebody is always going to be unhappy. Like councilmember Zimmerman said, I saw this being a train wreck when it first started and so I'm not sure where that sense of balance and that reasonable and rational was at that time.

>> A couple things. I was not with the board of realtors at that time and wife got people here who would love to answer that but I'm going to go ahead and try. The answer to that question is we were in the same place we are now which was appealing for reasonableness. Which was appealing for a balanced approach. Recognizing that neighbors who own private property also have private property rights. That the fact is that noise ordinances, that party houses, violations of the property code should be enforced to protect the interest of neighbors. That was our balance position then and that's our balance position now. The writing of great policy without enforcement does no good. And so what we've said is that we have -- we have found ways to support this amendment, this resolution that goes further to provide additional enforceability, if you will, to the code department as has been brought forward in this public process that I guess is going to be known as the Gallo initiative for some time now.

[3:05:59 PM]

And -- and bravely so to try to address a difficult issue.

>> Houston: I guess I would just say in summary, I think it's bad policy that was unenforceable from the beginning and that's why we find ourselves -- because homes were already zoned residential and yet because of policy by prior councils, we were able to get commercial dwellings in our midst. And so that was unenforceable from the beginning and we're still dealing with how to make that enforceable because there's some issues that come up where code cannot enforce it because I have one next to my house. And so when you say code should enforce what's on the books, there's some things that are not on the books that they can't enforce and there's no way that we can get that to an enforcement solution. So I thank you for --

>> I would be glad to continue work with you on those particular issues because we think we could make some improvements in that.

>> Houston: Thank you.

>> I think councilmember Zimmerman has a question for me, mayor.

>> Zimmerman: Thank you, Mr. Hilgers. I had a lot of happiness when I found out I finally agreed with mayor pro tem on something.

>> [Inaudible]

>> Zimmerman: It's going to be shortlived because I'm going to vote against this because I think it's going to cause still more problems instead of solving problems. Let me call your attention to the section that says -- this one really galls me. Item 9 on the second page, it says require the local contact to reside within the Austin metro area, be available to respond within the two hours after being notified by the city or occupant. I thought, well, what happened to getting code compliance to respond within two hours when there's a problem? We're going in the wrong direction. The problem is we don't have compliance of the rules that are on the books. So instead of focusing on compliance and getting code compliance to do its job, we're adding more rules and regulations that probably aren't going to be enforced because the ones we have now aren't being enforced.

[3:08:07 PM]

I don't understand how abor could be in support of this.

>> Well, again, the issue is that abor is in support of a balanced approach to allow private property owners to use their property in a way that does not damage or hurt neighborhoods and allows property owners to use their property in the way they would want to.

>> Zimmerman: That sounds great but I don't see that balance. Balance would mean get code compliance to do their job. Item 9 is adding still more rules and regulations. We got to have a contact and the --

>> I would be glad to restate my position again which said essentially we hope we would get code enforcement to be able to do their job and give them the tools to do that.

>> Zimmerman: If there was something in here about code compliance to make them do their job, I would have a different view, but I don't see it. Am I missing it? Is there something in here that really gets code compliance to enforce the ordinances? I see new rules for property owners, but I don't see anything that gets code compliance to do their job.

>> I respect that position, sir.

>> Zimmerman: Okay.

>> Did you have a question?

>> Thank you, Mr. Hilgers. I didn't have a question.

>> Thank you.

>> Pool: I just wanted to draw everyone's attention, I had put a proposed amendment to the short-term rental resolution up on the message board previously and it was to create a pilot program for the city manager to develop and implement a neighborhood advocate pilot program and it would be a inter disciplinary team involving at least a city prosecutor and a code inspector to operate in the pilot in a targeted geographic area and work with the community and other city officials to be proactive in identifying and resolving the issues that spring from some of the str, especially type 2, situations.

[3:10:09 PM]

And in the conversation about str, it became pretty apparent that we have a broader need for this kind of stepped-up code enforcement, in particular on nuisance issues including landlords who may not be managing rentals properly that are not str. So what I plan to do and I mentioned this in our work session on Tuesday was to take this amendment, apply it more broadly for city application. It will still start as a pilot program. We're fortunate as it continues out one of our city attorneys used to work at a prosecutor in this -- it was called community prosecutor program in Dallas and it was -- it's very successful there. So we're going to try to pilot it here. It will be one of my budget items because I think we're going to have to look for an fte and it would be a prosecutor. It would not just be code compliance staff who would be out in the community so we can effect mediation, proactively solve the issues on the ground and not just for str but also for rental, apartment rentals. So I -- I won't be offering this as an

amendment to councilmember Gallo's piece here today, but we will be -- I will be bringing it back in a broader application.

[Applause] Thanks.

>> Mayor Adler: Further conversation on this? Ms. Troxclair.

>> Troxclair: Knowing that we have another month of discussions ahead of us, I guess I just wanted to point out again to everybody in the audience, I think everybody here has the same goals, you know. I know that nobody likes to live next to a party house. I don't think that responsible short-term rental owners want to rent their properties out to party -- you know, to partygoers who are going to damage their property or support the irresponsible owners who are going to make it more and more difficult for them to manage their own homes.

[3:12:17 PM]

So I just -- you know, in reading the emails and listening to the conversations, there's so much common ground here I think we have so many of the same goals and so I would just encourage everybody to realize that nobody here has anything to gain by supporting these problem properties. We're all trying to work together to make sure that we can effectively address the problem and I hope we can continue the conversation in a very collaborative and respectful manner because I think at the end of this discussion that's what's going to get us to a policy that is going to last -- be effective and last us for years to come and make sure that our neighborhoods are protected.

[Applause]

>> Mayor Adler: Further discussion before we move on? Mr. Renteria.

>> Renteria: Yes. I'm really -- the disappointment I have on this resolution is that, you know, we're still leaving code enforcement the inability for them to be able to enter a house when there's a complaint, especially on Sr 2s where they can see if there's a violation of occupancy, how many people are living in that house. And no matter what we say, we can say limit it to six, but if we don't give the power to code enforcement to be able to go inside and verify what's going on, then, you know, what don is saying, councilmember don Zimmerman is saying, it really has no teeth. This thing here is just the same thing. It's almost like -- I'm disappointed because we're not giving them any -- the code enforcement any power to do anything really. I mean they are going to go up to the house, they are going to say, hey, are you violating, you have more than six people and they are going to say no we don't or they are not going to answer the door. I even heard some of the code inspectors when we had a hearing in my neighborhood, employing dogs if they see code enforcement coming they just go back inside and say no, there were just six of us out here partying and they can't go inside.

[3:14:30 PM]

They can't do anything. So, so I'm going to bring that up on September 13 that we really need to put some teeth and give them the power to go into this -- into these commercial str 2's so they can actually verify these bad players because as long as they are letting the bad players and you can't go in and verify it, then we're still in the same position.

>> Tovo: My last comment. At Monday's meeting I also read some language that I had proposed back in 2012 that appears to have been -- appears to have passed and should have been incorporated -- my forensic research suggests it should have been incorporated into the original ordinance. I can't pull it up right now, but it had language that talked about this as a pilot program and asking staff to report back in a year on the effectiveness of the ordinance, including how -- what the enrollment -- whether it had had any impact on the existence and accessibility of long-term rentals in areas that had had an increase in short-term rentals and some other issues. Because while the conversation I think here today has focused largely on problem properties, there were concerns at the time, and I continue to share them, that commercial short-term rentals take off the market opportunities for longer term rentals. So I think we have an obligation to look at that as well. So I will look-- I am going to post that language as well on our council message board and I'll work with staff to find out where that language went and why it didn't end up in the existing ordinance, but we need to look at that issue as well and it's one that community members have raised, certainly on Monday night, but I think it bears looking at as well.

[Applause].

>> Mayor Adler: Ms. Gallo.

>> Gallo: Is everyone finished because I wanted to end the discussion with some comments.

[3:16:33 PM]

Was there anyone else --

>> Zimmerman: One more.

>> Mayor Adler: Mr. Zimmerman and Mr. Casar both had their hands raised. We have another couple long public hearings still to come.

>> Casar: I'll be brief, but I think it's important to acknowledge that there was some discussion here about this not helping code out enough, but we are initiating some significant changes to the land development code and I want to recognize councilmember Gallo's work and the work of code putting

together some of the recommendations because we are -- even if some may think it's not enough yet and that's why we're having a meeting in September, are creating penalties for operating without a license with this land development code that's initiated eventually becomes part of the code. We are creating opportunities for the licenses to be revoked if people provide false information on the applications, which we've had a lot of communication about. And the list goes on and on. There are nine or 10 land development code change initiations here along with work being done by staff. So while I know the conversation does need to continue, I don't want the folks that have been working so hard on this issue both on the dais, on the city manager's side and on the advocate's side to feel like this vote isn't doing much because there's a lot of work put into this and I do think that it's a step in the right direction. So I feel very comfortable voting for the resolution despite some of my reservations about how effective the guest registry will be. I'll give it a chance and see what the planning commission and others do with it. Blamed.

>> Zimmerman: I'd like to dove tail on councilmember Casar. By the way, I feel terrible, you're here at 2:30 in the morning. It should have been me, but it wasn't. I feel the pain. Also all the constituents, everybody that came. It's hard for everybody. As I said earlier I'm not going to repeat all that, but I'm going to make a prediction. It looks like this is going to pass. I think the motivation for this is because code compliance did not enforce the original rules. I'm going to Mike a prediction they're not going to enforce these rules and the reason for not enforcing the rules is that people will go underground.

[3:18:40 PM]

They just won't register and they'll do stuff off the books. So I think that's why I don't think they're going to enforce these rules and we'll be right back here with the same problem in a few years.

>> Mayor Adler: Ms. Gallo, do you want to close for us?

>> Gallo: I would love to. I have a lot of thank you's. This has been a long process and we've got some more process to go through, but I want to thank first the council for taking a group of these resolution ideas which I think will make some significant process -- progress quickly and be willing to pass those. I'm assuming we're going to do that. And then I also want to thank the council for realizing that it's really important to get this issue right and to take the time to think about and discuss the more complicated issues, which gives the Austin residents and the industry a chance and an opportunity to continue to help us with recommendations. I also want to thank code for spending a lot of staff time over the last several months and helping -- attending our meetings, helping us to address the issues and answer the many questions that my office and the neighborhood and neighbors have had. I thank y'all for implementing the pace team in July. I think that showed with a change in when staff time was allocated to the issue, which is problems are happening in the middle of the night, on weekends, not between 9:00 to 5:00 Monday through Friday. I think the change in that realization that we need to have people out there enforcing when we have more potential for the violations to be occurring, I appreciate that.

But after spending the last three months on this issue of lack of enforcement, I'm going to say to the director of the code department, it's time to do your job now. Use the tools you have, use the tools that we're getting ready to give you and let's get the enforcement fixed for these non-compliant and non-licensed owners that are becoming such a problem for the neighborhoods.

[3:20:49 PM]

To the city manager who unfortunately is not here because I would have hoped that he would have been here to listen to this important discussion, I say, I would bet the rest of the council says and certainly the community says, that we hold you responsible. We hold the city manager responsible for enforcing the non-compliant owners and we expect you to make sure that our city departments up hold and enforce our codes and ordinances.

[Applause]. And I want to thank the neighbors. Y'all have spent tons of time working on this. We, this process started over three months ago when some district 10 constituents came to one of our town hall meetings and started telling us about the problems they were having with some of the homes in their neighborhoods. I was appalled with the issues that they were dealing with. I would not want to live next to one of the homes that was operating in noncompliance with our current ordinances. This continued with many, many meetings and emails and calls. I also want to thank you to the short-term rental owners that are good short-term rental owners and act in compliance with the laws and the ordinances. You are an important part of this community and I appreciate the fact that you continue to encourage and expect other owners to abide by the ordinances. I view short-term rentals as -- I've used short-term rentals as my husband and I have traveled. I want to think that I am a lawful user of those properties and I have always enjoyed the option to use those. We've gotten lots of emails into our office and I've responded to a lot of them with questions and said when did you come to Austin? What did you rent? Who was with you? Why did you rent? And what I heard from it there are people renting short-term rentals both type 1 and type 2 who are grandparents who want to visit their children, but for whatever reason feel like there's either not enough space in the house or they want a little bit more peace and quiet than perhaps the family house offers.

[3:22:57 PM]

I hear people coming for graduation. I hear of families that come in that want to rent a house instead of a hotel room because the advantage of having a kitchen is really important with kids. I hear about people moving to Austin that want to get here, but are either not ready to close on a house or have a couple of weeks or a month before they close on their house and their short-term rental options are better than staying in a hotel room. We've all worked together and I've really appreciated everyone's

recommendations. And just to give you a chance to stretch your legs for a minute, if everyone in this audience that has either called or e-mailed my office or come to a meeting that we've had, if you could stand up I would appreciate that. I just want to say thank you to all of us. We're here because we represent all of you. A lot of times the decisions we make are not exactly the decision that you may want to see us make, but result as a compromise between all the parties, but we do represent everyone, but I do want to say thank you so much for all of you that have spent your time and effort as we've been through this process. Thank you.

>> Mayor Adler: Thank you. Any further discussion? I also want to thank the councilmembers associated with this and the committee. I think the way this was handled, the way the taxis were handled, some of the other issues that are coming before us, I think the process that we've set up with the committees is working. A lot more work to fine tune it. Ms. Kitchen, I know the transition committee is working on making the system ever better, but I think this works. And with the vote we're just about to take, we have moved so quickly through the agenda we're going to have to recess until 4:00. Any further discussion on this item? Hearing none, those in favor of this item associated with 52 and T please raise your hand. Those opposed? 52 and 2.

>> Zimmerman: Abstaining.

[3:24:57 PM]

>> Mayor Adler: All in favor with preliminary abstaining.

-- With Mr. Zimmerman abstaining. My records reflect that the next item on the agenda is set for a time certain at 4:00 so we can't move forward. We'll recess for the next 35 minutes and come back here at 4:00.

[3:39:20 PM]

Joe Almazan. Peter Baird. Nancy Crowther. Valerie Fruge. Girard Kinney. Ramah leith. Nick mow. Emily Risinger. Heyden black. Janet beinke. Julio Carillo. Sack lock recommend. Zach lock recommend. Joel miyer. Carmen de la Morena which you. Overton. Kathie rock. Patricia should be. Michael sledge. Luke usury.

[3:43:20 PM]

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

[4:29:01 PM]

>> Mayor Adler: Are we ready? We're going to go ahead and convene the meeting following the recess. We are into the balance of the meeting. It is 4:30. At 5:30 we will break for music and proclamations. Consistent with the conversations we've had, we have two items that appear to be of significant debate, people that want to testify on. One of those is the city budget. The other is the farm issue. If we begin debate on those items prior to 6:00, we're not going to close didn't on those -- debate on those until after 6:00 so that people that aren't here have the ability to be able to testify. And I've been told that some of the people, if we go forward with the farm case, that are against the appeal, are not here. So we're going to keep that debate open so that they're able to participate in the debate. And to that end, and so that their times can be coordinated at this point it's my intention not to call the people who are testifying against the appeal until 6:00. But I am going to call the people who are -- if we decide to proceed with it, the people that are in favor of the appeal prior to that point because they're here and they've turned in their list and I think they're ready to speak.

[4:31:09 PM]

That's how I intend to proceed. I'm going to call that farm, Springdale farm issue up first. And with respect to this item, there is an appeal. Consistent with the city's ordinances and rules, we first ask the interested parties if there is a request for postponement or an issue with respect to standing to raise. And I think there's a request for postponement. I'm going to let both sides address that issue, if that is appropriate procedure.

>> Yes, mayor we have a postponement request from two parties and they are both present.

>> Mayor Adler: Okay. I read the city ordinances and codes to provide that in the case of an appeal any interested party can raise an issue of postponement and then the council needs to decide that issue. So I'm going to let one person on each side of that speak to that issue, the question of postponement, and then we'll decide that issue. Do one of you want to speak first to the issue of postponement?

>> Thank you, mayor, council. I'm Daniel Yanez, chair of the neighborhood contact team. The neighbors have asked for a postponement. We were -- both parties were ready August 6, when it was -- when this case was scheduled, both the farmers and us. We were ready. And then due to staff error, without asking us, they just automatically postponed to today.

[4:33:10 PM]

Our attorney made it clear he could not be here, Bill Elshire. I want to say to you at the planning commission meeting Mr. Elshire brought forth a lot -- Elshire we non-lawyers wouldn't find and I believe that played a big part in the planning commission's decision to deny the contemporary use permit so we'd like to have him here. He can be here next week. If not then, I understand that September 3 you may not be having a council meeting. So the Springdale farm people say they wouldn't be here through September. Anyway, we're asking for a postponement to next week. Thank you.

>> Mayor Adler: Thank you. Is there someone here with the pond, Springdale farms that wants to speak on the issue of postponement?

>> Good afternoon, Mayor, Council, Michelle Lynch on behalf of Springdale farm. I echo the concerns with the opposition that it is unfortunate this item was not heard August 6. We do have individuals tonight who cannot -- today still who cannot come today because of that result as well. So we are, as Mr. Yanez stated, not available in September as one of our main owners is out of the country so any delay past August would cause us to be in October so we are not amenable to that. Thank you.

>> Mayor Adler: Thank you. Is there a motion on the dais to postpone this matter?

>> Houston: Mayor.

>> Mayor Adler: Ms. Houston.

>> Houston: I'd like to move we postpone.

>> Mayor Adler: Okay. Is there a second to the motion to postpone? Failure to have a second to the motion, we'll proceed. I'm going to call the testimony of the -- we're going to begin first with a report from city staff on this issue.

[4:35:18 PM]

Then I'm going to call a presentation of both sides. I'm going to call the testimony from the Springdale farms people and then I'm going to stop the debate until 6:00 so that the Springdale farms can put together their presentation as one unit. Staff.

>> Thank you, Mayor. I'm Jerry Rust with the planning and planning department, spc-2015, for the property located 755 Springdale road, Springdale farms. This is an appeal of a conditional use permit. I do believe it would be helpful to provide a little background history before we delve into the actual conditional use permit. Back in 2012, there was an issue with -- little further, in 2000 the city amended the city code to create an urban farm use. After that the urban farm use was -- the code was amended

again to allow the urban farm use. In 2012 an issue arose on one of the urban farms regarding a compost pile, an odor arising with the adjacent neighbor. At that time myself and the member of about five or six other city departments visited the farm, we recognize there had been code issues, to urban farms in general that weren't addressed in the ordinance. The city council passed a resolution directing us to go back and relook at the ordinance and work with these sustainable food policy board in that endeavor. We held a series of weekly meetings over a period of nine months. I believe we held three community meetings over in I think it was Fiesta Gardens regarding this issue. And in 2013 the city council passed an amendment which took effect in early 2014. One particular issue that was addressed.

[ Buzzer sounding ]

--

>> That's it.

[4:37:20 PM]

[ Laughter ]

>> Mayor Adler: You can finish your -- no.

[ Laughter ] Please.

>> Message received. One of the issues that was talked about a lot, aside from other issues relate to go chickens and other things, had to do with events at urban farms. But some of the urban farms particularly Springdale had been hosting wedding and other types of I would say cooking classes and things like that. So one of the requests at that time was to allow those as a private urban farm use. The city council decided not to do that. Instead what they did was said urban farms are zoned residential, all of the urban farms in the city with the exception of Springdale. That they did provide exception in the temporary use permit section of the code that basically allows each one of the farms zoned single family to hold up to six events per year through the temporary use permit process. Springdale farms, however, was originally zoned single family and light industrial. Going back to in the early 1990s, when the current owners actually purchased the property as a part of the city of Austin's federal economic redevelopment zone program to run the landscaping business on it. So at that time it was zoned single family and oi. There was a rezoning to cs, completed in conjunction with that change of use. So the thought was when the city council did the urban farm ordinance that Springdale would be able to come in later and apply for a conditional use permit for what we call an outdoor entertainment use, use of a property such as this for weddings where you're renting it out for weddings as opposed to to a church. So the thought was that Springdale could come in later with a cu&a decision would be made at that time. However, it was discovered unknown to everyone at the time we were doing that there was a conditional overlay

and restrictive covenant on the Springdale farms property that prohibited outdoor entertainment as a use.

[4:39:24 PM]

Therefore, in 2014 the Springdale farms submitted a zoning case and restrictive covenant amendment as well as future land use map change. The city council did not approve the change. It was actually not a necessary requirement that they do. And they did not approve the restrictive covenant, again, it was not a necessary requirement that they did that but they did approve a zoning case. The conditions of that zoning case were that the property be limited to 2,000 trips a day, they struck out 58 uses, prohibited 58 different uses, stated that outdoor entertainment would be a conditional use on the property, which is why we're here today, stated that outdoor entertainment use shall not occur within 80 feet of any adjoining single family property. In conjunction with that zoning case they approved a restrictive covenant that said that outdoor entertainment use shall be limited to Monday to Thursday, 3:00 to 8:00 P.M., Saturday 10:00 to 10:00 P.M., Sunday 10:00 to 8:00 P.M. No outdoor with 150 is allowed after 5:00 P.M., that the total use outdoor entertainment events in excess of 51 people per year is limited in the event 51 to 150 is 22 times a year and over 150, five events per year. There would be no limits on events 50 people or less. Outdoor amplified sound limited to 75 decibels. Outdoor amplified sound is allowed for 22 events for 51 to 150 people, in other words not allowed over 150 people and no outdoor amplified sound allowed during last five days of south -- during south by southwest. That was the conditions approved as a part of the zoning case. What we have right now is because this zoning case allowed that as a conditional use, the outdoor entertainment, the wedding and events, there was a requirement of the applicant to go to planning commission to seek approval for that.

[4:41:27 PM]

The applicant did file that application, the city staff did review it and recommend its approval because we felt it met all the criteria in section 255145 of the conditional code regarding conditional use permits. The conditional use permit complies with all the requirements I just read to you of the zoning case and restrictive covenant and they have formalized a parking agreement which was in effect before but it is now a more formal document with the Austin independent school district to provide for I believe 71 parking spaces on the site of the farmer elementary school for the hours of after 3:00 P.M. For events at the farm. That document is signed by Mel Waxler, the chief of staff and chief counsel at Austin independent school district. I can reread you to the use of the conditional use site plan but they match those I read. Where we're at now is actually the cup was filed to exactly match the conditions that the previous council approved in a rather thoroughly debated zoning case. The planning commission in June,

on June 9, considered this conditional use permit. There was a bare quorum of the planning commission present, five members present, and it required five members for it to pass. The case -- there was a motion to pass the case on a vote of 3-2 and that motion failed because it did not achieve a quorum vote of five. For that reason by default the conditional use permit was deemed denied and what we have before is you an appeal by the owners of Springdale farms. With that I'm available for any questions.

>> Mayor Adler: Any questions before we go to the public comment? Ms. Tovo.

>> Tovo: Mr. Rusthoven, I know you have it in your backup in the staff report what the review and evaluation criteria are but I thought you might quickly summarize what they are since it's a little different than a zoning case.

>> Sure. The first one is that it must come -- comply with requirements of the title.

[4:43:32 PM]

The second is they comply with the objectives and purposes of the zoning district. We feel it does that. As a matter of fact we have one of the most specific zoning cases I've seen tailored just particular to the tract that does meet those requirements, that the building height, bulk, scale, open space, landscaping, drainage, traffic use is compatible with the abutting site. We do feel it meets those requirements. That it provides adequate and convenient off-street parking, loading facilities handled through the offsite parking agreement with aid, reasonably protects from encroachment, fire, glare, in staff opinion it does and does not adversely affect an adjoining site that would be a -- then would be a permitted use. We feel it meets that criteria. Finally that it doesn't adversely affect the safety, convenience of vehicular pedestrian circulation, including anticipated traffic in the area and adversely affect adjacent property through lighting, types or signs and we feel it meets those criteria as well. Those are the criteria a conditional use permit shall be considered under.

>> Mayor Adler: Thank you. I'm now going to call up the appealing party. Five minutes to address the council. Then I'm going to give the -- why don't you come up, begin your five minutes. I'm sorry. Then I'll call those in favor of the appeal.

>> Michele Lynch -- we actually had a presentation in a certain order if you don't mind and I have that list for you, if we could do our side that way?

[4:45:37 PM]

>> Mayor Adler: We do. Then we'll do that. We'll go straightening the 30-minute presentation.

>> Mayor Adler: Thank you.

>> Mayor Adler: Paula Ford. Four minutes.

>> Mayor Adler, councilmembers, hello. I'm Paula Ford with Springdale farms. I want to tell you a story tonight. Once upon a time, a long, long time ago, the city decided to redefine the urban farm ordinance. And a year of meetings began with all the stakeholders in the land. And at the end of that year of meetings and mediation and compromise the city said, among many things, but single you single family zoned farms, you go forth and have no more than six events. But Springdale farms, you're the only farm with commercial zoning, go get a conditional use permit to host your events and Springdale said okay. But when Springdale went to apply for the conditional use permit, they discovered a conditional overlay on the property that said there could not be events on the farm and Springdale said, uh-oh, and the city said, sorry, Springdale, it looks like you'll have to amend your zoning to be able to get your conditional use permit. So another year began and the fire marshal came out and the fire marshal said, Springdale, you're going to need illuminated exit conditions to get your conditional use permit and Springdale said, okay. And he said you're going to need to flip those big Gates that swing out and Springdale said okay. And the planning commission recommended that the Springdale zoning be amended so that they could apply for the conditional use permit. And when Springdale went to the city with negotiated terms in hand, the city said, let's tighten this up a little bit. Maybe you should have fewer events.

[4:47:38 PM]

And Springdale said okay. And maybe there should be fewer people. And Springdale said okay. And why don't you be open fewer hours and have lower decibels? And Springdale said okay. And the city unanimously passed the zoning amendment. And Springdale left and began the next 8-month process to apply for the conditional use permit. Springdale met with the transportation department and they said, Springdale, you should pave some parking. And Springdale said okay. And you'll need a formal parking agreement. And Springdale said okay. And you'll need to put a crosswalk to that school behind you. And Springdale said okay. And you'll need to put up some bike racks and some parking signage, and Springdale said okay. But when Springdale went back to planning commission to present their application for the conditional use permit, the head of the commission and the only returning councilmember Renteria that had never -- commissioner that never had the time to visit the farm changed her mind and said no, Springdale. And Springdale almost quit. Almost. But this is a bigger issue than just one little farm. This is about real neighbors and real community and working together for the good of everyone. This is about preserving a neighborhood farm, a farm that a city grew up around. It's about food access, and it's about 5 acres of commercially zoned property. We are asking today for a permit to do commercial activity in a responsible, managed application that we have spent almost three

years defining and negotiating. We are farmers. We are employers. We are teachers. We are community.

[4:49:39 PM]

We are Springdale. If you're here today in support of Springdale, will you please show me your hand. Thank you, all.

[ Applause ] We're asking you to support us today. Thank you very much.

[ Applause ]

>> Mayor Adler: The next speaker is Michele Lynch. Also four minutes.

>> Thank you.

>> Good afternoon, again. I want to reiterate some of the process that Mr. Rusthoven went over as well and give you background on the zoning case. This is the actual site where you have exactly wedding ceremonies and events typically in those areas and the parking on the former site across the street, also part of the conditional use permit for offsite parking. Many have asked us if we're asking for something different and we're not. We're asking for exactly the same thing the zoning and previous council applied to the property, which are the conditions you see here. Nothing more. Except that during the conditional use process we were asked to do additional things and here are those items. Crosswalks, ADA parking, security officers, directional signage. The parking is an important component to the conditional use permit because it does allow for events to be held in a location that can handle that parking, in hours that are not in conflict with the aid building use as a pre-k and administrative offices. Even though the city of Austin would allow us to use that parking lot certain time frames aid may be using the lot at that time and they have ultimate discretion on their forms and if they'd allow us to use it as well so there will not be any conflict there.

[4:51:41 PM]

Some ask V asked us if we've worked with neighborhood concerns and we did pretty extensively. One of the points was they wanted us to have all John site parking not chiefable with a urban farm. We looked for that and found it with aid and entered into agreements. We talked about removing the food trailer and which is not part of the application. It's only open Friday, Saturday nights and parking does not conflict because that does not use the same parking in the aid lot. They asked we keep the number of events to ten per year and we said that was not viable for the farm and needed more. They asked us to

prohibit south by southwest events and we agreed. We talked about the number of attendees, they wanted 100 or less and we talked about breaking down restriction in Numbers, when people could be there, when not. I'll note people with do mass gath energy the code under 50 already today. We talked about over 150 and they indicated if they were before 5:00 P.M., did not have amplified sound that would be acceptable so we agreed. We talked about no alcohol being sold or served. We're not allowed to sell alcohol. It's served at wedding events and other events and we'd like to keep that right. We talked about noise and there was a concern about ending all events by 8:00 P.M. Or 9:00 P.M. Saturday was the only day we could not agree with that. So I'll remind you again this is a commercially zoned property, does have a mixed-use overlay so there are a number of things you're allowed to do without a zoning change and without a neighborhood plan amendment. Here's a land use map that shows you. Red is commercial. Here's a number of the use questions could do, some developers of which of these type of uses have approached the farm to buy the property to develop these type of uses. Again, no zoning change, no neighborhood plan amendment allowed to do these. I think Mr. Rusthoven went over the evaluation criteria. I won't go into detail but you have this in your backup. We had to submit that with our conditional use permit and we do feel like we meet every single criteria.

[4:53:42 PM]

From goals of the neighborhood plan to safety to adequate parking, to permitted uses, to traffic control, and lighting. So why should you grant this appeal? As we discussed the urban farm ordinance which the previous council directed Springdale to go do this and we're doing exactly what we're supposed to. This use will keep the farm viable. We have greatly limited and agreed to hours on events and events and sound and parking. We've become more restrictive since we stood in these chambers today. We meet all of the evaluation criteria and this cup can be transferred to future owners who want to do an outdoor entertainment use but they also have to follow all the restrictions. We have staff support and staff support from many neighborhoods you see as well as farm and restaurant industry. Happy to answer any questions.

>> Mayor Adler: Any questions at this thank you very much. Next speaker is eddy Rodriguez.

>> Good afternoon, mayor, council, I'm here to read a letter on beargue of eddy Rodriguez. Dear mayor and councilmembers. I respectfully write in support of granting a conditional use permit to Springdale farm which is locked in my legislative district in east Austin. As a chair of the bipartisan caucus I founded the caucus to focus on family food issues because they play an important reel in some of the greatest challenges facing our straight. Here in Austin our local economy is thriving in large part because of our food sector, which accounts for more than 4 billion in economic activity and the creation of tens of thousands of jobs. It is widely recognized this sector is thriving because we were among the first farm to table movement cities.

[4:55:45 PM]

But farms don't just supply restaurants with locally grown nutritious food. They are the source of our farmers market scene, leaders in community outreach. Springdale alone hosted more than active hundred school children last year and the four families started the center for urban agriculture in September 2014 to provide educational classes and tours for our students. In fact they are currently in the process of raising funds to be able to host more schools for a waived fee. You may note Springdale is zoned for commercial use and council has already approved conditional uses on the farm. The list of compromises and concessions the family has made to date is long but granting a conditional use permit to Springdale farms is not about one farm or permit, it's about the bigger decision to support and promote our urban farms. I believe they earn that support and I will continue to fight for farms like Springdale at the Texas legislature. Regards, eddy Rodriguez, state representative, house district 51. Thank you.

>> Mayor Adler: Thank you. Next speaker is consencio lisaia. You have one minute.

>> Hi, city council. My name is consencio.

[Speaking non-english language]

>> I was asked to come help translate, if that's okay. He's saying that he has worked for the family for 30 years.

>> [Speaking non-english language]

>> Springdale farms is a school for elementary children, high school children, and university students.

>> Publish publish.

>> [Speaking non-english language]

>> We always have children from young to old to university students.

[4:57:53 PM]

>> [Speaking non-english language]

>> He says we don't have problems because we're working very hard and working very cleanly.

>> [Speaking non-english language]

[ Buzzer sounding ]

>> He doesn't understand what problem there could be with bringing all these people in to visit a farm that is a healthy place for serve he hopes that they'll be able to continue. Gracias.

>> Mayor Adler: Thank you. Next speaker is Matt Garcia.

>> Promise I'm not speaking again. He's not here at the moment. But what he was going to do was introduce you to a video of the neighbors who could not be here today to let you hear their voices.

[Video playing]

>> I live right there, right in front of Springdale farms.

[5:02:51 PM]

>> Good afternoon, city council. My name is Greg Esparza and I've known Glen and Paula since I helped stop Hope Farmers Market in 2011. And since then I've become a close neighbor personally with my wife on Springdale Road and even closer with my business, on Shady Lane immediately across the street from the school. And in 2013 my wife and I were married at Springdale Farm in a wonderful ceremony, and I wanted to talk a little bit about Springdale Farm and its kind of recent history. Springdale Farm is a vital part, important part of the past, present, and future of Austin. It's been a neighborhood farm since 1920 and there's actually two hand-dug wells that serve to irrigate the crops. In 1992, Glen and Paula purchased the property as part of a federal program to stimulate the economy and create jobs in the neighborhood, like Consencio. And in 2000, they were running a landscaping business, Texas Trees, from there and even did the landscaping at the City Capitol. In 2008, during the economic downturn, Glen and Paula, both have long agricultural backgrounds wanted to restore and really give a shot to creating a neighborhood farm. The property's original use with the community and started establishing strong connections with chefs and neighbors to sell produce. And you can see the property taxes going up like they have all over Austin, on the bottom. And that takes us to where we are today.

[5:04:53 PM]

And what has happened, as Glen and Paula have reached out to neighbors and small businesses like chefs and neighbors who buy their produce there is that it's become a community hub. I was -- I participated in the Imagine Austin community task force and one of the ideas we talked about was the idea of accessible community gathering places and places that really represented the culture and past and possible future for the neighborhood and we feel that Dish feels that Springdale Farm exemplifies that. Springdale Road is a bustling corridor at this point. There's a cidery, a locally started juice

company, and it's a really bustling kind of neighborhood. The police department across the street from Springdale farm, if some of you haven't been over there, and it's a really wonderful spot.

[ Buzzer sounding ] And this is a picture of my wife and I getting married under the tree at Springdale farm and that was 150 people standing under the canopy of one tree at the farm.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Jack Waite. After will be Jeremy Barnwell you have two minutes.

>> Thank you. Good evening council, mayor. I wanted to talk -- first of all my name is Jack Waite and I have an urban farm in Austin. And I've known Glen and Paula for about five or six years, and I am speaking on behalf, though, of the working group that was convened on the recommendation of the sustainable food policy board to address changes in the urban farm code. So we worked for about seven months. We were trying to align the directives of the policy board, as well as look at the Imagine Austin plan.

[5:07:03 PM]

And most notably where it says they're trying to promote community gathering places and urban agriculture culture. So we looked at everything in the code and we came up with two new uses that really fit with this. We came up with many other things obviously in seven months but these two were pertinent for tonight. One being market gardens, we're trying to promote garden space, green space all over town. And the other where we were trying to recommend urban farms, a new use, to be an urban farm with facilities for new gatherings. So we recommended that. You've heard all the history tonight. The farmer council passed all this. This has been a long time in compromise. And this is where we are today. So it seems to me like I'm echoing everyone else, to go forward and approve Springdale as being able to hold these events, which they've painstakingly gone through all of the steps to get to, that Springdale is truly a community hub. It's an integral part of the community, and needs to be helped out here. So with that I will take some questions, if you have any.

>> Mayor Adler: Thank you very much. Next speaker is Jeremy Barnwell.

>> Hello. My name is Jeremy Barnwell and I'm with Barnieson Farm and Catering. We provide Austin area schools with lunches that are sourced from local farms. And we love Springdale, and we support Springdale because they're not only a farm. They're a community hub.

[5:09:04 PM]

They provide education for children and adults. And through what I've done in catering, we also build gardens with the children and we teach the kids where their food is coming from. And we've learned that if a kid knows where his food coming from, he's going to be more likely to try that food. He's going to be more likely to try the vegetables if he has a hand or she has a hand in where -- in growing that food. Springdale center is a nonprofit that is educating children on where their food is coming from and how to make those healthy choices that they need to make to be healthy. And they've hosted over 1800 children in the past 12 months to educate them and those kids are going to now go on and make healthy choices. And by approving this conditional use permit, you could also change these kids' lives and help Springdale to change these children's lives in making healthy choices. Thank you.

>> Mayor Adler: Thank you. Next speaker is gray nones Tanya tar is up next. Two minutes.

>> Good afternoon. My name is gray nones, coexecutive chef. We're a southern inspired locally driven restaurant located west of the capital. Smug find unique in Austin is east urban farms. I grew up in Manhattan, new England and spent time in L.A.

[5:11:05 PM]

I've enjoyed coming to glen and Paula's farm stand among others. There isn't anything like this in any city in the country. Most cities are overbroken and all sense of farming has been pushed to the pines. Glen and Paula are extremely generous, kind, loving people map they give back to the community is something we should all strive for. They educate us, nurture us, provide us with a sense of community. I always see happy faces every week at the farm stand. It's a lot like cheers where everyone knows your name.

[ Laughter ] They're providing connection for our business to the public, to gain more business, to better ourselves, as well as help the local economy. It's not easy growing vegetables in 100 degrees and it's not easy working with a handful of crops but they're out there every day, working to provide vegetables to over 50 restaurants and grow more than 38,000 pounds ever produce per year, which is incredible. Aside from growing produce and being warm, loving people they host seasonal events from educational farm tours, weddings, nonprofit fundraisers. Ola may participates to give the community a taste of what we can do. We showcase the produce these farms grow. We do this for free. We provide our time, product, and efforts on top of running a business. Do this to share and be a part of something bigger. Limiting those fundraisers at Springdale would hurt our community as a whole. It's about giving back. From my team and myself, we are Springdale. Thank you.

[ Applause ]

>> Mayor Adler: Thank you Tanya tar and then glen fore. Two minutes.

>> City council, mayor, my name is tan yeah tar, I live at did he lore res avenue in east Austin. I'm a homeowner and I'm hear to speak for glen and Paula. I want to read off my smartphone I apologize if I don't make eye contact.

[5:13:07 PM]

Two years ago my husband and I decided to get married on Springdale farm because we had four months before bought produce and eggs from glen and Paula. We live about a mile down the road multiply we were deciding what would be an appropriate place to have an authentically Austin wedding we chose Springdale because they as a farm and as people express values that are important to me and my husband. That of wholeness and of living in relationship with the Earth and being generally with the land -- generatele with the land. More than half of the waste from our wedding could be thrown on a compose heap ask&we're proud of that. It's a place where good things grow like a strong marriage. The truth is just like other sectors of this amazing city, Springdale farm is a small origin urban -- organic farm leading the way in food innovation, in opening their doors to schools and kids and students that can learn where their food comes from like many of the speakers already mentioned, when people know where their food comes from it changes their relationship with food. There are a growing number of studies on farm to school programs that suggest when kids know where their food comes perfect it can really positively impact their choices for the rest of their lives and that's particularly those -- affects -- creates that effect with kids from low socioeconomic backgrounds. And it's not -- my current vocation by I'm studying to be a health coach so I read hundreds of studies about this. We do have a child obesity problem on our hands and glen and Paula by running their farm are actively joining in that fight to reclaim our kids' health. It's also really important act of food preservation for them to be raising hear loom varieties in a world of genetically modified food so I urge all of you to please support and pass their conditional use permit without delay.

[5:15:09 PM]

>> Mayor Adler: Thank you. Glen fore. You have four minutes to close.

>> Thank you. Mayor Adler, councilmembers, appreciate being here and giving me an opportunity to speak. My name is glen fore Springdale farm. We bought the property in 1992 on Springdale road through a city and federal economic redevelopment program designed to encourage small businesses to come to the eastside and employ people weapon we grew our small landscape business to 42 people from all areas, many of whom rode bikes to work. The farmland has always been a commercial enterprise and now home to a urban farm and local nonprofit. We've been part of our neighborhood for 23 years. We are good neighbors. Over the last three years we have mediated, negotiated,

compromised, and done due diligence to continue to be good neighbors. Every time we have a chance and have gone to the table, we have done so as honest partners in the process. You are here -- you will hear our opponents say they support urban farms, they just don't want an event center. That may sound good to say you support urban farms. Our opponents have been opposed to urban farms since the get-go and Springdale most certainly is not an event center. But for arguments sake I'm looking back over the past year and our records show farm events are roughly 20% of our total revenue. Still hardly an event center. Now we might host the national league of cities on a farm tour or the convention, Austin convention and visitors bureau or have a school group come to the farm or another group from out of towners that want to duplicate what we're doing at Springdale and take it back to their fine state. We might host a supper club or even a wedding. But I can tell new no uncertain terms at the end of any given day we are most definitely not an event center.

[5:17:16 PM]

What Springdale is is a working farm in an urban setting. We're an integral part of a thriving community. Everyone needs healthy choices. We know kids that are familiar with produce are more likely to eat vegetables. It's good to know where your food comes from. You can't be an urban farm supporter and not support the many myriads of functions functions and activities it takes to keep an urban farm sustainable. We aren't the farm that invented hey rides or corn maze or tomato dinners, just another family farm trying to be sustainable in answering the community's confess to be accessibility to local healthy food. There is so much good that goes on in Austin's food community. It's a truly -- it's truly been a blessing to be part of something that has such an amazing impact. We're here today after almost three years of completing in good faith every single criteria the city has asked us, including working with our neighbors. So we're here today just to ask for your support in granting the conditional use permit so that we can maybe one day get back to our farming career. Thanks very much.

[ Applause ]

>> Mayor adler:I want to thank everybody who came to participate in this. As I had said earlier, we're now just about ten minutes away from the break when we have proclamations and music. I'm going to call for the other side when we return back from proclamations and music. We have this ten minutes and there are a couple items I think we can handle in that 10-minute time so I'm going to direct our attention. I also want to point out that item number 58 on our agenda is something that's going to be postponed.

[5:19:34 PM]

We have a couple people who have signed up to speak on this issue. I'm going to call them because they're here and it's been our practice to call items that have been postponed at the last minute, but if they want to hold their comments until this item actually comes back to council, it's been postponed to October one, that would be Stewart Hirsch and David King.

>> I'll wait.

>> Mayor Adler: You want to wait. Mr. Hirsch? Okay with waiting?

>> [Off mic]

>> Mayor Adler: Sounds good. He's gone. So item number 58 is being postponed until October 1. Ms. Gallo, I would point out to you as well that I've had the chance on different matters to speak with the city manager since our last break. He heard the comments that you made with respect to the str, was watching us on TV but dealing with the issue that will probably be the headline in the up in tomorrow, and regrets he couldn't be sitting here with us but he wanted you to know that he heard what you had said. We have the item that I think we have no speakers for. It's public hearing item 65 which is the -- 63, the Austin water item. I'm going to call item number 63. Any citizens here to speak on that? Is there a motion to close.

>> Tovo: I'd like to make a motion to close the public hearing and also I'd like to ask you if we needed to vote on the last item to postpone?

>> Mayor Adler: I don't think so if was on the agenda. I think we can just -- it's postponed, unless there's an objection or we need to take a vote on it. We need to act to postpone? Okay.

>> Tovo: I'll do that one first.

>> Mayor Adler: Okay.

>> Tovo: I move we postpone item 58.

>> Mayor Adler: Until October 1. Seconded by Ms. Pool. Any discussion. Those in favor of postponing raise your hand.

[5:21:37 PM]

Those opposed. It's unanimous. There's a motion from Ms. Tovo to close debate on item 63. Is there a second? Mr. Zimmerman seconds. Any discussion. Those in favor of ending debate raise your hand. Those -- I'm sorry? Closing the public hearing. All we're doing is closing the public hearing. Sorry I misstated that. Those in favor of closing the public hearing please raise your hand. Those opposed. Item 63, the public hearing is closed.

>> Mayor, may I ask you a question, just a policy procedure question as we're trying to all educate ourselves and citizens that show up to speak. On the item that we postponed, do we have a policy that if someone chose to speak now instead of waiting to speak when it was postponed, would they still be allowed to speak when it was actually heard?

>> Mayor Adler: The -- when it was actually called even though it was being postponed? What we've done in the past, if it was something we knew was going to be postponed as of Tuesday and were able to announce it that way, then we haven't called the people up to speak. But when we have something that on the day of the hearing, when people have shown up that we've postponed, our practice on this panel is to give those people an opportunity to speak. We don't have to.

>> Gallo: But then would they also be given an opportunity to speak on the date it was postponed too?

>> Mayor Adler: Yes.

>> Gallo: Just clarification. Thank you.

>> Mayor Adler: Yes. We have an additional item that we could call up now in the item that we have. It's another public hearing. It is -- if we look at item number 66, we have nine minutes worth of speaking on this issue. So I'm going to call the public hearing on 66, Austin energy. We have three speakers. Jeremy martin, [indiscernible] And Natalie Eagan. Mr. Martin, you have three minutes.

[5:23:38 PM]

>> Good evening, mayor Adler and honorable councilmembers. I'm speaking on behalf of the chamber of commerce. The chamber is a nonprofit organization representing more than 3,000 members, including sole proprietors, local businesses and companies that export goods services across the globe. The Austin chamber supports the city's for Austin energy that maintain customer bills in the lower 50 percentile and cap increases at 2%. We urge you to maintain these goals with the budget you'll consider next month. As you're aware Austin energy that is between its 2015 -- they've stated applicable costs include labor, materials, depreciation on electric utility plants, interest costs for debt to finance the construction of those plants. Furthermore, the cost of service study helps the city council determine revenue requirements and how the different types of customers will pay for them. The chamber represents members across multiple customer classes and we want to ensure all customers are treated equitably and fairly. Austin energy has committed to a professional, well accepted and transparent process and the chamber wants to be engaged and the chamber will be engaging. We respectfully ask the budget include sufficient resources for the cost of service study to answer the following questions, first what is the Austin energy cost of generation for the ratepayers, second how does that compare with other cities in the state for 2015? Third, how does Austin energy's city of Austin of generation and transmission compare to other municipally owned utilities in the state in 2015? Additional questions with respect to the process include when do you anticipate the work of the impartial hearing scammer

to occur and what will be the process -- examiner and what will be the process? Finally will there be more information on how the public may participate in the cost of service study involving the impartial hearing examiner.

[5:25:42 PM]

The bubble you adopt and the cost of service study will have significant impacts on affordability both in terms of living and doing business in Austin, not only this year, but for many years to come. Please make Austin energy affordability a top priority in your deliberations and thank you for your time.

>> Mayor Adler: Thank you. Would you please reduce those questions to letter, send them to Mr. Weis and copy us on that letter.

>> They've been submitted to Austin energy.

>> Mayor Adler: Thank you. Carbo J I -- jitsky. Natalie is speaking next.

>> Good evening, Mr. Mayor, councilmembers. My name is Carol, I'm executive director for Texas rose, ratepayers organization to save energy. I'm here to speak to you tonight on this issue which is related to the residential tariff that has been submitted to you for hearing this evening. I am, as you may know, I'm also the chair of the low E low-income consumer advisory task force and on June 1 we had a meeting, a public meeting, and at that meeting it was brought to our attention that there were some customers who were being dropped out of the cap program that -- after sitting at the meeting and learning more about it, I don't think they should be dropped out either. It's a very specific program that is referred to as H.U.D. Bash, which stands for housing and urban development veterans administration supportive housing, it's a voucher program but it's a voucher program that is specifically made available to veterans who have been homeless.

[5:27:49 PM]

So it's an anti-homelessness program and when a veteran is approved for this H.U.D. Vash program, they are also assigned a caseworker that works with them until they integrate into the community and have an income that is above the income that is required for the housing voucher, and it's for the H.U.D. Vash voucher income requirement is the same as it is for section 8 and other housing programs. Now what we've found out is that as the veterans go through these programs, they experience -- they have different experiences. They get a job and suddenly they can't get food stamps anymore and then they lose the job and then they go back on food stamps. And some of them have situation -- situation where's they can't -- they don't qualify for food stamps in the first place. There are about 400 of these

vouchers available here in the area, about 360 of them are in use right now. I have absolutely no idea how many of those 360 H.U.D. Vash veterans are currently enrolled in the program. I think it's a pretty good many, but there are some of them falling through the cracks and so I am hear this evening to recommend to you that you add to the --

[ buzzer sounding ]

-- Tariff language that would made the H.U.D. Vvash veterans eligible. I had three of them coming at 6:00 to talk to you tonight and I feel very bad if they miss this.

>> Mayor Adler: Thank you. Questions? If they show up here at 6:00 tonight, we'll give them a chance to talk.

[5:29:51 PM]

>> Thank you very much.

>> Mayor Adler: Okay. Natalie Eagan.

>> Hello. My name is Natalie Eagan and I'm representing my business jump gymnastics and representing the Austin independent business alliance, and we would like to show our support for re-establishing the demand rate for commercial energy back to 20 kilowatts instead of ten. This decrease happened in 2012, so it's pretty new and we'd really like to see it go back up to 20 if at all possible. I want to talk about, like, why the demand rate exists just to separate my small business from other businesses that might actually be demand businesses. So my business is so my business has one air conditioner, one radio, a drinking fountain and 24 lights. So, basically, this room is a demand client. And for small local businesses, this is really hurtful to put us in that kind of category. From doing research on why there are demand rates, it seems that these demand rates are set up so that businesses that are pulling an unusual amount of energy from the grid are there to kind of support the financial burden of putting the infrastructure in place to be able to support that sort of pull. And that's absolutely not what my business does. We open at 8:00 A.M. In the morning, we close at 7:00 P.M. We never require extra energy. The only time I can see us doing that is when we turn the vacuum cleaner on. Like that's our kind of energy demand. So, let's see, one of the things that we do at the Austin independent business alliance is we try to find ways that the city can support small businesses, and a city that really thrives itself on local business, we feel like this would be a very easy way to help us out.

[5:31:58 PM]

It's frustrating every time you look at the news and see one small business after another closing its doors. Since 2012 whenever this decrease happened it's cost my business alone \$15,000. My business uses an average of 11.5 kilowatts, but it's not the average, but the peak hit is 11.5. As you can see, my business is nothing more than a room. So on behalf of jump gymnastics and all the small local businesses in Austin and Austin independent business alliance, I would like to support raising the demand rate from 10 back to 20. Thank you.

>> Mayor Adler: Thank you. Those are the listed speakers we have. We're not going to close public testimony on 66 until we come back. It's now 5:30. We have probably about four hours of debate, public testimony queued for the remainder of the evening. I would suggest that we, you know, try to come back so we can get started. We're going to do or proclamations and music starting at 5:30. If we could get back here at 6:15, I think, look at the TV's and check, let's see if we can go ahead and get that done. 6:15. We're going to be in recess.

[5:41:42 PM]

>> Mayor Adler: All right. Now we have -- we've gotten to my favorite part of the council meeting where we get to listen to music. You know, there is something real special about this city -- there are a lot of things special about this city. One thing that is special about this city as the live music capital of the world is that we stop what we are doing, even when we're in the middle of budget hearings, to be able to take a break and to listen to music. And joining us today is Ali holder. Through a variety of genres and collaborators, instruments and experiences, there is one constant in Ali holder's music, her unforgettable voice. She has been likened to Brandi Carlisle and patty griffin, early influences like Willie Nelson and Janis job lien, little brave and Linda Rech and cinder Williams, holder's smoky vocalists paint her songs with ups and downs of merging into adulthood and beginning new chapters. Please join me in welcoming to city council chambers, Ali holder.

[ 🎵 Music playing 🎵 ]

[5:46:38 PM]

[Applause]

>> Thank you.

>> Mayor Adler: Wow, that was great. Thank you. So if folks watching this or here wanted to be able to find your music, where would they find it?

>> [Inaudible] The website and Facebook and things like that.

>> Mayor Adler: And where do they sell your music?

>> At warloo and through iTunes and thing like that.

>> Mayor Adler: Okay. And if they wanted to come hear Ya, where's the next gig so --

>> September 19th at cactus, I have an album released.

>> Mayor Adler: Well, cool. Congratulations.

>> Thank you.

>> Mayor Adler: I get to read a approximate now.

>> Perfect.

>> Mayor Adler: Approximate. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talents extends to virtually every musical genre, and whereas our musical scene thrives because Austin audiences support good music with local favorites and newcomers alike, and whereas we are pleased to show case and support our local artists, now, therefore, I, Steve Adler, mayor of live musical capital, do hereby proclaim August 20th of the year 2015 as Ali holder day. Congratulations.

[Applause]

[5:50:01 PM]

>> Mayor Adler: Be it known that whereas small businesses are key to Austin's economic success, and although running a small business is an all-consuming challenge, finding the right resources and support can help make the journey easier, and whereas the economic development department's small business program provides Austin's small business owners and entrepreneurs with opportunities to learn about locally available business resources and support, through its annual getting connected business event; and whereas getting connected provides valuable, no-cost classes, panel discussions, and a business expo that features dozens of small businesses, including lenders and networking organizations and business assistance providers; and whereas the small business program has collaborated with the cultural arts and music division to expand this year's getting connected to be a two-day event, with the first day focused on creative businesses by offering classes and workshops specifically designed for musicians and artists of all types, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim September 1st and 2nd of the year 2015 as getting connected days.

[Applause] Let me introduce Sylvia to make some comments.

>> Thank you, mayor. As he said, stated, small business owners or aspired ones, please plan to attend getting connected on Tuesday and Wednesday, September 1st and 2nd.

[5:52:05 PM]

This is the city's eighth year of hosting getting connected, designed to connect entrepreneurs of all types with small business resources. And, again, we are excited to expand our ward winning event to a two-day event. September 1st is dedicated just to creatives, artists and musiciansal like that we plan a phenomenal event of over seven educational sessions and ending it all with a networking opportunity. On September 2nd, we'll be focused just on the traditional business model. There, you'll be able to find answers to legal questions, getting business plan assistance, help with your advertising and how to make your social media work for you. All again, this is in the upper level in terms of classes and on the main hall we will have all types of resources. So, again, we are totally excited to provide creatives and traditional business with opportunities to network and grow their business. So, again, check us out on getting connected.info. It's all free. It's all free. It's all free. Including parking. So we look forward to at least over 2000 people at Parmer on September 1st and 2nd. Again, thank you, mayor.

[Applause]

[5:54:16 PM]

>> Mayor Adler: All right. Tonight, tonight we are celebrating the city of Austin's small business program's eighth largest graduating class. Small businesses are a vital part of our local economy. You know, as a matter of fact, Austin has consistently ranked among the top cities for small businesses. The city of Austin recognizes and values the contributions of small businesses to our local community. And we show our commitment to helping business owners through our partnership with the university of Texas's professional development center. Through this collaboration, we help business owners develop skills to grow their businesses and ultimately contribute to job growth in our community. We have with us tonight 26 of the 28 committed individuals who have completed at least six business education classes during the past semester to achieve their business success skills certification. Congratulations to all of the congratulations.

[Applause] We celebrate each of you and we share your success as a shining example of the -- of the entrepreneurial drive that is at the heart of Austin and for what Austin is known. And now I'm going to recognize senovia from our economic development department to recognize our graduates.

>> Again, thank you, mayor. The small business program contracts with the university of Texas at Austin's professional development center, and it supports to further the growth of new and existing business.

[5:56:19 PM]

Over the last six years, the business skills -- success skills certificate program has trained over 6,000 entrepreneurs with knowledge and skills to start and grow their small business. Through this contract, we offer 20 different classes from basics, how to write a business plan, to small business taxes, and even marketing topics. The city of Austin and the university of Texas have consistently achieved a high degree of success as evidenced by the estimated 5,400 training hours that will be delivered in fiscal year 2015. As the mayor has stated, tonight's graduates have completed against six small business classes that help them better manage their business, and we do have a graduating class of 26, but I believe the weather and traffic has delayed some, so we have approximately 15 here today. So as I call your name, if you could come up, and the mayor will present you with your certificate. Tom Booker.

[Applause] Bruce Cavitz. Julia Brunder.

[5:58:23 PM]

Savvy Bowie. Alex Boucet. Lidney Carcomo. John Dociano. Sarah Gunn. Rob Harmon. Shannon Hornsby. Cory McNiece. Michael Shenck. Julian Shenck. Darius Simms.

[6:00:59 PM]

Brandy Thunringer. And Brandy. If I could ask all our graduates to come back for one group picture, I'd like to say a special thanks to Mayor and Council who consistently provide support for the work of small business program, our director Kevin Johns, and our small business manager Vicky Valdez in her absence. Again, thank you so much. Let's give all the graduates a hand.

[Applause]

[6:04:07 PM]

>> Good evening, honorable mayor Adler, and residents of --

>> Mayor Adler: I'm sorry -- go ahead and start.

>> Okay. Good evening, honorable mayor Adler and residents of Austin. My name is Meyer Hazing. I'm the American Public Works Association regional director for region 7 which covers the states of Texas, New Mexico, Arizona, and Oklahoma. If you can indulge me, I'd like to recognize Mr. Larry Pearce, who is the Texas chapter representative of APWA to APWA National. Today we're here to honor the city of Austin on a great achievement of becoming accredited. Agency accreditation is the mark of improvement on operations and services in the community that it serves. The accreditation program was begun in 1995. Today Austin became the 101st agency in North America to be accredited by APWA, joined by only six other agencies in the state of Texas. The seven cities including Austin are the leaders of the state leading way for many others that will be following the example and benefiting from the leadership. This is no surprise to us at APWA, as the city of Austin's organizational mission is to make the city the best managed city in the country. The city of Austin Public Works Department began an accreditation process through something we refer to as self-assessment of their management and operation practices in August of 2014. In July of 2015, evaluators from across the country reviewed a total of 211 practices. They found that the city of Austin has achieved full compliance on 100% of these practices. This is an outstanding record and a great achievement.

[6:06:10 PM]

It was primarily due to Mr. Howard Lazarus, your public works director, Shelly Kilday, the accreditation manager and the entire staff of the public works department. As a result, the council has awarded the city of Austin full accreditation on July 9, 2015. If that's not enough, the evaluation team has selected seven of those practices that they had deemed to be model practices. As a result, these practices will be shared with others who are working through the program as model practices to follow. So they are setting the example. I want to take this moment to express on behalf of APWA National Board our special thanks to Mr. Marc Ott, your city manager, Mr. Robert Goode, your assistant -- for mayor and services, and on behalf of the APWA, the American Public Works Association, it is my pleasure to award the formal accreditation plaque to you, Mr. Mayor, and to the council for the great achievement. Congratulations on a job well done.

[Applause]

>> Mayor Adler: So 100% on the 200 and --

[6:08:13 PM]

>> 11.

>> Mayor Adler: 11. That's probably like the definition of perfect, isn't it? We have a city of Austin certificate of congratulations. This is for achieving accreditation by the American public works association, and this is a certificate of congratulations which we are awarding to an entire department. The department of public works is deserving of public acclaim and recognition. This certificate is issued in acknowledgment of completion of the best management practices for public works. This 20th day of August in the year 2015, signed by the city council of Austin, Texas, congratulations. Howard, you want to say something?

[Applause]

>> Howard Lazarus, who is the director of this perfect department.

[Laughter]

>> I would remind the mayor that in public works we strive for excellence, not perfection.

[Laughter] I do want to thank Mr. Hazing for coming here, as well as Mr. Adler for accepting the award and presenting the award. It is certainly an honor to be accredited by the American public works association. Accreditation means you have opened yourself up to external scrutiny and compared yourself to the very best in the business and measured up to that standard. We decided to create this as a -- an objective for us to this year because it's a way to capture excellence and sustain delivery of responsive and high quality services to our community. Successful organizations are always forward-looking, changing means and methods with the times, but always building upon a sound foundation.

[6:10:16 PM]

An accreditation process is a start of building that base, helping us to provide 211 practices, all of which were fully compliant, and seven of which were chosen as national models. What's significant is that during our accreditation visit, the review team repeatedly remarked that they were impressed with the deep vertical participation of the department, and this was not just a top-heavy exercise. It was a demonstration of the commitment to excellence that pervades our department. I want to thank all of the public works staff who participated, but I especially want to call out my assistant director, James snow, who was our lead. Shelly kil-day, who was our accreditation manager, and

[inaudible] Whose skills helped us get over the hurdle. I also want to give credit and call out the many departments who helped us and support us, in particular, law department, purchasing, and cmd, ctm,

our health and human services department as well. I want to express our appreciation to our city manager, Marc Ott, and assistant city manager Robert Goode, who encouraged us to pursue accreditation, being you know to express what best managed looks like. I want to thank the entire Austin community who supported us and challenged us to be better today than we were yesterday and look forward to being even better tomorrow. Tough customers make for great organizations, and accreditation has forced us to say this is what we do, now we need to do what we say. And in closing, I want to take a personal moment. This was the week where I went over seven years of service to the city of Austin, and I have never had the opportunity more than 30 years of experience in working with a better, more highly motivated team that truly understands what community service means. So I want to thank all of them deeply and personally as well. So, makers thank you for awarding and accepting the accreditation and I guarantee you can look forward to us continuing to strive for excellence.

[6:12:22 PM]

[Applause]

[6:15:16 PM]

>> We often talk about Austin as the creative community, and when we do that, we usually think about music. Tonight we're going to talk about the fashion industry as part of that creative class. I'm Ori Houston, serving as the representative of district 1 and the 77,000 people who live in that district. It is my pleasure to read this approximate. Be it known that whereas run way underground, the evolution, fashion production group network and publishing was founded in 2008 by executive creative director artesian and featured design, and a small group of fashion devotees as a remedy for underrepresentation and frequent exclusion of African fashion designers and other industry professionals in Austin, and whereas the objective of run way underground is to feature, celebrate, promote, and provide the highest level of management services, professional development, representation, monitorship and exposure for established and emerging African professional fashion designers, artisans, models, hair and makeup artists, fashion writers, stylists, and photographers in the Austin area and beyond; and whereas run way underground will flood the city of Austin with an explosion of colors, textures, shapes and styles, doing its first ever international African fashion week showcase, August 27th through 30th, 2015, featuring a record-breaking number of black designers and artisans from as close as Austin and as far away as London, as they unveil resort wear and accessory collections inspired

[6:17:20 PM]

by elements: Earth, water, fire, air, metal and energy, with a folks on water. Now, therefore, Steve Adler, mayor of the city of Austin, proclaims August 27th through 30th, 2015, as international African fashion week Austin. And here to receive the proxies nailah sankofa.

[Applause]

>> Thank you. Greetings, everyone. Since this is international African fashion week, [speaking other language]. So different ways of saying greetings, hello, good evening, and different African languages. And if you notice, on our flyers and graphics, we spelled afrika with a K because it was originally spelled with a K. So thank you all and thank you, councilwoman Houston, and the mayor, I don't know where he got to, but -- oh, there you are, if I'd turn around, he's standing next to one of our models. Thank you, mayor Adler. And the city council and the city of Austin, the Austin revitalization authority and UT's diversity -- division of diversity and community engagement, and all of the local folks who have supported us, ACC, Jeffrey Richards, we're really, really excited. We've been planning this since 2009, and it's coming to fruition. And we have a great space at 816 congress that is loaned us.

[6:19:23 PM]

We wouldn't be able to do this without them, and all the other great folks who have loaned us spaces and things. We still need volunteers. We need more male models for our shows. And -- yeah. Those guys right there.

[Laughter] And we have, you know, this great graphic that was done -- you can see it on the monitors. And by the way, our models are very, very diverse and our crew and everyone. Our lead photographer, Jennifer Hill, she is a retired sergeant in the army, and she's actually -- and unfortunately now, from her perspective, she is a member of the wounded warrior program, and we have some great designers, and that young man that's in that photo, he's actually an Austin APD officer, and a model. So we have these great folks, college students. These two young ladies. And Barbara Humphrey is one of the designers of this wonderful garment right here, and I am the designer of this garment right here on Delia, and that is Lenaia. Anyone who wants to talk to us about African fashion week, you can support us, and what we can do to make sure it is a phenomenal event that it needs to be, we will be at the back of the room or the outside of the foyer there. Thank you very much.

[Speaking other language.] Thank you.

[Applause]

[6:21:40 PM]

>> Thank you.

[Applause]

>> Mayor Adler: I have the honor of issuing a city of Austin distinguished service award to judge Vasquez, judge John Vasquez. For almost 20 years of distinguished service to the city and of untiring commitment to our criminal justice system. Judge John Vasquez is deserving of public acclaim and recognition. During the course of his career, judge Vasquez served as the chair of the municipal judges section and the hispanic issues section of the state bar of Texas. He was faculty member of the judicial education training center for municipal judges, and he was an adjunct faculty member teaching juvenile justice at saint Edwards university. Judge Vasquez also served on the boards of several non-profit organizations here in town, including avanc, inc., KLRU, citizen advisory board, he is greatly admired and will be greatly missed by his fellow judges, his coworkers, and those of us in the city that depend on his work.

[6:24:00 PM]

This certificate is presented with our admiration and appreciation. This 20th day of August in the year 2015, signed by the city council of Austin, Texas, Steve Adler, mayor. Judge Vasquez, congratulations.

[Cheers and applause]

>> Thank you. Thank you so much. Thank you, mayor. Retirement is such a big step in our lives. I think -- they talk about retirement as being one of those major steps, like graduating, getting married, retiring. It's a major step in your life, and I'm taking that step very shortly. And I'm ready to enjoy a different type of life, but I intend to continue to be involved. But my work as a judge was not something that happened organically. I didn't do it by myself. There were many people that contributed to me being able to be a judge for these many years. Somebody who laid the foundation, who did so much for me, somebody who served in the United States Navy during world War II, in the campaigns across the pacific, who himself grew up poor, not able to afford shoes, and then from the Navy was able to support our family through his employment, and you can't -- I can't say enough about him. Without his backing, without his encouragement, I would never have gotten to where I'm at. And he's here in front. Please join me in applauding my father, Juan Vasquez.

[6:26:01 PM]

[Applause] Thank you, dad. Beyond that, there's a lot. Other people who made so much -- have done so much for me, helped me so much. My wife, unfortunately, was flying back from a business trip and a traffic jam caused her to miss her plane in Iowa, so she'll be here unfortunately after the ceremony is complete. My wife maria has also been there at my side for the last 36 years and I appreciate all the help and all the support that she's given me throughout that time period. I also have my daughter here, Jessica, who's going to graduate from Texas state this December. My other two daughters unfortunately couldn't make it. One is a graduate of the university of Texas here in Austin. The other one is a graduate with honors from the university of New Mexico, and I'm quite proud of my three daughters. I've also got other folks here. I've got my sister here in front with the blue camera, and she works for the city of San Antonio. I really appreciate her being here, supporting me and all the help she's given me throughout the years. There's also folks from the municipal court, we've got staff here and we've got judges here, and the judges here, I'm going to introduce judge clervy, judge Jenkins, judge coke, our presiding judge, judge Kerry, a formal judge from municipal court who's currently a judge with the justice of the peace court is judge Castro. I don't see anybody else here. If did I'm sorry -- who did I miss in judge vigarita, I'm sorry. All these folks on our court have been there, they've been there, many of them, throughout this entire time period. And it's been a great experience are. It is an important position to be a municipal judge here in Austin. We are the largest court, by far, in terms of volume of cases in Travis county. We handle cases that are class B misdemeanors.

[6:28:06 PM]

We also handle other cases as magistrates for Travis county. We work on class B, class a misdemeanors, we handle when they're arrested, review probable cause affidavits, set bonds, and if appropriate, we can release somebody on personal bond. There's all sorts of work that we do, as judge here in Austin is extremely important. You also have the opportunity to directly affect people's lives. When I became a judge, I didn't realize the impact that you as a judge might have on so many lives. But when you're there for any length of time, you realize every day, every hour, you're making decisions that affect people, whether or not to grant extension, whether guilty or not, whether to grant a continuance, whatever that might be, these are all important things. They are things that make a difference. I also realize that as a judge, we must be careful to remember that our court, the Austin municipal court, as all municipal courts, is about providing fairness and justice. We're not about raising revenue for the city. And I always tell my jury panels that when you're there, you're not there because the fine amount is this great or whatever, it's because a person has asked for a jury trial, and under our constitution in this great state and this great nation, they have that right to have that jury, and it's worth it for us as citizens to have that expense, that cost of justice. So -- and I know my fellow judges in the municipal court all feel the same way about that, and we look at other cities, unfortunately there's not that attitude, but I think here in Austin, we're blessed with some judges who truly believe that we are about justice. I've worked

on all sorts of stuff, I've been a legal aid lawyer, I've been a assistant attorney general, chief of charitable trust, working on medical issues, trying to get more services to the pool. I've worked at the department of insurance, privatizing the section of the insurance board.

[6:30:09 PM]

I've also been in private practice representing unions, cwa, which are a major client, but I've been a remember of ask-me for about 20 years or more as well. I've been involved in all those things also. But as I step down and move forward to the next phase of my life, I will always remember how integral you were to me, to be a success, that I know that whatever I've done, it's not because of me, it's because of all of you and the people of Austin who I love very clearly. And I thank you all very much. I look forward to seeing you down the road.

[Cheers and applause]

>> John Vasquez, our hero!

>> John! Don't leave us!!

[Recess.]

[6:32:20 PM]

[Recess.]

[6:45:53 PM]

>> Mayor Adler: All right. I'm going to go ahead and reconvene the meeting. It looks like there are a couple things that we can deal with that have no speakers that have public hearings. So let me go through those real quickly and see if we can resolve those. The first one of those that I don't think have any public comment would be item number 59. But let me check. I'm going to call for the public hearing for item number 59. I have no speakers listed. Is there a motion to close the public hearing on 59? Ms. Tovo, seconded by Ms. Pool. Those in favor of ending the public hearing, raise your hand. Those opposed? It's unanimous -- who sits over there? Oh, Sheri Gallo and Renteria. You all have moved on me. Not prevent 59 is close. That then gets us, I think, to item number 60. And Ms. Gallo also voted to

close that public hearing. We have item number 60 that also is calling for a public hearing. I have no speakers signed up. You want to speak on number 60?

>> I do. I'm Julie plumber with the office of real estate services. Item number 60 is what we call a chapter 26 change of use of parkland under the Texas parks and wildlife code. My role in this particular public hearing is to make sure that I read a legal fact-finding into the record, and that is that there is no other feasible and prudent alternative to the taking of the dedicated parkland, which includes all planning to minimize harm to the park.

[6:47:56 PM]

We've worked on this particular item, the parks department, the convention center, watershed and myself for quite sometime. I want to read into the record there's 198,200, the appraised area for the walkway. We also have 896,000 that will be coming as part of the chapter 26 mitigation. Out of that 896,216,500 will go toward scheme attic design. We'll also receive -- we'll receive 383,997. All of those total 1,478,198. The funds for the trails will be held until the schematic design is finished, the construction plans, so we have those funds available. The pedestrian walkway will be paid for by the fairmont hotel, will be operated and maintained, security by fairmont. Security. I have Gordon Derr with transportation, if you have any questions. This has become a public health and safety issue with Numbers of people going back and forth across the street. This is -- red river is where they load for the convention center the 18-wheelers. We have a historic bridge on Cesar Chavez that can't be expanded. So in public health and safety and transportation is sponsoring this change of use of parkland, and that completes my portion of the public hearing.

>> Mayor Adler: Ms. Tovo, then Ms. Pool.

>> Thank you. I have two questions, one for Ms. Plumber and then one for our transportation staff, and I don't know if Ms. Pool's question was for Ms. Plumber. She may want to pop in in between those. But Ms. Plumber, I guess the question that I have is whether you think this is adequate compensation for the use of the -- the private use of public parkland.

[6:50:00 PM]

>> Well, we've worked have I hard as a team, we've worked very hard to scrub Numbers. We went back, we had everybody double checking, looking for Numbers. This does provide for four different trail systems and the connectivity, the fairmont will be building the larger portion which is really extensive up by the pedestrian walkway, so, yes, ma'am, I do feel like we've worked very hard to make sure those

Numbers are there. There's still a little bit of the budget of parks portion of it under the schematic design that we're looking to address, but, yes, ma'am, I believe that everybody came to the table fair and equitably to negotiate this.

>> Tovo: Okay. Thank you. I appreciate that response.

>> Mayor Adler: Just to double-back for just a second, I think we didn't have any speakers for the public hearing. I need a motion to close -- we can continue the conversations with staff and otherwise. Ms. Pool?

>> Pool: I'll move.

>> Mayor Adler: Move, second to Ms. Troxclair. Any objections to closing the public hearing? Those in favor, raise your hand. Those in favor raise your hand. Those opposed?

>> Tovo: Mayor I still had another question. Oh, you're just closing the public hearing.

>> Mayor Adler: It's unanimous on the dais. Public hearing is closed. You can continue.

>> Tovo: Thank you. This question is for Mr. Derr. As you know, within the downtown plan and some of our other planning discussions, sky bridges are not considered ideal in terms of their impact, because their impact on the street level pedestrian activity. I wonder if you could address whether you think that's an issue in this case. I know Ms. Plumber talked about the safety issues that were a concern, and I assume that was part of the consideration in transportation, bringing this forward and recommending it. But I wonder if you could just address that concern from your perspective.

>> Gordon Derr, assistant director of the Austin transportation department. I'm not sure to what degree the councilmembers have been made aware of this particular project.

[6:52:03 PM]

In this case, the fairmont hotel sites across the street from the convention center. The only business between them is the iron works barbecue. So in most cases, we don't want -- we want the pedestrians on the street level for opportunities for retail. Here, basically people would otherwise just be walking across the street. The canopy walkway is actually just meanders across red river between the hotel and the convention center. The fairmont has a thousand rooms, to tie that to the convention center adds value, and mark tester from the convention center is here if you'd like. But it really helps the original design of the Hilton hotel included a sky bridge, again, to take people over the rail line. I think they're looking at that now to put that in place, but really, the more we can tie the people together, the easier it is for conference space to be used.

>> Tovo: Okay. Thank you very much. Mayor, I'm ready to move approval of the item.

>> Mayor Adler: Any discussion on item 60? Ms. Pool?

>> Pool: I just wanted to note for the record that the parks board voted unanimously, I think it was 5 to 0, to approve this particular plan. I met with folks with the design team and with the developer and was impressed with how they had crafted this walk. It is a really nice connection with what we're looking at happening with Waller Creek, and then it connects over to the convention center, so the trails that are going to be coming down Waller Creek, both pedestrian and other, will be benefited from this. I know it's a bit unusual in Austin to have the sky walks.

[6:54:04 PM]

I think in this case staff has done a good job in walking through the schematics and bringing it to us. It was heard by our committee, which was in June, which seems like light years ago, and we had no problems with this issue, either. I know I just talked, but I'd be happy to second the motion to approve this.

>> Mayor Adler: We have a motion to adopt number 60 from Ms. Tovo. We have a second from Ms. Pool. Any discussion? Those in favor of this item, please raise your hand. Those opposed? Unanimous on the dais. 60 is now taken care of. I'm looking now at item number 65, which is a public hearing on the recovery -- Austin resource recovery. I'm going to open that public hearing. We have no speakers signed up to speak. Any speakers signed up, want to speak? Seeing none, is there a motion to close the public hearing? Ms. Troxclair. Is there a second? Ms. Tovo seconds. Yes -- it's been seconded, any discussion? Those in favor of ending, raise your hand. Those opposed? Debate is ended on unanimous vote. That's item number 65. All we did was just close the public hearing on 65. The next item that I see, we had opened public and not on comment on number 66. But we still have speakers, so we're going to come back to number 66. We're going to look at number 68, which is a public hearing to consider a resolution with respect to the housing and community affairs, the Westgate Ridge Apartments.

[6:56:15 PM]

We're going to open that public hearing. I see no speakers. I'm going to close that public hearing. Is there a motion to close? Ms. Troxclair, seconded by Ms. Tovo. Those in favor of closing the public hearing on item number 68, please raise your hand. Those opposed? It's unanimous. That item is closed. Does anybody want to debate that item or should we go to the resolution to approve? Is there a motion to approve the resolution of item 68? Ms. Pool, seconded by Ms. Houston. Any discussion? Those in favor of this item, please raise your hand. Those opposed? It's unanimous on the dais with Mr. Zimmerman voting no. That takes care of item number 68. Okay. We're now going to go to the -- conclude the

Springdale farms matter, which is item number 67. Earlier this evening we produced we had divided this time into 30 minutes on each side. The proponents of the appeal have already spoken. We now have 30 minutes of speakers on the side opposing the appeal. The first speaker is Daniel Llanas. Mr. L hadlanas, you have seven minutes.

>> I'm Daniel Llanas with the neighborhood contact team, here on behalf of the 25 out of 33 adjacent neighbors to Springdale farm who, at the last city council meeting -- I mean the last city council, they had a valid petition, 25 signers out of 33.

[6:58:25 PM]

So I'll finish my remarks after we show you this visual. Okay?

[Video playing.]

>> [Inaudible] I'm coming to you asking that you help support our point of view. We don't want to live next to an event center. No one wants to live next to an event center. We love each Austin.

[Inaudible]. We children so much.

>> Hello. My name is Rosa [inaudible] And I would like to thank

[inaudible] For her support. I appeal to the rest of you on council to consider our petition in making your decision, [inaudible] People and the neighborhood. As a business owner, I was required by the city to provide [inaudible]. I have no issues with the farm, but I do not want an event center in my backyard. Please [inaudible].

>> Hi. My name is [inaudible]. It's beautiful screen space, a not to my recollection quiet neighborhood. Living next-door to a farm is beautiful. Living next-door

[inaudible]. You can't sleep with the windows closed. And thank you for hearing my message and message of my neighbors. I just feel like the actions of one family should not dictate the enjoyment of everyone else.

>> Hello.

[7:00:25 PM]

My name is [inaudible] Hello, I'd like to start off by saying I do support the farm. What I don't support is an, again-- nonfarm-related activities. Coming home from work many times, nervous about whether or

not the farm , traffic, parking issues, loud cheering. I'm asking you to please help keep our neighborhood the quiet, peaceful place I grew up in.

>> I'm , farms. But I'm hear to request that the farmers provide their own parking space. They follow all the rules and respect the neighbors. I think the farmers should not be profiting at the expense of the peace of mind of the neighbors. Members of the city council, please support us. I thank very much Laura Morrison for the support she's given us.

>> Hello, my name is

[indiscernible], I do not like the fact that the farm is turning its business, basically, into an event center. My neighborhood

[indiscernible] Peaceful and tranquil and now it's very chaotic, basically, with all the events that are going on. So I'm coming to you, asking you to please not allow these changes to be made and help restore my community back to peaceful, tranquil community that it once once.

>> Hi, my name is

[indiscernible], and I like like my neighbors do not want the farm to close pip do not like the fact that it's turning into an event center. Being a mother of school children, I do not like the fact when we go on bike rides or walks I see trash or people parking. That destructs our streets.

[7:02:26 PM]

It has become difficult for my kids, for my boys, to settle down at night and just would really like the peace back in our community. Thank you.

>> Hi, my name is

[indiscernible], I was born and raised on [indiscernible]. This isn't about the farm. This is about the live venue of the -- the venue the farm wants to have. The live venue disrupts the neighborhood's peacefulness. We're a working community. We should not have to put up with these kinds of services, especially at a place we do call home. I would like for you to take this into consideration as if it was your home that was being disturbed.

>> I live close to south congress so I understand what it's like when the quality of life is difficult because of how hard -- noise, parking issues, trash, all of those things. So I live that nightmare.

>> This is [indiscernible] About the case but it also has a great deal of precedent for our community. If you look at the range of businesses that we have in our city, Springdale farms has a farm everybody -- as a farm everybody agrees is a good thing. But we have lots of businesses that are in economic trouble, that for one reason or another their economic model doesn't work. If a fellow citizen isn't able to make

it financially -- grant a conditional use permit so they can have an entertainment value, do we do it for an artist commune? In other words we're setting a precedent here to solve one individual business' economic problem by allowing them to have an entertainment venue that then is intrusive to the neighbors. I think that is the precedent that I'm concerned with, and I find it very, very difficult because without the conditional use permit they can still do what they said they needed to have in the first place to make it economically viable six times a year.

[7:04:34 PM]

They've come back to us now, once they got the

[indiscernible] Probability it's going to be an event center versus selling vegetables. What is their motive of operation to making their business profitable with the sale of vegetables. So we're helping them economically survive on an

[indiscernible]

[ Applause ]

>> Thank you, mayor. Thank you, councilmembers. You can turn it off now.

[ Laughter ] I'll just wrap up by reiterating what former commissioner Jeff Jack said, this is setting precedent. This is a business. They are an urban farm. They have six annual events that they could work. And no one, as you saw on this tape, no one, including myself, is against an urban farm. The urban farm, we love the fact that they're there. Everyone that's not -- that's not dispute. What is in dispute is the fact that they started out -- they're not doing it so much now because we brought pressure to bear. But they were having events with, you know, 100 people, 200 people, with cars all over, with alcohol, all this. They've toned it down because we're all watching now and that's good. Whatever it takes to make them a good neighbor. But this is not about urban farming. This is about a compatibility with a commercial operation surrounded by single family residences. The neighbors on Cesar Chavez recently came to the planning commission asking for moratorium. This is a similar situation, where one commercial operation is dominating the public domain to the exclusion of everyone else. All we want is for Springdale farms to provide their own parking.

[7:06:35 PM]

There's -- I will say that we -- there were two points of compromise. One is they agreed not to have south by southwest events, one of the first things. The other point of compromise, we wanted all their

events to end at 8:00. They said 10:00 their compromise was 9:00. There has been not another stroke of compromise since. Every time we met with them they actually increased the number of events they wanted. I can see on your face what's -- how you're going to vote. That's okay. But this is about neighborhood protection. It's not about urban farming. Thank you very much.

[ Applause ]

>> Mayor Adler: Ola, and then jenny [indiscernible] Is next.

>> I've got six minutes and one minute --

>> Mayor Adler: I'm sorry.

>> Daniel, do you have any time left?

>> Speaker3: You're right. I'm sorry. Say that again.

>> I'll need seven minutes for the presentation. So I have Jamie --

>> Mayor Adler: Jamie gave her time to Daniel.

>> I have [indiscernible]

>> Mayor Adler: That's right.

>> He hasn't started the clock, has he?

>> Mayor Adler: No.

>> I'll take a minute from

[indiscernible], so that's seven minutes.

>> Mayor Adler: You have seven minutes.

>> Okay. Good afternoon, mayor, city council members, my name is Susanna Almanza. I'm with the people organized

[indiscernible], I don't have the clicker. Stop the clock. In December the 15th, 1999, Paula and again fore signed a restrictive covenant with the city of Austin that only allowed construction sales and services, building maintenance services, plant nursery.

[7:08:37 PM]

Springdale farms who has been out of compliance for several years and was never charged with violation, when the Austin city council voted to remove the restrictive covenant in 2014. Neighbors is adjacent to Springdale farms filed a valid petition. In 2014, Springdale farms requested a zoning change from csucomp to csoum offense amend the overlay to allow outdoor entertainment and restaurant limited uses, which was prohibited. Restaurant use was later dropped. In 2014, Springdale farms also requested a zoning change to their [indiscernible] The future land use map from single family to mixed use. The planning commission and city council denied that zoning. The valid petition expressed resident sentiment that Springdale farm wasn't being a good neighbor, why else file a valid petition. Springdale farms snapped. What they requested in 2013 to make sure to include that snap be one of the things that had to be provided in order to become an urban farm. The sustainable food policy board in charge of the rewrite and the city council did not include and make it mandatory for urban farms. The city of Austin received funds to help farmers market an urban farms to accept snap. Springdale farm applied for ebt machine to process transactions. Springdale farm did not start accepting snap until recently, mainly for local reasons. Their ability to process is funded by taxpayers. More over, the threshold is \$100. What that means is if Springdale process mores than \$100 in snap transactions then they have to pay for their own ebt machine just like everybody else so they really haven't been selling snap, councilmember Renteria, they haven't been doing that for the community.

[7:10:38 PM]

Sustainable food center has been accepting snap for years because they dedicated themself to the community needs. Springdale farm asked for more and more. Springdale farm requests the following, five major events with over 150 people, 22 events with up to 150 people, and limitless amount of events with up to 50 people, amplified sound and alcohol consumption. At the present time they can't hold events without a 100 year hcup. At the present time they can have six events under the urban farm ordinance. They want more and more events. Boggy creeks revenue, they have 5-acre farm, they sustain mostly from market stand, they're open ten months, October to July, four days a week, 8:00 A.M. To 1:00 P.M., summer months only two days a week. They host some fundraisers, don't make -- don't charge money for the educational tours, all profits are made from farm sales and they are the model farm -- they provide their own parking on-site. They are the model farmers.

[Indiscernible] 2 acres of farm, wholesale produce, they also rent their guest house \$150 per night only up to four guests, provide two off-street parking spots on their property and ask people not to be noisy to disturb the animals and the neighbors. Rain lily farm's revenue, 4.7 acres of land, produce sale to local restaurants and wholesales to farm house deliveries, landscaping services, is most of their revenues, host multiple events through the years, fundraisers, weddings, Shakespeare in the farms, elementary parking lot and parking along shady lane and neighborhood seats and they're right next to Springdale farm. Springdale farm farm revenue, 4.83 acres of farms, produce sales, Wednesday and Saturdays. They're only open two days a week from 9:00 A.M. To 1:00 P.M.

[7:12:41 PM]

Two days a week, 9:00 A.M. To 1:00 P.M. Wholesales to restaurants. They have an operating Texas trees and landscaping, on-site food trailer and host multiple for-profit events through the year, wedding and parties and you heard the testimony how wonderful and good they're doing so they're very viable. Parking requirements. City of Austin, based on acreage, 71 parking spaces are needed. Currently offers 12 on-site parking spaces and reserved for handy capped. Even with 71 parking spaces at Allen elementary school, parking space is not sufficient. Their patrons park on Gonzalez street, [indiscernible] And Springdale road. You can see here even with the 71 parking spaces it's not sufficient. Over 150 people. So you can imagine how many cars are going to be there. Parking, city land development code, offsite parking space requires ownership or lease agreement. Springdale farm has a memorandum of understanding with aid. The mou is not considered a lease. Mell Waxler stated the district has not signed a lease. The district is not going to sign a document that says it is a lease. The mou is not permanent. If allandale elementary school needs to use the parking lot then parking is not accessible to Springdale farm. The aid parking lot is rented on a case-by-case basis. It is not permanent parking and not exclusive to Springdale farm. What no one wants to talk about and/or acknowledge, alcohol consumption is delivered and consumed at Springdale farm events. Springdale farm is within 40 feet of Allan elementary school where pre-k class children in attendance the the majority children of color. Springdale farm is less than 40 feet of a church, African-American, over 100 people are driving through the neighborhood after consuming alcohol from some of the Springdale farm large events.

[7:14:52 PM]

Conditional use permit. The cup not about urban farm or rogue farmers, not about farms supplying restaurants with locally grown nutritious food. It's not about providing higher priced vegetables and fruit to poor people. It's not about providing tours for schools.

[ Buzzer sounding ] The conditional use permit is about outdoor entertainment and not meeting the parking requirement for outdoor entertainment. It's about residents having to live with noise, alcohol consumption and traffic and parking problems that events bring to their neighborhood. I'm going to have to take another minute from Candice. Once upon a time, Springdale farm was a good neighbor. Residents have testified that they are all in -- have enjoyed Springdale farm. Residents don't like that Springdale farm has become an event center. Residents had a valid petition against Springdale farms zoning request. This approves Springdale farm has not been a good neighbor. All the other urban farms have been sustaining themselves for years. Springdale farm has been operating since 2009. Why should we subsidize a commercial business in a residential community? Why do elected officials look the other way

when they know that Springdale farm events constantly consume alcohol adjacent to a school and a church? Why is it acceptable to negatively impact communities of color, with unwanted uses? Springdale farm not event center deny the cup. Thank you.

[ Applause ]

>> Mayor Adler: Candice Viejo. You have one minute.

>> Good evening, council, my name is Candice, and I'm an long time organizer and advocate. I've spent years working alongside farm workers and served as a policy fellow, a prejudicious fellowship and good food think tank, written for publications, sat on usda review panels and on the board of directors of just harvest usa.

[7:17:01 PM]

In 2011 I was invited to help draft the first set where food justice is defined as the right to produce, process, distribute, access and eat good food. Nowhere in this definition do we find any reference to transitioning food business photos event centers. The Springdale farm issue has been unfortunately incorrectly framed. The issue at hand is about a food business with an unfortunate and broadly consequently identity crisis, granting this use permit would not only allow but encourage Springdale farm to become less and less of a food producer and rely more heavily on their events business, setting an unfortunate precedent for other farms and food businesses businesses in this city.

[ Buzzer sounding ]

>> Mayor Adler: Want to finish --

>> Healthy, clean, fair, accessible local food our national food reality and I believe in that vision and know that the city can and must reach it but we've got to fix all wrong. Transitioning a farm into a year-round entertainment venue will not get us to a sustainable food future. Thank you.

>> Mayor Adler: Thank you.

[ Applause ]

>> Mayor Adler: Next speaker is Claudia aparra. You have three minutes. Take your time.

>> Good afternoon, I'll be brief. My name is Claudia. Good afternoon. I'm here just to voice my concerns and that of my family, my neighborhood, that video was recorded at my house so most of the people aren't here as most of us are like it says, we work. I just came here to say that the neighborhood that I've lived in, we love. We cherish it and we -- I've lived there for over 30 years. So I've had to witness what our neighborhood once bass what it turned into when Springdale started holding these large events. I understand that a business sometimes needs to venture out into different areas such as the

weddings that they've been holding, but I don't understand, nor do I think it's fair, that my family and my neighbors will have to bear with all the negative side effects of these events that they've held.

[7:19:07 PM]

We've witnessed every wedding. We've witnessed every large event. Mind you, most of the times we don't want to be witnesses to that. We want to be at our homes, peacefully, quietly. My dad works a night shift which is why he isn't here. When my father can't sleep because of the cheering, because of the clapping, because of the music, it really hurts us that our voices aren't being heard. My parents are, you know, hard workers. They've done their dues and they haven't gotten the respect that they deserve. To be told that we are against urban farming, that we don't support urban farms is really completely opposite from the true reality. My grandparents are farmers. I understand farming and the importance of organic produce and all of that, but I don't agree with what the farm has been turning into, which is the event center. I just wanted to ask for you guys to please see it from our point of view. You would all love to live in a quiet neighborhood and as I'm sure most of you do. You wouldn't want them as your neighbor. Please, protect our neighborhood and the voices and -- please listen to all the opinions that my neighborhood -- my neighbors have said in the video. Sorry, I'm a little nervous. And I'd just ask for you to protect us, protect our neighborhood, and please don't, I guess, let a business trump the living conditions -- the needs of a business trump the living conditions and peacefulness that our neighborhood once had. Thank you.

>> Mayor Adler: Thank you.

[ Applause ] The next speaker is robin Schneider. Robin Schneider. And the speaker after robin snide ser David -- Schneider is David king.

[7:21:11 PM]

You have three minutes.

>> Hi, my name is robin Schneider, and I want to say that the issue today is not urban farms. It's not growing and selling local produce. It's not educational events. The issue today is whether you will authorize in a residential area a farm that is now allowed to have six events and authorize them instead to have 27 events a year with more than 50 people. Most of which will have amplified sound. Past city councils did whatever they could to ghettoize people of color on the eastside of Austin. They allowed a power plant to be built in a working class Latino neighborhood on the eastside. They allowed all kinds of polluting facilities and commercial uses within eastside neighborhoods. But then the eastside neighbors,

black and Latino alike, organized and closed the gasoline tank farm polluting the air and water. Leaders such as Susana Almanza and others led the fight that closed the holly power plant. Now that hose and other polluting facilities have gone and made the eastside attractive you're faced with a decision about whether to trample on the rights of lifelong eastside Austin residents and make an exception over the objection of these residents and overturn the planning commission. I live in a quiet, mostly white neighborhood in 78704 in south Austin. I don't think that you would allow a -- an event center that has 27 events, more than one every other week, in my neighborhood, to disturb me and my neighbors. I urge you to take a different course than city councils before you, which trampled on the rights of people of color in this city, and keep this residential area free from inappropriate uses.

[7:23:25 PM]

Thank you.

[ Applause ]

>> Mayor Adler: You have three minutes, Mr. King.

>> Thank you, mayor, mayor pro tem, councilmembers, my name is David king, I live in the zilker neighborhood. You know, I support Springdale farm in what they're doing here, and I grew up on a farm so I know first hand about farming and how important it is and how it is -- how good it is for the family, you know, and for other folks that benefit from the farm. But this is really not about the farm. This is about morphing into an event center here. And as the last speaker said, councilmember kitchen, this would not be allowed in the zilker neighborhood, nor would it be allowed in Barton hills.

[ Applause ] And I'm sorry to say it like that but that's the way I see it. I see this as an equity issue here, and as councilmember Houston has said, equity should be an important part of the decisions that we make here. But this is equity in the wrong direction. This is inequity. And it's unfair. And it reminds me of the issue we discussed earlier today. Are we about to make the same kind of mistake that the previous council made in 2011, when they approved a commercial short-term rentals in our neighborhood?

>> Yeah.

>> And now we're regretting that and see all the backlash from that. Do we have to go through that again with this decision? I hope we will learn our lesson here and not make that mistake again. If a business is a farm, then why does it have to morph into an event center to be successful? Are we going to do this with other business who's come to you and say, hey, I can't make it unless I have these events? So this is an important issue for equity for all of our community here.

[7:25:28 PM]

And I think we should be fair and equitable if all of our decisions that we make. And when it comes to serving alcohol within 300 feet of our schools, I think -- and churches, I think that's unacceptable. And we shouldn't -- what kind of message are we sending when we allow that? We're saying that's okay. Why do we even have that law on the books if we're just going to ignore it.

[ Applause ] So this is an important issue to me. I don't live there. But I wouldn't want that to happen in my neighborhood and it would not be allowed. So I hope that you will listen to the speakers tonight and help Springdale farm but not in this way. This is not the right thing to do. Thank you.

[ Applause ]

>> Mayor Adler: Mr. Ward, you have three minutes.

>> Three minutes. I'll try to be quick. Thank you very much, council, mayor, I would like to speak with y'all continuing this theme of justice and the patterns of noose our community. I'm from east Austin and I have been living there more than ten years and this is a community that's used to the old council voting over the interests of the community. Here we have one business owner that has 4 acres, four businesses and an ng&l would hate to see that they get put ahead of 25 of their neighbors. There's a key point missing from a lot of the story that you've heard. There was a restrictive covenant signed in good faith by the Springdale farms in 2009 saying that they would not petition for a change in zoning for their businesses. They have repeatedly broken that contract in bad faith and I would hate to see them be rewarded for that type of behavior. I think it sets a negative precedent. The owner of the farm just said this is not an event center so why strong arm the community to this effect? There's larger community issues here. No one is denying that the farm is great, that these people are good or they're good neighbors but there is another issue that this is tied into and that's the issue of gentrification.

[7:27:38 PM]

There's been a rapid change of displacement of people of color in this area. And I'm not surprised to see a lot of gentrifiers here just understand their own privilege supporting Springdale farm and I don't judge them for it. This is how power and inequity works but I don't think it should be the job of this council to further entrench structural inequity in our society and that's precisely what this would do. Furthermore it sets a precedent against farms. Anyone here would probably like to live next to a farm, probably wouldn't like to live next to an event center. So you're setting a precedent for anyone else who is going to try to start a farm next week, next year, the year after, hey, I'd like a farm be, everybody is going to say now because they'll fear it will turn into an event center. This doesn't qualitily talk about what we're going to -- adequately develop as a city. I think we should be turning event centers into farms, not farms into event centers.

[ Applause ] Mu and I trust you to deny the change in this permit. It will leave the farm there. It will leave the four businesses. It will leave the good neighbors but also send a message that this council is committed to justice and moving forward for equitable food production for everyone and standing up against inequity and structural inequity in our society. So thank you very much.

>> Mayor Adler: Thank you.

[ Applause ] Those are all the speakers that we have signed up. That then takes this item back to the dais. Mr. Zimmerman.

>> Zimmerman: Thank you. I had a question for staff on the conditional use permit, if I could. There's been a lot of interesting testimony here about the connection between the farm and the uses of the farm as an event. And I did tour the farm. I was pretty impressed with what I saw. One thing particularly caught my attention, the compost pile. Pretty tall, impressive, decomposing vegetation, maybe chicken manure thrown in.

[7:29:44 PM]

My question was could I entuse for a political press conference?

[ Laughter ]

>> No comment.

>> Zimmerman: No comment? Okay. Under conditional use. What conditions?

>> Mayor Adler: Further conversation?

[ Laughter ] From the dais? Ms. Pool.

>> Pool: Do we need a motion of some kind.

>> Mayor Adler: We certainly could make a motion.

>> Pool: I'd move approval.

>> Mayor Adler: Of the appeal. There's been a motion to grant the appeal on item 67. Second that motion? Mr. Zimmerman. Moved and seconded.

>> Houston: I have a comment.

>> Mayor Adler: Discussion.

>> Houston: Thank you, mayor.

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: I understand this has been going on for a long, long time, and I appreciate both the neighbors for being here and the people who support Springdale farms for being present today. Mine is more of a policy question, and so I just want to lay that out. We talk about practices. And this practice is about how one group gets to have a postponement and yet another group doesn't have to have a postponement and how is that consistently applied across a case like this? So I understand that there was a postponement initially and then staff had to postpone it the last time it came to council and of course it came to us for a postponement tonight from the neighborhood and we voted that down. That was voted down. So how are those requests for postponement handled equitably when people ask for them and have very good reasons for the request?

>> Councilmember, the item was scheduled -- at the planning commission it was postponed one time by the -- at the neighbors request and heard by the planning commission.

[7:31:49 PM]

At the city council there was intention to hear the case last week. However, the notice failed to go out so we were unable to put it on the agenda so the item was actually never put on the agenda even though both sides were anticipating it would be. It was not because of that mistake in the notification. So we notified it for this meeting and did have a request for postponement from both Mrs. Lawns Llanes, it is up to the city council on a case-by-case basis whether they want to postpone the case. There is an unwritten condition they will occasionally grant a first request from either side, however, that decision is made for each case in particular. So there's not an automatic postponement granting even though some people term it that way.

>> Houston: So, mayor, I would like the transition team to kind of think about, as a policy, so that when people come before us they know each side gets one or they don't get any. But I think that's a policy question that we need to grapple with so that everybody has a clear understanding of what the expectations are.

[ Applause ]

>> Mayor Adler: Ms. Kim kitchen -- Ms. Kitchen will pull that on her agenda for the transition committee. Further discussion. Administrator.

>> Renteria: I'm going to be supporting this. This has been going on too long. The voters of east Austin district 3 voted to support this.

>> Who?

>> Renteria: And that's why I'm sitting here.

[ Applause ]

>> Renteria: That's why I'm here. I got elected because of that. And I have supported this --

>> Mayor Adler: Excuse me. Mr. Renteria, finish.

>> Renteria: All of us are elected officials and district 3 is supporting Springdale farm. So I -- you know, this is something that we have worked on for years.

[7:33:58 PM]

You know, these are the kind of -- well, you know, I'm going to be voting for it, mayor. No use getting these other people upset.

>> Mayor Adler: Thank you. Further discussion from the dais? I'm going to vote in favor of this appeal as well. Let me explain to you why. I think the person who spoke that said it comes down to how this issue is framed is correct. I think it comes down to how this is framed. And I'm not sure that the framing that I've heard anywhere really resonates with me. So I'm going to tell you how I frame this. This is not a farm. This is something that is more than a farm. This can't be approved because any of us want to have a farm. That's not what this is. There are other farms in that area that under the farm ordinance have certain uses and there are limitations on those uses that are more consistent with the property being a farm and this property is sinking something that goes beyond that. This is also not a residential use. This is not a property whose use is supposed to be compatible with residential uses because it's a commercial piece of property. There are a lot of uses that could be put on this property that are not consistent with residential use, that are not prevent by the conditional use overlay that's on the property. This is neither a farm nor is it a property that is supposed to be consistent with residential use. There's obviously great passion in this room on both sides, as concerns this use. And no action taken by this council is going to be something that makes everybody in this room happy. Nor, I think, are we striving in this job to make people happy.

[7:36:00 PM]

I think what we're confronted with here is a non-residential use of property not intending to be consistent with residential use that is allowed on this property and trying to find what's appropriate here. There has got to be in this situation some measure of compromise because it has elements of both and it is neither of the two. There have been a lot of time negotiating what that appropriate compromise would be in this instance. And it has to be in finding that compromise in this case. This case is different than other cases. You can find other uses in neighborhoods that are commercial uses all over

the city. And in each of those instances we look at particulars and we try to find what is the reasoned approach. We had one the other day when we were trying to decide whether to let alcohol use take place in I think it was either, Mt., your -- Ms. Tovo your district or Ms. Kitchen your district. We allowed an alcohol use within 300 feet or yards or whatever it was of a school because on the facts of that case it was, in our judgment, that the particular use that was being made and allowed was not something that put children at risk. Sometimes we have to make those calls based on the facts in particular situations. There's a lot of time spent on doing a compromise. The last council before us spent a lot of time trying to negotiate a compromise as part of the zoning case. You know, I watched that. I was aware the negotiations. Didn't participate in them, obviously but was aware of the negotiations that led up to that that were hard fought and compromises made all around on that. And the council before us, I think, reached a compromise that was the right compromise, given the frame, which is that this property is neither and both of the extremes.

[7:38:08 PM]

And I haven't seen a reason to undo the compromise that was previously reached. And this is consistent with that. So I'm going to be voting in favor of the appeal. Is there any further debate on the dais? Mr. Casar.

>> Casar: Mayor, briefly, I think that you lay out very well the conditional use permit issue. Let me take a step back. I think there's two -- in my mind there's two very glaring facts about this situation in this case. Probably more than that but there's two that stand out in my mind. The first is what you described very well, is that there is the issue at hand about one specific property, one specific conditional use permit and parking requirements needed, the noise mitigation, what is a compatible use on this piece of commercial property in this one narrowly tailored case and it was just about that, then I think it would very simply be just another one of the many cases we see in a rapidly urbanizing city where uses start knocking against one another as we grow both residentially and as our businesses grow. But what's also glaring to me is that there's a second obvious fact that clearly many people in the community, whether they're inquire by neighbors or -- nearby neighbors or people concerned about what's happening in our city that this case is about something much more than that to many in this room for many different reasons, but especially some of the folks that came and spoke today in opposition that it means something about the racial and class divides in our city, about displacement occurring in our city, the change that is bringing some benefits to our city, but causing other detrimental effects as well. And that that is a serious part of this conversation and the feeling that some folks think this would not be approved were it in another part of town.

[7:40:12 PM]

And my vote will be based on the first obvious fact, will be based on the merits of the conditional use permit, which is why I will vote for this. But the -- but I feel like it's incumbent on us to discuss before we vote and acknowledge the second piece of this and to understand and, I think, say that I believe a lot of the folks that are -- that came and spoke before us now have very legitimate concerns about whether or not this is a space that they feel is truly for that community. You know, I've spoken with lots of people on both sides of the issue that live in the nearby neighborhood but I think it's important for supporters of the farm and the owners to acknowledge and take seriously the concern that folks have brought up about whether they really feel like this space is for them and a community asset. I recognize that there have been attempts to do so but it seems clear to me that there's still work on that front to be done. And people have brought this up as a cause of gentrification. I don't see it as much of a cause compared to the ruthless global real estate market and our failed urban planning principles and racist institutions that we still deal with every single day, but I think the folks that have brought this up as a symbol or as a symptom of that kind of gentrification do need to be listened to and should be listened to and I ask every single one of you whether you're on one side of this issue or another if you care about this, to participate in the broader policy debate about investing in affordable housing, even if it's going to cost all of us a little bit of money and about rewriting and redoing the way we do our planning so that it's not just up to some neighborhoods to absorb change but that there's no -- should be no such thing as a gated community that does not change, to talk about smaller living spaces because whether you like it or not and whether you agree with me on this or not, I see a city with rising land prices and I say the only way we can get people to be able to stick around in the central city is to find ways for us to live smaller and to use more transit and to invest in different kinds of housing and to, you know, stick around for the budget session right after this because we have temporary employees here at the city that don't have healthcare and aren't protected by our living wage standards and it's that kind of a conversation that we need to engage in and it is the kind of conversation that when we're talking about mixes of uses and different kinds of spaces and other -- in other parts of town that you hold us accountable to being able to support those when they're when the noise is contained and when the parking is required and all of the sorts of things that I think was hammered out in the hard-fought compromise that makes probably no one happy.

[7:43:06 PM]

So I call on my colleagues to take that issue seriously and I appreciate the conversation this has begun but it's got to be about way more than one small zoning case.

[ Applause ]

>> Mayor Adler: Further from the dais? Seeing none, we're going to go take a vote. Those in favor of the appeal, please raise your hand. Those opposed? All in favor except for Ms. Houston, who is voting no.

We're now going to move on to the next item. On our agenda, , Which I think we'll go back and pick up item 66, Austin energy. We have some additional speakers that want to speak on this item. Is Chris ray here? Is Chris ray here? Is genie Mccray here? Do you want to speak? Okay. Is Jan -- you're up next.

>> I'm donating my time.

>> Mayor Adler: Hold on. You're up next. I didn't see Chris ray moving down.

>> It is Chris gray.

>> Mayor Adler: Okay.

>> I just want to -- a few words on this.

>> Mayor Adler: Okay.

>> I would like to comment on the effect that the demand charge has on small independent businesses. My husband and I have clay works gallery, which is a few blocks east of I-35 on 6th street and we are indeed small and independent and we've been there for 35 years.

[7:45:16 PM]

And we've noticed in the last couple of years since the rates went up and the 10-kilowatt demand charge went into effect that our electricity bills have more than doubled. And I think that this might be an issue that could be addressed and that the good it would do for independent and very small -- we're actually only four, including myself and my husband, that these kinds of businesses feel this kind of impact and we find that we -- we can't stay under the 10-kilowatt, but we've never reached 20. So it would make all the difference to this particular small business if -- if we went back to the ten -- rather, if we went back to the 20-kilowatt demand charge. And I think that for a lot of the small businesses, who some of us are still scrambling out of the recession, a lot of us are facing astonishing rises in taxes and this would help us face it better. So I would urge you to give us back 20 kilowatts. Thank you.

>> Mayor Adler: Thank you. Next speaker, Ms. Mccray. And Jan is giving you three minutes. Jan is here? All right. So you have six minutes.

>> Hello mayor, mayor pro tem, all the rest of the councilmembers. My name is genie Mccray, I'm a veteran, served in the military from 1920791994.

[7:47:23 PM]

I'm [indiscernible], I'm here on behalf of all the other vets that in the vets program. A vets program is considered homeless vets. I was homeless for a year. I moved here to Austin in 2007. I worked all my life. I was one time at \$20 an hour. Got hurt. I was homeless. Vash came along and helped me, you know, through this or deal that I'm going through. But the reason I'm here is because the veterans administration is on a mission to end homelessness by December 31, 2015, and also the mayor is a part of this with the city of Austin, with his help, he's helping us deal with some of the programs. We have about 400 homeless vets that's in the vash program here in Austin, Texas. We don't really like to ask for help because that's that camaraderie between us. If any of you are veterans, hold your hand up. You know what I'm talking about. What we're here today -- what I'm looking for is we want the vssh program, we want to be a part of the discount energy program. Right now the only way you can do that is through SSI, maps, whatever, food stamps. Some of us might get stamps. Then if we work because we're going through the process, and of us healed, some of us have not. I get a little compensation because I got hurt in the army, in the military. So we want to be a part of the discount energy program that the rest of the people have because once -- because most of us have low-income. I might work. Then I might have to stop because I suffer from mental depression, brain -- and I have brain trauma. I served in the gulf war, like I said. I worked, but with the energy bill so high, sometimes it's difficult to pay that high energy bill.

[7:49:26 PM]

And so we and other vets want to know would y'all, you know, support us up here so we can be a part of the program to have discounts. One of my fellow veterans just had his lights turned out yesterday. He got six kids that's in the prom. We're all low-income. Vash is a long-term program because it depends how fast you can get out of the program. We have coordinators that remind us, make sure we'll get on the right track because you can be up here today but I guarantee you something go down you could be in my situation too, homeless. Don't ever think the grass is greener on the other side because dog gone it it always turns green. Believe me. That's all I ask. Give us a part of this game. We served about I got hurt. I was trying to do my 20. We want a part of this energy program. That's all we ask for. And I don't mean to yell, you know. I work. I'm in a voc rehab program to start over because I was in transportation over 20 years. When you get knocked down like my mother said with ten kids you got to get the hell up and keep on going. So as I'm saying, give us -- give my fellow troops, my fellow soldiers, like I say, I don't know who it -- on this agenda been in the military and understand where I'm coming from. All I ask, give my fellow vets, people, a part of this energy discount. And I'm going to leave it at that time. I don't need to talk like because I don't have time for that. I need you to do one, two, three, four, five, six -- not you, mayor, seven, eight, nine, ten, 11, 12, to do what you need to do for us as veterans. Thank you.

>> Mayor Adler: Thank you very much.

[ Applause ] Ms. Pool?

>> Pool: I just wanted to say thank you to Ms. Mccray, genie.

[7:51:29 PM]

I think you live in my district. Is that right?

>> In your district, Ms. Pool.

>> Pool: Yes, you are.

>> I'm in your district.

>> Pool: And I really appreciate you coming here tonight.

>> I forgot to mention your name and I apologize for that.

>> Pool: It's completely fine.

>> Mayor, I know your father served so you know where I'm coming from because you is a military brat.

[ Laughter ]

>> Pool: What I would like to ask our Austin energy staff, to the extent that they're here or listening, is maybe they can bring us some language that we can talk about during our budget to see if we can't help the folks under vash program.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I wanted to say thank you for your service.

>> Zimmerman: I was going to say the mayor has been called much worse.

>> Mayor Adler: Much worse even just tonight.

[ Laughter ] Thank you very much.

>> You're welcome. Thank you.

>> Mayor Adler: Thank you, ma'am. The next speaker is Paul robins. Is Marian here? Thank you. You have six minutes, Paul.

>> Good evening, council. I'm going to try and get through two issues. I am here again this time as a ratepayer to ask you to please fix the customer assistance program so that it is giving the money to the people who need it. The average Austin residential rate payer pays \$19 a year, roughly, to allow this discount to happen. I have pointed out several times the automatic enrollment system is flawed. And

some of the money intended to help the poor is going to people living in mansions. Now, council took this item up may 28 and you may have thought that Austin energy has started to make repairs. However, when I checked a couple weeks ago, the repairs had not happened.

[7:53:30 PM]

The delay was attributed to problems with automating the process and even when it gets completed, the repair is insufficient. The repair allows existing mansions up to a year on the program before they're advised of voluntary income guidelines and it will not screen for people that own two or more properties. But even more problematic is the lack of income screening because if you look at similar programs around the country, most have much stricter guidelines than Austin to assure money is going to the right people. I personally interview people working with these low-income assistance programs in other parts of the state and country. Given my conversations, I do not believe it would take any great amount of time or money for Austin to do this. I do not believe anyone would fall off the rolls. I think you'll still have as many people as is funded funded. If that made any sense. Since there's 42,000 people that are funded, those same 42,000 would be allowed. Then there is a problem with people receiving assistance who can use a million kilowatt hours a month and still get a 10% discount. This incents waste. Meanwhile, Austin's water utility will not give a discount for high usage, so where is the consistence here with these two utilities' customer assistance programs? I've spoken to you about this before as a volunteer advocate for the poor. Tonight I'm here to speak as a ratepayer. Please fix this program. How much time do I have?

>> Mayor Adler: You have three minutes, 12 seconds.

[7:55:32 PM]

>> Okay. The second subject I would like to handle is that there is information being circulated that Austin energy's community benefit charge does not give the poor their adequate share. And I have looked at these Numbers in considerable detail, and I want to tell you briefly what I've found. First keep in mind that numerous and repeated studies have proven demographically lower-income people useless energy than upper-income people so most poor people are not paying as much into the fund per customer. But, secondly, the multi-family program for energy efficiency largely serves people in the lower half of income. When combined with free weatherization, the bottom half are getting close to parity in energy efficiency funds. It is true that the low -- [no audio]

>> Can I continue? I was thinking are we under attack?

[ Laughter ] It is true that the lower half of income pay about \$3 million into the fund for solar rebates and very few participate. However, those in the upper half of income pay substantially more into the customer assistance program than they get back in solar rebates, about \$1.2 million more. The bottom half of income also pay less into the streetlighting fund than the upper half. Again, because low-income pay for less electricity overall.

[7:57:35 PM]

Having said all this, Austin could create programs that help the bottom half. It could do a better job. It should do a better job. And some of these ideas include on-bill financing, direct installation of leds in targeted neighbors and targeted rebates for essential uses like refrigerators and window air conditioners. I will be glad to help with planning these. However, the fair share argument that you've been handed is just for the most part not accurate. Thank you for your attention. Good luck getting through this evening.

>> Mayor Adler: Thank you.

[ Applause ]

>> Zimmerman: Mr. Robins?

>> Mayor Adler: Mr. Robins.

>> Zimmerman: Thank you again for that. I want to say when some of the Austin energy customers open their bill and look at it, yes, they do feel like they're under attack so, yes, you're correct.

[ Laughter ]

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: Thank you, Mr. Robins, I think all of us up here have an interest in making sure that money put into programs that are supposed to be helping the needy actually go to the people who they're intended to help so I appreciate you continuing to keep an eye on this program. And, mayor, I don't know -- I think it would be good for us to get an update on it because it's been several months now since we have had this discussion. So I don't know if -- when the best time would be, but I would really like to hear from the Austin energy staff about how the -- how the intended changes are going and if we do need to make more changes, I would like the opportunity to do it during the budget rather than after.

>> I'll be glad to help any way we can.

>> Mayor Adler: Good point. Let's raise that. I think there were a couple of questions we asked Austin energy as part of this, relates again to the female vet who spoke earlier. Ms. Poolms. Pool talked about

adding the batch list to the public assistance program that would approve someone for the cap discount and we probably should hear about that as well in budget session.

[7:59:45 PM]

So if Austin energy -- would you pick up those issues, please? Thank you. The next speaker we have is ruby rough? Is ruby here? So that in case anyone was watching on TV, when I say the batch program, there are certain programs that are available, assistance programs to people, like food stamps and other things, and our Austin energy program offers discount programs to people. And as a screening will offer those programs to advocacy that have otherwise qualified for federal programs. The Vacha is a program for veterans.

>> Good evening, mayor and councilmembers. My name is ruby Roy. I am a member of the ladies of the charity of Austin and I have been working along with Austin interfaith leaders, Texas rose, with Austin energy on the rear management program for the last several months, along with many of your aides. And I again want to thank you for that because I feel like if your representation wasn't at the table we probably wouldn't have gotten as far as we've gotten. I also was appointed to the electric utility commission by councilmember Casar, and we wanted to change the tariff on this hud vach before it came to council, but we were told by Austin energy that we couldn't do that. But today we -- I found out that Austin energy issued or sent a tariff to change it for the small business people for the kw to change it from 20 kw to 10 kw.

[8:01:53 PM]

And again, councilmember Houston, your point previously on why can people do something and others can't, this is another example of the information -- of the misinformation that we get from Austin energy. I know and I'm glad that we have this 10-1 system because we depend on you to hold these city employees accountable and to give us the correct information. I support this -- to add the H.U.D. Vach to our customer assistance program and I know that you will do the right thing. Thank you.

[Applause].

>> Mayor Adler: Thank you. Those were all the speakers that we had signed up for the public hearing, item number 66. Do you want to speak before we close the public hearing?

>> Tovo: I did. I wanted to thank those who came down to testify about this last issue for their -- for informing us about it. It was a pretty lengthy discussion, but in the end a pretty simple council vote to add some additional programs to the customer assistance program. And I can't imagine it would be any

more than that to add an additional program such as the vach program and I think it makes very good sense to consider. So thank you for bringing that to our attention. I would think we could do that on any council agenda, including our upcoming Austin energy meeting or through the budget. I guess it does have to end up probably in a tariff, but it's -- I'll stand corrected if Austin energy comes forward, but I think it's also just a simple council resolution.

>> Mayor Adler: Okay. We have no further speakers from the public wishing to address us. Is there a motion to close the public hearing? Ms. Houston moves, Ms. Pool seconds. Those in favor of ending the public hearing please raise your hand? Those opposed?

[8:03:54 PM]

The public hearing item number 66 proposed rate and fee changes, Austin energy, is closed. The next item that we're going to pick up is item number 69. Item number 69 is the public hearing on drainage. We have three speakers to speak on that as part of the public hearing. I'm going to call for the public hearing testimony first. Is Stuart Hersh here?

>> Mayor and members of the councilmember, my name is Stuart Henry Hersh and I still rent like I did this morning. Last year at this time some of us concerned about flooding in onion and Williamson creek asked for a budget amendment that city staff opposed for 388 floodplain buyouts. It was at the time that renters were expected to pay drainage fees on their monthly utility bills despite a court ruling against the city. Following a memorable Friday afternoon budget hearing, the council majority voted to fund the buyouts without raising the drainage fee or asking for a bond election to raise that fee. As a renter, my drainage fee will go to zero next year, so why am I here? It's going from where it is now to zero. And the answer is simple. Because that bill is now going to go to my property owner. And my property owner is going to get that bill, along with an increased bill for the value of the property where I rent and an increased bill for the rate by which that property is taxed.

[8:05:58 PM]

And most of our landlords away socialists so they -- aren't socialists so they pass those costs on to us which means we will get a 50 or 100-dollar a month increase probably because the market will bear it and if I'm not willing to pay it there are thousands of people coming to town who would happily take my unit. Most of us who are poor renters live on 90% impervious cover property. Most homeowners in this town are limited to 45%, except the very expensive homeowners who live in the drinking water protection zone that live on 15% impervious cover property. And doing the math, and I'm getting older so maybe I'm not so did at it, this seems to happen every time the budget is prepared from the

perspective of the average homeowner when 55% of us are renters. And I don't get that methodology, but what it results in, it appears this year, is those of us with more impervious cover will pay through our rent for our owners to pay more into the drainage fund, and that feels like a wealth transfer from the poorest among us to the wealthiest among us. And the current system is unfair because the person who lives in a two-million-dollar home on a two-million-dollar piece of property pays the same drainage fee as I do, whereas when those drainage improvements used to be paid from property taxes that wasn't true. And now this year all those people with big homes on big lots with less impervious cover will be paying less and my owner is going to pay more. So I'm here to tell you that the current system is unfair and what you're about to adopt is unfair, although I understand the methodology and my college professors used to say you can be on the right track and still get hit by the train.

[Buzzer sounds] So what's what it looks like is fixing to happen and I just wanted to call it to your attention.

[8:07:59 PM]

Thank you very much.

[Applause].

>> Mayor Adler: Thank you. David King is the next speaker. Mr. King, do you want to speak on this? Lucas Janda is the next speaker.

>> Well, you know, I'm here to speak in support of the drainage fee proposal. I think it's an excellent proposal. I appreciate the work that the committees have done and councilmember kitchen and really vetting this and listening to all the feedback. I know that you heard comments and you listened to them and you've made some adjustments to this, so I really appreciate the good work you've done on this, councilmember kitchen. But I don't see it the same way as the previous speaker. I see it in the multi-family, yes, the multi-family may be 90% impervious cover, but there are a lot more people living on that impervious cover, so per person the rate is different, it's lower. So I do think it is more equitable than what we have and I do think it should be impervious cover. And I just hope that the watershed department doesn't use the impervious cover as a way to generate more revenue by increasing impervious cover in the city. That was a joke, but I don't think they'll do that. But, you know, my point is that this proposal is more fair, much fairer than what we've had before, and it's the right thing to do. And I really appreciate the work that the staff and the committee has done in looking at the exemptions and the exceptions granted. That was really good information. I really -- that's good for us to understand those exemptions and what impact it has on our budget. And I assume y'all all have taken a look at those entities, churches and public schools and the city and public property and how much that all adds up to. So I hope that you will consider those exemptions and evaluate those. And compared to our community values and see where we are on that.

[8:10:01 PM]

It just concerns me that we do have millions of dollars that are basically we all have to subsidize, everyone else has to subsidize for those exemptions. So I hope you will take a look at that too. And I think this is the right thing -- right direction to go into. We have flooding in our neighborhoods and we have to have enough money to really address those flooding situations and issues in our neighborhoods, especially our central Austin neighborhood. So again, thank you for all your good work on this and I hope you will approve these new drainage fees. Thank you.

>> Mayor Adler: The next speaker is Ms. Janda. Is that speaker here? Lucas, I'm sorry, Mr. Janda. Lucas Janda. Okay. Those are all the speakers that we have on this item number 66. Is there a motion to close the public testimony? Mr. Zimmerman moves to close the public testimony. Is there a second? Is there anything that we need by law to read into the record associated with closing this hearing? Those in favor of ending the public hearing please raise your hand? Those opposed? Public hearing is closed. The next item that we have -- two floodplain variance cases. We have 90 people wanting to speak on the budget issue, which is the next place that I would go. I don't know that it's good for us to keep the people wanting to speak on the floodplain issues that long and I would offer them the opportunity to postpone if they didn't want to the way.

[8:12:07 PM]

I don't know which staff to accepted them too. Is staff here on the floodplain issues? If they wanted to come to you and postpone so they're not being picked up here in four hours can they do that?

>> I'm happy to talk to them.

>> Mayor Adler: Is it okay with council if any of them wanted to postpone if they could do that? I would say if you're here to speak on that item or would like to postpone it, please find the staff to do that. And if they both find you, and that's fine too. This gets to the public hearing on item number 64. Item number 64 is the public hearing on the proposed budget. Only three things left, those two floodplains that and one. I have a question -- I have a question and information that might be useful for the public. I might not be remembering correctly. Do we not have another public hearing on the budget?

>> We do.

>> Kitchen: So I just want -- I'm not suggesting we limit or anything like that. I'm just wanting the public to understand that in case there's any people that feel like they cannot stay. So that they could come back if they wanted to make that choice.

>> Mayor Adler: We are going to continue receiving public comment on this on August 27th at 11:00 A.M. And extending through the rest of that day. There will be an opportunity -- that would be next Thursday, a week from today, beginning at 11:00 A.M. And extending through the day would also be an opportunity to speak. If you have signed up and you're not here, you won't have waived the opportunity to come back next Thursday and participate in the public hearing. Ms. Pool?

>> Pool: I have a quick question. On the day that you mentioned, was it August 27th?

[8:14:10 PM]

>> Mayor Adler: Yes.

>> Pool: Hopefully that will be the only thing that we do that day.

>> Mayor Adler: We have Austin energy in the morning, which is -- Ms. Gallo's point, but at or near 11:00 we'll go to the public hearing and I think that's the only thing that we have scheduled the

>> Gallo: Okay, good, so that folks who come for that second day would be more likely to have it in regular hours.

>> Gallo: Mayor, and I think you scheduled a council meeting for one item that day also.

>> Mayor Adler: What item was that? Airport. And that was something that was going to be considered quickly. So are we ready?

>> So just to be clear, so we've got starting at 11, we think, next week, and going for however long people want to sign up, is that right?

>> Mayor Adler: Is that correct. And it will be as close to 11 as we can. With it will be close to that. Ms. Gallo?

>> Gallo: May I ask another process question? Since we are having two hearings, or the hearing on budget at two different times, two different options, if someone speaks tonight will they have spoken during that process or will they be allowed to speak again? I think we need to make that decision now so that people understand.

>> Mayor Adler: I think my rule, unless you take is another way, is everybody in this community gets a chance to speak once and that's the rule that I'll apply.

>> Gallo: Okay. I think it would be --

>> Pool: Okay. I think it would be helpful to the community if we determined that we were going to do that just so that people would know and have the option if they didn't want to stay later tonight they could come back on Tuesday, but they could not speak on both days.

>> Mayor Adler: Anybody object to me implementing that rule?

[8:16:11 PM]

>> Garza: My only concern is something can change from now until then. Somebody could add something to the concept menu that somebody that spoke tonight really feels passionate about and I wouldn't want to not allow them the ability to speak on something else that changed from now until then.

>> Mayor Adler: I'll amend the rule that I'll apply, I think that makes sense. If somebody speaks now and comes back and is speaking on a new issue, something that has changed, I'll give additional time, but in that instance of them coming back I'd give less than three minutes so they could address whatever that auxiliary item was and it would be a minute and a half. If they come back, but to speak on an item that changed between now and then. Ms. Tovo?

>> Tovo: I'll express discost in that in that I don't recall a lot of people coming down for both sessions, but it is a big budget with a lot of different elements and three minutes is a short amount of time, and I can see not just that there may be proposals out there to which somebody wants to respond really directly, but also that they may want to talk about transportation today and public safety next week. So again, I would have to go back and really look, but it seems like there aren't that many people who come for both public hearings where it would really be an issue. And I hate for people to feel like they didn't have an appropriate amount of public input into our budget.

>> Mayor Adler: I'm torn between two competings. I think it's unfair that some people won't speak tonight until 10:00 and some people won't speak until after 11 and some until after midnight and that I think is also unfair. So weighing those balances what I would do is what I just said unless I'm directed by the council otherwise. Okay. We'll go ahead and proceed at this point with the public hearing that we have.

[8:18:12 PM]

We'll now take up council agenda item number 64 to conduct the public hearing and receive public comment on the city of Austin's 2015-2016 proposed budget. Council will hear more public comment on the proposed budget on August 27th of 2015, and I am now going to call speakers to the podium that

have signed up. There are listed 87 speakers totaling 264 minutes. That puts us at somewhere about four and a half hours of public testimony to be called, that's if each use their -- if everyone uses their three minutes. I would like to point out to folks that there is no obligation for you to take your full three minutes.

[Laughter]. And anybody that wants to express their views in a shorter period of time I'm sure the people that follow you on the agenda would appreciate being able to speak earlier in the time. Janet, I have a list of 25 people that have come and expressed a desire to be in a particular order. I'm inclined to honor that order, but not to call them up first. So I will call them in this order, but not together as a group just because there are people that have signed up and the ones that have signed up around I'm not going to be able to track is the same way. I'm hopeful you can track the names and put your mark on them so we follow that process and see if that works, okay?

[8:20:15 PM]

Our first speaker will be Stuart Hersh and you may use up to three minutes.

>> Thank you, mayor and cube. My name is still Harry Stuart Hersh and I'm still renting. I think the document you are basing your decisions this year comes from the great author Dr. Seuss who says if I ran the zoo I would make a few changes, that's just what I'd do. So in that spirit I am asking for you to change around where you're appropriating money and more importantly change around some of the performance measures that are in budget. I'm asking you to send a million dollars from neighborhood code to housing to repair more owner income occupied housing. I'm asking and you can find that on page 121 of their budget. I'm asking you to freeze all the vacant positions in Austin code and cut all the new positions so that if you consider merging development services in Austin code you've got ability to flatten the organization at less expense to the taxpayers than you will have if you let them continue to fill their vacant positions and add a bunch of new ones. I'm asking you to buy a performance pressure -- add a performance pressure for the buyouts in Onion and Williamson Creek that every owner receive a buyout offer no later than November 1st, 2016, three years after the flood. Right now those offers would happen September 30th, 2017 and that seems unfair to me. I'm asking you to add some performance measures to development services. You've got some good performance measures to do 90 or 95% of stuff on time but what you lack as performance measure for the rest of the stuff that isn't done on time, I'm asking that you make that within 48 hours of what the other deadline was or those people end up in limbo.

[8:22:22 PM]

I'm asking you to recognize that my check to the Travis county appraisal district won't change as a result of your property tax decisions because as a renter I don't send them a check. My owner does. But what you do on this as I mentioned earlier affects what my rent is. And I want to tell you -- this is going to speak to the employee pay increase issue. Those of us in Austin who make more than \$75,000 a year find this city much more affordable than those of us who make less than \$75,000 a year. And what has not been discussed in the work sessions that I've been able to talk about is a simple two-tier system that combines some of the suggestions that you've been talking about. That all city employees get three percent, except those that make over \$75,000 a year, and they get the 0.8 that some of you suggested. And the reason I say that is because in 1987 we had not a budget windfall, we had a shortfall. And the council at that time had a decision to make --

[buzzer sounds] My time is up --

>> Mayor Adler: Finish your thought if you want to.

>> We had a decision to make. All of us could take one day off and balance the budget or the police and fire could take no days off and all the rest of us who were not civil service, but mostly lived in the city, had to take three days off so the police and fire wouldn't take any cuts. The council at the time decided that the police and firefighters, who mostly lived out of town, would not have to take any time off and we would have to take three days off to balance budget. And we did it because it was what was necessary. Treat the people who live in town better than the people who live out of town. Thank you very much.

>> Mayor Adler: Okay. Going forward so that we have a rule that we can apply when the buzzer goes off, you can finish your thought, but by that I mean you can complete the sentence.

[8:24:22 PM]

We're going to stick as close to that buzzer as we can. Gina Hinojosa, is Ms. Hinojosa here? Chair of the school board for the Austin independent school district. Ms. Hinojosa, welcome to our chamber.

>> Thank you. I am here to ask -- thank you, mayor, mayor pro tem, to ask that you please do not cut funding for your parent support specialists and our prime time after school programs that council approved last year. As you know our financial system at aid, we're operating under a broken statewide financial system where -- that has been ruled unconstitutional, in fact, and it affects Austin worse than any other school district in the state. So we have asked the city in the past to come together and help us as a community so we can tackle this problem as a community and get our families and our kids what they need since the state doesn't let us keep the money that we need to educate and provide the social services for our kids that they need. So I'm just asking please to not cut those -- that funding, prime time is \$400,000 that we got in addition last year for programs that we lost funding for from the federal government because of a dispute between the state and federal government, the city picked that up last

year. It met programs for -- meant programs for schools, for kids that wouldn't otherwise have it. The principal of Travis high should be here to what it talks about it for them. Parent support specialists we partnered last year so the city paid half and the school district paid half. And actually I know this council cares about pre-k enrollment and we're using those parent support specialists to enroll kids, families in pre-k programs.

[8:26:28 PM]

I know that's a priority you're already working on it in partnership with us. So I want to thank you and I also want to say we are already sustaining a cut to our other prime time programs of 20% and that's going to mean we'll have to cut programming from four to five days at some of our schools to two to three days. It means we'll have to cut summer programming. So that's in addition to this funding that we desperately need. So thank you very much.

>> Mayor Adler: Thank you, Ms. Hinojosa.

[Applause]. Next speaker I'm going to call is Eric tang. Is Eric tang here? Should I go to somebody else or is he right here?

>> He's coming.

>> They could line up.

>> Mayor Adler: Before we have Eric let's go with Ty Davidson and irrelevant Eric is up next.

>> [Inaudible - no mic].

>> Mayor Adler: Okay. I'll do a better job of queuing us up. Sorry about that. Take your time. Come on down. And Ms. Hinojosa, thank you for giving us a little bit time. Mr. Aang you have up to three minutes if you want to use it all.

>> Thank you, good evening, I'm Eric tang, assistant professor in African-American studies at UT Austin. About a year ago I was here presenting data on the African-American population here in Austin. It's declining, the African-American population in particular at the time. We leased a report that demonstrated that Austin is the only major growing city in the United States that is seeing a simultaneous loss in its African-American population.

[8:28:35 PM]

So a lot of questions came out of that report including who are the folks that are moving out, what are the reasons for why they're moving, some of the information that we gleaned suggest that they tend to be lower income African-Americans who don't have economic opportunities here in Austin, who lack access to some of the cultural and health institutions that they once had. And this is tied into the broader affordability issues in Austin. So what we say is that what happened to the African-American community between 2000 and 2010 is really a bellweather for the entire city, meaning that it's not unique to African-Americans, but they were the first ones hit and the hardest ones hit. It's with that in mind that I come here to support two particular initiatives, the concept submitted by Ora Houston tied to initiatives with the African-American quality of you life initiative and the African-American cultural district as well as support of the health equity initiative, the approximately \$1,050,000 that is being proposed to deal with health equity. And I'll say our radio recent research includes surveying African-Americans who have lived on the east side for more than 25 years. And although they are the ones who should be the beneficiaries of gentrification, they're the ones who stayed, who didn't leave, that -- close to 70% of saying that their quality of life has actually decreased since gentrification took hold. We find that to be a really interesting statistic. Other folks in this room probably say no kidding, like that's obvious, but for us as academics it's interesting because we think they should be the beneficiaries. But what they're saying is they don't have the same cultural institutions that they once had, they don't have access to the same culturally specific health institutions like they had like Holy Cross hospital or the local community clinics.

[8:30:44 PM]

So if we can restore some of that in our city budget I think we can as some people put it, reverse the trend in Austin. I've leave it there.

>> Mayor Adler: Thank you.

[Cheers and applause]

>> Mayor Adler: The next speaker self is Ty Davidson. Is Ty Davidson here? The next speaker is Allen weeks. And the next speaker after that, I'm sorry, will be Freddie Dixon.

>> Good evening, mayor and councilmembers. My name is Allen weeks and I'm also here tonight to speak -- to thank you for your support for parent support specialists and after school programming. And urge you to continue that support. We have a unique school district. Accountability you want results are just one measure that showed that we're one of the leading school districts in the state in so many ways and definitely the leading urban school district. And one thing that's really cool about Austin is we've been able to hang on to the diversity for our city. A lot of urban school districts narrow down. We've been able to maintain people. But that comes with a lot of challenges. We have 60% of our students who are classified at some level of poverty. It puts a big burden on our school districts to continue

reaching those high standards. We also have housing struggles as you know and the district, as Ms. Hinojosa pointed out, struggles with recapture, 1 \$178 million going back from the school budget. We also have a strategy working and we've talked to you about it called community schools and that is really about being strategic with how we bring together services and academics and it really has been working where we've applied it at Webb middle school, Reagan high school, other parts of northeast Austin, our family resource centers and the family support specialists and the after school programs are part of that strategy.

[8:32:54 PM]

At any one time at Webb middle school we have 10% of our kids at some level of homelessness. Three to six P.M. Having a place to go is vital for those kids, having the after school program. And the same with our surrounding schools. Our parent support specialists, we've woven them into our family resource centers, been able to refer a lot of the struggling families into and integrating them into social services, including those that the city offers. And that connection multiplies, is strategic and that's why I think your investment in aid is incredibly strategic and it's a multiplier, it's a small amount of money that results in a huge amount of gain for our families and our students. Thank you.

[Applause].

>> Mayor Adler: Thank you. So Dr. Dixon. And I would appreciate it if Angela Atwood would move to the the other podium. Dr. Dixon, you can start. Thank you, sir.

>> Good evening, mayor and mayor pro tem and councilmembers. I'm here to speak on behalf of the Austin African-American Austin cultural heritage district. And to request the amount of money that we have submitted to you. I would also like to say that I am following Dr. Tang and certainly we are in tandem with the requests that we are making, but I would like to do an aside

just to say this: That district 1 represents a great part of the legacy and history of Austin, but not all of its rich history. And what I am saying that 39% of African-Americans live in district 1 and 60% of African-Americans live outside of district 1. To that end we must look at the whole of Austin for the sum and essence of its part that make this city great. It is incumbent upon Austin's African-Americans not to leave one councilmember, ora Houston, to be the loan representative of African-Americans in Austin, but for the city council --

[8:35:04 PM]

[applause]. But for the city council to include a process by which all council persons are held accountable to the African-American community and the other minority communities of this great city of ours. So what I'm saying to you as you sit there, we have no right to exclusively say that ora Houston or district 1, which has or comprises the most of the African-American non-profit organizations, has only the right to represent minority groups. You, ladies and gentlemen, represent all of Austin even though you have separate districts. Thank you very much.

[Applause].

>> Mayor Adler: Is Karina Malone here? Would you move to the other podium please? Ms. Atwood, please proceed.

>> Good evening, mayor, mayor pro tem, councilmembers. My name is Angela Atwood and I'm here tonight representing one voice central Texas to ask you to support the recommendation to increase health and human services funding by \$6.7 million in this next budget year. One voice is an organization who we've all met with various members and the mayor over the past few months. We are a part of an enormous infrastructure that partners with the city and the county to meet the needs of as many vulnerable cities as we can -- citizens or residents as we can. But as you know, Ann Howard, who is here tonight, she is the chair elect of one voice. She presented at the council's public health and human services committee this summer where she discussed kind of the key indicators and the important data points for us to think about -- and that went into the recommendation by the city staff, the deputy cfo, that 6.7 this year with additional funds in the coming years would be what it would take to ensure that our infrastructure, that our health and human services infrastructure, doesn't keep pace, that we actually get it to where it needs to be right now.

[8:37:35 PM]

And then keeps growing as our city is growing and changing. I know there's a lot of support on council. I just want to remind you why it's imperative that you consider funding this full increase requested. As you know, among peer cities we're at the bottom of the list in terms of the percentage of budget that goes to health and human services. Our infrastructure is inadequate. The budget towards health and human services since 2005 to this year has increased 20% as compared to 230% with the police, 245% for the fire department, 273% for the parks and 270% for the libraries. I think that is an enormous disparity and it negatively affects the most vulnerable people in our community. Also, given that we're one of the most economically segregated cities in the country that there's a commitment by the leadership in our city to very aggressively address the affordability gap. And given that our health and human services network is a very important part of our economic infrastructure, there are great economic benefits that come from this investment and it takes pressure off of the other city programs such as police or health services that are needed.

[Buzzer sounds] Thank you.

>> Mayor Adler: Thank you.

[Applause]. James norte would you move to the other podium, please? Ms. Malone, you can start.

>> Good evening, mayor, mayor pro tem and councilmembers. There's going to be a pant that should be passed out to you as well.

[8:39:36 PM]

I believe there should be a packet. My name is careen in a Malone, I am a leader with Austin interfaith, also the president of oak creek tenant association and a proud capital I.D.E.A. Graduate. I'm here today to talk to you about budget priorities. Austin interfaith is a coalition of over 35 congregations, schools, unions, non-profits and other associations. Together we work to develop leaders, leaders that address public issues that affect the well-being of families and neighborhoods in our community. Earlier today we held a press conference. Thank you for those five councilmembers that were able to attend. We had over 80 people there from 20 different member institutions. There again, we also spoke about budget appreciate. We're here tonight to address adult and child poverty in Austin and imbalance of the city budget and the priorities over Austin officers, police officers over human development. The Austin interfaith budget priorities were created out of hundreds of small group in individuals meetings in our individual institutions and neighborhoods. Today you will hear stories from our leaders will living wages, after school programs, libraries, parks and workforce development. We have 10 speakers to cover each district and we will have a closing speaker to wrap us up. I ask you please to reserve questions for our last speaker because you will find answers to your questions from the subsequent speakers with Austin interfaith. Also, our fifth speaker, who signed up, is actually going to be translating for another speaker. Thank you.

>> Mayor Adler: Thank you.

>> My apologies. We have a total of 12 different speakers, but one speaker from each district. I think -- I believe when we signed up we tried to get it to where it was in subsequent order, but --

[8:41:40 PM]

>> Mayor Adler: I'm calling the people in the order that was presented. I'm not calling you up together as a group because some people signed up earlier. So what I'm doing is I'm calling two people from this list and one person from this list. And then two people from the public and -- it wouldn't be fair if this

group could then jump in front of other people. I think we're all going to be here for the next several hours together. So I understand that and I will call the names, I promise, in the order that you have given them to me. Our next speaker is Mr. Norte. And if we could move -- thank you very much. All of you for coming. Please go ahead and sit down. The next speaker, Mr. Norte is going to speak. And I would like sandy Jones to please move to this dais.

>> Good evening, mayor, mayor pro tem and councilmembers. My name is James norte. I'm approximate speaking in my capacity as a broad board member of the African-American cultural heritage district. I want to thank councilmembers Houston and the mayor for their support and effort in funding the district and I want to urge all of our councilmembers to do the same. You've heard a little bit about our past, but I want to speak specifically about where we are today and our future. Our city is struggling to attract African-Americans to our community and struggling to retain them. The cultural heritage district is an opportunity to not just appreciate, but to celebrate the history and the heritage the culture of African-Americans who have lived here. And to also innovate and create an economic viable space to preserve art and turn it into new opportunities for all of us. As a young professional I want people to know that African-Americans are a valuable part of our community and for generations to come will continue to be a valuable part of our community. This is our opportunity to convey that value. I know you have a long night ahead of you so I will be brief, but I remind you all that budgets are moral mirrors of our community values.

[8:43:46 PM]

This is a priority for our community. So please let your vote show that and reflect that. Thank you.

>> Mayor Adler: Thank you.

[Applause]. Sandy Jones, the next speaker that we have. And at the other podium I would ask Rosa Hernandez to come to the next podium. Is Rosa Hernandez here?

>> Yes. Mayor Adler if you would go to the other podium. Mr. Jones.

>> Good evening, mayor, city councilmembers. My name is minister sandy Jones. I'm a member of the mount olive Baptist church in district 1 where my pastor, the reverend Carter, where I serve as associate minister, and I am a leader with Austin interfaith. Our religion cautions us against injustice and call us to an economy of inclusive and shared priorities. We find the books of James, the fourth chapter, 17th verse, that says unto him who knows to do good and does not do it is a sin. Our proposed city budget missed that mark. We have written in millions of dollars for additional police officers on the promise with few specifics that they will engage in community policing. We see a need for such dollars to tend to our concern for the quality of life for African-Americans. And for the decline in the population of African-Americans and of children's. This city budget will cut programs like prime Afghanistan school which serves hundreds of children in district 1 and other areas of town. Balancing the budget on the backs of

children is wrong and misguided. We know that to provide services like prime time will cost taxpayers more if school districts like aisd try to fund them.

[8:45:53 PM]

Because the school district is subject to recapture and our tax payments gets disbursed across the state. Whereas the city is not subject to recapture, so those tax dollars stretch further. The school children are city children and we need to stop thinking in silos and engage in cross system work to maximize the potential of our most vulnerable residents. I urge full support for prime time after school and other programs for children and families. Thank you.

[Applause].

>> Mayor Adler: Thank you. Before Ms. Hernandez speaks, the next speaker would be Harry Saenz. Is he here? You will speak at the other pediatricianium. I would announce to the room and to the public watching that the floodplain question, item number 61, has opted to postpone their case until September 17th, 2015. Is there any objection to that on the dais? Seeing none, that is postponed to 2015. Item number 62 has elected to proceed with his case this evening, so that case will follow at the conclusion of public testimony on the budget. Ms. Hernandez is here. Is Santos he is so bar here? Donating time, Emma beverage.

[Speaking in Spanish].

[8:49:16 PM]

>> Good evening. I'll be translating for Ms. Hernandez. This is Ms. Rosa Hernandez and she is a member of St. Ignacius catholic church and also a leader with Austin interfaith. She lives in the dove springs area and she cleans houses to provide for herself and her daughter and depends on public transportation and her first language is Spanish. Her daughter will begin the fourth grade in the dual language program. And for two years she has had problems in English and mathematics and was not -- was not on the same level as the other students. And because of this herself esteem and herself worth was on the floor and it broke her mother's heart because she knew it that her daughter was intelligent and she could -- intelligent and she could do all the things that she could do, but the school was telling her otherwise. It was then someone suggested that she go to the southeast library because there is a program, an after school tutoring program called the victory taught toll program that does provide one on one tutoring for free for any student living in the Austin area not only to Austin ISD, but other schools in the area. So she went to this program, they were able to connect her with a tutor and the change in only one month was

dramatic. Because it was going so well they also allowed her to have a tutor at the Reese library where the victory program is also -- is also going on and she was able to have another tutor there. So the gains that she's made has been significant. She's now in an advanced level for understanding English and at an intermediate level for writing English. So this has been just in the few months that she's been in the program. To cut the funds for this program would mean over 138 students or more will miss out on the opportunity that her daughter had to be able to realize and actualize their goals in education, and she is here in support of this program along with other parents so that the stint will continue to support access to excellent and equitable education for all students.

[8:51:39 PM]

Thank you.

[Applause].

>> Mayor Adler: Thank you. If Lisa Byrd could move to this podium. Sir.

>> Good evening, my name is Henry Saenz. I'm a member of our lady of Guadalupe catholic church and Austin interfaith. I'm an austin-austinite. I've been here all my life from back when it was affordable to live here. I barely consider myself an employee of the city of Austin. I say this because of the condition of my employment. I am considered part time temporary. I have been at this position for nearly nine years. As a condition of employment I was asked to sign a form stating that I recognized that I was getting a part-time temporary position and as such I am subject to termination with no recourse. I had a second full-time job with benefits up until about a year ago. When that job folded so did my benefits. Now I am down to 20 hours a week with no benefits. I do have the chance to work a few more hours if I get supervisor approval. At this time I earn \$11 an hour. It is not enough to live in the city of Austin. I used to have a union job so I have experienced both sides of the pay scale. The side I am on now has been a real eye opener for me. At this point I am my mother's caretaker so I have opted not to seek other employment at this time. However, I do work alongside many who are not as blessed or as lucky as myself. Many have to work two or even three other part-time jobs to take care of themselves and their children and other relatives. Some of them travel up to 30 miles away because they cannot afford to live in Austin.

[8:53:43 PM]

There used to be a four-hour guarantee per shift, but that has been revise sod that sometimes after driving in from far away these people are sent home after working just a few hours. I applaud city

manager Marc Ott for his proposal to increase the city living wage to 13.03 for full-time workers. This proposal, however, does not go far enough. It leaves workers like me behind. I ask the city council to go further to include adult part-time temporary workers like myself and my co-workers in the budget. Thank you.

>> Mayor Adler: Thank you.

[Applause]. Is corrie Anna Noriega here? Is corrie Anna nor regular good? On okay. Ms. Berg, would you start?

>> Mayor, mayor pro tem, city councilmembers, thank you for this opportunity to address you. My name is Lisa Byrd and I am the founding executive director of Austin's African-American cultural heritage district. As was stated earlier, we are thankful to councilmember Houston for forwarding her concept of funding the district for \$300,000. That was our request for 2015-2016. I have had the opportunity to visit with a lot of council. If I didn't visit with council I spoke with your extra. Some I didn't have an opportunity to speak with at all. I thought I would come quickly and give background information about the district for those of you who may not know. So the development and creation of the cultural heritage district comes directly out of the African-American quality of life initiative, thank you, and was one of the 52 recommendations that was forwarded to city council in 2005.

[8:55:45 PM]

Unlike most of the other recommendations, the community itself really took on the creation of the district. This -- the creation of the district. This became a community project. In 2007 we were successful with city council in determining the boundaries. For those who don't know it is approximately six square miles. Manor road to the north, seventh street to the south, airport to the east and I like to say everyone knows what the western boundary is.

[Laughter]. So in 2009 we submitted a thousand page application to the state of Texas to -- for historic designation and we were granted that in 2009. In that same year we formed a community ad hoc steering committee and that steering committee charged itself with trying to figure out what a cultural heritage district would be, what it would look like, how we would get funding, how we would operate, what those programs would be. So we worked on that as a community, as a volunteer group for three years. And 2012 we were able to hire multicultural consultants that helped us put together our identity statements and put together an operational plan for us that really roadmapped how we begin an organization and how that organization begins programming. In 2013 we formed as a non-profit doing business in Texas. In 2014 we received -- also in that year, 2013, city council awarded us \$50,000 as seed money for a start-up. In 2014 we received our 501(c)3 status and city council awarded us --

[buzzer sounds] \$237,000 in a service contract.

[8:57:45 PM]

That contract is about to end and therefore our request for upcoming funding. Thank you.

>> Mayor Adler: Thank you.

[Applause]. Is Ophelia zapata here?

>> Yes.

>> Mayor Adler: You could go to that other podium or you could stay there if you wanted to. Okay.  
Corrie Anna Noriega?

>> Yes.

>> Mayor Adler: Is Dorothy Doolittle here? Is alba soreno here?

>> [Inaudible - no mic].

>> Mayor Adler: I have that recognized. Is alba soreno here?

>> No.

>> Mayor Adler: You have up to nine minutes if you want to take it. Ms. Noriega.

>> [Speaking in Spanish].

[9:00:53 PM]

[ Applause ]

>> Good evening. My name is Corina nor Craig with, leader of Austin interfaith and I'm translating for Ms. Ophelia. This is Elizabeth, the mother of three boys and they are the than she and her husband are working so hard to raise them well. In order for them to exceed as a family, they depend on good schools and libraries with accessible hours, bilingual personnel educational programs. They depend on pools, museums, parks, whether or not fountains, affordable housing and recreation centers where her children can learn, play, explore. On their way to church during the week, they stop at the carver library so that her children can do homework. During the summer they go to the big Stacy pool and park. They also participate in rivercity youth programming where they are learning to use computers. Currently, the dove springs library is set to close for renovations and they are asking that services and funding be

continued so that services can be provided through the recreational center and that there will be a continuum of services in the families of dove springs in that area will not have to go without. Malcolm X once said that education is a passport to the future, for tomorrow belongs to those who prepare for it today. So we ask that the city council stands in alliance with us to do just that. Thank you.

[ Applause ]

>> Mayor Adler: Thank you the next speaker that we would call up would be bob batland.

[9:03:03 PM]

Ms. Sepata, please proceed. Yes, your turn.

>> My name is [indiscernible], I am a leader of Austin interfaith, member of San Jose catholic church, which lies in district 5 and I live in dove springs district 2. I'm here to call on you to invest in our children and family health. Children's health affects all parts of their life, their education, their mobility, and their risk of chronic disease. Investing in their health means investing in all aspects of their quality of life. 50% of the population and 7745 communities are under 18 years old. And these two zip codes have one of the highest rates of overweight and obese children. Many respected sources such as the Harvard school of public health have cited a strong connection between one's weight and access to healthy food. But many of the children and families in these zip codes do not have the necessary access to healthy foods. We ask for \$250,000 to incentivize the corner stores and set an example for 7865745 to offer more produce and healthier food options and \$55,000 for a full-time food retail organizer to help families continue to organize with store owners around this effort. We are already working with four to six stores, with the owners and the neighbors. We will reach 20% of the children in these zip codes, but we need these monies to reach a critical mass of stores in our efforts to prevent chronic disease.

[9:05:04 PM]

Imagine that, investing -- addressing children's health before these children develop health problems that require more dollars and more tragic life consequences. We care about preventive care and we need you to care about these children's future before it is too late. We also are working -- we've been very happy with the southeast wellnesser in center. We bring to your attention a safety issue of a left-hand lane needed so that patients coming to their appointments will be safe entering into the health clinic. There have been three accidents so the left-turn lane we are asking for is coming from Riverside -- northbound Riverside on grove boulevard going towards old horf and it is congested every day. The first

six months of opening the clinic, we've served over 10,000 patients. That's only part of the clinic that's open. So we ask you to please --

[ buzzer sounding ]

-- Be attentive to getting a left-turn lane to people get into their doctors safely.

>> Mayor Adler: Thank you. Is nook burns here? Is nook burns here? I'm sorry?

>> Byrd.

>> Mayor Adler: Nook birdie?

>> He's not here.

>> Mayor Adler: Okay, sorry, ma'am. Bob batland.

>> Mayor, mayor pro tem, councilmembers, I'm bob batland from Austin interfaith and a member of the shalom located in district 10. Our rabbi, Alan Friedman, spoke at a press conference this afternoon. I will summarize his remarks.

[9:07:07 PM]

Profit mica remarks that an ideal society all live in peace and tranquility under their own vine and fig tree. The recent peace and tranquility can exist is that justice exists for all elements of society. If justice is done, all can live in peace and safety. Safety comings in many forms. When we address the underlying issues that promote tranquility, we promote safety. Examples are clean parks for recreation, libraries for study, education opportunities for personal growth. Focusing on these priorities creates a society that is just and safe. We stand for justice. We want every austinite to live under their vine and fig tree and live in peace, tranquility, and safety. Thank you.

[ Applause ]

>> Mayor Adler: Is Clifford Spencer here?

>> Yes.

>> Mayor Adler: That would be the next podium. Sir.

>> Okay. Good evening, council. Appreciate the opportunity to stand up here and speak a few words to you guys. I go by the name -- real name is Charles Byrd. Everyone knows me as nook. That's the only thing my no, ma'am, has ever called me is nook. Basically what nook means is never outcassing our kind, meaning my kind is anyone that's striving to be successful, that want to unify, want to see everyone good, not just themselves. And so I stand up here today to speak to you guys about a couple of things

that we're doing and in support of. I represent a community organization called jump on it community outreach and we have the opportunity this year do work with Lisa Byrd at the African-American cultural heritage district and she afforded us, through the organization, the opportunity to utilize down spill.

[9:09:21 PM]

Now what our organization does is we're a 1-stop shop for the youth and for black youth specifically, urban youth, and when I say 1-stop shop I mean we want to cover everything a to Z when it comes to issue dealing with young youth falling through the cracks. We see what's going on on the local level of courts and national level and also an international level when it comes to the treatment of people of color. So what we've taken on the task to educate our youth, to give them a safe environment, to entertain them and to put resources privy at their fingertips they normally don't have that will circumvent them from making certain decisions detrimental to them having a negative outcome in their life. That's what we do. This whole summer we had the opportunity to do our programming at downspill and it was a great situation being back in east Austin and being able to work and service that area. And so working with the district, with being at downspill we realized the importance of us being able to come back home, to come back to an area that has so much culture, so much heritage and so much history that we don't know about. And like I've been taught, you'll never know where you're going until you know where you come from. That's the thing is our youth don't know where they come from. We don't know our history. Our history has been suppressed, disappeared. We don't have any aim, any direction to go. If you don't have any direction, how can you expect people to make good decisions and be productive citizens if you don't know who the hell you are. That's the problem we've been having.

[ Applause ] So I was real reluctantant in even bringing my program back into east Austin and working at the city of Austin facility to be honest because I didn't want to deal with any of the politics. I wanted to go right to the root of the problem and that was to educate our youth, to look them in the eye and say I love you and for the community to come out and love each other. That's what we've been looking for years, us loving on each other, educating each other, us raising each other, holding each other accountable and us protecting and providing for us.

[9:11:28 PM]

So that's what jump on it.

[ Buzzer sounding ]

-- Is all about. We'll be here, vocal, visible. We need all of y'all's support for the district and everything we have coming because our lives do matter.

[ Applause ]

>> Mayor Adler: Thank you is Mary frytag here? Thank you. Is Mary frytag here? You would be up next. Sir.

>> Good evening, mayor, councilmembers. My name is brother Clifford Spencer, I'm a leader of Austin interfaith and I'm here to tell you through park improvements we have increased public safety at franklin park, the park right by our home of our church. My church members and I adopted franklin park about three years ago and I've seen drastic changes. Since we adopted the park we've seen our public safety greatly improve just in the last year the crime rate decreased 37%. This happened because the neighbors pitched in, seeing other families use the park attracts more families.% we reduced the amount of graffiti and the. I want to know why are you putting 70% of the general fund into ems and fire department when we have the solution with park improvement through the parks and recreation department. We need the city to support what actually works. And for 7844 and 7845, communities, this is a solution -- the solution is in our parks. Thank you.

>> Mayor Adler: Thank you.

[ Applause ] Is cavean suporean here.

>> Good evening, mayor, councilmembers, my name is Mary frytag, I'm a member of first unitarian universalist church, a leader in Austin interfaith and homeowner in district 8.

[9:13:40 PM]

I'm here to make it clear that it's not sense to be give me a tax break of \$4 a month when the results is increased pressure on children, families and workers. The majority of increased costs in the proposed budget will result in an increase to our police department of over \$22 million. Realize it's not just Austin police department that's monitoring public safety. We have Travis county police, state troopers and police officers for aisd, Austin community colleges and local universities. The proposed budget is I am balanced. I urge the mayor and the council to consider that when tax savings are found they should be invested in workers, families, neighborhoods and chirp. A \$350,000 investment in capital idea job training results in 70 austinities being able to earn a degree or certificate to get a living wage job and support their families. According to ray marshal center at the university of Texas, that \$350,000 investment would mean that those 70 austinities increase their lifetime earnings by \$1 million over their lifetime. The taxpayer return on the investment would be \$5 for every \$1 invested. In other words, in addition to increasing the lifetime earnings of those austinities, the \$350,000 investment results in a \$1,750,000 return to taxpayers.

[9:15:40 PM]

Through increased self-sufficiency, taxes paid to local government by those living wage earners and a reduced need for safety net services. I urge you to wisely invest our dollars in meaningful opportunities like capital idea, which bring a true return on investment. Thank you.

>> Mayor Adler: Thank you is Gina Tillis here?

>> Right here.

>> Mayor Adler: You're up on this podium. Sir.

>> Thank you, mayor, thank you all for your patience this evening. My name is Cabon, I'm a leader on the strategy team of Austin interfaith. From our small offices in district 9, over the last seven years, we we equal justice center have heard the stories of thousands upon thousands of low-wage workers. If there are two things that I can tell you about hearing those stories, it's, one, that it's becoming harder and harder and harder for low-wage workers in this and I to support themselves and their family and, two, that through the last seven years there's been an enormous growth in the use of part-time and temporary work in the use of staffing agencies. And so it was not of much surprise to us a couple of years ago when the economists that do things as extensive as writing -- deciding what our interest rate is said that the explosion of this low-wage temporary work, this part-time work, this staff -- the use of these staffing agencies has been a downward pressure on the wages of low-wage workers. And so for that reason, when we were a member of the living-wage task force, we as a group decided that we wanted to see the living wage get raised and we wanted to see it apply to part-time and temporary workers.

[9:17:44 PM]

The proposed budget does not do that. The proposed budget would only raise the living wage for full-time workers. It would further incentivize the creation of part-time and temporary work on the back of the fact that the city is an enormous purchaser of the use of staffing agencies. And so when I -- when you look at this budget and you consider what you're going to vote for, please understand that voting for the full -- the raise for living wages for the full time workers and not doing so for the part-time and temporary workers is not half a step in the right direction. In fact, it's one step forward and really two steps back. And that's all I'm going to say this evening because I want to get home and watch project run way.

[ Laughter ]

[ Applause ]

>> Mayor Adler: Is patches breakshire here?

>> Yes.

>> Mayor Adler: It will be at that desk. Thank you. Jeanie, go ahead.

>> Thank you. My name is Gina Tillis. I am the first year experience accord neater at Houston till rot ton university, adjunct faculty for sociology and in class we discuss all these beautiful issues, issues that really derive at the heart of what it means to be a human and I'm in the business of community empowerment and I like -- I'm here today expressing the need to accept the concept for African-American -- for the African-American cultural heritage district, for the African-American quality of life. And among other health inequities, interfaith and so forth, I do want to say that the African-American cultural heritage district has played an integral part of the 1-year experience program. They not only provide tours of Austin for all our 1-year students upon arrival during orientation but also support the cocurricular programming and invite the community on to campus and they finance the honorariums for authors and musicians and what not.

[9:19:53 PM]

In addition the African-American cultural district also supports our community-based learning initiative, all 1-year students engage in community-based learning, otherwise known as community service. So we have most of our student body out in the community and cultivating a stronger connection with the community, neighbors and what so forth. And so in addition to helping the community-based learning they also help support our gowns field, our base bail players play on and help make sure our students have a stronger sense of pride of the fields they play on. Once again I want to say please support the initiative for the African-American cultural heritage district and all of these great initiatives that our brothers and sisters have put on place for you guys today. Thank you. I give up the rest of my time. You guys have a blessed night.

>> Mayor Adler: Thank you.

[ Applause ] Is Kirk cadania Mitchell here?

>> Good evening. Am I talking into this in my name is patches breakshire, I'm a member of wildflower unitarian universalist church and leader of Austin interfaith, homeowner in 78744 since 2008 and I want to know what I am going to do with my \$1 a year savings from the homestead exemption that will actually improve any part of my children's and my families' lives. I know it's going to take more than this to improve my neighborhood's park I have formed a group of my neighbors to work on our park and recent improvements have brought friends and families to improve the park. We've secured a family-

centered space we can all be proud of. We need parks that speak to our whole community. 78744 is a multigenerational community.

[9:21:55 PM]

We have many grand parents who care for their grandchildren and we need park amenities that all ages can access. At Kendra park we have an ADA accessible seesaw but no ADA accessible sidewalks to get to the park from the neighborhood itself. I am a caretaker for two disabled senior aunts and a mother of two small children. We all have struggled to access places in 78744 with wheelchairs, walkers and strollers. We have no lighting. Why does the park have a 10:00 P.M. curfew if we can't use it after 8:00 P.M. in the summer and 6:00 P.M. in the winter? If a park feels ignored by the city, it's going to be ignored by the community. I call on all of you to show our parks that you care about the health of our children, our seniors, and the whole community. So I ask you to invest more dollars into our parks. Thank you.

>> Mayor Adler: Thank you.

[ Applause ] Is Harrison -- upright here.

>> Good evening, my name is Kirk [indiscernible], member of wildflower unitarian universalist church and for Austin entity faith. I'll be the last of our speakers this evening. You've each been given a packet which includes our budget priorities for 2015. It includes details on each of our parks' asks which have been priced out with the parks and recreation department so they're very specific, they're not numbers pulled out of thin air. We've included an editorial by Rabbi Freeman and Father Bill Walk published in the Austin American-Statesman on the misbalanced budget priorities that the proposed budget contains. We want to make clear to you because we've been asked to prioritize this list, this is our prioritized list.

[9:23:59 PM]

If we created the full list of the needs of our neighborhoods and families and children, it would be much longer. We'd be happy to create that for you. These are the priorities we've created and we would ask that before we're asked to prioritize this list, that you ask the same from Chief Acevedo and the Austin Police Department's asks. For us we really think our budget priorities are not actually a decrease in public safety funding because all of these items increase and improve our public safety. Pope Francis' recent pastoral letter stated when a society leaves its members, when a society leaves some of its members on the fringes, no investment in surveillance or enforcement can make it safe and tranquil and we believe that's true for the city. So what we would ask is that you look at each of these things, decide

what you can champion, decide what you can support. We want to be able to announce on the pulpit and the bulletins of all of our institutions after the first week of September that you chose, the new council chose to do right by children and families so I really hope that your votes over the next 30 days really allow to us do that. With that if you have any specific questions on these priorities we'd be happy to answer them now or by phone or e-mail or meeting so that everyone else can go ahead with their evening.

>> Mayor Adler: Thank you very much.

[ Applause ] Is David king here? I'm sorry. Ms. Gallo?

>> Gallo: There is wonderful young man in a green shirt on the front row and I just wanted to say thank you so much for being here and at a very young age, becoming active in helping your community. As everyone knows I always ask this to the young people that come in to our council chambers, how old are new I want to get you on the camera too. You've been trying so hard to do that.

[ Laughter ] What is your name?

>> My name is jayman.

[9:26:01 PM]

>> Gallo: How old are you.

>> Eight years old.

>> Gallo: What are you going to do when you turn 18?

>> I don't really know yet.

[ Laughter ]

>> Gallo: What would you think we would want you to do when you turn 18?

>> I'm going to help with you that. We want you to register to vote. And I'm going to ask your parents to help make sure that happens but I bet you'll promise us that you'll do that.

>> My mom is Corina.

>> Gallo: I'll bet she makes sure you'll register vote so thank you for being here and we'll look forward to the time you turn 18.

[ Applause ]

>> Mayor Adler: Thank you very much. Mr. Upright you'll be at the next podium. Wait until Thursday. Thank you, David. Is Jill here, Ramirez? She's invest okay. Is Isabel here, Lopez? Cynthia Valdez? You'll be next on the podium. Sir, Mr. Everett. Sir.

>> Thank you, mayor, mayor pro tem, councilmembers, and city manager. Thank you for giving me this opportunity to speak to you tonight. I am Harrison upright, a native austinite, manager of visitor services at the Austin visitor center, part of the visitors burrow. I conduct walking tours of congress avenue, east sixth street. These districts are in the national register of historic districts, in the nation. I'm also tour dose sent for the hotel and more to the point I'm -- the cultural heritage district.

[9:28:04 PM]

This district is very important to the citizens of expense it's importance in selling the city to tourists, especially those interested in the historic, cultural assets, the education as well the music scene. Historical and cultural assets would include places such as downs field, rosewood park, also the French ligation mu see hum, Houston Tillotson university, both of these places are listed in the national register of historic places and there are other places such as that in the district, such as the George Washington carver museum and cultural center which started off as the George Washington carver museum, the first neighborhood African-American museum in the state of Texas, prior to that that was the George Washington carver branch of the Austin public library, the first branch library here in the city of Austin. Also the music scene, the historic victory grill which nurtured many, many entertainers who have set the way to make Austin the live music capital of the world. The African-American cultural heritage district has worked with educational groups to inform educational groups and other groups about the assets of the district such as leadership Austin. I've worked with Houston till onson university in educating the freshman of HT about the district, in fact I'm doing that tomorrow, all rightry schools, I did a tour for the teachers at just yesterday. Also the district work with the soul food summit recently consulted at Houston Tillotson university, also church groups are interested in what the district has to offer. We also work with the national council of mayors and we had mayors representing 70 cities over the United States.

[9:30:13 PM]

The -- a tour of the district was conducted for this particular group, and most of them came back to me and they said that they wished that they had something like this in their cities. There's only one other city --

[ buzzer sounding ]

-- That has conduct the such a tour, that is Philadelphia. In closing I'll say this has had a positive effect. We've had meetings -- things from groups and individuals who have experienced these tours and they say we should have something like that in our cities and I -- so I thank you.

[ Applause ]

>> Mayor Adler: Christina hulk here?

>> Mayor Adler, councilmembers. I'm not here speaking on behalf of myself. I will come back on the 37527 to my knowledge speak -- 27th to speak. I am here to read a letter of a former member of the Latino quality of life. Councilmembers and honorable mayor, my name is

[indiscernible], and today I want to thank you for your hard work and social service on our behalf as residents of Austin. This afternoon I'm asking you to consider approval of all of the modest recommendations made by the Latino quality of life commission. As part of the commission I've had the opportunity to vote in favor of all of the recommendations. In particular, I request the recommendations made in favor of the funding of

[indiscernible] And the Mexican American arts cultural center be funded as made and no one institution be denied funding in favor of the other. Since both institutions independently serve the Austin community with specific programming and since the hispanic community receives little funding in cultural arts continuing the large taxpayer base we represent. I respectfully recommend in the coming budget year our council institute an audit that will specifically detail funding levels for direct services provided to Latinos in each department in the city and in the city's enterprise entities. Only with such an audit will we be able to correct the low funding of services to Latinos.

[9:32:14 PM]

And will we be able to provide equity in city services received by Latino taxpayers. We're also long overdue in employment equity report concerning employment of Latinos in city departments and departments. As levels of hispanics in city employment have dropped considerably in the last ten years and at present we have no pipeline in place to provide employment and advancement for Latinos representing nearly 40% of the taxpayer base, consequently, we're suffering a brain drain, losing professionals to San Antonio and other Texas cities and continue to suffer low quantity and quality of services to our community. We also want to inform the mayor and members of the council that hiring Spanish surnamed individuals without cultural competency in dealing with a specific Latino cultures in Austin and without a constituent base does little to address employment, economic and social equity for Latinos and does not constitute true affirmative action with respect to our needs as taxpayers. Thank you for your consideration. Again, this is being submitted by [indiscernible] Who is a prior member of the Latino quality of life. Thank you.

[ Applause ]

>> Mayor Adler: Okay. Before Christina talks, I think, Jeb, we had names people passed. David King graciously gave back his time. He's going to speak later. I think that Catalina Berry, if you would come up here. Thank you.

>> Thank you, Mayor, Councilmembers, Mayor Pro Tem, for allowing me to speak. My name is Christina, and I work for the American Heart Association as a director of the Voices for Healthy Kids campaign. I also live in Council District 9. Today I represent over 2,000 American Heart Association volunteers who are committed to the mission of eliminating heart disease.

[9:34:20 PM]

The number 1 cause of death and stroke number 5. I'm also here representing a number of advocates in the audience wearing red who have voted neutral on the budget as it currently doesn't include an item for a healthy corner store initiative. Our Austin advocates are passionate about helping fellow community members live happy healthy lives while reducing heart disease in our city but not everyone in Austin has a choice to eat healthy. Many people in our community live in neighborhoods lacking any fresh or healthy food options. Coupled with limited mobility and transportation, shopping for and cooking a healthy meal for one's family is all but impossible for way too many Austinites. There is a way to change this. Austin has the opportunity to make it a -- a make a difference in the health of our communities -- lives and health of our communities. City Council can approve funding to improve corner stores that focus on selling healthier foods. These mini grants provided by the healthy corner store initiative could renovate stores, expanding shelving, reorganizing so they can provide space to sell fresh fruits and vegetables. This model works. Corner store initiatives in Seattle, Louisville, Philadelphia provide a blueprint for success. A key to success in these cities is community engagement. Austin has a strong sense of community engagement and can utilize the community partnerships and collaboration that's currently exist to develop such a city-wide program. Residents need the opportunity to shop in their neighborhoods for these healthy options. When they do the results are striking. In Philadelphia 660 stores enrolled in such a program reaching almost 500 customers. 25,000 healthier products were introduced and a 60% increase in fresh produce sales. Partnering with corner stores can mean effective strategy to improve healthy food access in our underserved communities.

[9:36:24 PM]

We look forward to sharing with you more information on how an investment of \$400,000 in the healthy corner store initiative would benefit all of Austin. The initiative will improve quality of life in

these neighbors lacking corner stores with healthy food options, directly resulting in the reduction of heart disease and stroke. The American heart association stands ready to assist the city in developing and engaging the community in obesity crisis we're facing.

>> Mayor Adler: Thank you. Is Andrea black here? Okay, I'll be on the next moment. Jill Ramirez was not here so she moves over. You can go ahead and proceed.

>> Good evening, mayor Adler, members of the council. My name is Catarina berry, I live in councilmember Gallo's district and I'm a member of the American heart association grassroots action team. I asked you today to please support the Austin corner store initiative with an investment of \$400,000. There are many things every child needs to grow up Matthew one of them is a store that sells fruits and incredible their neighborhood. Not everyone has that option. For example, much of east Austin is a food desert, limiting their access to healthy fresh food. This impacts the health of our neighbors and in particular our children in the Latino community. While one in five Texas children are obese, obesity affects nearly half of Latino children in this state. These Numbers are even higher in Austin where one in four children in Austin ISD are obese. As many of you have heard this generation are not expected to live as long as their parents. It is urgent we help to reverse this epidemic. For some it's impossible to buy healthy food near their homes.

[9:38:27 PM]

This difficult situation that children and families face in Austin every day may not be visible to everyone but it is very real. I was able to experience this first hand on a smaller level just recently after one of my soccer games in manor. I was so hungry after my soccer game, but there are no healthy options for me to find nearby. I am fortunate enough I can drive further to get access to healthy food but I know people who live in that area don't have that option. This is just one example of why I asked you to please support the Austin healthy corner store initiative at \$400,000. To give neighbors like manor and others a healthier option. Thank you.

>> Mayor Adler: Thank you very much.

[ Applause ] Is Marta [indiscernible] On? You'll speak next.

>> Good evening, my name is Andrea black. I'm an attorney and a member of the white caucus of undoing racism and a resident of east Austin in district 1. I'm happy to be here this evening. I'm here to express my support for funding to address the longstanding health disparities in Austin through culturally specific community-based projects. I think a number of you have heard of these programs. As a white resident this matters to me. This is an important step to address the racial inequities that continue in our communities. I'm concerned like many others have expressed and I think many more will express that the draft budget is skewed toward public safety without taking into consideration the many factors that make a community safe, including access to affordable housing, healthcare, and community

services. As one example, the current health and human services budget does not adequately address the significant health inequities that continue to play in Austin. The proposal to fund community-based health programs is a small slice of the overall budget that would begin to address these issues.

[9:40:29 PM]

So changing outcomes and achieving racial equity in Austin requires proactive engagement by this council. And I really urge you to consider this and to vote yes because it is a modest amount. I think as you may know a lot of community engagement and a lot of hard work has gone into developing really clear, targeted programs, and it is a very smart investment. So supporting these projects is a way to demonstrate your support for these priorities, to make Austin move towards racial equity. Thank you.

[ Applause ]

>> Mayor Adler: Thank you is Kelly Coleman here? You'll be at the next podium. You can proceed.

>> Hi, members of the council, mayor Adler. My name is March that quinnton. I'm a volunteer for the American heart association, also a resident of councilmember Houston's district. I'm here today also in support of the corner store initiative. I'm asking you to support it with \$400,000 of this coming budget. This will make it possible for all austinites to shop for healthy needs their own neighbors, decreasing the risks associated with heart disease, stroke, obesity. As a graduate student at the university school of Texas school of nursing I've researched these topics particularly my neighborhood, 78702 and research shows that this zip code is 97% underpoverty so they're at poverty status, 56% of my neighbors are actually Latino. There's currently only one grocery store servicing this entire zip code. And that's the HEB on seventh and pleasant valley. I strongly believe providing access to healthy foods is a pivotal starting point to promote good health and as my research shows, not everyone in Austin has a healthy choice, including myself and weather it comes to food -- when it comes to food access.

[9:42:43 PM]

As a resident of east Austin I experienced this lack of food access firsthand. I would like the opportunity to walk to a store in my neighborhood. That offers fresh, healthy food at an affordable price. Tonight you have the ability to significantly reduce obesity and improve the health of austinites by investing \$400,000 to help make healthy choice the easy choice for our city. Please support the investment for a healthy corner store initiative to improve the quality of life in the neighbors that are lacking these healthy options. Thank you.

>> Mayor Adler: Thank you.

[ Applause ] Is Theresa Perez wisely here? You'll be at the next podium.

>> Good evening. Y'all are still here. It's late. I'll make it quick. I'm here in support of the health equity funding that we pushed on the health and human services committee meeting a couple weeks ago. That was supported by most of that committee. And I'm also here to support the African-American quality of life initiative with the cultural African-American cultural heritage district. And I wanted to acknowledge the people who may not be able to speak but who are here to support us real quick. Can people stand up who are here supporting mamas, algo, air and the African-American alliance central Texas? This is really important to our community, and we know that we have a lot of support on council and are thankful for that but we want to make sure -- and also from city staff has been really supportive in figuring out how to address these inequities, and we really want the funds to be able to start.

[9:44:56 PM]

That's just a little piece and a little start. All the programs that people are -- ideas that people talked about here tonight are connected to culture and race. So I just wanted to highlight that and say that that's a big piece of the equity assessment tool that we're going to be talking about soon as well. That was a part of the original resolution. So I made it quick.

>> Mayor Adler: Thank you very much.

>> Thank you.

[ Applause ]

>> Mayor Adler: Is Adam Co mm-hmm N here? Adam conn? Is Jane Rivera here? Is Hoover Alexander here? Is Fred McGee here? Is hiwa sulawitz. You'll be at this podium. Thank you, sir. Ma'am.

>> Good evening. I'm Theresa Perez wisely. Currently I am actually a commissioner on your municipal civil service. Not too long ago, I also was the lead as the chair of the city of Austin's hispanic Latino quality of life task force. We delivered a report to you -- not to you but to a prior council on June -- it was June 27, 2013. Our requests were sent -- our current requests were sent to each of you and actually we've already met with some of you about our requests today. The hispanic quality of life, just a little bit of history, started about a dozen years ago really. Five years, Paul Sal dawn yeah worked on a report presented prior to our task force being created.

[9:46:59 PM]

Three years the task force worked on what he had garnished -- or gathered and we developed priorities. Three years ago the commission was created, and today we are seeing a very, very modified list of requests. Today hispanics now represent almost 40% of the population inside Travis county. Almost 35 in the city of Austin. We have three city voting districts that are represented by hispanics and Latinos and one of them a female. Fortunately we also have the support of many of you and the mayor and many of our endeavors, and I thank you for that. The hispanic quality of life requests have been coming to council, as I said, for about a dozen of years but that doesn't mean we started asking for these things a dozen of years. Some of I, including Pio, excuse me for using his nickname, have been in groups asking for these things for 20, 30 years. One of those things of course was the Emma Galindo Mexican American cultural center which many of us worked on as much as almost 40 years ago. What we need today is support from this council for the current requests. They are very modest. The report we made to you three years ago had 77 items and if you have not looked at the report, it is online on your websites under hispanic quality of life. Pare parity seems to be a word I heard a lot today. We're asking for parity, but not with the people who have come before me or who are standing behind me still waiting to speak, who have common interests. Today I'm going to ask you to give us parity with the Rucker effort to fast track efforts for the developers to the tune of \$5 million.

[9:49:05 PM]

Now this is not the first time that the developers.

[ Buzzer sounding ]

-- Have seen requests so please think of us also and not just people like developers. Thank you.

>> Mayor Adler: Thank you.

>> Oh, please give city employees that raise in the living costs.

[ Applause ]

>> Mayor Adler: Okay is jorna Coleman here? You'll be at the next podium.

>> Hello, my name is hiwa saw itz, council, thank you for staying lay. I've given you written testimony. I'm an community organizer. Most of us had to go because we had to catch public transportation and other needs such as vital personal assistance needs in the community but we will be here next week. Four issues I want to cover briefly. Sidewalks. We support the \$9 million allocation for the sidewalk budget for connectivity and we support the parks master plan. We've worked diligently for the last ten or 20 years, actually to make the parks in the great city of Austin more accessible to all Austin citizens. And also sidewalks. Sidewalks are very important. You know, not just for, you know, connectivity in downtown, but all over the place. In fact one of our members unfortunately last night when leaving a

meeting at about 9:00 P.M., so not too late, was crossing the street and was unfortunately hit by a car. Luckily he is okay and his scooter okay. He sustained a sprain in his finger but it could have been much worse.

[9:51:08 PM]

But there are places, especially today when it rains, that sidewalk and sidewalk access is still a problem in the city. Housing. Housing needs to be more deeply affordable. Not just, you know, mildly affordable, but for 30% and below mfi. Because a person with a disability, most have to live on \$700 or sometimes less, sometimes a little bit more. So as you can understand, living in the city of Austin, it's very hard to find an affordable, accessible place. And basically those are all my comments for right now. If you have any questions about what we have submitted or any questions for me, I'd be happy to answer them.

>> Mayor Adler: Thank you very much.

[ Applause ] Is Jennifer McFail here.

>> She had to leave.

>> Mayor Adler: She had to leave. What about Albert Metz?

>> Towed leave as well.

>> Mayor Adler: What about Sarah Watkins.

>> She actually just left unfortunately but they will be here.

>> Mayor Adler: All right please make sure they know that we will be going Thursday from midday until whenever. Is David Cortez here? David, I'll be up at the next podium.

[Buzzer sounding]

>> Mayor Adler: Now it's you.

>> Okay.

>> Mayor Adler: Welcome to city hall.

>> Sorry.

>> Mayor Adler: That's okay.

>> We're doing it together.

>> Mayor Adler: Okay you can do it together.

>> So my name is Journey Coleman and I'm here today to point out health inequities and positive proposals on health equities for families. So Austin needs to address health inequities faced by Black and Latino or communities by providing city resources.

[9:53:12 PM]

Current health services are not always relevant to communities facing health disparities. We need culturally specific, nontraditional health programs that are based in communities. In December 11, 2014, city council adopted a formal policy goal of investing \$28 million in additional funding for health and human services within three to five years. There are many issues pulling at city resources. However, given health disparities in Austin and the connection between health status and quality of life, we urge the city to prioritize culturally specific programs to promote wellness among more Austinites. Okay. My -  
- [speaking non-English language]

[9:56:05 PM]

[ Applause ]

>> My name is [indiscernible], I want you to know that in addition to all of us that stood up for health equities that are here, there are 20 more of us kids in the back room that also want health equities. Thank you. Muchoa gracias.

>> Mayor --

>> Mayor Adler: Ms. Coleman, Ms. Tang? You guys did a really good job.

>> Thank you.

>> Mayor Adler: You did a really good job.

[ Laughter ]

>> Gallo: I always have a question. Y'all did great. And to stay here so late and be here and listen to all of this and you were very articulate and I loved what you said. Tell me how old you are.

>> We're both 11.

>> Yeah.

>> Gallo: So what are you going to do when you turn 18?

>> I heard you tell the little boy to vote so.

[ Laughter ]

>> Gallo: What you do you have to do first before you can vote?

>> Register.

>> Gallo: Very good. You promise you'll do that?

>> Yeah.

>> Yeah.

>> Gallo: Thank you very much.

>> You're welcome. Bye.

>> Mayor Adler: Bye-bye.

[ Applause ] Is Ellen here, Friedman? Ellen Friedman is donating time. So Mr. Cortez you'll have six minutes. One second. Is Marva Overton here? And is Linda Wade here? She left? Okay. Mr. Cortez, you have six minutes. Mr. Overton, you'll have three minutes.

>> Thank you. I don't think I'll take all that. Dave Cortez, representing the Sierra club here in Austin. And on behalf of our 4500 members in Austin I want to say it's an honor to follow those young applied I'm really proud that we have adopted in the document we handed to you today a priority developed by mama San, the alliance for African-American health of central Texas, immigrants rights community and as well as the majority of the priorities from Austin interfaith, of which we are a member.

[9:58:17 PM]

The one place where there's a difference for us that's pretty clear is related to Austin energy. Under the proposed budget, the funds collected from the Crip programs paid through the energy efficiency service fee, those funds are going to go down and I think you've heard pretty loud and clear today that people are hurting and people are struggling. I hope y'all read the paper. Pretty sure you do. On Tuesday we were featured front page in the statesman. I'm very proud to be with the Sierra club at this moment and we're taking the work on climate change and poverty seriously and taking it out into neighbors. It's something that takes me back to my first days as a community organizer in El Paso where we were dog to people about their day to day needs. People cannot pay their bills. We go door to door, we see the leaking air conditioning units, broken windows, the homes with no insulation and talk to these folks. They don't know what's available to them. More importantly, they don't know they have rights to challenge their high bills. You look at the budget, you look at the -- some of the research that Austin

energy has done, and they see a shrinking window for what they can do to get participation and energy efficiency. People can't stay in their homes. They may not care so much about climate change right away, but they know that their bills are going up. So the more that we can do to increase funding for energy efficiency, it's outlined in the document, we'll be -- Cyrus reed and I will be following up. There are some basic things. There's unspent money right now. The low-income task force consumer advisory task force will be sending recommendations to y'all to talking about how we can improve these programs and make sure that money actually gets spent. We would like to see that \$1.2 million and change rolled over into this budget and direct it mu -- put it directly towards low and moderate income rate payers who can barely afford to stay in the city.

[10:00:20 PM]

I enjoy we get to people know about how to get a smaller trash bin so they can lower their bill. That's why we oppose all the rate increases brought forward today. I want to make that clear as well. There's a litany of things in there. It's another ask of ouster that you direct -- of ours that you direct Austin energy to allocate \$5 million from their strategic reserve fund, a very large account, toward the retirement of the fayette project that is a long-term program that we need to get started and that money is also in there. I think it would be a relatively easy thing for us to do and show we're actually committed. Many of you came out in support of the clean power plant last week and thank you very much for doing that. I want to shift gears for a moment and just talk about what you've heard a lot about morals today, the moral compass of this document. To share on Facebook a little graph showing that 44% of this proposed budget is going to the police department. People lit up. I'm about opening this process to more people. People see that, they say, I don't know that I agree with that. What's in there? Why are we doing that? We have people, people who will speak here tonight and talk about the funding for, quote-unquote, neighborhood policing and what's in there. There's a lot that bothers me in there. And I've developed a great relationship with a lot of you all. But I want you to know my relationship with APD. I've seen APD use some of their overtime funds out here in front of this building to monitor peaceful demonstrators, to entrap them. In December of 2012, peaceful, non-violent protesters were provided with criminal instruments and charged with felonies by undercover narcotics detectives with the APD. That is not in sync with our values.

[10:02:21 PM]

Tens of thousands of dollars of overtime were spent on those officers. When we do this, we aren't investing in what I'm and my volunteers are doing out in the neighborhood, which is community work. If we're going to talk about community policing, let's put community members out on the ground to meet

with people, draw people out of their homes. We don't need to remember a people. We don't need to arm more people and send them out into the streets to be community workers. You have a ton of them here in this room today. You've seen them all here today. There are much better options for getting people to be safer, to be better neighbors, than to spending that money with the police department. This may not always be in Sierra club's realm, but we hear it, therefore, we are justified to speak about it. People say that the cops aren't coming when they need help, but they're glad that their neighbors and glad that people are out there in the streets coming to talk to them. I wanted to more promotoras in the streets and social workers in the streets going door-to-door. I want to see you all direct Austin energy to hire these folks, to collaborate with non-profits and churches to bring in community people so we can get this information out, so our people can actually lower their bills and afford to stay in their communities. I don't find this out of step with our community values. I think it's relatively easy who had. Thank you very much.

[Beeping]

>> Mr. Mayor?

>> Mayor Adler: Hold on a second. Mr. Zimmerman?

>> Zimmerman: Can you come back for a second? At the risk of getting lynched by my colleagues for slowing this thing down, some of the things you said I actually agree with very much, other things I disagree with very much. But I should have said this sooner when this whole thing started. Were you invited, back in March and April when the forecast budget was being created, were you invited to give this input to city management when they prepared the April forecast budget?

[10:04:21 PM]

>> I did not receive an invitation. Maybe there was a public notice?

>> Zimmerman: I wasn't invited to comment on the original budget, either, the one that had the police, you're talking to, basically the budget we have now was basically prepared back in April. So in my thinking, all this testimony and all these requests should have been made back in about March, not now.

>> Well, I can tell you --

>> Zimmerman: Should have been done in March.

>> Councilmember Zimmerman and the rest of the council, we're committed for the next seven years to be part of this process and work with you to open it up more.

>> Zimmerman: Okay.

>> Thank you.

[Applause]

>> Mayor Adler: Okay. Is Dominique Bowman here? You'll speak here. Thank you. Ma'am, you have three minutes. And before -- hang on. Before you start -- I'm sorry. The charter requires us to extend our meeting past 10 o'clock. Our code requires that. Mayor pro tem moves, Mr. Zimmerman seconds. All in favor of extending the meeting, please raise your hand. Those opposed? Unanimous, with those that are on the dais. It's a sad day when we have to do that with one another. Two people off the dais. You can proceed. Thank you.

>> Good evening, mayor and mayor pro tem, city council members and city manager. My name is Marva Overton. I'm executive director of the alliance for African American health in central Texas. I'm here this evening to ask the council to support, including one million \$50,000 in the budget for programs to specifically address health disparities. These disparities as we know are impacting far too many of our residents in a city that has the reputation as being one of the fittest cities in the U.S. I won't take up your time this evening going over the statistics. Most of you likely have heard them before. Much of that was included in the health equity report that you've received, and I was here on yesterday when the city announced its collaboration with central health and the county for the healthy atc.org website, which further provides visibility to these statistics, so anyone who may not be familiar with these disparities, I would urge you to take a look at that so you become aware of those disparities.

[10:06:44 PM]

You know, we talk about them and we say, well, how do we reduce them? And it's not a singular solution. We know it's a complex problem. But there are programs that have been proven to make a difference, and there are elements of these programs that we are seeking this funding to support in the next fiscal year. The programs would include items such as being, as you have heard, community based, culturally and linguistically relevant. Programs need to be conceived, planned, and executed by those who are actually impacted by the health issues. Programs that do not look at health in isolation. They need to recognize that health is on a continuum and that factors such as education, employment, housing, transportation, and social justice play a major role in our health outcomes. Programs also have to be -- have rigorous assessment and evaluation strategies to ensure that the intended outcomes are being achieved. While I recognize that you do have some difficult choices to make around the budget, I do urge you and ask that you will add this funding to address health disparities. As history has proven, when we don't address these issues on the front end through prevention, we pay on the back end with higher medical costs, lower worker productivity, diminished quality of life, and premature deaths. So I urge you to make the investment on the front end and to include the funding in the fy '15-'16 budget. Thank you.

>> Mayor Adler: Thank you very much. Is Maggie McGifford here? Yes. Please proceed.

>> Hi. My name is Ellen Friedman. I've been a resident of Austin for 36 years. I currently live in Ann kitchen's district. Happy to be here tonight. Despite its liberal reputation, Austin is one of the most segregated U.S. Cities of its size. Of the 10 fastest growing major U.S. Cities only in Austin is the number of African American residents decreasing.

[10:08:50 PM]

Austin's racial disparate and family income, premature births, children in foster care, death from heart disease, rates of incarceration, and experiences of police brutality document the reasons for Austin's plaque flight. Although the consequences are radically different, all of us, including white Austinites, suffer from Austin's racially disparate outcomes. We will all benefit from understanding and undoing racism. Austin's racism has been encoded by the actions of previous city councils from the city's 1928 creation of a Negro district with the weakest zoning restrictions, to designation of the desired development zone to include east Austin in 1998, changing outcomes and achieving racial equity in Austin requires proactive engagement by this council in a fair and antiracist agenda. Undoing racism Austin is dedicated to addressing racial disparities. We, as undoing racism Austin white caucus, therefore ask you to complement the following policies through the budget process and move Austin toward racial equity. Fully fund programs to address health disparities with community-based projects that are holistic, culturally specific, non-traditional, and based in community organizing. See the mama San of vibrant woman petition. Move money from the APD portion of the Austin city budget, currently at 44% of the total, to higher priority areas, including health care, human services, affordable housing, affordable transportation, restorative justice, making healthy food available, addressing food security, customer assistance for weatherization, and energy conservation, and customer assistance programs for utility bills.

[10:11:08 PM]

Fund the African American cultural heritage district and work on health disparities in Austin through the African American quality of life initiative. And, collaborate with undoing racism Austin to develop a strategic plan, an action plan budget --

[beeping] , And timetable for undoing racism for people's institutes and survival, for city of Austin elected officials, department heads, staff, and community members.

>> Mayor Adler: Thank you. Is Maggie McGifford here? Is Maggie McGifford here?

>> She went home.

>> Mayor Adler: She went home? What about alejandrosaurus Casar? Alejandro Casar?>> He went home.

>> Mayor Adler: What about Tonya? Tonya, you'll speak at that program. Proceed, please.

>> Good evening, mayor, mayor pro tem and council. My name is Dominique Bowman. I am here representing Huston-Tillotson University. I'm here in favor of public health initiatives and I'm here in support of funds to address health disparities here in the city of Austin. For many African Americans in Austin, the access to health care services is limited due to various factors like lack of transportation, cultural mistrust, lack of or inadequate insurance and limited knowledge about the health care system. And it's -- and it is when people have difficulties accessing health care services that their health can suffer due to reduction in addressing early warning signs or symptoms and preventing hospitalizations. Thus, the need for African American community health care workers. More specifically, community health workers, which are known and respected by the communities in which they reside and are able to reach out to other community members. They would serve as guides through the health care system and would engage individuals who had not previously sought care.

[10:13:10 PM]

They would provide a cultural linkage to overcome cultural distrust. This would also contribute to clinician-patient communication, increasing the likelihood for patient follow-up and improving health outcomes by being a conduit and bridge to help services in communities that have traditionally lacked access. Currently in Austin there are no community health worker trainings and certifications that have a curriculum designed specifically to train African Americans. This is a critical need, if the city of Austin is truly serious about the of getting rid of the disproportionate number of African Americans suffering from chronic disease. I strongly urge the city council to vote yes in locating funds in the city's '15-'16 budget that will empower community organizations to provide training and program to decrease health inequities for African Americans in the city of Austin. Thank you.

>> Mayor Adler: Thank you very much.

[Applause] Jeanette speaker 43 and had 4 were not here, so they pass on. Is Priscilla Hale here?

>> She just stepped out.

>> Mayor Adler: Okay. No hurry because she'll be on deck. Ma'am.

>> Thank you. It's an honor to speak to you tonight. My name is Tonya Lyles, and I'm here to support the budget that we want a yes on for the health disparities here in Austin. And I have the pleasure this morning sitting in on a session about Harris County, looking at what they're doing with health disparities and it's much in line with what we're talking about doing here in Austin. What I thought was interesting,

they're looking more at health equity than the disparities. So one of us definitions they used is a state in which every person has the opportunity to obtain full health, their full health potential.

[10:15:17 PM]

No one is disadvantaged from achieving their potential because of lack of economic or environments or conditions. And so for us, that yes would mean a few different things. One, that we would be able to meet the needs that are -- address the needs that are found in the populations that you have in the information that you've received, so I won't go over that, which is evidence-based about the problems of inequity and whether those inequities are intentional or unintentional, what we'd like to do is offer the solutions and have the advantage of doing that through the budget from looking at educational health programs, clinical services, nutritional equity, cultural competence, and how populations are being served. Also, looking at an extension of preventative medicine, characterization and treatment, treatment -- care, and treatment, and looking more at the roots of health and not only just the symptoms of what folks come in with. One of the things that is a threat that's -- that I've heard tonight through all of the different folks who have come up to speak is the economic disparities as well, the need for more supportive educational programs, more environmental -- environmentally sound places for people to spend their time, social engagement, all of those are part of evening the field. And so I hope that in return, that we will receive a yes, and that this will lift Austin, not just for one group, but for all of us, and that's what we want to do is live in a better city. Thank you.

[Applause]

>> Mayor Adler: Thank you. So I think that Tonya Lyles and Priscilla hale have both spoken.

>> I'm Priscilla.

[10:17:18 PM]

>> Mayor Adler: Yeah. Be coming up. Got it? Thank you. The next speaker would be Dr. William Lawson. Is Dr. Lawson here?

>> No.

>> Mayor Adler: He's not?

>> He left.

>> Mayor Adler: He left. Okay. Is Pam parker here? You'll be at the next dais. Ma'am.

>> So my name is Priscilla hale and I'm director of [inaudible] Which is people of color organization based in Austin, Texas, and I am for the proposal for the health inequities and I'm going to forfeit my time so that we can move forward. So thank you.

>> Mayor Adler: Thank you very much.

[Applause] Is lami uma here? You'd be at the next podium. Ma'am.

>> Good evening. To the mayor, mayor pro tem, councilmembers, and city manager, good evening, and thank you for the opportunity to speak to you today. I am the founder of born again bodies, the health and wellness organization providing exercise and nutrition based programs for the general population, but primarily in underserved minority populations. We collaborate with community Oranges to provide low-cost program to the demographic of those that are underserved. I'm mentioning that because my background is very diverse. I actually feel like I'm in a twilight zone tonight. I was the coordinator for the Texas council on minority health affairs in 1991 to 1993, under the auspices of state representative Fred Blair. We conducted six public hearings across the state of Texas that sounded very similar to this. I not only hope that you're going to do this, I believe that you have to do it. You have to fund this program, fund health equity now. It was called disparities back then. I heard somebody mention the term disparities. It has changed. It is now called health equity. It is deja Vu. It is the same thing over and over again, and you're even experiencing the same message over and over again, that there's something that has to be done in the community.

[10:19:27 PM]

We have made progress, but some of the statistics, particularly as it pertains to low income, food, desserts, obesity, chronic disease, is pretty much the same. In state government and other settings, and somewhere around the 1990s, the discussions began, the charge to onto confront these issues and responsibility to render to the public good and act concrete solutions and funding is now. Too many people are dying. Why am I here and why is this important to me? Well, it's not important to me because I help with the council of minority health affairs. It's not important to me because I worked in state legislative body. It is important to me because I've lost loved ones that were in their 50s to chronic diseases such as health, heart disease, cancer, and diabetes. So just really want to stand behind what the coalition is doing and what Marva Overton from the alliance is supporting for the one million \$50,000 that we're asking for. We just want to see you come in and intervene to address the health disparities and affordability and access to healthy food that is so necessary to create health equity in our communities. Thank you so much. I'm not going to keep you long tonight.

>> Mayor Adler: Thank you very much.

[Applause] Okay. The next -- hang on just one second.

>> That's okay.

>> Mayor Adler: Christy tajajan here? Sorry?

>> [Inaudible]

>> She's assisting a birth.

>> Mayor Adler: Okay. That would be a higher priority than this.

[10:21:32 PM]

Is [inaudible]? You'll be on deck.

>> Good evening. My name is [inaudible]. I'm going to be brief. I am a filipino person. I am part of this community and I support all the voices that's been lent today, especially for the girls. But I am going to forfeit my time so that we can move forward. But I do want to say also that I benefit from everything that these women have been offering in all these organizations. As you can see, I'm pregnant. My fourth -- no, my third child, fourth month. It's late.

>> Mayor Adler: Sometimes it just seems that way. I have three daughters.

>> Months count. But I just want to say thank you to everybody that's here. I know there's a lot of discomfort, we've been sitting here, especially you guys, but I want to honor you all's time and to everybody who's able to be here, so thank you.

>> Mayor Adler: Thank you.

[Applause] Is Michelle Mejia here? You'll be up at the next podium. Please.

>> Good evening, city council. My name is hoswa Gwen. Im resident a district one. One of the volunteer services I provide in my community is interpretation services, and wearing that hat, I actually attended, an August 3rd presentation by the health department and a number of community groups, and I was really moved by the data that the health department presented. Professionally, I'm a technologist and a geek, it was really striking. The only one I'm going to mention is infant mortality rate because that number for the U.S. Is actually embarrassing, internationally, and when it's broken down by race, it is abysmal, the infant mortality rate.

[10:23:35 PM]

And when we look at the number in Travis county, Travis county seems to be able to support and have a lower number for infant mortality rate for the white folks, for non-hispanic white folks. It's actually a little bit better than the national number. But for African Americans, it's actually worse than the national number. And it was one piece of data. The health department had so much data. I really do want to really recommend that the city invest a line item for health disparities. We need to do something. And we need to try new things because what we've been doing hasn't been working. Thank you.

>> Mayor Adler: Thank you.

[Applause] I think that I have called Michelle Mejia. Okay. And on deck will be Sarah savaleta. Okay. Hi.

>> Oh, hi. Okay. So my name is Michelle Mejia and this is -- and this here is paco. And we're here in support -- or we're here with some -- oh, my god. So we're here with some community groups in support of racial health equity in the city of Austin. And I just want to talk about my experience with some of the clinics here in town that haven't been very -- that weren't very supportive in terms of providing quality care during my first pregnancy, my first and only pregnancy. And so I just want to say that when I needed support in this city, it was the community that offered it, and it was the individuals that have been organizing with you and -- yes, and advising you.

[10:25:49 PM]

And I think that it is important that you take into consideration all of our voices and the voices of those - - and of the children, too, because I've been to meetings in my district with different focus groups and stuff, and it's always different people, but I'm usually always the youngest person there, and I'm usually the only Latina there. And I know that that's not how my district looks, and Greg knows that for a fact. So I just want to say that there are groups in this town that are redoing the work and that could use the city's support. Thanks.

>> Mayor Adler: Thank you very much.

[Applause]

>> Mayor Adler: Is lourdis kayman here?

>> She went home.

>> Mayor Adler: What about Sheila Williams?

>> She went home.

>> Mayor Adler: What about Paula Rojas?

>> [Inaudible].

>> Mayor Adler: Okay. Please.

>> Hello, everyone. My name is Sarah. I'm a graduate student at the Latin American studies program at UT. And I also am a volunteer at alga. In addition, I'm a resident of district 3. As someone dedicating my life towards the health of my community, I, along with others, find it imperative that the city approve the budget increase for health and human services. The health inequities that our communities of color disproportionately suffer from can be addressed with culturally specific, non-traditional health programs that are based in our own communities. The current health services are not always relevant to these communities. On December 11th, 2014, the council adopted a formal policy goal of investing an additional 28 million for the health and human services within the next three to five years.

[10:28:02 PM]

I would love to see the four projects proposed by mama San, vibrant woman, algo, immigrants rights organizers, the alliance for African American health of central Texas, and others. The first project, chronic -- would address chronic disease within the African American community. Second project would then address health and wellness for lgbtq communities of color, another for immigrant communities, and fourth, maternal infant health for women of color, using [inaudible] Remodel. Thank you.

>> Mayor Adler: Thank you. Is Alejandro Casar here? He went home. Carmen?

>> She went home.

>> Mayor Adler: Myra pilgrim.

>> She went home also.

>> Mayor Adler: Tonya Lyles.

>> She already spoke.

>> Mayor Adler: Already spoke. Sheila Williams.

>> She went home.

>> Mayor Adler: Went home. And Paula Rojas?

>> That's me.

>> Mayor Adler: Cool.

>> Hopefully I'll be last; right? That's what you all are all hoping. So my name is Paula Rojas. I'm a resident of councilmember Renteria's district, and I'm a parent of one of the two girls. That's my claim to fame, I would say. I'm [inaudible]'s mother and I'm a midwife here in Austin. And I don't want to add any

more information to what you've already heard in relation to health equity or share more stories. I know it's late. The only thing I wanted to add to your decision-making process is to offer that we really need a paradigm shift when thinking about this because I feel like we're thinking about it as though this is a group of marginal people, these vulnerable, marginal people over here on the side, a minority of folks that we need to give resources to, when, in reality, demographically speaking, the city demographer stated in 2010 that we are already a majority people of color city.

[10:30:17 PM]

So we're not talking about a small group of people. We're actually talking about the majority of city residents who are African American, Latino, Asian and Asian American as well, and other people of color who are facing these health inequities and other forms of racial inequities. It is actually the majority of our city. And that, to me, makes a shift in how we think about these programs. I hope that you could consider it so that's kind of a demographic imperative; right? But there's also, in particular for the African American community, because it isn't growing, unfortunately, it's really a moral imperative, and it's deep, because this community that is shrinking is the one that's most egregiously affected, though all of our communities are affected. So I just wanted to say that, and give you a copy of a petition that we've been circulating for four days and have almost 200 signatures and many more coming in this evening of community members of Austin who also support this initiative around health equity, not just as a funding issue, but as a paradigm shift of prioritizing equity for everyone in the city. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is Carol bajitsky here? Is she still here? Carina archer? Carol Guthrie?

>> She's here.

>> She's here. She went to the restroom.

>> Mayor Adler: Okay. We'll come back to her when she walks back in. Elizabeth Wilson?

>> She left.

>> Mayor Adler: She left? Susan pantell.

[10:32:18 PM]

>> She went home.

>> Mayor Adler: Gone home? Tony Marquart. Tony, you want to talk?

>> Hello, mayor and council. My name is Tony Marquart. I'm president of the Travis county ems health association. As a health provider, I really appreciate the speakers that have just been before you, the issue on health equity or health disparate is something that I think is very important to us, given the development of our community health program, but much appreciation to those that came before us to speak. I'm here today to talk about the -- to support our city employees, including your staff and the wage increases outlined in the base budget. Just to lend perspective to this, this is driven by the policy makers that this time last year, mayor Leffingwell and the at large council had moved forward to approve. And I know that the at large council, especially audit and finance, with mayor pro tem tovo and Ms. Morrison and Mr. Spelman and others, have really worked over the years very hard on putting together responsible budgets, and ultimately, what we're doing is, the city manager is following their lead from last year, just as I would expect that would happen when you approve fy '16. So I think one of the things that is important to recognize is that when we budget -- when we look at budgets, and I think Mr. Zimmerman was alluding to this, but overall, it's really frustrating from my perspective, having been engaged in this process for the last five years, when paramedics and ambulances and stations are all left to unmet needs, unfortunately. And so that's what the discussion becomes about. We don't focus on the discretionary spending of departments, which is not technique to ems, but it's definitely worth a discussion.

[10:34:25 PM]

Given my experience, especially when we have apparently dollars set aside for research to show that we are fatigued because we are short-staffed, that is not a worthwhile investment overall if we were coming to understanding of the importance of the metrics of performance. So I think that we get together both policy makers and management and really define what was important, as far as the metrics of performance we all agree on, I think we would have a much more interesting conversation for fy '17. I think if we come together and start this conversation earlier, look at maybe some base budget issues, we could start having the conversations that engage in some questionable expenditures versus the very well established need for ambulances, paramedics, et cetera. So I do appreciate everything you all are doing, and I especially appreciate your staff. I encourage you to approve both the baseline budget and the unmet needs of ems and hopefully move forward with approval of the 67 ffes we need to balance our challenges. Thank you for your time. Have a good night.

>> Mayor Adler: Thank you, Mr. Marquart. Is Judy or tez here?

>> She's right here.

>> Mayor Adler: Okay. You'll be the next speaker up. Ms. Guthrie.

>> Okay. Good evening, everyone. It's been a very long night, so I'm going to try to get directly to the point. It was an interesting evening to hear all of the different stories that you've heard this evening, and I know that you have some very difficult choices facing you in the upcoming months or month and a half.

[10:36:25 PM]

We want to thank the city manager for putting the three percent pay raise in the base budget because it is so difficult to come up here and have to compete with all the people that you've heard from tonight. But one thing they all had in common, it is city staff that provides the services that they're requesting. And so -- I also found this document right outside the door that shows that with all of the fees and taxes and everything, it's going to be a combined suggested increase of about 3.6% and the raise for city employees is 3%, effective in October, and we also know that city employees are going to have to incur health increases on that 3%, so when you take all of those things into account, 3% is very minimal to the city employees that provide all of these wonderful services. Our members live in every district that is represented up here, and they are the folks that keep the lights on, make sure you have safe drinking water, they maintain the roads, the parks, they pick up your trash, and let's not forget the library staff that provides services to the children of our community. During inclement weather, these employees are the first to respond, to make sure your power gets turned on, to put the gravel on the roads that you have to drive on, to make it safe for our community. And a \$3.5 billion budget, it should be easy for all of you to support the main resource you have, which are city employees.

[10:38:27 PM]

These employees might be public servants, but they are not second class citizens, and they should be able to afford to live in Austin, Texas. We hope that you will vote for the 3% effective in October as proposed by the city manager. Thank you.

[Applause]

>> Good evening.

>> Mayor Adler: Just one moment. Hang on one moment. Is Mary malotoc here? Is David turnquest here?

>> Yes.

>> Mayor Adler: You'll be at the next podium. Ma'am.

>> Good evening. Thank you, mayor. Councilmembers. I just have to -- I don't have a sweep and everything so I don't think I'm going to take your full three minutes, I hope. Very tiring right now and I know that everybody wants to go home. In quick summary, pass the proposed budget. It's got the 3% for the staff, as Ms. Guthrie said, she's our business manager, that gives you the services, the city the services that we are all asking for. I know that you have a tough decision. All the proposals that were portrayed to you today are quite as important, but there's nothing more important than you investing in your own workforce. This is what you will be doing is you will be investing in your workforce. You will make them happy, and, therefore, they will be more productive. And that's it. Thank you so much.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is James Casey here? James Casey? Okay. Sir.

>> Good evening, ladies and gentlemen. Mayor. I'm the city manager, Marc Ott, and mayor Steve Adler. This is my first time so bear with me.

>> Mayor Adler: You're doing good so far.

>> Well, we, local 1624 city employees union, are asking you all to help us out, if you would, please, with the 3% pay raise for all city of Austin employees.

[10:40:42 PM]

This will help us ensure, with our insurance premium increasing, many make the raise necessary so employees are able to stay out of the red. Okay. The 3% is needed because of the cost of living in Austin as well. We also are feeling that. And if you could extend the proposed living wage of \$13.03 to temporary employees that have been working for the city of Austin for over a year, there's a lot of them out there, I'm on the front line with them. They've done awesome work. There are still city of Austin employees earning under the current living wage of \$11.39 that have been working for the city for years. And then temporary employee policies needs to be addressed, you know, so if you could help us out with that, that would be greatly appreciated. And then if you could fund -- continue to fund the market study which benefit 30% of city of Austin employees, and I want to thank you because I benefited thus far as well, so thank you. And to elaborate on what Ms. Carol was talking about, all of us, those of us that's on the front line, you know, servicing the city residents, we don't want to leave out our management team, too. They have helped us in a great many ways. We keep the vision about having the city manager's vision about the greatest -- living in the greatest city in the united States, and, you know, we're doing our best to see to customer service as well.

[10:42:47 PM]

We constantly, all of us, you see at all levels, that we've been trying to improve and make a difference. I know we're not going to satisfy everyone, but we're trying our best. And also, if you could support longevity pay and not merit-based pay, to keep employment with the city competitive because we lose a lot of great employees --

[beeping]

-- To private businesses. And in closing, I just call upon favor with you all for all of us city of Austin employees. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is Christina -- is Christina logman here? Is Anna Lisa plant here? She left? Is John Humphreys here?

>> Here.

>> Mayor Adler: Okay. Please proceed, sir.

>> Good evening. I am Jim Casey and I'm a member -- a resident of Austin since 1977, and I'm another geek by daytime trade. And as you can imagine, a lot of times I work with Numbers in my profession. And so when some friends of mine that organize in the community asked me to look at the budget and find out where all that money goes, I really thought I knew pretty well, having lived in the city for so long. And was I shocked to find that when I made a simple little pie chart of the city budget, yes, there's that huge shies for public safety. When I broke it down a little bit more for the proposed budget this year, almost 50%, 46% of that budget was for the Austin police department.

[10:44:53 PM]

And here I had e-mails back from staff of several of you saying, where are we going to find the money to fund these critically needed social programs? And money to retire our dirty coal plants, the dirty gas plant at decker, where are we going to find the money? 50% of the city's budget is being spent by the Austin police department. So I just wanted to let you all know that, in case that was, you know, something you didn't understand already. There's a place that I'm sure you can find a little bit of fat here and there, one less tank, maybe. I'm not sure every officer really needs a full body darth vader armored battle suit to rest of people with political -- there's ways you can find. Undercover surveillance of political protesters. You could cut that. I bet you could get -- \$35 million appears to be spent on

surveillance. Who is the APD surveilling? You might want to ask those questions. So, you know, a million dollars for health equity initiatives, I'm sure you can find that money pretty easily in some place I'm thinking about. And I'd really like you all to consider, you want to make this budget reflect the values of the city, I don't believe the values of the city are currently reflected in a budget that gives the police department nearly 50% of the total revenue. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is Lauren Ross here? Lauren Ross here? She went home? What about Amelio zamora? Okay. Mr. Humphreys.

>> Thank you, mayor, councilmembers.

[10:46:54 PM]

I was trying to remember the last time -- my name is John. I was trying to remember the last time I came to testify at Austin city council. I'm getting kind of old, and I had a hard time. It was February of '94. And it was to ban smoking in Austin restaurants. And so here I am again. And I'm about a ten-year Austin employee. I'll have my ten years in Saturday, this coming Saturday. Proud asbe member. Before that I was a teamster. I know how important unions are. Please support the pay raise for Austin employees. There's a lot of employees in the city, as the point has been made, that do the daily work that makes this city go, and makes a city work. And it seems like over the last ten years or so, we've spent a lot of money and a lot of resources trying to attract a lot of businesses to Austin, a lot of high-paying jobs, and it's really had an impact on the cost of living. But the people who really are the bones of the city have been left behind. And they're really struggling. And they could use a hand up. Same with longevity pay. I work for Austin energy and we're seeing a big exodus of talent out of Austin energy, both for higher-paying jobs, and also for retirement. People are going ahead and taking early retirement or retiring not early, they're eligible, but then going to work elsewhere because they can make so much money. And if we -- if we could retain those employees a little bit longer, retain that institutional knowledge, it would really be a boom for the city. Also, temporary workers. I first looked at a city budget back in '93, somebody asked me, take a look at the city budget and tell me what you think about it. And I had done -- I had worked on state budgets at the capitol. And the first thing that struck me were, man, there's a whole lot of vacancies in this budget.

[10:49:01 PM]

Now, that was coming out of the '80s bust. And so the city revenues were constrained. We were trying to catch up with deferred maintenance, so they were carrying a lot of vacancies. Now it seems like the trick is, temporary employees. And so that's -- we're playing the game with temporary employees, putting them on the budget, kind of keeping them off the books, they aren't fte's, and stringing them along in some cases for years and years, not giving them the benefits and not giving them the pay that they really deserve, and that they need to live in a city that has become as expensive as this one. So that's all. Thank you for your time.

>> Mayor Adler: John, thank you.

[Applause]

>> Mayor Adler: I think that those are all the speakers that I had. Was there someone else that was intending to speak at this public hearing this evening that I've missed?

>> [Inaudible]

[Laughter]

>> Mayor Adler: One more time. Take it from the top. Council will continue to receive public comment on the proposed budget on August 27th, 2006 at 11:00 A.M. Council will vote to adopt the budget for fiscal year 2015-2016 at the annual budget meetings at city hall, 301 west second street in Austin, Texas. These meetings will begin at 9 o'clock A.M. On Tuesday, September 8th, 2015, and continue to Wednesday, September 9th, 2015, and also at 9:00 A.M. And on Thursday at 9:00 A.M. On September 10th of 2015, if those two latter dates are needed. At this point, I would entertain a motion to recess today's public comment portion of the budget hearing.

[10:51:05 PM]

Ms. Kitchen?

>> Kitchen: I just have a question. Well, we could talk -- I don't know if this is the appropriate time. I think we had talked about beginning our conversation about the budget before the 8th?

>> Mayor Adler: And we -- it'll be noticed, so we'll be discussing those, and we'll be discussing things, but the actual motion to adopt the budget will be made on September 8th.

>> Kitchen: Okay. I guess we don't have a response yet to my question about our ability to -- to --

>> Mayor Adler: We will be voting things on and off of the concept list, if we want to, consistent.

>> Kitchen: Okay.

>> Mayor Adler: And we can do that to keep ourselves ordered but on the 8th will be the first time that someone says I move adoption of a budget, that we will also make amendments to as we're on the dais. But we have the ability before then to be moving concepts on and off consideration.

>> Kitchen: Okay.

>> Mayor Adler: Okay? I would entertain a motion to recess today's public comment portion of the budget hearing. Ms. Pool makes that motion. Is there a second to that motion? Ms. Garza seconds that. Those in favor of recessing the public hearing portion, please raise your hand. Those opposed? It's unanimous on the dais. So today's public comment portion of the budget hearing is recessed. The next item on our agenda is item number 62. We have four citizens signed up to speak, but before that happens, staff, if you want to lay this out for us.

>> Thank you, Mr. Mayor, mayor pro tem, and council. My name is Kevin Shunck, I'm administrator in the watershed protection department. I'm pulling up the presentation here. The item before you tonight is a floodplain variance request at 7054 Comanche Trail, which is on Lake Travis.

[10:53:08 PM]

Here's a picture of Lake Travis and the property indicated there, just so you can get a general idea of where this property is. Almost the entire property is within the 100-year floodplain. The property extends there south into the lake itself. That's Comanche Trail on top of the page. The lighter color is the hundred-year floodplain and the darker color is the 25-year floodplain. There is an existing single-family house on this property. It was built in 1993. The house that was built in 1993 was built according to the floodplain regulations that existed at that time. And if you recall, back in 2006 time frame is when the Lake Travis floodplain went up six feet. And so, now, this house is actually built below the floodplain regulations. And so we would call it, as far as the floodplain rules go, an existing non-conforming structure because the house doesn't conform to the existing floodplain regulations since the hundred-year floodplain is 722 instead of 716.

>> Zimmerman: Mr. Mayor, can I ask a quick question?

>> Mayor Adler: Mr. Zimmerman Mr. Zimmerma N.

>> Zimmerman: I've spent some time asking this. I'm struggling. Did we raise the level of the Mansfield dam? I can't understand how the floodplain increased. The dam was built a long time ago, and I can't understand the rationale, the technical rationale as to how the floodplain has moved so dramatically, even though we have a dam on the river that hasn't changed.

>> Well, the engineering study that was done by the Icra for the Colorado river included new engineering information as well as maybe some new dam operation procedures that the lake Travis floodplain did increase by six feet.

>> Zimmerman: Was there a flood gate removed? Was there -- did somebody do some construction? Is something broken?

[10:55:08 PM]

Is -- there's a spillway. You know, the laws of physics, you have a spillway, water is going to go over that spillway, unless somebody changed something, you can't increase the water behind the dam above a certain level.

>> Yeah. There was no changes of the dam, no changes in the spillway. It was -- it had to do with new engineering data and then dam operations with the Icra. The applicant is proposing to add a 440-square-foot addition to the house, so the existing house is about 3200 square feet. This proposal is to add 440 square feet. And you can see in the yellow color here, that's the addition area that will be added onto the back of the house. And there you can see the addition on the rear portion of the house. Now, the existing -- like I said, the existing finished floor elevation of the house is at elevation 721, which is one foot below the hundred-year floodplain of 722. The applicant is appropriation to construct the finished floor of this addition at the elevation 722, which is the hundred-year floodplain elevation. Now, our floodplain regulations for the city of Austin require that the finished floor elevation of this addition be built one foot above the hundred-year floodplain elevation, which is 723. So in addition to the request for the variance for the finished floor, as you can see, the house itself doesn't have safe access out of the floodplain, so that is an additional request. I'm not going to go through the floodplain regulations. You're familiar with those. We talked about them just a couple weeks ago. So, essentially, the two variance requests with this application are detailed here.

[10:57:12 PM]

It's the finished floor elevation and the safe access situation. Again, we talked about safe access in the past, and this is a picture. This is from the Halloween flood of 2013. Does represent safe access, not to say that lake Travis will rise as fast or flow as fast as this, but another thing that I paid to bring up, I'll talk a little bit more about lake Travis, how fast it may rise, but one thing I wanted to bring up is that the house that this picture was taken from, built on onion creek, did receive a floodplain variance, and they - for safe access purposes, and they built this house one foot above the hundred-year floodplain, as the regulations required. And this house, in fact, did not flue during the onion creek flood. We talked to the

owner, and obviously he's happier that we built it one foot higher than the hundred-year flood because he did not sustain damage that evening. Now, when we think about the safe access rule, certainly is something to consider with is variance that safe access and rates of rise on lake Travis are significantly different than what we would talk about safe access and rates of rise in a flash flooding situation on a lot of Austin's creeks. If you think about historic floods on lake Travis and one of the most -- probably one of the largest floods that happened was actually in the middle of a decade-long drought in 1952. Lake Travis rose 57 feet in 14 hours. That's about four feet per hour. So the most significant flood that I could find records on was four feet per hour. And when you talk about -- think about the blanco flood that just happened memorial day down in Wimberley. That rose 15 feet in an hour, 330 feet in two hours. So the rate of rise for lake Travis is not as significant and fast as what you would see on a flash flooding situation.

[10:59:20 PM]

Nonetheless, the safe access rule still applies and that's why it's one of the requested variances here. We've talked about in the past about how our floodplain regulations, some of them meet the minimum standards that FEMA requires us to adhere to, and some of them go above and beyond those minimum standards. And implications of variances can have different effects, depending on which regulation that the variance applies to. The regulation for one foot Bo of the floodplain exceeds the minimum standard, so it's in the a minimum standard for FEMA, it's certainly something that comes into play in our community rating system and if that type of variance and the safe access variance, those both go above and beyond the minimum standards. Not necessarily affect the -- our base floodplain regulations with FEMA, it would certainly come into question when they audit our program, then the community rating system which is a program that the city -- folks in the city receive discounts on flood insurance, premiums could be impacted if we start to give variances on items we're actually giving credit for because we don't just give credit for having the rules, we give credit for enforcing those rules. Those rules. So in summary, the proposed addition in the house itself doesn't have safe access out of the floodplain. The finished floor elevation of the addition -- again, just the addition -- is proposed to be at the 100-year floodplain and the regulations would require it to be 1 foot above the hundred-year floodplain. The hardship condition according to the building code doesn't exist, there is a single family house currently on the lot being lived in at this time. Staff's recommendation for this is denial. I'll say if looking at the two variances separately, certainly I think the safe access variance is important. I think it was -- that's risk.

[11:01:23 PM]

However, I would see that as a different variance than the finished floor elevation. And as a floodplain manager, finished free board or that factor of safety above the floodplain is very important and it's important for lots of communities around the nation, have free board. FEMA's minimum standards of building at the 100-year elevation are not adequate and a lot of people in the country have been saying that. Some people have free board of 1 foot, which is what we have, some have two, some have 3 feet. That variance in particular is really something that we strongly considered and that's really the basis of our recommendation for denial. However, there is a draft ordinance in your packet if you wanted to consider approving it. I did want to point out two conditions within that ordinance that they wouldn't receive a certificate of occupancy for the proposed addition until they do the drainage easement requirement, which is pretty standard document that we've talked about, and then an elevation certificate, just a document to confirm that they built the addition at the elevation that was required. Happy to answer any questions, and I know the applicant has stuck around as well this evening.

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: I've got to go back to the flood levels here. The mean sea level, let's use mean sea level as our measurement here, the hundred-year floodplain is at what? It was 700 what.

>> 22.

>> Zimmerman: 722. What is the mean sea level of the spillway of the dam?

>> Great question. I don't off the top of my head, I don't exactly remember what the spillway elevation is.

>> Zimmerman: Is it 714? Sounds about right. We can look it up. I'll look it up on Google here to confirm that. 714. So my agi math says that's about 8 feet.

[11:03:28 PM]

I cannot comprehend how I've got a spillway, right, when that flood water comes up it's going to hit the spillway and then it's a problem for the downstream people but it's going to go over the floodway at 714 feet mean sea level, right? So how do I get from 714, the height of the spillway, 8 feet high center how is that physically possible?

>> You've got an enormous drainage area draining to lake Travis and lake Travis is the prime flood control structure on the lake system. That is the dam and the reservoir that it's -- is the main flood control aspect so there's a lot of water coming to it.

>> Zimmerman: Absolutely true, there's a lot of water. Going back to your number of the 4 feet per hour, if we use some common sense here and think about what the lake is like, it's kind of like a V, so when the lake is empty, it just kind of looks more like a river, I could get that 4 feet per hour, get that pretty easily, right, because the lake is empty. When the lake starts to fill up, you visualize this V shape for the same amount of in-flow, that 4 feet per hour would diminish to -- could diminish to virtually nothing as the lake -- as you get closer to the spillway. Common sense. So the 4 feet per hour you quoted to me, was that when the lake was nearly dry, in a drought condition? Or was that 4 feet per hour when the lake was nearly full, close to the spillway?

>> It was in the middle of a drought.

>> Zimmerman: So in other words there was almost nothing in the lake. So when water starts to come in, the level rises very, very quickly. And as the lake becomes more and more full, the level hardly rises at all. Common sense. So the reason I'm going to urge my colleagues to just please apply some common sense to this.

[11:05:30 PM]

You don't need to be an engineer to figure out that if you're 8 feet above the spillway, you are not going to flood.

>> Mayor Adler: Mr. Renteria.

>> Renteria: Can you let me know. Can you tell me if it -- did it flood there in 2006, when we had that big rainfall and a lot of the homes did get flooded on lake Travis?

>> I don't believe this house flooded, although you remember from the pictures a lot of houses got flooded above the rooftops during that flood.

>> Renteria: But this one didn't?

>> No.

>> Renteria: Thank you.

>> Mayor Adler: Ms. Pool.

>> Pool: So if it does happen that this structure were to flood and we were presented with a buyout, that would be something that the council would then have to weigh at some future point. I'm generally not in support of approving the variances for being in the 100 year or 25-year floodplain for the very reasons we've been dealing with some major buyout situation where's the city has felt compelled to make the residents whole, and I supported that. But I also think that it's incumbent on us to review these really carefully and to be very careful -- well, to be really careful in approving them because it

could very well happen that it floods and then we would be left with having to buyout the owner, which I hope wouldn't happen. But I would not support the variances and I would vote to deny.

>> Mayor Adler: We're going to have public testimony. I'm going to let the applicant open and close and then we'll be back on the dais to discuss this. The applicant is here. And would like to take that opportunity. I'll give you a chance to open and then to close.

[11:07:41 PM]

>> I'd like to say, first of all, thank you all for staying so late. I did recommend that we postpone but Kevin made me stay so I'd like that for the record.

[ Lauhter ] My name is ken Smith. I am the owner of the property. I live there. This is a different type of a variance. This isn't your Normal -- I'm not building a duplex or an office building. This is my home. This is where I live with my two dogs. So this is very personal to me. I want to thank Kevin shank and Kevin outry of helping me walk through this whole process. It's mind boggling when you take a look at this. So let's see how this works here. Just click? Right? Ah, I just had it upside down. Comanche trail, this is a chronology of what happened. I've been working on my property for this property since March of 2014. Going through the permitting process. I'm at the very last end of this. In January I went to the watershed department. The chronology I'm going to be really quick. The chronology really shows basically since January what I've been through with this. What I found out in January about the base flood elevation, I did a certificate request, got it in at 721. I knew it was a plus. One situation so at that time 722 was okay. I brought it to the architects. They said it works perfectly. Everything was great. I have lots of confirming e-mails in there, talking to the watershed department. Everybody confirmed 721. Lo and behold, I think it was in late April, they found out they had made a mistake. Now, mistakes happen. One thing I've learned through this is how many codes you go through.

[11:09:42 PM]

And I've read these. There's the international residential code, FEMA code, firm code, climate actiq, geographical code, home builders code, American society to civil engineers code, firm mats, FEMA codes, flood development codes, I read the 783 pages, 462 bathes of the Zucker report and I can tell you I've experienced that Zucker report personally. Mistakes happen and I understand that. So that's that. You're talking about my home. Now we're talking about roughly, you know -- it was built in '83, 716 feet is the ground level of the property. The lowest floor is 720.9. At that time it was 716 was the bfe. 2007 it was changed to 722, entire lot, including my home, is in the bfe. Just for the record I bought my home in

2007, October. About two and a half weeks before that is when they changed the bfe, basically, to the 722.

>> Mayor Adler: What is bfe.

>> Base flood elevation.

>> Mayor Adler: Thank you.

>> Mean sea level which has a significant pertinence to this. So I knew it. They aren't requiring -- they weren't required to disclose that there was a possibility of this happening. But two and a half weeks before, they said, oh, by the way, you know, your base flood elevation, you're in the floodplain now. So I did know it. I was too far along to -- I -- I don't know I may have been able to get my deposit back, I don't know but I was way too far down the road for this. The extension is somewhere between 400 and 440 square feet. The reason we use 440 is because the impervious cover, the minimum we'd be able to use. When they actually measure it and go in and measure it, they're estimating it should be around 417 square feet. To give you an idea of how huge this place is, take about three and a half of these tables in a square, that's how big the room is.

[11:11:46 PM]

It's an office only. There's no plumbing. The lowest floor elevation will be the 722. Below the floor is open, not enclosed. I'm the highest ground between the neighbors and I am the closest to street access between the neighbors. If you took a look at Kevin's plot that he had, you know, I'm at the very end of the 100 year zone. I mean, 30 feet from there is actually the 500-year zone so, I mean, we're not talking about a mile distance out of this flood zone. So when we're looking at this, this is the house that he showed you. I did a little -- this is the plot. If you look at the top of the plot that's where the street is. That's where the 2% 500 year-floodplain comes into play. And you see where the house is. It extends -- my house extends all the way down to the lake. If you look at that top part, the majority of that top part is actually driveway. On the right-hand side you see the driveway there, that goes all the way down to the lake. So that's where when the water runs off, it runs off quite naturally all the way down that lake, right down that driveway all the way to the bottom. Nothing impeding it. I bring that up because I didn't go by accident looking at where to put this. I didn't say gee I want to put it off of my bedroom. It really is an extension of my bedroom. I looked out front, it would cover --

[ buzzer sounding ]

>> -- It would breakup the natural flow of water, et cetera. I couldn't go up. This was really the only spot that I could do this. It's a personal thing for me. Right now my office is in my living room, basically, family room. And I have three daughters, three son-in-laws, seven and a half grandkids. When they come to play having it in the family room just didn't work. That's why I'm looking to put this office in. This isn't to

scale obviously. This is a hand driving. I wanted you to see what the incline is basically. From where my house is to the right is really going down to the lake.

[11:13:49 PM]

That's why underneath it's. So that dotted area is really where the extension is and then where the street is. So there's an incline. It's all about topography. We're going to talk about that it my granddaughter said the picture would look better with her in it. She's pointing at this is the window to my bedroom that's going out actually and the bottom of that is where the 720.9 is. And the problem you have is there's a big difference between the 722 and 723. At 722, they require two steps to go out that door. Actually they're requiring me to put in a fire door there as well. But there's two steps that go out. So that two steps brings it up about a foot and a half, really gets up to that 722 area. If I go -- have to go to 723, then I need four steps and two risers. And that's why R it brings it up a lot higher and that prevents me from putting any type of door there because I'd have to go into the roof, basically take the roof off, in order to go out that number of steps. She's exaggerating a little bit on this. It's probably a little lower but roughly you get the idea of why I'm really -- the 12 inches makes a big deal to me. Topography. We're talking about mean sea level. When you're talking about mean sea level if you take a look at this bottle of water, for instance, that blue line is like the mean sea level and that exits my house. Topography has a lot to play as councilmember Zimmerman was talking about if you look that the from an incline perspective, you can see where an incline perspective changes how that topography looks. So up here even though the 722 is here, up here it might flood, down there it might not, depending on how no topography looks. It's really important to look at that when you're looking at mean sea level. You're talking straight line up. They're not taking into consideration the actual topography of the area.

[11:15:54 PM]

Although the FEMA maps do. I haven't seen Kevin's before. I don't know if he Google earthed that and put that in. I'm not sure where the map came from. They have 27 different maps in there. They do that because of the topography and because it actually comes into play. So this is the topping. This is really -- topography. This is probably about 680 mean sea level going up to my house. The retainer walls I put in there to help prevent erosion from the lake levels that come up. That little white place you see there, that's where the first home was. That's basically where that 710 came in, which was the Christmas eve of '91 flood. It actually hit that part of the house. So what they did is they decided, well, we're not going to live there. We're going to move it up. 714 is the top of the spillway. We're going to put the ground level at 716, first floor at 720. Giving you an idea of the incline, this is what the incline looks like. This is, again, from about -- probably about 690 at that point. The flood -- the actually -- when the lake is full,

681 is what the full lake level is at. So when you're looking at this, we're not talking about a stream, we're not talking about shoal creek, we're not talking about three and a half feet of -- second of current, we're not talking about these, you know, rises, the 4 feet, the 4 feet in -- I forget how many hours it was. You know, the one from '91 went up a foot an hour, the Christmas eve one went up 1 foot an hour for 12 hours. That's how fast that one went up and it got to 710. By the way the '57 flood he's talking about the top flood of that was 707. Just to put that in perspective. We're talking about lake Travis. This is what we're talking about. We're not talking about these -- you know, we're talking about the free board. Free board is very important when you're talking about those current streams and the eye -- currents and streams and islands of the homes, et cetera.

[11:17:58 PM]

That's not what happens here because of the incline. You don't get that flash flood that happens. This happens over a course of hours. The one in '91 took 12 hours to go up 12 feet. If the -- we'll get into that even more. Lake Travis, again, Mansfield dam we're going to talk about as well. I went through the recap also of what Kevin had put together. And when you're looking at this, you know, the floor below minimum requirement, 1 foot in the local addition to the FEMA regulation is actually the local addition. And it's 1 foot. It's probably very important for those streams and creeks, et cetera but it's an arbitrary number. Some are one, some are two. Some cities maybe three. Some cities are really at FEMA regulation. Flooding in lake Travis at my property will not produce wave action. The requirement of the free board really goes back to what's called ac -- asce24, Americans civil engineers 24. Which they brought to my attention. They said this is the one that -- if you get into that one, which I'll show you. It's talking about wave action and erosion and about coastal homes. There's a short little blurb about non-coastal homes. Very short little blurb about it. That's where they say, well, it can be -- FEMA indicates it can be at base flood elevation. When we're talking about safe access, obviously there's a big concern for first responders. I mean, personally I would be horrified if I had somebody injured because they were trying to save me. You know, if you look at his notes, he says that outside the residence it would be 1.4 depth of water. It's actually 1.1. The 290.9 to -- I'm sorry, 720.9 to 722 is really 1.1 feet of water.

[11:20:00 PM]

This isn't current water. It's still water because it's rising up slowly. That's what we're talking about. The property also, just so everybody knows, this property is in an etj. I mean, I don't get ems from the city of Austin. I don't get police protection from the city of Austin. I don't get fire protection from the city of Austin. I don't get electric from the city of Austin or I don't get water from the city of Austin. I do, however, get to pay \$30,000 a year in taxes this year, although it doesn't go really to the city of Austin. It

goes to the county of Travis, who also buys services particularly with ISD from the city of Austin. Historically, lake Travis has never hit the hundred year bfe of 722, not since 1938, when the dam opened. Quite frankly it's never hit the 25-year flood of 716 and there's reasons for that. Also the top of the dam is at 750, the top of the spillway is 714. Spillway length is almost 50% of the entire dam. It's, like, 42% of the entire dam so you have the entire dam about 42% is the spillway at 714. The chain of dams, you know, we can talk about surges of water coming down but that's what the chain of dams is there. I'm on the advisory board for Icra. I've learned more about this stuff than I ever thought I would. I took a tour of the dam. If you've never done that -- I look at that time every day, basically and take it for granted but when you go see this operation it's astounding what they do over there. The chain of dams was constructed to manage any rogue water surges, water surge of approximately -- this is an engineer who off the top of his head told me this, he said you would need a water surge of approximately 32 plus feet in order to bring the lake level to 722 to compensate for the water going over the spillway. That would bring the top of the lake level to 746, which is almost at the top of the dam of 750.

[11:22:01 PM]

And we're going to get into what that means as well. The fastest rises on lake Travis that I knew of was 12 of '91, 1 foot per hour for 12 hours, went from 698 to 710-point power four, at that rate the lake was full -- at that rate of -- here's what I was looking at. That's how fast I knew it, about a foot an hour. At that rate if the lake was full at 681, to get to 722, it would take 41 hours for it to get up to 722. That's how long it would take at a foot an hour. Now I'm not stupid. If I see that lake coming up and I think it's getting close to my house, I'm skidaddling and getting out of there. I'm not waiting for first responders to come save my butt. Also, during the flood of '91 when it reached the level of 721, Icra had opened six flood Gates. There are 24 flood Gates. Now, they managed that flood. There's a reason why it only went to 710, because they didn't want to get to 714. We're going to look at that as well. They managed that. They opened six of 24. They've got 24 flood Gates they could open. There's no possibility of an island type of situation. I mean, even if it did flood at 722 you're talking about a foot of -- basically a foot of still water so you're not -- it's not like it's an island. Quite frankly, whether I build that extension to my bedroom or not, the rest of my house is at seven -- 720.9. The home is set to have water drainage, as I showed you from the driveway. The property is the highest ground compared to my neighbors. It's closer to the street than either one of my neighbors. I do have -- I don't have FEMA insurance, I don't require FEMA insurance so when you're talking about, well, is it going to affect everybody else's rates, et cetera, et cetera.

[11:24:04 PM]

It shouldn't. I'm not in the FEMA thing. You're not going to be buying out for me. And I have an approval letter from the hoa as well my two neighbors. Hardship. I saw Kevin's note about hardship. Well, technically, the way the code is written I don't fall into that category. However, my property is proportionally increased by 40% over the last three years and I pay 30,000 in taxes and not permitting this restrains the use of my property. Applicable codes. He refers to the r33 -- it's actually r332.2.1. It's not that it's incorrect. It's the way it's word. It sounds like that one indicates that it has to be above the dfe, which is design flood elevation. It actually says two or above. So it's just nomenclature they have in there is a little bit. The egress, you know, I don't know -- I mean, walking through 1 foot of water to the street, you know, I don't see that as being a problem. If that flood is coming up it's not like I'm not going to see it. The easement, I don't know about the easement. I did do a little bit of research. I don't know what -- you know, if you look at the research on it, they're talking about open flood drains and pumping stations, et cetera, et cetera. Yes.

>> Zimmerman: Can I ask you to finish in about one minute or less?

>> One minute or less.

>> Zimmerman: Yeah.

>> Zimmerman: We're going to wrap up.

>> Sure.

>> Zimmerman: Thanks.

>> Sure. Well, I mean, here is what it is. It's the unique characteristics of this property. This isn't a creek. It's not a stream. It's basically topography. And that's really what this is, this looks at. You know, when you look at the Zucker report it said you can't write codes for every single situation and it also said to use common sense. The variance issues that you can do as a city council refers to topography as an example. So I'll wrap it up at that and answer my questions or you can see the rest of my 74 slides if you want.

[11:26:07 PM]

>> Mayor Adler: That's okay. We have some other members of the install had signed up. Let's see if they're here. Stewart Hirsch I think is gone.

>> I think those are for the other variance.

>> Mayor Adler: No, this is for this one. David king, did you want to speak?

>> Or maybe not.

>> Zimmerman: While Mr. King comes down, you, sir, are amazing. You're always here. You're amazing.

>> Well, thank you. Councilmember Zimmerman, I appreciate that. I do make my share of mistakes. I made one earlier tonight and I'll try not to do that again. Anyway, the -- thank you, mayor, mayor pro tem, councilmembers. You know, I'm, you know, concerned about approving, you know, variances to the floodplain. We've already seen our share of those flooding issues and the deaths that have occurred in property laws and the impact on taxpayers. You know, we need to help our fellow citizens out when they get into these situations. I'm all for that. You know, when we look at having to bail them out when we -- when homes flood in the floodplains, then that does put a burden on our taxpayers and we talked about affordability in the budget discussion earlier tonight and these decisions we make may seem like one little discussion but they add up over time. And they become a burden to taxpayers. So, you know, the situation too is that our climate is changing and so although, you know, the lake may not rise as quickly or because it's -- we're in a drought situation it may have plenty of time to fill up without causing flooding, well, that may not be the situation. We may be lucky where the lake is full and we get one of these huge rain events that come through. We know that our rain events are becoming stronger and more rain is falling in a shorter period of time than at previous times in our history.

[11:28:09 PM]

So we do have to be careful looking forward and not necessarily that it's never happened and it won't happen. So I really think that we immediate to be careful. And what -- you know, as we approve more variances it's going to encourage other property owners to come seek variances to the floodplain. So I think we should just send a signal to our citizens and say we're not going to approve variances for floodplains. Thank you very much. And thank you for your hard work and to -- and dedication to our city. Thank you.

>> Mayor Adler: Thank you. Mary Maloto being is not here. Ken Smith? That was you. Those are all the speakers we have. Further discussion on -- we're now back up to the dais.

>> Zimmerman: Can I make a motion.

>> Mayor Adler: Yes.

>> Zimmerman: Mr. Mayor, that we approve the variance, I'd like to make that motion.

>> Mayor Adler: It's been moved to approve the variance. Is there a second to that motion? Ms. Troclair seconds. Now on the dais. Staff come up for a second? You know, I've sat through real trying council meetings, where we've been trying to find money to buy homes that are in a floodplain. And there's not enough money to buy all the homes. And it's hard, and, you know, all the floodplain variance requests that have come here so far, they've been relatively easy for me. Even though they -- we are disappointing people. There's something about this one that feels different to me. And I'm trying to

figure out if there's a basis that relates to safety or the potential liability that the city has where this is in fact different from those.

[11:30:13 PM]

Is there -- you know, is it significant in this calculation that in all the floods we've seen the flood waters have never gotten to the floodplain level that are being discussed?

>> When people ask me or say to me it's never gotten that high, my typical response to them is I'm glad it hasn't gotten that high but the engineering data that we have says that the risk is there. Whether that's on shoal creek, waller creek, or lake Travis, an engineering study has been done that indicates that the risk for the 1% storm is at a certain level. Sometimes it hasn't gotten that high but there are other cases where there have been people on onion creek who have gotten floodplain variances and said it will never get that high and they were fortunate and glad that they built 1 foot above because some of them didn't flood on Halloween.

>> Mayor Adler: Is it significant in this analysis that the topography of the lot and of the increase in elevation happens so slowly over time historically? Is that significant?

>> I think -- I think the rate of rise for lake -- for the lake compared to rate of rise for a flash flood on a creek is significant. When you -- so if you look at the safe access variance in and of itself, that request on lake Travis is different than that request would be on a flash flood creek. I think that's -- to me that's the difference that you commented on of this request than -- compared to other requests. The safe access, the variance is different here because we're talking about a different rate of rise. The first floor is a similar -- or we're talking about a factor of safety.

>> Mayor Adler: Given the rate of rise that we have on this property, given its topography, is there a material risk for someone who is living in this home?

[11:32:25 PM]

>> Well, I think the way the floodplain regulations state that the safe access would be to have an elevation 1 foot above to the right-of-way, that's what -- that's what the code defines as safe and that's what I think is safe. Now, 1.4 feet deep, 1 foot deep certainly is better than three and is better than five but, again, that -- that 1 foot on the lake compared to 1 foot even moving fast on a creek, it's different and it's -- it's -- maybe could you say not as risky being in this situation because it's not moving water.

>> Mayor Adler: It's clearly not as risky. I'm trying to ascertain if this is an academic risk or if this is a real-life risk. I mean, is it such that while academically it presents a risk, given the topography, given the slow rise that in the real world it's not much of a risk? Is there such a -- I -- a consideration in an analysis?

>> Unfortunately, the code doesn't allow us to claim a risk as academic and it doesn't have to meet that rule.

>> Mayor Adler: Okay.

>> The code states that the rule has to be 1 foot above for safe access all the way out.

>> Mayor Adler: Is it significant in determination talking about a variance that this is off the back of a house and it's small, it's off a bedroom, and that the living quarters in the house and 90% of the house is -- is what it is? In other words, does this addition appreciably change the risk associated with this house? It would be -- I guess my question, it would be one thing if someone was incoming and saying I want to build on this house.

[11:34:30 PM]

That's not the case here. We have a house and a person is proposing to add what looked to be a very small percentage to that house. Is that a germane consideration for a variance?

>> I think so. I would say that the small addition to this house doesn't possess additional safe access risk because we're not talking about putting three additional bedrooms in to have that many more people. It's an office space, an extension of the bedroom. So from the safe access perspective, I would not see it as a significant increase in risk. Now, however talking about the finished floor elevation and the risk to that portion of the building, I would say that the finished floor not having the 1 foot above the hundred-year floodplain does -- is a significant amount of risk to that space.

>> Mayor Adler: So that space.

Then my last question: If the council was to grant the variance here and wanted to do it in a way that spoke to policy that could be applied in future situations, in other words distinguishing, in this case it was okay to grant a variance, how would you state the -- the policy associated with giving the variance in this situation that would not -- that would limit the application of this to those situations that felt like this one? How would you articulate that? If -- if the council decided they wanted to grant this variance, how would you articulate that policy?

>> That's a great question. It may -- it may stem on the fact that we're -- of the rate of rises and how that is -- rate of rise and how that is the significant factor that's different when we're talking about access, in that it's a situation where speed of the water or the minimal depth of the water plays a roll in the decision on -- on how we apply that policy.

[11:36:45 PM]

And that's, you know -- if that policy is applied here and some decision -- in some decision or, as y'all well know we have the flood mitigation task force coming on board in September, certainly that topic may come up there and out of that task force may come policy recommendations or new code recommendations that we could handle that there as well.

>> Mayor Adler: Okay, thank you. Is there any further discussion on the dais? Mr. Renteria.

>> Speaker2:.

>> Renteria: I just wanted to ask a quick question here. So there's an existing house there and it's -- the floor level is at 721?

>> Correct.

>> Renteria: And he wants to build an addition to it and it's also going to be at 721?

>> The addition will be at 722.

>> Second quarter --

>> Renteria: 22. So if the house gets flooded, are we -- because we issued a variance and our -- is the city liable for having to buy him out if it ever gets to that point?

>> I'll leave that to the city attorney.

>> You know, the buyouts are always up to the policy decision of the council. It's not like you're libel because did you this but you might be asked to do that later.

>> Mayor Adler: Ms. Gallo.

>> Gallo: I'm going to say to the owner, wherever he is back there, you had a really good presentation. I'm going to stick to my original kind of policy until we have a policy on this. We have a staff who is our experts in recommending things to us and staff has recommended that we deny this variance request. I think that we have talked about being -- at least I've talked about being uncomfortable with making variances to the requests that deal with flood-prone areas and until we have a policy and we just talked about policy, I think until we have a policy I'm just not willing to vote on something that staff has recommended that we deny when we would be approving somebody being able to build in a floodplain area.

[11:39:08 PM]

I think that we look at buyouts and we do the buyouts and we buy -- we purchase houses that maybe have not flooded but are at risk for flooding and I think anything that is in a floodplain area is at risk for flooding. That's why they're in the area and they have to buy flood insurance if they have a mortgage. So I just -- as much as some of the parts of it make sense, I just think until we have a policy I'm not willing to go against staff recommendation and I just feel very uncomfortable allowing somebody to build either something new or something more to a house that's in the floodplain area. So. . .

>> Mr. Mayor, if I may make a quick response to that. Along the lines of your -- what you were asking about the policy on a particular rule, I'll relay it back to a variance we did almost a year ago where staff actually did recommend approval and the property didn't have safe access. It was on Waller Creek but way on the edge of the floodplain, had 50 feet to get out of the floodplain, less than a foot and a half deep and the house was -- it was on the lot was essentially condemned so it was a hardship condition. In that situation we recommended approval because they were building the house well above the floodplain, making it as flood-proof as they could. I will say if this application came with a different finished floor meeting the rule and the only variance we'd be looking at then would be the safe access variance I think our recommendation might be something different because here we are looking at something that is significantly different when we talk about safe access. And so the significant piece of this, from a risk perspective, really is the finished floor aspect. The house is already there. The risk is already there. This doesn't increase the risk or decrease the risk. It doesn't change it a whole lot. So I just wanted to bring that up.

>> Mayor Adler: In fact in some respects if the water rose and he's in the house and for some reason even though it's a slow rising he hasn't seen it or he's ignored it and now the water is surrounding the house and it's rising, this addition would be the safest place for him to get to.

[11:41:25 PM]

>> In the house, that's right.

>> Mayor Adler: In the house. I mean, if we didn't have it and that same condition arose, he would say, boy, I wish I had a higher floor to go to. And council stopped me from being able to build it.

[ Laughter ] I don't know. Is there any further discussion from the dais? Ms. Troxclair.

>> Troxclair:.

>> [Off mic]

>> Troxclair: Yeah, I appreciate the questions that the mayor asks. I think it really helps eliminate -- this situation feels very different to me too. I think in past situations we've been worried about where we've

denied variances we've been worried about increasing flooding to surrounding properties, we've been worried about, you know, potentially putting a renter in a new house or a complex that wouldn't be aware of the risk. We were worried about, yeah, just increasing impervious cover and increasing flood risk overall. I don't think any of those things are really -- really apply in this situation and I think that, you know, the biggest one for me has been the personal -- the risk that a potential renter or someone who was living in a new property is taking on and that's just not the case in this property. His safety is not only not harmed but in fact possibly improved by this new addition. So cross-I don't see a reason to deny it.

>> Kitchen: I'd like to call the question.

>> Mayor Adler: Okay.

>> Mayor Adler: You did but she's called the question.

>> Kitchen: Calling the question.

>> Mayor Adler: Is there a second to the motion to end debate before Ms. Houston gets to comment?

[11:43:28 PM]

>> Pool: After that.

>> Mayor Adler: We'll come back to that after Ms. Houston. Ms. Houston, do you want to comment.

>> Houston: Thank you, mayor. Mr. Smith, you've been a real sport in all of this. You've been here all afternoon. I don't know what time you got here today.

>> 2:00. You've been here longer than I am.

>> Houston: But we're paid to be here. Thank you so much and good luck on this vote.

[ Laughter ]

>> Mayor Adler: Is there any further discussion? Are we ready to move to a vote? All right, do we want to give Ms. Tovo -- all right, go ahead. You'll be the last person.

>> Tovo: Thanks. Just one last question for our staff. Did you have any suggestions for how he could make this addition any safer? Would there be a -- were there any options that, if the council grants this variance, that you wish we had urged the applicant on to do?

>> I wished the finished floor of the addition were 1 foot above a hundred-year floodplain at a minimum.

>> Tovo: Is that something that he could have redesigned and achieved, in your estimation?

>> I think, it could be done, certainly could. I mean, he talked about it would make some changes to the design, and I agree with that. But it could be done, yes.

>> Tovo: Okay. Thank you.

>> Mayor Adler: All right. If seeing no further debate we'll go ahead and take a vote. Those in favor of granting the requested variance please raise your hands. Kitchen, Casar, Renteria, Adler, troxclair, Zimmerman. Six votes. Those opposed? One, two, three -- did I count wrong again?

[11:45:31 PM]

Did someone not vote? All right. And Ms. Garza abstaining, others voting no. The variance is granted.

>> Thank you very much.

>> Mayor Adler: That is the last thing on our agenda. We are ending this meeting before midnight. Congratulations, team. We're done for today. Meeting adjourned.