

City Council Regular Meeting Transcript – 1/28/2016

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[10:21:44 AM]

>> Mayor Adler: Are we ready to begin? All right. We're going to begin with the -- we're going to begin with the invocation. Leading us in the invocation today is reverend Hoster, St. John's -- St. James' episcopal church. Please rise.

>> Let us pray. We thank you, god, for the gift of our democracy and we pray that you will constantly renew the civic faith required to live by the ideals that bind us together. We pray especially for the vital democracy that takes place in this room where so many needs, desires and hopes come together. We pray for those chosen to lead us and for those who bring their petitions. May all those seemingly contradictory things that make democracy work be present today. Firmness combined with a willingness to bend, clear speech with a willingness to listen. Energy with patience, candor with kindness, private conviction combined with faith in the public good. In everything that takes place here today renew in your people the dream of that city where life, liberty and the pursuit of happiness are real for every citizen. Now give your leaders alert minds, patient hearts and optimistic spirits through the hours of meeting ahead. In your holy name we pray, amen.

[10:23:47 AM]

>> Mayor Adler: Thank you. Be seated. Now I want to recognize assistant city manager mark Washington. Sir?

>> Thank you, mayor. Happy new year, mayor and council. Reverend Hoster led us in an exercise and he prayed for alert minds for the council. We know that this is the first council meeting of the new year and we wanted to we mind our employees as well as our community of the importance not only to have holistic view of life, mind and body and soul, but also to engage the body and soul. By that point we want to ask our wellness program employees to come up, led by Clemmie Cummins to remind the workforce and our community of having healthy bodies and she will lead us in a two-minute activity. And we're going to ask the council to participate. We invite you to come down from the dais or you can do it there in your seat. You can do it in your mind.

[Laughter]. We're also going to ask those in the audience to also participate so if you will stand, get a little elbow room, stretch out. Get in the aisles. I know I have an active dancer already. So I'm going to turn it over to Clemmie Cummins.

>> Thank you. Welcome. The sunshining. It's a beautiful day to be in Austin, right? Okay. This is very short, about two minutes or so. Get a little room and we're going to get started. I'll give you a few cues, but believe me, it's easy.

[10:25:48 AM]

[♪Music playing♪].

>> And reach. Twist. Reach. Good job. Twist. Happy. Reverse. Twist. Twist. Squat. Swim. Reverse. Back stroke. Happy. Reverse. Twist. Reach. Sit.

[Applause]. I guess that's it.

[10:27:48 AM]

>> I do want -- I do want the council and the mayor to be advised that everyone did dab at the end of the dance.

[Applause].

>> Kitchen: Mr. Mayor, I think that we need to ask these folks to return about 9:00 tonight.

[Laughter].

>> Mayor Adler: That was very good. You know, count me among the doubters when I first heard about this, but that was fun.

[Laughter]. All right. That gets us in to our agenda. I'm going to call the city council to order for our meeting on Thursday, January 28th, 2016. It is 10:30. We are in the city hall council chambers, 301 west second street, Austin, Texas. We have some changes and corrections. We should note that items 2, 3, 4, 5 and 44 were recommended by the electric utility commission, vote of 9-0, on January 25th. Item number 39 is an item that is being postponed to February 4th. Item number 45 was recommended by the resource management commission on a 9-0 vote and recommended also by the electric utility commission with a 9-0 vote. That's item 45. I would note that with item number 50 there is an accompanying resolution. Items number 61, 93 and 94 have been withdrawn.

[10:29:56 AM]

Let's now look at the items that have been pulled off of the consent agenda. I'm showing items 10, 31 and 42 pulled by councilmember Zimmerman. I'm seeing that item 13 has been pulled by councilmember Houston and also item number 21. So that's 13 and 21 pulled by Ms. Houston. Item 35 pulled by councilmember Casar. Item 35. Casar. Item number 50 has been pulled by councilmember troxclair. And item number 56, 92, 95 and 96 are all the tnc items and they are set for a 2:00 time certain. Item number 8 pulled by councilmember pool. We have an item that has been pulled by speakers. That is item number 24. And we have some people noticed to speak on the consent agenda. Any other items to pull? I'll read them in order. 8, 10, 13, 21, 24, 31, 35, 39 is postponed.

[10:32:03 AM]

42 pulled. 50 and item number 61 has been -- it's passed on consent. And 56 has been set for a 2:00 time so that's been pulled. Let's call then the speakers to speak on the consent agenda. Gus Pena. Mr. Pena?

>> Mr. Mayor, could you remind me of the items. I just got out of the hospital this morning.

>> Mayor Adler: We had you speaking about item number 28. Item number 28 was the -- authorizing the negotiation and execution of legal services with Lloyd -- the law firm Lloyd gosling, regarding legal services for the process regarding proposed electric rates to be implemented this year.

>> Okay. I'm sorry, Gus Pena. Mayor, I just wanted to say this and it's having to do with electrical rates. I read an article in the newspaper about some good stuff about the corporations receiving a little bit more break on their electrical rates. I just wanted to thank the council and your leadership also for

looking at this issue. It concerns a lot of the big corporations and the usage of electrical rates. And I'm glad that this issue is being looked at also because I do feel in a way that some of the corporations are not being given due diligence on their electrical rates so it's very important and incumbent upon y'all and of course the person who is going to head Austin energy to really look at these issues.

[10:34:20 AM]

It's very important for us also, the consumers out there. A lot of us are paying a lot of high electrical bills also, so we want to make sure that everything is compatible and forthright and forthwith. I'm sorry, mayor, is that the only item that I had signed up for?

>> Mayor Adler: I think you also signed up on item number 24, but that's been pulled.

>> Okay. And I just want to say that kudos to Mr. Trey Salinas. He used to be one of the former executive assistants to mayor Bruce Todd, who is helping out I guess the major corporations. He's done a good job, but he's staying with the status quo and working with both sides, staff and also the corporation, to make sure that they get their due diligence. Also the corporations. I have a lot of friends out there, the executives. I say you have a good guy. You're paying him, not me. Thank you also for the committees who are also looking into electrical rates. It's very important. Thank you, mayor. Appreciate it.

>> Mayor Adler: David king to speak. I have you speaking on item 55.

>> Thank you, mayor, mayor pro tem, councilmembers. My name is David king. I live in the zilker neighborhood. I'm just here to speak in support of this item. I think it's a really important step in the right direction. I appreciate the sponsors of this resolution to help our families who need access to these homes and that are on low income and can't afford to do this. So I'd just encourage you to continue to move in this direction and help those provide accessibility to all of our residential areas in the city. Once again, thank you for doing this and I hope you will continue to move in this direction for our folks that need accessibility. Thank you.

[10:36:20 AM]

>> Mayor Adler: Thank you. Bill bunch? I have you speaking on item 9, the cdm Smith contract.

>> Yes, thank you, mayor, councilmembers. Welcome to the new year. We had I think quite a good last year. Especially excited about the work that you did, mayor, and councilmember pool at the world conference on climate change. Really excited that we're signed up with the under two mou. I really hope that starts to underpin everything that we do here and on this item I think it's a good place to start thinking about that. I'm asking that you either postpone this for a week or vote against it. We've done fantastic work with the previous integrated water resource planning task force. We're off to a good start on this one, but this item, a-million-dollar contract with cdm Smith, which would be an enormous step backwards in this process. Unfortunately this rfq was crafted to exclude the very people we wanted. We really needed innovative water folks to come and help us chart a new course for our water future, one that is sustainable, one that's extremely water and energy efficient. But because of the scoring set you got a bunch of points if you previously worked for the water utility and you got a bunch of points if you previously worked in Austin. We basically excluded bringing new blood to the table and we've had what I think is extremist management at the water utility. This was our chance at a fresh start and we're going back to a contractor that's big construction, big debt, big utilities.

[10:38:23 AM]

And this company in particular -- so we only got down to three applicants that qualified and there were all these big construction firms. They're not water innovators. And this particular firm was the firm that

allegedly did an independent analysis of water treatment plant 4 at the end. And did a terrible job. They rubber stamped everything the staff had brought to you. I think everybody understands that was basically a billion dollar mistake that now our per capita -- per customer debt at the water utility is roughly 30% higher than it was just a few years ago. Water treatment plant 4 is a big part of that. The debt water rates case that we lost, you can't even charge water plant 4 costs to your out of city customers. We need to chart a new course so I'm here to advocate that we start over. We have a new criteria that doesn't give points to people that are contractors at the water utility and instead give new blood a chance to help us. Thank you.

[Buzzer sounds]

>> Mayor Adler: Is John Carlisle here? One of the speakers who signed up for number 24 is not going to speak so that can go back up to consent, but I wanted to give Mr. Pena the opportunity to be able to address that item since -- when you came up before I told you it had been pulled. It was. It's going to be unpulled. So now -- yes, sir.

[10:40:28 AM]

>> Good morning, mayor. Gus Pena. This had to do with the Latino health care forum. I tried to get back up there -- I didn't submit my request for backup, but any kind of strategies we can do to help prevent bad health care for any community, not just the Latino community, the African-American community, they have their health concerns also, this is a good expenditure and I just wanted to let you know a lot of the people don't have health care out there. Some of us veterans rely on the VA system and it is skewed. It is not the best health care system in the world. That is why we're working close we with the secretary of affairs McDonald and secretary of hud Castro to work not only on housing, but the VA. I will not go to VA temple hospital. Too many deaths over there. It's important to educate the Latino community. I want to stress also let's have more support for our outstanding black community also. Not just the Latinos. If they ask for this type of funding let's support them also because everybody deserves the best health care to survive and live. Thank you for that, mayor.

>> Mayor Adler:

[Inaudible]. A little glitch in my computer. I'm showing no speakers signed up for number 18, but we do have two speakers signed up for 18 when I actually click on the item itself. But one of these two speakers is here. We're not going to pull 18 so you can speak on that as well.

>> I'm sorry, Mr. Mayor, briefly, again, I was not diligent in obtaining backup on this, but it states that Austin downtown public improvement district, I was just concerned with the funding that's -- the funding cycle or the funding mechanism that is being used to budget the downtown -- Austin downtown public improvement district.

[10:42:33 AM]

Some of the people called me this morning actually right after I got out of the hospital and voiced concern as to why and what and where. So I apologize to you all. I was not able to get the backup, but if you could enlighten us a little bit on that, what this is all about, if possible. And I thank y'all for that.

>> Mayor Adler: Thank you, sir. Ms. Houston, you had pulled a question on the south congress pid benefits, which is item number 21, related to 19 or 20. Should we pull up staff and -- we can either pull it or you can ask questions and leave it on consent?

>> If I could ask questions that would be fine.

>> Mayor Adler: Is there staff present to speak to that item? Would you come down, please?

>> Thank you. Kevin Johns, director of economic development. And with me is David Culligan, who is in charge of global business center expansion programs.

>> Mayor Adler: Ms. Houston, did you have a question?
>> Houston: I was looking under the administrative costs. Can you tell me what falls under that? Is that staff, attorneys' fees? What determines what administrative costs are?
>> The administrative costs that are covered through what it is that you're looking at are administrative fees and then also legal fees.
>> Houston: Is that -- who chooses or chose the lawyer or the firm that worked on this particular public improvement district?
>> The south congress pid association are the ones who chose their own lawyer and then they chose an executive director who was running the pid for a matter of three or four months.
>> Houston: So is it our practice in a public improvement district to pay attorneys' fees?
>> These were fees that were accrued for start-up costs.

[10:44:35 AM]

And by practice, no, this is something we have not done in the past, but I may need to rely on legal to provide more of an answer for what it is that could be provided underneath state statute.
>> Houston: Okay. That would be helpful. Can we know who the lawyer is that is getting this money?
>> Sure.
>> The city attorney?
>> Houston: No. Whoever we're paying under the administrative costs for the public improvement.
>> I'll let Cindy discuss that.
>> Good morning, mayor and council. Cindy cross by, assistant city attorney. None of the city's legal fees are covered in these costs. These are costs incurred by the association that wants to have a management agreement with the city to manage the pid. Their law firm is Armbrust and brown and the three attorneys on the bills that we received was Hollingsworth, Mr. Suttle and Sharon Smith.
>> Houston: How much was the total cost of those legal fees?
>> The total cost has been approximately 56,000. There was also about 8,000 in administrative fees for the director Andy Moore.
>> Houston: Thank you. Thank you.
>> Mayor Adler: Okay. Thank you, do you want to remove the pull on item 21 or leave it on.
>> Houston: [Inaudible].
>> Mayor Adler: Okay. So the items that I'm showing then being pulled, I understand Ms. Pool wants to pull item number 9 so we'll pull item 8, 9, 10, 13, 24, 31, 35 -- 39 is being postponed to February 4th. 42, 50 and 56, which is set for two P.M.

[10:46:36 AM]

And 24 was taken care of and stays on the consent agenda. Ms. Houston wants to be shown as voting no on item 21. Do you want to be shown as voting no on 19 and 20, which are related --
>> Houston: [Inaudible].
>> Mayor Adler: Mr. Zimmerman is being asked to be shown as abstaining on items 2 through 5, abstaining on 11 and 12, abstaining on 14, abstaining on 17 and 18. Shown as against on 22 and 23. Abstaining on 24 through 29.
>> Zimmerman: That's against 29.
>> Mayor Adler: Against on 29. Abstaining on items 40 and 41. Abstaining on 43 and 44, and voting against 45, abstaining on 49, abstaining on 54.
>> Zimmerman: That's correct, thank you, Mr. Mayor.
>> Mayor Adler: Thank you.

>> Houston: I'm abstaining on 20 and 58.
>> Mayor Adler: Abstaining on 20 and 58.
>> Houston: And 19.
>> Mayor Adler: And 19. Yes, Ms. Troxclair?
>> Troxclair: Can I be shown as abstaining from items number 5, 9, 14, 18 through 21 and 42?

[10:48:41 AM]

And then voting no on items number 4, 22, 23, 31, 43, 49 and 54.

>> Mayor Adler: Okay. Some of those items have been pulled so we'll show you with a vote on the unpulled items. Mr. Casar?
>> Casar: On item number 35, which I pulled under police, I would submit to the council that just on in this consent agenda so that anybody here for that item can go home, that we put this back for two council meetings. There's agreement from the police department and UT and community members, this is an extension of an interlocal agreement for the research being done to evaluate the restore rundberg process. And in talking with lots of folks, people are excited to meet with the head researcher about what that report is going to look like, so we can put that community meeting together and the police department and UT police say there's no effect of waiting a couple of weeks while the researcher meets with folks to talk a little bit about what UT is planning on doing with that project. So that folks can go home, I would submit that we put that off for two weeks through our consent vote.
>> Mayor Adler: Anybody have objection to making it on consent that this item is put off for the first available meeting after two weeks from today? Okay. Then that's how it will be on the consent agenda.
>> Casar: Then I'd also like to pull item 9.
>> Mayor Adler: It's been pulled. Yes.
>> Tovo: Mayor, I just want to confirm is 55 pulled from the consent agenda?
>> Mayor Adler: 55 is not pulled.
>> Tovo: I believe we had one speaker signed up, Mr. King. I'm not sure if he's already spoken on the consent agenda. And we did have one speaker signed up for the item that is sounds like we just postponed or councilmember Casar has signed up to postpone.
>> Mayor Adler: Mr. King had a chance to vote on -- to discuss 55.

[10:50:43 AM]

>> Tovo: Okay. Sorry, I apologize for missing that. I believe on item 35 we have one speaker. If it's being put on consent for postponement.
>> Mayor Adler: Okay. That speaker would be Cynthia Valdez.
>> No, that's fine.
>> Mayor Adler: She's fine.
>> I'll withdraw.
>> Mayor Adler: Thank you, mayor pro tem. All right. Do you want to speak on -- did you speak on item 55? I wasn't looking at the Numbers before? Mr. King? I don't want to --
>> Yes, I did.
>> Mayor Adler: Okay. Just making sure. All right. So that then -- again, the items pulled are 8, 9, 10, 13, 31 -- 39 is postponed. 42, 50 and 56 set for 2:00 P.M. Is there a motion to approve the consent agenda? Mr. Garza -- Ms. Garza moves, seconded by Ms. Gallo. Those in favor of the consent agenda besides what people said into the record please raise your hand? Those opposed? That's unanimous on the dais. So let's now work our way through some of these items. Is one of these items, Mr. Casar, pulled by -- special guest?

>> Casar: So I know that we were going to be having some debate on the quarter-cent fund because it's been pulled, but the Austin monitor had a partnership with Lanier high school in my district, getting students at Lanier informed about what the city council does. And those students have joined us here today and have a presentation for us. They came and talked to me about what their priority was for the city council to be working on, and interestingly enough it's on our agenda today, so they're here to talk.

>> Mayor Adler: Okay. If we could have the high school class come down we'll take that presentation. Did we set this for a time certain at our work session on Monday to pull up or no? It wasn't one of the items?

[10:52:46 AM]

>> Kitchen: No, it was on consent, but pulled for consent. We didn't set a time certain.

>> Mayor Adler: It's been pulled, though.

>> Kitchen: It's been pulled now.

>> Mayor Adler: I was trying to make sure there wasn't a time certain issue that I was about to violate here.

>> Troxclair: I just want to say I only pulled it because I had a small update based on conversations with the transportation department this week, so I just have a little amendment regarding the quarter-cent funds for my district, that's all.

>> Mayor Adler: Okay. Gentlemen? You have your attention. While they're getting ready, do you want to give us the quick update, Ms. Troxclair?

>> Hello, I'll start off. Good morning, mayor and councilmembers. Thank you for allowing us to come represent an important issue that has been around the north Lamar region for years. I'm Rene Juarez.

>> I'm Jorge naja.

>> Mayor Adler: This is number 50, I'm sorry. Item 50. Quarter-went fund. Quarter-cent fund.

>> We're just waiting on the powerpoint at the moment.

>> Mayor Adler: That's okay. Where do you go to school?

[10:54:47 AM]

>> We go to Lanier high school.

>> Mayor Adler: How did you end up doing a project on the quarter-cent?

>> We got presented this project during our government class, Mr. Cannon right here presented this project for us. And we were some of the few who followed through with it and did most of our research.

>> Mayor Adler: Well, thank you for following through. You can begin.

>> All right. We are current students at Lanier high school and community advocates of north Lamar. Today we would like to bring attention to the area of north Lamar between 183 and Parmer lane.

>> Okay. So there are currently 45,623 people living in the zip code of 78758. The main road for the citizens is mostly will be north Lamar. However, it is not a city code, we learned. It is a state highway. Which most people walk along. Our demographics on this would be we got a fatality report that we had searched, and found online that 82 fatal accidents in between Lamar and 22, around Lamar Parmer, Lamar and rundberg.

[10:56:52 AM]

The two most dangerous highways, most dangerous roads in Austin were two among the Lamar and Parmer and Lamar and rundberg. Some of the other ones would be down south along in this area and that's what we did our research on. In 2011 Mr. Preveep know, a concerned citizen, sent a letter to the

city concerning about -- regarding efforts to improve sidewalks and intersections.

>> Now, this is the letter that Mr. Trevino sent the city of Austin. As you can see we have it right there. Now, during our investigation we found out that the 2016 fiscal budget includes an improvement plan for both the intersections of Lamar and Rundberg and Lamar and Parmer. These improvements consist of spending a projected amount of \$525,000 in each intersection. However, these improvements are only for car accidents. They do not concern pedestrian safety. >>

>> So in our resolutions we would like to add a traffic light and cross-walk along the Fairfield and Lamar and more sidewalks along both Lamar and -- both sides of the Lamar corridor. Pedestrian safety is a big part of Lanier high school because there are only two buses that can actually take kids back home so most of the school you would either have to ride home or you would have to walk.

[10:58:52 AM]

And there's a large influx of people walking towards the north Lamar intersection of Rundberg.

>> This is all we collected on our semester of class for -- with our teacher here present. We thank you for this opportunity to speak before y'all. Thank you very much.

>> Mayor Adler: Thank you very much.

[Applause]

>> Mr. Mayor --

>> Mayor Adler: Hold on one second, please. When you come and testify you don't get off that easy.

[Laughter]

>> Houston: Who is the teacher again?

>> Tovasco.

>> Right here.

>> Houston: Thank you.

[Applause]

>> Mayor Adler: Mayor pro tem?

>> Tovo: I wanted to thank you for coming and raising this to our attention and also to your teacher for constructing real life projects within your classroom, and I think the information you presented was interesting and useful and I wondered if you had been able to talk with your fellow classmates at Lanier and get their feedback about what they saw in terms of the dangerous intersections?

>> Well, actually I have a testimony. My sophomore year actually I used to work the intersection and it was pretty hectic because drivers actually drive very fast, even though there's speed limits. It was a constant battle whether I was going to get ran over or not because there's no cross-walks, there's no crossing the road. Most people would agree at Lanier high school that it is very dangerous to cross that road, just because drivers take no consideration about the pedestrians crossing.

>> Tovo: Yeah, thank you. Thanks for your concern about safety for yourselves but also for your community.

[11:01:00 AM]

>> Mayor Adler: Yes, Ms. Gallo.

>> Gallo: You know what my question is going to be. So I ask this -- thank you so much for taking your time to come down here as the future generations of leadership in Austin. We so appreciate that. But every young group that comes to talk to us I always remind them that when you turn 18, usually I ask this question and a lot of times they don't know the answer but when you turn 18 the very first thing we want you to do on that day off go to school is to register to vote. So if you will make the commitment to us and to your councilmember that you will do that, we need people like you as future voters. So thank

you for being here, and I will take your nods as a pledge that you will do that when you turn 18.

>> Thank you, thank you.

[Applause]

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

>> Thank you.

>> Yes, Ms. Kitchen.

>> Kitchen: I just wanted to add one thing.

[Laughter] You're never going to get out of here. So, no, again, I really, really appreciate because what you just showed us was the benefit of this program. And I also wanted to let you guys know this is not a one-time thing. We're going to be talking about other transportation needs this spring and we're going to be talking about the bus system. So we'd love for you guys to continue to participate and tell us what's important for y'all. Thank you.

>> All right. Thank you.

>> Mayor Adler: I think you're off now.

[Laughter]

>> Casar: Makers they can be off but I will note that in the final projects list that was presented by staff and presented by my office, the area around Lamar and Rundberg was actually the number 1 ranked grouping in the entire city of needs. And so with an affirmative vote today -- this is -- it was a rare instance when this class got to come and speak with my office, and I told them I was actually going to address the problem within a few weeks. That's a rare opportunity that we get with today's affirmative vote we'll be putting over a million more dollars into sidewalks around the north Lamar and Rundberg intersection crossings with the highest ranked crossing being to get to Lanier high school at Fairfield and there will be discussions with TxDOT to see if we do that as pedestrian hybrid beacon or full-blown automobile crossing along with crossings further up on Lamar boulevard and the local neighborhood is dedicating a lot of volunteer hours to fill in the gaps in the sidewalk all the way to the high school and start painting some of the many of the north Lamar bridges that -- bridges that you cross on your way from home to the high school.

[11:03:36 AM]

So I hope to continue seeing the commitment from the community to take a look at this area. I thank you all for your support. Councilmember Kitchen came and walked north Lamar alongside many community members on a hot day, in the dust and ditches. I hope we can both maintain affordability in the area and bring improvement. Thank you all for participating. Thanks to the monitor and to Google for your partnership at Lanier and look forward to continuing to work on this issue. Thanks, y'all.

>> Mayor Adler: Mistroxclair, did you have something on -- Ms. Troxclair, did you have something on item 50?

>> Troxclair: I passed out an amendment. I want to thank the transportation department and all the staff for being patient with me, based on my original list they brought some things to my attention so we worked with them this week to make sure that as many projects as feasible were on the list that they were going to be able to follow through with everything within their jurisdiction. So there were -- I don't know if other councilmembers had stuff to pass out.

>> Mayor Adler: Yes. Ms. Garza

>> Garza: We made last minute changes to our list as well so this is just reflective of what those changes are.

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Yes.

>> Zimmerman: While those are being passed around I'm in possession of these three sheets. They look

similar. They're identified by D district. It looks like some last-minute edits, district 2, district 4, district 8. I'd like to move that we accept -- you're not done yet? Okay. I'll wait for you. Then I'll make a motion.

>> Mayor Adler: Ms. Houston.

>> Houston: Mayor, we've had conversations with transportation but I want to show y'all a quick clip about manor road to make sure that although they're working on something, I want everybody to see what a problem that is for pedestrians as they go E eastbound walking in the bicycle lanes.

[11:06:01 AM]

[Video playing] We're coming up on salvage vanguard to the right with cactus where a sidewalk maybe could be. So in order to get to the E eastbound bus stop that's past Miriam street, which is going to be on your right, this is how pedestrians have to travel because this is a major road into and out of the university of Texas. We have a lot of bicycle traffic also. When the capital metro red line stops at the N station stop on manor road, then the cars back up to Miriam and it gets very congested and very crowded. I understand from the transportation people that they will begin to look at some possible solutions to that. I have some fairly high-dollar requests on Johnnie Morris road where a young man was killed this past last year and if that does not work out I want to make sure we don't use that money for other things and that we can reprioritize the money within our area to make sure that we're addressing some of the needs of the people who live in district 1.

[11:08:27 AM]

So I just wanted y'all to see -- we're still not at the bus stop. The bus stop is down across the street from that yellow building. Chris is walking kind of slow there.

[Laughter]

>> It's a good distance from one bus stop. One is further west and there is a sidewalk there, but once you leave that, you're trying to get to your -- maybe an N station using transit. This is where you have to walk because there are sidewalks -- oops, that's a big truck. That's not a construction company truck but because of the building over the university of Texas this is the route those 18 wheelers use as well. I understand there's some topography problems with trying to put sidewalks there, but this is dangerous. This is a public safety issue. And we've just been fortunate that we have not had any pedestrian deaths and fatalities here. This is Miriam. There's the bus stop. We're coming up on the bus stop right there. And that's the only sidewalk to get to the bus stop and then from there on we're back in either weeds, where the yellow sign is, or back in the bicycle lane. And I want to thank Chris Hutchins for walking that distance so people can see. Sometimes words don't impact people but this is dangerous. It's been like that for years. Thank you, sir. And thank you for indulging me on that.

>> Mayor Adler: Are there any further changes to the schedule that have been attached? Mr. Zimmerman, you want to make your motion.

>> Zimmerman: Thank you, Mr. Mayor.

[11:10:28 AM]

I'd like to move adoption of these edits from councilmember Garza, councilmember Casar, and councilmember troxclair.

>> Mayor, I signed up to speak on that.

>> Gallo: Makers I have a clarification while the speaker is coming up. So in district 10, just so that it's -- it's a -- and I apologize. It's a little confusing and I have to say public works and transportation were great. On Tuesday we expressed concerns that we had changes that needed to be and they were very --

they were great about working with us very quickly to try to get this done. But I just want to make sure that the -- it's -- there's a imitation of sheets for -- combination for sheets in district 10 and the late backup item is kind of an accumulation of all of those and I wanted to make sure there wasn't any misunderstanding with that S O. . .

>> Mayor Adler: Okay. We have speakers speaking on this item number 50.

>> Good afternoon, I'm S usanna. As you may know the master plan in 1928 segregated Austin with low-income and people of color living east of I-35. Since those times we were the last ones to get street lighting, drainage, you name it so we've been waiting for decades for improvement and is some have come. For instance, the montopolis community is one of the lowest income neighborhoods in all of America. This neighborhood has the highest rate of childhood poster than 98.5% of the U.S. Neighborhoods. When we look at our neighborhoods and we have to look at equity, we also have to look at how long east Austin neighborhoods have been waiting for improvements. When I look at the capital transportation authority quarter cent there is not equitable distribution for district 3.

[11:12:31 AM]

In 78702 there are only two projects being funded. Two sidewalk projects for 106,200. In Mon top list we're getting two projects, in 78721 we're getting the humps at Ledesma for 4,800 and then Ledesma is getting a median island at Springdale for 10,000. That's 14,800 going to 78721. When we look at 78741 we're only getting two projects. That's the montopolis or median removal so people can go into the southeast health and wellness clinic and then hybrid, we now presently have a yellow blinking light. When we look at 78745, it's getting \$1,373,080 for all its projects and you breakup the projects, it's receiving \$952,080 for sidewalks and receiving 421,000 traffic signals, hybrid lights. So you have to look at an equitable distribution for district 3. When you see east Austin that has been neglected for decades and the opportunity to now fix sidewalks, structures, so forth and you don't get that money at all, again, west Austin, west of the what I is getting the funding. And then you along at one specific item, \$400,000 for bike lanes from Riverside on I-35 to Ben white, which is going to only facilitate less than 1% of the population. When you have a population of east Austin that has been waiting, has always been neglected, doesn't -- you saw Mrs. Ora Houston show -- councilmember Houston show how manor doesn't have sidewalks. This is the history for a lot of people. In the Santa Julia area, a gentleman has been waiting 50 years to get sidewalks and I have to say this is a disproportionate and unequal distribution of the quarter cent tax fund being used when we've all paid into it.

[11:14:44 AM]

Thank you.

>> Tovo: Thank you very much. Our next speaker on this item is David king. Mr. King, you will be followed by Daniel Yanez.

>> Thank you, mayor pro tem, councilmembers, my name is David king, live in the zilker neighborhood and I certainly appreciate the comments about equity and I know that's one reason we have the 10-1 council and I trust you will make sure there's equity in the decision you're about to make and I think that's a priority. Speaking about my N neighborhood, there are three items on the list that are important to my neighborhood, and they total about \$120,000. That doesn't seem like a lot of money but the impact it's going to have to have those three projects in my neighborhood is multiplied a hundred times that cost or more because it could save lives. There's a two-block sidewalk extension that we are asking for that never gets on the priority list, never guts F ended. It's been there ten years. It's an important sidewalk. To close a gap that leads to our school and leads to our park. And people have to get off into the street on this winding, steep road to get past that gap. So that's a safety issue. Another issue is a

pedestrian beacon on Lamar boulevard to have more safe pedestrian crossing and to facilitate what we all want, more pedestrian activity, less vehicular activity and we need safer pedestrian strategies like this beacon. Then there's a speed hump. That's all it is, a speed hump in our neighborhood again, all about safety to slow the traffic down. So that's really -- doesn't sound like a lot but that's so on and I know that's true with every neighborhood in our City. They have those kinds of needs as well. I see this as a strategy to help us address those specific needs in a very efficient and quick manner and if we look -- if we need more money, obviously, this is just a drop in the bucket.

[11:16:48 AM]

So I look forward to hopefully a bond that we can then pass to really get some more money for sidewalks and for pedestrian and bicycle infrastructure and I think that's something we all can support and I look forward to that so we can make good progress here. Thank you for bringing this forward and I hope you will support this resolution. Thank you.

>> Tovo: Councilmember Kitchen.

>> Kitchen: Mr. King, I want to thank you and the members of your neighborhood as well as the others throughout district 5 that helped me work through the process of identifying what was important to each one of our neighborhoods. So thank you very much. You're absolutely right. This is another plug for the public conversation that the council is going to be getting on February 3 with the public because there's obviously a lot, lot more that needs to be done and we need to talk about what those are and how we pay for them. Thank you very much.

>> You're welcome. Thank you very much for your leadership on this.

>> Tovo: Our next speaker is Daniel Yanez and after is Jorge Nava. I don't see Mr. Yanez. Mr. Nava you're next, Jorge. After -- no Mr. Nava. Our next speaker then is Renee Juarez and last speaker is Everett Mead. Are any of those speakers or anyone who else wishes to speak about item 50 here in the chambers? Okay. That concludes our speakers. Council, is there a motion on this item?

>> Zimmerman: Thank you, mayor pro tem. Yes, I had made a motion we approve -- that we amend Item 50 with the editions -- additions from councilmember Garza, councilmember Casar and councilmember Troxclair that are on the sheets handed out.

[11:18:50 AM]

>> Tovo: Let me ask, do we have a main motion on the table? I don't believe we do. Why don't you move approval of the item.

>> Zimmerman: I move approval of item 50.

>> Tovo: Councilmember Kitchen seconds that.

>> Zimmerman: I make the motion to amend item 50 with the late backup edits from councilmember Garza, councilmember Casar, and councilmember Troxclair that were distributed on the dais.

>> Tovo: Is there a second?

>> Kitchen: Yes, I'll second it.

>> Tovo: Let's vote on the amendments. That's unanimous on the dais with the mayor off the dais. Any other comments about the quarter -- about the main motion? Councilmember Houston.

>> Houston: Just want to repeat that if some of those larger-priced items are not able for engineering reasons to be accomplished in District 1, I would want to look back at reusing it somewhere within the district.

>> Tovo: Thank you. Councilmember Zimmerman.

>> Zimmerman: I'd like to assure councilmember Houston that that's reasonable and I'm 100% supportive of that P policy.

>> Tovo: Councilmember Renteria.

>> Renteria: Yes. And I also want to let the public know that, you know, we have over a billion dollars worth of sidewalk improvement that we need to do, so this money we got, it's just a one-time money and hopefully that -- you know, in the future when we do our bond election that's the citizens will give us permission to -- and their blessing by voting for the bond when we do our next sidewalk improvement program.

>> Tovo: Makers I'll turn it back to you. We've concluded the citizen comment and I believe may have concluded the council comment.

>> Mayor Adler: Just parenthetically I'll say that I'm appreciative of the sentiment from the council that the way we handled this was kind of a one-off deal.

[11:20:50 AM]

That said if we're ready to vote then, those in favor of item 50 as amended please raise your hand. Those opposed? We'll make that unanimous on the dais. Yes.

>> Troxclair: I just want to say thanks again to councilmember kitchen, who got us all to this point. I know we all have neighborhoods very excited about the projects that are going to be funded with this money. So thanks for your leadership.

>> Mayor Adler: All right. Let's go then to the next item that we have.

>> Tovo: Mayor, did you want to go --

>> Mayor Adler: Talk to me about the consent committee?

>> Tovo: I think there are a few we could move quickly through, 65 would be the first that I'd suggest and that's the item that went to -- no, we've concluded the consent agenda other than the items that were pulled. I think the mayor was asking if there were items on the committee agenda we can move through quickly.

>> Mayor Adler: I'm trying to see if there are consent items elsewhere on the agenda so staff doesn't have to sit here if it's truly a consent item we can let more people go.

>> Tovo: I would suggest 65 for starters and probably the two zoning cases as well.

>> Mayor Adler: 65 is downtown commission changes, changes the appointment schedule. Is there a motion to approve that item number 65?

>> Tovo: I'll move approval. We had an opportunity to address that twice at audit and finance and I feel comfortable with the proposal suggested.

>> Mayor Adler: Mayor mayor pro tem moves. Is there a second? Mr. Renteria. Is there any discussion on this? Those in favor please raise your hand.

>> Zimmerman: I'm sorry. Very briefly, to summarize what -- just summarize what it is again? Summarize what it is in a few sentences.

>> Tovo: The downtown commission has undergone some changes in membership and with the expansion of the council it was up to 15 voting members and that was creating some quorum issues.

[11:22:55 AM]

So with the help of our staff liaison, Mr. Forge and the feedback of others, they came back with a plan for the committees. The other commission that's currently appoint members to the downtown commission will still have representatives but those won't all necessarily be voting members and so that makes the quorum balance more achievable on a monthly basis.

>> Zimmerman: Thank you.

>> Mayor Adler: Okay. Further discussion? Those in favor please raise your hand? Those opposed? That's unanimous on the dais so item 65 passes.

>> Mayor, item 9.

>> Mayor Adler: We have -- you want to call up item 9?

>> Pool: I'd like to request a postponement so an ad hoc group of council can meet with staff to review elements that are included in this potential contract. I'd like to ensure that the contract aligns where possible with the specific goals of the integrated water resource planning task force and the larger goals of the city and also give us some time to get some additional feedback from those who have raised C concerns. So I'm thinking -- I don't have a date, but --

>> Mayor Adler: We could say the first available meeting, when it's ready you could then put it back on the agenda.

>> Pool: Sounds great.

>> Mayor Adler: Let's see. Is staff here. Is there any reason you would advise against delaying this item?

>> Zimmerman: Mr. Mayor? Point of order I'd like to second that motion.

>> Mayor Adler: It's been moved seconded by M R. Zimmerman. Staff, is there any reason why this would -- any concerns about delaying this item?

>> No concerns on the delay. I would add that this contract is broken up into two pieces. This is just the selection phase and we plan oncoming back to the council per our task force request and we concurred for the detailed scope.

[11:24:58 AM]

So if you're look to go review the scope that will come in a second transaction later, once we select a firm.

>> Pool: Good information. Thank you.

>> Mayor Adler: It's been moved and seconded that we delay this until you've had a chance to have that conversation and then it gets put back onto the agenda. Mr. Zimmerman.

>> Zimmerman: Mr. Mayor, this sounds like there could be some important policy issues here and there's a million dollars involved so is there an objection to having this come before the public utility commission to discuss, you know, what we're going to do and why we're spending a million dollars?

>> Pool: Mayor, if I just might -- I'm sorry.

>> Mayor Adler: What I was going to say is my preference would be just to postpone T his. But let it give the committee a chance to set it on its agenda if that's something the committee wishes to do.

>> Zimmerman: Thanks.

>> Mayor Adler: It's been moved to pull this from the agenda pending conversations and then just put back on. It's been seconded. Those in favor please raise your hand. Those opposed? Okay. Item number 9 is going to be postponed. Yes?

>> Gallo: Can I just talk about an observation? In some of our rcas, kind of the cover sheet for each of these agenda items, the vote is specific. There's specific dialogue about the vote from the different boards and commissions. And if we could manage to have a consistent way of giving us that information. This one just says it was recommended by both of the two, the task force and the commission that it went B efore, but it really is helpful to us when it shows what the vote is and if commissioners were not there. I think if we could begin to have a consistent -- sometimes we see that, sometimes we don't. If we could always see it I think that would be very helpful for us.

>> Mayor Adler: Okay. Manager? Thank you. Number 9 has been approved. We're now back to the agenda. I'm trying to see if there's other consent item on the agenda.

[11:27:01 AM]

Do we think we can handle the zoning matters on consent? Yes?

>> Houston: Agenda item 13 I just have one question.

>> Mayor Adler: Let's do that quick and then I'll ask the question about the zoning C cases next. Item 13 is the filter system. Ms. Houston, you wanted to ask your question?

>> Houston: Thank you for being here. This may be a typo. I just need to make sure.

>> Sure.

>> Houston: It appears on T he -- in the backup that under hispanic sun total 2 689morales company got a billion -- was awarded 2,000,800 contract and as a non-minority contractor you also got 2.264 million. So was that a typo or how did she become a minority one time and a non-minority the second time?

>> Councilmember, director of small minority business resources department. We certify members and webs by commodity code. In this case they have graduated for one commodity code, meaning their size standards have exceeded the small business administration size standard but not for another commodity code. When we're looking at counting participation, we're counting participation where they are participating in one commodity code but not the other.

>> Houston: So in one commodity code she qualifies as hispanic female and in the commodity code she does not -- she's not eligible for that decision.

>> That is correct.

>> Houston: Okay. That was confusing to me. Thank you for explaining it.

>> No problem.

>> Mayor Adler: Thank you. Is there a motion to approve item 13? Ms. Houston so moves. Is there a second? Mr. Renteria. Any discussion? Those in favor, please raise your hand.

[11:29:03 AM]

Those opposed? Unanimous on the dais. That was number 13. What about the --

>> Troxclair: Mayor.

>> Mayor Adler: -- Zoning C cases? Do we anticipate conversation about the do you want to take us through those.

>> Greg Guernsey, planning and zoning. I offer both for consent. Item 73, for the property located at 2500 south heatherwilde boulevard, for third reading, public hearing is closed. This is to zone the property to single family residence, small lot, sf-4a, multi, moderate density for tract two and community commercial or Jr district Joan for tract three with conditions. Item 74, case c14 2015 0118, located at 6707 emerald forest drive, to zone the property to neighborhood commercial, mixed use, conditional overlay, neighborhood plan or Irmucomp combined district zoning. Note one correction that needs to be addressed on the ordinance under part two, paragraph F, where it says vegetative buffer, it's an undisturbed vegetative buffer and with that note I can offer that as also for consent. That public hearing, also closing the items. For those two, we offer those for consent today.

>> Mayor Adler: Is there a motion to approve item 73 on 3rd reading? 73? Okay. Ms. Pool moves. Is there a second? Mr. Renteria. Any further discussion.

>> Zimmerman: Mr. Mayor, this was the tract that had the issue of connectivity to the Travis county area roads, right? We had constituents objecting to the connectivity because the roads were undersized and had no sidewalks and proper drainage.

[11:31:12 AM]

This is the same project? We had extensive discussion O N?

>> Mayor Adler: Yes.

>> Zimmerman: Okay. Any further discussion? Those in favor of item 73 please raise your hand. Those opposed?

>> Zimmerman: I'd like to abstain on the vote based on the fact we couldn't get an agreeable outcome for everybody.

>> Pool: Mayor, I might show as an abstention. I did want to make a comment.

>> Mayor Adler: Okay. The vote then was 9-0-2 with two councilmembers abstaining.

>> Pool: What became clear my staff and I and transportation staff and folks at the county, Travis county, we don't have in place a work group from the two governmental entities that can get together and deal with issues that arise when the city of Austin development matches up to existing primarily rural level roads in the county. And so what I wanted to do is just make a statement that I'd like to see -- and I'll be coming forward with a resolution in the future to convene that kind of a working group at the staff level so that these issues of alignment and matching up of standard city roads, which are about 50 feet wide with sidewalks and drainage, where they match up with what the city calls substandard but they're rural roads, which tend to be about 18 feet wide and they don't have any kind of sidewalks at all. So we can work with our county partner and our other school district partners and other cities in the county to minimize the friction and the rub when the city-based development moves further out into the county. I counted most of the districts do have some interfaced with other governmental entities and we need to have a way, I think, for our governmental entities to talk together in advance of bringing a connectivity issue to council so that it can be resolved in a much more Policy-minded way and that we don't have people feeling like because they're not represented, Travis county folks are the most impacted but they're not represented by this dais and they felt like they did not have a voice in the matter.

[11:33:39 AM]

We did our best, but they're right irks they're -- they're not in the city of Austin. Where we line up with other governmental entities we need to have a lot of staff work and discussion with the community that's affected before we make policy Decisions on connectivity and zoning so that will be an initiative that I'll bring forward in the future.

>> Mayor Adler: Thank you very much.

>> Pool: Thank you.

>> Mayor Adler: We have Item 74. Is there a motion to approve 74? Ms. Garza and Mr. Renteria seconds. Any discussion on item 74? Yes, Ms. Garza.

>> Garza: I want to thank the applicant or developer for working with the neighborhood. It's always great to have a zoning case where the neighborhood and developer agree on the issue.

>> Mayor Adler: Any further discussion? Those in favor of item Number 74 please raise your hand. Those opposed? Ten yes, Ms. Troxclair off the dais.

>> Renteria: Mayor.

>> Mayor Adler: Yes.

>> Renteria: May I make a comment?

>> Mayor Adler: Yes.

>> Renteria: I agree with my colleague, councilmember pool, that, you know, there's gonna be a time where we're gonna have to really look at, you know -- at more of a Metro-type government because, you know, Austin is surrounded by all these other -- it's surrounded by a lot of county land that, you know, the roads are not made for the kind of traffic that we're Experiencing now. And one of these days we're really going to have to sit down and really look into, you know, figuring out what we're going to do with this whole metro area. We have over 2 million people now that are living in this area so I really -- you know, really support councilmember pool and sitting down there with our colleagues in metro government and really work this out.

[11:35:41 AM]

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Yes.

>> Zimmerman: I need to make a comment too. I'm not going to be in support of a bureaucratic entity to have bureaucrats sit down and talk about it. This is a problem that could easily be solved with civil engineers and money. It is a budget issue, not a planning and coordinate coordinating issue. The problem and dispute could have been easily solved if we committed the funds to improve the streets. It's a matter of priority in spending not in bureaucratic organization.

>> Mayor Adler: Thank you. Any further discussion on Item 74? We took the vote on 74 nap was a comment. App okay. That was approved. Let's along at item 66, this is the local business conference. Is there a motion to approve this? Mayor pro tem moves. Is there a second? Mr. Casar "Any discussion in those in favor please raise your hand. Those opposed? Unanimous on the dais. Item number 67 is asking the manager to take a look at public toilets downtown come back to us. Do you want to make this motion, mayor pro tem?

>> Tovo: I would. I think this is a strong need for our community and I'm very appreciative of all the community members and the stakeholders who have worked on this issue for a long time. I'm very eager to see this moving forward.

>> Mayor Adler: Okay. Is there a second to that motion? Ms. Garza. Any further debate on this item? Those in favor of item 67 please raise your hands. Those northern district of California.

>> Zimmerman: Mr. Mayor, I'm abstaining. I don't have enough information to be confident about that yet.

>> Mayor Adler: Mr. Zimmerman and Ms. Troxclair abstain so 9-0-1 vote.

[11:37:47 AM]

9-0-2 vote. Ms. Tovo.

>> Tovo: Mayor, I should have pointed this out earlier. It looks as if we have two citizens signed up to speak on item 67.

>> Mayor Adler: I apologize for that. Let's have the two speakers come forward. The first speaker would be reverend rim Rogers. Is reverend Rogers here? Take your time. I apologize.

>> That's okay. I appreciate that y'all just passed that but for those of you who felt like you didn't have information I wanted to give you more. My name is reverend Kim Rogers, associate pastor at presbyterian church. The alley behind our church is city property. I know this because when I park there I often get a ticket. As you know, they're not public bathrooms downtown, and that people don't -- who don't have access to public bathrooms use the alley behind our church so that they can maintain a shred of dignity. I know there's issues about safety. A deacon at our church, Vietnam veteran has been cleaning that alley for seven years. I have never seen a city employee clean that alley. If Brandon didn't do it it wouldn't get done and it would be a really, really big mess. I know that safety issues have come up and that's why I would like to address this right Now. The safety issue is not about the bathrooms themselves. It's about not having bathrooms. And what does that safety issue look like? One of the biggest problems we're having, human waste on our streets, and in our alleys, that is polluting our water, particularly waller creek and the water board has actually spoken to that and confirmed that. I don't know how we can deny people this basic need. It seems like there's also an issue of socioeconomic status because anyone in this room can go buy a cup of coffee and use the bathroom.

[11:39:53 AM]

If you're low-income you might not have budgeted for that so where do you go? I would implore you to investigate a little bit more the Portland loo model, it's a model that is both safe, well ventilated and not an inviting space for people to want to hang out in. I think it is incredible option for Austin but simply not providing bathrooms is not an option. It's not okay. And the citizens of Austin have been taking it into their own hands to clean up local businesses to clean up their own alleys, and that doesn't seem very just. So I just wanted to speak to this as both an environmental issue, a social justice issue that I hope we can follow up on quickly. Thank you.

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

>> So I, mayor and mayor pro tem, councilmembers, thank you. I signed up to donate my name to the last speaker here and to make sure she had plenty of time to give you that information and since she didn't use my time I will just thank you for passing this and thank you for taking the initiative to help those who need this kind of help and need dignity and respect. Thank you.

>> Mayor Adler: Thank you. Again, I apologize for not recognizing you sooner. The next item that we'll take up, anybody see anything that they -- jumps out as a clear consent item?

>> What about the ems staffing item? That would be item 71. We do have an alternate ordinance I think was passed out and if staff is here.

>> Mayor Adler:.

>> Mayor Adler: We think that's a consent item that doesn't really need discussion or should we. . .

>> Pool: Well, I can explain the agreement that the association came to with management.

[11:42:00 AM]

>> Mayor Adler: This is an agreed -- got you, okay. Let's pull up 71. Ms. Pool, you want to make your motion?

>> Pool: I would move approval of item 71, the alternate ordinance that was drafted by staff and that should be available to you in yellow. It's c.3469 pool alternate ordinance. This is a consult of the request -- that the council made of the emergency management system association to work with our management to ensure that we have sufficient ftes available to fill now in the communications division but not lose those ftes for future hiring, which is needed at -- in that department. And there was unanimous support coming from our staff and our ems folks and it came through the public safety committee and was recommended for approval by us here today.

>> Mayor Adler: Great, good work. Thank you. There's been a motion by M S. Pool. Is there a second? Mr. Casar. Any further discussion on the agreement? Yes, Mr. Zimmerman.

>> Zimmerman: Thank you, platform -- Mr. Mayor. We did discuss this in public safety committee. After 15 or 20 minutes of discussion I found myself agreeing with staff that I thought it was commendable that if the work could be done at the medic 1 left, that it was commendable to remove the higher-cost positions, you know, if the work could be done satisfactorily by a M edic 1 position, I supported their effort to cut the M edic 2 positions so that's why I was in support of staff and I'm not in support of the amendment.

>> Mayor Adler: Okay.

>> Zimmerman: I'm in support of staff's original request to cut, not the amendment to not cut.

>> Mayor Adler: Okay. Any further discussion on councilmember pool's motion? Those in favor please raise your hand?

[11:44:06 AM]

Those opposed? 9-2 with troxclair and Zimmerman voting no.

>> Garza: I think 68 will be quick. I know there's members who will vote against it but I don't think there

will be lengthy discussion.

>> Mayor Adler: Which one?

>> Garza: 68.

>> Mayor Adler: Okay. Let's call up item 68.

>> Garza: I believe there's speakers but they're okay. Not -- they're in favor but not going to speak if I looked at that correctly.

>> Mayor Adler: That's what the sign-up sheet shows.

>> Garza: Okay. I went over this in work session. This was a -- I don't know if councilmember Houston wants to speak to what happened in health and human services. I'm happy to say what the vote was.

>> Mayor Adler: Okay. You move -- let's get the motion passed real fast first.

>> Garza: Sure.

>> Mayor Adler: Ms. Garza moves item 71 --

>> Garza: 68.

>> Mayor Adler: 68, rather, 68. And seconded by Ms. Houston.

>> Garza: Ms. Houston, so is it okay if I say what happened? Okay. This was a 3-one recommendation from the health and human services committee. This simply is -- there was a previous policy in place after extensive work from some of our social service contracts and one voice that set in line a time line to get more funding to our health and human services department. I showed a slide at work session that showed there's been -- there has not been the same increases to this department. And I think the -- the comments we heard earlier about the public restrooms, I think, apply to this issue as well, social justice issue. The people affected most by the funding that comes from health and human services can't be here before us today and aren't able to be here before us today to let us know how important the funding is that provides these social service contracts for our most vulnerable population. So this is simply stating a policy goal that the council is committed to continuing increasing the health and human services budget.

[11:46:13 AM]

Again, we will have the discussion during the budget again and hopefully we will get those necessary -- that necessary funding for the department. I'll just speak to the slide that we showed -- that was showed to us at health and human services and at work session that other departments have in the past ten years have seen over 200% increases while health and human services has only seen 20% so I encourage my colleagues to support this policy goal. Thank you.

>> Mayor Adler: Ms. Houston, do you want to address this? Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. I'd like to speak against and I want to call attention to something in the resolution, the whereas section for -- whereas social services have been proven to be a return on investment with the benefit between \$4.10 and \$9.10 and benefits for every dollar. So my comment on this, if all these promises had panned out, the people of Austin would actually be getting checks in the mail from the city government because we've made so much money out of our taxes. But in fact the opposite is true. Every time we're promised we're going to get a benefit or a return for our taxes going up, we don't get a benefit or a return. We get higher taxes and even more expenses. And the second point I want to make is we go back to the 1920s and '30s when city policy segregated the city so that if you were of a certain race you were forced to live in a certain part of the city. Fortunately that segregation is gone. But we have a new segregation in place that's being institutionalized here of taking tax money from one segment of the population and redistributing it somewhere else. So I argue that this policy is social injustice because it institutionalizes economic segregation, and I'm enthusiastic by voting against it.

[11:48:21 AM]

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

>> Mayor Adler: Okay. There's been a motion to end debate. Do you want to let Ms. Gallo talk? Ms. Gallo?

>> Gallo: Thank you. I'm concerned more about the policy kind of procedure that this sets than the fact that -- that I know we need additional funding there and if you look at the votes during budget I certainly supported additional funding in many of those areas in health and human services. But I'm really concerned about the council beginning to push out policy discussions that say in the budget process we will look at increasing six -- increasing 3%. I mean, I think we can certainly talk about the transportation dollars that have continued to be smaller and smaller percentages of our budget, but I think if you take every department and start pushing out conversations that talk about what we want to do when we get to budget, it really seems to circumvent the process that should occur during the budget cycle. So I'm going to abstain not because I don't support funding for health and human services but I'm just a little concerned that we start looking at pushing out these policy directives for all the different departments prior to the budget cycle.

>> Mayor Adler: Mr. Manager?

>> Mayor, councilmembers, I certainly understand the worthy policy goal here. The only concern that I would express that some of the language here seems to indicate that as a budget policy that the -- that requires the manager to develop as part of the annual budget process for council consideration an increase to existing social services, et cetera. And so I guess maybe it's really clarification that I need. Does this mean that, if approved, the manager would be required to meet those goals in the budget?

[11:50:25 AM]

Because you refer to it as just a goal earlier.

>> Garza: In the proposed budget which usually significantly changes. Just like I remember sponsoring an autism item that had the same directive and that was processed in the budget you presented to council.

>> I guess what I'm saying is, you know, I may feel compelled to reserve my prerogative to recommend something other than -- that doesn't necessarily meet these funding levels.

>> Garza: And that's always your prerogative.

>> Okay, all right. That's fine.

>> Mayor Adler: Okay. Any further discussion on this item? Yes, Ms. Troxclair.

>> Troxclair: Mayor, I voted against this item in C committee. I just think that implementing -- just think that implementing automatic or even expressing an interest in implementing automatic budget increases for any department, without regard to the effectiveness of the programs, of the need for the programs, or -- or how our money can be used most efficiently to serve the purposes of the human services department is just irresponsible governance. We have the ability every year to evaluate the budget the city manager proposes to us and we have the ability to allocate dollars where this council sees fit and, as councilmember Gallo stated, we have a lot of needs in this city, we have parks needs, we have roads needs, we have energy needs, library, we have all these needs. We could come forward with the exact same resolution for all of those other departments because of course all of us want to have the best services possible, but the flip side of the coin is at what cost? And that is -- that is the key question that we have to struggle with every budget because then we have to turn around and ask the taxpayers for money to fund all these things.

[11:52:29 AM]

So making a decision about where money should be spent before we -- years into the future before we even get to actually see where the money is going or make a judgment call on how effective those programs have been is just -- is just irresponsible.

>> Mayor Adler: Yes, Ms. Pool.

>> Pool: I just want to say that one of the reasons I support the resolution that my colleague has put forward is because it is a signal from this body to the greater community about the care and concern we have for their health and safety. Some of these issues rise above all other things, and that is your fundamental health and safety. There isn't anything in the resolution that requires any particular dollar figure of U S. It is an aspirational goal, and I commend Chicago for bring councilmember Garza for bringing this through the committee structure and support it.

>> Mayor Adler: Further discussion on this.

>> Speaker1: Now may I call the question.

[Laughter]

>> Mayor Adler: Yes. In fact I don't see any other debate so you win that one automatically.

>> Houston: Okay, good.

>> Mayor Adler: We'll take a vote on this item. Those in favor of -- I didn't see you when I started. Go ahead, I'm sorry. I must have missed your name.

>> Thank you, mayor, mayor pro tem, councilmembers. You know, I think this is an important decision you're about to make and message you're about to send. It's almost like we don't recognize that we have such economic inequality in our city. It's almost like we're pushing that aside. And saying fend for yourself, particularly in a state that refuses to expend medicaid for the most needy. So I think this is a good signal to be sending.

[11:54:29 AM]

And I almost can't believe some of the things I'm H earing. It's almost like you don't care, with some of the comments that I'm hearing. And these people are vulnerable, and they're not here because they don't have a way to get up here and speak themselves. So I think -- I appreciate you bringing this Nish if I have forward and speaking on their behalf. I think in an economic system that is not working for all people and benefiting so few people, that's what government is for. That's when it needs to step in and say, the system is not working. We need to do something about this. And I think it's perfectly fine to say that you are going to set a policy to prioritize these kinds of needs above other needs in our city. So I urge you to vote for T his, and I appreciate you bringing this forward and helping the most vulnerable people in our society. Health care not an option. Good health care is not an option. It should be a right for all citizens and I applaud what you're doing here. Thank you very much.

[Applause]

>> Mayor Adler:.

>> Zimmerman: Platform?

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman:.

>> Houston: This is my third time.

>> Mayor Adler: All right.

>> Zimmerman: We can have a vote to call the question. That's fair.

>> Mayor Adler: There's been a motion to call the question. Is there a second to the motion to end debate? Mr. Renteria. It's not a debatable motion it it takes two-thirds of the council to do that. Those in favor of ending debate please raise your hand. Those opposed? Three of us. Debate is ended. We'll now take a vote. Those in favor of item 71 -- I'm sorry, item number 58 -- 68. 68. Those in favor of 68 please raise your hands. Those opposed? Those abstaining? All right.

[11:56:29 AM]

We have Ms. Gallo abstaining, troxclair, Zimmerman voting N O. Rest of the council voting Y es. It passes.

>> Houston: Mayor?

>> Mayor Adler: Yes.

>> Houston: What's the rule on one person who signed up to speak? I'm looking at item number 64, there's one person signed up to speak but I don't see the person here. Does that automatically get pulled for the speaker?

>> Mayor Adler: It's not on the consent agenda so it would be one that -- let's see if we can take that item up.

>> Houston: Okay. Joint item 64 is the African-American resource advisory commission change.

>> Houston: Mayor, I'd like to move adoption of the amended ordinance.

>> Mayor Adler: It's been moved.

>> Pool: Mayor, I'd like to second that.

>> Mayor Adler: It's been moved by Ms. Houston, seconded by Ms. Pool. That's number 61. We have --

>> Houston: No, 64.

> Mayor Adler: I'm sorry.

[Laughter] I have a new system here and I'm getting used to it. But the speaker signing up for this is Michael Lee. Do you want to lay this out first, Ms. Houston, or should we go straight to the speaker.

>> Houston: I don't see M R. Lee here.

>> Mayor Adler: Is Mr. Lee here? Okay. Ms. Houston --

>> Houston: Let me go ahead and lay this out.

>> Mayor Adler: Okay.

>> Houston: In 2006, the African-American advisory resource -- resource advisory commission was created and it was formed as a result of the quality of life work that had been initiated by the naacp report card, which was issued in -- report card issued in 2004. The city of Austin responded in 2005 with a quality of life scorecard, and according to a document that I was able to retrieve authored by M R. Linder, the scorecard was meant to be a guide and eventually to be a measurement of the city's commitment to providing the financial resources required to reduce key disparities in five areas, health care, housing, including affordable home ownership and homelessness, entertainment opportunities for professionals and students, employment opportunities and cultural venues, including museums, art galleries, music venues that was cited in -- cited in the original comparative analysis.

[11:58:59 AM]

During the presentation before council in 2005 he stated in order to garner measurable success initiatives would require an extensive, extensive financial investment. The financial investments required still has not occurred but the opportunity still remains was in 2005. The disparities that were talked about in the report card were referenced -- that were referenced in 2004 are starker in 2016 than they were back in 2004. So this commission was formed to advise the council and the city of Austin regarding the disparities, the challenges and concerns of the African-American community. Now, what happened is that originally the commission was composed of nine members appointed by council, which included the following historic organizations, the Austin area urban league, the capital city African-American chamber of commerce, the national association for the advancement of colored people known as naacp. In addition there was an individual recommended from pearl arts collective, which was a theater organization or performance venue organization, Austin revitalization authority. There was

supposed to be an individual employed as a professional health care worker, an educator and then two people from the community at large. In 2014, in December, the code was amended to admonition to the 11 members nominated by the council, the council will appoint six additional Members, nominated by the commission. Those additional members would have been the Austin revitalization authority, greater Austin chamber of commerce, black which I am better, naacp, Austin urban league and the African-American cultural heritage district community advisory board and the George Washington carver ambassadors. So we got to January of 2016 -- 2015, and there's some disagreement about what happened but because of the addition of these five additional people, the committee was having difficulty forming a quorum.

[12:01:16 PM]

The clerk came and spoke to everybody and we tried to work out something, and so what you have before us is what was passed out of audit and finance so that there would be four additional members added to the 11-member council and that's what we will move forward.

>> Mayor Adler: Moved Seconded. Still in debate.

>> Zimmerman: Thank you, platform. Thank you, councilmember Houston. Mr. Mike Lee was my appointment to the commission. He came to me early on expressing frustration that the commission was never making quorum so I want to commend councilmember Houston and councilmember pool for bringing this forward. I agree with Mike Lee that it would be better if the commission were 11 members appointed by council but this certainly moves us in the correct direction so I support item 64.

>> Mayor Adler: Other discussion on item 64? Those in favor please raise your hand. Those opposed? That's unanimous on the dais. Item 64 is passed. It is now noon. So we're going to go into citizens communication. The first citizen on our list is Suzana Almanza.

>> We're going to share the six minutes, if that's okay.

>> Mayor Adler: That would be mine.

>> Good afternoon. I'm Susanna, zoning and land use planning have been described by some scholars as not only as a root enabling cause of disproportionate burdens and environmental injustice but the fundamental and potentially most powerful of the legal weapons deployed in the cause of racism.

[12:03:16 PM]

The history of land use, planning and zoning in Austin helps to explain how the unequal distribution of environmental burdens has occurred and why these historical patterns have been the source of many environmental justice problems that confront people of color and low-income communities in Austin. Today we present a report drainage fees, capital improvement and equity in the city of Austin. Residents in east Austin have endured major flooding in the past years. East Austin residents have witnessed lots of lives, lots of property and property damage due to flooding in their neighborhoods. Due to recent flooding in east Austin we began to look at the drainage fee funds for capital improvement projects and I'll now turn it over to Adrian.

>> My name is Adrian Zeh and I'll be talking about the data we used and our findings. Our data is based on an open records request to the watershed protection department and also data from the U.S. Census bureau. What we were interested in when looking at this information is sort of projects that would sort of alleviate short-term drain concerns for residents and businesses in Austin. So we classified these as what we called active projects, which you'll see on the right side of the map there. They represented the majority of spending on C.I.P. Projects funded with drainage funds at 55% or 30.2 million. These are different than floodplain studies on the upper left-hand corner, which might have some effect for projects in the future but won't really have short-term resolutions. Those were also

minority of the total budget. Finally we have the buyouts which you see in the bottom left, mostly in south Austin, particularly in onion creek. Those are obviously really important projects to get residents out of dangerous areas.

[12:05:17 PM]

And improving conditions for businesses or residents who stay in the area. When we started to look at this information we wanted to see some patterns between demographics, income, also more physical things like the amount of impervious cover in a consensus tract or the amount of the floodplain in the consensus tract. What we really saw is that the majority of spend being -- spending was on a few large white expensive projects, 22 active projects of over 250,000 that accounted for 85% of active project spending. One particular downtown tract received almost a third of spending while 71 of tracts throughout the city received no spending at all. When we ran a hot spot analysis we confirmed the results that there was sort of a hot spot of spending in two downtown tracts. When you saw hotspots outside of downtown it was mostly related to large projects in area parks and there wasn't really much spending in residential or business areas outside of downtown. With that I'll turn it over to Susanna to talk about our recommendations.

>> Our recommendation in assessing the needs, reconsider the way it accesses the need. The city should conditional factors when assessing the need for a project. For every project the department does there's another project or projects that will not have the funds to do. Because the cost of the projects do not currently enter into the city's decision-making doing E extremely expensive projects is prioritized over doing a greater number of less expensive projects benefiting residential customers. Residents in areas like east Austin are assessed low scores despite having substandard streets that do not efficiently -- reduce the amount of street flooding and protect residential homes and small businesses from flooding in the case of large storms.

[12:07:22 PM]

Reconsider the way it assesses drainage fees. The city currently charges all residential customers based on a rate times the amount of impervious cover and percent of impervious cover. The utility should base rates not only on the individual's parcel land use but the land use of the surrounding P parcels. A high density apartment complex, for example, may not cause flooding issuing if proximate to a park or surrounded by lower density residential developments multiply a high density complex, drainage fees I issues -- drainage issues because extremely problematic. Furthermore, they are incredibly expensive to fix. I'll turn -- could be to conceive of impervious C overage as a cost and impervious cover as a credit similar to the way the residents with solar panels sell excess electric to power utilities. Wi thank you for your time and hope you will look at the recommendations and a more equitable distribution of a C.I.P. Funds so that money will be -- in the next budget diverted to problem solving and looking at issues in east Austin and all the flooding and damage that is happening. With that we thank you very much.

[Applause]

>> Tovo: Thank you, all. Next is Mr. Ed English. And Mr. English will be followed by Zoila Vega and Susan pantell. Welcome, Mr. English.

>> Thank you very much. Mayor, mayor pro tem, councilmembers, I'm ed E english, 33-year resident of north Austin and I'm here today to introduce an organization I formed in the final months of last year, audit Austin, and that's a udit, audit Austin. We're a grassroots organization focused on local government monitoring transparency, accountability and fiscal responsibility issues. We currently have just over 100 supports that are highly politically active and E engaged.

[12:09:29 PM]

We're a nonpartisan group with members from all areas of the city, all income levels and diverse range of interest. Our most active supports are involved in selecting those issues we'll be devoting our time to in the coming year. Backgrounds include expertise in energy matters, zoning, planning, neighborhood engagement, environmental issues, state government relations and include an accountant and two attorneys. Our goals are to ask questions of council, lay concerns when necessary -- raise concerns when necessary and offer suggestions within the spirit of cooperation and support on those matters that are within our areas of interest. We offer you some feel for what topics we take an interest in I offer three examples. Example one, last year's decision to update and expand lobbyist reporting requirements. We applaud this move toward greater transparency. Example two, upcoming selection of a new general manager for Austin energy. We discussed coming forward with a proposal to ensure transparency that no longer seems necessary if you read the Sunday statesman editorial on this matter. We agree with their position and would not change anything other than to add in the name of fiscal responsibility that the suggestion made by the city manager in the editorial that we may need to offer a new general manager more than the current salary of \$315,000 per year be carefully evaluated as to whether that is truly necessary. Example three, the drainage fee calculation method, in practice this fee restructuring may not be unfolding as the council had hoped for, planned for and intended. In closing we wish to wish council a productive and successful 2016. We hope to have the opportunity to meet with each of you and your staff members to establish a means of communication that is of benefit to you and the citizens of Austin. Thank you very much for your time. And, again, wish you a successful and productive 2016.

[12:11:31 PM]

>> Tovo: Thank you, M R. English. Ms. Vega? Again, next is Susan pantell. After will be Sharon Blythe and then Malcolm Yeates.

>> Councilmembers, I'm M S. Vega and I want to update you. Chief has not collaborated with Travis county of Texas -- fact she has changed the administrative procedure by passing council. This is what happened since then. November, they stated they couldn't trap in any property, private or public in the city. In December, Tony postponed the committee that was scheduled from January to March to negotiate with Travis county. In January, instead of negotiating with Travis county she informed -- without forming council or her superiors she informed Travis county that the city was giving 30 day notice for the contract. In January, a few days later, they told Tony to cease the contract. In January the animal advisory commission concluding with Tony to bypass council rescinded the [indiscernible] Have started responding to all 311 calls, they're not giving information on the -- telling them that Texas agrilife, all of this is delays and waste of resources. Tony's risk management is duplicating efforts and causing delayed response by 311. The protection officers are misinforming citizens, they're down playing aggressive -- specific" listed in the November -- they refuse to correct the website.

[12:13:37 PM]

We ask you to please caught Mr. Ott and ask them the process established by the resolution and the contract B E -- continue to be in effect. We request a public briefing to understand why Tony's administrative change in the public policy without a vote from council. We request that the city manager assigns any wildlife management duties to park rangers, removing it from animal services because their priority is the shelter. Last December when you a low -- when mayor Adler allowed Tony to come after citizens communication in a meeting in January Tony made several accusations I'd like to correct. Texas

agrilife has not -- they're not being trapped in the and I and citizens are not trapping domestic animals all over the city. I gave you a report from officer Moore it there's one case discussed and corrected in November at Travis county's commissioners court, it's a citizen that put in the traps, Texas agrilife left behind by mistake. The citizen has been trapping since 2013. Only one car was called because the citizen set the traps incorrectly. What's worse in this S situation --

[buzzer sounding]

>> Tovo: Please conclude.

>> Yes, officer Moore knew this in January and didn't tell Texas agrilife until November of the commissioners court. So this is no way to work together.

>> Tovo: Thank you.

>> Thank you.

>> Tovo: There's a question from Mr. Zimmerman.

>> Zimmerman: Thank you, M S. Vega. We've discussed this a number of times.

>> Yes.

>> Zimmerman: I'm never comfortable with the other party is not here to answer. I would love to have this hearing, you know, where we can get both sides in the room at the same time.

>> Mm-hmm.

>> Zimmerman: And really have the discussion. So do we have this on our --

>> I don't know --

>> Zimmerman: Public safety, health and human services? Have we decided when we're going to have this hearing that we need to have?

>> The aac rescinded the recommendations.

[12:15:38 PM]

I don't know where we stand. There was a meeting for March. So instead of going through the council they're going to -- administratively, so I don't know what's going on.

>> Tovo: Thank you. Ms. Susan pantell speaking about bus transit and after her will be Sharon Blythe talking about wildlife contract management.

>> Transportation is one of the most important issues that the city is facing and so far I have not heard the council talk about transit. I really hope that you will make transit a priority in the next few months, coming M months. Transit should be a foundation of our transportation system along with the roads. We really need a solid transit system. Transit is important for equity and affordability. Many people in Austin can't afford a car. They can only afford one car for their house, and they rely on transit to get to their jobs and also to get to services. Transit is also very important for environmental reasons. We are not going to achieve our climate-change goals by building highway lanes. We need to get more people on to the buses and other transit systems. Also we're almost out of compliance with the ozone standards. There's a lot of room for improvement in our bus system, and if you go out and ask people using the service, they'll say that they need a lot of improvement in access, in getting where they need to go. There also is a lot of room for improvement in speed so that people can get places more quickly and that it can compete with cars so we can have more people riding the bus. I'm really hoping that the council will be a stronger partner to cap metro. We have worked with capital metro in the past but we need to work more integrated with them.

[12:17:44 PM]

Capital metro is developing their long-range plans as well as a central corridor plan. The city is working on corridor plans around the C ity, as well as the codenext process and we should be integrating land

use and transit together so that we have compact and also connected. We need the connected part and transit is an important aspect of that. I hope that the city council will establish a strong policy from the top, stating clearly that transit is a priority and that that will impact all of our policies going down. Also, we need a strong public process, public involvement process. The public needs to be educated about transit options, and the public also needs to buy in. The public needs to buy in for funding, to approve funding and also to use the system. I'm working with a group called atxj, environmental justice. It's part of the Sierra club, and we are going to be making this issue a priority. Finally I would like to ask each of you to please ride the bus. It's a very important part of our city, and I recommend that you try taking it to work a couple times.

[Buzzer sounding] Try taking it to the grocery store, pick up your groceries and come home and try taking it on the weekend and see how that works. Thank you.

>> Tovo: Thank you, Ms. P Antell. I believe you have a comment or question from councilmember kitchen and councilmember Garza next.

>> Kitchen: Thank you very much. I sit on the cap metro board, as does councilmember Garza so I appreciate arrival -- all of your comments and the comments you're making are things we plan to be working towards and strengthening that integration of planning. It sounds to me like you're aware of the fact that cap metro is involved with connection 2025, okay, and so I hope you'll participate in that.

[12:19:49 PM]

And from the city perspective, I intend to continue to work with my fellow councilmembers to work on that integration between what the city does and what cap metro does because it's all a system and we all need to work together. One last thing is, I don't know if you're aware, but we plan, beginning on February 3, next week, as a council, to begin the discussion about transportation options. From the city perspective and how we might fund those. That includes our role in administrate how we can work in partnership with cap metro to support transit.

>> Thank you, councilmember. I look forward to participating in that process.

>> Garza: I was going to echo almost everything she just said. I wanted to also say please come speak before the cap metro board. That's another opportunity to have your voice heard. And I wanted to say that I do ride the bus. I used to ride it more before I had a child and I absolutely hear your concerns because after that it would take me an hour and a half to get to work, day care, from home, day care. So your concerns are heard loud and clear. We need to improve efficiency of our bus system and we're working hard to do that. Thanks.

>> Thank you.

>> Tovo: Thank you. Councilmember pool.

>> Pool: Ms. Pantell, one more. I want to thank you, and echo my colleagues' statements to build on what you have said as well, more robust schedules and more frequency. The other body that I would recommend that you look at is campo, capital area metropolitan planning organization. There's a lot of decision-making that happens with that group. And the city council has, I think, just one -- is it just one seat that we have on Campo? Two seats. Three seats? Well, we have four seats now.

[Laughter] But it's a big body and that's a minority member of members on that and it's a regional planning, and so your voice would be really important and the network that you represent would be really important also to amplify it at campo, because a lot of the decisions that are made there are exactly the things that you're advocating against, which is more concrete and wider roads.

[12:22:03 PM]

>> Thank you, councilmember. I have spoken at campo and everything. There used to be a transit

working transit working group at campo and I'm really hoping that gets reestablished so -- that was a subgroup that focused on transit.

>> Pool: It may that the members of this body -- may that be the members of this body here that are on the campo board could work to reinvigorate that working group. It sounds like that may be a piece of the jigsaw puzzle necessary to put in place too. Thank you very much.

>> Tovo: Thank you. Ms. Blythe and Sharon Blythe is speaking about wildlife contract management. Mr. Yeatts. Is Malcolm Yeatts here? You're up next.

>> Good morning, council, Sharon Blythe. We have coyotes at Austin memorial park. Photos have been taken of them. Please direct Mr. Ott to address this problem since it's reported that these animals stalk visitors making them feeling uncomfortable. Do you know that families own part of the cemetery through cemetery deeds filed at the county clerk? In 1989 I received a letter from the parks department providing me the guiding Rules for the cemeteries since 1989 those rules have not been updated in a public process. Let me put my powerpoint up. Excuse me. How do we get that? Okay. Where are my -- anyway, last fall parks employees assured that you the updated cemetery rules would have the public process. Since then nothing happened. Without rules anything can be placed in the cemeteries and inappropriate activities occur. Hours before the master plan was voted on memory council the parks department suddenly changed the plan leaving the size of the parking lot to the discretion of the parks department.

[12:24:14 PM]

The plan called for 30 cars originally but reduced to a ten-car parking lot with the advice of the environmental board and planning commission. However, the parks added future construction plans should be based on expected needs as calculated at that time. This is not a public agreement made with the boards and commissions or the open space committee. A heighth lot is not needed and allows for inappropriate programming not related to the cemetery. Please remove this footnote in the master plan to restore public faith in the boards commissions and the committee processes. Cemetery programming is not defined in the master plan so anything goes. I did have some pictures here that didn't get on the -- M Y -- I guess it's -- the parks department has allowed a cult to use the cemetery for inappropriate activities. These activities do not involve families respecting their diseased relatives. Skeletons are not appropriate to be shown in the cemetery. The same cult has been given keys to the chap toll use as their own, and have meetings. This inappropriate use must be eliminated to restore the sacredness of the cemetery. The parks department should be proactive, not reactive. The parks department uses bad business model by consistently making cemetery decisions without public input that affect families. The public is kept in the dark most of the time. This is not right. Will you please direct Mr. Ott to initiate changes to the parks department process out of respect to the families.

[Buzzer sounding] Since information is needed before the major decisions are made concerning these precious places and have a public rules process. Thank you.

>> Tovo: Thank you, Ms. B lythe.

>> Zimmerman: Quick question. Thank you, mayor pro tem. So it's interesting. We've talked about this before, but I think this highlights the complexity of the so-called values of the city. Because I think I share more your position that a cemetery is kind of a serious and solemn place for reflection and it's not an appropriate place, you know, to have a Halloween party.

[12:26:17 PM]

But someone else, it's not necessarily disrespectful of the dead but they think of Halloween as a time to remember people and it's conflicting values. And there's no way to satisfy both. So I think what I would

ask that we work on is more permanent endowment fund because we don't have a permanent properly invested fund for the cemeteries. Is that right.

>> That's right.

>> Zimmerman: There's some pressure for us to use the cemeteries to raise money to pay for the cemeteries.

>> Tovo: Let me caution us from getting too far down the road because misblythe is signed up to talk about contract wildlife management and now we're talking about cemeteries for which we're not posted.

>> Zimmerman: Your point is made. I'm going to stop. Thank you.

>> Thank you.

>> Tovo: Okay. Mr. Yeatts, welcome, you have three minutes to talk about help with the country creek trail and our last speaker will be Barbara trerell.

>> Malcolm Yeatts, chair of the east Riverside combined planning neighborhood contact team. I'm here representing the neighborhoods to does council to help our area achieve one of the major goals of our neighborhood plan. In 2004, the roc neighborhoods formed a group dedicated to building a trail to connect our neighborhoods with the two major parks in our area. With volunteer labor and private grants we built one and a half miles of the country club creek trail through gueroro park and adjacent properties. We have also maintained this trail for ten years. Once the trail is completed it will be park of the southeast Austin trail system that includes Williamson creek greenbelt trail and the onion creek greenbelt trail. We partnered with the owners of the apartment complexes along country club creek to create the recreational use easements in the drainage easement of the creek.

[12:28:18 PM]

There is one critical property along the creek that does not yet have an easement. The property owner is willing to grant this recreational use easement. One the -- once the easement is granted our neighborhood volunteers can create and maintain this trail. This section of this section of the trail will allow the pedestrians to use the existing underpass under Riverside drive to safely cross this major arterial road. We came to council in 2006 with the same request as today. We need the assistance of the city of Austin real estate department in order to create the recreational use easement. We are asking that city council direct the city manager to allocate the resources for the legal process to create this easement. Thank you for your time. Any questions? Thank you.

>> Renteria: Yes, can I -- can you contact my office with all that information?

>> Yes. I've spoken with David about this and so I'll send him some more information. Thank you.

>> Renteria: Thank you.

>> Tovo: Thank you, Mr. Yeatts. I misspoke earlier when I said our next speaker would be our last one. We have two after that. So our next speaker is Barbara Terrell. Ms. Terrell, welcome. You have three minutes. Your topic is noted as noise in the downtown area. After Ms. Terrell will be Samantha Rutherford.

>> Hi. I love music, so play it allowed. Next I'd like to talk about how I plan to leave Austin because I feel it's unfair. When I tried to get electricity in Hyde park, Austin energy took my driver's license and social security number and it took them about 22 days for me to get electricity , and undocumented immigrant just has to show their lease and their id.

[12:30:26 PM]

Why couldn't I just show my id and my lease? Also, the quality of life that you have envisioned for me. So that was Hyde park. So when I moved to -- when I moved to east Austin and lived at the kensington

apartments it was roach infested and we complained to the city of Austin and the code enforcement came out. And the person just came to the door and said it's not infested. He didn't even come inside. And as that chart shows the third reason, of course, is the corruption at A.P.D., so I need to leave if I don't want to end up dead, in jail. So that chart shows a pattern of practice from my time here in Austin. It shows that when I called the police that if you're a customer, which I'm not the customer, so -- if you're a customer then you're safe, you can commit any crime, assault, domestic violence, extortion. Then charges, no, there will not be any charges against you, no matter what. Also the police will try to get a charge against me for -- I've wasted their time. They're annoyed that I've even called 911 so they're going to try to find some bogus crime against me. And then they usually have them go do some action against me because somehow it gets some money out of me for no reason. In one year -- in 2009 before I even did this, I had don heygood, an ex-wife of an A.P.D. Employee, she was extorting me and somehow she got a judgment against me in JP court even though she was the criminal.

[12:32:37 PM]

I had called the police on her many times and she had stolen my research notebook where I was investigating when A.P.D. Had taken \$382,000 from my old employer treasury --
[buzzer sounds] So in conclusion, keep Austin weird, but not segregated, corrupt and unfair. And I guess I have to leave because I don't want to be dead or in jail, so see Yu later.

>> Tovo: Thank you, Ms. Terrell. Our next speaker is Samantha Rutherford. After Ms. Rutherford will be our final speaker of the day, Amanda Mitchell Diaz.

>> Hi, council. My name is Samantha Rutherford and my home is neighboring Williamson creek. I did purchase my home in June of 2014 as a first time home buyer and I knew I was purchasing a home in a floodplain. However I did take the advice from people I considered experts at the time, the real estate agent, the seller's agent as well as an engineer that I had come out, examine my land before purchasing, and all three said that my house was a safe purchase due to the preventable measures that the seller did to the home prior to me buying it. However in the short period of time I've been in my home it is very apparent that I am in harm's way. My fiance and I genuinely feel unsafe in our house. In the past six months we've evacuated three times. Three inches of water covered my garage and about an inch into my kitchen. Honestly we're fearful any time it rains and it's no way to live. I'm asking that you reconsider some of the homes that you took off the initial buyout list on the Williamson creek buyout list. I was told my home is in the narrowest part of the creek which increases the danger of the water coming into my house.

[12:34:38 PM]

After every rain we're cleaning out debris in the creek that specifically blocks and clogs the drain. The drain gets clogged constantly which allows the water to come over the street and into my property. When it rains and the water can't get over the debris, the street and fills with water and my home is in jeopardy. My fiance has lived in Austin for over 20 years. I have been a resident now for five. We are not developers. I did not purchase this home trying to make money off the city. I was Tolliver buy Tim by both the seller agent and my real estate agent that the city was not going to be purchasing homes in the area, which I liked at the time because I genuinely love my home. I just didn't understand the danger of the purchase. Another issue is the erosion along the creek is eating away my property. My fence is literally falling into the creek as you saw in the first pictures and the erosion is worse and worse after every rainfall. Even if I moved the fence up a foot or three feet, within a year it's inevitable that I will be in the same predicament. I've called the city on numerous occasions regarding the issue and I continue getting push back. I was told by the city they did not want to start a project of paving the creek or fixing

the erosion because my home was on the purchase list. The erosion is a huge issue. The city deemed my safe unsafe when they put it on the initial buyout list which is going to make it near impossible if and when the time comes for me to resell my home. The concern you all had for my house when you put it on the initial list has not changed. My family and I are in harm's way. Again, I'm not a developer trying to make a profit off of the city. I'm simply a first-time home buyer who didn't fully understand the danger of the Austin floods. And I'm asking you to reconsider the purchasing before a tragedy happens because it really is only a matter of time. After speaking with y'all today I hope you understand and that you've seen some of the pictures that --

[buzzer sounds] The danger we're living off of Williamson creek and I ask that you would consider some of the homes to be bought out. Thank you for your time.

[12:36:38 PM]

>> Mayor Adler: Thank you.

>> Gallo: Mayor? Excuse me, I have some questions, please. You have two people on the council that are realtors and so I'm really concerned about the process that -- and the disclosure that you went through when you went to purchase the property. Were you required to get flood insurance?

>> I was. And I carry it.

>> Gallo: So your lender was concerned enough about the risk that it's the lender requirement that causes you to get the flood insurance and they were concerned enough about the risk of flooding to require you to get flood insurance in addition to the regular insurance. So I'm just concerned that that in itself didn't give you pause for concern?

>> It give give me pause of concern on the serious preventive measures of the house, there is a French drain and I feel if the risk was as great as it is I shouldn't have been allowed to purchase this property. I knew there was risk, yes, but there are several homes in that area that hold flood insurance. I just honestly did not understand how high the risk was. By being right on top of the creek.

>> Gallo: So I just hope as the public as we bring this conversation more and more in front of the public that when people choose to purchase a property and flood insurance is required that they really do understand that that means there is a risk of flooding regardless of what improvements have been done to the house, that it still maintains that risk. So I don't know if we can work together as a community to make that conversation stronger, but I do think it is important as people buy homes and flood insurance is required that they understand that they are buying something that is a risk. I just wanted to make sure that was part of your process.

>> Yes, it was. I can be an advocate moving forward.

>> Gallo: Okay, thank you. Thank you for that. Appreciate it.

>> Mayor Adler: Okay. The next speaker that we have is Amanda Mitchell Diaz.

[12:38:46 PM]

>> Hi. Good afternoon. Thank you for this opportunity to be heard. This is very important to me and my family as well. I'm here to speak about the same thing. I also have a property in the Williamson creek area. We were one of the properties that was selected to be purchased or rather that was requested to be purchased by the watershed protection department. And we are also one of the remaining 25 homes that has not actually been authorized to be purchased by that committee. And I'm here to explain the impact that that's had on my family, being on the buyout list, but not actually being able to be bought out. We'd like to move -- we have two main reasons. The safety concern, I think that Samantha really covered it. She's my neighbor. We live just actually catty-corner from each other. So I back up to the same creek and I have three children, two of them are still very young, they're in car seats. And every

time it rains we have water come into our garage. The creek does rise behind us and then it covers the road. It's the same road and so cars can't pass on the road right by my house. We are also downhill from the bigger part of council creek and so there's also a danger, what I understand from the flood maps. I'm not an expert, but I understand that there's also a danger of overflow from the creek to come into the front of my house. The driveway is always covered with water when it rains. It comes up about six inches, is flush with my door and comes into my garage by four or five feet with heavy rains. I think for those safety concerns we should meet the criteria for being in danger when it floods. Obviously we were already selected as being in danger, but we weren't one of the 38 homes that was already authorized to be purchased. And then the other reason, our flood insurance when we bought it we did have to have flood insurance. We understood that there was a risk, but since we purchased the home our flood insurance has gone up 700%.

[12:40:46 PM]

What this has meant for my family is that in four and a half years I have to make three and a half extra mortgage payments per year to cover that flood insurance. And it's a financial strain that I can't handle. I'm a small business owner. I have a small law practice, which is actually just downstream on Williamson creek as well. So this is a concern for me as a homeowner and as a business owner. And my family just simply cannot pay that. We would love to sell our home to another buyer who is willing to assume the risk, but being on this list from what I understand -- we've already tried and we've spoken to realtors and it's just not going to be a feasible option for us to find a buyer and to actually realize the value of our home at this point.

[Buzzer sounds] I just urge the council to authorize the purchase of those homes at the next meeting. Thank you.

>> Mayor Adler: Okay, thank you. Okay. Those are all the comments in citizens communication. Let's take up item number 10 quickly. There's a large group of staff that can leave. This is something that you pulled, Mr. Zimmerman.

>> Zimmerman: Thank you. I did pull that. We have some questions and answered we would like to get on the record here. Let me start out quickly by saying we posted on the council message board a topic, we did this Monday, and title is facts and commentary on high water rates and awu policy. So we carefully put together some comparisons of rates between cedar park, Round Rock, different area water utility and water bills. I would encourage people to please take a look at that because we quantified how our water rates are higher than our neighbors. So with that said, this point about the reclaimed water sounds like a great idea. Everybody, I would think, is for reclaimed water. Let's reuse water. Sounds great, but the-million-dollar question is -- in this case the 4.9 million, how much does it cost?

[12:42:52 PM]

And I've asked several times of staff to give me plus or minus 20 percent on cost analysis on what does it cost us to produce reclaimed water. We know what the cost is for raw water, we know about treated water that comes out of, say, water treatment plant 4, but I still don't have an accurate assessment of what it costs us to produce reclaimed water.

>> Okay. Darryl Slusher, assistant director at Austin water. The reclaimed water is water that we're treating anyway in our wastewater plants and then is allowed to be discharged into the river. But rather than discharge it into the river we take a portion of it and send it back into our reclaim system for irrigation, cooling towers. And it's a conservation measure that allows us to reduce the use of potable water. So there's really -- the cost of treating the water, manufacturing, however you want to put it, is embedded in the treatment of wastewater.

>> Zimmerman: So that's a very, very important point. Are you saying that the cost to produce or process the water that we're going to pump through these lines, the gray water lines, are you saying there's no cost? Because that's what I'm hearing you say. It sounds like you're either going to release it downstream, either let it go or else you're going to start pumping it through gray water lines.

>> No, sir. Of course there's a cost. Like on the agenda here today to build pipes, to get it to the customers. There's a cost for when we need to pump it. There's a cost for that, but as I understood your question to be is how much does it cost to produce that water or treat it, and that cost is embedded in our wastewater treatment costs, which would we would then like you said release into the river if we didn't put it into the reclaim system.

>> Zimmerman: That's good. We're doing good here because the basic idea is the water that we're pumping into the gray lines, from what I hear, there's no treatment necessary.

[12:44:57 PM]

It's already been treated. And the point is either it's going to go downstream somewhere or else we're going to divert it and pump it into the gray water lines. Is that right?

>> Yes, sir, that's correct. Just one thing I would say. The lines that we pump it into are purple.

>> Zimmerman: Sorry. Purple, the purple pipes. Okay. That's terrific. We're making progress. The next question here, so if we have -- another expenditure of 4.9 million for piping. Pumps and piping to convey the water. Then we're going to get \$164,000, it says, of revenue. And I'm going to say that that's net revenue. In other words, what do I have to spend from a process point of view in terms of pumping electricity on a daily basis to move that water? Let's say that the pipes were already there, that the infrastructure is there. I don't have to pay for it. I don't have to pay the 4.9 million. Everything is in place, all you have to do is move the water through the pipes. So what does that cost?

>> I don't know if I can tell you exactly off the top of my head, but we're reasonably close to breaking even on that part of it, but if you add in the debt for the pipelines and that kind of thing, then we're not breaking even.

>> Zimmerman: Okay. That's my point and that's the answer I was looking for. So I want to tell my colleagues on this, we're under pressure from our constituents to get the cost of water down. People are really complaining that our water rates are too high. The from what you've told me, and I think you're being completely honest, this program is going to cause our water bills to go up even more because it doesn't pay for itself.

>> Well, it is subsidized by both the water and wastewater sides of the utility. That's an accurate statement, yes, sir.

>> Zimmerman: What the subsidy means is that everybody is going to be paying more for their water it was in order to subsidize this reclaimed water project.

>> There are some potential cost reductions, for instance, this -- it's a conservation measure is why this is done, why the city is doing this reclaimed program.

[12:47:05 PM]

And the longer we can put off the lcra trigger where if we reach 201-acre feet a year we'll be paying a per gallon or per thousand gallon acre foot charge for water. That helps to put this off. In that way it's a savings and then it's also a part of just preserving our water supply. We just went through the worst drought since the Lakes were built and this helped us get through that drought. And by expanding the system it will save even more in the future.

>> Zimmerman: Everything you said I agree with. The point being that a water management decision was done to pay ahead, you paid lcra for decades for water in the future. All that's correct, but that's a

management decision. So the management decision of everything you said is driving us to spend even more money to subsidize reclaimed water. For that reason I have to vote against this because it's going to cause our water bills to go up even more.

>> Okay. Thank you, sir.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Thank you very much, Mr. Slicker, to talk about the benefits of the reclaimed water. Mayor, I'm ready to move approval of this item.

>> Mayor Adler: Moved by mayor pro tem, seconded by Ms. Pool? Any further discussion raise your hand? Those opposed? Those abstaining? Troxclair abstains, Zimmerman votes no. The rest of the council voting aye. That takes care of item number 10. It is 10 till 1:00. Do we want to come back here and get any work done before our 2:00 agenda starts? Do you want to try a quarter till or do we want to come back at 2:00? Ms. Kitchen?

>> Kitchen: My suggestion would be to take from 1:00 to 2:00 for lunch and if there's anything else to take it up real quick. There might not be anything else.

>> Mayor Adler: You mine take it up right now.

>> Kitchen: Take our break from 1:00 to 2:00. If there's time to take up anything in the next 10 minutes then we probably should do that.

[12:49:06 PM]

>> Tovo: Mayor, is it possible we might get through 68 and 69, the billboards issue?

>> [Inaudible].

>> Tovo: Sounds like there's some dispute about whether or not we could move through that quickly.

>> Mayor Adler: On the billboard issue? There was a compromise in the works, I think, I had heard. I don't know if that happened. Is there a compromise that's been worked out on the language to have the citizens work on that?

>> Yes.

>> Gallo: I think staff is conferring with councilmember Houston's office and my office and maybe some others.

>> Mayor Adler: What about approximate Mr. Zimmerman's office. He raised the question.

>> Zimmerman: It may be quick. I just don't know.

>> Gallo: 70 is the billboard resolution. Is that what we're talking about.

>> Mayor Adler: 69 or 70. Does anybody else have something or staff, that we think will be quick?

>> Kitchen: What about item 31?

>> Mayor Adler: Lone star rail membership fee.

>> Zimmerman: I think that one could be quick.

>> Mayor Adler: Let's do that. Lone star rail membership fee. I would urge if staff is in the back and has things we could take up quickly if they could come forward and we might be able to do that. Lone star --

>> Kitchen: Mr. Mayor, I move approval of this item.

>> Mayor Adler: It's been moved approval by Ms. Kitchen, seconded by Mr. Renteria. Any conversation on this? Yes, Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I would like to speak against the item. It's my understanding we brought this up briefly in our work session that -- I do appreciate the staff's bringing this in front of us because there's to me an endorsement statement being made of the lone star rail in addition to the monies.

[12:51:10 PM]

The money could have already been approved by staff. So I do appreciate them putting this on the agenda to give me a chance to express the objection. There seems to be a political push to force passenger rail on to the constituents of our area. And we've had two rail votes. Of course they're not this kind of rail, but two different rail votes have gone down by larger margins. And to me if I'm a constituent, I'm aggravated that the city continues to push these rail agendas when they've been voted down by the voters. So I called this out because I want to vote against this because I want to reflect the wishes of constituents that say we have got to stop pushing railroad Boone dog else and we have to get -- boondoggles and we have to get a loop around the city, finally a traffic loop around the city of Austin and work on traffic congestion relief, not railroads.

>> Mayor Adler: Any further discussion on this item? Ms. Kitchen?

>> Kitchen: I would just quickly say that I think there might be a difference between the lone star -- the public's view of the lone star rail and the other rail proposal. At least among my constituents, many of my constituents who are not in favor of the rail bond are very interested in lone star rail.

>> Mayor Adler: Okay. Any further discussion on item 31?

>> Renteria: Mayor, I just want to make a comment. I served on the lone star rail committee and, you know, this is something that is going to affect this whole region in the future. You know, if we don't have rail that's going to be -- that's going to be able to commute back and forth from San Antonio all the way to Georgetown, you know, there's a reason why Georgetown also agreed to be part of the lone star rail is to -- if you ever want to travel from Georgetown to San Antonio or from San Antonio to Georgetown, you know that the traffic jam that's there on 35.

[12:53:21 PM]

It's -- it just only makes sense to support rail because I have a son-in-law that commutes to San Marcos everyday to go to Texas state university, and it would have been so convenient -- it would be so convenient for him if he could just get a train here, rail, and go to San Marcos, go to class and then just hop right back in and come back instead of having to drive all the way to San Marcos and back, not knowing whether there's going to be a traffic jam or accident that will close down 35 for awhile. And it just only -- this is something that the whole region really wants. It has nothing to do with urban rail. It might promote is later on, but this is something that is really going to affect the whole region. And if there's anyone that has traveled rail, which I've done a lot in other parts of this country, especially new Mexico, where I can jump on the rail and go from Santa Fe to Albuquerque, it -- it not only makes sense, but it also promotes the economic part of it because I went down there to Santa Fe, I got on a shuttle that's free, takes you back to the commercial area of downtown. You get to eat there and shop as a tourist, get back on that shuttle that brings you back to the train and takes you back safely to whatever city is on that rail. So it's a really -- something that's really needed in this region. And that's why I support this.

>> Mayor Adler: Okay. Further discussion on item 31? Ms. Gallo.

>> Gallo: In carrying the conversation along to other areas, this would also go down mopac, which all of us know is an incredibly congested roadway. And it is heavy rail, which will move a lot of people at one time, which is probably the most efficient use of rail.

[12:55:26 PM]

So I just think -- also touching on the concerns or the suggestions that you have from the standpoint of the students that go to San Marcos, but just being able to give commuters on mopac an option for being able to take transit along that will stop in the areas of where they live and where they work I think is really an effective way to move people and also help deal with the congestion on mopac.

>> Mayor Adler: Okay, thank you. No further debate, we'll take a vote. Those in favor of item 31, please raise your hand. Those opposed? Zimmerman, Troxclair voting no. Others voting aye on the dais. 9-2. What about item number 72? This is an eminent domain matter. With respect to item number 72, a non-consent condemnation item is there a motion to the effect that the city council of Austin authorizes the use of the power of eminent domain to acquire the property set forth and described in the agenda for this meeting for the public uses that are described therein? Moved by Ms. Tovo, seconded by Mr. Renteria. Any discussion? All those in favor of item number 72, please raise your hand. Those opposed? Troxclair and Zimmerman abstain. The others voting aye. 72 passes.

>> Mayor, we may be able to do number 8.

>> Mayor Adler: Let's try number 8. This is Bull Creek Grove.

>> Mayor, I think there will be questions of staff and conversation on this one.

>> Mayor Adler: Let's not go there. What about something else? What about the filter system, item number 13? Did we handle that already? We've already done that.

[12:57:28 PM]

>> What about 42?

>> Mayor Adler: What about number 42? Downtown wayfinder system. Is there a motion to approve item number 42? Ms. Kitchen so moves, seconded by Ms. Gallo. Ms. Pool, sorry. I need you guys to switch seats here.

>> We will next week.

[Laughter].

>> Mayor Adler: This has to happen. So it's been moved by Kitchen, seconded by Pool. Mr. Zimmerman, you pulled this one. Do you want to address it?

>> Zimmerman: I did. I'm trying to find my notes. So the policy question here, one of the things I get in my office a lot is people -- my constituents hate to go downtown because of number one, the traffic congestion, but number two, the parking situation. So I didn't see with this any metrics for success. And what it is we're trying to do. What improvements are we supposed to see if we spend this \$650,000?

>> Hi, my name is Burton Jones, the project manager with public works for this project. The proposal before you is to put electronic signage along Cesar Chavez at certain critical juncture to direct traffic into locations in public parking garages in the downtown area where there may be spaces available for them. And the reason it's called a dynamic system is that there will be a computer system down at the Toomey road light signal collection area office that the city of Austin has, and we will direct the signage to tell public traffic where parking lots might be located, parking spaces might be located and which parking garages and how many spaces there are.

[12:59:35 PM]

>> Zimmerman: So the first problem I've got is we have a lot of events in the city of Austin. And in my thinking the city hall parking garage, of course we want it available to the public. We don't want the space to be wasted. But the primary purpose of this is for constituents to be able to find a parking place in the city hall parking garage. And we also have a lot of parking space that's not Seaholm, central library and city hall. What percentage of the total downtown parking do these three garages --

>> I can't answer directly what percentage it is. It is a program that's just beginning and these three parking garages were amenable being used as I won't say Guinea pigs, but to become the first in what we hope is a much larger program and just show how this system is going to work and to get it started in the downtown area.

>> So then is there an upper limit on where -- 650,000 for phase one. Would this -- this could go into

millions of dollars then potentially if we keep expanding it.

>> It would take more money to do more, yes.

>> Zimmerman: Okay. Is there any -- one of the factors -- I know there are people that are fiscally conservative like me? And do you know what they do? They drive around looking for the lowest spot. They need a spot, but they would rather pay eight dollars instead of \$15.

>> Right. And I look around looking for free spaces.

>> Zimmerman: Even better there. Does this program take a look at the cost -- availability and cost or is it just availability?

>> It is right now just the availability.

>> Zimmerman: So would some of my constituents object because they say wait a minute, I've got a parking space in my private garage that I'm willing to open to the public and my space costs less than what the city is charging, but you're directing drivers to these preferred parking garages.

[1:01:40 PM]

>> Steve grassfield, I run the parking operations. To answer a couple of your questions, there's about 14,000 garage spaces in the downtown area. This system is -- we're piloting first for the city and then we've got a cost where if it's a private garage they can be a part of this system. You will also have an app that will basically tell you what the cost to the garage is. This app will also allow you to buy parking from your home. So your constituents can go online, find a parking space, find out what the cost is, and reserve that parking space at the garage. The idea of this system is to get the citizens from their house to a garage as quickly as possible.

>> Zimmerman: You know, this is great. This sounds like Uber and Lyft for parking instead of traveling. And so I'm going to be enthusiastically voting no and I hope that my colleagues will vote against this so a start-up company can go ahead and do this and charge the taxpayers nothing.

>> Mayor Adler: Any further --

>> Pool: Mayor, I just had a quick question for staff. Recently, within the last year when I've been down at whole foods and gone into the parking garage, they have what looks like a dynamic parking system notification on each of the aisles there where you can see which parking spaces are available and where they are and it really reduces the amount of driving around and the ozone that obviously -- all of the good things from it. Is this along those same lines? I thought that was a really good innovation and it was really helpful.

>> It's not quite what whole foods has because that's a very expensive situation because you have to bring conduit in, electricity on each individual space. This counts the number of cars going in and out, and will tell you typically how many spaces are available in the garage.

[1:03:47 PM]

>> Pool: So this is like in garages now where they have -- it's either metered or there's an employee there who puts out the sign that says parking garage full, right? And it would know that because of the number of cars that have gone in and out.

>> Right. And we'll have a sign right on the side of the building here that will tell you exactly how many spaces are available.

>> So you don't even bother going in if it's full and you can see the sign. I think this is terrific and I appreciate the -- that you are bringing it to council. I hope it works well.

>> Thank you.

>> Houston: Mayor? It's this way.

>> Mayor Adler: Ms. Houston.

>> Houston: Another question. So during these very high visitor event times that we have come. Coming up in March special things that go on in town. And all of our parking spaces are completely full. Then what do we tell the people? Do we send out some message ahead of time saying there are no public parking spaces available downtown?

>> If they go on the app or they see it on the street it will basically say the no parking spaces are available at that time.

>> In those garages that are part of the system.

>> Houston: Yes. So that includes the private garages as well if they're part of the system?

>> No, that does not. It does not include the private garages.

>> Houston: Okay. So when will we private with private garages that might be willing to open up their spaces?

>> Well, what the private garages I have had discussions with and they want to see the system and the system is set newspaper Santa Monica and they've seen great results. It's also set up in Charlotte and they've seen great results. Once we get our results I'll go back to the private garage operators and show them the results. We've had -- I've had all three private garage operators in town talk to me about it already.

[1:05:50 PM]

And their investors just want to make sure that the investment is well worthwhile. But basically it's marketing their garage that they've got space.

>> Houston: So if this passes will you be bringing back to us periodically data showing how often we're completely full or what the usage is and any piece that you have?

>> I'll be more than happy to.

>> Houston: Okay, thanks.

>> Mayor Adler: Okay. Further discussion? Yes, Ms. Gallo?

>> Gallo: Thank you. I have a couple of questions, please. You mentioned that there were 14,000 garage spaces. Are those public garage spaces?

>> No P that's private.

>> Gallo: Okay. So how many public garage spaces would be part of this program?

>> Initially we've got 700 here. As your probably aware we have opened up the garage in the evenings to accommodate more people. And then down at Seaholm there's 500. And then the library will be added on also in this proposal. When it's finished there's 200 spaces there.

>> Okay. So the potential is 1400 spaces to operate in this program. So that 14,000 garage spaces, that's basically the private garages, which even when they come on board may or may not have spaces available because those are contracted spaces. A lot of those are contracted spaces with the occupants of their buildings, is that right?

>> Right.

>> Gallo: So this is an interesting discussion about parking downtown and the problems of finding parking downtown is because we don't have enough parking spaces downtown and our policy of reducing parking requirements in the urban core continues to reduce the number of parking spots that we have available. So we've got policy areas that we are making the problem worse because we are requiring less parking when buildings are constructed.

[1:07:52 PM]

So it kind of almost feels like the cart before the horse. But the other question I have is I know this was brought up before and actually the amount to complete this program is not \$658,000, but what is the

total cost of this program? >>

>> His estimate is about a million and a half for this project. I mean, taking you back a little bit on this whole project, when we went up on Thursday, Friday and Saturday nights when we increased hours to midnight, 40 cents from every dollar was to go towards this vehicle wayfinding program and also pedestrian wayfinding program. So this is being paid for out of the parking operations from that money.

>> Gallo: So help me understand, and I'm sorry I can't remember this conversation because we probably had it before. So right now the income that comes in from our public parking garages goes where? The parking fees that are generated by our public --

>> Like city hall.

>> Gallo: Like city hall, eventually Seaholm.

>> That goes into building services.

>> Gallo: It goes into building services. Now we're taking a portion of that --

>> No, no. On street. When we extended hours on Thursday, Friday and Saturday nights to midnight, that onstreet money, 40 cents of every dollar goes into these two initiatives.

>> Gallo: Thank you for clarifying. I thought you meant a portion of the public garage parking. So whether the budget projections for this million thereafter being paid back by those additional 40-cent --

>> Probably six, seven years. And I haven't looked at that, but just to give you an estimate.

[1:09:54 PM]

>> Gallo: All right. Thank you.

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

>> Troxclair: Of the 1400 parking spaces that this wayfinding system would monitor, how many of those spaces -- how many employees do we have at all those buildings?

>> For instance using this building?

>> Troxclair: And the library and -- what was the third one? Seaholm.

>> So we have no employees at Seaholm. That's something that the council decided to purchase 60% of -- help with the cost of the garage there, 60%. There are no city employees. Here I believe there's about 350 employees. And then at the library, I'm sorry, I don't have a number on that.

>> Troxclair: Well, I remember from our discussions about the library that we don't -- we're not building enough parking spaces at the new library to even accommodate the number of employees that we have there. So I don't know the number of parking spaces that are really going to be available for the public. I guess that that's the city's way of telling people that they have to walk or ride their bike to work, but obviously that's not a reality for a lot of people who don't live in close proximity. That's been one of my concerns about the library all along is that we don't have enough parking spaces for even the employees who are supposed to work there. So I don't see the wayfinding system really helping the public find parking there.

>> Let me give you an idea here at city hall. In the six months we've converted the employee spaces, we've got some employee parking. We've opened it up. In the six months we've accommodated the citizens and the garages has made \$100,000 more than it previously had, which basically shows that they're now using the garage more. Once we actually tell the public that there's space available, the public typically looks on street first and then it looks to surface lots.

[1:12:02 PM]

Basically at night the garages are only about 65% full, but the public doesn't know that. They don't know that we have plenty of spaces here at city hall. They just don't. They've come down here to a council meeting and can't find a parking space. They don't know what's available. This makes it available.

>> Troxclair: Yeah. I know that we put -- whenever the parking lot is full we just have a little sign that we put out that says parking lot full. So it seems like parking lot open sign would -- or spaces available sign would kind of accomplish the same thing and we wouldn't have to invest millions of dollars in telling people that there may or may not be parking in the couple of lots that we're talking about.

>> I can just tell you it's worked well in Santa Monica and in Charlotte where they have the same issue we do. We do not have a lot of public parking here. There's a lot of private lots. And it's worked out very well.

>> Houston: May I ask a question?

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you for coming. Are the parking garages across from the convention center and over by the Hilton, are they public or private?

>> The convention center garages?

>> Houston: Uh-huh.

>> They are owned by the city and used for convention center and visitors.

>> Houston: Are we including their spots in your count? And what about the --

>> Not in -- in my count of 14,000? Yes, ma'am. That's the total for the whole downtown area.

>> Houston: Right. But you were giving a count for public parking spaces.

>> And again -- yes. I gave you a total count of 14,000. What I gave you were the garages that were going to have these signs on them. I did not include the convention center properties.

>> Okay. And then there's what I think as a public garage a little west of the Hilton. Is that not a public space or is that a private garage.

[1:14:03 PM]

>> The convention center garage?

>> Houston: The Hilton, the Hilton hotel.

>> It's not a public garage.

>> Houston: It's not a public garage. Okay. There are a lot more questions that are unanswered on this one.

>> Mayor Adler: Further discussion on this. Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. I want to take a page out of your book of the thumb's up program. I admire the entrepreneurial creativity there and I would like to bring that to bear on this problem. I can tell you as a software engineer there would be entrepreneurs lining autopsy and chomping at the bit to tackle this problem in the private sector that would cost the taxpayers nothing, seriously. This is a fun technical project to think about inventorying what the available parking is and come up with a software system and an app that would do this, seriously. This is a perfect project for Austin's entrepreneurial community to tackle at no cost to the taxpayers. And I'd like to see that happen.

>> Pool: Mayor, I really like the idea that if we have 65 -- 35% vacancy in our parking garages and somebody wants to come and pay to park in our parking garages, that's some income and that's some revenue for the city. So I think that's a good thing. I appreciate the debate here on the dais and the voices raised in opposition. I would just say that I don't think we're moving any votes here and maybe we could move to actually taking a vote on the item. Thanks.

>> Mayor Adler: Any further discussion? Those in favor of this item 42 please raise your hand? Those opposed? Houston abstaining. Zimmerman, Gallo and troxclair voting no. Gallo is also abstaining.

[1:16:03 PM]

Zimmerman and troxclair voting no. The vote is 7-2. It passes. We're going to break for lunch. It is 1:15. Do we want to try to come back at 2:00? Let's come on back at 2:00.

[2:20:41 PM]

>> Mayor Adler: All right. Are we about ready? Following our lunch break I'm reconvening the council meeting, Thursday, January 28. We're back to our agenda. It's been suggested we can take care of quickly the billboard sign issue. 69 and 70. We talked about this during the work session anticipating that we wouldn't be discussing this on the merits today, but asking stakeholder process to work with that. Do you have a motion in that regard, Ms. Pool?

>> Pool: Thanks, mayor.

>> Mayor Adler: Okay.

>> Pool: Hang on a second. We're getting organized.

>> Mayor Adler: That's okay.

>> Pool: I have an amendment to pass around, my staff has it here, to item number 70. Do we have staff coming to speak on this at all? If not I'll just mention that what we're doing here after conversations with the various stakeholders is to engage a more public process on the amendments. Of the many stakeholders that have participated in these discussions in the past and because of the changes contemplated are fairly fundamental, we want to initiate a series of public meetings to ascertain support for any amendments that might be made to the code.

[2:22:47 PM]

So we go through on the be it resolves, the stakeholder meetings would include scenic groups, neighborhood groups, bicycle community, pedestrian advocates, representatives of the billboard business community, and then along with recommendations from staff and the feedback from the stakeholder meetings we would have a report presented to council within a reasonable time, and I'm open to having that time further defined, more specifically defined if anybody is interested in that. I would entertain a friendly amendment. I think council Houston has --

>> Mayor Adler: Do I have -- I have a motion from Ms. Pool.

>> Houston: I'll second it.

>> Mayor Adler: And a second from Ms. Houston and it's a resolution that's been handed out on the dais. On item number 70.

>> Zimmerman: Mr. Mayor, I think there's another amendment for item 70.

>> Houston: I'm doing it now.

>> Zimmerman: Yeah, and I think that one is from councilmember Houston and it's -- I guess similar, it has 120 days, I think, for information to come back, but --

>> Mayor Adler: Okay. Is yours --

>> Houston: That was about to be my friendly amendment, but I want to --

>> Mayor Adler: Do you have a translator?

>> Houston: I do. It's always helpful in these situations to have someone that's able to read my mind.

[Laughter]

>> Pool: And I'm looking at councilmember Houston's amendment. Would you like to describe it?

>> Houston: Yes. Part 2 that the ordinance should be presented to council for consideration 120 days from the adopted date following required review by -- all the rest of that is the same, but that's the only part that would add a specific date.

>> Mayor Adler: So I am working off the draft that was handed out by Ms. Pool where it says presented to city council for consideration within a reasonable time.

[2:24:53 PM]

Ms. Houston proposes to change into that 120 days. Is there a second to that amendment?

>> Second.

>> Mayor Adler: Ms. Kitchen seconds. Any discussion? Those in favor raise your hand. Those opposed?

Okay, so now reasonable time has become 120 days. It's been moved and seconded. Ms. Pool, I appreciate this work and you jumping in to do this. I just want to state that I like this. And what I like about this is the ability for the council to be able to identify an area or to come before us an area that either we or someone in the community wants addressed. And the action that comes to us doesn't require us to make a policy decision before we've actually had the -- the stakeholder and community process. A lot of times the council in the past has discussed the policy issue and sometimes I think that's probably appropriate, but in other cases I think it's good just to be able to say we want the stakeholder process to happen and then we want the manager's office to come back to us with a policy recommendation based on their expertise, their professional expertise as well as the community process that they've gone through. So I -- I like this in part because I think it's the right thing to do here and I like this and would like to see us as a council do this more often in terms of how we resolve such issue. Further discussion on this? Mr. Zimmerman.

>> Zimmerman: I think Ms. Gallo went first.

>> Mayor Adler: He defers to you. Or Mr. Zimmerman can tell us what you were about to say.

>> Gallo: That would work. Then I could leave. So I have a point of clarification. So I think this process of bringing stakeholders into the conversation and trying to come up with compromises that the groups work out is really, really good.

[2:27:01 PM]

I just want to ask the question when we talk about stakeholders, who is it determines who the stakeholders are and how does the community get involved in the process if they are not part of the preconceived group of stakeholders?

>> Mayor Adler: Staff is here. Who might be handling this issue? Ronnie, let's have a conversation about who gets engaged in the stakeholder process.

>> Mayor and council, Roddy Gonzalez, director for development services department. We'll look at the stakeholders who have currently been identified and, of course, these meetings will be open to the public so additional stakeholders who may be interested in partaking in the conversation can certainly attend.

>> Gallo: So if someone were interested in participating and they weren't on your initial list, they would just need to let your office know that they wish to be part of the process?

>> Yes.

>> Gallo: Is that what I'm hearing? Okay. Thank you.

>> Mayor Adler: Ms. Houston.

>> Houston: One of the other things that might be helpful is to encourage each councilmember to include someone from their district to be their other stakeholders because that's pretty nebulous. We talk about pedestrian and bike community, we talk about very specific groups which sometimes to people who are community people says that that's the elite group and we're not named in those groups and so if we could include something that talked about a representative from each district, then we could go -- trying to find those people who would be willing to sit in as a stakeholder.

>> I'm not sure if council wants to send that list to us individually in advance or you are asking us following this meeting to reach out to each councilmember office.

>> Houston: I would be happy to send you a list of names from district 1 that I would like included because the stakeholders that are listed here are not going to be the same people that I find out in the community who have an interest in this.

[2:29:05 PM]

>> Okay.

>> Houston: So I'll send you that list.

>> Thank you.

>> Mayor Adler: Okay. Any further discussion on the motion? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I did ask for this to be put on the public safety agenda and I think the high level view of it is we have an enabling technology that basically didn't exist 30 years ago so that's why I thought it was good to bring this up and there are some complexities as to how we implement it, but I think in general the public safety benefit should be very obvious that when we have these high-level emergencies, a big digital sign on a freeway could very, very quickly be updated and be updated in realtime for emergency purposes. So this kind of technology simply did not exist 30 years ago. So I thought that's why it was timely to put this on and consider it as soon as we can.

>> Mayor Adler: Sounds good. It's been moved and seconded. No further discussion. Those in favor of number 70 as amended please raise your hand. Those opposed? It's unanimous on the dais. Item number 69 is then withdrawn.

>> Pool: Thank you, mayor.

>> Mayor Adler: Thank you very much. Should we bring up tnc's? We had set that for a 2:00 time certain. We are pulling up 56, 92, 95 and 96. All four of those items. I think there are two actions before us. There are two things to do. One of them I think recommend to the council that we delay the effective date of what we passed in December to be the end of -- end of February -- we passed in December, right now has an effective date of February 1st.

[2:31:17 PM]

I would recommend, I think that we move that effective date back to the end of the month to February 29th so that we have more time to kind of work out the various votes that we're going to have to take over the course of the month. Declare as an emergency and allows us to take that vote and make it effective today so that the December ordinance doesn't become effective on February 1st. Is there a second? I make that motion, I think it's number 96. Is there a second to that motion?

>> Kitchen: I'll second it, but I think we need further explanation. Would you like me to speak to that? The mayor mentioned that the purpose of moving the effective date from February 1st to February -- whatever date it is towards the end of February is there are decisions that the council will be making related to the petition -- initiative petition that was brought in front of us. That's not in front of us today because it's not timely. That will be posted in the coming weeks. And so by pushing back the effective date of what we passed in December by a few weeks it allows us to take up all of those subject matters at the same time. So that's the only purpose of this. It does not -- from my perspective, I will support it, but not -- but only for that purpose.

>> Mayor Adler: Okay, it's been moved and seconded to delay the effective date. We have no speakers on number 96. Any further debate on this issue? Yes, Ms. Garza.

>> Garza: I know the current ordinance has an effective date of February 1st, but the real date in that -- in that ordinance is -- I believe the may 1st bench mark.

>> Kitchen: Right.

>> Garza: So I guess in my mind it doesn't make a difference if we made it February 1st or March 1st.

[2:33:24 PM]

I'm curious why the change. Is there something I'm not seeing in nothing takes effect until may 1.

>> Mayor Adler: Some people in the community thinks it has an effect because it has the ordinance come into play. But I agree with you from an operational standpoint it doesn't make any difference, but then it wouldn't make any difference if we made the effective date the 29th either. And I think this at least alliance the community on that issue and takes it off the table as something that is at issue or in dispute. Any further discussion on this? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I'll probably be abstaining from the vote on this because I'm not exactly clear what a yes or no vote would do, and also I think I expressed this before, I would like to see our council go ahead and move on to dealing with traffic congestion relief and other issues and basically see if we could get this on the ballot for a may election and let the voters be heard in may. And in the meantime just work on other items. So I'm not excited about picking up anything to do with tnc regs until we hear from voters. So I'll probably go ahead and just not vote.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I had the same question councilmember Garza had -- and councilmember Zimmerman because we have received this petition, we're going to have ten days to adopt petition language or call an election on may 7th, so if anything -- unless you intend -- I haven't heard an interest from the council of adopting the petition language, although I hope that we will. So if the council intends that we would call an election on may 7th, I don't see -- so if anything, if we were going to delay the implementation date of what the council passed in December, it should be delay it until may 8th until we know the results of the election. And either what we have done will be invalidated by the voters or we can move forward with it as well.

[2:35:32 PM]

But I don't see what -- if, if the councilmembers that voted for this in December believed it was good policy in December, I don't know why they wouldn't believe that it's good policy today or that delaying implementation by a month would do anything significant to change the outcome of this discussion.

>> Mayor Adler: I think if you think it's good policy that what we did in December and you would like to see it come into effect sooner than later, you have the opportunity to vote against this extension of the effective date, as does everybody on the council. I think everybody could vote individually depending on how they want to vote. This is something I think that just buys us more time. Certainly what happens in mid-february with respect to all the other options you have will be before us and this is an attempt to try and keep that as clean a discussion and debate as we can have in mid-february. Ms. Kitchen.

>> Kitchen: I'm concerned about the characterization of voting for an extension being equivalent to not standing behind the December ordinance. I absolutely stand behind the December ordinance. I will not support moving the December ordinance till may, but I don't see a problem one way or the other with whether it starts February 1st for February 28th. Because it has no effect.

>> Mayor Adler: Fair enough. I think everybody can decide their own reason to do it and for me it's a housekeeping matter and I would appreciate the indulgence of my fellow colleagues to extend this if it's not something that creates a problem for them. Any further debate? Those in favor of this item 96, please raise your hand. Those opposed? Those abstaining? Garza votes no, Zimmerman, troxclair abstain, the others -- I'm sorry. Mayor pro tem, how are you voting?

>> Tovo: I'm abstaining.

>> Mayor Adler: Abstaining. Okay.

[2:37:33 PM]

That makes the vote 7-4. So that can pass on third reading with emergency so this passes, effective date is extended. So there were three abstentions and Garza voting no. That gets us to the next three items which are 56, 92 and 95. And I would lay out what is in the addendum which is what we've been calling the thumbs up badge. This is something that deals with the sharing economy and platforms generally and I think it was -- it was put in the addendum under item --

>> 92.

>> Kitchen: Mr. Mayor, I believe it's 92.

>> Mayor Adler: Thank you. Item number 92. Is there a second to this? Ms. Kitchen seconds it. There has been a discussion and a debate with respect to tncs that have addressed a lot of issues and I think that the ability committee -- mobility committee has done a great job of working through these issues and our appreciation for that hard work. We know there have been a lot of public hearings and discussions about that. We passed an ordinance in December and we have an initiative that's coming up to change elements of that ordinance. What we're doing here today by this item number 92 is not something that is -- that follows from any of that work. This is a stand-alone issue that we are able to address at this point and this does not address what requirements or requirements we do or don't make for drivers or how we handle tncs in our city.

[2:39:46 PM]

Again, this is something that is separate from that discussion as well. To me, this question is just whether or not we want to encourage volunteers to get fingerprinted. And if they are willing to do so, whether or not it's something that as a community we want to reward and encourage. But it's a broader conversation because it's just not ride share. It could be used, this concept could be used in lots of different peer-to-peer platforms. In the new economy we have, we have more and more people that don't know each other involved in transactions or business deals or social interactions that don't know each other than we've ever had before, and I think that this is a vehicle for us to incent the kind of behavior that we would want to see. The first section of this overall goal is dealing with ground transportation and that's where I think we spend most of this effort in terms of the particulars, and we have suggested a system by way of if there's a -- a badge that the city has approved or want, we adopt steps to be able to encourage that behavior. I would point out this language is very specific in that it does not penalize anyone because it doesn't take away anything that somebody already has. By its explicit language it just provides people benefits or rewards that do not currently exist. And we had one execution of that available today out in the city council chamber and that was the thumbs up badge, and I would urge approval.

[2:41:56 PM]

Ms. Kitchen, do you want to talk.

>> Kitchen: I'll make a few remarks now and I may have more after we hear from the speakers. And this is under 92, but I assume we're going to pull up the speakers for 56 also if there's not --

>> Mayor Adler: 56, 92, 95, all of those.

>> Kitchen: Okay. As I mentioned before, I do remain committed to the fingerprint process and the reasonable path that we took in December with the benchmarks we set at that time for fingerprint-based background checks. But I concur with what the mayor is saying that what we are doing today is a stand-alone item. It does not delete or in any way change what we did in December. Instead, and the reason I'm supporting it is that it is an innovative program and it's an innovative approach that we can

take for the peer-to-peer economy starting with ground transportation. I want to thank the mayor for his work and all the members of the community for their innovative thinking on this thumbs up program. I think it's a very interesting concept and we can go a long way with it. So that's all I'll say at this point and I'm looking forward to hearing from our speakers.

>> Mayor Adler: Okay. We're going to then call up the speakers. This is on items -- as we said before, 56, 95 and 96. And the issue for the speaker is whether or not we should have a voluntary badge -- whether we should have a badge program as set out. Today is not the day where we're talking about the larger tnc issues, we're not talking about the -- the initiative that's been presented or the differences between the December ordinance and the initiative ordinance. Today's issue is pretty specific.

[2:43:58 PM]

It's on the concept of whether or not the city -- the council should authorize the city to engage in a badge program. Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I think this might be far more innovative than we realize because I'm wondering if you might be the first mayor to have ever proposed and passed a voluntary ordinance. Because ordinance says that you are compelled to do it. Ordinances are compulsory. I'm not aware of any other ordinances that we get to pick and choose if we follow them or not. So this might be truly revolutionary here.

>> Mayor Adler: Thank you.

[Laughter] Yes, Ms. Troxclair.

>> Troxclair: Mayor, I understand your request for the speakers to speak in the context of the badge program and the ordinances that are in front of us today, but I do think it's unfair for you to prohibit them from speaking about this in the context of the citizens petition which is clearly what led us to this point today. I understand your efforts to say that this is about more than -- than tncs, but one has to look at the ordinance to see 15 mentions of ground transportation services and anybody following this issue or has read the newspaper or who is in this room today knows that our entire conversation is absolutely driven by -- by the city's efforts to further regulate transportation networking companies and -- and I think what we're considering today directly impacts the citizens petition where vast majority of the people that I have heard from are asking us to back off and to let these companies continue operating in Austin with the reasonable regulations that they've been under for the past year and a half or so. This ordinance will unquestionably affect the implementation of any ordinance that's passed on may 7th by the voters if we call an election.

[2:46:06 PM]

So I think it's perfectly reasonable for speakers to be able to speak to this ordinance and this badge program in the context of their feelings about transportation networking companies and the citizens petition.

>> Mayor Adler: Okay. Any other further --

>> Kitchen: Mr. Mayor? I would just -- just as an item of clarification that I think is important given the comments of councilmember troxclair, and I certainly respect her perspective, I would just have to say that the petition is certainly not the driver of this -- of this initiative. We've been talking about ground transportation since last may, well before we ever got a petition from the public, and the concept of peer to peer is something that we've been thinking about for a while. This is a ground transportation within the context of an innovative approach to peer to peer economy and to characterize it as something that happened only because of something that happened in, what, maybe three weeks ago I think is a mischaracterization of what is happening here.

>> Mayor Adler: Okay. I'm going to take us now to folks in the public to speak. The first speaker we're going to pick is ragner Olson. Is ragner Olson here? Okay. What about David king?

>> Thank you, mayor, mayor pro tem, councilmembers. I'm glad we're going to be able to speak about this in the context of the -- the voter initiative, the referendum because I just think, you know, it needs to get on the record there are a lot of us out here who don't appreciate being bullied or our council being bullied by wealthy corporations who don't want to follow basic, reasonable industry standard regulations.

[2:48:29 PM]

That's what this boils down to. And if you acquiesce or back down from your previous vote, then you are essentially saying that behavior is okay. And more companies will go that route. And I also have to say that I think it's blatantly, patently unfair this target one you of our councilmembers who is doing her job to represent the citizens in her district and all citizens in Austin and has not done anything wrong. I think it's patently unfair, councilmember kitchen, what's happening to you and I hope if it will be repudiated. I'm very concerned about the precedent this will set. Even this voluntary program is perceived as a back-off a little bit. It is because you've already voted for the mandatory and now you have an alternative. So how else can it be perceived. And I understand the goal, I appreciate the goal. I'm not -- I'm not trying to criticize the purpose of the effort. I'm just saying that it does look like you are backing down. And I'm very concerned about that. And I feel like you are going to encourage more of that behavior and you yourself, each one of you may be targeted with some other issue that comes up and I don't think you should be put into that position either. So I hope that you will stand firm. And I believe that referendum is going to fail. Because those of us out here who have been kind of silent on this and maybe not been pulled in by these corporate efforts into the process, they are going to come out and they are going to say no, our city is not going to be bullied by a corporation. We're not going to stand for it. So I urge you to stand firm on this and don't back down. Do what you know to be right. You're just asking for basic -- basic safety for our citizens here and it's reasonable.

[2:50:33 PM]

So I applaud you, councilmember kitchen, for your leadership on this and those of you who have stood with her through this process. Thank you very much.

[Applause]

>> Thank you, Mr. King, before you go, I appreciate your comments very much. I think you represent your position well. Just the very quick question is do you feel safe riding on the cap metro buses when the drivers have not been fingerprint background checked?

>> Well, I will answer this and I think the same safety requirements that we're asking for tncs should apply to all transportation that's public.

>> Zimmerman: Including the cap metro bus drivers?

>> It seems reasonable to me.

>> Zimmerman: Okay. Thank you.

>> Mayor Adler: Okay. Moses Ramirez. Okay. Suzette Christianson. Caleb Jenks. Oops I'm on 56.

>> You have to excuse me. I've never done this before.

>> Mayor Adler: Welcome.

>> It's a very personal subject for me. My name is Suzette Christianson. I've been in Austin for now about 15 years. I own a bar downtown for the last 12. So I see things that you guys don't see at 2:00 and 3:00 and 4:00 in the morning. And that's people making bad decisions because they don't have an alternative route to get home sometimes. Especially if you live up north or you live down south or you

just make bad decisions because you've and out and nobody is smart when they drink. So I'm concerned that if you change the system and regulations that have already been in place for a year and a half that are working, people are not drinking and driving when they leave a bar now.

[2:52:37 PM]

And I can tell you that personally because my brother has had issues with that and since Lyft and Uber and other ride sharing has come into town, he does not drink and drive in the last two years because he has those options. So I understand that there's other reasons why you want them here or you want to make the thumbprints and whatever political issues behind it, but these systems and regulations already have been in place and they are working. We're supported by APD, we're supported by Travis county sheriff's department. This fingerprinting doesn't ensure anybody's safety. You could be a first-time offender, you could be fingerprinted for anything ever in your life and then do something. Fingerprinting doesn't exactly ensure safety for anybody. But this ride sharing is proving that it is saving lives. It is helping those people who can't get anywhere and can't rely on our transit system. I have a blind couple, I not only own a bar, I drive for Lyft. I'm a passenger for Lyft. When I drive for Lyft, I have blind people that live near me that have limited options to get anywhere. This is giving them Independence to be able to call somebody up to do the simple app and in minutes have somebody there to pick them up and take them to the store. Something that seems nothing to us, but it's a lot to them. It gives them freedom to be able to feel like they still have some kind of control over what they do in their lives and not have to rely on people for every little thing. That gives them that Independence. I live by two senior centers. These people, just a little act of being able to go to the store, go to get their hair done and not have to rely on family members who can't make it there or a transit system they feel uncomfortable with because it's very hard for them to understand. These are the people that I'm driving every day before I go to work at night.

[2:54:41 PM]

So I just want to say please, before you vote on this, please think about it. It's more than what you have in front of you on a piece of paper and black and white. It's people's lives. That are being affected.

[Buzzer sounding] Is that --

>> Mayor Adler: That means your time has run out but you can finish your thought.

>> I please hope you think about this more than what you just see on paper and what you think will work. It's a lot more than that.

>> Mayor Adler: Ms. Christianson, before you leave, I share with you, as I think many of us do on the dais, the appreciation for having ride share in the city. And I think many of us if not all of us want Uber and Lyft to continue to be here and for folks like you to be able to drive for them. One of the issues that arose earlier was the question of whether or not fingerprinting should be made mandatory and Uber and Lyft took a position on that issue. I don't want to ask you about that because that's in controversy and we'll talk about that in a couple weeks. But there are some people in the city that would feel safer if their driver had been fingerprinted. If it were purely volunteer, no driver had to do it at all, would you have an objection to -- to any of the drivers in town getting fingerprinted if that's something they chose to do?

>> Honestly, I just don't think that that is -- the system of regulations that are in place, they are working. I don't understand the reason for the added deal of doing that. It doesn't ensure --

>> Mayor Adler: You don't have to do it. No one has to do it. I'm saying if a driver chose to do it --

>> We say that, but like you said, voluntarily, I just don't see that happening and I don't think that's the paint. If this ride sharing is working in over 300 cities around the U.S. The way it's already set up, and

now also going internationally, why are we just trying to add more on to that?

[2:56:52 PM]

It doesn't ensure anything. And maybe I'm not understanding all the politicalness behind it, but it doesn't ensure anything. If it ensured everything, I think we would be on board. But it doesn't ensure anything. It doesn't ensure my passenger safety, my safety when I'm driving. Are you going to fingerprint everybody that gets into my car?

>> Mayor Adler: There's no proposal to make anybody have to get fingerprinted anywhere.

>> Even if it was voluntarily, are we going to voluntarily then ask passengers to fingerprint? Am I asking a weird question? I don't know if -- this is my first time doing this, but I'm very passionate about this obviously.

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

>> Troxclair: I think that what you are trying to say and I share your concern that the way we have talked about fingerprinting at this council sends a message that is going to provide a false sense of security if this thing is passed. Getting in a car with a driver that has been fingerprinted does not guarantee and does not increase your chances something bad might happen to you. An extensive background check is important to make sure that -- that we're not putting people who have committed felonies into dangerous situations with their passengers, but the thing that's different about tncs that has been really lost in this conversation is that they are able to use technology to not just look at someone's background, but also to prevent bad behavior going forward. Because when you are in a ride share, you have --

>> You see my picture, my car, gps is following me all the way to where I'm taking you from every little stop. Even when you do stops with people that aren't on your route, it knows you stopped there before you take them home. I take a lot of people who need to go to the grocery store, get something to eat and it follows you.

[2:58:56 PM]

>> Troxclair: I can send it to my husband or someone else that they know. So a driver in that situation that knows that a passenger has all of that information is going to be much less likely to do anything not smart.

>> Exactly.

>> Troxclair: And so if we are -- I mean I just -- it worries -- it worries me that the conversation that we have has been so focused on a fingerprint and it's going to give -- it's going to give our community the impression that if you have a fingerprinted driver you are safe and it's absolutely not true. It's absolutely not true. There have been alleged assaults by fingerprinted drivers and by nonfingerprinted drivers. I'm not aware of a single case where a fingerprint would have prevented anything from happening. So -- so from a public safety perspective, I think that's the point you were trying to make.

>> Yes. Without outline the emotion. Thank you. It's very hard when you own a bar and you see things that unfortunately this is not anything derogatory, but the 9:00 to 5ers do not see what I see after 7:00 or 8:00 at night. And it has been refreshing to see people actually wanting or knowing that they -- they've got a way home and they are being responsible before it wasn't that way or before at 2:00 in the morning I hate to tell you there's not enough transportation out there to get everybody home downtown. Especially during festivals or big events. There's just not enough. I've had people wait hours in my bar for a cab that they just -- there's just not enough of them out there to take care of everybody. There's enough austinities here for us to be able to have everybody be able to take a cab or ride share. I appreciate your time. Thank you very much.

>> Mayor Adler: Yes.

[Applause] Ma'am? Ms. Christian?

>> Gallo: One more question and you are doing really well for your first time here.

[3:00:57 PM]

>> I'm not a nervous person but you got the emotional personal side. Nobody knows I'm this weak. I'm a strong businesswoman.

>> Gallo: You are doing --

[multiple voices]

>> Gallo: You are doing really well. Take a deep breath. There you go. So I appreciate the fact that you own a bar and so I know one of the things that you are probably faced with are fake ids.

>> Yes.

>> Gallo: So we have -- you probably see a lot of situations where you know the id that's been presented to you is not true and it's not that person.

>> Uh-huh.

>> Gallo: So I think as we take your experience with that forward into this discussion, I just want to make the connection of where that's important to us with the fingerprinting. All the fingerprinting does is when you -- when you put your driver's license forward to apply to be a tnc driver, that driver's license could be real or as you know in your business there are a lot of driver's licenses that are not real. So all the fingerprinting system does is it makes sure that the identity of the person putting the application in to be a driver is actually that person.

>> Yes, but they are getting more information than just a driver's license. They require everything to be together whether it your -- your car has to be registered in that name --

>> Gallo: I'm not talking about the regulations and the requirements that each company has. I'm talking about a layer of additional identity verification that would actually be placed on top of that in a voluntary manner. So each company would still have the ability to qualify you and approve you and do the background check on you in the manner that that company was interested in doing it. So that may vary from company to company. I've talked to people that have applied to drive with Lyft, have applied to drive with Uber and the systems are a little different. You probably had a face to face during the process.

[3:02:57 PM]

I don't know that's true with some of the other companies. Once again I'm going back to your comment about fake ids that you see in your business is the --

>> Your comment.

>> Gallo: Or my question to you. The only thing that fingerprinting is going to do is to add an additional layer, voluntarily, so that we know or that rider knows the person that put that application in is actually that person. It doesn't change any of the other systems that the companies put in place but it just --

>> It will limit a lot of things. There's a lot of people that aren't just going to follow that for a lot of reasons, for the big brother reason. I mean if you are doing a background check and I'm giving you all this information, that should be enough. The fingerprinting shouldn't have to be an added extra layer. That's why we're all here.

>> Gallo: Absolutely. What it is is a choice.

>> I think the public should choose on that. Nothing disrespectful of you guys, I don't think it should be your decision. I think it should be the voters' decision. You may never take a ride share, but the people that did those petitions and 65,000 plus, these are the people that should be able to say yes or no to it.

>> Gallo: Thank you very much.

>> Am I done?

[Applause] Walkway again.

>> Kitchen: Just a quick thing, we're all very passionate about this and I appreciate that, but what I can't let things that are not factual just be said. I have to say that there are -- there are examples, so the statement there is not a single example where a fingerprint would have prevented an assault is simply not true and I have made that information available and I will make it available again and just in passing I will mention in Houston is a prime example of a driver who drove and ended up assaulting a woman and there is multiple information out there that a fingerprint would have identified him as someone who couldn't drive.

[3:05:05 PM]

So I'm not going to go on and on about it. I know people don't want to hear a whole lot more about that, but the facts are out there and I've presented them many times and will be happy to present them again.

>> Mayor Adler: Okay. Thank you. The next speaker that we'll have will be bob baland.

>> Fortunately or unfortunately this is not my first time here. Thank you, mayor and council. I'm bob batlin. Austin interfaith advocates for a level playing field for taxi and tnc drivers. Perhaps whatever you decide today needs to apply to taxi drivers too. Maybe it does.

>> Mayor Adler: It does.

>> It's hard to keep up with all the changes that are happening. I have some additional concerns over the whole tnc discussion. A lot of discussion is centered around making sure that tncs are viable in Austin. I am struck that so little discuss centers around the viability of the taxi system. The taxi business is a huge source of jobs for minority workers. And I'd like to take a step back and think about them for a minute. But anyway, what happens if tncs gain enough success to drive the taxi system out of business? Is that a concern to the city? I see articles all the time about that's inevitable. Is it okay? Specifically, do tncs have plans to serve those without the ability to pay with a credit card or a pay pal account? Do they have plans to serve customers who cannot use a smart phone?

[3:07:07 PM]

How will they serve those with mobility issues? I don't know the answers to those questions and unfortunately I don't know that you do either. What happens to the taxi drivers, the drivers if the taxi companies are driven out of business, including those that have vehicles or vehicle debt? I would just like to you consider some of those thoughts. I know it might not be overly relevant to the specifics of today and I apologize for that, but please consider the whole picture. Thank you.

[Applause]

>> Troxclair: I just wanted to say I think you bring up some good points and I don't think anybody up here is not concerned about the viability of the taxi drivers and making sure that they are able to continue to thrive in our community. But one reason that -- but no matter what we pass -- what we passed in December and what we pass today will in no way level the playing field between the two types of industries. I mean unfortunately the city makes it very difficult for -- for taxis to do business when we have to set their rates, when we mandate their number of permits. I mean there are hundreds of differences between the two regulations. Unfortunately that's something that we need to deal -- that's - - I don't know what the -- I don't think that it's possible to regulate the two in exactly the same way. And, you know, I listened and was an advocate for the taxi drivers this summer when we had this discussion and when they came up here saying how difficult it was for them to make a living, how

frustrated they were with their employers and how they wanted to have better opportunities. And I think it's our responsibility as a city to provide a regulatory environment not just with transportation but with all businesses that allows -- that allows them to thrive so that jobs are created and if they don't want to drive a taxi for the rest of their life, they have the opportunity to move up, they have the opportunity to make more money and they have the opportunity to have other jobs available to them.

[3:09:32 PM]

And at some point when we talk about changing industries, you know, the couple of examples -- and where the government's role is in stepping in to save those industries or those companies, you know, I -- there are -- there are, again, hundreds of examples through the history of time. I mean when the Austin american-statesman recently had to close their print shop, did the city council come in and mandate that they stay open or mandate that people buy more print newspapers and not read the newspaper on their iPhones? Or when blockbuster was forced to close because of netflix, did the government come in and say you shouldn't be able to stream movies because we want to protect the jobs of the people at blockbuster? It is the nature of the market, it's the nature of innovation and nothing that the government can do should or can -- or can -- or can stop the progress forward.

>> I would like to comment just briefly. I am not capable of stopping progress. I don't want to stop progress. I'm really concerned about the people without credit cards, the people without pay pal accounts, the people without smart phones and the people with mobility issues. I'm also concerned about the taxi drivers and they have an investment that I think needs to be considered. They've been spending a lot on cabs. But go back to the other three pieces. People without credit cards, people could you without pay pal accounts and people with mobility issues and solve that problem, that would be fine. I think that is the wrong -- I think that is the role of government is to find a way to take care of those populations that need our help.

[3:11:39 PM]

And not to allow a landslide of -- of technology to leave parts of the community behind.

>> Mayor Adler: Thank you.

[Applause] The next -- next speaker, Tom turkell.

>> [Inaudible]

>> Mayor Adler: I'm working off three lists.

>> Mayor Adler, members of council, my name is Tom turkell and I've been a resident of Austin since 1984. For 32 years I've loved watching how Austin has evolved and grown. And one of the things I've loved most is the way that we embrace newcomers here in Austin. We embrace new people, we embrace new businesses, and most of all we embrace new ideas. And the issue before us today is a great example of all of that. The -- the difference that ride sharing companies have made in the lives of people that live in Austin is -- is important and very beneficial and I stand here to tell you I'm a big supporter of Uber, Lyft, get me karma and all the other things about to be discovered next week that we haven't even heard about. I think one of the things that is interesting is how this conversation has engulfed our community. I can't go anywhere without having somebody ask me what do you think about ride sharing or what do you think about this voluntary badge idea? And there are viewpoints all over the spectrum. This is truly a knot of conversation. There's no perfect answer on either side of the issue.

[3:13:41 PM]

Those who worry without making this mandatory it won't work, I'd say it would be better from it was mandatory, we would have more fingerprinted drivers, but we've been told by Uber and Lyft they would leave and our city would suffer if they leave in a significant way. I hope that you will decide to find a way not to make that mandatory. To people like councilmember troxclair who make an excellent point about the risk of false security by the idea just by having a fingerprint, background check added to the robust process the ride sharing companies that that will somehow magically protect everybody, she is right it won't. But then again we've heard from thousands and thousands of advocates who say I would feel safer if fingerprinting was an enhancement to the already good background checks they do. And then we have 65,000 citizens who have said I don't want it to be mandatory. So out of this comes mayor Adler, and I want to applaud his efforts and tell him I think that the idea of the voluntary compliance program is a very clever and even know vaccinate I have way to bridge -- innovative way to bridge the gap to recognize all points of view. It doesn't take away any right from anybody who is driving today. After this is implemented they can continue doing what they do today. The idea had is somehow a defactor mandatory the idea that this is somehow disingenuous. It's not. I suggest we have a voluntary ordinance. I think in a peer to peer economy we're going to have a lot more examples of businesses that require innovative and new ideas and new ways to solve problems. So I encourage you, I urge you to pass this ordinance today and then we'll see what happens with the petition, if it's validated you will have more decisions to make and I trust you will make them wisely.

[3:15:46 PM]

Thank you.

>> Mayor Adler: Thank you. The next speaker we'll go ahead and call Cal janks.

>> Good afternoon. It's good to be here with you. Thank you for having me. Sorry for pushing my way into my spot again.

>> Mayor Adler: That's okay.

>> So this is an issue that's very personal for me and I think for a lot of members of the community here in Austin. I'm here to speak, I believe, on behalf of the thousands of people that have voiced their concern through the petitions. I think that this is still America and it's still a free country and the people should have an opportunity to have some say in legislation rather than having government mandate things to us. And there's a lot of people here in Austin that are all over the map on the ride-sharing issue, and yet are agreed on the issue that they want some say in this. So whether they like ride-sharing, don't like it, whatever. So we've heard some very interesting things from everyone here. I'd like to applaud the city council. You guys are a really good-looking crew. I see you with a lot of potential. I would like to have Steve do some inventions for me. You seem to be a very innovative guy and I'd love to have you in my corner if I was in a fight. You seem like you have a lot of fire. Greg, I don't know who couldn't like that curly hair and smile. Ellen, you're invited to my house on fourth of July. We'll celebrate it's a free country. And don, if you would go ahead and like to finish what I have to say, I'm sure you probably know what I had to say. How about a round of applause for the city council? They've been working hard on this issue.

[Applause]. So Austin has been experiencing tremendous growth.

[3:17:49 PM]

It's far surpassing what our infrastructure is capable of handling. There's a lot of congestion. Any time you get off work you obviously are aware of that. Tncs a very innovative platform. It's a private company and done very well and I have a few things to say about why it's done well and I'm afraid I'll go over my time.

>> Mayor Adler: You have a minute left.

>> Tncs riding. Tnc's have taken a share not from taxis and pushed legislation that put taxis out of business. As a driver I would never pick up a hitch hiker. I have a close friend that actually, family friend that was killed by a hitch hiker that got into his vehicle and he shot him and kicked him outside of his car. I would never pick up a hitch hiker, however I have never felt unsafe with a passenger in my car and that's because it's a self-regulating system. The accountability for both the riders and drivers is genius. As a driver in Austin here for Uber or Lyft if your rightings fall below a certain rating for Uber, I'm not sure where Lyft, that means if I gave 10 rides, five gave me five stars, five gave me four stars, you're fired.

[Buzzer sounds] They don't last long why they're background checked or not. So the council's current path here I believe it threatens to reverse the gains that we've made through the motivation of the public here with the petition signatures. I would encourage y'all to look at the Numbers that you were voted in on. 65,000 is a lot more constituents than actually voted for any one of the members here. If you care about your job and care about serving the community as a government for the people, by the people, I would get behind what the public is concerned about in this situation.

[3:19:53 PM]

>> Mayor Adler: Thank you very much.

>> So we heard from a couple other --

>> Mayor Adler: Sir, thank you.

>> That's it?

>> Mayor Adler: That's it. The buzzer went off. Thank you. William Carter. Is William Carter here? Mr. Carter.

>> It's not my first time, but I get scared every time I come up here. When I go back and look at it on the video I have oh, man. My name is Billy Carter and my wife Christy and I are the owners of executive shuttle and super shuttle in Austin. We've provided transportation to the citizens and visitors of Austin for 16 years. And I come before you today asking you to finish this debate over the tnc's and to date that it's a new era in the transportation business. If the, that you have regulated to create the tnc's is the future, of regulating the transportation industry, let's agree. Let's institute the same rules and regulations across the board for all the transportation classification providers. It seems kind of simple. If you don't do this and soon, the only option left for the citizens and the visitors to option is going to be the tncs. There's not going to be any airport shuttles. There's not going to be any limousines or black cars. There's no taxis or no charter services. If that's what you like, then that's where you're headed. The current structure imposes so many rules, restrictions, fare requirements and fees on the airport shuttles, Liam scenes and taxi companies, it puts those companies at a clear and distinct disadvantage in competing with the tncs. They're not going to survive. Many companies have already gone out of business.

[3:21:56 PM]

None of us are afraid of competition. We believe that the citizens and visitors of Austin should have many choices and but let us compete on a level playing field. Commit that all four transportation companies, including tncs, are just that, for-hire transportation companies. And we should all be operating under the same rules and regulations. Thanks.

>> Mayor Adler: Thanks. Next speaker is Dave Passmore.

>> Thank you, mayor. Good afternoon, mayor and councilmembers. Dave Passmore, representing the taxi drivers, president of the taxi drivers association. If I could get a little more volume, please. I would

like to speak to several items. I understand your conversation, mayor, you had before saying that there's a standalone ordinance that you want to do, but I had prepared myself to speak to both items as I was watching the message board. I just want to start out by saying that as Mr. Carter just referred to, there are ground transportation rules that are in place currently. What I think the confusion for folks that are driving for tncs are unaware of that they're operating under a separate set of ordinance than what the regular taxi drivers are operating under. I think if they get that we can create some type of clarity. However, around the thumb's up incentives, we were not a part of that discussion and I would like to have some input from that meeting so I would be able to speak to that a lot more clearly and see if this is something that we would like to be introduced into also. I know you said an all-inclusive for drivers, however, currently I am observing what is going on and I'm attending all the council meetings and there are certain things that just doesn't seem to resemble a level playing field as we had talked about since may going on up until now.

[3:24:12 PM]

However, with that said the business for the taxi industry is continued quality climbing. I have to turn my car in because of the very few trips that are left out there on the road that the same 1,000 drivers are competing for. And with the additional 10,000 drivers, if we are talking about affordability or making a living we are on the road to some people making a living and others not making a living. So as the lady that addressed that, probably we should get another job, in Detroit currently in the city of Detroit the Uber rate per mile is 29 cents. I can't drive for 29 cents a mile and pay my mortgage. I'm very he sorry, I can't do it and I hope that there are broader discussions brought up around this issue. I do support the council's direction from the December 17th decision that we were going to have a mandatory fingerprinting. I can't start driving a cab unless those procedures are taken. I can't get into a cab unless I have those done and taken to the ground transportation to get a chauffeur's permit. If the rules are for some, the rules should be for all. I understand the difference in the ordinance they're operating under. If they're asking for another year of pilot program, then I understand this clearly. But I didn't think that councilmember Riley's ordinance meant to 10 for 10 or 15 more years.

[Buzzer sounds] I just thought it was a one-year pilot program and we were going to implement rules that the tnc's would be governed by. But as we go along there are changes along the way, which I understand and we just need to pay attention to those changes and make it an all-inclusive for everyone. And I really appreciate your time today. Thank you very much.

>> Mayor Adler: Thank you, sir.

>> Kitchen: Mr. Mayor, Mr. Passmore, I would just like to say we do need to have further conversations, we do need to include you in the conversations.

[3:26:21 PM]

So I apologize for that. I do want to let you know that what's in front of us right now in terms of the incentives that are in this badge program equally applies to taxi drivers. Now, there are other issues as you referenced that are not a fair playing field and we need to discuss those further and I commit to you that we will discuss those further.

>> Thank you very much. I appreciate that.

>> Mayor Adler: Mr. Passmore, he want to reaffirm that for me as well. When we started out this process we said we weren't going to end up at the end of the day that something that put someone in an unfair disadvantage and I reaffirm for you my commitment to continue working on it. This one piece is something that applies to both, but I will engage in that conversation as well because I think that's important.

>> Really appreciate that, mayor. Thank you very much.

>> Mayor Adler: Hang on a second. A lot more people here. Ms. Gallo?

>> Gallo: As vice-chair of the mobility commitment I want to make that commitment also. We've had a long, lengthy, year long conversation almost on transportation.

>> It was totally jammed from last year going into this year and I really appreciate all the time you have given to us and set up meeting with us just to hear our point of view. I look forward to meeting with you all on this issue and I thank you very much for your time.

>> Mayor Adler: Hold on one more minute. There's a whole panel here to speak to you.

>> Gallo: I wasn't quite finished, although he may be saying what I was getting ready to say. So I think several speakers have brought up the concerns that we need to continue to be conscious of as far as making sure that we have options for ground transportation for all of our community and I think that the taxis and the shuttles and the charter do provide that for we have issues with no credit cards, we have other issues like that. So we will continue to talk about all of those to make sure we have a level playing field and that we address the concerns with excessive regulations. I think our community has said over and over again that they don't want to see this council have excessive regulations and I think that really applies to all of the ground transportation companies.

[3:28:27 PM]

So thank you.

>> I really do understand that, councilmember Gallo and I really appreciate your input. I've just been hearing testimonies that we can see where the cars are going, taxis being equipped with gps over the last five years. Yeah, we can see where a taxi is. If there's a crime committed in a taxi tonight you can go back next week and know who committed the crime. I just see this as probably either misleading information or lack of information is what's going on in the transportation industry. So I really appreciate that. Thank you.

>> Mayor Adler: Hold on one moment. Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. Mr. Passmore, appreciate all the time. You know, we have kind of beaten the proverbial dead horse, as you know, all the meetings we've gone through. And I'm the forgotten member of the transportation committee because I voted against the tnc going forward.

>> You cannot be forgotten, Mr. Zimmerman, even when you leave the dais you won't be forget en.

[Laughter]

>> Zimmerman: That's appreciated. To get me flattered, you need to shovel deep and hard. I appreciate that. On the technical issues what I've grappled with from the beginning I've said that it seems to me like the taxis and the tncs are business models that I can't get the same rules on.

>> You can't get in between.

>> Zimmerman: But they're different business models and I can't apply the same rules because they do business differently.

>> Yes.

>> Zimmerman: In the same way that Netflix or streaming services online they do things differently than a blockbuster video. Blockbuster video gives you the media. The other company streams it on the internet. I can't apply the same rules to both because its models are different. That's what I've been struggling with from day one. You asked me to do the same rules and I like the same rules, but I'm an engineer, can't do it.

>> I understand that and myself as an engineering student, but just didn't finish. I understand where you're coming from. We didn't -- we keep hearing about innovation and technology.

[3:30:27 PM]

We didn't get here alone with technology or not a whole lot of help. Yeah? My grandma ran a store and we did everything by pen and paper because we didn't have a cash register. So technology is good. It has brought us here to this point today, but we can't forget history, which is a measure of time and what we did in those days to bring us to this position to we are today. Thank you very much.

>> Mayor Adler: Thank you. Hold on a minute. Sorry. Ms. Troxclair?

>> Troxclair: Wait, wait!

[Laughter]. First of all, you are -- I have just really enjoyed working with you on the taxi issue, and you are a wonderful spokesperson for the people that you represent. So thank you for being --

>> Thank you for the compliment.

>> Troxclair: Thank you for being so well spoken and so passionate and so professional. And to that point I do -- I am -- I understand the want to have a level playing field and in fact, this is -- we've heard that phrase repeated again and again and again for, I mean, what seems like almost a year now. When we first brought up this discussion of taxis and tncs and all these other things, the council repeated over and over again level playing field. And I want to understand, but I haven't seen a proposal or ideas of how to actually do that. There are a lot of things that can be regulated similarly between the two, but how do you-- how do you regulate things like number of permits? That is kind of what the whole taxi system -- maybe don't have to have this conversation now. Maybe we can follow up after this meeting. Like the number of permits that the city grants to a taxi company is a critical piece of how a taxi company operates in our city. And either -- either we say we're not going to let a tnc operate unless they have permits, which would just make them another taxi franchise or we say that a taxi franchise may need permits in order to operate.

[3:32:37 PM]

I don't think that the drivers would be happy about. Or dictating what you can charge or what colors your cars can be. The code actually says that taxis cannot solicit business in a loud and annoying voice. I mean, that just kind of speaks to how many things that are in our code that are either outdated or unnecessary and are not -- and things that we have not considered or wouldn't be relevant to a tnc discussion unless we're just looking to create another taxi franchise. So I really do -- I understand the argument, but I haven't seen a way to -- a way to really get there.

>> Okay. I'm glad you addressed that and in the same sentence used taxi and tnc because that is exactly what tnc are doing, their performing a taxi service as a software company, right? So maybe that's where the fitting doesn't really happen. Seeing that the regulations are in place for ground -- for hired vehicles and they came into that industry without applying to -- the regulations being applied to them because the pilot program for a year, sort of like setting them off to the side to operate under that ordinance that was written by councilmember Riley. So with them coming into the industry and providing a similar service.

>> It comes under the technology that will suppress people in an industry or work environment for years and they're in retirement or to dust because there's a new thing on the block and it's the best thing since sliced bread.

[3:34:43 PM]

We don't do that because we've been operating under this strict ordinance because we thought that's what the city rules were and we had to follow them. We don't challenge an ordinance or -- I've heard people say why don't you lower the taxi ordinance. We live in America and ever since I came to America I've always been told that we raise the standards in America, we don't lower them. Thank y'all very

much.

[Applause].

>> Mayor Adler: Thank you. The next speaker is Aaron Chappell.

>> Thank you, Mr. Mayor, councilmembers. It's nice doing this in daylight. It's a good time of day for a hearing. I'm just here as an employee of the afl/cio to speak on behalf of the national taxi workers alliance which represents taxi workers around the country, including their member affiliate here in Austin. And I'd like to follow up a little bit on what brother Passmore was just talking about, which is the fact that regardless of how they provide the service the tncs are clearly providing a taxi service. And what we've seen from the history, taxi regulations have been in effect largely since the great depression when a lot of unemployed workers started driving because it was a simple thing to do. It's exactly what the tnc is recruiting from. And until cities around the country and everybody who did this put in place the number of limits on drivers, set some rates that are fair to the public and fair to drivers, as he pointed out, if you leave it to the tncs, 29 cents a mile is not a reasonable rate for anybody to pay for a car, for gas, insurance, and run a business. There are reasons that the council has always had these standards set and that you guys have had committees that spent decades debating the Numbers. Until that's applied across the board I think that's the fundamental problem here is that tncs have just been exempted from this and we've gone from debating on whether to add 100 permits to the 1,000 taxis to 10,000 new drivers flooding the market and destroying businesses and the livelihoods of Dave Passmore and other drivers.

[3:36:46 PM]

I hope everybody heard him say that he lost his taxi two weeks ago. This is serious -- a serious threat to a taxi industry that of course you've heard we've had a lot of problems with. I would also like to call out what looks like a sweetheart deal here with the badge system today. The tech company set up in the lobby with their animal skin rugs and fancy chairs and free bottles of topo chico to appreciate it, of course. And this is a process that drivers have not been involved in and it's not clear why the council wants to move on this so quickly. We have a company that's bullying everyone in the city, that's bullying our ability as a public to set common sense safety measures like what was passed in December. They're not playing with this badge system. I think we should wait on it. There's a lot more that we don't understand yet about these incentives. There were some things in the literature being handed out in the lobby about the ability of badge holders to jump the line at the airport, things like that. The airport is about the last place taxi drivers can make money right now and we just want to understand better what -- what this badge program would do. But we just want to see this council stand up for your ability to pass sensible regulations here. You know, again, like this just sets a very dangerous precedent. I don't want to see the point when a developer behind a popular project says they can't adhere to the electrical code and we have to come up with some kind of badge to encourage them to follow electrical laws or the fire code or we have to give property property taxpayers gold stars for complying with property taxes. Stick with your guns here. You did the right thing in December and we'll have your back as well. Thank you.

[3:38:49 PM]

>> Mayor Adler: Joseph ivy.

>> Hello. A lot of you are familiar with me from previous meetings. I want to kill a bird real quick, simmer manned and troxclair. I used to have a CDL driver back in the 80's and 90's. You know what? To get a CDL you get checked and fingerprinted by the state. So capital metro probably doesn't do fingerprint background checks because the state already did it. No more comments about would you

ride in a capital metro bus and feel safe. I understand troxclair's problem with the fact that fingerprints don't guarantee that no one is going to get assaulted nor does the Uber background checks. It doesn't guarantee that you're not going to get assaulted either. But Uber background checks, they only go back seven years. Fingerprint background checks, I've been fingerprinted since 1987 when I got my CDL, one year after I got out of high school. I'm now a pedicab driver. I drive the slowest transportation in the city and do you know what? I instead get fingerprinted. If a pedicabber can get fingerprinted, there's no reason why an Uber driver can't get fingerprinted. The next thing you know the city council, are we going to decide whether restaurants have to have health licenses in order to operate a restaurant? Is that going to be the next item that we decide that oh, we'll just make it so that restaurants don't have to have a health certificate to operate. That will be Uber's next thing to jump in on.

[3:40:50 PM]

And as far as Uber not being like a taxicab service, they're doing the same thing as a taxicab company. And the reason why they don't do flags, I'll tell you why they don't do flag trips is because if they did flag trips Uber wouldn't get their 20 to 30% cut in whatever city that they operate in. And lastly, so that you know that not every Uber driver out there is happy doing what they do because Uber keeps cutting the bottom line on 'em, I attest to you, go to the unofficial Uber Lyft car Facebook page and start reading the comments by their own drivers. And you will find out not every Uber driver in the United States is happy with Uber. There are actually more of them disappointed with Uber because every other six months they cut their fares down.

[Buzzer sounds] That's the whole reason why people want to ride in Uber is because they're cheap! Okay? It's all about the price. It has nothing to do with safety when it comes to Uber or their drivers are getting screwed in the end, not just -- the only people making the bucks are Uber themselves and the people who are saving a little bit of money by not having to pay the cab rates or the shuttle rates or the limo rates. You've done nothing but damage the industry as far as from pedicabs all the way to limousines.

[Applause].

>> Mayor Adler: Thank you. Joseph copser.

>> Mr. Mayor, thank you, mayor pro tem and others. I am the other Joseph that appears here quite a bit, Joseph copser, the CEO of ride!

[3:42:54 PM]

I want to remind everyone what councilmember Zimmerman said on the previous ordinance which enabling technologies in the last 30 years have changed quite a bit. But what was really amazing is what's changed in the last 30 days. I am actually very impressed and also disappointed simultaneously that this city, which is known for its innovation, is still struggling with what I see as a quite easy compromise. I'm proud of the fact that days after the December 18 vote that you took, I was actually contacted by two different sides. One side with the mayor trying to create this task force to establish the Austin badge and simultaneously by the leadership of the people creating the ordinance that ended up producing 65,000 names of people who want to keep Uber and Lyft. So if anything I'm uniquely qualified for the next how long, minute and a half? Here's the bottom line. The people of Austin have spoken. They want to keep Uber and Lyft. They voted to keep autism but in every person I talked to afterwards I said but do you have any problem if your driver is fingerprinted? No, I have no problem if the driver is fingerprinted. So what we have to do is find a compromise. What we have done using enabling technologies that haven't existed in 30 years in under 30 days this display outside. If you haven't seen it go see it. Because what it shows is we can reduce the barrier to entry. People can awe they want taxi

franchise indicate who they are so quickly that it will go just beyond this committee hearing. It will go beyond just this debate. It's going to be able to bleed over into air bnb and the sharing economy with where we live. It's in the dating share along with E harmony and the other dating sites. We'll have the ability to quickly validate and authenticate your identity. Here's the great part. It doesn't have to be government who does it. If more of you today vote this down and don't allow the badge, I still see the badge having a future, especially in this city because it doesn't have to be run by government.

[3:45:02 PM]

Let's return to the simple fact, give yourself time. Give yourself time to really talk and debate this. We need to have the sharing economy at the table. So far the most action that has been done by an independent task force that was focused on how other enablers could come in that didn't exist before to help provide a compromise to the solution. And whatever you do, give yourself time, but hopefully do not have to go to this vote on may seventh and spend \$800,000 not only of taxpayers' dollars to prove what we already expect to happen, but more importantly bind your arms as a city council. If they are successful, private companies are successful in creating an ordinance, where does that leave you all down the road on other more important issues? I see this as a great opportunity.

[Buzzer sounds] Find the ability, find the opportunity and the legislative process to give yourself more time, including more people in the process because at the end of the day Uber and Lyft are not bad companies. They are not bullies. They are no different than the technology people trying to enable drivers in this city, not only Uber and Lyft, but when we deregulate the taxi industry and make it a level field, it benefits everyone. Thank you for. I'm happy to answer any questions.

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

>> Zimmerman: This is a quick question. Maybe it's just because I'm older, but when I was a kid I'll never forget watching my first Hawaii 5-0 TV show.

>> I go back as far back as love boat.

>> Zimmerman: Book especially, Dano. What happens when you get booked? You have to surrender your fingerprints. When you give up your bio metric identifiers, it's because police have arrested you because you've done something wrong. Now the police will have them. Not good. It's not good to get arrested and have to give up your fingerprints.

>> If we feel like that's the only side. But I use a technology called clear.me at the airport. Now I fly through the airport very quickly. So there's a good and bad side to surrendering some of that.

[3:47:06 PM]

>> Zimmerman: If you're willing to surrender your fingerprints. If you're willing to surrender a retina scan.

>> I surrender my location in the Uber and Lyft applications. So I see there is something --

>> Zimmerman: Then you could surrender your DNA to the government.

>> If it helps down the road, absolutely.

>> Zimmerman: For all the people who don't want to be forced or enticed to give up their bio metric identifiers, I'm working for those people.

>> They have a place in the system too. I don't doubt it at all.

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

>> You said something to the effect that I want you to take the time to work this out so that you don't have an application. We are now legally bound to either adopt the ordinance language that was in the petition that was submitted to us within 10 days of validation or to hold an election on may 7th. There is no in between. And frankly, I think that this council bypassing those ordinances in December on all three

readings force the petition to happen and put us in this position today. So we can't come up with a middle ground, no. The city council pissed off the people of the city of Austin and they competed with a 65,000 person petition that legally mandates us to either adopt their ordinance or hold an election. So -- if you want to -- I agree that we should probably have more time. It's frustrating to me to have this all presented to us today. I don't know if the mayor intends it to pass on all three readings today. Only a few of the councilmembers and the people who -- the private entities that were involved in what you saw today in the printing of the booneers and setting up of this B corporation -- I don't even know what a B corporation is, but this private company that plans to make money off of this deal --

[3:49:14 PM]

>> I don't think anyone knows what the entity will look like right now. That's why I urge you all to take the time that you can.

>> Troxclair: So would the appropriate time to be on may eighth. The appropriate time for us to consider changes to any regulations going forward be on may 8th after we have let the voters decide so that we don't get yourselves into the legal liability in this gray area that we're operating in right now that we have a legal obligation in and we're trying to thread the needle.

>> You raise two great points. One is the legal obligation to act on the timeline given and the second is have the voters already really spoken and why would we need to do it? As far as the 10 days I'm not a legal expert. I didn't stay in a holiday express. I don't know if there's a legal hoop hole that the city attorney could pull out of the records, but if not the people have spoken, they want to keep Uber and Lyft that. Not what I'm saying, I want to keep Uber and Lyft and make a level playing field for all ride for hire. I would urge you not to take action that would prevent innovation like what's in the hallway and solve the problem and do it hastily because I want to have the experts from the sharing economy not just ground transportation, but lodging and dating and e-commerce to be at the table and I just don't want us to work too quickly because as we've proven enabling technologies in the last 30 years, in this case the last 30 days, show that the city has options.

>> Troxclair: Even though the ordinance in front of us could apply to all of those different areas, you raise a good point in that no one from the dating app industry or from the home-sharing industry, none of them are here today and have any of them about been involved in the conversation to your knowledge?

>> To my knowledge, I don't know. But I know the journey of a thousand miles starts with the first step and we had to start somewhere. I'm glad we started, but by no means is this discussion over.

>> Troxclair: Are you urging us to not pass this on all three readings today?

>> I'm not sure I know enough to say all three readings, but I'm asking you to take all the time you need and not limit ourselves to allow the innovation to provide added safety that the voters in the city did not say they didn't want.

[3:51:26 PM]

They said they want to keepable. The voters did not say we want to do other things to do safety in a way we haven't done before.

[Applause].

>> Kitchen: We can continue debating and that's fine. There are a couple of things I have to respond to. I think it's outrageous to Cigna the vote that we made in -- to suggest that the vote that we made in December caused the petition drive. What we were doing in December was making our best judgment on what we needed to do to move forward. Whatever anyone else did was their choice and that's fine. I also would like to keep us to the facts and that is that we received 23,000 signature. I'm not going to

speculate on what people wanted when they signed it. I do respect the petition from 23,000 people and we will make a decision on what to do about that when that comes before us, but I strongly reject the suggestion that we caused the public to go out and get a petition because we were doing our jobs to pass a reasonable resolution in December.

[Applause].

>> Mayor Adler: Okay. The next speaker is Josh Jones Daleworth.

>> [Inaudible]. Thank you so much for allowing me to speak today. I do understand that not everyone feels the need to have a validated driver. I also understand that Uber and Lyft feel that more regulations would -- could potentially discourage people from taking on a part-time job such as driving. For their company.

[3:53:26 PM]

But as a consumer I would really appreciate having the choice to have a validated driver or other person in the sharing economy. I sent my teenaged babysitter home in an Uber a couple of weeks ago and it made me really uncomfortable. I didn't want to do it. And I would have loved to have any layer of protection that I could have added on to what already exists. And I also find myself using more and more sharing economy type services since becoming a parent, and I feel that the thumb's up really would make a difference to me in my choices as a consumer. Thank you.

>> Mayor Adler: Thank you. Joseph Iely. Already spoke. Kara Sheehan.

>> Already spoke.

>> Okay.

>> Good afternoon, council. I'm also very excited to be up here for my first time. I don't think it will be my last. I did not mean that as a threat. As I said my name is Kerry Sheehan and I work with the AFL/CIO. I'm a strong supporter of labor and I don't want to reiterate what my fellow union brothers have already said so I'll try to make this brief. To me I don't believe that the voluntary badge idea is good.

[3:55:27 PM]

I don't believe in dual regulation. I believe we should have fair and equal [indiscernible] across the board for all ground transportation. And I also want to say thank you for passing the TNC regulations in December. To me those regulations showed that you as a city care about us and our safety. What concerns me is how we have now backed away from use regulation and tried to compromise with corporations like Uber and Lyft. Corporations that have shown no willingness to work with us. I appreciate that Austin is welcoming and we have loud for new comprises, but if a company wants to come in and set up in our city they need to invest in us and care about us. They need to show -- I believe that companies that stand for public safety like Uber and Lyft should be held to the highest standards. We put trust in them in a city and the only way to hold them accountable is requiring fingerprinting like we do for all other transportation. I urge you not to be bullied by Uber and Lyft and remember they have a unique responsibility to your people and we -- we as labor, as a union, will stand up and fight and be behind you in this. So thank you.

>> Mayor Adler: Thank you. The next speaker is Kenneth Flippin.

>> Hello. My name is Kenneth Flippin and I'm glad to testify again. And I want to just testify very specifically on the opposes at hand and the proposal. I spoke now about the need for us to find a compromise. I think that both sides have generally good points. There's good reasons to believe that there is some safety that can be gained by having background checks that include fingerprints.

[3:57:31 PM]

Mandatory system might be ideal, but it also could be so difficult it could cause the tncs not to be able to exist. So I think this is a reasonable compromise and I want to say a couple of things. First, I am a driver. Again, Lyft and Uber, done over 2500 rides and I've talked to a ton of people since all of this has come down. And again, the tncs have made it very clear their position and yet if you talk to riders and drivers, once you kind of explain the situation they're like oh, well, we know why the tncs are doing this and pushing their own valid initiative, but I also know of no objection, I've never met a rider or a driver that has said that they would object to getting their own fingerprint background check and especially if it's voluntary because it doesn't limit the freedom of people that choose not to. They can still operate for these companies and so I think the compromise is a good compromise. I would say that drivers in general would be supportive of the compromise and I would say in general the riders would feel a little bit more secure. So that's the first thing. The second thing is by the very nature of what Lyft and Uber do using this social system they're creating a dynamic that hasn't happened too much called social trust where we recognize that we can trust one another as a society through this. Through a social app where we get to rate each other. So that is valuable. But it doesn't mean that they've got a perfect system. We can learn to improve that and people can have that same gain of social trust by having a badge-up system and I think it's an innovative and good approach. The last thing I want to say is the tone of this debate is the only thing that really concerns me. Again, coming from both sides I know that the city council is genuinely trying to do what they think is best to serve the public safety needs.

[3:59:35 PM]

Whether it's Uber or Lyft or other councilmembers that are serving at their -- you know, their interest, it's not right and it's not the way that Austin works to portray the other side's views as either wanting to remove Lyft or Uber, which is completely false. Nobody has proposed that. If they choose to leave under the set of regulations, that's their choice still. And to place the blame of forcing them --

[buzzer sounds]

-- On a city councilmember and again to use dishonesty because there are a lot of things that have been said about councilmember kitchen, a lot of things said about the mayor, there's been a lot of things that Uber and Lyft have told people through the drivers and through the emails and so forth that make it sound like again it's a pitted battle between kicking out Uber and Lyft and there's no safety gained whatsoever from having fingerprinted drivers, which I think is arguable at best and clearly one cannot make a statement that there is no safety gained and make that with a genuine and honest statement. I'd just say I think we can do better as councilmembers, as corporations that are trying to work here and as just members of the community. We can raise the level of debate and have a real solution.

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

>> Pool: Mr. Flippin, thank you for bringing up the issue of the less than civil discourse that has accompanied the conversation about transportation. Companies. As a member of this counseled and sitting on this dais I know my intentions were entirely in the public safety realm and a concern about how or whether people are protected, be they drivers or riders, including the data that we surrendered when we sign up for a ride in a car of somebody that we don't know through the software app.

[4:01:39 PM]

I agree I think that the discourse has turned a corner by the large corporations who have come to town in order to try to shape and mold public opinion without regard to how this council, the good intentions that were amply demonstrated by members of this dais and really on both sides. And myself included. I haven't been targeted by the big corporations that I'm aware of like some of my colleagues, and I stand

firmly behind them, as we all do on this dais and support them and their work because we are in fact just doing our job. This is our job. Our job is to determine what regulations are appropriate in order to determine and support and protect the health and safety of this community. That's the prime mission of any governmental entity. So I thank you for bringing up that element. That has troubled me deeply for the month to six weeks that this has been going on. There is a new tone to the discourse out there that I do not recognize even during the days of the S.O.S. Petition drive. It wasn't even that. It is very troubling to me and should be troubling I think to everybody on all sides of this issue because at the end of the day we all still live here and we all still have to get along. On remember it's neighbors that we're talking about on both sides of the issue and for me it's protection of the people who live and visit the city. I'm deeply concerned about protections for workers. I'm a union member and I appreciate our afsme brothers and sisters coming today to talk about driver protections and the taxi co-op and the people who are making their living by driving taxis and they're being shunted aside and pushed aside by essentially a gig industry who are taking the trips away from them.

[4:03:45 PM]

No one is saying that taxis are perfect, but they haven't even been given a chance to catch up because things are moving so fast. So to return to the point that I wanted to thank you for, your pointing out that the discourse has really deteriorated, I agree. And I would charge everyone in this room who is here today and everybody who is listening or maybe not listening who are maybe talking to their neighbors and trying not to hear what I'm saying, let's raise the level of this discourse up to the adult level that it really deserves to be so we can talk about public policy without getting down into the depths of name calling and angry words. So thank you.

[Applause].

>> Mayor Adler: Our next speaker is Kyle Hoskins. Kyle Hoskins.

>> Thanks for your time, everybody. Didn't have a chance to prepare a speech, but saw this going down and ran over here from my house because I ended up being too passionate to not come and speak. I wanted to have a discussion, but I don't think that's how it works. I only have three questions written down. I guess I'll address myself. Aapologize for my disheveled look. This is my work from home outfit. First question is how does a fingerprint background check tie the person who is driving a tnc vehicle to the person who underwent the background check? There isn't. There is no tie to the background check and the person driving the check. There is no point of service check right now. Maybe a few years down the line we can get that in there. It's not something proposed, not something in the app. A point of service, facial recognition, maybe fingerprint at the point of service is what you need for this argument to even hold any ground. My second point goes back to something mentioned earlier.

[4:05:47 PM]

Out of the hundreds of millions of tnc rides in the United States, can you name any specific incidents of assaults or sexual assaults regarding tncs where a fingerprint background check within Austin's existing regulatory environment would have made a difference? Earlier we talked about a case in Houston, the Dunkin Eric Burton case, terrible incident. That driver was rejected by Lyft without a fingerprint check. That was ignored by Uber because their charge was 17 years ago on a drug conviction. They only care about seven years. That's where they draw the line. That's how they regulate. They just didn't care. And the craziest part is that driver would be eligible for a chauffeur's permit in Austin because of their good behavior since release. And my third question -- by the way, number two, I really don't know of any and I've done extensive, extensive research on it. I sent y'all an email containing a list disputing the most commonly referenced ones that have been referenced here and elsewhere and how they wouldn't have

been prevented by a fingerprint background check. Number three, if you had an extra unbudgeted \$500,000 a year to spend on a public safety of Austin, how would you spend it? There are opportunity costs. I don't believe this regulation helps improve safety more than spending the money on a variety of other things. I'd love to talk about -- save the budget for that. People use the terrible argument of if you feel safer if cabs, just use a cab. You know that's not what people are going to do. They'll still take tncs, but I like to compare it to the walking home alone paradox. You wouldn't let your friends or yourself walk home yourself in a bad neighborhood. You would let your friends and make the decision yourself to walk home in a good neighborhood -- buzz approximate buzz -- but when someone tells you a bad neighborhood is better, is a better neighborhood, you're more likely to walk home alone.

[4:07:54 PM]

And that's why I think that we could do more damage than good with either of these proposals. Thank you.

[Applause].

>> Mayor Adler: Anyone else I haven't called to sign up? Yes, sir.

>> Roth Smith. Sorry about that.

>> That's all right. I signed up neutral on this item because I think it's a red herring. The fingerprint, the badge, all of that, it's a red herring. I think that the real agenda of the tncs is to get through this whole process without drivers having to go through a road driving test. Consider your cousin Larry. Your crazy cousin Larry. Maybe he learned to drive in the worst city you've ever seen drivers in. Maybe he's picked up some bad habits over the years that scare the whiz out of you. The purpose of a road driving test is to weed out those people before they get certified and your loved ones get in their car. To my knowledge there is nothing in any of what you have been talking about that deals with that problem. The problem with Larry is that he doesn't have a bad driving record. He's never been caught because there's never a cop around when you need one. And so the other problem with this is that there's no way for you to know how bad this problem is because the tncs are not required to report to you how many drivers have been let go due to dangerous driving complaints. And to my knowledge there's no way for people who are customers of the tncs to report directly to the city when they were in a vehicle driven by a dangerous driver. So like I said, I think that this -- that all of this discussion you've been having for the last month and a half is a red herring that turns out to be very convenient for the tncs.

[4:09:59 PM]

And y'all have fallen for it. Thank you.

>> Mayor Adler: I think those of all of our speakers. We're now back up to the dais. I appreciate everybody that has spoken here. I just want to take a quick two or three minutes to talk about where this came from. And I recognize that there are differences of opinions on the dais with respect to whether fingerprinting should be mandatory or not mandatory, what we should do with the initiative vote, and we'll deal with all those in a couple of weeks. I think that there are folks up here that won an election just to have an election. I think there are folks up here that want to put away the election just to be able to put away the election. But fortunately we don't have to deal with those issues right now. Where I'm coming from on this and the reason that this came up, as the committee was doing its work and the resolution that we passed back in December we talked about doing incentives. That was a part of what passed. And this is -- we took that point and then took it the next step. I don't like the safety choice that I feel I'm presented with because I've been told by my public safety people that tncs are a good thing to have and that that coverage helps get drunk drivers off the road and that makes our community safer. On the other hand my same public safety people have told me that it's safer to have a

fingerprint-augmented background check and I'm not prepared to override the advice coming from our public safety professionals nor do I feel comfortable picking between the two different pieces of advice that I've gotten. So we redefined the question about mandatory versus not mandatory and we just defined the question of how is it that we have a community that wants to get ride-share drivers -- the goal is to get fingerprinted ride-share drivers to scale.

[4:12:02 PM]

Either because we think it's safer for ourselves or because we have people in our community that would like to have that choice. And if there are people in our community that would like to have that choice and we're able to give it to them as a community, I would like for us to be able to do that. So the goal then becomes how do I get to ride-share fingerprinted drivers at scale? One way to do it I think is through this badge program. You know we have our tnc ordinance that we're looking at, but the issue goes way beyond tncs. There's another app that was only mentioned once today. It was Carma. And I don't know how many people have signed on to Carma. I'm going to give it a quick commercial here. This is one of the things that is the darlings of our community. It's one of the reasons why rocky mountain institute is here. It is ride-share probably at its purest, created here in Austin. There's an app you can go on. This is their app. A woman gets in her car and she starts out and she's driving home. Tom sees that she's driving, knows that she's headed in the way that he's going because he's looking at the app and he says hey, I need a ride downtown. She drives by and she picks him up. They tap phones and then the ride starts. And the app keeps track of the distance they're traveling and the amount of gas and the price of the gas that's being consumed and as they continue to drive down the road. And then at the end of the ride they tap phones again. His account is debited his share of the gas. Her checking account is credited with his share of the gas and they go about their way. It's not covered by our tnc ordinances or ride-share ordinances because it's not for hire, but I have a relative stranger getting into a relative stranger's car. They don't know a lot about each other. I think it would be helpful for both of those people to be able to know something about the other person that that other person wants to tell them by way of a badge.

[4:14:12 PM]

Could be one way. It's the same thing with air bnb. With air bnb you can rent someone's home, you can rent a room in someone's home. You can rent the sofa in someone's living room. We have people who are sleeping on the sofa in someone's house and they don't know very much about the person who is in that house and lurking around that sofa, and vice versa when someone comes into the sofa we have people who have guests that have now walked into their space while they're there and they don't know a lot about that person. You know, there are different apps and different -- in these peer to peer economy things that give information. Uber gives the ratings. There are different ones, but each of those are done by company, controlled by those companies with standards as set by those companies. And some of these companies don't have that kind of support. I liken this I think this day and age to back what it was back in the industrial revolution. In the industrial revolution we had a new kind of economy that stepped forward and at that period of time we had 10 and 11-year-olds that were working in factories and they made piecework. And quite frankly, the work that they made probably was less expensive than the piecework that was produced by a 15 or 16-year-old because you had to pay them more money. And maybe the work was better because it was done by a smaller hands and there were a lot of consumers that liked getting that and were perfectly happy to get those cheap goods. And there was no shortage of 10 or 11-year-olds that would work in the factory or shortage of families that would send 10 or 11-year-olds to go work in those factories. Then government regulation changed

because the government stepped in after folks like Sinclair Louis and said we're not going to do that anymore. Companies were created that had large environmental impacts and the cost of their industry wasn't regulated.

[4:16:13 PM]

I think we have a new kind of government and the government needs to evolve between the intersection of what the governments want and how the governments operate. So we started looking at how those apps do that. I don't know if any of you have used Ebay. Ebay has a power seller badge. My girls won't buy a quartz ring on Ebay from somebody who doesn't have a power seller badge because it indicates a certain volume that they do or longevity on the platform and they believe that that means that if they make the purchase for that person they're going to end up with pink quartz as opposed to ending up with pink glass. These badges tell you something. But what we don't have in the world right now I think is a cross-platform third-party independent badge. And I think that's the concept that is in this ordinance that is being proposed. No one is being made to do anything. No one is losing any benefit they already have, but I think that it might actually be a really good way to drive the number of fingerprinted drivers, ride-share drivers up to the point where people who want that choice have that meaningful choice in our community. It is -- what happened in San Antonio on -- it is what happened in San Antonio on steroids, which is what we talked about in December. I think it is important to note that there are people in this community that will fervently tell you, only Uber and Lyft don't do anything about fingerprints, and there will be people on the other side that will say we want fingerprints regardless of what that does to coverage of tncs. And I don't like being in either of those extremes and I think we can try something that is as new and innovative and as austin-like as are the industries that we're now trying to deal with. I think it is real telling that, here, a letter from Kelly white at safeplace sent out to her board and their people today.

[4:18:18 PM]

I don't know how many people have seen this. It's a letter I think that sets out in real wonderful terms the experience that safeplace has had with women that have come in, a growing number of women that are coming in with the growth of rideshare, with the growth of unknown people dealing with unknown people in situations. She lays that out. After laying that out she says we believe that mayor adler's new initiative is the best option available for residents in our community. The thumb's up incentive brought a bio metric check, fingerprinting easily accessible to all participants and with meaningful incentives to drivers and riders to participate in the program. We have her weighing in on this. We have Joseph copser who also testified, as did Kelly last December, but when they testified in December they were testifying against one another. And today they're in the same place. I would hope that the council would continue the work that was done building on the incentive section. I think the members of the council that have worked on this over the last 30 days, I apologize to the members of the council that were not able to be part of that council and we could not speak to it being developed because of the rules associated with how councils operate. This is something new and it's something different and I think it's something that we should try. Ms. Kitchen?

>> Kitchen: Thank you, mayor. I do want to reiterate again that I think this is an innovative approach and perhaps we are getting ahead of some of the difficulties in other areas with addressing this broader to peer to peer. And I want to thank the mayor for also mentioning that we may all disagree on how we interpret the December ordinance and where we are, and thank you for that.

[4:20:25 PM]

I do feel it's important for me to say I do support this badge and moving forward with it. I think it's very innovative. I do want to say again it is a standalone item. It is an item that remains in place and is standalone and we can take the benefit of regardless of what we do in the coming weeks with regard to the petition. I also am supporting it because it does not backtrack on what we adopted in December. I want to make that very clear. I stand behind the ordinance that we adopted in December because I think it was a reasonable approach. I think that this is also a very important and innovative approach for not only tncs, but ground transportation in general and for the peer-to-peer which, so I want to thank you for bringing this forward.

>> Mayor Adler: And thank you for your assistance on this. Any further discussion on this? Yes, Ms. Garza?

>> Garza: Is somebody going to move an item? I mean, I want to --

>> Mayor Adler: Question. I moved what was the backup to the addendum to item number 92.

>> Garza: Okay. That was moved and seconded? Okay. Then I want to speak on it. I supported 56. I signed up as a sponsor on 56 because I believed our task today was to build on the work that we did in December. And that's why I added my name to 56. It seems like we're voting on 92 here. And I have concerns about 92. And frankly, the similar concerns I had with 56. I guess I've come to a place where I'm not sure why we are doing anything before we see what happens with the petition drive. I feel anything we do until we make that decision, there's really -- I don't understand why we would be doing anything before that because that's really the decisive issue going forward.

[4:22:30 PM]

I want to thank the mayor and councilmember kitchen for their work to try to find a creative solution. And I think that this is a creative solution, but the success of this solution depends on one really important factor. And that is the cooperation of the tncs. And it has become very clear that there is not going to be cooperation. They have to cooperate -- agree to display a badge on their app. They have to cooperate to adjust a fee schedule for their drivers the drivers don't get paid by the passenger, they get paid by the corporation. So the corporation would have to cooperate for this to work. And I just saw a headline that says Uber says thumb's down. They've already said they're not going to cooperate. They're not going to be a part of this -- another, another compromise. So I can't support. I see 92 as possibly something and I'm not saying this is anybody's intention, but I see it as something that would be put into place if we end up reversing what we did in December, and I do not support reversing what we did in December. And just so there's no question as to my intent of I spoke about elections at work session just to be clear about what my intent over why I'm supporting an election. I'm confident -- and I do support that we put this on the ballot and let the voters decide because I'm confident that Austin will defeat a measure that allows a corporation to buy its own regulations.

[Applause].

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: Mr. Mayor, thank you. We heard from a few speakers that kind of surprised me from the afl/cio.

[4:24:34 PM]

And I guess the union interests who interestingly are opposed to this because I guess it's not compulsory enough. But I am still confused about how it is that the city can pass an ordinance that is something that compels us to do something. It just gives me too much cognitive dissonance to say we need to pass a law to force us to do something voluntarily. It is so confusing and to me kind of absurd on its face. If people -

- if the community wants to build this kind of, you know, database, a voluntary database people can subscribe to and have themselves checked and get a badge, that voluntary action by definition has nothing to do with a compulsory ordinance. So it's contradictory. I'm old enough to remember Ella Fitzgerald. Anybody remember the tape cassette, is it live or is it memorex? So we have Ella Fitzgerald and she's on tape and singing. Is it live or is it memorex? Is this ordinance live or compulsory? We can't tell. Is it voluntary or compulsory? Anything that deliberately blends these two concepts and says we're going to have an ordinance, which is a matter of force, for you to submit for instance, which is voluntary. It doesn't make sense. I want my councilmember colleagues to reject this because it blends and confuses the issue of compulsion and volunteerism and they are different things. They're antonyms. If you volunteer it means you haven't been compelled. If something is compulsory, then by definition it's not voluntary. We should reject this item just because it confuses the English language. And I'm not disagreeing with the mayor that there could be a market for what it is he's proposing, but it has to be from a voluntary market.

[4:26:38 PM]

It can't be blended with government force for it to make any sense. So I'm going to be voting against this on principle.

>> Mayor Adler: Just real quickly because I think it needs to be just response to -- councilmember Garza, we tried to draft this in a way that would allow incentives to work even in those instances where there was no cooperation by Uber and Lyft and we went through those and went through them with the transportation department to see if there was still -- that those things could still work without their cooperation. I will tell you that it would be better if they did cooperate because it would enable us to do things on the app, but doing things on the app are not required for this system to work. Ultimately I don't know whether Uber and Lyft will cooperate or not. I'm not moving this forward or the others of us moving this forward on the assumption that they will. They either will or they won't. What I do know is this: I know for several months Uber and Lyft said that they would leave town if we did something that was -- that we did fingerprinting that was mandatory. That's a question we decide in two weeks. What I do know is that this is fingerprinting that is not mandatory. So -- and it was designed to not be mandatory and to not cost Uber and Lyft anything. This particular standalone program. My door remains open for them to come and talk about this if that's something that they choose to do. And if they don't come, then they don't come. But this is something that I agree with councilmember kitchen is standalone. It's something that is similar in some respects, councilmember Zimmerman, to when this city rewards employees that are willing to put Nicorette patches on their arms in order to stop smoking.

[4:28:46 PM]

We certainly don't require anybody to use Nicorette patches, but when we have people that are doing behavior that we want to reinforce in many instances, we reinforce that behavior. And I think that's the kind of thing that we're doing here. Any further debate on this issue? We'll now take a vote. I'm sorry, Ms. Gallo?

>> Gallo: This innovative program, this incentive program, which gives the public options, I think is a more appropriate way for government to further its legitimate, regulatory obligations in this new sharing economy, which is building quickly. However, we've heard from many voices in the community. Some wish to mandate that all drivers contain fingerprint background checks even though this might result in major ride share companies leaving. However, our public safety officials tell us ride share companies make us suffer by significantly reducing drunk driving. And there are other voices in the community that tell us they oppose mandatory fingerprinting. However, our public safety officials also

tell us that fingerprinting improves safety because it establishes the identity of the driver being background checked and aids and AIDS in post-incident investigations. I've been fingerprinted twice in my professional career, once for my real estate license and another for my mortgage broker's license. Both were easy, quick, inexpensive. As a female riding in a car driven by a strange iri wish to be able to choose to ride with drivers who have been fingerprinted to determine their identity. While I'm a passenger in the for-hire car, I am completely in the driver's control. He or she has the power over the locks on the doors and the windows as well and, also, whether I arrive at my I intended destination in a safe manner.

[4:30:49 PM]

So my goal is to give the public an opportunity of choice. I'm going to say that again. My goal is to give the public an opportunity of choice so that each person can then determine the level of safety with which they feel comfortable. I will support the initiative ordinance because I support choice in our community, and I thank all of the people that have written us, called us, emailed us, and have come here to speak so that we can continue to hear all of the many different voices in our community and can continue to build ordinances and things that we do that continue to allow choice in our community. Thank you.

>> Mayor Adler: Further discussion? Ms. Troxclair

>> Troxclair: First of all, I'm -- how discouraging it must be for the 65,000 people who signed that petition to sit here and listen to this conversation today. This decision is no longer up to us. We have been handed a petition that legally mandates us to either adopt the will of the people who signed that petition or go to an election on may 7. We do not have the ability to make decisions that will significantly impact the way the transportation networking companies operate in Austin. Before we have an election on may 7. I don't know why -- regardless of how invasive an idea -- innovative an idea, regardless of how good you think it might be, the reality is it is not up us until may 8. If we want to pick up this discussion on may 8, after -- if the ordinance does not P ass, then it's within C ouncil's ability to do that. But for us to sit up here, knowing that making this decision today will U ndoubtedly lead to the city being sued, in my opinion, lead to endless legal fees and long legal battles, for what?

[4:32:58 PM]

Just the -- just another couple months? We sit up here everyday and talk about how we want citizens to be more engaged, how we want to hear from our constituents. They sent us a really strong message, the strongest message in the form of a citizens' P ettation Austin has ever received. We're ignoring it. How can we turn around and say we care about -- what they think, the direction they want to see the city go? When we ignore what they have told us? I -- I have so many questions about this initiative, and I really -- I respect the mayor and councilmember kitchen for working so hard to be creative and to be innovative, but the reality is that we don't know how this will be implemented or paid for. I don't know -- I was so surprised to walk into city hall and see the display. Who paid for this that? What's this company that's already set up to do this? Are we setting up a G overnment-mandated system that's going to create a F or-profit business and they already have their foot in the door? I understand the restrictions of open meetings and the fact that we're limited about the number of other councilmembers that we can talk to about an initiative, but the reality is this is a first -- today is the first public conversation that we've had about this, which in my mind kind of vitals the spirit -- violates the spirit of the open meetings act, to say the spirit of that rule is so that the public has access to know what is being done in the decision-making process and in the process that leads us to come up with the laws and regulation that's the government does -- regulations that the government does. I don't know how this will be implemented, how it will be

paid for. And that -- those questions only need to be answered if you believe what -- in the -- I guess, initial statement that fingerprinting is the only way to make austinites safe.

[4:35:09 PM]

Which I think has been refuted multiple times. In the examples of Ebay, Twitter, there was a market demand for those things. The company saw they could improve their services by giving their customers something that the customers wanted. And they didn't need a government mandate to come in and do that. The reality of the situation is that these tnc companies already understand their business. They already understand their consumers about they already see that there is no demand -- demand for a driver that's been fingerprinted. If that was true, this would be a competitive advantage for the taxi drivers because the taxi companies can go out there, make a vacant platform and say is fingerprinting important is now call a taxi. And the business would skyrocket, right? If the consumer demand for that kind of thing was there, this would already be in place. So what is -- I mean, what is the government's role in all this? I just -- I have never -- I can't think of another instance where government is creating a private for-profit -- nonprofit or for-profit business that is going to be mandated to do something that otherwise there has been -- hasn't been a demand for. So I do hope -- I don't know why we would put ourselves in the position to take a vote on this today and risk -- not only risk lawsuits but risk the distrust of the people I think we've clearly heard from. I think when we talk about Uber and Lyft, they're big corporations. Taxi companies are corporations too. Being a corporation is not a bad thing. It's the American dream, to create a business, to create jobs, to make money, to be successful.

[4:37:13 PM]

These are good things. And a corporation certainly didn't buy a petition to say that is an insult to every single person who signed that petition, including myself. Because I signed it. I knew exactly what I was signing. So I think it's time that we respect our own city charter, that we expect the process that we have in place, and we respect the citizens who have shown their overwhelming support for the existing regulations.

>> Mayor Adler: Any further debate? There's been a motion and a second.

>> Tovo: I'll keep my comments very brief but I feel like I need to explain my vote. I am going to support this because I agree that it stands alone and that it is a useful and interesting and innovative program but I want to reiterate my support for the ordinance that the council passed in December, as well as for mandatory fingerprints. I've supported that since we started having the transportation network conversation back in 2014. I still believe that that's what's appropriate for the public's health and safety. So I appreciate all the conversations we're having and look forward to the discussion we're going to be having next week.

>> Mayor Adler: Thank you. The motion is approved on all three readings. The ordinance proposed, it's been seconded. Those in favor, please --

>> Houston: I'm sorry, mayor. Did you say all three readings?

>> Mayor Adler: Yes. Those in favor please raise your hand. Seven, those opposed? Opposed is Garza, Houston, Troxclair, Zimmerman, approved 7-4. Housekeeping matter, mayor pro tem, do you want to move to reconsider the vote on 92

[4:39:17 PM]

>> Tovo: Mayor, in fact I think we probably need to talk that just passed. Is it my understanding the vote we just took did not pass on all three readings because we had seven votes?

>> It does pass on all three readings on seven votes.
>> Tovo: It's my understanding the previous vote did not pass on all three readings because we did not have a significant enough majority of council and I had abstained so I -- were there to be a vote to reconsider it, I would support the majority.
>> Mayor Adler: Thank you.
>> Tovo: I will say I can't vote to reconsider because I abstained. It has to be somebody on the winning side of that, majority side of that.
>> Mayor Adler: I was on the majority side. I move to reconsider the vote. Is there a second to that?
>> Kitchen: Just for clarity, which one are you talking about? 69?
>> Mayor Adler: To extend the effective date until the end of February. I make that motion.
Councilmember kitchen seconds that motion. Those in favor.
>> Just for the record it is number 96.
>> Mayor Adler: 96.
>> Tovo: Let me just say I originally abstained because it's six of one, half dozen of another to me but I believe it's perfectly fine to extend it and so I'm happy to vote with the majority on that.
>> Mayor Adler: Mayor pro tem, I appreciate that consideration. Those in favor of reconsidering please raise your hand. Those opposed?
>> Zimmerman: I didn't vote in favor.
>> Mayor Adler: No no. This is a vote to reconsider now.
>> Speaker2: So I abstained from it. I can still vote to reconsider or not reconsider? I vote to not reconsider.
>> Mayor Adler: Mr. Zimmerman votes no on the motion for reconsideration. Any other no votes? Zimmerman votes no. Ms. Garza abstains. Ms. Troxclair abstains. The rest voting aye. We reconsidered. Those in favor of the motion to extend the effective date until the end of February please raise your hand. Those opposed? Ms. Garza is opposed.

[4:41:18 PM]

Those abstaining, Zimmerman, troxclair. This time it passes 8-1-2. Okay. Thank you. We withdraw number 56 and 95, I think, mistake, is that correct?
-- Ms. Kitchen, is that correct?
>> Kitchen: Yes.
>> Mayor Adler: 56 and 95 are withdrawn. That gets us to the next item on our agenda. Let's pull up eight, bull creek grove issue. Is staff here for that?
>> Mayor Adler: I'm sorry. This is pulled by Ms. Pool.
>> Pool: Mr. Jennings, thank you for being here.
>> Yes, ma'am.
>> Pool: I appreciate it. I have a couple of questions. It looks like the city going to spend a little over a million three on this project. The city's share -- if you can just confirm these items that I have. The city's share will not exceed one-third of the hard costs?
>> Yes, ma'am, 33%.
>> Pool: The city's portion of the soft costs would not exceed 15% of the city's hard costs?
>> Yes, ma'am, that's correct, and that's in accordance with current code.

[4:43:20 PM]

>> Pool: Thank you. So as far as the expenditures, who oversees them to make sure that the costs that the developer reports are reasonable?

>> That responsibility for this particular project, because it's a cost reimbursement will reside with Austin water, a project manager within my division.

>> Pool: Okay, thank you. Can you give us a description of the benefits to the city and the surrounding community?

>> It has multiple benefits. First, it provides additional reliability from bringing water from the west side of mopac to the east side. The closest largest main, if did you not extend the 24-inch, is a mile up on 22 -- 22 or you go to a 20-inch line that is in burnet road. For this particular neighborhood offensive another large line coming in provides greater reliability for the southern part of the pressure zone, additional fire flows and pressure for that particular area, and, as we know for the development, it will provide the necessary fire flow and domestic water that it needs for the development. Overall, it's a reliability issue. For the utility. That is why we chose to oversize it. This was an identified P roject, but it was not in our funded C.I.P. C.I.p.s. So as part of a better run system, it is something that's needed so we took the opportunity, because the developer was going to need to build that infrastructure anyway in terms of a 16-inch line, and so it's to our benefit as a city to cost participate with that infrastructure instead of waiting until such time that we do it ourselves.

>> Pool: So how did we make sure that the city's participation costs don't exceed the amounts that are set forth by code?

[4:45:24 PM]

>> The project manager is responsible for that, and then if it turns out to be that T he -- as the receipts are coming in and the -- that the costs look like they're going to go over that amount, welcome back to city council and seek authority to increase the amount of money. Usually what we have is a 10% contingency in the amount for any unforeseen circumstances, but a lot of times when you're digging you might find mitigation efforts that you have to do that were unplanned and not found in the geotechnical review for the Roth and in those cases we bring back the item to council for your consideration.

>> Pool: I'm accustomed from my service on the wastewater commission about a decade ago, when -- about the time the water treatment plant four was being first discussed --

>> Yes, ma'am.

>> Pool: And I -- not only that project but a number of projects, regularly came in front of the wastewater commission for approval on additional overruns and sometimes they were more than the contingency, although that was ten years ago so I maybe wrong on that. What I do remember, it seemed like it was a regular parade of contingency and overruns that were being requested approval for. I have to say that at that time, because I was on that commission, it did really concern me that we weren't getting true bids going in to have a real assessment of what the real costs of these projects would be, and it was certainly the case with water treatment plant four, so that we didn't really have a public community conversation about what the real costs of these projects would be. This is why I wanted to bring this up today and to talk to you on the record so we could have the details explained to the community so that if at any time we have to come back and review these, we can go back to the record and see what the answers were.

[4:47:28 PM]

I am more than a little troubled by this particular request with an open-ended contingent funding, that it would come back to council. I know you're saying that there's a 10% contingency, but I also saw many times from my time on water wastewater where that cap was exceeded and that was why those requests came to council. Is there a way that we can either have better E engineering, better cost estimates, more detailed information to have better information at this point, when we're approving

this \$1.304894 project? So that we can really nail down this amount and that it won't go up anymore? It won't exceed this amount?

>> Well, the amount is based upon the engineer designing the project, the developer's engineer and it's confirmed by essentially the experience of staff. I don't have specifics in terms of being able to look ten years ago, the types of things that you were seeing for staff to keep coming back for additional funding requests. That is something that we certainly could do for you if you wish for the last couple of years to see how many times we've had to come back for a particular issue in terms of a cost are you enforcement

-- reimbursement agreement, in the last three or four years, my experience, it's happened less than a handful of times. It's usually because the geotechnical work did not discover at that particular point in time additional mitigation efforts that needed to happen. We find a void in the rock, in the cars features, you've got to stop, you've got to get watershed protection involved and start going through the process of what's the appropriate action to take.

[4:49:32 PM]

The only other thing I can say is that of recent coming back for additional costs, we came back to you for whisper valley wastewater treatment plant and the reason for that is you took a bid back in 2007 and here you are six years later and the cost differential is great when those kind of things happen. So a lot of it depends upon the time that the council has authorized the agreement versus the actual time that the project is bid out. But certainly I understand your concern of is this just Numbers thrown against the wall and hoping that they stick right, and we try to do our best due diligence to make sure they're accurate. Because, trust me, staff does not want to come back to council and ask for additional funding for a project.

>> Pool: I'm looking at the map that was provided in the backup and I don't see -- so maybe you can help me see -- where the line actually would be located.

>> Just show me the map you have.

>> Pool: The location map of the water ser3607, this yellow with the peach hatch --

>> Do you have the ability to put this sheet of paper on there? Just a moment, please. This will be a better map to provide you the information you're seeking.

>> Pool: Thank you.

>> I think what we'll do is as I see that we'll start including those more detailed maps in your backup, as we're providing that. Here we go. So you'll see that the tract that is hatched is the tract that's asking for the service extension request, the cost participation agreement. You'll see a dotted red line going northwest. That's the proposed 24-inch line. First it has a little 12-inch part that's in front of it, then it goes to a 24-inch.

[4:51:33 PM]

The 24-inch cuts underneath mopac and connects on in to a 48-inch line. So what you're doing by that is bringing the water from a large transmission main across mopac into an area where you can see the neighborhoods there, just north of the T tract, south of the tract, have generally smaller lines, 6-inch, 8-inch, and so you're bringing an additional reliability into that particular area, particularly the south part of the pressure zone, to be able to provide additional flows. Does that help you?

>> Pool: This is a much better map than the one that was included in backup, which basically just told us where the site was, and I think we all know where the site is. So, yes, this is a lot better. I'm curious, has the environmental -- has there been an environmental assessment on where this line is going? Does it interrupt any important critical environmental features?

>> Not that I know of, no, ma'am.

>> Pool: Not that you know of. Do you have some assessments of those that you could share with my staff?

>> Well, when the developer moves into actual design work in doing the geotechnical work, that's when we'll find out that information, when they actually do the preliminary engineering. So at this point in time, it's their best estimate from their perspective of kind of what the known features are there of what they expect the costs to be. You'll really find that out once you've done your preliminary engineering and looking at your methods and looking at the geotechnical work. Certainly, we'll be glad to provide you that information as it's available. And a lot of that is going to be based upon when they actually go ahead and start the construction. So that's of the developer's choice in terms of when to pull the plug.

>> Pool: So we are relying on the developer's engineer's estimates to determine the amount of money for this service extension request cost sharing?

[4:53:42 PM]

>> Primarily, yes. Staff will look at it backups the experience -- based upon the experience staff has had in terms of other projects, cost reimbursements to see if it's in the realm of reasonableness.

>> Pool: Why are we doing this now?

>> The developer is seeking to have a proposed development. They'll be going through the development process, and so as such they need water and wastewater service to their tract. In this particular case, the existing lines are insufficient to provide them the domestic and the fire flow, particularly fire flow, that they need for the development needs. The developer has asked -- has indicated to us that they're looking at around 1,350 Lues, a significant amount of development. And in order for their development needs to be met --

>> Pool: Say that again, an Lue?

>> I'm sorry, acronym for --

>> Pool: That's all right.

>> From a bureau considerate, living unit equivalent, essentially a 5/8-inch unit.

>> Speaker2: Was the number?

>> 1,350, thereby.

>> Pool: You don't know what the breakdown is on that, right?

>> I know a little bit. Single family is around 350. Office is around 84 Lues. Retail is 90, there's a proposed retirement home that's 50 and the remainder is multi-family.

>> Pool: The retirement home at 50, is that 50 rooms.

>> That's 50 Lues, depending how that he build it, each portion will be a portion of a Lue. The design criteria is generally that an apartment is .5 Lues, a condominium is .7 Lues, just based upon engineering analysis done in the and this it's a best professional guess of the amount of water used for that particular use.

[4:55:48 PM]

>> Pool: So why would we be approving this estimate today when we haven't even done our base zoning for the site, like the plan for this possible P.U.D. Is still making its way through the various city departments, and so I'm wondering why -- since that hasn't been completed we would be entering into this action here today? Why wouldn't we wait until maybe the base zoning is set, for example?

>> Well, the -- usually what the service extension request -- that's the first part of the process, because they want to get a sense of what is the project going to take, in terms of infrastructure, to meet my

proposed needs, and what's that going to cost me in general ballpark Numbers? And so they obtain that information for financing, for other types of needs that they have. They also concurrently go through the P.U.D. Process and the zoning process and that will refine the amount of Numbers, in terms of what actually is going to be built. Generally what we see, Sers, they indicate a little bit higher than a lot of times what's actually built. Certainly, from a developer's perspective -- and we have done this in the past, that they will find out that, hey, we're not going to be able to have the amount of intense development that we expected, and they will come back and revise the ser. For example, we've asked for a 24-inch from a 16-inch, 33% increase, that would be the city's cost participation amount. The developer figures out that they only need -- or only can build half of what they had proposed. Well, they're going to come back anxious -- us and revise the ser because we will probably still want a 24-inch and instead of a 16 they may need a smaller size main for the development they're proposing, therefore, the city's cost participation amount would increase.

[4:57:54 PM]

So the developer has a financial incentive to -- as things become more concrete to the proposed development, of coming back to us if they need to. In terms of the construction plans, let's say that it went the opposite way. Then they also will come back to us because as they are submitting construction plans and those type of things, we tie that to the service extension request to make sure that they haven't gone over the development -- proposed development and what we have indicated that we wanted to oversize.

>> Pool: Okay. Last question for you and then I have a couple for Brent Lloyd if he's nearby and can come down. This council has talked for about a year about affordability and having development pay for itself. How does our granting waivers of this sort or cost-sharing agreements -- how does that fit into our desire to have development pay for itself?

>> I think we're actually congruent in that. The reason why is that if -- back in 2013 and prior, city council -- prior city councils had adopted in city code a cost reimbursement process so that for certain sized lines, regardless of whether a developer needed all of that capacity or the city wanted to share in that, the city would pay 100% of the hard construction cost. So, for example, a 24-inch waterline, such as is being proposed, the city, under previous city code, would be paying 100% of that. Current code is cost participation. So we pay the incremental difference based on the size of the line for our cost participation site. So this, instead of paying 100%, we're looking at paying 33%.

>> Pool: Okay. Thank you. So what I hear you say, just to reiterate, the specific thing, the C.I.P. Expense detail states that if additional funding is needed it will be contingent on funding in future budgets, and that would be another item that you would come back to council for approval on?

[5:00:13 PM]

>> Yes. What you're reading from is a standard block of language that our finance people in there have put in there. And the funds that they're talking about is our capital improvement C.I.P. Budget that city council authorizes every year on an annual basis. So what the backup is indicating is that we have an approved capital improvement project so we have funds there available to pay our proportionate share of these costs. If it was the case that there were additional costs and there was not money available in the capital improvements project, then really there's two options. We would come back to you, either for a budget amendment, which may have a rate impact, or we would go to the next fiscal year's budget and come back and include that part of the project in that capital improvement project's funding.

>> Pool: Okay. Thank you. Is Brent Lloyd here?

>> Zimmerman: Mr. Mayor, I'd like to move passage of Item 8. We can continue discussion but I went

ahead and moved passage of item 8.

>> Mayor Adler: That's fine. There's been a motion to pass item 8 is. Is there a second? Ms. Houston seconds.

>> Pool: Is Mr. Lloyd here? Here's the question I wanted to ask and maybe when he gets here we can get an answer. The question I had is does the service extension request provide grandfathering for bull creek from any of our regulations? So I'll just leave that out there tabled until I can get an answer from our law department.

>> Houston: Mayor? I have a question.

>> Mayor Adler: Okay.

>> Houston: Thank you so much for being here, and you did a very detailed explanation of all of that.

>> Thank you.

>> Houston: This will provide retail water and wastewater service to the new D development, correct?

>> Yes, ma'am.

>> Houston: So can you tell me where the wastewater goes?

[5:02:17 PM]

>> Hopefully it goes in the hope is what we really would like to happen.

>> Houston: We don't want you to pumping it home.

>> No, ma'am, that was last week. It will go into their wastewater mains adjacent to the property.

>> Houston: They flow where?

>> These will flow to more than likely the south Austin regional wastewater treatment plant. They may go to the walnut creek plant but it will be one of the two.

>> Houston: Will you please let me know which one?

>> Yes, ma'am, I'll find that out.

>> Pool: I would be interested in that as well. I think probably everyone would. I see Mr. Lloyd is here.

>> Brent Lloyd, assistant city attorney.

>> Pool: Thanks for being H ere, Mr. Lloyd. We're talking about arg bull creek and the extension service request. I wanted to get your take from the -- from a legal perspective, does the service extension -- I can't seem to say it today. Service extension request provide grandfathering for arg bull creek from any of our regulations?

>> A service extension request under the state grandfathering law does -- it constitutes a first permit in the series. So it can be sufficient to accrue grandfathering rights but you always grandfather to the regulations that are in effect on the date the application is submitted. And when this ser -- and this ser application was submitted recently, I believe, so it was submitted at a time when the site has no development R ights. So in terms of any vertical construction or regulations like impervious cover, height, those sorts of things, there's just really nothing for them to grandfather to. So I think the -- I'm confident based on what I know in saying that the council will have authority to set the development regulations for this property through the zoning process.

[5:04:27 PM]

>> Pool: Okay. So is there a site -- but do you know is there a site plan in place for this?

>> No.

>> Pool: For this project.

>> No, there's not. My understanding is that I T's -- it's not zoned land and they are going through the zoning process and there's not a -- there -- under our order of process for development, there can't be a site plan submitted until they have applicable zoning.

>> Pool: Okay. Thank you, both, for staying to answer these questions. I really appreciate it.

>> Thank you.

>> Councilmember, for clarification, is it okay if we just send you an email about which particular wastewater treatment plant the flows are going to?

>> I think -- I think that would be fine for me.

>> Houston: That would be fine. What -- the other part I would like to know, because my mind is about to go away now, is that when was the line from west Austin constructed to move the flow to the walnut creek? I just don't remember when that happened. So if you could just put that in there remind me when that happened.

>> Will do.

>> Pool: If you can send that to everyone so we can all see it.

>> Yes, ma'am, will do.

>> Mayor?

>> Mayor? Oh, I'm sorry. I just had another possible question.

>> Mayor Adler: Ms. Gallo.

>> Gallo: So one of the things that we've realized in many of our older areas is the water pressure for fire fighting.

>> Yes, ma'am.

>> Garza: -- Situations is really low and sometimes almost nonexistent. So we reached out to the fire department to ask if that was a potential problem in this area, and they did mention that these old residential lines really are concerns. So my guess is that in doing this it will also help with the flow to be able to fight fires in a more effective way?

>> Yes, particularly south of the tract, that's the lower part of the pressure boundary, yes, ma'am.

[5:06:30 PM]

>> Gallo: Thank you. We all hear and are concerned about that so, I think, that's a really important part in this, that it does increase our fire department's ability to fight fires more effectively in that area. So thank you.

>> Mayor Adler: Thank you very much.

>> You're welcome.

>> Mayor Adler: There's been a motion and a second on item number 8. Is there further debate?

>> Pool: No. I just wanted to say that I'm willing to vote for this item here today, but I am very concerned about cost creep. So I wanted to make sure that we had the Numbers accurately and adequately publicly discussed so that we can kind of touch back to them should it happen that the costs balloon in the future. I'm not sure I will vote for cost extensions. But I'm willing to allow this to -- to vote for this T tonight.

>> Mayor Adler: Ms. Houston.

>> Houston: Yes. Can you tell me the public utilities commission reviewed this on the 20th. Can you tell me what their response was?

>> Actually, the public utilities commission did not review this. This item went from water wastewater commission that did authorize it. The public utility commission, we were scheduled for the item but the commission decided to move it to straight council. That's my recollection.

>> Mayor Adler: Okay.

>> Houston: Thank you.

>> Mayor Adler: Any further debate? Those in favor of item 8 please raise your hand. Those opposed? Ms. Houston abstains. Ms. Troxclair is off the dais. Others voting aye. It pass it's. Let's see if we can take up small items before we go to music at ###-#530 -- 5:30. What about 87 and 88? I think those are P

ostponements.

[5:08:31 PM]

>> Good afternoon, mayor, councilmembers. I'm Andrea bates with the watershed protection department. The applicant is requesting to postpone both of these items to February 25. The purpose of the P ostponement is to give the applicant additional time to work with stakeholders on the water quality controls and potential mitigation funding for this redevelopment P roject. The stakeholders that we've spoken to support the request for postponement and staff is also amenable.

>> Mayor Adler: Is there a to February what?

>> 25.

>> Mayor Adler: 25.

>> Zimmerman: I'll move.

>> Mayor Adler: Mr. Zimmerman moves. Is there a second? Ms. Kitchen seconds. Any debate? Those in favor, please raise your hand? Though. 10-0, Ms. Troxclair off the dais. Let's try item number 79. Then we'll try 80. And 90 as it relates to 60. Is there staff here on 79?

>> Mayor, council, Cindy Crosby with the law D apartment. I don't see the economic development department here. However, there's a revised ordinance I'd like to pass out on yellow copy. It's the same version that's in your backup. However, the dates are changed to reflect 2016.

>> Zimmerman: Mr. Mayor? Just a point of inquiry. The postponement we made was to what date?

>> Mayor Adler: February 25.

>> Zimmerman: Okay, thank you.

[5:10:42 PM]

>> Mayor Adler: Okay. Sorry irks Mr. Cox, we missed you on that last item we called. Do you want to speak on that item number 8? Fine, thank you. Sir?

>> Good afternoon, mayor, Michael, economic development department, this is a public hearing in consideration of an ordinance levying assessments. On [indiscernible] Service plan for the district and approved the 2016 assessment rate at 19 cents per hundred dollars and a proposed assessment roll. The hearing this afternoon allows property owners to challenge that assessment. Following the public hearing council will consider approval of the ordinance adopting the 2016 roll and levying the assessments. Related item, 59 would amend to adopt E sixth street. Unless there are any Q uestions, which I'm happy too answer, we're ready for public hearing.

>> Mayor Adler: We have no speakers identified on items part and nine wishing to S peak -- items 59 and 79, only someone for, but not wishing to speak. Is there a motion to approve items 59 and 79?

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: To close public hearing.

>> Zimmerman: Point of I inquiry, which districts does the P.I.D. Cover.

>> Entirely within district 9.

>> Zimmerman: District 9, thank you.

>> Mayor Adler: Is there a motion to approve items 59 and 79? Ms. Tovo moves. Is there a second? Mr. Renteria. Any debate? Those in favor please raise your hand. Those opposed? 10-0, Ms. Troxclair off the dais. Thank you, sir. We're on a roll here. Let's try -- that was 59, 79.

[5:12:48 PM]

Let's try item 90 as it relates to item 60. Hello.

>> Good afternoon, maybe, councilmembers, Diana Thomas, controller for the city. The item before you is the public hearing for the assessment roll for the hill country public improvement district. This is an opportunity for the properties that are being assessed to come and discuss the assessment roll with you before it's approved. A related item is 60, which authorizes the budget for this public improvement district as well.

>> Mayor Adler: Okay. . We have no citizens signed up for this. Is there a motion to approval item 60 and item 90? What district is this in?

>> Ness district 5.

>> Mayor Adler: District 5, thank you. Nose nose .

>> Mayor Adler: With Ann kitchen we're going to hold off for one second, okay? Oh, she's there. Sorry about that. That's okay. We're on item number 60 and item 90. Those are just approving the roll. And then the budget. There are no people signed up to speak in the public H earing. Mr. Zimmerman.

>> Zimmerman: Thank you. Quick question. This is saying that the -- based on each parcel owner share it's estimated to produce 1.7 million. I guess that would be the assessment. How many parcel owners are there affected by this?

>> I believe there's 70 on the list.

[5:14:48 PM]

>> Zimmerman: 70 parcels or 70 owners?

>> No, there are 70 parcels, but there are less than 70 owners. I believe we're at -- close T O -- in the 40s, I believe, sir.

>> Zimmerman: There's about 40 owners? Okay. Thank you.

>> Mayor Adler: I think on deck, by the way, is going to be the nhcd and hsc items. So if staff would start making their way here, that might be good. Is there a motion to approve items 60 and 90? Ms. Kitchen makes that motion. Is there a second? Mr. Renteria. Any discussion or debate on this? Those in favor of item 60 and 90 please raise your hand. We're also closing the public hearing. Raise your hand, please. Those opposed. Unanimous on the dais with pool and troxclair gone, 9-0. Thank you very much. We have staff here to do T he -- there you are. I didn't see you. I'm going to go ahead and recess the Austin city council meeting and call to order the Austin housing finance corporation, board of directors meeting on this Thursday, January 28, 2016. The council chambers of a austin, city hall, 301 west second street. Do you want to take us through our agenda?

>> Good afternoon, board of directors of directors, Betsy Spencer, treasurer of the Austin housing finance corporation. We have six items today. The first five I offer on consent and item 6 is a public hearing and I'm available for questions.

>> Mayor Adler: Okay. There's been an offer of the first five items.

[5:16:51 PM]

>> Zimmerman: Mr. Mayor, I'd like to pull item 3, the \$700,000 to foundation communities.

>> Mayor Adler: Okay. Is there a motion to approve consent with items one, two, four, five? By Ms. Garza. Moved. Is there a second? Mr. Renteria. Thank you. We have one speaker -- no. That's on five. We have one speaker on four and five. Gus Pena. Is Mr. Pena here? Okay. Then we'll proceed. It's been moved and seconded for the consent agenda. Items one, two, four, five. Any debate? Hearing none, please raise your hand if you vote yes. Ms. Houston? How are you voting?

>> Houston: I'm sorry. I wasn't ready to vote yet because I was looking at the 225 units and, again, it's one -- studios, one bathrooms, again-- bedrooms, it doesn't have any desire in format has to do with -- in affordability has to do with families and there's no family component and most of these are market

rate, only 58 affordable rates so I'm going to be voting against it.

>> Mayor Adler: Okay.

>> I'm sorry, that's number 5.

>> Mayor Adler: Number 5. So let's vote on one, two, four. Those in favor of one, two, four, please raise your hands. Those opposed? Zimmerman voting no, troxclair and pool off the dais. Those three are approved. Eight to one, with two off the dais. That gets us then to item number 3. Is there -- is there a motion to approve item 3?

[5:18:55 PM]

Ms. Garza moves. Seconded by Mr. Renteria. Any discussion on this item number 3? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. So help us understand. This was a very bitterly contested project last year. I'm going to -- I guess, about 80% of the constituents in river place, in district 6, were strongly opposed to the project. Probably about 80%. And so then it looks like we're coming back and asking for a significant increase in taxpayer funding. Or I should say tax shelter funding for this. And do we know why this would come up? I'm still not clear why we need to increase this by so much money.

>> I'm going to invite the developer up to explain.

>> Walter, director of foundation communities. A year ago we were just in the initial planning stage and applying for tax credits and were capped at the amount of funds we could request from the city. I think we always anticipated when we got the plans done, bid, and -- the project fully put together, we would have the opportunity to request additional funds. In -- specifically, this site, we want to be really sensitive to the environment. There's some features on the site that weren't in any of the city topographic maps, a ravine, so we've had to reorient the roadway into the property and divide the learning center and office building into two buildings and that was a cost driver.

>> Zimmerman: So my issue and objection to this of course is everybody faces these -- faces very high development costs in the city. They face development risks. They run into some environmental feature and, you know, this helps explain why housing is so unaffordable.

[5:20:56 PM]

So my constituents are not happy with the fact that, you know, they were already against this project. They were forced to pay for it against their will. Then there's a cost overrun and you're able to come back and demand more money from the taxpayers. This is really hard for people to stomach, you know, so I'm going to be voting against this. It's very disappointing.

>> Mayor Adler: Ms. Tovo.

>> Tovo: Mr. Morrow, there are 125 units at this development? Is that correct?

>> 120.

>> Tovo: 120. And as I recall, this was oriented just to get back to the point that councilmember Houston made earlier, that this is designed to be one of your family friendly developments, as I remember, is that right?

>> Correct. So it's apartments plus a learning center and really designed for families with children, larger units, two, three bedroom units in a part of Austin that doesn't have affordable rental housing, great area, shopping area, we have a lot of neighborhood support from river place and the community there.

>> Tovo: Can you remind me what the stat is for the children for the children would participate in the afterschool programs.

>> Last semester our 700 kids had a 3.35gpa. We're very proud of them. The learning center, our kids really are a part of the school and the school's success.

>> Tovo: Great. Thanks very much for the work that you're doing.

>> Thanks.

>> Mayor Adler: Okay. I think we have a motion to approve number three. It's been seconded. Any further discussion in those in favor please raise your hand. Those opposed? Zimmerman voting no, troxclair off the dais. It is 9-1, with one off the dice. That's approved. That gets us up to item Number 5. You pulled this one, M R. Zimmerman?

[5:23:05 PM]

>> Zimmerman:.

>> Houston: Emotion, mayor, I thought we handled -- I'm sorry, mayor, I thought we handled item 5. I thought everybody voted for it except me.

>> Mayor Adler: No. That was --

>> Speaker1: No?

>> Mayor Adler: I think -- I think I called up the consent. I think the first one that got pulled -- am I confused now on the Numbers here? I'm right? Mr. Zimmerman pulled number 5 to start off with. Then you pulled number 3. We approved one, two, four with the first vote --

>> Zimmerman: I pulled three and you pulled five off because she had a question.

>> Mayor Adler: Okay. So we've now approved one, two, and -- one, two, four, and five.

>> Zimmerman: One, two, three, four.

>> Mayor Adler: One, two, three, four.

>> Zimmerman: We're on five. Councilmember Houston just had questions about, I think, the size --

>> Mayor Adler: I had the right Numbers just who had the question. Feel better now. All right, Ms. Houston.

>> Houston: Well, my questions have been answered.

>> Mayor Adler: Okay.

>> Houston: And, again, my concern is that out of 225 units, right adjacent to a -- the M station is -- we've got the -- 167 have no income restrictions and most of them are for singles and not for families. And I thought I said I'm voting against it because of that.

>> Mayor Adler: That's fine. Is there a motion to approve item number 5? Ms. Garza moves. Ms. Pool seconds. Any discussion? Those in favor -- Mr. Zimmerman.

>> Zimmerman: Very quick question, thank you, Mr. M mayor. On the back page of the backup actual, it says on the project characteristics, 225 units and it says unit MIX. Then it says affordable rents, approximately four to \$627 per month. See where I am there? Kind of at the top of the back page?

[5:25:07 PM]

I believe that's --

>> Yes.

>> Zimmerman: That's the only place that talks about rents.

>> Yes, sorry.

>> Zimmerman: So the question is, these are subsidized rents and so it's not an easy calculation but I think it's a very important calculation to know how much are these subsidies costing? In other words, other rents, other taxes are going to have to increase to provide for these subsidies. So has there been an attempt to calculate how much the non-subsidized rents are going to increase in order to subsidize these rents? Do we know what that number is?

>> No, I do not know.

>> Zimmerman: That's very, very important number because the constituents are complaining today that the existing housing stock is already unaffordable. So when we subsidize these new units, other

units are going to have to increase in price so we can provide for these subsidized units. The number the others go up is very, very important. And I never do get that data. So I'm going to be voting no on this.

>> Mayor Adler: Okay. There's been a motion. Second on number 5. Any further debate? Those in favor please raise your hand. Those opposed? Houston and Zimmerman, no. Troxclair off the dais. The rest voting aye. So that is 8-two, with one off the dais. That gets us to the public hearing on number 6. We have one speaker, again, Gus Pena. Is Mr. Pena here? Still gone. That gets us to item number 6. Is there a motion to approve item number 6? Ms. Tovo moves. Ms. Tovo moves adoption for I T. Is there a second for it? Ms. Pool seconds that. Is there any discussion on item number 6? This is also to close the hearing.

[5:27:10 PM]

>> I'm sorry, I'm sorry.

>> Mayor Adler: We okay? Those in favor please raise your hand.

>> Zimmerman: This is to close the hearing.

>> Mayor Adler: Close the hearing and to approve it.

>> Zimmerman: I don't want to approve it. Just close the hearing. I'll just say no.

[Laughter]

>> Mayor Adler: Those in F avor -- this is to approve it and to close the hearing. Those raising your hands? First -- those in favor of closing the hearing please raise your hand? It's everybody, troxclair off the dais. Next vote, those in favor please raise your hand those opposed? Mr. Zimmerman voting no, troxclair off the dais. That's approved. I think that concludes all of our business. Is that right?

>> Yes.

>> Mayor Adler: It does. Thank you very much. So we adjourn the Austin housing finance corporation meeting. We resume and are back to the Austin city council meeting.

>> Mayor?

>> Mayor Adler: I know we're about to conclude for music and proclamations and I think we have one quick one, 89, if councilmembers don't have questions we might be able to move through that one rather quickly.

>> Mayor Adler: Okay. 89 is the public hearing on the shoal creek greenbelt, temporary use parkland. 89, is there a motion to approve item 89? We have do to do the hearing? First let's conduct the public hearing on item 89. And there are no speakers waiting to speak. We have several people that are for it. No one speaking against it. Three people for, one person against, no one wishing to speak. Mr. Renteria moves to approve 89. Is there a second to approving? Mr. Zimmerman seconds.

[5:29:12 PM]

Any discussion?

>> Tovo: Not unless we need to hear from our staff on that item. Do we need to hear from our staff, Ms. Morgan, on that public hearing maybe I would ask our staff to say a few words about it?

>> Mayor Adler: Ann, would you teach us all why we teach testimony on that?

>> This is a parkland item so in order to use the parkland you have to have a finding that you find it in best and -- there's a magic word here. You'll go ahead and walk through it.

[Laughter]

>> Mayor Adler: And to we need evidence in the record in order to be able to support the finding.

>> That's correct.

>> Mayor Adler: Okay. Please tell us what's being proposed here.

>> Fantastic. Good afternoon, mayor and council. Item number 89 is a public hearing in accordance with

chapter 26 of the Texas parks and wildlife code. My name is Brian block with the parks and recreation department. I'm here on behalf of Junie plummer from the office of real estate services who could not be here this afternoon. The request is by shoal creek walk limited for the temporary underground use of approximately 525 square feet of dedicated parkland known as the shoal creek greenbelt along with park improvements at the greenbelt. The legal fact finding for this item is that there's no feasible and prudent alternative to the use of dedicated parkland, which includes all reasonable planning to minimize harm to the land. The dates of public notification in the "Austin american-statesman" were January 3rd, 10th and 17th of 2016. Mayor, that concludes my presentation.

>> Mayor Adler: Thank you.

[5:31:13 PM]

Is there a motion -- we already have a motion and a second on this. Any further discussion? Those in favor please raise your hand? Those opposed? It's unanimous on the dais. Thank you very much. All right. That makes it now 5:30. We have one, two, three, four, five, six, seven, eight, nine, 10, 11 -- basically 12 items that are left, three of which have about 30 speakers and one that has 112. It is 5:30 now. Do we want to reconvene at 6:30, 6:45? We'll be back at 6:30 then.

>> Mayor, do you want to talk about how the rest of the items will know.

>> Mayor Adler: Let's talk about that. The big items that we have left are the str issue, the parkland dedication issue and the pud question. And I would propose when we come back we hit each of those items one after another and then pick up the rest of the items.

>> Pool: Mayor, if I may, during work session we promised our folks that we would hear the parkland dedication and then the pud item at 4:00, and I think str was set for 7:00. So I would respectfully request that we do take them in that order.

>> Mayor Adler: I think that makes sense. Parkland first, pud second, str third.

[5:33:21 PM]

Okay.

>> Tovo: Mayor, this is more about what we do between now and our break and apologize about not mentioning it before. We just finished our house corporation. There are three corresponding items on our agenda and I believe our staff will otherwise have to wait if we don't approve those before we break.

>> Mayor Adler: If I call for the approval of each one, I probably was not able to actually do that. You're right. Let's call those three associated items up now.

>> Tovo: Those are 81, a 82 and 83.

>> Mayor Adler: Is there a motion to approve -- we have to probably do these sequentially?

>> Tovo: Those are also public hearings so we probably have to handle them sequentially. Anyway, I just bring them to your attention in case we have an opportunity to do them before break. Go ahead and do that now.

>> Pool: Does that mean we have to reconvene as the housing?

>> Mayor Adler: No. Now we're back in the city council so we do this now. Number 81 relates to which of the items we did before?

>> Items 81, 82 and 83 are to conduct a public hearing, consider a resolution for an application to be submitted to the Texas department of housing and community affairs. In these specific instances where the development is not currently requesting funding or a financial assistance nhcd serves in an administrative capacity to provide developers and avenue to meet the application requirements by the state. Developers applying for the four percent tax credits are requesting today resolutions of no objection by the Austin city council to complete their application requirements by tdhca. State

regulations require that the complicates for non-competitive awards of low income taxing house credits receive a resolution of no objection by the local governing body. The developer would not be able to apply for the tax credits without this. Recognizing that council has requested additional information on developments that are brought before council for action, housing staff continues to publish the development brief on its website where the application and development information resides.

[5:35:29 PM]

It's also in your backup. And we have the developer here, same developer on all three public hearings, all three projects.

>> Mayor Adler: Okay. Is there a motion to approve 81, 82 and 83? I'm now going to open the public hearing. We have one speaker, it's Gus Pena. He's not here. Mr. Pena, are you available? Are you here? Mr. Pena still not here. So is there a motion to close the public hearing? Mr. Renteria moves. Is there a second? Ms. Gallo. Those in favor of closing the public hearing, please raise your hand? Those opposed? It's unanimous on the dais. So now Mr. Zimmerman.

>> Zimmerman: Point of inry here. The new 6:00 after before, qualified application plan, the point system, has now been approved. Is there a change to any substantial changes to the point system? That you know of? Of how applications are awarded points? Because I thought I heard you say that they couldn't move forward with the four percent application unless we approve this resolution. I didn't think -- is that correct?

>> There's a difference between the nine percent gap and the [indiscernible] Of four percent. So the items I brought for you today they're applying for the four percent non-competitive tax credits. In that application they are required to present the resolution of no objection by the city council.

>> Zimmerman: Or else they can't apply even for the four percent.

>> That's correct. That is correct.

>> Zimmerman: And that's the way it was last year as well?

>> I believe so.

>> Zimmerman: Thank you.

>> Mayor Adler: Is there a motion to approve 81, 82, 83? Mr. Renteria, second Ms. Gallo. Any discussion? Those in favor of approval please raise your hand? These opposed? Mr. Zimmerman votes no and Ms. Troxclair abstains. Others voting aye.

[5:37:31 PM]

81, 82 and 83 are approved.

>> Thank you very much.

>> Mayor Adler: Thank you. All right. It is now 20 till 6:00. Do we want to come back at 6:45?

>> Yes.

>> Mayor Adler: Let's come back at 6:45. We'll stand in recess and move to music and proclamations. Thank you.

[5:47:16 PM]

>> Mayor Adler: Again, we have reached my favorite part of city council meetings. This is Austin, Texas. The active music capitol of the -- the live music capitol of the world. And it is fitting and appropriate and wonderful that we stop every one of our city council meetings at 5:30 or as close to that as we can get and actually listen to music. There are a lot of days that I could not make the next seven hours if we did

not do that. And joining us today is la frenetika. La frenetika plays a combination of Columbia roots and Columbia colarian, which has been declared a tangible heritage of humanity by unesco. The band has played alongside countless local and international artists and will be celebrating five years of playing with each other, playing together this year in 2016. And today they're going to be performing a single from their fourthcoming EP to be released later this year. Would you please help me welcome la frenetika?

[♪Music playing♪]. >>

[5:52:37 PM]

[Applause].

>> Mayor Adler: That was wonderful. Thank you. So folks who are here today or watching on TV, if they want to hear you play, where's your next gig? Where might they be able to hear you?

>> We'll be playing next Saturday. We'll be doing a celebration of la frenetika. You are all invited.

>> Mayor Adler: Thank you. And if folks wanted to find you, do you have a website?

>> Yes, www.la-frenetika.com.

>> Mayor Adler: And where can they -- where can they purchase your music?

>> We have -- we're pretty much in every social media network available, so if you go to www.la-frenetika.com, you will find all of the links there.

>> Mayor Adler: Great. I have the honor of issuing a proclamation. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extends to virtually every musical genre and whereas your music scene thrives because Austin audiences support good music produced by legends or our local favorites and newcomers alike. And whereas we are pleased to showcase and to support our local artists, now therefore I, Steve Adler, mayor of the live music capitol, do here by proclaim January 28th of the year 2016 as la frenetika day. Congratulations.

[Applause].

[5:57:21 PM]

>> Mayor Adler: This is a proclamation where the community is able to really celebrate one of these David and goliath moments that we'll all remember and cherish. We have a proclamation. Be it known that whereas the city of Austin's watershed protection department and the United States geological survey found that coal tar pavement sealers contain high levels of chemicals which are highly carcinogenic to humans and toxic to aquatic life. They're widely used on playgrounds and parking lot surfaces and airport runways and driveways, and they cause elevated levels of chemicals in local waterways, parking lots and playgrounds. And whereas this year marks the 10th anniversary since Austin instituted the nation's first ban of coal tar pavement sealers. And whereas there are now more than 18 million Americans who enjoy the benefits of similar actions. And in 2014 the usgs, United States geological services, found a significant reduction in the pollution of lady bird lake due to the ban and its subsequent enforcement. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do here by proclaim January 28th of 2016 as coal tar sealer ban 10th anniversary day. Congratulations.

[Applause]. And we have Joe pantalio to address the group.

>> Thank you, mayor. It is truly an honor to accept this proclamation on behalf of the women and men who have dedicated their careers protecting Austin's environments.

[5:59:29 PM]

Our creeks, our Lakes, our aquifers. The ban itself is a tribute to our elected officials who had the

courage to be the first, the first to ban the use of coal tar sealants. And several other communities across the nation have followed our lead, cities like Washington, D.C., Minneapolis, Minnesota and the state of Washington. And that courage to be the first was built on a foundation of trust in city staff who performed the scientific research necessary to determine the source of this threat to our local waterways. I want to recognize the efforts of those who contributed greatly to this ban, including dozens of city staff, management, boards and commissions and our elected officials. It required work in our streams, on parking lots and laboratories and in city hall to accomplish this. I especially want to recognize the staff of the environmental resources management division, the law department, the water quality management staff and the spills response team who are on call 24/7 to respond to the environmental hotline complaints.

[Indiscernible] Cooper and her team. The scientists, biologists and their team and managers that evaluate the water quality and biological data and translate their findings into a clear public message. And I also want to thank a retired city staffer and dear friend of us who led this effort and that's Nancy McClintock. Nancy, thank you for coming out of retirement.

[Applause]. Finally we would be remiss if we did not recognize and mention and honor the valuable contributions of our dearly departed colleague Tom ba/is here/sheer. He was the first person to make the connection between high pollution in our streams with coal tar sealers and probably without him there would be no ban. Many of Tom's family are here tonight including his mother, wife and kids.

[6:01:32 PM]

And we just really appreciate his dedication to Austin and to his kids, your dad did a great thing for our city and we are all so proud of him. So with that, mayor, thank you so much.

[Applause].

[6:04:14 PM]

>> Mayor Adler: We have a proclamation. Are you guys ready? Be it known that all children in Austin should have access to the highest quality education possible. Quality education is critically important to the economic vitality of Austin. And whereas Austin is home to a multitude of high quality traditional public schools, public magnet schools, public charter schools, non-public schools in which parents can choose for their children. And whereas Austin is also home to families who choose to educate their children in their home. And whereas school choice week is celebrated across the country by millions of students, parents, educators, schools, organizations to raise awareness of the need for effective educational options. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim January 24th through 30th of 2016 as Austin school choice week. Congratulations.

[Applause].

>> Thank you so much. For those of you in the crowd, I'm randan Steinhauser. We have a few folks here today who represent a variety of educational options from homeschooling to virtual schools, magnet schools, charter schools, high performing public schools, you name it we support it. Our effort is to really empower parents across the Texas and right here in Austin with the most educational options that they could possibly have for their child. We understand and recognize that no one knows their child better than a parent and we want to empower you all with educational options. So thank you so much to the mayor and to councilmember troxclair for her support. We look forward to having a great rally at the capital tomorrow. We're expecting about 3,000 folks from all across the state to join us right here in Austin.

[6:06:18 PM]

So this is a great pleasure for us to be able to have school choice week recognized right here in the state capitol. So thank you so much.

[Applause].

>> Good evening, everybody, I'm Leslie pool and I'm the councilmember for district 7 and I am proud to present the proclamation on behalf of the city council for stalking awareness. Be it known whereas stalking is a crime and one which causes victims to lose time from work and experience serious psychological distress and lost productivity at a much higher rate than the general population and whereas many stalking victims are forced to protect themselves by relocating, changing their identities, changing jobs and obtaining protection orders.

[6:08:34 PM]

And whereas there is a need for greater public awareness about the nature, criminality and potential lethal ti of stalking and for the criminal justice system to stop stalking by training, investigation and prosecution of the a crime and whereas the Austin Travis county family violence task force is joining forces with victim services providers, criminal justice officials and concerned citizens throughout our area to promote awareness about stalking. Now therefore I, Leslie pool and mayor Steve Adler of the city of Austin, do here by proclaim January 2016 as stalking awareness month. And here to accept this is Greta gardener.

[Applause].

>> Thank you, councilmember pool, my name is Greta gardener, chair of the Austin Travis county family violence task force. It is my pleasure to be here to receive the proclamation acknowledging that January is the stalking awareness month. I am remiss -- this is the first time I am uncharacter stickily out of the cause color this month. The color for stalking is silver and it is silver because it's considered the invisible crime. So often we see news media, we see movies and theater that depict a stalker as this stranger lurking in the darkness and usually it's someone that we know, someone that we've had an intimate relationship with or an acquaintance and very often it gets overlooked as being, you know, someone's crazy or you're not thinking right or that person wouldn't do that. But now we know that the majority of stalking victims are stalked by someone that they know. 61% of female victims and 44% of male victims of stalking are stalked by current or former intimate partner. 25% of female victims and 32% of male victims are stalked by an acquaintance.

[6:10:42 PM]

Sometimes the behavior is as subtle as approaching the victim or showing up in places where the victim didn't want them to be, making unwanted telephone calls, leaving the victim unwanted messages, and watching or following the victim from a distance or spying on them with a listening device, camera, global positioning system or even a cell phone. So I implore you if you feel that you are not safe, if someone feels that they're being stalked, please contact safeplace. They have wonderful counselors and a hotline with advocates on duty that can help you. That number is 512-267-safe. 512-267 safe or 7233. The Austin police department victim services and our crash unit are behind me. They are superb. If you feel that you're unsafe you can also call 911 and they will help you as well to understand what's going on and what level of crime fits within the statute so that person can be prosecuted. So I want to say thank you to all my colleagues with the task force. To Keisha halferly with constable 5 and councilmember pool for supporting this proclamation. And hopefully this was a safe January for all and we'll be back next week for teen dating violence awareness month. Thank you for having me.

[Applause].

[6:13:59 PM]

>> Mayor Adler: Now we have a distinguished service award to be awarded to Andrew Primeaux. He is deserving of public acclaim and recognition. He was a radio technician 2 with ctm's wireless division and retired on December 31st, 2015 after 26 years with the city. A talented radio tech, Andy participated in the city's migration from a collection of aging legacy radio systems maintained by different departments to a unified state-of-the-art radio system that today supports all of the city and county departments as well as UT and aid. Throughout his tenure Andy developed -- he delivered high quality work while demonstrating adaptability and flexibility. He took on my duty he was assigned and had excellent results. We thank Andy for his loyalty, for his integrity and always friendly service. And we congratulate him at the completion of his valued career with ctm wireless. We want to wish you best of luck in your retirement, Andy. This certificate is presented in acknowledgment and appreciation thereof this 28th day of January in the year 2016, signed by the city council of Austin, Texas, Steve Adler, mayor. Congratulations, Andy.

[Applause].

>> I would just like to say thanks to everybody that I worked with. It's been a great team and we've come through a lot of years, a lot of changes in technology.

[6:16:04 PM]

And we had great management that supported us the whole time. Thank you very much.

[Applause].

>> Mayor Adler: I'm going to read this one out loud. He's not able to be with us tonight, but is deserving of that. David Galvan is being awarded this distinguished service award. As an installer 2 with ctm's wireless division he retired on January 31st of last year after 25 years with the city radio shop where David performed with distinction as a technician installing electronic equipment in public safety vehicles. And in his time with the city David saw the level of technology in a police car advance from lights, sirens and a radio, to include all of that plus a computer, a multicamera video recorder, a license plate reader, electronic ticket writer, gps, bluetooth and much more. And throughout those years David was a steady and hard working presence who could be counted on to complete any wiring task he was given with levels of quality and reliability that were hard for anyone to match.

[6:18:18 PM]

We are grateful to David for his warm personality, his dedication and his valued service. And we wish him all the best in his well deserved retirement. This certificate is presented in acknowledgment and appreciation thereof this 28th day of January in the year 2016. Signed by the city council of Austin, Texas, Steve Adler, mayor. Charles, you're going to accept this for him?

[Applause].

>> Mayor Adler: We have a city of Austin distinguished service award. For James Shamard. Shamard. This is a distinguished service award. After more than 30 years of public service with the city of Austin he has demonstrated both excellence and dedication to this community. James Shamard is deserving of public acclaim and recognition. It is with heart felt gratitude that we recognize your many accomplishments with this certificate and we present it with our deepest admiration and appreciation this 28th day of December in the year 2016 as signed by the city council and myself as mayor.

[6:20:26 PM]

It does feel a little odd to see you not in uniform talking to me, but I just wanted to say how much your service has meant to this city and just how appreciative we all are.

[Applause].

>> It feels weird to be standing at this lecturn standing this direction and not this direction talking to you, Mr. Mayor and the council. You know, with the exception of my wife and my daughter and my greatest passion has been serving the citizens of the community here and it is just -- I'm going to miss my colleagues and my friends so much and it's been such an honor serving with them. So thank you very much.

[Applause].

[6:22:31 PM]

>> Mayor Adler: Council is reconvening at 6:45.

[6:31:02 PM]

>>

[7:10:41 PM]

>> Mayor Adler: all right, council, we ready to gear back up? We don't have a lot of things left, but we have some things that obviously are felt very strongly. On a housekeeping matter, in terms of how this works, I have a question. I've been looking at the stuff associated with items 62, 63. I saw the work and the testimony, mayor pro tem, that went through the -- your committee. I'm not -- I'm not sure that I know enough about that yet and how that works. We have two different projects that seem to be both the sale of the land and the project itself, but I think a little bit more time would be helpful on that. Is Mr. Get Mr. -- Mr. Getthert here?

>> Director of Austin resource recovery.

>> Mayor Adler: I don't want to do anything to prejudice the project or the grant or any of the things in play. But if we were to push this back a little bit, would that mess you up?

>> If it's a one-week delay to the next Thursday, we can work with that. We intend to meet between now and then with Eda and -- internally some discussions. So the one-week delay is acceptable.

>> Mayor Adler: Okay. Because that -- if you're going to do that that might give us additional information as well.

>> Yes about. Is that okay? Councilmember pool moves a one-week delay of 62, 63. Is there a second to is that? Mayor pro tem.

[7:12:41 PM]

Any discussion on this? Mayor pro tem?

>> Tovo: Just a quick request. Thanks very much insofar. You've been accommodating in answering my office's questions and coming to audit and finance whatnot. Back in December we had asked you to look at other felon options and I know you have. We talked about some of those yesterday but I would renew my request for you to sit down with our financial staff and look at option that's involve other potential funds. I would just ask again if we had any other options to consider that weren't necessarily dependent on Austin resource recovery's revenues or looking at other ways of doing things. I know yesterday you presented us with a one-year backback of refunds from your cash reserves, if you could

look at what that would look like other three years, if you would be creative and see if there's a way, in response to the resolution from yesterday that came out of audit and finance, to look at other financial options for closing that \$1.4 million gap if we chose not to sell winnebago at this nat would be great. I know we've asked you a lot of you, and if you would take that on, again, that would be really helpful.

>> We'll keep researching and try to report back next Thursday.

>> Tovo: Thanks very much.

>> Mayor Adler: There are three people that signed up to speak on this, bob Gregory, Andrew Dobbs and Michael W ayland. It's been moved and seconded to push this off for a week. Yes.

>> Renteria: I want to make sure when he is looking for the additional resources that, you know, I'm dish just want to state my opposition that it doesn't go on the back of T he -- our utility ratepayers that are -- and hope y'all don't look at trying to raise our utility rates to pay for this.

>> Mayor Adler: Okay.

[7:14:41 PM]

As expressed at the committee meeting. Yes? Ms. Troxclair.

>> Troxclair: After our committee meeting, I don't know, yesterday, maybe? Sometime. Sometime. I was thinking more about this because there's such a range of issues or concerns but it seems like there are opportunities that maybe haven't been explored so I guess I echo mayor pro tem's comments about looking for other creative mechanisms and it occurred do me that there has never been an rfp issued for this project. And I would like that to be one of the things that the department or the council considers doing. If we did that, I think that it could alleviate a lot of our concerns. If there's someone out there who would be willing to B ill -- you know, if we had city land and there's a company that's responsive and we can get the service that we want to have on -- in that area, without having to spend the \$7.5 million that it would cost to actually build the infrastructure, I think that that could be a win-win situation, also wouldn't require the sale of the parcel of land we've been discussing. I was hoping to be able to make that motion today but since we're postponing it, is that something you can consider?

>> We can discuss in the next week. My concern on an rfp is that it will cost the city. That -- and the question is where would the money come from? So --

>> Troxclair: Sure. It could cost the city significantly less if we were able to find a private entity that would be willing to built infrastructure, right?

>> I'll explore the option.

>> Troxclair: Okay.

>> Mayor Adler: It's been moved and seconded to postpone this one week. Ms. Pool.

>> Pool: I just wanted to reiterate, as I did yesterday, my full support for the remanufacturing hub and the effort that you're engaged in.

[7:16:46 PM]

I agree with mayor pro tem tovo about finding different ways to maybe creative ways T O -- and legal, obviously, ways to finance it, but I think the effort and the goal of the project is well in line with the city's goals in O Ur -- and our community values. Thank you, and I look forward to seeing the additional effort, the results of the additional effort.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I echo councilmember T roxclair's remark. I think if this hub made economic sense, we have a lot of very bright entrepreneurs in our city that would be happy to take this up, and fund it with private equity, if it makes economic sense people here will do it and the government doesn't need to. If it doesn't make any sense they won't do it and the taxpayers shouldn't

be required to pay for it. So I'll be against this.

>> Mayor Adler: Any further discussion? Those in favor please raise your hand. Those opposed? It's unanimous on the dais. Thank you. Mr. Casar, you had taken a look at one of these you thought we might be able to move.

>> Casar: Yes, I think we can discuss the small lot amnesty recommendation at our next meeting or another meeting when folks are comfortable.

>> Mayor Adler: This this is item 85. Mr. Casar has moved to postpone item 85 subject to re-call. Mr. Renteria, you want to second that motion?

>> Renteria: Yes.

>> Mayor Adler: Seconds. We can either do it to a certain date or subject to recall, we can post it when it's -- when it's ready.

[7:18:46 PM]

Yes, Ms. Tovo.

>> Tovo: Mayor, this has been in progress a long time, initiated a good long time ago, and I understand there are people who want us to vote it down or not to take it up, but I'm not comfortable postponing it subject to recall for those reasons, that could amount to our never taking it up. And I think it is a fix we need to make. So I'm happy if we can find a date that works, I would be comfortable postponing it tonight.

>> Casar: How about my motion will be for the zoning M meeting --

>> Mayor Adler: Sorry.

>> Casar: I think that's two meetings from now, the 11th.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Ye, M S. Kitchen.

>> Kitchen: I'm concerned also about postponing it. Do we have people here to speak on it tonight with that expectation? I would P refer --

>> Mayor Adler: We have two people here to speak, David king and Eric Gough.

>> Kitchen: Are we thinking it's going to take us too L Ong? Why are we talking about postponing it?

>> Casar: I think it's an issue of quite some impact and we didn't discuss it at work session. It has been on our agenda probably four or five times without taking it up so I would like for us to indicate pretty clearly do the interested public when it is that we plan on taking it up because I think this is the third or fourth time that we've just postponed it and we didn't very clearly indicate tonight was the night and so we have a couple of pretty interested and active folks that are here, and I respect that they've been here for quite sometime, but I think they've been here for other items as well, whereas I know that there are lots of folks that are interested in it. So, you know, I think that if we had a public hearing on this we would have significantly more than two people here if people knew we were going to take it up.

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Yes.

>> Zimmerman: Could we hear from the speakers that are here? Is Mr. King, Mr. Gough, are they here? Could they talk to us briefly.

>> Mayor Adler: They could if we were going to postpone it then I would certainly give them the opportunity as has been our custom, but it may be they would just as soon speak when it was actually -- they're both saying yes to that.

[7:20:59 PM]

So there's been a motion to put this to February 11, and it's been seconded. Any further debate on this?

All in favor of postponing to the 11th, please raise your hands. Those opposed? All right. That's everyone. So we'll postpone that until the 11th. That gets us then to four items left and the first one -- yes.

>> Troxclair: Is it possible or we haven't taken up 84 yet, have we.

>> Mayor Adler: We have not.

>> Troxclair: That a quick item we could.

>> Mayor Adler: Is the contact team change a quick item?

>> Troxclair: I know I have one constituent here to speak on it.

>> Mayor Adler: We have six people signed up to speak. One for six minutes.

>> Troxclair: Okay. So we have about 20, 30 minutes of testimony.

>> Troxclair: Okay. Then I thought if it was quick it would make sense to do it now but if you'd prefer to wait, that's fine.

>> Mayor Adler: Let's go ahead and do parkland because we do people we would do that at 4:00 actually and that's the group that's waited until after midnight so let's do parkland. This is item number 86, being called up.

>> Good evening, mayor, mayor pro tem, councilmembers. I'm Randy Scott with parks recreation department. I need to find the remote. Today staff is requesting council consideration of an ordinance amending city code title 25 related to parkland dedication and associated parkland fees.

[7:23:00 PM]

Today's presentation will include a recap of what city council approved at first reading, a summary of items council asked staff to consider prior to returning on second and third reading. I will go through individual amendments for council's consideration at second and third reading. At first alleged, council approved three amendments. One was to allow city to share a reasonable amount of impervious cover for parkland dead conversation without unduly impacting proposed projects. The second was an early determination that would be good for one year, whether fees or land would be required by the parks and recreation department. Third was to include hotels and motels in the parkland dedication applicability. At first reading, council asked staff to consider an appeals process, a follow-up audit of the 2013 parkland dedication audit, parkland and affordable housing needs and directed staff to work with stakeholders prior to second and third reading. Discussions led staff to the following amendments. An appeals process, a cap on land dedication within an urban core, increased credit for private parkland and credit for private parkland amenities. Nhcd will be working on a future code amendment related to housing and affordability and will be asking park's collaboration and support during that process. The existing and proposed ordinance exempts affordable dwelling units that are certified under smart housing policy approved by city council. Now for the amendments being proposed today. Amendment 1a, defines a parkland dedication urban core.

[7:25:00 PM]

Amendment 1b removes land as a default requirement, clarifies criteria for determining land and fee in lieu of land, allows a imitation of fees and land as practiced today. Amendment two establishes an appeals process that would allow an applicant to appeal the director's decision on whether to require land dedication or allow payment in lieu of land to the land use commission. The parks and recreation board would give a recommendation on each appeal. Amendment three establishes a cap on land dedication of 15% in the urban core unless the director has identified a critical parkland need. If the director requires land dedication greater than 15%, approval of the land use which I can would be required. This is a map of the urban core that I was -- amendment 1a. It is defined by an area bound by

71 Ben white boulevard on the south, highway 183 on the east and north, mopac on the west to fm2222, 2222 west out to 360, 360 south to lake Austin, lake Austin back into mopac, and mopac back to Ben white. Amendment four would allow up to 100% credit for privately owned and maintained parkland that is open to the public and up to 100% credit for amenities constructed on that parkland. The current ordinance allows up to 50% credit for privately owned maintained parkland that is open to the public and no credit for amenities C constructed. Parkland dedication operating procedures will define how percentages are credited and awarded.

[7:27:03 PM]

The pdot created a scoring sheet that will add up the percentage credit. The basic idea is the more the private park functions as a dedicated park the more credit would be given. Amendment five is a clarification of procedures for parkland dedication refunds as recommended by the 2013 audit of parkland dedication. At last council meeting there was quite a bit of discussion about a follow-up audit to ensure pad had implemented the recommendations of the audit. Today I'm happy to report that pard successfullfully implemented all recommendations of that audit.that audit. Amendment six clarifies the city council's authority to adopt fee in lieu of parkland development as part of the annual fee schedule. I'm sorry, I think my slides got off there. In summary, to wrap it up, the city's current parkland dedication ordinance is outdated and the fees are not keeping pace with parkland acquisition or development. Pard is bringing forward a parkland dedication ordinance that contains a south methodology based on the current level of service and follows best practices in the industry. Pard has developed a park deficient map to guide parkland decisions and fee decisions, establish preapplication review process, provide a more certainty by developing criteria for land and fee decisions, replacing the current presumption of land, establish an appeals process, develop a parkland dedication operating procedure known as the pdot as people refer to it, made the code language more user friendly and incentivized parks in accordance with imagine Austin goals being a green, healthy, connected city.

[7:29:10 PM]

If you have any questions, we'll be happy to try to answer them. Have you again for having me tonight.

>> Mayor Adler: Ms. Gallo.

>> Gallo: Mr. Mayor, I would like to make a motion to approve on second and third reading staff's recommendation which includes the parkland dedication ordinance dated January 25, 2016. All of the staff amendments and the staff report and the ordinance amendment review sheet, and staff's exhibit a. I believe everyone -- staff passed out to everyone anima nil la folder that had these in there. The ordinance is one document stapled together and then the other three the staff amendments and ordinance review, amendment review S HEET, and exhibit a are all stapled together also. Once I'm able to get a second to that motion I'd like to make a few comments, please.

>> Pool: Mayor, I'll second.

>> Mayor Adler: Ms. Pool seconds that motion.

>> Gallo: Thank you, councilmember pool, for the second to the motion. I want to take a moment to make a few comments about the collaborative process that has brought to us this point. It's really been remarkable and I think we all want to say how appreciative we are. Last September when this was brought before the council several members raised concerns we had heard regarding the previous stakeholder process. Some members of our community felt like their concerns and issues had not been taken into consideration in the drafting of the original ordinance. When we passed the original ordinance on first reading in November councilmembers asks the parks department to go back and engage all stakeholders, specifically the development community, and listen to their concerns and try to

address those concerns before the second reading. Over the past several months, our park staff has met with the members of the park advocacy groups and industry leaders. In December this group of community stakeholders in our parks department came to the conceptual agreement on this revised parkland dedication ordinance that is before us.

[7:31:21 PM]

Since December our city staff has been working tirelessly to draft the language that captures the original intent of the December compromise. I greatly appreciate director Hensley for listening to the council's concerns -- where is she? Is she out there? There she is. Thank you for listening to the council's concerns and working extremely hard over the past several months with all of these community stakeholders. My office has attended many of these meetings between the park staff and community stakeholders. At these meetings park staff conducted themselves in an extremely professional manner and only agreed to changes they felt in their professional opinion to be beneficial to the Austin park system and the city of Austin. There were certainly changes that some stakeholders would have wanted, but our park staff did not agree to make those changes based on their expertise. The level of dedication and hard work that I have seen from our city staff through this collaborative process has been extraordinary and worthy of recognition. I particularly would like to thank director Hensley, Rick Cardenas, Soliz, Marilyn, Brent Lloyd, the countless other city staff members for their dedication and hard work on this parkland dedication ordinance. I know you all have worked countless hours, often into late evening pajama time and early mornings to draft a parkland dedication ordinance that you believe in and will benefit our entire city. I also thank the following stakeholders for working to find a common proposal that will benefit our city parks and help develop a park system Austin deserves. Austin Parks Foundation, Hill Country Conservancy, Shoal Creek Conservancy, Trail Creek, the Austin Apartment Association, Austin Downtown -- Downtown Austin Alliance, the Homebuilders Association of Greater Austin, Real Estate Council of Austin, Arguile, Stewart Hirsch -- where is Stewart?

[7:33:28 PM]

I'm so sorry, condolences, evidently a family member passed, so sorry, that's real. Thank you again for all being part of this incredibly amazing process. My staff and I have appreciated being part of this process and thrilled that all these organization leaders and the parks department are working together to improve and increase parkland in our community.

>> Mayor Adler: We have some speakers to call but so I can put this into perspective, councilmember Garza, is -- councilmember Gallo, is the assembled group that was working on the compromise all in agreement with what it is that you have just moved?

>> Gallo: I believe that they have signed up to speak in groups, and so that would be a good question to ask. It is my understanding that everyone has.

>> Mayor Adler: Okay. Then let's hear that. We'll go ahead and call speakers. First speaker I'm going to call is David King.

>> Conditions, let me ask this question -- councilmembers, let me ask, we have to what looks to be 105 minutes for this, three minutes a speaker. This is a public hearing. So everyone gets a chance to speak. We had talked last week about considering going to two minutes a speaker. We have, obviously, staff and the P.U.D. Still to come up tonight. The question is whether or not we want to limit speakers to two minutes.

[7:35:32 PM]

>> Renteria: Mayor.

>> Mayor Adler: Yes.

>> Renteria: I believe that there's a lot of the speakers that just really don't want to speak because they worked so hard and worked together and -- on a compromise so maybe we should ask if there's a show of hands of how many people that would want to speak.

>> Mayor Adler: How many people want to speak on this item? Stand up, would you, please, just so I can better count. Eight, okay, let's keep it to three minutes. I think that's a manageable universe, eight to ten speakers. Okay, Mr. King.

>> Thank you, mayor.

>> Mayor Adler: We're going to go on the honor system.

>> Thank you, mayor, mayor pro tem, councilmembers. You know, I've been up here in the past urging you to pass this, get this on the books so we can start benefiting from it. With these latest rounds of amendments I don't think it's ready to go. I think we need a little bit more work on this. You know, the 15% cap is a really serious concern to me. And we're talking about an urban core, that large area of our city where we're encouraging development to occur, we're encouraging that. So we're going to put a cap, a 15%, on the same area that we're encouraging more development? Where more folks are going to be moving into, that's what we want? That's where we should be making sure that we have sufficient land and money, fees for parkland and for amenities in those -- in that parkland. So this concerns me a lot. We're going in the wrong direction here. I think we should, in fact, parkland land in the urban core, as you know, costs much more than anywhere else in the city. So the decision to sort of favor fee in lieu versus parkland concerns me. And then to say, well, we're going to incentivize infill lots and make them private parklands? That concerns me too. So I have concerns with those three aspects of this.

[7:37:34 PM]

I think those are all three moving in the wrong direction. It needs to be public, publicly accessible. And the deal to say, oh, it's private but we're going to make sure the public can have access to that? Well, you know, that concerns me. Because that does not guarantee that there's going to be unfettered public access and it's going to appear like it's private. That's the way I see these -- some of these private so-called public accessible areas. They don't look like they're publicly accessible. And folks are not encouraged to really use them. So it really worries me. We shouldn't be having a 15% cap in the urban core. That's a problem, limiting us. That should go away. I think because it costs more for land and because we're going to have more people coming into the urban core, visitors and residents, through our density strategies, we need more explained -- it because more and more people are going to move here we need more parkland. We need more money otherwise we're going to have the areas outside of the city effectively subsidizing areas inside the city. If we're going to put a cap there and not a cap anywhere else and the areas outside the urban core have been long-time deficient in parkland. And that -- we can't continue that. And so from a fairness and equity standpoint that cap is not fair. I think it needs to be removed. And the -- the comments about favoring the fee in lieu or letting them have a fee in lieu and it has to go through appeals process, to -- in order for that to be overturned, that's encouraging fee in lieu and we've seen fee in lieu on our sidewalks, on our watersheds and how that doesn't really work and the neighborhoods don't benefit from that. So I'm worried about this encouragement of fee in lieu. This is not ready to go. I think it should go back with changes and come back only on second reading tonight and come back with some changes on third reading next month. Thank you.

[7:39:34 PM]

>> Mayor Adler: Thank you. Rich depama.

>> Good evening, mayor, good evening, council, I appreciate you having us and the work that's been gone through to get us to this point. I brought the different stakeholders to the table over here, or asked them to join me in discussing the dashing fee. So just to be brief, I'm rich depama, here as a private citizen if for identification purposes only I cofounded friends at [indiscernible] Park, former board member with the Austin parks foundation, and have the honor of being the mayor's appointment to the parks board where I sit as vice chair. Over the last few months, since November 12, first reading, it has been a lot of meetings. There's been a lot of U nhappiness between both the development community and the park -- the park advocates, a lot of give and take when I think that's probably what a good policy takes, especially when we're representing a diversity such as Austin. As a result, we are all here today and this would be members from the park and open space community, colin W allace, who has sent his comments in agreement for the Austin parks foundation, Ted S ift with shoal creek contingency, peter with waller creek conservancy, Pease park conservancy, Lynn Osgood, as far as the development community, Jeffrey, the homebuilders association, Jeff Howard, former president of R ica, Julie Fitch, daa, Eric Roth, ora, glen Coleman, evolve Austin and numerous other folks who have come to the table to work on this.

[7:41:42 PM]

These are the folks here T Oday. So what we are here to S strongly support staff's recommendations for second and third ladies no amendments by council is also my understanding that council will post a resolution to address separately the I issue -- or -- relating far. So with that I want to thank everybody. Staff has been fantastic. I appreciate councilmember Gallo recognizing staff the way she had. Randy Scott with parks department, Sara Hensley and all the other parks staff has spent probably 20 hours a day on average or combined working on this issue for unknown amounts of time and we definitely want them to be working on other issues. So with that, I'd like to thank the community stakeholders that are here and encourage what our recommendation is. I'm here to address any questions.

>> Mayor Adler: [Off mic] This assembled group is okay with this proceeding second and third reading as it reads now?

>> With no council amendments.

>> Mayor Adler: Okay. Yes, Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. Quick question I have, I asked a question in yesterday's open space parks about the costs of the changes, and -- glee, councilmember.

>> Zimmerman: What I've heard from several conversations is the cost is going to increase, according to this email I got from pard officials, from M R. Randy Scott, we're C ollecting about \$3 million -- roughly \$3 million per year if these new fees are approved, that's going to escalate to about \$5.5 million per year. And what -- from what I've heard the concern is if we don't approve the \$2.5 million increase that it may come back in a few weeks even higher than that. So it looks like I've been put in a spot where either I have to vote for \$2.5 million in increases or I'll be asked to vote for even more increases.

[7:43:55 PM]

So, you know, I got elected to do something about affordability so I don't like being in a position of having to vote for unaffordability or even more unaffordability because all these costs are going to have to be borne by the people who buy and rent whatever gets produced. So I'm not in a good spot.

>> Councilmember, I appreciate your concern and your C comments. One of the things to really keep to mind or I'd ask you to keep into mind is based upon my experience as a board member of the Austin parks foundation once we come through a bond season and you're going to find August the various park

advocates -- it's just going to be neighborhood folks and generally the neighborhoods that are new, where we didn't have money for parks in the past and they are going to be coming, knocking on council's door and the committee's door, the bond task force, asking for money for parks so that everybody will absorb through taxpayers. So what I'm asking is maybe it should be the folks who are -- the new -- whether new to Austin or buying or, you know, have the ability to actually make that purchase of that house or that new apartment, you know, moving to a new apartment to bear some of that cost. So it's really, are you putting it on new folks coming in or are you spreading it out against folks who have already contributed to Austin as well as parks. That's probably the best response I can give.

>> Zimmerman: That is a rational response. I flesh. It helps me a little bit. That's a good response.

>> Pool: I have a question, Mr. Depama.

>> Mayor Adler: All I can say, we may bring you back here more often.

[Laughter]

>> Pool: Mr. Depama, I have a question. Did I hear you say you have a resolution on-site definition?

>> No, ma'am. No, councilmember. This is -- it is my understanding that council will post a resolution that addresses separately the far. This was a conversation that has come up during these discussions regarding site and what is site and it's from the recommendation or -- actually recommendation -- what council has set for the city is that it's not appropriate to come through the parks board or this particular ordinance and it would be a matter in which it would take up at a larger level by the city so it cannot be attached.

[7:46:14 PM]

That was my understanding.

>> Pool: Thank you.

>> And I appreciate councilmember pool's active participation in working with these various groups. You've been fantastic as well so I want to take this opportunity to extend my -- to you as well.

>> Pool: Thank you, it was a bit of a heavy lift.

>> Yes, it was. I can across the board none of us are entirely happy and we've all given something.

>> Gallo: Just to address the questions about the far discussion --

>> Yes, ma'am.

>> Gallo: So through this collaborative process, one of the consensus agreed-upon items involved clarifying the density calculations for non-dedicated portions of the project. However, based on advice from our law department it was determined that the most appropriate process to initiate those changes was through a separate council resolution rather than an amendment to the parkland dedication ordinance. So at the February 11 council meeting I will bring forward a resolution for the council to consider that will initiate amendments relating to for which the division parkland is required, a draft copy of this resolution has been distributed. I just passed that out on the dicer and I'm working with cosponsors to finalize the resolution language so that would address the point you made and the question that councilmember pool asked.

>> Mayor Adler: But my understanding is that that's not part of today's compromise.

>> That is correct.

>> Gallo: It was removed per legal department's recommendation if was removed from the agreed-upon consensus out of the draft that is in front of you, and the legal department suggested that the better route for that component would be through development services and so we'll forward that with the resolution that will come back to the council.

>> That would be the preferable way to go to keep this marry band of brothers and sisters together.

>> Mayor Adler: Mr. Casar.

>> Casar: Sorry. I think I heard two different things so I -- point of clarification here. To -- I heard

councilmember Gallo say that this was a -- this piece was a core part of the -- core part of the deal for this to actually come up and be part of this.

[7:48:23 PM]

Then I heard the mayor say this was not a part of the compromise. You mean -- mayor, do you mean this is not a part of what we're dealing with today? Are you saying this is not a part of the compromise that is keeping this marry group of folks together? Maybe we can ask this group.

>> Mayor Adler: I was asking the question.

>> Staff recommendation is what keeps the people together today.

>> Mayor Adler: This is not part of staff's R recommendation.

>> Casar: I understand and I agree but I'm asking the question if posting this resolution and agreeing to post this resolution is part of what gets everybody comfortable with this for it's just a totally separate M latter? There's heads nodding but I asked two questions so --

>> I think it depends on who you ask. It is my understanding that it is going to be posted. So I'll stick with that original comment.

>> Casar: Great, sounds good.

>> Mayor Adler: Say that a gain. What?

>> I said I think there's different -- may be different opinions so I'll stick with what I originally said, is that it's my understanding that this question will be separately posted.

>> Mayor Adler: Okay. We're voting on today, just what we see in the Manila folder, everybody is on board on that. Two weeks later this is going to come up and we'll deal with this but it's a separate I issue.

>> That's correct.

>> Mayor Adler: Ms. Tovo.

>> Tovo: Since we're on the point about the folder, I just want to be clear, we've had various versions of various things circulating map was

-- what is proposed -- the motion on the table are the versions that are contained within the folder that just got distributed. Is that correct, councilmember Gallo?

>> Gallo: That is correct. If you look at -- in the folder the ordinance number 86 at the very bottom left-hand corner it should say J anuary 25, 2016. And then the other document that was in there that's stapled together has the other three components in it.

>> Tovo: Very good. Thank you.

>> Mayor Adler: Okay.

[7:50:23 PM]

Thank you very much.

>> Thank you.

>> Mayor Adler: And thank you, everybody, for the process. I know this has been long and hard. Was there anybody else that wanted to talk? Come on down. Please state your name.

>> Good evening, Allison alter and I'm happy not to be saying good morning this time around. So good evening, council. I'm here tonight as a private citizen and for identification purposes I'm the chair of the Ramsey park project, which benefited from the parkland dedication funds, a member of the parks enforced a member of the rosedale neighborhood association. And I've also been an active member of the great Austin parks coalition. I would like to speak in favor of the ordinance as passed in the first reading. Against postponement and to express my concerns about several amendments, particularly amendment one and three. So amendment one defines what is the urban core and amendment three

places the cap of 15% in that area. So first I'd like to speak against postponement. Parkland dedication ordinance is -- parkland dedication is something we need as a tool to improve our parks. If we pass as it was under first reading this is \$350,000 a month and five to 10 acres of parkland that's a Ramsey park in every district over the course of the year. So we need this to pass. I would like to share my concerns on amendments one and three and it's particularly for large parcels of land that are unzoned or underdeveloped. If you use the calculations that are proposed, you will get situations where you can have less parkland required than you do now under the current system. I think we have to think about where we're going to get the parkland for all of these people that are coming. If these large tracts of land, we are not able to secure parkland from and we won't if we don't get this dedicated parkland, where are these people going to play?

[7:52:33 PM]

We're going to add hundreds of thousands of people to the city center, to this urban core; there will be no sites larger than 6 acres, 10 acres that we can add them to. For me this is particularly personal. I live within ten blocks of five of these sites. And when this happens, the quality of living can very dramatically change. What I would ask the council to do, my first preference would be not to pass amendment three or to change the map. If that cannot happen tonight, I would ask that when we do have review of this ordinance, that we look very carefully at its implications for these larger tracts. I understand that there's a need for the development community when it's a three-acre plot to have this 15% cap, but when we get these larger sizes and we increase density even more, I do think this is a concern and I want to make sure the council is aware that if this is put off, you are going to see more and more groves, more and more communities coming up and being concerned because there's month options to offset the density with the quality of life benefits that should be coming with that. I also wanted to point out that this council has said that they're concerned about aid and families leaving the city. If you do not have parkland for those families, they will leave the city.

[Buzzer sounding]

>> Thank you. I would ask that you make sure that there is a process, if not tonight, for considering these issues with these large tracts as we move forward and see how this plays out. Thank you.

>> Mayor Adler:

>> Tovo: Mayor? May I ask Ms. Alter a Question? Ms. Alter, yesterday at our open space meeting, we had a little discussion about your proposed -- about your comments, and as I understand your point, inserting the words "Under 6 acres" I think within amendment three would accomplish part of -- would address some of your concerns.

>> Yes.

>> Tovo: Then we would be looking at the 15% cap only for those tracts that are 6 acres or greater.

[7:54:38 PM]

>> Yes. I would submit that the council has several different ways they could do that. They could say if you included it and you said the 15% cap only applied to tracts 6 acres or less or you could probably say I'm not a lawyer but I think you could say something like amendment three applies only to acreages under six until we clarify the map and then you could have a process for clarifying the map and one could go above 6 acres, most of these larger parcels are above 6-acres. 6 acres is one number could you go with. You could say 15 acres, 10 acres, but there is -- you know, you're not going to get another Ramsey park if you don't have at least 5 acres of land that's dedicated.

>> Tovo: I agree. Okay, thank you.

>> Mayor Adler: Next speaker, about six people left. Yes?

>> Thank you, mayor. Members of council, my name is Mike Mahon, vice president of university area partners. Unfortunately, we work in the uno area, which is the city's most successful affordable housing area. Uno, unlike other density programs is an incentive-based redevelopment program in which all projects are required to have 20% affordability. We worked long and hard for five years to develop an ordinance that was just passed in April of -- I mean, February of 2014, and our first projects are just coming online. That we'll be doing the affordability at this lower, deeper rate at 60% of median for the first 10% and 50 -- and 60 percent of median for -- I mean 60% of median for the first 10% and 50% for the second.

[7:56:38 PM]

We see this parkland dedication increase as a substantial barrier to continuing to have affordable housing. It's kind of -- everything is going up in cost, and all these costs are passed onto the student body. There's no free rent. No magic money. And we would look forward to working with the staff on developing ways in which we can accommodate more affordability and at the same time provide adequate parkland but not increase the fees so much that we make it impossible for small developers and even any developer in the west campus uno area to be able to build a project. Good ordinances have to take into account the needs of the people who are concerned -- consuming the product. In the west campus we really need that help and we look forward to meeting with the staff and we're really happy to see that the parks are getting the attention they need, but we've got to be careful. There's a careful balance and we feel in this particular situation that balance can be reached and we look forward to working with the staff of park and neighborhood housing to come up with that compromise. So I thank you. We think this should go forward and look forward to working with you on that density situation. Thank you.

>> Mayor Adler: Thank you. Next speaker on deck should come to that --

>> Eric, on behalf of ora. Very briefly I'll do my best not to take three minutes. I want to correct a few items that were misstated or misrepresented. One regarding the 15% cap. The 15% cap is a soft cap. If the park director feels that it would be necessary to have more than that and meet the parkland dedication requirements, they can seek that through a review at the land use commission, planning commission.

[7:58:44 PM]

So -- and the situations where that is justified, it's -- there's a route to go to 50%. On the private parkland, the intention of this ordinance and the reasoning is to have new residents pay for themselves. So if a private park meets the criteria that are established by park, then it can count in lieu of the fee or in lieu of on-site dissuasion so that allows it to be developed in concert with the development. They would still be paying the property taxes on that because they still own the land so there are fiscal benefits to the city. Other than that, I just want to thank park and the others we said earlier. It's been a lot more meetings and more hours than I expected to have on this item and I really hope that you pass on all three readings tonight. Thank you very much for your time.

>> Mayor Adler: Next speaker?

>> Good evening, council. My name is Grayson. I live in district 10. I wanted to express my support to the parkland dedication ordinance as it was passed on first reading without the amendments, particularly I'm concerned about the 15% cap for a lot of the same reasons you've already heard. Just to me it doesn't pass the common sense test if we're trying to encourage growth, encourage development, encourage density, encourage people to move to the urban core, why would we place an arbitrary cap that limits the amount of parkland that essentially limits the quality of life in the urban core. So I would

just encourage y'all to support the parkland dedication ordinance as it was originally read on first reading so that we can further review these amendments and try to find something that makes sense. Thank you.

[8:00:45 PM]

>> Good evening, mayor and councilmembers. My name is Sarah Spites. I'm president of the Bull Creek Road Coalition which happens to be a coalition of seven neighborhoods. Six of which are deficient in parkland. And the seventh has a little bitty park. So this is an issue very important to them. But unfortunately I haven't had a chance to get to these neighborhoods to ask them what they feel about this. Let me do this, let me tell you first my recommendation and then I will finish telling you why I think these things. My recommendation is to approve the original ordinance as passed on first reading. And then let's schedule some public hearings and give the rest of us a chance to find out what these amendments are about and what the thinking was. You know, it's interesting, councilmember Gallo, because I turned on the computer today to see where the council was, and what I was hearing was you questioning how were the stakeholders chosen in this case? And how do we make sure that our neighborhoods and our communities are participating in the stakeholder process? I don't even know what the issue was you were discussing, but I thought that was very interesting that that was the issue because that's my question here. Why did none of our neighborhoods -- I've called neighborhoods all over the city. Nobody knew anything about these amendments. There was no public discussion of this. How were these stakeholders chosen? So, you know, I didn't even know about these until the city council posting, and there they were. And we didn't have time to get these out to our neighborhoods and ask how would this affect you and so forth. So my suggestion is let's go ahead and pass the original ordinance and let's immediately get into public discussions where we can crossover and I can hear what Reca has to say and the apartment association.

[8:02:55 PM]

I would love to hear all this and see if we can't come up with a more balanced idea. That said, I hope you all understand that adequate parkland is critical to childhood development and to the well-being of adults. So this isn't some frill. This has been proven over and over again to be very important. Density isn't the only thing that we need to look at. So let me give you some examples of the concern. The map of what you're calling core is pretty breathtaking to me and I have a lot of questions about that. The 15%, I hope you understand that the 15% when we're talking about how many acres per thousand of people puts the focus on how many people you're serving, when you switch to the 15% --

[buzzer sounds]

-- You've just switched to oooh, how many acres are there to build on? I had several people sign up to allow me to continue.

>> Mayor Adler: You can keep going.

>> Okay. So that is a dramatic shift from focus on human beings to focus on acreage. Surely we can find a compromise that will work from that, but it isn't here. It isn't in this proposal. Also, the fee-in-lieu, money is easy to come by. Land is real hard to come by. I think we really need to look there too and see whether this is a proper balance in how to do this. What I would suggest -- then private parks. You know, HOA's may not want to keep a park going. I have an idea for you, councilmember Zimmerman, by the way, on one way that perhaps we could keep this cheaper. Ms. Alter brought up the idea of these large public tracts, and by the way, in the case of the grove, this provision would reduce the number of acres that they're putting on that tract.

[8:05:00 PM]

So that's what happens in the urban core with these large tracts of land. The state of Texas is required to offer any large large tract that they're selling in the core, which is where most of ours are, to the city if the city wants it at the appraised value. Let me just use the example of the grove. The grove was offered up to the city of Austin at less than 30 million, but when you added in expenses it would have been about 30 million. The buyer of that property ended up paying 46.7 million. The next largest bidder was right at 40 million. If the city had bought that piece of land and carved off some park, the park wouldn't have cost them anything because the most developable land on it they then could have turned around and sold to the public. Ms. Tovo was there, she went through that process. But the city wasn't prepared. So let's look at how to be prepared for when and if these large tracts come on board, whether they're in areas where there's a deficiency of parks and how we might make this work at no expense to the taxpayer. There could be some very good possibilities here. The bottom line is we don't have to pit density against the quality of life in all of -- that parks bring us. I think there's some more creative ways that we can come up with doing things. And I would urge you to allow us to join in this discussion, the rest of us who have other ideas, and so let's pass the original ordinance as was and let's have some hearings and discussions on these other ways. Thank you.

>> Mayor Adler: Thank you. Hold on. Ma'am? Ma'am? Ms. Gallo?

>> Gallo: Thank you. Thank you for you being here and for your comments. I just wanted to mention because councilmember pool, I think this ordinance was brought up at our December council meeting and councilmember pool made a request that it be postponed to this meeting.

[8:07:07 PM]

So that was six weeks ago, in order to give her a chance to look into it and to visit with people. So it has been six weeks since it was initially proposed in December. I just wanted to clarify that. Thank you.

>> Mayor Adler: Thank you.

>> Yes, sir.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: I got real excited when you said money was easy to come by.

[Laughter] Is there a tree down there at bull creek where I can pick off 100-dollar bills?

>> It's a lot easier than land. It's a lot easier to come up with money than land. That was my comparison.

>> Zimmerman: Yeah, I lost you because you can buy land with more. The more money you have, the more land you can buy. It is a problem with land and affordability.

>> I understand, but once you develop that land you can't get it back for parkland. And, you know, I said we have six neighborhoods around there that have no parkland at all. And the developer of the grove has made very clear to us that's not his problem. He doesn't have to provide any land for us. And this ordinance would allow him to provide even less for the 4,000 people, residents he's suggesting -- proposing to put on that land. And we're still left, the neighbors are still left out.

>> Zimmerman: You're right, if but if we can go to that money tree and pick off 20 million bucks and give it to the developer, that --

>> Such a deal.

>> Zimmerman: We don't have a money tree. It is an issue of affordability.

>> We don't.

>> Zimmerman: It's an issue of affordability.

>> Well, yes, but I also had the suggestion of ways we could be smarter about dealing with these large state tracts that would get us the parkland that I think might work if we'd be willing to work on it.

>> Mayor Adler: Okay.

[Applause]. Anyone else?

[8:09:09 PM]

Anyone else waiting to speak, they should come down to the lecturn. Yes.

>> Good evening, mayor and councilmembers. I'm Todd shout from district 7. I want to check time. I think my wife's here so she donated her time. I'm not sure how many minutes I have, but I would like to start with just the process I think from the beginning, and I think in the open space meeting you heard this, there's a problem with it. And you saw the folks standing back here and I think Sarah alluded to this, you don't have neighborhoods that were part of that group. And Jeff Howard mentioned, he said after you directed parks to go back and pull in more stakeholders, you said he led that effort. He's the one that decided what stakeholders would be contacted. And basically rewrite these rules, overhaul, gut what was there previously. If you look at what your instructions were, what were they? Go back in an appeals process? Okay, that's needed. Do the audit thing, check the audit findings. There was -- look at affordability. That's been kind of tabled. But they totally have overstepped your instructions. It was not about all these other caps and things that were not even part of your direction. They totally overstepped your direction. And I think what we did is we put the parks in a very difficult spot. If you remember their initial presentation, they're not getting enough money. We are miserably deficient in my neighborhood especially. We don't have enough parks. None of those neighborhoods were part of that conversation. The point is that we -- so we did not get what you asked for. We got the developers leading that, bringing that to part. We are underfunded. My point was that park wants this passed because they need the money.

[8:11:11 PM]

Yes, concessions had to be made, but those are not the concessions we have to make for good parks, I do not believe. The neighborhoods were not part of that conversation. So I think what you have is a process where Leslie pool was gone, Ms. Gallo led a process to get the developer's needs and then this is what we got. And it had no neighborhood representation. And that really upsets me. I'm really upset with the process. So going in to -- just to show you why we need to talk about this, these amendments are troubling. We've got, number one, the appeals process. Everything can be appealed. We need to limit the amount of things that can be appealed. Otherwise you're going to take all of our time, developers are going to feel everything so we need some clear guidelines on what can be peeled. Amendment 2-b, 15%, how did we come up with that number? It has no relationship to the formula for the number of people. I would add that we really need to look at the percentage and make sure that it will provide or meet the growing park needs of this community. Now, I don't think that was investigated. And others have spoken about that as well. Okay. The timing, the modified exhibit a, which is -- [buzzer sounds] I have a question. So how long is it going to take to develop the operating procedures? From what I read we're going to be operating under this very lax, lenient exhibit a for a time period unknown while we get these operating procedures. I would say you need to set a six-month deadline to have those procedures in place, otherwise we're going to have a lot of development happening under some very lax rules. And basically if you look at that exhibit a it's basically related to distance to existing parks, schools or private parks.

[8:13:16 PM]

And it's just a distance formula. It says if you've got it then you're good. You're sufficient. That is a loophole that I think we need to address. I would move that you go ahead and pull in the map that

shows the deficient areas now and you use that as the basis for making your decisions, not exhibit a or modified exhibit a. And we've already heard folks speaking about the amendment 4. Really there should be no way that somebody can get 100% credit. Dedicated parkland is very hard to change and develop. Whereas I guess we would have easements on private parkland and I think it would be very important if we were to have that actually happen and private development count, we need very strict easements on the ability for these developers to then turn that into developed land. So those are some of the issues. I think we've got a lot that still needs to be fleshed out and I think that is the reason why we are asking for, yes, give the parks more money. Set aside some of these very complicated issues that were brought up in the last -- I mean, two days ago is when the public was able to see these changes or the 25th. That doesn't give us enough time to respond. That's really unfair. So thank you and yes, I am upset about this and I wish we would have had more time as neighborhoods to really have a voice and that opportunity was missed. Thank you.

[Applause].

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

>> Pool: Mr. Shaw? It's okay. He doesn't have to come up. Mr. Shaw, I just wanted to thank you for coming down and speaking and I agree with you, there are any number of elements to the proposal that councilmember Gallo crafted while I was out of town.

[8:15:20 PM]

And I think with the offering of the resolution that she's brought to us that she wants to talk about next month that that opens the door for us to engage the community in the larger discussion of the elements that have been troubling and have not been -- that the whole community hasn't had a chance to think about and respond to. So I think that's a really good idea. And I think that's the direction we'll move in. Thank you.

>> Appreciate it.

>> Mayor Adler: Mr. Siff.

>> Gallo: Can I make a comment? For clarification purposes because it was indicated that this is my resolution, my ordinance. It is not. This is the ordinance that was brought forward from the parks department. So just to clarify that. The parks department has been working on this and they formulated a stakeholders working group to work through some of the issues, but this is the parks' recommendation, the parks department recommendation. It is not my ordinance.

>> Mayor Adler: Okay. Mr. Siff.

>> Thank you, mayor and could council and thank you councilmembers pool and Gallo for making the motion and seconding the motion to pass what's in your manilla folder. I'm here to reiterate -- I hope you seconded that motion. That's the motion I heard you made. As rich Dipalma reiterated at the beginning of this hearing, there is a large number and a breadth of support, a large number of organizations in the park advocacy community, if you will, and a large number of organizations in the real estate development community that have spent hundreds of hours in the last six weeks trying to fashion a consensus of a package of changes or amendments to the ordinance you've passed on first reading.

[8:17:26 PM]

That was your direction. That was your direction in November. We actually developed this consensus by December. There was a request for more time, councilmember pool. We took that more time and have come to you with a unified, imperfect proposal. So I'm not suggesting that any of the comments that have been made in the last 10 to 20 minutes are not relevant. They're absolutely relevant. But this is a

very, very good ordinance. And as in many other cases, often times people want -- we can get faced with the choice of making the achievement of perfection the enemy of achieving the very, very good. I would just commend you all to come to a vote on the motion, and I hope you vote in favor of it.

>> Mayor Adler: Thank you.

[Applause]. Are you wishing to speak. You've got to be about our last speaker.

>> Good evening, mayor and mayor pro tem and councilmembers. I was sitting home watching TV and I had to run down here. A couple of things, my concerns are about this parkland dedication fee, but when I sit on the parks board -- did I say my name, Linda Guerrero. When I sat on the parks board and chaired it for 10 plus years I was the first one that came forward to amend the ordinance because it didn't even address the downtown area of everything going up. Parks department did not capture any of that money until we finally amended it to where we would be able to capture money on the structures going up. When I first went to the director at the time, they said you can't do that, Linda, because of the developers.

[8:19:27 PM]

No one goes up against the developers! And I said we've got to right the wrong and this is wrong. We have so many people flooding into Austin, they're using our trails. We deserve it. And the other thing is parks department, no offense, is the red headed stepchild of the budget. They don't have enough money for the things they need for our city. And the guy over -- I don't know who said something about bond money. Bond money is tied up for a very, very long time. I'm still waiting for the bond money to be released from Hancock recreation center from 2010. That does not help or encourage things when I hear about bond money. Also a lot of these fabulous non-profits that do exist, that doesn't have to deal with the parks boards or parks department budget. You have a non-profit that gets a ton of money off of contract from Austin city limits. And I'm really glad that we've compromised, I went to one stakeholders meeting that I found about through the grapevine and I think that was back in the summer. And the ordinance was tight. It looked good. It looked like we could move forward. And I'm hoping that again that percentage of 15% will be looked at again, although that's and I also hope that the parks department is really satisfied with this. I agree with the man that says how many things can come up and be asked to be looked at again? Because I think that's really going to be a chronic issue for the parks department. Also I am hopeful as we move forward with this parkland dedication fee that you do consider making some adjustments. When I see people that have come to Austin when I'm traveling all over the United States, they go, we love Austin.

[8:21:33 PM]

They don't talk about the bats. They don't talk about the music. They say, it's so green. It's so lush. Y'all are doing it so right in Austin. So I urge y'all to keep doing the right thing.

[Buzzer sounds] Good evening.

[Applause].

>> Mayor Adler: Okay. I think that ends our public hearing. Is there a motion?

>> Gallo: Mayor, I've been notified by the parks department that there's a clarification that they need to make if they could come up, please. Evidently the exhibit a that was stapled in the packet that you received was not the original exhibit a, which was part of my motion was the original. So what has been passed out is the yellow sheet, which was the original staff exhibit a.

>> Mayor Adler: Okay.

>> Gallo: They can clarify that. I just wanted to make sure that the dais understood.

>> Pool: Mayor, I have a question, if I could.

>> Mayor Adler: Yes.

>> Pool: The vaunted manilla folder, I don't have a manilla folder. I have a whole lot of items that are parkland dedication, but --

>> Yes, councilmember. This was placed --

>> Pool: Can I see the handwriting on the label? Maybe I do, but I thought it was staff's folder. I want to make sure that the documents I'm looking at are the ones that everybody is referring to. I think they are, but you never know. Yes, I'm good. Thank you.

>> Mayor Adler: Okay. And you're just saying that this is the proper exhibit a and should be changed out for the one that's in the folder? Is that it, Ms. Gallo?

>> Council, ricardo Solis with the parks department. I apologize, this was the exhibit a was one that was placed in that Malina -- manilla folder at open space committee yesterday, was voted on. So I apologize. And that's what was placed in your manilla folder.

[8:23:35 PM]

>> Mayor Adler: This gets swapped out for the last page of the staff report.

>> Okay, thank you. Is there a motion.

>> Tovo: Mayor, I would like to discuss that if we could. We have a committee system. This went to the committee. The recommendation that was forwarded was to forward on the ordinance with a recommending approval with the exhibit a as amended in our committee yesterday. And that was what was distributed on the dais in the manilla folder that is the subject of the proposal. So if people would like I'd be happy to speak to the changes that we made yesterday that are reflected in the copy that was distributed in the manilla folder. I think maybe at this point it's easier to just refer to the document as the one as approved by the oses, open space -- what is the rest of that committee name?

>> [Inaudible].

>> Tovo: Committee, on January 27th, 2016. We had an amendment, I made the amendment and it was supported by the committee yesterday to remove -- to remove two of the bullet points, really check marks. The last two clauses. So you'll notice on page two there is one difference between the original document and what we approved yesterday. And that is the elimination of the clauses referring to the role of other departments in weighing in on parkland dedication. The first bullet point talks about whether other departments that are in consideration -- one of the criteria that's been proposed is whether the departments reviewing the parkland will not diminish other city objectives for policies, such as land use, affordability, connectivity, environmental protection, transportation, et cetera. The city will consult with other relevant departments in making the determination if applicable and then the next bullet goes on to talk about whether the dedication of land is consistent with the core principles of imagine.

[8:25:36 PM]

North Austin. The last point -- imagine Austin. The last point I think is duplicative of the last comment regarding imagine Austin goals. We have imagine Austin goals relating to parkland and healthy communities and building healthy communities. And so number one, all of the work that we do should be guided by the imagine Austin plan here. So I'm not sure that we need to put it into the criteria anyway, but we have called out those goals related to building healthy communities and maintaining healthy parkland. And green infrastructure above. So I think that last point is duplicative and that was the reason I suggested eliminating that one. The other phrase that I read in its entirety about having other departments weigh in I believe is setting up a case where we're offering applicants the opportunity to make an argument that something else is more important than parkland. And I don't

believe that we want a parkland dedication ordinance that does that, that at the times sets us up for that kind of argument and makes it difficult for our staff to require a development to provide parkland. Let me point out land use and density are cited as particular objectives here. I mean I think where it's pretty clear if I'm a developer coming toward and dedicating land as parkland, that will have -- if I -- you can certainly build more houses if you're not dedicating it as parkland. So those two things -- you probably could always come up with pretty good argument that these two things are in conflict. And again I think we have a parkland dedication ordinance that clearly asserts our desire for parkland that is within reach of all of our Austin residents. And so that was my -- that was the reason why I proposed eliminating those two provisions and the committee as I said did support it on a majority vote yesterday.

[8:27:39 PM]

>> Gallo: Mayor, just a point of order. For clarification, my motion to approve on second and third reading, the staff's recommendation, which included the documents, I just -- it was brought to my attention that the document that was in that folder reflecting the original exhibit a was not correct and so that's the replacement for that is the yellow one so that that motion was made and seconded that includes that.

>> Mayor Adler: Okay. That's what I understand, the motion maker 17 titled to make the motion as she wanted to. She's made it with the staff recommendation. It will be appropriate, mayor pro tem, for you to amend the proposal that was made.

>> Tovo: I'd be glad to.

>> Mayor Adler: First I need a motion to close the public hearing. Ms. Garza moves that. Second? Mr. Zimmerman. Any debate, those in favor of ending the public hearing raise your hand? Those opposed? It's unanimous on the dais. We're now back up to the dais talking. We have a motion from the mayor pro tem to swap out the exhibit a's. Is there a second to that motion? There's a motion from the mature to swap out the exhibit a's, to swap out the staff recommendation and put in its place the committee recommendation. It's been seconded by Ms. Houston. We're now discussing then swapping out exhibit a's. Mr. Zimmerman?

>> Zimmerman: A point of inquiry. I've been going through the two copies and I can't find the difference. What is the difference between the yellow and the white?

>> Tovo: Sure. On page 2, and its section C and each clause is noted with a check mark. So it is the --

>> Mayor Adler: Last two check mark provisions.

>> Zimmerman: So it's an addendum.

>> Tovo: I believe it's the eighth and ninth check marks. And those are the last two on page 2.

[8:29:42 PM]

And maybe our clerk could put them up. So again, I'd be happy to make that motion. I think it may have gotten a second.

>> Mayor Adler: It's been moved and seconded. The amendment has been moved and seconded. Ms. Kitchen?

>> Kitchen: Just for clarification, so you were removing those two, is that what you said?

>> Tovo: Yes, to go back to what the committee recommended yesterday. I'm not even really clear on how that process would work of having other departments weigh in on whether they have concerns about a parkland dedication. I just think it's --

>> Mayor Adler: Does this relate to the appeals process?

>> Tovo: I believe that it relates to -- so these are criteria that are to guide the director's decisions so they are -- in fact, maybe our staff should come up and talk about how they intend to use this and

whether you have any concerns about the elimination of those two provisions.

>> Mayor Adler: I was just trying to figure out what this is. I want to know if this is by -- if this becomes the standard that is used in the appeal I guess is the question I'm trying to answer. When I originally raised the appeal question my concern was that we want to have our park advocates advocating for park, but at the end of the day there could be a great conversation between a park advocate on one particular use and another advocate from a department department or different perspective, no less valid, but sometimes competing. And somebody has to be able to ultimately decide between the two. And I don't know if that's what this was intended to be or if this is something different than that. Do you understand the question I'm asking?

>> I believe I do. Exhibit a is to guide the decision in making the director whether to take fee-in-lieu of or land.

[8:31:50 PM]

The commission would then sit in the shoes of the director and use the same criteria to render their decision.

>> Mayor Adler: So my concern is the reason to have the appeal was not that the -- I want want someone speaking on behalf of parks to be advocating on behalf of parks, but in my mind that is ultimately preeminent over any other. That at the end of the day somebody will have to make difficult choices if there is a forced choice, and that forced choice can't be guided by any one area. That was what I raised before with the appeal and that was what I thought it was intending, ultimately a decision has to be made that takes into account other priorities of the city as well, each if the ultimate conclusion is that because of the great need for the parks and because there are alternate ways to achieve the other incentives and because once the land is gone it's always gone, that it needs to happen here that way. But it was to give somebody the discretion to be able to take into account those other things.

>> Tovo: Mayor, my concern is there will always be someone who will argue. I can build more housing if I don't have to use this land as parkland because I can build on it. So those -- you will always have an argument, then we'll be sitting up a construct that there is an argument that the city's interest in having density -- its interest in having more housing is at odds with having parkland.

>> Mayor Adler: And all I want is to recognize that dispute is going to happen and it's because that dispute is going to happen that at the end of the day we need somebody that can look at the overall view and say in my mind when the parks director is making the initial parks decisions that's not a final decision on that matter in the parks department as a parks advocate, but at the next stage -- if there's an appeal to somebody that says I understand this is in the best interest of the parks, but there's a real cost to be paid and this other priority of the city has somebody whose either a parks person or a housing person or a capital improvement person, somebody has got to be able to say I look at everything, and I'm the ultimate guy here, so I have to make that forced decision, but I'm not an advocate for any one of those any more than I am the other.

[8:34:36 PM]

I just have to do what's in the best interest of the city generally.

>> Casar: Mayor, I think I understand both of your points here with the word diminish so I want some work clarity from the parks department. When I read this my understanding was that you don't just mean that if one goal is diminished by parkland that no matter what an appeal should be granted, but that you would take a citywide look at your language here because I take the mayor pro tem's plan serious that one could add that adding one more house on parkland could add more density to our goals and it's a dedicated parkland. If we were to take the words that strictly and seriously, but since the parks

department put this piece of paper together I assumed that you would be going through more of a process of what the mayor described where you would have to weigh that imbalance and potentially if there was an appeal, talk to the other departments. If you could talk us through a little bit what sort of standard you would use here because I think that your point is well taken that of course dedicating land diminishes the ability of putting potentially even one more unit there and that can't be the standard I don't think so I would like to hear sort of what your standard might be. Thank you for my -- if you don't understand my really long-winded paragraph or question, I can restate it.

>> Sarah Hensley, director of parks and recreation. First I want to say that the vice-mayor absolutely correct. It was voted on and they asked us to remove it. And we were confused whether we put the original in or the revised in so they brought that up. I want to be clear and honest about that. These 24 things that we added after the first -- after we came back from the last time and I think at the request of putting something in there that memorialized more that we already do this.

[8:36:41 PM]

I don't want to be clear. We already as a department look at this holistically as part of imagine, as a part of our due diligence, as a department we go and work with watershed when we look at land. We go and work with housing department and look at the possibilities of co-locating and doing all these things. So it was a request to memorialize it. Quite frankly as a staff we felt it was a little redundant and duplicative, but we agreed to try to put something in there. But I do want to be clear we do that already. So I understand where the mayor's coming from, but I will tell you we guide our decisions by imagine Austin now and we guide our decisions by working with other departments and not in a vacuum. So I hope that answers it.

>> Ms. Garza?

>> Garza: I supported this at the open space and because you think it's duplicative, it sounds like -- I don't want to put words in your mouth, but does it hurt to take this part out of the criteria?

>> It doesn't hurt. It doesn't hurt. For some it better clarifies and more memorial eyes what we say we're going to do and I do understand that.

>> Casar: Mayor, I think I'll be voting to leave it in because I think it's important we had such a process that we had divergent stakeholders and brought people together. For now unless I hear some really compelling reason, which is if this doesn't really affect things more one way or the other are but gives people a sense of security for the future, then if it doesn't hurt to take it out, it also doesn't hurt to leave it back in and it sounds like wait this currently stands is good for a lot of people.

[8:38:49 PM]

So unless I hear a strong argument otherwise I want to leave everything the way it stands and get this done on third reading.

>> Zimmerman: Mr. Mayor, I was at the open space and the parks committee meeting yesterday and I raised the issue of affordability, of course, because I always do that. And I think we're just dancing around the problem here that we can have more open space and parks or we can have more affordability. We have to pick one. We can have more open space and more parks or we can have more affordability. We need to pick one. Because we don't have a unicorn park with a money tree. It doesn't exist. And it's a hard choice to make because there is a benefit to parks, but there's a cost. So I think our decision is really as simple as mandating more parks or allowing for affordability and we've got to pick one.

>> Mayor Adler: I understand what the mayor pro tem is saying here in reading this language because the competing objectives could easily lead to a diminish. Of another objective. But that doesn't mean

that you wouldn't do the parks. You could have not only a minimal diminish. Of another priority, you could have a great diminishment of another priority and still someone who is looking at it all could decide it's still best to do the parks. In that instance. So you could still have that too. And I wonder if -- what I don't want to be doing is writing up here on the dais but the sense is what this would mean to me is it's not just a question of saying whether it diminishes something else, but taking into account the diminish means that will inevitably follow and then making ultimately a value choice, a comprehensive land planning choice.

[8:41:15 PM]

And that's how I would read this language. It's not just -- there's not a veto of it diminishes something else because it potentially would, but that doesn't mean it's still not the right thing to do. It just means you have to consider those ways that doing this creates opportunity costs other places. I think that I can read this and read it that way, but that would be important to me to be able to say and understand that just because there's a diminishment doesn't mean it's still not the right thing to do. But we do need to be wear of those opportunity costs so we can ultimately make that choice and that decision.

>> Pool: Mayor, I call the question.

>> Mayor Adler: Any further debate on the amendment? I'm going to vote to -- against the amendment with that interpretation of the language that I put in in order to keep this moving forward with the compromise.

>> Casar: Mayor, I want to know if what you described is reflected in this language and staff's interpretation or not before I can knowingly make a vote. I guess I want to know what this means to the parks department. Does it mean what you said or does it mean what the mayor pro tem fears? I want to know which one it is? It's got to be one.

>> Tovo: Mayor, if I might add if this becomes part of the criteria that ends up in the board's hand or sitting in the role of the director, then the discussion about -- that we have here at council about its interpretation is great, but they're going to be guided by what's on the paper.

>> The answer to that question is it -- you know, there always is going to be a concern. If the idea is to pit us one against another. I have to -- when I look at this and the one that talks about imagine Austin, I-- that's why I said I thought it was redundant because we signed off on the core principles of imagine Austin.

[8:43:22 PM]

Our staff was heavily engaged in imagine Austin and still are. When it comes to other department's reviewing, that's very clear and we do that now. My heartache comes from its word diminish and the possibility of it ever happening, of pitting us against some affordability issue or another. And I have to say, you know, to have this many people here to speak on behalf of parks is wonderful and the case that -- to ever have to think that we were pitted against another issue when the most important thing I think about quality life is having something like that. We feel like it's okay and it was okay to memorialize it. The word diminish when you were stating it kind of scares me a little bit because I don't want us to be pitted. And the way I kind of was seeing it is that we might be pitted against something else that might be seeming more important.

>> Mayor Adler: Let me explain it to you, mayor pro tem, why I think this language is okay. This is one of the factors that are to be considered by pard in making the determination. And one of the factors to be considered is whether the other departments agree that the other imagine Austin sites are not diminished. If other departments came in and said we think this diminishes this other thing then I would want the pard director to consider that. It doesn't say that the pard director has to follow those other

departments or doesn't say how the pard director weighs those elements. It just says that if the other departments are not in agreement, it becomes something that is considered because that's what the section is. Among the things the pard director would consider would be whether the other departments say hey, this doesn't impact our area of concern because if it did I would want the park director to consider that.

[8:45:28 PM]

So I'm okay with this language because it's not directive on what is done, it's only directive in what is considered. And I would want the director to consider what other departments feel. Ms. Kitchen?

>> Kitchen: So if I'm understanding correctly, the committee voted yesterday to remove the two items. Correct? So I would have to go with what the committee recommended unless this is reworded. There's no need to use the term diminish because what we're saying here is simply that pard will take into account what other departments are thinking. That doesn't require to use the word will not diminish. It doesn't require that the other departments have to agree. I think that this language is more prescriptive than the way it's being described.

>> Mayor Adler: So let's do this maybe as a way out because again I don't want to be writing here from the dais. So if this is something that doesn't meet with the agreement of the people that were in agreement then I don't think it's ready for us to proceed. But I think we can get the intent that we were talking about, and I think address the mayor pro tem's concern if we say that one of the things we want the pard director to consider is whether or not other departments in the project believe that the parkland on the site will impact other city objectives. And that means that the other people weigh in, the park parkland person considers that, it becomes one of the considerations that would be available to the land commission, it takes out diminish, doesn't require any measure of agreement. So what it would be is whether other departments reviewing the project believe, striking agree, that the parkland on the site will impact rather than not diminish.

[8:47:34 PM]

Impact other city objectives. And that means then that if that information comes in. So I don't know who the other people -- who people were that agreed to this compromise, but I want to know if that wording throws off the delicate balance that existed. Or if you need more time.

>> It's something that's okay, but there's -- if you agree that it basically says the same thing anyway, we would prefer not to open the door to additional amendments after this. If you try to clarify the intent, I understand why you're trying to do that, but we support what is in your manilla folder. To the extent you're trying to clarify what's in there and not change the meaning --

>> Mayor Adler: That was the intent. I understand. My understanding is that was the intent. I think the mayor pro tem may accurately point out that it goes beyond that by --

>> Sure. I understand the logic.

>> Mayor Adler: Your fear is it will lead to other amendments down the road here. But with respect to this amendment and this one as a clarification.

>> For the clarifying intent, that's something we can live with.

>> Mayor Adler: Does that work with you, mayor pro tem?

>> Tovo: I'm going to need you to read it back, if you would. My suggestion was going to be just to stick with that last sentence, the city will consult with other relevant departments in making the determination if applicable. That sentence is already in the original language. Seems like that's what you do.

>> Mayor Adler: The issue is there's a lot of criteria here as to whether or not the pard should be grant

and all of them relate to the park. So which is the criteria that says somebody should take into account the impact it would have if it cuts affordable housing in half.

[8:49:38 PM]

I'm missing that criteria because whether it's happened or not, I just want that final decision maker to be able to take that kind of -- right now they couldn't. If we didn't have that then it would be an inappropriate thing to be taken into account whether somebody was working. So I'm just trying to think -- the other factors to be considered is -- it shouldn't be the other departments. We could take out -- we should just say directly one of the criteria should be is the imagine Austin goals and policies. We have a list here of criteria and this criteria that should be taken into account is whether the dedication land is consistent with the core principles of imagine Austin. And the city will consult with other relevant departments when making it applicable. Does that get us there?

>> Mature, I want to mention you guys are stakeholders, the agreement here, but not everybody was involved in that stakeholder group that was involved in that group that should have been. The ANC was not involved in that negotiation with the stakeholders, so you're missing some stakeholders that should have been involved, mayor. That's the only point I want to make.

>> Mayor Adler: Thank you.

>> Casar: Mayor, I think it's not even past midnight yet and my brain is already falling short here. I actually now have no qualms with the original language noting now that you clarified for me that this is one of many criteria. If one of these imagine Austin objectives is affected by dedication instead of fee-in-lieu, which often times it will, that doesn't mean that all of a sudden there's no land being dedicated. It's just one consideration and I think it's an important consideration. It seems well written by the parks department originally. And if we want to clarify or change diminished to impact, I'd be supportive of that too because maybe it impacts some of these other things in a positive way.

[8:51:48 PM]

>> Mayor Adler: Okay. I'm back there too. If the other departments don't agree, that is something I would want the park director to consider. If would I want the director to consider whether other departments reviewing the project agree that the parkland site will not administer issue from other goals, that is something I would want them to consider.

>> Tovo: Mayor, if I may, I have one last attempt, how about substitute diminished with significantly compromise?

>> Mayor Adler: I would accept that. Significantly compromised. Well -- we're going to argue about significantly. I mean, what you want to hear from the other departments is how it would diminish used. And then the decision maker can decide how to balance that against the other things. If another department felt like it diminished it a little bit I would want to hear that from the other department. I just want them to get the information from that department, whatever it is that that other view is. Whatever that other view is.

>> Pool: Mayor, I haven't spoken yet on this one. Is that okay?

>> Mayor Adler: Ms. Pool.

>> Pool: So what we're doing here is wordsmithing a procedures document. This is part of the operations manual that the parks department uses. They have procedures that they set out. Our job is to craft the high level policy we have given them high level policy direction that they follow imagine Austin. If there's any -- if there's anything to be said about this document it's that staff was too verbose. In their attempt to try to capture every single detail and every single convolution of any suggestion that comes in front of them, they were trying to do that here and it would have been a lot better not to have

put all the verbiage in there because now what we're doing, we are wordsmithing a document that is criteria that the staff use at the staff level.

[8:53:58 PM]

This is not appropriate for this body to be engaging this in level of put a comma here or change diminished to impact. I am looking at the time on clock and we have spent well past the amount of time, especially on this particular item and I already requested that we call the question on this. I don't think any minds will be changed, but I will just submit this document should not have come to us. This is a staff level document. It is not an item that council should be dabbling in.

>> Mayor Adler: Okay. If there's no other debate.

>> Zimmerman: Did I hear a call the question? I want to second that.

>> Mayor Adler: If there's no debate we will take a vote on the amendment. Ms. Tovo? Okay. Those in favor of substituting the two schedule a's, one for the other, please raise your hand.

>> Kitchen: Could you please clarify what we're going on.

>> Mayor Adler: Ms. Tovo's amendment is to strike the last two check mark sections, the the difference between the two pages. Those in favor of striking the two sections please raise your hand. One, two, three, four, five, six. Those opposed please raise your hand? One, two, three, four, five? The schedules are swapped out. In other words, the last two sections are now deleted.

>> Pool: Mayor, I have a couple of questions of staff, if I may. On a couple of occasions I have asked staff to commit to returning to council with reports on how this all is going to play out and I've asked for a six-month and 12 month for implementation. I don't see anything here in front of me that shows that commitment.

[8:56:04 PM]

So I think you have indicated your willingness to do that and that would be the Normal sort of process that we would engage in as council to review policy changes we make especially when we have new ones, so that we can assess whether the intentions were met and whether any changes need to be made or not. And in particular there are new processes in here, the appeal that the mayor was interested in. So is that correct that you will be coming to council?

>> That's correct. Staff is committed to come back in six months with a memo to the mayor and council with the report and a at one year.

>> Pool: Right. And thank you for that. I may ask you to come to the open space committee. I also wanted to make a point that the -- just a little bit of history, because we've been correcting the record here a couple of times tonight. Back in November, when this was put off -- because my original motion back in November was to approve the staff recommendations on all three readings -- we did not direct -- if you look at the transcript, we didn't direct staff to engage in the stakeholder engagement that happened. We asked staff to work on an appeal, which was what the mayor was asking for. And it morphed into this larger rewrite of the ordinance that staff had originally brought to us. They were fine with the original ordinance that they brought to us. And because of -- and it morphed into this larger document. So, it wasn't -- there was not a stakeholder process that was asked for by this body here.

[Clapping]

>> Mayor Adler: Okay. I need some direction from the people here, part of the compromise. So we had a compromise that was reached that I was ready to support.

[8:58:09 PM]

We've now changed the compromise document by taking out those two provisions. I was prepared to vote for this on all three readings when it was the compromise. And now that we've changed it up here, if that's a change that's not acceptable, then I'm not going to support this on all three readings.

>> You referring to the changes to exhibit a?

>> Mayor Adler: Yes.

>> Because it was the intention to clarify the meeting, I think that's something we can live with. We really don't want to see any more.

>> Mayor Adler: Okay.

>> But we support moving forward.

>> Mayor Adler: Okay. Thank you. Any further amendments to this document?

>> Casar: Mayor.

>> Mayor Adler: Yes, Mr. Casar.

>> Casar: I know that folks don't want any, but I think that it's important to attempt one to the administrative document. And I hear councilmember pool that this is a staff document, and it's not a policy document. But the fact of the matter is, the committee addressed it, and we just addressed it with an amendment. And so I think it is -- we made a statement, basically, that we don't want some of these goals to be considered by striking this, so I want to move at least one and add that one of the considerations the department should take into account is whether or not the parkland decision will significantly -- will affect affordable housing positively or negatively.

>> Mayor Adler: It's been moved to amend schedule a to add a consideration to consider whether the dedication of land will impact affordable housing. Seconded by Ms. Gallo. Is there any debate?

>> Houston: Mayor.

>> Mayor Adler: Ms. Houston.

>> Houston: I'd like to know what the definition of affordable housing is.

[9:00:12 PM]

[Laughing]

[Applause]

>> Mayor Adler: Do you want to make that housing that's affordable? I mean, affordable housing has a connotation, I think, in our ordinances other places. And I think it's subjective.

>> Houston: It's very subjective. That's why I want to make sure that we have a definition of that, so we don't build market-rate apartments where we should be building apartments for people who work in cafeterias, and police, and fire, and folks who work in this building that can't afford to live anywhere else.

>> Mayor Adler: I understand. Proposed, affordable housing has been seconded. Are you proposing a definition, or are you just . . .?

>> Houston: I just think it's important to clarify what we're talking about when we use that term very loosely.

>> Mayor Adler: Okay. Further debate on this amendment? Ms. Tovo.

>> Tovo: I do want to make a point. My microphone -- may not be able to do that. You know, we seem to be getting into this discussion a lot, at least in the public, about where we do seem to be putting affordable housing, or affordability, pitting it against other community needs. And I think I may have made this point at the second reading. And I'll make it again now. Everyone in this city should live -- we have a goal to have everyone in this city live within walking distance of a park. And that includes people in our affordable housing developments. And so I really hope that we can continue to talk about community priorities and not in a way that pits them against one another, because it's important for everybody. It's important for their health. It's important for their physical health, their mental health to

have access to parks. And a lot of folks who live in multifamily apartments, you know, they're not going to have a yard. They need to have access to parks.

[9:02:13 PM]

And so this is really important that we not set those things in conflict.

[Applause]

>> Casar: And I don't think that this is pitting parks against affordable housing. What it's doing is including in our list of criteria that we want, the land use commission and the parks department to think about -- and what I know the parks department is already thinking about -- that we want to know if there's an impact on affordable housing. This is about us taking it into consideration. And I think it's a critical consideration. I know, because my district is the most parks-deficient district in the entire city, how important it is for us to have great public parkland and green spaces in areas where there isn't any. And I'm not saying that we need to be choosing one over the other, but we need to be aware of the impact of all of our decisions on the dais. And this is just highlighting that we need to have an awareness of what it is that we're doing. We can't just set policy and then expect that everything that we wish and hope will happen in the comprehensive plan will happen. The world is complicated. And we should know what it is that we are doing. We are in a housing crisis, so we need to be very conscious of that, otherwise, we could end up with lots of park space that only particular kinds of people get a chance to enjoy.

[Applause]

>> Garza: Mayor.

>> Mayor Adler: Ms. Garza.

>> Garza: I guess I just want to point out, we're having these deep discussions on this exhibit a, but the very top paragraph says that this is the criteria until the director adopts blah, blah, blah procedures, by administrative rule, at which time the criteria in that document will control. So this is an extremely temporary document that we've been talking about for about an hour.

>> Mayor Adler: Point well-taken.

[9:04:15 PM]

Any further debate on the amendment to add this additional criteria from Mr. Casar? It's been moved and seconded.

>> Zimmerman: I'm going to be voting against the amendment, and against any other amendments. I'm going to call the question as soon as possible. So I'm going to be voting against this, and I want to call the question when we're done.

>> Mayor Adler: Okay. No other debate, we'll vote on the Casar amendment. Those in favor of the Casar amendment, please raise your hand. Tovo, troxclair, me, Renteria, Gallo, Casar. Those opposed? Houston, Zimmerman. Those abstaining? Garza and kitchen. Passes. And pool. Mayor pro tem.

>> Tovo: This is going to significantly impact participation for the rest of the night. That may be welcome. I did pass out an amendment on the dais -- a suggestion -- I would say that was prompted by a comment that -- made. And that was -- six acres or less -- community members who weren't necessarily in the room during the meeting --

[off mic].

>> Mayor Adler: Mayor pro tem moves the amendment that she's handed out for item 96 in section J to add the words for parcels of six acres or less. Is there a second to that? Ms. Houston seconds that. Is there any debate? Okay. Let's take the vote. Those in favor of the mayor pro tem's amendment, please raise your hand.

[9:06:16 PM]

Mayor pro tem, Ms. Houston, Ms. Pool, Ms. Kitchen. Those opposed, please raise your hand. It's the balance of the dais. It's defeated. Any other amendments? Yes.

>> Assistant city attorney. I want to make sure that we're clear on the intent of the amendment. So the language as crafted would say --

>> Mayor Adler: Which one are you on now?

>> The motion sheet that was passed.

>> Mayor Adler: It was defeated.

>> Zimmerman: It just was defeated.

>> Okay.

[Laughing]

>> Mayor Adler: Any further amendments to councilmember Gallo's motion?

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

>> Mayor Adler: Okay. There's been a motion to end debate. Councilmember pool indicated she wanted to say a couple more things. Is there a second to the motion to end debate? Mr. Renteria seconds the motion. Those in favor of ending debate, please raise your hand. Kitchen, Renteria, Garza, and Zimmerman. Those opposed to ending debate? Houston -- well. We don't have the votes to end debate. We need two-thirds to end debate. Ms. Pool, I'll recognize you.

>> Pool: And I just wanted to provide some concluding remarks. I don't intend to debate it any further.

>> Mayor Adler: Okay, then keep them short, or you're going to encourage people to debate with you.

>> Pool: Oh, I don't think so. I think we're ready to vote. My goal was to enhance the quality of life in our community by improving our city's ability to provide parkland. That was my goal. And that's the only type of proposal I would want to support, one that moves the ball forward. This proposal is far from perfect.

[9:08:18 PM]

In a lot of ways, I think we've actually taken a few steps backwards from where we were at first reading, and I'd like to take a moment to talk about a specific concern in particular. This ordinance caps the amount of parkland that the parks department can ask for without approval from the planning commission in the urban core. I have questions about the effect that will have and ask staff to add that to the list of report-back items. But I'm not here to talk about the cap itself. A number of people have already done that, and I share their concerns. What I would like to talk about is where the cap is being applied in the so-called urban core. Not the cap. If we're going to use a map -- and we are -- it should correlate to something meaningful. We should talk about our imagine Austin planning principles all the time. And I truly think that this council makes concerted efforts to implement those principles rather than just leave them on the shelf. We do talk about imagine Austin a lot. So when I look at this donut-shaped map that doesn't appear to be based on any of our planning principles, I tend to stop and ask myself, "Is this really the best way forward? A full year of thought, and effort, and planning went into our imagine Austin growth map. And I just have to say that I think it makes much more sense to use something based on our planning principles than to go with a donut hole. So that's a conversation I would like to have. I do not want us to set this map in amber for all time. I want us to have a robust, public conversation on the map, and really take a look at whether to revise it using real planning principles. So this proposal is not perfect.

[9:10:20 PM]

I have serious reservations. But I did agree to support the compromise so we could move forward with those elements of it that do bring some modernity to how we collect fees from developers who are making good profits from building in our community. So I will vote for this, and I do have reservations. At the end of the day, the question for me comes down to this -- does the proposal move us forward? On the whole, it does. But I also want to be clear, this is not the end of the conversation. So I have asked the parks department -- and they have agreed -- to study this new ordinance and its effects and report back to us in six months and again in a year. And I just want to say that I look forward to having that discussion about how better to align this ordinance with our principles of our city. And I continue to be extremely concerned over the level of direction and amount of influence developers are having once again on these policy matters.

[Applause]

>> Pool: Thank you.

>> Mayor Adler: We're going to take a vote on the main motion. Those in favor, please raise your hand. They're here. Those opposed? Mr. Zimmerman voting no, the rest voting aye, it passes 10-0. Thank you. That's the parkland ordinance. Next, we're going to pick up here will be the P.U.D. Ordinance.

>> Thank you, mayor and council, Greg Guernsey, planning and zoning. Item number 80 is the item that speaks to conducting a public hearing, amending title 25, to approval of requirements for planning development zoning cases.

[9:12:28 PM]

Last October, the council gave direction to look at the plan unit development ordinance, directed the city manager to study, initiate, and propose potential code amendments to address unzoned property which P.U.D. Zoning is sought, including the implication benefits of the code amendment to require three-fourths for approved zoning, when the land use commission recommends denial of an application to a planned unit development. Planned unit developments are unique in our code. They're not part of the hierarchy of zoning -- other zoning districts. It has goals of preserving the natural environment, encouraging high-quality development and innovative design, ensuring adequate public facilities and services. The council intends the P.U.D. District to produce development that achieves these higher goals to a greater degree, and therefore would be superior to development under conventional zoning. Your planning commission did have a split vote on this, and forwarded this to you without a recommendation. It failed basically in a vote of 6-5, the planning commission has 13 members. So it needed a few more votes to get there. Staff did recommend this amendment that would apply to unzoned or interim zoned property. Staff felt that this was of an issue of fairness already. When a P.U.D. Is not recommended to you by the land use commission, it requires a supermajority vote of council. As I said before, the planned unit development is not in the hierarchy. If the council actually denied a request for P.U.D. Zoning, it would not have to wait. An applicant could come back with another application immediately.

[9:14:32 PM]

There was concerns that were raised by a particular property owner whose letter is in your backup from their attorney, also the general land office, mainly concerned about monetary. The state does have the ability to assert a state board of review process should a state property be sold. They could actually incorporate certain development standards that the city would look at, and there's a board of appeals, which is held by three positions of the state, one by the city, one by the county, they would go to if there is a concern regarding that matter. The property owner is not required to ask for P.U.D. Zoning.

They do have the opportunity to ask for other zoning categories as they come in from either property being unzoned, or from an interim classification. There are two letters of support from certain neighborhood organizations. And with that, I think I'll pause. If you have any questions. You do have a few speakers here to address this issue.

>> Mr. Guernsey, I don't believe you stated the staff's recommendation.

>> Staff is recommending this amendment.

>> Okay. I just want to make sure it's really clear. It's not staff report, but you didn't mention it. So the staff are recommending this amendment. And can you offer a few lines about why?

>> As I said before, it was one of dealing with fairness that p.u.d.es are unique. If a P.U.D. Is not recommended to you by the land use commission, then they require a supermajority vote of council. This is an applicant's choice of coming and asking for P.U.D. Zoning. And given that they have to meet a certain level of superiority, staff felt that that issue should apply to property going from unzoned or interim to a permanent zone category of P.U.D.

[9:16:36 PM]

It's outside the hierarchy of zoning categories. So if the council decides not to approve, or is unable to approve the zoning, the applicant can come immediately back instead of waiting another 18 months to refile. If it is state property that's involved, then the state has the opportunity to assert its control to the board of review that sets different standards for development on the property.

>> Tovo: Which they can do whether or not we make an amendment.

>> That's correct.

>> Tovo: Okay, thank you.

>> Mayor Adler: Yes, thank you for the presentation. Is there a motion? I'm sorry? Speakers. Okay. Let's put a motion on the floor for the speakers. We'll take speakers first. This is item number 80. The first speaker is David king. We're fine just taking the testimony. Councilmembers, I would also point out in this case, we have almost three hours worth of testimony, of speakers signed up for this. Is it three minutes a speaker? Do we want to limit the speakers to two minutes here? Is there a motion to limit to two minutes? Ms. Pool. Is there a second? Ms. Troxclair. Any discussion? Those in favor, please raise your hand. Those opposed. Those abstaining.

[9:18:39 PM]

All right. It's unanimous on the dais. We're limiting to two minutes a speaker. Mr. King, you're up first.

>> Thank you, mayor, mayor pro tem, and councilmembers. I'm here representing the Austin neighborhoods council, and the executive committee passed a resolution in support of this code amendment, and believes it's the right thing to do to bring equity to property owners that are adjacent to unzoned property as compared to those that are adjacent to zoned properties when it comes to P.U.D. Agreements. So we think the neighbors should have that leverage to negotiate with developers who want P.U.D. Zoning on unzoned property the same leverage that they would have if the property was zoned. That's a fairness issue. Staff indicated this would be consistent with state law and they support thing. This. We think this is important. We hope you will give this leverage to the neighborhoods, because it will help to result in development that is superior. You can -- you know, you've seen first-hand how those supermajority votes and petition rights helped incentivize the developers to work with the affected neighbors. So, this is the right thing to do. And you know, too, that there's a lot of unzoned property in the city. And every district has some. And many neighborhoods have some, as well. So I hope that you will support this code amendment in the name of fairness and equity for neighborhoods, and to encourage truly superior development, P.U.D. For unzoned property. Thank

you very much.

>> Mayor Adler: Thank you. The next speaker is Jeff Howard.

>> Thank you. Excuse me, thank you, mayor.

>> Mayor Adler: You have five speakers, which will give you ten minutes.

>> Thank you, mayor. Good evening, councilmembers.

[9:20:41 PM]

I'm Jeff Howard, an attorney representing arg bull creek limited, the owner of the grove. Do I have a . . . The is a 76-acre parcel that's unzoned land. And I think as you recall from some of your previous presentations by staff on the grove that dealt with the baseline, if you recall, J. Rusthoven said that nothing can be done on that piece of property until it is zoned. And so, that's going to be a theme of my remarks, that unzoned land is very different from land that has existing zoning. And this is currently the only piece of property that this particular amendment would apply to. So, I think you recall when this item came up for resolution there was some discussion about whether the resolution itself would be -- what was ultimately decided on. And many of the council council had reservations and adopted the resolution just to kick off the process. And there was concerns because these unzoned lands, particularly the state lands, represent really unique opportunity to achieve some important goals. So, I think what's happened since then is staff has just simply recommended the -- what was in the original resolution. There wasn't any stakeholder meetings. There was some emails that were sent asking how do you feel about this, but there was no meeting or discussion about what the implications of this might be. I'm aware of no other major city that has applied supermajority requirements to initial zoning cases. There are some cities that apply to rezoning cases, but I'm not aware of any major city that applies to initial zoning cases. And I think Austin would be the first major city to do so. There's a good reason for that.

[9:22:42 PM]

I think it's illegal. Every city in the state of Texas recognizes the distinction between initial zoning and rezoning. And that's because the Texas local government code requires that distinction. And the city of Austin has followed this distinction for at least almost 40 years, maybe longer. And the city code on requiring three-quarter vote for land use commission denial has been in effect since 1987, when the local government code was codified in 1987, 51 days later, the city adopted an ordinance clearly meeting that intent. This is not a loophole. It is not a mistake. It's not an oddity. I've heard those terms used. This is -- the current code was written intentionally, with intention to follow the state law that was passed 51 days earlier. So the proposed code amendment should be rejected because it's bad law. It is unfair process. And it is, frankly, the wrong policy. How is it bad law? 211.006f of the government code only authorizes a city to impose supermajority voting requirements after a recommended commission denial for a "Proposed change to a regulation or boundary." That identical language regarding proposed change is used in the local government code two paragraphs up in dealing with supermajorities for petition rights. Well, Texas case law has construed that provision, and that's the Apollo case. And that case determined that that proposed change applies to rezonings. It doesn't apply to initial zonings. And that case wasn't a one-off. It was a statutory construction case. The city in that case argued that going from an interim zone condition to a permanent zone was a change in zoning per the statute.

[9:24:45 PM]

They made a statutory construction argument and the case decided that was not the intent of the legislature, and determined that it does not apply to initial zonings. That case is what we call in law a

hornbook law. It's universally accepted. Every city recognizes the distinction between initial zoning and permanent zoning, or rezoning, and it flows from that case. And it's -- and that case recognizes the important legal and factual differences between unzoned land and land that is already zoned. And again, that distinction has been in place for over 40 years. It's also unfair process. I think it's fair to say that this code amendment is being brought about because of the growth. That's where its genesis originated. That's why the process is being expedited. And it's to make -- to change the rules on the growth. And if that weren't the case, then I think the city could -- and maybe should -- make the code change prospective, and not retroactive. So, it just simply isn't really transparent, or fair, consistent, and good city government to change the rules on a project as it nears consideration. And we're not talking about minor procedural changes like a change in a notice requirement, or, you know, posting language or something. We're talking about fundamental voting requirements. And that raises due process questions. This is moving the goal posts on one project. And we're going to do that, and the proposed code amendment will apply to dozens of parcels. And so it's going to have citywide implications. And it's really a reaction to one case. And that's just not a good way to pass law, and it's an unfair process. It's also the wrong policy. As council has noted, and other affordable housing advocates have noted, the state excess lands are unique opportunities to pursue policy objectives like affordable housing.

[9:26:54 PM]

P.u.d.s are important tools to achieve that affordable housing, because they represent one of the few tools that the city has to legally require it. P.u.d.s also require superior development. So, if P.U.D.S are an important tool for achieving affordable housing and superior development, and if state-owned lands are those unique opportunities to achieve those goals, why would we make it harder? Why would we discourage the use of that important tool on those unique opportunities? This ordinance will make it harder, because it will discourage folks from pursuing P.U.D.S. And they'll want to pursue state-owned -- I mean, traditional zoning. Some of the things that came up in the planning commission were things like, well, there's no harm to this. The landowner can file traditional zoning. That's what we don't want. We want these properties to be P.U.D.S so that we can ask for affordable housing and so we can ask for superior development. That's not a good policy decision. We also heard that -- well, if you're superior, you'll get planning commission support anyway. Well, what this ordinance does is it delegates the council's authority -- it's eight council members delegating their authority to six planning commissioners. Sometimes the commissioners can make a mistake, or they cannot understand the reasons for their denial, or the reasons for their denial could be something that's easily corrected. But once they vote, if six of them out of 11 vote for denial, the rules have changed. The switch has flipped. And it now becomes extremely difficult to pass the P.U.D., even if eight of you wanted to. Finally, we've heard there's no good reason to treat unzoned lands and rezoned lands differently, but there's very good reasons. There are major differences between unzoned land and land with existing zoning. Existing zoning, when you see zoning letters on a map, that creates a community expectation. When there's nothing on the map, there isn't that community expectation.

[9:28:58 PM]

Existing zoning, the landowner can house protest rights. The landowner can say, I don't want you to zone me something that I don't agree with, and has protest rights. On an unzoned piece of property, the landowner has no protest rights. And then more importantly, the ability to use and develop. In an existing zoning situation, if the landowner doesn't pass the zoning because of a supermajority, they have that existing zoning to fall back on. In an unzoned land, they have no existing zoning to fall back on. I think commissioner Jeffrey Thompson at the planning commission said it very well when he talked

about, if you pass this ordinance, you step out on a slippery slope. You eliminate the distinction between zoned land and unzoned land. And when you eliminate it for this scenario, you can eliminate it for all scenarios. And when you eliminate it for all scenarios, you then run afoul of the Apollo case, of petition rights. So with that, let me just say, conclude by saying, let's encourage the use of P.U.D.S on these lands to achieve our policy objectives. You can require affordable housing as part of a P.U.D. You can require superior development as part of a P.U.D. These tracks are unique opportunities. You were right about that. Let's encourage them. Let's not discourage them. And let's also, at the same time, continue to recognize and honor the longstanding legal and factual distinction between existing zoning, or rezonings and initial zoning. With that, mayor, I'll be happy to answer any questions that council may have.

>> Zimmerman: I think I have a quick question. Thank you for that. I'm kind of, more or less, persuaded by your argument.

[9:31:00 PM]

I've talked about this before. But my real heartburn on this is understanding why the government enjoys different property rights. Because I believe all these properties in question that have no zoning on them, they're government-owned parcels, right? Are there any parcels in our area that are not owned by the government, that are unzoned?

>> So this would apply as well to recently annexed lands. So if there was newly annexed lands that were given an interim classification, the city says, that's not really zoning. Those properties that have an interim classification, once they're newly annexed, are not zoned. And so they are technically unzoned as well. So every private piece of property that gets annexed is unzoned.

>> Zimmerman: But they give them a zoning category. I mean, you could say that it's meaningless, Irr, whatever it is.

>> It's a zoning classification.

>> Zimmerman: But it's a zoning classification. What I'm getting at is, it seems to me that there's a difference between property that's owned by the government that has this benefit of not having zoning. As you say, there are advantages, right, to not having any existing zoning. And that seems like if that advantage accrues to state or government propertyowners, and to no one else. That's what bothers me. If you annex new land, it gets Irr designation. It looks like the only case we're talking about is government-owned property.

>> It is true that government-owned property does not have an interim designation, but I think it still is important to stress this ordinance will apply to newly-annexed land. If you have interim rr zoning on a commercial property on, you know, 620 or someplace like that, Irr may not be an appropriate use. You have to go and get a zoning change.

[9:33:04 PM]

And so it would apply to that situation.

>> Zimmerman: You just made my case. You'll have to get a zoning change.

>> You'll have to get a zoning.

>> Zimmerman: No, you have to get a zoning change. It's Irr.

>> The Apollo case, the city made clear, that's not a change in zoning.

>> Zimmerman: Okay.

>> That's initial zoning.

>> Zimmerman: Okay. All right. Thank you.

>> Mmhmm.

>> Mayor Adler: What do you think of the -- I know this is not what you want. What you're arguing for is

no rule change.

>> Yes, sir.

>> Mayor Adler: There's some people that are not comfortable with making a supermajority exist in this situation at the same time, are not comfortable with having the difference between the two different P.U.D.S, zoned and unzoned. What would you think about a resolution that required a supermajority vote of the council to overturn a supermajority vote of the planning commission?

>> I guess what I would say is, the legal issue aside -- because I think, you know, I still have some questions about the legality of that -- as a policy matter, that's certainly better, because the concern is -- or one concern is that council would be delegating -- eight councilmembers would be delegating to six out of 11 planning commissioners. And if 6 out of 11 planning commissioners could force a 9 out of 11 vote of a city council, that seems problematic. So a change like that would, I think, be fair and better.

>> Mayor Adler: And you could make that so that it operated on either zoned or unzoned property going up for a P.U.D.

[9:35:07 PM]

>> You could.

>> Mayor Adler: Okay. Any further discussion? Here with this witness? Thank you.

>> Thank you.

>> Mayor Adler: The next speaker is Gina.

>> Good evening. I'm Gina. I'm a member of the aic board of trustees, but I am here this evening speaking on my own behalf. The board has not taken any position on this issue. I'm here to express my support for the ordinance revision before you. I believe this is a common-sense measure. A P.U.D. Is an straightforward extraordinary zoning tool, and for that reason, we have special provisions applicable to the approval of P.U.D.S. There is no reason why the supermajority threshold, as applied to P.U.D.S that do not receive a positive recommendation from the land use commission should not be required of a P.U.D. Or unzoned land. While some may view this within the context of the latest zoning case, I believe it is a bigger issue, for those of us who live in the central city, many of the larger tracts ripe for redevelopment are state-owned unzoned parcels. There is also a component here that is important to our schools. As many of you know, we struggle with underutilization of certain campuses and overcrowding at others. I am thankful that we were able to allow a school board member to serve on the planning commission, because development patterns impact the district and our neighborhood schools. Thank you, councilmember kitchen, for helping us achieve that. But the redevelopment of state-owned unzoned property really calls for broader community engagement on the front end. I believe this ordinance is a step in the right direction. In my mind, the supermajority provision encouraging robust dialogue and compromise between developers, neighbors, schools, and the broader community.

[9:37:15 PM]

That is a good thing. It's not about halting redevelopment. It's about encouraging redevelopment that reflects community values. Thank you, and I'm happy to answer any questions you might have.

[Applause]

>> Mayor Adler: Thank you. The next speaker is Ron. You have four minutes.

>> Thank you, mayor, mayor pro tem, councilmembers. Ron thrower, I have a presentation to go through, what has been the law, the code of Austin, since 1987. As Mr. Howard pointed out, this particular code provision has been on the books -- and it went into effect in September 1st of 1987. And so the Austin city council in a mere 51 days later adopted code provisions that directly relate to the state

law. In there, they talk about how zoning is the initial classification of property. And in there it says that rezoning is a change to an existing boundary. It specifically matches the state law. And in that code, there's over 50 inferences of the phrase zoning or rezoning. And you can see that it's not used in context here under the protest for proposed rezoning, because it talks about, again, when a commissioner recommends against approval of a request for a rezoning to a planned unit development, then it requires that three-quarter. That was from the 1987 code. Along comes 1999, when the new code comes into effect. They adopted a distinction between zoning and rezoning, very specific. Zoning is the initial classification of zoning on a property. Rezoning changes zoning on the property. So it's very, very distinct. Again, in this same code, over 50 inferences of the phrase zoning or rezoning, and it is not used in the paragraph related to the three-quarter vote, because it says, proposed rezoning of a property, not a proposed zoning of a property.

[9:39:26 PM]

And again, in a1 under that same section of the code. And so here is the current code that's in effect today. The same thing. The code says distinction between zoning and rezoning. Zoning is the creation of zoning on a piece of property, whereas rezoning amend the existing zoning of a property. And so, again, in the three-quarter area, it talks about rezoning specifically, not zoning. And this was done directly to match the state law that's been in effect since 1987. With that, we're asking that you recognize that under the Texas local government code, that it says specifically a proposed change to a regulation or boundary. That is rezoning. And that can only mean rezoning. And with that, I'm available if you have any questions.

>> Mayor Adler: Any questions?

>> Thank you.

>> Mayor Adler: Thank you. Next witness is Betsy Greenburg. Todd Shaw is on deck. If Todd Shaw could come to the other podium. If Todd Shaw isn't here, then Sara spikes should come to the other podium.

>> Mayor, mayor pro tem, and councilmembers, my name is Betsy Greenburg, and I support this code change. All properties being zoned at planned unit developments should be treated the same. It should not matter whether the change to P.U.D. Is from another zoning category or simply unzoned. This is important to all of the unzoned land, not just one development. Requiring nine votes will encourage all stakeholders to make agreements that everyone can live with before the cases come to planning commission or zoning and planning commission, or the council. When stakeholders work together to agree on a project and can unite to support a P.U.D. P.u.d., cases are likely to pass on consent, and there's no need to waste your time with hours of contentious testimony and lobbying.

[9:41:32 PM]

This means zoning changes that pass are good for Austin and not just the developer. Hypothetically, I think it would be a good idea to require nine votes on all zoning changes, making it harder to rezone properties will mean that developers don't look at current zoning simply as a starting point for negotiation. They will be less likely to overpay for land and come to you for the zoning needed to make their project profitable. Please support this item. Thank you very much.

[Applause]

>> Mayor Adler: Thank you. Todd Shaw.

>> I'm going to let Sara go first. Her arguments are better put at the front end of the folks that are here to speak.

>> Okay. Then the other podium should have Jeff hart. Is Jeff hart here? If you would move to the other podium, please. Thank you.

>> How much time do I have?

>> Mayor Adler: You have ten minutes.

>> Ten minutes. Okay. Good evening, again. I'm Sara, from the coalition. You've heard a little bit of the background, how this law came to be. And it is widely popular in the state of Texas in various cities. And I don't think we know whether other cities apply it to initial zoning. Remember, Austin has more state land with no zoning on it than any other city even comes close to in the state of Texas. So this is going to affect us more than any other place. And so why is this issue coming up now? Because there's never been an unzoned piece of property that applied for a P.U.D., and this came up. What I'd like to do is just read you the full statute and what it says. It's very short. It's one sentence. One long sentence. H "The governing body, I.e. The council, by ordinance, may provide that the affirmative vote of at least three-fourths of all its members is required to overrule a recommendation of a municipality's zoning commission that a proposed change to a regulation or boundary be denied." Now, mayor, I'm not sure how your proposal would fit with the state law as I just read it, because a recommendation of a majority vote is their recommendation.

[9:44:10 PM]

And so, I don't see how -- I'm not sure the state law here allows you to say, oh, well, it has to be three-fourths of the votes on that planning commission. So I think that's something you might want to research as to whether or not that would actually fit. And I would also argue that this statute as I just read it doesn't give you the authority to pick and choose between previously unzoned land and rezoning on land. It doesn't state that at all. So I'm not sure you have the -- even have the right, even though we had it in statute, that you can treat those two separately. I'm trying to go down to things you haven't already heard. We'll consider the role, for example, of the city council, or the planning commission, or zap. I mean, there are two things that you look at on a P.U.D. One is the appropriateness to the location, whether this development is appropriate. And secondly, is it superior to conventional zoning. So those are the two things you're going to look at. Those are the two things that staff looks at. And those are the two things a commission looks at. It makes no difference what the previous zoning was on the land. You're going to use the same criteria to evaluate them. So the previous zoning is irrelevant. And how is this -- I mean, how has this functioned over the years? We've had this provision on the three-quarters vote for decades. And then it came back into place in '77 after the vote and all that kind of stuff. But that was asked, and the city staff went back and looked at all the P.U.D.S they could find that they had records on.

[9:46:15 PM]

All of them had been approved, except one, had been approved by whatever zoning commission it went to, and then the city council. There was one that was not -- that was recommended for denial by the planning commission. But when it got to the council, it was passed by more than three-quarters of the vote. And the reason was, as I'm told, that in that case, the developer went back and made some changes so that when we came to the council, he said, okay, these were the problem. S the planning commission said they had, I'm changing them to do this, and this, and the council said,, fine. We haven't had a single P.U.D. That was denied. The threats that nobody will ever do a P.U.D. Again is not true. That's just not the way it works. And this ends up being a win-win for both the city and the developers, when you have that kind of working together. Let me just remind you of some of the incentives in this case. This does provide an incentive for the developer to work with the city staff, to work with the planning commission, and to work with the neighbors so that they work out all the problems before it ever comes to the council. It also relieves the council of having to be detail expert on flood control, and

drainage, and whether or not the development is planned well, enough, you know, for fire and police. It takes care of getting all those details worked out before it gets to you. You're expected to be experts on affordable housing, of course. But, you know, energy, utilities, so many things. And I think that's why these zoning commissions were set up in the first place in Texas, was that they needed another body to look carefully at all of that.

[9:48:20 PM]

So this is a great advantage to have this situation set up, and to have the two-thirds rule, which encourages that developer -- three-fourths rule -- to work with that city council, or city commission, and staff. Anyway, that pretty much covers what I wanted to say. I think it's good policy. I think it makes sense, and the staff agreed, it just makes sense to treat these P.U.D.s the same, because you're going to be evaluating them the same. So I hope you will consider passing this. I think it'll save us a lot of grief in the future when these additional state tracts come up.

>> Mayor Adler: Thank you very much.

>> Any questions? Okay.

[Applause]

>> Mayor Adler: Okay. Ms. Tovo.

>> Tovo: Mayor, I know you asked one of the speakers about specifics with regard to your proposal, and I know others of you have had an opportunity to see the mayor's proposal. But as I understand it -- and I just wanted to ask you for clarification -- it looks as if you would actually be proposing changing for zoned and unzoned land to three-fourths of the planning commission. Is that accurate?

>> Mayor Adler: Yes. It would make it the same for the argument that it should be the same.

>> Tovo: Okay. I just want our speakers who are here to talk about this to be aware of that, because when we initiated it, it was about zoned land -- the planning -- it was about unzoned land at the planning commission. They were discussing unzoned land. I wanted everyone to be aware tonight we have a proposal that would make this requirement -- make what the mayor discussed as a requirement apply to both zoned and unzoned.

>> Mayor Adler: Treating them the same, yes. The next speaker is Tracy Cox.

[9:50:24 PM]

What's your name? I skipped you. You're next. Is Joyce here? Is Joseph Reynolds here? Is Elitha here? Is Caroline Reynolds here? Okay. Then you have eight minutes.

>> Pool: Mayor, I have a quick question before Mr. Hart starts.

>> Mayor Adler: Yes.

>> Pool: If I may, Mr. Hart, hi. Have you seen the proposed changes that the mayor is offering to us? Because I think you're going to speak to the amendment as it's before us, and not to the one that he has just now distributed to us.

>> I have seen it in since, it's a yellow piece of paper. I have not read it to be able to comment on it all.

>> Pool: Basically, what this does is change a simple majority denial at the planning commission of a P.U.D. That would trigger a supermajority to overturn it at the council, would now require a supermajority vote at the planning commission to deny the P.U.D. And that is a significant, fundamental change to our code and our ordinances at this time. We've never had -- this is entirely new, and I just wanted to make sure, because I know the perspective that you were coming from, as an attorney, and here to speak on why the amendment that was offered by mayor pro tem Tovo is not illegal, as Mr. Howard claimed. So I wanted to make sure that you were aware that this new moving part has been inserted by the mayor.

>> Councilmember, I appreciate that. And I understand that it would be a significant change that I certainly haven't had a chance to look at, and I'm not sure anyone else has.

[9:52:24 PM]

Personally, I would feel like I need to look at it a little more closely before I weigh in on -- my first reaction is, it is a significant change. It does need to be considered. And there are some certain -- there are certain legal questions I have, whether that is what is envisioned by the statute.

>> Pool: And I didn't mean to distract you from your other comments, so please, continue.

>> No, please ask questions again. I filed a letter of brief with the council, and if you have -- I'm not going to cover that entirely, but if anyone has questions on that, please feel free to interrupt me at any time.

>> Mayor Adler: And to be clear -- because I would be interested in anybody speaking, which is why I handed it out and why I asked the question -- and certainly, would not support passing something like this on third reading so that there be time for the community to be able to talk about it. But I'm wrestling with both the concept of when there should be a supermajority or when not. I'm wrestling with the arguments that of been made that it should be the same for both zoned and unzoned property, and wrestling with considering additional ways that that same goal could be achieved. Sir, sorry to interrupt.

>> No, good point, sir.

>> Mayor Adler: Yes, sir.

>> You know, again, I am counsel to the bull creek road coalition on certain legal issues related to three-fourths voting rights under city code, and under other law, state law in particular. I think you have heard from a lot of speakers and others about the wisdom of passing this amendment, and that it makes -- it is a fair thing to do. It has all developers abide by the same rules. And it ensures that all citizens have the same protections that are guaranteed to others.

[9:54:28 PM]

So, just the wisdom of saying, we as a city are going to treat everyone fairly, I think is a given here. I think the main argument that I have heard is that somehow the law prevents you from passing a fair ordinance. And I think that's wrong in this case. For several reasons. First of all, let me give a little history on supermajority voting. It did not jump up in 1987. It has been around since 1927 when the Texas legislature first gave cities the right to enact zoning ordinances. Without that authority, cities have no inherent right to do anything with regard to land use. That provision is a model provision that has been in the state law since 1927. The provision that we're dealing with here today regarding supermajority voting for a recommended denial by the planning or zoning commission was implemented in 1978, in large part because of urging by the city of Austin to give this body the power to have that type of insurance that rezoning is properly done. And I've given you a copy of former councilmember Lieberman's letter, which I think articulates as well as anybody could on why this is good policy. What I would -- what my focus here today is to explain why changing -- or enacting this amendment is not in any way illegal. It runs afoul of no one's rights. Which I think that's the argument why you shouldn't do it. People are claiming they have vested rights that might be affected. The reason -- one of the reasons I believe that is, you can read the existing code to require supermajority voting for denial by the planning or zoning commission for the growth P.U.D.

[9:56:39 PM]

Now, under a proper reading of the city code. Yes, you can parse it to where you say it's not required,

but I think, as I'll explain in a minute, reading it in the context of the entire code under state law and prior actions of this council, it is subject to supermajority voting. Now, I'm not saying that that is the only only interception. I acknowledge there's a different interception, but why this is -- interpretation, why this is important, if this body enacts something to clarify or reaffirm what it thinks the correct interpretation is, that does not run afoul of any type of violation of vested rights. Again, I think the better interpretation here in following state law and prior actions of this council is a II -- or specifically we'll talk about the grow P.U.D. The grow P.U.D. Is rezoning under the city code. And, therefore, it is subject to supermajority voting if there's a negative recommendation by the appropriate commission. Why is that? I've set out some of that in the briefing I gave to your recollection but to have a contrary interpretation, that is that the grow -- or, actually, any P.U.D. On state land is not zoning, you're -- you're gonna have to violate or ignore two laws. With the grow P.U.D. You'll have to violate three laws. Which laws are those? If you read the entire code, particularly if you read the P.U.D. Division of the land development code, it envisions rezoning. Basically, I think if you read the preconditions that you have to have before you even apply for a P.U.D., it envision there's has to be a base district or base district regulations.

[9:58:41 PM]

It's part of the prefiling parts of the P.U.D. Ordinance. Now, p.u.d.es on state land follow the exact same ordinance that P.U.D.S on land never owned in the past by the state. Now, that ordinance does give some leeway on correcting or installing new base zoning requirements but that is part of the preconditions before you process the P.U.D. Application. So it is rezoning in form and in substance. So to say this is not R rezoning, you have to just read that part of the P.U.D. Division away. Secondly, let me talk about the state statute that you'll have to ignore to say P.U.D.S on state land do not involve rezoning. In 1987 the legislature I imposed very severe land use regulations on state land that is sold or leased. What it says is, state land can only used for governmental purposes. And that's a pretty severe land-use restriction. Then it goes on to say, for state land that's sold or used or leased, the growth P.U.D. Is certainly land that was sold, the way you change that redistrictive limitations on use, you have to go through rezoning and that statute specifically uses the word "Rezoning." So by state law, the way they define the procedure in the natural resources code which I think effectively makes state land a separate zoning district -- in fact there are state -- city maps that do have a letter on them, giving people notice, that yes, there is a -- a recognized zoning district for particularly this land.

[10:00:46 PM]

And there are other maps that don't have designation and certainly there could be a disagreement on that but I think that disagreement was -- was solved and resolved by this city council when it considered rezoning on the very land that's involved in the grow P.U.D. This is an undivided state tract. At that point in time, a private developer wanted to bite land from the state and develop it for, in that case, single family residences. That matter became before this council. The council said changing this tract from unz to sf-2 was rezoning. And it went on to say why is that rezoning? Under the city code, it said it is rezoning but it is changing the base district of unz to another district, sf-2. And that is the definition precisely of rezoning under the city code.

[Buzzer sounding]

>> Am I done?

>> Mayor Adler: Finish your thought.

>> Okay. One comment about this Garland case decided in 1972, that case involved a botched annexation of new land into the city of Garland. It was decided before the supermajority that you're

dealing with here today, that statute was passed. It involved state land. Didn't involve anything relating to this case. It's a roschach test for lawyers. You can read it anyway. I think the proper way to read it is limited to the facts of that case.

>> Mayor Adler: Thank you.

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: I move we extend the meeting past 10:00 P.M.

>> Mayor Adler: It's been move to extend past 10:00. There therefore a second?

[10:02:47 PM]

Ms. Houston favors it. Those in favor please raise your hand. Those opposed?

>> Gallo: Every time I have raised my hand -- I feel like I need to make a comment. Hopefully our transition committee will deal with the late night. We made a promise to the citizens of Austin we would not have late night meetings I think the majority of our meetings last past 10:00 P.M. That at that point is a 12 hour meetings and many of our meetings have gone past midnight. I really think it's a disservice to our community, a disservice to our city staff, it's a disservice to -- at this point we've had a 12 hour meeting already and we still have hours left on this one. We just need to figure out another way to handle this so that our meetings are being completed at reasonable hours, even if that means that we schedule more meetings. But I do think it's unfair to ask the community to come downtown at these hours. Many of you have to get up in the morning and go to work. If you stay home and want to watch on TV you're still watching until all hours of the night. Respectively, I will stay here for the meeting and continue, but I really do think all kidding aside this is something we need to address because it's not what we promised the community.

[Applause]

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I have to agree. I wholeheartedly agree. And I would like to make a pledge that this is the last meeting we do like this. And I think that when we talk at our work session next week about transition committee, let's talk about some practical ways in which we can deal with this so that we are not doing this to the community anymore.

[Applause]

>> Mayor Adler: Okay. The next speaker that we have is gracen cox.

[10:04:49 PM]

Is email wood here? Is jay fisher here? Is Rebecca reevy here? Is Monica here? You have six minutes. Next speaker is Margaret P owess. That gives grace eight minutes. What about Richard? You now have ten minutes. Rider jeans, you'll be up next.

>> I'm giving it to grace.

>> Mayor Adler: 12 minutes.

>> I don't need that much time.

>> Mayor Adler: Gary cooper. You don't have to use all the time if you don't want to. Is Gary cooper here? Is content Kent Johnson here? You'll be up next.

>> I'm going to sound awfully dumb after going but I'll try anyways. This is first and foremost an issue about fair expense equality -- fairness and equality in the codes. All P.U.D.S as far as I know have been subject to this provision. As Sarah said we're here talking about this because there's one P.U.D. That has found a loophole in the city code. There's simply no good reason to maintain a loophole for one P.U.D. And potential P.U.D.S on unzoned land in the future. Some of the arguments you've heard, one of them

is that approving this ordinance will make it harder to meet the goals of imagine Austin and policy priorities like affordable housing. We know that that's just simply not the case. This provision will actually help encourage and enforce the policy priorities of the city by having a strong incentive for the developers to satisfy these priorities and work with the staff and the land use commissions and the council to develop a truly superior P.U.D. Development. Mayor, you stated twice this evening that you don't want to be writing ordinances on the dais, and I think approval of this item will help you achieve that.

[10:07:00 PM]

Another argument you've heard is it will somehow kill P.U.D.S and, again, we know that that just isn't true. The vast majority of P.U.D.S are already subject to this provision and have fared just fine. Why provide a loophole for a single P.U.D. In front of you or coming before you and potentially more P.U.D.S on unzoned land in the future? Fix this now and avoid this same fight over and over again on every single state property that's going to be sold and likely be developed for P.U.D.S. P.u.d.s, as you know, are desirable to developers because they offer enormous flexibility within the city code. In return, the city should receive a truly superior development and item 80 will help ensure that happens for P.U.D.S on unzoned land just like P.U.D.S on zoned land. The superiority or non-superiority of a P.U.D. Has nothing to do with the previous zoning or lack of previous zoning. Representatives of the grove, as you heard tonight, have said this is moving the goal post on this project, which is a somewhat strange argument since it assumes that staff and the land use commission will find their P.U.D. Not superior and recommend denial. The only reason I can think any developer would be against this is if they doubt the true superiority of their proposal. You read the infamous go explorer I think this goes straight to councilmember Zimmerman's point he mentioned earlier. I view the glo letter as basically an admission on the glo's part that the unzoned land that they have may actually sell for a premium, above market value for previous zoned land due to this loophole. Why does this matter to the city? It matters because buying the land above the typical market value will make it harder to get developers to include policy priorities like affordable housing and abundant parkland. If they pay a premium knowing this loophole exists.

[10:09:04 PM]

Not approving item 80 will make it harder to get truly superior development on these unzoned properties and it goes to the point that we have different set of rules in the city of Austin for development on sold state land versus everyone else's property that they might want to sell for redevelopment. My last point -- well, second to last point is I ask you to listen to the city's professional staff on this item. I have a brief quote from a recent Austin monitor article in which the staff said, Q uote, we feel like there's already a higher bar for P.U.D.S and it's a recognition that P.U.D.S are a special animal. It is not conventional zoning and it really makes sense for all P.U.D. Cases to be treated the same way. A P.U.D. Is a P.U.D. No matter where the P.U.D. Is coming from. That's what your staff said. Lastly, in response to mayor Adler's proposal just put out tonight, just from thinking about it in five minutes, I think that it's actually lowering the bar when it comes to approval of superior developments when it relates to succeeded I have significant questions with the reading of the state law if that supposed compromise would actually adhere to the state statutes. I appreciate your time.

[Applause]

>> Mayor Adler: Okay. And on deck here is -- is Richard Raffle -- Richard Ralph here? You'll be up next. Who? Okay. Is rider jeans here? You'll be up next. Sir?

>> I donated.

>> Mayor Adler: You already donated? Great. Got you.

[10:11:08 PM]

Kent Johnson. Pi M mayo? Is Jeff mayo here? Is Chris Allen here? You'll be up next. Sir?

>> Good evening, mayor, city council. My name is Kent Johnson. And I live fairly close to the grove development. But I'm here to talk to you about the long-term. And I'd like to emphasize exactly what gracen just told you. This applies potentially to a very large number of properties that are going to be coming before the council in the future over the years and if there are problems with those that people don't like and want to protest, you're going to have a big protest exactly like this over and over and over. You can resolve it by making it just the same. All P.U.D.S are treated exactly the same. That's my issue. We want a fair playing -- level field for all future P.U.D.S. That way neighbors can give -- be given an opportunity to participate. That's what this situation does because people don't get notice. They have problems with that. Now, I want to tell you a story. I'm trying to make this a little more interesting because I know it's getting late for all of us. I went to a meeting with the grove. Of the grove. Back, oh, I don't know, six, seven months ago. And it was wonderful. The -- they spent a tremendous amount of money. They have pr effort that is second to none. And they did wonderfully. I was pretty enthusiastic until I started thinking what's wrong with this? Why are they pushing this so hard? Turned out there is something here. This is a very high density development in a very -- in a 76-acre parcel with very, very low level of traffic, level O F -- what do you call it?

[10:13:26 PM]

There's two roads, and they're neighborhood roads, not major roads, that allow this large development to get in and out, ingress and egress. And it's -- those two roads at this point in time --

[buzzer sounding]

>> Twice a year, twice a day, are already grid locked.

>> Mayor Adler: Thank you.

>> You get 20,000 new trips a day. You talk about a gridlock. I don't know how those people are going to get in and out of their houses. Thank you very much.

>> Mayor Adler: Thank you. Is Mr. Allen? Is Simmons Anderson here? Is Ellen reader here? Is Diane mountain here? Is Vicki almstrom sneer you have two minutes, Mr. Allen. I'm sorry? Four minutes. I'm sorry.

>> Thank you. Good evening, mayor, contra Costa, Chris Allen, co-chair of the rosedale neighborhood association zoning committee. You might not know me because most of the development in rosedale gets done through collaboration with developers so by the time it comes you to it is usually on the consent agenda. My survive I have helped rosedale grow and change more than 20 years. During that time we've worked on dozens of successful development processes including central park which ended up with P.U.D. Zoning on a state land use, triangle which has been through a variety of processes, to T he -- with both the central park project and primary development of the triangle the state created a process then insured a level playing field that led to C onsensus-based projects. We're we've worked for decades with Seton and their P.U.D. And in fact we're working right now with the village at triangle which just went through on consent and will come your way soon with no drama, no conflict.

[10:15:34 PM]

My career as an architecture I focus primarily on keeping central Austin homes livable and affordable for families since the '80s. I'm proud to have designed the homes for terry Mitchell, a project seen

everywhere from the city of Austin's website to milestone's presentations for the grove. When milestone chose what hastes grove will look like he they often don't show their past work but mine. Since purchasing the tract from the state milestone has been dismissive of neighborhood concerns. We've tried everything we can think of to get them to work with us. They seem to be ready to go after their entitlements without our support. The P.U.D. Was heading along a similar trajectory until they realized they wouldn't get through the zap hearing would recommendation and didn't have a project that could survive a supermajority requirement of council. They changed attorneys and announced they would start over and participate in a community design to come up with a consensus plan. That process is happening as we speak. If you haven't been out to the jcc to observe I urge you to do so tomorrow before it ends. There's a fantastic team of consultants working with a large group of interested neighbors. In just the first two days of design work the oaks team has created more design options than milestone has produced in over a year. It's great stuff and it's a great model for future large infill projects in central Austin and it's because of the threat of a supermajority V ote, a level playing field. Why is the grove P.U.D. Heading toward conflict while the Austin oaks is turning into a love-in? Simple, supermajority rules. Milestone knows they can ignore us, ignore staff and zap. They're blazing a trail for P.U.D.S on unzoned state tracts to follow. The supermajority residuals create a level playing field that fosters cooperation Ven developers, city staff and neighbors.

[10:17:36 PM]

Passing this code amendment will allow us to work out a change in neighborhoods through a more civil and collaborative process. Let's get this problem fixed tonight. Thank you for your time, and there's been no time to react to this. Other than to say that we asked y'all for help with leveling the playing field and this is tilting it the other way. It's like [indiscernible] 20 years of work. Thank you.

[Applause]

>> Renteria: Mayor?

>> Mayor Adler: Excuse me. Mr. Allen?

>> Speaker2: How many affordable housing did you work out at the Austin oaks?

>> At Austin oaks, I don't think they're going to have affordable housing. There's not much of a residential component there. At the grove, the bull creek road coalition is pushing for as much affordable housing as we can get, particularly rental serving under 80% mfi and ownership at the the lowest possible percentage of mfi we can get. Weaver trying to get workforce housing for Westminster manner, Seton hospital and other --

>> Renteria: How many houses would you be willing to work with the developer to -- how many affordable housing?

>> We're talking about thousands of units of residential, over 2,000 presently?

>> 2200, yes.

>> We'd take them all affordable if we could get them. Milestone's current proposal has a number of single-family homes that will sell for over a million dollars. What do they have 110 single family? We don't need any of that. We'd much rather see missing middle workforce housing and we're not concerned about the addition of population of residents. We're concerned about the impacts from the elements of the project more commercial in nature. But we're having a very hard time getting our voice heard on that regard. You haven't heard that. You haven't seen that in the media. You're not getting news of this because milestone isn't concerned about us.

[10:19:38 PM]

They're ready to roll the dice with this council. And it's just for that than we're begging y'all to consider

this amendment.

>> Mayor Adler: Okay.

>> We can help save y'all a lot of trouble, from the sort of war that will go on for years over this P.U.D. And many others in the future from the, what, 560 acres of unzoned land in the area around just my neighborhood.

>> Mayor Adler: Thank you. Gina Allen. Is Ryan perky here? Rich mountain? You have four minutes. Is Garrett martin here? You're up next.

>> Ma'am?

>> I donated my time.

>> Mayor Adler: You did? Is amir shoquotte here? You're up next, please.

>> Good evening, mayor, council, Regina Allen, zoning code chair for the rosedale neighborhood association. The state has nearly 2,000 acres of unzoned land and Travis county is shown in the map provided in your staff backup. This map I'm showing is my neighborhood bound and read, doctor red surrounded by unzoned tracts. These tracts include the Austin state school, triangle, school for the blind, sunshine community gardens, Ramsey P ark, Austin state hospital, baker school and Hyde park, UT intermural fields, state health department, Texas health and human services, winters complex and camp Hubbard facility. This amendment does not deal with just one project. It's about a loophole that needs to be corrected so that all the P.U.D. Projects are treated the same. Developers have been choosing P.U.D. Zoning for decades. And they have worked within the supermajority rules that have been in place for those decades. I don't know why we need to change them now.

[10:21:40 PM]

By passing this ordinance you actually level the playing field for these unzoned properties and for all future P.U.D. Developments instead of giving special favor to these unzoned tracts. Thank you.

[Applause]

>> Mayor Adler: Thank you.

>> Hi, Eric shoquotte. I'm a neighbor of the grove. I'm in district 10 and adjacent to them. And I live in ridthly neighborhood and we have a letter of -- first of all I support this amendment to level the playing field as well as to make sure that city has good oversight on something as important as a P.U.D., which -- where big decisions are made about affordable housing as well as parks and other things. So from our small neighborhood of, I don't know, 120 houses, we have 66 signatures that I would like to pass, showing the support to this amendment. And I could just hand it to you guys. So a lot of good points have been made. I just wanted to emphasize, again, that the letter from G lo that asked for a premium for state-owned land, that is something that I just don't understand why we would support when privately owned land, like myself or somebody else was trying to make a P.U.D., we would not be able to command that premium. So this inequity needs to be fixed. Secondly, I think as grace mentioned, if you raise the -- if the state is able to command a premium for all the state properties that will G O -- be developed soon, then the price per unit will actually go up.

[10:23:47 PM]

So you're working against affordability by offering that premium. So for these reasons, I support this amendment to give the city the oversight, the board -- the planning commission the oversight, as well as you guys. I believe you guys will do the right thing when you see something that does not meet the standards of planning commission, and I think at that point a compromise can be worked out much sooner. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is Sabrina Bradley here? Okay. Is Evan Gill here? Do you want to come speak. The last speaker will be Timothy Brea. Is Timothy Brea here?

>> Hello, council. This is my first time speaking before you so forgive me if I'm a little bit nervous. I think I represent a voice that often doesn't get heard at council meetings. I'm somebody who hasn't been able to purchase my home, my own home, because of the ongoing affordability crisis here in Austin, and Austin is in the midst of a historic housing shortage leading to higher rents and higher prices. I think the state-owned Texas acts, especially the state hospital site, will be critical not only in providing abundant supply to ease rising pressures but also in providing subsidized affordable housing and creating the mixed-use communities which support robust public transportation -- robust public transportation. I ask you not to give away your power to shape Austin's future and deliver benefits to your constituents so a super minority -- I understand the desire to make code more consistent but this must be viewed in the context of what is the nation's most dysfunctional development code, which overwhelmingly favors current property owners over future and hopeful property owners.

[10:26:05 PM]

Do we want to make the code more consistent in its opportunity for obstructionism? I promise -- I propose that we make the code more consistent by striking the supermajority requirement for all P.U.D.S or perhaps pursuing Mayor Adler's recommendation -- proposed compromise to create consistency by only allowing the supermajority at council if a supermajority of planning commission recommends against. I just want to re-emphasize that, you know, people who need homes to be built for them, the future generations of Austinites --

[buzzer sounding]

-- We need these houses to get built and we need to eliminate opportunities for obstruction by people who already own homes or unnecessary obstruction. I know there has to be compromise but I trust you as my city council to make those tough calls on P.U.D.S.

>> Mayor Adler: Thank you. Hang on a second. Hold on. Hang on, sir.

>> Zimmerman: Thank you. Thank you for coming. At first we thought you were Greg Guernsey.

>> That wouldn't be the first time I got that. One time I was down here and one of the security guards thought I was Greg and I was very confused. I think it's a fair -- Favorable -- you know, he's a good-looking guy. I don't mind --

[laughter]

>> Zimmerman: He's also articulate like you are so you're on the right track.

>> Thank you.

>> Zimmerman: I appreciate your remarks. Earlier we were talking about the parkland ordinance despises I was objecting because they also raise the cost, especially for first time home buyers. I appreciate the fact that you recognize how this policy affects the unaffordability of homes.

[10:28:06 PM]

One of the people mentioned that they thought the fees would be okay because we would be charging new people that moved into the city. So -- as if if you come from California or Florida, you ought to be punished with higher prices but you're somebody here trying to get into a home.

>> We have to think about -- not that I necessarily agree with you on the parkland ordinance but we have to think about -- it's not just people moving here. It's people's kids who want to stay and don't want to have to move to San Antonio. Please keep that in mind.

>> Zimmerman: Or Buda or Kyle, Round Rock.

>> Exactly. I'm going to move to San Antonio before I have to move up there so. . .

[Laughter]

>> Mayor Adler: Tim Brea. Thank you.

>> Hi. I'm -- I don't have really prepared remarks because I had to work until 9:00 today and didn't think I'd speak, forgetting how late these council meetings go. So I oppose this change. I think like we have a majority rule, this is the only elected body. The planning commission is not an elected body. I think a majority of the council should be able to push, you know, for more affordability if a minority of council is opposed to it she shouldn't be able to block it. I think this proposal is problematic and targeting one project. We shouldn't base rules on just one project for all projects. I've heard a lot of talk about the grove. I think a lot of the times the priorities for neighbors, what they consider superior is less than city because it means less traffic in their neighborhoods which I understand, that makes sense but for the city perspective we have to look at all -- how it affects affordability. This is a part of town that has historically not accepted its fair share of growth, is very economically segregated and, you know, if we want to stop gentrification on the east side having as much housing as we can in this project, especially a large tract like this with a blank slate for creating lots of housing is really important. If we want to talk about fairness we should make it so other P.U.D.S also only need a majority.

[10:30:11 PM]

Another problem with this of course is the state decides they don't like this, we're making it too difficult to own state owned land they could take away our power to have any influence at all, we'd have no connectivity for trails, better street design or parkland. We risk losing all our authority if we try to have too much, giving minority on council too much power. I want to second what Evan said. I grew up in Austin, haven't been able to buy anything. It's really a struggle to find affordable places to live and affordability is really the biggest problem council needs to address. Thank you.

>> Mayor Adler: Thank you. I think those are all the speakers we have.

>> Can I clarify something on the record, please?

>> Mayor Adler: Okay.

>> Speaker2:.

>> There was a statement made about the number of units proposed and I want date of birth clear the minimum number of residential units would be 15, not 2,000. I also weren'ted to clarify for the record that the proposal on the affordable housing is 180 units. Thank you.

>> Mayor Adler: Thank you. Is there a motion to close the public hearing Mr. Renteria. Is there a second? Ms. Garza. Any discussion? Those in favor of closing public debate please raise your hand. Those opposed? It's unanimous on the dais with Mr. Casar off. That gets us to the dais. Is there a motion? Ms. Tovo.

>> Tovo: Mayor, I'd like to move approval of this item.

>> Second.

>> Mayor Adler: It's been moved and seconded. You want to discuss it?

>> Tovo: Sure. We've had an opportunity to discuss this before when we initiated the zoning -- the ordinance change back in the fall and I think our speakers have really zeroed in on what the issue is here. We hear a lot about inconsistencies in the source code the concerns those create for the development community as well the community more broadly and when this was brought to my attention, it concerned me.

[10:32:13 PM]

I think we need to treat zoned and unzoned lands the same way when it comes to the development

category that we've identified for superior developments. As we've heard from the staff, it is extremely rarely happened that the land use commission has denied -- issued -- has not recommended a planned unit development, but it does -- setting that higher bar for a planned unit development is very important and having our land use commission play an important role in that process of scrutinizing it is appropriate because they are, as under our requirements, they are supposed to represent people with expertise and experience that they bring to bear in their role as volunteer commissioners. So this is an appropriate and necessary change, I believe, and it is not directed at one project. It is intended to clean up the inconsistencies in our code and we have other unzoned properties in our city and it's important that we get this on the books as soon as possible.

>> Mayor Adler:.

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Yes, Mr. Zimmerman.

>> Zimmerman: I'd like to move amending the motion on the floor with what you've submitted here in writing, the 3/4 majority, I don't know what to call this, about the mayor's amendment? Will that work? Passed out on this form here.

>> Mayor Adler: In Zimmerman moves the amendment on the yellow sheet. Is there a second to that? Mr. Renteria seconds. We're now discussion of the amendment.

>> Pool: Mayor.

>> Mayor Adler: Yes.

>> Pool: I think that this change that you've offered up tonight is fundamentally explosive and blows out of the water all the previous policy city of Austin has used with regard to votes on its land use commissions and truly dilutes the ability of the community to have a voice in the face of the unlimited resources of the development community.

[10:34:31 PM]

I am -- I am deeply troubled by this push of yours, in particular because there was no posting of this on the message board for us to see it in advance. I think this is a highly cynical move. I do not understand the impetus and the instinct -- the impulse that brings this to us from you. I thought that this council was the voice of the neighborhoods the community and the values of this city. And you here, in one document, propose to undercut the single tool that our neighbors have in order to ensure that our community values -- these are the things that are intrinsic and you can't really put a price on them. They're not profit driven. But it's where we live in our hearts, in our souls, what makes this city special. And you are taking that and casting it aside -- casting it aside. I am deeply concerned over this amendment that you have brought to us with no signals in advance. Although I get the glad there were some people in the community that knew full well what was happening here. I am really -- I don't have words. I am so stunned and back on my heels by this. I absolutely oppose this. I do not understand where it's coming from and I -- I have no more words.

[Applause]

>> Mayor Adler: Any further discussion of -- further discussion of Mr. Zimmerman's amendment?

[10:36:34 PM]

>> Zimmerman: I just want to say quickly, Mr. Mayor, I had not seen this either until this evening, but I completely disagree that developers have unlimited resources. No one has unlimited resources. And all of the expenses that are imposed during development get passed on to the people trying to buy and rent residences in this city so -- but I do -- I would share councilmember pool's concern about this coming late, but I just saw it but I don't see it as being that much of a radical change so --

>> Mayor Adler: Further discussion on this? Ms. Garza?

>> Garza: I have a question about the planning commission vote on this. It says that it was -- I just want to make sure -- not approved by the planning commission on a 6-5 vote. Does that -- I'm trying to understand. The six voted for this amendment? But it --

>> Yes, councilmember, that's my understanding. There are 13 members voting members on the commission. So it would take a seven affirmative votes to approve and move forward. So they failed to achieve the -- that quorum vote. So it comes before you without a recommendation.

>> Garza: Okay. I'm really torn on this issue, as I'm going to be with the very next one. What I've heard is -- was concern over -- well, the comment was made a couple times that there's -- there's rarely been a no recommendation on a P.U.D., and I don't see how this amendment changes that. And it does -- it does level the playing field, and that's what I've heard was one of the concerns, is we want it the same. We want it to be treated the same.

[10:38:37 PM]

So I don't see this as B being -- I guess, as big a characterization unless I'm missing something. So I'm -- as big a change unless I'm missing something so I'm inclined to support it right now.

>> Mayor Adler: Further debate? Ms. Troxclair.

>> Troxclair: I guess I -- I understand the argument for leveling the playing field. We've talked a lot about leveling the playing field today. But I -- I just, as -- as a policy matter, I don't understand -- I'm having a hard time wrapping my head around basically having our volunteer planning Commission -- and of course all of our volunteers who serve on our boards and commissions are very valuable and we trust their input and we rely on them to dig into issues, maybe more than we have time to do up here and -- and they're all very wonderful, dedicated volunteers, but I think it's weird to me that we have any kind of policy that has a decision from a volunteer board basically trump or have a lower standard for a decision that's made from -- by this body, who are the directly elected representatives and we're the ones that are most accountable to the voters. So I -- if we're going to level the playing field -- I don't know that I'm comfortable with any -- just because currently zoned land has -- has this thing in place where you -- where the council is required a supermajority if the planning commission votes one way, I don't know that I agree with that. So I don't know that if we're going to level the playing field I would want to level it in this direction. So, I guess -- I don't know. I mean, maybe the mayor's amendment is a good compromise? But I -- I don't know the policy decision as to why we would ever have a -- one of our boards carry more weight than the decision of this council.

[10:40:49 PM]

>> Mayor Adler: Mayor pro Tem -- mayor pro tem.

>> Tovo: I just want to recap sort of how we got here, especially as the maker of the -- or the one who brought the resolution forward. I'm extremely concerned about the amendment on the table. We were asked by our community to take a look at the code because the bar was set higher for -- there was a discrepancy in the code and we were asked to treat zoned property -- unzoned property at the same high standard as zoned property. So let me just read the be it, therefore, resolved that went forward from this council back in October. The city manager is directed to study, initiate, propose potential code amendments working with the planning commission to address unzoned property on which P.U.D. District zoning is sought, including but not limited to the implications and benefits of the code amendment, to require the affirmative votes of -- I'm leaving out some words, affirmative of 34ths of the city council do approve a proposed P.U.D. District zoning when the land use commission recommends denial, et cetera. That was what went forward to the planning commission. There have

been several articles at least in the media about this particular issue. Tonight, almost four months later, there's now a proposal to lower the bar for P.U.D., P.U.D. Zonings on zoned land. So we're actually out of an attempt to raise the bar for unzoned lands, we're now at the very last minute being asked to lower the bar for zoned lands. I just think it's inappropriate. I think it is -- runs contrary to the resolution that started this, and I'm really concerned for a council that has talked as much about transparency as we have to have a proposal that at the very end of the -- the very end of the path that has not been at all -- I mean, I would never have been satisfied with it being on the message board this last week, frankly.

[10:42:52 PM]

We've a almost four month process to consider this code amendment and this is quite a different one in front of us today. I'm surprised that it's really within our posting language but it's certainly not within the community's expectation of what we were going to be considering tonight.

[Applause]

>> Tovo: Changing the bar for zoned land has not been part of any of our conversation to this point.

>> Renteria: Mayor.

>> Mayor Adler: Mr. Renteria.

>> Renteria: You know, I didn't support the original resolution, and I looked at the planning commission and I saw how difficult -- my guy that sits on there, he voted against this resolution T hat -- this ordinance that we have before us. You know, and he just didn't think that it was a fair item. Ordinance at all. So even the planning commission couldn't make a decision on this. This ordinance. So I know that there's some -- some areas that supports this, but, you know, you can't say that -- that it was a -- wasn't discussed and voted on in planning commission and they decided not to approve this.

>> Pool: Mayor, if I may? What the planning commission looked at was not this amendment that the mayor has brought to us. The planning commission didn't have this in front of them at all. They did not vote one way or another on this.

>> Renteria: I'm saying this one right here.

>> Mayor Adler: He wasn't talking about the amendment.

>> Pool: But the -- okay. But we are -- what we are debating is the amendment, and the amendment was not seen. It wasn't seen by anybody. So at the very least this should go back through the process.

>> May I clarify something. I was at the planning commission.

[10:44:52 PM]

The vote was six-five in F avor.

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

>> Gallo: You know, we H eard -- we've heard from the community that they have wanted and desired a higher level, which would be a supermajority vote, to be required by the council on controversial P.U.D. Zoning cases. And I support that. However, I do not support a lesser level simple majorities vote from the land use commission that then triggers the higher level vote from the council. I think both entities should be equal. So you either do a simple majority from both or you do a supermajority from both, but we've heard from the community that they wish the council vote on a controversial zoning P.U.D. Case to be supermajority.

>> Mayor Adler: Further discussion on the dais?

>> Mayor?

>> Mayor Adler: Ms. Tovo.

>> Tovo: I have one last comment. I would just say one of the things that we have not heard from our community is that they wanted to see a loosening of the standards at the planning commission, and this

is of great concern. I think what we're contemplating in front of us with this amendment is the weakening is really diluting the control of neighborhood voices and that was -- this has been in place for decades, the provision for zoned land. And it's what we would be doing with this amendment is certainly weakening it.

>> Pool: Mayor?

>> Mayor Adler: Anybody else want to talk that hasn't had a chance to talk yet? Mr. Casar.

>> Casar: I do want to note if I was to support something, I think supporting an amendment like this could help me support a supermajority requirement. I think that, you know, we talk a lot about hurdles and the level of the hurdle but we also have to accept the idea we're going to have differences in our opinions on what superior is.

[10:46:55 PM]

Imagine for a moment that half of us really wanted a cap metro park and ride in a development and half of us really wanted a rail stop. Both of those things could be good aspects of a development and if we just have to disagree and the six people that want the park and ride override, the five people that want the rail stop, that's the way that this government is set up. We can pass a law with six votes in this city. And so I think that it would have to be a very exceptional situation where we're weeding a development out. I think if you can't get even a fourth of the land use commission, that sounds like a case that probably shouldn't even come to council. So I think it's duly noted that this is the first time we're having a big public conversation about leveling the playing field for P.U.D.S in this way, so if we're just moving it on first or first and second then I'll be supporting the amendment.

>> Mayor Adler:.

>> Pool: Mayor.

>> Mayor Adler: I -- I lay this out because it gave -- I handed this out to my colleagues on the -- Ms. Kitchen, did you raise your hand? Did you want to talk?

>> Kitchen: Go ahead. That's all right.

>> Mayor Adler: I handed this out to my colleagues on the council because I think that it gave rise to issues that I thought would be important for us to discuss. I do not think we should approve anything like M R. Zimmerman's amendment on third reading. Because there hasn't been discussion in the community about that. But I am concerned about giving six members of a land use committee the ability to require the council to have nine votes. We were elected by the people, and I think that we have tough discussions on this dais, and there are people now from different districts all over the city that are -- that are weighing in on these issues and carry different points of view and I -- I'm uncomfortable with that concept.

[10:49:13 PM]

I'm uncomfortable with putting the city at odds with the state legislature on something -- I mean, I'm one of the ones that go up to the legislature to defend the things that we try to get accomplished in this city. All the way from trying to protect Austin energy's Independence and the Independence of the board, our ability to put our social imprint on the decisions that are made, the bag band that we put into our community, the section 8 voucher that we lost and several of the councilmembers -- many councilmembers have been in that environment too. So I always want to be real judicious about the battles that we pick, especially when we've been told about -- we've been talked to about certain battles because it has a cost that goes beyond that particular battle. I also know this grove case is something that is going to be E -- know that this grove case is going to be something that's an incredibly hard decision, unfortunately. My hope is, continued hope is, is that the community is going to be able to -- by

community, I mean everybody involved in that project to find a good place. I mean, ultimately if that doesn't happen then it will come back to this council, but I do believe that that case is permeating so many of the other things that have come to this council as surrogates for that, and I -- that makes me uncomfortable. I'm uncomfortable changing the rules in the middle of a process for -- for anybody. You know, we asked last fall for the manager of the staff to come back. We identified that challenge.

[10:51:13 PM]

We didn't prescribe a solution. We raised the issue and said that we wanted to have a debate on that issue without prescribing any particular direction. So whatever we do here tonight, I'll only vote for first or second reading. But I'm uncomfortable with the base motion to just go to a supermajority in this situation, as determined by six members of a planning commission. And I'm trying to figure out what's -- what to do since I'm uncomfortable with that. Ms. Kitchen.

>> Kitchen: I wanted to make a suggestion. I cannot support the amendment. I understand that -- I understand that, as the mayor mentioned that there may be some folks, including the mayor, that are uncomfortable with the base motion. But this motion came to us at the -- you know, just today, and the public haven't had the opportunity to talk through this, and it is a huge change. So I would be more comfortable voting on the base motion, and I think it's more appropriate for the base motion to be the one that's voted on on first or second reading and then this change, if you'd like -- if the mayor would like to bring this forward can be brought forward the next time around. I think from a policy -- I think from a process approach, I am more comfortable doing that. I am not -- let me just make it clear. My support for the base motion is not gonna change. But I -- from a process standpoint, I think bringing this kind of change at this time of night, when no one has seen it and it makes major changes is just not very helpful to everyone.

[10:53:21 PM]

So I think it would be best if -- for -- if you're uncomfortable with the base motion to just vote for the base motion on first reading and then give folks some time to think about this kind of change. That would be my suggestion.

[Applause]

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mayor. As a point of information here, it was my intention on the motion to have it first reading only of course. So I concur with your remarks. I think either thing that's done needs to be first reading only.

>> Mayor Adler: What about postponing the center -- matter and not taking an action on it tonight.

>> Pool: Thank you.

>> Mayor Adler: It's going to be a first reading vote any how. It's going to still require additional discussion about what the proper resolution is. Does anyone want to move to postpone this?

>> Zimmerman: As a point of objection, if we did that, would we have to reopen the hearing if we postponed? Have the hearing again or --

>> Mayor Adler: We could close the public hearing. In fact didn't we already close the public hearing?

>> Zimmerman: Well, we did, but, I mean, if we kind of --

>> Mayor Adler: No. If we postpone it we don't have to reopen the public hearing. Ms. Pool, did you want to make that motion?

>> Pool: I have a concern about having the public hearing. I know we closed it, but the public hasn't commented on this amendment, and I -- because it is such a foundational fundamental change I'm very concerned. No one would have an opportunity to talk about it. And that's the whole nature we're saying

here tonight, is that this has been dropped on us at the last minute and it's C used all kinds of emotional responses to it, and there's a lot of folks who aren't here tonight, and they don't know that this is happening and this is going to have a transformational impact on this community as far as what it looks like D development-wise.

[10:55:36 PM]

So I would ask you simply to table the amendment that you brought to us, put it through the system, put it through the process, so that people can have an opportunity to weigh in on it. This feels so 1-sided.

>> Mayor Adler: I don't have any problem at all putting this back through the system. This matter through the system for further conversation, if you thought that would be helpful. I'm uncomfortable with the base resolution. I don't know that what -- what Mr. Zimmerman offered is the right way to -- to go to. But I'm uncomfortable with the base motion. As well. Yes?

>> Renteria: There's no way that I'm going to support the base motion.

[Off mic]

>> Zimmerman: Can't hear you.

>> Can't hear.

>> Renteria: Whoops, I thought you turned it -- I said I'm against the base ordinance the way it is written here. So I'm not going to support I T. So we can vote. We'll just vote and, hey, if it goes down it goes down. I'm not afraid. But, you know -- but I can't support this. I can support this, but, you know, I don't feel like we should table anything right now. And if we want to -- if we're set for a vote then we should just vote.

>> Mayor Adler: Further discussion on the dais? Ms. Garza?

>> Garza: I'm not -- I don't know where we're heading with this but I guess I would -- just something to chew on, regardless of whether we postpone this or not. What I've heard is don't mess with what we have so I would see the compromise just a apply -- I heard don't mess with what we have and we want the higher -- I can't think of the word -- restrictions or burden for the unzoned so then we just apply to amendment to the unzoned and not mess with the other one would be something I'd offer just to chew on.

[10:57:53 PM]

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: With so much going on, I would be willing to vote for a postpone poem so poem so we could understand what -- postponement so we can understand what all those options are and what the intended consequences may be for either of them. So as councilmember Garza has said, we could keep the regular unit development as it is and yet look at raising the bar for unzoned land but I'd need to think through what those unintended consequences are before I'd be able to vote on either of these. Otherwise I'd have to vote for the base amendment.

>> Mayor Adler: Ms. Tovo.

>> Tovo: I'd be willing to consider what councilmember Garza said of -- of using your amendment, at least on first related, using your amendment for unzoned land on first reading. But not changing -- not changing the current requirements for zoned land.

>> Mayor Adler: Ms. Tovo is amending the -- moving to amend Mr. Zimmerman's amendment. So as to have it --

>> Tovo: It's not clear to me where to fix the language to do that, but I agree with the intent of what councilmember Garza said. Again, at least on first reading, I need the opportunity to talk with people

about whether that's --

>> Mayor Adler: Ms. Tovo moves to provide that a denial of a supermajority of the land use commission is required to have a three quarter vote or supermajority vote of the council to overturn that denial. Is that right? I think that's --

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: It was just that half, just the half with respect to the denial.

>> Tovo: Can you just point me to that language in the -- in the -- in the document that you've distributed?

[10:59:59 PM]

>> Mayor Adler: Well --

>> Zimmerman: Mr. Mayor.

>> Tovo: I think it's the second -- I think it would be an -- it would be -- it would change the language of the -- your third bullet but that's just the summary.

>> Zimmerman: But look under a 1. Wouldn't it just be under a1 and the language when it says zoning or rezoning?

>> Tovo: I'm sure it would be. We've been at this 13 hours so I'm just needing some help.

>> Zimmerman: I think you would just strike "Or R ezoning," right? I think that gets what you want.

>> Tovo: I think so.

>> Garza: I think in a you --

>> Mayor Adler: I think it does. You put back to approve rezoning. You add that back in. You take out that entire first line in one, so that would be -- sorry, from a, the affirmative vote of three-fourths of members of council is required to approve proposed rezoning if the land use commission recommendation denial of --

>> Mayor Adler: Except the situation we're talking about here is a zoning and not a rezoning.

>> We're trying to fix the zoning, not the rezoning.

>> Tovo: I think I've got it. I think what we want to do is duplicate one, and have the first one read: Is required to approve a zoning to a planned use development; and then have it back to where it was. No. The rezoning should stay as it is, and then the second one should be just about zoning, and should say -- recommend denial from the land use commission. Maybe the staff can help us. I think what we want to do is duplicate a1, have one apply to zoning, one apply to rezoning, keep the rezoning as it is, have the zoning be the three-quarter majority.

[11:02:04 PM]

>> Mayor Adler: A1, keep the current practice with respect to rezoning of a pod, so as to require the supermajority as it is currently required under current rules. Two would say that in the situation of a zoning, a supermajority is triggered at council if there was a supermajority denial at the planning commission.

>> We can drop that, and if council -- if council passes it on second reading, we can draft it before it comes back. I mean, on first reading. And if you would like it -- the language to be operative tonight, we would just need to take a couple minutes, probably ten minutes, and draft it up for you.

>> Mayor Adler: Okay. I think we've said that in the record. I think it's fairly clear. Mayor pro tem makes that amendment to maintain the status quo with respect to pud zoning -- pud rezoning, but to limit Mr. Zimmerman's only to pud zoning, the third section with respect to what is number two on it remains unchanged. Is there a second to the mayor pro tem -- Ms. Garza makes that amendment -- seconds that amendment to the amendment. Any debate on the amendment to the amendment?

>> Mr. Mayor? In the interest of clarity for the public -- and I would say for us, also.
>> Mayor Adler: Okay.
>> Would you please restate the effect of this?
>> Mayor Adler: What it would do is, it would say that the current situation with respect to puds that are involved in a rezoning remains unchanged.

[11:04:09 PM]

Puds that are zoned -- that are not zoned, so they're coming in similar to the grove situation, if there was a supermajority denial by the land use commission, it would require a supermajority of the council to overturn it. But it doesn't have --

>> Kitchen: Okay.
>> Mayor Adler: So the change would be that it does not, as Mr. Zimmerman has amended to, impact present practice with respect to hud rezonings.
>> Kitchen: But it does introduce a difference between how zoned and rezoning.
>> Mayor Adler: Yes.
>> Kitchen: Or treat it.
>> Mayor Adler: Yes. It doesn't make them the same because it doesn't bring pud rezonings to the same place. It has pud rezonings staying in a different place, that's correct.
>> Kitchen: At this point I am more comfortable staying with -- staying with the amendment that's been -- or staying with the -- staying with what's been in front of us for a number of days. I'd be happy to entertain this change on second or third reading, but I'm not comfortable with it right now.
>> Mayor Adler: Okay. My sense is, is that still, I don't know what the right thing to do is. I'm uncomfortable with the base zoning, so I don't -- I can't put for that at the same time. I think it's the first time it's been out, and it maybe what Mr. Zimmerman has offered goes too far. I'm going to vote in favor of the mayor pro tem's amendment here on first or second reading and -- to let the process move forward, and then we have -- the community has the ability to be able to talk and talk with us and so I'm going to vote for the amendment to the amendment.

[11:06:28 PM]

Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. Well, first of all, I did move passage of this, but I think this was your amendment. This is getting really convoluted. I don't know where we are anymore, so I moved passage of this because I wanted it discussed, but it's not my amendment. And at this point, I'm ready to vote against everything.

[Laughter]

>> Mayor Adler: Okay. Any further discussion on what the mayor pro tem proposes as an interim step? Those in favor of the mayor pro tem's interim step, please raise your hand. Those opposed? Kitchen votes no, Zimmerman votes no, the rest vote aye, the interim step is approved through second reading only -- first reading. First reading only. We'll now move to the next item on our calendar, because they get easy now, the str's --

>> Excuse me, that was the amendment --

>> Mayor Adler: You're right. I'm sorry. I apologize. So that was the amendment. Now theoretically we should vote on Mr. Zimmerman's amendment. But since it sounds like he's pulled his amendment, we'll treat Ms. Tovo's as the amendment now.

>> Zimmerman: That's right. It wasn't my amendment. And my amendment I didn't make has been amended so I'll be voting against it.

>> And, mayor, just to be clear, it was really councilmember Garza's that I put into my language.
>> Mayor Adler: All right. Now we have something that nobody wants to have ownership of, which sounds about right to me. We are now voting on the base motion, which is the interim measure here, on first reading. The base motion with the interim amendment. Any further discussion? Those in favor of proving up first reading, please raise your hand.

[11:08:32 PM]

Those opposed?

>> Zimmerman: All abstain.

>> Mayor Adler: Mr. Zimmerman abstains. Ms. Kitchen votes no. And Ms. Pool was a no. All right. So that was 8, 2, 1. I think that ends our discussion of that.

>> Houston: Mayor, when might we have this back so that we can really take a look at it?

>> Mayor Adler: I hope when it's ready.

>> Houston: Yeah. But is that going to be the day before we have our February the 4th meeting, or -- I mean, I'm trying to get some time frame of when we might expect this back.

>> Mayor Adler: I would hope that we would not be asked to approve anything finally, that we had not all seen and had a chance to discuss and had been vetted. I mean, I don't know if they'll have it ready in a week, and if it's not ready in a week, I don't want them to bring it back to us. And if it's not ready in two weeks, I don't want them to bring it back then. So I would say when it's ready, people should bring it back, but they should bring it back in a form where there is notice and opportunity for people to be able to discuss it.

>> Houston: Okay. That's fine.

>> Mayor, I would suggest we just bring this back on the zoning night of the 11th.

>> Mayor Adler: If it's ready.

>> We can prepare the language in advance.

>> Mayor Adler: Okay. But I want to make sure that there's sufficient time for it to be discussed and to be discussed by the council. Because this is an important issue. There are a lot of people that care deeply about this, on all sides. So we can certainly shoot for that, and at work session we can talk about whether or not it's ready.

>> Houston: But I think the important point is that the people who are directly -- have a direct concern about this have an opportunity to weigh in on it.

>> Mayor Adler: Absolutely.

>> Houston: That they don't get to weigh in when we're here on the 11th.

>> Mayor Adler: Okay. So why do you see how the conversation goes, and if it's ready, then put it back on the agenda for the 11th.

[11:10:34 PM]

If it's not ready yet, still being discussed and moved around, then don't. But if it's ready, then bring it back.

>> Very good. Mayor, I -- staff has a suggestion.

>> Mayor Adler: Yes.

>> I understand from the city clerk that we have over 190 speakers on strs, and given that that's the next item, staff would suggest that we postpone item 84. 84 is the neighborhood plan contact team. If it's council's desire to take strs, given that will take into the wee hours of the morning, even if you did two minutes per person. That's just a suggestion that staff would pose.

>> Mayor Adler: We have seven citizens signed up to speak on the contact teams. We have 192 citizens

still waiting to speak, it says, on str.

>> Casar: Mayor?

>> Mayor Adler: Yes, Mr. Casar.

>> Casar: On the contact team's issue, what I said in the committee, folks giving up their time, most folks are concerned with the applause and not contents of the code amendments. My motion would be for us to move forward with the code amendments but to have staff bring back the applause for debate, and I think the vast majority -- actually, almost every single person that I can think of that contacted us about this issue took issue with the bylaws, but not with the code changes. And if folks nod their heads on that point, there may not be much -- much to talk about.

>> Renteria: Mayor? And if you look at the speaker's list, there's very few that are against this item. Most of them --

>> Mayor Adler: Okay. Let's call off the contacts team and deal with it quickly.

[11:12:37 PM]

I'm going to call up item 84. You want to make a motion, Mr. Renteria?

>> Renteria: Yes. I move that we pass the ordinance amending the could you do title 25 regarding neighborhood plan contact teams.

>> Mayor Adler: Okay. We're going to call speakers. Is Cynthia here? Valdez? Is David king here? Do you want to speak on this issue? Thank you. Mr. Almanza here? Is Daniel here, Llanes? Is Rick corovniak here? Is Tom Thayer here? Do we have a motion to close the public hearing? Mr. Casar moves. Is there a second? Mr. Renteria. Any objection to closing the public hearing? Hearing none, it's closed. Can I do that, rather than doing a roll call every time? Okay. That gets us then to the discussion on the merits. Did you want to make an amendment Mr. Casar?

>> Casar: Yes, mayor, I'd like to give additional direction that the bylaws be presented back to the council for further debate and input from the council, the standard applause bylaws that will be used.

>> Renteria: Mayor, I would like to second that also. My whole intention of this ordinance was to give the city staff the ability to solve conflicts when conflicts occurred in these contact teams.

[11:14:39 PM]

In the past, they had no way of solving any of these problems that do occur in some of these contact teams, and because of that, we ended up having a lot of discord in some of these contact teams, and they came and asked me that, you know, if the members of the community themselves came and asked me to find a way so that they could have an ability to solve the kind of conflicts that were going on in some of these communities where, you know, they didn't hire -- if the chair got elected, he didn't have to call meetings, he -- or her, the person, they didn't have to call elections. So there was some teams that went like five or six years without elections, and there was some contact teams that just, you know, didn't have requirements on how long you lived in the -- in that community, in the contact team area, so there was no uniform on it, so that's the only reason why this resolution would do, is just to give the city staff the ability to manage the contact teams a little bit better.

>> Mayor Adler: Okay. Ms. Kitchen?

>> Kitchen: I agree with what the councilmembers have said. I think these rules are good for transparency of process, including the ability to appeal. I just think that when they come back, when the bylaws comes back, it should be flexible enough to allow residents to represent themselves in a way that's appropriate to their neighborhoods. So I think that would be very important in what comes back to us.

[11:16:41 PM]

>> Mayor Adler: Okay. What you did, Mr. Casar, was that an amendment to the underlying resolution as it's drafted?

>> Casar: I think that if staff understands this as direction from council to bring the bylaws back promptly for more council review, then I don't think it needs to be voted on if that direction can be taken this way or if we need to vote on it, I'm happy to vote on it.

>> Mayor Adler: Okay. The motion is to --

>> Casar: It's not an amendment to the ordinance.

>> Mayor Adler: That's what I'm saying, "Not really an amendment to the ordinance, but it is direction accompanying that to ask staff to bring back the proposed bylaws. Mr. Guernsey, is that okay? Okay. So with that understanding and with that direction, Mr. Renteria's motion is on the floor and seconded. Is there any further discussion? Yes. Ms. Troxclair.

>> Troxclair: I think that this fits in the same category as directional bylaws, but I know that one of my -- but please correct me if I'm wrong. I know that my constituent who was here earlier was -- one of our contact teams had a concern, they wanted to be able to make sure that a contact team can be run by a board of voting members who are elected by the members as a whole. We have a really big contact team, made up of 22 neighborhoods or so, and not everybody gets to vote. They elect one person from each neighborhood to be able to vote, and they didn't see that clearly outlined as an option in the bylaws. So if that's something y'all could look at, that would be great. Thanks.

>> Mayor Adler: Okay. Those in favor of Mr. Renteria's motion, please raise your hand. Those opposed? Unanimous on the dais, with Ms. Pool off. That gets us to the str discussion. I'm sorry, Ms. Pool was here. I didn't see her. She voted in favor of that.

[11:18:45 PM]

I'm sorry. We're now in the str debate. We have 192 speakers. You have joined us for our sleepover. This is a public hearing so everyone has entitlement to speak. Do we want to limit beyond the two minutes? Two we want to limit the number of people that are speaking with multiple people? I think we're just going to go ahead and do this -- most people are speaking by themselves, and I would urge you to consider if someone has already said what it is that you want to say, so you leave enough time for you to be able to be here when we debate these issues, back on the dais, because that might be valuable for you as well. We'll start with the first speaker. Let's move people at both podiums so that people come up, so that we can move quickly. The first speaker is Kristin hitop. Is Joyce basiano here? Is Juan sabran here? Okay. You have four minutes.

>> Thank you. I have time donated from another speaker.

>> Mayor Adler: Joyce basiano, that's your second two minutes, but I didn't have Juan -- I'm sorry, then you have six minutes.

>> Thank you. Good evening, council, I recently shared UT Austin community regional planning professor Jake Whitman's data finding with several of you regarding the impact that str-2s have on housing and affordability in several U.S.

[11:20:58 PM]

Cities including Austin. The research finds the str-2s impact the available and affordability of housing in Austin's central city core, greater housing for most residents and where most jobs are located. He found str-2's don't impact housing and affordability citywide but he did find a correlation between str-2's and the housing affordability crisis in the central city. Key findings include the

following, and I quote: "Many stills experiencing a chronic shortage of centrally located low cost housing are also the most attractive for tourists. Dwellings that once provided housing to permanent residents have been converted to full-time tourist accommodations. They're lying to of a high concentration, near city centers and non-family populations. Neighborhood quality of life effects are substantial in these regions. Listing concentration patterns are highly racialized as well. Proptive air B and B guests can view a photo of the host whose listing their considering and policy makers have cause to be concerned about whether a new form of racially uneven activity is in big cities. The marketing materials emphasize home sharing as a way for middle homeowners and renters make new friends while housing tenants, yet research shows hosts hosting more than one are a substantial presence. 30% of Austin air B and B listing and 40% of Austin air B and B revenue. Despite of the rest Rick and marketing, the company's incentives to manipulate new regulatory and enforcement mechanisms, away from a crackdown on illegal hosts are strong, and I would say the same goes from home away. With the la rapid growth in listingtion, city leaders have a relatively narrow window of opportunity to ensure that online vacation windows are positive rather than a detrimental phenomenon.

[11:22:59 PM]

I can attest to east Cesar Chavez. The neighborhood I've lived for the past 20 years. My retired neighbors and poorest of poor, renters are being displaced to make room for homes, teardowns, that are frequently converted to vacation rentals, three percent cap notwithstanding. We often find str's include clustered together as I would by the map of the area surrounding Sanchez elementary school. City officials talk about the import of retaining families in the city core, but the environment that str-2's create is not conducive to raising a child or to family living. It's not just the poor who are negatively impacted. The middle class is struggling to hang on. If the cost of living in the central city doesn't drive families out the difficulty of living in a vacation rental tourist direct will. It's fueling the gentrification and displacement in our inner city communities. Homes of 702 was analyzed and was absolutely off the chart. The number of permanent air B and B units alone almost equals the number of rental vacancies. All the other zip codes that are high in the inner city downtown inner city Austin, et cetera. In addition to considering the impact of housing, affordability, planning predictability, and public schools in the central city, it's important that regulations be geared toward the worst offenses and not the mythical family of more than six, that is not the typical str patron here in Austin. The cost of dealing with illegal str's has been cited as a reason not to phase them out, yes, sir consider the cost of insisting the may ridiculous of regulations needed. I attended last night's meeting wherein str operator suspension appeals were heard. As the commissioner predicted, each repeat offender appealing a expense had lawyered up and the city will face an endless litany of suits, with the capital to exhaust municipal resources.

[11:25:01 PM]

Given all the data documenting the negative impact str-2's have on housing and affordability in the city core, the declining public school enrollment in city core, the dismedication in neighborhoods and cost of maintaining this program, I implore you to pass the recommendation that's include the following: Phase out type 2 str's from residential neighborhoods by 2020. Please forgo visiting the issue at the end of the moratorium. I prefer face out but a face out by attrition is acceptable providing there's a more town hall meeting on str's and the public neighbors have a way to get involved and we're not automatically grandfathering potentially troubling problem str's. Establish a six person occupancy limit for str's regardless of whether or not the occupants are related or run related. It's imperative we remove the word unrelated from the occupancy limits clause. This is a loophole that bad actors have

and will continue to exploit in violating ordinance. Code has consistently stated the conclusion of the term unrelated is one of their biggest impediments to enforcing occupancy limits. Let's give code enforcement the tools they need to do their jobs and enforce the ordinance. Establish a 1000 feet distance separation between type 2 strs, if you cannot see yourself voting to remove them from residential neighborhoods. This map compares str clustering at both the 500-foot distance and 1000-foot distance in northwest hills. Ask yourself, which scenario would you personally prefer as an Austin resident? Stiffer penalties and higher fines for str violations to incentivize compliance and ensure transparency in city regulations and operations. And require air B and B and home away to collect hotel occupancy taxes. Thank you.

[Cheers and applause]

>> Thank you.

>> Thank-yous Ms. Hitop.

[11:27:02 PM]

You talked about schools and clustering, and I want to call your attention to something I talked about on Tuesday, the documents the city demographer did for us, I applied to my first message on the message board so they're at the top of the list if anybody wants to look at those maps and see the enrollment for Sanchez and some of the other schools. Our next speaker is Tracy Smith. Is Ms. Smith here? How about Gwen Obar?

>> Tracy is here but donated --

>> Tovo: Pardon?

>> I'm Tracy Smith but I'm donating.

>> Tovo: You're donating. Okay. Sergio legarazo? Sergio? Susan reed. So I have all three of those folks donating to Tracy Smith. Tracy, it sounds like you are donating to -- we'll get to those guys in a minute. Richard slay, you have three minutes, Richard -- excuse me, two minutes. Then next up will be Stephanie Ashworth and you've been quite a bit of time donated.

>> Good evening. I think it's pretty good that we're all still awake. I would like to approach the str-2 problem on a different vein besides the personal problems it creates in the destruction of the quality of life of the neighbors, and that's economics. The economics of the neighbors is, it destroys their personal wealth because most of their value, most of their estate is tied up in that house. How many people on the council live next-door to a commercial establishment? Hotel, motel, str-2? Nobody. Would you want to?

[11:29:03 PM]

Ask yourself the question, if somebody bought the house next to you and opened up an str-2, what would your house be worth? Can it be sold, period? Having, in effect, a hotel next-door with hundreds of people every year checking in and out. Would you buy a home next to an active str-2? Would you put your family in that situation? These items are what destroy the finance economics of the neighbors of str-2s. It's a commercial establishment in a single-family neighborhood. Zoning was created to prevent exactly what this is. So to not ban str-2s from single-family areas is to say it's okay to have a barber shop, an all-night market, a diner, a hotel, a motel next to single-family residences.

[Beeping sounds] Thank you.

>> Tovo: Thank you, Mr. Slay. Ms. Ashworth. Stephanie Ashworth, you are next and you have quite a bit of time donated to you. Is Betsy Greenburg here? Is Betsy still here? No. Amanda Neff?

>> I'm donating my time.

>> Tovo: Thank you. Tracy, you were donating your time to Ms. Ashworth, and then there were two

other -- there were three other speakers who donated time to Tracy Smith and I'm not clear on whether you're donating that to Ms. Ashworth. Gwen Obar, to Ms. Ash worth?

[11:31:05 PM]

>> Yes.

>> Sergio -- I apologize I'm doing a terrible job on your name. Are you donating your to Ms. Ashworth? And Susan reed. Okay. That gives you an additional eight minutes, Ms. Ashworth, for a total of ten.

>> Okay. Thank you. Good evening. Good morning. Whatever time it is. My name is Steven Ashworth, and ash stephanieashworth and I'm speaking on half of neighbors for short-term refor them and who's been impacted on what short-term rental has impacted our neighborhoods. As you are aware, the planning commission voted unanimously to recommend that short-term 2s be phased out of residential Zones and we have a video for you to take a look at some of the clips from this meeting since I don't think I didn't have you all were -- since I don't think any of you all were there.

[Video playing.]

[11:34:18 PM]

[Video playing.]

[Video playing.]

[11:39:07 PM]

[Applause]

>> Thank you for watching. I know that wasn't the most exciting movie to watch this late at night, but what we hope is that all of you will seriously consider the recommendation of the group of experts that you yourselves impaneled and please, please vote to phase short-term rental type 2s out of residential neighborhoods. Thank you.

[Applause]

>> Tovo: Thank you, Ms. Ashworth. Cynthia Valadez. I believe she may have left. Next speaker is Mr. King. Is -- I see Mr. King is still here. You have some time donated. Make Collette, rehere use your time donators have left, Mr. King. You have two minutes.

>> Thank you mayor pro tem and the councilmembers that remain on the dais, thank you for hanging in here. Two minutes is all I'll need. You're going to hear a lot of information tonight from other speakers. I just want to just boil it down the some of the comments that were made on the planning commission recording you just saw. It's time to phase type 2's out of our residential neighborhoods. I think if we can enact a permanent moratorium on new type 2's, and enact a natural attrition phaseout of type 2's, so that the current owners that may be depending on income can continue to do so, as long as they follow the rules and are good actors, that may be a good way to go. We'd obviously prefer a firm phase out by 2020 as recommended by the planning commission, but if that's not what you're willing to do, then let them phase out by natural attrition, but let's make sure that if there are bad actors, that their license go away, once they get into that bad actor category, their license goes away.

[11:41:21 PM]

And then the other ones that are good actors, they can continue to operate. If their license expires or lapses, then they lose it. Or if the property essentials as is the case now, they lose their license. That's the ways right now. The way right now. It's time to stop type 2's in our neighborhoods. I've heard

concern that they're just going to go underground. We can't enforce what we have on the books now and more regulations is not going to somehow magically allow us to regulate them better. So the best thing to do is just say that it was a failed experiment and let's get rid of them. But it's much easier to prove that a type 2 str is operating than it is to prove that it's operating legally under the code. It's simpler. Neighbors know if that str-2 is operating. So --

[beeping sounds] If they go underground, they're going to be easy to detect, then they can be shut down because they're operating illegally. I'm not worried about them going underground. You heard recommending that air B and B and home away collect hotel taxes. If we do that, you can use that data to make sure they're complying with the regulations.

>> Tovo: Thank you very much, Mr. King. Our next speaker is susanaa Almanza a Ms. A Almanza a has left, I believe. Mr. Llanes, Daniel Llanes? Jose Carrillo? Pete Gillcrest. And I'm going to -- you'll be next.

>> My name is Jose Carrillo.

[11:43:22 PM]

I'm with the Austin chamber of commerce. We'd like to express our concern of the direction of this conversation relating to short-term rentals. Specifically we feel the conversation may put at risk the continuing local sight of a major and home grown Austin employer of 1500 people, founded in Austin in 2005, now the world's leading online marketplace for zero rental industry, home away operates, spread throughout Austin, ace major source of local pride, good citizen, represents major impact to our region. Works with property owners and managers currently to list under 400 short-term rental properties within the city of Austin or 0.1% of housing stock. Overall short-term rentals in Austin account for \$234 million in economic activity and over 2500 jobs.

[Applause] The chamber agrees -- the chamber agrees with Austin rental that the council should reject any additional amendments in order to avoid the potential removal of the short-term rental option for the Austin market. Such a loss may result in reduction of revenue for the city in form of hotel occupancy taxes, the elimination of transitional rental housing options for citizens and vacation rental options for visitors and reduced economic activity. We feel the council's efforts should focus on staff's improved enforcement of the current ordinances to eliminate the few bad actors within Austin. Thank you.

[Cheers and applause]

>> And I'm donating my time to lily artel. Do you want her to speak now or just whenever her turn is up in.

>> Tovo: Thank you, Mr. Gillcrest. Hi, comes up, then you can donate your time. Next up is Mary Owens.

[11:45:23 PM]

Mary?

[Beeping sounds] You have two minutes. After you will be Mr. Camacho.

>> Thank you all for staying this late. I'm here and very, very angry. I own an str-2 and I'm a good actor. However, I had to take my six day old baby to meet Mr. Smart and Mr. Elliott because my neighbors just don't like me. So they call in ridiculous 311 complaints. I'm not a bad actor but the way these rules are getting written, people like me are going to get forced out of being able to use our home in a way that we want to use it. I would like to host a baby shower at my str-2 and I can't. I had to e-mail my councilwoman to ask how can I do that? Hey, I want to have my friends over to a house that I own, that I pay taxes on and I can't. There's not a legal way I can have 11 friends in my house. What am I supposed to do? Board of adjustment variance? Is that what you want? This is nuts. This is totally nuts. People like me who are good actors are going to back victims of the neighborhood associations. It's the natural attrition is going to be that it is impossible for us to operate legally, so I just ask that y'all make sensible

rules that we can follow and that there's some recourse for us if we're becoming the victims of 311 abuse. Because that's what's going to happen. That's how this is getting set up, so thank you.

[Applause]

>> Tovo: Mayor, we are up to Mateo Camacho.

>> Mayor Adler: Okay.

>> Tovo: And next would be Rachel nation.

>> Mayor Adler: Okay. Mateo Camacho. Here? All right. Rachel nation?

[11:47:25 PM]

Gracie Escareno? Cynthia Reynolds. Thomas McDonald?

>> I'm here.

>> Mayor Adler: I'm sorry. Is Thomas -- is Nancy Renner here? Is B. J. Heinley here? Okay. Ms. Registered, you have four minutes. At the other podium should be Thomas McDonald. Is he here? Thomas McDonald? Is Colette zeigmaht here? Is Cary price here?

>> Yes.

>> Mayor Adler: Okay. You're going to be up next at this dais. Ms. Reynolds?

>> I have a video to show, but I don't know where -- how to do it.

>> Mayor Adler: I have you and with B. J.'s time, you have four minutes.

>> Okay. Thank you for hearing us tonight. I wish we wasting so much time on this issue. This has been touted for public school enrollment, but it's a fallacy to conclude if two things happen at the same time they're related. My husband and I lived and worked any zilker park 30 years and have seen home prices steadily rise over the years. Most young families cannot afford the million dollars homes being built or high taxes in central Austin neighborhoods. Retirees and empty nesters are flocking to the inner city in greater Numbers than ever before as families with young children move out to the suburbs where they can afford bigger homes. The families that do buy these expensive homes often enroll their kids in private schools anyway. These are market forces that are far more powerful than the presence of a small percentage of str.

[11:49:28 PM]

[Applause] Today, according to the mls, there are 196 properties actively for sale in areas 3 and 5 just east of I-35. In 78704, areas 6 and 7, there are 150 homes and condos for sale today. There's no shortage of housing stock in central Austin.

[Cheers and applause] We have housed families moving to Austin that need to enroll their children in local schools while they search for a permanent home. I encourage you to wait till the end of the moratorium to see if the increased enforcement we have now works. There's no need to add more and more regulation on top of things that are potentially working. Don't remove this important housing option from austinites. It's unclear how any of the proposals that are before you tonight are going to actually work, how they're going to be paid for, and how they're going to be enforced, and how it solves the original problem that started this whole process.

[Applause] It seems -- it seems to me that the council should understand this before voting on it. And I don't -- if we don't understand it, I seriously doubt that the whole city staff, council, the whole -- I just don't -- I don't think anybody really understands how it's all going to work, and I think we'd all like to know that. Thank you.

[Applause]

>> Good evening, mayor, mayor pro tem, fellow councilmembers, my name's Cary price. I am not a corporation, and I don't represent anything other than myself. I'm a nearing 30-year resident of Austin. I

raised my family here. I've lived in Barton hills for as long -- I am a short-term type 2 property rental owner, and like myself, the vast majority of short-term type 2 owners are residents that live nearby, within the Austin area.

[11:51:39 PM]

We're just small, independent people. We're not one big organization, we're not a group of corporations. The vast majority of us are just homeowners that happen to have a property. My property used to be long-term rental. I converted it to a short-term rental because I just had many problems. I had destruction, I had problems within the house. When I converted it to a short-term rental, my neighbors have -- and I've had my property running legally, I've been in this process since the very beginning, I have never had a single complaint. I know my neighbors. I'm by my properties all the time. I spend more time at my properties now than I did when they were short-term rentals -- long-term rentals, excuse me. I realize we have issues on both sides. I realize that the people who oppose me have points to be made. I'm cognizant of that, and we don't want to see bad players. We want to be part of the solution.

[Applause] I just -- I just want to say, please, let's find some middle ground. Any extremes here are going to leave one group or the other completely angry, and it won't end here. And after so many years, two city councils, let's bring this to an end by finding some middle ground.

[Beeping sounds] No shutting down completely of short-term type 2 rentals. That's not a solution. We need to work together. And I hope we can find a make-sense solution. Thank you very much.

>> Mayor Adler: Mr. Price?

>> Tovo: Mr. Price?

[Cheers and applause]

>> Mayor Adler: Is CARA whitestein here?

>> I donated my time.

>> Mayor Adler: I know. And I didn't give it to Mr. Price. Mr. Price, do you want to speak any longer?

>> No, thank you.

>> Can we show a video?

[11:53:41 PM]

>> Mayor Adler: You have two minutes. In the meantime, let's have Carol price come up, and Susana pike.

>> I gave my time to [inaudible]

>> Mayor Adler: Okay. Susana pike. Okay? Is Diane Morris here?

>> Here.

>> Mayor Adler: Is Cody Waldrop here? You have four minutes, Ms. Pike. On deck will be Sarah merely. Is Sarah here? Is Greg Cribbs here? You're going to be on deck over here. Please.

>> Thank you, mayor. Council persons. Hello. My name is Suzanne pike and I've been an Austin are not for 15 years. I come before you today as a homeowner who, along with my husband, has shared our home for nearly three years. We're licensed with the city. We've submitted our taxes from the beginning. I'm a neighbor. We are seniors who have been married over 45 years and are stable, quiet, responsible hosts. As a retired couple, we count on the space we share to help us afford to stay in Austin. In fact, we bought our house in part because we were aware of the home sharing ordinance in Austin at the time and we thought it was very reasonable. Sharing our home is also important to us for many other reasons, including letting us meet people from all over the world, helping increase the social interactive levels, interaction levels, and broadening minds to things out of our day-to-day experiences.

We welcomed local families who, due to flooding in one case, and an exceptionally bad mold, black mold problem in another, needed temporary housing. We housed people who were considering a move to Austin, people moving to Austin and looking for a house, and a family that stayed with us while their house was being built. We've welcomed business groups looking to start or expand their business in our city.

[11:55:42 PM]

While some of our stays are longer than what is typically an str, we also rent short-term and would like to continue to do so. If some of the more onerous new amendments pass, we'll probably have to give up our license. If that happens, we will continue to rent our place for 30 days or more per booking. We will not go long-term since we've had prior experience that, as a gentleman mentioned earlier, that can be quite a nightmare. With short-term rentals, even long ones, we have more control over our property, more control over who we accept, and less problem with damage or the guests themselves. I am a homeowner. We are a family. I am a neighbor, we are seniors, and we are elders. I understand being an unhappy neighbor. I have never lived next to a party house that is a short-term rental but I have lived next-door to a house that was being long-term and was definitely a party house, with guys and gals coming and going all hours of the day and night, and gathering at all hours in large Numbers outside. By the way, their yard faced our master bedroom. That being said, what we need now is a clear and Progressive ordinance, not flawed proposals which would add only more bureaucracy. Make no mistake, these proposed rules would hurt me, as a law-abiding home sharer, during a time of life when my husband and I, in many ways are at our most vulnerable. It will definitely affect our income, may force us out of our home and may force us even out of Austin. This will sure greater receipt of taxes, and can drive the industry underground, those evading local regulations and local hotel taxes.

[11:57:42 PM]

As elective -- as elected representatives of your constituents, please don't hurt people like ourselves who do a great job sharing our home while keeping our neighbors and our guests happy. Please vote against these flawed proposals that punish licensed tax-paying good actors like myself. The state of Texas recognized, in six state supreme court rulings, that str's are residential, not commercial, not business properties. The third court of appeals, in a Travis county court -- the third court of appeals was just last year, have ruled that it's residential.

[Beeping sounds] Furthermore, staying a weekend in a short-term rental does not make that home a hotel any more than staying in a hotel makes that a residential home. Thank you.

[Cheers and applause]

>> Mayor Adler: The next witness is -- I know that this is -- is emotional and a lot of people have a lot riding on this. But I would ask that we not -- we have so many speakers to speak I would appreciate the help in being able to move through them. Sir?

>> My name is Greg cribs and I'm an str owner. I'd like for us to think clearly about why we're really here. This all started because of nuance properties. I've spoken with owners near nuance properties and what they want is peace and quiet about they've asked the bad actor owners to be good neighbors but have gotten nowhere. The nuance properties continue to operate and then these poor people come speak at town hall but guess what the bad owners don't show up so there's this pent up anger and frustration and nowhere to direct it except for the good responsible owners. This makes no sense. They're not angry at me for putting forth my rental and offering flexible rental terms.

[11:59:47 PM]

They're not mad at my maybe for renting my str for his family's daughter to stay in when they visit. They're not angry at the visiting doctors and professors that stay in the strs and they're not angry at Austin residents who stay to complete emergency home repairs and surely they're not angry -- they're mad at nuance properties. Somewhere it's gotten lost that we can get rid of the nuance properties so people can have their peace at quiet while at the same time letting the owners to continue to operate without excessive regulation. My 5-year-old asked me where I was going tonight. And I told her that I was coming down to city hall to talk about short-term rentals. They asked why I needed to talk about rentals. Here's what I told her. I said what if all the kids in your class brought teddy bears to school, everyone was being good except for David who was making a lot of noise with his teddy bear and botherrerring people. Instead of the teacher taking away David David's teddy bear, the city wants to take away everybody's teddy bear inspect the words of my five-year-old, please do not take away everybody's teddy bear

>> The next speaker is Amanda cribs and after Amanda cribs is heather Guerrero. Amman Amanda cribs? Heather Guerrero? Jay Reynolds? Ms. Reynolds? Is evenly bell here?

-- Ellen bell, you've donated. Peach Reynolds?

>> I'm donating my time.

>> He's going to show a video, I think,

>> Mayor Adler: I'm trying to figure out who has donateed time to him so I know how to credit the time. Ellen bell, did you give it to him?

>> Yes

>> Mayor Adler: Okay. Peach Reynolds? Okay. David mitchly and Debra rice.

[12:01:49 AM]

So that's five. You have ten minutes.

>> Okay. I won't need that much time. I promise

>> Mayor Adler: Great. Over here we have sue long. Is sue long here? I'm sorry? Sue long is sue long here? Okay. You'll be at the other podium. All right, sir

>> Thank you all for having us tonight. During the bastrop fires, the onion creek floods, hot water heater exploding, a home remodel or perhaps an air conditioning going out in the heat of the summer, austinites have turned to type-2 rentals to help maintain a sense of home, a yard for their kids or their dog, and a place to keep a connection to their own neighborhood. There are numerous situations where type-2 rentals with the only options beyond an extende D stay hotel. A small stock of short-term rentals are good for Austin neighborhoods. In the past few years, you've seen a picture painted of short-term rentals as nothing but magnets for rowdy college kids, dead set on rampageing through the streets and disrupting peace and tranquility of a neighborhood. And that's simply not the case with a vast majority of short-term rentals. Type-1 or 2 or 3 or any number of them. Of course there have been issues and we all agree on that and we all want laws in place to keep these problems from recurring. And that's whether they're a short-term or long-term or owner-occupied property. What we have right now is a couple hundred str type-2s in the city of Austin which, as we know, represents a small sliver of the housing stock. On top of that we have a one year moratorium in place today on any new type-2 licenses. Of that we have 22 new laws also passed along with the moratorium just two months ago.

[12:03:50 AM]

Theoretically, the moratorium was designed to give us all time to develop actual data to see where we're gonna be in a year, to see if these new laws are working. At the last council discussion that I was

at, I believe it was two months ago, there was not a single discussion on the dais about banning anything. However, when I showed up at the planning commission meeting the following week to follow the due process of this issue, we hear from the city attorney that council has directed us to discuss whether we should phase out type-2s in 2020 or 2022 and I was personally shocked to hear that. It's kind of like ordering a steak and getting a slice of pizza. It's not what we talked about, not what we agreed upon. When questioned behind the simply shrugged her shoulders and said something along the lines of well that's just how it goes sometimes and it felt I was all of a sudden watching watching a scene from making a murderer. It just didn't and. You have a chance tonight to vote this new ordinance down that's sitting in front of you tonight. Let's give this one year moratorium a chance to work or not work but we'll Nona year. And that's what we agreed to. Thank you, and with the rest of my time I think I'm going to show a two-minute video and then that will be it. Thank you.

[Applause]

>> [Video playing]

[12:07:14 AM]

[Laughter]

[Applause]

>> Mayor adler:sorry, Steven pearl here? Is Lindsey Redwine here? Okay, you'll be up at this podium, please,. Donateing your time? Okay. What about lily artello. You'll be at this next podium, ma'am.

>> I am also one of the responsible type-2 short-term rental owners. And all of us collect hotel taxes. We're registered as required. We -- we try to keep a close eye on our principals and we're usually over there quite frequently. All of the members here that I'm aware of that also have those types of rentals

>> Mayor Adler: Could you please point the microphone closer

>> Of course, I'm sorry. How that?

>> Mayor Adler: Good, thank you

>> I'll summarize that for you. We're all good short-term rental owners. I tried -- we try to obey the laws and watch over our properties. In light of all of this I was quite perplexed as to why the council had begun to attack us if we're following all the rules, not disturbing anyone and if the use of our houses had in the past been deemed in the Austin city code and many other cities as an acceptable residential use. I hear a lot of people referring to our houses as hotels and commercial instead of residential. And I submit to you that that designation is arguable, particularly since the state of Texas put its definition of an str into that you summer. And I ask you to consider this. I've given you a handout. House bill number 1905 was an act related to certain innovate local taxes, specifically the section I was looking at had to do with hotel taxes, hotel occupancy taxes and the first section, section a, explains that it's going to lane a number of types of establishments as hotels.

[12:09:29 AM]

This is for the purpose of shortening and simplifying the text of the law in that chapter. So they don't have to list all the types of lodgings each time they refer to the entities that have to collect the tax. For instance they say the price of a room in a hotel does not include the cost of food served by the hotel. Instead of saying the price of a room in a hotel -- motel tourist owned house, lodging house and rooming house or bred and breakfast does not include the cost of food served by the motel tourist owned house, lodging house, you see it's much simpleer

[buzzer sounding]

>> Mayor Adler: You can finish your thought

>> The section added the actual definition of short-term rental, calling it a residential property all or part

of a residential property. And I don't need to read it for you because I've given it to you right there

>> Mayor Adler: Thank you very much

>> Mm-hmm

[applause] Fully.

>> I'm Lily Sousa, and I have a video

>> Mayor Adler: Okay. That would be great. And Jetty Juan. Bob Easter. Lee Downing? Laurie Reason. Joanne Flynn. Star Long. Dennis Walsh all right. You can go ahead.

>> Me? Okay. Video one and three.

[Video playing]

[12:11:51 AM]

[Video playing]

[Video playing]

[12:14:02 AM]

[Buzzer sounding]

>> Mayor Adler: Thank you.

>> Thank you

[applause]

>> So thank you, council, for staying so late. Star Long. I've lived in Austin since 1992. Made a short mistake and moved to California. And then decided to come back and when we came back with my family, my wife and children, we are -- our house wasn't ready. We were waiting for our furniture and in full disclosure I'm not an STR owner, just representing people who use STRs and our home was not ready, still being worked on but we wanted to be in our neighborhood that we wanted to live in. We wanted our daughter, especially, to be in the neighborhood as soon as possible. Integrating and getting in school, socializing and the only way we could do that was through an STR type-2 if it was in Hyde Park, and a lovely family who lived two blocks away who met us there with a home-cooked meal. We immediately felt like we were back home instead of living out of a hotel and by the way we use STRs whenever we have to travel. I travel for business a lot and I try -- because of that I try to bring my family and having access to something we can cook, when they she was an infant and we needed a fridge to put formula and milk on, that was the only affordable opportunity for us. Getting rid of these will deprive of that opportunity. Fast forward to now my in-laws are getting older. We wanted to buy a house for them in our neighborhood that they could live nearby and the only way we could afford it was to do short-term rentals until they were able to move in. We've now abandoned that plan because of these ordinances. And it's a shame that we're going to deprive people of the experience I had coming back to Austin, the city I love, and we're going to deprive my in-laws of living next to us.

[12:16:07 AM]

Thank you.

>> Mayor Adler: Thank you

[applause] Dennis Walsh, Judy Walsh. Okay. Shareen Fisher. Suzanne Soars. You can go ahead and move up to the podium nap would be great. You have two minutes

>> Thank you. So first I do want to thank everybody that has considered possibly getting these meetings in a more timely manner so thank you, councilmember Kitchen. I do have to wake up at 5:00 A.M. To take care of my children so this is a very late evening. So I do want to say that I do support your efforts

to control the party houses. I did have an owner occupant that lived next to me two and a half years where we called 911 anywhere one to three times a week for parties, garage band practices at 3:00 A.M., to my children coming into my home saying mom Y there's a dead person on Jason's lawn. I said no he passed out before he could make it to his car. I feel for the people of that to put up with that regularly but I know there are many, many really good short-term rentals that blend completely within the neighborhoods, which is why it's hard for code enforcement to find these homes at times. I have been on our neighborhood board for over eight years now, and I had a fellow board member very connected to the community who said I will move out immediately if there is a short-term rental in our neighborhood. I said time to check your bags because you've lived three doors away from 14 years now. I also had a short-term rental in a small apartment community of 19 homes nine years, never had anybody say anything, any complaints that I managed. I've had a long-term tenant and somebody called and said I think you have a tenant in your home. We need a copy of your lease agreement. Nine years of short-term, no issue. Two years of a long-term tenant, immediately getting phone calls.

[12:18:11 AM]

No problems, just wanted the lease. I also wanted to encourage you -- you initiated the moratorium. You've removed testing the waters, given code enforcement more tools on nights and weekend to give those the opportunity to work. My dad was a physician. When you have smartphone who is ill you work carefully and calculated towards a cure. You don't dump 22 treatments on them all at the same time, drugs and all, hoping you kill it all at the same time. That is actually detrimental so I believe there will be numerous unintended consequences --

[buzzer sounding]

-- With the 22 things in front of you now. Please give time to the moratorium, the testing waters being removed and the afterhours code enforcement. Thank you very much

[applause]

>> Mayor Adler: Your name is

>> Susan sores

>> Mayor Adler: Thank you. Is Sharon walker here?

>> She is

>> Mayor Adler: You can move up to the next podium. Please go ahead and start

>> Hi, everyone, Susan sores, type-1 str located in Barton hills. 12 years ago when I was lucky enough to purchase in Barton hills it was affordable, taxes was affordable, today let's say it's almost impossible to make it working. I'm also the mother of a young child diagnosed with a disease at the age of five. We were at the the leadership breakfast where we heard story after story of the absolute financial devastation to families. I'm one of those families face Ng that. I choose to use my asset to help me make ends meet. To pay the ludicrous property taxes that have become my reality, to pay for the residuals amounts of -- ridiculous amounts of money my child requires to live pain free. Those phantom family renters you're talking about I had some in my house for a funeral. There were eight because my home could comfortably fit all of them during their time of grieving.

[12:20:13 AM]

They didn't throw a party, they weren't allotting at 10:00 P.M. Instead they were able to comfortably be together in a home environment other than in a personal hotel. Yes, those families exist. They don't often come in a nice package of six. I encourage you to recognize those of us who continue to be good actors, to allow us to continue to be a choice for Austin visitors without any additional unnecessary regulations on us. Thank you.

[Applause]

>> Mayor Adler: Thank you Ms. Walker. Is Michael walker here? Is --

>> Not anymore

>> Mayor Adler: Is Linda nap here

>> No, they both left. I do have somebody else donate their time

>> Mayor Adler: Who is that? Judy Walsh

>> Hi again. Thank you for being here

>> Mayor Adler: You have four minutes. Hang on one second. Let me get the next speaker up. Jont, Hilda, max

--

>> Mayor Adler: I'm sorry. Your name is? Joel granoff. I'm sorry. You can begin glory we all started at one place and we've quickly moved to another place that most of us consider to be extreme. And staff meeting, additional regulations have been introduced, which is the goal of the antistr groups. They want to bottom Bart you with restrictions in an attempt to make you feel as if you need to make compromises on at least some of their many, many proposals.

[12:22:18 AM]

The problem is the line of acceptable and Normal keeps getting moved to the anti-str side and it's making things that two years ago none of you would have ever considered as Austin residents, councilmembers, or any part of this process, it's making them seem acceptable because we've been through so much. We go from someone saying I recommend this, which everyone says that's too strong of an action to, okay, well at least let's have a committee discuss it. This is a very good method on council because what then like it's at least a compromise so let's have a committee or staff discuss it and then it comes back, this is staff's recommendation. Which is a very powerful statement in this room apparently. Is that -- the problem is in that the question was changed from is this reasonable to what version of this are we going to choose? I would like to point out the two main questions that have changed in their line from council to committee to staff back to council, from is this certificate of occupancy that the city issued legit or good enough to let's require forced inspections every year years from how do we enforce the current rules to let's limit the number of guests with a blanket number not considering the effectiveness, enforceability or many, many factors that could go into the number of people that would be reasonable in a given situation.

[Applause] I want to speak personally for a minute. I came here first many years ago what we were first all getting registered and all getting behind having enforceable rules and getting rid of these party houses. I have a six bedroom home that I only allow families to utilize. I've never had a complaint. My neighbors love me. They're able to utilize their home when they have family Riles. I play by the rules since day one. I first spoke to council years ago this house and how I was attempting to keep my home. This is my dream home. If you put a blanket six on my home it is going to affect my use personally and I'm not a minority. There are a lot of large homes that can accommodate more people.

[12:24:18 AM]

You would never put these restrictions on a hotel. Yet you want to treat us like a hotel. You would never put these restrictions on a house. Yet you want to treat us like a house. We have to make some decision that's actually make sense here. If you do that to me, you are literally forcing me out of a home that I have been fighting to keep for years. I will never have the opportunity to move back into my dream home if you put that big number 6 or even number 8 on my house that technically sleeps 12 although we only allow ten. I want to take you back to those questions for a second. How do we deal with

problem homes, the majority of which were type-1 has switched to how do we deal with type-2 str's rather than can we do something to deal with the problem type-2s we've switched to should we phase out type-2s and now it's coming back should we phase out type-2s has turned to when are we going to phase out type-2s. This means we went from how to deal with the problem homes to when are we phasing out type-2s. I know the intention not to punish the majority of short-term rentals, I know that's not your intention. Do I believe when we get to late nights like this what happens on the dais is people bring a ton of different rules and a ton of different options to your plate and you feel like you have to compromise. I'm here to say do you not have to compromise. Let's enforce the rules in place. The city council was not wrong in coming up with those rules. I don't feel like the in fact it's late and they're putting 50 things in front of you means you need to change your goal. This was and is still a simple issue

--

[buzzer sounding]

-- Which has a simple solution. Enforce the ordinance, don't compromise your goals simply because there's so much changes being put in front of you. None of them are right or meet your ideal goals. Let's stick with what you originally set out to do and enforce the current rules

>> Mayor Adler: Thank you

>> Thank you so much for your time and really thank you all for being here and hearing us this late at night.

[12:26:23 AM]

It's hard to time. I'm sure it's hard to listen

>> Mayor Adler: Is dealer Schwartz here? Max granoff. Alejandro? Robin James, ken Manso, general K. Gadori -- patty? No? Ashley gadori? Email Sherman?

-- Amy Sherman? You're donate your time? Alex popavaloso. Erica Cano? Jasmine sasameda? K.c. Haley? Janet bircham? Jana Sturdevant? Kerry hindly. Lewis grainger? Jim Gardner? Anna Theresa macharo? Ryan Fenton? Jonathan Rosenberg? Kevin vermalejo, vermelhao? Page Ann knewton -- newton?

[12:28:25 AM]

Jennifer airs? Is laura deola here? I'm sorry? So Jennifer airs you'll have four minutes.

>> Troxclair: Sorry, I was going to ask of all the names that you just read that are they mostly for or against the

--

>> Mayor Adler: Against

>> Troxclair: Okay.

>> Mayor Adler: Everyone I just raised was labeled as against. Mr. Granoff you have two minutes. I'm sorry? I'm sorry, I can't hear you. Donate your time to? This gentleman? You have four minutes

>> Thank you

>> Mayor Adler: What's your name, ma'am? Mary Margaret? Thank you.

>> Thank you.

>> Mayor Adler: Sir

>> Mayor, mayor pro tem, council, this is my second time past midnight here. Thank you for hearing us, and I'm a short-term rental 1 and 2 owner. I have properties in three different districts. My short-term 1 rental got us kind of into this business, so to speak, and have taken great pride in the neighborhoods before we host all kinds of wonderful people and, you know, lots of stories and you've heard many and all the short-term two and 1 colleagues and counterparts of mine that have spoken have shared heart-touching stories that I can relate to. We're good actors. We pay our taxes. We're licensed. We're cheer

leaders for Austin. We really think of ourselves as ambassadors and love directing people to -- where we host as a guest. We serve as a concierge.

[12:30:29 AM]

We tell our guests what's going on in the city and to be mindful of the 18 Modesto baby 18 -- 18 month old baby next door, watch their noise and after 10:00 we don't want to hear any complaints. We've instructed our neighbors until now to call 311 if there are noise violations. We don't put up with it. Again, I think that your task is quite daunting to try to regulate, you know, something -- or not regulate but to try to legislate around a topic that we really don't know where this whole new sharing economy is going, you know,? And so we've heard tonight about the moratorium and compliance and let's see where this takes us with real data, with data that we can look at together and, as one of the speakers said earlier, this is something that, you know, it's so divisive and if we don't look at this in terms of those for, those against and what you have to do with your constituents, then I think that we're only going to find ourselves with some very disappointed parties. And so what I wanted to share is an example of that, and my frustration as a, quote, good actor. We received a renewal statement for our short-term 1 and we paid it. That was it. Then started thinking, what happened to those short-term 2 renewals? Looked into it, and, sure enough, they were expired. So I proactively actually didn't send something in. I went over to the office and waited and waited and waited and finally viola came out and we met and I tried to -- I paid for my short-term rental renewals and was told that the renewal notices just didn't go out, you know, and just -- en, you know, some confusion as to whether they were supposed to or just not enough staff.

[12:32:39 AM]

And paid those. And two days later, noted two days later, the compliance officer reviewed home away or something and sent violation letters on my two short-term 2 rentals that we were non-compliant. And when I followed that up, I was told that they didn't have the database, that there wasn't a way to look into the fact that the -- though I was staring at my receipt for those properties by that address, that --

[buzzer sounding]

-- They had no way of double-checking. And so, you know, again, the data that would have come to this council shows that, you know, we have two non-compliant short-term rentals. And so, again, I just wanted to share my frustration with the fact that we're not dealing with data.

>> Mayor Adler: Thank you

>> Thank you

>> Mayor Adler: Hold on, sir. Sir? Sir? Sorry.

>> Tovo: Quick question for you. I apologize -- I'm sorry to hear about that experience that you had. That must have been very frustrating. How many short-term rentals do you own?

>> Two.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Okay. Your name, please,?

>> Jennifer airs. I'm -- I have issues with public speaking so I'm just going to read. Good evening, councilmembers, mayor pro tem, mayor Adler, I appreciate you staying up late to listen to this. Any name is Jennifer airs, Laura has donated her time to me. I've lived here since 1987. I absolutely depend on Airbnb to continue to be an artist. I have about 2,000 friends and acquaintances here that are artists, performers and musicians and almost all the ones I know lucky enough to own a home here depend on Airbnb income of both types to be able to continue their craft. The rest use Airbnb to travel and tour

affordably.

[12:34:42 AM]

I host UT parents a loss. My friends host families that tour UT and visit their friends. Families use both while figure out what neighborhoods to live in. They're a -- type-2s are not always about experts there's only a dozen or so bad actors. Air b&b will allow know care tore my aging father. I'm slowly building out my garage into another bedroom specifically to be able to care for him but would like to rent it in the meantime to save up to care for him. I don't want him to go to a home. I've been hosting two and a half years and I'm ready to super host with 247 reviews averageing 5-star rating. I've never had any issues with the neighbors complaining or guests misbehaving. I've rented since I was 22, mostly long-term and I've had long-term renters way worse than any guest I've had 37 as have the homeowners around me that rent long-term. I'm more comfortable with my guests than I ever was with the roommates because of the self-policing with the review system. I lived next door to two long-term rentals. One is a crack house and the other is a neighbor that goes off his meds and the cops now him on a first name embassy get their shot guts before dealing with him. As an air b&b host I never had the cops at my house. If you get rid of str, one or two, and make it more difficult, we will not be able to afford to live here. I own two homes near city center. I did my time in tech. I used to work with [indiscernible] And I bought cheap and young so I could be an artist now. One is an str-1, the other I rent long-term. \$300 below market rental value in that area. My str is -- allows me who rent my other house long-term at an affordable rate. When I lost my tech job and was unable to find another one, being able to do an str allowed me to keep my home, head above water and not go bankrupt while I for instanceed into a full-time artist.

[12:36:52 AM]

I respectfully ask that the council ask to the two per bedroom that the mayor proposed. Please vote down these restrictions so I can afford adopt a child and afford to take care of my father. Miss Houston, anytime your district, as are several of my artist friends. You are deciding the fate of my career. And our careers and whether or not we get to stay in Austin. Can you explain how this is going to work? Can you find a way to deal with the bad actors without affecting the rest of us following the rules, including the vulnerable arts community part of the city's culture. Thank you for listening.

[Applause]

>> Mayor Adler: Ms. Airs, thank you. That gets us to line 89, the others had said no. Trent Ingram. Valerie Percy. Jamie Tito. Lynn Atchinson. Ak -- Mikaela slimmer. Michael McCain. Tom hale. Mr. Hail. Come on down, Michael. Is Tom hale here? You'll be next. Speakers 94, 95.

>> Well, I'm going to cut straight to the core of what I believe the air b&b problem is. Council, and corruption. We now live in a city where lawyers and judges destroy justice. The fact this council is contemplating these restrictions under the guise of caring for the -- guise of caring for the community is a perfect example. Your game is predictable, create fear out of something very small like one wild party on one street during one year or the decrease in students is laughable, directly related to air b&b.

[12:39:11 AM]

Two plus two does equal four still. It does not equal five. The only thing -- well, to create a new law relation under the guise of protecting us is simply wrong. I believe the only thing this contra Costa is really trying to protect is the hotel industry profits -- the city council is trying to protect is the hotel city profits. Any court that ignores its constituents and rubber stamps demands is a kangaroo court. Thank

you

[applause]

>> Mayor Adler: Thank you. Is David rice here, Reese? What about Bart gavi? What? Okay. You can come on down to the podium here. Sir

>> Thank you, mayor, councilmembers, Tom hale. I'm an employee of home away and the chief operating officer. Home away is a proud, local employer, donor, and force for good in our community and our city. When the cameer and the city called on companies to move downtown, we did. When the city called on employers to invest in mixed-u Se development, in transit, lead construction, we did. When the city called on employers to give back and to donate and to sponsor sponsor, we did. Each year our employees construct affordable housing in partnership with habitat for humanity. We contribute to homeless housing projects first and we do this because we care. Now, home away is in its 13th year, our oldest U.S. Site is 25 years old and our oldest brand in the world is 40 years old. This is not a new business.

[12:41:13 AM]

Millions upon millions of guests stay in homes around the world, enjoying a family experience. In Austin, we have 1500 employees and nearly another thousand around the world. But Austin is our home. Our employees love Austin so much they stay after they leave our company to start a new company. We have been the engine of innovation and job creating, bringing talents and new windows a vibrate city. For more than six months now the mood at home squaw morale among our employees has been low. The lack of understanding, the lack of transparency we've experienced in our hometown has been demoralizing. Today in our offices in district 7 and district 3 and district 9, I sense a feeling of ineidentble and despair. The city we love, the city we are from, has seemingly turned a cold soldier to us. The policies you are discuss Ng here --

[buzzer sounding]

-- Impact us. The conference of mayors has stated that onerous regulations of short-term rentals will only serve to drive it underground. These regulations will certainly do that. I'm sympathetic to the neighbors of bad actors. Let's focus on enforcement. We are in favor of enforcement of the current regulations and for fair and reasonable rules. And the policies you've been discussing only hurt good actors, good employees, and good citizens. Please consider their voices today. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: What's your name, sir? Sir? Sir? What's your name?

>> David Reese.

>> Mayor Adler: David Reese, okay

>> Four minutes, I think

>> Mayor Adler: I'm sorry?

>> I have four minutes, I think,. I have four minutes?

>> Mayor Adler: Bart gave here? Robert issacson?

[12:43:13 AM]

>> I'm donating my time

>> Mayor Adler: You have six minutes

>> Thanks

>> Mayor Adler: That would make -- is Mary sled here? Indicate walker?

-- Kate walker? Kerri league? Greg castlanic. You're going to be up. That's number -- you'll be at the next

podium. Sir, you have six minutes

>> All right. Thank you so much, everybody. I'm really glad to be here. It is really late. I'm looking forward to going home and sleeping after I'm done speaking so I wanted to kind of summarize the debate we've heard thus far into a very simple question, which is what you're debating worth it? Broadly speaking, is this the correct way to deal with the problem as we've heard it? And I don't think we've heard a very convincing case for that. So I want to sum this up pretty simply. Ultimately, what are the problems that we've heard with short-term rentals? Or at least the alleged problems? First, we've heard that they're raising -- you know, going to drive up the cost of living in Austin. I think this is pretty silly on its face but I'll talk about this. It seems obvious that there are any number of issues that are causing housing rates to go up in Austin, and short-term rentals are such an infinitesimally small part of that picture as to be almost inconsequential. I think it's also pretty obvious, we heard data earlier that housing prices go up in areas where there are short-term rentals and drive people out. Frankly, this just defies the very first rule of anyone who works with data, that is, that is not proving causation. That is correlation. It is the simple fact that Austin is a popular city. The fact that people want to have short-term rentals here is not a bad thing. It is evidence of how popular Austin is, and I think that's an excellent thing. But the fact is there are any number of better ways to help solve affordability.

[12:45:15 AM]

And I'll talk about that a little more. But the truth is, this is clearly going to make at best such a tiny dent as to be barely visible with a microscope and any kind of affordability issues in Austin. The second issue we've heard with STRs and this seems to be the major issue of debate is there are certain houses that are continual violators and that are having loud, noisy parties that are disrupting neighborhood family neighborhoods. I think for one thing we should all be a little suspicious of the argument that we should think of the children because it usually gets brought out to defend poor logic, but I do think it seems obvious that this is an overly broad way to deal with it, right? We are perfectly happy to say we force existing regulations but the simple fact is phasing out STRs entirely or type-2s as a way to solve that problem is so incredibly overbroad, if the problem that we're dealing with is noisy houses, again, there are smarter ways to deal with it. Meanwhile, compare this to the benefits that STRs, legal STRs, bring to the city. They bring, first of all, lots of tourism, lots of people pumping money into local businesses. They bring -- and this stat I have, \$8.7 million in tax revenue. I think frankly it would be irresponsible to get rid of a growing source of revenue like that and simply ban it entirely. They bring in income for many people who rent out their homes. We've heard some frankly very moving testimony tonight from people who rent out their homes and I think that you're depriving them of a key source of income. My father retired, he doesn't live in Austin but he retired he was no longer able to afford to live in the house he bought. So he was able to rent it out to people on a short-term basis live there part of the year. As a result he was able to keep his house and not end up bankrupt.

[12:47:17 AM]

The kind of ordinance you're proposing is going to put people like that in a situation where they simply do not have other options. The fact is this is not going to solve an affordability crisis but make Austin even less affordable for people who depend on their existing assets to stay here. I think that's absolutely terrible. So the ultimate question you have to ask is are STRs a, quote-unquote, failed experiment? I think it's obvious that they bring huge benefits in terms of tax revenue, in terms of bringing in tourists, in terms of bringing in lots of things Austin needs. The simple fact is at the end of the debate, I think the question is what you're proposing actually the way people are living? I think we have to ask whether this can take into account the complexity of real life. It is very simple to say just get rid of this problem

and I was alarmed by what we heard earlier in some testimony on the other side of this issue from the planning commission saying, well, it's just too complicated so just get rid of it. What a bizarre solution. The fact is that, yes, it is complicated. Real life is complicated. There are undoubtedly some bad actors, and I do feel, I genuinely do, for people who have to deal with noise complaints at all hours. But there are many better ways to deal with this than to get rid of short-term rentals in total, right? I think, obviously, there are better ways to deal with that than depriving people of essential income they may need to keep their home than putting people in a situation where they cannot find anyplace to rent within residential areas if, say, their home is destroyed. It's putting people in a situation where they do not have access to something that may be an essential resource for them. So I ask every member of the council to ask yourselves in good conscience, is this the correct way to deal with the problem as we've heard it from the other side? I think the only substantial problem we've heard, frankly, is that there are noise complaints from this. Again, I'm sympathetic, but that is not the way to deal with this, and you cannot vote for anything that would result in these kinds of outcomes, ultimately short-term rentals are very, very good for Austin and they're going to continue growing and continue being a positive thing for the city.

[12:49:35 AM]

[Applause]

>> Mayor Adler: Greg, before you begin, is Lynn roter here? Denise Hodge? Allison bureaus. Amy pots? Sarah gamble? Jamie young? Connie young? Christine oliver? Bradley oliver inspect Steven Ganaway, Steven Clark, Julie Killingsworth. Amanda stone. Helen rocken ball, Mike pullsto N, Erin mcgan. You'll be up, 133 at that podium. I'm sorry? What is your name?

>> Mike paulstockton

>> My name is Greg I operate a short-term rental near Austin and I have for three years. It's been a very positive experience for me. I've been coming a lot of these council meetings and some of the planning commission meetings, and been kind of shocked by the things I hear. Since then I've spoken to both my neighbors twice. Neither one of my neighbors have ever had a complaint, never complained to me directly. When I've polled them recently they have no complaint. One of them actually says that he looks for an opportunity to go over and meet. He's always curious who is over there and what brought him to Austin. He actually appreciates my short-term rental. So I've had zero calls to 911, zero calls to 311, zero complaints from my neighbor, and I do pay somewhere in the neighborhood of \$4,000 a year another benefit I haven't heard much here today.

[12:51:42 AM]

I just want to real quickly talk about three of my guests that have stayed recently. There was a group of students that were chaperoned by three some kind of tie Quan do playoff or something like that, about 12 years old, I think my house was a more suitable arrangement for them with chaperones, children that are not their own. The children would be noisy in a downtown hotel with business people doing their -- the karate in the hallways. They really appreciated the house and my backyard -- these are just examples where a short-term rental can -- is a bit more suitable to particular groups. For their third year in a row now I've had a race team stay at my house, they race at circa the Americas track, both the driver and the crew, the pit crew, day at my house. It's a very rigorous physical job and they really appreciate my hot tub to relax at night. And look back on the day.

[Buzzer sounding]

>> And then the last one I want to highlight is a group of three sisters from Houston just stayed during the holidays. They brought their husbands, their children, the husbands grilled on my back deck and

watched the kids during the day and planned out their fantasy football picks for the playoffs. The women did their Christmas shopping. They came back at night and went to trail of lights. When they hugged me when they left, they said they want to come back next year and I said that may not be possible. Council is trying to phase out short-term rentals. She was shocked and said why? Why would they do that? I said I don't know. They're telling you get a room. Get a room, get lots of rooms. And I just don't think that's the message you want to send to tourists and fellow texans. I don't think it's the message we want in our city.

[12:53:48 AM]

Thank you

[applause]

>> Sorry.

>> Mayor Adler: I'm sorry. What was your name, sir?

>> Sorry?

>> Mayor Adler: You're Mike paulston? Got it

>> I've got two items quickly. The first one are some charts. Couple powerpoint charts. I wanted to share some data. Just to kind of recall, if you may recall my first time here several months arbitration I made a statement that -- ago, I made a statement this is all a complex problem. It's apparently to me every time I come down here, this continues to grow in complexity, just an observation. This is the Austin 311 database. I discovered this about seven weeks ago right before the holidays. Started capturing the raw data just to see what the complaint footprint looks like. And as you can see here, I was very surprised the other day when I got the January data to see how much it jumped up. So I think this is a very good tool. I would recommend that the city -- I don't know which department, which organization is trying to manage this fleet of properties, perhaps it's in the code department. I don't know. But I think this is good data that, you know, needs to be tracked. In addition to this, I'm trying to get the 911 data but I know there were a lot of adjacent neighbors across town that were adviseed last year to use the 911 data as another channel to get some data in. Next chart, please,? So far in this data, you know, if you drill down into this, there's a couple interesting things that come up that -- there were in this one data set I just showed you for the last six months, across town, 832 complaints, there were total of 380 properties and -- 480 and two or -- I found two or more complaints in the str database.

[12:55:51 AM]

I don't know why a neighbor would call 311 or not. I've got to assume the vast majority are concerned or they're seeing something that they think is illegal. Especially with all the press that we have on str's now [buzzer sounding]

>> The last thing I ask -- I've asked this three times. This will be the fourth. I really think the city council, city government could benefit by doing an adjacent neighbor survey. You have their addresses, you have the information. There's about four to 5,000 of these adjacent neighbors. I think you need to collect the response and the experience from those neighbors and just let it -- let that data drive your decisions.

Thanks.

[Applause]

>> Mayor Adler: Thank you.

>> Mayor, mayor pro tem, councilmembers, mark Hastings. My brother -- my sister and I own a home on lake Austin. It's been in our family over 50 years. We inherited that house from our parents, and I've lived there a little while and so has my brother and my sister at different times. A little background, my mother start aid business here in Austin in 1948 and my brother and I run that business here, Austin

Hastings communications. We've had many memories at that house. I learned how to ski there. My -- I asked my wife to get married there. My sister got married there, my cousins have all had parties there for graduation. We pay our hotel taxes. We manage the house ourselves. In fact I -- yes, I do clean the toilets because that's my job for cleaning that house. We have many rent tears have come through that house and they've all been very lovely people and none of them have caused any problems, have left the house in practice continue condition. There -- pristine condition. There have been people that had skiing vacations, we've had a writer who has come for two months for seclusion because it's so quiet there.

[12:57:57 AM]

We've had wedding parties that have stayed there while their families are getting married. We pay our property taxes. And that's why we have -- we are renting it out as a short-term rental because we need the income to offset the property taxes out there so we can retain that house, keep that house in our family, pass that house on to my daughter and cousins when we're gone so that house can stay in our family because we love it so much, and we want to hang on to it. I'd be happy to work with the council and any staff, if you have any questions. I'd be happy to help you there. Thank you.

>> Mayor Adler: Thank you, sir. Is Mike bronze here? Christopher Ladesma? Diana zukmy? Christopher, why don't you come down. Is Diana zucknick here

>> Someone is donating time to me.

>> I only need four minutes.

>> Mayor Adler: What was your name? I'm sorry? All right, sir. And the next speaker -- let me just find who the next speaker would be. Sylvia Casper. Craig Casper.

>> I'm donating my time to someone.

>> Mayor Adler: Okay. You'll be the next speaker, sir.

>> Good evening, y'all. San Francisco. New York. Barcelona. These are all global centers of finance, technology, and notoriously full of people. They rightfully do not allow their housing supply to be used as non-owner occupied full-time short-term rentals, str-2s. They're rapidly gentrifying cities failing in their tasks of urban areas as communities for all their residents, especially working class families, systematic disadvantaged people of color and anyone without a lucrative income or tech job.

[12:59:58 AM]

All of this describes Austin as well. Austin is one of the fastest gentrifying cities in the country, and one of the heavy weapons in that arsenal of gentrification in the new wave of colonization or str-2s. They recognize the absurdity of str-2s. They take homes out of the housing supply to cater to tourists, not long-term residents. They're undergoing development of -- sorry -- geared towards high income demographics. They incentivize the displacement of long-term residents or in some cases the outright destruction of homes conversion into str-2. As with everything in this city regarding economic patterns, str-2s disproportionately impact east Austin and east Cesar Chavez who many of the people who are not here anymore, had to go home, obviously, working class Mexican American community. We have to mention F and F real estate genders, run by Jordan French and daruis fisher. They're responsible for the demolition of the piñata store. Not coincidentally, they operate three stores on east Cesar Chavez, one with a denied license, they're not bad apples, they're exemplary for str-2. Air B and B has no cracking down even if there's proven violation of policy. These companies reign in the worst practices. They're built disrupt in their own words and disrupt they do. The sharing economy in its current state, especially str-2s is not about sharing, it's about building the wealth of those who already have it. If you're in a position the rent a second home, you're not the average person or family. Working families and low

income individuals of Austin are being pushed further and further out, primarily people of color, not operating str. Str-2s are not for them. They're thinking short-term to benefit themselves as other austinites are displaced.

[1:02:00 AM]

We're witnessing heinous acts of displacement to our community who lack the access to capital to play the monopoly game. They vacant entire complexes for software companies, put a new paint job on an apartment and raise the rent or decide a neglected neighborhood is now the hip spot for tourists. I urge city council to do the right thing and hear the call of austinites who can't afford a second home to rent out, first home, I urge you the support the phasing out of str-2s. Let's eliminate one more tool for the communities that are already under economic assault. Thank you.

>> Mayor Adler: Sylvia Casper? Sylvia Casper?

>> Sylvia Casper, yes.

>> Mayor Adler: Then you have Craig's time donated.

>> I was hoping my councilmember Gallo would be here to listen to me, but hopefully she can wherever she is.

>> Mayor Adler: She probably is. Is Shaun here? You'll be up next. Okay.

>> And before I begin --

>> Mayor Adler: You have four minutes.

>> Before I begin also, I just wanted to clarify something. By the way the Texas supreme court did not rule that strs are residential just yet. They are considering to hear the zagaby case which was repealed in appeals court. If the Texas supreme court decides to hear it, then we'll know. So by the way, thank you, mayor Adler, mayor pro tem, and council. I'm here to tell you of the horrible ordeal placed upon my home, my family and my neighborhood with the monster str-2 next-door. Advertised and allowed to sleep 27. The strain and duress played upon us in having to solve this problematic situation on our own is unimaginable. I am now able to share my experience and attest that resorting to a lawsuit and changing our deed in order to deal with this mess is not as easy as some of you have suggested. I very much resent the irresponsible assumption that existing deeds or an hoa will simply make the problem str go away.

[1:04:09 AM]

This thinking is ignorant at best and irresponsible to expect another entity to take care of a problem that you need to solve. Although our case was never tried, the total combined cost to us, including settlement and lawyer fees, totaled to \$158,000. Yes, \$158,000. We took a hit. This has placed a horrible financial burden on my family and some of the other homeowners who briefly stood up to this goliath of an str-2. In addition to the suit we were successful in obtaining 80% approval in amending our deed restrictions. Months ago councilmember Gallo stood in my home and ensured neighbors the city would resolve the problem before we would need to proceed with a lawsuit. I'm glad we proceeded and are now on this side of things. There are many homeowners who are stuck with these and cannot possibly go through the hoops that we did. This city tends to kick the can down the road, and now it's time to act responsibly. Mayor Adler, and council, there is no more room to compromise. This city has already compromised our set residential zoning laws, has already compromised our neighborhood deed restrictions and hoas, has already compromised the rights of innocent homeowners and neighborhoods and placed the burden on us to face these vacation hotels by any other name, every single week. Mayor and council, I ask that you please listen to the unanimous recommendation by your own appointed planning commission to phase out type 2 vacation rentals. I ask you to act on the realities that we, who

live next-door to these things, and a similar problem cities nationwide are dealing with, it's time for you to represent the innocent homeowner.

[1:06:14 AM]

Thank you.

[Cheers and applause]

>> Gallo: Mayor, I have a question.

>> Mayor Adler: Ms. Gallo.

>> Gallo: Could I just ask you a question? So the house next to you started this process nine months ago, and I remember that meeting very well. Could you share with me what the resolution of the house next to you and the other one that -- and that owner was probably the worst violator of the ordinance and all the codes, but could you update me? Because I know the houses were put on the market for sale.

>> The house, due to the one, two, three punch that we were able to do, starting with our legal action against this, in addition to the neighborhood coming together and almost unanimously standing against this goliath, we got to know all of our neighbors and we've worked together to let them know that we did not want this in our neighborhood. It also -- the city work that we did has also been a big factor, and I expect all of you to do something about this because, if not, it's just another empty -- empty can and you're kicking it down the road. Anyway, the house -- one of his mega homes was sold, and he's placed the other one next-door to us, is still up there.

>> Gallo: But it's on the market for rent?

>> Both.

>> Gallo: For rent, okay, and also for sale.

>> Yes.

>> Gallo: But the one on Mesa did sell?

>> Yes.

>> Gallo: Okay. All right. I guess the good news in that, and it's been after a long, hard battle, is that I think at least that owner got the message. It took way too long, as far as all of us are concerned, is that that you just can't operate the properties not in compliance with the code, so --

>> It's not just a matter of that, it's a matter that this is a hotel. It was operating as a hotel, an str-2, having a changing, transient people coming in every week is a hotel, whether if it's six, whether if it's ten, whether if it's 14 or 27, as there are many loopholes that are still not fixed and addressed.

[1:08:27 AM]

>> Gallo: So is he still operating the one next to you as a short-term rental?

>> Right now, due to our settlement, no.

>> Gallo: He is not? Okay. Good. Thank you.

>> Mayor?

>> Mayor Adler: Yes.

>> Tovo: I have a question for this speaker. Thanks for sharing your experience. I appreciate that. You know, there's been a discussion about whether phasing short-term rental. Str-2s out of neighborhoods, the property owners who purchased the properties, whether they'll be able to recoup their investment if they're no longer able to operate those as short-term rentals. And I think what you've just offered, when those go on the market, that structure still has value.

>> The instruct still has value and a family has moved in, as far as I understand, in the other one. We just hope that we're as lucky.

>> Tovo: Next-door?

>> Yes.

>> Tovo: Okay. Thanks.

>> Mayor Adler: Sir.

>> Thank you. I'm going to try to get through this the best I can. If I shake, my apologies. My name is Shaun Cortis. Thank you very much. Doctors save lives and what I do for a living actually enables people to live. I want to share with you the human side. You've actually heard a lot of good examples, but here's why I actually do what I do every day. A great friend of mine, her name's Barb Meyer, we met four years ago, and she had a pulmonary issue in which it was treatment to survive, and so four years ago I helped her with revenues, teaching her how to rent her place. And so those monies --

>> Will you move closer to the mic?

>> I'm sorry. So I had taught her how to actually rent her place out, and so the revenue that she made actually enabled her to live for those next four years.

[1:10:32 AM]

Now, she passed away two years ago -- I'm sorry, two weeks ago, but those two extra years she got to see her son get married and have so many other personal family moments, that's an owner. That's a real owner, like many of the owners you just heard from today who are trying to put food on the table for their child and to help heal their child. On the traveler's side, the three most important guests I've actually had stay were three different single fathers. One was a 16-year-old, an 18-year-old, and 30-year-old daughter, respectively. The relationships were always rocky and they had no idea what to do. And they were said about those trips, and I knocked out a whole handful of things. They went and had the single greatest trip of their lives together so they were going to plan to do those in the future. Wife also separately planned three weddings, I don't care anything about me, it has nothing to do with that, what matters is the lives of the people on the other side. You know, that's their life, and they want to spend that in a home because that's where a family spends it, it makes relationships and bonds for the rest of their lives. And then the last piece I want to share is actually a name you could write down, and you can look this up, and the name is John Monnett, m-o-n-n-e-t-t. He and his wife booked a place of mine in May last year to go and April this year to a friend's wedding --

[beeping sounds]

-- And I get an e-mail out of the blue. He was killed in a plane crash the next month. She calls me up and she's canceling the trip because she can't go. So instead, I give her all her money back, I tell her to take the kids, that a friend and just start the healing process. So there's huge human component to this. It's not just about what you hear otherwise. There's a human component. I'm asking you to think about the human side. That's all. Thank you.

>> Mayor Adler: Thank you. Is Michael Brent here? Michael Brent? Palmer Carani?

[1:12:33 AM]

Your name, sir?

>> Michael Bennett.

>> Mayor Adler: Is Mr. Palmer here in you'll be next.

>> Mayor, mayor pro tem, councilmembers, thank you for being here so late tonight. I, like many of the other people in the room, have had some great experiences over the years. My grandparents started renting a lake house once a week -- once for a week every summer. My parents later turned to that tradition, and then like family, we started doing the same thing. So as my son grew older, we started renting houses on Lake Austin. We fell in love with it. We live in Houston but love Austin. It's where my career is for now, but hopefully my wife and I can retire there. In 2013 we bought a lot on the lake and

started building a house. We got the permitting done, went through the process to get the septic system. The rules had just changed and we worked through the process to get the septic system designed to accommodate the -- a four-bedroom house to be able to a short-term rental license. Our house is scheduled to complete in the next three months and we started the process to find out -- early on, we found out that we could go to the city and get the short-term rental license. It seem like mostly an administrative process, not something that had any risk to it. It was something that you did and you paid your license and you paid your fees, and -- but now, since the moratorium, we're stuck in the middle. We've spent money, spent money on a septic system to be able to handle additional property -- I mean additional people at the house. It's not going to be a party house. My parents, my grandparents, we never rented houses, and it wasn't a party situation.

[1:14:35 AM]

It was the best family we ever had bonding together. We weren't running back and forth to restaurants. We made meals together.

[Beeping sounds] We voted -- thank you for hearing me tonight. Thank you for considering people in my situation where we're caught with an investment, with a property that we expected to be able to use part of the time ourselves and part of the time as a rental.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is Tim rigg here? Jim parker? David bills?

>> Yes.

>> Mayor Adler: Mr. Bills, you're up next.

>> My name is palmer, I have one home and I actually live in it and have for 15 years. In 2013 my neighbor moved out of his house and started renting full-time on home away and air B and B, charging 500 to a thousand dollars a night. I love the term "Sharing." This home has five bedrooms, sleeps 12, has been the site of family reunions, corporate events, sales meetings, commercial shoots, parties, yoga retreats, you name it. Now, before you start thinking to yourself, boy, that sounds fun, I'd like to go do that, imagine putting yourself in my shoes. The sound of kids playing in the neighborhood have been exchanged for the sound of roller bags in the driveway. We've -- that home has profited from hundreds of people staying, checking in and checking out. For the past two years, I have met with Sheri Gallo's office, the Austin code department, several times. This property has over 40 3-1-1 complaints. Code is unable to enforce occupancy limits, no matter how they are written, related and unrelated cannot be stashed. Code has asked repeatedly for this to be removed from the ordinance. So let me walk you there through how this ordinance works in real life. You call 3-1-1. You have 20 people next-door having a party.

[1:16:37 AM]

You hope 3-1-1 comes quickly enough because 3-1-1 and code need to witness this personally. Then these people need to be standing outside because code cannot enter a property without permission, and if it's a property like my next-door neighbor's that has a fence it is impossible to enforce occupancy. And these occupants need to say they're all spending the night. So once you've gone through that process, we have the administrative hearing, which I know you think will solve a lot of these problems. That takes 30 to 45 days, and it's per incident. It's not for overoccupancy, it's for overoccupancy on a certain date. Then once you've 2010 ever gotten through all of that, you get to perhaps go through the district court of appeals. Despite all this time and treasure, the str next-door continues to operate. Everyone is profiting from my neighborhood, the str owner, the home away, tourists --

[beeping sounds] But the cost to city, the neighbors, the neighborhood is enormous. What is the cost benefit of having commercial str's in residential Zones? Thank you.

>> Mayor Adler: Thank you. You're David bills? David bills? Craig Polumbo. Maureen metower.

Jacqueline Ferrell. Mary Ibarra. Briana Ortiz Alvarado, you'll be up at this podium here. Mr. Bills.

>> Good evening. Thank you all for staying so late. Most of the people on the side for air B and B and home away and everything have said what I was going to say. I'm just going to touch on a couple of issues that I think wasn't mentioned, which is not all neighborhoods in Austin are the same. I live in duplex nation. I live in a duplex in duplex nation and I have a type 1 rental downstairs.

[1:18:38 AM]

I have another duplex a couple of blocks away that is a type 2 for each unit. Like everyone else, we've never had a problem. All the people that stay with us usually stay from one to three weeks. They're people that are staying in our neighborhood because their son just had a baby and they want to be close to them, or they're trying to get their kid into the neighborhood so they can go to maplewood elementary school, things like that. So I have that story. I know there are bad stories. I don't know how you're going to balance which one is more important. But not all neighbors are the same. Duplex nation is larger renters. We have people coming in and out of there all the time. The people who live there, like me, we all know each other. I know all my neighbors. They know to call me if there's a problem. There never has been a problem. So, again, I'm echoing what other people have said, but it's true for me as well, if you want to add that to the list. I do want to comment on one issue, comments that were made on the planning commission tape, and then comments the mayor pro tem mentioned which is this assumption that if we put a lot of money into an investment like we have in fixing up this duplex around the corner from my house, which we made the decision to do in June of this past year, that we can just sell it and get our money back and it's okay. We put a lot of money into that. That house was the first house I bought in Austin. I don't want to sell it. It's been there -- I had it since 2004 and it's potentially going to be a place for my parents to stay when they retire. So it's not just something you can snap your fingers and sell and solve all your problems. We spent a lot of money over the last six months.

[Beeping sounds] Remight recoup it, we might not, in the time that you're talking about. It's not something you just assume, it's an easy issue for some was with a second house. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is Roberto Alvarado?

>> I'm donating my time.

>> Mayor Adler: Okay. So Brianna will have then four minutes.

[1:20:41 AM]

Is Christine here? Valerie at a time? Tate?you'll be up at this podium. You have four minutes.

>> My name is Brianna or thes Alvarado and my mom is a homeowner in montopolis area. Her name is Roberta Alvarado and we're also part of district 3. First I want to start with, clearly we were all raised differently. I was raised to work hard for everything. The way they're saying they used the homes to make money to do what they want, I work two jobs. I've been working two jobs since I was about 17 to afford college, to afford anything, to help my mom. I did that. I'm also a musician. I don't need to sell the home or cause property taxes to rise in a neighborhood that is already struggling in order for them to -- or in order for myself to live. I work about two jobs. My mom works about three jobs. My brother and sister don't too much see her because we have to deal with the taxes that are raised in our neighborhood. They have built a lot of new homes on Riverside. They've also built a lot of more

buildings, and so due to that, taxes rose. So what str's also do, they promote gentrification, just from the simple fact that when -- when the homes are built in neighborhoods outside of Zilker Park or the west side of Austin, when they are built in east Austin or Montopolis area, which is where I stay, it causes us to struggle. And we're not struggling with two or three homes, we're struggling with one. And I strongly believe that that is not okay. I also spoke with someone who was renting from one of these homes, and she told me it's very affordable to do this. Not only is it affordable, you know, I have to provide myself with this one job.

[1:22:44 AM]

And I took offense because, you know, I wish I could survive with one job. I don't. I always have to work two or three jobs, and so does my mom. So I just took offense to that, and to anyone who thinks life is easy. We all have it hard. And I just don't think it gets any easier, especially being a minority. We also are natives here. We were born and raised. I am the third generation in my household and I want to keep my family in my household. I don't want to have to worry about struggling or my children struggling to keep a home because other people are trying to keep up with two or three of them. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> My name is Valerie Tate and I operate an STR 1. I drove over 40 minutes to be here so thank you guys, too, for listening to us, everybody. Before I was able to operate my home that I've owned since 2008, my dream home, I actually had to run ads off of Craig's list to be able to keep my dream home, and my cousin actually was sexually assaulted by one of those guys. So for people to say that the STRs aren't safe, I just disagree with that because people that have visited me have been family -- like family members, and there's been an Indian family from Houston that brought their daughter to my STR because I had a dog, and now she wants to get a dog. She wanted to experience having a dog, so it's just like a real personal life experience. This is part of my job.

-- Part of my job, part of my income, and a way to keep my house that I've had since 2008. I've never had a bad complaint and I think that this is my right to be able to operate this. And as well as the STR-2 owners, I've been in real estate since ten years, and I work two commission jobs, and Airbnb has allowed me to be able to support myself as a single female.

[1:24:47 AM]

And I have felt way more safe than I have with previous tenants that I had their long-term. Some long-term tenants were playing music loud and -- one morning and my neighbors complained and I had to kick them out, but I've never had that happen with any STR rentals. And so I just urge you to -- when you're dealing with some of these complaints and some of these things, which I think some of them are very valid, I urge you to listen to the small people and your residents that have been here for over ten years that are trying to keep their homes and that pay taxes on those, and they also pay taxes on their short-term rental. Thanks.

>> Mayor Adler: Thank you. Is Bertha delgado here? Why don't you come on down. And while you're coming down, is Ms. Angela Benavides here? Garza? Is Julia Taylor here? Is -- I'm sorry. What's your name, please?

>> I'm Bertha delgado.

>> Mayor Adler: Okay. What's your --

>> I'm Angela Benavides Garza.

>> Mayor Adler: Okay. Great.

>> Who goes first? Me?

>> Mayor Adler: Yes. You have two minutes.

>> Okay. My name is Bertha delgado. I am the president of east town lake neighborhood association in east Austin, 78702. We are being faced with the overwhelming of these str type 2 units in our neighborhoods, taking homes off the market that kb homes for families to own or to rent. This item has been on all of our agendas for more than a year now. How are these profit-sharing operators the victims here? How is this affordable to the low income working class families? These operators are not people who are suffering out here, with the housing crisis, like the vast majority.

[1:26:51 AM]

This is a booking business that is affecting the character of our historical homes as we watch our homes be demolished almost every day in our neighborhood. The demographics show that we are losing our household families, with children that are forced to -- children and families that are forced to sell, people -- the taxes are just going high. People are being moved because of economic gentrification that has hit our city, especially in east Austin where we live. Our schools are losing children that are surrounded by these str. The statistics are there. The complaints have been made. Code enforcement cannot handle enforcing the code and regulations. The str type 2 renters continue to affect the quality of life of our long-time residents, especially our elders in our districts. My question is to city council members and mayor. You have heard from your districts. Austinites trust each of you to make the best decision. To protect stakeholders in their neighborhoods, to protect families being displaced, and to protect children in their neighborhoods. We ask you to support the planning commission's decision. We ask you to hear our cry from the long-time austinite residents, ban str type 2's from residential areas. Thank you.

>> Mayor Adler: Thank you.

[Applause] Ms. Benavides.

>> Hi. I'm Angela --

>> Mayor Adler: If we start -- Julia Taylor, is she here? Got you. Okay. Go ahead.

>> Hi. I'm Angela Benavides Garza, and my voice is kind of out so bear with me. Somehow I became part of Austin liaison and we're beginning a campaign, east Austin votes. The one thing I want to let you know is that I was displaced, and I was almost gentrified. It's not a good feeling, folks.

[1:28:52 AM]

It really isn't, when you've been born understand a raised and been a native here. My father almost lost his home. And, you know, I didn't even realize we could make \$500 to a thousand dollars a night. Did y'all know this? I didn't know this. Seriously. And I just didn't know that. And you have a whole native group that's being pushed out. And we need support for that already. We've been asking for that support for I don't know how long now. And we -- and I don't think we need to blame another group or anything like that. I just think we need some real solutions on the table. And I think you ask best, what is affordability? What is the definition of that in Austin? You know, what is that real definition? And so I think that a lot of people are just hitting frustrations because we -- you know, we want to keep our spirit here, but we're getting pushed out. And we need to be able to be here. We deserve to be here. We rooted here, and rooted and need to be protected already. Thank you.

[Applause]

>> Mayor Adler: Thank you. Is Lisa malisovas here?

>> Yes, sir.

>> Mayor Adler: You'll be up next. Ms. Taylor.

>> Good morning, councilmembers. I didn't think I'd be saying that. My name is Julia Taylor. I'm a long-term resident of Austin, Texas, moved here in 1992. Just like somebody else in the room, I took a short break to leave the city but came back. I own and operate an STR license 1 and I also have an STR number 3. And I'm happy to say that I've never had a complaint. No one has ever called 311 on my property. My neighbors have never complained. As a matter of fact, my neighbors have actually put some of their family members in my unit as a rental. I earn a large portion of my modest income running an STR, being able to turn my home into a part-time income earner has helped me get back off my feet and defray the ever increasing property tax bill I pay each year.

[1:31:01 AM]

It was heralded as cutting edge. If the proposed amendments are passed, end the industry that has helped Austin earn a reputation as a city of innovation. These proposed amendments go too far. By way of example, requiring owners to keep a guest registry that must be surrendered without cause only creates additional burden for us. In Los Angeles, that particular action was actually deemed as unconstitutional by the supreme court. As to occupancy limits, my STR 1, if I host a dinner party for seven friends, I'm effectively violating the code, and if an inspector were to stop by, I could be found in violation and certainly lose my license. Am I no longer able to celebrate life's smaller occasions like my birthday which is happening in a couple of days? Aren't there codes in place to handle issues related to noise or disturbing the peace? Adding new codes won't help enforcement if you're already resource strapped. Please consider leaving the code as it's currently written. There are a lot of good folks out here doing a good job running our small businesses. Please don't let a few bad actors ruin it for the rest of us. Thank you so much for hearing my concerns.

>> Mayor Adler: Thank you.

[Applause] Is Ryan Sunison here? You'll be up next. Go ahead.

>> Mayor pro tem, council, thank you so much for having me and letting me speak tonight. My name is Lisa Malasovis and I'm here in opposition to the new rules and regulations proposed. I'm in favor of STRs and I've stayed in dozens of STRs over many years with family and friends and cherished those times. I have a type 1 STR. I appreciate the city council looking into the STR regulations. I'm saddened by the few that have given us a bad name. I feel that STRs have now been unfairly demonized throughout this process, very unfairly. I rent out my personal home in complete compliance with all city and state rules.

[1:33:02 AM]

When I started my STR in March last year, I applied for a license well in advance. I hired a property manager in order to be as responsible as respectful's possible. My neighbors are very important to me. They are aware when I rent, and they have my property manager's number, as well as mine, and I tell them to call me 24/7. We make sure our guests understand the rules. We screen guests carefully and steer away from party groups. I rented last year for UT graduation. The family was so thrilled, they wrote me a very, very sweet letter. They had people aged eight to 83. I'm close to west campus, so that was a nice opportunity for them. For south by southwest, I rented to the publishers of the Onion newspaper and a New York ad agency. Those people weren't even around during the day. They were working all day and they wanted a place to come together in the evening and all be together and not have to be into separate hotel rooms. I rent to people who shop in our stores, eat in our restaurants, and contribute to the tax base. Guests pay 15% and I pass that local and state government taxes on. I strongly feel that there not be excessive new rules restricting STRs of all types who are acting responsibly. Please take swift action identifying those who need to apply and not place unfair restrictions on those STRs that are working and complying.

[Beeping sounds] A little bit about myself. I'm a single mother, recent empty nester. My primary reason for having an str is to support my children in college. And you know how expensive that is. I work very hard to make my home comfortable clientele and guests to have a wonderful time. Please vote no to these confusing, laborious rules that will cost the city more money to enforce and run away this valuable local option to hotels.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Ryan, you're donating your time?

[1:35:02 AM]

What's your name?

>> Jesse.

>> Mayor Adler: Okay. Jesse. Why don't you come on up. You have four minutes. Is teesha brightscoff? You'll be up next. Insist newfeld.

>> You can put that up now. Councilmembers and mayor. First, thank you for the time and effort you have put into this issue thus far. Tonight, I'm hopeful. I'm hopeful that the council will vote on simple, strong, and effective regulations that will enable a true sharing economy to thrive while protecting the quality of life of Austin residents. Hopeful that the council will seize the opportunity to again be at the forefront of shaping short-term rental policies for city across the country but in this way create a true home sharing and not into full-time hotels. I'm grateful to be able to participate in this process. I'm also hopeful that we can put these remaining issues to bed tonight because as a working mother whose five months pregnant, that's really where I'd like to be right now. Please pass regulations of all str's that are strong, straightforward, an effective. I'm far more interested in quality than quantity, an support the following key amendments to the ordinance. A six-person occupancy limit for str's, regardless of relation and person per unit. A thousand-foot distant operation between type 2s, fire and life safety inspections, and clearly defined violations and penalties. Most importantly, though, please vote to phase out type 2s as quickly as possible. There's a growing consensus across the country that these type of properties are doing serious damage to U.S. Neighborhoods. More and more cities, especially ones like Austin that are attractive to tourists, are prohibiting non-owner occupied str's. So far we've been able to find about three which are listed up here. When the New York times published the piece on Austin str's last fall I was shocked to see the hundreds and hundreds of comments from people all over the country who were suffering from the same negative impacts of str-2s that I have over the past years.

[1:37:14 AM]

Our own planning commission, tasked with developing a plan for the city, the one that you all have appointed, developers, architects, experts in this field, have unanimously voted to phase out type 2 str's and even recommended --

[beeping sounds]

>> -- Accelerating the phase-out process. Even -- the last point I'd like to make, even the CEO and founder of air B and B has acknowledged that non-owner occupied str's don't belong in a city with a shortage of housing. In a pillowing post, he said in cities where there is housing shortage, it's committed to ensuring hosts only list homes on a short-term basis.

>> Mayor Adler: Thank you very much.

[Applause]

>> Mayor Adler: Before you start --

>> I only get two minutes?

>> Mayor Adler: I'm sorry, did we set that at 2 or 4?

>> That was two minutes.

>> Mayor Adler: Two minutes. You have two more minutes. I'm sorry. No problem.

>> So the only thing I wanted to mention is that with respect to the planning commission, even staunch urbanists on that commission, ones that promote corner stores and other mixed use, have said that this commercial use is just not compatible with residential neighborhoods. In addition, new research by one of UT Austin's own professors at the school of architecture shows a correlation between str-2s and the housing affordability crisis in the central city. What ails is if correlations are good must have for the tnc issue, they should be good enough for str-2s as well. Str-2s impact both the availability and affordability of housing in Austin's central city core. Str-2s and the initial 2012 str ordinance are collectively as the commissioner put it, a failed experiment. Austin can be a great home sharing city without str-2s and with more comprehensive and effective laws governing the industry. The tide is turning with respect to non-owner occupied short-term rentals and Austin shouldn't leave its neighbors behind.

[1:39:21 AM]

As a mother and mother to be who wants to spare other austinites from laying their children next to a hotel, I hope the council will take this opportunity to enact real change, ones that protect Austin residents and the neighborhoods they live in. Thank you very much.

[Applause]

>> Mayor Adler: Go ahead.

>> Good evening, mayor, mayor pro tem, councilmembers. My family has lived across the street from a type 2 str in the zilker neighborhood since 2012. We've had all the nuisance issues you've heard about with the other str-2s. But I'm not Cher because of that. It's not about bad actors. I'm here because in those three years I've realized that type.

>> Are incompatible with Austin that I said. No one lives in them. Think about that. There are currently around 400 homes not including unlicensed commercial short-term rentals off the market, that co-families in them or multiple families. It doesn't take a university professor to understand what that means, but it helps if you have one, and we do, as Jesse just mentioned, we have got data. We have the data, we don't need to wait, that type. 2s impact the available an affordability of housing in Austin's central city core. Also as Jesse mentioned, even air B and B admits this is a problem. If you are concerned about housing affordability and availability, affordability and availability in Austin, you cannot support keeping type 2's in residential neighborhoods. A vote to continue type 2's in neighborhoods is a vote against fixing a piece of the affordability problem. So please listen to the strong message sent by the planning commission and put this failed experiment behind us. Thank you.

[Applause] .

>> Mayor Adler: Is Brian there?

[1:41:21 AM]

Audrey? Edith flores? Connie Leverton? Josh Margolis?

>> I'm here.

>> Mayor Adler: Okay. Connie Leverton? Okay. Is Josh Margolis here? What about Ann jaws? Ken McWilliams? Ken, you'll be up next when she's done. Please.

>> Hi. I'm Connie Leverton. I'm sorry that the council wasn't able to hear the testimony of all of the speakers who had to leave early. They have families and responsibilities, and these str discussions always seem to be at the end of the agenda. Yes, you say. I also want to point out the data that Mr. Paulson had mentioned. This graph that you had mentioned. What I'd like to point out, and some others

have also pointed out, is that this January hit the high curve could be because the code is working, because more people are reporting unlicensed str. That means that it's working. We don't know if these were all licensed. This is possibly the public saying, hey, we're listening and we're helping you, which is what we're trying to do with the Ara here and all these very responsible str owners here. All right. I'm actually an str owner with str 1, str-2, and a furnished 30-day or more rental, so I'm in all three -- I'm in three different districts, and I take good care of this -- each of my rentals. I've actually done this nine years, way before there was str licensing or any kind of regulation in place.

[1:43:22 AM]

I was very adamantly supportive of paying the taxes before we were supposed to many years beforehand, and when all of this came into being, it was -- always been a great way to support the people that come into town for many life changes, big life changes, and especially there's been a lot of people coming into town that have been moving to Austin. They get a taste of Austin. They get a taste of the neighborhoods. And not only am I an owner --

[beeping sounds]

-- But I go out and I do stay in str. when I visit other places as well, because to me, I would much rather live in a home and house. When I go out and visit, I travel a lot, and I own these homes. I'm a single family with my own business, and this is really affecting my business.

>> Mayor Adler: Thank you.

>> If you guys ban this, it is going to completely change many people's lifestyles and their businesses and really hurt a lot of people.

>> Mayor Adler: Thank you.

>> So I ask for you to not pass these.

>> Mayor Adler: Thank you for your comments. The next speaker we have is ken McWilliams. Then after that --

>> Councilmembers, thank you. My name is ken McWilliams. I've been here a little longer than some of the people that have spoken this evening. I moved here in 1966 and went to the university and entered the real estate business in 1970. And over a period of about 17 years, I started purchasing rental income property. And my properties were -- consisted of single-family homes, a duplex, a triplex and two or three fourplexes. They were in Travis heights, Clarksville, infield, tarrytown, and Hyde park. I managed all those properties for almost 40 years before I sold most of them.

[1:45:26 AM]

I probably had less than 30 days vacancy in 30 years. I did not let any of my tenants disturb other tenants or neighbors. So what I'm trying to explain is that long-term tenants are not necessarily the only bad actors. It can certainly happen there as easily as it can happen in an unregulated short-term rental. I bought my home in west Austin in 1973 from the original owner who built it in '38. And then about 20 years ago, I bought the home next to me that was built in 1937 from my neighbor who built that. And I converted that -- my wife and I converted that into a short-term rental in March of last year. Our goal being -- I'm getting a little bit closer to retirement age. The taxes over in my neighborhood are pretty stout. And our goal is to make enough money off of our short-term rental, that it will take care of itself financially --

[beeping sounds]

-- But also hopefully help pay the taxes on the home we live in, which are substantial.

>> Mayor Adler: Thank you, sir.

>> So, we manage it, we are very selective in who we rent to, and we have had absolutely no complaints

and I would encourage you to maintain the existing rules that you have.

>> Mayor Adler: Thank you very much.

>> I would appreciate it. Thank you.

>> Mayor Adler: Yes, sir. Dominique Davilas? Also, Joanne Estrada? What about Taylor Perkins? Okay. You are Joanne Estrada? Please proceed.

>> Hi. My name is Dominique. I'm a musician for 25 years, a bass player and singer, played all over the world.

[1:47:32 AM]

In the early '90s, club owners like the owner of Continental Club, Antone, Clifford Antone, the original owner of Chuy's, my band out here called the Blue Bonnets. We're starting to do a little better now. It's funny how so many people come to Austin because of music, yet it's hard for the musicians to make a good living. So I do have vacation rentals right down the street from here. I've had, you know, people - - funny enough, just the other day, a family that's been living in a hotel from the recent floods, when there was a kayaker right on South First Street, her home got flooded so I just booked her and her family to my vacation rental. We have great reviews. I'm available 24/7. People call me sometimes from Germany to try to book at odd hours. I'm always available. I always pick up my phone. There's clearly a big demand for this, and I know that there are bad actors out there. There are bad actors actually in almost every field I can think of, but just because there's one bad actor in a particular field, it seems very odd to me to just wipe out a whole lifestyle because of some bad players. Just all I ask is not to make it harder for us little guys. It just doesn't seem Austin. Thank you.

>> Mayor Adler: Thank you.

[Applause] Is Chad Nordby here?

>> Yep.

>> Mayor Adler: You'll be up next. Please.

[1:49:36 AM]

>> Oh, sorry. I was waiting for my graphic to show up.

>> Mayor Adler: Okay.

>> My name's Joanne Estrada. I'm a native East Austinite, third generation, and I think people want to live in Austin. You know? We're having, how many hundred people moving here a day? I think people are wanting to live here, and I think we need to think about that because this map shows that most of our jobs are in 78701 -- I'm right next-door in 78702. And yet in the next slide, you'll see how B and D -- we're only supposed to have a three% cap but it's actually more like seven where I live. In the next image you'll see that even kind of conservatively, there should only be 33 type 2s in our neighborhood, and my census tract zone, and there's actually -- yeah, go ahead. Yeah. There's actually about 75. So -- and that's looking at just the recent -- recently and frequently booked ones, so I'm not like trying to inflate this too much, although even if it was 60, it would still be twice as many as we were supposed to have. So this census tract is 10, and I just want to say that, you know, long-term residents are competing with tourists over a limited supply of housing stock. Short-term rentals reduce the amount of available housing for long-term residents while making the housing that is still available more expensive. I've heard a lot here today about tenants, that short-term is so much better than long-term. These long-term renters are just so undesirable. It's really kind of sad because people need to rent here.

[1:51:37 AM]

We need tenants. People need places to live temporarily. Not everybody can afford homes, obviously, especially downtown. And so they're being pushed out. There's a domino effect taking place.

[Beeping sounds] And I just want to say I live across the street from two strs and I live next-door to a long-term rental, and I have issues with the long-term, but I would much prefer to live next to a long-term rental than a short-term. Thank you.

[Applause]

>> Mayor Adler: Is Taylor Perkins here? Taylor Perkins? Okay. Is Chris Davidal here? You'll be up next at this podium. Mr. Nordby.

>> Good evening, ladies and gentlemen. Thank you very much. Or good morning. My name is Chad Nordby. I live in east Austin with my wife and my baby and my two-year-old son. We also operate a type 2 str. And I'm not going to repeat everything that's been said here tonight on both sides, but we need to take a look at the ordinances that you're taking a look at passing, and give them the common sense sniff test. Let's take a look at a couple of these. Now -- now str owners have to provide a packet to all of their guests that includes parking restrictions, trash collection, relevant burn bans and water restrictions. We apply the same test to long-term rentals and hotels? I think not. Another one that's in here is the point of impact has to be available 24 hours a day, within two hours of an emergency notice. So if you ever go to a commander's meeting on the east side of town and talk to our local police representatives, they'll tell you flat out, unless someone is dying, life's in danger or the house is burning down, the police will get there when they got there.

[1:53:40 AM]

But now I have to answer your phone call within two hours? I can assure you of one thing. If you knock on my door at 2:00 in the morning, my dogs will wake me up. I'll probably be there. But if you call my phone, it's probably in do not disturb and I'll get to it in the morning. If there's a true emergency, knock on the door and we'll gladly take care of it. If the city can't even respond in two hours or police department can't respond in two hours -- and quite frankly, some of your offices can't respond in two weeks or two months to an inquiry, why do I have to respond in two hours or risk my entire license? If you take a look at some of these other ones that are on here, and you're now going to require us to keep the name and address and check-in time of every single person that's staying in there?

[Beeping sounds] Check a hotel that's ever done this. The last thing before I go, we talked about the correlation and causation. If you're going to focus solely on correlation for all these things, you better drag the tech industry in here, and you better drag the coffee shops in here because they're certainly all driving gentrification and change also.

>> Mayor Adler: Thank you.

>> Thank you very much.

>> Mayor Adler: Is Dennis Sertaly here? Dennis?

>> I'm donating my time.

>> Mayor Adler: Okay. You're donating your time? Is Kevin Burns here? Is Kevin here? What about Susan Patterson? You'll be up next. Mr. Davidal.

>> Thank you, mayor, councilmembers. My name is Chris Davidal. I was born and raised here in Austin and I'm extremely proud of my city. My wife and I don't have a 401(k) But we do have a traditional rental house which has a detached mother-in-law studio.

[1:55:43 AM]

When my actual mother-in-law isn't staying in it, we rent it on air B and B which helps keep the mental affordable. I'm here to speak on behalf of type 2 strs because somehow our tiny garden studio has

become none with us with a delta house. I'm not a rich investor from California, making money by hosting bachelor parties in neighborhoods. We're responsible homeowners sharing a part of our home with visitors who want to experience our city and neighborhood as we do. Our guests are not hosting problems, causing problems and doing beer bombs on the front yard. To the contrary they're visiting their kids at UT, walking to visit a local restaurant, and seeing if Austin is a good place for their future. Short-term rentals are not hotels, but they are complimentary. Hotel occupancy rates have never been higher, and neither has the popularity of short-term rentals. They allow visitors to experience the city like a local, have access to a kitchen, laundry facilities, and travel with their pets. The problems that the opposition describe are real, and they need to be addressed, but this amendment paints all str's with the same brush. It would be like if austinites had a problem with 6th street party buses and responded by placing additional requirements on taxi and limo drivers. The problem properties are highly visible but they're extremely small percentage of the Austin str's, most of which operate legally and without issue. Banning short-term rentals will not stop the real estate speculation and the gentrification problems of our city. You'd also have to phase out house flipping and condominiums as well. The proposed str legislation is broad reaching, overall complicated and it unfairly hurts responsible home sharing hosts who don't want parties and houses next-door to us any more than you do. So as you can tell by the number of people here at 2:00 in the morning, this is a pretty complicated issue, and I think it has a lot of different perspectives.

[Buzzer sounding] I politely ask to pass a a guided ordinance and encourage more discussions with neighbors on this issue.

[1:57:46 AM]

>> Mayor Adler: Thank you. Before Susan Patterson speaks,

>> Thank you for vesting your time and lending an ear. I've lived here since 1977. I love Austin. We renovateed an older home so our location is key for out of town travelers. As I speak we have someone renting a room in our home here for a medical procedure at Z David's which is about a four-minute drive from our house. We provide a safe, quiet place for her recovery. I love Austin. We have people from all over the world who come stay with us. We have had no problems with any of them or any of our neighbors and in fact we've made great friends. Short-term rental hosts are like having hundreds of advocates for the city. We encourage our guests to support local businesses and they do. We pay the taxes that you ask of us. Our guests should have a choice to be able to stay where they would like. The money that we earn by rent Ng out a room in the house that we live in, we use that for home improvements, which is -- has helped the market value of our home and increased the market value of our neighborhood. I'd like to read -- we have a book in our house that we ask our guests to sign when they leave and I want to leave -- I have a lot but I'll read just one from Lehman Chester from huntersville, North Carolina. Thank you for your hospitality. You both go beyond to make people feel welcome and cared for. It truly is a gift. I hope we will be able to visit you soon to enjoy all Austin has to offer, especially fun places like jenny's. What a joy. So we -- I think that we serve a good purpose for people coming to town.

[1:59:48 AM]

We love Austin. We support the local businesses, and --

[buzzer sounding]

-- I encourage you to not place any further restrictions on us. And one last thing. I respectfully ask how would this legislation work and how will you enforce the rules?

>> Mayor Adler: Thank you. Before Mr. Hallshire speaks is Francis cornieo here? What about Tim clinch?

Or David hall? I'm sorry? Mr. Hall, you'll be up next.

>> Hi, yeah, thank you, guys. You know, now here we are 2:00 A.M. Awesome. I was born here. I've been here my whole life. I love this city. I've seen a lot of things happen here I've seen you guys and councils before you pass policy that encourages a vibrant community, an amazing city that has now become a global destination. People want to come here. They want to experience Austin. Experienceing Austin in a hotel room is not authentic. You don't get the feeling of what it's like to really live here. When I travel, I have two kids, and so we're a family of four, and I can tell you that staying in a home when we travel is -- is a much better experience. It's -- it's living in the place that you're visiting. It's true and it's authentic, and I think we need to allow that in this beautiful city. I think that it would be irresponsible for us to promote such large events like Austin city limits music Fest Cal, f1, south by southwest and to invite all of these people to our city and then to tell them their only option is a hotel room.

[2:02:09 AM]

I ask you and the only reason why I'm here tonight is I understand you're trying to relating this, and I think that there is a -- regulate this and I think there's a responsible way to do it. I ask you to remove the phase Ng phasing out of str-2s, I ask you to remove that from your goals and let's find a way to make this work

[buzzer sounding]

>> Thank you

[applause]

>> Mayor Adler: Thank you. Sam labur here? Thank you. Andy Smith? Mark Littlefield

>> Pass

>> Mayor Adler: And Suzanne sores. Suzanne sores? All right, sir

>> Thank you. About two years ago, based on the old str regulations, my wife and I embarked on a six-month process through planning and zoning to get a building permit to renovate our house. We're pending an application for an str-1 and these new rules as currently written are imposing to create a very large hardship on us. And others. Has talked about a lot of the issues. And I won't go over all those, but one of the things that's caused me trouble is that we happen to have an eight-bedroom house and we're now empty necessaryers necessary nesters and we'll have to move out as we approach our retirement age if we can't generate income from it. We feel like this was part of our strategy to be able to age in place and stay in our home for the rest of our lives, and now we may not be able to achieve that goal because of these changes.

[2:04:11 AM]

Another thing that hasn't been brought up is I think there's gonna be tremendous litigation that comes just from reading this law, it's worded in such a way that if we -- what we'll probably end up getting our str-1 license and when we're done from that process and when our friends come from out of town and bring their friends over to play basketball? The backyard and a code enforcement offer sites us for being over the ten-person limit at any time and impairs our income potential I foresee a lot of litigation coming the city's way and as a taxpayer of the city I don't think we should be passing laws we know are going to create these kinds of problems for us and think that we ought to write a better law than the one I've seen here

[buzzer sounding] I've read it from beginning to end and I think it's a poorly written law that is overly broad and has a lot of unenforceable parts to it. Thank you very much

>> Mayor Adler: Thank you.

[Applause] Those are all the speakers that we have. Is there a motion to close the public hearing?

>> So moved

>> Mayor Adler: Ms. Houston moves. Is there a second? Mr. Zimmerman. Any debate? Those in favor of ending the public hearing please raise your hand? Those opposed. It's unanimous on the dais with Ms. Garza off. Council, let's talk for a second. My sense is that it's been really helpful to hear everyone talk. We've had people speak to a lot of the issues that have been raised. But I'm not sure it's wise for us to be deliberating this issue impinging at beginning at -- beginning at 2:00 in the morning and I think it would be more prudent for us to either pass something on first reading only or to postpone it or some action and then set, you know -- come back when we have a significant period of time to be able to talk through these issues, perhaps at a work session or otherwise.

[2:06:29 AM]

Ms. Kitchen?

>> Kitchen: I'd like to suggest that we postpone to a time certain that's during the day and so we can provide a time that people can come back and listen to our deliberations so that we should set a set time for doing so at the next possible meeting. The reason I suggest that we not try to pass this on first reading is I don't think we should be deliberating at all at this point

>> Mayor Adler: Okay. If we did that, we would set it for a council meeting. We could also set it on a day for a special called meeting. What are people's preferences? My only problem with setting it for another time other than a council meeting is we're going to check then ten, 11 calendars. I don't know that that works. As we sit here now, we can probably find one but I don't think we could find it as we sit here. We could set it during a council meeting, but this is going to take time. We need to make sure that we have a council meeting that doesn't have tncs on it, which is probably what does going to be happening over the next two council meetings. So, Ms. Tovo

>> Tovo: I think that's -- you know, I agree that I don't think any of us are in any shape at this point to deliberate as much as I'd like to. I just don't think we have the capacity. But I would, especially if we're going to post it, push it off several weeks, I agree we need to because of the tnc issues that are likely to be there, I would ask my colleagues to contemplate one of the suggestions the mayor made, which would be to agree to pass it on first reading, not add amendment at this stage, and really dig into the issues in a future meeting.

[2:08:35 AM]

>> Renteria: Mayor?

>> Mayor Adler: Yes, Mr. Renteria

>> Renteria: I also support passing it on first reading and then, you know, come back and -- whenever -- as soon as possible and finish it. You know, so

>> Mayor Adler: Mr. Zimmerman

>> Zimmerman: Thank you, Mr. Mayor. I concur with the remarks that it's too late to be deliberating on this. But I think in light of the remarkable volume and variety of testimony, I thought it was pretty amazing, very passionate topic. I would like us to defer vote on this but I would like each one of the councilmembers to kind of summarize what they've heard while it's fresh in our minds. You know, this testimony is pretty remarkable, and it's not fresh yet? It's gonna be less fresh tomorrow or next week. That would be my recommendation, is we just make some impressions based on what we've heard.

[Applause]

>> Kitchen: Mr. Mayor

>> Mayor Adler: Ms. Kitchen

>> Kitchen: Just for purposes of discussion, I'd like to make a motion that we postpone this and we put it

on a Tuesday. I don't want to wait squeaks weeks

-- weeks and weeks. I think we, oh, it to everyone to bring this back soon and I'm thinking at a work session we might be able to do a special called meeting at a work session to take this up

>> Zimmerman: I'll second that motion.

>> Mayor Adler: Okay. So let's stet for Tuesday. Maybe what we do is we'll go back and I'll float on the bulletin board some of the Tuesdays that are coming up and see if we can take one of the work sessions we were stopping at noon and allow for time past that for us to deal with this issue. My guess is it's not going to getting into the tnc issue because I think we're going to need that time to be able to discuss that deadline we have but it would appear aft 19th, whenever that first Tuesday is following the 19th, probably makes sense.

[2:10:52 AM]

You want to -- do you have a motion to postpone, Ms. Kitchen? When do you want to postpone it to

>> Kitchen: I'm looking at the calendar. I would ask my colleague, the mayor pro tem, if she has a preference.

>> Tovo: You know, I have a regular medical appointment for a family member on Tuesday afternoon so it makes no difference because I'm going to have to rearrange. I mean, we have expectations of how we spend our week, and Tuesday is just not a day where we typically have special called meetings but I would say if we're looking at a Tuesday, the 19th would probably be responsive to the community in terms of getting this back before us quickly and I would support that.

>> Mayor Adler: Tuesday --

>> Tovo: I think we have the wrong day, though,. Did somebody say the 16th.

>> Mayor Adler: I was saying the Tuesday after the 19th.

>> Tovo: So the 23rd

>> Mayor Adler: That would be the 23rd.

>> Kitchen: That's a long time.

>> Mayor Adler: No, no. Even if 23rd, Tuesday, February 23rd

>> Gallo: Mayor, that's Austin energy Thursday so we would not have a Normal work session agenda.

>> Mayor Adler: Let's bring it back then to the work session on the 23rd.

>> We'll just have a special called meeting for it, rather than a work session. We'll post it that way only because you don't take action in a work session

>> Mayor Adler: Okay. We'll probably -- lets you and I talk. We'll probably estate both ways so that we have the work session in case we need it. It's been moved to postpone this item to consideration until the 23rd. We'll at least have a special called meeting on that day. Is there a second to that motion

>> Zimmerman: I think I already seconded that

>> Mayor Adler: Mr. Zimmerman seconds that. Any --

>> Is there a reason why we can't have it on the second?

[2:12:58 AM]

[Off mic]

>> Renteria: I was wondering why we can't have it on the second? Is there a time restraint

>> Mayor Adler: We have the tnc issues with the petitions that are going to be coming in then

>> Kitchen: But that's not going -- it won't be posted for us -- oh, you think it will be posted on the fourth.

>> Mayor Adler: It will be because we're going to need to discuss it and we might need more than one shot to discuss that but we have to act then prior to the 11th

>> Kitchen: Okay. And I think maybe if we visited with each other between now and the 23rd or even discussed it at some work sessions we might be able to resolve it in a good way. So it's been moved to postpone it to the 23rd, it's been seconded. Is there any more discussion

>> Zimmerman: Mr. Mayor

>> Mayor Adler: Mr. Zimmerman

>> Zimmerman: Well, I've got to -- I hope you can indulge me for three minutes because I want to summarize what I heard. This is important because we had it tonight. I got something to say to the str owners. And that is that the single family residential zoning did precede the str ordinances. So to understand why people are so upset, we've had zoning in place for 70, 80 years, single family zoning and there's an expectation it would stay that way. The second thing is when you talk about the benefits of the str, yes, there's certainly a benefit. There's a benefit to the owner it in the very important income. There's a benefit to the city in the taxes and some revenue. But that doesn't help the neighbors who see the str as a nuance. And it gets a little bit irritating for them to hear how great your str is because the neighbors get nothing out of it. So I want you to know that. To the str opponents, the fact is the type-2s were approved by council, you know, several years ago so that he let that genie out of the bottle.

[2:15:05 AM]

People bought these things and are depending on them for income. At this time the str type-2 owners are going to appreciate losing their license the same way you would appreciate lose Ng single family zoning rights. It's a big deal now. Second thing, more importantly, all the opponents of str, I want you to think about illegal drug use. We have laws against illegal drug use. How good is that working? Doesn't work. If we pass these laws and ban the str type-2s, the law-abiding people they're probably going to be forced out and they'll move but the bad actors, they're going to go underground and keep doing it. You're going to say that's fine, we'll ban them and get code compliance do stop them. How good that working right now? We're not pleasing the bad actors right now. So if we have more people go underground, we're going to get no revenue do the city, the problem going to get worse, and the city not going to -- they're not going to take care of the problem. So here's the solution in my view, and I posted this back September 21, I posted on the council message worked I want you to go look at it. It says A.P.D. Task force for str and other public disturbances. The one thing everybody agrees on is that we have a public disturbance problem. Both sides agree we have a public disturbance problem and the noise ordinances, the drunkenness, the illegal parking, the real problems, whether they're str or whether they're long-term rentals or whether it's somebody that owns their house. Doesn't matter. If somebody is up at 2:00 A.M. Causing a public disturbance you don't care if it's str or somebody that owns their home. You need the problem fixed now. You need to call A.P.D. And they need to show up. So the way we fix it --

[applause] Is we have a task force dedicated to answering public disturbances and they need throb in 30 minutes and fix the problem.

[2:17:07 AM]

That's what I got to say. Thank you

>> Mayor Adler: Thank you

[applause] It's been moved and seconded. Ms. Troxclair

>> Troxclair: I just wanted to say really quickly, we have discussed this so late into the night and y'all both people -- people from both sides have -- clearly feel passionately enough to be here and it's really helpful to hear from and you hear your experiences and I know it's not fun to hang out with us until 2:00 A.M. But we really appreciate it. I'm sorry that we didn't get to make a decision or you didn't get to hear

the discussion tonight and you'll have to come back another day but we appreciate your time.

>> Mayor Adler: It's been moved and seconded to postpone until the 23rd. Those in favor please raise your hand. Those opposed? Ms. Tovo votes no. The others voteing aye. It is post -- two no votes, 9-2 , Mr. Renteria also voting no. It's postponed to the 23rd. That was the last thing on our agenda. This meeting stands adjourned.