

City Council Regular Meeting Transcript – 12/1/2016

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[10:02:41 AM]

Knuckles.

>> Tovo: Good morning. Thank you for being here for the city council meeting. I'm hopeful that we will have a quorum soon and can get started. I apologize for the delay.

[10:07:08 AM]

>> Tovo: Good morning. I'm mayor pro tem Kathie tovo. As many of you know, mayor Adler and councilmember Renteria are out of town today on city business. They are leading a delegation from this city to Mexico and we're appreciative of their work. They will be off the dais all day as well as councilmember troxclair. Now I would like to invite Mike Nuckols from St. Paul's lutheran church to lead us in today's invocation. Welcome.

>> Thank you. According to the paper I'm here under some interesting conditions. In the name of the father and of the son and of the holy spirit, amen. Oh mighty god, you have given us this good land as our heritage. Grant that we remember your generosity and constantly do your will. Bless our land with honest industry, truthful education and an honorable way of life. Save us from violence, discord and confusion, from pride and arrogance and from every evil course of action. Grant that we who come from many nations with many different languages may become a united people. Support us in defending our liberties and give those to whom we have entrusted the authority of government the spirit of wisdom. That there may be justice and peace in our land. When times are prosperous may our hearts be thankful and in troubled times do not let our trust in you fail. Through Jesus Christ your son our lord who lives and reigns with you in the holy spirit, one god now and forever, amen. Thank you, ma'am.

>> Tovo: Thank you, reverend Nuckols, again, I am mayor pro tem Kathie tovo

[10:09:08 AM]

and I would like to bring to order this meeting of the Austin council. It is 1008 and we're meeting in the council chambers and thank you for being here. I will start by reading into the record the changes and corrections. The invocation speaker as has been noted changed from the original posting. Today we are being asked to contemplate a postponement to item 10 to December 8th, 2016. Item 24 was inadvertently listed as within district 9. It's actually district 1. Item 36 has been postponed or will be postponed to December 15th, 2016. Item 56 at its 4:00 time certain. The staff will make a request to withdraw this item. We also have some late backup, as noted on the changes and corrections, and that refers to items 18, 21, 37 and 43. Our time certain items for today, 10:00 zoning matters. 12:00 citizens communications. Please note that the speakers for citizens communications were posted in the council addendum for this week. This meeting and convene a meeting of the Austin housing finance corporation board of directors. At 4:00 we will

have our public hearings. And at 5:30 we will have live music and proclamations. And today's music performance will be given by folk buke. Let me also add to the changes and corrections. The staff have requested a postponement of item 12, so please note that item 12 will be requested as a postponement until December 15th. First, are there any other requests for time certain items for today? Okay. Our consent agenda today consists of items 1 through

[10:11:09 AM]

57. The items pulled --

>> Zimmerman: 1 through 40.

>> Tovo: Yes, thank you for that, commitment. The items pulled by councilmembers include item 20, pulled by councilmember Casar, item 19 has been pulled by staff for a very brief presentation. Item 17 has been pulled by councilmember Houston. And item 24, councilmember Houston has requested a postponement of this. So we'll take it up as part of the consent agenda. I just want to ask staff whether they're comfortable with that request for postponement. Item 18 has been pulled for speakers. So that is 17, 18, 19, 20 and 24. Are there any other items that anyone wishes to pull? Okay. Please note that we discussed executive session items 45 to 48 at Tuesday's work session and 44 was withdrawn. We have one speaker on the consent agenda, Mr. King. So if you would like to come up and address the consent agenda at this time. Mr. King signed up on items 23 and 25.

>> Thank you, mayor pro tem, councilmembers. Regarding the item regarding the vacation of the alley in downtown here, I wonder if someone can dig into that a little bit and find out when I calculated the price there it came out to \$23 a square foot for both of those. That seems kind of low for property in downtown Austin. So I hope that someone would ask how they came to that calculation. My understanding is that would I guess be considered raw land, not developed, but it's an improved alleyway

[10:13:09 AM]

there. So my understanding is that just raw land, commercial land in a neighborhood like zilker is at least \$26 a square foot. So why is this lower than that, and it's in downtown Austin? So I think it would be important for the public to understand how that number was arrived at by the city staff. And then regarding the item to contract with UT for police services and other support for special events, my only point there is just to make sure that taxpayers are not ending up funding, you know, police protection services with this contract for special events. That should not be paid for by taxpayers. So I hope that someone will ask a question about that to make sure that taxpayers are not going to be on the hook for any support or services to UT for special events. Thank you very much.

>> Tovo: Thank you, Mr. King. Councilmember pool?

>> Pool: If we could pull that item I would like to have a question about staff.

>> Tovo: Which?

>> Pool: The contract to provide police services.

>> Tovo: So councilmember pool will pull item 25. I'll entertain a motion on the consent agenda. Councilmember pool recommends approval, mauleseconds that. This is the consent agenda except for 17, 18, 19, 20, 24 and 25 and -- in addition to item 12, which has been added to the list of potential postponements.

>> Houston: And mayor pro tem, I would be interested in the vacation of right-of-way too if staff could come and talk to that about how they arrived at that figure.

>> Tovo: Thank you. Councilmember Houston, then we will pull item 23 as well and take that up quickly after the consent agenda.

[10:15:12 AM]

Councilmember Zimmerman?

>> Zimmerman: I willing voting for the consent agenda with the following exceptions. Voting for 2 and 3, abstaining from four and five, abstaining from 21 and 22. Abstaining 27, 28, 29, 30, 31, 32 and abstaining from 34 and 35. Thank you.

>> Tovo: Thank you, councilmember Zimmerman. Are there any other exceptions of that sort to note? All right. So there's been a motion and a second for the consent agenda. Councilmember pool?

>> Pool: Real quick, we talked during the work session about staff had requested a postponement of the txdot traffic speed limit item, and it's item 34 and 35. And I don't think we have that language in here yet so we should pull that so that we can do the postponement.

>> Tovo: Councilmember pool pulls it items 34 and 35 and maybe we can talk to staff about that. As mentioned, consent agenda 1 through 40 with the exceptions as noted.

>> Gallo: Would you mind reading those again?

>> Tovo: 17, 18, 19, 20, 23, 24, 25, some pulled for discussion, some short, some long. Item 12, 10 and 36 will be postponed. Okay. Any other discussion? All those in favor of the consent agenda? And those are councilmembers Houston, Casar, Zimmerman, tovo, Gallo, pool, kitchen

[10:17:15 AM]

and Garza. So the consent agenda is finished. Let's go quickly to councilmember Houston, you asked to postpone item 24. If we could just invite the staff up to speak to that item and whether there would be any consequence of postponing that item. Councilmember Houston, when did you anticipate seeing this back?

>> Houston: The January meeting. January the 26th. Because of the confusion in which district this was in, and we didn't get the backup until late yesterday afternoon, I need time to kind of review it with staff so I'm asking for a postponement. So I've talked with real estate services and I'll let them speak for themselves.

>> Tovo: Thank you. Welcome.

>> Thank you. In regards to the January date, I'm retiring at the end of this year so I won't be back here in 2017, but I'll be glad to work with you the remainder of this year, address your questions and then someone else can handle the item. [Laughter].

>> Tovo: And let me say I am so sad to see you go.

>> I told Beverly I would be glad to address those questions that you have and make sure you have a good understanding of the item.

>> Gallo: Mayor pro tem, I'd like to make a motion that we don't allow her to do that. [Laughter].

>> Tovo: My staff and I have actually talked about bringing such a resolution. [Laughter]

>> I would be happy to second that.

>> Tovo: I would absolutely support your motion. Thank you. You don't see any unintended consequences or problems with postponing it.

>> [Inaudible - no mic].

>> Tovo: Super. Thank you very much, Ms. Flumer. Councilmember Houston, would you like to postpone that item to January 2017?

>> Houston: So moved.

>> Tovo: Councilmember Zimmerman seconds it. All in favor of that postponement? And that is unanimous on the

[10:19:15 AM]

dais with who I noted earlier off the dais. Let's go to the non-consent items, unless it appears that we're going to have a discussion about those. I think we can knock those out quickly. Those are items, 41, 42 and 43. Councilmember Gallo?

>> I need to be recused from item 43, please.

>> Tovo: If you would remind me of that. Item 41, is there a motion on this item? This is to approve an ordinance to annex the wild horse Webb tract annexation.

>> Houston: I move approval.

>> Tovo: Councilmember Houston moves approval, councilmember pool seconds that. Any further discussion? All those in favor? And so I see voting in favor councilmembers Garza, kitchen, pool, Gallo, tovo, Casar, Houston. Any opposed? Councilmember Zimmerman is opposed. So that item passes. Next, 42 and 43 are -- my understanding the staff intend to request a postponement. Welcome Mr. Guernsey.

>> Mayor pro tem and council, Greg Guernsey, planning and zoning. Item 42 and item 43 are related items. One is a neighborhood plan amendment for the property at nine 08, 1,000 and 1002 south second street. The zoning change is for the properties on south second street and 705 Christopher street. The applicant is working with the neighborhood on these regarding a private restrictive covenant. Neighborhood and applicant

[10:21:16 AM]

both agree to a postponement to the applicant's request to postpone items number 42 and 43 to your next meeting of December 8th. So it's a postponement of both items to December 8th.

>> Tovo: Councilmember Gallo, would you take the chair for a minute? I'm actually recused on these items. So councilmember Gallo, if you would call for a vote on those items?

>> Gallo: Items 42 and 43, staff recommendation has been a people to 128, -- postponement to 12-# 8, December 8. Motion made by councilmember Zimmerman, seconded by councilmember Houston. All those in favor? Any opposed? It's unanimous on the dais.

>> That concludes your zoning for the day.

>> Tovo: Thank you. That was quick zoning. And again, I'm recused on the last two items. Item 19, if the staff could come up and make their brief presentation, please. Good morning, mayor pro tem and councilmembers. Meghan Riley with the law department. I'm here to recommend that you approve a settlement related to the steiner ranch fires in 2011. As we previously indicated to you, over 19 plaintiffs filed over 500 separate property damage, personal injury or wrongful death claims against the city. And to outline the terms of the settlement, the city would pay \$6.42 million to a group of subrogation insurance carriers in exchange for release of claims. Additionally the city would pay 150,000 to a group of non-subrogation plaintiffs that would settle all claims against the city. In exchange for these two payments the city would obtain full and final releases from the parties and all parties would dismiss any pending litigation related to these fires. Additionally we are seeking approval to pay up to

[10:23:21 AM]

\$205,500 in attorney's fees and legal costs associated with the defense of this case. Because this litigation is covered under the city's insurance policy, the city's insurance carrier agis will reimburse the city all but two million dollars for payments made as part of the litigation. With that we recommend that you approve these payments.

>> Tovo: Thank you, Ms. Riley. Councilmember pool.

>> Pool: I'll make the motion to approve and then I have a question.

>> Tovo: Councilmember pool moves approval. Is there a second for that item?

>> Houston: I'll second.

>> Tovo: Councilmember Houston seconds that. Councilmember pool?

>> Pool: I just wanted to check in. We didn't talk about this in executive session. Is that because this is kind of a cut and dry situation?

>> That's correct. We sent council a memo kind of outlining the history of the litigation as well as the settlement terms.

>> Pool: Thank you.

>> Tovo: Further questions? All right. All those in favor of approving the settlement as described? Councilmembers Houston, Casar, tovo, Gallo, pool, kitchen, Garza vote in favor. Any opposed? Councilmember Zimmerman votes in opposition. So that item passes. All right. Let's go to -- so it looks to me like we have until -- until 3:00 we have left -- we have citizens communications at noon, but we have 17, 18, 20, 23, 25, 34 and 35. So let's just take them in order. Councilmember Houston? Councilmember kitchen?

>> Kitchen: I'm sorry, never mind, I got it.

>> Tovo: Let's take them in order. Councilmember Houston, you had pulled item 17.

>> Houston: Thank you, mayor pro tem. This is the agenda item regarding the fee waivers for several things, and so

[10:25:22 AM]

I'm looking for staff to come to -- there he is. Thank you, Mr. Jones. I didn't mean you to rush. Could you tell us why this is on the agenda for today? And then I have some specific questions about the one day temporary permits.

>> Okay. This is on the agenda because we needed it approved as part of the budget process. So we put it here to make sure that these fees are appropriately in place so that we can actually begin charging these fees appropriately.

>> Houston: And some were just a mistake and got left off so we're trying to correct that.

>> That's correct.

>> Houston: On the single day cost one-day permit, some of -- I think the last time we had this conversation, councilmember Renteria was here and we were talking about churches and neighborhood associations, but this is more personal because I try to do these town hall meetings. So what is the cost now of a single day permit for a church, a neighborhood group or my office?

>> Well, we want to separate them out between city official funded activities and those that are not. So I'm going to talk first about the city official ones and then I'm going to ask David Lopez, our environmental person, to talk more specifically about the private one. If an entity -- if an event is put on by the city of Austin, those fees we do not collect. We do inspect. And the reason we inspect is we want to make sure that all of the necessary state law, local ordinances are being in place. We also want to ensure public health activities are in place. If you or any other councilmember or agency of

[10:27:23 AM]

city government is putting on an event for the purposes of these, those are not. We will go out and inspect and make sure all of the necessary activities would be in place. Now, as it relates particularly to private events, we did go through that process and I'm going to ask David Lopez, our assistant director for environmental health, to talk about those fees specifically for the private entities.

>> Good morning, David Lopez, health and human services. Councilmember, about a year ago I remember that we had some discussion with the mayor at that time, and some of this discussion had come forward and we had addressed -- I had specifically stated if the council so deemed they could create a category, but currently the only exemptions that we have for any tax exempt -- I'm sorry, we do not have a category for tax exempt. We would need to create one. The lower fee was directed by councilmember Renteria. I believe it was councilmember Casar that actually brought a friendly to it that the vote was taken for the \$35 a day, one booth, one fee, one vendor.

>> Houston: So if your church, a non-profit, then do they all know -- there are places all over the city that are providing food and I'm not sure that they've got a permit or whether they know they're supposed to have a permit.

>> Well, we try to reach out to as many as we know about. Most churches do have a standing annual event that we reach out to, but to the question of the tax exempt, the only two exemptions

that we currently have on the ordinance are for schools and those on the social services contract. So there is no category.

>> Houston: So there's no category. So this comes up because I was asked to get a temporary food permit for the asian-american cultural center to be able to cost an

[10:29:24 AM]

event over there. And so that's where the confusion comes in, because if I'm going to pay it do I pay it or does the person that's providing the food pay it?

>> If this is an event that is being put on by the city of Austin, your office as an official, then we should not be charging you a fee for that. We should be inspecting that. And if you are being charged or if someone informed you that you are being charged -- you have to be charged --

>> Houston: No, I needed a permit. I needed a permit and that would be the 35-dollar one.

>> Yes, ma'am, but to Mr. Jones' point, if you were showing it as a city-sponsored or council-sponsored event, then the fee would be waived. The requirements of the event would still be intact with respect to the health.

>> Houston: Okay. And we appreciate that, but it's just that's the first time that it happened and so evidently there's some confusion at the city centers about what's required and what's not. We had one at rosewood Zaragoza and there was no problem. The health inspector came in, but this time I was told I had to have a permit.

>> Well, councilmember, I might be able to add a little bit to that. Currently the asian-american center has a conditional permit that we've issued for minimum amount of foods that they're allowed to serve until the completion of the buildout of their kitchen. With respect to rosewood Zaragoza, they have a kitchen permit in place.

>> I usually have a cater come in and do the food.

>> Yes, ma'am. And they would be permitted as well.

>> Houston: Okay. That's all I needed to make sure that I was cleared before I start this new year off doing something that I don't -- I don't want to get in trouble.

>> And part of your question well -- and part of your question we will be working with our centers at parks and other centers where these occurred to update them on those expectations as well.

>> Houston: Thank you. Appreciate it.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: So my question on this is can you

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help me understand the policy viewpoint of why if city government sponsors is there's no fee collected? If the city government doesn't sponsor it a fee is due? I don't understand the policy behind that.

>> The general policy and philosophy is that the city should not be charging itself to do the activities. The requirements are the same. We're not charging the city a fee if it was a place collecting the city to put back in its coffers and we don't do that as part of our practice for these type of events.

>> Zimmerman: Okay. To me it seems exactly backwards because the city is supposed to be a service, so instead of providing the service, the city serves itself and says well, we don't have to pay because we're the city. But you guys that pay the taxes and that don't work for the city and don't control the city, you have to pay. For me it's just backwards. So I'm going to be voting no on this.

>> And I understand that, councilmember. That's a philosophical difference because there are those who would take just the opposite position as well. It's a philosophical difference.

>> Houston: So mayor pro tem, I think the difference is that as a city -- operating as a city employee, I'm doing community outreach, and in community outreach, which is what we're supposed to be doing, there are some things that I would provide to encourage people to come

and listen to the issues that are there and that the public may not do. They're doing it for maybe their own neighborhood association or for their own group, and so this is very different. This is an arm of the city who is inviting the citizens of Austin to come in and listen to issues that impact their lives. So I see that as a difference.

>> Tovo: Councilmember Houston, I agree with you. Thank you for articulating that difference. Does anyone have any other questions on this item?

[10:33:29 AM]

>> Houston: I move adoption of item 17?

>> Tovo: The reason I'm pausing is that because people are leaving the dais at times and I want to make sure we have enough to actually take that vote. We are, as you know, down three councilmembers today. Okay. Would someone like to make a motion? Councilmember Houston, would you like to move approval? Is there a second on this item? Councilmember Garza seconds this item. All those in favor? Those in favor councilmemberHouston, Casar, tovo, Gallo, kitchen and Garza. So that motion passes. I'm sorry, those opposed, councilmember Zimmerman. And off the dais is councilmember pool. So that item passes, thank you. I believe that 34 and 35 may be relatively quickly, may move relatively quickly, so councilmember pool, you had asked for those items to be pulled for potentially a postponement request. Do we have staff here to talk about items 34 and 35? Councilmember pool, can you reiterate your question from earlier? Please?

>> Pool: You bet. I wanted to -- so I should make the motion first? I did have a question.

>> Tovo: Just go ahead and ask your question, councilmember pool. I think it's fair to get the information first before you decide how you want to move forward.

>> Pool: Thank you so much, mayor pro tem. Mr. Durr, thanks for being here, Mr. Bole lock. We talked at work session about the txdot process of lowering -- they have sent us an application to lower the speed limits on certain sections of north Lamar by about five miles per hour and some of the other section would remain the same. Could you describe how thatprocess works? The discussion at work session talked about are we limited to simply approving or disapproving their application? Do we have any latitude torequest that the speeds be lowered additionally. I was thinking an additional five miles per hour, for

[10:35:29 AM]

example.

>> Gordon durr, Austin transportation department. With me is Mr. Bollock. There is a state law, the shertz law -- most of you remember when shertz used to be the speed trap between here and San Antonio that basically you have to set a speed limit based on how people are driving the roadway. So that's kind of theoverall document at the state level that controls how we set speed limits. There's an opportunity here for us to talk, and we've begun discussions with txdot to go in and look at the data and look at the segments. So we'll be going in, we'll probably collect some more data and work with txdot to do a refined proposal from them.And they're open to doing that. So we just understood from work session that council was going to suggest the postponement, and that's why we didn't particularlyrequest that.

>> Pool: That's great and I understand that the mobility committee will be talking about this next week on -- is it December 7th?

>> Kitchen: Yes, onDecember 7th we're talking about the overall policy related to speed limits and the recommendations from our pedestrian advisory council on lowering speed limits and looking at supporting legislation as well as maybe a pilot. And then also envation zero has made -- envision zero has made recommendations about that.

>> Pool: That's great. And I think that the provisions that envision zero has offered up for safety -- so I will make a motion in a minute here to postpone this to staff has the ability to talk with txdot

before we approve this or make changes to lower it even further. What I would ask in that in

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the conversations you have with txdot is you could ask them to look more at how they set the speeds. That the criteria not just be the 85th percentile of how quickly people are driving through an intersection because clearly those criteria were based on a different circumstances than what we are trying to address at a policy level here today, which is fatalities and injuries that happen due to traffic speeds on these wider boulevards through the city and that we would like to see if we could use lowering speed limits as a tool. It wouldn't be the only thing that we would do obviously because of how the roads are engineered. Clearly it is a factor as well as other things, but as one tool that we could possibly use here in the city to help with that.

>> So may I add, Eric bollock, Austin transportation. The work session we did state that per the procedures he -- per the procedures that txdot volumes it does state that they should reach out to the city in question and run by their studies with them. Reading it, it does sound like txdot still does have the full authority to still set it once it comes down. They can still, if you will, overrule us, but we will have those discussions. I just want to let you know that.

>> Pool: And that's really helpful. I think that was the piece that I was trying to determine, whether it was they expected us simply to say yes. And I would actually like to engage in conversation with them about what these limits do and how we can use them in other ways to promote safety, both pedestrian and vehicle safety in the city.

>> Tovo: All right, councilmember Casar.

>> Casar: I would note that I'm supportive of the postponement and supportive of lowering the speed limits on these stretches of roads when and if it changes behavior because some parts of Lamar are -- we hear very often from folks and myself personally that there are lots of pedestrians forced

[10:39:31 AM]

to Jay walk and we have lots of issues there. At the same time we do have lots of low income communities that I don't want to have a speed trap in the middle of their neighborhoods either, so I want us to make sure we achieve that balance because if lowering the speed limit too much doesn't actually result in behavior change and we wind up with a speed trap in the middle of my district, I anticipate that will have harmful effects as well. So I understand the balancing act and I think that the postponement will help us with that.

>> Tovo: Other thoughts? Okay. Councilmember pool, you indicated you want to make a motion to postpone.

>> Pool: I would be happy to. I move to postpone items 34 and 35 to February 9 if staff thinks that will workable. To work with txdot to determine whether existing speed limits on Lamar boulevard and Parmer lane within the study areas can be lowered by an additional five miles per hour beyond what is proposed here. And then I would add additionally the piece about vision zero and this dais' support for the elements of that plan and see if we can look at other criteria besides just the 85th percentile in determining speed limits.

>> Tovo: Is there a second to that motion? Councilmember Casar seconds it. Staff, I saw you nodding. Is the February date agreeable?

>> Yes.

>> Tovo: So the motion is to postpone that until February 9th. Councilmember Houston.

>> Houston: And Mr. Durr, before you run back to your seat, for those parts of the study area that intersect with parts of district 1, I would like to be included in that.

>> Certainly.

>> Tovo: Councilmember Zimmerman, I believe I saw your hand up as well.

>> Zimmerman: I have a quick technical question as well here. Thanks for being here. Could I ask who requested the txdot studies? And I went and looked through some of the reports here, some

date back as far as October of 2015 and I didn't really see a pattern of when the studies were

[10:41:32 AM]

done. The times of day would be different the months, the seasons. Could you tell me a little bit about who requested the study and how that was conducted?

>> So for Parmer lane, we reached out to txdot just to be sure we were answering this correctly. We indicated it was internal to txdot and on Parmer at least they reached out and said we want to do the study. They did the study and then sent it to us in the city.

>> Zimmerman: So you're saying that txdot implemented that study.

>> Correct.

>> Zimmerman: What about for Lamar?

>> For Lamar we had an interest specifically to a certain part of Lamar itself. We were interested in exploring the installation of a pedestrian hybrid beacon, which encompassed the study area that txdot wound up studying. We were just initially interested in one part. They decided to do Lamar and what they were interested in, 183 all the way to Parmer because txdot has a policy of not installing those dice devices above a person speed limit. We reached out, they did the study and came to us with their findings and recommendations.

>> Zimmerman: I went through the studies and it looked to me like it suggests the speed limits are pretty accurate the way they are if you look at the profile of the vehicles. What we need is some traffic enforcement. We have some speeders there obviously. We need traffic enforcement at the existing limits rather than lowering the limits but that's my quick take at looking at the studies. I appreciate your time.

>> Tovo: Councilmember Casar.

>> Casar: If we postpone this and don't make the decision until pedestrian are we delaying the installation of the pedestrian hybrid beacons.

>> We are looking next week and that could be this one

[10:43:32 AM]

on Lamar, but realistically we couldn't install it sooner than February so it would not affect the installation.

>> Casar: If it does sound like councilmember pool, if it's friendly to the motion, it does sound like we're going to impact the timeline of some improvements, do let us know if we have to talk about this some time earlier, at least let us know in memo format or something.

>> Houston: Mayor pro tem, one more thing. The Texas department of transportation has some requirements of what the speed limit requirement should be. Do you know those off the top of your head? I don't want to quote them, but they do have some.

>> If the street is posted above 40 miles per hour, which is basically 45 or above, they generally do not support it. So the area we're talking about is just south of Rundberg near Cooper, and that's within the area that they recommended reducing to 40 from 45. So the data supported it. It wasn't the only reason to lower the speed limit. The data supported it and thus they're open to having the pedestrian hybrid beacon installed.

>> Tovo:

>> Casar: you asked us to consider it sooner if they were needed to install the pedestrian hybrid beacon? Are you comfortable with that? Okay. All in favor of the motion as amended by the friendly direction? If. That is councilmembers Kitchen, Pool, Gallo, Garza, Tovo, Casar and Houston. All opposed? Councilmember Zimmerman is opposed. So that motion passes. Just for planning purposes, I'd like to move to -- we're going to go a little bit out of order. It's my understanding that there is discussion going on around 18, and I think that it will -- we'll delay that for just a few minutes and

[10:45:33 AM]

move to item -- we'll take up item 25 and then item 23, item 20 and then 18. But I think we're still on track to get the consent agenda finished before noon depending on the length of the discussion. So we'll just jump right into item 25. Let's see, pool. You pulled that item in response to the citizen and a question you would like to ask?

>> Pool: It's what Mr. King raised -- is this the vacation? This is the A.P.D.?

>> Tovo: Item 23 related to the contract with UT about whether taxpayers --

>> Pool: That's better.

>> Tovo: I'm sorry, we're pulling 25 and that is to authorize the negotiation and execution of interlocal agreement for special events. What Mr. King raised is whether the taxpayers would be on the hook for any of that?

>> Good morning. Assistant chief Troy gay. The answer is no, there is actually a fee schedule that is attached in the interlocal. This is mainly for special events that occur that would affect around the campus to where they would need to come and ask for our assistance, our special events would work with them and work with our fee schedule to ensure that it does not impact the taxpayer?

>> Tovo: Thank you very much. Further questions about this item? Is there a motion to approve this item? Councilmember Houston moves approval. Councilmember Zimmerman, are you seconded that? All right. Any other discussion? All those in favor? That is unanimous on the dais. Item 23, which is the alley vacation. And I believe the question Mr. King raised was how this price for that vacation compares to -- alley vacation compares to real estate prices downtown.

[10:47:34 AM]

>> Mayor pro tem, councilmembers, Lorraine Rizer with real estate. Councilmembers, the property was appraised based on one portion of the alley was based on \$110 a square foot. And the second portion of the alley was based on the \$115 a square foot. But the city is retaining a pue across it. We have major utilities, a wastewater line through the alley. The alley can never be constructed over. The main reason the person is vacating this alley is to stop some of the traffic through the alley. So that we retained a pue over that which discounts the property from the tun 110, \$115.80%, so that is why the price is what it is.

>> Tovo: Ms. Rizer, would you define for the public what a pue is.

>> It's a public utility easement and that allows us to put any utilities we need in the alleyway.

>> Tovo: Councilmember pool?

>> Pool: So the property owner owns the alleyway or the easement or we do?

>> We own the easement. We have the majority of the rights in the property we're keeping, so we're not selling the full property. We're retaining the right to put any utilities underground, on the ground or above the ground in the alleyway. So they could never build a building across there. The only thing they can really use it for is for parking in that area. Or landscaping.

>> And I know this isn't in your expertise, bailiwick, but I do have a question about continuing to breakup the grid, the downtown street grid, which making alleyways impassable by a vehicles or pedestrians

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even. It seems to be going contrary to some of the policies that we've established. In other parts of the city. So is there anybody that could talk about that or maybe mayor pro tem you could talk about you could enlighten me a little bit on council action in the past and any policy implications on closing down access through a alley ways downtown?

>> Tovo: We have certainly spent some time as a council prioritizing keeping those alleys up as public passage ways, but also looking at ways to make those more vibrant and do some of the kinds of things that we've done in other cities but I would look to Ms. Rizer.

>> And this alleyway is not downtown and part of the access in this alley is already blocked and I believe that's why transportation recommended the vacation.

>> Tovo: That was one of the reasons why I was less concerned about that. But I appreciate you raising that because that is something that I think our council needs to kind of revisit and look at kind of moving forward with a plan. Councilmember Garza.

>> Garza: Back to the appraisal. So the 100 plus per square foot was based on the assumption of a continuous use of that piece of property?

>> Yes. It's appraised based on the highest and best use and so what they look at is what's the value of that land when it's assembled to the property next door, and so we looked at the different uses. So they said based on the highest and best use the land is worth 110, but then -- and that's assuming that you could build on it.

>> So is the 80% discount, for lack of a better term that I can think of at this moment, is that industry practice when you're putting an easement right through the middle?

>> Yes. And it's in line with -- I would have to go out on that property and buy an easement, then I wouldn't be paying the full price for

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it. I would be discounting it for the rights that we're buying.

>> Garza: Okay. Thank you.

>> Tovo: Okay. I'll entertain a motion on this item. Councilmember Garza moves approval. Councilmember pool seconds it. All those in favor? And that is unanimous on the dais. So item 23 is approved. That brings us to item 20 and I would like to recognize our city manager to introduce this item, please.

>> Thank you, mayor pro tem. Item 20 is asking the council to confirm my appointment of assistant chief Brian Manley as our new interim chief of police, if you would come forward, chief. This is a little bit unusual. Personnel matters are the purview of the city manager, per our personnel policies and our city charter. There is a Texas local government code section that provides that changes in the chief of police need to be confirmed by the full council. Yesterday chief -- former chief Acevedo was confirmed by the city of Houston, using the same process, and so today the action that we're asking you to do is to confirm the appointment that I made on the Friday before Thanksgiving in a press conference and I sent a memo to council accordingly, making that announcement. I have every faith that chief Manley can do the job. I have a high level of confidence in his skills and the value that the city have as well as the police department. He will carry on those values accordingly. And so he has my very highest level of confidence in his abilities to do the

[10:53:35 AM]

job.

>> Tovo: Thank you very much, city manager. I believe that this item was pulled by councilmember Casar. So I'll recognize him first for any comments. I see there are questions from councilmember Zimmerman and pool. So I'll get to you next.

>> Casar: Well, I really appreciate the chance to work with you and I anticipate that we'll get to continue working together for some time. You know, I think this is an important vote that we get the chance to cast. As the city manager noted there's a lot of big jobs in the city, but we don't vote on the confirmation of assistant city managers or even the general manager of Austin energy, but the state has determined that your job is of such community importance and touches so many community members that as elected representatives I think it's appropriate for us to take a moment and just discuss with you some of the key issues facing the city. So I just wanted to ask

you a few questions, just so that here on the record and in public before we cast this vote folks sort of get to know you a little bit more in this moment even though we've of course gotten to know each other quite a bit in your role as the chief of staff. So my first question for you, and I anticipate that others on the dais may have others, is about our violent crime rate. While we as a city have a relatively low violent crime rate for a big city, there are parts of our community, including areas in my district, where people have to face disproportionate amounts of violent crime. If you could discuss with us briefly, just really short, your vision with dealing with and helping lower the violent crime rate in areas that face a disproportionate amount of crime while still attending to the needs of the entire city?

>> Certainly, councilmember. Brian Manley, chief of Austin police. First let's start with the city, Austin is one of the

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largest cities in the country with the top violent crime. You heard the chief last week that we are 10% up in our environment crime in -- violent crime in Austin. It is what we have seen occurring in other places of the city this year that were widely publicized that have homicide rates that are unprecedented. So we will continue our practice of intelligence-led policing. We focus on putting the limited resources that we have in the places where they're most needed or that will have the greatest impact on the community's safety. And we've seen success in many parts of the city following this approach. I think restore rundberg is a perfect example of what we can do when we really do gather incidental against and we have the resources to put in neighborhoods to make a difference to ensure that they are both safe and have the highest quality of life that we can provide through our services. So going forward, we are concerned about this spike that we're seeing this year. We are analyzing where the greatest increases are. We're seeing significant increases in the aggravated assaults. So our focus is directing the sources towards -- resources towards the neighborhoods that need them the most and have the most impact while still looking at services across the city. We regularly analyze the crimes for where they're occurring and then we adjust our staffing as necessary to make sure that the officers, the men and women on the front lines, are being placed in the neighborhoods where they're most needed and will have the most impact.

>> Casar: Thank you. My second question is on the the public safety committee and on this council you have heard public members talk about a variety of topics they would like worked on, that comes from technology and transparency issues with how we deal with folks facing mental health difficulties oh, we deal with immigration on the local level and our use of force policy amongst a variety of others.

[10:57:38 AM]

I know you've already been working with us in your capacity as chief of staff, but now as a person to be confirmed as police chief, are you committed and ready to working with this council collaboratively on any new policy direction that potentially is in the best interest of the city?

>> Yes. You will not see a difference in the level of cooperation that our department has under my leadership when it comes to significant policy changes. I think we've shown a willingness to engage the community, to engage council and to take input. Ultimately we are responsible for our operational day-to-day policies, but we will remain open, transparent and inclusive when we look at these policies that are of such great interest to this community that we want to weigh in and give us their opinion.

>> Casar: I've got one last question before I kick it off to anyone else, but I do appreciate that in your press statements immediately after the city manager announced her decision that you did mention, you know, our commitment to the immigrant community. We have immigrant citizens and non-citizens all over the city, but many in my own district. And folks really appreciated that. So I just

wanted to ask you sort of here because not just in the press, but here instead of chambers, about our continued commitment and dedication to our existing practice of preventing crime through local law enforcement and not trying to fill the role of federal immigration enforcement. If you could state for us if we're going to continue our commitment for making sure that committee members, be they citizen, non-citizen, documented or undocumented, to Austin pd and everybody will be treated the same under the law.

>> Zimmerman: I would like to raise a point

>> Zimmerman: I would like to raise a point of order.

>> Tovo: I said I would

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recognize you --

>> Zimmerman: The point of order has to do asking an employee of their potential willingness to violate federal law. That's an important point of order to make. Free to answer that question, I'll withdraw that point of order, but I'm concerned with the question asked and the context of asking a city employee if they are not going to follow the law.

>> Tovo: Just for the record, I didn't understand that as the question. City attorney, did you want to make a response to councilmember Zimmerman?

>> I think it's important our police chief indicated he would follow the law and I think councilman Casar is asking him to follow the law as it exists.

>> Casar: I will clarify the question that I'm not asking anything that is outside the law because I asked that we reaffirm our continued practice and commitment to being local law enforcement and not being federal immigration enforcement. And that is not only lawful, but I think the right thing to do and so I just want to -- and I believe this is the statement made by chief as said -- chief Acevedo and confirmed by Mr. Manley. My question again is are we going to continue to focus on local law enforcement efforts and not on immigration efforts because we're dedicated to fighting local crime and making sure that everybody who is an austinite is treated the same by APD.

>> Our current practices and policies and procedures will stay the same. We will as a department continue to focus on criminality and not status so you will not see a change as we have approached this issue

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over the past years. [Applause]

>> Casar: Thank you.

>> Tovo: I indicated I would recognize councilmember Zimmerman next and then councilmember Pool and then councilmember Kitchen.

>> Zimmerman: I was going to make a motion to approve the resolution affirming officer Manley as interim police chief. I wanted to make that motion as chair of the public safety committee. I make the motion. If there's a second.

>> Tovo: Councilmember Zimmerman moves to approve chief Manley as councilmember Gallo seconds that. Expect, go to questions from you.

>> Pool: Thanks, chief Manley. [Inaudible]

>> Kitchen: I just want to say that I appreciate all the work that we've done over the last two years I guess now, and I'm looking forward to continuing that work with you and so I wanted to congratulate you for stepping into this position and thanking you. I think it will be very productive and continue to be a good working relationship. I did want to say as part of that that I appreciate the progress that the police department has made on community policing and we've had discussions about that and I know there's continued work that's happening so I look forward to continuing that work with you all. Is there anything you would like to say about the community policing at this point or --

>> Yes. We have been and we will remain to be a community policing organization. That is our focus. We are not -- we do not have an officer or a division that is our community policing officer or division. We have an operating philosophy of being inclusive of the community as transparent as we can to the community, as engaging as we can with the community and that will continue. We have taken in the report that you all funded last year that we did through the matrix consulting group and we have a team that's working on that looking for opportunities to improve what we believe is already a successful program, but obviously as with most programs there's always areas for improvement.

[11:03:40 AM]

So you will continue to see our steadfast commitment to practicing effective community policing here in Austin.

>> Kitchen: Thank you.

>> Tovo: Councilmember Garza.

>> Garza: Chief, I want to thank you for stepping up to this position. It is one of the most important and probably one of the hardest in our community, I would say. Sometimes harder -- probably harder than the jobs that we have up here. So I think it's important to recognize in this discussion that there are concerns regarding the use of force throughout our country. There's concerns about use of force issues, and I believe there is -- it's important to recognize that and important to say there's validity to those concerns. And specifically the shooting of African-American young men. It's unfortunate it's broken into pro black lives matter or not but I believe you can be both. I believe that you can recognize the concerns of using force, but also recognize that - - or also absolutely 100% support the men and women that protect our city. So I hope you know that. I hope that our community knows that and that I look forward to working with you. I've always appreciated your professionalism and how we can, you know, bring this community together over that issue and many others. And I also will point out that your job is extremely important to those of us that represent districts where most of the violent crime happens. So thank you again and that's it.

>> Houston: Mayor pro tem?

[11:05:41 AM]

>> Tovo: Councilmember Houston.

>> Houston: Thank you. Chief Manley, I'm so proud of you. I think you bring a steady calm hand to the department, leadership. I've watched you in press conferences when difficult things happen to our city, and you bring a calmness to the whole situation and I appreciate that. I appreciate your willingness to listen. You listen very well and then interpret back to some members of the force that don't listen as well. And so I have appreciated your ability to hear what the emotions are behind some of the comments that people share and some of the concerns that people have and some of the fears that people have. I did have a quick question. Do you see in your professional opinion, do you see any relationship in the growth that we're experiencing and the increase in crime?

>> Yes, I think that absolutely plays into it. I think any time you have a community that's growing at the rate with which we grow, you end up with challenges across the board. Not only challenges with the things we talk about frequently, transportation, mobility and all of that that you see day to day and we all experience, but I think the communities most impacted with crime they also experience growth with population and therefore more opportunities for crime to be committed so I do think there's a natural link.

>> Houston: Thank you. And I'm more than willing to continue to work on behavioral health issues because most of the people that we see on our streets have mental health issues and are not medicated and don't get the services that they need and they don't belong in our jails either. And

so that's going to be one of the things I'll be willing to work with you on. And then, of course, as councilmember Garza said many of the fatal shootings happen in our districts and so that's something that we continue to talk about and we continue to

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gauge the community in and I thank you for doing that.

>> Thank you.

>> Tovo: Councilmember Gallo.

>> Gallo: I want to also say thank you for being willing to step into this position. I am so grateful that our city will continue to have good leadership and be in good hands. And I appreciate councilmember Houston addressing the growth concerns, the growth issue because I think as you make and your department makes a commitment to keep us safe that the council needs to make a commitment to provide the resources and the funding within the budget to recognize that as the population grows that we need to have officers and equipment to handle that growth. As you make your commitment to serve us, the council needs to make a commitment to fund all of our public safety departments to serve the community.

>> Thank you.

>> Tovo: I can't really add to my colleagues' comments except to say thank you. I know you have the confidence of our outgoing chief as well as our city manager and I have the utmost confidence in your abilities and delighted to be able to vote for your affirmation of police chief today. All right, we have a motion and a second. Any other comments? All in favor? And that is unanimous on the dais. Congratulations. [Applause] And I would invite you if you had any other --

>> A moment of privilege.

>> Tovo: Absolutely.

>> I would like to thank city manager hart for placing the confidence in me. I know chief Acevedo had a lot of confidence in me, but mayor pro tem and council, I appreciate and respect the comments you've made today. I am honored, proud, humbled by the opportunity to lead the men and women of this city in a department where I grew up in and men and women that I

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consider family. I've said this before that I know a lot of others that I've worked with that have gone off to be police chiefs in other communities, but to have the opportunity to serve and lead in the community you've grown up in and had your entire professional experience is quite unique. And I will assure you that I will work as hard as possible to keep up the successes that we have had as a department and I know there are some concerns in the community that with losing such a dynamic leader in chief Acevedo that we're going to see some slowdowns. The chief would say if he were standing next to me, the hard work and success we've had, it's rarely because of the individuals in here, myself and the executive staff, but it's the men and women on the street every day that are responding to the calls or working the cases as the detectives and so you will continue to see a level of dedication from this department that I think will make you all proud and I know makes me proud. I want to thank you for this opportunity and just one more time assure you that I will give you 100% to continue the successes that we've achieved over the past nine and a half years and look forward to this. Thank you.

>> Tovo: Thank you. [Applause] City manager.

>> Yes, I would like to thank the council for their confirmation and also thank our new interim chief of police for his willingness to step up. I also want to recognize the assistant chiefs in the audience that are supporting our new assistant -- our new interim chief of police. I met with them the day that we made the announcement. They are a great group of folks. They are not all here, but I do appreciate so much your support of chief Manley and that of the entire department you have my greatest admiration and confidence and get out and keep us safe. Thank you.

[11:11:45 AM]

>> Tovo: Thank you. Okay. That brings us to the last item on our consent agenda which is item 20. And so just by way of context, as I'm sure most of you remember, we -- I'm sorry. Item 18. By way of context, many of you probably remember the human rights commission made a series of recommendations to our council. We affirmed and moved forward several of those recommendations with a resolution I brought last spring that several of you co-sponsored and was passed by the city council and a portion of those directed our staff to make some changes to our personnel policies. That's what's before us today. I want to just offer my thanks not just to the community members who suggested these changes, but also to our staff for their hard work on these changes. We did all receive a core spend he knows from afscme. It's my understanding they have been working closely with several of our council offices as well as staff to make some of those changes. I think probably the best way to proceed at this point would just be to go to the customers and then we'll invite the speakers to indicate where they believe the changes are and then our H.R. Staff can perform those. -- Confirm those. So I have two speakers signed up on this item. The first is Carol Guthrie and the second speaker, and she is signed up in favor, the second speaker is signed up against and he is Todd Killuck. Welcome, Ms. Guthrie.

>> Good afternoon. Thank you so much for allowing me this opportunity to come before you today and a special

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thanks to those of you who reached out to us to get in a better communication status with the city. It appears that we have reached a consensus on the entire document that is going to be proposed to you. We just saw one minor problem with it just a minute ago, but we had a very good dialogue this morning, and based on the changes that we agreed to just a little while, a we are in total support. Of the policies. Okay? Thank you so much.

>> Tovo: Thank you, and we'll hear from the staff and then we'll just reconfirm maybe with you that it has encompassed, but -- that their proposed changes have encompassed the ones you ended. Thank you for your work on this. Mr. Killuck signed up against. You have three minutes. Welcome.

>> Mayor pro tem and councilmembers, I'm also with afscme staff and with the changes we've talked to Ms. Hays and her office about, we're in agreement with everything so I want to thank them for working with us for those changes. Thank you.

>> Tovo: Thank you for being with us. Also signed up in favor but not wishing to speak is David King. Now I would like to invite our staff up to walk us through the proposed changes to this document. And these are, I assume, proposed changes to what -- to the late backup that appeared posted yesterday. I'll ask Ms. Hays to reconfirm that.

>> Good morning, council. Jay Hays, director of human resources. The ink is not even dry on the document. We have just completed the final changes. Devon is about to come up and kind of walk you through the document. Let me just bring some clarity to what you are seeing. We have a document in your backup that represented the recommendations that came from human resources.

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On yesterday we had an opportunity to talk to several offices will concerns so we've taken those concerns and we've adjusted that document. So what you'll see before you now in the yellow version will be the updated information. Devon will now come forward and take you through the document so that you clearly understand not only the changes that were proposed to you in the original backup, but the additional adjustments that we made after collaborating with afscme. If you would allow me one opportunity to thank council for working so closely with us. We're very

excited about the changes that you'll see in these definitions. We will be coming back to you with a full chapter a to allow us an opportunity to go through all of our policy and we will be collaborating with afscme and other levels of the organization to ensure a collective approach to creating and improving our policies. So with that being said, Devon will now take you through the individual changes to the definitions.

>> Houston: Excuse me.

>> Tovo: Thank you. Councilmember Houston.

>> Houston: Mayor pro tem, thank you. Could you put something on the overhead since we don't have copies of what you are doing?

>> We can or we can -- if you all would like us to wait just a minute, they are printing the yellow copies for you now. We can talk through it and then bring you a copy or we can delay the conversation to provide you an opportunity to have the document in front of you.

>> Houston: Never want to delay, but I would like to have a copy.

>> And I believe Devon are printing them out so maybe two to three minutes we'll be prepared with copies for you to review.

>> Houston: Okay, just keep talking and then I'll catch up with you when I get it in front of you.

>> Tovo: Would that be your preference or do you want to pause for a few minutes but we'll all remain at the dais? Councilmember pool.

>> Pool: I just wanted to and maybe I can use up a little bit of time while we wait. What I wanted to do was recognize for Ms. Hays and staff and also our stalwart

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afscme folks the fact that we were able to respond so quickly is in due large part to the reaching out of staff to our offices to come and talk to us about the changes and afscme giving us suggestions and doing a really quick review. All of you all who are here today, Carol and Chrissy and Jack, made it possible for us to act pretty quickly and to be as nimble as possible and I think it had some really good resolution it looks like. And there were a number of us on the dais that you all reached out to and staff contacted, I think everybody to talk through the changes. We had good conversations about intent and contact that's easier to have in a one on one with our staff and with our union reps and friends so we could get to a place of resolution much more quickly, and I just wanted to recognize director Hays and let you know how much I appreciate the fact that you all came to us with open minds and willingness to kind of help get our input so we could craft the policy language that we were looking for. So thank you.

>> Thank you.

>> Tovo: Councilmember Houston, it's really your preference. We'll begin and then we'll await-eagerly await the documents.

>> Thank you, I apologize for that. Interim assistant director of human resources. So maybe without walking through the particulars, let me walk through kind of some of the broad, general changes that we've made from the backup that you have attached to the agenda item. The first concern -- the overarching concern we heard from afscme and some of y'all is the language that we have in here about the off-duty conduct. And so what we did is for now, as director Hays talked about, we are going to come back to this body with the changes to the entire personnel policy so the rest of chapter a and B at a later date in 2017.

[11:19:50 AM]

So what we're going to do is work with afscme and work with our stakeholder groups to really try to come up with better language that can really kind of show what we are intending to do, which is not really delve into everyone's personal life, but when your action off duty impacts your job and co-workers, in those rare circumstances will the city want to take action and make sure we have a workplace that's safe and friendly for all of our employees. One of the other things that we did is we increased our definition kind of of the word harassment. And what we did is in

case anybody is just reading the harassment definition, we also wanted to point out to them that retaliation is also unacceptable under our policies so we've defined what retaliation and says these actions if you do X, Y and Z, it constitutes retaliation under a different section of our personnel policies, which you can also be disciplined to up to and including discharge. One of the other topics that we talked about is if you see we have some -- in some places we have the word prompt and in some places we have the word immediate. What we tried to do is really follow the eeoc guidance on the topic and that guidance is once we receive a complaint as a city we receive a complaint of an alleged violation of the personnel policies or of harassment, discrimination or retaliation, we have to promptly look into it and start an investigation. Once you complete the investigation, if you find evidence of harassment, discrimination, retaliation, the city has a duty to immediately rectify and take corrective action. We really wanted to spell that out in a couple of sections throughout the personnel policy changes that you have before you, which really spells out that we will take

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prompt -- and we changed the word prompt to without undue delay, the city will take action and start an investigation and then if the investigation does show evidence of any of those things, then we'll take immediate corrective action. Let me see. I think one of the other things we did there's a section, section 5 on reporting discrimination, harassment or retaliation. We really wanted to reinforce to our employees and also to our supervisors that failure to notify department H.R. May result in discipline up to and including discharge. In other words, if you are a supervisor and one of your employees tells you, hey, I think I'm being harassed, but you don't report that up the chain and to human resources, then we want to make sure our employees know they have a duty to report that and a failure to do so would -- may result in discipline up to and including discharge. One of the final things that we did here is we wanted to make sure that -- actually I think that may encompass --

>> I think the only other piece we had was in the recommendations that you received from a fscme there was a request to add the word annoy to that component. We both agree the word annoy would not be part of that description. In total what it was really important to note is what we provided knew the backup, there are some minor semantic changes, but in our conversations with not only the council offices, we also had an opportunity to take these policies through cmo and our city manager to ensure western also meeting the needs of the city management relative to those deaf situations. So I want to make sure the document you have before you or you will have before you in moments does include the feedback from the cmo as well and the only changes to that document is to take out for now the off duty until we have an opportunity to have a more

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collaborative conversations about how that will be incorporated. But you have a brand new section on employee conduct. It's very expansive. We've added information relative table, -- relative to bullying. We'll begin immediate training which is in relation to councilmember tovo's request to ensure consistency for everyone who completes investigation. A great deal of information. We'll provide you a cope with the underlying components and once you receive that mayor pro tem we'll be happy to come back to answer any questions, but it really is very much the semantic pieces and taking out off duty, taking out annoy and ensuring we have strong language to hold every employee accountable for not reporting.

>> Tovo: Thank you.

>> That concludes our information relative to it. We'll be happy to come back and answer any questions once the attorney has brought down the final documents.

>> Tovo: Councilmember Casar and then councilmember Gallo.

>> Casar: While we wait for that document to come down, one important clarifying point for city staff and the press and everyone is that although those words off duty aren't in the document that

you are bringing to us and, of course, the document you are bringing to us makes many changes that are very important, but just so nobody gets the wrong impression, that currently under our municipal civil service rules, if there is harassment including sexual March, -- sexual harassment, we're not removing that today, we just are as you guys do a full update to the personnel policy continuing how to best word it so that employees don't think we're going to be big brother looking over their shoulders. Would you confirm just so everybody is clear that things like off duty, sexual

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harassment of another employee is still something we take seriously and you can still be held accountable for today regardless of this vote, et cetera.

>> You are correct.

>> Yeah, to so our municipal civil service rules say if off-duty conduct is related to or relevant to an employee's job, that's something the city can take action for and your example is just one of those types of examples that yes, we currently are and we will continue to take action against.

>> Casar: And I do appreciate today's vote we're going to be working on a lot of components and this component is something you are going to continue refining how we make sure that it's clear.

>> Thank you very much.

>> Tovo: Councilmember Gallo. Gallo: hank Y. I just want to make sure so we have in our backup a version that was the preliminary version anethene what we're getting ready to see is a version that has changes in it. And I just wanted confirmation the changes that have been made in the copy we're getting ready to see all comply with eeoc policies.

>> Yes. You got a document from us in backup. You received one from afscme this week, and the document you'll be receiving now is a collaboration between what we saw and what we felt was necessary and what was agreed upon by afscme.

>> Gallo: And so my question was to be specific that the one we're getting ready to see all of the changes would comply with the eeoc policies.

>> Yes.

>> Just to that point, that was another one of the undertakings with did when the mayor pro tem's agenda item passed so we said let's not only look at discrimination, harassment and retaliation but in line with the eeoc guidance because it's been 20 years since we updated this policy. The document that you have and the document being handed out both are in compliance with eeoc.

>> Tovo: Thank you for that additional clarification. Councilmember kitchen.

>> Kitchen: I have a matter that's not related to this. I just wanted to let you know

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I'll bring it up after this, a reconsideration of something we adopted on consent.

>> Tovo: Remind me when we're done. Councilmember pool.

>> Pool: I just wanted to mention, you might expand on this a little and since we have it in front of us now, we actually -- not only does this comply with eeoc regulations and guidance, but it actually quotes eeoc and so maybe you can show us where.

>> Okay.

>> Tovo: Actually I think it would be helpful if we just -- it looks like the changes again are relatively minimal, but Mr. Desigh or Ms. Hays, I think the first change, the first set of changes is on page 2 of the document that was just distributed. It adds additional language under the definition of harassment and then also talks later about -- adds some additional language under harassment as well.

>> Mayor pro tem, if I can, I'll walk you through it. Page 2, the first paragraph under harassment is what I discussed earlier which is we just kind of added in a definition of retaliation. Just so our employees who are reading this section know retaliation, adverse action against an employee because they filed a discrimination charge, testified or exercised some other right that they have

constitutes AT&T and you can be subject to discipline -- retaliation. Other than and being added in, the strike-through is what we talked about earlier as taking off the off-duty conduct just to come up with a more robust definition of when, you know, off-duty conduct will be subject to discipline and we'll do that when we bring the policies back to you. The third paragraph, which you'll see there is we took out the word prompt and put in without undue delay. We just think unfortunately when the eeoc defined, they

[11:29:53 AM]

said, you know, when you get a complaint you have a to promptly look into it. There's no definition that the eeoc gave what prompt is because it's on a case-by-case basis. We said let's try to make it a little more clear by saying without undue delay. Prohibited conduct, really what we tried to do there is really say if you are just flipping through the manual and you go to prohibited conduct, we really want you to know this is not just -- this doesn't encompass the world of everything that is prohibited the. This is just prohibited conduct that would constitute harassment because it's under the harassment section. We tried to make that clear at the bottom of page 2. On page 3 the second to last paragraph has a grammatical change with the word and. On page 4 this is where we're talking about reporting discrimination, harassment and retaliation and it's really a copy of what we talked about earlier. We changed prompt to without undue delay. And we talked about once you get evidence in investigation of harassment, retaliation or discrimination, then we shall take immediate and appropriate corrective action. And we put in there failure to notify departmental H.R. May result in discipline up to and including discharge. And then on page 5 we've -- oh, that's right, we took out the off-duty conduct on the pop portion T second paragraph has the word and and we took out off duty there and I think that encompasses all the changes we have from the document that was attached. Of course the same changes are in chapter B.

>> Tovo: Thank you very much for walking us through those. Are there any other questions for our staff about these? Councilmember Zimmerman.

>> Zimmerman: Thank you, mayor pro tem. I'm going to go to the yellow sheet that was just handed out

[11:31:53 AM]

on page 2, under harassment. Where it's underlined, an adverse action taken against an employee for filing a discrimination charge, testifying or participating, et cetera. So here's the problem. It looks to me like the way this language has been rewritten has been broadened and there's been some more specificity, but there's a lot of subjectivity in this and I'm concerned how people could actually use these new rules to harass people with false allegations. I mean, can you help me understand legally, like the point I just underscored here, what is the ramification for someone who makes a false claim of harassment or is there any or is it legally possible for a claim of harassment to be false? If it is false, I don't see anything about what's done about false allegations. So can you tell me what's done about false allegations of harassment?

>> So when we do investigations on harassment, if we don't find any information or any testimony or any evidence to support the claim, the claim is unfounded. If we see that there was a malicious intent to purposely do that, that is a violation of our employee conduct policy, but we have to be very careful with that because if an employee perceives and believes that a violation has happened, it is the responsibility of the department of human resources to determine whether or not that evidence rises to that level and we don't want to make an assumption that the failure to have the evidence to support it is an automatic intent to do something negative to uninterest else. So we have the ability to address malice intent, but that's looked upon very closely based on evidence.

>> Zimmerman: Where do I -- is that in here somewhere under the prohibited conduct? I mean it would seem like common sense, right, that hey, you are not supposed to make false

allegations. Common sense, but common sense

[11:33:55 AM]

is lacking all the time.

>> So what you are looking at here are just the definitions. When you look at the request from council, they specifically asked us to go and look at the definitions for these three areas. When we bring back the full policy, it will give you a broader scope of the entire rules and regulations relative to how we do that. We're also the drafting and investigation procedures so we're not going to see that level and specificity in the portion we're providing you today. Jumping to page 3 under sexual harassment, the second sentence says sexual harassment is any unwelcome sex or gender based comments. That's pretty broad, you know. There's as many definition of unwelcome and there are people. I just see a lot of latitude for people to make false allegations. I'm afraid this is going to move us in the wrong direction. Let me end with a final remark here. About 3,000 years ago somebody wrote in proverbs that, you know, a fool shows their annoyance at once when we get insulted, but a wise person or a prudent person, you know, will overlook insults. And what that can do in some cases it actually the problems can be mitigated by people just saying, you know that person is an idiot, I'm just going to ignore them. This seems to move us in the direction of boy, if anybody says something that's unwelcome and you don't like it, now you have an obligation to make a case out of it so we're asking people to escalate problems is what this looks like.

>> On the very last comment on sexual harassment, any unwelcome sex or agenda based comments that occur when and there's three criteria. You cut it off at unwelcome sexual based comments but it

[11:35:56 AM]

has three criteria so it doesn't encompass everything, but we're trying to follow the eeoc guidelines.

>> Zimmerman: Fair enough, but you would agree there's a lot of subjectist.

>> Tovo: I don't know that that's a fair question for staff. Councilmember Houston.

>> Houston: Well, human beings are pretty subjective, so we're dealing with human issues and not that all of these complaints are gender based, but many of them are, but many males have these same kinds of issues. And I think it's beholding on this the city to have things in place so people are really clear. In other workplace environments I've had people walk down the hall and saysome things to me and I could choose you are an idiot and I'm going to ignore or or I'm going to report you. We have to have a structure so if it is persistent andongoing and they need to be safe in knowing they have place to go to. So I support the changes. I haven't read them all, but I support that you are working on them.

>> Kitchen: I support the changes also and I would like to point out, I don't want the let the statement stand that the language around what constitutes sexual harassment is subjective in some way or open ended. As you pointed out, the ABC conditions are very specific. So they are the kinds of conditions they are talkingabout protecting employees against. So I think it's -- I think it's critical that we recognize that this is not just an open-ended somebody saying something that'sunwelcome. There's very specific criteria that relate to what we're trying to protect against in terms of people being sexually

[11:37:57 AM]

harassed.

>> Tovo: Councilmember pool.

>> Pool: I would be happy to make the motion to approve unless -- and this was your legislation and I wanted to thank you for leading on it. So if you want to make the motion, I would be happy to second it.

>> Tovo: If you want to take the chair for a moment, I would be pleased to move approval of this item. I think it's a very important step for the city and a terrific example of our community, one of our community commissions, our community members who serve on a commission talking with some of our staff, talking with employees and recognizing an opportunity to really enhance the protections and the policies and the practices that our city has for our city employees. And I'm really pleased that our staff have collaborated so well with those community members as well as a fscme to really make sure that we're going to have just a top-notch policy. And again, I think we should always as a city be looking toward ways to improve our practices, enhance our practices especially when it comes to creating safe and fair workplace environments that hold employees accountable for any behavior that's not in accordance with our stated city values. So thank you all of you who have been involved in this work.

>> Pool: And I would be -- thank you, mayor pro tem. And I will make the second and pass the chair back to you. Is that appropriate? To pass the chair back to you?

>> Just call the vote.

>> Pool: I will second that. Are there any other comments? Yes, councilmember Gallo.

>> Gallo: I just want to making sure, so all of the language that we have in the yellow that's been passed to us is complete. You are not still working on any language.

>> Correct.

>> Gallo: Thank you.

>> Pool: Thank you. Any other comments? All right. Seeing no other, all those in favor of this motion to adopt please raise your hand. So that is yes from

[11:40:00 AM]

councilmembers Garza, kitchen, pool, Gallo, mayor pro tem, Casar and Houston. Any opposed? And that would be councilmember Zimmerman. And that is it on the dais. Thank you all so very much.

>> Thank you.

>> Pool: Good job.

>> Tovo: Great. 18 is passed. Colleagues, that's our last item, by my account. I'll look to the clerk for confirmation -- clerk for confirmation. Councilmember kitchen, you had an issue you wanted to raise.

>> Kitchen: I'm not sure what the procedure is. Let me explain -- shall I explain the subject matter, then you can tell me what the procedure is. This has to do with item number 37 and the proposed changes to the bylaws of the environmental commission. I would like to pull it back to postpone it to next week. I think that the changes relate to creation of the drainage structure and flood mitigation, but it doesn't include language that reflects the relationship between this working group or committee of the environmental commission and the mobile homes of the flood mitigation task force. There's been discussion how that could move forward and I think it needs to be memorialized here. So I would like to pull this back, have the opportunity to work on a sentence or two rather than try to craft something right now that may not reach the mark and the intent of what the discussions have been and just pull this back and postpone it until next Thursday. So I don't know how to do that.

>> Tovo: You would make a motion to reconsider that portion of item 37.

>> Kitchen: I make a motion to reconsider the portion of item 37 that relates to the bylaws of the environmental commission.

>> Tovo: Councilmember Zimmerman seconds that. Is there any further discussion about that? And we have to reconsider it and then -- and then postpone

[11:42:03 AM]

it. So the motion is to reconsider that item. All in favor? That is unanimous on the dais. Councilmember kitchen, did you want to make a subsequent motion?

>> Kitchen: I move that we postpone this until next Thursday. I believe that we can work out the appropriate additional language by that time.

>> Tovo: And expect seconds that amendment -- I mean that motion.

>> Pool: I have a comment.

>> Tovo: And wants to speak to her second. Please do.

>> Pool: I just wanted to say when we talked about this previously, it was expecting that numbers of the flood mitigation task force would be members of this committee, and I had gotten signals from folks in the environmental commission that was acceptable to them. We really need to work out the language to make sure there is no question.

>> Tovo: Councilmember Gallo.

>> Gallo: So I just am asking for clarification. So the agenda item has the nominee approvals and the waivers. Have we made it clear that we're only talking about the approval of the universal changes of the bylaws for the environmental commission?

>> Kitchen: Yeah, I think my motion was only that portion of item 37.

>> Gallo: Just want to make sure that's clear.

>> Tovo: Okay, so the motion on the floor is postpone this for one week. All in favor? And that is unanimous on the dais. It has come to my attention item 17 passed with only six council votes because we had one councilmember off the dais. Because it's an ordinance, it does need to pass - for it to pass on three readings, it would need on higher level of support. It might be appropriate if anyone would like to make a motion to reconsider.

>> Houston: So moved.

>> Tovo: Councilmember Houston moves to reconsider item 17. Councilmember Garza, was that a second to that item? All in favor of reconsidering item 17, please signal by raising your hand.

[11:44:05 AM]

Councilmembers Houston, Casar, tovo, councilmember Gallo, are you raising your hand? Councilmembers pool, kitchen and Garza in favor. Anyone opposed to reconsidering that? That's councilmember Zimmerman. That motion to reconsider passes. Is there a motion to take action on 17? Councilmember Garza moves approval. Councilmember Houston seconds that. All in favor? And that has now passed with a vote of 7. Thank you, councilmembers Houston, tovo, Casar, kitchen, pool and Garza.

>> Zimmerman: Voting against.

>> Tovo: Councilmember Zimmerman continues to be opposed. So it is 11:44. We have no other items until citizens communication. We stand in recess until 12:00 on the dot for the citizens who have signed up to speak with us. It's my expectation after citizens communication we can take until 3:00 that we should probably recess until 3:30. We have a pretty light Austin housing and finance corporation agenda and unless anybody feels we need more than 30 minutes to get through that, it might be appropriate to come back at 3:30. Everybody okay with that? So we would meet back here at noon for citizens communications. After citizens communications we would then have a break. The question is either to 3:00 or 3:30. I was suggesting 3:30 because Austin housing and finance is the only thing we can do before 4:00. I'll see you back at noon, but for those of you watching, after citizens communications we will next be back at 3:30. En blah blank

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>> Tovo: Okay. Welcome back. We will now begin the citizens communication portion of our meeting, our council meeting. Our first speaker for the day is Ed English speaking about the Austin state hospital. Mr. English will be followed by pinaki Ghosh speaking about neighborhood contact teams. Welcome, Mr. English. You have three minutes.

>> Thank you. Good afternoon, mayor pro tem and councilmembers. I'm Ed English, a long-term resident of north Austin. Today I'm here to offer a suggestion regarding a possibility of meeting Austin's transportation and housing. This opportunity revolves around the Austin state hospital. I would like to take a moment to frame my suggestion first. The grove has proposed on a tract that was formerly owned by the state of Texas and offered for sale to the city of Austin via first right of refusal. The city did not exercise that option. For the record, I feel like it was a rare opportunity that slipped away. Why was that option not exercised? Ultimately it seemed to boil down to a lack of time to thoroughly research the opportunity and identify the financial resources necessary to make the purchase. Many felt the city entered into the process too late and underprepared. There is, however, another rare opportunity on the horizon that may offer the city a potentially extremely valuable tract of land in an ideal location for use in addressing Austin's housing and transportation issues. That property is currently occupied by the Austin state hospital. Sources have reported that the state has found the hospital in such a state of disrepair that the state is unwilling to spend the capital necessary to refurbish the facility and are contemplating selling the property. That decision may have already been formally made. I assume that a first right of refusal option may have been made to the city of Austin just like the grove. In my mind the state hospital property work good for use as housing object transportation hub. I suggest that the council have the city manager contact the state offices

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and talk about a purchase of the tract. Will the tract prove viable for meeting Austin's critical needs? Will a source for the money be available? I do not know, but undertaking the research and due diligence in order to make an informed decision will hopefully answer those questions. Beginning that process now would potentially avoid the last minute frantic maneuvering we saw when council was faced when making decisions regarding the property to be used for the grove. As a final note, center Watson has publicly stated his interest in seeing the site used as a location for a UT medical school mental health facility with, of course, the financial assistance of the city of Austin. With a multitude of other options available to them and 37 billion dollars' worth of assets under management, UT's interests should not be considered before Austin's or given first priority and evaluated. Once again, I ask that you take action as soon as possible to begin exploring this opportunity. Thank you for your time and attention.

>> Tovo: Thank you, Mr. English. Mr. Ghosh, you are the next speaker speaking about neighborhood contact teams. You will be followed by Claudia Ramirez, talking about the si se puede learning center. Welcome. You have three minutes.

>> Pinaki Ghosh. I have a presentation. I am the chairman of the city of Austin's largest combined planning area contact team. East mlk contact team. And I am the chairman for last three months. And I need to thank these three city employees who help a lot for us to run. But I have some suggestions based on my three months' experience, which may help. When I joined the contact team it was closing down. That's why I joined. In last one month we have been able to increase the cip questionnaire response from 17 to 115.

[12:04:59 PM]

And my real goal is to help the citizens because much of east Austin is getting ravaged. It's literally getting ravaged. Now, on a daily life if you see contact teams chairman, this is the number of letters. This is one day's letter I received as chairman of the contact team. There is a cost to it and also there is a time to it. I have to spend time to look through these. And so if you look into it, these are a few. Things I looked into. One is goals and objectives. We have a lot

of responsibility with absolutely zero authority. There is no authority. And government codes have loopholes so that nobody has ever to come to contact team for anything. You will see at the end there is always a fine print. You are just for advice only. Nobody has to come to you. So everybody does everything without coming to contact team. But then that leads to the next question what is the basic problem? This is just the system. The basic problem is that we cannot work properly because there is no foundation architecture. When we divide up large systems, I'm talking about five billion, 10 billion-dollar systems, the first thing we do is basic foundation architecture, that it's going to work. And we call them architecture principles. So there is no foundation architecture for a contact team to work and that's why they keep on failing. And when I say foundation architecture, these are things which work as foundation architectures. We have to understand what are the architecture principles and how we are going to use them in our systems architecture. But the bigger thing to me is also the cost perspective, which is the cost versus value delivery. If you see I have done a basic calculation, we are

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spending let's say about more than a-million-dollars and my [indiscernible] To my councilmember has been zero. I have not helped your office, rarely helped your office in any form or fashion. So I ask the question what is my value delivery? And you always ask yourselves the question when you are doing, spending money, if it was my money. [Buzzer sounds] So just one more thing, when we are measuring we have to have a correct measurement which creates -- helps improvement, improve punishment, and that measurement should be based on value delivery. So that's all I have, if you have a chance to look at. Thank you.

>> Kitchen: Mayor pro tem?

>> Houston: Mayor pro tem, if we could ask Mr. Ghosh to give us a copy of that for the councilmembers, that would be helpful. Can you provide us with a link or --

>> He already has the presentation.

>> Houston: So if you will provide that to all the offices. Thank you.

>> Tovo: Thank you very much. Thank you for being here. Claudia Ramirez. I don't see her, so we'll skip for the moment. Robert Rangel and his topic is a claim with the police department. You will followed by Michael Smith talking about safety concerns on sixth street. Welcome, sir. You have three minutes.

>> Good afternoon. My name is Robert Rangel. I want to thank you for having us here. This is Pete Hernandez. I'm an attorney with the Carlson law firm and as you may know in February of this year a unanimous federal jury here in Austin decided that an Austin police officer, Jesse Sanchez, violated Pete's fourth amendment rights when he tackled him, used excessive force against Pete back in 2012. This was the case that happened in the south park meadows parking lot.

[12:09:00 PM]

As a result Pete had \$330,000 in medical expenses. The city prior to the trial offered \$50,000 to have the the \$300,000 in medical expenses. The unanimous medical jury in February awarded Pete \$777,000. Pete has been declared disabled by the social security administration as a result of those injuries. So why are we here today? We've 17 letters to the council, to the city, trying to get some resolution and we've encountered silence. No response to any of our letters. We have a lot of people on this council and in leadership positions in the city that talk a great game about police accountability, but when it comes to walking the walk they fail. This council has failed to inspire A.P.D. To be accountable, to change its ways, to be better. And I'm not just talking about an isolated incident. As you probably know back in 2008 the U.S. Department of justice sent out letters and another one in 2011 to the city complaining and requesting modifications and improvements to the city complaint process and to the internal affairs process as far as investigating complaints. How is that working? Let's see how it worked for Pete? He was assaulted

in June of 2012. And here's a little insight into the process. When an officer uses force against a citizen, the officer is required to fill out a report about that use of force. It's coded as an 8400 report for A.P.D. It's electronic. The officer is required in the report to say why the force was used and why it was necessary. Here's the intersection part. When the officer undertakes this task, there's a drop-down menu on the computer. And guess what? The options that drop down in this menu, they are all only valid uses of force. An officer for A.P.D. Couldn't out themselves for making a mistake if they wanted to. They can only pick a reason for the use of force that would make the action valid. Let's juxtaposition that with what happened to Pete when he went to the office of the police monitor to

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make his complaint. Pete was handed a blank sheet of paper and instructed to write down whatever policies of police policy he wanted to write about. No access to police policy. So what happened? He wrote down three complaints. Two were ignored because he didn't properly state a policy violation. The third was to complain about ex-excessive force. They rude that, yet from reading the report there's no discussion of what was done. There was a conclusory statement that the use of force was reasonable. I beg you look at the videos, read the officer reports, take note of the inconsistencies. [Buzzer sounds] May I have 30 more seconds?

>> Tovo: If you would please conclude your thoughts.

>> Read the report and ask yourselves why don't the citizens of Austin trust A.P.D.? They don't because there's no transparency, no accountability. The ai report blessed the behavior of officer Sanchez, yet a unanimous federal jury found that there was not only policy violations, but constitutional violations that required surgery. The city has failed to hold the department and its officers accountable on too many occasions. There's been no apology for Pete, no offer to settle the verdict, no acknowledgment of wrongdoing, just silence. This case hasn't even been on the council's agenda all year. I checked all of the workdays and there's been nothing.

>> Tovo: Please conclude your thoughts, Mr. Rangel.

>> Fix the shortcomings of the complaint and oversight process and secondly take steps towards accountability, a step towards resolution. Somebody should do right by Pete as well as the other citizens of Austin. I thank you for your time.

>> Tovo: Mr. Rangel and for my colleagues as Mr. Rangel indicates, he did communicate with all of our offices via email and letter. It's my understanding from the legal staff that they do intend to get a response to Mr. Rangel's letter no later

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than tomorrow. I will say that to my colleagues before they feel like they would to enter into what is a legal action.

>> Zimmerman: When was this.

>> February of 2016.

>> It concluded the day that David Joseph was killed.

>> Zimmerman: February 2016? Thanks.

>> Thank you.

>> Tovo: Okay. Michael Smith. Mr. Smith has signed up to speak about safety concerns on sixth street. Our last speaker of the day, I believe, is not intending to speak, Gwen dough lien hill Webb. You will be the last speaker of the day, Mr. Smith.

>> I've only been a resident here in Austin for two years, but one of the main reasons I came over here was because of safety concerns in downtown, specifically on sixth street. It had a personal impact on myself as my girlfriend was impacted by it. I was shot myself in that incident. I'm sure you understand as well, but it just really took a matter of seconds for two individuals to have a quarrel and for one individual to have a gun and in a very crowded area to be able to do a lot of damage in actually just a few seconds. So as I mentioned, when it happened it actually could have

been anybody that could have left from voodoo donuts because the one that actually got it the worst was teneke, and unfortunately she was in the wrong place at the wrong time. After that I've tried to study just crime stats that's been going on and what I've seen is there has been a rise in homicides in Austin, looking to be double this year compared to last year. A rise in robberies, of course overdosing and drugs as well. Also with the incident that just happened in bourbon street, it was almost a very similar situation where it

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was two men who were fighting and then one decided to shoot in a crowded area, did a little bit more damage there. But I just feel with these kinds of situations it's not like a matter of if it's ever going to happen again, but when it's going to happen again. And hoping that there could be some kind of implications to try to combat. Of course you can never make it perfectly safe there, but hopefully something. My ideas that I had was growing up in Laredo where I'm from, they actually do pat downs in pretty much every bar and restaurant after a certain amount of time. It would be after 11 when it's like more dedicated to a bar. When it's a restaurant, of course, that's a very iffy situation. You wouldn't want to be patting down a whole family just going in or anything like that. I mean, to my knowledge the murder rate there has been significantly low and it's -- there hasn't been too many incidents, as of course there has been, but I would just think per population it is significantly better. Me personally, I feel a little bit more safer whenever I go into a place that serves alcohol and they actually do a pat down and try to make sure that they have some safety measures for everybody that goes in there. If that were to be implemented, I mean, one of the good things that I could see about that is that in might allocate some of the burden, the cost burden from the A.P.D. To the bar owners to hopefully train their staff to be able to properly identify whenever there's someone trying to get into those kinds of situations with either guns or also with any knives, weapons, and also drugs as well. Which of course, could help everything as a whole. [Buzzer sounds] Another suggestion that I was thinking of was just this new technology age of something like where we have like an eye in the sky or something maybe like a drone or something like that.

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Just something to where we have more -- a more visual on being able to combat any kind of bad situation.

>> Tovo: Okay.

>> Of course you probably heard it as well, maybe the removal of the arc from the downtown area. Me working downtown on a daily basis, I also do see is a lot of criminal activity happen. Of course it's kind of hard to combat.

>> Tovo: Please conclude.

>> Yes. Any type of measure would be greatly appreciated and I hope that safety is a priority here as well.

>> Tovo: Thank you. Thank you for taking the time to address us today.

>> Kitchen: Mayor pro tem, could we respond in some way? This is something we could take forward -- did you provide us these suggestions in writing and can we just let him know that we'll share that with the police department or with the appropriate people?

>> Tovo: I think it's appropriate. He's posted for safety concerns on sixth street so if you have a response, that's tied to that, I think it's appropriate.

>> Kitchen: I think whenever we can it's helpful to be responsive to people. I'd defer to our city manager about what she thinks a good follow-up might be.

>> I'd be happy to email or leave any suggestions. I kind of wanted to speak from the heart today so I was just kind of leaving bulletins here. But my two main suggestions would just be using technology as a way to combat criminal activity in downtown. It doesn't really have to just be sixth street because I understand that it goes beyond that. And then the whole fact of maybe

implementing pat downs after a certain time period. Those were my two best ideas I could think of.

>> Tovo: City manager.

>> Yes, sir. I'll ask the pd to look at the tape, and I think there will be a transcript as well that they can get and we'll see what we can do.

>> I was also thinking of of course with the new chief coming in that maybe this is a good transition time to

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not only transition into a new Id E but transition into new policies.

>> Tovo: Thank you, Mr. Smith. Okay. The city council stands in recess until 3:30. We'll see you back at that time. [Recess].

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>>> Hello. Welcome back. I would like to now convene the meeting of the Austin housing finance corporation board of directors. So we stand convened at 3:38 in the council chambers, and I would like to ask our city staff to come up and walk us through our agenda for today, please.

>> Good afternoon, board of directors. I am here representing the Austin housing finance corporation. There are two items on your agenda today, which I offer both on consent. The last time I checked, I don't know that there was -- I don't believe that there were any speakers. Item number 1 is to approve the meetings, the meeting minutes for November 3rd, 2016. Item number 2 is to conduct a public hearing on the issuance of up to \$11 million of multi-family housing revenue bonds to be issued by the Austin housing finance corporation to finance the development of the go valley affordable housing, an affiliate of the Cesar Chavez foundation. The proposed housing development will be located within the think east plan unit development, which is in district 3, and there's details in your backup on the development itself. I do have bond council as well as the developer here for resources should there be any questions. And that completes my remarks for today.

>> Let me just mention, that director Gallo will be off for this item, as well as probably for the remainder of the meeting. We're still awaiting one director, and I believe until we have the full, we probably will not be able to take up --

>> Very good.

>> Let's go ahead and do number one. I believe we'll have enough support to move that one forward, and that's the approval of the minutes. Director pool pooufs approval of the minutes. Is there a second for that? Council member Houston moves

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approval of the minutes. All in favor? And that passes with director Houston, Zimmerman, tovo, pool, kitchen, and Garza voting in favor, and we will -- I'm going to adjourn this meeting of the Austin housing finance corporation, and -- actually, just in the Nick of time, we have our full dias. It would be appropriate to take up number two of the public hearing regarding the issuance of up to \$11 million of bonds, please.

>> Very good. The item today allows for the conducting of a public hearing. It's my understanding we don't have any speakers, and so it's my understanding you can move to close the public hearing, and there is no action required of the board today.

>> I see. Thank you. So do we need a formal motion to close the public hearing?

>> That would be wise.

>> Okay, thank you. Council member pool moves to close the public hearing. Council member Garza seconds that. All in favor of closing the public hearing, and that is unanimous -- well, council member -- director Garza, kitchen, pool, tovo, Zimmerman, Casar, and Houston vote in favor of that.

>> Thank you very much.

>> That concludes our business of the Austin housing finance corporation.

>> Yes, ma'am.

>> Okay. So the meeting of the Austin housing finance corporation stands adjourned at 3:41 P.M., and I would like to call back into session the meeting of the Austin city council. However, we have no business that we can take up before 4:00. So, we stand in recess until 4:00, at which time we'll come back. We have several public hearings and I believe we'll have a request for a postponement at that time as well of item 56, but we can't do any of that until 4:00. So see you back in just a few short minutes if you choose to leave. Thanks.

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[Recess]

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>> Tovo:good afternoon, I'm mayor pro tem Kathie tovo. I'd like to call back the meeting to order of the Austin city council. It is 4:00, and we are ready at this point to take up our public hearings. So I think first we'll entertain the postponement request from our staff. If we have the appropriate staff here to do so.

>> Welcome.

>> Good evening or good afternoon, mayor pro tem, council, Christopher Johnson with development services department, here for item 56, an appeal of the outdoor music venue at 1308 east fourth street. After extensive mediation facilitated by the music office the concerns have been addressed and they have withdrawn their appeal.

>> Tovo: Thank you very much, Mr. Johnson, and thanks to our music staff for their work on that case. All right. So that brings us to item 50. This is to conduct a public hearing and consider an ordinance regarding the estancia hill country public improvement district 2017 assessment roll and authorizing the levying of the 2017 assessments. I see no citizens signed up to speak.

>> Good afternoon, mayor pro tem and councilmembers. I'm Diana Thomas, controller for the city of Austin. There are three items before you for public hearing. The first being estancia hill country, Indian hills is also on, item 51, and whisper valley, item 52 for publichearing. There is an annual assessment for these properties that have issued bonds and the assessments will be used to pay those bonds in addition to the administrative costs of running the P.I.D.S themselves. I'll be happy to answer any questions.

>> Tovo: I don't see any

[4:02:32 PM]

questions. Does anyone want to make a motion to close the public hearing and approve? Councilmember Houston moves to close the public hearing and approve. Councilmember Casar seconds that. All in favor? And that is councilmembers Garza, kitchen, pool, tovo, Zimmerman, Casar, voting in favor, councilmember Gallo and others mentioned this morning are off the dais. Did you have any questions about the others?

>> We should be able to take them one at a time.

>> Mayor Adler: Item 51 is a similar item related to the Indian hills public improvement district. Is there a motion to close the public hearing and approve. All in favor? Councilmembers Garza, kitchen, pool, tovo, Casar and Houston.

>> Item 52, conduct a public hearing to consider an ordinance regarding the whisper valley public improvement district. All in favor? That is unanimous with the same individuals. City clerk do you need me to read those out? All right. Item 53, conduct a public hearing and consider an ordinance regarding the Austin downtown public improvement district 2017.

>> Good afternoon, mayor pro tem and council. We have three public hearings on the three operations of maintenance public improvement districts, item 53 is for the Austin downtown public improvement district, item 54 for the east sixth street public improvement district and finally south congress, item 55. These provide services to property owners in the area and this public hearing will be to hear any questions about the assessments and to approve an ordinance levying the assessments.

>> Tovo: Thank you very much. I don't see any citizens

[4:04:33 PM]

signed up to speak. Councilmember pool? Councilmember pool moves to close the public hearing and approve -- shall we take them up one by one? Item 53. Councilmember Houston seconds it. All in favor? And that is approved. Council, item 54 is to conduct the public hearing and approve an ordinance regarding the east sixth street public improvement district. Councilmember pool moves to close the public hearing and approve. Councilmember Garza seconds that. All in favor? Councilmembers Garza, kitchen, pool, tovo, Zimmerman, Casar and Houston. Item 55 is the south congress preservation district, councilmember Houston moves to close the public hearing and approve. Who would like to second it? Councilmember pool. All in favor? And that passes with all those present on the dais voting in favor. 56 has been withdrawn. 57 is the public hearing related to support for an -- consideration of for support of an application to the Texas department of housing and community affairs. Welcome. And I apologize for referring you by the wrong name earlier.

>> Not at all. As a matter of fact I was trying to figure out at that time if you were vice president N I think we were doing the same thing.

>> Anyway, welcome.

>> Thank you very much.

>> Glad to see you here.

>> Thank you. This item is to conduct a public hearing and consider a resolution supporting an application to be submitted to Texas department of housing and community affairs by Harris ridge apartments. We do have the developer represented here today. However, it's my understanding there are no speakers, and we move to close the public hearing unless there are questions.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: Thank you. So my question is, I've been involved in a number of these cases, and I've also testified in front of the tdhca at

[4:06:33 PM]

hearings and it's been my experience from several of those public hearings that somewhere between 80 and 90%, 95% of the people -- and you could have anywhere from 50 people to over a 150 people that I've seen in attendance, and at the very minimum 80% will be opposed but usually it's more like 95% of the people are opposed and it doesn't matter. So I'm concerned that, you know, people are smart and eventually when they know that their opposition to something like this is completely ignored and the public hearing is nothing but a show, it's required under statutes and rules, but if there's no consequence and they get no points and they get no resolutions and they get nothing, I don't see why they would bother waiting wasting their time to show up for a hearing. I am going to vote to close the hearing and I'll be voting against this. I think the lack of presentation on a very important case where there's millions of dollars at stake it reflects the frustration of constituents. It does no good if she show up to protest so they quit showing up.

>> Pool: I'd be happy to make the motion to close the public hearing and approve this application. It is in district 7 and I think it's a good application, and we had -- well, I guess I should stop there because I'm making the motion.

>> Tovo: I'll refer back to you so you can speak to your order.

>> Zimmerman: Point of order I want to divide the question, close the hearing and vote separately on the resolution. So I'd like to divide the question.

>> Mayor Adler: Let me get a second for the motion and then we can divide it. Seconded? Councilmember pool, are you comfortable with dividing the question?

>> Pool: Sure.

>> Tovo: Okay. Let's take up the question -- did you want to speak to your motion or close the public hearing and then speak to the motion about approving.

>> Pool: Sounds great.

>> Tovo: All right. Let's take up the matter of closing the public hearing. Any further discussions about

[4:08:34 PM]

closing the public hearing? All in favor? And those are councilmembers Houston, Casar, dissimilar, tovo, pool, kitchen and Garza. Now we're back to the matter of supporting the resolution -- supporting the resolution that's going to be submitted. Councilmember pool would you like to speak to your motion?

>> Yeah. I just wanted to indicate how pleased I am that the Harris ridge apartments proposed project is coming to this part of the city. It is a 324 unit new construction development, 100% affordable to households with incomes at or below 60% mfi, had which is less than \$47,000 for income for a four-person household and this is a great location. They qualify for some low-income housing tax credits, activity bonds. We don't have any funding proposed from the Austin housing finance corporation, and I'm just really pleased to see the effort. And I think contrary to what Mr. Zimmerman said about lack of input, he wouldn't necessarily know what sort of input came into my office, and it is in my district and I think this is a really good project. And I'm pleased to make the motion to approve it.

>> Mayor pro tem, I would like to take just a moment because I just think it's so important to point this out. Based on all of the feedback we've received from council, we have really enhanced and continued to enhance based on your feedback an amenities development snapshot and you will always see, regardless of whether we are investing funds or not, at the very bottom of all of these requests for council actions or even the request for board action, we do a link, which will give you an amenities snapshot to all of the developments and all of you have really given us feedback and we continue to add to that. So please know that that is always there and it's got everything from grocery stores

[4:10:35 PM]

to school information, and we continue to perfect that really based on what your needs are.

>> Tovo: Thank you very much. And thank you for adding that additional information to these applications. That makes -- that is very, very helpful. Thank you, Ms. Giello. Any other questions or comments on this? All in favor? Councilmembers Houston, Casar, tovo, pool, kitchen, Garza vote in favor. Opposed? Councilmember Zimmerman is in opposition, passes on a vote of 6-1 with four members off the dais. All right. Well, I believe city clerk, if you would just verify, I believe that concludes the business portion of our Austin city council meeting. So we will adjourn the business portion of the meeting. We will, however, be back at 5:30 for live music and proclamations. Thank you very much for your attendance. We stand adjourned at 4:11 P.M.

[5:21:57 PM]

Ask [recess]

[5:30:45 PM]

>>> Good evening. Thanks so much for coming in. I the mayor pro tem. Joining us here today for our live music feature is folk uke. Folk uke are singer-songwriters and longtime collaborators Kathy Guthrie and Amy Nelson, and we're just delighted to have them with us tonight. This duo is unique, edgy lyrics. Folk uke plays folk music in its truest form with a delightfully wicked twist. They have appeared in television, including "The babymakers" in 2012 and in the season premiere of "Orange is the new black" in 2016. They've gathered a dedicated cult following and have played many prestigious venues in the U.S., including the hard rock cafe in New York City, south X southwest, and at the official Bernie Sanders campaign rally at the circuit of the Americas in Austin, Texas, so please join me in giving a warm welcome to folk uke. [Applause]

>> All right, well, we're delighted to be here today, too, and very honored.

>> We won't let you down.

>> Oh no, we might.

♪♪ I hear bells and I hear sleighs looks like Santa's on his way ♪♪

♪♪ and soon you will be too on my Christmas will be blue ♪♪

♪♪ sugar plums dance in our heads ♪♪

♪♪ we used to deck the halls now we just hit the walls ♪♪

[5:32:45 PM]

♪♪ I don't want your kisses on new year's eve ♪♪

♪♪ all I want for Christmas is you to leave ♪♪

♪♪ I saw you with your ho ho ho underneath the mistletoe ♪♪

♪♪ it's time for you to go make footprints in the snow ♪♪

♪♪ we never had a silent night all we do is fuss and fight ♪♪

♪♪ but mostly we just fight that could end tonight ♪♪

♪♪ I don't want your kisses on new year's eve ♪♪

♪♪ all I want for Christmas is you to leave ♪♪

♪♪ all I want for Christmas is you to leave ♪♪ [applause]

>> Thank you. Thanks.

>> That was terrific. Would you like to share with us a little information about where those in the audience can purchase your music?

>> Sure. We have a website, folkuke.com, and I think most of our music is on iTunes and Amazon, and you can Google it. Things will pop up.

>> And that website again is?

>> Folkuke.com.

>> Super. Thanks again.

>> Thank you.

>> And so now on behalf of the mayor and the entire city council, it's my pleasure to

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present the following proclamation. Be it known, that whereas the city of Austin, Texas, is blessed with many creative musicians whose talent extends to virtually every musical genre, and whereas our music scene thrives because Austin audiences support good music produced by legends, our local favorites and newcomers alike, and whereas we are pleased to showcase and support our local artists, now therefore I Kathie tovo, on behalf of Steve alder, mayor of the live music capital,do hereby proclaim December 1st, 2016, as folk uke day in Austin, Texas. Congratulations.

>> Thank you. [Applause]

>> Thank you so much.

>> Thank you so much.[Applause]

[5:36:49 PM]

>> Houston: Good afternoon. Going to have to do better than that. Good afternoon. My name is Ora Houston, and it's my privilege and pleasure to represent the good people of district 1, and tonight I have behind me several people with the colony park sustainable communities initiative, and they will have an opportunity after we present the proclamation to say a few words. Be it known that, whereas the colony park neighborhood is a unique, diverse, and wonderful place in district 1, and whereas it is known that neighborhoods east of highway 183 need employment opportunities, basic amenities and services, and a variety of housing types and prices, and whereas the urban design group worked closely with the community members, city staff, and other intergovernmental agencies to create the colony park sustainable communities initiative, and whereas the urban design group has been honored with the 2016 project planning award for their design for the colony park sustainable communities initiative by the American planning association, Texas chapter, now therefore Steve Adler, mayor of the city of Austin, proclaims December 10th, 2016, as colony park sustainable communities initiative day, and here to accept this proclamation is Laura Toups, who is head of the urban design group. [Applause]

>> Thank you. I just want to say, I had the honor to be a co-prime on this project with Doug Farr at Farr & associates out of Chicago, and it was a wonderful process where we worked together with a large

[5:38:49 PM]

design team and a wonderful community to get a master plan for that area adopted, that we're now in the implementation stage, so I appreciate this. I share it with many, the design, it takes a village, for sure. And I'd like Ms. Scott just to say a few things as well. I have other folks behind us who had a really prime part in thisproject, so Barbara Scott.

>> Good evening. I didn't know I was going to do this. I thought I was just standing behind people today. But thank you for being here. This is such an honor for our neighborhood. We have struggled for 40 years in our neighborhood to get the same services and amenities that other communities in Austin share, and so we are well on our way, we are not going to stop. We ask for your support. If you wish to help us in any way, you can contact Mrs. Houston's office, or you can contact me. They have my telephone number. We are so pleased that we are finally a part, or feel a part of the city of Austin. Thank you. [Applause] Let me introduce my co-part in all the damage that we do, professor margarita desirto, I'd like for her to have a word, and then we have our favoritecommunity engagement person for us, which is Dr. Laura Cortez. Thank you.

>> I do want to say thank you all for your support, and, of course, recognizing this very special day for roll and stroll. A community that has long struggled, as Ms. Scott has said, and so we do look forward for the implementation of this master plan. Thank you. [Applause]

[5:42:06 PM]

>> Kitchen: Good afternoon. I am very excited and honored to be able to present this proclamation for roll and stroll, aarp's roll and stroll. These guys really know how to get around Austin, and they're a good example for all of us. So be it known that -- oh, and I should stop and say, I am council member Ann Kitchen and I represent district 5, south Austin, and I'm so honored to be working with aarp. So, and I'll give a plug. The council just recently adopted the age-friendly plan, and so we're working to make the city of Austin a friendly place for seniors. So, be it known that whereas, aarp chapter 2426 created a community service educational program to encourage seniors to utilize public transportation for fun and convenience called roll and stroll, and whereas roll and stroll is an economical, safe, engaging way to explore the beauty of Austin's parks, its restaurants, shops, and cultural venues, without the stress of driving or parking, and whereas roll and stroll enables seniors to learn about various fair options, bus routes, and be in a safe pedestrian promoting continued independence, and whereas new friendships are formed among fellow riders, strengthening community among seniors and residents of all ages. So now, therefore, I Ann Kitchen, on behalf of Steve Alder, mayor of the city of Austin, do hereby proclaim December 1st as Austin roll and stroll day, so congratulations. [Applause] And I'd like to recognize Pat Thomas, a leader of this effort.

>> I'm very pleased to be here with my group of roller and

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strollers. We started out in south Austin about two hours ago. We hopped on the 803. We stopped for an early dinner. We have walked. After we leave here, we're going to shop the 2nd street district, and I want to tell you, you all have got something to look forward to when you turn 65. You can go with us on all these interesting excursions. So all these seniors that you see are adventuresome, active seniors that enjoy Austin and its beauty. And I have with me little gift baskets for each council member that have Christmas kisses to them. So our kisses to the council members are to say thank you, council members, for the wonderful job you do in making Austin a beautiful city to explore. Thank you. [Applause]

>> Kitchen: I promise to give this to the rest of the council members and not take them all. Thank you.

[5:46:42 PM]

>> All right, we're moving through these like clockwork tonight. All right.

>> Pool: I'm Leslie Pool, and the mayor pro tem is standing here with me today. It's my honor to read this proclamation, and then we have another item right after this with folks that are here. So here we go. Proclamation. Be it known that whereas the city of Austin, Texas, is committed to being a welcoming city to new residents from across the nation and around the world, and whereas the Austin Career Institute's mission is to lift low income individuals, veterans, displaced or laid off workers, immigrants and laid off refugees into higher paying, high in demand careers through short-term education, and whereas ACI provides first-generation Americans who come to Austin with innovative vocational skill training in four languages, which allows them to seek and gain employment with a living wage, elevating them out of poverty. ACI's success is reflected in its 96% graduation rate and 82% job placement rate, and whereas the positive impact of ACI's efforts have garnered positive national attention for the city of Austin, earning an appointment to the White

house task force on new Americans, now therefore, I, Leslie pool, council member district 7, on behalf of the mayor Steve Adler and the entire city council, do hereby proclaim December 1st, 2016, as Austin career institute day. And I have two representatives from the institute to receive it.

>> It's such an honor to receive

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this proclamation today. I have lived in Austin for over 30 years, and I've seen this city grow, and as a proud member of this community, it is truly great to be recognized for the contributions of our organization has made in Austin. Us and career institute, we are always looking for ways to help make Austin's future a great one. We recognize Austin and Texas's economic future will depend. Prospects for economic growth will be severely constrained if it is unable to produce the number of workers with the right skills for the dynamic labor market that characterizes modern economies. While such constraints exist, there is a large population of immigrants here, just one category of diverse multi-cultural population in our state. Many of whom struggle at bottom of the economic ladder. There are many other Texans in this same situation. These low-income Texans and newcomers who contribute more to our communities if they receive the right training and are given an opportunity to work at their full potential. As industry professional and business owner, I saw a way to merge the two. I saw a way to build Austin and the greater Texas economy by filling the skilled gaps through training low-income individuals, veterans, displaced or laid off workers, and new Americans through an innovative trade school that would include

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special support and onramps that these groups of Texans need to bridge their skills gaps. And current living wage industry shortage from this idea came the Austin career institute. Its success has been celebrated by fmunp, the career colleges and Texas association, department of health and human services, and the white house. We continue to build on its success and success of our students with new extensions throughout Texas, and are developing new private public partnerships in the creation of tailor-made industry apprenticeship programs. None of these successes would be possible without the help of organizations such as central Texas literacy coalition, migration mobility project, capital area work force solution, and workers defense fund. It is our belief that together we can foster economic growth and fill the long-term needs for today's workforce and government dependency and create more empowering environment for some of the most vulnerable citizens. Thank you. [Applause]

>> Hi. I'm director of the upward mobility project in Dallas, and I had the pleasure of leading the task force, the Texas task force of new Americans to the white house. It was a delegation of six people selected by the white house to represent Texas in upward mobility projects, and the Austin career institute, rosha and Sean were two of the people of the six.

[5:52:47 PM]

We also wanted to give, and we would like to present the city of Austin with a certificate that was entrusted to us by the white house to deliver to this city, and it says, white house task force on new Americans, building welcoming communities campaign, presents the city of Austin, Texas, for your dedication and commitment to the principles of building welcoming communities, and for your substantial and distinguished contributions to advancing immigrant and refugee integration efforts across the United States. Presented June 30th, 2016, by U.S. Citizenship and immigration services, Leon Rodriguez, director. [Applause]

[5:55:06 PM]

>> Pool: Well, I get to come back up for a second one. That's fun. I have Rebecca Melancon with Austin independent business alliance, and Dean Lufton. Director of the I-biz districts. I get to offer this proclamation on behalf of the city of Austin. Are y'all ready to go? Let's do this thing. Proclamation. Be it known that whereas, the Austin independent business alliance's nationally recognized study show that the economic benefits of shopping at locally owned businesses puts three times the dollars into our local economy, and whereas, members of the Austin independent business alliance represent more than 10,000 employees, making their companies collectively, among the largest employers in Austin, and whereas, locally owned businesses from funky to sophisticated help Austin retain its unique character and provide a more diverse range of products and service choices. Now, therefore, I, Leslie Pool, council member from district 7, on behalf of Steve Alder, mayor of the city of Austin, and the entire city council, do hereby proclaim December 2016 as Shop Local for the holidays month. Thank you all very much. [Applause] And Rebecca, thanks for all that you do.

>> Thank you, thank you.

>> There you go.

>> All right. Well, I want to thank council member Pool, the entire council, and the mayor for recognizing the importance of locally owned businesses to our economy and our culture. And I'd like to encourage all of you to shop locally for the holidays. If you need ideas, visit ibuyAustin.com, and we have lots of special offers for you throughout the holiday season. Now I'd going to let Dean Lofton tell you about a really amazing event happening on Saturday.

>> Thanks so much. We want to invite everybody to

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check out austinitems.com, all eight districts, parts of town where 75% of the businesses are locally owned. There are free specials, so you can hop around town and get to know different parts of Austin and know you're getting an Austin experience and supporting your friends and neighbors, and if you're a locally owned business, we invite you to join us. We also thank the city. This program is funded in part from the economic development department, so thank you so much. [Applause]

>> Tovo: It's my pleasure to introduce Ms. Sylvania Holt-Rabb, and she's going to talk a little bit about our next series of honorees.

>> Good evening. Thank you, mayor pro tem, on behalf of the economic development department, I want to thank you all for joining us tonight. The small business program, which is a division of economic development, serves entrepreneurs in Austin. Our contract with the University of Texas Center for Professional

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education supports the growth of new and existing businesses with classroom education covering in-depth topics like accounting, marketing, and even business plan writing. Over the last seven years, the business skills certification program has trained over 6800 entrepreneurs with knowledge and skills to grow their small businesses. The city of Austin and UT have consistently achieved a high degree of success with this partnership, as evidenced by the over 4,000 training hours delivered in fiscal year 2016. I want to thank council and mayor and the council for helping support this program. Tonight's graduates have completed at least six of the small business classes that will help them manage their businesses better. We are proud of our small business assistance to these individuals and those we celebrate tonight with a business skills certificate. So at this time, I ask that mayor pro tem, Kevin Johns, our director, and Vicky Valdez join us for photos, once the mayor pro tem finishes.

>> Tovo: And I'd like to present the following proclamation to all of our honorees. Be it known that whereas the city of Austin, through its small business program, fosters job creation by providing education and assistance to aspiring entrepreneurs and established local business owners, and whereas in support of this mission, the city partners with the university of Texas center for professional education to offer expert, cost effective training to area small businesses, and whereas the city and the university of Texas jointly recognize participants who complete a series of classes to build a core receive the business skills, and whereas the purpose of the business skills certification is to encourage further success of existing and aspiring business owners in the city of Austin, Texas throughout the year, now, therefore, I, can

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the consultant, on behalf of Steve Adler, on behalf of Austin, Texas, do official recognize the winter 2016 business skills graduates in Austin. Congratulations, all of you.

>> Our first graduate is Jennifer Alderete. Our objection graduate is Dora borjorquiz. Gani fanu. David Garcia. Lusa Gail fondenue.

[6:03:23 PM]

Lee mechley. Annette Palacio. Francisca Ramirez. Amanata torett. Vanessa Simon. Shanelle rector. Again, I'd like to thank mayor

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and council who have consistently provided support and Kevin Johns, the director of economic development, as well as Vicky Valdez. We look forward to these participants moving on to our fast-forward program, hopefully in the fall. Again, thank you.

>> Tovo: It is my pleasure to now present the following proclamation to our fire chief, chief Kerr.

[6:07:25 PM]

Be it known that whereas the insurances service office incorporated, or iso, known as the public protection classification program, has raised the city of Austin's isorating from class 2 to class 1, with 1 being the best on a scale of one to 10, and whereas Austin worked in partnership to complete the lengthy reclassification process, and whereas the citizens of Austin will now be among the most well-protected from fire in the country, as only 204 cities in the nation have secured this rating that indicates superior fire protection, now, therefore, I, Kathie tovo, on behalf of Steve Adler, mayor of the city of Austin, Texas do hereby proclaim December 1st, 2016, as superior fire protection day in Austin, Texas. Thanks very much, chief Kerr, and to the rest of you here for all of your great work.

>> So I just want to say that things like this don't happen with one person or two people or even just the fire department. It happens with a number of people that make this accomplishment possible. And what's really important is that it improves the fire protection rating for the citizens of Austin, and it helps reduce insurance rates for both property owners, individual, and for commercial rates. But the person in my department that led the charge with this is my assistant chief, Doug fowler, and I'd like to introduce him now and he's going to say a few words and introduce some of the other people that were really important in helping us accomplish this rating. Thank you.

>> This recognition really is a validation of the quality workday in and day out by the men and women in the Austin fireplaced. Fire department. They come to work, work at a high level, this is a demonstration of the resources

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committed by the city of Austin, the fire department and also to the water department. This was a collaborative effort between the fire department and the water department, and I've got to say with Matt Cullen and his associates, did a tremendous job in the months leading up to this. Next, Mr. Philip Bradley would like to make a presentation from iso. [Applause]

>> Good evening. My name is Philip Bradley, and I am here with -- to represent the insurance services office. Basically, we're not a state agency. We're not a regulatory authority. But what we do is we serve as the back office support for the insurance industry. What we do for the insurance companies is, we will survey and evaluate the fire protection capabilities provided by the community, and then we will correlate that into grading on a scale of one to ten according to our fire protection scale. 10 is no recognized fire protection, class 1 is the best fire protection capabilities that we recognize. So this is a tremendous honor, but this is not just a fire department scorecard. As chief Fowler indicated, we look at a number of departments. I don't want to -- I don't want to hurry this too much. We would look at the fire department, emergency communications, the water department, the fire marshal's office, the fire prevention code enforcement, the building officials, all parts, all aspects of the community, and there's several people here representing the GIS department. I don't want to undersell that at all because with the technology that the city of Austin was able to deliver, it made our field survey process much easier, and so I want to make sure I recognize them as well. When we do this -- oh, I did skip over one very important group, and that is the city

[6:11:27 PM]

council and the mayor, because without their support, I don't believe any of this would have happened because they're the ones that provided the funding and the guidance and direction to each of the departments to pursue the best classification that they can and the highest level of fire protection. We have a class 1 presentation plaque which reads: In recognition of outstanding commitment to providing superior fire protection services to the community, this will become effective January 1st, 2017. Now, we're not a state agency, but we are -- we do have oversight by the Texas department of insurance and the state fire marshal's office. Before I wrap this up, I also want to make absolutely clear that although you're a class 1, this is the best recognized fire protection, there's always improvements. The fire chief is going to come to you from day-to-day. The water system is going to come to you and say we still need to make more improvements to make sure that we maintain this classification. And so I want to encourage everybody to do that as well. [Laughter]

The state fire marshal's office -- actually, the state fire marshal is here tonight. He has a presentation together, or as well, so what I'd like to do is step aside, and then we'll do the presentation at the same time, so ... Chief? [Applause]

>> Good evening. I'm Chris Connealy, state fire marshal. We work with the department of insurance on behalf of our insurance commissioner David Mattox. This is a huge day in the city of Austin. Certainly, as you've heard, this is a collaborative effort that certainly through the leadership and the funding, you hear about ROI, return on investment. Well, certainly the mayor and city council, city management, has to make an investment into the fire department, the water department, communications, and this particular effort of improving your ISO rating. Taking off my uniform, I'm a

[6:13:28 PM]

resident of the city of Austin as well. And this is a very important aspect of economic development, of having an ISO class 1, because businesses want to operate in communities that have the lowest cost. And certainly with the savings on insurance, both on commercial and residential policies, by improving this rating is a great return on that investment that has taken place within the city of Austin to provide these various services that you heard watching these

different departments, working collaboratively together, to bring good things to the citizens of Austin. That is huge. And certainly, we join in our appreciation and accommodation on achieving this rating. 25% of all the iso class 1's are in Texas. No other state has more class 1 cities, and certainly the city of Austin being one of the largest cities in the nation, but certainly in Texas, joins El Paso and the city of Houston, as far as metro communities that are class 1. And certainly this is my favorite one, because I live here, and I'm going to benefit from this, so this is wonderful, and congratulations, certainly chief Kerr, chief fowler, the men and women of the Austin firedepartment, the water department, and this is just good stuff for the citizens of Austin. Congratulations. [Applause]

>> Congratulations.

>> Thank you.

[6:17:19 PM]

>> Tovo: Again, I'm mayor pro tem Kathie tovo, and I represent city council district 9, and it is really such a privilege and honor for me to be involved in the following proclamation. Next week Lee elementary is going to do something very special. They are going to rename a wing of their school for a community leader and long-time educator, Mrs. Betty Mann. Lee elementary is district 9, and I'm so proud and pleased to have Betty Mann here today. I'd like to introduce my colleague, Ora.

>> Houston: Thank you, mayor pro tem. I'm Ora Houston and I represent the good people of district 1. And it is an honor to be here tonight to recognize Ms. BettyMann, who has lived in Austin all of my life. She and her husband -- I don't know where he went -- well, he's here somewhere, haven't foundations of our community for a long time. They are faithful members of olivet Baptist church, and I think because of her faith, she was able to be the first African American teacher at Robert E.Lee elementary school. And I'm very proud that they're going to name a wing after her because she did that with grace and with confidence, and she loved the children, and they learned a lot from her. So it's my pleasure to read this approximate on behalf of the city of Austin and mayor Adler. Be it known that whereas in1968, Betty mishak Mann integrated the teaching staff of

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Robert E. Lee elementary school by becoming its first African American teacher, Ms. Mann taught at Lee elementary, helping establish the school's kindergarten program until her retirement in 1991. Beginning in 1993, she continued as a substitute teacher at Lee, where she worked regularly for more than a decade, and whereas in 1967, Freddie Mann, Jr., her son who lived from 1956 to 1968 -- is that right? That's when he went to school there. I'm sorry. Scratch all of that. In 1966, Freddie Mann, Jr. Attended -- the oldest child of Bettie Mann and Freddie Mann attended -- integrated the student body of Robert E. Lee elementary school.Freddie's brothers, Greg and Raul Mann, followed in his footsteps and matriculated at least soon after him; and whereas we recognize the naming of the Bettie Mann wing, the null renamed Russell Lee elementary, on December the 8th, 2016, and whereas we applaud the work of Bettie Mann breaking down barriers in Austin independent school district during a period of pronounced resistance to school integration, educating hundreds of children and mentoring generations of teachers, working tirelessly and lovingly to assure educational opportunity for all children; now, therefore, Steve Adler, mayor of the city of Austin, Texas proclaims December 8th, 2016, as Bettie mishak Mann day. Congratulations.

>> Good evening. I'd like to thank everyone for this honor. I think -- you never know the impact that you are having on --

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that you're -- oh, that's my husband there -- that you're leaving on students, on communities, and people of Austin in general. And I never realized that that would happen to me, but I'm so honored that it is happening, and I would like to thank the city council. And I've already gotten a cite -- not a citation, my granddaughter told me that -- I've already gotten a proclamation from the school board, and so now a proclamation from the city, it's a real deal. Thank you. [Laughter] [Applause]

>> Nancy, would you -- I know you've been a real advocate. Would you come join us?

[6:23:44 PM]

>> Tovo: And that does conclude our proclamations for this evening. Thank you all.