

# City Council Regular Meeting Transcript – 03/22/2018

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 3/22/2018 6:00:00 AM

Original Air Date: 3/22/2018

Transcript Generated by SnapStream

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[10:17:14 AM]

>> Mayor Adler: Everybody is quiet which means everybody must be ready to get started. I think before we start the meeting this morning, I just want to repeat again publicly what I've had the opportunity to say on several occasions on behalf of council and a very appreciative and thankful community for the resolution that we've had this week. We had a community that was dealing with these explosions, and as they increased in frequency, our collective fear and anxiety continued to grow. Our -- everyone's collective thoughts and prayers were with the families of those that were injured and the two young men that were killed, the six people -- four people that are still in hospitals in our city. And there was a feeling that there was not much that we could do. There's a collective helplessness. Our community, I think with the increased number, was beginning to fray, and I think that gets exacerbated when you have the world's media descending on the city and they're all here and they're all looking for news stories and things to do, so we were starting to have color stories on color stories, which is never a very good sign. But we had over 500 federal agents on the ground here and several hundred working on this outside of Austin.

[10:19:20 AM]

We had the governor weighing in first with reward money and then giving us state assets and state personnel. We had cities across the state contributing to our effort with resources and with manpower. And then we had our very own finest, Austin police department, also our fire department and ems, all involved in this and all putting themselves in positions of risk and danger, not all of which are publicly known. And I want to thank them. I also want to thank the community that came together because there were things that we were asked to do. We were asked to be the eyes and ears for that army of people and we were asked to collectively get each other other's back. And we did that. We identified things that were out of place and suspicious. We called 911 and quite frankly people noticing suspicious things became part of the ability of this city to be able to end this. And I would just say that one of the things as we look forward from this, and many things I'm sure looking forward, and manager, you were

at every instance that the council and I were informed or we saw things you weren't present and leading through those and I want to express appreciation to you as well. An unusual welcome to a new job only a couple of weeks in. But I was at a community meeting at mount Zion Baptist church, community meeting. The police chief was there and he spoke to everybody. There were several people that spoke. And one of the recurrent themes at that meeting has really stayed with me as it's go out to other neighborhoods where these incidents were taking place and concerned neighborhoods and other community meetings meetings.

[10:21:34 AM]

We don't know our neighbors as well as we should, that is something that doesn't exist today the way it existed in the past. And I pledge to do a better job personally. But I think each of us need to walk across the street and introduce ourselves to our neighbors and down the street and across the hall so that collectively we know the people that we live with better. You're less afraid of people around you when you know who they are and you can notice things that are out of the ordinary when things that are otherwise unknown become ordinary to you. And I think that meeting our neighbor is an important thing for us to do. Again, I just want to say thank you to you, to police chief Manley, who I think was exceptional in this. And when you hear the accolades from the federal agencies toward him, well earned. And to the community I want to say thank you as well. Next thing I want to touch on here is that two days ago this community lost a real significant leader in our community. Nelda wells spears died after a brief illness. She was a champion for equality for women. She was the first African-American to hold her elected post. She was the first appointed in 1991 in that post and served until 2011. She was a founding member of the executive women in in connection government, and the leg -- in Texas government and the legacy that she will have is one of public service that she hired.

[10:23:35 AM]

The last thing that I want to do is I want to announce are -- it's time Texas folks here -- why don't you step up to the podium. Why don't you guys come up here with that streamer so that people can see it. This is a public announcement here real fast. Pretty exciting. Hi, how are you?

>> I'm Amy and I'm the vice-president of mission and strategy and it's time Texas. It's time Texas is a statewide non-profit based here in Austin and we believe that Texas is best when Texans are healthy. As such we champion the movement for a healthier Texas by making healthier lifestyles more accessible for all Texans. As many of you may know, each year we hold a statewide community challenge. This challenge presented by H.E.B. Is a statewide competition in which communities across the state compete with one another to see who can demonstrate the greatest commitment to health. And we are so excited that for the second year in a row Austin is the winner in the large metro category.

[Applause]. Thank you. Thank you, mayor Adler, city councilmembers, ballet Austin, the university of Texas at Austin and many others for making our city such a great place to live and a place to live a

healthy life. So we are thrilled to come here today to present to you, mayor Adler, and to you, Mary feria as the chair of the mayor's health and fitness council, a grant today for \$1,800 to support healthy activities in our city.

[10:25:42 AM]

And we are so happy to be here, thank you. Way to go, Austin.

[Applause].

>> Mayor Adler: You know, we went through several years where we competed, but we didn't lose. We were losing consistently to San Antonio.

[Laughter]. But now two years in a row we just have whooped them.

[Laughter]. And I think it's because we are fueled with the best breakfast tacos in the state.

[Laughter] Just saying'. And if you haven't seen -- one of the things I am most proud of in my term as mayor here is I was able to do a video as we were turning the corner with San Antonio, and not only did I do pushups, not only did I do a one-handed pushup --

[laughter] -- But I did a no-handed push up.

[Laughter]. You need to check YouTube. Thank you very much. Thank you. Chap chap.

[Applause]. Is pastor Tory mayo here? Would everyone please rise for an invocation from pastor mayo with the well.

>> Thank you, mayor. In light of as you were saying the recent tragedies that have happened, I think that what is happening here today makes it all that much more significant, both there be wisdom and discern. Discernment in how to handle justice, but good, so that justice doesn't have to happen, but that good reigns. I would like to pray for wisdom and discernment to that end. Precious father, we thank you for just the good, god, in creating justice and bringing safety to so many here, even this week.

[10:27:48 AM]

God, I pray that in your grace and in your mercy that you would give wisdom and discernment even today. That justice would reign and that good would come, that we would see more and more righteousness flourish and that, as mayor Adler said, that we would know our neighbors, we would be like the good samaritan that loves those around us and that blesses those around us that gives up of ourselves so that others may be elevated. So I pray that with this position of power that you have given these men and women that you would allow them to lay that down to elevate others as you did yourself, Jesus, for us. So I pray for wisdom, I pray for discernment and pray for peace to reign in our city. I pray that you would be with the families and the victims and just as a city we would feel your

presence even here this morning in this place. So we thank you for all that you do, praising your beautiful name, Jesus, amen.

>> Mayor Adler: It is 10:28. Today is March 22nd. It is 10:28 here at on 301 west second street in Austin city hall. We'll take a look at the agenda and see what we can move. The consent agenda today goes from item 1 to item 60 and it also includes items 97, 98 and 99. I'm showing that item number 4 is being postponed to April 26.

[10:29:56 AM]

I'm showing that item number 8 is being pulled so that we can discuss that in executive session. I'm showing item number 16 is going to be pulled so that we can have a brief presentation by our city staff. I'm showing that item number 37 is being pulled by Ms. Kitchen. I'm showing item number 47 is being pulled by councilmembers troxclair and alter. There was a request to do this at 10:30. We've also heard from lots of people in the public that want to be able to speak on this, some that asked to be able to speak on this in the evening, so we just need to discuss among ourselves how we're going to handle that, but in any event, 47 is being pulled from the consent agenda. We also have item number 60 being pulled, and item number 99, I think, mayor pro tem, you wanted to say something. I don't know if we're pulling that or if you're just saying something.

>> Tovo: I think we'll probably need to pull it because I have just distributed amendments on the dais. So hopefully -- I think we can blast through it relatively quickly right after --

>> Mayor Adler: Let's pull 99. Councilmember kitchen Mr. Mayor, with regard to item 37, which is linked to 44, I just wanted to move postponement so I'm happy to do that on consent agenda.

>> Mayor Adler: This is the corridor thing, postpone to April 26?

Councilmember>> Kitchen: All right.

[10:32:00 AM]

I'm assuming that's all right with my colleagues.

>> Mayor Adler: Mr. Flannigan is not, so we're going to pull it.

>> Alter: I think that on the codenext we just have to put the date in. If we put the dates in I'm fine on consent.

>> Mayor Adler: And we talked about putting in the 29th and the 2nd?

>> Alter: Tuesday the 29th and Saturday June 2nd?

>> Mayor Adler: Did anybody have any objection to those dates being put in?

>> Jerry rusthoven, planning and zoning. I wanted to make sure you were good with a 10:00 start time for both dates.

>> Yes.

>> Mayor Adler: So number 60 will stay on consent with the days being the 29th and the 2nd. So again on the consent agenda I have item number 8, item number 16, item number 37, item number 44, 47 -- is 44 and 47 and 99.

>> Kitchen: One -- go first.

>> Houston: Mayor, I need to pull 38 and 39.

>> Mayor Adler: 38 and 39? Okay.

>> Houston: And we'll do the postponements on the zoning at 2:00, right?

>> Mayor Adler: Yes. Do you want to -- at 2:00 we'll do the postponements. Do you want to say which ones you will do so people know they're in play.

>> Houston: At 2:00 I'm going to be asking to postpone 88 to April the 26th. And 89 a time certain of 6:00 P.M.

[10:34:01 AM]

>> Mayor Adler: 6:00 P.M. Today. If people show up earlier and if we have time, we could take their testimony, but we won't take any action until after 6:00 P.M. Okay? Ms. Kitchen?

>> Kitchen: I'm sorry, you may have already read this into the record. Item 57 and 58 can stay on consent, but you will note there's a change for the date and time of the public hearing to April 26th.

>> Mayor Adler: April 26 public hearing on both items 57 and 58.

>> Kitchen: Yes. And then I have a comment to take on 26. I don't need to pull it. At the appropriate time I have a comment to make on it.

>> Mayor Adler: Okay. Don't let me miss that. Okay. I'm going to read changes and corrections into the record.

>> Alter: Mayor? I just wanted to flag that for 91 the champions case, I was going to flag for a 7:00 P.M. Time certain.

>> Mayor Adler: Same kind of thing, if people showed up and we had time we could take them earlier, but won't take any action until after dinner. So 7:00 P.M. On that one. Which number was that? 91, thank you. All right. Changes and corrections, item number 4 postponed to April 26. Item 48 is withdrawn. Item number 57, 58 and 59 changes to, as we just did, April 26th to the public hearing on those. Item number 79, the owner applicant is Laura Hensley and the agent is McClain and Howard. Item number 80 also the owner/applicant is Laura Hensley.

[10:36:05 AM]

The agent is McClain Howard. Item number 96, on March 13th this item was approved by the planning commission with an 8-0 vote with commissioners Nuckols, dehojos, Thompson and Shaw absent. Okay. Are we ready to hear from consent speakers? Mr. Pena, are you here?

>> Good morning, mayor, councilmembers. First of all I'd like to thank also law enforcement for the outstanding job that they did. As being a former IRS investigator I want to thank my fellow investigators and special agents from the FBI and ATF. We worked with them a long time ago. So kudos to them. And also to the family of this young man also because something happened there that intervention could have occurred and this is a tragedy that should have never occurred. But anyway, our hearts and prayers go to the victims. Number 20. Number 20 is having to do with 3 M communities echo grant, et cetera. I want to recognize this because it's regarding the ecology and environment. Bridget Shea, Robin rather, Bill Bunch, Mary Arnold and others that were very key and crucial to the environment back then, S.O.S. Ordinance was very important to keep things in place so they don't destroy the environment. Item number 22 is having to do with United Way, Austin health department budget. This is very important for the families. Veterans for progress very supportive of this. 23 having to do with the sobriety center. That's very important also. Key and crucial to not only law enforcement, but the community. Number 33 is mobility bond and having to do with Burnet road from 183 to Mopac.

[10:38:08 AM]

It's very highly contested as it is now and it's going to get worse. Very important. Number 59 it says set a public hearing regarding center point proposed to increase customer gas rates. We're already being inundated with high price electricity. We're inundated with taxes. We're saying that -- I'm going to speak at this public hearing on April 12th, but I wanted to be -- make it very clear to you, mayor, councilmembers and city manager, that we oppose any increases right now. This is a bad time for the community. They're very poor people out there. They'll pay for the electricity and the gas is very important before they buy food for the kids. So this is -- remember that. Item number 98, it's an approval of a resolution regarding accepting grant funding. \$160,000 from the government's office to implement the Austin police department project entitled regional special ops. This funding is very important, key and crucial for this project. You know, I'm going to keep it at this because sometimes I get kind of emotional, but I just want to say I want to thank law enforcement, I want to thank everybody that's been involved in this tragedy. Had there been maybe counselors for this young man, maybe they could have intervened. I work with kids. When I ran for city council they called me the youth advocate and I wore that title proudly. Last and foremost I would like to recognize Reverend Lawry and Mr. Mark Duffy and their item number 19. I know you won't hear it right now, from the Protestant Episcopal church. I want to say right now that we need --

[buzzer sounds] I'll wrap it up. We need prayers, we need help for the young people so this doesn't occur again. Thank you very much for the leadership. Mayor, I know I've been critical of you. But let's be thank of the of the grunts at APD and making it happen. Thank you very much.

>> Mayor Adler: Is Michael whellan here?

[10:40:13 AM]

On deck is bill oke.

>> Thank you, Michael whellan on behalf of Texas disposal systems. This is item 26. There have been two occasions since 2016 where this council from a policy perspective has voted to deny contracts that are delivered -- for waste delivered to Austin community landfill in northeast Austin. We understand the contracts from time to time have to be extended for business purposes. We get that. It's happened to Texas disposal systems and it happens regularly. Staff is working on a landfill matrix right now and I'm told -- but staff will need to confirm -- that the landfill matrix will be done by may of this year, two months from now. And yet they're asking you for a 19-month extension to continue to send city-generated waste from city-owned facilities to the Austin community landfill in northeast Austin. I just do not understand that. By having a shorter extension -- and again, we understand that extensions need to occur -- I think like a trial date, which I'm more familiar with, it focuses the mind and energy on accomplishing the task ahead. Specifically the landfill matrix will get done in a timely way and you will stop, perhaps, depending on what the matrix says, you will be able to vote on a policy that is more -- that you've had an opportunity to vet and understand before you continue to send waste for 19 months to Austin community landfill. I sent an email, I suggested a nine-month extension as an alternative so that you are not continuing for more than a year to send waste to this particular landfill. So that's it. Thank you very much for your time.

>> Mayor Adler: Thank you. Bill oke and then on deck is David king to get ready.

>> Thank you, mayor and council. I'm bill oke with Austin affordability.com.

[10:42:14 AM]

Late last fall I had the great privilege to go to the grand opening of Austin's new central library. And I was totally blown away by how beautiful and exciting that facility is. I have never seen anything like it, and I started contacting friends in and out of town and urging them to come and see the library. And then I got to wondering how much does it cost to park there? And I saw this schedule of high parking fees. And so I did what I always do on my blog, I asked the fundamental question "How do other cities do it? ". And what I found is that San Antonio has three hours of free parking at their central library. Fort Worth, I believe, is two and a half hours. And Dallas is free for the first 15 minutes and then 75 cents per hour for the next two hours. And so I started contacting councilmembers and asking if we couldn't have a change made so that we could offer free parking for possibly as much as two hours at our new central

library on the idea that everyone who wants to come to the library from any part of the city from any part of our great economic divide that we have here could be able to have better access to this library, make it free and convenient for everyone. And I should have known that you don't get the wheels turning at city hall very fast so from November until today is this process has taken, but I am very impressed with the support. I want to thank mayor pro tem Cathy tovo for taking the lead on this and my own representative Alison alter for assisting mayor pro tem tovo.

[10:44:15 AM]

There is a lot of questions when a proposal like this comes about and I want to thank the other co-sponsors, councilmembers Leslie pool and Delia Garza and I hope I haven't left anyone out. And I want to thank mayor Adler and john-michael Cortez in the mayor's office for bringing up some interesting points and making a last-minute revision to help move this forward. It's my understanding that there will be one hour of free parking and mayor pro tem tovo's office has told me that it will be three dollars for the second hour. I'm not sure if that three hours for the second hour was clear and the wording of the resolution that I saw. So you might want to make sure that that's implemented as intended. The big hurdle that we had to overcome is this idea that people were getting their parking permit --

[buzzer sounds]

-- They might get a parking permit validated at the library and then go somewhere else and stay as long as they wanted. That's been solved and been solved in a very innovative way. People will just get their parking permit validated as they leave the library and then they have 15 minutes to clear the parking garage. So a lot of work went into this and I want to thank everyone because now we're going to be able to share that with the whole community for at least one free hour and then a reasonable fee for the second hour. Thank you very much.

>> Mayor Adler: Thank you.

>> Tovo: I want to thank approximate Mr. Oke for raising this concern. I heard the same concern from other community members, but Mr. Oke was certainly the most persistent voice in speaking for those who wanted to see a change there. I appreciate your advocacy on behalf of all of the many austinites who can enjoy the library more easily and makes it easier with having the free parking for an hour.

[10:46:20 AM]

Thank you for your work on that.

>> Mayor Adler: Is sandy causey here. You will be at this podium. Come on down.

>> Thank you, mayor, mayor pro tem and councilmembers. Thank you for your service to the community. I'm speaking on item 32 regarding the one million dollars transfer from cap metro to the Austin transportation department and I want to make two key points. One is I hope that we can use that



money to target improvements for A.D.A., compliance with the A.D.A. Americans with disability act requirements. And to ensure that we have access to cap metro services by low income families, particularly those that are being pushed out of our city. Thank you very much.

>> Mayor Adler: Thank you. Is Larry bales here. You will be at this podium.

>> I'm speaking in favor of the item number 17. On behalf of the neighbors of the oak park subdivision association, I'm treasurer of the association and our president Mary Lynn Rogers is also in attendance also. I've lived in the oak park neighborhood for 47 years. And since the mid 70s I've seen my neighbors' homes flood on many occasions. Twice I've had wonderful neighbors move away because of the vulnerability of their home to flooding. Within the last seven years with two apartment complexes and a medical complex covered the hills above the neighborhood more and more homes became vulnerable to flooding. Now just a small amount of rainfall will cascade off the hill and sheet through our neighborhood. We appreciate the due diligence of the watershed department on our behalf. Particularly John Middleton and Jorge morales when he was with that department met with our association and neighbors individually many times. Including walking, specific properties and listening to our concerns. It gave us hope that after all these years we were annexed into the city in 1986, that the city would help us.

[10:48:23 AM]

That the city accepted the gravity of the situation we've lived with for many years. So we strongly support this first step in ensuring that all our neighbors are safe from the dangers of flood waters. And though we'll miss those neighbors whose homes are included in this buyout, we know they're frustrated and they're weary of having their homes constantly in danger of flooding. We hope you each will approve this ordinance and continue to support the completion of the flood mitigation plans for our neighborhood and other neighborhoods that face the same threat. Thank you.

>> Mayor Adler: Thank you. Is Andrew Dobbs here? Why don't you come to the next podium.

>> I'm Larry bills. I live in onion creek. I've lived there for 20 years, love that subdivision. We have never ever taken on water until 2013. And it was devastating. I'm not here to say I'm against the buyouts. I know a lot of my neighbors want it on the lower end of onion creek. I think they need it. If their homes have been flooded two homes and they've had four foot of water in their homes, they deserve it. What I am saying is I don't want that to be the only solution. There are several homes in onion creek that are on the buyout that never flooded. And I know that for a fact. Me and Ms. Kitchen have had this conversation before. We had a red notice on our door in 2013 in November when they walked around and dotted all the homes that got flooded. All the homes across the street from me were also dotted. Not one of them had an ounce of water. And they said they had a foot of water. That's just wrong. There's got to be some other options. I'm not saying I'm against buyouts whatsoever. What I'm here to say is those that have flooded two times, god for bid, let them out if they want out. What I am saying, please don't give up on onion creek. In 1981 the city didn't give up a Lamar boulevard when strait music pianos were floating down Lamar boulevard. Toyota and Chevrolet had automobiles floating down

Lamar boulevard. Please help us clean out our creeks, give us other alternatives in addition to buyouts on the homes that were severely flooded.

[10:50:28 AM]

Thank you.

[Applause]. Jennifer Mcphail. You will be the next speaker. Mr. Dobbs?

>> Hi. Andrew Dobbs, Texas campaign for the environment here to speak on item 26, which is the city facilities waste contract. I wanted to reiterate what Mr. Whellan said earlier which is that we are -- the good news is that process is to -- that have been begun by the solid waste working group are moving forward. I want to thank them for their leadership. Councilmember pool not being here. The rest we thank you for your work on that. We believe that it would be a mistake to extend the contract with republic services for 19 months when we are, you know, within two, three months of having some real tools in your toolkit for being able to make decisions about where to send waste that reflect the values of this council. So it asks that you pull this from consent, take a moment to modify it, to limit it at most to nine months and then it passes as that if you're going to pass it at all. You could go month to month, though we understand the value of not doing that. The other thing I was going to say to that effect is as we're developing this matrix there has been some push back from staff on some of the environmental justice commitments that I believe that members of this council have expressed from this dais, at least to me personally, namely the inclusion of racial justice metrics and economic justice metric and labor projections in how you consider what landfills to use for city-generated materials. So I would hope that you would take the opportunity from the dais today or on your own time to make sure that staff knows that you want to see those things in your consideration of what waste facilities to use. I'm happy to answer any questions.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Is Monica Guzman here? You will be -- come on down to the podium.

[10:52:30 AM]

Ms. Mcphail.

>> I'm Jennifer Mcphail with adapt of Texas and we wanted to be on the record in support of the bond corridor funding, making sure that the process keeps going. I know that some of the projects like north Lamar are going -- decisions are going to be made so -- we just wanted to make sure that you know that these projects are vitally important to our community and to encourage you in any way possible to keep it going as fast as you can, because it's not just a slab of concrete that we're talking about when we build sidewalks. It's very easy to look at it from a very matter of fact point of view and just see a slab of

concrete. But it's much more to people. When we were out there many years ago when we wanted the funding for the engineering phase of the projects, my mom and I went out and we videotaped what it looks like in those areas when people are forced out into traffic. And while we were down there we saw mothers with their babies in strollers walking in ditches, walking in the traffic. So it struck me the last time we were talking with the folks at public works about how these are not just projects about neighborhoods or roadways, these are about mothers and daughters, fathers and their sons. And whether or not they can safely get from one place to another. And sadly my mom didn't survive to see these projects finalized. So that's hard for me, but future generations of people, once we put that concrete down, future generations of people won't have to worry about whether or not it exists, they'll just have to worry about maintaining it. It's time for these projects to get approved. It's time to keep moving toward the future and stop seeing pedestrians be struck trying to just get from one place to another.

[10:54:33 AM]

Thank you.

[Applause].

>> Mayor Adler: Thank you.

>> I apologize, I didn't hear what item number I got called up for. I signed up for two. >>.

>> Mayor Adler: Item 60.

>> The city is looking for its own set of hearings. I have no problem with that. Is it going to be done by the budget hearings, part of a council meeting. My concern is people outside the urban core not being able to come and voice concerns.

>> Mayor Adler: We're going to set these at special called meetings beginning at 10:00 in the morning so there's going to be lots of opportunity for people to speak. While we mention that, I would say to staff you need to bring me the memos so I can set those special called meeting.

>> I will reach out to the codenext team and see about what we can do and if there's any families who have children, I would hope consideration would be taken for that and allow them to speak ahead even if their time is limited. And at the appropriate time be allowed for those who require interpreters as well. Thank you.

>> Mayor Adler: Thank you very much. Those are all the speakers I have speaking on the consent agenda. Real quickly, I have being pulled items 8, 16, 37, 38, 39, 44, 47 and 99. Anyone want to make any notations or anything else on the consent agenda? Councilmember Garza.

>> Garza: Just for 35, I've heard from some members of our [inaudible] Who have concerns about changes that were made. I frankly don't know the extent to it, but the ask is just to make sure that our smbr office meets with our minority trade and our minority chambers to make sure that all their concerns are addressed.

[10:56:38 AM]

Thanks.

>> Mayor Adler: I think that's important and it's a pilot program we can look at it. I've heard some of the same concerns and for staff I think it geese to the showing of -- goes to the showing of attempted good faith and compliance with meeting the goals. And I think that some of those folks have raised, to me, what sound like pretty legitimate concerns about how it works logistically especially with respect to vertical construction. Just the logistics of it. But certainly the original intent of that ordinance when it was worked out was finely tuned, a lot of stakeholders that were working. So this is a pilot program so I understand moving forward, but there are going to be lots of eyes on it looking to see if it actually works and if it gives us the result that we need. Ms. Houston. And then councilmember alter and then Ms. Kitchen.

>> Houston: Thank you, thank you, mayor. Based upon the testimony, I would like to pull 26 to have a conversation with staff.

>> Mayor Adler: Okay. Number 26 being pulled. Councilmember alter.

>> Alter: Thank you. I'd like to be shown abstaining on item 17, and I don't want to pull this for the whole day to just make a comment. I would -- in Q and a I had asked why the developer wasn't being held liable for the problems and why the city was not going forward with that, so I would like an answer to that question, but I don't want to hold up the funding for the people who need this funding, but it seems to me that if we have a clear case where the developer did something wrong in their calculations, they should be liable for these payments in some way and not the city of Austin. So I will be abstaining. Again, I don't want to hold that up, but I think we need some further investigation and if someone can get back to my staff on that at some point, I would appreciate it.

[10:58:45 AM]

And then I had a question -- I know councilmember kitchen had pulled 37 to potentially postpone it and then pull 38 and 39 and 44 on mobility bond. I just want to make sure that we're not passing any other items that are impacted by a potential postponement of 37. I know there are a couple of the items that are about getting the design firms moving forward and staff had talked about definitely needing that, but there are a number of other items that are negotiate and execute which have dollar figures that tie back, I believe, to item 37 and just procedurally I wanted to make sure that we had everything pulled that needed to be if we're going to have that conversation about 37. And maybe the solution is to negotiate those but not execute so that you can keep moving on the process, but --

>> Absolutely, councilmember. Mike Trimble. All these items would allow us to do is move forward in negotiation of those items and some of that is just some of the technical logistical aspects. If 37 was

postponed or any delay in that at least move forward in some of the details, logistical aspects of those negotiations moving forward. It wouldn't be contingent on 37 being approved.

>> Alter: But they do say negotiate and execute.

>> We would wait to execute until final --

>> Alter: Shouldn't we be -- I mean, it seems like we should be adjusting the language to be negotiate and not negotiate and execute if those numbers potentially change, if anything comes of that postponement. Changes, I'm just trying to make sure we're not creating a mess.

>> No, I mean we would definitely anticipate, there's other aspects of those, like for example the funding agreements with txdot, we can get the details in place and wherever a decision is made on 37 we would put the scope of that in those agreements.

[11:00:55 AM]

>> Mayor Adler: Does it work with respect to those contracts to say the authority is to negotiate and execute once 37 is passed?

>> That's fine. That will work.

>> Mayor Adler: Any objection to making those changes in those contracts?

>> Alter: I just want to clarify that's not about the design firms. I'm talking about the specific ones that had particular corridor numbers. So the design firms are not contingent on 37 -- there are one or two items that you said were different from that.

>> Right.

>> Alter: I don't want this to be applied to those items.

>> I'm assuming you are talking about the advanced funding agreements we're working on with txdot. And those numbers are based on what currently in the staff recommendation for the corridor construction program. Obviously we would make adjustments based on whatever is approved.

>> Alter: If 37 were to pass --

>> Right. With the design contracts and the way those are set up, there would be no issue with moving forward with the award today.

>> Mayor Adler: Sounds like what I said was overly broad because there's not contracts not contingent on 37 so we don't want to hold up the ones that are not contingent -- that are not dependent on direction from 37.

>> Right.

>> Alter: So it would be the advanced funding, the items related to the bond that are about advanced funding negotiations with txdot, those would be the ones where negotiate and execute once item 37 is -

>> For final execution, if there need to be any adjustment in that final number, we would do that as part of final execution once 37 is approved. We do that as a matter of process.

>> Mayor Adler: With that understanding, can we just move forward?

>> Kitchen: I have a question.

>> Mayor Adler: Mr. Flannigan is first.

>> Flannigan: I don't support any changes with the way these items are posted and I think we should pull all of them and have the conversation at the same time and move on from consent without them.

[11:02:55 AM]

I can make that as a formal pull from me if that's what it takes.

>> Mayor Adler: We'll pull all those items and handle them together. So the items then that we're pulling would be items 33 through items 44. Okay? Any other conversation, anything people want to know on the consent agenda? Councilmember troxclair.

>> Troxclair: Yes, I would just like to be shown voting no on items number 18, 21, 57 and 58. And abstaining from 49, 50, 51 and 52. And just a quick note on item number 18, I just agree with the speaker who came to speak about the buyouts. I do think it's important that we get people in dangerous situations out of houses that have flooded, but I have consistently had issues with us spending \$500,000 per property for homes that have not experienced any flooding when we have other -- a lot of needs in the city and people in homes who have flooded. And we haven't come to a conclusion about how to best prioritize that yet. So thank you.

>> Mayor Adler: Okay. Further conversations on the consent agenda? Councilmember kitchen.

>> Kitchen: Just a question. What time certain -- for 47, APD staffing, that's 10:30 time certain, right?

>> Mayor Adler: We're going to discuss that as soon as we get done with the consent agenda. There was a call for 10:30, there were some people called for later in the day. We're going to discuss that as soon as we get done with the consent agenda. It's been pulled from the Kent. Ms. Houston.

>> Houston: I have really gotten confused. What budget item are we talking about the wayfinding downtown. Historic preservation. I've lost it.

[11:04:56 AM]

>> [Inaudible]

>> Mayor Adler: It's the H.O.T. Tax money and it's been pulled.

>> Houston: Okay.

>> Mayor Adler: Is there motion to approve the consent? Mr. Casar makes the motion to approve the consent agenda. Second? Ms. Houston seconds. Discussion? Mr. Casar.

>> Casar: I would like to thank the council and community on item 21. This will be the first time we're setting consistent year over year funding for immigrant legal defense services. I know last year in the wake of the election we set up one-time money, but this contract with American gateways will provide deportation defense funds for so many families in our community that could be separated just because they don't have enough money to pay for a lawyer. This will help protect DACA and dreamers. I would like to thank the manager of the health staff and the American gateways for helping us move forward on item 21.

>> Mayor Adler: Thank you. Mayor pro tem.

>> Tovo: I just have one more last comment on the consent agenda and that is traditionally we do this sort of thing at a different time in the day, but it's my understanding that you have a birthday tomorrow. So while the room is filled with lots of city staff and community members, I'd like to ask the council to join me in our usual practice of singing happy birthday to you.

>> How old are you going to be?

>> Tovo: That's our usual practice too, to name the year.

[Inaudible]

[Laughter]

>> Mayor Adler: One time in your life you mention your wife's birthday and you never get to forget it.

>> Tovo: Without further ado.

[Singing happy birthday]

[Applause]

[11:06:58 AM]

>> Mayor Adler: It's a funny thing you guys sound better when I'm not singing.

[Laughter] Just saying.

>> Renteria: Mayor, before we go on, on a buyout, you had some conversation with some of my constituents that live there on -- on Williamson creek, and there's some creative ways that we could allow some of these people to stay there. One is proposing to raise her house up by five feet off the

ground, and it would be a lot less expensive than buying them out, and they love that area and they do not want to leave. So if we could somehow get staff to look and help work with these people that want to stay there, and if there is a safe way of doing it and it's not as expensive as buying -- as expensive as buying out these affordable units that they live in in south Austin, I would really appreciate if we could work with a solution on doing that.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Mr. Mayor, I'll echo that, and I think councilmember Renteria was thinking in direction to staff. My direction to staff would be as you look to these buyouts, to consider the possibility of allowing funds to be used for raising or other changes to the structure that would -- that would keep them safe. So ...

>> Mayor Adler: Okay. It's been moved and seconded to approve the consent agenda. Further discussion? Those in favor raise your hand. Those opposed. Unanimous on the dais with councilmember pool done. That's the consent agenda. Let's turn to the police staffing issue.

[11:09:16 AM]

This is item number 47. We have eight people that have signed up to speak on this. Do we want to go ahead and hear their testimony? Okay. Let's begin with that. Is Mr. Peña here? Mr. Peña, do you want to come down and speak on item number 47. And I would ask that the people that are leaving the room to let us continue to be able to talk. Thank you. Mr. Peña, item number 47. David Rosch is on deck. Mr. Peña.

>> Good morning, mayor, councilmembers, Gus Peña, native east austinite and co-founder of [inaudible] For progress. United States Marines members of veterans for progress. The resolution providing directions to city manager regarding Austin police department staffing recommendation, mayor, it has always been our contention that there are retirements, but we also need to remember to have enough public safety forces on hand to deal with the issues going on in our city. As is reflected in the last tragedy of day before yesterday and the following tragedies, we need APD as much fully staffed as we can. I think it is an appropriate expenditure, mayor, for we -- for our efforts to make sure that APD is fully staffed. Not just because of these types of incidents that occur. There's still organized crime in Austin and I'm not scared of them, but I can tell you what, in southeast Austin you have a lot of problems over there and northeast Austin. I ain't going to tell you, but APD knows about it and as a former IRS investigator, I've forwarded to the FBI, the ATF and DA for drugs.

[11:11:24 AM]

I'm going to strike them from heaven if the lord allows me to go to heaven. I'm not scared of them. Somebody has to stand up to these bullies, to these organized crime issues. You come at me, I got people that will come at you from my organization and I'm talking about reconnaissance Marines, you



know, special forces. You know, I know law enforcement don't want to hear about that but some are retired peace officers. As a former federal investigator with the IRS I have the capacity to deal with my present fellow agents and investigators. I ain't scared of nobody, the Lord is with me. But the issue is, mayor, we have to have APD fully staffed because of issues ongoing. You are going to have possibly, hopefully good Lord not, wanna-bes and copycats. I'm not just openly supportive of APD or the sheriff's department, but we need fully staffed Austin police department. And retirements, et cetera. But again I want to thank APD, DPS, IRS, and there were -- IRS was there too and also the FBI and ATF and DEA. But fully recommend fully staffed, Mr. City manager, this is on your purview also and you don't know much about me, but I'm a native East Austinite, ran for city council twice, but I have endorsed by the Austin police association and sheriff's association. The issue is I'm a strong supporter of law enforcement. We need fully staffed APD asap. I know the community strongly supports this comment. Thank you very much, Mr. Mayor.

[Buzzer sounding]

>> Mayor Adler: I'm sorry, is Steven Yurkel here? What about Mike Paulston. You will be at this podium.

>> Thank you, mayor. I want to thank all of you for the leadership job that you did while we went through this crisis over the last three weeks.

[11:13:30 AM]

Thank you, city manager, it was a pleasure to get to know you, I'm sorry it was under these circumstances. I want to thank assistant city manager Ray Arellano. We saw you at the press conferences, we know you as the rest of the first responders did not get enough sleep but thank you. I must echo what the mayor said about we lacking the need or the ability to meet our neighbors and get to know them. Our community would become much closer together if we did that. And when police officers doing that it's called community engagement time. I would call upon this council that's seen three staffing studies, that's gone two years without expanding the size of our police force in spite of third-party taxpayer-funded studies recommending that they do that. We've had two police chiefs tell you, Chief Acevedo, Chief Manley, that our department is understaffed and we have not been able to see the size of our police force expand. I think the crisis that we've seen over the last three weeks has demonstrated we are no longer a small town. We have to act like a big city. We have to staff our police force like a big city. As president of the crime commission, we did a staffing study, we did a citywide study about staffing and we found that 84% of our residents, citizens in Austin, approve of spending taxpayer dollars to expand the size of our police force. So there is plenty of political cover for you to do that this year. And please don't make it three years in a row where you've not expanded the size of the force. My second point, and I think you all are in agreement, I sure hope you are, is that if ever we had a reason to name our interim police chief permanent, we have just seen it and let's get that done. Thank you.

[Applause]

>> Good morning, Mike Paulston, Northwest Hills, District 10.

[11:15:32 AM]

I was asked -- I'm a member of the board of directors for the neighborhood association there. And one of the big things that happened recently, we did our annual survey, this is where we poll the neighborhood asking for what can the neighborhood do differently, better, and it's been historically about activities and social events and, you know, the parade and those kinds of things. Lately, in the last survey, the top two items that came up were crime and traffic. And this is reflected in the ongoing pattern, especially in our neighborhood, which is unfortunately in a position where there's a lot of cut-through traffic that goes through our neighborhood at high speeds. You know, six, seven hours a day. People optimizing their path to get through, you know, go from mopac over to 360, for example. So we actually hired a Travis county constable to sit on the streets 20 hours a week to catch speeders, and that's been fairly successful. We're actually now entertaining getting a second constable. These fees are paid for by the neighbors which is a pass the hat model, which is kind of goofy. I don't know what the right number is, but it's for sure there's been a very low impact in our neighborhood recently in that area. A couple points just, you know, points I'll make. Austin is the job market destination for commuters living outside of Austin, that's painfully obvious. Perhaps we should use more of the city budget to hire more police officers to protect the neighborhoods. If we have any kind of models that just look at the citizen count in the city of Austin, that's invalid with the huge number of people that commute back and forth. We need to take that into consideration. Another consideration is, you know, we are the vacation destination for tourists, in my mind, that's unfortunate.

[11:17:35 AM]

Perhaps with you should use the hold -- we should use the hotel tax to fund the police officers especially when they are pulled away from normal jobs to police downtown with all the festivals and events that we have. Last point, if we have laws in place for speeding violations in neighborhoods, then we need enforcement of these laws. And that's the most important thing our neighbors are telling us. Thank you.

>> Mayor Adler: Thank you. Is ray Collins here? After Mr. Collins, is Joel mcmew here? Joel. I'm sorry. I apologize.

>> My name is ray Collins. I understand why council proceeded with police contract negotiations last year in absence of a city manager and I find no fault. The process did suffer from that decision made out of necessity. The assistant city managers did not understand that the process was going to be different with this first contract negotiated under the 10-1 council system and thus did not communicate the new reality to their staff. I've read the draft resolution, item 47, and I support it because I view it as council's renewed effort to give policy direction for a better process than has occurred. Ryan mcgiveren recently provided me with an overview I missed when he stood at this podium and praised this council for seeking better processes. Likewise I commend you in this specific matter before you today. Thank you.

>> Mayor Adler: Thank you. After Ms. McMew, is Chris Harris here?

>> Joelle Mcnew, we are a nonprofit that advocates for safety on and around the U.T. Campus.

[11:19:42 AM]

First of all I would like to thank greatly the audience that is here today for not heckling, not holding up signs, not snapping their fingers and saying horrible things to the people who are speaking today like the situation on December 13th over this same topic. I believe that public safety is a bipartisan issue and that we all believe strongly that it's important to be safe. And chief Acevedo taught me safety is a perception and when you don't feel safety it's an issue. As someone who advocates for safety on and around the U.T. Campus, we've learned more than ever in the last couple of weeks the perception of all of Austin. And it was a hot topic again with our students. In my time of advocating and representing, we've had two students murdered. And what we've seen by getting involved is that APD has been extraordinary. They have showed up. They have done community engagement. We hold coffee with a cop. We're having queso with a cop if you would like to come next Tuesday on west campus, they have showed up using overtime in the past. They've shown up not even being paid because I'm telling the students these are the faces, these are the people that are here to protect you when something goes wrong and that you need to be a good austinite and a good citizen. A lot of them give back by working with all of you. So you know these people I'm talking about that I represent and I'm asking you, I feel like I beat a dead horse because I'm here for the same topic, I'm asking you more than ever to please, we see an ebb and flow of crime when the police are not there, the crime does increase and we need these officers. Again like everyone has said, this is no longer just a college town. We are a big city, but it's a city that we love and we want everyone in every neighborhood to feel safe.

[11:21:43 AM]

Lastly, in the two years that I've had honor to work with APD, from the time that chief Acevedo worked with us during the murder, assistant chief Manley was there and then during Harrison Brown's murder, it was chief Manley that was there. And from the powers down, from Eli Reyes, commander Michael, Zach Pruitt, all these officers that keep showing up to reassure us that when we say we want to work with you as community engagement, they show up and process and the PIO, how she teaches us the delay which we all noticed this week like why don't things happen and reported sooner. So I cannot strongly and I am a friendly stalker on Twitter for chief Manley, but he is our chief --

[buzzer sounding] And I really, Spencer Cronk, look forward to meeting you, but please, please, make chief Manley our chief.

[Applause]

>> Mayor Adler: I'm sorry. Is Eric Byrd here? You will be up last. Sir.

>> Thank you. My name is Chris Harris and I'm from district 1. I'm here in opposition to item 47. I will stay first and foremost that I agree with the sentiments of councilmember Garza that -- I don't see the

necessity of passing this resolution given that obviously an a pd staffing plan is already in the works. They are going to present that to you as part of the normal budget cycle for potentially increasing the force. During the normal time. So one, I don't see the point in passing this. Number 2, I object to the framing of this. Within the whereas clauses of this, it points to the population increases.

[11:23:46 AM]

We've heard discussion of crime rates. These are not the basis for which a city determines its police force. As counter intuitive as it may seem, having a strict population based police staffing model does not incentivize the police to work as efficiently as they should. Having a crime based police staffing modal disincentivizes police to tackle crime because the more crime there is, the more police you will continue to add. Further month, -- furthermore, police chiefs are going to recommend staffing. Because if crime rises, they can always say that we asked for more staffing. Okay? So it always gives them an out. These are not the reasons that you increase or change the size of a police force. You do it based on the actual workload that's necessity. I want to address some other comments we've heard. We have someone in the neighborhood here who has indicated their neighborhood is paying for an officer to sit in their neighborhood to catch people speeding through it. Firstly, I would -- I would just like to say that, you know, I envy a neighborhood that feels so comfortable so they can have a police officer literally sit in their neighborhood and not feel fear and not feel that's going to mean they are going to be targeted for unnecessary arrest, brutality or violence. Secondly I'll say that it is in no way a sustainable process for us to have police sitting in every neighborhood where they lack speed bumps or people speed through to constantly catch speeders. We all know this. We have to address those sorts of public safety issues and many other public safety issues in different ways, not with more police. And so I urge you to as you consider the staffing that this city needs with regards to its police force, you consider the entire picture of public safety and all of the things that go into it, including things like speed bumps or street lights in addition to the more serious investments that you can make in things like substance use treatment, mental health treatment, victim services and the like.

[11:26:01 AM]

[Buzzer sounding] Your job is difficult. It's difficult to take the resources of this city --

>> Mayor Adler: David king has donated an additional three minutes to you.

>> Thank you. Your job is difficult. You are tasked with taking all the resources that the city and the citizens are willing to contribute to this joint experiment in government and allocating it out in the best way possible to meet the needs of everyone. The easy answer is to throw more police and bigger jails at public safety issues. That's the easy answer. I ask you all not to take the easy answer, not to take the easy way out, but to look for the solutions that yes, might be complex, that yes, might require new ways of thinking, that might require taking risks, but that will ultimately mean that less people in our community are put in jail, less people in our community are subject to police brutality, and that more

people feel safe day in and day out in their community and feel like they have an opportunity to thrive in this community. I have confidence that you all can do that and I have confidence that you all will do that and I thank you very much for your time.

>> Mayor Adler: Thank you.

[Applause] Mr. Byrd.

>> My name is Eric Byrd, coo of measure Austin. We are a nonprofit public education and research organization. What we do is use data to address social issues and we want to establish a data driven culture embedded in the model numbers you can trust. We believe that the development of community policing measures must precede the hiring of additional staff to carry out a community and policing mission.

[11:28:01 AM]

Austin police department's current performance measures fail to provide community policing measures whereby community policing can accurately be evaluated. We seek to add and incorporate additional crucial measures to tell a more accurate and useful story of the department's performance. As such measure recommends adding these performance measurement variables. One is percent reduction in overall use of force and deadly force. Percent and number of interactions leading to critical incidents, shooting or serious bodily injury, and three is percent of officer suspensions for misconduct where suspension is not overturned or reduced upon appeal. This was sent to all of you yesterday evening, if you would like to review it in totality. Just speaking as a citizen, as a native austinite, not as coo of measure at this point, something Chris said sparked something in me. The comfort that someone has with the police officers sitting in their neighborhood, I don't have the luxury of that comfort. Last night even though I fellowship with police officers, we -- I have -- I barbecue with a couple of them, you know, at stubs a couple weeks ago. We frequent talk and I trust some of them. I had a dream last night I was pulled over by a police officer and I fumbled to record it on my cell phone without seeming too jumpy. I'm an adult male who has never had trouble with the police before, but at that point I was afraid of something that hasn't even happened to me. And if you have the luxury of not having that fear or ever dreaming about that, consider yourself lucky. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor?

>> Houston: I can't seem -- if he could resend the information he said he sent yesterday, I can't seem to find it.

[11:30:03 AM]

>> Mayor Adler: Okay. Mr. Byrd, there was a request that you send out again to council the email that came from you and Emmy styles yesterday.

>> Absolutely. I'll send it out. Thank you.

>> Mayor Adler: And I've prepared an amendment to that effect and it's going to be handed out on the dais in just a second. I prepared an amendment with that language that I'll be handing out on the dais in just a second. Thank you. Those are all the speakers that we have on this item. Do we want to continue on in discussions with this? Anything from the dais? Is there a motion?

>> Houston: Mayor, I would like to make a motion that we adopt the original resolution that's before us today.

>> Mayor Adler: Ms. Houston moves adoption of what's been handed out and provided in part of the backup on item number 47. Is there a second?

>> Kitchen: I would like to second that.

>> Mayor Adler: Ms. Kitchen seconds that. Further discussion? Ms. Houston, you can open discussion.

>> Houston: Thank you, mayor. And I thank all the people who have come today to have this discussion. First of all, I want to say this is not an either/or conversation. We are in agreement there are other options that we as a city must look at when we talk about peace officers tools to do community policing and that to me means making relationships and establishing relationships in the community. It also means having more mental health services available. It also means victims services counselors. So we're in violent agreement about that. What this item is about is not all the things we agree to that are no in here. This is about trying to ensure that that the 12 officers, the positions that were initially in the budget were never funded are funded.

[11:32:05 AM]

And that's what this is about, pure and simple.

>> Mayor Adler: Further discussion on the dais? Mr. Flannigan.

>> Flannigan: I would like to echo councilmember Houston's message. It is about the stacking plan and making sure that we're considering what a long-term staffing plan looks like and how we're going to get there and those are numbers that are conflicting statements and conflicting analyses about how many officers we may or may not need. We need in this direction to the manager, we just need to finally have some definitive conversation around what that staffing plan needs to look like. It doesn't pre-determine what that staffing plan is. This is a resolution, not an ordinance. But I think it's an important element, and like councilmember Houston said, the 12 officers in question were already authorized and we're just trying to get that tied up and funded in an appropriate way so as the department moves forward there isn't that lingering open question.

>> Mayor Adler: Mr. Casar.

>> Casar: I just want to know whether or not we are going to have the conversation about the request multiple of our offices for folks to still testify or if we're planning on not having those folks come and talk.

>> Mayor Adler: There would be, I think -- I think there may be a difference. We had councilmember troxclair, as you recall, wanted this heard this morning because she wasn't going to be around after noon today. So she had indicated that it would be called at 10:30. We discussed that at work session so I called it. We're going to continue to move to a vote unless and until somebody moves to postpone, and we would then take a vote or to table, rather and then we would take a vote. Okay.

[11:34:05 AM]

Yes, mayor pro tem.

>> Tovo: Mayor, I have a couple questions for staff and I did distribute some amendments on the dais that respond to some of the issues that I -- or suggestions that I made earlier this week. But let me start with the questions to staff, if I could. I had asked the question in the Q and a about funding, and I just want to make sure I'm understanding the answer. So the first is that I need to clarify one comment in here. In the question and answer the question -- the question was -- my question was a request for a fiscal note so that we could better understand the total cost of filling the previously approved 12 positions as well as the funding source for that. And that was the substance of the conversation we had on Tuesday, and when I walk through my amendments, I acknowledge what we learned from staff on Tuesday is that two of the positions were already filled and so the resolution and the amendments I'm proposing would acknowledge that those have already been filled. But that was the question. One Earth paramedic of the answer said the department filled the sergeant and corporal positions, et cetera, et cetera, in April the department will be adding the additional ten officers into our staffing matrix. This could have a fiscal impact if the department has a need to backfill the positions at time and a half to provide an appropriate level of service due to extenuating circumstances. So I understand that to mean that your staffing -- if you are adding those ten into the staffing matrix and you don't have the officers to actually do that, you have to provide -- you have to ask other officers to serve at overtime, time and a half.

>> Good morning, mayor, council, Brian Manley, police chief. When we get these into the department originally, we know given the hiring cycle, we don't distribute them out amongst organizational chart and into the patrol districts where they will ultimately end up.

[11:36:14 AM]

We don't include them. We have that holding period. In April those 12 positions, ten of which remain unfilled at the patrol level, will be put into the area commands where they will serve and we will put them in there based on the need. So at that point the authorized strength of those shifts has increased

by potentially one officer depending on the ten sectors or districts they would go to. If we were to go to a staffing plan that required full staffing based on the incidents we're facing or special event, that would require filling that position at that time because it's now been included into the official organization of the department instead of where we hold them. And so that's where the increased costs would come up if we found ourselves in a 100% staffing situation and we had as we will in April put those positions on the org chart in the sectors.

>> Tovo: What was confusing to me, it sounded like that was a plan that was in the works that has no relationship to what we're talking about today.

>> I wasn't privy to the Tuesday conversation, but I'm trying to explain how we do it.

>> Tovo: I guess -- I'm sorry, I'm just trying to determine whether it -- it sounds as if regardless of what happens with 47, in April APD intends to put those ten officers into the matrix, into the staffing matrix.

>> Yes, mayor pro tem, that's correct.

>> Tovo: I couldn't figure out whether that had any relationship to the conversation around the resolution or if that was just sort of background information. So when I was asking for the fiscal impact of the resolution, it sounds as if there is a -- there will be a fiscal impact of your plan to provide those ten officers -- to create a staffing plan that includes them. But you creating the staffing plan that includes them has nothing to do with the resolution because you've planned for that to happen in April.

>> That will happen in April, yes, and the fiscal impact would be that we potentially will be filling those when we find ourselves in those circumstances where we would go to 100% staffing.

>> Tovo: Thank you.

[11:38:15 AM]

Okay. And then the last question I had about this question and answer, again I think it was getting to the question of how those ten positions would be funded. As of the end of February, the current year estimate is positive and the department will do what they can to maintain this through the end of the fiscal year. I interpret that to mean there are savings?

>> We currently have savings. We are I believe slated for a \$11 million salary savings target we have to hit this year, and what we still have to calculate is the effect of operating without a contract. We know that we're incurring overtime costs this year that we would not in prior years based on the fact we have lieutenant and commander ranks that are now no longer exempt.

>> Tovo: Right. But at this -- but that line just means the current year estimate is positive, you just mean positive toward having savings. By August we should have a better idea where the fiscal year will end. These positions could be funded through estimated general fund savings in the current year, which is what we've been talking about, but then it talks about due to the lack of a labor agreement. So is the suggestion here we would be using some of the money set aside for contract negotiations to fund those positions? That was really the question and I've tried to clarify that in some of my resolutions. We had



this discussion Tuesday but didn't have clear resolution. Are we asking staff to fund these positions out of budget savings or are we asking staff to fund these positions out of the money that's been set aside for contract negotiations? If enough budget savings -- if there aren't enough budget savings that economist to cover that cost.

>> Deputy cfo and budget officer. They are kind of one and the same because it's a single police department budget, a personnel budget. The police department is projecting savings, as you see in the backup information. They currently have 61 vacancies as chief Manley mentioned.

[11:40:19 AM]

We budget vacancy savings, it's a negative amount. Currently \$11 million. The police department historically exceeds that vacancy savings budget. Some of that is off set with how they use overtime. It's a complex equation, but we're projecting savings in the police department both from the fact we've not had a contract in place and there's savings associated with that, we put money in the budget in anticipation of a contract and that's not occurred yet though we are anticipating savings from there, but we're also anticipating savings from the regular attrition and vacancies the police department has. At the end of the day it's all in one pot, but to the extent police department is using never time to fill additional 12 position, it would come from the savings of the department budget and we're projecting there's sufficient savings to do so.

>> Tovo: To fill those 12 -- additional ten positions.

>> Yes, ma'am.

>> Tovo: Thank you. That's helpful. What I don't want to do is make it more difficult to achieve a contract because we've now allocated the money to something -- to the additional officers instead of having that conversation at once. And I probably have some more comments to say about that later, but I'll just leave it at that for now and we can walk through the amendments. Thanks for the answer.

>> Mayor Adler: I'm not going the move now, but I wanted to briefly explain what I've handed out on the dais. And this whole issue I'm having trouble following much of it and I have some of the same questions the mile an hour has. It seems -- mayor pro tem has. The savings are there to fill empty positions if the chief wanted to do that. At the same time the control constraint is the number of -- the real constraint is the -- since the cadet class only has a certain number of people. We're about to graduate a cadet class that had 50 people in it. If we had -- 45 people we can fill, there are no other officers to fill those places with.

[11:42:24 AM]

So we're talking about the police chief going to overtime as he needs overtime for events or other things that are happening. So this resolution seems to me to be authorizing funding for something that will

create -- will fund it on the one hand but have vacancy savings since we can't fill all those people which will be used to fund overtime. But as I listen to the conversation and watch what seems to be happening here, I think we're trying to -- to make a very strong statement to the public, and I think that that is the overriding value of this. And at this point I'm inclined to vote for this because I want to participate in this statement even if it doesn't change anything that's going to happen here now. Because ultimately when we actually change things will be when we approve a contract. And when we approve a budget for 18-19 and when the chief knows how many people to put into the next cadet class that he's having. So -- but if we're going to do that, then what I've handed out is the rest of the statement that I would like for us to be able to make so we're not making just a partial statement. And mayor pro tem, this goes back to what you and I posted back in December and conversations that I've heard all of us have on the dais and that is there are several things that are interrelated here. How -- we have to decide how much we're going to pay our police officers, how much. Right now they are paid 13% more than number 2. Where do we want to be? What's the appropriate place to be? But as we found out last December or November whatever that was now, feels like ten years ago, we can't make that decision unless we decide how many officers we're going to have.

[11:44:27 AM]

Because those things are interrelated. We can't decide one question without knowing the impact on the budget and vice versa. We have to make a decision about appropriate staffing level in the city. We have disagreement with respect to how we do that. Even if we're in favor of community policing, some people say we should be picking up on efficiencies and not new officers, but that's a conversation we should have. I support community policing. I want to be able to make that statement. And I want to say that it's important to have people that go into the community as officers that know the people they are seeing in the community and it's important for when they go into a neighborhood that people in that community know the police officers that are coming into that community because it's about trust. We are one of the safest big cities in the country. We're ranked now number 4 or number 5. That is a really good place to be. We have the lowest property crime rates that this city has had in 20 years. Now, violent crime has increased in the city. Most of that increase in violent crime is because of increased reporting of domestic violence claims. So I want to know what we should be doing with our police department to help us with the increase in domestic violence claims because that is the increase -- most increase we're seeing on violent crime in the city. Even with that, we're still in the top five safest cities in the country. It's again a question of trust. I would propose at some point to take the resolution as it's set and also say with respect to looking at the five-year funding plan, let's look at that, let's look at community policing and harkening back, councilmember kitchen, to the budget rider you put on the budget two years ago, how are we going to measure that effectiveness, which goes to the testimony a moment ago. So I've put in here not to be prescriptive or say it has to be these things, but these kinds of things as the speaker said on this, how do we measure the efficacy, the effectiveness of community policing, how do we know that investment in that program is working?

[11:46:33 AM]

What kinds of things should we look at and measure. So that's in there. So it's the number of police officers, it's how much we pay the police officers. Councilmember Casar has an amendment I'm going to support that says let's also look at expenditures that will help with public safety that will help prevent crime rather than dealing with crime. Many of us have talked about mental health intervention because that's part of the conversation. I want to support your amendment when and if you make that. And finally, tied into the trust issue. Because I think more than anything else we're saying how do we do policing in this community so that we continue as a community to trust the folks that we have. We have to have a conversation about oversight. We have to look at evidence based practices so that the conversation we had actually tells us what we should or shouldn't be doing so that we look at what we're already doing and make sure we preserve all the things that we fought for over the last 20 years that are good, but if there are additional things we should take a look at those too. And we want to tie all these things together and say -- figure how it is we're supposed to get all of these things to the same place at the same time because we're not going to decide any one of them without deciding them all. That's what my amendment is intending to try to do. Councilmember Alter was next.

>> Alter: Thank you. There were two things we were intending to do with this resolution. The first one is to get answers to questions we've been asking for several months about the staffing needs. Those of us who co-sponsored this resolution have been hearing from our community that they want more officers. And we were -- the second part of the resolution we were trying to address an ongoing unresolved issue with respect to having 12 officers authorized and unfunded.

[11:48:35 AM]

And I want to ask a couple of questions of the police department on that because I think we have to be very clear that there is a difference between adding more cops on the street who are being paid for overtime and actually adding more officers to our force. And it's complicated the way this works and I want to point out this was authorized under the prior council, or prior to my being on, two years ago, and we're 18 months later and still don't have these additional officers on the street. So there's a time lag we need to take into consideration. I wanted to confirm with chief Manley, have these officers' activities been covered in the last 17, 18 months they have been authorized?

>> And I guess maybe to try and explain this, when we get new positions from council, so when this circumstance here we got ten officers, a corporal and detective. The corporal and detective positions we fill immediately because they are supervisory positions needed in the department and we have certain requirements under code 143 to fill within certain time periods. The officer level positions, what we do is when we look at our overall organization chart and where every officer position is assigned within the organization, we do not immediately put those out on a patrol shift or support unit. Instead we put them almost in a hold position where we know it's going to take us time to get those filled. They will fill out of the class in section at that point depending where we are with that staffing or it may be a position we have to recruit for to include in the next class. We don't put them in the sectors immediately because it creates the sense we would fill those positions when we get to 100% staffing. As

we will do in April, we're about to put these ten positions into the sector because we've been holding them back for a period of time.

[11:50:38 AM]

And then that would require the filling of them. Natural attrition in the police department is between four and five positions a month and that's just where we average. These ten positions we're talking about, if we had been in a position last year where we reached full staffing, we would have pushed them out, put them in the sectors and filled them; however, within two or three months for purposes, visual purposes, it would have looked as if they weren't filled because they go through the natural cycle of reaching your authorized strength and then through retirements and resignations, you know, it's the ebb and flow of staffing.

>> Alter: With the two that were promoted, weren't there two vacancies created from their promotion?

>> Yes, when we move up into the corporal and sergeant positions they are pulled from the officer level. The officer level fte is now a position that needs to be filled. So it's not -- it's not an additional officer level position, it's just a position that's now vacant because we've taken the officer that was in that position and promoted him or her into their new role.

>> Alter: But if we're concerned about getting more officers on the street, the fact two were promoted doesn't mean we actually have more officers on the street. There's still 12 vacancies related to this process.

>> That's correct.

>> Alter: Okay. And then when you put them into the work matrix in April, why are you -- why are you putting them into the work matrix?

>> Because we have a pre-determined time that we actually hold them back for and then we put them out in their -- again, when we come to you, to council to indicate the need and justify the need for the positions, the need exists at that moment and we know that. We just don't put them out there because of the cycle we have of recruiting, training and hiring. So we hold them back for what we believe is a reasonable amount of time and then we put them on to the org chart. At the time we come to you and ask for these positions, I think we have and we will be justifying why the need exists at that moment.

[11:52:42 AM]

>> Alter: But when they go out into the work matrix and you are paying them and essentially you're not adding additional officers, you are paying existing officers overtime to do that so there's no additional -- when they go on the work matrix, if you haven't gone through the hiring process you are not actually adding officers.

>> We are because if we had a shift that had ten officers --

>> Alter: Overtime officers but not new additional officers.

>> Correct. The same number of vacancies but the number of officers on patrol with constitutional staffing will be increased because a shift that had ten, if we gave them an extra position they went to 11, we would field 11 officers if we went to full staffing, one would be an officer paid overtime maybe that was

>> Alter: I understand that. I think what we're hearing from the community is they want additional officers, not people on overtime. And it costs more over time to pay overtime than it does to hire a new officer. In terms of the hiring through the academies, one of the challenges we've had as a city is that we haven't been able to fill all of our vacancies. And I know the department has been working very hard to get to a point where you would be able to be regularly meeting the demand from the turnover, but also be able to be in a position to be able to add additional positions. It's my understanding that August may be the time when we get to that sweet spot. Is that correct?

>> We've got a class right now. I believe there's 51 in the current cadet class. And when they graduate, again, that puts us 51 closer towards our authorized strength, but right now our number of vacancies exceeds that 51. So we will be closer to that staffing. And realize what happened in December with the large number of retirements that took place, if memory serves me right, I want to say it was 36 officers left the department, that was very unusual and that was not something that had been calculated into our long-term planning for staffing, so that's why we're not closer to being at our authorized strength even when this cadet class graduates later this year.

[11:54:51 AM]

>> But is there a class in April and a class in August?

>> The next class I believe is coming up in -- the next class begins in October. And that class will be a very large class. Right now we're slated -- our goal right now is 100 cadets in that class. And again, that's based on current vacancies, pre predicted vacancies --

>> Alter: Thank you.

>> Mayor Adler: Before we leave, because you were not here earlier when we started the meeting, but collectively this dais and this community thanked you for the work that you've done. The officers in the back of the room, many of whom I saw on the streets in the last two weeks. You guys did just a hell of a job. And an entire community is indebted to you, but we also talked about the effort and the things that you've done this week are things that we have seen you and your force do consistently over time as well. So thank you.

[Applause].

>> If I might take a moment, I've had the pleasure of serving this department for 28 years and never did I think I would serve in the role that I serve. I think you all have heard me say this before, to get to serve

as the police chief in the department in which you grew up, in which you serve with men and women that you consider are your family, it's not often an opportunity that the chief gets to have. Normally you have to go to somebody else's department. So to have the ability to serve in our department in the role that I've been able to with men and women who are the most professional police officers that I know, has been an honor above no more that I've had in my time.

[11:56:59 AM]

And I appreciate all of the comments and the well wishes that we've been receiving, but I must deflect again to 1907 other people that are here serving this community, supporting this community and then again through this recent tragedy that we've had. Thankfully we've had tremendous support from our state and federal partners and other other public safety partners here in Austin with fire and ems to get us through this, but thank you.

>> Mayor Adler: Thank you. Mr. Renteria. People want to make comments. Hang on a second. Go ahead.

>> Renteria: I want to thank you also, but also, when is the next recruiting class going to be done? I mean, I'm really concerned. This is my question. I'm really concerned that we don't have a contract with the police union. And you know, we're under civil service now. And if the next recruiting class comes in, it's going to be done all under written. And we have worked so hard for diversity in our police force and I think the most important thing is to get this contract done first before we go out there and start recruiting people because I know a lot of minorities are going to be left out. So I was wondering when is going to be your next recruiting?

>> We're currently recruiting for the class that will begin in October of 2018. And that began while we were still under the meet and confer agreement. So all of the recruiting we are doing right now is geared towards that October class, and it is under meet and confer. However, closer to the time of that October class, and I don't have the exact date because we judge when the applications come in and when we think we have enough to fill the class, we will stop recruiting for that class and begin recruiting for the next cycle. And if we are still outside of meet and confer at that time, then we will revert back to hiring under government code 143. So although I can't give you an exact date today, I will tell you we're looking somewhere around the summer where we will shift to recruiting for that next class.

[11:59:07 AM]

And I will provide you all with a better estimate of that when I can.

Reason>> Renteria: And will you be doing the promotion also? Have you started the promotion for lieutenants and captains?

>> We have posted the promotional exam for lieutenant and that was posted under 143. So that will be a strict test only for the lieutenant rank. I will give you the dates, but we will be testing this year for both

the sergeant and the commander. Sergeant is first line, commander is just below the executive chief positions in the department. Those two tests will post this year, and depending upon whether or not we're back under meet and confer or not will determine obviously if we're under the 143 rules or whatever gets instituted in a meet and confer agreement that would alter that process. And I will provide you those dates when I wetback to wet -- when I get back to my office.

>> Renteria: And over time we're under 143. Who was exempt from overtime when we had the contract.

>> Under meet and confer, any officer at the rank of lieutenant or above. So it was our lieutenants, there were about 81, I believe lieutenants in the department. And then the 18 commanders in the department were exempt and then the assistant chiefs and chief positions are all exempt. So lieutenant and above. And now currently only the executive team, the chiefs are exempt.

>> Renteria: Thank you.

>> Mayor Adler: Councilmember kitchen and then councilmember Garza.

>> Kitchen: I just wanted to comment on two things. First off, I think various people have said this already, but I just want to concur. And this is pretty simple resolution. Basically we're wanting to be abundantly clear that -- that the positions, the 12 positions that were previously authorized were not funded, are funded.

[12:01:10 PM]

And there are a lot of complications about when they end up on the street and all of the timing for that, but I think today -- what's important for today is we make our intention as a council abundantly clear that we are funding for those 12 positions. So whether it's now or later,, I think it's important to make that abundantly clear. The second thing we've already talked about and that's the staffing. And so I will not repeat what all have said, but having a staffing plan that we can act on is important. Mr. Mayor, I appreciate your proposed resolution and if it's appropriate I have a question about it. I like it. It appears to replace one be it resolved, and I think that maybe you didn't intend to do that because there were -- there were two items -- in the resolutions that's on the -- councilmember Houston's resolution that's on the to the budget forecast and the named reports in addition to performance measures and it looks to me like maybe inadvertently you look those out as things to look at in developing the staffing plan. My guess is that was not intended. Because what your be it resolved does is it adds a list of measures and a list of entities that should be consulted, which I agree with. But I'm assuming you didn't mean to leave out language that said in councilmember Houston's resolution that said to look at preliminary budget forecast and to look at recommendations in the named reports.

>> Mayor Adler: I didn't intend to take anything out, you're absolutely right, but I'm missing -- I see a whereas clause that speaks to preliminary budget forecast, which I've kept in.

[12:03:21 PM]

It's on the page. And I'm looking now at the draft and I'm not seeing a resolved clause that came out.

>> Kitchen: Okay. Maybe I need to look at it again. I just want to verify that you didn't intend to take anything out. I'll look at it again, I may have missed something.

>> Mayor Adler: Councilmembers, it is after noon. Do we want to keep going on this? Until we finish it? I would be willing to do that.

>> Houston: It is citizens communication and we need to stop at noon.

>> Mayor Adler: I'm sorry? We have citizens communication, which is set on our agenda, which means that we don't -- we can't call that any earlier than noon. As a customary practice we've stopped to let citizens communicate at that time. But what is the will of the dice?

-- Of the dais. Mayor pro tem?

>> Tovo: I agree with councilmember Houston, we have people that have come down just to attend to citizens communication and may have taken time off work. So I think we should pause and hear them and then perhaps take up this issue again after citizens communications before executive session, but I think we need to break.

>> Mayor Adler: Councilmember troxclair?

>> Troxclair: I would prefer to continue hearing this item and hopefully we can come to a quick resolution on it. I will be leaving when we break and I hope y'all understand that I just have to put my health first right now. And with the permission of the people who are here for citizens communication, if you can give us just a few more minutes to wrap up this item so that I can take a vote on it, I would really appreciate it.

>> Mayor Adler: Councilmember Garza.

>> Garza: I've always been really respectful for citizens communication because I've come down here for lunchtime, but I'm wondering if there are those who are here at 12:00 who do need to go back to work if we could maybe hear from those people.

[12:05:24 PM]

And if they are people who wouldn't mind waiting because of the constraints of councilmember troxclair.

>> Mayor Adler: Let me ask that question. We have people that signed up for citizens communication. Rendon stroyer. Carlos Leon. Tim Arndt. Is there anyone that can't wait? Why don't you come down and speak.

>> Carlos Leon,.



[Please speak up]

>> Speaking foreign language). Thank you for letting me a whistle blower fight for truth, logic and civil action 92-00449. When I read for myself in Austin, information and ideas my enemies do not want me to acquire, my mind gets attacked with what seems to be psycho electronic weaponry at ultra low frequency to artificially and quickly put me into artificial sleep mode against my will to stop me from teaching myself and force me away from doing what I choose as punishment. This mental and physical bullying and torture and attempted behaviorist conditioning forces me, a strong, straight, Christian male, so involuntarily break a no sleeping rule resulting in book people management telling me never to return and security staff at new central library enforcing their policy and protocol.

[12:07:37 PM]

Clearly my psychopathic enemies from hell attacking me continue trying to confuse and control me, to effeminate and masculine Nate me. To remove me from central library, but project their guilt and responsibility on to me. Hell no. Therefore I document these attacks with library staff and security. I have spoken on record about this to director weeks, security supervisor Roland, the library commission and the public safety commission. You know, old Austin was second chance soulful, special and human like America is supposed to be. This new Austin has a lot to learn and adopt from old Austin. To move away from ass-backward alien practices like these psychological attacks using wireless technology to hide from me and move forward to make Austin and America great again like what police chief Manley and his troops did this week. Thank you, sir. Let's catch the criminals that are attacking me and let's legally hold them responsible and legally prosecute them. In Jesus' name I pray, amen. Thank you, lord. God bless Texas, the united States of America, constitutional law and truth.

[Buzzer sounds]

>> Mayor Adler: Thank you. All right, council, and I appreciate the acquiescence of the citizens communications people. Let's see if we can work on this further. Of course we have lost a significant part of our dais here. Councilmember kitchen?

>> Kitchen: Mr. Mayor?

[12:09:39 PM]

Oh, was she next?

>> Mayor Adler: We were in the middle of your -- councilmember Garza.

>> Garza: I had questions for chief Manley. In light of the previous conversation of the mention that the next recruiting class wouldn't start until October, I appreciate wanting to send abundantly clear messages, but I'm fearful of having this discussion outside of before hearing our budget forecast, before hearing any kind of staffing plan, suggestion that I believe is already in the works. Because I feel like the

bulk of this resolution is already happening and there's nothing that this does that will slow any of that down. For example, with an October class you won't have the ability to even add an additional 10 people until October, is that right?

>> The additional 10 -- so maybe should put it this way. The class that's in currently now, when they be vacancies exceeding 10 when that class graduates. The class that starts in October will not -- it may fill those 10 positions, but it will not do so until June of '19 when they graduate.

>> Garza: So the reality is those positions could not even be filled maybe until June of next year.

>> Not with a full-time officer. When we put them out into the field, though, it allows us to fill them with the overtime officers so that we can meet the operational need for which we were authorized those positions in the first place.

>> Garza: And I understand we've heard from the community is new. When we're talking about new officers the reality is you probably could not fill those 10 completely until June of next year.

>> That would be the earliest opportunity and we too would prefer full-time officers.

>> Garza: Okay. So again, I just -- and thank you, chief Manley. I don't have any other questions.

[12:11:41 PM]

On one hand I feel like this does nothing that's not being done already. Let's support this. On the other hand, I don't know why we're having this conversation. It doesn't -- this changes nothing. We've sent an abundancy clear message that we understand the staffing needs. We need to have this discussion during budget. We haven't even had a budget forecast meeting. It's coming up. And so, you know, I'm inclined to -- I don't know if mayor pro tem tovo is going to move her amendments, which with those I could completely support this. I'm really concerned about -- on one hand if we talk about the contract we say, you know, it's about transparency, it's about accountability, it's about having a well paid staff. It's about having a process where we can promote a diverse and well qualified and higher. And then we say, but we need to talk about the staffing. I understand why we talk about those things together, but they really are separate things. We need to talk about getting our police officers a contract, paying them what they need to be paid. It's a discussion we have, we'll be having soon. Making sure we have a process that's not 100 question test for hiring someone or for promoting someone. That does not bring us the best officers that we can have and that's the situation we're under right now without -- under 143. So I don't know why these two things are being put together like this. We can have this discussion later. That being said, I could support mayor pro tem's amendments. >>

>> Mayor Adler: Councilmember alter.

>> Alter: This is not about the contract. This item is about making sure that we as a council have the information that we need to make decisions about the staffing needs of our police department and it's about making good on a promise to fund 12 officers that we had authorized in the past.

[12:14:03 PM]

It would be help follow the city manager to share information -- helpful for the city manager to share information with the council for the quorum with respect to diversity that under the meet and confer we did not get very much gains with respect to diversity and hiring. And so we need to be careful about what we assume we were getting and make sure that it is based on the data. And that data needs to get out.

>> Mayor Adler: Councilmember Houston?

>> Houston: I'm going to segue on that. Chief, if you could come up again. Bless your heart. I know you want to sit down and rest, but I have two questions for you.

>> Mayor Adler: This man needs no sleep.

[Laughter].

>> Houston: He really does. He's running on fumes now. Can you tell me what the authorized strength is? You keep talking about that. If you're fully staffed.

>> We're authorized 1908 positions in the department right now.

>> And what do you have right now?

>> I want to say that we're at 70 vacancies where we are a right now.

>> Houston: And prior to today I asked for some data regarding the hires because there is an assertion that without meet and confer and going back to chapter 143 you lose the ability to -- all the tests have to be in writing and so that limits our ability to have a diverse police force. And so I asked for some data, which I don't have in front of me right this minute to see what was the rate of hires before we had a meet and confer and what was the rate of hires of -- I was looking at blacks in particular, because that seems to be an issue here, after the meet and confer. If my memory serves me correct, there was hardly any difference under chapter 143 and meet and confer. Is that your memory or can you speak to that?

>> I'm going to rely on memory as well. What I remember is when we accounted for the change in population because we wanted to normalize the data for the demographic of Austin even though we recruit outside of Austin, I don't think there was a significant difference to the minority candidates, specifically African-Americans, in relation to the population at that time.

[12:16:21 PM]

But what I will do is send that back out so that every councilmember has that so that you all can review that as well.

>> Houston: I appreciate that.

>> Casar: Mayor, while he's still up. And I don't know if this may be a question for you, chief, or for both of you. But I wanted to clarify, one, that those extra 10 positions could be hired as new people until October, not just because that class process, but also because we don't use, typically use one-time savings to hire full time people, is that right?

>> I'll let someone more qualified than I about the financial part. One of the challenges challenges too is outside of the contract we can't do the usually class we might do outside of the summer. We might have had the opportunity to hire them sooner than October, but I'll revert to Ed on the other.

>> I think some of this conversation boils down to semantics. To me filling a position because we have a 10 digit number in our payroll system and there is a name of a person who is not currently on the force has been put into that spot. That's filling a position on a permanent basis. What the chief has been talking about is this year, even though there's nothing that we can do to fill all those positions this year, there's 51 cadets currently in the pipeline that can't be increased, the next cadet classes are starting until October. So in terms of expediting the filling of those positions with new people, new names, there's nothing we can do this year. But what we can do is take some savings he's project understand this year's budget to utilize those positions to get more boots on the street through overtime dollars. There will be more boots on the streets, using savings and overtime dollars for existing people. So that can be done this year. As we look ahead to fiscal year '19, if the idea is that we truly want to run a cadet class with enough cadets to permanently fill these positions with new bodies we're going to need to add \$1.4 million to the fy '19 budget plus millions of dollars for the equipment they use for vehicles, wireless equipment, all that stuff.

[12:18:38 PM]

So kind of that difference between -- and I don't know that the chief could commit in fy19 that without that additional funding would he have savings in his money to continue to utilize these positions in overtime to get the boots on the street? I don't -- you know, there's some unique circumstances this year why he has the saving to allow him to do this and some of that has do with the contracts and where we are with that and the amount of money we put into the budget for them.

>> Casar: So what I'm trying to understand is that it's not just that we can't get new cadets in. It's if there are savings because we are not under contract right now, for example, you can't use the one-time savings to hire a permanent position that would be recurring if it's one-time dollars. For example, the lack of stipends and raises over the last three months is one time saving you can't use that to hire a position.

>> You can. Techtechnically the chief could fill those positions, but I would say you need to find the money next year because council didn't authorize the funding and now you have the positions filled.

>> Casar: That's not something you would do.

>> We would not recommend that, no, sir.

>> Casar: One last thing I wanted to share before working on mayor pro tem tovo's amendment and my amendment if it's still too necessary is just to give everyone the head's up that we're submitting a budget question that I think will be useful for the conversation. The budget question is generally asking for our departments to show us the savings from the recently approved or to be approved public safety contract agreements in a manner that doesn't harm our negotiating position so that we can get a sense of what we consistently talked about last year, which I brought up in work session is taking a look at what any of those savings might be, and so then we can potentially at our potential 10th work session which will be after financial forecast, have a sense of what that dollar figure is. And then if anybody wants to do any budget amendments for one-time expenditures that could be done.

[12:20:40 PM]

But I really specifically wanted to say in the wording of the budget question for that to be done in a manner that does not harm our negotiating position on any ongoing negotiation. So basically what I'm getting from this is that this doesn't actually add any new people, this can't -- for the cadet training reason and for the fiscal budgeting reason they can't actually add any new people before we pass the budget in the summertime and that's why I generally think the mayor pro tem's wording is a little more clear on that front.

>> Mayor Adler: And the police chief has the authority if he wanted to put more people anywhere out in the system to put them out now.

>> Casar: I said new people.

>> Mayor Adler: Not new people, but he could spend overtime beyond what he's spending overtime now --

>> Casar: He with do that without this resolution. That's the point.

>> Mayor Adler: So in my mind the mayor pro tem's thing, while it says it differently, doesn't do anything but reiterate the rates that the chief already has and the chief already has them. So I would propose that we take a -- we discuss and we take a vote on the mayor pro tem's change and in my mind I'm going to vote against it because I don't think as a practical matter it makes any difference, but from a messaging standpoint it's going to get messaged in a way that I'm uncomfortable with being messaged. Then I would propose that we take a vote on Greg Casar's amendment that adds that section. We can debate that. Then I would propose that we take a vote on the amendment that I offered. So we have the amendment in front of us and we can focus the conversation and I would propose, mayor pro tem, why don't you lead with yours.

>> Tovo: And generally I would love to be able to lay out my amendments before colleagues talk about why they're not going to support them.

[Laughter] But I think generally -- my concern here is that the resolution is directing the the department to do things that they already have the ability to do.

[12:22:40 PM]

And I think we need to be extremely clear with the public that that's the case. And I appreciate and share the interest in sending a strong message that we hear you about the need for more officers. But we need to be really clear about what we're capable of achieving here and what we're not. And we've talked about the staffing considerably. So my first amendment is-- and I think we have some extra copies that maybe we can put up on the thing for our community. It's indicating that the city manager has filled two of the 12 approved positions with the departmental budget savings. I believe chief Manley's testimony shows that to be accurate and I -- I'm concerned that if that's happened that we're suggesting to the public that 12 of those positions were unfilled when we've heard from our conversation that it is 10. It is reiterating that if budget savings exist at any time APD could fill the remaining approved sworn statements without council approval.

>> Mayor Adler: Is there any objection to approving those two whereas clauses. Hearing none? They're included.

>> Tovo: And I know we're trying to be speedy, but this is a subject that my office hears really frequently and I know other offices do too. And I want to be sure we're not sending out the message to the public that for lack of a council resolution that these positions are staying vacant or there hasn't been an ongoing effort within APD to fill those positions, to fill the officer academies. I think it's really critical that we are really clear with the public about what our city manager and what our department can do and is doing and has done and will continue to do and that it is not subject to council direction.

>> Kitchen: Can I ask something?

>> Mayor Adler: Yes, so long as it's on the first two whereas clauses.

[12:24:41 PM]

>> Kitchen: I'm concerned with the filled positions because they're not new bodies and in the way that our budget officer, Ed, explained it to us, we're not filling the position, we're putting more people on overtime. So if we want to be precise with the language, which I appreciate you're suggesting, and clarity for the public, I don't think this language is entirely clear.

>> Tovo: And I am really interested in having as accurate language as possible. So maybe we can clarify that point. It was my understanding from the Q and a that the sergeant and the lieutenant positions, I thought they were, had been filled. And that they were not being dealt with via overtime.

>> So mayor pro tem, I think the best way to answer that is to say when we fill the two supervisory positions, we created two additional vacancies that would not have been there otherwise. So I think that's what we're talking about here. So we fill the two supervisories because we have to by law, but in doing so we created two additional vacancies that are not funded.

>> Mayor Adler: Does it pork to say whereas the city manager filled the positions with two officers from budget savings, current officers?

>> Kitchen: They're not filled at all. What he did is that they're vacancies that he can put in overtime for and put another person on the street, but it's not filling the -- I think the concern if we want to be entirely accurate, is filled position, as Mr. Van eenoo explained to us. It might be used -- if you want to be completely accurate it might be something to the effect that used over overtime to put a person on the street for that amount of time, but fink we're trying to be completely clear we need to -- and I apologize. We're not -- I'm not trying to wordsmith on the dais. I'm trying to look at mayor pro tem's words to make it clear.

[12:26:42 PM]

>> Tovo: I'm open to suggestions here. What I don't want to do is open up the question in the mind of the public about whether those were unfilled -- in essence they weren't unfilled because we didn't allocate the budget resources, they were unfilled because we have vacancies, significant vacancies. We did not increase the budget, but it sounds to me that -- chief Manley, I hate to ask this after the last couple of weeks. Do you regard that line, the city manager -- is the best suggestion just to take it out?

>> I will tell you that I do not believe they are filled for the reasons that Mr. Van eenoo said earlier.

>> Tovo: Then I'm going to go ahead and take it out. Way in which those were promoted and whatnot, but I don't have any interest.

>> Mayor Adler: So you're withdrawing the first two whereas clauses?

>> Tovo: No, I think it's important to say that any time APD would fill the remaining approved sworn positions. I think that's accurate and that has happened and would happen again.

>> Mayor Adler: Is there any discussion on that clause?

>> Kitchen: I don't think it's accurate. And I apologize about being picky about this because I feel like Mr. Van eenoo explained it very well. He would be putting -- if went out and got new people, and that is what filling positions means, then he would be doing it with savings not having the funding to carry that position forward. So to say that it's filled, there may be a different way that you want to -- that maybe you could say budget savings exist and any time APD would use those savings to put an officer on the street using overtime. If you would like to say it that way I think that may be accurate.

>> Mayor Adler: Let me ask this question.

>> Tovo: Can I respond to that, mayor? Could would that be okay? On Tuesday we had this conversation and multiple times our financial staff said if the money exists within their budget through vacancy savings or others, they have the authority to allocate it to those positions.

[12:28:48 PM]

And so in part this is based on the discussion we had Tuesday which seemed to indicate clearly that as we all know departments can shift monies around if they have sufficient money in their budget to do so.

>> Mayor Adler: In fact, when we brought this up two years ago or a year ago when we did it, then chief Acevedo said that if he needed them he had the money in his budget he thought on to be able to fill those positions. That doesn't mean taking an existing officer into those positions. That meant that he could bring a new body in, a new person in whose name would be associated with that number. What this says is if budget have identified -- I don't know where Ed went because we've identified -- Mr. Van eenoo, isn't it true that because we have authorized the position, if the police chief wanted to fund those out of his existing budget, he could fill those positions, meaning he could hire new people to come into those positions.

>> He absolutely has the authority to do what this whereas is saying.

>> Casar: Mayor, I might be asking the same thing.

>> Kitchen: I'm just saying it's not a complete statement because what it says is he has the authority to fill right now, but come the next budget cycle, he's going have to continue to use budget savings because we haven't funded the position. So if you want to be completely clear, you could keep this language and just make it clear but please note if he fills those positions now they're not funded for the next session, the next budgets cycle, and he would have to continue to use budget savings. But I think that people are tired of quibbling about language, as am I, and because this is just a whereas I'm going to leave it at that.

>> Mayor Adler: Any objection to this whereas clause being included? Without objection, it's included.

[12:30:48 PM]

>> Troxclair: I'll vote against it.

>> Mayor Adler: Any objections other than Ms. Troxclair?

>> Casar: Mayor, I've piped up like three times now. This is not about quibbling over the language. I just want to make it it really clear that if there's continued budget savings then he could hire someone. If there's one time budget savings he could not or should not and has committed not to because that would be a mess. So I think it's not about quibbling about the wording, I just want to make it really clear with this resolution that if there's one-time budget savings, which our understanding is there are, that he can't and shouldn't hire new people with one-time budget savings. It's not quibbling. I think it's just as a policy matter that when this passes I don't want us to have the wrong expectation about what's going to happen.

>> Mayor Adler: And really the to make the thought complete, he could adjust the priorities within the department, have no budget savings and fill the remaining position, which would be another way he could have the money to be able to fill this position. Without any budget savings, he could within this



department budget, could he not? With non-one-time savings make the decision that he wants to fund those positions.

>> He could choose to hold 15 civilian positions vacant and fill these 12 positions.

>> Casar: The point being if this whereas is accurate you're talking about current budget savings. I'm not trying to change the wording.

>> Mayor Adler: What's making it hard is that this resolution -- never mind.

>> Houston: The resolution was about 12 unfilled, unfinished positions -- unfilled, unfunded positions. That's what the resolution was about and it's gotten bigger than that. I have to ask a question again. So chief, both of you, please, if in fact you have money -- we don't have the bodies now at this point to be able to fund -- to put in these new positions that we've been trying to fund for two years.

[12:32:55 PM]

You won't have those bodies until later. Could it be that one solution would be when those people graduate from the academy, the first 12 go into this and then you should have money in your 2018-19 budget to make that consistent. We promised people that we would identify 12 positions, they've never been funded and that's what we're trying to say to the public is we're trying to get those folks in and funded long-term. Could that be an option that we just say those first 12 that get out of the academy go into these 12 slots?

>> You could definitely say that. Each spot has an fte number assigned to it, so when that class -- and it actually graduates in April, not June. When that class graduates in April --

>> Houston: That's even better.

>> -- You could say the first 10 into those fte numbers that we've been holding for two years and that would just mean if we didn't reach full staffing it would just be a different 10 with a different number that weren't filled. But we could fill the 10 that we've had.

>> Houston: This resolution is only about those 12 that have been on the books that have not been filled and not been funded.

>> Mayor Adler: Does it work to say if recurring budget savings or change priorities exist at any time APD could fill the remaining approved positions without council approval? I think that's a true statement. I'll read it again. Is that a true statement, Mr. Van eenoo? I'll read it again. If recurring budget savings or change priorities exist at any time, APD could fill the remaining. Approved sworn positions without council approval. Councilmember troxclair?

>> Troxclair: That's fine.

>> Mayor Adler: Anybody have objection to that? That one is included. Councilmember troxclair?

>> Troxclair: So I guess I just want to reiterate some of the things that -- we started this resolution thinking that it would be something simple that we could do to kind of show -- show the department that they had the council support in funding those positions as soon as possible when they're able.

[12:35:10 PM]

I mean, the reality is that we did not -- they don't have council direction that those positions are funded right now. That's all we were trying to do. I'm hearing from my community consistently that they want more police officers. And this was one way to not only show -- to not only do that, but also, you know, to get some more information for going forward. I think one of the reasons for me that I wanted to go ahead and do something about these 12 right now is that if we wait until later, budgets, whatever, then it's like that number gets rolled into -- then we go -- we have already -- I'm not being very articulate. We have already created those positions and I think that we should honor them by funding them. And then if we have a conversation about adding new officers going forward, that's a new starting point. Not, well, we're going to do these 12 plus another, you know, eight to get us to 20 or whatever. I want to have this issue kind of behind us. So I thought that it was just a really simple way for us to tell you very clearly that you had our support in moving forward and funding those whenever you were able, and a response to our community. I don't understand how it's gotten so complicated. I think if we're going to move forward with these amendments right now that we shouldn't go whereas by whereas. I mean, let's just take an up or down vote on the amendments that have been offered and I think that most of us are on the same page. And I don't understand -- I don't understand why it's gotten so complicated.

>> Mayor Adler: I think we can get so some quick votes, but I was trying to pick where I thought the controversies would exist. I would like to get us to votes as quickly as we can. Does anybody have an objection to the -- the whereas clause on the top of page 2. That also to me seems to be something that is just true.

[12:37:10 PM]

>> Tovo: Mayor, may I read it for the community? Whereas APD is in the process of filling its current sworn vacancies through ongoing police academies.

>> Mayor Adler: Okay. Any objection to that? Hearing none, that's included. Okay, now I think we can tee up and take a vote on the resolved clause changes. Mayor pro tem, do you want to address them?

>> Tovo: Sure. And just to offer a point of why the rationale in the last one, again, I don't want to give the impression to the community that our police department is failing to fill its vacancies for, you know, various reasons. I think it's important that the public understand that that's a priority and has been for them. And again, that it doesn't require council direction for that to happen. So here in response to our conversation on Tuesday, as I understood this be it further resolved in the original, there was a need to direct -- the direction is as it stands currently to develop a staffing plan for the next five years. And when

we had conversation back and forth on Tuesday with the police department, we talked about the fact that they had presented a five-year a staffing plan last April or May. And so I felt the language really needed to reflect that. That we have gotten staffing plans, including the five-year staffing plan from our department. Again, I think it's important for our community to have confidence in the work that APD is doing, that they have been presenting multi-year staffing plans, and it sounded so to me from our discussion with the co-sponsors that the concern was about reconciling the different recommendations for staffing. So the language I've offered with the exception of the last sentence attempts to -- attempts to make that clear. And so it says instead the city manager is directed to update and/or reconcile any differing recommendations that have previously been present and construct a five-year staffing plan for officers and civilian staff for presentation to council by April 4, 2018. And then I should address the second sentence separately probably.

[12:39:15 PM]

So again, it's really just trying to make sense of what we talked about on Tuesday.

>> Mayor Adler: So the striking of the first resolved clause and the adding of the new resolved clause. Is there any discussion on that? We'll take a vote. Ms. Houston?

>> Houston: A quick discussion. In the second sentence a revised five-year staffing plan really kind of related back to the management of America update to make sure that that was part of that revised staffing plan. And then the last sentence, it's not occurring in downtown, it's occurring throughout the city. And so that should not be downtown. See the last -- where it says address public safety challenges occurring downtown? That should really be throughout the city.

>> I think we certainly have public safety challenges throughout the city. As we're talking about staffing, I would like that staffing plan to address some of what we're seeing increasing in our downtown area. And that's why I thought we would talk about that sentence separately because the first sentence is really to better capture what I understood to be the sponsor and co-sponsor's intent. Knowing that the officers -- the APD has already developed a revised -- excuse me, that APD has already developed a five-year staffing plan and don't want to suggest they haven't done that already. It seemed to me that we were really asking them to revise it based on the differing recommendations from the per report and the other reports.

>> Mayor Adler: My hope is we would have a five-year staffing plan done in conjunction with the numbers we're talking about under the contract to pay officers because we have a staffing plan that's independent of the budget issue on how much we pay, which is the -- which is what we ran into back in November. And I would hope that we don't ever do that again, that we discuss those two things because they're in conjunction. I think the language as offered would do that. And manager, I would ask that you make sure that that would happen.

[12:41:16 PM]

And with that, since I don't see any other material changes, I'm going to vote against this amendment personally so that we can move on, although I think everything that you said, mayor pro tem, is in fact true. Any further discussion on the amendment? Let's take a vote. Those in favor of this amendment, which is striking the resolved clause and adding this next one, please raise your hand? Mr. Casar, the mayor pro tem, Mr. Renteria and Ms. Garza. Those opposed raise your hand? The balance of the dais, they vote no with councilmember pool off. We get to the last item. On your amendment.

>> Tovo: So again, this would affirm that the city manager is already working to fill sworn -- current sworn vacancies so it makes that language clear and then captures what -- again, what this resolution is doing, but is in a clearer way, I believe. If budget savings exist the city manager is further directed to use budget savings other than the money set aside for contract negotiations to fund the previously approved officer positions. I'm happy to take the parenthetical out because I think that could be confusing, though we set aside money for contract negotiations, I think you could also make the argument that the increased number of vacancies from retirements has a relationship to contract negotiations. And it's just too complicated.

>> Mayor Adler: Any objection to the parenthesis language coming out? Hearing none, that's out.

>> Tovo: Again, we had a very vigorous discussion on Tuesday. I don't think some of us even understood what this whereas is. So my attempt is really to better explain what that whereas was attempting to achieve. It's about referring the ongoing work that our city staff is doing to recruit and try to fill the existing vacancies through police academies and to use budget savings, recurring budget savings to fill those additional already approved positions. I think it makes it much more transparent about what action we're actually supporting of the ongoing work that the staff are already doing.

[12:43:23 PM]

>> Mayor Adler: Okay. Again, my position on this is the same. I agree with everything that you just said. And I think that what you said was right. Given the conversations that we have, I don't think passing this change is anything that's practically going to happen. So I'm going to vote against the amendment so that this moves forward. Any further discussion? Those in favor of the amendment please raise your hand? Casar, mayor pro tem, Renteria and Garza. Those opposed raise your hand? It does not pass. Mr. Casar, do you want to move your amendment?

>> Sure.

>> Casar: There had been a tiny clarifying change to make sure that it's -- it's virtually the same thing as I handed out on Tuesday, just added additional language to make it clear that while this will be on a slower track than the staffing plan, that it is germane to the resolution and part of deciding how we fund the staffing plan. So my amendment reads, be it further resolved that as part of the staffing recommendations that the city manager should work across departments to provide recommendations to council on the best use of limited public safety dollars amongst various public safety investments that include, but not necessarily limit to public safety personnel, targeted law enforcement programs, social

services programs and more. Some memo on the progress in may and further presentation when the budget is presented in August. And I apologize that I printed out on -- as a second be it further resolved change that I'm not bringing forward. It's just the first be it further resolved.

>> Mayor Adler: Okay. Mr. Casar makes his motion. Is there a second to his motion?

>> Houston: We haven't had time to read it, mayor. Can you give us a minute?

>> Casar: It's the same thing I landed on Tuesday. It just has the new words that this is part of the police department staffing recommendations. But it's the same thing I handed out on Tuesday that folks said they were good with.

[12:45:23 PM]

There's a second page attached to what I handed out. Ignore that second page.

>> So the only thing that's being moved is the new be it further resolved clause.

>> Casar: That's right.

>> Mayor Adler: It's been moved. Is there a second to that? Mr. Renteria seconds that. This is what was handed out basically on Tuesday.

>> Houston: Mr. Casar, did you have another copy? The clerk didn't have another one. We were short and I took the mayor's.

>> Mayor Adler: That's okay. I know what it is.

>> Casar: So I heard that there wasn't much objection on Tuesday. If there's any questions I'm happy to change it.

>> Mayor Adler: This is something I'm going to vote for. Mr. Flannigan.

>> Flannigan: I was more comfortable on Tuesday, but the more I thought about it, the more it seems to be the point of our strategic plan that we recently approved. And it's pretty clear from that process that it's not a couple of months of analysis. So I'm not going to support this because I think having this analysis where we're cross-cutting all of our departments is the point of our larger strategic planning process and conversation, which is going to happen anyway and we've already approved that. So I don't know that it's particularly necessary in this resolution because it is essentially what our strategic plan does.

>> Mayor Adler: I'm going to vote for this even though I agree 100% with what it is you just said because I don't think this is necessarily necessary, but I think we're going to be doing this anyhow as part of the runup to the budget that we're going to approve in August. To whatever degree it is that we can do this as part of the August, although certainly we'll do it in greater depth thereafter. We have an amendment. It's been second seconded. Any discussion? Ms. Houston?

>> Houston: And I want to thank councilmember Casar for the information. We're all in agreement about this. This is not what this resolution was about. So I'm willing to work with you to make sure that whatever we can do to ensure that policing includes more than just cops on the ground, but also includes all the other things that we know are very important to make sure that our city and our citizens are safe.

[12:47:40 PM]

That includes mental health officers, victim services, options, all those kinds of things. I'm willing to do that. That's just not what is in this resolution.

>> Mayor Adler: All right. Let's take a vote.

>> Alter: I have a question. I wanted to confirm with legal if this amendment was allowed under the posting language as written.

>> To the extent that you all believe that the things being proposed relate to staffing, then they would be within the posting language.

>> Mayor Adler: So for what it's worth as chair and I can certainly be overruled by the dais, but I find this to be germane because I think these issues relate to staffing questions because they go to the reasons why we're talking about increasing staffing and it also would impact I think people's decisions and discussions on how they would treat staffing. So I am interpreting this broadly. I say this is germane. Ready to take a vote in those in favor of this amendment please raise your hand. Those opposed? Ms. Houston votes no, Ms. Troxclair votes no, Mr. Flannigan votes no, alter votes no. Kitchen votes no. Those in favor please raise your hand. I'll check the numbers again. One, two, three, four, five. You're voting no. So it's five-five. That amendment does not go on. I have my --

>> Casar: Mayor, before we add yours on. I think what I will just do then is bring this back because as part of something separate because it sounds like there's support for that. I just think that we should have this staffing plan, but we also -- just like we have a health and human services funding plan that we can't necessarily get to fund every year, just like we have our housing refund planned that we can't seem to fund every year, I want something to be able to tie together the public safety components across departments.

[12:49:41 PM]

So I'm seeing nodding heads and that's encouraging. I'll bring this back as a separate item.

>> Kitchen: Mr. Mayor, I would just like to say that councilmember Casar, I'd be happy to support you bringing this back with regard as a separate sum.

>> Mayor Adler: Okay.

>> Alter: And I also would be. It just wasn't germane to what we were trying to do in this resolution.

>> Mayor Adler: I urge my resolution. Is there a second to my amendment? My amendment? Is there a second? Mr. Renteria seconds. Any discussion? Yes, mayor pro tem.

>> Tovo: Mayor, I really appreciate what you have brought forward here in this. As you mentioned it is very related to the post that you and I put on the message board after the contract consideration in December. I have to say I agree. I just want to use this as an opportunity to say I agree with what councilmember Garza said on the message board yesterday. I think our community and our police force will be best served by having a contract, a police contract in place. And so -- and I'm a little mystified about kind of how we're approaching the contract negotiations at this point because now we're adding values. Again, I support and will vote for all of the pieces that are really related to a contract and values that you're putting into this resolution, but I think we really need a clearer way to have this conversation. And so it's very clear that five of you are working together to provide our staff with elements that you would like to see in a contract. I think that we need -- I agree with what councilmember pool and councilmember Garza have said on the message board. Under city charter our city manager is supposed to negotiate police contracts. And it is our job to provide the negotiating team with a clear sense of what we would like to see in that contract. And I think maybe the best path forward is to schedule some work session time, or if there are legal issues involved, schedule?

[12:51:46 PM]

Executive session time so we could be clear and talk together. I appreciate the five of you who are working together on those elements, but this will have to be a council decision and we will have to speak with our negotiating team and with the public and try to get a path forward. So again, I'm supportive of having these elements in here. I just don't know that -- I don't know that this is the right forum, resolution by resolution, to try to express what it is we want to see out of a police contract.

>> Kitchen: Mr. Mayor, could I?

>> Mayor Adler: Yes.

>> Kitchen: I agree with the mayor pro tem that the discussion about a -- what goes into a contract is a council discussion. And I'm not -- I respect that you may see this as part of the contract, but I don't see it this way. To me this is staffing. So -- and I think that the mayor's amendments here have to do with what we consider and what we're asking the city manager to consider and our police chief to consider when it comes back to a staffing plan. The language here doesn't speak to what goes into the contract. I hope we have time to schedule the full council discussion that you're talking about. I don't see these amendments as impinging in any way on what goes into the contract. This is about the staffing plan. That's my understanding from the mayor that that's the intention here.

>> I'll just point you to the section that's talking about evidence based approximate best practices regarding to police oversight. I think that's certainly relevant to the conversations we're having around the contract. I support the elements. I support having them in here. But they relate to staffing, they also relate to the contract discussions, the discussions we're having.

>> [Inaudible].

>> Alter: I just wanted to add it was our hope that this would be simple, but since the two parts that the mayor have added I think were under the matrix report, which is one of the reports that we wanted them to base it on, I'm going to support these further resolved because I think they were already included.

[12:54:04 PM]

>> Mayor Adler: Okay. So those in favor of this amendment please raise your hand? Those opposed? Ms. Houston votes no. The others -- those in favor raise your hand? Those opposed? It's unanimous on the dais, this resolution passed. This amendment passes. Now we can take a vote on the full resolution. Any discussion before we do that? Mr. Flannigan.

>> Flannigan: I just feel compelled to kind of address what the mayor pro tem laid out and I appreciate -- I think we are frustrated with how we are supposed to provide our direction on the contract negotiations. And I heard discussion that we couldn't do that but for being in a public meeting. And it's awkward to negotiate internally in a public meeting. So five of us decided that, well, five people can talk so we're going to figure out and find a way to come to some agreement and I would assume that others are doing the same. Unless the legal advice changes on how we're allowed to do that, then that is the process that we're given. And I don't want to get to another contract that we again unanimously vote down because we weren't providing sufficient direction. And I don't know that we can provide sufficient direction in work session or in public meetings or even in executive session because of advice that we've been given in the past. We all have a responsibility to take leadership on this issue and to represent the issue of our constituents and to provide our new city manager with as much input as he can get so that the contract that we get next can be approved. And I'm sure that we all agree that we want to get to a contract that we can approve. We may disagree on the terms, but we have got to provide that direction to the city manager. And the advice that I've heard from our legal department is that it has to be done in subquorum, out of public meetings.

>> Mayor Adler: So I would -- I agree with everything that both of you said.

[12:56:07 PM]

[Laughter]. And manager, I would ask you to get with our attorneys and get with the association and figure out how it is we can actually have a discussion about all these elements so that we can give direction and we can move forward because by pieces like this there's always going to be problems with this. That's the problem with having this piece come forward by itself the way that it did. Please figure out some way for us to be able to discuss this, deliberate on this and give you direction, including analysis of what we're allowed to talk about and not talk about. Councilmember Garza.



>> Garza: I wasn't going to say anything, but I want to be clear when it keeps coming up what you said in December it was unanimously voted down was. It was just said again. But councilmember Flannigan made a motion to send this back to the table. I did not vote that contract down. It was obvious there was not support on the dais that evening to pass a contract. A plan B was a send them back to the table. So this framing that that contract was voted down is inaccurate. Second, this is such an inefficient process. I appreciate respecting subquorum rules and saying that we can only talk to each other so that's what we're going to do. But that's not how this has played out. We started to get resolution and another resolution. Let's do a resolution next week that APD wears blue uniforms. Oh, they already do. Let's do a resolution next week that there's cameras in the car. How many resolution after resolution are we going to have to give direction, to make it appear that we're moving towards a contract?

[12:58:07 PM]

Negotiations are dynamic, they're -- to expect our negotiating team to go office by office by office and hear that some group of five are getting information that other councilmembers aren't getting information, that is inefficient. That is not the process that's before us. It's the city manager's job to negotiate the best contract that he thinks is good for the city, is good financially, is good for the police department, is good for everybody considering all options. And then bring it back to the council. I understand I have more knowledge of this because of my experience as someone being at the table, but I really hope that we can get to a point where we do this the way it was supposed to be done. And it doesn't say that councilmembers don't get to give input. It means that we do it efficiently so we can get to a contract, so we can be in a place where our police force doesn't think that their council doesn't support them. So I will say one more time, I did not vote down that contract. I voted to send it back to the table and I hope we can get to a contract as soon as possible.

>> Mayor Adler: I agree. Let's take a vote.

>> Casar: It looks like this is going to pass and likely unanimous so I don't think anybody has to be worried when the vote will take place. I want to see if there is support on the dais to let people come testify. I've had multiple of my constituents say they want to speak. If that's it's okay, I just bring it up because I think it's going to pass and it's usually our custom to let people talk.

>> Flannigan: I think you could argue both ways. Not to speak for councilmember troxclair, but I could imagine having wanted to vote for it. Being on the record is part of what we're going to want to have on the record. If it's going to pass anyway, if that's the assumption, is it out of order to let people speak later.

[1:00:15 PM]

>> Mayor Adler: We could do that. Those in favor --

>> Mayor? Mark Washington, since it's going to pass, I wanted to just point out that the accountability oversight research of 90 days that's pretty aggressive, the staff will do our best, but I want to make sure we do not unfulfill expectations if it's not all done. That's an aggressive schedule.

>> Mayor Adler: So the record sees it as part of the process you are laying out, if it's more appropriate for it to take longer relative to the process that you have, you can't do it within that time, just let us know.

>> Okay.

>> Mayor Adler: Those in favor of this item raise your hand. Those opposed? It's unanimous on the dais with councilmember pool off. Let's go to citizen communication.

>> Mayor, I'm Tim Arnt, signed up to speak, I'm optimistic concerns will be addressed and resolved so I would like to yield my time.

[1:02:15 PM]

>> Mayor Adler: Thank you very much and we appreciate your patience in waiting for us. Thank you. All right. Is Ms. Szalay here?

>> Szalay.

>> Mayor Adler: Szalay. I will try not to do that again.

>> Mayor, you are back sliding because you used to say my name just fine. You used to call me Szalay thinking that was my name. I'm just pointing that out. Barbara Szalay from lost creek.

>> Mayor Adler: I apologize.

>> It's fine. Your name gets messed up too sometimes. I'm here today to thank you all -- well, the few of you who are still here. Thank you for your work on codenext. I think that we don't take time to stop and recognize the very, very hard work that you've been doing, all the reading, all the research. This process has become increasingly acrimonious and I just wanted to pause today and say that, well, we will disagree on our approaches to codenext, we'll disagree on some of the goals, and even if we have the same goals, we will disagree on how to achieve those goals. But we very much appreciate your intent and your willingness to tackle such a lofty goal. When, you know, our city was founded however many years ago, you know, land codes were put in place over the years, but obviously this is long overdue and your willingness to dive into this is appreciated. I also thank staff, planning, Greg Guernsey and Jerry rusthoven have been wonderful to work with. Again, don't always agree with them but they are very courteous and they explain their positions very well and I really appreciate that.

[1:04:19 PM]

You guys have faced some huge burdens and obstacles. Like affordable housing, that's a goal of everyone, right? And then we go back to citizens and say where should we put it, how about we put it here and citizens say not here, how about over there somewhere. People say codenext is too long so staff comes back and says, okay, okay, great, what should we take out? Crickets, crickets. We talk about the Hyde park grocery. Everyone likes the Hyde park grocery. Then we propose if we put one in your neighborhood. Oh, know, we don't want that. Thanks, councilmember Houston. I'm concerned about the petition. I know that's kind of out of your hands, but I'm afraid it's just going to turn into an expensive slogan war so I've come up with a few new ones. Stop your moaning about new zoning. What's so wow about code now? Or please give a diddle for the missing middle. I'll just throw those out there. I'm just trying to make you all laugh. You all are going to need your strength over the next couple of months. You're not going to see your families. Your families are going to forget who you are and I feel bad about that. So I wish you the best and a heartfelt thank you for everything you do.

[Buzzer sounding]

>> Mayor Adler: Thank you. Kind words are always welcome. Daniel corral-dawson. After Mr. Corral-dawson, is Celine Rendon here?

>> Hello, city council, guests at the city.

[1:06:20 PM]

I have several issues and not very much time so I'm going to hurry along. First issue that I would love to promote in Austin would be that the city pass a law or if some citizens said to me today it would be more -- better if we encouraged that the citizens plant a food tree in their front or backyard, meaning a nut family variety tree or a fruit tree so that in the future Austin can be very, very self-contained. Like you go to a neighborhood and everybody has -- all families, all houses have fruit trees and the children can share fruit. And if there's an emergency that every neighborhood will be self--- very self-supportive in that way. So I thought, well, how can we get people to plant their own food tree and not be lazy and plant something. Well, fine them so much if they don't have trees. Somebody said no, that would be like a big brother, you know. Why not encourage a tax break at the end of the year for all those who have an actual fruit tree in their house. Two fruit trees, a higher tax break. Three and so on and so forth. Okay. Issue number 2. It is getting hot and it is no joke, global warming is not a -- it's not scientists trying to pull anybody's leg and try and get money for more studies. I've been following graphs on scientific studies and many periodicals and magazines and so many high up there scientists are agreeing and, you know, things like the pole is melting, that's not just something everybody that has brains can just tining norring, especially, you know, over 50.

[1:08:31 PM]

So, well, my little two bits is have more immaterial interesting pools, preserve -- swimming pools, preserve more water. The city I here has a lot of problems with water. When I lived here about 15 years ago, I was absent from Austin for ten years. There was water rationing. I worked for the city and went around town installing water saving devices. I heard in San Antonio last year or so that aquifer or whatever feeds their water, the city's water, basically dried up. Now, I'm thinking having a city next to a river, how is it that we do not have enough water to water our lawns and so many people --

[buzzer sounding]

-- Are throwing rocks in their front yards and cacti to boot. Do we really want to create a desert in our beautiful grass-filled, green-oxygen-producing city --

>> Mayor Adler: Thank you.

>> Can I continue? Is this important enough.

>> Mayor Adler: No, I can't do that because then we would have to do it for everybody but we appreciate you coming down.

>> Mayor, when can I speak a little more? I have some other issues that are very vital for the city.

>> Mayor Adler: You can sign up for a chance to speak again and someone from staff --

>> Can I wait until everybody else speaks and have a little more minutes?

>> Mayor Adler: No today because we have to provide public notice if anyone is going over that period of time. When we take a break for a second, I'll come down and talk to you.

>> Houston: Mayor, there's Andrew Dobbs who might be able to talk to him about environmental issues.

>> [Inaudible].

>> I would talk to him.

>> Mayor Adler: Yeah. That would be good. After Ms. Rendon, is Owen Shroyer here?

[1:10:33 PM]

You will be up next. Please proceed. Ms. Rendon.

>> Hi, I'm interning with poder this year so I'm just talking about the Cesar Chavez March. Poder invites everyone to celebrate the life of Cesar Chavez by attending the social justice March. The March will take place Saturday, March 31, 2018. We will assemble at 9:30 A.M. On 1105 east Cesar Chavez. The March begins at 10:00 A.M. And ends at ab can too American center 2100 east third with speakers, music and dance from 11 A.M. To 1:30 P.M. Cesar Chavez was born on March 31, 1937 in yuma, Arizona. He was a Latino farm worker, labor leader, civil rights activist and crusader for social change. He was a co-founder of united farm workers with advocates for better wages and safer conditions for workers on farmlands. Cesar Chavez is more than a symbol and role model. He demonstrated a need for all working people to

support those who are oppressed and exploited for dignity and the job in the community, increasing democratic rights of working people and challenging the powerful in defense of the powerless. March 31, 2018, mark the 17th annual Cesar Chavez March in Austin, Texas. Austin residents have celebrated life of Cesar Chavez in a self-less dedication for farm workers and workers' rights, civil rights and environmental justice. Peace, no one violence and empowerment of the poor and disenfranchised.

[1:12:35 PM]

As he once said we have a power that comes from the justice of our cause so as long as willing to sacrifice for that cause, so long as we persist in nonviolence and work to spread the message of our struggle, millions of people around the world respond -- people respond from their heart and we will overcome.

[Speaking in Spanish]

>> Mayor Adler: Thank you.

>> Following information available.

>> Mayor Adler: Very good job. Thank you.

[Applause] I may well be out of the country on that Saturday so this may be the first one in years that I miss. But if I'm not there, I'll be marching with you in spirit. After Mr. Shroyer, Tracy Calloway.

>> I'm going to start by asking the council a question. Given everything that's happened in the month of March with the bombings and police officers saying if you see anything suspicious, say something, I think we would all agree that masked men walking around with firearms is something suspicious. I'm going to play this video for the council to review. That illustrates that exact thing happening. I'm a firm believer in the first amendment right so an individual has a right to walk around with their face covered. I'm a firm believer in the second amendment so you can carry a rifle or firearm with you. However, according to U.S. Code title 1, part 1, subsection 241 #, conspiracy against rights states if two or more persons conspire to injure, threaten or oppress secured by the constitution or laws of the United States or because of his having so exercised them the same or two or more persons go in disguise or on the premises of another with intent to prevent or hinder his free exercise or enjoyment of any right or privilege they shall be fined under this title or imprisoned not more than ten years.

[1:14:57 PM]

On December 10 the video you are witnessing, I went to a memorial March for a deceased victim of a violent crime. And I was met, as you can see in these pictures, by masked men with arms on their triggers of rifles battering clubs, et cetera. Here you can see this man has his finger on the trigger keeping me from going to a park, a memorial -- here's them with shields and clubs blocking the entrance from a park for a dead person's memorial. Now, if that doesn't violate the code, I don't know what does.

And I find it timely we sit here today with you all discussing get more funding for police but I did not hear a suggestion for keeping violent criminals off the streets. Maybe if we looked into the sanctuary city laws and keeping masked men with guns off the streets we wouldn't have to have 100 police officers out there every time somebody wants a March which is every weekend. Now, I'll just say this in closing and provide an illustration for you. If I was outside holding a rifle keeping people from getting into this city council to state their claim, do you think I should be arrested? I think everybody here would agree yes, that should be an arrest, absolutely. But for some reason, and I'm not blaming the APD because I think they are good men and women, most of my experiences with them have been positive. But if we're not going to arrest armed individuals with masks brandishing weapons, I just want --

[buzzer sounding]

-- To know why and if this city council thinks that's the type of city we should live in. Thank you for your time.

>> Mayor Adler: Thank you.

>> Houston: Mayor, if he could provide us with the link because we couldn't see that.

[1:17:00 PM]

>> Absolutely. I'd be happy to.

>> Mayor Adler: So Ms. Calloway.

>> Would you like me to give a link afterwards? No problem.

>> Mayor Adler: After Ms. Calloway the last speaker is elyssa parven.

>> I'm Tracy Calloway joined by Jeremy Williams a fellow golfer and we're here related to recommendation 201803075a from the urban transportation committee. And this comes from the March 7th meeting. The recommendation is titled bring equity through hike and bike trails through east Austin region. Our specific concern is a hike and bike trail through the middle of the Morris Williams golf course. As a long-time business owner in east Austin, as a 20-year homeowner in district 1, as a 25-year-plus golfer and as a volunteer at the Morris Williams golf course, I can say this concerns me. I heard lots of things at the March 7th meeting. Things like can we put up signs so hikers and bikers will know their golf balls on the golf course to things like can we remove fences. What I didn't hear were things like how safe is it for our east Austin residents to cross a golf course in the middle with golf balls. What I didn't hear is how safe is it for women and youth who play golf as individuals at dusk and early mornings on a course by themselves with no fences? What I didn't hear was what are the benefits of disrupting a functional east Austin amenity with a hike and bike trail running through the course. What I didn't hear was discussion of a trail adjacent to the course in the Mueller neighborhood.

[1:19:06 PM]

I also didn't hear discussion of plenty of bike lanes around the golf on manor road and the new trail off Pershing. That area is not very congested. What I didn't hear is should we be building driving ranges on hike and bike trails or with golf balls that travel 150 to 200 miles per hour. What I didn't hear is is this the best use of a million dollars from the 2018 bond fund to provide equity in east Austin. I encourage this council to look at this issue with input from a more inclusive group with a lens on safety as well as the best use of these 2018 funds for moneys to create equity in east Austin. Thank you.

>> Mayor Adler: Thank you. Is elyssa parven here? No? Those are all the citizens communications. We're now going to go into closed session to take up three items pursuant to 551.071 of the government code, discuss legal matters related to item 64, which is the codenext petition, item 67, which are the negotiations with Apa. Item number 8, which is the historic preservation funding with H.O.T. Dollars. Without objection we will now go into executive session. It is 1:20. And we're going into executive session.

[4:45:27 PM]

>> Mayor Adler: All right. We have a quorum, so we can do the consent agenda. So we're out of closed session N closed session we discussed legal matters related to 8, 64 and 67. It is 4:44. We are in city council chambers. As still March 22nd. Do you want to come take us through consent?

>> Thank you, mayor and council, Greg gun FBI, planning and zoning department. I'll go over the items we can offer for consent on the zoning and restrict covenant items. Item 69 is ready for consent approval on second and third readings. On the 2:00 zoning and neighborhood plan amendments, public hearings are open, and possible action, fishes item is for postponement, a staff -- first item is for postponement, staff postponement for case npa 2017-0021.0 10-1. Item number 71, case npa 2017-0016.03, staff is requesting a postponement to April 26. Item number 72, case npa-2017-0016.05 staff is requesting a postponement of this item to your April 26th agenda. Item number 73, c-14--2017-0074, staff is requesting of this item to your may 10th agenda. Item 74, case c-14-2017-0106 staff is requesting a postponement of this item to your April 26th agenda. Item number 75 is case npa 2017-0016.02, staff is requesting a postponement of this item.

[4:47:32 PM]

Item 76, c-14-2017-094, staff is requesting a postponement of this item to your April 26th agenda. Item number 77, case npa-2017-0016.06 staff is recommending consent approval on all three readings. Item number 78, case c-14-2017-0150 staff would offer this for consent approval on all three readings. I guess councilmember Flannigan has a question to I'll pull that. I'll continue on to number 79, case --

>> Mayor Adler: So Mr. Renteria wants to pull 77 and 78.

>> 77 and 78?

>> Mayor Adler: Is that the same matter.

>> Yes. One is the neighborhood plan and the other is zoning. So we'll have discussion on 77 and 78. Item sustain is case npa 2017-0016.04, this is ready for consent approval on first reading only. Mayor and council, on the dais you should have some additional comments that have been given to us by the govalle Johnston terrace neighborhood planning contact team. Item number 80, this is case c-14-2017-0140 for consent approval on first reading only. Item 81 is case npa-2016- npa-2016-005.04, staff is requesting a postponement of this item to your may 10th agenda. Related zoning case is item 82, C 14 h-2017-0055, staff is requesting a postponement of this item to your may 15 R. 10th agenda. Item number 83, that's case c-14-2017-0084, this was a postponement request to may may 10th.

[4:49:34 PM]

Item 84 I'm going to introduce Jerry rusthoven to present item 84.

>> Mayor and council, on item 84, the baker school, there are two additional conditions that the neighborhood and the applicant have agreed to and that staff is also okay with them. Actually, there are three. One is the addition of art gallery as a permitted use. The second one is to have a setback of 70 feet in front of the existing baker's school building and the third is on any new building on the site residential is the only permitted use above the first floor. So with that we can leave it on consent.

>> Casar: Mayor, I would like to pull that on consent consent.

>> 84 will be a discussion item. Item 85 is rather court reporter-2016-0021, this is ready for consent approval on first reading only. Item number 86 is case c-14-2017-0113. Sh, ready for consent approval on all 3dings. Mayor, I think there are two speakers signed up in favor. I spoke with one of them. I'm not sure if the other wants to speak, though.

>> Mayor Adler: Which number is this?

>> 86. Chambers court. It's ready for consent on all 3dings, but I think all speakers have signed up in favor.

>> Chalmers court?

>> Chalmers.

>> Mayor Adler: Okay.

>> Item number 87 is case c-14-2017-0139, staff is requesting a postponement of this item to your may 10th agenda. Tim number 88 is case c-14-2017-0149. Councilmember Houston announced at the work session intent that she would like to have this case postponed to April 26th. So staff would offer this for a postponement for council to April 26th. That's item 88. On number 89, this has been announced for time certain.



[4:51:36 PM]

This is rosewood courts, at 6:00 P.M. Tonight.

>> That's item 89. Number 90 is case c-14-2017- c-14-2017-01 goo. On this particular case, mayor, I have five people who have declined to speak if I read one thing into the record. It's a private agreement between the applicant and the -- these neighbors. They're in favor if I read this into the record. If I may very quickly. It's understood by the area residents and property owners in 39th and a half street that are currently living in the neighborhood and are closest to the proposed development as well as the owner and purchaser of the property at 3904 medical parkway if the compatibility waiver or variance is obtained or used for the development of the property covered under case c-14-2017-0152 located at 3104 medical parkway, then the subsequent development of the property would limit structures to 32 feet in height. The proposed compatibility waiver or variance is only proposed to be decreased in the side yard to 19.5 feet from the north property line. The owner and the purchaser have agreed to restrict the fewed compatibility waiver in this matter and put a note on assignment that has the conditions of the waiver or variance. With that I could offer this for consent approval.

>> Mayor Adler: Consent approval on --

>> I think it's three readings.

>> Mayor Adler: All three readings. Okay. 91 is being pulled.

>> I think councilmember alter pulled this for 7:00.

>> And is that is a discussion item.

>> Mayor Adler: So the consent agenda that goes from item 69 through 92, those being pulled are 77, 78, 84, 89, 91 and 92.

[4:53:48 PM]

Is that correct?

>> Yes.

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

>> And closing the public hearing.

>> Mayor Adler: And closing the public hearing.

>> Renteria: [Inaudible - no mic].

>> Mayor Adler: That would be fine. Councilmember Garza moves passage of the consent agenda. Councilmember Renteria seconds it. We have some people that are signed up to speak. And Mr. Renteria, you wanted to make some comments?

>> Renteria: Yes. On item 79 and 80, this is

[indiscernible] Street between seventh street. And I'm going to go ahead and approve this on first reading because we've been able to agree that the affordable units are going to be two bedrooms and three bedrooms. Two and three bedrooms.

>> Mayor Adler: Okay. On item number 86, does Mr. Pena want to speak?

>> I do.

>> Mayor Adler: Come on down. Does Jennifer Mcphail want to speak? No. Mr. Pena. We have the applicant -- speaking on the consent. Go ahead.

>> Mayor, good afternoon, councilmembers, Gus Pena. I grew up in this area on east fifth street. My concern still remains and I'm hoping that it is an invalid concern, a displacement. Once they started working on construction or renovation or whatever they're going to do to number 86, make sure there's limited displacement. Make sure that the current residents have an apartment to where they can move in without any grief. Those are -- I have two veterans that are in our organization, veterans for progress at Chalmers. So word to the wise, please ensure limited displacement or zero displacement. Have congruence for these people to be able to move in otherwise it would be catastrophic.

[4:55:53 PM]

They're not in the best of health. They're Marine Corps veterans. I want to make it perfectly clear, limited displacement or zero displacement. Okay, mayor?

>> Mayor Adler: I hear you.

>> Renteria: Mayor, those are residence units,.

>> Mayor, on item 79 and 80, the agent -- Mr. Jeff Howard would like to make a brief statement in light of councilmember Renteria's comment on the two bedroom and three-bedroom apartments.

>> Mayor Adler: Okay.

>> Thank you, mayor. Good afternoon, councilmembers. My name is Jeff Howard for the applicant. Councilmember Renteria, I just wanted to clarify the two and three-bedroom affordable units will be in proportion to the market rate units. So I just wanted to make that clarification.

>> Mayor Adler: Okay. Thank you. All right. So it's been moved and seconded for the consent agenda. Is there any discussion? All those in favor? Those opposed? It's unanimous of those on the dais with councilmembers pool and Casar and troxclair off. All right. So that's the consent agenda. Let's see if we can handle some of these other things quickly. Do people expect a lot of testimony here? We have the

hot tax issue, we have the ems contract? Let's do number 16, the ems contract. We have two citizens signed up to speak on this item. Go ahead.

[4:57:57 PM]

>> Good afternoon, mayor and council, Deven desai with the city's labor and relations update. I want to give you an update on the interim agreement the city has reached with the ems association. There we go. Just as part of history, our previous contract with the ems association expired in September of '17, our successor agreement was largely unsuccessful due to wage proposal, so it essentially came down to money. To try to rectify that we're in the process of getting a revise pay study down now which should be completed in June of 18. And after we get the pay study we anticipate sitting back down with the union to come up with our long-term deal which hopefully will expire at the same time as our fire contract does in four years. So the question that came to staff and to the association is what should the two parties do until the pay study is completed? So we sat down to try to get an interim contract done between the city and the association. We sat down twice in February and March, and as you can see there on the second bullet point, negotiations went well. And on March the 7th we were able to reach a deal at the table. The association then took that contract back to their membership for a vote and I think voting ended yesterday at 5:00 P.M. And by a majority of the rote voting members of the association, they approved essentially what is the 2013 contract for an interim time which would expire September 15th of 2018. So for the city we gain flexibility in promotions, in addition to assessment centers, we have the ability to appoint certain ranks within the ems department. And we get the ability to fill the medic 2 rank, I believe we have 37 vacancies right now. Under the contract we can fill those at a much faster rate than we could under chapter 143. The association in exchange gets 1.25 lump sum payment, I think due the first pay period after council votes on this contract and also they regain association business sick leave their president goes back to being a full-time president.

[5:00:11 PM]

This slide here talks a little bit the financial impact of the contract . , Interim contract. The one and a quarter lump sum comes out to \$450,000 as a one-time cost, of course based on each employee's base salary as it exists today. Abl we project the backfill cost to be \$128,000 for the -- I believe it's 3200 hours that the association gets back in abl. Then what you'll see here is the cost of the agreement for the specialty pays because council by ordinance has already extended these pays through the end of March, so this figure that you see here just goes from March until September or to the end of September. So you can see we have about 61,000 in skill based, 46,000 in bilingual pay and 126 in education pay. So, again, our plan is to have council vote on this contract today and once we get the pay study and we may even actually start resuming negotiations before the pay study comes back just depending on what issues the association wants to bring up that may be different than what we negotiated last year in 2017 and we hope to bring back a full contract for you later this summer which would then hopefully be effective September 6 of 2018 and like I said go until 2022.

>> Mayor Adler: Is there a motion to approve item 16 with the numbers that were just presented to us? Mr. Flannigan makes that motion, councilmember Houston seconds it. We have two people that want to speak publicly on this item. Does Mr. Pena, Mr. Marquardt want to speak? Mr. Pena, you're up first. Mr. Marquardt, you're up second.

>> Mayor, before I speak on that item, Renteria is right, number 86, I got my notes wrong. Anyway, on item 16, Tony Marquardt is the president of the union, ems, and of course chief Rodriguez.

[5:02:17 PM]

I'll leave it up to them. I'll support, if they're okay with it, the committee will support it. That's all I have to say. Let's have parity with ems. I know firefighters and police have a big chunk of the money but let's have parity for ems also and the services and wages they deserve. Thank you very much.

>> Mayor Adler: Mr. Marquardt, I've got word that staff has indicated that they've talked to some of the offices and it could be that on the corridor engineering implement order, the corridor that we might -- I understand that there might be support to approve items -- to pull and hold for discussion whether we postpone item 37 but that the other items, 33 through 36 and 38 through 44 might be things we could vote on and approve now. Square root mayor, I think that was the discussion we had this morning. The thought was we would pass the contracts and to negotiate and execute and put in language about 37 but then councilmember Flannigan requested that we handle them all together.

>> Mayor Adler: Okay. Square root I'm happy to take those up, but I think it was the postponement about 37 that councilmember Flannigan wanted to discuss.

>> Mayor Adler: And I know we still needed to discuss that so I'll ignore the note we got, let's stay where we are. Mr. Marquardt.

>> Thank you, mayor. My name is Tony Marquardt, president of the austin/travis county ems association, here to speak on item 16 for approval of the interim contract. This we see as a placeholder and opportunity to move on towards the real issues working on getting up those base wages and some other issues that promote the stability and retention in our ems ranks, which is really important moving forward.

[5:04:28 PM]

Some of the challenges we've had along the way is that the -- how we communicate to council seems to be a little bit disconnected. If we can learn from this last process. So if it's a two-party agreement you all are pretty much exclusively in executive session and in the work sessions being advised by those that sit across the table from us. So you get one half of perspective and that's happened for the nine months we were in contract and the three months after that. That I think is part of the challenge. And the other challenge being recently labor relations was asked to meet with all the members individually. That also

is not ideal when trying to communicate our issues, especially with our out of contract and we don't have the same opportunities to meet with y'all if you wanted to meet with us on the issue. So what I would suggest just in reflecting back is let's somehow learn from these issues and see if we can move forward in any way with council and see if we can get buy-in to your involvement. One of the opportunities we potentially have -- I was speaking with one of our labor relations partners, is council could help us coming up with the rules of contract, which could establish what y'all look to see on a contract, what your role would be in the contract, and how those methods of communication could improve so that you have unified report of what's happening with us, where we agree, and you have an opportunity to hear both sides where there's a difference in agreement. I appreciate your support on this, and I look forward to getting together and doing the real work. City manager cronk, welcome. And look forward to working with you for the first time on the issue. Thank you.

>> Mayor Adler: Thank you. Number 16 has been moved and seconded. Any discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais, with councilmembers troxclair and pool off.

[5:06:31 PM]

Okay. That then gets us, I think, to -- let's see if we can handle item 26 has no speakers. That is the 19-month extension of the contract. Is there a motion to approve item 26? Mr. Flannigan makes that motion. Is there a second to approve item number 26? Councilmember alter. Is there any discussion on item number 26?

>> Mayor, I would like to D.

>> .

>> , I would like to change it to a nine month contract rather than I think it's 18 months you want to speak to this? Ms. Houston moves an amendment to make it a nine month contract, miskitchen seconds that. You want to speak to it first, Ms. Houston, it's yours. You can speak to it first or we can ask staff to.

>> I think the prior speakers were pretty clear. Most of this from the city goes into the land field off of 290 so if you all are close to getting the matrix and criteria in line I'd rather get that in line rather than extend it for as longer as the current contract is for, 19 months.

>> I can explain how we came up with 19 months. First of all, Sam

[indiscernible], Austin resource recovery. The [indiscernible] Takes about 12 months, based on our discussion with the purchasing office. The 19 months is the maximum time allowed. How to come up with that, state allows 25% over the contract amount, which in this case about \$1.5 million when I look at monthly cost of service about \$80,000 you divide 1.5 million into 80,000 come up with 19 months.

[5:08:36 PM]

Really not a magic number but we've also been discussing with stakeholders, we have four meetings that started -- first one started yesterday and this is stakeholder meetings we're discussing the landfill criteria matrix that the working group asked us to do, the council working group asked us to do that. So my whole -- as I mentioned in our opening -- my opening remark yesterday to this stakeholder meeting was that if we can finish that criteria, those criteria by may, then I can bring it to swac to the commissioners and hope fully after that to here. After you all approve that policy item then we have to send that information to all the landfill owners. That may take about a month or two. Excuse me. For them to respond. It may take about a month or so for us, for staff to evaluate. Then after that we have to start our solicitation process, which takes about 8-12 months. The last landfill station based on my understanding from what purchase officers were telling me was it took about 12 months. Turning it to about nine months it really means 8-9 months from now I'm going to be back here asking you for another extension. Now, the process that I just described, say if it takes eight months, the lower end of solicitation, it would take almost about 14 months or so. If it takes 12 months, then you're talking about almost 17-18 months. So I would, again-- staff recommendation is to keep it at 18 months. Let me add say next week or a month from now, mayor, council decide let's just go back and do whatever we were doing before and anybody who wants a piece of our contract or business they have to put their bids in and let's just, you know -- don't do any of this policy items and just let's move on with solicitation.

[5:10:57 PM]

Well, at that point we can start a solicitation again. It would take maybe 8-12 months and if we're done within eight or nine months we don't have to take the entire 19 months. The 19 months does not mean that we have to go through the entire 19 months.

>> Mayor Adler: So you're -- what if for whatever reason we're ready to rebid this contract in nine months, even with the authorization we're having today, you could -- so you can stop that contract whenever you want to and move into the new one?

>> Absolutely. I mean, if --

>> Mayor Adler: And your concern -- I'm sorry.

>> If we're at a point that we can go to do the solicitation and we get our responses within eight months or so, then we can move forward with the new contract.

>> Mayor Adler: Regardless of what the reason is, if you wanted to end this contract in three months because you were ready to move on you could end it in three months?

>> Yeah absolutely.

>> Mayor Adler: You can end it whenever you want to?

>> Right.

>> Mayor Adler: Really what you're asking for is the ability to be able to extend this contract until you're ready to move into another contract?

>> Right.

>> Mayor Adler: And your fear is or your expectation is that it could take 19 months to do that at the outside because you have to approve the new process, bring it to everybody, get it approved by council, and then do the rfp process?

>> Exactly.

>> Mayor Adler: You're in essence saying will you authorize us to do zero to 19 months with this new contract with the understanding you'll stop this contract as soon as you're ready to move into the next contract?

>> Right, as soon as we have the new contract and we can stop it.

>> Mayor Adler: Okay. Ms. Houston.

>> Houston: I was not there, I'm not part of the working group, but according to my commissioner some of this had to do with not feeling you were able to pursue a new contract because of the anti-lobbying.

>> Well, one of the items or policy items that were brought to y'all last year was the anti-lobbying and James Scarborough, who is here -- here he is.

[5:12:59 PM]

He can explain that for me.

>> Houston: Could you explain that to us again, Mr. Scarborough. I hate to have you do it over and over again but for 18 months without any criteria for creating standards for what the landfills would have to meet, everything goes into Childs road.

>> James Scarborough, purchasing officer. Councilmember Houston, as you recall last year there were a series of waste management items, waste management services items that came to council, and through their review with council, there was some concern that staff needed to view some of the policy issues associated with these items. So one of the policy issues that was debated was the anti-lobbying ordinance. Another one was the landfill policy. Another one was -- there were a number of areas of concern. Each one of these solicitations went longer than our normal solicitations. So when contemplating how much time we were going to need for the new solicitation, we had to look at when the current contract expires and that's the end of July. Then we also had to contemplate what other variables would need to be addressed. One of them would be the landfill criteria, which is currently in development. Also anti-logic ordinance. And other areas of concern. So in discussing with arr the amount of time to request, ultimately the concern was there are a number of variables, both expressed by the participants in the solicitation process and concerned parties that were not in the solicitation process. So with all those variables it was through discussion with arr that they wanted to request the amount of time that the contract could be extended by law in hopes that we wouldn't need all of it but if we did need all of of it we would have it available to us. The thinking would be we'd get the solicitation on the street as soon as we can, complete it, bring it back to council for authorization of the contract as

soon as we can and dispense with the current contract and move on to the new contract as soon as we can.

[5:15:08 PM]

>> Houston: And I appreciate that explanation. That's much clearer. My concern is that if we give 19 months people will take 19 months.

>> Yes, ma'am. Ms. Kitchen.

>> Kitchen: I'm supporting the amendment for shorter time period. My understanding -- and I believe you said nine months, if I understood correctly. You know, this is -- we're all trying to do this as quickly as we can, and we know that you are also. So I would much rather be in the position of extending it for nine months, trying to hit that target, and I understand from our conversation the other day when we met that you were thinking that that shorter time period was doable so that's why I would prefer to move forward with the shorter time period.

>> Mayor Adler: Any further discussion or debate on the dais? Councilmember Casar.

>> Casar: I may have missed is this but there a price differently, price break at number of months or not.

>> Mayor Adler: Any price difference.

>> I have to calculate that, nine months times \$80,000.

>> Casar: I mean does the \$80,000 change by month or not? I'm saying is this a late difference?

>> No. It's generally 80,000, 75-\$80,000.

>> Mayor Adler: The only question is whether or not you come back in nine months and say I need another ten months.

>> There's a possibility of that.

>> Mayor Adler: That would be the only effective change?

>> Right.

>> Mayor Adler: Any further discussion on this? Mr. Flannigan.

>> Flannigan: I feel like deja Vu all over again on these contracts. Making the main motion I really want to support staff recommendation on this. I can appreciate the concerns, but it does feel like we keep being at this same place where staff does very robust rfp process and one or two days before the council meeting we get emails that say it's the end of the world and I'm starting to get a little frustrated with how that seems to keep repeating over and over and over again. So it would be my preference -- I won't support the amendment. I don't know if it's been actually moved as an amendment yet, but were it to be, I won't support the amendment.



[5:17:14 PM]

But that's my perspective on it.

>> Mayor Adler: It's been moved and seconded. Ms. Houston's amendment.

>> Flannigan: Okay. Councilmember alter.

>> Alter: I'm going to support the staff recommendation. I don't want to live on groundhog day forever.

[ Laughter ]

>> Mayor Adler: Further dismissing, again, we're at a place where these things are the same to me. When the staff gets done they're going to bring it back to us, whatever number we put in here is effectively the same thing for me so I'm going to support staff recommendation too.

>> Houston: I was going to say to those supporting the staff recommendation in 19 months I'm going to remind you of that.

>> Mayor Adler: All right. Ms. Houston moved to take it to nine months. Moved and seconded. Any discussion? Let's take a vote, those in favor please raise your hand. It is Mr. Casar, Renteria, Houston, and Kitchen. Those opposed raise your hand. Everybody else here, pool and troxclair off the dais. It does not pass. The resolution is to extend 19 months. Any discussion? Those in favor please raise your hand. Those opposed. Unanimous on the dais with troxclair and pool off. Please try and get back to oust earlier than 19 months.

>> We'll do that.

>> Mayor Adler: Okay?

[ Laughter ] I don't want to have Ms. Houston say "I told you so."

[ Laughter ]

>> Promise. Thanks.

>> Mayor Adler: Thank you. We've taken care of that one. 16, 26. Could we do 37 quickly? Let's do 37.

>> Kitchen: Okay.

>> Mayor Adler: Four speakers.

>> Kitchen: Could I make the motion or --

>> Mayor Adler: Go ahead. Make the motion.

>> Kitchen: I move that we -- and I'm confused as to whether it's 37 or 44, but I move that we postpone item 37 until April 26 and we take up the item then.

[5:19:16 PM]

>> Mayor Adler: It's been moved to postpone item number 37 to April 26. Is there a second to that? Councilmember Garza seconds that. You want to discuss it first?

>> Kitchen: Yes, just briefly. I think that it's important that we move quickly with the corridor construction program. And I think that the other -- that the other items on the agenda that I will be supporting moving with now will help -- will allow our staff to continue moving down the road expeditiously. Item 37 is the corridor construction program, and there are some key issues -- you know, it's complex for the -- it's the whole city. There's a fair amount of detail to it. And what we're doing when we eventually approve it is we're saying these are the projects we want to fund and these are the priorities we're establishing. So we're all trying to make sure we do our due diligence in looking at what's proposed for each of these corridors. So my request to postpone it is not intended to signal that I won't be supporting it. It's simply to signal that with regard to a couple of those corridors, which I've mentioned before, south Lamar in particular and to some extent William cannon and slaughter, I am wanting to spend some more time reviewing it. And then of course I also have additional questions to make sure that we align what we're doing with the corridor construction program, with the efforts of cap metro, and our moving towards high capacity transit. And I think it's absolutely critical that we get that alignment right, and I think it's important for us to take the time to make sure that we are getting that alignment right. So I think an additional month is not going to slow down the projects.

>> Mayor Adler: Okay. Further discussion on this?

[5:21:16 PM]

Councilmember Garza.

>> Garza: I want to thank the staff that's working. I know we're trying to get this done very quickly to answer to the voters that supported this. But many of y'all were gone when this came up in work session because -- I don't say that to join the end of the bus. It was late, like 4:00, so people had other commitments. And so I want to reiterate that we came up with very specific criteria how to rank these corridors, and I understand there was an emphasis on geographic distribution of these, but I would hope my colleagues can look back at that ranking and see that William cannon, there are four segments of William cannon that were ranked extremely high, and those have been surpassed. The recommendations right now have been surpassed for other corridors. I understand staff is going to sit down with me and explain why many of those were surpassed. I understand there's potential funding from other revenues, but I really would appreciate a thorough explanation before we vote on anything of why parts of William cannon, especially east of 35, which is long felt that they have not gotten the funding that they should, did not stay at the top of this -- of this list. I also just want to reiterate that we have to really partner with capital metro on this. We can't think of this in this silo of we got funding, they don't have funding, we're going to move forward. I mean, we really have to work at this transportation issue together if we're going to solve our congestion issues and ask people to change their habits and get on public transportation. So I hope from now until this comes back up that we have a clear -- a real clear indication that we're working with cap metro to understand how we are making

sure we're not investing in the corridor that in four years from now could be under construction again because the voters approved project connect.

[5:23:17 PM]

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I'd like to ask staff a question. So I -- also, I pulled the rest of the items because there was some conversation during consent about maybe making changes there. I'm more comfortable with postponement on 37 if we're also just approving everything else as-is. If we're also going to make changes to the other items I'm less comfortable kind of as a package. For staff, I want to understand, we postponed 37 to the next council meeting, which I assume we're talking about the one at the end of April. Will we see exactly the same item on that agenda and then it is up for council to then propose independently is that what -- I want to understand kind of the process question because I also -- and I don't really disagree with the comments of my colleagues on their concerns. I don't have any district 6 projects in the corridor plans. My projects are regional. But if there are going to be -- if that is the process we're going to follow, then I'm going to do a little more investigation into how the matrix was developed, et cetera, et cetera. But I want to understand what we should expect to see at the end of April.

>> Sure. Mike Trimble, head of the corridor office office. That's my understanding of the process, basically the item would be postponed, we'd bring this back and have more explanation/discussion with offices as needed to provide additional information based on what questions we received.

>> Flannigan: Okay.

>> Mayor Adler: Okay. Mr. Casar.

>> Casar: Yeah. I want to make clear what my concerns are with the whole group here, as well, and I'm going to summarize them quickly on three. First we talked about at work session the pedestrian and bicycle advisory groups recommendations on design and safety, and the answer from staff was that where we're at with this item is pretty close to those recommendations but it's not clear to me if that means they're the same or what the differences are. So with this time would like to figure out whether we can make those the same or, if there's a difference, we can make the choice of one way or the other. Same thing with urban transportation commission recommendation which really relates to the cap metro issues brought up by my colleagues.

[5:25:22 PM]

If the utc recommendation is pretty close I want to know whether we're on the exact same page or different pages. If we're on different ones, again, first to choose from the options. Third, I really want to better understand the sort of criteria for length issue. I just think at the end of the work session

yesterday it was really hard to best understand how the length of these corridor was used to normalize the formula and that's just something we probably have to get done off-line but obviously it's -- you know, that would have a big impact on which corridors were prioritized so I just want to understand that. Those are my three issues that I have now.

>> Mayor Adler: So for -- mayor pro tem?

>> Tovo: I'm -- I'll add the piece I would like to talk about among our group is the Guadalupe corridor piece. I'm getting lots of questions about how the Guadalupe corridor plan fits into what we're looking at for this one and the extent to which it precludes certain options discussing -- discussed in the Guadalupe corridor plan or does not. So that's the piece that I need some info on.

>> Mayor Adler: We'll listen to the public in just a second but I'll say at a really high level, the public testimony -- testified that -- I hear the questions that people want to raise on this. I'm going to support postponement to a month because I'm convinced that it is the desire of the dais to actually move this thing forward. We have -- among the things that the community has asked us to do is to do something about mobility in the city. And I think people are wanting us to actually to do stuff that they can see. The report we got from our staff is trying to follow hot -- a contract with the voters that everybody had when they voted, went to the polls and voted to approve this bond, and they have come back now with a plan that will reduce congestion or increase throughput by 25% on most trafficked roads and I think the public wants us to move toward that and do that as quickly as we possibly can, not to mention the reduction in injuries by 15%.

[5:27:36 PM]

I think all the points raised on the dais were good points and we need to touch base to make sure we're doing those things well. I'm going to support it with the understanding that on the 26th we'll get these things questioned, bring up the issues, and then we'll vote on them. I think staff has done an absolutely incredible job with all that we're doing here to meet the contract with the voters and to get it all built in eight years. That's like a herculean task to do and you guys are doing it incredibly well, but it's okay if you keep track this one month is on us. But hopefully we'll move forward on the other things so that you are not stopped during that month, but in fact able to move forward on the contracts and the negotiations. Yes, Ms. Houston?

>> Houston: And I appreciate the postponement because I think there's still some work to be done. But I have some concerns about also moving forward with 38 and 39 because I have some concerns that I need to raise that are specific to those corridors that are in district 1. And I don't know when to raise them. Wait until next month or raise them today?

>> Mayor Adler: We're not talking about 38 and 39 until just a second.

>> Houston: Okay. Mr. Renteria and then Ms. Garza.

>> Renteria: I'm going to support this. You know, the improvement we have done, it has shown that it's decreasing accidents. It's also decreased the injuries that are going on in these -- intersections. It's

important we move very quickly because it's gonna save lives. I had over -- I've been in the city council, I believe there have been three pedestrians on Riverside alone walking getting killed. And they -- these are not even car accidents. So we really need to move on because this will save lives.

[5:29:39 PM]

>> Mayor Adler: Okay. Ms. Garza.

>> Garza: I just want -- mayor, we seem to have gotten into this on a motion to postponement we still take public testimony. With all due respect if there's public testimony -- merits, there will be an opportunity to do that next time. Seeing all the other items we have for a matter of efficiency I'd ask that we -- if somebody does want to speak on this, it's to the postponement.

>> Mayor Adler: Point is well-taken. I should have said that. Councilmember kitchen.

>> Kitchen: Just to set expectations and based on councilmember Flannigan's question, I may be bringing amendments. And so I wanted to make sure that's part of the understanding. And I also am making the assumption that moving forward with other items will not prevent us from bringing amendments, even if those amendments move the dollars around to some extent.

>> Mayor Adler: I'd say that -- and I recognize I was talking very quickly. On the 26th, what I asked for was that we will move forward with this, that be we'll consider the amendments, we'll vote them and consider them, but then -- that's my hope and expectation. On the 26th we'll move this thing forward.

>> Kitchen: Okay. If we vote for one of these other items today and it has a dollar amount mentioned in it and at the end of the day we adopt an amendment that adjust that's dollar amount I'm making the assumption that we can do that.

>> Mayor Adler: They're shaking their heads yes. My understanding is they'll really negotiate these things and get them ready but not execute any of these things until we finalize stuff on the 26th but hopefully they will have advanced the ball considerably on all of them pending that. Staff is shaking their head yes on that as well. Mr. Flannigan.

>> Flannigan: Councilmember kitchen, that was my preference, to see things come back as amendments. What I was hoping to avoid was that staff would just meet privately with a couple councilmembers and change a recommendation. Amendments is how it should go. I wanted to make sure that was clear too.

>> Mayor Adler: Councilmember alter.

>> Alter: Given the amount of money and importance of this set of projects for the city, I would ask the city manager to consider having some kind of work session the week before or even before that where we can consider any of the amendments that we can begin to process that and public can be aware of them.

[5:31:56 PM]

I would hate for us to try to make decisions over hundreds of millions of dollars on the fly on the dais without having some realtime to have some dialogue with our staff about the implications and what the changes are and where they are with respect to those potential changes. And just so that the public who has had an extensive opportunity through this process with all of the outreach to be looking at stuff is not surprised at the last minute with very big changes.

>> Mayor Adler: In fact if we want to, there's going to be I think a council meeting on the 12th that's going to be kind of an abridged one. It's also going to be a work session on April 10. If we can daylight that week either at the work session or council meeting amendments that council members would want to make that would give everybody then that intervening time to be able to ask questions about them. Is that a reasonable expectation for us to make of each other?

>> Kitchen: My only question would be, we've already said we're not going to have everybody here.

>> Mayor Adler: They would just be -- that would just be to daylight them.

>> Alter: At the work session on the tenth? I don't know if the same is true.

>> Kitchen: Do we have everybody here on the tenth?

>> Mayor Adler: Probably not.

>> Kitchen: I'm not sure if councilmember Garza is here that week? She is? Okay.

>> Mayor Adler: Seems to me the most important thing is to be able to daylight them so we're not hearing things new.

>> Alter: Also for the staff to not have to go around to all of us to share their views on this, that, or the other. If there's a particular corridor we all need more information about, it would be a lot more efficient for them to be presenting information and much more transparent for them to be presenting that information in public and I'm fine for us to reserve some time on the tenth for that, and if we need more time we should maybe think about maybe at this point just trying to reserve time on our schedule the next week so that we can give this the proper due diligence our meeting on the 26th is becoming extremely full.

[5:34:06 PM]

I will be gone for three hours for an awards ceremony on the 26th. I just want to make sure we're really able to have -- if people are concerned enough that they have amendments, I want to make sure that we have the time for both the public and also the staff to be able to have whatever conversations we need to be able to have to move forward.

>> Mayor Adler: We'll do that and see if we can find a date after that.

>> Alter: Happy to do it on the tenth?

>> Mayor Adler: Do it on the tenth. I can watch that. If staff makes a presentation on the tenth I can watch it and see what things were daylighted. You guys will be there on the tenth. If it's anticipate on the tenth and we need more time let's make sure we figure out how to do that. The point is well-taken. This is not the kind of thing we can possibly do on the fly. We have people speaking. Looks like the motion is to postpone this to the 26th. I'll give the people who have signed up to be able to speak to the question of postponing this to the 26th. Is Tristan [indiscernible] Here? What about Mike mccone? Do you want to speak on the question of whether we should postpone until the 26th?

>> I agree with the postponement. Representing university area partners and

[indiscernible], Walter

[indiscernible] Is not here, neither is Kathy Norman. They both had to leave. Walter is taking his son to ride on a sheep for the first time so he had to --

[ laughter ] He had dad duties. Thank you very much for all of your consideration with everyone and make sure our concerns are brought forward. Thank you, mayor.

>> Mayor Adler: That sounds good. Moved and seconded to postpone this until the 26th. Any further discussion? Those in favor of the postponement please raise your hand. Those opposed. Unanimous on the dais with pool and troxclair off. That gets us to item numbers 33 through 44. Not counting number 37, with the understanding that you're going to proceed as far as you can, not execute until after we have the meeting on the 26th -- not until we have the postponed 37 heard on April 26th.

[5:36:16 PM]

Is there a motion to approve these items? Mr. Renteria approves. Mr. Flannigan seconds that. Any discussion?

>> Houston: We're doing --

>> Mayor Adler: Now is the time to raise your issues?

>> Houston: Okay. So I'm going to need some time with staff to talk about the airport corridor and 969 corridor.

>> Mayor Adler: Sure.

>> Houston: You can just set that up with my office. I'd appreciate it.

>> Absolutely.

>> Houston: There's some things that occurred six years ago that we're trying to implement now, and the reality on the ground has changed significantly.

>> Absolutely, councilmember. I do want to mention as we move into design phase we're expecting a pretty robust public engagement process, including working with council offices as we start to work into design faces, but absolutely.

>> Houston: If you have things already baked in that go against what the community is saying today, then that's going to throw it off. We need to get that --

>> The exact -- just to note the exact placement of improvements and all of of that, severing at a conceptual level and hopefully we'll have time to work through that.

>> Houston: Thank you.

>> Mayor Adler: Yes, Mr. Goode.

>> Assistant city manager. Item 34 is nothing to do with the corridor. It's a trail project. We're going to execute that one immediately upon approval today so just wanted to make that note.

>> Mayor Adler: What about item 33?

>> All the rest of them are tied up with the corridor and we'll take the negotiate and execute and not move until item 37 is approved. 34 is different.

>> Mayor Adler: Lot of nodding heads. Sounds good. It's been moved and seconded -- sorry, councilmember alter.

>> Alter: I just wanted to clarify with Mr. Goode there were contracts for design services where you were going to move forward open those contracts because they're not dependent.

>> The design contracts are dependent on 37, and we'll be launching work on that but wouldn't execute them and assign the projects.

>> Alter: You wouldn't assign the projects but you have to move forward -- I want to make sure we're not inadvertently --

[5:38:22 PM]

>> No. She's talking about the rotation.

>> Alter: I want to make doesn't interrupt what you need to do on the rotation because it sounded different.

>> Right.

>> Alter: You're fine, okay.

>> Mayor Adler: You're going to move forward on everything that could be impacted by the decision we make on 37. Okay. Moved and seconded. Those in favor please raise your hand. Those opposed. Unanimous on the dais, again, with pool and troxclair off. So that takes care of those items. We're at the place -- should we try to do -- trying to think what on here we could do quickly. We have a lot of people



here for proclamations. That's why I'm trying to move quickly. On item number 77, you pulled those, Mr. Renteria, so we'll hold off on those. 77 and 78. What about soccer? That would be the only -- soccer? That would be the only last thing.

>> Tovo: There's ten speakers but maybe 93, public hearing that has no speakers.

>> Mayor Adler: We could do that one. 93. Staff here for 93? This is the dedicated parkland for a wastewater line. So is there a motion to approve this item number 93?

>> Kitchen: I have questions about it so I don't think it's necessarily going to be that quick. So --

>> Mayor Adler: Okay. Then we have ten people waiting for soccer. So we're going to be into that. So past 5:30 -- we're about 94, I think we have people signed up to speak on 94. For the people that have signed up to speak on 94 are for item 49.

[5:40:27 PM]

Anybody signed up on 94 that wants to speak on 94? Is staff here on 94? I'm going to ask that same question in a second on 95 and -- 95, people are against 95. 96 I'm going to ask about 96 in just a second. I want you -- what's 94?

>> Good afternoon, mayor, council. I am Carey Lang, assistant director for the EMS department. This item is in regards to the franchise renewal for the American medical response of Texas, Inc., AMR held a franchise with the city since 1996. The current franchise for AMR expires June 25, 2018. The staff findings regarding AMR was submitted to the Austin/Travis County EMS advisory board February 7, 2018. The advisory board has recommended the approval of the AMR franchise in a vote of 8-0. The city currently has two existing franchise agreements for non-emergency transports with the third franchise agreement pending approval by this council.

>> Mayor Adler: Okay. Thank you. Is there a motion to approve this item number 94? Ms. Houston makes that motion. Mr. Renteria seconds it. Is there anyone here from the public that wishes to speak on item 94? Pena and Steven Drayo.

>> I'm okay, mayor.

>> Mayor Adler: Sounds good, thank you, sir. Moved and seconded. Motion to approve 94 and close the public hearing. It's been moved and seconded. Those in favor please raise your hand. Those opposed. Unanimous on the dais with Pool, Troxclair, and Casar gone. What about 96? Can we do that one?

>> Kitchen: No.

>> Mayor Adler: No?

>> Kitchen: I'm sorry.

>> Mayor Adler: That's okay. All right. 96 we can't do that. I'm going to ask a question here.

[5:42:28 PM]

We have an item on our calendar. We're going to break for proclamation and for dinner now. But before we do that, we have an item 89, which is rosewood court. Which is a significant issue and there are almost two hours worth of testimony with the number of people that have shown up you to speak, at least an hour. And my question is, since everybody is signed up in favor of this, wishing to speak, except for one or two people, my question is do we want to limit the number of people that speak and try to handle this before dinner or should we break for dinner and proclamation and then we'll pick up this matter in probably -- it would be about an hour, hour and a half before we come back? But what we can't do is invite everybody to speak at this point before we take that break. Ms. Houston.

>> Houston: Can I ask Sylvia blanco with the housing authority to speak to that?

>> Mayor Adler: Okay.

>> Good evening, commissioners. Yes, to your question, mayor, we can limit the number of speakers to move things along, perhaps for the folks who have signed up in support we can limit that to no more than 20.

>> Mayor Adler: The problem with limiting it to 20 is that's an hour worth of testimony and we can't do that. I was thinking if there were a few that would like to speak for the group, we could probably, you know, take three or four on each side and try to do that and then we can let everybody go before we have dinner dinner. You want to try and do that?

>> Yes, sir, we can do that.

>> Houston: How many are against it? I haven't pulled my speakers list.

>> Mayor Adler: Is Jane Rivera here?

>> Houston: Right there.

>> Mayor Adler: So Jane is here and wishes to speak against it.

[5:44:29 PM]

Is Fred Mcgee, Mr. Mcgee here? So there's only one person signed up to speak against it who is here.

>> Casar: Mayor?

>> Mayor Adler: Yes.

>> Casar: Just so I double-check, though, with councilmember Houston and Ms. Blanco, though, we could take 20 speakers but it would just be after dinner.

>> Mayor Adler: Yeah, in a.

>> Casar: To clarify that. I'm not saying we do it one way or the other. I'm happy to listen through all of that. It would have to be after dinner and that's kind of up to everybody out there. It just sounded like we were saying we couldn't take those 20. We can and if that's what you all want, I think that's what we would do after dinner.

>> Mayor Adler: Absolutely we would. If I said anything that sounded any different than what you just said --

>> Casar: I know what you meant. I've got your back.

[ Laughter ]

>> Mayor Adler: Thank you. Councilmember alter.

>> Alter: I'm pleased the proclamations that were welcoming a group of students from koblenz, our sister city but there's probably 35 students who I don't know if they have an extra hour to wait for the proclamation. I don't know how they're getting home from here and other stuff. So --

>> Mayor Adler: Say that again?

>> Alter: So during proclamations we're providing each of these students from koblenz with a proclamation and you'll see many of the students in the back of the room. I don't know what their travel arrangements are or their ability if rosewood takes an hour.

>> Mayor Adler: Rosewood won't take an hour. We're talking about taking a couple people on each side.

>> Alter: Okay.

>> Mayor Adler: Does that work? Okay.

>> Yes, mayor.

>> Mayor Adler: Let's call up rosewood. You want to lay that out for us? We'll take two, maybe three people on each side.

>> Mayor, my only concern is -- we did set it for 6:00 time certain. So if you would -- I guess if you'd like to start taking testimony --

>> Mayor Adler: In fact we said we would take testimony before then, just wouldn't decide before 6:00. We will not decide this before 6:00. Does staff want to lay this out for us?

[5:46:33 PM]

>> One second, mayor.

>> Mayor Adler: Okay.

>> Good evening, mayor, councilmembers, Steve Sadowsky, historic preservation office, planning and zoning department. The case before y'all this evening is historic zoning for rosewood courts and I want

to start by laying out the background of public housing and how this all fits into the proposal that stakeholders, the city, haca preservation groups all worked toward for two years to reach a compromise on this case. Before I get started with that I would like to recognize Dr. Fred Mcgee. His scholarly research on the subject has been invaluable in understanding the history and the context of rosewood courts and public housing in the United States.

>> Mayor Adler: To be clear, Mr. Mistake geoarrives after -- if Mr. Mcgee arrives after 6:00, we'll be recognized to speak. Please continue.

>> Thank you. So at the end of the 19th century, there was no such thing as public housing. People who didn't have money lived in slums and continued until the 1930s. In the late 19th century Jane Adams established a settlement house for low-income families and that began the philosophy on how to deal with slum dwellers and incorporate them back into society as productive citizens. So Ms. Adams had her settlement house in Chicago where people came, learned how to -- learned skills, learned how to associate. They had a job bureau there so people could get jobs. And this was a great way for the people of the low-income neighborhood in Chicago to incorporate themselves into society. That worked very well. And then we get to the 1930s, and the situation is yet again at a crisis.

[5:48:40 PM]

And in 1933, Lyndon baines Johnson walked around the slums of Austin appalled by what he saw, saw people living in tents, no electrician, no running water, no shelter from the elements and he wrote up a report and it was through Johnson's efforts in lobbying president Roosevelt, Franklin Roosevelt, that the federal government started taking an active stand in providing public housing. Understand this was a brand-new concept. Up until this time, if you were portion you were on your own. There was no way for the government to provide housing or other necessities for you. So in 1937, president Roosevelt signed the united States housing act, and that established the united States housing authority, which provided 90% of construction costs to eligible local housing authorities. At that same time, two days before Christmas of 1937, Lyndon Johnson came to the Austin city council, had them establish the Austin housing authority, and then Austin became the first city in the country to apply for United States housing authority funds. They were looking at three separate housing projects, rosewood courts for African-American Americans, calmer courts for Ang below residents and Santa Rita for residents of mexican-american dissent. This was the norm at the time where segregation was the norm. The city received funding and became the first city in the country to establish public housing. Rosewood courts, it is the first housing project for African-Americans in the country and it was not without resistance because people were afraid if the slums were eradicated the slum dwellers would move other places and the crime and the disease and the poverty would just follow them throughout the city.

[5:50:44 PM]

There were also, as far as the African-American and hispanic American public housing projects there was a little bit of resistance among some below residents of Austin because they didn't feel public money should be used for people of color. Between Lyndon Johnson and E.H. Perry, the chair of the Austin housing authority, made a radio address and sold the city council and the city population on establishing public housing. This was very important because it was to live up to the American dream. These were not just slums that were taking the place of old slums. The whole idea here was to establish safe, clean housing for people in order to inspire them to elevate themselves out of their poverty and become productive citizens. So they hired

[indiscernible] Southerland, prominent local architecture tutorial and engineering firm to design rosewood courts, and they hired a landscape architect. Not only did they want to emulate middle class housing in this public housing project in its architecture and its style but also its placement on the site so that all of these buildings had front and backyards. People could feel the opportunity of living in something other than a hutle and it was very clean, all these units were established -- were constructed with gas heaters, indoor plumbing, everything that most of the people who moved in here did not have in past. Now, the international style was very new at that time, and it was very cutting edge. This is a 1954 photograph, but it shows you what these buildings look like. They were long and low, first ones were all one story, flat roofs, large window to allow natural sunlight into the apartments and they were set on the land to emulate front and backyards.

[5:52:59 PM]

This allowed for the residents to have social contact with each other as opposed to -- I mean, think of later housing projects that were all high-rise, where that opportunity was completely foreclosed simply by the architecture. So the architecture of rosewood courts was very, very important and it lasted for many, many years. 1939 rosewood opened to the first residents and then in 1941 the city received an additional amount of money and added more buildings to rosewood courts and these were generally two-story and they were still on the international -- in the international style. Now, when we look at what rosewood looks like today, the architecture of the statute site has been compromised. It doesn't compromise the incredible importance of this site and the community value, but the architecture has been compromised. So we came to a point that we had to decide what to do with rosewood courts. It was deteriorating badly, and this is a public housing project. The whole idea behind public housing is to create safe, clean homes for the residents, and rosewood was not functioning as that anymore. So many people got together, preservation advocates, paca representatives, city representatives, residents of rosewood, all these stakeholders got together and worked out a compromise that in staff's mind balances the needs for historic preservation commemorating the history of this site along with progress and providing the reason that rosewood exists, to provide safe, clean public housing. So the compromise reached was to preserve eight buildings. And these eight buildings are on the southwest corner of the site, along chicone street and preserve eight of the original buildings on the street.

[5:55:05 PM]

The compromise worked out with the preservation plan is to restore these buildings to their 1939 appearance on the exterior while still providing modern units for residents on the inside. The spatial placement of the buildings is also being preserved, so you can see by this Orange trapezoid here what is proposed for preservation and how these buildings are laid out. This has the most public view of the public housing project as it stands right now. And in staff's mind this compromise that was reached over several years strikes the correct balance between preservation and the commemoration of the history, recognizing the community value of this project and also allowing the Austin housing authority to move forward with its plans to follow their goal and provide clean and safe housing for the residents of rosewood. So I'm happy to answer any questions for you. Oh, I do want to add this was staff's recommendation. It was also recommended unanimously by the historic landmark commission and planning commission.

>> Mayor Adler: Thank you very much.

>> Yes, sir.

>> Mayor Adler: Let's call public speakers. Mr. Gerber?

>> Good evening, mayor Adler, councilmembers, Mr. Cronk, Mike Gerber, president of the housing authority of the city of Austin and on behalf of haca our resident leaders who are here tonight and many key community leaders assembled we stand abundantly in supporting councilmember Houston's request for zoning change at rosewood courts in east Austin. This change has been vetted and recommended by your staff and was approved unanimously by the historic landmark commission and planning commission and in a nutshell this change takes an eight building area on the southwest corner of rosewood courts nearly one-third of the building of the site and changes the zoning from mf4mp to mf4 historic mp and this change reflects a sound compromise that represents historic zoning for the majority of the original phase of construction of rosewood courts.

[5:57:17 PM]

Built in an era of racial segregation rosewood courts was designated for African-American families. What was originally created to offer a better quality of life and has unfortunately become obsolete in desperate need of revitalization. What haca has done its best to maintain the site after 80 years rosewood courts simply reached the end of its life cycle. 2013-2015, [indiscernible] Creating a plan to transform the property and to bring additional resources to the surrounding neighborhood. The intensive community engagement effort involved multiple meetings and task force groups and open houses that offered any interested parties the chance to participate. Throughout the planning effort haca solidified and remains committed to three core commitments at rosewood courts, to our residents and the broader community. First, haca will fully replace all 124 public housing units at the rosewood courts site. Two, haca will preserve rosewood courts unique history, three, guarantee the first right of return for every rosewood courts resident, holding on to the community and keeping it together is a key part of this and that's why that right of first return is essential. The planning process culminated in a

proposed site concept consisting of a six building zone -- for families at 60% fmfi and below. There would be a first time home buyer component for qualified families through our community land trust. In the spring of the spring of 2016 at the request of councilmember Houston, haca began a productive partnership with Austin's community to revisit the historic preservation piece. Throughout this they came to agreement' eight buildings. We selected eight that have more visibility and more prominence on a major thoroughfare. We also have a matter of principles that you have. Haca is looking to follow that's principles that will guide the rehab of these new buildings and also construction at the site.

[5:59:21 PM]

Through this proposed historic district and application of historical markers, we have the opportunity to tell the story of rosewood courts whereas today if you were to walk rosewood courts, you really wouldn't otherwise appreciate the significance of this important site. While we recognize the importance of honoring rosewood courts's history, I can't emphasize enough that housing authorities across the country are in tough financial times. We must continue to be responsible with the use of increasingly scarce public dollars to maintain and operate not only rosewood, but our 18 other public housing properties across Austin.

[Buzzer sounds] This has strong support throughout the community and we ask you to designate it with the historic zoning.

>> Mayor Adler: Thank you very much. Is Jean Rivera here? Mr. Rivera, you have donated time from Gilbert Rivera. So you will have five minutes.

>> Well, you will be pleased to know I'm not taking anywhere near that much time. Mr. Mayor and councilmembers I support the idea of having more low income housing on the site and some homeowner housing on the site and the newer proposals that have come forward. But I had agreed to give my time to Dr. Fred Mcghee because of the fact that I also support the need for us to understand the full historical impetus and importance of the property. So that's my presentation.

>> Mayor Adler: Thank you very much. Mr. Gerber, somebody else from the -- from the neighborhood?

>> Do I have three minutes?

>> Yes. I'm Laura tops Tooms with urban design roots. When councilmember Houston asked me, I was happy to help. In more than 30 years as a civil engineer and planner in this city, it distresses me when I see good projects that sit in a state of inaction due to disagreements, true and sometimes unfounded fears, turf wars and the complexity of bureaucracy.

[6:01:26 PM]

As this council knows, it requires listening, collaboration and many times compromise to get the very best projects. At our first public meeting in April of 2016 I listened to a roomful of people that were

extremely passionate about rosewood courts. There were preservationists who talked about how and why preservation should occur. Interested neighbors and then there were the residents. The people whose home we were talking about. And we heard about the good things in their community and we heard about bad things. And we heard about a lot of confusion and frustration about what was going to happen to them and when. A volunteer group was created with representatives from preservation Austin, mid Texas mod, neighborhood representative and haca, and we sat down to work and dive into development strategies that could respond to what we heard at that public meeting. The group worked out an approach which all could support and resulted in the preservation principles that are included in our packets. Your vote tonight is not only about honoring history and allowing our housing authority to move forward. It's about all of us fulfilling our human Terri responsibility to improve the lives of our citizens at rosewood and to create even more opportunities. During a tour of the facility, three of the people I met talked about the units were like being in a jail cell. One was talking about her mother who in the 50s had told her it was like that. And two were residents who were speaking from their own experience. So today I come to you with pride about our housing authority, the district council office and volunteer professionals that sat at a table with commitment and dedication so that today you can vote yes. You can vote yes to a compromise that honors and celebrates what's great about rosewood, its community and its historical past, so that we never forget from where we have come.

[6:03:39 PM]

But you also get to vote yes about the future. And a yes about moving forward and to the creation of increased opportunity for housing and home ownership and yes to the future of the returning residents and a new generation of the rosewood courts community. Please vote yes. Thank you.

[Buzzer sounds]

[Applause].

>> Mayor Adler: Mr. Mcghee? Mr. Mcghee, you have donated time. You have five minutes.

>> Five minutes. Oooh, I'll have to speak fast. I can't get six minutes?

>> I'll give seven minutes because Mr. King just donated time.

>> I need six minutes because I timed this thing.

>> Man, traffic in this town is -- woo, boy. This vote is a foregone conclusion so this is mainly for the record. So I would like to begin my remarks with a question. How many people in Austin, including residents of rosewood courts, would like to live in a brand new apartment over at the lions menu golf course? That golf course sits on public land owned by the university of Texas. Affordable and non-sprawl housing constructed there would also affirmatively further our fair housing goals by desegregating an area of our city that was originally set aside for exclusive use by white people. But chances are we're never going to find out because you all decided that that golf course was too historic. You all decided that its black history was so important that disturbing one blade of grass would diminish its historic integrity. Meanwhile at rosewood courts, the most important black history site in Austin, you are about



to sanction the privatization and marketization of truly affordable rent-controlled housing that has participated in our nation's public housing program for nearly 80 years.

[6:05:52 PM]

Under some theory that because the doors and windows have been changed due to bad maintenance by the housing authority that the buildings have somehow lost their ability to convey their historical significance. Have you been following this debate? Have you been following some of the self-important preening and self-congratulation that has accompanied it? Ladies and gentlemen, I smell something in the air and it's not just this allergy stuff that we have going on right now, which is really bad. It's hypocrisy. 12 years ago I fte with former haca director to nominate our city's public housing to the national register of historic places. Since that time I've strived to avoid making this discussion personal. I've kept my focus on the law. What our nation's body of historic preservation and environmental laws, most of which were enacted by Lyndon baines Johnson, required. Instead of thanking a private citizen who has devoted thousands of hours on a thankless cause that should have been addressed years ago, the housing authority and others have instead chosen to engage in a campaign of taxpayer funded personal vilification. I have been labeled obstructionist and unreasonable. My scholarship has been impugned and I've been sent threatening letters by haca's lawyers, warning me to stay away from residents under pain of arrest. I have been invited to one meeting by the housing authority. After that meeting in the elevator a high-ranking haca official whose name I will not mention, actually threatened me with physical violence. You want to know how I responded? I said, you're too small to mess with me, although I didn't use the word mess. It begins with an F and ends with a K.

[6:07:53 PM]

I guess that makes me unreasonable. So the bullying, do you know what else I spelled smelled? Some projection. I grew up poor. As a child I had to steal food to survive. Both of my parents have been to jail, one of them charged with murder, facing life in prison. Everything that I have accomplished, and I have accomplished much, is because of public, not private institutions, that assisted me along the way. Accusing someone like me of being a gentrifying pretender who could not possibly understand the insufferable conditions public housing residents have to face is an act of ignorance and calumny that shows the true character lying at the Austin's complex and vital public institutions. It is not unreasonable to insist that public housing residents, already poor and vulnerable, be treated with respect and that all options presented to them and that the benevolent pattern I will of Austin's version of the white man burden not be carried forward. Laws and procedures should be done fair and clearly for white history as well as black history. It is not unreasonable to insist that the deceptive claims of the housing authority be fact checked and that the ample available evidence that has emerged from public housing redevelopment in other cities be placed into evidence and utilized for public policy decision makes in Austin. Finally, it is not unreasonable to envision a properly revitalized rosewood courts, one built to the housing standard that combines the best of the history embodied by our nation's public housing

program, with the universally acknowledged mandate to revitalize our environment, not just the transportation sector. Ladies and gentlemen of the city council, there will be applause after your vote. I, however, will not be among those applauding.

[6:09:56 PM]

I will mourn as I watch the city that we all love, that is the creation of Franklin Roosevelt and Lyndon Johnson liberalism continue its descent further down the bottomless pit that is Neal liberalism. There is always an alternative and you haven't even allowed it to come to public consciousness, much less allowed it to be discussed on its merits. Finally I would like to say

this: This isn't the end, it's just the end of the beginning. The truth is on my side. At some point it will assert itself as will the righteousness of this cause, which I will continue to pursue, alone, if necessary. And I'm not going anywhere. Thank you very much for your attention.

[Buzzer sounds]

>> Mayor Adler: Thank you.

[Applause]. Is there a last speaker on the haca side? A last speaker for the neighborhood? Sir.

>> Hi, my name is Steve Witcher, thank you for allowing me to address you. I know most of you and some of you I've actually seen on the rosewood property when we've talked about this before. I am a resident there. I'm the vice-president of the resident council. I'm thankful I have a roof over my head. I was homeless for two years. But I'm even more thankful that haca and a lot of the people that opposed us completely when we started this process back in 2012 agree with the reserve 8 and let us create better for the people that live there. Our apartments, the majority of the electricity runs through conduit on the walls, two bricks thick, concrete wall buildings.

[6:11:56 PM]

No insulation. My kitchen from the counter to the refrigerator, 45 inches. It's a tiny kitchen. When I start baking, and I do a lot of baking, the temperature in my kitchen can get to as high as 125 degrees. Because there is no circulation. I have a heater, furnace in my living room. If we have a cold winter, which we don't often, I have to move into the living room to live. And until a friend gave me a second air conditioner, I had to basically live in my bedroom during the summer. It is time, past time and even Ibj would agree with us on this, to move to better living conditions for the people at rosewood. History is a lot more than brick and mortar. We want to preserve the eight buildings and actually recognize the history, also recognize the history of emancipation park because that was the land that was taken by the government to build rosewood. But we also want to make history for the people currently living there and the families that will be living there 100 years from now. You have to let us -- I'm sorry, you really do have to let us move forward. The possibility of having more units for the underserved in this city is a

must. If we just renovate the inside of the buildings we lose units. We can't afford that. The waiting list is like 3,000 people for haca, so we need your help so that we can actually do something for the community, for the people at rosewood and for the people that will be here way after I'm dead. And I appreciate your help on this and I hope you will vote yes.

[6:13:59 PM]

Thank you.

>> Mayor Adler: Thank you. Ms. Houston, do you want to make a motion?

>> Houston: Yes, mayor. I would like to recommend that we move, adopt staff recommendation for eight units preservation and all the other things that people have said that I don't need to repeat.

>> Mayor Adler: Thank you. Ms. Houston moves adoption of item number 89. Mr. Renteria seconds that motion. Any discussion on the dais?

>> Mayor, if I could have a clarification. That's to close the public hearing and to approve on all three readings.

>> Mayor Adler: Yes.

>> Houston: Thank you, sir.

>> Mayor Adler: Any discussion on the dais? All those in favor please raise your hand? Those opposed? It's unanimous on the dais with councilmembers pool and troxclair absent.

[Cheers and applause] All right. Council, it is 6:14. We're going to take a break now and do the proclamations and the special music. Do I do this now or do we take the break and then go like we normally do stop? We have special music today associated with the distinguished service award for Bob. In that case this meeting at 6:15 is being recessed for the purpose of doing the proclamations and music.

[6:16:05 PM]

Okay.

[6:18:43 PM]

>> Mayor Adler: Do we have a microphone here? All right. Could I have everybody's attention, please? You know, it is -- we are the city council of the live music capitol of the world and what that means in part is that at every one of our city council meetings we always have music. And if you've been with us

before this council meeting over the last three or four or 10 hours, you know why it is so important that we have music, but I notice that the agenda indicated that there was no live music tonight, which is an incredibly sad prospect, but the -- but given the momentous occasion that we are participating in this evening, the clerk has assured me that we will in fact have a musical group here to celebrate with Bob tonight. Please welcome the Austin ukelele society.

[Applause].

[♪Music♪].

[6:21:15 PM]

[Singing on the road again].

[ Music ]

[ Music ]

[6:23:25 PM]

[Applause].

>> So Bob, why don't you come on over here. It is hard to actually put a surprise in the agenda when you're surprising someone in the clerk's office.

>> And I'm surprised.

[Laughter].

>> Mayor Adler: It's probably an open meetings go to jail together on that one. So Bob, we have a city of Austin distinguished service award. Bob has been the heart of innovation and excellence within the city clerk's office for 19 years. Providing the office with his wisdom and insight and unparalleled mentorship, and Bob has never failed to lose his passion or his curiosity. Be it in his work at the clerk's office or his love of the ukelele and his untiring devotion to the Austin ukelele society. The great musician Elvis Costello once said happiness is not a fortune in a bookie. It is deeper and wider and funnier and more transporting than that. Our office, and the city wishes Bob the deepest, widest, funniest and most transporting version of happiness that awaits him as he pursues his musical passions. Bob Guz is deserving of public acclaim and recognition and this certificate is presented in acknowledgment and appreciation thereafter this 22nd day of March in the year 2018, signed by the city council of Austin, Texas, Steve Adler, mayor. Congratulations.

[6:25:32 PM]

[Applause].

>> Thank you, mayor. I certainly am surprised. Actually, I think this is more ukeleles than is allowed by state law to be in the same room at the same time.

[Laughter]. Although if you've ever seen any of our full use ukelele society meetings where we have 100 or 200 players at one time, check it out on YouTube. I will be brief because I know time is short, but I just want to express my extreme gratitude and say what an honor it has been to be an employee of the city of Austin for all this time. This is by a wide margin the longest part of my working career and I've always been proud to say that I work for the city and that I look for the city clerk's office. It is a testament to the people that I've been able to work with all this time, and the quality of the problems that there are to solve. There's no shortage of problems that needs solving and they're always interesting challenging, sometimes intractable, but always there, and I especially want to thank Jannette good educational. I think I'm one of the few city employees of long-standing who can say that I've had the same manager for the entire time that I've been with the city. And so I want to express my gratitude and tell Janet Goodall, our city clerk, what a pleasure it has been working for her. I have always felt supported by her in all of my crazy ideas about how we might enhance our presence to the public, how we might get data and information out to the public more effectively. So it's been a terrific experience and a profound pleasure and honor to work for the city. Thank you so much.

[Applause].

[6:28:20 PM]

[Applause].

>> Houston: Good afternoon. My name is councilmember Ora Houston and it's my pleasure to serve the good people of district 1. This is national public health week and I have a resolution, a proclamation to read. Please come up really quickly, Austin public health, director Stephanie Hayden, come on up. We're already behind.

[Laughter]. Of course, of course. Proclamation. Be it known that whereas national public health week brings communities together to build a diverse national wide movement toward greater health to give everyone the opportunity to live a long, healthy life and to make America the healthiest nation in one generation. And whereas public health workers strive everyday to enhance the health and well-being of all our citizens in our community by preventing disease, protecting our environment, preparing for emergencies and reducing the incidence of communicable and chronic diseases. And whereas Austin public health focuses on removing barriers to reduce health disparities that often put good health and longevity out of the reach for so many in our community. Now therefore on behalf of mayor Steve Adler, mayor of the city of Austin, Texas, we proclaim April 2nd through 8th, 2018 as public health week in Austin, Texas.

[6:30:27 PM]

And here to accept the proclamation is director Stephanie Hayden.

[Applause].

>> Good evening. We would like to thank you for the opportunity to accept this proclamation. Public health is important to all of us, and as we look and reflect around the room, we feel very supported because we have some true partners that have really, really been side by side with us along the way to really improve health outcomes in their community, but in greater Austin. When you think about public health, I want you to always think about prevent, promote, protect, but I also want you to think about partnership because we cannot do this work alone. National public health week will be celebrated across the nation. And Austin public health department has a team of folks that are working 365 days out of the year, even on holidays. And some people don't recognize that we work everyday. And we are here to prevent and promote health, but we're also here to protect our community. Again, I thank you very much. I'm Stephanie Hayden, the director of Austin public health, and it is a pleasure to serve you. Thank you.

[Applause].

[6:34:12 PM]

>> Mayor Adler:... To be up here to participate in our recognition of the 90th anniversary of the 1928 plan.

>> Come on everyone. Oh, sorry.

>> Mayor Adler: Ms. Houston, do you want to stand up here with me? So I'm going to read this proclamation about the 1928 plan, which is something that I thought that I knew a lot about, but I want to read this and then I'm going to present this to someone who taught me what this plan really means.

Proclamation: Be it known that whereas the 1928 city plan was designed to segregate and coerce Negro residents to relocate to the Negro district, leaving behind their homes, businesses, property and wealth. And whereas the Negro district was intentionally created by the city council of Austin to force negroes and Mexicans who lived in other parts of Austin to move to the Negro district, and the effects are apparent in the racial and economic disparities found in east Austin today.

[6:36:21 PM]

And whereas we must recognize and remember the times when the city was mistaken so that the wrongs of the past are not repeated and we remain vigilant, aggressive and deliberate in remedying the

past harms. And whereas today marks the 90th anniversary of the approval of the 1928 city plan which set in place a system of racial and social inequities in Austin for generations. Now therefore I, Steve Adler, mayor of the city of Austin, Texas on behalf of my colleagues on the city council do hereby recognize March 22nd of the year 2018 as the 90th anniversary of the 1928 plan. Ms. Houston.

>> Houston: I accept this proclamation in recognition of this milestone in our history. On behalf of all the community, the representatives of the community here behind me. Thank you so much for coming tonight. Thank you.

[Applause].

[6:40:36 PM]

>> Mayor Adler: Members of koblenz you need to come up now. Let's bring up the students.

>> Mayor Adler: All right. So we're going to have some presentations here -- we're going to have some presentations here that relate to the austin-koblenz student exchange that went on. We have two teachers that we want to recognize and then the students that participated and their families. This is a fun one to do. I've been to koblenz and it is beautiful in the valley. So -- but first let's do the students last. We have two teachers, Aja Mueller and crystal tzlinski.

[6:42:45 PM]

>> Yes.

>> Mayor Adler: So we have city of Austin certificates of appreciation for your support of the koblenz-austin student exchanges. And for that you are deserving of public acclaim and recognition. These certificates issued in appreciation of your assistance in strengthening the ties between Austin and our sister city koblenz this 22nd day of March in the year 2018 signed by the city council in Austin, Texas.

[Applause]. All right. I guess the families are out here, is that right? Okay. I'm going to recognize the families because I'm going to do the kids last. This is some family hosts. Morgan, Bridget, Eva, sena, Thomas, Taylor, Jake, Maria, Cale, Kelsey, Connor, Shelby, Daniel, Anna, myria, Riley, Braden, Matthew, Tessa, Ali, Pascal Tessa, Ali, Pascal and Gia. Certificates of appreciation because through the generosity and the -- and hospitality extended to our visitors from koblenz, Germany during their stay, each of you have rendered valuable and distinguished service to the city of Austin, Texas. So this certificate is issued in appreciation of that assistance in strengthening the ties between Austin and our sister city koblenz, presented this 22nd day of March of the year 2018 by the city council of Austin, Texas.

[6:45:03 PM]

Thank you very much.

[Applause]. We have one for each of you that we'll hand out here in just a second to you. But the important one here that is -- that we are issuing is honorary citizenship in the city of Austin, Texas. So the city council today proudly confers the title of honorary steno this 22nd day of March in the year 2018, and I'm going to try with these names. To finia birch. To Maki Bohm. Aleia boncourt. Lucy burnburger. Ruben burnburger. Gina, Franz, Leah, line. Alana, [indiscernible]. Ulena. Maxim, [indiscernible]. Melea, Leah, Helena. Finn. Leah, uelea, Lena. Linchi.

[Applause].

[6:47:20 PM]

>> Yeah. So dear Mr. Adler, dear members of the city council, when I prepared this speech at home I thought about what to say and how to thank the mayor and the council of a city I've never seen before. But now as I am here I can finally put my impressions into words because I think that this exchange is a great opportunity for students that are interested in the American culture as well as in its language and people. It's exciting to live in a host family and experience the everyday life that is so different from what you know from home. Getting to know the history of Austin is interesting, at least because of the varied program. Exchanges can only take place if there are two partners that are willing to keep this program up. And so we thank the city of Austin to give us the possibility to be a part of it. The fact that since 27 years the exchange still attracts so many students just supports what I've said before, this partnership is a great organization that is worth to be kept up. So I want to take the chance to also thank the Anderson high school and Murchison middle school as our host schools and Mrs. Julia learner and Mrs. Lisa falcon that organized all that for us. And I think I can speak for all of us when I say it's a great honor to be here. So thank you all for making that possible.

[Applause].

>> Mayor Adler: Did one of the teachers want to say something? No?

[Laughter]. Then let's take some pictures with all these Austin citizens.

[6:50:12 PM]

>> Mayor Adler: Do the families want to come on up?

>> Come on guys.

[Applause].



[6:53:12 PM]

>> Mayor Adler: All right. We have one more, one more proclamation. Be it known that whereas this year we commemorate the 50th anniversary of the signing of the fair housing act of 1968. And its amendment in 1988. To provide safe and affordable housing as part of the American dream and opened that possibility to everyone regardless of race, color, sex, national origin, religion, disability or familial status. And whereas the city of Austin is dedicated to being the best managed city and likewise dedicated to ensuring that all citizens receive equal treatment when buying or renting a home. And whereas we encourage everyone to recognize the importance of fair housing practices and to continue to work to change attitudes and remove barriers that limit access and choice. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, together with Pio Renteria and our colleagues on the council, do hereby proclaim April of 2018 as fair housing month.

[Applause].

>> Thank you very much. Good evening. April is the 50th anniversary of the signing of the fair housing act. And in commemoration of this landmark legislation, the city of Austin will host a fair housing summit. I would like to thank the mayor, Pio Renteria, councilmember, and also I'd like to thank our assistant city manager mark Washington for their support in affirmatively furthering fair housing in our city.

[6:55:15 PM]

The summit will commence on April 2nd through the fifth at the Austin convention center center. The summit will celebrate the impact of the fair housing act over the last 50 years. Take a hard look at the barriers to fair housing that still remain and share best practices to affirmatively further fair housing moving forward. We will have educational engagement by some of the country's most renowned fair housing experts and a trade show that will be open to the public. Please visit our website and register for the summit at [austinfairhousingsummit.com](http://austinfairhousingsummit.com). We will also have as our opening keynote the honorable Julian Castro, the 16th secretary of housing and urban development who will give the opening address. We will also welcome to our city the current assistant secretary of hud, Anna Maria ferias and many other distinguished guests. Thank you so much. And we look forward to seeing you April 2nd through the 5th.

[Applause].

>> Thank you, Gail. I'd like to introduce myself, Rosie truelove, director of neighborhood housing and community development for the city of Austin. When Lyndon Johnson, president, signed the ground breaking fair housing act of 1968 our nation committed itself to rejecting discriminatory housing practices. We instead dedicated ourselves to protecting the rights of people regardless of race, religion, sex, national origin, disability or familial status. In the five decades since we have advanced diverse and inclusive communities. However, we must recognize that much works needs to be done. Some communities remain segregated by race and class due to social and economic factors, require that they

continue to work to address these issues with effective community partnerships and public policies at the local state and federal levels.

[6:57:28 PM]

Working to find solutions is essentially, P. No city is better positioned to have this discussion than Austin, where the commitment to fair housing and affordable housing solutions has been a priority for the mayor and city council. The city of Austin has been selected as one of the nine cities for policy links all-in cities anti-displacement policy network which seems to develop a comprehensive anti-displacement policy agenda. Ideas from this network could help to address barriers to fair housing. We at the city, especially neighborhood and housing community development, proudly continue to dedicate ourselves to protecting the rights of all people. Thank you.

[ Applause ]

[7:06:06 PM]

[ Recess ]

[7:36:15 PM]

>> Mayor Adler: all right, council. It is 7:36. We're going to gavel us back into -- we'll pick this back up. Let's see what we have that we can move quickly through.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes.

>> Kitchen: I have resolved my questions about 93.

>> Mayor Adler: You have?

>> Kitchen: Yes.

>> Mayor Adler: All right.

>> Kitchen: I don't have anymore questions about it.

>> Mayor Adler: About 93. I thought we'd -- we did 93. I think you had questions on 96. Didn't we --

>> Kitchen: We didn't do 93.

>> Mayor Adler: We didn't? Just in case we didn't, does someone want to move passage of item number 93? You want to --

>> [Off mic]

>> Mayor Adler: I'm sorry? Yes. I'm not showing 93 on my list of speaker --

>> Kitchen: Okay. Maybe I'm wrong. I thought we had waited.

>> Mayor Adler: Did we pass 93 or not? I'm not showing any speakers signed up on it. Are there any speakers signed up on 93? No. Okay. So what's the 102nd layout of item 93? 10-second layout of 93?

>> Good evening, mayor, councilmembers, 93 is a public hearing and

[indiscernible] Texas parks and wildlife code, Alex Gail with the office of real estate services. The request is by Austin water utility department for the 49,184 square feet of permanent wastewater line and 22,024 square feet of temporary staging area use.

[7:38:16 PM]

The legal fact finding for this item is that there's no feasible and prudent alternative to the use dedicated parkland which includes all reasonable planning to minimize harm to the land, dates of public notification in the "Austin american-statesman" were February 25, March 4 and 11, 2018. Mayor, that concludes the presentation.

>> Mayor Adler: Is there a motion to approval item 93? I need a motion. Councilmember kitchen makes the motion. Councilmember Renteria seconds it. There are no people signed up to speak. So this is a motion to approve it and close the public hearing ? Any discussion in those in favor please raise your hand. Those opposed. Unanimous with councilmembers pool and troxclair off the dais. That's good. What about nine -- I guess that's -- 94, but have we handled 94? Yes, we handled 94.

>> Houston: We did that one.

>> Mayor Adler: 95 and 96 we have and we have people for that. What about 62 -- what was that? 61, the setting the tif amount is there a motion to approve item 61, setting the tif amount for the homestead preservation in district 1. Mr. Renteria makes that motion. Is there a second to that? Councilmember Garza seconds that. We have some people that are signed up to speak. Does Gus Pena want to speak? What about David king? Does David king want to speak on this? He's fine. Do we want to hear from staff or are we ready to vote?

>> Alter: Mayor, I want to clarify we're not actually setting the tif. We're just getting scenarios back on that.

[7:40:17 PM]

>> Mayor Adler: We're just setting it for --

>> Alter: We're -- it's a resolution from our housing and planning committee that asks for scenarios back.

>> Mayor Adler: For scenarios, got it.

>> Houston: Mayor, can we hear from the staff?

>> Tovo: Quick question, I may have missed it but I didn't see a report back dated from staff. Which is always preferable.

>> Mayor Adler: Councilmember Casar.

>> Casar: If there's ever a report back date, I want to hear from staff generally when they think they could get it back. The idea would be they'd present those scenarios and I think four escrow sponsors would bring an ordinance change to change the percentage number to get us a certain number of units.

>> Mandy Demaio, neighborhood housing and community development. We have been in discussion with budget office about creating different scenarios, and analyzing them. We think we can get back to you within 60 days.

>> Casar: Great.

>> Mayor Adler: It's been amended to be back in 60 days. Any objection to that amendment? Hearing none we've added that on. Did we make this motion yet?

>> Casar: I think Renteria, seconded by Garza. To clarify I think the process will be they'll probably send that to us in memo format and to actually change the tif I think it would be bring back a ordinance change to bring the 10% to whatever levels are proposed.

>> Mayor Adler: Got it. Ready to take a vote in those in favor please raise your hand, those opposed. Unanimous with troxclair and pool off the dais. That gets us to 61. Item 62, this is about the April 12 meeting. I think that -- councilmember alter, the question here is we want to make sure we don't set ourselves up in a position where we're filing motions for reconsideration following that meeting. In order to be able to avoid motions for reconsideration, we need to know that there's not going to be action that people try to take when there's only seven people there that either kills something or approves something if it looks like it's in any way controversial.

[7:42:26 PM]

The other way to do that is just not to hold the meeting or to not hold those items. It looked like that everybody was okay with postponing items in that event. Other than Mr. Flannigan, who wanted to hold out and councilmember alter, I think you were saying you wanted to see what they were, and you're fine. Okay. That's the case then I don't think we call this item up and don't postpone the meeting. I'm not going to call item 62 because the meeting is already set. Okay. What about the hot historic preservation fund? Let's go back there and do number 8. Does someone want to make a motion on number 8? Mayor pro tem? Mayor pro tem moves approval. Seconded by Mr. Renteria. We have people

signed up to speak. Let me ask if they're here. Mr. King, do you want to speak on this? Okay. Come on down. Mike Canada is on deck.

>> Thank you, mayor, mayor pro tem, councilmembers. I just want -- I think this is an important item and I just want to try to make sure we have as many money going into actual preservation of these historic sites and -- but it sounds like a significant amount is going to be spent on the way-finding service, routing service, and, you know, I know that folks need to find these historic sites so I understand it's important to do that but, you know, I think it's important to get these sites preserved so that when folks do come to visit then they're there for them to see and enjoy. And the other thing I would suggest is that we do everything we can to increase the amount of hotel tax collection.

[7:44:29 PM]

One of those strategies that I think would help us is to do an audit of the short-term rental hotel occupancy tax to make sure we're collecting all the taxes that should be collected through short-term rentals. And one of the things that I think would help us there is to require the hosting platforms, including home away, air bnb and vbro to collect tax for short-term rental listings in Austin and remit those taxes to the office and allow the city of Austin to audit the details to verify that those hosts that are paying those taxes are actually registered with the city. I think it gives us double benefits. We can get more hotel occupancy tax revenues, I believe, and we can get more unregistered hosts to actually register with the city. So thank you for listening to my comments and thank you for your service to our city.

>> Mayor Adler: Thank you, Mr. King. Is Mike Canada here? What did Sharon Blithe? Those are all the speakers we've had. There's been a motion and second on this. Any discussion?

>> Kitchen: I have questions. Oops, sorry.

>> Mayor Adler: Councilmember Kitchen.

>> Kitchen: I think I have questions for staff. And this has to do with the item related to the citywide historic building scan. I have questions related to the scope of that.

>> Hi.

>> Mayor Adler: Hi.

>> Kitchen: Okay. My question is, first off, I appreciate you turning around the memo as quickly as you did and so I just have a quick -- couple of follow-up questions. So attached to the memo is a couple of maps.

>> Correct.

>> Kitchen: What I'm trying to -- I'm not understanding attachment a.

[7:46:32 PM]

I'm wanting to understand if attachment a -- I think it's listing all of the 45-plus-year-old buildings but I'm not sure which area is going to be within the scope of this study. So --

>> I think if you look at attachment B.

>> Kitchen: Okay.

>> B1 and b2, you're taking a look at the areas.

>> Kitchen: Okay.

>> Attachment a actually does cover the entire city. I think we wanted to -- I think there was a little bit of -- a question about how much of the city, you know, has these types of structures. In the memo my staff came back, it looks like there's about 43% of the 45-plus-year-old buildings were within the half mile of the tourist areas but the survey areas are in b1 and b2.

>> Kitchen: Okay. Well, then, I'd like to propose a change to the scope of the survey. Because the half -- as far as I can tell, the half mile -- within a half mile of the tourist and lodging sites only covers -- doesn't cover sufficient area of the city, from my perspective, and so the change that I'm looking for is the scope -- the change to the scope of the citywide historic building scan. And I would take out surveying within a half mile. So I guess I need some guidance from you in terms of is there -- is it a resource issue that got it down to half a mile, or would you need additional resources to expand the area? That's what I'm trying to understand. So --

>> So it would take probably a little bit more resources to do that and I would probably need to work with I guess the budget office on creating those.

>> Kitchen: Okay.

>> I would say that there is a possibility of adding additional I guess land area in a future budget.

[7:48:33 PM]

But I would have to go back and probably come back with a -- at another day to get -- have that information and I could give you that would provide more certainty on what the staffing requirements might be to do a larger area.

>> Kitchen: Okay. So I'm not sure what the -- I don't want to hold this item up today, but I do want to ask that the scope of it be expanded. So I'm assuming -- I'm going to guess that perhaps I can make an amendment to this or I can give direction. I'm not sure which is the appropriate approach.

>> Leela fireside for the law department. I think the best thing is to give direction to staff and have them report back to you because this is just a budget amendment.

>> Kitchen: Okay.

>> Okay. To move the money from the historic fund into the different departments.

>> Kitchen: Okay. Mm-hmm. Okay. Well, then, I would like to give direction to staff, and I'm assuming that my colleagues are okay with this.

>> Tovo: I need to ask questions about it first.

>> Kitchen: I'll wait.

>> Tovo: Unless anybody else has a question first. I need to go back and ask staff to talk about why the -- the rationale for this. I guess I also need to be clear on are you suggesting we not do a study with -- we take out the measurement at all, so they're doing a survey of the entire city? I mean not -- without consideration for how close properties are to a historic site? I mean that would seem to expand it really considerably if we're looking at the entire city.

>> Kitchen: Okay. The scope is written. Again, just to be clear, I'm only talking about the one that says citywide historic building scan. I'm not talking about the survey that's the detailed historic building survey. So with regard to the citywide historic building scan, the scope as written surveys within a half mile of tourist and lodging sites, which includes -- which the estimate is that that will reach 43% of Austin's 45-plus-year-old properties.

[7:50:43 PM]

So less than half of the properties that might have some potential for being eligible for hot tax will be reviewed. So I'm -- I think that that is too small, particularly when you look at the geographic area that it covers. It's -- it doesn't get into -- if I'm leaving Meas -- reading these maps appropriate it's all north Austin -- so I just think that's too limited. I'm understanding from Mr. Guernsey he perhaps needs to consult with staff to see how much broader we should go. I'm not certain. I just think this is not representative of the city as a whole, and I think if we're going to use our hot tax money to survey -- to do an appropriate building scan we need to look at the city as a whole or much more of the city than just this.

>> And --

>> Mayor Adler: Mr. Guernsey?

>> I was going to say, this is a -- this is our first phase, so --

>> Kitchen: I know.

>> As there's money available we would look at additional areas and propose that in a future allocation.

>> Kitchen: Well, I understand that. But I'm not -- I would like this to be part of the first phase.

>> Mayor Adler: The question is is there something else you'd cut in order to be able to do this? I mean, if it's a question of cost, then what councilmember kitchen is saying is she'd like to have that maybe

there's something to cut in order to be able to raise the money in order to be able to do the broader survey here.

>> Kitchen: If it --

>> Mayor Adler: Council could choose between the two.

>> Kitchen: Well, we're also at a bit of a disadvantage. Mr. Guernsey rightly so doesn't know yet how much more it would take.

[7:52:45 PM]

Maybe -- I don't know how much more it would take so. . . I do know we didn't use the full amount of our dollars with what we've got here. The 5.2 is not the full amount. We have held some money in reserve.

>> Mayor Adler: I think that was to purchase the Negro school.

>> Kitchen: We do not know how much that is going to cost either.

>> Mayor Adler: Right multiply mayor pro tem.

>> Tovo: What I want to get clear on, so this -- I mean would we basically be asking them to scan the entire city without regard for how close sites are to the hotel? I'm not sure what -- I'm not sure what your scope looks like, survey the entire whole city?

>> Kitchen: Well, first off.

>> Tovo: After every 45 plus-year-old building?

>> Kitchen: There's a map here of all the 45-plus buildings. So -- I'm willing to cut it down some, but I think less than half that only looks at part of the city is not appropriate. So perhaps what we can do is ask staff to go back and revise this scope. First off it's not a requirement under the statute for it to be within a quarter mile. The requirement is that it be structures that tourists might visit, and the location of a -- I'm sorry, half mile. The location of a half mile is not indicative of whether or not someone might visit. So this leaves out historic property -- potentially historic properties in south Austin, east Austin and other parts of the city and I think it's appropriate that we start to look at them also.

>> Tovo: I don't disagree. I just -- I want to be sure what we spend our money on on this first phase is useful and I'm just not sure if they've -- if they've scoped it so that it's a half mile of tourist and lodging sites and they've indicated that phase two will include areas not eligible for survey.

[7:54:49 PM]



And this has been reviewed for the -- by the historic landmark commission. It's not clear to me if we give them relatively the same amount of money and ask them to do the whole entire city where they were doing a much smaller that we'll get back a good product. I think it would almost be better, which isn't my favorite option, but just to hold back the citywide expertise say pick a different area of the city. I just don't know -- I guess I don't -- I mean, it seemed to me that with a citywide historic survey they were kind of trying to do a smattering around the whole city quickly within -- and because they couldn't go street by street by street with the amount of money they were allocating they were trying to highlight spots that were within distance of the hotel -- hotel and lodging sites. And so I assume they were doing that because they felt like that would be the -- those would be -- would raise to the surface quickly the sites that might be eligible for hot funding. Because they were so close to hotels. And so, you know, I don't know if the geography was limited because we don't have notes all of our areas. I -- hotels in all of our areas. I assume that's part of what happened. Again I'd rather we did what we're doing well rather than cover an expanse that will get us back a lot of structures that may not be eligible.

>> Kitchen: Perhaps what we do, just to isolate out this item, vote on the rest of the items, and ask the staff to go back and relook at the scope and then we can vote on it separately. I mean, perhaps that's a potential.

>> Mayor Adler: Mr. Guernsey.

>> Thank you, mayor. I think what we can do is probably come back and give you an estimate of what phase two would be and then you'd see phase one and phase two. I think that might give you a more complete picture.

>> Kitchen: I would also like you to consider changing the scope of phase one and use a different criteria that perhaps show -- that will show us that other parts of the city are considered, too.

[7:56:50 PM]

>> Mayor Adler: Let's divide the question.

>> Kitchen: Okay.

>> Mayor Adler: Let's go ahead and vote on everything except for the citywide one and let's ask staff to come back and for whatever was designated as a cost of the citywide one, come back with exactly what it is you proposed here but in addition to that come back with an alternative that addresses councilmember kitchen's concern and come back with what phase two would look like so that we have that information.

>> Kitchen: Actually, it's -- I'm sorry, Mr. Mayor, I'm not understanding your direction. Come back with an alternative scope for phase one is what I'm asking for.

>> Mayor Adler: I'm saying come back -- yes, come back with exactly the phase one scope, come back with alternatives to the phase one scope, and come back and explaining to us what phase two is, staying within whatever the budget amount was that was allocated for this. Mayor pro tem.

>> Tovo: Yeah. I think I really need to hear from our historic staff about how they scoped this. I don't mind dividing the question but I'm not sure that I think it's appropriate for us to kind of rescope that. I know we're asking them to, but they have followed their best -- they have followed their best council and expertise in designing this scope, so at least I want to call them up to ask them why they've done -- why they've scoped it the way they did and our landmark commission reviewed it and suggested it as well so it would just -- before we table it and decide to send them off in a different direction I want to be reminded why they've proposed doing it this way.

>> Mayor Adler: Okay.

>> Mayor Adler: So for right now let's do this. Let's call the question and see what it is. If they are here we can hear from them and vote on it and move on to the next item. But because of that concern that I wanted them to come back with exactly what they had done there too.

>> Renteria: Mayor, and I also -- I don't believe that it's going to take the two million dollars that we have in reserve. I think there might be some money left over there also.

[7:58:50 PM]

I was hoping that we move quickly on the purchase of the property and see if there's some funds left over so that -- and if there is, that we should include it into the survey.

>> Mayor Adler: Okay. That might change too. So -- Ms. Houston.

>> Houston: The other thing, mayor, is my recommendation is that we remove the six state properties out of the 10 wayfinding projects and just focus on wayfinding that are for the city of Austin and let the state use their hotel occupancy tax to develop wayfinding. That would be some additional money there too.

>> Mayor Adler: Let's take these in order. The first one we're going to do is to divide out the citywide deal. And then the next vote we would take would be to divide out the ones -- to take out the one that Ms. Houston suggested. Yes, Mr. Flannigan.

>> Flannigan: I said this in work session. I said it to staff directly. But a lot of this frustration I think comes from only seeing one year's worth of effort, and if it were over even if it were clear over multiple years what expected revenues looked like, then there wouldn't necessarily be from the community this fear that if we don't get it in now that it's not going to happen because this isn't the same type of annual budgeting in and out situation like we normally see. This is a unique situation so the more we can provide a multi-year prospective, I think the easier it will be to understand for the community what it is we're actually deliberating.

>> Mayor Adler: Yes, councilmember alter.

>> Alter: So I have a question on the attachment B 2. This should be an easy one. I just wanted to know what the western border -- is that mopac?

>> The western border?

>> Alter: Yeah. It goes from Lamar along 35th street.

>> I think that is --

>> Alter: Is that mopac? You can tell me afterwards.

[8:00:51 PM]

>> I think that's mopac.

>> Alter: Thank you. And then I wanted to provide some direction of my colleagues -- if my colleagues are amenable. This is an ordinance so the items that I'm concerned about are not appropriate as amendments for the ordinance. I mentioned both of these in work session. I understand that staff did a valiant job of trying to come up with projects that were shovel ready and we had to create a process that would allow us to be able to spend money this year and I'm very excited that we have the opportunity to invest in our historic parks and preservation projects. I am, however, concerned moving forward that we have an appropriate in place for community initiated projects, whether they are related to a park or not. I understand there's a task force that's going to be looking at the heritage grant funding, but I have already thought of several examples had that don't necessarily make sense under the heritage funding, but might be a park, but would be community initiated and not necessarily pard's priorities. Around I want to make sure we have a clear process, so the direction I would like is for staff to report back to council by September 1st with detailed information on how community-initiated projects, not just those that are pard's responsibility, but including pard's responsibility are evaluated and how residents should submit them for evaluation to the city. And I'd also like to know how staff is going to include those in the various funding lists. And I understand there's this task force and some of that may overlap, but I think it's not exactly the same thing. I think that task force is looking at the heritage grants. And I think one of the -- the unintended consequences of the process that we went through is that we may want the heritage grants and we have this other pot of money and we may want to begin thinking about it a little bit differently and I don't think that was apparent when we originally gave pard direction.

[8:02:59 PM]

The second I'd like to offer direction to staff to report back to council by August 1st with information about any previously or currently uncollected hotel occupancy taxes from str's and whether and how we can collect hot revenues from large company platforms like home away and airbnb, rather than the owner or occupant. I think we gave previous direction on this when we passed the resolution in August, we gave that direction and we have not seen a resolution to that. And for those of you who are not listening at work session, my understanding that there are str platforms that actually have this money that they owe us, but we haven't been able to come up with a way to receive it because by our rules we need to have the individual str, and it seems like there ought to be a way to solve that problem because the state is able to collect its hotel occupancy taxes from our same platforms. And I don't want to open

up the whole str process, but I would love to see if we could find a resolution. If we take a pot of, say, five million dollars, and we have 15% more for the historic parks and preservation and 15% more for cultural arts and then we also have more money for visit Austin and the convention center, I think that's a win that's worth figuring out.

>> Mayor Adler: Is there any objection to including those two directions? Yes, mayor pro tem?

>> Tovo: I don't have an objection, but I thought I understood from our discussion with staff that the task force that's meeting about the heritage grants is also talking about the issue of community projects. And it sounded like they were about to report back much sooner than September 1st on that process. So I would want to -- I would want that information earlier.

>> Alter: I'm happy to have it earlier. I was just trying to make sure it was in by budget.

[8:05:02 PM]

I had understood that that task force was on the community initiative for the heritage grants.

>> Hi. Kim neck night with parks and rec -- Mcknight with parks and rec. The heritage group will be meeting back, may recollection serves, by June. This is an initiative being led by acm Washington. You are correct it's going to have a lot of recommendations about how the grant program can change, how the community projects would be factored in, and I think that's going to be coming forward in June.

>> Tovo: Good. So that -- to me that sounds like a better option than the September piece.

>> Alter: I'm happy to have it in June, but I'm not sure that what their scope is covering is exactly getting at the same issues.

>> Because it's not my -- because it's not my initiative I think it would be better if you got information, but I do know that that was a goal, having been a committee member.

>> Tovo: Just to add to that, there were some properties that were listed in the original resolution that were not city some others? Palm school and others.

>> Alter: Red river cultural district.

>> Tovo: I think red river is on our sheet today. But there were some properties that aren't -- aren't city owned that it would be good to know kind of how those -- how those could be assessed. So I'm supportive of the direction for April -- for September unless that's already included in what they're doing.

>> You might just wait and see what information comes forward in June and -- or after conferring with acm Washington and may have some of your questions answered. You can revisit at that time.

>> Mayor Adler: Or we could say by way of direction if the information is requested as part and parcel of what's happening in June, give it to us then, but anything that's not coming back to us in June that's not part of that scope we still want that information and in a can come back in September.

>> Alter: I'd be happy to have it all in June, I was just trying to be respectful of the timetable.

[8:07:04 PM]

>> I have to defer to the acm in charge, but impart of that committee and that was our goal was to have recommendations by early summer.

>> Alter: I just want to be clear. I think there's a policy question in between the heritage grants and the other part of the money that hasn't been resolved. And so in resolving that we need to understand how communities can inject in the process and then a part which I didn't say before is we have to also understand how we as a council have an opportunity to weigh in before we get to this point of being presented with the projects.

>> You're asking great questions and these are exactly the issues that the working group is seeking to tackle, which is how does the entire historic preservation fund evolve to address both hot funded city properties as well as heritage grants and the potential for non-city-owned, but historic properties that are cultural in nature.

>> Alter: Okay. So assuming the city manager feels like that is clear enough direction, then if anyone has -- if there are no objections.

>> Mayor Adler: On that second one, the second point you will have to contact those -- homeaway, airbnb, to figure out what the choices are that the city has to or not confront in exchange for receiving those taxes since they're offering them to us.

>> Alter: And I believe that the visitors impact task force has some information on that and some connections that they may be able to provide.

>> Mayor Adler: All right. So with that direction then, I'm going to guide this question into pieces. Councilmember kitchen.

>> Kitchen: I just -- for clarification, councilmember Flannigan, were you bringing up the multi-year plan as direction? To the staff? I thought it might be good to get it on the record. We've had a lot of conversation. I just thought it might be clear.

>> Flannigan: I thought it was pretty clear to staff since I said it on multiple occasions in public and in private.

[8:09:07 PM]

But I think it's clear enough.

>> Kitchen: Okay. I think it's good for the record. Thank you.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Thanks. That reminded me to also provide some direction in addition to the multi-year plan, which I think is really important. I would like when we get our proposed budget back in July to have the list of projects that are contemplated for next year's fiscal year so that we can consider those at the same time we're approving the budget. And I also just want to add my thanks to staff. This is -- continues to be really exciting to be able to use our hot tax in this way. And I appreciate all your hard and very fast and thorough work on this subject.

>> Mayor Adler: Okay. I'm going to divide this question. We have a list of things to approve. It looked like the two that we wanted to talk about further are the citywide historic building, which was \$227,000. And then the downtown wayfinding question, we're going to pull out too. That was \$321,000. But with respect to all the other things on there, it's been moved and seconded. I'm dividing the question. Those in favor of approving all the other things, then please raise your hand? Those opposed? It's everybody except pool and troxclair. With respect to the citywide historic buildings, I don't think we expect that there's going to be any nor staff that shows up this evening to give us greater insight. So at this point we can either not do anything with it or we can ask staff to come back with the additional information on that, which means come back not only with what was proposed here in phase 1, but a rescoped phase 1, or anything else that would seem appropriate that also cost in the neighborhood of 227,556.

>> Kitchen: I'm willing to move forward and make a motion to adopt it with direction.

[8:11:10 PM]

So that it doesn't on have to come back to us.

>> Mayor Adler: What would your direction be.

>> Kitchen: My direction would be to revise the scope of phase 1 to geographic parts of town to make sure we are looking at the potential for for historic buildings throughout the city and that the staff can just give us a memo back that explains how they adjusted their criteria to do that within the existing dollars.

>> Mayor Adler: So my understanding was from the earlier discussion we had was some people from the dais were not ready to rescope it because this was the staff's recommendation and this went to the boards and commissions. So what I'm suggesting is let's just not approve this one yet and since we don't have --

>> Kitchen: I can do it either way. It's up to --

>> Mayor Adler: My sense was people on the dais, I'm not ready to rescope this because it's gone from staff, it's gone to boards and commissions, they've approved this scope, so I'm not comfortable with us just on the dais rescoping.

>> Kitchen: Okay. Then we can postpone it.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I guess I want to understand, and maybe -- am I reading the map right? I see dots all over.

>> Kitchen: This map is all the potential buildings. This is not the scope. The scope is 43% of these buildings. Mr. Guernsey said attachment b-1 and b-2 is the scope and that's north Austin.

>> I thought you were actually talking about the building survey. Those are b-1 and b-2. You are correct, councilmember kitchen, the map shows all of those that are in the city, but we're only looking at those that meet that criteria within a half mile of tourist and lodging sites I don't know which map details the 43, so you know which ones are not.

[8:13:18 PM]

But the phase 2 is looking at those areas, as I said, that are not.

>> Mayor Adler: Can we determine where the buildings are located, can we determine that from looking at this attachment a?

>> The dots being those buildings that are 45 or older.

>> Mayor Adler: I'm not saying those are out buildings. Is there anything to look at and see -- to see what buildings are a half mile -- within a half mile of tourist sites?

>> Tovo: Mayor, the map says 45-year-old buildings within a half mile of tourist sites. As I read the map the dots are those buildings that meet the criteria.

>> Kitchen: If you look at the fine print at the bottom, that's what is confusing because the fine print at the bottom said -- indicates that these are all the dots for all of them.

>> Tovo: I read that differently. It says total properties 45 years or older, 77,611. Those within a half mile equate to 33,583. But again, either the title is really off or I'm completely misreading it because it says 45-year-old buildings within a half mile of tourist sites, so I assume those little dots are the one that hit that criteria.

>> Mayor, I would suggest we table this part. I'll make a couple of calls and I can come back and give you a more fulfilling answer.

>> Tovo: And if we're going to have those calls I would say one way to increase the scope would be to do them within one mile. That would expand it -- would still -- would still keep what I think we're going to need to meet the statutory requirements, which is to have them in close proximity to tourist sites, but it would double.

[8:15:18 PM]

I don't know if you want to catch the staff member working on this if they've considered that and they have a sense of how that might expand the cost.

>> Kitchen: I would also suggest if you're going to ask that ask for a different type of criteria, like the age of the building, for example, or something like that, that's more directly related to the historic building. The statute doesn't require a certain distance from -- from lodging.

>> Mayor Adler: So I'm uncomfortable with us rescoping this on the dais. So would you make a phone call and see if you can find out what this map shows us? We're going to table this one. That gets us then to the wayfinding issue. Ms. Houston, you were suggesting that we -- that we not fund the --

>> Houston: Any wayfinding to state property.

>> Mayor Adler: And that was some subset --

>> Houston: That was six of the 10 that are recommended.

>> Mayor Adler: Okay. Ms. Houston would suggest that we drop six of the 10, so some element, some part of the downtown wayfinding, which was the total of 321,700. And the basis for that, Ms. Houston, is --

>> Houston: Because the state of Texas owns those facilities, most of them have wayfinding anyway, and they should be the ones that would help to partner to do the wayfinding in the downtown with their buildings. And they also get historic -- I mean, hotel occupancy taxes as well, and that would be another way for them to be able to fund those wayfinding. And as I said, everybody has a smartphone so it's not like people are going to be wandering around trying to figure out where the capitol and the governor's mansion is, but those are state properties and they should pay for that.

>> Mayor Adler: Okay.

>> Houston: And not come out of our hotel occupancy tax for historic preservation.

>> Mayor Adler: Okay. Ms. Houston moves to strike six of the 10 in the wayfinding section.

[8:17:18 PM]

Is there a second to that? No second. Okay. Let's take a vote then on the wayfinding issue. Those --

>> [Inaudible].

>> Mayor Adler: There was no second. So now we're just with voting on the wayfinding. It's all 10. We had severed those out. Please in favor of the wayfinding, please raise your hand. Those opposed? Ms. Houston opposed, the others voting aye, pool and troxclair off the dais. That passes. That gets that one item for us, with the one item that we have tabled. Looks to me like the next one we have up here is especially 77 and 78. I think you pulled these, Mr. Renteria. 77 and 78, I think you pulled these. Jerry, do you want to come up?

>> Mayor and councilmembers, do you have any questions on these cases?



>> Renteria: Yes. I noticed that I never had any information on it except what your staff gave us. And there's a lot of single-family 3 that's on one side of the street. And it seems like that piece of property is -- it's going to eliminate some of those sf 3 lots. Are they planning on building some more affordable housing or any kind of housing on those lots?

>> I would actually have to check with the applicant. I don't know exactly what is planned. Obviously under the lo-mu zoning they would be allowed to construct residential.

>> Renteria: And I don't have any permission. I would like to postpone this until I can get some more information.

>> We can check with the applicant for you if you would like and find out what they intend for the property.

[8:19:22 PM]

>> Renteria: Yes. Because they never did come to me and my office. I notice there's some of the residents there are very concerned about the drainage problems going on and they asked a lot of questions about what is going on. If they have any ability to have a discussion on this item. So if -- I really need to know more about what is actually going to be put in there. And I don't have that information. And even though I know that it went through the contact team, still some of the immediate residents did not -- you know, are not really comfortable with this going on consent. So I'm willing to allow it to go on first reading, but I just can't support it going on consent.

>> Mayor Adler: Did you say you were comfortable with it going on first reading?

>> Renteria: Yes.

>> Mayor Adler: What were you proposing on 77 and 78?

>> We could do it on first reading and then I can contact the applicant and see if they have any more detail on what they plan for the project.

>> Mayor Adler: I have no one signed up to speak on these items. Is there a motion to approve this on first reading? Only? I'm sorry? A motion to approve it. Mr. Renteria moves on first reading only. Is there a second to that? Mr. Casar. Mr. Flannigan?

>> Flannigan: Yes, I also pulled this item. And I just wanted to clarify with Mr. Rusthoven, the conditional overlay that limits the property to 35 feet in height, is that the co that's on this?

>> As opposed to 40.

>> Flannigan: So the base is 40. The co is only five foot different, but when you actually look at all of the regulations that apply to this site, specifically compatibility, there's really only a 20-foot strip that you could even at 40-foot, so -- I mean, I'm just making my point again that we've applied a conditional overlay on an entire site, but really the compatibility regulations is what should be regulating this site

specific height restrictions. And in fact on this site it would limit it to even less than 35 feet, but for this one little narrow strip that is adjacent to, I believe, a warehouse or whatever is on the back side of that.

[8:21:47 PM]

It's not a single-family use. So just daylighting that one more time to note that it is possible to do these things at a policy level, not have to get into the site by site negotiation.

>> Mayor, does the request for first reading also include closing the public hearing?

>> Mayor Adler: Yes. It's been moved and seconded. Those in favor of approving 77 and 78 on first reading only, closing the public hearing, please raise your hand. Those opposed? Mr. Flannigan votes no, the others voting aye. Pool and troxclair off the dice ass dais. Those are taken care of.

>> Casar: So I had been waiting to call up people on 47 who you said could come talk even after we took the vote. There were two people, a person from -- I would ask that we call up Paulo from communities of color before she has to leave and then when the other arrives.

>> Mayor Adler: Without objection we will call that speaker for three minutes. Let's have the speaker come on up.

>> She's gone to the lobby. I think maybe -- I don't see her in here. Maybe she's in the lobby.

>> Mayor Adler: When she comes in actually give her a chance to speak. And here she is. Take your time. Slow down.

[Applause]. Take your time. So we're going to give you three minutes to speak. We've already approved this today, but we're going to give you a chance to talk.

>> Okay, thank you. Good evening, everyone. Hi. I hope y'all are doing well. Thank you for making time for me. My name is Paulo Rojas. I'm a midwife and a mom of two amazing kids, who y'all have seen. They've testified here before. They were part of a crew that made a video last summer, I don't know if you remember, about the inequities between the aquatics and pools on the west side and the east side.

[8:23:49 PM]

I don't know if you remember that. But I'm here today reluctantly to discuss item 47. I'm also part of a coalition of grassroots organizations, we're an all volunteer group, I'm the only person that came today because we were really disappointed at- the fact that this morning you took up item 47 in the morning and not in the evening. There was -- I know I'm not the only one. There was a number of us that once we heard this item was coming up we sent emails, we made phone calls and we requested that you could make time in the evening for this issue today because it is really important. And we were very disappointed that you didn't, and that you took the vote this morning. We were planning to come, a

larger group of us, and everyone else is actually really disappointed and said, why am I going to bother going out this evening, finagling schedules with kids and traffic and et cetera, when they've already voted, knowing that we were asking to be a part of this conversation. So it is being received as an intentional lack of space for your own constituents to participate in something that we really want to participate in. Until today I have to say, maybe I'm naive, but I really felt like you all were trying to make space for your constituents to participate and that that's something that you wanted. And that we are over here trying to make it work and figuring out how to bring kids and pizza and participate and I thought that was something mutual that we had in common. I have to say this really feels different.

[8:25:53 PM]

It feels like you knew and you chose not to. It's not just any item, y'all. It's an item about the staffing of the police department, which you all know has caused so much emotion and opinions in your constituents on all side of it. Remember last time, there were hundreds of us here? You know how important this is to everyone. And people have strong opinions on both sides --

[buzzer sounds] , And it's important to give that time in order for people to fully participate. Is that my three minutes?

>> Mayor Adler: It is. And I will hopefully have others come and continue the conversation, but I want you to think about this. Thank you so much. Okay. Let's go ahead now and pull up 84. 84, which is the baker school. We have two people signed up to speak. Is staff here?

>> Yes, mayor. We tried offering this case for consent earlier today. We read three additional conditions into the record in addition to the planning commission recommendation a and those would be to allow only residential above the first floor of a new building, to have a 70-foot set back in front of the existing baker school building and to add art gallery as a permitted use. I believe that councilmember Casar pulled it to discuss the affordable housing issue issue.

>> Casar: And mayor, I'm happy to explain just what my issue is before folks talk. I'm comfortable with this going on first reading which is what it is posted for today, but I have some concern about it because at once I think we all recognize that aisd needs more revenue and that's why they are selling pieces of property, as we all know.

[8:27:57 PM]

And that's really important. But also I think as a part of their work with the community they've put out that they're doing 55% affordable housing on these pieces of land, but with this zoning case, which is unzoned property, it came to my knowledge only this week, and I've spoken with some of my colleagues, including the mayor pro tem, that it's new to us, that the affordable housing is at 120% median family income, which for 2017 for a family of four is \$97,000 and a family of two is \$78,000, which is just significantly higher than most of the kinds of affordable housing that we talk about. And so

I just want to see what it is that could be done in that respect. The rental units, if they choose to do rental, the vast majority at 100% mfi, which again for a family of four is around \$81,000 and a family of two 65,000 authorize. We are struggling right now and working hard on private land to get it below 80% and hopefully below 60%. So just at 120% mfi, that's just a significantly less accessible and significantly less subsidized piece of housing. And so for me I'm comfortable going on first reading, but would want community members and the school district and the city to work together on three things. One would be to see if we can do some sort of affordability agreement, sort of an affordability multiplier where the council could rebate some of the tax revenue that would be generated from this property to bring down the mfi. That would be at no cost to aid so aid could still generate their revenue, but we could not miss out on this opportunity to have lower income people in a very high opportunity part of town. Second, I'd be interested if there's anything in the zoning that we could do that could increase or keep aid's revenue at the same level while getting us lower levels of mfi.

[8:29:58 PM]

And then third, the first two would come at no less revenue. It's not ever lost revenue, but no less revenue for aid as aid. And the third one would be what levels of participation would aid or Alamo participate in to get us some of those lower levels of mfi. I know we dealt with the same question on the saltillo case with capital metro where they went down to 50% mfi in loss of those units -- in lots of those units. So we have to find a way to coming to generate revenue for the public good. That's obviously the number one reason that these things are being sold or leased generally by these other governmental agencies. I recognize that very much, but -- all the schools in my district are overflowing and so I recognize how important this is for aid to have that revenue, but land is also a rare and precious resource in our community and especially in high opportunity areas, seeing opportunities for public land to go by without the chance to bring economic and racial integration to those areas is just a missed opportunity and I just want to not miss it while still achieving aid and Alamo's goals. So I'm happy for this to go on first reading, but just I'm interested in those three options, the first two of which could not have any impact on aid's income stream.

>> Mayor Adler: Mayor pro tem.

>> Tovo: So I think, number one, I share the concern and I especially share the concern because it seems to me that when there was a lot of discussion about selling the public tracts there was also discussion at aid about using these for a community value, making sure that if those tracts are redeveloped for purposes other than educational purposes, that they would bring value, including in the form of affordable housing. And I am -- I'm also very concerned about the levels of affordability. I would say 1 and 3 are clear to me and I support them. I need you to explain number 2. Are you -- I need you to explain number 2.

[8:32:00 PM]

>> Casar: Sure. Number 2 I have not been closely involved in with this case because until this week I expected to just support it because it was 25% affordable housing and the school district is asking for it. So I have not looked into the zoning, but often times we try to find ways where if there's any way that we could add units or modify any level of the city regulations on the property, that we can in exchange get affordability. And I don't know enough about the case, frankly, to know what any of that is. So I'm not suggesting any of that today, I'm just trying to show that I'm open to multiple options to try to deal with this one. And frankly, I don't know what the levels of affordability will be on the other unzoned pieces of property that come to us, but I am just trying to sort of put out there the different tools that we usually have at our disposal.

>> Tovo: So if I may, I am familiar with the case because I've watched the presentation that-- I've watched presentations at the neighborhood associations and stayed in touch with the neighbors who have been working on this with the developers. So they can speak more directly to it, but as I understand it, this was a pretty long process of negotiations and you've got parties on all sides. You have -- who have worked with their neighbors to get them in agreement for this rezoning and for the increase in height on this site. And going beyond the entitlements that would be granted through this rezoning would be really a challenge and I think would begin to unravel the deal is my guess. And we shouldn't really be in a position here of asking neighbors to go back and renegotiate and to accommodate a much higher structure than is appropriate in the very interior part of a neighborhood because the measures got set where they did. You know, I assume those who were bidding on the property did so because the affordability levels were higher. If we had asked them -- they have in the bidding process now set the tract at a particular value. And so I'm just concerned -- I'm not being articulate because it's late and we have lots and lots of very different issues, but that wouldn't be an option.

[8:34:08 PM]

I do want to ask the developer to look again and see how they can bring those levels down. I want aid to think about it, but I don't want to look at changing -- increasing the zoning -- increasing the entitlements here to try to make the deal work.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: Mayor pro tem, can you help me understand something that you just said? Did you mean to say that if there's an agreement reached with some people in the neighborhood that we shouldn't as a council do anything to that agreement? I'm not quite sure I understand what you mean by that?

>> Tovo: Obviously -- zoning is discretionary. We always have an ability with any, whether it's a developer proposal or an agreed upon negotiated deal as this one is, of course Wellings have the ability to say no. I'm urging us knots not to. I'm going to look to our speakers who will sign up to provide more information, but they've worked in partnership with the potential developer, they've come to an agreement, they've worked with their neighbors to say hey, it's going to be a little higher, but we think it's still a good deal. There's a lot of enthusiasm about the project. I just -- I don't believe -- I think we should support the -- I think we should support the proposal that's before us with the planning commission's recommendations as Jerry read into the record.

>> Flannigan: And I can certainly respect the view of the planning commission, although we have many times not respected the views of the planning commissions. We've all been on both sides of that issue in the past too, but I continue to have concerns with how people get designated as representing their neighborhoods, and I've certainly gotten emails from groups that also claim to represent that neighborhood that aren't in support of this deal, and, you know, there is a process by which we get elected to represent our districts in our city and I don't know that that process is the same in some of these neighborhood groups and that is a legitimate point.

[8:36:19 PM]

I don't actually know how the people who sat at the negotiating table were chosen to represent the interests of the neighborhood. And it's just kind of a concern that I've had about how people get designated as representing the neighborhood when I'm not sure that renters are a big part of that conversation or any number of ways I might be able to slice and dice that concern. So it's just been my approach that we should look at these things at the policy level, especially when we're talking about school district property and going from unzoned to zoned. It's kind of a substantively unique and rare opportunity. I think we don't often get to do this, but I continue to kind of wonder how it is that folks get to be designated as representing the neighborhood in these conversations.

>> Tovo: We can certainly have a longer conversation about it and it comes up often enough that perhaps we should. I would say as a councilmember, making discretionary zoning decisions it's important to me that when the projects come through that they're compatible with what's around it. And that includes the neighbors that live across the street and the people who have invested in that neighborhood and spend time, whether they're invested as a renter or invested as a property owner, they have a voice in the process. And I think it's significant that this case has been pretty highly visible on the neighborhood listserv. It's in their printed newsletter. They've presented at, gosh, I don't know, a couple of meetings at least. I know it's come up. I know the neighborhood planning team and the neighborhood association. People have a general -- people who are involved in those processes and have elected to be in those processes are aware of it, and we've gotten virtually nothing but support about it. So I think that's significant. I think they've crafted a proposal that has a lot of support in the area and I would -- I think that -- in any case that matters to me as a councilmember trying to figure out if this is a project. If this is a rezoning, if this is an increase in entitlements that is compatible with what's around it.

[8:38:26 PM]

And in this case at this point with what we're considering, I believe it is.

>> Flannigan: And I absolutely respect your opinion, mayor pro tem, and even when we disagree, it's always a fun debate for the two of us to have. I do want to say the word elected is a challenging word to use when we're talking about neighborhood associations and I don't really know how the Hyde park

group does it, but I remember when we were talking about south shore waterfront, whatever that was, it was a neighborhood that you had to pay dues in order to participate, and that gave me some pause around it, but nonetheless, we're representing the concerns and issues of our communities and that's the debate I enjoy having.

>> Mayor Adler: Councilmember alter.

>> Alter: Thank you. Mayor pro tem, would you be able to share some information about how we ended up with the 80% mfi requirement for the renters? It's my understanding that the neighborhood was the group that negotiated to get the requirement so there would be rental opportunity at the 80% mfi.

>> Tovo: That is also my understanding, but I believe our speakers can speak to that. I think aid set the ownership targets, but not the targets for rental. But again --

>> Alter: Aisd didn't have any rental.

>> Tovo: But between Richard Weiss and our neighborhood representatives, we'll be able to verify that.

>> Mayor Adler: Okay. So I think that we're talking about approving this on first reading and then we can maybe run some of these questions to ground. Is there a motion to approve this on first reading? Which is what the recommendation is.

>> Mayor, we do have three speakers and they didn't wish to speak earlier, but I think they would like to speak now given the current discussions on the dais.

>> Mayor Adler: So noted. Is there any motion to approve this on first reading? Mayor pro tem makes a motion.

[8:40:28 PM]

Councilmember Renteria seconds that.

>> Tovo: Mayor, with the conditions that Mr. Rusthoven read in earlier.

>> Mayor Adler: With the conditions that were read in. Let's call the people who are here to talk.

>> Thank you, mayor and council. I'm Richard Weiss --

>> Mayor Adler: Are you the applicant?

>> I'm the applicant, yes. I'm representing aid and Alamo in this process. Aisd currently owns the property. Alamo cannot purchase the property until we all come to some kind of resolution on zoning. And so the process is hopefully to get through first reading, address these issues and see what we can do. We do have a compressed timeline because our feasibility is up on the 8th of next month, but we can extend it so we can going to exercise the extension so we can get through this. I just wanted to clarify a couple of points. Alamo bid on this property because they fell in love with the campus and the baker school and they feel like it's an appropriate creative campus for both Alamo and other creative ventures in Austin for the building proper. And since affordability -- since housing and affordability are

goals of both the neighborhood and in the rfp, we added that component to the baker field, which is 23% of the back lot, and while aisd did specify the 120% for home ownership, the rental unit that we negotiated with the neighborhood is 80% -- 10% at 80%, which is consistent with vmu, however with no additional density bonuses and an additional 15% at 100% just to keep more of these units affordable to the population. The median family income in this neighborhood is 81,000, which is about 120%, which is consistent with the home ownership, but I do believe that the rental rates are consistent with vmu, but without taking advantage of the increased entitlements.

[8:42:45 PM]

And Alamo's real goal right now is just to get the property zoned so that they can close on the property and occupy it and then the housing will be a phase 2, but their hope is to become shepherds of this property. It is in both the nccd and the local historic district, and from the beginning we have worked with the neighborhood to try and find something that's compatible with the area, but can serve these various needs. So thank you. And I would love to set up meetings to flesh out those additional items.

>> Mayor Adler: Good. Sounds like you should.

>> Casar: Mayor, and I do want to clarify that I recognize 100% that Alamo is just responding to aisd's bidder requirements. So I say that these levels of affordability are higher than what we usually anticipate or work for on public land, it's -- I recognize that you're just responding to what was in the bid.

>> Yes. Thank you.

>> Mayor Adler: Okay. Laurie weidlek.

>> Okay. I am Laurie weidlek and I am speaking for the Hyde park neighborhood plan contact team. The contact team is a city entity. It is required of every neighborhood that has a neighborhood plan, which we do. We have no dues, and we are open to everyone who lives in the neighborhood, owns property in the neighborhood or owns a business in the neighborhood. So it's quite broad. Now, the solution that we worked out between Alamo and the neighborhood satisfies two concerns that many of us have. The first one is preservation of the historic structure and the second one is providing housing and affordable housing.

[8:44:45 PM]

Since the property went on the market -- [applause].

-- Some of us have worried that a developer could come along, buy the property, raise the historic -- Reyes the historic structure and building a series of is a, say,-million-dollar houses. Because of the entitlements that are in our residential district there would be nothing to prevent that. So when Alamo came along with their proposal, we liked it. First of all, they are interested in preserving the structure,



and secondly, they were interested in creating affordable housing. And because of that we agree to 50 feet in height, which is an increase of 20 feet over the entitlements that are available there now in our residential district. Okay. So we have worked with them for a period of six months now. We voted on this in January and then when issues arose as a result of the planning commission meeting, we met with them again. In fact, there was a joint meeting of the neighborhood association and the contact team, questions were asked and answered. Richard was there, Scott Grantham was there, and we collaborated until we came to -- deliberated until we came to another agreement and had votes on it, one for each organization. So we ask that you support this rezoning because we believe this represents a lot of hard work on the part of a lot of people to achieve two goals that are meaningful to our neighborhoods. Thank you.

[Applause].

>> Mayor Adler: Thank you.

>> Good evening, Mr. Mayor, mayor pro tem, councilmembers. I'd like to begin by addressing one of your questions. I am the president of the Hyde park neighborhood association. I'm also a renter within the neighborhood.

[8:46:48 PM]

So our organization does serve both groups. I'd like to speak a little bit about the process that this went through since there were some questions about that. And then I will be happy to take any questions if there are still questions. As was mentioned earlier, aid went out for bids on these proposals and roughly a year and two months ago after that time the neighborhood association invited aid speakers to come in and speak after they received their proposals. And then there was a silent period in which aid was determining bids. In August we were approached by the -- Richard and the team from Alamo to engage in a process to come to an agreement on potential zoning as they were -- looked to be the lone finalist and were indeed later named lone finalist. Since that time in September Richard presented at our neighborhood officers meeting, our steering committee, and then in October presented an overview of the proposal to our general membership. After the October membership we formed a small working group of eight neighbors that consist of myself and my co-president at the time, two people in our neighborhood who are experts on zoning, two people who have been long time aid advocates. The zoning was -- the zoning committee, David Connor, the aid advocates were Ann graham and Susan Moffat. And then the final two were two neighbors who were immediately adjacent to the property, Jesse Chapin and Tom Seamus. That group met three times and met with Richard and hammered out the details for height uses, height restrictions, F.A.R., as well as the affordability conditions for the rental property that is here tonight. After that meeting that was published in our neighborhood newsletter, there was a vote in December on that proposal from the neighborhood association, followed by, as Laurie mentioned, a January vote of our contact team.

[8:48:58 PM]

Both of those votes passed without opposition. And then when the questions arose at planning commission, we held a joint meeting again with Richard, and had more questions answered. There was a new vote taken. Both of those proposals were passed without opposition. I urge you to support the proposal before you tonight. It represents a long compromise between the two parties. I see no reason why the neighborhood would be opposed to any of the conditions that councilmember Casar mentioned. As long as those are agreeable to Alamo and all parties. And so --

[buzzer sounds]

-- I open up for any questions. Thank you.

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: Thanks very much, Mr. Long, for that history. So in saying that you believe the neighborhood association would support the conditions, I think one of the conditions sounds like it could be an increase in entitlements, more height, more building coverage, something along those lines. Is that something that you believe they would support?

>> I think for that particular area we would need to -- I would want to take that back to our membership. I know there's some concerns within the historic structure, and what would be approved through historic landmark commission as well as with compatibility. The property is surrounded by either low, on one side by commercial and on the other two sides it's single-family residential and small apartment houses. So I'd be concerned that going above 50 feet in particular height would not be fairly acceptable to a lot of those neighbors because of concerns of domination over the historic structure itself. Other changes I think are potentially more acceptable.

>> Tovo: Thanks.

>> Mayor Adler: Ed, thank you very much.

[8:51:01 PM]

I guess that gets us back to Richard Weiss. If he wants to close.

>> If anyone has any questions. I will say when we presented to the historic landmark commission their only concern was about the 50-foot height, so even if we were to be granted additional entitlements through zoning, I don't know what that process would look like in terms of site plan and getting a larger building approved through historic landmark commission.

>> Mayor Adler: One of the things you have to look at -- one of the things you can look at after first reading approval.

>> Yes, sir.

>> Mayor Adler: It's been moved and seconded to approve on first reading. Are we closing the public hearing?

>> Tovo: I think we should keep it open. >>

>> Mayor Adler:.. Okay. It's been moved and seconded. Those in favor please raise your hands? Those opposed? Mr. Flannigan votes no, the others voting aye. Councilmembers pool and troxclair off the dais. It passes on first reading. That gets us to item number 91.

>> Kitchen: Mayor, I think 91 and 99 have a lot of speakers.

>> Mayor Adler: 91 and 99 do.

>> Kitchen: Do you think it's appropriate to take 95 and 96 first? I don't want to -- I'm just suggesting that.

>> Mayor Adler: We have the same number -- we have people waiting either way.

>> Kitchen: Okay.

>> Mayor Adler: So let's do 91. Otherwise there's no basis to make those choices. It's kind of like the lottery.

[8:53:03 PM]

All right, 91.

>> Mayor and council, item 91 is the champion tract for the property at 612222. The requested zoning is from Ir-co to cs-co. It is a 13.28-acre tract. The applicant is requesting zoning of cs-co with the only permitted uses being those in the lo district with the exception of self-storage. And has also agreed to a trip limitation of 4700 trips a day. The staff is in agreement with the applicant's request. We actually negotiated with them. The zoning and platting commission voted to deny the applicant's request on a vote of 6-3. The site is one of the -- is subject to the champion settlement agreement, which I presume y'all are intimately familiar with by now. It is a former skeet range that did have some lead issues. The lead has been cleaned up, however it is only available for a commercial used not a residential use. As I said, its proposed use is self-storage. We do have letters of support I believe from four neighborhood associations who support the use. The reason they're supporting the use is because it's such a low traffic generator. It is subject to a private restrict that the --

[buzzer sounds]

-- That the staff has seen. And with that I'm available for any questions.

[Laughter].

>> Mayor Adler: All right. Let's ask the applicant to come up. You have five minutes.

>> Get the pictures Teed up. I'll tell you what, since it's late --

>> Mayor Adler: It's not late yet.

[8:55:07 PM]

>> Mayor, members of the council, Richard Suttle, here on behalf of the applicant tonight. I'll try to make this quick. My client had started meeting with neighbors a while back. This is kind of a -- it's another champion case, and I apologize in advance, but it's a 13-acre tract but it's not really 13 acres. What you see up there is the entire tract but when you start looking at it you've got basically 3.7 of it is usable and kind of down in a hole and it's anywhere from 167 feet to three hundred, 265 feet off the curb. The conversations with the neighbors as I understand it went something like what would be the lowest traffic generator in this area because as we know traffic has always been an issue here. And self-storage is a very low traffic generator. The unfortunate part about self-storage is the lowest zoning that suits it is CS. The case was filed with CS zoning with the narrow limitation of just self-storage as the only CS use. If you were to do a permitted use CS self-storage use it would kind of look like that. Buildings would tuck in, be way off the curb and generate very little traffic. That is a picture of what you'll see, and you can't even see the building but off in the right-hand side you see barely a little bitty building behind the pole there. Because this site sits in a hole that is a building built to 40 feet of height under the density bonus that's what it would look like. That's another shot from 2222 and another shot as you come around. While other uses may be appropriate under current zoning, I think a lot of folks, including the neighbors that have signed letters of support think that a self-storage on this site, it doesn't take a great piece of property out of commerce because it's 13 acres but only three-point something usable.

[8:57:15 PM]

It's down in a hole. It's in a floodplain and that seemed to be a good use. These are just some elevation differences to show that surrounding neighborhoods really won't be impacted by these buildings because they'll be down below the tree line. These are some other zoning categories up and down. There's not really any CS around. That is the biggest issue, is that if we had any other zoning category to ask for that would allow this as a permitted use we'd ask for it. You can drop down to WLO zoning but it becomes two things, a conditional use permit to get your site plan and limited to 25 feet or one -- and one story. And even if you got a planning commission bump to go to 35 feet you're decided to one story and that won't work. And so office warehouse or WLO is not an option for my client and they won't accept or agree to that. That's essentially a site plan layout and those are the pictures. You will hear, I think, tonight from some of the neighborhoods. We have a private restrictive covenant with Kona that limits it to one use. And specify their support of the zoning and site plan. So with that, I'll stop, answer any questions you might have, and hope we have a good debate.

>> Mayor Adler: All right. Thank you.

>> Thank you.

>> Mayor Adler: Is Carol Lee here? What about -- I'm sorry. And Marissa Iptur is on deck.

>> Good evening, mayor, councilmembers. My name is Carol Lee, and I'm the very recently elected president of 2222 coalition neighborhood associations.

[8:59:17 PM]

I want to start off publicly thanking Andy pastor and Brenda Callahan from endeavor real estate. I think they've done a tremendous job of outreaching to the neighborhoods. They actually used the community registry I think and tried to hunt down everybody they could find and meet with, whoever was interested in both small and large groups. We had some open, honest conversation, and I think that is how developers and neighbors ought to work together, so I do commend their efforts on that. The 2222 kona board does support the rezoning to CS with the incorporation of the staff conditions that have been recommended. That's a very important part of it. So I do want to let you know I sent in a letter and, you know, we have -- there's six official member neighborhoods, and kona at this point and -- we vary in size from 200 households to almost 1200, and so I wanted to give you some context on that. It was not a unanimous vote and I know you have some information in your backup and may hear from some others tonight that are member neighborhoods, and so I wanted to be honest about where we were on that. But it was supported by a majority of the board, and we do support the requested CS with the conditions that staff is recommending in your backup. Thank you.

>> Mayor Adler: Thank you.

>> Alter: I wanted to ask --

>> Mayor Adler: Yes, councilmember Alter.

>> Alter: Ms. Lee, Carol, I wanted to ask --

>> Mayor Adler: Ms. Lee?

[9:01:21 PM]

>> Alter: First of all, congratulations, I guess or condolences. I wanted to just ask you which were the neighborhoods that did not support it?

>> Well, let me tell you about --

>> Within kona. Not all of the neighborhoods over there --

>> Right. Six member neighborhoods. We have two phases of Long Canyon that both have a director on board, and River Place -- the River Place Westminster Glen, those were the four that were supporting it. And Glen Lake and Jester Estates were the two member neighborhoods that were not.

>> Alter: Okay. And jester estates is right next to it, and then shepherd mountain is not part of your group. Is that correct?

>> They are not a member, right.

>> Alter: And shepherd mountain just for the record and jester estates are the two neighborhoods closest to this property. Thank you.

>> Mayor Adler: Okay.

>> Good evening. I'm [indiscernible], president of the shepherd mountain neighborhood association, which councilmember alter just did in fact recognize, yes, is not in fact a member of kona. So tonight I am going to just briefly ask you to respect the zap recommendation and support this zoning request change. And shepherd mountain thought long and hard about this, and I did want to repeat what Carol Lee just said, and that is that I did commend endeavor for working with shepherd mountain, for being transparent, and for engaging us in the conversation. And we realize that we were not part of the conversation -- when realizing we were not part of the conversation, getting us involved as quickly as possible.

[9:03:24 PM]

I do want to say shepherd mountain does appreciate that. After looking at this project we are still not comfortable with this rezoning request. We do recognize that there are neighborhoods who have agreed to sign a private restrictive covenant, but that leaves us too vulnerable. Our neighborhood is very close to this location and we have learned that the best protections are, if at all, with city zoning, not with private restrictive covenants that will never be recognized by the city of Austin. So we ask that you do please support the zap representation and keep the zoning intact. Thank you.

>> Mayor Adler: Ms. Liptur, what is the element in the restrictive covenant that is not guaranteed to you?

>> The biggest element is that if the property is sold sometime within the next five years, ten years, 15 years, our neighborhood is just too small and we do not have the budget to -- I'm going to put it very frankly. Storage is a great place to park real estate until the -- until the owner decides it might be a great opportunity to build something that would fall under commercial zoning cs-co. And we are a small neighborhood, and we would not -- a future owner might not -- might find it more cost effective to fight a small neighborhood like us in the courts while they continue to build something that does comply with cs-co zoning. So it's not one particular element. It's this concern that we would be obligated to defend a restrictive covenant that would be completely irrelevant to this council.

[9:05:29 PM]

>> Mayor Adler: Help me understand. So your concern is that if we do the cs zoning, even if there's a co that limits it just to storage facilities, that at some point in the future someone is going to try to take off the co and do a different cs use?

>> Yes. And -- yes. And the co zoning also, I believe, I'm not prepared to talk about that tonight. I think the people coming afternoon me will talk about this. The risk in co zoning. So I know it's a little premature, but co zoning I think is also very much at risk with codenext, and codenext is right around the corner, and there are just too many unknown factors.

>> Mayor Adler: Do you have an objection to that use on the property? The storage use?

>> No, not necessarily the storage use.

>> Mayor Adler: Okay.

>> But the --

>> Mayor Adler: What it might turn into in the future?

>> What it might turn into in the future.

>> Mayor Adler: Got it, okay.

>> Alter: Mayor, if I might clarify. It's not the co that restricts it to one use. It's the restrictive covenant that restricts it to one use so they can do other uses under the co besides storage if they wanted.

>> Well put. That's exactly right.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: But just the lo uses. Because my understanding is that it's a cs base but then they coed it back to lo plus self-storage as a use.

>> Alter: I think that's correct, but they still have all their uses under it besides storage so it is not -- it's not that the property can only be used for storage.

>> Flannigan: Sure. But they're not cs uses. They're the use that's exist today.

>> Alter: Right. They have zoning today that entitles them to do things.

>> We would feel a lot better with storage -- all we want is developers around our area to respect current zoning because that's all we can rely on to protect us.

[9:07:37 PM]

>> Mayor Adler: This is what I'm confused on, and Jerry, I think, ultimately -- I need help understanding. The property currently zoned for Ir uses.

>> Correct.

>> Mayor Adler: They can build I<sub>r</sub> uses.

>> Correct.

>> Mayor Adler: This case as proposed would give one additional use.

>> It would allow for the uses allowed in a I<sub>o</sub> and a singular cs UT use of self-storage.

>> It's currently zoned I<sub>o</sub>.

>> L<sub>r</sub>.

>> Mayor Adler: L<sub>r</sub>.

>> It would essentially go up to cs but the only cs use allowed fob self-storage. Otherwise it would be I<sub>o</sub> uses which is actually less than L<sub>r</sub>.

>> Mayor Adler: Okay. So it's not the storage unit that you object to. Do you object to the L<sub>r</sub> uses?

>> I object to -- I object to the -- we object, it's not just me. It's the entire neighborhood. We object to any zoning that does not not comply -- that would allow for storage units today -- it sounds like they could build storage units but they want more height. So we would just like them -- we do not want them again to be able to turn this property around to park storage community turn it around for some other grandiose uses in five, ten years because once they have cs-co zoning any number of things could happen and we're not part of this restrictive covenant and then we chose not to be. They did invite us. We chose not to be because we chose to defend ourselves with zoning, not with a restrictive covenant.

>> Mayor Adler: But what is the -- and, Jerry, I'm sorry. I'm confused here.

>> Mm-hmm.

>> Mayor Adler: And I'm trying to figure out and maybe it's listening to more questions -- more -- you're -- the concern is that if it goes to cs-co or -- or a concern is that if it goes to cs-co to allow for storage use, is the concern that at some point it could be put to a different cs use other than income storage?

[9:09:55 PM]

>> Yes. Okay, is there any concern other than it could go to a cs use other than storage? Are you concerned that something else would happen? By you I mean the group.

>> Right now that is our primary concern. We do have other concerns.

>> Mayor Adler: Okay.

>> But that is our primary.

>> Mayor Adler: What is it that limits this property to just the storage unit?



>> It would be the conditional overlay. It would not -- the conditional overlay would not limit it to just storage units. The conditional overlay would say the only cs use permitted is self-storage, so only one possible cs use.

>> Mayor Adler: Cs use.

>> Self-storage.

>> Otherwise it would be lo uses which is basically an office.

>> Mayor Adler: But the concern is that it would be a different cs use other -- and it can't because of the co.

>> Correct.

>> Mayor Adler: That's not because of the restrictive covenant?

>> No. But the restrictive covenant does the same thing. The private restrictive covenant does the same thing, but we're not a party to that. The city co also restricts it to single use.

>> Mayor Adler: It's both the zoning and restrictive covenant.

>> Yes, they both do the same thing. The restrictive covenant is actually a little stricter than the city's.

>> Mayor Adler: And you're concerned that a future council might remove the co --

>> Future council will not be obligated to even consider a restrictive covenant. You are not. This is a private restrictive covenant. So co zoning -- yes, I'm worried about the co, conditional overlay disappearing frankly speaking weapon codenext.

>> Mayor Adler: You're concerned council in the future keeping the cs but removing the co, which limits the --

>> That's another possibility, yes, mm-hmm.

>> Mayor Adler: Is there another scenario that you're worried about other than a future council removing the co limitation?

>> Codenext.

>> Mayor Adler: Got it. Okay. Thank you.

>> If I could address that real quick, if this case were approved as recommended by the staff and they had a co under codenext it would get an f25 zoning and the co would remain even after codenext is adopted.

[9:12:05 PM]

>> Mayor Adler: Okay.

>> Well --

>> Mayor Adler: Your certain is that's what they're proposing. We don't know what's going happen.

>> Exactly. Pie in the sky I wish this zoning case would not occur until we knew what was going to happen with codenext. Chuck mountain shares the views of the other speakers coming after me but the ones I just addressed our our primary ones.

>> Mayor Adler: Thank you. Next speaker is Linda Bailey and is Tony Iglesias here? You'll be on deck at the next podium. You have three minutes.

>> My name is Linda Bailey.

>> Mayor Adler: Hang on a second.

>> Hi, I'm Linda Bailey, newly elected president of lake Austin collective, and I'd like to follow up on what Marissa said. We had a vote at lake Austin collective, and we voted to deny the cs zoning because it's too intense. If you look for cs zoning around us for miles there is none because it's considered too intense in our particular area. If you look at Miami, Louisiana, New York -- excuse me, Los Angeles, New York, San Francisco, Charleston, lieuyville, they're putting restrictions on self-storage. Why? Because self-storage does not have high economic value and it has a low property tax income compared to other uses. So in this particular case they're going from lo-co to cs-co. Under the current code you're trying to fit -- and why this is confusing -- a round peg in a square hole. They only have one choice for storage unit under permitted.

[9:14:11 PM]

Hence they have to go -- all of these cases go for rezoning and they have conditional overlays. I went into the Amanda system. I looked at the site plans for anything that was self-storage, and every single one has a co. Why? Because we don't have a good zoning code. It's not because of the developer. It's because the code is lacking. When we look at version three in codenext for some direction, the cs-co maps generally to f25. Perpetuating the old code. There were two cases where it went to mu. Cos are planned to go away. Cs is too intense for our area. That's why there are all these negotiated cos. You with me? I can show you the data. Also, when I look for the text during version three, cw is the permitted case, and it's only got a height of 25 feet. Perpetuating rezoning requests. It's not a solution when we look at storage units because the 25 feet is only two stories. Please help find a better code for convenience storage than cs because it begets a big mess. Here's the data that I looked at, and if you'll look down you'll see that it's either f25 or some very strange mu applications that I don't really understand. They all have cos. This just is an inappropriate zoning code.

[Buzzer sounding] Help us find a better way. Thank you.

>> Mayor Adler: Thank you.

>> Flannigan: Mayor? Ms. Bailey? Ms. Bailey?

>> Flannigan: I just want to understand, I'm really trying to understand what you're saying.

[9:16:13 PM]

You're not in favor of it because you don't think it will create enough tax revenues?

>> I'm saying the reason why other places are putting restrictions on zoning codes, other cities, is because it has low economic value, it does not create a lot of jobs.

>> Flannigan: You'd like to see something here that did create a lot of economic value?

>> Well, the office next door creates a lot of economic value.

>> Flannigan: Okay. Then your other point was that you don't think we should do f25 zoning, we should be doing zoning that will survive the transition to codenext?

>> Yes.

>> Flannigan: Okay, thank you.

>> Mayor Adler: Is Dinah Miller here? You'll be at the next podium. Sorry.

>> Thank you, mayor, mayor pro tem, councilmembers. My name is Tony Iglesias and I'm here representing the Westminster Glen neighborhood association. We have 200 households in district 10. And the Westminster Glen hoa is in support of the rezoning from Ir-co to cs-co as recommended by staff. And there are three primary reasons we are in support of it. The first is traffic and traffic safety. The intersection at 2222 and city park road is a common choke point for a lot of neighborhoods, including Westminster Glen of course but Austin city park, green shores, as well as like the bottom half of river place often uses that way to go to and from the city. And so we have this one choke point, and there's -- the proposed development is -- I think there's something like 47 trips allocated -- 47ed trips allocated.

[9:18:16 PM]

We expected, speaking for myself, there to be way fewer object order of 100 or less trips per day at that intersection and most of those trips will be at non-peak times because when people use self-storage it is not at rush hour, typically or at least they'll be spread out throughout the day. The alternative proposal, which is an office building, we are expect to go bring a thousand trips a day, roughly, at those worst times for us when we're trying to get to and from work. The second reason we're in support is because self-storage is a fairly quiet use. It has limited hours in general and the third reason is because the applicant I think did -- as people have mentioned, did due diligence in trying to work with the neighborhoods. They entered into a restrictive covenant with 2222 kona, of which Westminster Glen is a part and the restrictive covenant is even more restrictive as brought up earlier than the staff recommendation. The applicant engaged in educate -- and educated neighbors throughout the process and they not only educated and engaged but also made concessions, some expensive concessions,

including a pitched louvre, which is -- pitched roof, much nicer to look at than a flat roof with air conditioning condensed units, which is what we were afraid we might see if they go with the office building. In summary, on behalf of the Westminster Glen homeowners association we urge you to vote in favor of this proposed zoning change.

>> Alter: Mr. Iglesias, may I ask if you'd be in support of another zoning category that allowed for forth less intensive than cs zoning.

>> I would.

>> Alter: Thank you.

>> But to my knowledge one doesn't exist that also meets the developer's criteria.

[9:20:20 PM]

>> Mayor Adler: Okay. Thank you. Is Brenda Langford here? You'll be at this podium. Go ahead, Ms. Miller.

>> Good evening. Thank you for your service on city council. I used to be a council aid a long time ago and I know how much effort is involved and I appreciate your service. I'm Diana Miller, president of the jester homeowners association which represents 900 homes. Jester is one of the most impacted neighborhoods of champion tract 1c zoning request. Chester also is a long time member of kona. We oppose the following zoning for the current reasons, the current zoning will be a much smaller footprint. Their existing lr would build about 60 to 80,000 square feet and they say if they don't get commercial storage they would probably go with light office, which I think jester would definitely favor. If they do get the cs zoning that will allow them to build up to 108,000 square feet and that would be a much bigger footprint. So we're very concerned about it. Endeavor touts cs will have lower traffic counts than lr but this is meaningless because if you consider traffic counts as maybe m&ms champion tract 12, three, are restricted to 6800m&ms. Even if they only use 400 on this tract they can eat all the other m&ms on the other tracts close by. To us you'll still have that traffic count there so that just doesn't make sense to us. Cs zoning is a very bad precedent for the 2222 corridor. Even though they are the -- it would allow other future developments to use that as a precedent because future -- nobody is going to really think back why they got cs zoning. They're just going to say there is cs zoning there so now you can use it.

[9:22:24 PM]

Cs zoning is too intense, and jester does object to the storage use because we believe it decreases property values. They say they're not going to put banners, they say they're not going to use trucks but I have not seen a pretty -- even though they safe say they've got mall Shu designing it, you put a big banner, something in front of it, it's not a pretty building. It's a big shoebox. I think there's a lot of other

-- many neighborhoods that are opposed to this development or to this zoning change, and like bull creek, likewood, shepherd mountain. I didn't hear staff say how many other -- they only mentioned the letters they received in favor. I'd like to know how many letters you received opposed. And that's all. Please adhere to your zoning commission's recommendations. I think they put -- thought long and hard about this and I thank you for your consideration.

>> Mayor Adler: Thank you. Is Carol here, toberson.

>> River place is about 3 miles west. Any of our residents that leave river place and go into town go through this intersection at 2222, either straight down 2222 or as Mr. Iglesias said out the back and come down city park through that same intersection. River place is supporting this zoning change. I know everyone keeps arguing that cs is not appropriate, but it's not a cs zoning. It is a cs with a co that limits it to this one very specific cs purpose. Same limited office or retail that it would have before. They've actually -- in accepting this zoning, limited some prior things that they were able to do.

[9:24:24 PM]

With this restrictive covenant, the developers have spent a lot of time addressing neighborhood concerns, looking at aesthetics. They've agreed to -- you know, you see the truck parked out front with the free moving truck or banners, all of that is covered in this restrictive covenant. They have worked very hard with the community to address any concerns. As far as light pollution, pitched roof so the people that do sit up above on that hill looking down aren't looking at the top of an office building with all these hvac systems on it. Into, you know, the native plants, setbacks, all of that. As Mr. Suttle showed, the -- this property sits down in a hole from the actual roadway you can see through that picture, it's barely even visible. For all of these reasons, river place, which is about 2,000 homeowners, I believe I said, is in support of the staff recommended cs with co zoning. Thank you.

>> Mayor Adler: Thank you. And is Ed Haskins here? You'll be at this -- is Mr. Haskins sneer you'll be at that podium. You have some donated time. From your husband. Is he here? And then from Brendan Callahan. Is Brendan Callahan here? Okay. So you'll have seven minutes.

>> Thank you. My name is Carol

[indiscernible] And I'm here tonight officially representing the long canyon phase two and three homeowners association. Our association is in support of this zoning request, and along with our sister neighborhood long canyon phase one. We both sent in letters, I believe you received letters. Together we represent about 350 homes in the area. We are the third nearest neighborhood, but unlike every other neighborhood you've heard from, both in writing and tonight in person, we are the only neighborhood whose only access out of our neighborhood is on rm2222.

[9:26:34 PM]

Every other neighborhood you have heard from and will hear from is -- has another way of getting out. They can either get out onto 360 or they have some other way to get out of their neighborhood. We do not. For us traffic on 2222 is a very big deal. Anything that reduce that's traffic such as a very low use like the convenience storage use is a very positive thing. Maybe 2,000 trips more or less isn't many to other people but there have been a number of times in the last two or three years we could not leave our neighborhood at all because 2222 was blocked in both directions. So traffic is of serious consequence to us. We also participate from the very beginning in the restrictive covenant development, and we believe it represents very serious effort on the part of the developers to meet the requirements and needs and concerns of all the neighborhoods that they've talked to, not just the ones who signed -- who were represented by the signing of the covenant. The covenant does not go away in a few years. It's there. There are few conditions under which of course it can go away. It's a very well-written covenant, reviewed by our attorneys and we feel very confident it provides incredible protections to our neighborhoods. Under the restrictive covenant the only use permitted period is convenience storage. The staff recommendation of convenience storage with a backup of lo uses we understand and we understand why that's good. And we think that wasn't a very reasonable thing to bring to council. Council should not see a staff recommendation for only one use, so that makes a lot of sense, what they have brought to you, but we have signed a restrictive covenant which is much more limiting, it's lower traffic than the city would require, and we feel very confident that we can defend it as we have defended other restrictive covenants in the past.

[9:28:40 PM]

I'd like to share with you something that happened two and a half years ago. Some of you may remember this. Two of you were not on the council then so you will not. September 17, 2015, a zoning case very similar to this was brought to the new 10-1 council at that time. On fm620 for rezoning to cs-co to allow convenience storage facility. Staff recommended against it. Zoning and platting recommended against it. The neighborhoods recommended against it. Council passed it unanimously on first reading and on consent on second and third reading. The reason was because you felt that it was a very reasonable use of the property and you didn't think that cs-co would be a problem in the future. And it was explained very carefully by staff that it was the only way that you could permit a convenience storage use on that property, was a cs-co. The -- actually, mayor Adler asked -- I just listened to the recording this soon this is fresh in my mind. Mayor Adler asked Jerry rusthoven if there was some way council could have some kind of reassurance that the cs-co would not be forgotten about and it would not be used to set a precedence for co in that area -- cs, I'm sorry, in that area in the future. Mr. Rusthoven -- blah, Mr. Rusthoven replied they could put a memo on file it was the council's intent that this would not set a precedent for other cs development in the area. Mayor Adler also commented this appeared to be a zoning problem that you could not have convenience storage without cs-co in an area which would not normally be appropriate for cs, and Mr. Rusthoven commented that historically that's where it had been and cs-co was the only way to allow that use in a non-generally cs area of town.

[9:30:42 PM]

Mayor Adler also noted the zap commissioner during the hearing had commented this needs to be fixed by codenext. It is not. So I understand why people don't like cs-co. I also understand it's a matter of trust. The neighbors do not trust you, they do not trust the land use commissions and do not trust staff to remember in the future what the cs-co is all about. I think that's very unfortunate. I think that's what needs to be addressed really is why we don't have that trust anymore. I on the other hand have worked on these kind of cases over 12 years. I have very much confidence in our staff that they will be able to look into future zoning requests in our area and they will see that this is a special case for convenience storage and not just an opening up cs to every property along the street. And I believe that our land use commissions and our council are perfectly capable of seeing this for what it is in the future, which is an unfortunate requirement that cs-co be used to allow convenience storage on a property where it makes sense even though we don't have a good zoning way of handling it. We have a similar situation, cs1, I think you're all familiar with that, the liquor store. We have cs1 uses dropped in the middle of gr or whatever zoning all the time because that's the only liquor store in an area which isn't zoned cs. No one looks and says, oh, everything around here can be zoned cs now. No one thinks that because people understand why that cs one zoning is in place. I think this is a very similar thing. I think it's too bad in the two and a half years since council addressed this with staff we don't have a cs-2, which is only convenience storage so we can have that same special case but we don't. So I'm asking you tonight to that I can leap of faith we and the public take with you every day, which is you know what you're doing, staff knows what they're doing, and you and future councils will also know what's going on and approve this use because it makes sense for our community.

[9:32:56 PM]

[ Buzzer sounding ]

-- And our neighborhoods. Thank you.

>> Mayor Adler: Thank you. Ed Haskins.

>> I gave up my time.

>> Mayor Adler: That's right. Andy pastor. Oh, that's right. Mr. Suttle, you want to close? Three minutes.

>> Mayor, members of council. Again, we've pointed out it's a hole in the code that is the only reason we're here tonight. We could offer follow up there was a way to do a restrictive covenant, we don't mind a roll back after the building is built, a roll back to something else as long as there's protection there to be able to rebuild it if it burned down. We don't want to be up here asking for cs zoning. We're asking for what four neighborhoods wanted that was a convenience storage instead of some other use on this. Let me touch real quick on the protections. There's multiple protections here. The covenant is a protection, zoning is a protection, because there's only one cs use and we're deleting a bunch of lr uses. That's a net gain. Somebody commented on property values and the way this will look. Endeavor has commissioned meal Shu to design this building, so what little you could see will be a nice Dean, doing the hill country motif, pitched roof and all. Like I said, it's actually a downzoning because we're saying

it's lo instead of lr. We've got to clarify something on the trips in the restrictive covenant we're limited to 400 trips and in the staff recommendation it says 470. That is limited to a cs convenience storage use. If it's not that use then we revert back to the previous restrictions on the trips in this area. Wlo will not work, and we will not zone this property wlo because of the site development regulations that are in our code today.

[9:35:01 PM]

If they were different we would say wlo would work. So with that I would hope that you would take the time -- oh, let me tell you about the zap recommendation. We didn't not have the restrictive covenant negotiated and signed at the time of zap so we went in a zap with a lot of angry neighborhoods and neighborhood opposition and zap said, well, I don't know if it would have made a difference or not. But since zap the restrictive covenant was negotiated and agreed upon by kona and a lot of the neighborhoods. So we've got our whole team here to answer any questions that you might have. We're just caught in this code dilemma. If there's a way, if the city attorney could work with us, we will work on the zoning roll back or a zoning change at codenext level or whatever it takes after this is built to make it fit into a more palatable zoning category but we're just stuck. This is the only one that works. So --

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: All right. We're back up to the dais. Council?

>> Alter: I singling thighs that the applicant -- similar thighs that the applicant is stuck in our -- sympathize that the applicant is stuck in our zoning purgatory here and I would appreciate the opportunity to talk about that roll back provision and the private restrictive covenant. This is a tough one for me because the neighbors are split on this. And I understand they favor the storage unit. I'm still having trouble understanding why we would ever zone for storage anywhere in the city, but I understand that that's a use that the neighbors favor.

[9:37:03 PM]

I think there is some confusion here over the the traffic situation. I recall there are limits on the trips that come from the champion tract settlement. You can never have over a certain number of trips. If you take that pie and you divide it and you take less for this tract, they're just going to use more on the other tract so that total amount is still going to be your traffic, as Ms. Miller mentioned there. So I'd love to kind of get a sense of where my colleagues are at this point for first reading. You know, I could support a first reading of wlo, but I can't support a first reading of the cs-co, and I'd like to hear a little bit from my colleagues. Where they're at.



>> Mayor Adler: Council?

>> Alter: Wlo let me say allows for storage. It does not allow for the height that the applicant is asking for. This is a part of where the hill country roadway ordinance does apply, and I forgot to mention one other thing, which is that I'm not sure that zap would approve this again from a planning perspective if it went back to zap, but if the applicant wants to send it back to zap with support of some of the neighborhood around and the restrictive covenant and if they support it, then I could support it. Moving forward.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Could we hear -- I'm sorry. I know he addressed it but I wonder if we could hear from the applicant again about the -- about why wlo won't work since it provides for the use that your developer is seek.

>> Yes, ma'am, thank you. First of all, it's not a permitted use in wlo.

[9:39:04 PM]

It's a conditional use so you go through the conditional use site plan process. But you actually do that through your hill country anyway, so that's one thing though, it is a conditional use. The second thing is that wlo has a 25-foot height limitation and a one story limitation. So you can only do 25 feet, which is -- many houses are taller than 25 feet and one story. So it -- the site development criteria doesn't work under wlo.

>> Tovo: Sorry. I could pull out my sheet and look this up myself but instead I'm going to ask you to say that again. The height limit is 25 feet.

>> 25 feet.

>> Tovo: And one story.

>> And one story.

>> Tovo: What's your intent in terms of height and stories for this storage unit?

>> We intent to pursue, because this is down in a hole and we're cinching in the buildings because of the floodplain we intend to go up to 40 feet and probably three stories.

>> Tovo: And the first concern you had it sounds like you resolved as you were talking about it, that either way -- that the conditional use -- I'm sorry, the fact that it's conditional use is not much of a --

>> [Overlapping speakers]

>> You've got to go to the planning commission anyway for your site plan but it's a double ask. It's a conditional use permit and a hill country site plan.

>> Tovo: Okay. All righty. Thanks.

>> Mm-hmm. It's basically the 25-foot and the one story limitation. It's just when you've got a tract that's in the hole anyway -- the building that I showed you where you could barely see it, that is dimensioned off at 40 feet.

>> Mayor Adler: Council?

>> Casar: Can staff explain why you're recommending this change?

[9:41:06 PM]

>> We are recommending this change for three reasons. Many of which Mr. Suttle just stated. One the site is severely constrained by the floodplain. The site is constrained by the lead that was contaminated and cleaned up but also limited so it can happen in the future. The site does not have good visibility off the street because it's down in the hole and the site is the lowest trap generator we can think of and traffic has always been the biggest issue here. Ms. Kitchen?

>> Kitchen: I have a question of the applicant. Did I hear you -- what did I hear you say with regard to at least one of the concerns that the neighbors had, which was what would happen to this property under codenext? Did I hear you say that you would be willing to even -- what did you say about that? I know you said something.

>> What I'm telling you is that my client will do whatever it takes after his building is built to have the zoning rolled back or fixed or rezoned under codenext so that we don't have this zoning on the map that everybody is uncomfortable with.

>> Kitchen: Okay.

>> Councilmember, if I could address that, the applicant would not have to do anything. If the council were to approve the zoning as recommended by the staff, we'll have a co, the co we spoke of that restricts it to the only cs use being self-storage and because it has that co it would get what we're calling f25 in codenext so the zoning would stay the same even after codenext including all the conditions that limit it to just self-storage and other lo uses. So basically the zoning would not be changed under codenext so there would be no need to discuss a roll back or a change or anything like that. It would remain whatever the council approved today were they to approve it.

>> Kitchen: Okay. Follow-up question. F25, does it address the concerns that we've heard about the reason for having to go cs-co and the difficulties under the current code for income.

[9:43:08 PM]

>> I'd have to look. I heard Ms. [Indiscernible] Say she felt they had not changed. I believe they have. I'll have to take a second look. I can't obviously remember all the details of codenext but my recollection is that we did create a new use and allow that in somewhat less intense categories because this does

come up quite often when people are doing self-storage you're doing the same thing requested today, which is cs with the self-storage being the only use and otherwise go into another zoning category, in this case lo. My recollection is we did do something in codenext to lodging sites loo it in slightly less intense categories than the equivalent of cs but I'll have to double-check. Again, the zoning would not -- if this case were approved as recommended by staff, it would be the conditions that you approved would remain even after codenext.

>> Kitchen: And so the question really is, does that take care of the concern that we heard from the neighborhoods in terms of the indent that's available?

>> I believe it would because it would be whatever you approved today, which if you did approve it, which would be just the self-storage use plus potential for office if self-storage didn't work out.

>> I left out one piece of information on the wlo. The wlo at 25 feet one story requires you to spread it out. Under cs as limited it allows us to compress it, allows us to save several heritage trees, which the heritage trees were grandfathered from the heritage tree ordinance but we are working to save the heritage trees by collapsing the buildings and pushing them in and going up a little higher and wlo would no allow that. Sorry I missed that piece.

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

>> Flannigan: I move staff recommendation.

>> Mayor Adler: Staff recommendation is moved on --

>> Fla >> Mayor Adler: --

>> Flannigan: Cs-co.

[9:45:09 PM]

>> Mayor Adler: First reading and close the hearing.

>> Flannigan: Yeah.

>> Mayor Adler: Moved to approve on staff recommendation first reading, close the hearing. Is there a second to that? Mr. Renteria seconds that. Discussion. Mr. Flannigan.

>> Flannigan: So I am generally uncomfortable with this type of zoning process and I'm even more uncomfortable with f25 conceptually, but this area and settlement agreements and it is kind of a knot of zoning and regulation. I'm also not a big fan of self-storage. I agree with Ms. Bailey it is a poor use of land and economic value, but it does -- it is likely the only logical conclusion I can come up with given the very complicated and cumbersome code we're dealing with at this moment so I think it's appropriate just to move forward on this.

>> Mayor Adler: Council? Councilmember alter.

>> Alter: I have a question for Mr. Rusthoven. I want to understand what happens under codenext if they want to amend the co. Can we amend the co in the future or would any opening of f25 zoning require it being translated into a codenext category.

>> What said.

>> Alter: The latter.

>> It would be the same thing as a cs-co. In F in the future someone wanted to tweak that co, they could not. They could only ask for a new codenext zoning category.

>> Alter: The base of the cs is different than wlo or what their client zoning is even under the 525 process, if you were trying to figure out what it translated to.

>> It wouldn't be a matter of translating it to. We wouldn't translate it. We would leave it f25. What would happen in the future is somebody would have to come in, so it would not be rezoned under codenext, right? In the future someone could come in and ask for a new codenext zoning category, they could ask for whatever they wanted to. There would nobody translation involved. It would be a can have a property owner.

[9:47:11 PM]

>> Alter: But the base for the attempts is higher than are a cs-co.

>> I don't know if there would be any base. It would simply be a request to go from the cs-co, akaf25 to whatever they were asking for.

>> Alter: But it would --

>> You could ask -- is what they're asking for higher or lower than what they already have right now but that would be dependent on what they were asking for at that time.

>> Alter: If they were asking for the same thing and cs-co is more intense than wlo, for instance, it would be less of a jump in attempt.

>> Yes, comparing it --

>> Alter: More likely to be granted.

>> Yes, depending on what they're asking for you'd be comparing it to whatever it's approved today.

>> Alter: I'm going to make a motion for a wlo and I find it very funny that Mr. Flannigan is motioning for storage and for conditional overlay.

>> Flannigan: I know. Funny to me too.

>> Mayor Adler: Councilmember alter moves to amend the motion to make it -- what was that?

>> Alter: Wlo on first reading.

>> Mayor Adler: Wlo. Is there a second to the change to wlo. Ms. Houston seconds that. Further discussion. This is a hard one up and down. I mean, I don't like the public storage use just because I'd -- you know, my personal taste would have something out there that was more supportive of neighborhood uses. But I can't say that this is an inappropriate use for the property because I think it is an appropriate use. So if I look at it purely as a land use case, I support the recommendations being sought because it's an appropriate use for that location. I'm happy that we're doing it on first reading, and I would want to figure out better if there's a way to orchestrate the roll back at some point in the future, as that offer is there.

[9:49:16 PM]

But I find -- I have difficulty not approving something that limits it to this use based on the fear that a future council would change it because a future council can change anything we do on any tract that we do. But the record here would be obviously real expensive we would have the property owner here talking. So I would vote against this amendment and vote in favor of the motion from Mr. Flannigan. Mr. Casar.

>> Casar: Mayor, I think I'll vote the same way, voting between this storage use or that storage use. I don't like storage use idea, but then in thinking about it if there's going to be storage uses I suppose it's better on a place where we aren't focusing lots of money and energy to turn into a walkable corridor, and I see the storage units pop up on Lamar and burnet and those things it gives me -- gives me a lot of concern. And so I think, yeah as we look at the code this looks like something we should look at and thank you to Ms. Bailey for bringing up those cities looking to limit those uses. We can think about -- we can maybe learn from them and look at what we can do.

>> Mayor Adler: Further discussion on the amendment? We ready to take a vote? This is the amendment to take it to wlo. Those in favor of councilmember alter's amendment to go to wlo please raise your hand. Ms. Houston, Ms. Kitchen, mayor pro tem, councilmember alter. Those opposed raise your hand. It's the others on the dais with pool and troxclair off. The amendment does not pass. We are with the main motion, which is on first reading to approve the cs-co. Close public hearing. Any discussion? Those in favor please raise your hand. Those opposed. Councilmember alter votes no, others voting aye with pool and troxclair off the dais.

[9:51:19 PM]

Passes on first reading. Okay. Let's go to the next thing.

>> Alter: Mayor, before we move on, I would like to talk to the applicant about adding the roll back provision in the private restrictive covenant. And also creating a memo -- I don't know if that gets created from staff that suggests that this is intended for this particular use and not more broadly.

>> We can talk about the specific physical characteristics of the site.

>> Alter: And I also believe we may need to make sure that we have the appropriate category. It was my understanding from what was presented tonight that we don't have a category in codenext that addresses this issue. I would certainly hate for us to go through that whole process and find ourselves in a similar situation over and over again.

>> Councilmember, I understand. Keep in mind it's kind of a two edged sword. On the one hand we're talking about not having to go through this again. I've heard concerns about the self-storage period. Not going through this again makes it easier to use self-storage which contradicts some of what I heard tonight also.

>> Alter: Fair enough. I look forward to learning more.

>> Mayor Adler: Sounds good. Ms. Houston.

>> Houston: I see Chaz Moore here.

>> Mayor Adler: We were giving people a chance to speak if they wanted to speak.

>> I'll be brief. Come on down. You have three minutes -- sorry? This would be the time to now come down and talk to if you want to. You have three minutes.

>> Yeah, you know, I know it's passed already. I want to bring up a few things that people were talking to me about. First, since we're talking about, you know, just the police department, I think it would be remiss of me being, you know, the police department's biggest critic to not applaud the work experts of chief Manley for what he was doing over the last couple weeks regarding the Austin bomber.

[9:53:23 PM]

Again I think he deserves another round of applause for that.

[ Applause ] Thank you. I don't have that much time so thank you. Second thing in regards to councilwoman troxclair, who is about to bring a life into this world, I definitely respect the moment and time that come with being a pregnant mother, but I also think that it's y'all's responsibility to have important items like this in the evening because we have a lot of people that did want to come out but they couldn't. I'm not trying to be disrespectful to her but I also think you have a duty to not only your colleagues but to your constituents to listen to what they have to say about things like this. I also wish people could have came to talk about councilmember Casar's amendment because we had a lot of people that supported it. And just sitting here listening to these people talk about all the stuff that is completely over my head, in lards -- regards to all these things around policing and everything I want to leave you with something I heard while watch prayerer and I know it's weird that a black guy watches Frazier, but it's a good show. He's about to embark on a journey and he recites a small part of Alfred teny son's poem and he says it may be that the ghost will wash us down, it may abwe shall touch the happy hours and though we are not that

[indiscernible] Move Earth and heaven -- to strive to seek and not yield. Frazier goes on to talk about what that poem means to him and I definitely agree. I think we have to -- especially y'all being our

leaders in this great city, I think the moments that it's easiest to think about doing the easy things, I think we have to challenge and push ourselves to do the hard things.

[9:55:28 PM]

When it comes to hard things around police and public safety, I really think we have to start thinking about what public safety means because it's not just police. Although the chief and police department did an amazing job at keeping as many people safe as they could, I don't think we need to use our -- I don't think we need to exploit this one instance to rush a contract and rush police talks because we have to think down the line, we have to think about the community relations that we've had with police prior to this incident and that we're going to have moving forward.

[Buzzer sounding] We have to think about the money we need to safe for other forms of public safety. I encourage you all keep being the strong leaders you have and be willing to take chances and think outside the box. With that I'm going to my hookah lounge and enenjoy the night.

>> Mayor Adler: I think we have the answer to -- some of the questions we

>> Mayor Adler: I think we have some answers to some of the questions we had on number 8. Staff here?

>> Kitchen: I think my staff has been working with Mr. Guernsey. So Mr. Guernsey, if I'm understanding correctly, that the attachment that we were looking at, we were actually, all of us were misreading it, and the dots on the map do relate to, and the blue areas surrounding that, do relate to the scope of the survey. So that means that --

>> The scan.

>> Kitchen: There are surveys throughout the city.

>> Yes. So on the map as part of your backup, map exhibit a, where you see the dots, those are the tourist sites. And then where you see the blue parcels, those blue parcels contain a building that's 45 years or older, that's within a half mile of the tourist site, which are those little black dots.

[9:57:28 PM]

And as you look at that map, you can see that the areas that are blue, that are within the half mile of those little black dots that contain the buildings that are 45 years or older are well distributed throughout the city.

>> Kitchen: Okay. Well, then I will move passage of this item. I would just ask, Mr. Guernsey, if you could send out this map in a way that I can blow it up and look at it better.

>> I'll send a new map out to the entire council that provides a legend that's self-explanatory.

>> Kitchen: Okay.

>> Mayor Adler: Motion to approve one of those -- the last element of what was number 8, whatever that was, the citywide historic building scan. It's been moved. Is there a second to that? Actually, we divided it therefore we don't need it. It's just coming back to what we had tabled earlier, it was the rest of the divided yes. Are we ready to take a vote? Those in favor please raise your hand? Those opposed? It's unanimous on the dais this time with councilmember pool and troxclair gone and also councilmember alter. Off the dais. That passes. That's number 8. Good job on that. Thank you, Mr. Guernsey. That gets us now to item number 92, which is the Riverside pud.

>> Mayor and council, Jerry rusthoven from planning and zoning. Item 92 is case C 814-2017-001, the 425 west Riverside pud located at surprisingly 425 west Riverside. Laugh L we have renamed this pud the snoopy pud. The reason for that is the property for a long time was owned by Charles Schultz of peanuts fame. The property is the triangle that is located between Barton springs road, south first street and Riverside drive. It is located outside by office window at one Texas center.

[9:59:30 PM]

It is currently occupied by a surface parking lot and a hooters restaurant, and quite frankly is not much to look at. The property is located in the south central waterfront plan area. This plan was approved by the city council in June of 2016. I'm not going to go into a lot of gale about the plan given the late hour. Suffice to say that the plan envisions an urban landscape comprised of a street grid network of green streets as well as many public amenities including 20 acres of park areas that does not exist today. In order to pay for these rather expensive public amenities, the plan allows for greater entitlements than today. Those greater entitlements are not yet available to developers because we have not adopted the regulating plan that goes with the master plan. That regulating plan is currently going through the process. It was just at the south central waterfront advisory board last Tuesday night. It will soon be coming forward to the council once that regulating plan is adopted, developers will be able to take advantage of the increased entitlements. Because of that the developers are required to have certain public benefit. On a tract by tract basis those have been monetized. So in order to achieve additional entitlements, each tract has a dollar value of public benefits that need to go with it. However, because that regulating plan is not in place today this applicant was required to do a pud in order to comply with the plan. The reason being that the entitlements in the plan are greater than what the code allows today. The plan called for -- so I've provided a table and I've handed this powerpoint up on the dais. The next two pages talk about what the site regulations are and requirements under today's existing zoning. What are allowed in and proposed in the south central waterfront plan, which was actually approved and would be allowed in the regulating plan. What the requirements in the existing pud ordinance are and what has been proposed by the applicant.

[10:01:34 PM]



Generally speaking, I can tell you that the -- I can tell you very specifically the applicant is complying with the south central waterfront plan. They are using the pud to get there. However, they are also doing additional things above and beyond the plan that have been considered to be because they are doing a pud and counting towards the superiority of the pud. This is a list, and I won't go through it again because it's late, of all the items that they're doing for superiority. They're doing better than great streets, doing green infrastructure, doing rainwater capture, doing purple pipe, they're doing \$600,000 of transportation improvements above and beyond what is required by the plan. They're redoing the overhang on the south first bridge, the pedestrian and bike path. There's quite a few things that they are doing to achieve superiority. However, as we were going through this, and this is the table that I think we're going to focus on the most for a second, the final table. Is that there are items that we considered when the plan for this particular tract says to get to the entitlements allotted by the south central waterfront land, the plan allows them to go up to 195 feet of height, which is a little bit less than one Texas tower across the street that I work in. In order to get that square footage you have to pay \$1.1 million fee-in-lieu for affordable housing. This is a project that does not have any residential component to it. So \$1.1 million is called for the plan for affordable housing money, which leaves another 2.1 million dollars' worth of public benefits. The applicant has proposed to providing the public benefits that are shown on this chart, things such as transportation improvements, environmental improvements, streetscape improvements, rain gardens, et cetera. However in reviewing the things that the applicant was proposing that go above and beyond current code, we also had to consider is this something that is mandated and required by the plan?

[10:03:35 PM]

So if it was something that was mandated and required by the plan, then we said it counts towards the \$3.1 million. If it was something they were going above current code, but not mandated by the plan, we said that's something that they're doing because their in a pud and that's something they're doing to try to achieve superiority. So at the end of the day the number when you come down to that 176,074 number in the lower right-hand corner, we determined although they were providing 3.6 million dollars' worth of total public benefit and this includes improvements, it's not cash, keep in mind. Although they were providing 3.6 million, which is over 3.1 million, they were only providing 2.9 million dollars' worth of items that are required by the plan, therefore there was 176,074-dollar difference and so the applicant has agreed to pay that in cash. Two things. The soothe central water front overlay plan continues a tif and a pid. It is decided that the tif does not make sense until the regulating plan is in effect to help capture additional value generated by the plan. Until you have the regulating plan adopted the tif doesn't make sense. Once the regulating plan is adopted you want to do that tif as soon as possible so you can lock in the current value so as much of that current entitlement you capture with the tif that would be spent within the district and only in the district for the amenities contemplated in the plan. It also calls for an expansion of the pid. This property is adjacent to the downtown Austin alliance, downtown public improvement district. The pid actually does cross the river, includes the statesman properties, I believe the embassy suites, as well as the Hyatt. So to comply with the portion of the plan that states that they should be within a public improvement district, this applicant will be

requesting annexation into the downtown Austin pid which is allowed in the pid's current charter because the property is adjacent to their current boundary.

[10:05:41 PM]

However the tif has not been created because regulating plan is not here yet, so we need to place the money in the affordable housing money as well as the \$176,000 difference between the pid and the -- between the plan and the pud money. The neighborhood housing conservation development department has agreed to hold the \$1.1 million for the affordable housing in a separate fund. It would be with the affordable housing trust fund, but it would be earmarked to come back to the district once the tif and its associated funds is created, and they have put a cap on that of five years. And the daa has also agreed to hold the \$176,000 in what we're calling the amenity fee for us until such plan as the council approves the tif, in which case the money would be moved back into the tif and one of its associated funds for improvements besides affordable housing. So I know that's a lot, but usually in a pud we give a lengthier presentation, but given it's 10:00 I thought I would make it as short as possible. I'm available for any questions.

>> Mayor Adler: Thank you. Speaking of subpoena past past 10:00, is there a motion to extent our meeting past 10? Mr. Renteria makes that motion. Mr. Flannigan seconds that motion. Any discussion? Those in favor going past 10, please raise your hand? Those opposed? It's unanimous on the dais with troxclair and pool off.

[Applause]. And also councilmember alter. That's why it was unanimous. Mayor pro tem.

>> Tovo: I have questions for Mr. Rusthoven, but I can wait until after the applicant's presentation, depending on what you prefer.

>> Mayor Adler: Either way. Does the applicant want to come up?

>> Meyer, members of council, I'm refused subtle on past -- I'm Richard subtle on behalf of the applicant.

[10:07:41 PM]

I'm going to really shimmy this down. My client started looking at this about three years ago before the plan was even adopted at the request and advice of the city staff he was advised why don't you sit tight until the plan comes through, which he did. The plan came through, the council adopted it. He redid his forms to conform to the south central plan and we've been going through the review process and the negotiation process on the pud with the city staff for the last couple of years. And then we've also been through an extensive board and commission process. We had a 12-0 vote at the planning commission, we had an 8-0 vote at the environmental board. We had 3-0 vote at the south central waterfront advisory board working group and a 5- 5-2 vote at the

[indiscernible]. And the reason is for that lengthy backup you have, the applicant has gone above and beyond on the community benefits and following the plan. And also I think if you wanted to talk about the environmental side, I know we were actually able to in working through it, we were able to help fix some problems that we were having in the codenext issue. And so with that I'll just say that we agree with the staff and all your boards and commissions that have voted overwhelmingly to support this. And we've got our whole team of engineers and architects all here to answer any questions that you might have.

>> Mayor Adler: Thank you. Is Molly Alexander here? Do you want to testify?

>> Good evening, mayor and city council. Thank you so much for your time and the length of the meeting tonight to allow us to be here. I'm Molly Alexander with the Austin eye a alliance. I want to thank the staff for the leadership on the issue.

[10:09:45 PM]

The downtown Austin alliance has been one of many stakeholders in the south central waterfront for many years and we are supportive not only of the plan, but also of the pud application tonight. I think it's important to pause and recognize how remarkable this effort is and the benefits of creating a vision, a plan and an implementation strategy that is beginning to unfold. The process in the plan has created new partnerships, dialogue and clapping between stakeholders that hasn't always existed. While it has and will continue to take time, I believe we are slowly building trust among our groups, recognizing that the benefits of the master plan outweigh any one real or perceived negative trade-off. With this being said, I think it is an opportunity as you look to approve this pud to move forward on the regulatory plan, the tif financing plan, and also think about a new governance model to accomplish the very ambition of the plan. The implementation strategy calls for creative financing to build the infrastructure, roads, parks, as well as achieve the affordable housing goals. None of us believe the city or should do this alone and thus the alliance and others, including the south Austin development corporation, have come to the table to provide assistance and leadership to leverage our collective strengths. Going forward we hope we can create a new model of public-public-private partnerships that will build community achieving our collective aspirations of building a city for all. Thank you.

>> Mayor Adler: Thank you. Mayor pro tem?

>> Tovo: Ms. Alexander, I have a couple of questions for you?

[10:11:45 PM]

You reference the south Austin development corporation. Is that the new name for the -- what is that?

>> That's the CDC -- I believe that's the actual name of the CDC, yes.

>> Tovo: Okay, thank you. So that was just for my colleagues' reference, that was the Bouldin creek community development corporation and they've now expanded their boundaries to include zilker and srcc, bar Barton hills. I knew they had changed their name, but didn't know what they had changed it to. I have read through the letter from downtown Austin alliance about the public improvement district and it's my understanding that the applicant is going to commit to apply to be part of that pid, the downtown pid. Are they automatically included? Is there -- will they be automatically included?

>> Excuse me. The process that's happened before, green water treatment plant is an example. So in the nda of green water as an example of how this has happened before, the council required Trammell crow at the time to join the downtown pid. You still have to petition for that and you still have to hold a public hearing as council. So that you notify all the property owners in the pid that this is happening. So there are a few legal -- it can take 30 days. It doesn't take that long. Have you to go through the same public hearing process that you would normally go through to adopt the pid.

>> Tovo: Thank you. I do remember that vaguely, so that's helpful. I have a question for the staff, but you might be able to assist me with this. Have you done any calculations to determine what the amount would be flowing from this development to the pid?

>> I have not. So our on ethe public improvement district currently has ten cents on the evaluation minus the first half million. So the first half million is exempt, so over and above that. So once the building is built and then appraised, it would then be assessed.

[10:13:47 PM]

>> Tovo: I just wanted an estimate. And I think I asked staff to think through that so they may have some answers for me. So do you have -- can you help us understand what the pid's commitment would be to the south central waterfront properties? Would the money that is generated by this development go into the general pid or do you have a way of segregating out the monies generated in that area to be spent in that area as was envisioned by the plan?

>> Today currently 30% or 33% of the area is already in the downtown pid and those property owners and our teams provide either direct services or other services of the downtown Austin alliance. I haven't done the numbers currently, but it could be an upside down scenario where we provide more services than we get. We can actually look at those numbers and see. But I think a great question, mayor pro tem, going forward as downtown evolves and changes as as we have more unique neighborhoods within downtown and we have master plans for those neighborhoods, I think that their needs are going to be different than the whole needs of downtown in general. So if you can imagine the south central waterfront will probably have different needs than south secretary street or the the innovation area. And I think as we grow and evolve we will recognize that, bring stakeholders together and begin to notify how do we address the needs of this particular part of the downtown area different than we might another part of the area. We are committed to that. You know, as you know, we -- the pid is only-- it expires essentially in 2022. And so it would be reauthorized again in 2023 if the property owner so chose to reauthorize it. And I think that if five years downtown is going to be even very different than what it is today. And the needs are going to be different. Tovo I agree with you --

>> Tovo: I agree with you and I appreciate the response.

[10:15:50 PM]

So you know, I really appreciate R. Appreciate the work that the downtown Austin alliance does throughout the entire downtown. So I want to start with that framework, but just to let you know I have heard and my colleagues know I have heard some concerns about how the -- how this pud is preceding on the adoption of the regulating plan and ahead of the tif and ahead of the pid or community amenity fund that would have been set up, so we're using the downtown pid instead. So there are concerns about whether that will do what was envisioned, which is to really service -- use those monies and reinvest them into that area. So I wonder if this does pass on first reading I hope that between now and the next hearing maybe we can put some clarity on how the downtown Austin alliance would manage that and what the -- see if we can get towards some kind of discussion about what that commitment would look like?

>> I think it's a great point. I think we can talk about republic scare as being a really great model. We have a really great partnership with the city. We've moved into new areas of creating great community assets and benefits and really thinking about that public space. We're really here about building a community that everyone can enjoy and love. And so I think that we've been involved in the master planning process since the beginning. The connection to parks -- the connection just of streets, of really making it a liveable place. It's really important to us. We're happy to help clarify or really help -- I think it's really this idea of horizontal leadership. When we think about all of the different partners we could put together to achieve the master plan, no one thing should rise above the other. The master plan is the driving north star. And how can we all play our part? We're there and we would really like to be a part of that.

>> Tovo: Thank you very much. And thanks for your commitment to help make this work.

>> Mayor pro tem, if I could. To answer your question and maybe expound on your last point quickly. We would estimate the values being presumed for the building that the amount of money coming to the daa would be somewhere in the 100, 120,000-dollar range.

[10:17:55 PM]

And with regard to the fact of their -- because the regulating plan is not adopted that the pid is doing something that wouldn't otherwise be done, the daa. I don't really believe that that is the case. The plan calls for properties within the plan to be brought into the pid, which this applicant has agreed to. So they would be in the daa pid. And then the only other thing that was somewhat different and I have a correction from what I've said earlier. I've since had a conversation with Mr. Canally. And instead of the daa holding the \$176,000 for us, which we appreciate, Mr. Canally has said the city can create a fund, just a separate bank account, if you will, that will be just that 176 will be deposited into that. And once

the tif is created after the regulating plan is adopted, we can pool that money, dissolve that account and put it in the tif for the district as it was intended.

>> Tovo: Thank you. And I have more questions for you, but I'm through with my questions for you, thanks, Ms. Alexander.

>> Mayor Adler: Thank you.

>> Tovo: Anybody else? Okay. Mr. Rusthoven, I have a series of questions and some of them I'll -- given the late hour, so what I'm hearing as the concerns, both adjacent neighborhoods have filed with us letters of opposition and their concerns are approximate about the height and the traffic that would be generated, but part of that really is about this project being awe ahead of the -- height was envisioned in the master plan, but it was envisioned as part of the community benefits. So I think -- I appreciate the mechanisms that you've described, but there still are concerns that -- because we're out front of the regulating plan that some of those commitments may be less than what we would have gotten afterward. So hopefully we can address some of those. The affordable housing provisions. The regulating plan, as I understand it, the regulating plan would call for 12% affordable housing and it seems as if the calculation for the affordable housing that's here before us is based on 10%, which is the pud calculation S that your reading of it?

[10:20:09 PM]

And I guess if so why are we using the pud 10% and not the regulating plan 12%?

>> You're right, the pud does require 10% affordable housing. I'll have to double-check with Allen on the amount.

>> Tovo: Let me say that -- we'll get a quick answer about this, but I have similar questions about some of the other items that are on the amenity sheet. For F it passes on first reading between now and the next reading I will want to go over all of those items and make sure they are truly one that they're truly valued correctly.

>> So mayor pro tem, the plan -- the way it approaches affordable housing is on a district-wide basis like a lot of other things within the plan. That's the idea is to look at things in a larger scale. So in order to get that 20% basically allocated towards this tract it is the 12 percent, so that's the difference between the 12 and the 10. But you're correct your calculation is based upon 10.

>> Tovo: So I would put that on my bullet list of things again if this passes on first reading that we should be looking at a pud that is using 12% calculation, not 10.

>> I think roughly that would be probably \$200,000, I guess.

>> Tovo: Every little bit helps. Okay. The -- we just talked about the community development corporation. I know the staff proposed putting it into nhcd. I would like to just hear from nhcd about whether you've had discussions about the community development corporation about ways they can partner with that. They were set up to -- just by way of full disclosure, I actually set it up many years ago.

I'm no longer involved with it, haven't been since I got elected, but it has -- there's a good deal of Tuesday can app in that area of having the development corporation do what it was supposed to do, to have more affordability efforts in that area. It's not specifically focused on south central and it's my understanding this money would probably need to be focused more specifically -- in a more geographic specific way, geographically specific way.

[10:22:15 PM]

>> Mandy de mayo, neighborhood housing and community development. We have not had conversations with the community development corporation and we look forward to that and we partner with a variety of different non-profits as you know that create affordable housing in specific geographic areas. So I anticipate that this would function in a similar way.

>> Tovo: And I would want to -- I don't know what that would look like, but I want to think about how we address that at council in terms of assigning those dollars. It may make sense to assign them to nhcd. Again, assuming everything goes through. But I do -- I want us to empower neighborhood base, geographically based CDCs to do their work. If there's an opportunity for us to facilitate that, I hope that we can work with you to think through what is a comfortable arrangement for all the parties.

>> We would love to talk through those details further and I look at this as no different than other density bonus programs, some of which have very specific provisions, whether it's geographic or the downtown density bonus program, which is as you know dedicated to low barrier permanent supportive housing. So it's money that we hold for a very specific purpose, whether it's purpose or gee geeing on gravy. So it would be a very similar situation and this is not outside of our usual business practice.

>> Tovo: Would you have concerns about the hold be entity being the CDC?

>> I would. These are essentially public dollars and we would want to see public oversight of those dollars.

>> Tovo: So then the arrangement that would make more sense to you would be an application for a grant or something of that sort from the CDC?

>> That is correct. That would be our standard practice and that's what I would-- that's certainly what I would recommend.

>> Tovo: Okay, thank you.

[10:24:16 PM]

So let's see... Mr. Rusthoven, I know the ordinance for this isn't ready, but do you have any -- do you envision that the pid application could be completed -- could be that the applicant could apply for inclusion within the pid and we can get that process ruling and completed before a second reading?

>> I think I would have to defer that answer to the applicant or Molly. That would be between the daa and them.

>> Tovo: I think that's consistent with the recommendations of the planning commission and the various other boards who have weighed in on this. I think it would be important to have the pid piece completed.

>> We've actually got the applications drafted and ready to go. We don't quite own the property, but the owners have said they will file it and the answer to your question is yes, we will be in the pid process -- yes, pid process before this is finally done.

>> I would like to be completed with the pid process before it's finally done. Then we'll work on it. We'll make that happen.

>> So the process is the city has to call a public hearing and notify owners. So I think that we've seen it done in 30 days so the question would be is if you want to keep it on a timeline that you would have to kind of direct that timeline. If really is up to you all.

>> Tovo: Okay, thank you. Mr. Rusthoven, is it possible to do something like -- part of the planning commission recommendation possibly also some of the other boards, was to get the tif created within a certain period of time. So I think in our discussions it sounds like that time period they were envisioning 180 days or something like that was doable.

>> I've been informed and this is something that the finance department would deal with.

[10:26:18 PM]

My understanding is that once the regulating plan is adopted I've been told that they anticipate they can get the tif done within six months of the regulating plan being adopted.

>> Tovo: After the regulating plan. That reminds me of another question. Could conditions be imposed on this property that they cannot get building, their site plan final approval or building permits or something like that without the tif being created?

>> I believe that that's a legal question, but I don't believe so. I defer to Mitzi cotton.

>> Tovo: Why don't I raise it as a question I would like sorted out.

>> Mayor Adler: What was the question.

>> Tovo: Whether there was some kind of limitations we could put on the property so that it couldn't -- to provide for the tif to be up and running first. Again, this kind of gets back to that general concern I'm hearing from people that we had. We had an agreement to get a regulating plan and have projects come forward and then complete it. This is out of cycle. This rezoning is happening outside of those other things being in line, which could end up, we lose the opportunity to capture that redevelopment value for the tif, which was part of the whole point of providing increased entitlements. Just this site currently has 60 feet. If we approve this zoning it's going to 195, which engood was in the master plan, but it was



in the master plan at 195, assuming all of those other pieces were in there, including the ability to capture some of that redevelopment for the tif.

>> Mayor Adler: And because the property values go up even before the regulating plan is adopted because the market reacts to what is foreseeable, what's reasonably forceable in the market. With that I would say the regulatory plan is foreseeable, so have an impact on market value. You had said earlier it doesn't make sense to have it until the regulating plan is in place. I don't understand why that's true.

[10:28:19 PM]

>> Greg Canally, finance. Mayor pro tem, I think as now that planning and zoning are working through a draft regulating plan for that we actually have started the engagement on kind of having a concurrent effort on looking at what a tif study would be. We do think they need to be a concurrent exercise. The exact time of when a tif would be adopted, if it would be adopted, we would want to have them highly correlated.

>> Mayor Adler: At this point I would say move forward with the tif without regard to the regulating plan because it's already impacting market values. I mean, I would do them both, but I wouldn't necessarily coordinate them. I would say bring the tif back to us as quickly as you can.

>> So going back in time, when Mr. Farkus worked on the original plan, the small area plan, we do have initial numbers to work off of so we're going to be starting our work from those and moving forward and looking at that evaluation and we've been already discussing that with planning and zoning. We can get back on the timeline on that very soon.

>> Tovo: I would place a high priority on that for just the reasons you said. We're contemplating a rezoning to match the regulating plan, which is -- I mean, it already has impacted what might happen on that site. I'm concerned about, and this is really a question for either the city manager or for Mr. Rusthoven or Mr. Holt, I'm concerned about the intent to merge the regulating plan on to the timeline of codenext. And again, because we have a project proceeding through in advance of the regulating plan and the regulating plan is already in draft and moving through the boards and commissions your memo talked about -- talked about something to do with having the timeline go along with -- et cetera, et cetera.

[10:30:24 PM]

>> The intention is to within codenext to say within the south central waterfront see the regulation plan for the regulations.

>> Tovo: Initially when we talked it sounded like those would proceed on parallel tracts and it sounded like in the memo it was --

>> I would anticipate the regulating plan being done before codenext. And if it was adopted before the south central it would say see the plan.

>> Tovo: And in adopting the regulating plan in adoption with codenext is within the framework. This memo just happened this week. If we could separate those and have them happen not in tandem, but as they're ready, understanding that the regulating plan --

>> As the regulating is done beforehand, which I anticipate it may be, like I said, codenext will just refer back to it.

>> Tovo: That sounds like a better path. Okay. I think that's --

>> Mayor Adler: I think Mr. Flannigan might have had a question related to one of yours.

>> I just wanted to comment on something that you said, mayor. My understanding is that when we talk about market values and zoning that market value in terms of what you might buy a property for is not necessarily what the appraisal district sets the value at. And we've learned that the appraisal district doesn't look at zoning when it sets appraisal values. And I don't disagree with if we're going to do a tif then we want to maximize the tif. I'm not a big tif fan, that's a separate issue. I also don't want the community to think that just setting a zoning or a pud immediately changes the appraisal district's valuation of the property.

>> Mayor Adler: Not necessarily, I agree with that.

>> Tovo: Sorry, I have another question for the applicant. And I'll have more, but not tonight. But the one I did want to ask you today, can you talk a little bit about the green roof and whether there will be signage indicating that there is public access? I believe that's being offered as one of the superiority elements or one of the open space requirement to meet one of the open space requirements.

[10:32:31 PM]

>> Yes.

>> Tovo: I'm now not remembering which.

>> It was raised in the environmental board meeting. It's a sizeable green roof and they would like to see that as an example for other buildings and they wanted to make sure that there was both signage and awareness and the ability to go up there. And so while it's not a public park in that it won't have its own door and anybody can go up at any time, it will be accessible, there will be signage and there will be awareness to increase awareness about green roofs and the reduction of the heat and impact downtown.

>> Great. And those I anticipate will be really spelled out very clearly in the pud ordinance.

>> Yes.

>> Tovo: Super. Yes. How about the green walls on the parking garage? I know that was another recommendation.

>> We don't have green walls yet. We're still looking at that. The architects are telling us that in downtown setting it's very difficult, so we don't have that yet.

>> Tovo: What's difficult about it.

>> You have keeping them watered, keeping them growing, keeping them alive.

>> Tovo: Okay. I look forward to that conversation.

>> Mayor Adler: All right. Let's have a motion on this. Someone move approval of this item 92.

>> Kitchen: I have a quick question. This is a question for staff staff. And if it's involved you can send me the information. But basically I've noticed that the variance -- the variances that are requested from the waterfront overlay, one of them relates to the mirrored glass and so I'm curious about why a variance is required. Why does the waterfront overlay prohibit that and why is the variance need and what's the criteria for a variance. So again, if that's something you need to send me that's okay if it's not a simple answer.

>> I'll have to send that to you. Ditched okay.

>> Mayor Adler: Is there a motion to approve item number 92? Mcraven makes that second. A second to that motion? Mr. Renteria seconds that motion.

[10:34:32 PM]

Discussion? Yes.

>> Tovo: I need to ask councilmember Flannigan is that planning commission recommendation?

>> Mayor and council, if I may. The planning commission recommendation was to approve the staff recommendation with some additional conditions. I think those additional conditions are things such as encouraging a speedy adoption of the pid, encouraging a pediatriciancy adoption of the tif, the regulating plan, the burial of some electrical lanes, the green roof. Those are things that may be impossible to put in a zoning ordinance. We understand their intentions and we're of like mind with regard to those items. But I would actually request that you approve the staff recommendation in this particular case knowing and giving us direction to follow the items that the planning commission passed. But some of those things the planning commission passed I cannot put in a zoning ordinance.

>> Flannigan: So I move the staff recommendation.

>> Mayor Adler: Are Mr. Flannigan moves the staff recommendation. That's the motion.

>> Tovo: Mayor, I think some of those recommendations are really important and we likely don't want to spend the time going through them one by one to talk about whether we can or can't put them in a

zoning ordinance, but I would either add them -- I think what I would like to do is instead move staff -- move planning commission recommendation if I can get a second for that.

>> Mayor Adler: Okay. Mayor pro tem would like to amend it to be the planning commission recommendation. Is there a second? Councilmember alter seconds.

>> I think that would be okay, but just understand that everything that they put in the PC recommendation are not things that I can put into a zoning ordinance. So there will be things that will not be in there.

>> Mayor Adler: Is this first reading only?

>> It is first reading only.

>> Tovo: I think that I would be more comfortable operating from that position because then hopefully the staff can work as creatively as possible to see how they can accommodate those. And in what forms.

>> We'll do that. So you're not surprised when you see things --

[10:36:35 PM]

>> Mayor Adler: Do you have problems other than not being able to put it in the ordinance, do you have any problems with the things that came from PC?

>> No: The power lines, yes.

>> Mayor Adler: I'm going to support the mayor pro tem's amendment here and between first reading when we come back and find out what is appropriate to include and the things that are appropriate to include, see if there's some other thing we should be doing with reference to those. Any discussion on the amendment? Let's vote on the amendment. Those in favor of the amendment please raise your hand? Those opposed? It's unanimous on the dais with troxclair and pool off. Let's take a vote now on first reading on the pud. Mayor pro tem?

>> Tovo: Sorry. I just want to indicate that I am going to support this on first reading, though as I mentioned I have significant concern from my constituents in this area on several of these issues, but just to recap, affordable housing calculation in my estimation needs to be adjusted. I hope that we can get some clarity on hcd on how a CDC might interact with that. Some more concrete language on how the pid will operate in this area to really focus on the waterfront. Staff have agreed to look at the -- look with legal at the -- at how -- how and whether they can hold back building permits or some other methods until we have the tif in place. And we've already addressed regulating plan so we don't have to do that pid commitment. And then if we could expedite the pid piece.

>> Mayor Adler: Is that by way of direction?

>> Yes. I was just recapping some of the questions and things that we had talked about.

>> And that includes closing the public hearing, correct?

>> Tovo: Well, we had almost no one come down this time, but I do think we should afford people the opportunity to talk next time if we have a -- if we have anyone who wants to come down and address us.

[10:38:37 PM]

>> Mayor Adler: The amendment is not -- is first reading -- the planning commission recommendation, first reading, not to close the public hearing. That's what's in front of us now. Ready to take a vote? Those in favor please raise your hand? Those opposed? Okay. It's unanimous on the dais with pool and troxclair off. That takes care of that. There are two things that are left. For us. Thank you.

>> I'm here to do 96 if you would like.

>> Mayor Adler: Go ahead.

>> Kitchen: There's actually three things.

>> Mayor Adler: Okay.

>> Item case is case c-14-2017-008, this is to amend title 25 of the city code to change the public act of the central urban redevelopment combined district also known as cure so it does not apply east of 35. We would also add a map of the cure district into the code, which is an inadvertent mistake on there right now in the ordinance, but not in the code. This is recommended by staff. It's also recommended by planning commission. It was initiated by the city council and I'm available for any questions.

>> Mayor Adler: Okay. We have some people also to speak on this. Ms. Houston?

>> Houston: May I ask a question first? Did you have a question?

>> Kitchen: We skipped 95, but that's okay.

>> Mayor Adler: I'm sorry. Let's keep going here. Does anybody -- do you want to hit that first?

>> Kitchen: I don't want to interrupt the process, but we've got people that have been waiting on 95 too.

>> Mayor Adler: I think that's fair. Let's put 96 aside. 95 was the next one to do. I apologize. My fault. Let's do 95.

>> Thank you, Mr. Mayor, mayor pro tem and council. I'm Kevin chunk, I'm the floodplain administrator from the watershed protection department. Before I get started I just wanted to say I did just have some surgery and it does affect my speaking. So please don't hesitate to ask me to repeat something if you need to.

[10:40:40 PM]

>> Mayor Adler: I was about to ask you if you felt okay.

>> I'm fine. Doing great, thanks. The item before you toyed is a floodplain variance request at 1200 Barton springs road. It's in the west Bouldin creek watershed. There's the picture of the area right there. That's south Lamar running up and down north-south in the middle of the page and Barton springs. So this property is on the northeast corner of that intersection. As you can see that's in the dark color, the 25 year floodplain, in the light blue color is the 100 year floodplain. One thing I wanted to point out here is that light blue line on the right side of the map is the channel for west Bouldin creek. That's come into play later on in the discussion, but I wanted you to see where the channel is in relation to where the property is. Now, this property was first located in a FEMA floodplain in 1981. There's a very small piece of the southern part of the property that was in the floodplain. Revised FEMA maps in 1993 put the entire property in the floodplain. So it's been located in the floodplain for quite some time. There's a closeup of the property with the existing building highlighted there. You can see the entire property is in the 25 year floodplain. There is an existing use on the property, was a fast food restaurant. It's not open anymore. The existing building does -- is below the 100 year floodplain elevation and so there's expected to be two feet of water in the building during 100 year flood. And the maximum owe 100 year flood depth in the parking lot is about 3.6 feet. The max numb flood depth in the parking lot next to the building is about 2.3 feet and it gets less as you go to the north.

[10:42:44 PM]

So the proposed development is to remodel the existing building only. No new foundation will be poured. It's at the same finished foot elevation as what exists today. There's no increase in the condition space under the existing building. So it's the exact same size of the building. Therefore since there's no increase in the foundation N the foundation area, there's no adverse impact, flooding impact with this proposed development. They are proposing some limited site improvements for accessibility improvements as well as some flood signage which I'm going to talk more about. So with the I am movement approvals that they're proposing, the valuation of those improvements are more than 50% of the value of the building, therefore if this is called -- this is called a substantial improvement. That's the definition of a substantial improvement in the code. If the value of the improvements exceeds 50% of the value of the building, not the land, just the building, then the entire property has to be brought into compliance with the floodplain regulations. Now, the intent of that is let's reduce flood risk for buildings when you're putting a significant amount of money in the building. If you're putting more than 50% of the value of the building -- the value of the building into valuation, then we might as well reduce some flood risk and make sure the entire property meets the floodplain code. So there's some numbers down at the bottom. The 2017 Travis county appraisal district building valuation is about \$72,000. You can see the proposed valuation that's being proposed is obviously more than 50% of the value of the building. So its variance requests that are being asked by the applicant are for the finished floor elevation to remain two feet below the floodplain in the CBD area, it's required to be two feet above the 100 year floodplain.

[10:44:48 PM]

In addition, this property does not meet the safe access requirements which require as you know walk from the building to the right-of-way all at an elevation that's a minimum of one foot above the 100 year floodplain. And we don't see this variance a lot because we don't see a lot of buildings that are below the floodplain, but if you do have a building below the floodplain that the code requires that you put some area of safe refuge inside the building this building is not proposing that therefore it's an additional variance item. This is a picture of the property before the current demolition happened. This is about in June of last year, 2017. This is what the property looks like today. There was some demolition that did occur on the property prior to coming to talk to the city. The commercial building permit process started some time mid December of last year. So when we're thinking about conditions of the property, we want to make sure from the floodplain perspective that we're thinking about the valuation of that building, not that building. So summary of findings for you, as discussed there's no safe access for this property. Proposed minimum of the lowest floor is below the minimum required elevation. The hardship condition, we say it partially exists for the property because it does exist for the safe access variance. There is no way anywhere could put anything on this site and it would meet the safe access requirement. The entire property and the entire right-of-way around the property is in the floodplain. So there's no way to meet safe access. However there, a way to meet the floor requirement, build a new building. So it partially exists for the hardship condition. I am going to talk a little bit about the flood safety plan and the flood proofing a little bit more and those were at the bottom.

[10:46:49 PM]

I know you guys don't see it very often because I don't speak to them very often, but staff is recommending approval of this variance and I wanted to be really clear about why we're recommending approval of this variance. So here are some of the considerations that we made. Now, thinking back to that slide of where the channel was for west Bouldin creek, that's where the channel is Igtqed is where there is velocity of flood flows. So most of the properties that you see are properties that are either adjacent to the channel or in that floodplain area where you have flowing water. This property is being flooded by an area that we call back water. Essentially zero velocity water. It just ponds up, fills up like a bathtub and then flows back out. Over time obviously, but it's not a moving water situation and this is -- I wouldn't say unlike any other variance because we did one on Travis county probably three years ago that had a similar situation as far as velocities to go, but we do not see this happen very often at all with the variances that we bring to you for consideration. It in addition to the renovation that they're doing, they're preparing what we call wet flood proofing in the building and those will be some particular wall coatings, the electrical outlets will be able to handle the flood waters that they won't get damaged. The meter placement will be such that it will be above the floodplain and/or flood practice offed. What that allows, what wet flood proofing allows is it allows for a building to be flooded and then cleaned out and not damaged permanently. Clean it out and it gets back into service. So it's a way of making a more resilient building that gets it back into service instead of being flooded and damaged permanently. The

second reason that we're considering recommending approval is there's no increase in density with this proposal.

[10:48:56 PM]

I did a little research in the past few days and I looked at over the past 20 years commercial redevelopment projects, what is the average percent increase in density? As you can see, it's more than 3,000%. Now, that's for properties, like I say, for example, fifth and west. Went from an existing two-story office building to a 45 story story. That number does not include like fairmont, it was an existing parking lot, now it's a hotel. So that's just redevelopment redevelopments. Commercial properties are around 3,000% commercial contracts or around 65%. 1200 Barton springs road, this particular property is proposing zero percent increase in density. So based upon the density alone the development will not introduce more people to the flood risk that does exist on a property. The last consideration that we thought about is a flood safety plan that the applicant is proposing to implement. Cup one of the things we do in our equipment is educate people about flood risk. And we do things kids poster contests, going to festivals and talking to people, going to conferences. We do all kinds of things to educate people about the flood risk that does exist around that property. This plan does that. In addition, it then trains the applicant in order to flow how to respond if there's an imminent flooding threat. So there will be particular things that if this plan goes through to teach the tenant what to do in the case of a flood, how are we going to evacuate this building when it's expected to have two feet of water in it during a 100 year floodplain. So we did work with the applicant. We did not do this before so I will say it's our first pass at this and I've been really impressed with the process and with what the applicant has come up wit were proposing some signs to be placed on the property and you see as an example the sign right there, the signs will be in English and in Spanish and it will be about 13 signs on the property in total.

[10:51:17 PM]

Three of the signs will be on the building itself, nine in the parking lot and one will be pointed to the cap metro bus stop that's right adjacent to the property.

>> I want to cover the conditions in the ordinance. As far as the drainage easement, such that that is recorded before they get a certificate of occupancy and a verification that the flood warning signage has been installed. Those things are required before the co is issued. That's all I have. If you have any questions, I would be happy to answer them.

>> Mr. Chunk, --

>> Mayor Adler: Go ahead.

>> Kitchen: I don't know if you said this or not, but this will be used for a Starbucks, correct?

>> Yes.



>> Kitchen: Just so people understand what the use will be. And the other thing that's happening is my understanding -- and actually this is not as relevant to the flood mitigation, but the driveway entrance for the drive-through will not be on Lamar any longer.

>> That's correct. They're closing off the south Lamar drive way entrance.

>> Kitchen: Right. Which is not related to the flooding, per se, but is an improvement to the flow of traffic on there.

>> That's correct.

>> Mayor Adler: Okay. We have some people who have signed up to speak. Does someone want to make a motion first? Ms. Kitchen?

>> Kitchen: I will go ahead and move that we go with the staff's recommendation. Now, I'll move that, but understanding that there are some citizens that have some concerns. And so I want to listen to those concerns, but I'll move it for purposes of going forward.

>> Mayor Adler: Okay. Is there a second to that? Mr. Renteria seconds that.

[10:53:18 PM]

Let's talk to the folks. Is the applicant here? You can open with five minutes if you would like.

>> Mayor, mayor pro tem, councilmembers, Ron thrower representing the applicant. I feel like I should have coordinated my presentation with Mr. Chunk. I'm going to be going through a lot that's going to be repeat and I'll try and go as fast as possible. The property as noted is at 1200 Barton springs road. And we are implementing what I think is an unprecedented plan. As Mr. Chunk said it's the first of its kind and I think that Mr. Chunk realizes the importance of it and is, from my understanding, promoting it to others that are looking for variance possibilities for their property. And so it's -- in entirety it's a flood emergency education and communication plan. And it is to inform not only the owner, tenant, business manager and also the employees that the site is in a flood area, that time is critical in flooding conditions, the building is not designed as an area of refuge -- I have to get to my presentation. And that immediate and swift evacuation of the property is mandatory during a flooding event. So on the evacuation side of the plan it's to discuss the probability of occurrences for storm events and heights of the floodplain relative to the slab and the parking lot so everyone is aware of the conditions. That there are maps associated it that show where the property is in the watershed, where it is in the city of Austin and in Travis county so when you're looking at a map you know exactly where the property is located. And in the event of flooding conditions as Mr. Chunk has pointed out, the waters are not swift moving so it's not a hazardous condition to actually walk through this water. And that we are also implementing something that is very unique and that no axes will be taken against any employee that feels threatened by a flood warning and that if their arrival to work is delayed by a flooding condition that no actions are going to be taken against them.

[10:55:19 PM]

And that there's going to be designated essential employees there to actually execute the evacuation plan. And then also specific sites to sign up for weather alerts, news outlets on the other weather conditions and then there's also yearly training workshop. And then moving on to the communication side, the manager will obviously maintain a heightened awareness during a flash flood watch, manager will inform all employees that a flash flood warning has been issued. The manager will announce to everybody, the patrons in the building, that a flash flood warning has been issued and there will be a TV monitor or computer monitor available to actually visualize the weather conditions in the area. That the Ica hydro website is a good site to go to, the atx website is a good site to go to and the usgs website has certain stream conditions in the area. So on the evacuation side of things, the idea is that if flooding is implement, there is a loud announcement that there is a threat of flooding that all operations are to cease, that there's a protocol to usher the patrons out to the appropriate areas and to secure the interior of the property. Getting more into the signs that are going to be available on the property, this is where the signs are going to be located and those that are shown in green are going to be the signs that inform the public not only on the property, but exterior to the property that this is a flood area. The capital metro sign I thought was an important add for this because there's people sitting at the bus stop that are unaware of the conditions in the area. And then of course there's three signs that go around the building that are very important. And as Mr. Chunk had mentioned, the signs are bilingual and they're going to be multiple signs around the site. As far as the site goes, yes, we are upgrading a little bit of the site for A.D.A. Compliance to meet current standards. We are removing some impervious cover so that we have a net zero increase in impervious cover acknowledge on the property and yes, we are closing the driveway on south Lamar and that will certainly help the operations of that bus stop as well.

[10:57:28 PM]

And so I also want to point out that we have received a letter of support from the bridges on the park property, which is the condo development to the north. It's the nearest residential property on this side of the street. And that letter of support came in today and I believe that those are available through your emails. And we have a representative from Starbucks here, Shelly Anderson, if there's any questions directly of Starbucks we can get those answered and we also have the architects of record here as well. So if y'all have any questions of us, our entire team is ready to answer. Thank you very much.

>> Mayor Adler: Thank you.

>> Tovo:mr. Thrower, on within of your sides you talked about what would happen, patrons would be escorted to an appropriate area. What would be the appropriate area? Leaving? I thought I understood that there were no appropriate area -- that there were no safe areas within the structure?

>> Can I get back to my slides?

[ Buzzer sounding ]

>> Tovo: It was that one. Sorry. Protocol to usher patrons.

>> I understand. I'm going to a map here. This is the map on the signs that are available, and so the area shown in red is the appropriate area to evacuate too because it's the area on the property that has the less depth of waters on the property. Over in this area the flood waters are probably inches deep.

>> Tovo: Thank you.

>> Mayor Adler: We have speakers signed up to speak. Let's hear from them. Is Dave piper sneer after Mr. Piper is going to be Lorraine Atherton.

>> She's not here.

>> Mayor Adler: Okay. What about David king? You don't want to speak. Sir.

>> Dave piper, president zilker neighborhood association.

[10:59:33 PM]

Please put a density on here. We're fine with that. It's zone -- it's been on our vmu map since 2006, the city council approved that unanimously. So residential density with mixed use on the bottom, put Starbucks in the bottom of that. That's -- we're good at that. So there's three comments from the staff in the -- your backup material. Number 1, however the applicant has not demonstrated a good, sufficient cause that justifies the lowest floor elevation variance, number 2 okay, therefore, the failure to obtain these variances would not render the lot undevelopable. Number three, lowest floor elevation variance is not considered minimum necessary since the building could be demolished and built in accordance to regulations. Find relief as respite from unnecessary hardship. Unnecessary hardship is defined as deprivation of reasonable return on the property, loss of use, deprivation of all or any reasonable use, rendering the property valueless, inability to develop the property in compliance with regulations, and reasonable use cannot be made consistent with the regulations. This variance meets none of those. Not one. So the variance that -- and then I guess I don't understand why staff is approving the variance in light of all this. I mean, there's the rules right there. And so, you know, we oppose it, the variance. You and I guess also I hope this isn't a harbinger of codenext. I mean you're going to have a whole set of rules that are being contradicted and no matter what codenext does, how it turns out, what's in it, if the rules aren't followed, I mean, what's it mean?

[11:01:53 PM]

So I guess -- and the plan, the evacuation plan, this flaw, if it ever occurred would be years down the road. I have little confidence that a -- the Starbucks staff in the kind of business that has a lot of turnover would perpetuate a training program like this on what to do over the years until a flood comes. It will be human nature, go to their instincts and try to do what's best.

[Buzzer sounding]

>> Thank you.

>> Mayor Adler: Thank you. That gets us back up to the dais. Thank you very much. Ron thrower, you want to close?

>> Again, mayor, mayor pro tem, councilmembers, Ron thrower. I don't think I have anything else to add. I will certainly enforce that Starbucks is committed to the safety of the employees and the patrons that are going to be on this building. We are looking at perpetuating this flood communication/education/evacuation plan in perpetuity in any way we can and it's going to be a living document that's going to be there. Again, Starbucks is very committed to this site and doing the right thing for the site. Certainly for the life of their tenancy on this property. I'm available if you have any questions. Thank you.

>> Mayor Adler: Mr. Casar.

>> Casar: Quick question. First of all, thanks for working with our staff, as Mr. Shunk said, it's rare we hear the words that that's recommended. My question I'm still trying to understand on some of these floodplain variances especially those with a hardship situation like this one, what if -- if we don't approve this, then what happens to this property? That's currently -- it's currently no use, right?

[11:03:54 PM]

It's just shut down fast food?

>> Yes, sir. It's partially demod building at this point.

>> Casar: If we don't approve this, what happens?

>> That's a good question. We have not contemplated it that far, but what would happen, I think you're looking at a situation where a development -- a smaller development possibly could be done on the property but it's going to take extensive amount of work to even get that done and we'd be back here again with another variance. I don't think we'll ever have the opportunity as Mr. Shunk pointed out to have safe access but I do believe that this property has a very unique condition, that the waters are not a water of velocity, it's not an unsafe condition about -- similar about being next to the creek. This is just water like, as Mr. Shunk said, water that fills up in a bathtub and goes down over time. Again, I think what we have proposed here is to not increase the occupancy on the site and maintain what's there today in the best manner that we can.

>> I just wanted to point out it's true, any development on this property would require a safe access variance. Anything.

>> Mayor Adler: Got it. Thank you.

>> Casar: Except insofar as it were something that doesn't have any people on it.

>> That's correct. Yes.

>> Casar: Fenced off detention pond.

>> Yes.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Mr. Shunk, I just have two quick questions. One of your points, findings, talked about the first floor being lower than --

>> [Indiscernible]

>> Tovo: Could part of the solution be to just raise that floor?

>> I mean, that could be part of the remodel, yes. I would look to the architect to kind of comment on it, how that could be done, but that's possible, yes.

>> Tovo: But that -- would that alternative have still required them to come to us for a variance?

>> For safe access, yes.

>> Tovo: Okay. Then my other question was about the ponding that you described.

[11:05:58 PM]

So how do you know that it's not high velocity flooding, just from previous flooding events on the site?

>> Because of the channel being all the way over on the other side of the tracks, when water can't flow down the channel anymore it goes to the expertise starts filling up this area, yet it's not moving in the other direction. It has to fill up and there's only one way in and one way out. So it fills out and then it goes back down in a very slow environment.

>> Tovo: And you've seen that happen before on this? In this area? Your modeling --

>> Okay. Not physically but our floodplain models indicate that.

>> Tovo: Thank you very much.

>> You're welcome.

>> Mayor Adler: It's been moved and seconded. Yes. Councilmember kitchen.

>> Kitchen: Yes. I am going to -- I'm going to move forward as I've shared with representatives from zilker with the recommendation of the staff. I think that this is a unique area. I can tell you just by waive explanation that while I very much appreciate the concerns of the zilker neighborhood for safety, I think that this is a unique area. Just so you all know for consideration, the area right now, many of you probably have driven past it. It's basically abandoned property right now. And the neighbors that provided this other letter, the bridges on the park, are very concerned about that property, as are others in the area, because it's just abandoned property right now. Frankly, it's an eyesore right now.

And it's causing difficulties for the neighborhood. So I am going to rely on the expertise of our staff in terms of the level of risk. That combined with the fact that the use here is the same as it has been for many years.

[11:08:02 PM]

I don't see any additional risk to any additional people on this spot. So I'm going to move forward with supporting it.

>> Mayor Adler: Periods been moved and seconded. Any further discussion? Let's take a vote. Those in favor please raise your hand. Those opposed. Ms. Houston votes no. Councilmember alter abstains. Others voting aye with troxclair and pool off the dais. It passes. Variance is granted. That gets us up to then 96 that we called a second ago. Come on up.

>> Mayor, I conclude the staff presentation so I think we're ready for speakers unless there's any questions.

>> Mayor Adler: This item number 6 is the removal of cure in east Austin.

>> Houston: I have two, three questions for staff.

>> Mayor Adler: Okay.

>> Houston: There was a draft ordinance and then there was a revised draft ordinance. What were the revisions? I couldn't see any.

>> Let me get a copy, okay?

>> Houston: Okay.

>> Mayor Adler: While he's looking, Mr. Hirsch is going to be up first and Michael whellan will be up second.

>> Councilmember Houston, I cannot tell any differences either.

>> Houston: Then on the revised affordability impact statement it says the proposed ordinance would amend section 252311 of the land development code such that cure no longer applied east of I-35. Is that applied or should that be applies, no longer applies?

>> It should be no longer applies.

>> Houston: If we could fix that.

[11:10:03 PM]

My last one is the boundaries in exhibit a for the record would you read watch what those boundaries are? It looks like it goes east of the midline of I-35 over onto --

>> I hope nobody builds a building in the middle of I-35.

>> Houston: It goes past the midline of I-35 over to --

>> I would say the boundaries would be the western frontage road of I-35.

>> Houston: Okay.

>> Okay and then it looks like -- north mlk, the others are what they are.

>> Houston: The others are okay.

>> It will be the western frontage road of I-35.

>> Houston: Okay. Thanks.

>> Sure.

>> Mayor Adler: Okay. Is there a motion here to approve this item? Do we want to do that?

>> Houston: So moved.

>> Mayor Adler: Is there a second in Mr. Renteria seconds, moved and seconded. Let's have testimony. Mr. Hirsch you're first.

>> Mayor, members of the council, stu from district 2. I ask you adopt the planning staff and planning commission recommendation for the adoption of the proposed amendment to the central urban redevelopment combining district known as cure, eliminating potential increase entitlements and gentrifying neighborhoods located dese of I-35. On March 13, 2003, city staff and I'm proud to say I was one of them prepared a gentrification report recommending increased entitlements on commercially zoned property only be available when property owners develop to the standard of the smart housing ordinance. Like so many good gentrification mitigation recommendations, no public hearing was held by your predecessors ever on this recommendation and cure language allowed owners to access regulatory relief without providing needed housing affordability.

[11:12:04 PM]

Passage of the proposed ordinance will eliminate one element of current city code that promotes what I call mama, making Austin more expensive instead of code mama, making Austin more affordable. This amendment should not be delayed or watered down in any form while code next deliberations and petitions are pending. For adoption of the amendment by the city council would align with the goal the city council adopted in 2017 that 60,000 net new income-restricted housing units would be built over the next ten years and 135,000 net new housing units that are market rate would also be done in the same ten-year period. Please move us a step closer to making Austin more affordable or mama. And a step further away from making Austin more expensive, name. Stop the name. By recommending -- I

recommend that the city council adopt the proposed cure ordinance on all three readings tonight and we end one part of our bad legacy of generating gentrification east of I-35. Thank you very much.

>> Mayor Adler: Thank you.

[ Applause ] Mr. Whellan is up next and then Tracy witty.

>> Mike wait el on behalf of cfo, applicant, filed an application in July 2017. Months prior to the October 2017 resolution to eliminate cure, and if you remember I was here when it was here for first reading and we went off and did meet with the contact team yesterday about cultural arts space and are going to do so again. That is an evolving conversation. However, we've been told -- everybody assumed that we would be able to apply cure to this with the community benefits we were offering, but we've been told by city legal that we will not be able to do that if there isn't some form of exception adopted tonight for is the cure overlay.

[11:14:09 PM]

I am in favor of eliminating cure overlay. I agree it was misused. I apologize for it's misuse and the fact we were using it except for the fact we were using it with meaningful community benefits in addition to the phi fee-in-lieu to get to 60 feet. We've been talking now about the cultural arts space if you recall. So I'm here to ask that the conversation and the concept for those additional 12 feet not be for not. It will be for naught if adopted without an exception. This is an elegant exception that can be drafted simply to allow for any application that is currently pending to still have the overlay available. It doesn't mean that be it's being granted. That will be done at the zoning hearing. It simply would allow for it to remain available to any application that is pending. It is my understanding, based on what staff said at the meeting because I believe you asked the question, somebody asked -- maybe councilmember Houston did, but somebody asked the question whether there were any other applications in process or that have been filed seek to go apply cure, and there were none. There are none I'm aware of and I don't think staff is aware of any either. So that's my request, is to pass this with that exception to it that any application that is pending can still use cure if council so desires to do so when it comes up at the zoning hearing. Thank you very much. Otherwise then the effort that we've been trying to undertake with the contact team and with the council and others and the artist community just -- we won't be able to do it. It will just -- we just won't be able to do it.

>> Mayor Adler: You have donated time. You have five minutes.

>> Thank you. Council, I'm Tracy witty ferocious and also as a 17 year -- for ocean and a 17 year resident.

[11:16:16 PM]

The neighborhoods respectfully you do not you to eliminate cure, east of I-35 and east avenue to better align land use regulations with those applied to other established neighborhoods in close proximate I



am toy regional centers. We're grateful for councilmember Houston's leadership and your action last October on this issue and ask that you end this harmful density bonus that has outlasted its purpose. In 1996, cure was touted as a remedy for blight and economic stavingment afting the central business district and commercial areas east of the interstate. Cure was supposed to give east Austin communities back what other neighborhoods enjoyed, commercial services, stability, and economic prosperity. But rather than treating us like other neighborhoods, we were treated as an extension of downtown. Our corridors referred to as cure fingers reaching out from the hand of the CBD were entitled with the potential for immense height and far bonus that's the cure ordinance insisted would enhance the stability of neighborhoods and promote redevelopment compatible and proportion with the surrounding area. Our nccds of course waived compatibility protections and established base heights between 50 and 220 feet, upon some of which to overlay a cure bonus. But we were not to worry as, quote no, project shall underminority integrity of adjacent neighborhoods, unquote. East Austin land use regulations were and remain a kind of monument to double speak. Cure is not about stability or compatibility. Cure was and is about towers for the oldest neighborhoods of east Austin. Blight is gone and so are people in places we will likely never get back. Marketplace is displaced but cure amplifies those forces and its ghosts not begin to make up for its effects.

[Indiscernible] Vmu, csmu, multi-family zoning and extremely permissive nccds.

[11:18:16 PM]

There's more than you have in flexible and capacity available from existing entitlements to to do the creative projects and thousand more residents without cure or its alternative density bonus. It feels onerous to ask the same area to keep taking more and more upzoning and then insist even more is needed to address the affordability crisis and the displacement in part brought on by all those upzonings. At a certain point a building's height and or indent of use next door or an alley, it's just -- it's onerous and becomes invasive and detrimental to quality of life. Irrespective of whatever community benefits may be on the books for the project. 50, 60, 100, 250, 220 feet is enough, especially where setbacks have been greatly reduced. Respectfully, one of the community benefits most illusive to east Austin is compatibility. It contributes to stability and quality of life just like affordability, green building, and open space, and cure makes compatibility just that much more out of reach. Back in the day the councilmember who sponsored Currin assisted that it was not his intention to undermine established neighborhoods yet that is what has happened and will happen. Please help us restore some balance to our land use regulations tonight by eliminating cure applicability east of I-35 and east avenue. Thank you for the opportunity to talk to you tonight.

[ Applause ]

>> Mayor Adler: Thank you. That gets us back up to the dais. We have a motion and a second. Jerry, can you talk to Mr. Whellan's issue? We passed this without exception, does that disrupt the conversations going on?

>> Yes, it does. You have a zoning case passed last meeting for this case that did have the cure overlay attached to it.

[11:20:22 PM]

You did approve it at 60 feet. The only need for the cure overlay is to go from 60 to 72 feet he was requesting. That being said when the case comes back for second and third if you did not put an exception in this ordinance today you could not approve the cure zoning at that time.

>> Casar: Can we confirm that this -- that case is the only one that --

>> If you have the language I could read out to you that has been proposed, it would only allow his case to finish no new cases to come in. After the effective date, which would actually be ten days from now. That being said the resolution that kicked off this code change was passed last October so I'd have to presume that anybody who was filing -- planning to file a cure case within the so-called fingers would have already done so and I don't think it's likely one of those cases will come in in the next ten days.

>> Mayor Adler: Can you read that language?

>> Sure language would say would add part four, this ordinance applies to an application filed on or after the effective date of this ordinance, the application filed before the effective date of this ordinance is governed by law as it existed immediately before the effective date of this ordinance and that law is continued in effect for that purpose.

>> Mayor Adler: And we would have the option of applying or not applying? We wouldn't be bound to apply it?

>> Correct. You could still decide to give them cure or not.

>> Houston: Could you tell us where we're talking about? Is that a general kind of feeling or is it a specific property?

>> Well, this would apply -- what we're doing right now is cutting the fingers off, if you will, of the cure.

>> Houston: I understand that. I'm talking about the exception.

>> The exception would apply to the ordinance as a whole so, therefore, it would only apply to the fingers because the fingers are the only portion that's being removed.

>> Casar: What you're saying is the exception --

>> Houston: No. I'm talking about -- excuse me. I'm talking about what property are you talking about?

>> The fourth income property, four east that we did with Mr. Whellan the last meeting.

[11:22:27 PM]

>> Houston: Okay. So if it's specific to that property and that language is in there, then I will accept that. If it's not I won't accept that.

>> It's not specific to that property but that is the only case that meets this criteria.

>> Houston: At this moment but as we're talking somebody may file some petition, some site plan Monday or Tuesday or Wednesday.

>> They could within the next ten days before, this ordinance takes effect. As I said they've had until October to do that and I presume they would have already done it.

>> Mayor Adler: Can we make it effective as of today.

>> In order to do that you have to declare an emergency and I believe there was to be a health, safety, welfare --

>> Mayor Adler: No, no. Can the language not say -- you say it doesn't apply to anything that's filed after the effective date of the ordinance. Can we say it doesn't apply to anything filed after today?

>> I'd defer to the law department on that.

>> Mayor Adler: We can say that?

>> Yes, we can do that.

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: Could we say the exception applies to any case that is already received first reading by city council? So that it really is just that case?

>> I believe you could. Either what the mayor mentioned or your way would accomplish the same thing.

>> Tovo: I would rather do that. I trust --

>> Mayor Adler: I'm fine with that.

>> Tovo: -- What everybody has been saying about no other cases in process but that will really make the universe of possible projects just that one.

>> Mayor Adler: Anybody have any objection to adding that language that was read to us by Jerry, the change being only those things that have gone past first reading or grandfathered? Hearing no objection that's added. There's been a --

>> Renteria: I'm not going to be able to support it, you know.

>> Mayor Adler: Okay.

>> Houston: Excuse me, councilmember, could you tell me why you wouldn't be able to? Because we're making that exception for your piece of property. So do you want to share it?

[11:24:27 PM]

If not, that's fine.

>> Renteria: Well, it's just that the contact in the neighborhood didn't agree we it, and so that's the only -- that's why I voted against the first reading. But, I mean, I voted for it but with it 60 feet.

>> Mayor Adler: By doing this today, we're not agreeing to go to 70 feet on that tract. We're just preserving the opportunity to do that. Okay. Ready to take a vote?

>> Houston: Could you read what we're going to add to the amendment? For me so I make sure I hear it.

>> Councilmember, we don't have the exact language because it was just -- come up but if you wanted me to give it a shot.

>> I think I know. I think we can say this ordinance applies to a zoning application for which first reading has been granted on the effective date of this ordinance.

>> On the date of passage of this ordinance.

>> March 22, 2018, an application filed, that application filed -- an application with first reading on March 22, 2018 is governed by the law as it existed immediately before the effective date, before March 22, 2018, and that law is continued in effect for that purpose.

>> Mayor Adler: Okay.

>> Renteria: Can we define that?

>> Can we what?

>> Renteria: Because I really want to vote for the -- eliminating the cure, but I would like to divide it.

>> Oh, divide it.

>> Mayor Adler: Well, I don't think that this is one that's susceptible of division.

>> Tovo: We can just vote on the amendment. We could just vote on the amendment.

>> Mayor Adler: Those in favor of this amendment please raise your hand.

[11:26:30 PM]

Yes.

>> Alter: I just wanted to ask, Ms. Cotton, what the first part of your statement was? Because I just want to make sure that we're making an exception for that only in that case and not the ordinance not applying. I just missed something.

>> It was the -- it was adding a part four to this ordinance. It says that this ordinance applies to an application filed on or after March 22, 2018. That's the first sentence.

>> Alter: Okay.

>> Is that --

>> Alter: And then it's --

>> Then it's just that the application filed before that date is subject to the laws that were -- existed immediately before that date and that the law that existed before that date continues in effect for that application.

>> Alter: But that's applying it to any?

>> Any application that was filed by today.

>> Houston: But I thought we added something about had first reading --

>> I'm sorry. You're right. That had first reading by March 22 -- you're right, this is why we should write things down. My notes say that. I just didn't read it that way.

>> Tovo: Okay. Thank you.

>> I mean, I will write that.

[ Laughter ]

>> Mayor Adler: So what the -- this cure will be no longer allowed as of the effective date, except that for any property that has had first reading as of today.

>> As of today, correct.

>> Mayor Adler: That will be in essence grandfathered. Because first you have to state the general rule that this is effective as of that date. And that's what we were missing in I think what you were reading. So the first statement is it's effective.

>> We have another -- another part of the ordinance establishes the effective date.

[11:28:32 PM]

>> Mayor Adler: Number 4 says what he? Read it one more time.

>> Did you write it down?

>> I didn't write it down. I'll try to say what you said.

>> Okay.

>> This ordinance applies to an application filed on or after the effective date of this ordinance, an application which has had first reading prior to March 22, 2018 is governed by the law as it existed immediately after the -- immediately before the effective date of of this ordinance and that law is continued in effect for that purpose.

>> I don't think that's exactly the way I would write it, but I think we get the idea, which is that the ordinance will apply -- did you write it down? Thank you, Joe. That's the language I have. That the ordinance would apply to an application instead of filed on or after the effective date of this ordinance, which is how you had read your proposed language to begin with. That's where we would instead insert an application filed -- an application for which first reading had occurred on or before March 22, 2018.

>> That's an exception. The ordinance would still take effect ten days from today.

>> Yes, it would. The effective date would still be ten days from today. This is just as to an application with first reading as of March 22, the ordinance would not apply to it.

>> Mayor Adler: The first sentence, though, just says this ordinance applies to an application filed on or after the effective date of this ordinance. That stays the same.

>> No, it would not. There's another part of the ordinance that establishes the effective date. So part five says this ordinance takes effect on -- ten days from March 22.

>> Mayor Adler: Would you be deleting the first sentence altogether?

>> No it would be changing it to say this ordinance applies to an -- instead of filed on or before the effective date would be for which first reading occurred before March 22.

>> Mayor Adler: We don't want this ordinance to apply to something that's had a first reading before this date.

[11:30:35 PM]

>> Correct, I'm sorry you're right. The ordinance applies to an application --

>> Mayor Adler: So the first sentence there you could leave that off.

>> You're right, you're right.

>> Mayor Adler: You'd just go an application filed before the effective --

>> No.

>> Mayor Adler: An application --

>> Application for which first reading has been granted before March 22 is governed by the law as it existed on March 22.

>> Mayor Adler: Correct. So the first sentence comes out and you just do the second sentence.

>> Right.

>> Mayor Adler: Got it. We got it. Those in favor of this.

[ Laughter ] Those in favor of this ordinance please raise your hand, can be is the cure with the one exception, raise your hand. Those opposed. Those abstaining.

>> Included closing the public hearing.

>> Mayor Adler: Included public hearing. Mr. Renteria votes no. Voting aye. Pool and troxclair off the dais.

>> You need to make the motion.

>> Mayor Adler: That was the amendment. Sorry. That was the amendment. We vote on the matter as amended. Ready? Those in favor of the ordinance as amended please raise your hand. It is unanimous. With Ms. Troxclair and pool off.

[ Applause ]

>> Thank you.

>> Mayor Adler: That's all right. It's only a little after 11:30. We are to our last item.

[11:32:55 PM]

Okay. We're up to item number 99.

>> Woo.

>> Mayor Adler: Let's call the speakers. Is Susan spatara here? Why don't you come on down. Micah king here? What happened in the last deal, when the amendment first came up she said she would accept it as friendly. I asked if there were any objections. There was none so I said it's incorporated. But then councilmember Renteria said can we please put that to a vote. So then we said, okay, we'll put that to a vote. Then we took a vote on an amendment which I had originally included and he voted no. But the amendment was passed. Then we voted on the item as amended.

>> Flannigan: So on amendment in that sense doesn't need a motion and a second?

>> Mayor Adler: It had one without -- given the fact that there was no --

>> Flannigan: I get this is procedural but I don't want to have missed something.

>> Mayor Adler: Right.

>> Flannigan: I defer to the chair's ruling.

>> Mayor Adler: In this instance we did that -- we can call those things out. If anybody objects to it, we can stop. Someone makes an amendment, we can say does anybody object to that coming in. We asked for a vote on it. There's not a rule that says we can't do it that way. So there doesn't have to be a formal person who moves it and seconds it any more than when we say this has been offered, does anybody object to it coming in.

[11:34:58 PM]

It's the same thing for us to say an amendment has been made, we'll take a vote on it. Someone could ask for a motion and second. Normally we do it that way but we didn't have to do it that way.

>> Flannigan: As long as it's okay. Just wanted to be sure.

>> Mayor Adler: We did miss a step but there's not a rule that requires us to do that step. You have some donated time.

>> Thank you.

>> Mayor Adler: Is Micah king here? Is Norma Gara here? No. Oops there, you are. Sorry. Way in the back. You have seven minutes. Mr. King, you're on deck.

>> Thank you, mayor, council. My name is Susan spatara, and I was county auditor for 24 years in Travis county so I sort of have a mindset toward contracting and making sure that public money is spent the way public deserves it to be spent. I've been volunteering since I retired working with precinct 4 on economic development. I'm just giving a preface of why I'm interested in this issue. And we've been working on infrastructure, jobs, education, and the issue of gentrification and the poverty level and the lack of affordable housing is just sitting everywhere in that precinct. And so what got my attention with this issue was when in fact the soccer team wanted to come in and take Guerrero park, because of the gentrification and poor people that live around that park. Now that movement has shifted over to mckalla, which staff had recommended being used for affordable housing. So I think that when you look at this issue, the community values in Austin are really what are being looked at, what kind of community are we?

[11:37:02 PM]

What is the most important things for us? Austin has one of the largest wealth gaps any large city in the country, nothing to be proud of. In order to fix that we have to look at affordability. All of you talk about affordability. You talk about gentrification. Taxes are too high. You haven't given a 20% homestead exemption in your budget this year. There's a projection in there you'll raise taxes 8% every year for the next five years so it is really hard to environment in that environment how the most important thing we're looking at is bringing basically a recreation sports facility into Austin and considering to give them public land that we could use for affordable housing and a potential of -- that they would not pay property taxes. The crew was purchased in July of 2013 by Precourt, and what they did is that team had been in Columbus for 18 years, and Mr. Precort assured the people of Columbus that team would stay there. This was his commitment to come to Columbus. He liked it. He was going to work there -- the same thing he's saying to Austin, Texas. Inferior years later he's taking that team that has been there for 18 years, one of the legacy teams, and moving that -- trying to move that to Austin. I'm not proud of that, that we're looking at that. The mayor from Columbus made a statement of great cities do not compete against each other like this. For a professional sports team to make a profit. And I agree with that. So I think that we need to look at what we're about here in Austin, Texas.



[11:39:06 PM]

The other night, I went to be a meeting, and I wish y'all were there because I know you probably would feel like I did, and that is it was a meeting on gentrification, and there were discussions of very poor people, talking about what it's like to be worried about whether you have a place to live. Everyone deserves a home, and we have people in this town that have been driven out of their home and are afraid they're going to be losing their home. People sat there and said every year their rent went up and they couldn't live there anymore. So then they had to look for another apartment that was less expensive, and the next year the same thing happened. In some of their cases, which was horrible, the landlords wanted to upgrade it so what they would do is put different rules in so that these people couldn't live there anymore. So when you look at these people, one lady that sat next to me, half of her salary went to rent every month. So affordable housing is a very important issue. Okay? MIs comes to Austin and has spent a tremendous amount of money on lobbyists, public relations firms. They have paid many groups to advocate on their part. They've had parties where there's free food, drinks, and door prizes to say we really want professional soccer in Austin. And our poor people that did not have housing are no match for that. They don't have a lobbyist okay, they don't have a professional pr team. They don't have the tools. The other thing that's very sad because I met with a couple of them the other day is they are basically afraid to come to a meeting like this. First of all, many of them have hourly jobs and can't leave. It's confusing to come down here, to know when you go. I mean I've been here for 11 hours like you have. Many of them have two jobs.

[11:41:06 PM]

Some of them are afraid that if they come into public their landlord will be angry and get them out of their apartment. Some of them are undocumented. And many of them are not real educated, so this is a very scary environment. So these people need you to think about them because they don't have anyone else that can do that. The other thing I'd like to point out is that -- this is the auditor in me, I can't help it -- I passed out a handout. When you do your analysis, I hope your idea will not obvious document to bring this team here. I hope that you will make an objective decision as to what is more important, number 1, the land for affordable housing in Austin, Texas, or a major soccer league team coming here. The people that own the team have the money to do something else. They can locate someplace else. The people that need affordable housing do you not have that kind of flexibility. So the deal that they have in Columbus is that they are on government land, pay \$72,000 a year rent, get 75% of the parking revenue, which is just under a million dollars a year and they pay no property taxes. And I'm just assuming they want a better deal here when they come to Austin. So I'm assuming that there will be tax incentives, and I don't know how you justify that with the pressure on taxes in this area right now. Where people can hardly --

[ buzzer sounding ]

-- Pay their taxes and we're now exempting them.

>> Mayor Adler: Thank you.

>> This is just real detailed, mayor.

>> Mayor Adler: Thank you. David king? And then ray Collins.

>> Alter: Mayor, I just wanted to ask if she could make sure that the staff also get a copy.

[11:43:07 PM]

>> Oh, okay. I gave -- I think 13 over there.

>> Alter: Thank you.

>> One for each of you.

>> Mayor Adler: Thank you. Is ray Collins here? You'll be up next. Mr. King.

>> Thank you, mayor, mayor pro tem, councilmembers. You know, I looking forward to Austin having a professional soccer team and staid stadium, though I'm concerned about the use of public land for that purpose. Given as the previous speaker mentioned our serious problem with affordable housing, lack of affordable housing for low-income families. And, you know, I've been to many meetings up here where I hear you continually -- which I'm very proud that you do, talk about let's identify public owned land that we can use for affordable housing. You've already passed resolutions to that effect. And so I think it's important that we move forward with that, and this site, mckalla site, could be a good site for affordable housing. I know there's been a certain expressed about it being an industrial dump site but if it can be cleaned up and used for children running around on the field and playing soccer on that same site then I don't see why it could not also be used for housing for people to live. If it can't be used for children to run around on, then we need to do that analysis and make sure it's safe. If it can, then it can be used for affordable housing. I would ask that the resolution include an alternative analysis of this site for affordable housing. Dedicated affordable housing. And I want to pass along to you some comments from Monica Guzman, chair of restore rundberg. She's indicated the office of real estate services has recommended that mckalla be used for affordable housing, in part due to its close proximity to transit stops. She expressed another concern that the mckalla property just west of the rundberg area, a working class community.

[11:45:13 PM]

If the stadium is built there then the property values will skyrocket and potentially displace those residents. And she also expressed that there are stakeholders that should be included in the community stakeholder group, the association of residents of north Lamar, gateway north burnet contact team,

neighborhood associations within the boundary of north burnet gateway planning area, north Lamar combined neighborhood area, Windsor hills and their respective contact teams, restore rundberg community representatives and rundberg has 11 neighborhood associations but only three listed in the resolution. She also mentioned that the air property -- property falls within aid boundaries but according to the backup on this it indicates it's in the pflugerville independent school district so I hope that gets straightened out or clarified. Anyway, thank you for listening to my comments.

>> Mayor Adler: Thank you. After Collins -- I guess that means Monica Guzman is not here. I just needed to call her name for the record. After that is

[indiscernible] Here? No. What about Sharon Blythe? No. What about Johnny lemon? No. What about Lee Nichols? You'll be up next. Mr. Collins.

>> My name is ray Collins. I had read councilmember alter and mayor pro tem tovo's amendments and I support them. Councilmembers who might have read my own tweets about the use of city-owned property for affordable housing at mckalla place. I haven't changed my mind about that. My views have evolved slightly when I was recalling the history of the property during my time here in Austin.

[11:47:14 PM]

Among the possible community benefits council may choose to direct the city manager to evaluate, I'm just merely suggesting for your consideration that you include the benefits arising from precort sports ventures purchasing mops

-- mckalla place, paying for remediation, assuming liability for further fires or explosions that may occur on the property, speaking from history here, and removing this albatross from around the city's neck. Thank you.

>> Mayor Adler: Thank you. Is Angela Garza here?

>> I'm here.

>> Mayor Adler: You'll be at this next podium. Sir.

>> Thank you for this opportunity to speak. I speak today on behalf of north Austin soccer alliance or nasa. We are Austin's largest recreational soccer program and one that works very closely with the city of Austin. We are very excited by the possibility of major league soccer coming to Austin and especially at the prospect of a stadium at mckalla place as it is right in the heart of our service area. However, we do not want to convey the impression this is a done deal. We appreciate council thoroughly vetting this proposal. Precort is asking for use of our city owned property. Demand the community sees a tangible return on our investment, in particular, we hope this relationship will benefit youth sports programs throughout Austin, especially recreational programs such as ours. There has been much talk about psv developing an elite academy program but please make sure that purely recreational programs such as ours are also a huge part of the mix. Ultimately recreational programs that offer every kid a chance to play must be the top priority.

[11:49:18 PM]

They are the true foundation for youth sports. Most youngsters who play soccer will never be professionals and have no interest in elite academies and these are the kids that nasa serves. We have no paid staff and no professional coaches. Our board and coaches are all volunteers. Most of our kids do not seek a college scholarship or pro contract. They're looking to have fun, exercise, and make friends. We do not hold tryouts and do not cut kids from teams. Most of our families pay one hubbed to \$200 per child per season but we are proud of the fact in 35 years we have never turned away a child because of inability to pay. Nasa currently has three times based at cook elementary composed of children playing for free. Coached by school teachers who volunteer their team, cook elementary is right next to mckalla place. Psv recently sent a letter to the city detailing benefits the team would bring to the city and specifically mentioned helping disadvantaged children. Please take full advantage of the leverage that this property holds. Please welcome mls to Austin but please also hold psv to its promises, get it in writing. Make sure in exchange for this valuable piece of land that they offer assistance to recreational programs throughout Austin, especially to children who otherwise might not get the opportunity to play. Thank you.

>> Mayor Adler: Thank you.

[ Applause ] Is Andrew urban here? Is Dustin Kim here, Kim Dustin? No? What about Jonathan panzer? You'll just have three minutes. Ma'am, do you want to start?

>> Yes, Angela Garza and I'm just -- I'm grateful for all of y'all for what y'all have been through the last few weeks and still be here this late.

[11:51:22 PM]

Thank you from the box our hearts, for everything that y'all have done. Secondly, the reason -- I actually did attend cook elementary when I was young so this is pretty amazing that I'm speaking on this. I do agree with nasa and Mr. King, we do a thorough analysis and if we do this agreement Austin, Texas, does win and somehow get a lot of affordable housing. I know this lady, Ms. Tovo, will make sure we get ours here. So the other thing is that I sat down with Mr. Chris tonight and I'm hoping that I can bring an idea to save money as we're building these projects. I know there's a way that when you build a project like with the actual plan that we came up with at Mueller that the people around don't actually have to pay those higher taxes. If those taxes stay within that property, then those don't have to go out to the people that live -- that have already lived there. I think there was a similar plan put there or an agreement when we were doing the Mueller plan. The other thing is I sat with Mr. Chris tonight and I hope this idea can help you as well, what he was letting me know tonight, he's helping my father finish his property, private donor, that saw a news -- the news story, and apparently there's a step that our city is missing that could save us so much money in the long run when we're actually doing foundations on buildings. He's happy to talk to y'all about that if you want so that way that saves money in the long

run. You'll keep him in business in the long run but he's willing to share that information with you that helps you save money and other people as well. So thank you.

>> Mayor Adler: Thank you. Is David Campbell here? You'll be up at this podium. Sir, you have three minutes.

>> Thank you, mayor. Thank you, mayor pro tem, councilmembers, especially my councilmember alter, thank you. Florida my name is Andrew urban. I live in district 10.

[11:53:25 PM]

I want to echo comments I made the american-statesman today. Austin is a perfect match for major league soccer, based on the business side and more importantly the cultural aspects of soccer. First off I'm a -- out of our supporters group I'm the representative of the long-term austinite. I've been in Austin since 1984, went to Anderson high school, played soccer at house park. The apex of my soccer career. The rest of it is as a fan. I love this game, travel for this game, wake up at 6:00 A.M. On Saturday and Sunday mornings to go to the bars and root along for English premier leagues like thousands of others do. My wife even played in some of the first coed leagues in the 1970s. Austin soccer history is long, it's wonderful and this is a dream to be able to bring major league soccer to Austin of mine. It's not one that I share alone. The open Ed talked about -- one of the last points I made was negotiating based on Austin values and we've heard about that this evening. I do believe based on what's happened over the last five months, that the back and forth between precort sports ventures and city council has done that and as well as the engagement into the community. We've listened on parkland, listened with regards to community benefits, they've listened with regards to working with nonprofit organizations. The council and others have helped them to understand that they need to listen and work with aid. This is an organization that wants to come to Austin, wants to be a part of the community and is making these steps. Now it's up to us and you and city staff to bring that around to a final conclusion. The business side of soccer, the community benefits have all been outlined, 326 million and I was appreciative seeing Angela thought that was understated. There's a lot of discussion on where that community benefit, how much dollars are really going to end up.

[11:55:29 PM]

Personally we think that's on a little bit low on our side, but the numbers through the city staff, we're excited about that being worked through. The last point, the culture of soccer, it is the most inclusive, most multicultural, most diverse sport in the world. And to me it's a perfect match for what I believe is one of the most inclusive, multicultural and diverse cities in the world. For Austin. And that's -- the core point I wanted to make on this. As a long-term austinite, the soccer is for everyone and it's a perfect match for both the business of the city and the culture of the city. Thank you.

>> Mayor Adler: Thank you.

[Buzzer sounding] Mr. Campbell

>> Mayor Adler: Mr. Campbell and then Mr. Suttle. Richard Suttle is on deck.

>> My name is David Campbell and this year I'm the president of Nasa, the North Austin Soccer Alliance. Lee gave our history very nicely, but we're committed to making soccer available to Austin area children by using an all volunteer model and a policy that every child plays regardless of their ability to pay. We play the sport for the challenge that it provides us physically and mentally. We volunteer to coach because we want to share the joy that we find playing with others and we volunteer substantial additional time, personal time, working with a working board because we need to steward a safe and lasting environment that provides opportunities for our community that will outlast our time on the field. A highly distinguished figure from District 4 tonight said that land is a rare and precious commodity in our area and I live halfway between Cook and the MCCA La facility and we've been struggling to find available space for kids to play for a very long time. I would really like to live in a city with a professional soccer club, especially in a stadium within walking distance to my home. I enjoy living in a city for opportunities for skilled players to play in the context that they and their parents take very, very seriously.

[11:57:36 PM]

I don't want to live in a city that doesn't aggressively maximize the number of community members who can get on themselves and play regardless of their experience, regardless of their skill or wealth. Those recreation all players are slowly being crowded out for a variety of reasons. I look forward to investigating this opportunity and we are ready to do whatever we can do to make this an opportunity for people of every age and situation to join the game. Any allocation of city resources should be a clear investment that dramatically amplifies rather than restrictive covenants with the most important, most mortgage nationalized must-haves already have. I encourage the council to look at bringing another soccer organization to Austin. It might attract more fans, but it should be to leverage resources and for all of the children of the Austin area. Thank you.

>> Mayor Adler: Thank you. After Mr. Suttle, it will be Josh Bebetzki. Is he here? Okay.

>> Mayor, members of council, my name is Richard Suttle. I'm here on behalf of Precourse Sports Ventures. I hope the resolution passes tonight. We welcome the scrutiny any, the studies and we welcome the analysis of whether this makes sense to bring it to Austin and bring it to the MCCA La site and we also appreciate the deadline in the resolution because in order to be playing in March of 19, the team has to move the team, move the back office, find a place to practice, find a permanent place to practice, find a place to temporarily play and all of that only happens once we are able to say that we have a site that will work. So we look forward to working with you and your staff over the next several months and analyzing all of the things and hopefully the site can be -- MCKalla can be the site for the major league soccer team.

[11:59:44 PM]

So thank you very much.

>> Mayor Adler: Is Josh Jackson here. You will be up next.

>> My name is Josh. I'm the president of the mls in Austin supporters group. We were formed in 2013 with a goal of bringing mls to north Austin, not just a clever name. We are a 501(c)3 non-profit. I'm a representative of hundreds of the members who are your constituents and we reach thousands of Austin residents who want mls in Austin. We are representative of all areas and all demographics of the Austin area. I'm speaking from the point of view as a transplant to Austin, previously I lived in New York City. I've been here for five years and plan to die in Austin. Like many recent residents, I'm reasonably young, professional, and have a growing family. Many of us are transplants from markets that already have pro sports team, have large event venues, have international arts and culture venues. Like lifelong residents we want to see those things this here and we want to experience that here with our families and with other austinites. The resolution asks the city to study the constitution effects on the stadium. Simply moving money around that would have already been spent in the local economy versus the facility as a mechanism for economic growth. I would ask council to Ed keep in mind that the greater Austin area is about two million people and is projected to be three million in just over the next decade. Can such projected growth where do these austinites spend that money? And how does the city ensure that we have institutions to support the community at that scale? As a city with international influence such as ours, how does Austin keep those arts, sports and entertainment options appropriate for a city of our size and our growing international stature. Please consider as Austin's growth amplifies the need and benefit of a modern large sports events venue within the city, largely positively offsetting any substitution effects.

[12:01:47 AM]

Austin needs big city leadership, vision and thinking and to have the community to accomplish projects of this grand scale and reach. Thank you in advance for passing this resolution, seizing this rare, once in a lifetime opportunity to bring Austin a professional sports team and working with the -- working to bring a valuable community stadium asset to Austin.

>> Mayor Adler: Thank you very much. Mr. Jackson. A you have three minutes.

>> Good evening, councilmembers. Mayor, my my name is Josh Jackson to for the record. Spanish Spanish.

-- [Speaking Spanish]. Mexicans taught me how to play the game of soccer. Taught me a lot of lessons along the way. How to be multicultural. How to live without the fear of the barriers that sometimes gets in the way. And that's why I see soccer as being a positive influence in Austin. As an austinite I've worked on many projects where I've actually created and implemented a soccer camp with woo 10 elementary off 183. We've created a soccer camp for the hispanic community and actually to be very multicultural in our approach. We giveaway free lunches, free shin guards to the kids. We're able to take it on the road, take it on to native American land in Oklahoma. I've gone to Mexico to do similar things and even into

Kenya, Africa. So I'm speaking from a voice that has seen soccer do so many things in people's lives and the trajectory that soccer is going on. You have 2.5 million people watching a Mexican league watch and don Garber, the CEO of a major league soccer, mls, is on the trajectory to make mls to become this popular as well. For Austin to be able to ride that wave is going to be huge for the sponsors, businesses that could be on the front Jersey of a team from Austin, getting 2.5 million viewers each weekend.

[12:04:00 AM]

There's already a plan for a league from Mexico and major league is soccer from the United States and Canada to combine and play tournaments together and that would be amazing, especially for stadium that are here along the border in Texas, Houston and Dallas where we can currently play. So just everything about this seems wonderful. This property, mckalla place, seems tailor made. I work at dps and am out -- at ups and am out delivering around this area. One side is a railroad and would be very flexible to get people on and off of trains. There's also power lines there that's perfect accessibility. And the perfect room for something that would be large enough to be able to put on wonderful events, elite soccer vents. And you've heard from some of the guys from nasa. I play on one of the biggest soccer clubs in the city, atx united. And whenever things come -- come together here in Austin, I look at UT tower, wherever 2005 came around and UT won the national football championship, put a smile on a lot of people's faces. Brought a lot of people together.

[Buzzer sounds] But I think soccer would definitely do that for sure. Thank you.

>> Mayor Adler: Thank you. Those are all the people that we have speaking publicly. Mayor pro tem do you want to make a motion?

>> Tovo: Yes, I would like to move the sheet that I handed out this morning.

>> Mayor Adler: Is there a second? Mr. Renteria seconds that.

>> Houston: Is that this one?

>> Tovo: Yes. It has the first whereas is underlined because it's additional and it says whereas soccer is a beloved sport, et cetera, et cetera.

>> Mayor Adler: Okay. It's been moved and seconded seconded. Any discussion on the dais? Councilmember alter.

[12:06:01 AM]

>> Alter: I wondered if mayor pro tem tovo would consider a friendly amendment to the final be it further resolved. I don't think we've resolved exactly whether it would be publicly owned land or if they would pay for the land. So I would propose saying city manager is directed to explore how this proposal could generate funds from the housing trust? Because I'm assuming no matter what we decided about



the ownership of the land that you would want to think about how through this proposal we could generate funds for the housing trust fund. So we would delete private use on publicly owned land and so read the city manager is directed to explore how this proposal could generate funds for the housing trust fund.

>> Tovo: I am comfortable -- I'm comfortable with that change. Let me just say I really believe we should not sell this tract of land. I think we should -- any use we consider I think should be a long-term lease. And we can have that conversation later on. I'm happy to change the language as you've suggested, but that's ultimately probably not going to be something I would support.

>> Alter: I'm not advocating -- I'm not advocating the sale. I just don't want to --

[multiple voices]

>> Tovo: We have gotten some email suggesting that if we're going to move forward with some kind of arrangement we should just sell it out right. I just wanted to be on the record saying that's not --

>> Mayor Adler: Any objection to including that change? Hearing none, that change is incorporated. Anything else? Councilmember Garza?

>> Garza: I passed out what I hope is a friendly amendment. But the language of the -- I'm noticing on this latest version, though, that the language changed a little bit. I was just wanting to add a bullet to what we include in the analysis, and that would be requiring that design and construction of the stadium employ competitive solicitation, worker protections and compliance with the city's minority owned and female owned business enterprise procurement program for construction located in the city.

[12:08:17 AM]

And I guess that's code chapter 2-98.

>> Mayor Adler: So this would go in the section where the city manager is directed to provide a detailed analysis of things. This is adding a bullet point, so it would be adding a detailed analysis that would include the requirement that the design and construction of the stadium and have those things. That would be one of the things the manager would analyze. Okay? Any objection to that being included?

>> Tovo: No. So I'm just going to change the language, though, that it says the requirement of of that design so it matches the language in that. And I'll just say to that point I'm happy to have that as a friendly amendment and I know the letter that Precourt presented the city with also talked about the working with the workers defense defend -- the workers defense project on the stadium project and we've also gotten some email asking that we add in here a consideration of better business protection -- better builder protections and things of that sort. So I'm very happy with your amendment. I haven't added in some of those other provisions because as I see it, the resolution didn't really outline all that I would anticipate seeing as a benefit. So let me just say that here as well. I think we have a long discussion to have about community benefits, but I'm happy to include that one just with the caveat that there will be other community benefits that I would expect that are not on this list for analysis

because this was really about analyzing -- analyzing a potential pip from different -- a potential partnership from different perspectives.

>> Mayor Adler: Without objection then that's included as well. And I like that point too. I don't want us to add things and then have people infer that the failure to have added something else was intended to be excluded. I think what we're asking you to do is an analysis of this and then be able to come back to us and talk to us about lots of different things that you and staff believe are appropriate.

[12:10:21 AM]

Okay. That's added. Any further discussion before we vote? Mayor pro tem?

>> Tovo: I center just a couple of things. One, and a good example of that, I completely concur with the gentleman who spoke before about the importance of youth programs. I regard that as one of the strongest community benefits that should accrue from a relationship like this. I'm a lot less interested in the elite academy than I am in youth programs. So while I appreciate the letter from Precourt outlining what they see as the community benefits, you know, there are certainly things I would want to see in there, a much enhanced youth programs, more use by the public and other entities of the stadium. So again, the -- you said it well, mayor. Just because it doesn't appear in the resolution -- those kinds of things don't appear in the resolution because it was just an initial analysis of what a relationship would look like. I've also committed to our colleague, councilmember pool, that I would read into the record a statement that she's provided to me if I can find it here on my desk. From 11 or 12 hours ago. I think I've got it. Okay. So with your indulgence I'm going to go ahead and do that.

>> Mayor Adler: Go ahead.

>> Tovo: Again, the I here is councilmember pool. I very much wanted to be present for this initial council conversation on the mckalla site especially because it is in district 7. However I recognize that discussing this resolution today helps give us more time with our city staff to engage with the community and the challenges that this site respects. I want to thank mayor pro tem tovo, for incorporating my amendments into this resolution. It is important to me that we have a detailed analysis of what the infrastructure costs might be for this project and that we fake public parkland off the table. I also appreciate councilmember alter's amendments to help give a fuller picture on the project. Finally I want to let my colleagues and the public know that I am still gathering information and my thoughts on the site. I have not made up my mind either way and I look forward to hearing from the community and getting our city staff's financial analysis.

>> Mayor Adler: Thank you. Are we ready to take a vote?

>> Casar: Mayor?

[12:12:21 AM]

I just want to clarify on the most important consideration for me, I think, is what I highlighted at work session, which is to really get a good read from our city staff about what the opportunity costs might be of this being a site for affordable housing redevelopment. I don't know whether it's fully feasible site for it or not, but it's been on our list multiple times. I want to clarify that the language here where we say affordable housing development, that could include the most feasible mixed use housing development or strictly fully affordable housing. Really our staff presenting us what is feasible there. I'm not asking for a language change. I just want to make sure that our staff can run the scenarios for whatever is appropriate and doable there to get to hit the sort of goals we have in our housing blueprint.

>> Tovo: Yes. And if I may, I did have an initial additional paragraph here that I was -- it was -- we were not properly posted for, let me put it that way, so I've removed it. But it was what we talked about the other day, which is if this resolution passes, as several of our speakers noted, this was one of the sites that our real estate staff had brought forward actually in response to a resolution I had asked for. And so it was one of the five sites that our real estate staff is looking at for the development of affordable housing. So it seems to me to move forward with five.% we can't -- I think we can provide that as direction today that if we're exploring the analysis of mckalla right for you now for potential stadium use, but also affordable housing, that we ask our real estate staff to look at Bohm road, which is not one of the five being analyzed, but so we have a full array of options for affordable housing. Bohm road has the advantage of being in real close proximity to some underenrolled elementary schools.

[12:14:21 AM]

This site in contrast is actually in close proximity to what I believe are still some pretty overenrolled schools, though I'm looking at really old numbers for enrollment so that may have shifted a bit. If you compare the two sites there maybe some advantages to moving forward with Bohm over this one even if there were no opportunities in line for mckalla place. And I want to apologize to all of you who have been here for so long. Part of why it's 99 and not 47, wherever it started, 45, is because we had confusion about mckalla place and mckalla lane so we had to withdraw that item and repost it. That's how you drew the lucky -- it yes, thank you, the short straw. But I appreciate you sticking around to show your enthusiasm. I remain really nuke about this possibility and I appreciate all of my colleagues' work this week providing amendments, all of the amendments in here for the most part came from you all and so thanks for the collaboration, working together to make this a stronger resolution moving forward.

>> Mayor Adler: I would just add as well when you're looking at it, it says the direct and indirect benefits. We also talked about looking at what the sales tax revenues would be associated with something like that and whether we could capture those and put them toward affordable housing or other kinds of ways that we could use or leverage this kind of use on the property to drive the benefits that we have. But I think that that kind of thing going back to the earlier conversation, is included in this without having to call all those things out. Mayor pro tem, I would joint you if you wanted any support on the Bohm road initiative because I think that would be -- I'd like to see that analysis too. And I'm also excited of the prospect that we would have a major league soccer team in the city. I think that that is a

support -- a sport that will bring together all parts of this community in ways that we do not have now in our city.

[12:16:22 AM]

Councilmember alter.

[Applause].

>> Alter: Thank you. It's been a crazy week here in Austin. So just in case my colleagues didn't see it, I did post a letter dr.stanford professor Roger nowl about some of the things we need to keep in mind when we evaluate this proposal. It's on the message board. When you have a chance I would encourage you to read through it. I think it's helpful for us as we think about this important decision. As we focus in on a particular property, I look forward to having more detail from Precourt and moving into much more concrete stage of this process. This is a very valuable property and any sports stadium would have huge impacts on our community, positive and potentially negative. And so we need to have real data as we make this decision, and this is not just on our staff to be providing. If Precourt wants to come to Austin they need to do their part in getting us what we need and providing real numbers and really stepping up to the plate as we move into this new stage.

>> Mayor Adler: Okay. Ready to take a vote? Yes, mayor pro tem?

>> Tovo: I apologize. There's one more thing I just wanted to mention. So often the work we do here really builds on the work of those who are here before us and so I just wanted to -- several of you have talked about being involved in this effort to bring an mls team since 2013. And I just wanted to acknowledge my former colleague, mayor pro tem Cole who actually sponsored a resolution kind of like we've been sponsoring here, passing here, and that was designed to try to attract an mls team here. So I think that demonstrates that this has been a long-term interest here in the city of Austin with a lot of community support.

>> Mayor Adler: Okay. Ready to take a vote?

[12:18:23 AM]

Those in favor of this item please raise your hand? Those opposed? It is unanimous on the dais with councilmembers pool and troxclair off the dais.

[Applause]. And at 12:18 on my birthday, this meeting is adjourned. ] Singing happy birthday].