

City Council Regular Meeting Transcript – 05/24/2018

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[10:15:22 AM]

>> Mayor Adler: Ladies and gentlemen, Monday, May 28th, is Memorial Day. It's a recognized federal holiday to pay tribute and respect to the men and women who have fought and died for this country. I will ask you if you will now please stand for the presentation of colors. We will also have the national anthem being sung by our own Rod Ziegler, proud Army vet, from our Human Resources Department here in the City of Austin. We'll have an invocation and we'll have a proclamation.

[Presentation of colors].

[10:17:31 AM]

>> ♪ Oh say can you see by the dawn's early light, what so proudly we hail at the twilight's last gleaming? Whose broad stripes and bright stars through the perilous fight, o'er the ramparts we watched were so gallantly streaming. And the rockets red glare, the bombs bursting in air, gave proof through the night that our flag was still there. Oh say does that star spangled banner yet wave... O'er the land of the free... And the home of the brave, the brave, the brave!

[10:19:32 AM]

[Applause].

>> Please join me in prayer. Dear Lord God we are particularly mindful today of the freedom that we share as Americans. We ask for your blessing upon this ceremony and this year's Memorial Day. We thank you, Lord, that we live in a country that provides us the privilege to vote for our elected leaders. We thank you, Lord, that we live in the state of Texas that has a rich heritage of patriotism, honor and duty. We thank you, Lord, for the men and women who have paid the ultimate price and gave their lives on the battle field for the history for the freedom that we enjoy today. We thank you for the American

leaders in the 1960s who began honoring what was called can recognition day and then was later called memorial day. We thank you for the brave Americans who chose to serve in the military and who sacrificially died as heroes. We ask that you would bless the family members of our friends in Austin who have lost a relative in combat. Please briefers the families and remind them of the noble percent for which their loved ones sacrificed so bravely. We thank you for the bravery of our fellow warriors and stand redundant with the families who feel the pain the closest. Please help our deployed troops to serve he will well, so accomplish their mission and to sense the genuine support of their family and friends back home. And we thank you for the words of general William Boykin, general services retired, who said god says in his word he will never leave you nor forsake you.

[10:21:36 AM]

So remember god is always there so call on to him. In the powerful and mighty range of Jesus and rangers lead the way that I choose to pray, amen.

>> Mayor Adler: Please be seated. So in recognition of may 28th, in memory of all service members and their sacrifice, we pay tribute to a fallen hero, United States air force captain Robert bear Barnett and his gold star daughter, Debra coffee. Would you please direct your attention to the screen?

[Video playing with music].

[10:24:43 AM]

>> Mayor Adler: Captain Barnett graduated from Baylor university and was commissioned as an officer in the air force on -- and on April 7th, 1966 in Vietnam he was a pilot on a b-57 aircraft on a classified mission when his aircraft was shot at by hostile ground fire. He crashed into a mountain, the plane disintegrated and burned. Captain Barnett was declared killed in action, non-recovered, and his daughters were 11 and nine years old. In late 2014, early 2015, three excavations of the site were conducted, recovering possible human remains, life support items and material evidence. To identify captain Barnett's remains, scientists from the U.S. Defense, pow-pmia accounting agency used the evidence gathered which matched his records. Captain Barnett received a dignified transfer and arrival to Bergstrom airport in Austin, Texas on April 6th, 2017, and was repatriated with full military honors at the Texas state cemetery on April 7th, 2017, marking 51 years since he was shot down over Laos. He is buried at the Texas state cemetery in east Austin between the Vietnam memorial and the gold mothers memorial. Captain Barnett was remembered as an outstanding officer with great personal courage and devotion to duty.

[10:26:51 AM]

This long journey is a great tribute to our military who served and are never forgotten. The family of captain Barnett extends their gratitude to the national league of pow-mia families, the United States air force and the members of the recovery effort that have worked the last 10 years to make this accounting and identification possible. I'm going to read a proclamation and have the honor of giving this proclamation to captain Barnett's daughter Debra Coffey. We're going to hear a couple of words from his son-in-law, judge Darryl Coffey, his daughter, granddaughter is here with us as well. It's important that we recognize this family so that we remember on a day like memorial day this is not an object -- an abstract concept, these are people with real families who have sacrificed for us and it is a privilege to be able to honor, and we appreciate the family letting us honor captain Barnett as a representative of the kind of valor that we memorialize and remember. Especially important because the family in returning the captain's remains had opportunity and honor to be able to inter him at the national cemetery in Washington, D.C. And the decision was made to bring him home to Austin. Let me read the proclamation for this year's memorial day.

[10:28:51 AM]

Be it known that whereas each year the city of Austin honors the courageous men and women of our armed forces who paid the ultimate sacrifice while serving our country. Today and everyday we are remembering the soldiers, airmen and coast guardsmen who have gone before us. And whereas on this memorial day we honor not only the courage of those who have sacrificed their lives and paid a tremendous debt to protect and defend our freedom that this nation was built upon. We also take this time to remember the gold star families who have supported those who have answered our nation's call and lost a loved one who would never return home. And whereas during this federal holiday we ask that the citizens throughout Austin and the United States reflect upon the true meaning of memorial day to honor the life and service and memories of our fallen heroes, celebrating the lives of these heroes who have served with valor and distinction. And whereas memorial day serves as a somber reminder that freedom is never free and that the designated day on which we honor all our fallen heroes, memorial day. The city of Austin recognizes the United States air force captain Robert Russell "Bear" Barnett. Captain Barnett was a member of the eighth Bob squadron and a pilot of a b-57 B aircraft on a strike mission over Laos. His aircraft was shot down and Barnett was said killed in action, non-recovered. He was found 51 years after his plane crashed in Laos and we take this time to remember, pray for him, our military personnel and the families of those who have lost loved ones while serving our country.

[10:30:52 AM]

Now therefore I, Steve Adler, mayor of the city of Austin, Texas, on behalf of my colleagues on the city council, and an entire city, hereby proclaim May 24th of the year 2018 as memorial day in Austin, Texas. Thank you for your sacrifice.

[Applause].

>> Good morning, I'm deeply honored that the Barnett family thought of me to say a few words on behalf of the life of captain Barnett. Bear was a great man, a husband, a father, grandfather and a patriot. As you can see, bear personified Texas exceptionalism. He embodied freedom, human dignity, courage and faith. Captain Barnett devoted his entire short life to these basic tenets of -- basic tenets of liberty. During bear's last bombing pass he was hit with anti-aircraft fire from a north Vietnamese position in Laos. His last heroic actions were to implode his b-57 into the area where he received anti-aircraft fire from. In the long search for his crash site an mba officer said he almost took out their headquarters he was so accurate with his implosion. The bible states that we all fall short of the glory of god. Most of us will fall short of the glory of man and god.

[10:32:54 AM]

We're not glorious. Glory is earned. We exhibit glory, interaction and define it in our deeds. Once achieved, glory never ends. Glory, like love and faith, it's ephemeral, far reaching and sometimes can only be felt in your heart. Once in a rare moment we may escape our earthly duties, we may occur the conflicts of -- conquer the conflicts of our own souls and become glorious. When captain Barnett led his plane down in a dark jungle he became glorious, he touched the hem of the garment and touched the face of god. Russell's personal obligation of courage, duty, honor and country allowed him to become glorious for eternity. Perhaps we all may overcome the desperation and hopelessness of our own mortality in life and be glorious too. Captain Barnett reached that pinnacle of glory. His legacy will always be etched upon the pillars of freedom, these righteous pillars. He became a pilot for the lord guarding the glory of heaven. We can all take a great lesson from captain Barnett's life and his death that the tenets of courage, integrity, honor, duty, they're not empty words. If we live and die by the basis of liberty, we too may attain that same glory that Russell has realized. In the trying times of our nation, captain Barnett's legacy of glory and sacrifice are as real and as relevant as we were 52 years ago. The endurance of a generational freedom will survive only if we realize and act upon the glory within us all. Liberty, like love and faith, will not endure without personal values and accept obligation of courage like captain Barnett's.

[10:34:57 AM]

When you think about Russell's life, the love, honor and integrity and duty of this Texas hero, it's overwhelming. When we trace his life we should be grateful that we got to be on the same Earth and fly in the same skies as he did. For through Russell's life we've all been honored. Hopefully a few things I've said have let you know what an important person he was. On behalf of the family I'd like to express their gratitude to the mayor, the city council and the people of Austin, the military honor guard, and all those who have served to protect our freedoms and this great country and this great state. God bless all of us, god bless Texas. Thank you.

[Applause].

>> Mayor Adler: Would never please rise for the sounding of taps and the retiring of colors.

[♪ Playing of taps].

[10:37:21 AM]

[Retiring of colors].

>> Mayor Adler: Please be seated.

[10:39:49 AM]

Council,, before I call us in to the meeting here, I think it's important that we recognize chief Kerr, who is in the back of the room here today, back of chambers. Chief Kerr, why don't you come on down so that we can say thank you. You have made us so proud in so many ways. You have led with great strength a department, you have served as a role model to my three daughters and girls and women across the city. And frankly, with the national presidency and roles that you've had meeting fire chiefs across the country, you've made a real national statement and have been such a wonderful ambassador for the city. So I think this might be actually your last city council meeting.

>> It will be.

>> Mayor Adler: So thank you very much for your service to the city.

>> Thank you. Thank you very much.

[Applause]. So with the little time we have left today let's see if we can get through the agenda.

[Laughter]. Today is Thursday, may 24th, 2018. We are in the chamber here at 301 west second street. It is 10:40. Let's take a look at the agenda that we have.

[10:41:55 AM]

I'm showing that items 4, 8 and 39 have been withdrawn. 39 is being withdrawn. I'm showing that item number 10 is district 1, not district 10. Item number 21 being postponed to June 14th of 2018. I've been listed on a sponsor item 35. On item number 44 the zoning moves from interim rural residential, which is Irr, to residential zoning district. We have some items that are being pulled this morning. The consent agenda goes from item number 1 up to item number 46. And also includes items 70 and 71. The following items are

pulled: Items 11 through 16 are being pulled. These are waller creek, because they have to be heard after we consider item 67, which is set for no earlier than 4:00 public hearing. Item number 22 has been pulled for discussion. I pulled that. Item number 35 has been pulled by councilmembers Garza, Flannigan and myself.

>> Garza: Mayor, can we have a 6:30 time certain on that?

>> Mayor Adler: I'm sorry?

>> Garza: 6:30 time certain.

>> Mayor Adler: Okay. We'll make certain we don't take this up until after dinner. If there is time and folks are here and they want to speak earlier than that, we'll afford them that opportunity, but we won't take any action until after dinner. Item number 37, this is the petition matter.

[10:44:00 AM]

Councilmember Houston is asking we don't take this up any earlier than noon. Noon is when we have citizens communication and then we break for executive session and for lunch, so the effect of what councilmember Houston is asking for is that we don't consider this item until after the noon break.

>> Houston: Correct, that's correct, because the speakers are prepared to come at that time.

>> Mayor Adler: If anybody wants to raise an issue with that, discuss that, then we'll do that. I'm also showing items number 38 and 40 being pulled by Flannigan. Item 70 will be pulled so we can have a presentation by law. And item 71 has been pulled by councilmember Garza. We have two items that have been pulled for speakers, item number 20 20 is pulled by speakers. And item number 45 is pulled for speakers. Okay? So consent agenda again is items number 1 through 6 and 70 and 71. I'm showing the pulled or withdrawn or postponed items being 4, 6, 8, 11, 12, 13, 14, 15, 16, 20, 22, 35, 37, 38, 39, 40, 45, 70 and 71.

[10:46:02 AM]

Does anybody have any comments before we go to people to speak on the agenda?

>> Kitchen: Mr. Mayor? I'm sorry.

>> Flannigan: So on item 42, I don't need to pull it. It's the fee waivers for queer bomb. We're \$100 short. The sound is really weird today. I'm having a hard time hearing as well.

>> Mayor Adler: It's echoing or something.

>> Flannigan: I don't think the speakers are putting out sound. I have a problem with that too.

>> Mayor Adler: That's better. Would you start again, please.

>> Flannigan: So item 42 is the fee waivers for queer bomb that some councilmembers have contributed to, but we're \$100 short, so if anybody would like to contribute -- thank you.

>> Mayor Adler: Did you want to contribute to that?

>> Tovo: We'll split it.

>> Mayor Adler: That's why I recognized you. Can we good do 50/50 to get that done. Mayor pro tem and the -- councilmember Garza and the mayor pro tem.

>> Alter: I wanted to ask for clarification. I had been planning for number 6 to make an amendment on consent that has been pulled for speakers, is that my understanding?

>> Mayor Adler: No.

>> Alter: 6 is not. Then I would like to if it's amenable my colleagues I would like to make the amendment on 6 to change the wording to receive as laid out in this motion sheet and as as posted on the message board.

>> Mayor Adler: It was posted on the message board. Does anybody have any objection to incorporating the amendment into the language? Is our staff supportive of that change? Our staff indicates that it is supportive of that change. Any objection? Hearing none, that amendment is incorporated and item 6 will remain on the consent agenda. Anything else before we go to speakers? Okay. Mr. Pena?

>> Kitchen: Wait, I had my hand raised.

[10:48:03 AM]

>> Mayor Adler: Sorry.

>> Kitchen: So item number 41 I'd like to be shown as -- I'd like to be shown as a sponsor on item 41. That is the item that relates to the national gun violence awareness event.

>> Mayor Adler: Okay. So noted. Mr. Pena, I think you're on 7, 21 -- 21 has been postponed so it's not being considered today. And then item number 46. So 7 and 46 is looks like.

>> 7 and 46?

>> Mayor Adler: Yes, sir.

>> I'll start with number 7. I was not able to make the special presentation here for our military veteran. I always have made it, but today I lost a veteran this morning so I was at the hospital with a grieving family. Anyway, Gus peña president on veterans for progress. We were born because of atrocities of the veterans not being taken care of by the veterans administration and veterans affairs in Washington. Item number 7 has a couple of things also and I will deviate slightly. We have thrown it around the community and had a lot of meetings with veterans and nonveterans about the -- the budget, this type budget amendments. I'm going to deviate a little with your permission just scarcely. We are asking, actually we're demanding, Mr. City manager, that we work together -- we work together also on the

APD contract. I'm a former irs investigator, went through the sheriff's academy class in '93, bailiff at criminal and municipal court, I find it highly offensive -- I have two cousins on the force.

[10:50:03 AM]

They asked me not to identify their names because they don't want retaliation, but the soft money, the contract for APD, expedite the issues and I'll leave it at that. They deserve it. They are in combat. I'm still in combat, I'm patrolling with some of them, with some of the ATF and Dea and irs agents. I still do that free. Please expedite that issue. To you, councilmember Ora Houston, I apologize to you and thank you. This has been the second time you've done it to recognize me when I come in tail end of the meetings. Austin energy yesterday. And had it not been for you saying Mr. Peña just entered, I probably wouldn't have -- I would have spoken on the issues that concerned the poor and the needy. Mayor, I'll just leave it at that. I know you all are cognizant and ready to work in and for the best interest of the community, but also all the workers in the city of Austin. I need to have another meeting with you, Mr. Manager. Thank you very much for that. Memorial day, remember memorial day. It is not a day of rest for y'all. It's the day my brothers and sisters died in combat. Having picnics, remember this ugly old fat marine, we're still out there to support the veterans and the families that had military veterans killed in action. It still hurts. Thank you very much.

>> Mayor Adler: Okay. Those are -- that's the only speaker on the consent agenda. Any further comments before we take a vote on the consent agenda?

[Buzzer sounding] Seeing none, let's take a vote. Those in favor please raise your hand. Those opposed? It's unanimous on the dais with councilmember troxclair off.

[10:52:06 AM]

Okay, that then gets us to our agenda. Let's call up item number 20. Staff is here for that. We're going to try and track the order and see what we can get through. Is staff here on item number 20?

>> Thank you, mayor and councilmembers. My name is Leslie Padilla, here to speak on item number 20. I would like it pulled from the consent agenda if possible. This concerns --

>> Mayor Adler: I'm sorry, hang on.

>> It would authorize negotiation and execution of a 25-year parkland --

>> Mayor Adler: Excuse me. Hold on one second. I wanted staff to talk to us first. I haven't called speakers quite yet. Thank you.

>> Mayor and council, Ricardo Solis with parks and recreation department. Our item is number 20. Is there specific questions regarding that item?

>> Mayor Adler: Would you in one or two sentences tell us what this is.

>> This is an ability to work with the ymca on a park improvement agreement for a joint parking lot facility on -- adjacent to the Y on parkland.

>> Mayor Adler: Thank you.

[10:54:07 AM]

And there's no comments, we'll call the people who want to speak.

>> Kitchen: I have a question.

>> Mayor Adler: Yes.

>> Kitchen: Hello. Hi. I have a question. It may be something that -- that's not in your area to respond to and that's fine, I can take it off line. But I was curious about, there was some conversation -- this was talked about as part of the whole area, and there was some conversation about roadway realignment with Cesar Chavez and that was one factor at least that had something to do with moving forward with this parking area. So is that -- what are the next steps on that? Is that still part of this conversation?

>> It is, if you recall, council, this is part of the 2016 council adopted park master plan for Lamar beach. The overall concept or approach was to move Cesar Chavez to the north and all of the community benefits tied to that. What we're doing today is implementing parts of that master plan. More specifically we're -- this part is connected to the movement of Austin pets alive or our license agreement to move them to a different location on this -- on the parkland.

>> Kitchen: Uh-huh.

>> And they would be using a portion of the ymca property. And so with that, this parking lot is a result of those recommendations. Be clear then, this is the area that's north of town lake, and it only impacts the parking in that particular lot that's currently being used as parking?

>> The -- currently there's a ball field, Williams field is what we're talking about.

[10:56:08 AM]

>> Kitchen: Okay.

>> That we'll be converting into a joint use parking facility. And because of that, we are moving the Apa facility just to the north, and so we'll be gaining about the same acreage with the movement of Apa, would provide us additional parkland to put amenities on.

>> Kitchen: Okay. But it's only the Lamar beach area north of the town lake.

>> Correct.

>> Kitchen: Okay.

>> Mayor Adler: Ms. Houston.

>> Houston: Before you leave, and so will this get the Austin pets alive out of the flood plain?

>> Yes, ma'am.

>> Houston: Okay. Thanks.

>> Mayor Adler: Okay. Let's go ahead then and have speakers. Is bill bunch here? Mr. Bunch. Is David king here? David king donates you time so you have five minutes, Mr. Bunch.

>> Thank you, mayor, councilmembers. I don't think I'll need extra time. Just to be clear, I'm here as a citizen voter and a person who has very much appreciated ymca downtown and utilized their facilities and their youth programs are really a treasure for the community. I've also enjoyed playing in this area, and the amtrak station that's right up the hill. What I'm very concerned about is a 50-year commitment with very little public attention to this question of converting central city parkland to parking. As the population grows in the central city, we need every square foot of our green space for parks. And the general direction with codenext and other places is to reduce car habitat and expand human habitat and green infrastructure.

[10:58:11 AM]

This is going in the wrong direction and it's going in the wrong direction with very little public awareness or input and without, to my knowledge, any sort of actual plan for parking in our parks. It's of a piece with the sneak attack on zilker park to convert eight acres of area that's been play area and flex space with temporary parking into permanent parking. Only that situation is even more egregious. I'm concerned that this is part of a larger play to add the big olympic swimming pool that was floated a few years ago and perhaps some other part of a different program that the city would be locking itself into inadvertently without having that public input. So please think about this. Look at it carefully. Perhaps shorten the period if you are going to go forward. 50 years is a really long commitment. I do think there's a lot of unused parking right up the hill in the amtrak lot. I've been there repeatedly when it's just a vast unused parking space that's right there. So there's options. Thank you for your consideration.

>> Mayor Adler: Thank you. Is Leslie paramedic dill -- Padilla here?

>> Thank you, mayor and councilmembers. I'm concerned about the -- I registered as neutral on this. I just need to understand what this agreement is going to do a little better. In the third paragraph of your backup information, it says that the city desires to lease approximately .75 acres of land owned by the ymca for the purpose of licensing this area to Austin pets alive. I'm confused because in December -- I don't know if you remember, but you approved the negotiation and execution of a license, a new license agreement with Austin pets alive, so I'm wondering if this is going to be new land that will require an additional license agreement or if this is covered by the previous council decision.

[11:00:30 AM]

I'm also wondering whether or not the city is then going to be expanding additional funds to lease that land by -- for the Y to then license to Apa. I really want to know how that's all going to work. As context for my concerns, I sent a letter, in fact, to all of you last week about my concerns about Austin pets alive and its implementation of the current license agreement, the one that's been in place since 2014. Actually there's been a license agreement in place since 2011. I do have some pretty serious concerns about conditions at the town lake annual center and they are related to the current licensing agreement and whether Austin pets alive has been carrying out the requirements of that agreement. The -- I'm also concerned about -- I'm curious if the parking will also serve Austin pets alive. Right now, this goes to councilman Houston's question about the flooding. At times parking that's currently used by customers of Apa is cut off due to either flooding on Cesar Chavez or races, things that cut off -- that close Cesar Chavez. So I'm wondering if this parking facility is going to serve Apa customers and how those customers would access Austin let's alive. But principally my concerns are whether this agreement includes additional funding that the city is apparently going to lease and those types of questions and would refer you to the letter I sent you last week. Thank you.

>> Mayor Adler: Thank you very much. Pat, pat trees.

[11:02:34 AM]

You have three minutes.

>> Before you start the clock, I thought David king was going to donate time to me.

>> Mayor Adler: He donated time to bill bunch already.

>> And after we found out he had donated to bill bunch because there must have been miscommunication, I believe someone else donated time to me.

>> Mayor Adler: Would you let the clerk know, please. Thank you. You have five minutes.

>> Okay. Thanks.

>> Mayor Adler: Mary Hingle is donating the time.

>> I have a lot of confusion about this item so I'm here to ask some questions about it. In the backup there's mention of the three-quarter acre of land for Apa. Is the lease for this three quarter acres part of the \$375,000 you'll be approving today? How much of the lease for this three-quarter acre is for Apa and how long is it for? That is very confusing based on how the backup information is written. What if Apa doesn't raise the 24 million for the new facility? What happens when. What is the current amount raised by Apa and what is the time line for raising the full amount for the new facility? What does the city's current lease with Apa say about Apa's obligations to take in stray or homeless kittens, puppies,

cats and dogs? Under the terms of the city Apa lease, is Apa allowed to turn away austin-travis county homeless pets while taking in pets from San Marcos and the Rio grande as Apa has recently been doing? Is the city shelter, the Austin animal center, required to take in all the kittens as we heard was required when the original lease was developed and signed?

[11:04:36 AM]

Was that provision removed from the lease, and if so when? What recourse does a continue Travis county resident have -- an Austin Travis county resident have when vulnerable kittens are turned away yet Apa takes cats and kittens in from San Marcos on that same day? The reason I have these questions is because recently an Austin Travis county resident brought a kitten to the animal center and was told to put that kitten back on the street. We were under the impression that we weren't do that. When an austin-travis county resident brought a kitten to the center they would be taken in and under the terms of this leisure apparently discussing today, -- lease you are apparently discussing, Apa would take this kitten. That was turned away on the same day Apa was taking in six cats and kittens in San Marcos. I don't understand when the lease changed, why the lease changed and how we can get implementation of the lease the way we understood it was supposed to work. I am happy that Austin residents were to save San Marcos cats and kittens, but not at the expense of the ones that we are trying to take care of. Austin has a great community. We've put a lot of time and effort into our advocacy programs for animals, and it just bothers me that something has changed, it's not right and we don't have any information on it except for this item 20 that talks about it, but we can't figure out what's going on. You know, there is a lack of transparency on this item 20 and I would just like to see if we could get some of these questions answered. Thank you.

>> Mayor Adler: Thank you. We're now back up to the dais on this item number 20. Discussion on the dais?

[11:06:37 AM]

Councilmember pool.

>> Pool: I wonder if we might ask staff to have some additional conversation about the parking situation before we actually execute, so I might in this motion agree to authorization negotiation of the parkland improvement and joint access agreement, but hold off on the actual execution so we can have a little more discussion about the parking situation. I think we had already pretty well debated the renewal option time frame when this came up previously, maybe two years ago, the 25-year time frame was shortened from I think it was maybe a 50-year time frame, so that was already shortened. Mayor, you may remember some of that and staff could remind us, but I'm hearing concerns about the additional parking, it being paving parkland and so forth, and so I would like to have some better information and maybe some options. Maybe if we try we can find a better way to take care of the parking need than paving parkland.

>> Mayor Adler: Staff want to respond? Ms. Houston.

>> Houston: Before you explain, could you put the diagram up so people can see what we're talking about?

>> Certainly.

>> Councilmember, I just wanted to remind the council again that this is part of the Lamar beach master plan and we were directed by council to work with multiple groups, Austin high, ynca, the youth organization and Apa to come up with a coordinated plan.

[11:08:37 AM]

And so we're just implementing that plan at this point. So I'll just point out what the plan recommendations call for, orient. There we go. What I'm pointing to, this is B.R. Reynolds and Cesar Chavez here. This is the joint just facility we are talking about today. For that parking facility. This in green is where Apa or what we're calling the Davenport building and its facilities are located today. The idea is to move that operation to the north or closer to the bluff. This in blue is the portion of the ymca property that Apa would be using. So basically Apa would then be using the blue, which is the ymca property. And the red, where they would be located. Vacating this portion in green where they are located today. So that would give us the opportunity to bring this back into park use and provide more recreational uses there in green. The green portion is about 1.6 acres. The area for the parking facility joint use is about six acres. This parking lot would be open to the public. Not specifically for the ymca.

[11:10:38 AM]

So it will be used for users of the Y, users of Apa, the trail, just the general public in general. So that is the plan.

>> Mayor Adler: Councilmember pool.

>> Pool: Are you saying the acquisition or turning from building into parkland piece surrounded by the green light is off setting paving an equal parking size, the 1.6 acres?

>> Yes, ma'am.

>> Pool: So we're losing it over to the east, but we're gaining parkland --

>> To the west. So we could actually put some park amenities there that could be used for the general public.

>> Pool: And I would just -- can you describe for us the structured parking? Is it flat parking or structured --

>> This would be a surface parking lot of about 100 to 120 parking spaces. One of the advantages of this surface parking we'll be able to improve the runoff of that storm water and through rain gardens and at least improve the quality of the water going into the lake, so that's another benefit that we're seeing here.

>> Pool: Is there any chance that the budget would allow for the impervious asphalt-type material to be used for that parking -- for that parking lot?

>> Absolutely. One of the things we have not started is the design of that surface parking, so I think all those opportunities are still future discussions to have with the Y.

>> Pool: Okay. Thanks you. Thank you.

>> Mayor Adler: Mr. Flannigan.

[11:12:38 AM]

>> Flannigan: I have concerns, but the master plan was approved before I was on council so many of my concerns are about the master plan than the project. I'm going to vote no on these items because I'm not pleased with the master plan, but I don't want staff to think they are doing the wrong job. It's not about that. I just don't like the way the master plan is saying we're going to spend

[inaudible] Moving the streets when I have other things I want to spend that money on.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Just to verify, the land that will be going back into park space has parking on it right now?

>> Yes, it does.

>> Kitchen: Okay, and is there -- is that less parking than what we're adding? In terms of number of cars?

>> Yeah, well, depending on the park amenity that we want to include there, we certainly want to bring more family --

>> Kitchen: I just wanted to compare the amount of parking we have now versus what we're going to be building for.

>> Is it an increase is what you are asking?

>> Kitchen: Yes.

>> Yes, it would be an increase.

>> Kitchen: Okay. Can you give me just order of magnitude of the increase? I'm sorry, if you don't know, that's okay. I'm trying to eyeball it, but I can't tell.

>> So there's 40 spaces now with the Apa facility, so -- that will disappear with this.

>> Kitchen: 40 will disappear and 100 something will be added?

>> 120 I believe is what we're looking at.

>> Kitchen: Okay. And was there an analysis done for the reason for the 120? I assume you all have done some analysis of that.

>> Because we haven't really gotten into the design, we're just thinking anywhere from 100 to 125 could be possible there.

[11:14:49 AM]

>> Kitchen: Okay. Is it -- since we're not in design phase yet, is it possible to consider the design as we think about what actually the need is there in terms of parking? I'm thinking in terms of what one of the earlier speakers highlighted for us, you know, and we all agree that we're trying to preserve parkland where we can. And while we recognize the need for parking, we want to be careful that we're not putting so much parking in that we're really -- a, there's more than we really need going into the future, considering transportation options in the future, and then the second thing is that, you know, we just want to be careful that we -- that we align the need with what we're doing on park space.

>> Absolutely. And one thing I'd like to say is that, you know, it is a surface parking lot so -- in the future if we do see a better use for this -- for this parkland, obviously it's not a structure that we're dealing with at this point that could be converted. Just like we're converting the 40 parking spaces at Apa to another use.

>> Kitchen: Okay. Did I hear as part of the design phase we could consider during that time frame how many parking spaces are needed in that area?

>> Yes, ma'am. Yes.

>> Kitchen: I'd like to make certain that we do that.

>> Okay. Very good.

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

>> Houston: Thank you again. So we've got a 25-year lease initially and then an additional 25 years, so 50 years in total?

>> It's a park improvement agreement. It's an agreement -- oh, you're talking about the parking facility is a park improvement agreement.

>> Houston: Right. I'm talking about the --

>> The lease with Apa.

>> Houston: Uh-huh.

[11:16:50 AM]

>> I believe it's 25 years.

>> Houston: With one %-úadditional 25?

>> I believe it's 25 with two additional renewal periods for that, but I need to verify that.

>> Houston: Could you check on that for me?

>> Okay.

>> Houston: And then I was concerned about the .75 acres that we're going to be leasing. Is that for the same terms of the agreement with Apa?

>> Yes, yes, ma'am. We need to be consistent with that, make sure that those two agreements are consistent.

>> Houston: And so you may have said this before, how much is it going to cost us to lease this .75 acres?

>> It's not costing the city any --

>> Houston: Not costing the city.

>> No, ma'am.

>> Houston: We just use the term "Lease" because usually it's exchange of land.

>> Sure. In this configuration, it's the fact we are entering into a joint use agreement with the parking, with the ymca, with the idea of using a portion of their property for Apa purposes.

>> Houston: And the last question is regarding the parking. Is the Austin pets alive accessible by transit?

>> Well, I believe there's transit on B.R. Reynolds, and I'm not too familiar with Cesar Chavez itself, but I could find out exactly.

>> Houston: I just say that because a lot of people go to look at the dogs and cats.

>> Right.

>> Houston: And that may help define how much parking spaces you are going to need because if there's no transit for people to ride and some people are not going to ride their bicycles when it's 101 outside, you might have more -- especially if it's public parking so people just walking on the trails could use it. You might be pretty much overwhelmed by the need for additional parking. Are people parking over in Austin high now?

[11:18:50 AM]

>> There's parking on the road -- on Austin boulevard --

>> Houston: Campus.

>> Yes.

>> Houston: But not in the parking lot.

>> In the parking lot I believe it's after hours when the school is not in use then the public could use that parking.

>> Houston: Okay. Thank you.

>> Mayor Adler: Yes, Mr. Casar.

>> Casar: I'm sure you have an answer for this, but from councilmember kitchen's question, it sounds like we're demolishing some parking spaces and moving them somewhere else. Is there a reason why we would spend the money to demolish one place and move them. If we have parking spaces right there, explain to me the reason for making that move.

>> Well, the idea is that we would convert where Apa is today, the building and the parking facility into more of a family recreation of some sort. Until we get into that design where we know -- maybe we want to retain some parking spaces there if it makes sense depending what exactly we would put in there, then Apa would be moving their operation at this point off of parkland to the north and, you know, designing their facility. So it could be that we would want to leave some parking there, ADA spaces or something like that, depending on the amenity that we'll be introducing there in the future.

>> Casar: Is there a reason that amenity would be introduced somewhere where we're demolishing parking as opposed to putting it in why there isn't parking that has to be demolished?

>> Well, this parking is because of the fact we have adjacency with the ymca, and we're also wanting to promote to the public to park there if they want to go on the hike and bike trail and that would be an opportunity to use that parking facility as well.

[11:21:04 AM]

I could see that overflow parking from Apa could also be using that parking. So that was the idea of this particular location for that parking.

>> Casar: But this vote doesn't set in motion that the particular design and how many spots go in either spot, in either space, it's just the joint use agreement.

>> Correct, for us to go ahead and talk about the design and parking spaces. I think in the future we'll be talking more about the what the space that Apa is moving out of, what that will be converted into.

>> Casar: Okay. Well, I would urge the same as councilmember kitchen, that we do our best to not overpark the parkland. Clearly it does make it more accessible, and I know myself going to the Y downtown that at the end of the workday it gets really full over there, but partly because it's really fully ride my bike from here to go the the Y instead of drive my car over there. If there were tons of parking

spaces I might use it, but that doesn't mean the city should be paving over parkland just so some folks that might be downtown could go, as opposed to figuring how we can get everybody a parking spot. Let's be thoughtful about that since there are lots of parking options, it might mean you have to do your warm-up to walk or bike over there. I understand, it's a popular facility and I want it to be accessible, but we should be thoughtful.

>> Mayor Adler: I'm going to vote for this because it's consistent with the work we've earlier done. In fact, it's the execution of that. Part of this was to take the Apa and take it out of the flood plain. In order to do that we're reclaiming for parkland part of the land that flooded. We're moving that into land that we're able to lease at no expense from the ymca.

[11:23:07 AM]

That accomplishes that purpose of removing it from the flood plain. It's restoring about 1.6 acres back to the park that's not part of the park now. The area next to the ymca is consistent with the parkland analysis when the different community stakeholder groups were meeting for a long time over this. So there was a lot of public engagement on that. There was a lot of public discussion. There were a lot of people that came to coin when we were discussing that. The term was consistent, as councilmember pool points out, there was a lot of discussion about the term with the ymca and with Apa, and we were able to pull that back. It was like 50 years, now there's a 25-year period of time, provisions to be able to change. So we had gone through all that before. This seems to be very consistent with what we had done. I agree with the concerns and statements made by councilmember kitchen and councilmember Casar when we were being looking at planning that out it would be helpful to know the thinking about how that space is being used. And I look forward to you coming back and tell us how we're going to use the 1.6 acres that will now come back into the park area and actually a place in the park that might be able to get more park use than the park area that is in the exchange. So I'm going to vote for this. Ms. Houston.

>> Houston: Mayor, I will be voting for it too, but I would like to ask the city manager to have someone meet with the two people who have very complex and complicated issues that they still don't seem to have answers to. So if that could happen, I would appreciate it.

>> Mayor Adler: Happy to do that. Is there a motion to approve item 20? Councilmember pool makes a motion, seconded by councilmember Renteria. Further discussion? Those in favor -- mayor pro tem.

>> Tovo: I'm going to support it also because it's consistent with the Lamar beach plan and as the mayor said there was significant and very thorough and vigorous public discussion about it.

[11:25:16 AM]

I'm happy to be moving forward with this piece and I really look forward to moving forward with the piece that will provide pedestrian and bike connectivity in the Pressler area so we continue to have lots

of Austin's going to Austin high who are crossing at the railroad tracks and neighbors and we need a safe passage there. I know that's something you are working on, I don't know if you have any information you would like to share in this forum. I get frequent questions about it and it is definitely high priority.

>> I can mention something that's preliminary at this point where we are -- another item that came out in the plan was that pedestrian and bicycle connection from pretty much the top of the bluff or Pressler to the parkland. And the neighborhood, old west Austin neighborhood association was heavily involved with the master plan, one of their primary items they would like to see come out of this plan. We're talking right now with the owners of Pressler that own property on either side of Pressler, just that portion to the south of fifth street, and they are very interested in helping us fund that connection. So that's another priority that we would be able to implement if that's the indication that happens that way. And starting to implement the plan.

>> Tovo: That's great, and I hope that is really one of our high priorities moving forward. Again, we have a lot of students crossing to get to Austin high and we really need to make sure they have safe passageway. Thanks for your work on that and I look forward to being able to vote on that if that's the next action or just to support the staff's work on that from behind the scenes. So thank you.

>> Thank you.

>> Mayor Adler: Okay. Take a vote. Those in favor of item 20 raise your hand. Those opposed? Mr. Flannigan voting no, others aye, troxclair off the dais.

[11:27:20 AM]

Councilmembers, we have some things I think we might be able to get several done before we break at noon. It looks like we might be able to take items 38, 40 and 45. And get those done. 22 is the one that I'm skipping in that for right now, that's the codenext discussion. We can take care of those three things. And item number 70, which is the -- let's see if we can take care of those four things. I'm sorry? I'm going to try to do items number 38, 40, 45, and 70. Councilmember Garza.

>> [Inaudible]

>> Mayor Adler: And 71. Let's see if we can get all those. Let's call up 38 which is the opioid -- I call that up. Is there a second? Councilmember Houston seconds that. Mr. Flannigan, you pulled this.

>> Flannigan: Thank you, mayor. I passed out a very small amendment and all it does is ensure other counties are represented in the resolution where data exists or doesn't exist. There's not a substantive change to any of the be it resolves, but I wanted to be sure we weren't just talking about Travis county.

>> Mayor Adler: Objection to including that amendment? Hearing none, that amendment is included. One person signed up to speak. Heather Alden.

>> Good morning, everyone. Thank you. My name is Heather Alden, executive director of the Simms foundation.

[11:29:21 AM]

I just want to thank the mayor and full council for caring deeply about the mental wellness of our Austin music community and bringing this resolution forward and hopefully to approval. Three musicians have died already this year from opioid overdose, obviously three too many, and I think we're prepared as an organization to take on this issue fully. We have a full service array ready to go. We just need help from the community and the city to fund that. So thank you for taking this up and I think this is a move that's good for Austin musicians and will save lives and also will ripple out into the full community when we have these vocal and visual ambassadors who are getting the treatment that they need and telling the community about that care. So thank you very much.

>> Mayor Adler: I want to thank you and Simms for all the work that you do. That is really something that is unique in our community compared to most other cities, the services you provide. And to the degree there were people in the community that were hearing your message and ask for additional resources, that sure would be a scuffle thing to have -- wonderful thing to have happen. You get a lot of support from the community, but you need a lot more. Thank you for raising this issue. Councilmember Houston.

>> Houston: I would like to thank you too. One of the benefits I hope will come from this, as this becomes a really national issue, there may be federal dollars that might be available that the city then can leverage to help with this substance abuse, substance use issues across the city.

>> Absolutely. Much. I note city manager, that Travis county has entered into some of the legal matters to help support this effort and I hope it's something you consider as well.

[11:31:25 AM]

Obviously crisis we talked about this morning at a media gathering, I want to thank co-sponsors for jumping on this as well. Several of whom have been working on health-related issues for a long time in this area and I appreciate that leadership and work. Further discussion before we vote? Councilmember Casar.

>> Casar: I would like to mention to the manager and city attorney I'm very supportive of potentially joining or filing an amicus brief in the litigation against the companies that produce, distribute and promote opioids. I think that that -- those legal challenges look really promising. We could do an amicus brief, but I would like with this resolution seriously as joining one of the lawsuit. There's a couple of them, one that Travis county is a part of, but I know the one Travis county is in support of some of the other cities have joined that one. If the health department could easily provide that data information, I would really like to consider joining since those other cities are taking the lead by joining.

>> Mayor Adler: Let's take a vote. Those in favor of item 38 raise your hands. Those opposed? Unanimous on the dais, councilmember troxclair gone. That's 38. Let's take up item number 40. Mayor pro tem, this is your item, councilmember Flannigan pulled it.

>> Tovo: Move approval of the item as post understand the backup.

>> Mayor Adler: Is there a second in councilmember Renteria seconds that. Do you want to address it before we ask Mr. Flannigan to talk about why he pulled it?

>> Tovo: I think he just distributed some amendments. Sure. I would be glad to talk about it. This is an idea that came out of discussion that my staff and I were having as a result of the planned unit development in the south central waterfront area.

[11:33:29 AM]

One of the -- in sitting down with staff and talking about the affordable housing component of the south central waterfront area and the goals for -- the goals for -- is it 25 or 20% now, I'm forgetting, of having - - having a significant percentage of housing in that area or in close proximity to that area be affordable. We also started to think about other ways -- other ways of addressing affordability in the area immediately surrounding that. And so in looking and talking with the neighborhood housing staff members, we looked carefully at the different programs that are -- that exist, that groups can apply for for funding to help support affordability. And so, you know, we do have rental subsidies that we use to help make housing in different parts of town affordable for those who qualify. We don't have an equivalent program for -- to support homeowners. We certainly do have first-time home buyer assistance and some other programs that help people acquire housing, but one of the areas where I hope we can find opportunities is to look at programs that help -- help property owners remain in their homes. Those low-income homeowners who are really struggling to hang on to their houses in areas they are seeing rising values and rapidly escalating property taxes as well -- sorry, rapidly escalating values that are increasing property taxes and they may have that additional pressure of paying a mortgage. And so part of helping people stay in place, it seems to me, should include a component of looking at how we can help those long-time property owners remain in their communities. This is -- I envision this and had some opportunity to talk with our staff. They may want to make some comments, but this could either look like one-time assistance program or more of a supplemental ongoing assistance program.

[11:35:36 AM]

I haven't yet found programs in other areas that -- that we can model this after, but that would certainly be stuff staff could look at in the time we've given them to do so.

>> Mayor Adler: I'm sorry.

>> Tovo: I will just add that this morning my office received a call from Heather way who is leading up the gentrification study at university of Texas and she reached out to stay this is in line with what we're doing and some of the recommendations that they plan to move forward on. At the this point there's not a program I can point to that looks like it, but I think it makes very good sense for the city of Austin to

consider such a program. We have good nonprofit organizations in this community who are working to assist property owners in staying in place. One that I am particularly familiar with and think a lot -- have a lot of respect for is the east side conservancy, which they provide some property tax assistance for homeowners to remain in their homes. We as a city do not have the opportunity to provide property tax assistance in that manner. We can do it through exemptions but we can't do it through -- one-time assistance in that way. Nor can we fund nonprofits to do that kind of work, to off set property taxes. After working with staff, we do have the legal ability to have a mortgage assistance program for property owners. So that concludes my remarks for the moment. I would say, you know, again I just received these amendments ten minutes ago, but I would say that when they are offered I would like a more directed action. I've had conversation with the staff. I think this is -- I would like them to propose a program, we're not talking about something overly complicated and it is, in my mind, long past time to take action on some of these things that will really make fundamental differences in the lives of Austin residents.

[11:37:40 AM]

>> Mayor Adler: What we're trying to do in the next 25 issues is work our way through four issues. Mr. Flannigan, do you want to talk about the amendments you have raised? Plan. >>.

>> Flannigan: Yes. I tried to talk with staff. We apparently had different staff conversation. When I talked to neighborhood housing they were unclear about whether or not this was going to be appropriate. And when we asked about what our policies were around spending housing trust fund money on mortgages, they said there was conflicting ordinances, we've been asking for a memo, they haven't been able to prepare it. My thought was instead of asking to postpone it until I saw that information, why us to soften the language slightly so the manager instead of coming back with a program to propose a program as the original resolution is laid out, just to have the manager come back with recommendations including a recommended program. But not limiting -- again, this is a slight softening. This is not undermining any of the whereases or even the details in the be it resolved, but giving the manager the flexibility to come back with multiple recommendations or programs or anything based on research I had yet to get from the neighborhood housing [inaudible]. That's all.

>> Mayor Adler: Councilmember kitchen, did you raise your hand?

>> Kitchen: Yeah, I'll just take ten seconds. I wanted to thank the mayor pro tem for bringing this forward. I think it's important for us to look at all our potential tools that we can use for affordability and the mortgage assistance is an important piece that we don't have at the moment.

>> Mayor Adler: And from where I'm sitting, I read manager, this language whether this amendment goes on or not to require the exactly -- exactly the same thing from you. I'm interested in seeing what your proposed program is. In addition to bringing back a proposed program, to tell us about this area, talk about the different things as the mayor pro tem pointed out, there are a lot of cities trying to figure out how to do this, there may be multiple ideas and I would like to see that range.

[11:39:57 AM]

The mayor pro tem's motion is really strong and I think it's really important. From my perspective, I would hope that your work would be the same whether this passes or doesn't pass. Councilmember Garza.

>> Garza: In the resolution it references a resolution that I sponsored in October of 2016, and so when the mayor pro tem asked me to be a co-sponsor, I was trying to figure out the difference from that one and this one. I see -- I'm still a little -- I'm trying to catch up on this. I think this is great. I think this is sellerly what we were asking for in that 2016 resolution which included engaging lending establishments to develop more mechanisms that make it more easy with austinites to receive loans for the purchase of a loan, partnering with relevant organizations, anyway, I guess so we're not duplicating any efforts, there was a report back from this resolution that could probably be used. There was also working group convened that included the university of Texas, housing works, housing authority. I just think so we're not starting from scratch, bus we're not, it sounds like it's working off this resolution to say let's actually make a city program. I remember the report back and they did provide us a very comprehensive list that these are all the things the city provides including mortgage assistance if I believe that the different lending institutions that provide different things. Just some -- some -- city manager as you are working on this resolution.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I appreciate that because I -- I always try to avoid duplicating work. So we did look through -- we looked through this pretty carefully at the report back and the work from -- your resolution, councilmember Garza, and also the report back and also the recommendations, and they really -- as I see it, and I'm just glancing at it today to make sure I'm correct, they really were looking at lending opportunities for the new financing of -- financing of new construction.

[11:42:23 AM]

And so -- again, this is primarily aimed at those who are existing homeowners who are struggling to remain in their houses. Though I would love to see a program, I think you're right that we still -- I'm not sure -- I think we still have opportunities to create some programs based on the work that your resolution triggered. I think there still are opportunities we haven't yet moved forward from the work of that group. But this is pretty narrowly focused on assistance in that way -- in the way I described. The other thing I just wanted to clarify, councilmember Flannigan, you mentioned the housing trust fund and whether it could be used in this way, and I really wasn't contemplating necessarily housing trust fund money. We have other opportunities too such as the one where, you know, we just pass the planned unit development on the -- what are we calling it now? The snoopy pud. I'm trying motto say the hooter's track. That resulted in more than a million dollars of affordable housing money to which organization can apply within the confines of the programs we offer. And so that's a funding source that would be available for this kind of work too. The housing trust fund money, you know, could certainly be

a source that we could allocate to here, and if there are questions about whether it's currently eligible, that's a policy matter we can take up and change. We did that recently with the downtown density bonus with a resolution I brought forward to allow it to be used for housing assistance for those who are in permanent supportive housing that was unclear whether we could use it in that way. If there is a desire to use housing trust money for a program of this sort, it's a matter of us taking it up and deciding if we want to make that adjustment.

>> Mayor Adler: Mr. Flannigan, do you want to make your amendment?

>> Flannigan: If the manager is saying he's taking it the same way regardless, then I'm fine because it is just minor language changes.

[11:44:31 AM]

But I don't know if staff can better explain because I definitely remember the vote on snoopy pud, and my thought was -- my recollection is that money does go to housing trust fund. Is that right?

>> The funding -- rosy truelove, director of neighborhood housing. The fee in lieu is part of that particular planned unit development would be deposited into the housing fund but restricted for a certain time period.

>> Flannigan: What funds are we collecting tied to housing that aren't in the trust fund? I just assumed it was all -- any times we collected fees related to affordable housing it was in the trust fund. Is there another fund?

>> Not general lit. The housing trust fund is what we're trying to create as repository and that would be payments in lieu of that would include the transfer on an annual basis from property tax revenue. Those funds wouldn't have the same kind of geographic tease necessarily that the fee in lieu would. The memo referenced by my staff to you, councilmember Flannigan, we are working with law department making sure we have a good understanding about the housing trust fund, what its uses are and available programs that can be funded out of the housing trust fund so that we can be clear moving forward if we do want to change how it's being utilized, we have a good basis for making that change. So when we say we're not sure about a funding source for this particular program, we don't know if it would be funded out of the housing trust fund, it's possible general fund in the budget. We have included a concept of a suite of programs that are kind of addressed towards the stay in place concept that this is one of them. But that's all to be determined on what's the most feasible and also taking into consideration potential action that might happen through the anti-displacement and gentrification task force.

[11:46:34 AM]

>> Mayor Adler: My sense is you are not being limited by this, you are request asked to take a look and come back with the most viable things. I'm not sure we need to decide on the dais what those things are because we're asking staff to go back and tell us that. Councilmember alter.

>> Alter: Thank you. I don't have a question for you.

>> Very good. Thank you.

>> Alter: I'm a co-sponsor and I wanted to bring attention to a whereas clause added, whereas neighborhood community development is in process of reviewing -- for U.S. Department of housing and urban consolidated planning process. So over the course of the next year or so we will be updating our plan for spending our federal funds and this type of program is a potential candidate. I wonder that if we chose that was a good use of the funds as we hopefully do a pretty big review and scrub to make sure we could -- impact affordability and housing access in our community. So we don't only have access to funds from the housing trust fund. We have access to millions of federal dollars that we have to decide through this process how those will be allocated.

>> Mayor Adler: Okay. Councilmember pool, did you want to say something before we

>> Pool: I just wanted to make sure that the piece in the mayor pro tem's final be it further resolved it still active, which is the budget item, to bring that during our budget discussions, because that gives us a sense of what the cost would be, which I think is also important to make it real.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Just to be clear, the only changes that I made was to incorporate councilmember alter's suggestion and then we added a whereas just linking this back to the task force on institutional racism and systemic inequities, because while they didn't have a recommendation specifically along the lines of what I've brought forward, certainly they had a tremendous amount of focus on how to help families and individuals stay in their neighborhoods and fight displacement.

[11:48:49 AM]

I did -- I apologize, I know we're trying to move fast, but there was a suggestion I think in the course of conversation that perhaps neighborhood housing staff had differing opinions about this. I am just looking at an email I received back from staff that said their primary concern was the August 1st due date which we've changed. As you've indicated, Ms. Truelove, you've scud this conceptually in your budget proposal request. That was also in the email, which I assume came out of the conversations we were having about that being something that we were bringing forward as a resolution. So was I misunderstanding that correspondence? Do you have any concerns about this item?

>> We don't. It's the funding source and the structure of the program that we would still need to get our arms around.

>> Tovo: Good. Thank you very much.

>> Mayor Adler: Okay. Councilmember Casar.

>> Casar: Very briefly, I'm supportive of the item. I do want to note that my recollection is the housing trust fund does have income limitation -- income restrictions on how high of incomes the housing trust fund generally is going to support. And so this and any other programs that potentially could support folks that are still in need of assistance, but may be of higher income, I'm of two minds about whether or not we should have it all in one fund or actually separate those things apart from one another. That's not saying that this wouldn't fit, but I just think that there may be some value of having two funds if one is truly our very low and income fund might be to serve more moderate incomes if this is what it requires for us to get to this. And I'm not of one mind or the other, I just want to raise that.

>> Mayor Adler: Good. I would hope that would be one of the options they would consider. We're not prescriptive on that point on the dais right now. Any other discussion before we vote on this?

>> Tovo: Just to clarify, at this point I was not suggesting changes to the income eligible, they would be income eligible under the guidelines we have, though I think that is an interesting idea to think about going forward.

[11:50:58 AM]

>> Mayor Adler: Let's go ahead and take a vote. Those in favor of this item number 40 please raise your hand? Those opposed? It's unanimous on the dais with councilmember troxclair gone. We've taken care of item number 40. Let's see if we can take care of item number 45. Item number 45 was pulled for speakers. Is there a really high level description of this you can give to us.

>> This is setting the public hearing for our annual action plan submission to hud later this summer. And the public hearing will be in June. Setting the public hearing.

>> Mayor Adler: Mr. Pena, did you want to talk to us? Do you want to speak to whether or not we should set this for public hearing or when?

>> I know it's for a public hearing, setting for a public hearing, but I want to make comments that relate to the public setting. This is an item that's very near and dear to us veterans because it depose to hud. The secretary of hud, Ben Carson, has stated vouchers, veterans affairs supportive housing voucher did not contain as much money as it does now. So even if you have this housing initiative, it's going to critically hurt and negatively hit the -- hurt the veterans. I will keep it brief, Mr. Mayor. I don't want to hear the crap, but I don't want to say it. My wife told me to calm it down. We still have homeless veterans in Austin, Texas. I never want anybody to say that there are no more homeless veterans in Austin, Texas because we have programs. Programs are not enough. The money is still not out there. I can tell you -- you want to go to a camp? I'll take you to a camp where homeless veterans are at. I just am sick and tired of hearing this, veterans for progress saying that because we have programs like the one Ben Carson has stated, secretary of hud, no more homeless veterans.

[11:53:02 AM]

That's bull. Okay. This is to set a public hearing, but I just wanted to make sure you all understand this that there are still a lot of homeless veterans. We paid the price in wars, even in peace time. So I'll keep it at that, Mr. Mayor, as you wanted it to be. I'm trying to be calm, cool and collected and professional because Sophie, my three-year-old baby girl is watching me. Hi, momma. Just wanted to let you know that we veterans -- be careful what you wish for because we're not going to get it. The money is not out there. I'll be here to speak on that public hearing. Thank you very much.

>> Mayor Adler: Thank you. Is there a motion to approve number 45? Councilmember Renteria makes a motion. Is there a second to that motion? There is a second. Those in favor raise your hand? Those opposed? The public hearing is set with councilmember troxclair off the dais. Let's have legal come up and talk to us about Ms. King's case.

>> Good morning, mayor, mayor pro tem and council. Megan Riley on behalf of the law department. I'm here today to recommend that you approve a payment of \$425,000 to settle the breanon king to settle the city of Austin lawsuit. We've had multiple executive sessions about this case, but it is related to a traffic stop that occurred on June 15th, 2015, and Ms. King has alleged that officer Richter with the Austin police department used excessive force in the lawsuit. In addition to the payment, we do want you to know that chief Manley has offered during the course of the litigation and sit down with Ms. King and discuss the incident with her. We are setting that up and that should occur in the near future. Based on that information we ask that you approve the payment on these terms. >>

>> Mayor Adler: Is there a motion to approve the settlement? Ms. Houston makes the motion.

[11:55:03 AM]

Councilmember pool seconds the motion. Anyone want to say anything? I'd like to say that this was not our city at its best. In reading the federal judge's recitation in the most recent hearing he discussed not only this incident, but prior incidents that owe said needed to go to a jury to discuss the institutional issues in the city because of those prior issues. That was -- in reading it that was a real concern to me and reflected what we were hearing from many part of the community -- many parts of the community generally. So Mr. Manager, I would ask you in your conversations with interim chief Manley to take note of the significance of that. This was more than just an isolated incident. This was more than just an isolated incident in our city. Any further discussion on this? And by way of settlement, any kind of settlement in this case doesn't fix -- doesn't fix things, but I think in this case it's a recognition from the city that we can and need to do better. Further discussion on this? Councilmember Houston.

>> Houston: And mayor, I just want to share that I think it is Austin for the -- I think it is autism for the chief of -- I think it is awesome for the chief of police to be willing to sit down with the individual and talk about what happened and what we could do differently and better. So I really want to say I appreciate that better.

>> Mayor Adler: Further discussion? Mr. Renteria and then Mr. Casar.

>> Renteria: You know, this is becoming very frustrating to have these type of issues coming before us.

[11:57:09 AM]

[Buzzer sounds] You know, we have -- I've -- I grew up in Austin, Texas. We've been facing these type of issues over and over again. And you know, the public is really getting frustrated with this problem that we're having. And we really needed to fix this problem, you know. I'm addressing it to all the officers out there that, you know, the pr that comes with these kind of issues, it's making it very difficult for us to -- to pad budgets for the police officers. The public is really just getting fed up with it. And I think we really need to get together and really work really hard to see the public, work with the public, because, you know, I want to create community policing and have people come out and appreciate and love their police officers, but we're having a very hard time right now. And I'm just pleading with all the officers who really it's just costing us a lot not only money, but through the respect that y'all should have. And you're really making it very difficult for us to support y'all. So please, I just want to ask y'all, let all work together and treat everybody with respect. That's all we ask for.

>> Mayor Adler: Councilmember Casar.

>> Renteria: --

>> Casar: There's not much more I need to add now. I appreciate my colleague's comments and the mayor's comments.

[11:59:12 AM]

I appreciate the chief's willingness to sit down with Ms. King and then chief Acevedo's apology when the incident happened. And this settlement, I think those things are the least that they can do, but I think there clearly are more policies that our city staff department and the council need to commit to working on if we want to truly ensure justice for Ms. King and other people in the community in the future. And so so I think we'll be passing the settlement but really it is just the least we can do.

>> Mayor Adler: Okay. Let's take a vote. Those in favor of this settlement please raise your hand? Those opposed? It's unanimous on the dais with councilmember troxclair gone. Let's pull up item number 71. Councilmember Garza, you pulled this item.

>> Garza: Yeah, I pulled this -- it was on the agenda for our last council meeting and it's because my staff, who apparently know more about furniture than I do, said that two of the companies, knolle and Herman Miller, are really high end furniture companies. And the question I asked was why did we pick these particular what is my understanding really high end, expensive furniture companies, that I believe are used for here at city hall, the library, and maybe a couple of other buildings? And the response wasn't really why we picked them, it was more of -- and maybe if anyone can provide any more insight, it was cooperative contracts are often used to provide the best value. How it leads to reduced costs, but I didn't get a feel for why those really high end ones.

[12:01:12 PM]

And when I saw the dollar amount, you know, as we're going to talk about temporary fire stations that could cost one to two million dollars, and disagree or agree on whether we should spend that money, and I see significantly large dollar amounts for furniture at city hall and at the library. I can't support it. I really have -- and it's my understanding that this is money that's not necessarily spent, it's just there in case it needs to be spent. So to have an item where we -- I'm trying to find the backup. Sorry, I have a giant binder. Where we set aside that we may or may not spend every year for a five-year contract 16 million. So the initial term is for one year. It's almost four million. The next year is three. Every one is about three million. Where we set aside about three to four million dollars, I can't support that. It's also my understanding that it's because we've used this same kind of furniture in the past, it's the reason we continue to use this furniture to it's compatible with what we have. I don't find that a compelling reason to continue to spend taxpayer dollars on expensive furniture. So I just wanted to bring that to everybody's attention and I really don't have any more questions for staff and I will be voting no on this item.

>> Mayor Adler: Okay. Is there a motion to approve this item? Ms. Houston?

>> Houston: Since staff are standing there, could we hear the explanation for the --

>> Mayor Adler: Sure. If you could speak to those issues.

>> Mayor, councilmembers, James Scarborough, purchasing office.

[12:03:13 PM]

I've got with me both of the deputy procurement officers who both had the opportunity to work on this particular item. The item before you is to authorize a series of contracts to cover the furniture requirements, primarily for existing facilities with existing furniture. So to the extent that there is a redesign of an existing facility or if there's a move of existing furniture or a settlement or purchase of -- speed limit or purchase of existing furniture, this is what these contracts would be used for. Historically council has authorized a series of cooperative sources for staff to purchase this furniture. As a result of this last contract or set of contracts, we receive direction from the city manager's office to take more of a strategic look at our purchase of furniture and to move towards more of a standardized furniture environment. So with the last year of the past contract, staff gathered with the major furniture consuming departments, looked at their purchases historically and asked them for projections going into the future. The contracts that you have before you represent approximately 95% of the furniture that has been bought in the past and likely when that furniture is moved or it is reconfigured or it is supplemented, typically there's going to be a purchase from the same contractor. So as we move forward, instead of having availability to purchase from any number of contracts and further broadening the various manufacturers and lines that might be able to city departments, this would limit the number

of manufacturers to just those that are listed on this item. With time we hope to -- with time we hope to be able to narrow that further so the city can benefit from more aggregation of manufacturers and lines and hopefully we can benefit by improved pricing and improved terms and conditions.

[12:05:18 PM]

With that, if you have particular questions about this particular item, I have Yolanda Miller and SHAWN with me to answer those questions.

>> Mayor Adler: Ms. Houston?

>> Houston: So these items are being purchased through the cooperative agreement?

>> Yes, they are.

>> Houston: Do we usually get a better price point when whoa use that method rather than just buying from the store?

>> Yolanda Miller, deputy purchasing officer. On the cooperative, furniture has probably the deepest discounts so that's why we decided to use the cooperative cop contracts. So -- cooperative contracts. So still because we are trying to limit the number of manufacturers we are going to pursue even deeper discounts than what are given on the cooperative.

>> Mayor Adler: Is there a motion to I am prove this item number 71? The explanation, but my point is that we're limited to -- in those five are two, my understanding, very high end furniture companies. And I feel like we're understanding that we brought the lamborghini, so we need to keep buying the parts to keep the lamborghini in operation. And I don't think we should be doing that. So I think it's great that our city hall looks nice, but it seems that there are other options that aren't this option to provide the needs for our city and that -- and I'm sure any furniture company with a contract with the city would give us some kind of deep contract if we're contracting with them. But I know you guys know more about this than I do.

>> Councilperson Garza, if I could say one more thing. I asked staff to identify where the knolle furniture is, and the majority of the furniture we're buying will not be knolle. The majority of that furniture is at APD and at aviation.

[12:07:21 PM]

I don't know exactly how much of their furniture is knolle and APD, but I can assure you that APD does not use a majority of high end furniture. So will reason we included knolle is because 95% of the furniture that's purchased has been purchased by convention center center, Austin energy, aviation as well as building services. The majority of furniture has been at Austin energy and Austin energy is using Herman Miller. So it's not just knolle. There's parts of it and we wanted to utilize the main users of

furniture because in the past the furniture had just been bought from everybody. And there were no standardizations and there was no encouragement to reuse and repurpose and recycle furniture. And those were some of our goals in this particular contract.

>> Mayor Adler: I'm going to support this item. I think the comments on the dais were very helpful and I understand from your comments you need to take them into account because I think there's a sentiment that's generally shared. I'm going to support this because I think this falls into the category of things where for me I'm going to rely on the professional expertise of our staff to drive our values. Is there a motion to approve? Mr. Flannigan makes that motion, seconded by councilmember Houston. Any discussion? Any opposed? Councilmember Garza voting no, the others aye, councilmember troxclair off the dais. Councilmembers, we could let a significant amount of staff go if we wanted to take up the hud plan, and which is item number 45 and item number 47, which is the eminent domain matter if there's no one that thinks they're going to discuss those issues, events, should we dispense with them and let staff go. Let's try to do that.

[12:09:21 PM]

Let's call up item number 45. I'm sorry, 47, rather. 47, the eminent domain matter. Is legal here for that? No. With respect to item number 47, this is a non-concept condemnation item. Is there a motion to the effect that the city of Austin authorizes the use of eminent domain to acquire the property set forth in the agenda for the current meeting for the public uses described there in. Is there such a motion? Councilmember Houston makes the motion, seconded by councilmember Renteria. Any discussion? Those in favor please raise your hand? Those opposed? It's unanimous on the dais with councilmember troxclair gone. Last item I think we can take care of is item 48, which is the ahfc meeting? Do you have staff for that? We're going to get you guys out before lunch. It's a miracle. So I'll recess the city council meeting here at 12:10 and convene the Austin housing finance corporation meeting. Today is the 24th of May, 2018. We're in the city council chambers. It's 12:10. We have a quorum. You want to lay out for us what we need to do?

>> Yes. We have one item on the agenda today. And that is to approve the inducement resolution for private activity bond financing to be submitted to the Texas bond review board for an allocation of up to \$10 million in private activity volume cap multi-family non-recourse bonds for the proposed development known as Elysium Grand on Oak Creek Drive. I do have one item to correct on exhibit A if I could read into the record I could offer it on consent.

[12:11:23 PM]

>> Mayor Adler: Okay.

>> And that's to have exhibit A read as description of project, ahfc 001, the project will consist of a 90 unit mixed income apartment community located at Three Hundred Oak Creek Drive in Austin, Texas. The

project will have 12 units at 30 percent median family income mfi, 40 units at 50% mfi. 17 units at 60% mfi and 21 units that will have no income restrictions. And with that I offer it on consent.

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

>> Pool: Mayor, I'd like if I could, this is an important project in district 7. And so I would like to make a motion to approve it and then say a couple of things after we vote on it.

>> Mayor Adler: I would be fine on that. Councilmember pool makes a motion, seconded by councilmember Renteria. Councilmember pool, do you want to address it?

>> Pool: I just wanted to make sure that -- I want to introduce this development more fully to the Austin community and make sure folks know that this work is going forward and it has significant reduced cost units in it, which Ms. Truelove has read into the record. And the reason that I wanted to punctuate this is because there continues to be some misapprehension and misunderstanding, deliberate or accidental, about this project and its support by me and my office and the general support on this dais. I believe that -- so I'm hoping that our passage here today, the few things that I'm saying about it today, making the motion to approve it, will lay to rest any misunderstandings in the community about the importance of this project to district 7 and my complete support of it from the very beginning. Thanks.

>> Mayor Adler: Very helpful. Thank you. It's been moved and seconded. Ms. Houston?

>> Houston: Mayor, I think it's a great project and I think the range of incomes is good and the unit mix is good.

[12:13:31 PM]

There's nor transit, there's no transit, so I'm going to have to abstain. So we continue to place people in situations where they have to be car dependent. And until we get transit to be able to go to the places where we're building density, then I'm going to continue to vote.

>> Pool: I completely understand that and respect that. We have talked with the developer and I understand that the intent, the last time we talked, was to have support for -- to have shuttles and be able to take people to doctor's appointments and so forth. This was targeted for some supportive housing, additional supportive -- permanent supportive housing. And that would be a requirement I think for that program that I completely -- I completely get what you are saying and so we have worked with the developer on that topic and hope to have that concern addressed once this gets built and they start programming because people do need to be able to get around town pretty simply. And maybe one day cap metro will serve this part of town more robustly.

>> Houston: And thank you, because we've had these conversations before and then the development is built and then we get calls from -- and the promises are made and we get calls from the folks who are living there to say we still don't have any way to get back to our doctors and the church and the pharmacy. So I just say that to make sure that we all understand that just because a developer says they're going to provide shuttle doesn't mean that they will.

>> And able sagebrooke is here if the board needed to hear from them, but I don't know if it's necessary.

>> Mayor Adler: Okay. Let's go ahead and take a vote. Those in favor of this item please raise your hand? Those opposed? Ms. Houston voting no, the others voting aye, councilmember troxclair off the dais. The matter passes. Thank you very much. We're going to move to citizens communication.

[12:15:33 PM]

I would point out -- I adjourn the meeting of the Austin housing finance corporation here at 12:15. I reconvene the Austin city council meeting also at 12:15. We're going to go to citizens communication. I would point out that at 4:00 or no earlier than 4:00 when we can call the public hearings and possible action it's my intent to call up items 66 and 69 first. There's only one speaker signed up for those two items. And I think we can dispense with them and let staff go before we pick up the waller creek items. On executive session the only item that we're going to be considering in executive session today is item number 53. The other items are withdrawn. That said let's go to citizens communication. And Mr. Pena, you are first up.

>> Thank you, mayor. Gus Pena, president of veterans for progress and co-founder. I just wanted to say this. Memorial day is a day when we remember and honor those who died in combat. I don't want anybody to forget what a veteran goes through. You know, we're trained, we're trained killers. I was can recon, helicopter gunner. I was a truck driver, I was a prisoner escort. We just want to make sure that we remember the fallen heros. Toby Rodriguez, Alex, Wiley and booker T Lofton are four of my best friends who died in Vietnam. Alex was the last infantryman to die in Vietnam and I still cry about that. I'm not going to cry today, but I cried at the county commissioners court, citizens communication. I lost my friends. You're trained to be a trained killer.

[12:17:33 PM]

Anyone on the dais a veteran? No. Anyone in the crowd here a veteran? Thank you for your service. Thank you for your service. Clap for them.

[Applause]. I want to say this. I still haven't gotten over the deaths of my friends. I cry everyday. I cried before I got here it's out of my system now. Remember the sacrifices they made. I earlier said Ben Carson, hud secretary, has stated less hud vouchers. It's going to be less money amount. And this town being so affordable, we contain going to be able to afford with with those vouchers. So I have been in Washington twice. I spoke to senator Cornyn's office and Lloyd Doggett's office. I got outstanding results from the senator's office and also the congressman. We need help. Please, when y'all are picnicking or having fun or having a day off Monday, remember the veterans that were killed in combat. I will. I go to the cemeteries and there are a lot of tears. The last item, mayor and councilmembers, and especially you, city manager. Veterans for progress, a lot of veterans organizations have asked me to deliver this to y'all. We want a nationwide search for police chief. None of them knew about how many comments we

have, how many this, that or the other. No, I was allowed by the mayor at that time to be -- when we got chief knee selected as chief, that was an outstanding process. You need to have engagement. You need to have engagement from the public, hands on. Select a committee.

[Buzzer sounds] And we'll get the best chief, but you have to have it.

[12:19:36 PM]

We demand it. Thank you very much.

>> Mayor Adler: Dr. Kim? Tony farmer is on deck. Dr. Kim.

>> Good afternoon. It is exciting to see you all pretty and handsome city councilmembers. My mom told me to come here, make a speech today at this time. Do you know my mom's name.

[Indiscernible]. She knows everything. So I am here to speak to you. I order to change it to this county, I order the change it to the city of Austin, I order to change it Texas. I order it change it America America. I am here to tell the whole world how by protecting Jesus Christ, I'm the protector of Jesus Christ and protecting the genius, brilliant president, Donald Trump, to get Nobel peace prize 2019. I already wrote to Donald Trump and his wife, his family. He will get Nobel prize. I saw it a long time ago.

[Indiscernible] Do you know what he said? He said new era, new era of

[12:21:39 PM]

[indiscernible] For north Korea. That's what I wrote, 1992. October, November 8 at the university of north Texas, Denton. That's my ph.d for Korean unification. Donald Trump is a brilliant man! He didn't read my quote on unification. He knew this. How brilliant is him? I'm going to make -- send

[indiscernible] To invite Donald Trump and the north Korean president Kim Jung un to win the Nobel peace prize 2019. I will change the whole world. I will change Travis county, I will change the city of Austin, I will change the state of Texas, I will change America! I'm going to change the whole world!. I told you so many times the same thing, but all you did, you all have killed the Jesus Christ.

[Buzzer sounds] Texas killed the Jesus Christ. America killed the Jesus Christ. Travis county killed the Jesus Christ. City of Austin, all of you killed the Jesus Christ. I'm here and the protector of Jesus Christ.

>> Mayor Adler: Thank you, Dr. Kim. Thank you, sir.

>> Thank you. Y'all are very handsome and very young. You talk like Jesus Christ, quiet actually. Very good. You talk like Jesus Christ, very quietly. You are handsome too. You are all pretty handsome. I like your smile too.

>> Mayor Adler: Dr. Kim, thank you. Tony farmer is on deck and speaking now.

[12:23:40 PM]

And pat Trelles is up next.

>> As a whole this body is failing Austin and I'm here to tell you why and what you can do to help. If your first reaction to what I just said is I actually think we're doing pretty well on affordability given the circumstances, then I would say with all due respect you're part of the problem. Imagine for a moment that Austin's water supply became contaminated and we all started getting a deadly bacterial infection as a result. We would need people writing prescriptions so people who drank the water wouldn't die and then we would need people to find out how the water became contaminated and fix it. You see both approaches are crucial because if no prescriptions were written and you just fixed the water supply then those who already drank the water will die. What if you just did your best to help those who drank the water, but ignored the tainted water supply? Of course people would continue to get sick and we would spiral out of control. As ridiculous as this last approach sounds, it's the approach I see you taking when it comes to affordability. You all are great at writing prescriptions. You are great at putting band-aids on things after the fact. When I look at your strategic housing blueprint and codenext I see more band-aids coming. While writing prescriptions and applying band-aids is probably helpful and helps you sleep at night, I will tell you that many in Austin aren't sleeping as well as you. Some are contemplating suicide while others will join what you call Austin's homeless issue where they will be greeted with more of your band-aids. To truly help you need to focus on the problem itself. One, have a municipal efficiency audit conducted by a third-party entity. There are petitions being signed to make this happen, but why wait. Then have the city auditor look at all impacts on enforcement from a critical perspective. The auditor's 2017 March report was mostly a cherry picked inventory of your band-aids. You need to identify which city policies are contributing to the problem and if you know why Austin is unaffordable, it's factors out of our control entirely, then you're part of the problem.

[12:25:48 PM]

It's time the city looked in the mirror and stopped acting like the victim of affordability as if it's happening to us and recognize our own short sighted policies sometimes act as self inflicted wounds. Here is one example. Your stance on short-term rentals clearly hurts affordability. Hopefully we can all agree that fees and fines for poor people are counter productive for affordability. Somehow the auditor spun this to be a feather in your cap as saying eligible homeowners can rent a portion of their home for alternative income as if you bestowed this right upon them. There was no mention of the fees in the report or fines. I got an email this morning from the auditor's office and they said we were unable to get into that level of detail in the report. How will you help the affordability problem when you don't have an honest foundational document outlining why Austin is unaffordable? But I guess if you're just writing band-aids and giving prescriptions you don't need a document like that. Thank you for your time.

>> Mayor Adler: Thank you. On deck is Patrick ebomwonyi.

>> Thank you, mayor. My name is pat valls-trelles and I am here to speak on behalf of the five, committed, amazing dog walking volunteers recently suspended by management of Austin animal center. Some of their supporters are here as well and I'd like to point to where they are. Thank you for standing. We ask that the suspended volunteers be reinstated immediately and we also ask that the volunteer agreement be reviewed and amended. Please amend it to stipulate that respectful advocacy on behalf of animals is not prohibited or punishable by suspension or removal of a volunteer. On the evening of may 16th, these five volunteers receive email innovation they were suspended, allegedly for violating the workplace culture agreement.

[12:27:55 PM]

These volunteers are at the shelter for hours everyday. Without them the dogs will sit in their kennels and not get a kennel break. In order for you to understand why these suspensions are so wrong, I have to tell you about Bettie and Wilma. Bettie and Wilma are the most bonded pair of dogs many of the volunteers at the shelter have ever met. On may 08th at a much dreaded free adoption day, Wilma was adopted to an individual without her bonded pair, Bettie. After Wilma's adoption, the same man who adopted her was allowed to adopt a second dog, although by then it was known that he had received a citation for leaving a dog in a hot car. Needless to say, Wilma's adoption concerned volunteers deeply and they took to an internal volunteer staff social media group to voice their concerns. Animal services management censored them from commenting regarding their concerns for a dog safety. Wilma's adoption had a devastating effect on the shelter as these five dedicated and essential volunteers were suspended for voicing their concerns again in an internal non-public staff and volunteer forum. These volunteers are respected members of the Austin community. They are business owners, parents, retired professionals and they give selflessly of their time to help ensure the safety and well-being of the animals at our Austin animal center. Austinites love their dogs and this is a horrible blow to the morale of our animal loving no-kill community. What does the no-kill movement mean if we do not put the livelihood of animals first and foremost before the pressures of meeting live outcome rates. Thank you.

[12:30:00 PM]

>> Mayor Adler: Patrick ebomwonyi. Lance Keltner is on deck. Is Mr. Keltner here?

>> [Inaudible].

>> Mayor Adler: Thank you. Patrick ebomwonyi. Lance Keltner is on deck. You are up. You will be up. Mr. Keltner is on deck. Is he here? What about Joshua Sanchez? Is Joshua Sanchez here? What about Tyson heder? Is Mr. Heder here? What about Susana Almanza? Looks like you're on deck. Go ahead, sir.

>> How you doing again. My name is Patrick ebomwonyi. I've been here several times. I'm big on stressing on the issue of police force. First of all, I always -- I was a ministry student. I've done two interns in furthering my ministry career. Born of a nice family, as I told y'all before. Austin is a great

place, that is why there is a need for a stronger police force. I've heard we're doing good, but as we saw earlier, what is the problem with -- what is the problem of taking it to another level, saving people from -- saving people like me and other individuals always looking for a change and a way of save -- for a safe and new environment in our community community. I asked that we find all the criminals out and deceitful natures and I wish to see this city grow with a new business growth and many heavenly opportunities that -- and the individual here was stressing Jesus Christ and the beauty in all that.

[12:32:13 PM]

And we truly can see that with continual growth of a police force. It shouldn't stop. We see problems here and there, but what's the problem with always walking in and seeing a officer, two officers in a building doing their work, protecting the community. This is the capital. I have faith that all will fall through to him because in god I trust, I truly trust god to run community centers, states, nations. And in god we trust. Putting imposters in jail. There are a lot of troubles. You see a lot of deceitful things in the way. We're in a foundational place, putting this problem to an end is where it all starts. I pray and ask that we take the police enforcement to a new level. That's the foundations of why I'm here. While I continue to see the growth and areas being cleaned up, seeing a problem being put in jail, truly seeing the police force rise above the foundation that we need to see to see this city grow and even pflugerville grow as well. Again, my name is Patrick, I'm from a nice royal family. I've 27 and this is a thing I love doing, reaching out to individuals and letting people know that change is needed. You can be lenient, but there is change needed.

>> Mayor Adler: Thank you very much. Susana Almanza. And then on deck will be Kaitlin Swarts. You will be up next.

>> Good afternoon, Mary and city councilmembers. I'm Susana Almanza with poder and the eastern crescent right to stay coalition.

[12:34:16 PM]

And I'm here to ask y'all to rescind the east Riverside corridor master plan. When we look at the anti-gentrifications task force and also looking at institutional racism and looking at this through the equity lens, this was passed in 2010 and then the urban design and regulations kicked in in 2013. But as we can see the east Riverside corridor master plan starts east of I-35 and extends east on Riverside drive all the way to highway 71, but it is a gentrification and displacement tool. So we need to very much look at this. Under codenext it's protected as f25. But the city council, like I said, adopted these Riverside corridor master plan as if the corridor was vacant of human life. Over 1,700 low income and working poor, mostly people of color, were displaced to make room for higher density luxury apartments and stores for higher class earners. Here are some of the residents that protested their displacement. You can see what was there, the lakeshore. And if you just drive down 35 and east Riverside drive you can see now what is replaced is luxury apartments and stores and so forth. What else is the reason we need to

rescind the east Riverside corridor master plan is because it's going to displace so many more people. The country creek club, which is right next to the CVS on Riverside and pleasant valley at 4501 Riverside drive, has over 252 affordable or low income units. That complex has been bought. It is no longer going to be an affordable unit. It is going to be changed to luxury apartments.

[12:36:17 PM]

Where are those 252 families going to go. What is driving this displacement is the east Riverside corridor master plan. We now have on the east drive, pleasant valley road, and it's proposed for redevelopment '. And we're talking over 1,000 affordable units that will be demolished to make room for 4,000 expensive apartments, hotel rooms and office. At the present time there are 40% of these units that are occupied by students and 60% of the other occupied by families. All this is is being made possible through the east Riverside corridor master plan. The other thing that we're currently fighting is a case that will be coming up to you, before you, 6507 east Riverside drive.

[Buzzer sounds] And the one on thrasher that will also cause displacement. We ask you to look at this and I will be taking it to the anti-displacement task force and to the equity office, but I think this is really something that we need to look at. Thank you.

[Applause].

>> Mayor Adler: Thank you. Ms. Swarts. Has anyone else signed up for citizens communication who needs to speak? This will be our last speaker.

>> My name is Kaitlin Swarts and the founder of upper 90s. It helps students from low income families survive: Our non-profit is grounded in soccer for a couple of reasons. One, soccer more than any other support fosters 'inclusive and welcoming environment. The soccer we play doesn't care where you live, what language you speak or what your immigration status is. Everyone can play. And two, soccer allows our students not only to run around and be active, and develop their soccer skills, but at the same time learn how to identify and manage challenging emotions such as frustration.

[12:38:28 PM]

They also learn how to work as part of a team, how to communicate, how to resolve conflicts with one another and how to help each other stay on task during drills and games. I'm here today to tell you how bringing major league soccer to Austin will help so many of Austin's children, especially those who don't have the same opportunities as their peers. In our city Latino and black students are more likely to be enrolled in disproportionate high poverty schools with more challenges. These young people need opportunities to learn and grow, especially in the 40 plus hours a week they spend out of the classroom. It's hard to imagine a sport that's easier for any child to participate in than soccer. All you really need is a ball and some space. Young people also need consistent and positive role models who look like them and come from similar backgrounds. When my students see pro soccer players they see that many of

the stars look just like them. Many of them speak the same language. And this connects them to something global, something positive and something bigger than themselves. In bringing major league soccer to Austin, we have the chance to open the future and close the opportunity gap for our city's young people. With a major league sports team, they can call their own at an accessible site like mckalla mckalla place, we have an opportunity to invite our kids to dream big. And with the hundreds of millions of community benefits Precourt sports ventures is committed to bringing here, we can see access and cash contributions pulledly for our families, our neighborhoods and our community. It is beyond exciting for me to think about experiencing the thrill of a professional soccer game in my city. But it's even more exciting for me to think about my students being able to experience the same thing and benefiting from opportunities they've never had before. This won't happen unless mls comes to town. Please support the children who will shape Austin's tomorrow and please vote in support of allowing Precourt sports ventures to build a privately funded soccer park in mckalla place.

[12:40:30 PM]

Thank you.

>> Mayor Adler: Thank you

very: Mayor pro tem?

>> Tovo: Ma'am. I missed the name of your organization.

>> It's upper 90.

>> Tovo: Can you tell me when it was founded?

>> It was founded last August, August 2017.

>> Tovo: Thank you.

>> Mayor Adler: Thank you very much. Those are all the speakers, council, that we have. To the clerk I'd note that I think we've taken care of item number 48, which was the the ahfc meeting. We're going to be going into executive session where 50, 51 and 52 are being withdrawn. So we'll be handling 53. When we come back from the break it's my intent right now to start with the item from this morning that was pushed back until noon, so that's the one that is item number 37. We're going to start there before we go into the zoning cases. The codenext petition is where we're going to start. All right. That said, the city council will now go into closed session to take up one item, pursuant to 551.074 of the local government code the city council will discuss personnel matters related to item 53, the employment duties of the city manager. Items 50, 51 and 52 have been withdrawn. Without objection we will go into executive session. It is 12:41 P.M.

[2:20:59 PM]

>> Mayor Adler: All right, council, are we ready? Let's go ahead and start. As I had indicated earlier, we're going to start with item 37, which is the codenext and ballot question. Ms. Houston, do you want to make a motion?

>> Houston: Mayor, I would like to move my resolution.

>> Mayor Adler: Ms. Houston moves the resolution. Is there a second to that? Councilmember alter seconds that. Ms. Houston, do you want to address it?

>> Houston: I'm going to address it just briefly and then I would like to hear -- I think we've got several speakers.

>> Mayor Adler: I'll repeat again it's item 37. Ms. Houston.

>> Houston: Thank you, mayor. As we all know, on March the 29th, over 30,000 austinites filed a petition demanding a public vote on codenext. Once a petition is verified, state law only gives the city council two options. One is to adopt the petition responsive ordinance or the second one is to order an election to let the voters decide. The council decided not to adopt the ordinance and that's okay, but it is now the statutory obligation of the council to move this decision to the voters. I understand that attorneys differ on whether or not this is the right thing to do and whether or not the petition goes beyond the scope of a referendum, but that's not what we're here to decide today. It's my job as an elected member of this body to represent the will of the voters and not to bend the law in a way that would restrict the power of our residents to have their voices heard.

[2:23:01 PM]

So since I'm not an attorney, this is a gray area to me. And so what I don't want the council to do is play judge and jury to this power of the referendum that's been reserved by the people. So my resolution will direct the city manager to develop language, all the appropriate language that's necessary to put this petition ordinance on the ballot. And so with that, I'd like to hear comments from the folks who signed up to speak.

>> Mayor Adler: We'll go ahead and hear from them so that we can get the full breadth of the discussion. I'm going to move a substitute motion to this as was posted on the bulletin board yesterday. Is there a second to the substitute? Councilmember kitchen seconds that. Are we ready to -- I'll address it after the public speaks.

>> Houston: So mayor, just point of clarification because I don't have my Robert's rules of order here. If you vote against my -- my resolution, isn't that the same as you doing a substitute?

>> Mayor Adler: No, because there are other resolved clauses. I don't want to just vote against yours because I think there's other action that we can be taking as a council. So that would be an insufficient remedy or statement from me.

>> Houston: Okay. Thanks for clarifying that. We've done it different ways so I just needed to be clear.

>> Mayor Adler: Yeah. And when someone just comes in and says I move a substitute to say no, then I say then just vote no. But this substitute contains additional provisions, okay? Mayor pro tem?

>> Tovo: I hope after the public discussion we'll have an opportunity to know what those are. I would like to better understand that too because I, like councilmember Houston, felt like the remedy if you don't support the resolution would be just to vote against it.

[2:25:08 PM]

I also just wanted to ask you about the process you were going to use for the substitute motion. Are we going to do what we did at I think our last meeting and make amendments to each before we determine which will be the motion on the floor?

>> Mayor Adler: Yes, that's the only way to handle the substitute motion unless we have otherwise agreement on the dais. We won't here so we'll do it that way.

>> Tovo: Say that again. I'm sorry, I'm having trouble hearing you.

>> Mayor Adler: That's how we're going to do it.

>> Tovo: So we'll make amendments to each and then determine which one to vote on.

>> Mayor Adler: Okay. All right. Let go ahead and call up the folks who have signed up to speak. Is Ed English here? Is bill bunch here? Mr. Bunch, you will be on deck. Is pat broadnecks here? I see, thank you. So you will have five minutes, Mr. Bunch. Mr. English, you can begin.

>> Mayor, mayor pro tem and council, my name is Ed English and a long-term resident of north Austin. As I thought about what I might say today I found myself resisting the temptation to make comments that are not ought to be considered regarding the comment you are about to take. This vote is not about how you or I feel about codenext, this vote is not about how you or I feel about the spirit of 10-1. This vote is quite straightforward. This vote is about complying with the law and the right to vote. For those that vote for putting the petition on the ballot I say thank you for doing what is right and required by law. For those that are considering voting against I ask that you keep a few simple facts in mind. The city charter provides for a ballot initiative. State law provides for a ballot initiative. Almost 32,000 residents signed the petition. The petition was validated by the city clerk. Our petition has met every requirement to be placed on the ballot. Against that stands an attorney's opinion, an opinion that has no court ruling specific to this petition either on its merits or to validate it.

[2:27:17 PM]

This council sits as a result of a ballot initiative that was not met with open arms by the at-large council sitting at the time. In fact, the response was to place a exeating option on the ballot. We were not met by the welcome bag gone at the doors of the city clerk's office when we rolled in with our bocks of

signed petitions. But to the credit of that council, they complied with the law and they put the 10-1 initiative on the ballot. For those that think the citizens of Austin should not have the right to vote on codenext, I say comply with the law, put the petition on the ballot and then take your case to the public. You take your case to the public, I'll take my case to the public. Today is a day to stand with the city charter, to stand with state law and to stand with 32,000 residents and simply do the right thing. Put the petition for the right to vote on codenext on the ballot.

>> Mayor Adler: Thank you. After Mr. Bunch the next speaker is Fred Louis. Is Mary I think ingall here? And is Mike [indiscernible] Here? You will have seven minutes, Mr. Louis, after Mr. Bunch speaks. Mr. Bunch, you have five minutes.

>> Thank you, mayor, councilmembers. Thank you for your service to our community. With that said I'm extremely disappointed to have to even be here today. I think it's really a travesty of justice and democracy that it's come to this. Some of you weren't here when the save our springs happened. Some of you were. And with that you should remember that the law in this situation is rather clear.

[2:29:19 PM]

It's not what your lawyer, Mr. Heath, spelled out in his memo. That's a sales pitch that ignores the issue that's in front of you today. You can have all the policy differences in the world with the petition and think it's really a bad idea. You're welcome to that. You might even think that a part of it is illegal as your lawyer does. I think the facts that we agree to is that the vast majority of codenext has nothing to do with zoning. And is not prohibited in any way from the initiative process. That's codenext. The ordinance itself that's been petitioned on to the ballot doesn't zone anything. It calls for a waiting period. It calls for voter ratification of whatever y'all might approve as a comprehensive rewrite to the land development code. Zoning is a tiny fraction of that. The petition ordinance has a severance clause. There is no way you can argue that that petition has been removed from the field of the initiative and referendum process. You're down to statutory construction and that issue only comes up if and when it's passed by the voters. The case your lawyer said in passing, Colson, let's this out very -- sets this out very clearly. The election may result in the disapproval of the proposed amendment and therefore under our constitution the courts cannot give advice nor decide cases upon speculative, hypothetical or contingent situations.

[2:31:20 PM]

There's nothing that disputes that today. Colson goes on to explain that the exercise of the initiative and referendum is the people of the power reserve to them and not the exercise to the right granted. And that in order to protect the people of the city and the exercise of this reserve legislature power such charter provisions should be liberally construed in favor of the power reserved. The power of the council is clear and the law is minute sterile in nature. The council's refusal to submit the proposed amendments to the people thwarts not only the legislature's mandate, but the public. You don't get to

sit as the judge, you don't get to sit at the legislature. The people are doing that. You have minute sterile duty today. A case -- the most recent supreme court case right here relying on the Colson case which your lawyer didn't bother to point to from Houston, an initiative that people didn't like the policy, but that doesn't matter. They're standing in front of the public and their right to vote. You may not remember the rule, council. Most people don't because they rendered their participation in the civic discourse largely meaningless for the one thing that they are remembered for. And that's the path that some of you are on, some of you who are lawyers and should know better. What are you afraid of? The only thing we're asking for is the right to check your work. If you're going to pass a good codenext, you should embrace having the voters check your work.

[2:33:23 PM]

We would love nothing more than to be out there beating the bushes and telling people to vote yes and approve a good code. We were working very hard towards that end until it became completely obvious that it was beyond repair. It's failed its fundamental two missions to simplify the current code. We started at 1500 pages, we're now at 1500. And to implement imagine.

[Buzzer Austin.

[Buzzer sounds] It doesn't do either one of those two things. You need to put this on the ballot and do the right thing.

>> Mayor Adler: Thank you.

[Applause]. Is Bobby Levinsky here? You will be on deck. Is Heidi yaia here? You will have five minutes. Mr. Louis, you have seven minutes.

>> Hopefully I won't take it. Good afternoon, council and mayor. I've worked for 20 years to improve democracy in the state of Texas, to remove big money from publics, to set up independent redistricting commissions. I drafted the 10-1 petition on the independent redistricting commission and I helped draft the codenext petition. I dedicated the last 20 years of my life to democracy. So let's be real clear what this is about. This is not about codenext. It's about whether or not you respect the democratic process. In 1912 with the power of home rule cities at the state level, cities got the power of initiative and referendum. It was part of the Progressive movement that at least all of you on the council profess to be part of. The initiative and referendum process was an inherent part of democracy.

[2:35:28 PM]

It was a check upon entrenched interests and it was a check, frankly, on council's. It has been 90 years since the Texas supreme court has refused to put a ballot measure that was certified on the ballot. And there's a reason for that. The leading cases, by the way, against or for putting things on the ballot or councils that refused to put things on the ballot are all from Austin. We profess more respect for

democracy than we seem to practice. But let me get to the point. In a democracy we do not interfere with election elections. Absent extraordinary circumstances. They interfere with elections in Iran, Venezuela, Russia and other places that do not respect the wishes of the voters and do not understand that all power, including yours, comes from the consent of the governed. The courts, although your lawyer that you hired did not note this, the votes avoided all possible -- all possibility of interfering with the public's right to vote on initiatives. Out of deference to the public, failing to put something on the ballot, interfering with an election, is like dropping a nuclear bomb in the middle of our democratic processes. The courts do not do it except in the rarest of circumstances. And there is only one recognized extraordinary circumstance other than failure to get the signatures, and we've gotten the signatures. And that is that the entire petition matter has been removed with, as the courts call it, unmistakable clarity, end quote, from the initiative process.

[2:37:37 PM]

In other words, the whole matter that's in the petition has been withdrawn from the field of initiative and referendum. As one court said, it only can be kept off the ballot if there's literally nothing for the public to vote on. And therefore you're not intruding into their democratic rights because there is nothing for them to vote on. Let's be very clear. We know that most of the codenext petition does not involve the only thing you say, your lawyers say, has been removed from the process. That's zoning. 1400 of the 1500 pages of codenext have absolutely nothing to do with that. There's no one you can pay who will argue that affordable housing is not subject to initiative, that transportation is not subject to initiative. That water quality is not subject to initiative. In fact, we know it is because bill bunch had to litigate the case against that council. Transportation policy is subject to initiative. The only argument is whether a part of this is subject to initiative or not in that zoning. And the courts have made it clear that unless it's all been withdrawn from the field and the election would be a nullity that you're not supposed to interfere with the public's right to vote. And you may take that lightly, but I don't. We are very lucky to live in a democracy. When we're long gone no one is going to care how many buildings we built and how rich we were. They will be concerned about whether we are a democratic institution or not.

[Buzzer sounds] So do the right thing. Do not take the anti-democratic action of preventing this from going on the ballot. Thank you.

[2:39:37 PM]

[Applause].

>> Casar: Mayor? Mr. Lewis, I have a quick question for you.

>> Yes.

>> Casar: I hear your opinion on the transportation, watershed non-zoning portions. Do you have an opinion on whether or not the interpretation on zoning being placed on the ballot is -- would be an initiative or not?

>> What I was trying to say is the courts -- there's only one part in dispute.

>> Casar: I heard what you're saying on that part.

>> I spared you the details of the law. I think we'll probably have to deal with that in court. But the point about it is if there's something to put on the ballot, you put it on the ballot. The courts will deal later if the voters pass it. Because if the voters don't pass it, there's nothing for the court to decide and that's what the Colson case is saying. Stay out of it, city councils, because you may not have to interfere with an election because there may be no legal issues if people don't approve. And also that you should stay out of it out of deference to the people's right to legislate by initiative. So the bottom line is what happens is you order an election, people vote. If people want to have a suit -- let's say it doesn't pass, we have no case in controversy. If it passes and people want to have an argument about zoning and want to have an argument about severing that, we do it after the public has voted, not before, because to do otherwise is to preempt the rights of the voters prematurely. Is.

>> Casar: I hear your answer on that. The question that -- I heard that throughout your testimony but the zoning question, so your answer is that you think it's in dispute, but you think that it can't be.

>> I believe that the zoning matter is subject to initiative, but I think it's irrelevant.

[2:41:50 PM]

>> I dedicated time to Kelly Davis. Three minutes is great for me.

>> Mayor Adler: Okay. And then after you speak then Susana Almanza is up. Is Susana here? Thank you. Is Sarah Spitz here? A just checking on that. You will have five minutes.

>> My name is Bobby and I'm here with the save our springs alliance. I do want to address that question that you had before I begin because if you look at chapter 211.015 a it says the city council has the ability to put it on the ballot Baugh before it comes into effect and that's what it's doing. So it's slightly irrelevant because I feel like that provision is what we're talking about here today. But I can barely respect the opinions of the people who are not fans of the petition, who didn't sign it or who will choose to vote against it. It took me some time to actually get comfortable with the zoning petition myself. But what I don't understand here is the effort to prevent the petition from moving forward to the voters. Over 30,000 austinites signed a petition demanding a vote on this petition. I want to emphasize something that Fred Lewis said on that. In November the vote is on the petition itself. November is not a vote on codenext. It's not a vote on zoning. So that question comes later. The council chose -- when the city clerk validated the petition, the city council had two options, adopt the ordinance or put it in front of the voters. That's perfectly within your right, but now I feel like it's your statutory obligation to put it before the voters. Attorneys argue all the time. I get it. I can argue two sides of the coin all the time. I do it a lot. But that's not really the job here today. The job for the city council is to respect the will of the

voters and the signatories. At best this is a gray area of the law and when you have a gray area of the law you try to decide what your default position should be.

[2:43:58 PM]

For me the default position is very clearly the voters. The signatories to the petition, the power of referendum is one that could be reserved by the people. The courts have been very consistent about that. I also want to end by respectfully asking that you allow the vote on the substitute motion for -- you allow the vote on councilmember Houston's motion first. While I understand the substitute motion procedures I understand she's worked very hard on this and led on this very well and I think that she and the signatories, the 30,000 signatories deserve the respect of having that resolution voted on first. Thank you. David is David king here? You're on deck. Ms. Almanza, you have five minutes.

>> Good after, mayor and city councilmembers. My name is Susana Almanza is poder and also with -- poder and with the eastern increase Kent right to state coalition and we all worked to get signatures to put this initiative on the ballot and so we support putting this initiative codenext on the ballot and we ask you to do the same. And I think we as a residents have a right to look at it because as it stands now codenext doesn't adhere to our neighborhood plans. And codenext doesn't preserve the existing low income housing. And codenext doesn't preserve the existing public participation process. And codenext just because of density doesn't provide low income housing. And context does not address the racism -- codenext does not address the racism within the city of Austin procedures. And codenext will drive up the values and taxes.

[2:45:58 PM]

And this is very important especially to the working class, the poor, the people of color, because not only for the homeowners, but also for the renters. So I think that we should have a right to vote to look at the final process of what happens within codenext because as it stands right now it means total displacement and gentrification for our communities of color and other working class people. There's a conflict right now between housing and social space and housing as an instrument for profit making. A conflict between housing as a home and as real estate. The hyper modification of housing leads to new forms of risk, is it leads to unaffordability and instability for everyone else. And we can see that in our everyday lives. Removing regulations and shifting power towards capital and away from residents, making land more valuable and more amenable speculation is what this current codenext does. So yes, we should have a voice in that process. The real estate industry does whatever it can to maintain high prices, remove existing tenant protections which place real estate firms in a better position to reshape markets even more in their own favor. I heard this morning on Kut with the chamber of commerce all supporting this codenext and I'm sure that you have probably gotten their emails and calls about supporting codenext because they do not see a whole -- they see profits and they see money.

[2:48:01 PM]

And they have seen what the market is doing now, not just here in Austin, not just here in the United States, but globally. We know that right now housing is being used as just interest. The people are building luxury apartments not just for use, but in a way to make investments and to make more money. And that's many of studies that have been done that prove what is happening in our communities, not just here in the United States, but throughout the world, and what the wealthy are doing in our places. And the mod for indication of housing, that is what's happening. And that is why codenext to us is happening right here in Austin, Texas. I talked to you earlier about the east Riverside corridor master plan, how codenext is preserving that corridor master plan even though thousands of people have been displaced from that corridor because of the zoning that was allowed. And it is in codenext to continue to allow it when the developers, the staffers, have the opportunity to say, do you know what? The master Riverside corridor plan is displacing people. This council and the mayor has established the anti-gentrification task force. It's put together the institutional task force on racism and equity. We don't see it happening. As a matter of fact, it would not be equity not to put this on the ballot. The equitable thing would be to put it on the ballot so that people would have a voice in the process because as it is now it's being driven by the chamber of commerce, the board of realtors, the bankers, all the people who look at it as profit.

[2:50:03 PM]

[Buzzer sounds] So please put it on the ballot. Thank you.

[Applause].

>> Mayor Adler: Is Lauren Ross here? You will be up next. Mr. King?

>> Thank you, mayor, mayor pro tem and councilmembers. I'm here to urge you to please approve councilmember Houston's resolution to allow residents of Austin to vote on codenext. Codenext will impact every property and resident in Austin for decades to come. No single act by council has had or will have such broad and lasting impacts on the city. What are you afraid of. If residents see that codenext is clearly good for them, they will vote for it. Council should not deny residents the opportunity to vote on one of the most important matters that will forever change Austin's destiny. During this morning's memorial day ceremony I reflected on my father's military service in Korea. He eventually died from an illness as a result of his service. But he fought and ultimately died for the principles of democracy, including the basic tenet that government derives its power from -- derives its power from the people. He fought against a tyrannical government. And I stand here today to continue to fight for democracy and against the tyranny of a majority of this council. Yes, I said that, the tyranny of a majority of this council. Please comply with the city charter and state law. Put codenext, the codenext petition on the ballot. And I want to thank councilmembers Houston, pool and alter for supporting this resolution as well as mayor pro tem tovo. Thank you so much.

>> Mayor Adler: Is Jane Rivera here? Jane. What about Daniel Yanez. I know you will be up next.

[2:52:03 PM]

Is Susan Littman here? Okay. You will have five minutes, Mr. Yanez. Ms. Ross.

>> Good afternoon, mayor and councilmembers. My name is Lauren Ross. I'm part of undoing racism Austin and undoing white supremacy Austin. My teachers at the people's institute for survival and beyond, a black-led, multiracial organization based in New Orleans, Louisiana, have 10 principles for anti-racist organizing. And the first principle is know your history. That's why I'd like to remind you as you're considering putting codenext on the ballot. The history of another citizens' initiative that shaped Austin's land development code and our political reality. In 1992, like today, community had gathered signatures to put the save our springs referendum on the ballot. When those signatures were certified by the city clerk, the rule of council refused to put the initiative on the may ballot. Rule was their initials, Ronnie Reynolds, Louis west Epstein, Charles erdy were the four votes to not put the referendum on a billion lot. Mayor tod, max Nofziger and Gus Garcia supported our initiative. The community took the question to court. Judge Jean murr was clear when she told councilmembers that they were hereby commanded to forthwith call an election. And the vote was set for August. After months of community debate and engagement, when the votes were tallied, the referendum was overwhelmingly supported. Every local political candidate, including our Travis county commissioners, became S.O.S. Supporters regardless of their positions prior to that election.

[2:54:06 PM]

Sadly the -- the council's delay loud the developers to file applications on virtually every piece of property that would be affected and to position themselves for their developments to be protected by the state's grandfathering law. The parallels between this history and codenext are chilling, but the lessons are clear. Only the democratic process, only a vote of the people has the capacity to uproot and undo the racism that was baked in the Austin's land development code since the very first zoning ordinance based on a 1928 master plan that envisioned the segregation of brown and black austinities in east Austin. 26 years from now when somebody younger than me is standing at this podium and in cheese chambers and telling today's story I hope you will all be on the right side of history. Let the people vote.

[Applause].

>> Mayor Adler: Thank you. Is ashkan just jahungari here? You will be up.

>> My name is Daniel Yanez. You know who I am. I belong to all these organizations that helped gather all those signatures. This is about democratic process. This is something that the people -- we are the government. Don't forget, you are not the government! Right? You're not the government. You represent us. So the people have spoken. And you should not get in the way of that. I congratulate those four councilmembers who are willing to put the ballot -- the codenext on the ballot.

[2:56:08 PM]

And mayor, as I said to you a few months ago, you shouldn't be afraid to put it on the ballot if it's done right. And you know, I wasn't opposed to codenext up until about two weeks ago. And I said to you and I've said to several other councilmembers that we could make a good document, but do you know what? It's toxic. I mean, look at codenext. It's a mess. It's absolutely a mess. But you could fix it. Our boards and commissions, you could extend the time. You could make it so that people like David King said, so that people would want to vote for it. But for you guys, those of you, the rest of you, Mr. Flannigan, Greg, mayor, Mr. Renteria, Delia, Ms. Kitchen, the rest of you, do you know what? You seem dishonest to me. By not adhering to the will of the people. It seems a little creepy. And this is why the majority of people think the government sucks because you do these maneuvers, you know? We try and get young people to get involved in the political process and they say, why should we? It's corrupted. You are walking that corruption road right now if you are not putting codenext on the ballot for us to decide. And if you do that, between now and then, Greg, you can work really hard to make it right. So that I can vote for it. You can work really hard so that this document is not another racist document. Greg, Delia, Pio, this is a racist document, dude?

[2:58:08 PM]

You are our minority councilmembers. Those of you who are white on the council, how much longer are we going to have a racist city? Don't you want to turn away from that? So that we can have a real democracy? A city and a government that we can be proud of? You know, I say this to you with love, y'all. I'm not just here to tear you down and criticize you. I'm warning you that you look like dishonest people, Ann. Show me show me that you're not. Mayor, I still want to believe you. Your vote today will let me know. Thank you very much.

>> Mayor Adler: Thank you.

[Applause] Ray Collins, is he here? Ray Collins? What about Kevin McLaughlin. You will be up next. Please proceed, sir. Three minutes.

>> Hi. I'm on the board of AURA, though I have a personal story for you all. In late September 2017 right after the launch of the petition aiming to maintain exclusion anterior zoning in Austin I was at a climate - a young guy approached me and asked if I did support democracy and affordable housing. He had a petition. I do support democracy and affordable housing so I signed. Shortly afterwards I learned a lot about local politics and I was mortified when I learned I signed a petition that I know wholeheartedly disagree with and I vowed to never tell anyone about this. I am revealing my transgression to you so you may consider this petition was gathered on false pretenses. I would regularly see paid canvassers asking people if they supported affordable housing and get people to sign their petition.

[3:00:13 PM]

I was at the mlk rally, I saw the same guy who got me to sign the petition. Sure enough he asked if I support affordable housing. Many of my friends were also tricked into signing the misleading and illegal petition and I have no recourse. I called the city clerk and there's no [inaudible] To retract your -- after it's handed in. So affordable housing and democracy and they did not understand the context of what they were signing. Austin is in crisis because the amount of people allowed to live in city of Austin to exclusionary zoning. I'm surprised the people who created this petition are attorneys and activists with years of experience in petition charter change. These experts write this initiative petition override the city charter. This has been a farce from the beginning. To deceive -- as someone who believes in community activism, I'm offended at

[lapse in audio] And wasting our time to [lapse in audio].

>> Mayor Adler: Thank you. Is Patty spring he will here? What about Rachel? What about [inaudible]? You'll be up next. Three minutes.

>> Kevin Mclaughlin, I'm a Aurora board member. People who created this petition claim -- but Austin's dark history of fair housing of 1968 should make [lapse in audio]. It shows codenext referendum will actually -- and leave out the most vulnerable of citizens.

[3:02:19 PM]

As the council knows, in 1968 your predecessors courageous asked asked fair housing ordinance to prohibit forms of discrimination. Austin property owners who claimed [lapse in audio] To a vote. Of course the referendum that followed rejected fair housing but that's not the point. In that referendum, only 27% of registered voters, 10% the total population. Voters that did show up lived by 35. That's not [inaudible]. So how about informative debate? Read a few quotes from information provided by the -- in 1968. Sign the petition to bring housing to a vote. Fair housing, anti-discrimination policies sound real good, but these are a wolf in sheep's clothing. And my personal favorite, the communists know that the order [lapse in audio] That kind of scare mongering sounds familiar. But if not a -- we elected you. City councilors of Austin, Texas. Not petty fogging petition hawkers. To lead us. I have no doubt that it will be difficult, as it was no doubt difficult for the city councilors of 1968 to stand up who claim to speak for the people, but stand up you must.

[3:04:29 PM]

Your courageous predecessors and our dark history demand it. Thank you.

[Applause]

>> Mayor Adler: Thank you. Is Mario Cantu here? You will be up next. Mr. Jack, you have three minutes.

>> Mayor, city council, I want to thank councilmember Houston and the other councilmembers that have come together to put this issue before you today. We urge you to vote for councilmember Houston's motion. And as said earlier, it would be great if she could have her motion voted on first. But I want to give you two numbers. Six and 81. Six is the number of councilmembers we need to get this done. 81 is the number of neighborhood associations in the Austin neighborhoods council which I'm president. They extend all over this city. White neighborhoods, African-American neighborhoods, hispanic neighborhoods, east, west, south and north. We all work hard to get this petition done in the belief that we need to have this vote. It's not a vote about what's on codenext today, but what would be coming out of this council in the future as a check and balance for the citizens' right to petition. Please, put this on the ballot. Thank you.

[Applause]

>> Mayor Adler: Mr. Cantu. Is Kelly Davis here? No? Mr. Cantu, you are our last speaker.

>> Thank you. Can you hear me?

>> Mayor Adler: Yes.

>> Thank you. Mayor, thank you. I just want to give some insight because there's new councilmembers. And I wanted to let everyone know that -- over five years ago when this whole thing with codenext. We were at the 1 million-dollar mark.

[3:06:32 PM]

We identified -- neighbors, council and we noticed things were going sideways with codenext when it came to interaction with citizens and neighborhoods and contact teams. So we initiated a meeting with the planning department, which committee did have a meeting with. Kind of went round and round as far as getting -- in order to better off some of the information that they could for codenext. We were basically ignored at that time. The next year went to another million dollars. The one that I made at that meeting is that this whole thing is costing us about \$19,000 a week. \$19,000 a week, I could easily take \$1,000 out of that and buy tacos for almost every neighborhood association in certain parts of town. There were some things that we -- and so, you know, basically because of all the problems we had in the past, suggestions and we identified so many things that were going on that were ignored -- that this is where we're at now. You know, the guy that was talking today, talked about -- what we're trying to do is give a a lot of -- we need some drastic things to be taken and this is the route. Say thank you to the councilmembers in support because based on what I know and where we are and the consultant at that time in the one-year mark were there from our city working with opticos, those were the individuals that should have initiated what we've talked about and that did not take place and that's why we're

[3:08:34 PM]

[inaudible]. Thank you.

[Applause]

>> Mayor Adler: Thank you. There are three people that have signed up, Roger baker. Mr. Baker, you have three minutes. Barbara Mcarthur will be on deck.

>> Does this one work? I guess it does. First of all, codenext is a mess and if the petition ever comes to a vote, I think will almost certainly fail. All you have to do is read the Austin chronicle to know the details on that. And I believe we have a right to vote on the petition despite the political power of the real estate lobby. And you have power brokers like rica who want to use gentrification to raise taxes in the fastest possible growth forever and thus force existing homeowners out of the city. I think the big money boys are scared of a vote. Certainly fail. The -- low hanging fruit. You know, weakened the regulations on development, get through the -- and I know some of them. They are activist on the east side and they realize what's going on. Anyway, I applaud the council members who voted for democracy. That feels so good to happen. I'll support you all and I hope it gets on the ballot because I helped to get it there.

[3:10:36 PM]

Now I worked hard because I believe in democracy and I support it.

[Lapse in audio] Because there's so much money to be made. Thank you.

>> Mayor Adler: Thank you.

[Applause] Is Robert Corbin here? You will be be up next.

>> Thank you for allowing me to speak today. I think the community of Austin -- neighborhoods are facing increased entitlement that will -- but to stop the cash -- build more, the market will absorb cash. Follow the money. We urge you to support -- motion. When I talk to my kids and their friends, they ask how can you change -- to vote. We don't even get a super majority vote. And now we are told -- let the representatives vote for them instead. How many of you think that our electoral college did a better job selecting a president than the democratic vote.

[3:12:46 PM]

[Applause]

>> Mayor Adler: Mr. Corbin. And I think that -- if anybody else is signed up, they need to come on down.

>> I don't know too much about codenext now. It's -- will probably benefit financially. Citizens vote on. However, there was a petition signed by citizens and acknowledge -- so please councilmember Houston's and make it right. Thank you.

>> Mayor Adler: Council, I think those are all the people signed up to speak on this. That brings it up to the dais. We can have a discussion on this. Councilmember pool.

>> Pool: To respond to a number of our speakers today, I would like to ask, please, and -- I would like to give councilmember Houston and the three of us who are co-sponsors the opportunity to -- I understand a substitute that you want to take up and we can do that next.

[3:16:36 PM]

>> Kitchen: I don't know, it might be appropriate.

>> Mayor Adler: Give Ms. Houston a opportunity to explain the motion before I did that.

[Audio problems]

>> Mayor Adler: Add amendments to each of them. Until we are done making amendments to it, then we'll take up the other, we'll make amendments to it until we're done taking the amendments to it and then we'll vote on the motion to substitute, which will be the council answering the question do you want to consider the substitute instead of the original motion. If that passes, then we'll take a vote on the substitute yes or no.

>> Pool: So we are taking -- so we are taking up councilmember Houston -- I'm just trying to follow. We are taking up councilmember Houston's motion first.

>> Mayor Adler: We're going to take up -- again, we're going to take up as the procedure for a substitute motion, we'll take amendments to one of them. Because the rules say you can consider either of them first in that case. So we'll take up Ms. Houston's motion first and see if anybody wants to make any amendments to it and we'll consider those. Then we'll take Ms. Houston's motion and put it aside. Then beall take up the substitute motion, see if anybody wants to make amendments to it, until we're done.

[3:18:42 PM]

At that point we'll consider the motion to substitute, which is the motion on the dais, and the question will be do you want to consider the substitute understand of Ms. Houston's motion. Depending on that vote will tell us whether we're considering the substitute or Ms. Houston's motion. And we'll take a vote.

>> Houston: So mayor, that's very confusing to me. I would like for you to -- to talk for just a moment about -- because I suggested in the beginning that if you don't like my base motion, the one that was

posted initially, vote against it. You said that you would rather not do that because you've got some other things. Could you point out what are the differences between your resolution that you would like to leave in or not in the original.

>> Mayor Adler: There are three -- [lapse in audio] One is that the council -- the November 2018 ballot. The second resolve said take action today -- required by law. To not preclude the opportunity to have it placed on the next municipal election. And third is the item November 2018 ballot if a court pursuant to a challenge or otherwise determined city of Austin was under a requirement to put the matter on the ballot -- the petition. Those are the three. Does anybody -- I would now recognize the floor for debate.

[3:20:46 PM]

Yes, mayor pro tem.

>> Tovo: I have questions about how that differs from the main motion. If now is the appropriate time to ask those questions. I think I've seen ways of audio] Most recently where we spend time amending -- going to be in a position to make an amendment to bring your resolution to align with -- I don't think it's an efficient use of time. But we can choose not -- I would like sometime at a work session to have that -- separate actions -- productive. But anyway, I just want to ask a couple questions. Seems similar, extremely similar to councilmember Houston's and until we get it resolved. The main difference I see in the first be it resolved would have the city council -- [lapse in audio]. The next is more of a commentary - required by law to ensure ample time -- potential challenge.

[3:22:49 PM]

I would like an explanation. Would we have another option if a court required us to place it on the ballot?

>> Mayor Adler: I don't know because I don't know what the court's rules say so I just make really clear the intent of the --

>> Tovo: But if the court determined that the city of Austin was under -- to put the matter on the ballot, I mean basically saying we'll put it on the ballot if a court requires us to place it on the ballot.

>> Mayor Adler: Part of it depends on -- so I don't know how that -- I don't know whether the court would rule. And I want to be really --

>> Tovo: Are we just saying we intend to comply if we're required to put it on the ballot.

>> Mayor Adler: It says how we're going to comply with the law.

>> Tovo: In terms of the timing or --

>> Mayor Adler: Uh-huh.

>> Tovo: Comply with the law.

>> Mayor Adler: You could certainly vote against it. I just keep saying it and the same question.

[3:24:51 PM]

So I guess my preference remains that we take up the main motion.

>> Mayor Adler: Okay. And -- I'm happy to lay out mine. So let me go ahead and do that. In discussion and in codenext we have parts of the community that are obviously have divergent views and a significant amount of hyperbole. And it's unfortunate. For today's vote someone for codenext or against codenext -- [lapse in audio] And I agree with the speakers that -- it would be best for me to ask one of the leading experts in the industry on municipal law.

[3:27:51 PM]

Probably better somebody that was outside of Austin. And -- with the New York City law school. And he concluded that the opinions given us by the independent counsel and legal staff, that this was not something that will be put on a ballot. The question of whether or not the city should have zoning, do you want to have zoning. You do that in the instance where you have a city like Houston that doesn't have any zoning. You can put on the ballot do you want to have zoning. Or you can go to a city be stricken in the city, whether you should go to a city like Houston that has no zoning. Those are the only two questions that you could put on the ballot. You weren't allowed to put on the ballot the question of whether or not people liked a particular zoning scheme. That was stated as the general rule. Would you put up, please, on the overhead what's been marked as number 1? I marked that as number 1 for the clerk. This is section 211.015 of the local government code.

[3:29:56 PM]

And we've probably all seen this a lot of times. This is local government code 211.015, our state substitute that concerns zoning referendum, and it describes pretty clearly when it is that you can do zoning. And I imagine it's no surprise that it's consistent with the general rule that -- that we had earlier been told. You can see that in section A it speaks about zoning to be -- under an initial adoption of zoning. Section B, you can see it talks about repeal in its entirety of zoning. Section C, again it speaks to the initial adoption of zoning. And section E, it says the provisions of this whole section may only be utilized for the repeal of municipality zoning regulations in their entirety or determination of whether municipalities should initiate zoning regulations. Our state law is consistent with the general rule. I just want to make reference, I think it's fair that the arguments that have been raised by some citizens that

have spoken because I think they deserve a response and to see. The case handed out, it's number 2 as I handed it to you, the -- pull out that, please.

[3:31:58 PM]

On the one, two, three, fourth page in that case there's a paragraph that's kind of surrounded with yellow. It's a K, but it looks like this. There's a two in the bottom left-hand corner, and the page of that -- three-quarters of the way down has a part that's highlighted in Orange, it's on the left side. To the left of the page.

>> Pool: Mayor, can we get copies of that, please? I'd like to -- thank you.

>> Mayor Adler: These are the cases that our counsel gave us some time ago.

>> [Inaudible]

>> Mayor Adler: Yes. So the first language to point out is confirming language. It says statute allows the referendum process for repeal in their entirety or to determine whether the city should initially adopt zoning regulations. But does not allow it for -- determinations, properties. All you can put up is the question do you want zoning in the city or do not want zoning in the city. If you looked at the next page, footnote in the case, it addresses the issue that has been raised about whether or not even if this is illegal and not susceptible of a ballot should we put out the ballot anyhow and ask the court to look at it after the fact.

[3:34:04 PM]

If you could put on to the screen footnote 4, it's that same case, it's just -- I think it's like on the next page.

>> Pool: Is it in this, mayor? I'm not finding it.

>> Mayor Adler: Same case, footnote 4. Footnotes after the conclusion. It says footnotes. Footnote 4.

>> Houston: Does it start with realtors --

>> Mayor Adler: It does. And realtors in this instance has nothing to do with somebody who is involved in buying or selling real estate. This is a mandamus action before a court and for the court to -- or a government official to do so. But it says contends that the real parties and interest -- that's the other side in the case -- not to hold an election based on a belief that a proposed legislation -- and must instead court ruling be alleged. However, doctrine has no implications in this case because [lapse in audio] Would violate the law. And that case that we had, the reason this does not go on the ballot has nothing to do with -- in the law itself, even though sections of it we know are illegal. State legislature and city charter and law.

[3:36:06 PM]

But the basis for putting it on the ballot or not is not that. It's that holding the election itself -- to have for an initial -- because that question goes to whether or not the election itself is proper. That's why this is not something to tee up for a court to decide and then -- and then go to the -- and there are other cases that suggest the same rule, people are trying to get a determination of zoning questions than are you going to adopt or are you going to strike zoning in its entirety. Back to the first thing that we -- if you would, which is the statute, I want everyone to take just a second and look at -- I think it's the section that -- talked about in his testimony and referred to it as subsection D. I think he was referring to subsection D. If you would put that up, please. So look at subsection D.

[3:38:08 PM]

So we have adoption or repeal in its entirety throughout -- subsection D. And it says a -- adopt a zoning ordinance in its -- it contradicts the rest of it. I think a reasonable interpretation is in Houston where the city council wanted to put to the voters the question of whether or not the city should have zoning or not. So that would know what they were going to get if they decided -- which was the only question in front of them. Adopted a zoning ordinance. Conditioned upon the voters' approval later on. This provision here a city council can't adopt a zoning ordinance -- if they had adopted -- adopt the zoning ordinance. So it's something they have to be able to adopt a zoning ordinance -- on a later vote up or down do you want to have zoning, do you not want to have zoning. My interpretation for section D -- the legislator wrote E which says the provisions of this -- that's a, B, C, D and E, may be entirety or for the determination of whether the municipality should initially adopt zoning regulations.

[3:40:33 PM]

It was suggested that even though -- the referendum ordinance deals with zoning, therefore we ought to put it on the ballot. The problem is that not allowed sections to put on on -- an initiative people decided if it's on the ballot, then the city council -- on the ballot exactly the way it went to the people who were the petition. We can't take the parts that are -- we have a voice. Because it's illegal and improper for us the zoning matter in front of voters. The last thing I would address is the case, there were two cases.

[3:43:04 PM]

That it's improper to put zoning ordinances on the so because that would have violated the rule, but the argument was it wasn't a zoning ordinance at all. Which is exactly what the court found. The court found that sos was not a zoning matter, but rather was a water quality control ordinance intended to ensure water quality. Therefore it was not zoning ordinance and did not fall under the general rule. You know, I -- this -- the easy thing to do here would be just to put this on the ballot and then we could just walk away. But that wouldn't -- it would be the denial of the oath of office that I took. I was elected to do ease -- I wasn't elected to do the easy thing, I was elected to do the hard thing when it was the right thing. I bring this substitute because putting this on the ballot is not proper under the law. In fact, I haven't heard any lawyer unattached with the petition drive suggest it's something that would put on the ballot. I'm not sure that the attorneys that are doing this with the petition actually think that it really could go on the ballot. But in any event, I think it is important for us to honor the people that participated in this and to that end I think it's important for us to do several things. One of those is to do what the law requires us to do.

[3:45:07 PM]

But section 2 is to make sure that -- that we put it on the ballot quickly. Even though we're not required to take this action until August, I think we should take this action now, quickly, so as to give anyone who would want to challenge the greatest opportunity to have someone check our paper. I think that was the language earlier. To provide that opportunity so that our paper can be checked, let's get it into court. If there's a challenge and then let a court decide. And then in the third to say we're going to put this on the ballot, if that is the direction that is given to us by the court. I also think that there are other things we can do. I think that this substitute allows us to -- to the greatest extent possible allowed by law. Is doing what I believe to be the -- the only option that is consistent with the oath that we've taken. Councilmember kitchen.

>> Kitchen: I -- let me just start by saying that -- as I said before, that this is not easy for any of us.

[3:47:12 PM]

Those of us who have been working on -- those of you who have been working on the petition and those of us on the dais who are doing our best to carry out the oath that we took when we became councilmembers. So I think I am -- I am one that -- and I thank you for laying out the situation that's in front of us in terms of the law. I think that we don't have the authority to put this on the ballot. But with that said, what we're really trying to do, and I think that the substitute does, is we're trying to honor the public's ability to vote. I think the only route to doing that is to get this in front of a judge as soon as possible. You know, I think mayor pro tem had asked what is different between the substitute and what's on the table. The substitute doesn't wait until June 14th. The substitute is written so that it would be clear this can be taken to a judge now. So this is -- from my perspective, that allows us to honor the public's concerns and question and request, which you know, I would do in a heartbeat and I

support. I'm trying to support a -- a route that gets us there. And the second thing it does is it makes it very clear that we are voting to put this on the ballot. Again, if a court finds that it's legal. I would like to vote to put this on the ballot. And that's why I am voting for the substitute motion because I can vote to put it on the ballot and it sets a route to take it -- to answer that question whether it's legal, which -- I would love for a judge to tell me that it is.

[3:49:28 PM]

So I think that this substitute is the way for us to get to a point where we can have a judge decide. I mean different things testified to us and about the judge and jury -- have talked to us about honoring democracy. All of those things I respect and I -- and I think this is the route that gets us there. As I've already explained, this is the route I believe gets us there so I'm going to support the substitute motion.

>> Mayor Adler: Further discussion on the dais? Councilmember alter.

>> Alter: Full disclosure, I'm not a lawyer and thankfully didn't become a lawyer. I also do not sit on a judicial body here. What confuses me is -- have certain rights that are given by the state. And we have on one hand said this is zoning so you don't have valid petition rights. On the other hand we're saying this is zoning so you don't have petition rights. Again, I'm not a lawyer, but --

[applause] I cannot figure that out and can say on one hand the initial zoning doesn't have petition rights and on the other hand you don't have petition rights because it's not initial thing. And somewhere along the lines we are not protecting the rights of our citizens and I'm having trouble with that. The second thing that I wanted to ask, I want to ask Mr. [Inaudible] Up to speak to the legal because I'm not a lawyer and help us -- I appreciate the mayor laying it out and walking us through that, but what I've definitely learned is that part of being a lawyer is understanding perspectives and since I don't have a legal background, I'd like to invite Mr. Levinsky to respond to the points that were made.

[3:51:54 PM]

>> Sure. I do appreciate that. I can't respond to everything because I was giving my opinion. I believe this can be put forth -- [lapse in audio] But I do respect -- throughout the codenext process, because the comprehensive revision to our code, a view of the existing code and replace with a new code, the way -- is drafted, you have two ways you can do zoning. Through -- original zoning, you can do zoning through amendments. This is clearly not an amendment and I don't think anybody is arguing that. And that's the court cases that I referenced to deal with amendments. That original zoning [lapse in audio] It does talk about initial zoning, but those court cases that sought to distinguish between chapter 2191 and zoning -- they have talked about repealing things all at once in entirety. That's true. Exact -- the only thing it's not repealing, conditional approval that language to 1101d says conditional on the voters and the next section E only speaks to repeal.

[3:54:11 PM]

That's what I was trying to -- that's just one of the avenues there. Mr. Lewis -- Mr. Bunch, but I do believe -- also believe this is put forward before the voters.

[Applause]

>> Thank you, mayor, and thank you for bringing this this -- I don't think it's a good idea to vote on codenext, but I agree with councilmember on this. The courts say so. It's very clear the local government code that you -- repeal or initial adoption. You have to take context with the whole part E begins the provision may -- [lapse in audio] Part D only applies to repeal in entirety or initial adoption. I think it's very clear as councilmember kitchen laid out, but the folks talked about save our springs, I think it's really good counter point because we want to avoid a situation where this -- over the legality of the ballot measure means we'll miss an election. We want to expedite this as quickly as we can. The substitution does a better job of definitively doing that. Reasonably speaking no matter what choice was made there was likely to be legal action from some party, but it's much clearer to me --

[lapse in audio] To facilitate this legal decision and that whatever that legal decision says we will expedite our process as a city to then fulfill that order I think is the cleanest and simplest way to go about this.

[3:56:15 PM]

It helps us eliminate this trying to make the dais -- and it is not proper to put it on the ballot because we are interpreting the laws as we do when we interpret the charter, as we do when we interpret anything when we make any decision. I do have a question for councilmember alter because I've been looking for the staff analysis that talks about valid petition rights. Was there a memo -- this is clerical. Was there a memo somewhere?

>> Alter: I believe I asked Mr. Pentalion for that the other day. It was my understanding that there were statements that were made in that regard, but I don't have the memo in front of me if there was one.

>> Flannigan: We don't have to dig into that right now. I think it's a valid point if your recitation of that reasoning holds, then I think there's something to resolve there. I think it's much clearer that the local government code 211 supersedes anything else we might do, but -- so that's why I'm willing to dig into that issue further on the valid petition rights. That seems very clear in this moment that we should be passing the substitute motion to get us to the most proper and legal resolution as quickly as we can.

>> Mayor Adler: Mayor pro tem.

>> Tovo: So I appreciate the conversation about the need to get us to resolution on this as soon as possible. I just want to point out that both resolutions would place this matter -- they are both working with the same date. And so there was -- I don't -- I probably was misunderstanding some of the conversation, but I don't -- I don't want any members of the public to think that the main resolution

which was asking the staff to go forward and draft the language to place this on the ballot was thinking about any ballot other than November.

[3:58:23 PM]

It was working toward the same aim too, it was just acknowledging whenever we're putting something on the ballot, it happens in at least two steps in that we take action and direct the city manager to prepare the ballot language. So as far as that goes, that piece was happening expeditiously.

>> Mayor Adler: I'm trying to go back and fourth here.

>> Houston: If somebody else needs to speak, that's fine. I don't mind waiting.

>> Mayor Adler: Ms. Houston, why don't you go ahead.

>> Houston: Mayor, you know, I'm just always amazed at your legal expertise and I really do appreciate that. Of course, half the stuff I don't understand, but you're well researched, you understand the law, and you present it in a way that's very compelling. And -- however, there are other people who are as learned that say something different. And so rather than just keep going back and forth on the legal arguments, I'd like to just move that we vote on my resolution and see if it passes or fails and then if not, rather than doing that amendment stuff, which gets very confusing not only for the people on the dais, but the people in the community, let's just vote it and if it fails, then we'll move on to the substitute and then -- you can make amendments to mine, but I think that going back and forth between both is very difficult for people to keep up with.

>> Mayor Adler: And I understand that. We're going to -- what I think we're going to do is really simple to. You made a motion, I made a motion to substitute it. We'll take a vote on my motion to substitute because that's the order of the business that we do. Further discussion? Mr. Renteria?

[4:00:39 PM]

>> Renteria: If I knew that on codenext the petition was written the way it was explained to me that there was going to be a lawsuit either way because we were doing something illegal. You know, but I got this here in the mail the other day. It -- this is outrageous here, folks. This little campaign literature from community, not commodity, y'all guys don't even know me. You know, I worked on this -- I got a newspaper clipping here from 1987 where we ran a housing bond campaign. We had the support of almost everyone except for the south city -- south river city citizens neighborhood association that went out against us. And they defeated that bond election. It was for \$22 million. And ever since it has been a struggle to get affordable housing here and now we're getting to that point now where there is no -- people in my neighborhood, you know, y'all are saying you want to save the people in east Austin. That's false. That is false information. Y'all guys have never been down there. There is no more folks living down there, just the ones that are -- the older homeowners that can afford to stay there because their

school taxes are frozen and the ones that are living in subsidy housing that we have created. There's very few people that can afford that. I always say that the gentrifiers are now getting gentrified and you're trying to say that we're going to displace people. No, y'all already displaced us. We're just trying to hold on to what we have. And we know only through codenext -- if we didn't opt in for secondary units, I would not have been able to live there. And the Austin neighborhood association were the first -- they fought us all the way through to not allow us in my neighborhood to be able to create a -- a secondary unit.

[4:02:51 PM]

And that's the only way that I was able to survive there in this neighborhood. Right now the land value is \$300,000. \$300,000. You're not saving us from displacement. You already displaced us, you know? We're trying to build more units so that we can bring in more people, more affordable units. And that's what we're doing with codenext. But you know, this ain't going to get you nowhere because my people already have done what codenext is proposing. It's already there. We knew how to survive and we're going to survive. And I just don't like this little postcard, but this is a democracy and I tell people, I say yeah, the whole petition is all fake news. They're scaring the people in the neighborhood. Y'all frighten people. It's sad that y'all have gotten down to that point. Y'all are so low.

>> Mayor Adler: Councilmember Garza.

>> Garza: I was waiting to make my comments after the amendments, but I don't know how this is going to go so I'm just going to make some of my comments now. I first want to say I don't see this handling of the substitute motion any different than we have ever handled a substitute motion. It's procedural. Sure, it's used as a strategy sometimes, but I've gotten beat by substitute motions, I've won on substitute motions. It happens all the time. To make it sound like this is something different, there have been times when a substitute motion is a yes or no. I think this is the same situation how substitute motions have always been handled. It's no different. I am very aware and very supportive of the people's power to petition. My involvement in city politics started as a young firefighter collecting signatures to try to get collective bargaining on the ballot.

[4:04:59 PM]

I did everything from stand outside, you name it, to get signatures, to campaigning to get it passed, to celebrating on election night when firefighters were able to get collective bargaining. Then I was a huge part of 10-1. Believing strongly that an hangry -- I remember standing at that podium mad that council wouldn't put it on the ballot and that we had to get it. So I too went out and grabbed those signatures and campaigned hard. What's really -- this level of discourse and this comparing things as if they're apples to apples is really disingenuous. There was never any doubt whether 10-1 could be placed on the ballot. There was never any doubt whether collective bargaining could be placed on the ballot. Comparing this to S.O.S., I appreciate the mayor's comparison here. That was a timing issue and an

entirely different issue. This is not S.O.S. I don't believe -- I don't think it's about codenext. I don't think it's about whether I believe in democracy or not. It's not about 10-1 for me. Facts matter, laws matter, words matter. I'm a lawyer and I'm grateful everyday that I am, especially on days like today. To say city legal hired this salesman to make a pitch, city legal has no dog in this fight. And in fact, our city legal often errs on the conservative side time and time again when they give us legal advice. And here we have been told, we've been shown that this is not a proper thing to put on the ballot. If this was any other subject I would still be on the side that I am. I have not seen anything that swayed me to the side that this is a proper thing for the ballot. We're not playing judge and jury. I think the substitute motion says just that, we're not playing judge and jury, we're going to let a judge and jury decide that.

[4:07:05 PM]

And to speak -- in so many ways it reminds me of the Uber fight. Of disingenuous things said to get a petition signature and then attacking -- and then personally attacking councilmembers to try to sway them with disingenuous things. All of you I know you believe in your heart that this is the right thing. I hope you understand that for those of us who are supporting the substitute motion we believe in our heart that we're doing the right thing. And I wish we could really change the level of discourse that this trump presidency has apparently allowed all of us to think is just okay.

>> Mayor Adler: Any further discussion before we take a vote on the substitute motion? Councilmember pool.

>> Pool: I wanted to see -- I know Mr. Pantalione started to come up to answer the question about how staff was referring to the repeal and replace with regard to valid petitions. And I wanted to get into the record the answer to the question that was asked about what was it that staff was telling the community about whether they would be able to -- whether they would retain valid petition rights with this comprehensive rewrite of our land development zone. And while he's coming up to answer that, I would also like somebody to answer the question for me, what percentage of the codenext rewrite refers specifically to zoning, which is the piece that has been much debated around as the part that cannot be part of a ballot initiative. So first on the valid petitions, thank you, Mr. Pantalione.

>> And this will be a very brief answer. I'm going to defer that to the law department. Joe pantalione, interim city manager.

>> Pool: Thank you.

>> So mayor, I think we have provided a memo on this question, but it's a little bit different than what you are asking now. And of course we give our legal advice to you, not in public.

[4:09:07 PM]

So we can provide further answers about that to you at a different time.

>> Pool: Okay. So that then will be tabled, that piece there, because the point that councilmember alter was raising and which I have also raised previously is that on the one hand the community was told that this rewrite obviated their ability to individually bring a valid petition concerning changes in zoning to the property within 200 feet of their dwelling. So that was eliminated from the conversation a good couple of years ago if I'm remembering right. And now we are being told that, no, this -- you also can't have a valid petition because it is zoning and you can't have zoning on a ballot. So so there is the dichotomy and I want to get to the bottom of it because it doesn't seem fair or right to will public to tell them that they don't have access to this decision in either of those instances. Now I would like to get from our staff in answer to the second question that I asked, and that is what percentage in fact is the codenext rewrite zoning? What percentage of the codenext rewrite is specifically zoning? I guess Mr. Pantalione got the blackball on that one too.

>> I'm sorry, let me just jump in. I'm not sure we can give you a percentage. There are zoning pieces within the whole part of codenext. I think the drafters can be more helpful there, but it's not a particular percentage.

>> Pool: Well, if I may, it is a particular percentage. There is a portion of the rewrite that is zoning and there is a portion that is not zoning. And so I think that is also a relevant point because of the severability piece that is in the petition that has been offered by the public and at which point has been pressed more than once today and previously that if indeed there are elements of the rewrite that pertain to zoning and which, just for argument's sake, say we agree that they should not be on the ballot, then those would be severed.

[4:11:33 PM]

I don't actually happen to agree that that's the case, but I would like to get a sense of what portion of the rewrite would not be able to be on the ballot. And then the last thing I would just like to say, and mayor, this is for you, when you were talking in your exposition a little while ago about the oath that you took, which I took too, which the others did on the dais and others before us, and you said that your oath was that you cannot -- you can't do anything illegal, or words to that effect.

>> Mayor Adler: Something that I think is illegal. Yes.

>> Pool: So I just wanted to ask you if I disagree with your position, are you then saying that should my vote differ from yours that what I am doing is somehow a violation of my oath or is illegal?

>> Mayor Adler: No. I think that you take this job very seriously and I think you vote your conscience and I think you vote what you believe the law compels you to do. What I was meaning to say was that for me this -- based on all the law that I've seen it would be illegal, and even though I think it would be easier for me to overlook that and say let's just put this on the ballot, I can't do that for me given my interpretations of the law. But I think everybody on this dais is trying their utmost to do this job to the best of their abilities.

>> Pool: And I think we all are as well. And I feel contrary to your position that not putting this vote, proposition on a ballot, is illegal.

[4:13:39 PM]

In the same way that you are defining the illegality for you, that is how I feel about it. Thank you.

>> Mayor Adler: Councilmember Casar and then councilmember alter.

>> Casar: I think everybody else has had a chance to talk so I want a chance to share my thoughts on this as well. This is a really tough one and I think as folks just discussed my vote has nothing to do with my opinions on codenext or my opinions on the petition. Just a short time ago I think we all unanimously voted to put the uber/lyft ordinance on the ballot even though in my private capacity I voted against that and wish they hadn't brought that to us. It was our legal obligation regardless of our opinion to put it on the ballot. There was a recall petition that was being circulated against one of our colleagues and even though I as a private citizen was vehemently opposed to that petition, if they had gotten the signatures and turned it into us, as a public official it would have been my job to put it on the the ballot, even if in public I would have done everything to keep my colleague on the dais. So in this case it has nothing to do on whether I agree or disagree with the ballot measure as it is posted, it has everything to do with whether or not I believe that I am legally required to put it on the ballot or legally banned from putting it on the ballot. And every single attorney I've spoken with that is independent and that has been multiple attorneys that have nothing to do with either side on this issue have stated that it's really clearly -- really clear that I as an elected official am banned from putting this to election. In my own reading of law it seems to me that I'm banned on putting this on to an election, but I take people's ability to vote on things really seriously and wouldn't want to make that decision on my own.

[4:15:41 PM]

So that's why I appreciate the substitute motion's ability to ask a judge to make a determination otherwise if all of these independent attorneys and what seems to me to be a clear reading of the law is wrong. So again, this really shouldn't have anything to do with codenext being on the balancing lot or not or being a good idea or not. It is the job of the council to put things on the ballot if we're required to and to not do so if we're legally prohibited to do so. And it seems to me that we're legally prohibited from doing so, but I anticipate that this will be in court and of course would be happy to put it on if that -- if a judge determines otherwise.

>> Mayor Adler: Councilmember alter.

>> Alter: I wanted to ask Ms. Morgan if she could explain to me how this would proceed, and particularly I'm wondering if the language that's contained in the substitute motion from my colleagues, if that were adopted and the city were sued, what action would our legal staff take?

>> If the city is sued we will defend the city's action, so we would March forward, file an answer and a legal key would be Teed up and a judge would hear it.

>> Alter: I'm confused what my action is if what I'm hearing from my colleagues is that they want this to be interpreted by the court, is not to argue against it in the court, it's to get the court to rule it. But if the city goes in and argues against it, it's not letting the court rule, that's the city making a ruling. So I'm trying to understand what the direction that's provided to staff in this case should this go to court? And I'm not a lawyer, but I hear other things where the city supposed to defend our position, but I don't understand what our position would be vis-a-vis this issue if what we really want is a ruling from the court as to whether it's valid or not.

[4:17:42 PM]

We don't need to make an argument one way or the other, we need to just let the court rule. And I may be confused, but I understand that in other cases we have to move forward as a city in responding and we support the city's case, but I don't know what the city's position on is this if we just want a ruling.

>> Could I speak to that, Mr. Mayor?

>> Alter: I asked Ms. Morgan. I would like to hear from her first.

>> Kitchen: I think you're putting her on the spot. She's not the person to answer the question, we are.

>> Alter: She runs the city's legal department.

>> Kitchen: Not on her own.

>> Mayor Adler: Do you want to clarify your intent?

>> Kitchen: All I'm saying is that I don't mean to interfere with you asking the city legal a question. I'm just saying that I think that it's not a fair question to our legal department because as you know, we talk all the time in executive session and publicly with our legal department of what kind of position we want to take as a council. So I think the question for the city attorney is what she would do absent anything else in terms of direction from the council as a whole.

>> So what we'll do is I assume that if the substitute motion were to pass then R. Then people might fall a taught lawsuit and he would be in the position of defending it. The court would make a decision and I think that's what you're asking is the court to make a decision.

>> Alter: But is it the intention of the substitute motion makersers is to have the city defend it and say they don't have a right or is it the intention to find out whether or not it's valid to put the petition on on? You're going to ask me to vote on this in a minute and I don't understand what I'm voting on if I don't understand what that intention is.

>> Mayor Adler: I think that a majority of council, six people, have indicated that they don't believe that the law allows this to be put on the ballot.

[4:19:49 PM]

If a court rules otherwise, then we're taking the action to put it on the ballot and doing everything we can to make the case as ripe as we can right now to be able to do that. I would expect the city attorney to defend that consistent with whatever other instructions they got in executive session. Further discussion before we take a vote? Yes, councilmember pool?

>> Pool: Mayor, along those lines then, I would like to offer an amendment to the -- what happens to be what is your substitute motion then that we loyalize that the city take no position on validity. That we simply offer up the facts of the case and allow a judge to make that determination without arguing one side or the other for that matter. I'd like to make that amendment.

>> Mayor Adler: Okay.

>> Pool: Would you view that as friendly in the spirit of the substitute motion that you have put together where you are saying that you don't really want to be the determiner of this question. You would like a judge to make that ruling, to have the judge be the final arbiter and mediator, which means to we we would not commence since the dais is split, that the city would then not offer up a defense or support for either side of the question.

>> Mayor Adler: I wouldn't accept that and I wouldn't support it because I think for me it would be disingenuous.

>> Pool: I can't hear you.

>> Mayor Adler: I wouldn't accept that and I wouldn't vote for it because I think it would be disingenuous. I think that each of us on here need to take the legal advice we get, we need to read the case law and then see the work we've done and then we need to act in accordance with that.

[4:21:51 PM]

If a court rules otherwise then we have a provision that deals with that. I think for me part of my job is to, as I see it, is to act consistent with how I think the law requires.

>> Pool: Then I have a follow-up question. And for our city attorney as far as process, when you do go -- say this is a court filing and you do as a city go into state the city's case, will you be providing the judge with a full and complete record of the various positions that have been taken by the various councilmembers both pro and con so that the judge will have the full array of the continuum of support or of -- the continuum of opinion on these issues. And in other words, are the things that I'm saying on the record here today also going to be of value in the courtroom and will the judge have recognize to that and will the city provide those comments that have been made by those who are in opposition to what the mayor is talking about?

>> Councilmember pool and the rest of you, I'm not sure what will happen in the courtroom and what case will be brought against the city, but this is really a question of law so the judge will not be hearing

everything in the world, but will be focused on what the law is. And of course, your comments here are public record.

>> Pool: I would just like to make some kind of emphasis, put some emphasis around that, that those of us who have spoken in opposition that the essence of the points that we are making and the community as well should also be part of that record.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Mayor, since we're using the process you laid out, I would like to move an amendment to the substitute motion, and that would be to remove the not in the first be it further resolved clause.

[4:23:59 PM]

>> Mayor Adler: Okay. There's a motion to remove the not in the first be it further resolved clause. Is there a second to that? Ms. Houston seconds that.

>> So just for those who may not have the copy in front, that would make it the city council hereby determines to place the aforementioned petitioned sponsored ordinance on the November 6, 2018 ballot.

>> Mayor Adler: Okay. It's been moved and seconded. Are we ready to take a vote? Those in favor of the amendment please raise your hand? Ms. Houston, councilmember pool, alter and the mayor pro tem. Those opposed? The balance of the dais with Ms. Troxclair off. The amendment is defeated. Before us now is the motion to consider the substitute instead of Ms. Houston's motion. Those in favor of considering the substitute?

>> Alter: I wanted to ask a question of the city manager if I may. We mentioned earlier the issue about the valid petition rights and we are getting lots of requests from constituents and I understand you may have provided us something in confidential memos, but the community needs to know whether they have valid petition rights or not. So I would ask that we find a way to provide some communication about that to the community. If they are not going to have valid petition rights then we need to have some clarity on that and we as councilmembers need to be able to communicate to our constituents what the ruling is on that.

>> So councilmember, I'll consult with legal and get back on that.

>> Mayor Adler: Let's take a vote -- Ms. Houston?

>> Houston: Mayor, I want to say I'll be voting against your substitute and I'm going to be doing it with integrity and honor because unlike some comments today, I do believe that voters have a right to petition, referendum and a vote on things that will negatively impact every parcel of land in this city.

[4:26:01 PM]

Not only the property, but other things that have nothing to do with zoning. And to deny them that right to me is a travesty. So I thank you for all the work you've done trying to come up with something, but I'll be voting against your substitute.

>> Mayor Adler: I understand. Ms. Kitchen?

[Applause].

>> Kitchen: I said most of what I wanted to say earlier, but I want to reiterate I will be voting for the substitute. And I also believe that the public has the right to vote where it's legal. And I also want to reemphasize if I could split this and put on the ballot what was legal, I would, but the charter very clearly says that our only option is to submit said -- I'm quoting from the charter, submit said initiated ordinance without amendment. So I think trying to do something that's clearly counter to the charter would not be appropriate either so I'm going to vote for the substitute because again as I said before I think that's the best, clearest route within the law that we can honor the request from the public.

>> Mayor Adler: Just to address the severability argument. A severability clause in the ordinance itself means if that ordinance was in effect a court in determining the legality of the ordinance could strike the parts that were not proper and keep the parts that were. But that severability clause in the ordinance that goes to its enforcement and its application is not the question in front of us. And that severability clause has nothing to do with whether or not we can divide something that came to us from a petition before we put it on the ballot. Ms. Houston?

>> Houston: I promise this is the last thing. The right to vote is something that members of my community hold dear.

[4:28:04 PM]

And I have personally been in situations where the law has disenfranchised me from that right and I never want to be put in a position where I am in that same kind of position where legally it may be the right thing to do, but morally it's absolutely the wrong thing to do.

[Applause].

>> Mayor Adler: And I believe that with your whole heart you believe the truth of what you've said. I've also spent a lifetime helping to ensure the right to be able to vote. And by assessment of this situation is different than yours. Those in favor of considering the substitute instead of the main motion please raise your hand? Flannigan, Casar, Renteria, kitchen and me, that's six. Those opposed? It's the other four on the dais with troxclair off. We're going to consider the substitute. Let's now consider the substitute. Those in favor of the substitute please raise your hand? Those not in favor of the substitute raise your hand. It's the same as the last one. The substitute is passed. Thank you. And I also want to thank the council on the dais. This was a really hard vote. This was a hard discussion and I think that we did this one well. And with the allowance that we were going to give room for everybody on the dais to be able to express and support their conscience. So I appreciate that for my colleagues. Let's do the -- the next

item we're going to do at 4:00 we're going to do the public hearings that we can knock off real quickly and then we're going to do the consent agenda on planning commission so we can get done with that and then we'll do waller creek.

[4:30:26 PM]

So, the public hearing, item 66, Texas gas services customer rates. Good afternoon, mayor and councilmembers, I'm Rondella Hawkins. The city charter requires a public hearing prior to taking action on a rate change of a natural gas provider with a city franchise. The proposed ordinance under consideration is for two separate rate changes by Texas Gas Service, a division of one gas, who filed with the city and with the other cities in its central Texas service area. One change is a rate increase to recover approximately \$3 million in capital investments the company made in its central Texas service area for the calendar year 2017. The rate filing was made in accordance with its authority to request an interim rate adjustment under the gas reliability infrastructure program provision of section 104.301 of the Texas Utilities Code. The second proposed rate change is a decrease of approximately 4.3 million caused by the January 1, 2018 reduction in the corporate tax rate from 35% to 21%. In addition to this reduction going forward, Texas Gas Service will refund approximately 2.2 million in a one-time credit to each customer which equates to \$9.66 for the overpayment of federal taxes for the period of January 1 to June 15, 2018. So the net effect of these two rate changes is a lowering of monthly rates by approximately one million dollars or a monthly decrease to the average residential customer bill of 54 cents or a reduction of 2.48%. And a decrease in the average commercial customer bill of \$1.72 or 2.03%. After a review and analysis of the filings, staff and consultants and special counsel for the city's coalition, have determined that TGS's proposal apply with the applicable state regulations and are mathematically accurate.

[4:32:34 PM]

If approved both changes will become effective at the same time for meters read on or after June 16th, 2018, and staff recommends approval of the ordinance and corresponding rate tariffs. That concludes my presentation.

>> Mayor Adler: Okay. We have two people signed up to speak on this. Do we want to hear from them? Let's go ahead and do that. Is Mr. Pena here? Is Mark Hey here? Mr. Hey, you have three minutes.

>> I want to thank the council for working to combat the affordability crisis in Austin by giving homeowners an across-the-board modest homestead exemption approving higher exemptions for the -- exemptions for the disabled, allowing citizens 65 and up to have the transportation fee waived, reducing rates two years ago and reducing water rates recently. I came to oppose the rate increase because it was expected to be an increase, but it now sounds like it's a decrease so most of my remarks aren't relevant anymore. So I appreciate the time you've given me just to back up some emails I sent previously. Thank you.

[Laughter].

>> Mayor Adler: And thank you for the kind words.

[Applause]. Is there a motion to approve? Is there -- can we take action on this today? Can we take action on this today? It's to take a public hearing and action. Is there a motion to close the public hearing and approve this item? Mr. Flannigan makes that motion. Is there a second to that? Councilmember Garza seconds that.

>> [Inaudible].

>> Mayor Adler: We need seven to -- we have six people here.

>> It's an ordinance.

>> Mayor Adler: It's an ordinance so we need seven for it to take effect. Let's see if we have a colleague handy.

[4:34:40 PM]

I think after the last discussion we had people just needed to relax just a second. Okay. It's been moved and seconded. We had one speaker who came here to speak in opposition to it. When he heard what it was, he had nothing but kind words for us all. Those in favor of this item please raise your hand? Those opposed? It is everyone on the dais with the mayor pro tem off, Ms. Houston off and councilmember troxclair off. It passes. Let's look at item number 68. 68:00 is amending the workforce plan. There are no speakers on this. I would move passage of item number 68. Is there a second to that? Councilmember Garza seconds that. Yes.

>> Alter: I have a question. I thought we were only taking the hearing and -- are we supposed to do a reading and then -- it was my understanding we're doing a hearing and voting on it because there are rules if it's going into imagine Austin. But I'm not sure we have to do a first reading.

>> Mayor Adler: I don't think we do. In fact, we said -- I appreciate you pointing that out. I think actually we announced we were going to consider this in June. So is there a motion to close the public hearing? Councilmember Garza makes that motion. Is there a second to that motion? Mr. Flannigan seconds that. Those in favor of closing the public hearing please raise your hand? Those opposed? Unanimous on the dais with the mayor pro tem, Ms. Houston and councilmember troxclair off. Let's hit item number 69. Is Mr. Pena here? He is not. Can we take action on this item, Mr. Guernsey?

>> The planning commission has yet to -- Greg Guernsey, planning and zoning department. The planning commission has yet to take action so staff is recommending postponement to your June 28th agenda.

>> Mayor Adler: Let's postpone this to --

>> Item 69.

>> Mayor Adler: June 28. This matter is proposed to June 28. Okay.

[4:36:44 PM]

How quickly can you go through the plan consent agenda? Planning consent agenda? Let's let a lot of staff go.

>> Thank you, mayor and council. I'll go through what I believe can be offered on consent. 2:00, item number 54, that item can be offered for consent approval on second and third readings. Item 54. Item 55 is consent approval on second and third reading. Item number 56 -- I believe 56 will probably still be a discussion item. Item 57 staff is offering postponement of this item to June 28th. That's item number 57.

>> Mayor Adler: June 28, not June 14th?

>> June 28th, not 14th. Item number 58, staff is requesting a postponement of this item to June 28th. Item number 59, staff is requesting a postponement of this item to June 28. Item number 60 staff is requesting a postponement of this item to June 28th. Item number 61, staff is requesting a postponement on this item to June 28th. Item number 62, staff is recommending approval on second reading only. I understand there's some discussions going on with.

>> Mayor Adler: There is discussions with that?

>> There are discussions still going on with this, but we can offer it for second reading only.

>> Mayor Adler: On consent?

>> On send, item number 62. Item number 63, there's a discussion of this item. The neighborhood has requested a postponement, the applicant can disagree. So this will be a discussion postponement item. Let me go on to item number 64. The applicant is requesting a postponement of this case to June 14th.

[4:38:45 PM]

That's item number 64. And item number 65 I understand councilmember Garza may have a request for postponement of this item to possibly June 28th. So it would be a council postponement on item number 65 to June 28th.

>> Garza: Can I comment on that now?

>> Mayor Adler: Why don't you wait one second. And 64 was to 6-14, is that correct?

>> Item number 64 is to 6-14.

>> Mayor Adler: I'm showing on the consent agenda, the ones that are being pulled off consent. Consent goes from 54 to 69. The ones that are being pulled off of consent are number 56, 63 and -- just those two. 56 and 63.

>> That is correct, mayor.

>> Mayor Adler: Councilmember Garza, did you want to speak to 65?

>> Garza: Yeah. This is a -- it's a business that has had a history of a lot of code violations, kind of a long history. And I -- we've been trying to work with the property owner to understand exactly what they're requesting. And we're still trying to find out some answers. Inclined to support staff's recommendations, which is to deny it, but I just want a little more time to learn about -- to try to get more answers from the homeowner. And if by the 28th I don't feel confident, then I guess we'll just -- we'll get to that point on the 28th.

>> Mayor Adler: Okay.

>> Mayor, just to be clear, item number 62, that's for consent for second reading only.

>> Houston: Thank you.

[4:40:47 PM]

You saw me looking feverishly. I had two right. What did you say about 63?

>> 63 is a discussion.

>> Mayor Adler: Okay.

>> Alter: Mayor, what was 56?

>> Mayor Adler: 66 --

>> It's still a discussion item.

>> Mayor Adler: Being pulled is 56 and 63. 56 and 63 are being pulled. The others are on consent. Is there a motion to approve the consent? Ms. Houston makes that motion, seconded by councilmember Garza.

>> And close the respective public hearings where they apply?

>> Yes.

>> Mayor Adler: Mayor pro tem?

>> Tovo: So I understand that 55 is still on consent and I'm fine with it remaining on consent. As I expressed at an earlier reading I had concerns about changing that from the one zoning to the other because I am concerned about it remaining single-family and continuing a housing use. It is directly near a school, but given that it has the mixed use component it can still be residential so I'm going to support it on this reading.

>> Mayor Adler: Okay. We'll take a vote on the consent agenda --

>> Houston: One more. 62, what did you tell me about 62?

>> Again, item 62 is offered for consent on second reading only. Second reading only.

>> Houston: Okay. And may I just say something about that, mayor, very quickly. The reason we're doing that is that the neighborhood is asking for commercial, some commercial amenities. And the developer is only providing a multi-family product. So we're going to have a couple of days more to have a conversation about how do we bring those kind of amenities into that area. So that's the request.

[4:42:49 PM]

>> Mayor Adler: Okay. Those in favor of the consent agenda please raise your hand. Those opposed? It's unanimous on the dais with councilmember troxclair gone. Okay. We're now going to go to the waller creek items. So I think that what I need to call first here apparently is item number 67, which is amendment 2 to the waller creek tirz. We have a bunch of people that have signed up for this, but Lela, do you want to lay this out for us.

>> Mayor, council, Lela fireside for the law department. So the first item on your agenda relating to the waller creek matters is to open the hearing to consider the amendment number 2 to the project and financing plan for the waller creek tax increment reinvestment zone number 17.

>> Mayor Adler: Okay.

>> This will update the current project design and project cost estimates, extending the length of the time of the tirz as it's called to 2041. It's currently set to expire in calendar year 2028. So if you call speakers and have the hearing, then you can take the rest of the actions.

>> Mayor Adler: Okay. So we'll start here on item number 67. Council, we have several people that have signed up for this. I'll go ahead and call them. It begins with Peter Mullin. Is Peter here? Melba Whatley, you're on deck. Is George Cofer here? George Cofer? Don't see him.

[4:44:49 PM]

So you will have three minutes, Ms. Whatley. Mr. Mullin.

>> Great, thank you. Thank you, mayor, thank you, mayor pro tem, councilmembers. My name is Peter Mullin. I'm the CEO of the waller creek conservancy. And we are the city's non-profit partner in the effort to revitalize waller creek and the chain of parks. I want to thank the city of Austin for its extraordinary partnership to date. This is a partnership between the city and the conservancy. Both the council for its leadership and support to date, but also for the staff for their consistent tenacity in moving this forward. In particular I want to thank assistant city manager's Joe pantalion, Sarah Hensley, pard staff Sarah Youngman, Kristen Coronado from the water department, Karla Stephan from finance and deputy chief financial officer Greg canally. We take this partnership extremely seriously. It is -- we feel like we're working on the city's behalf behalf. And that's our job and we want to fulfill it to the fullest extent to make it a place that serves the entire city. For most of its history, waller creek has been

neglected and mistreated. Really an untapped resource and opportunity. And with the proposed amendment to the waller creek tirz that's before you today we have a clear path forward to reverse that pattern of neglect. After years of visioning, planning, design, community engagement, the tirz provides a financial roadmap for realizing this amazing project. We know that the philanthropic community will need to do its part to bring this to fruition and we are committed to that effort. But the importance of the city's commitment to the tirz cannot be overstated. The philanthropic community wants to know that the city is fully invested and this action will send a full signal that it is. We begin in an exceedingly rational investment in the city's economic future.

[4:46:52 PM]

If you look at examples from similar projects and other cities around the country, they are proven to be powerful catalysts of long-term, robust economic activity, projects like discovery green in Houston and the high line in New York have had impacts far beyond their immediate boundaries. So we think this is a great idea for the city from an economic standpoint. But more importantly, and the reason why that council should make this investment, is that this is a project for all of Austin, a place that will connect people to nature and to each other. A place where you engage with what is beautiful about Austin and all its natural beauty, its creative industry and its diversity. A place where you meet friends and family, but also a place where you mingle with people who you don't know, who are not like you necessarily. But with whom you share a common bond as part of a larger community. So we think we can make a place where we can all experience our civic identity. So we think this project represents the true triple bottom line.

[Buzzer sounds] Both economic catalyst, ecological restoration and profound social impact. We strongly urge you to support this amendment. Thank you very much and I'm available for questions if you have any.

>> Mayor Adler: Is Virginia cumberbatcher? Is Malin MCCAL la here? I'm sorry, what?

>> They're both here.

>> Mayor Adler: Okay, sorry. Then Virginia somberbatch is on deck.

>> Good afternoon, mayor Adler, mayor pro tem tovo, council and city manager cronk. In the summer of 2010, almost exactly eight years ago today, we incorporated the waller creek conservancy. We had no money, no bank account, no staff, no office or supplies, no bylaws and no strategic plan.

[4:48:59 PM]

Looking back I believe we only had one asset. Vision. Your affirmative vote today makes that vision a reality. It represents a triumph of the fearless and persistent pursuit of excellence and constitutes an

immeasurable gift to this city. It's a gift given by you on your predecessors on the dais by citizen volunteers and donors, by conservancy and city staff and by the waller creek board. Thank you.

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

>> Good afternoon, mayor Adler, mayor pro tem tovo and city council. My I serve on community engagement center at UT, but I come before you as an austinite and board of the conservancy of waller creek. Amidst the backdrop of rapid growth, expansive geographic displacement it's paramount for us as a city to invest in infrastructure and nurture spaces that serve to expand economic access, connect social silos and reconcile committee while cultivating cultural exchange. I believe the waller creek conservancy is one of these spaces. Waller creek is not only an ecological organization that has positioned itself to reimagine public land, but committed to creating a space that engages, educates all. That means a space that brings east to west, north to south, regardless of economic status, religion, ethnicity. It is a space that will foster natural beauty and community bond. Our longing to see this city known for more than good food, start-ups and good festivals but a city that truly values, inclusion, equity and the recognition of every individual requires much more than desire and idolism or rhetoric.

[4:51:13 PM]

It requires deliberate investment to creating deliberate opportunities for community connection. I hope you will continue to partner waller creek conservancy as a space that can do just that, supporting the amendment of the waller creek tif. Thank you.

>> Mayor Adler: Thank you. Maline mccauley. Joe Katherine Quinn. She's on deck.

>> Good evening. Thank you for hearing us today on this most worthy project. Excuse my eye patch. It's to remind you all who know of loyal Lieberman, who was very important to what I'm going to say today. I'm here of course to urge you to continue your support of waller creek. My connections are deep to this, the basis of this project. In 1973 in anticipation of the United States' 250th birthday, cities across the nation were urged to contribute a gift to the nation. A large and demographically mixed group of many austinites contributed to the creation of its gift to the nation. So some 42 years ago as co-chair of the Austin's bicentennial commission I appeared before the Austin council of old to seek endorsement support of the gift of the nation. The gift was a bold master plan to preserve, restore and enhance Austin's creeks as they flowed into town lake. It included pedestrian and bicycle trails along the creek greenbelts linking all areas of the city. It included also the promotion of cultural, recreation, commercial development, while respecting natural areas and buildings with historic or esthetic value. It envisioned that these hike and bike trails would lay the groundwork for a network connecting all parts of the city via creek and tributaries as they passed through urban and suburban Austin.

[4:53:23 PM]

The commission's plan with the support of councilman Lowell Lieberman and UT architecture students led by Sinclair black, was one with strong city support. Approval of the plan and some support as well as a promise of further support, which is what we're hoping on today, a flood bypass tunnel for waller creek was part of the plan. The original plan. The tunnel remained unfunded for many years. I've waited over 40 years for this. Now at last the flood bypass tunnel is underway and today's waller creek project is realizing the master plan's vision set forward 42 years ago. As I said, I'm here to strongly urge our continuing support for waller creek's partnership with the city of Austin. Tax increment financing reinvestment zone is an investment in waller creek which without question guarantees financial returns many times over to our city and to our citizens and thank you very much.

>> Mayor Adler: Thank you very much. After Ms. Quinn speaks, then Dee pert is on deck.

>> Mayor, mayor pro tem, city council, I'm Joe Katherine Quinn. I'm the executive director at caritas of Austin. We are a proud member of the downtown community and are here to offer our support for this amendment to the waller creek tif. As a member of the downtown community, we understand the importance of this project and fully support it 100%. We'll protect the creek, it will enhance the beauty of downtown, and has already been mentioned, will be a place of connection. Very important aspect to our downtown community.

[4:55:28 PM]

I'm usually here talking to you about homelessness and ending homelessness. And so I just want to sort of state the obvious that this may look like an unlikely connection and ally, but we're very clear and I've had many conversations with people who are committed to the waller creek project about how our mutual success is important if the waller creek conservancy is going to protect the creek, then caritas of Austin must have the resources that we need to end homelessness. The creek cannot be restored until we control the human impact that is hurting the creek, making the creek unhealthy. And so this is not an either/or proposition. We don't have to choose waller creek over homelessness and we don't have to choose homelessness over waller creek. We must choose both. We must walk and chew gum. And so I ask you to support this very worthy project today and so that we can all work together as community partners making the whole community healthy. Thank you.

>> Mayor Adler: Ms. Quinn, thank you for -- Ms. Quinn? Jo Katherine. Sorry. I just want to say thank you for the work that you do. And we got some good news here within the last week or so where bond council has indicated that tirz funds, tif funds, are in fact eligible to be used for homeless. So I hope that as a council we can ultimately in the future move forward in that direction. But that was good word to get.

>> Thank you.

>> Mayor Adler: Thank you.

[4:57:34 PM]

>> Mayor Adler: Next speaker? Depart. And then on deck is Betty Dunkerley. Is Ms. Dunkerley here? Okay. Thank you.

>> Mayor, mayor pro tem, city council, thank you for letting me speak this evening. Downtown Austin alliance, CEO of the downtown Austin alliance. We're in support of the waller creek tif, and even more importantly we're committed partner to the project. So looking forward with the operations, maintenance and programming, we are committed as a partner and significantly invested in the outcomes. We recently completed a vision for downtown. The vision of waller creek fits into what we have as a vision for downtown. And as part of our vision, we touch 45 zip codes and had input from the community across the city and across the region, and it was very clear that parks, centers of activity were critical to the vision of downtown. And a diverse and engaging park system is part of the vision for downtown looking forward. This idea of public-private partnerships is critical to the success. We see that being the future. The downtown Austin alliance is committed to helping with the maintenance, ongoing maintenance, as well as the programming. We have had some experience with rubble square -- republic square now open, seeing great results from that. Just this month we started a series of health events. We've had 700 people participate in these free events. We had our first major park event two weeks ago with taco Libre, 2700 attendees and we just see this as the future, and we're getting a lot of good feedback from that and, again, as part of our role for downtown, making sure that the community is welcoming and it's open to everyone, the waller creek vision helps get us there.

[5:00:03 PM]

So, again, we'd encourage you to support this tif and the private development community is very much in support of continuing on the operations, maintenance, and programming of this park. Thank you.

>> Mayor Adler: Great. Thank you for stepping up to do that. This project provides that the maintenance and operation of this project when it's open doesn't fall on to the general fund and that was with businesses that were stepping up, so thank you. Thank you.

>> Thank you, mayor, councilmembers. My name is Betty Dunkerley, and I'm here to speak on behalf of the amendment to the tirz or tif agreement. I wanted to let you know in the early '90s I can remember adding a microprocessor to -- placeholder to our capital budget program for the waller creek project. I can almost see the line. I hope I'll get me there. I do think this is a good example of even a public-public partnership because remember the county and city worked together on the funding of the tunnel and now the conservancy and the city will be working together on the park. The conservancy with the city has provided funding so far for the master plan and for the administration of the conservancy since 2010 and I think you had a ground breaking last year on the first phase of this project, and this amendment will provide about \$110 million of public funding to see this project over that goal line. Over \$200 million will be matched from the private sector, but split half and half between capital and operations. But this joint project will produce a very significant citywide project, much, much significance. It has economic benefit.

[5:02:04 PM]

It's restoring the historic waller creek, will be creating additional parkland, providing an outdoor venue and providing connectivity with the hike and bike trail. I want to say what a wonderful project this is and I surely hope I'll approve the amendment so that I can see this project completed in my lifetime. So thank you very much for that.

>> Mayor Adler: Thank you. Steven Sonnenberg. On deck is Tom my Meredith.

>> Tovo: Mayor, while Dr. Sonnenberg is coming up I wanted to thank former mayor pro tem Dunkerley for all her work on this project. We're standing on your shoulders and those of others who have been working on this for a very long time.

>> Mayor Adler, mayor pro tem tovo, my own councilperson alter and other members of the council, my name is Steve Jon I'm a medical doctor and professor at UT Austin. Some of you have known me there and work with me. Others do not. I have a very particular interest in community health, population health, the built environment, and the interaction of the built environment and health care. One major focus is parks, green spaces. Now, there's an obvious benefit of parks in terms of health care because it results in people exercising, people having places to be reflective. These have obvious health benefits. These have also been studied. But what I want to focus on particularly today is the fact that in Austin we clearly have, let's is say, an in group and an out group, a privileged group and a less than privileged group and I believe that waller creek has the potential to unit the city -- unite the city, to bring the east side and the west side together.

[5:04:16 PM]

And that is very important. As long as we have a less than privileged group, we will have a population that does not make use of existing health resources, they don't feel wanted, and they just don't make use of them. We also have a population that then suffers from obesity, diabetes, high blood pressure, and then consequences like heart disease and kidney disease. So if we really create waller creek as I know is the vision of the conservancy, we can bring the two sides of this city together and actually not only improve the health of our citizens but lower health care costs for the city. Thank you.

>> Mayor Adler: Thank you very much. Mr. Meredith and then George coffee I think has come in so he'll be on deck.

>> I don't envy you your jobs. My name is Tom Meredith, mayor Adler, mayor pro tem tovo, council, city manager cronk. Thank you for the opportunity to speak on behalf of a project that is one that I have embraced with my whole heart and being for now almost ten years. When I have walked along the creek, I have been struck these past many years by the realization that amiss of the ruin beauty awaits its return. All we have to do is have the courage to undertake the restoration of the creek once the tunnel is complete. The tunnel is complete. It's on opportunity. Your vote today is but prelude to a

future that promises a great way forward for all those who live, work, and play in our beloved community. Activities along the creek will take place in very natural surroundings, where flora flourishes and fauna is numerous and active.

[5:06:26 PM]

Your vote today is a vote to return beauty to our city in the core of our midst. I thank you for your support, which has been ongoing since you've been elected. And I thank you for your vote today in support, and that's what I hope you vote. Thanks.

>> Mayor Adler: Thank you. Mr. Coffey? And on deck we have Melanie Barns.

>> Thank you, mayor. I appreciate this opportunity to speak. It's not often that I get to say I've been working on something longer than my dear friend Tommy Meredith, but when I used to play in Waller Creek in the '60s, my dad lived on the banks of Waller Creek around 16th Street. That area of course has changed lots. I have a lot of fond memories. I was then further -- I don't know what I did to irritate Betty, but she put me on some sort of visioning task force a long time ago and really I learned for the first time what our opportunity is here at Waller Creek as a community. I urge you to support this. I think many, if not all of you, do. It is in my mind the most important project this city has embarked on in many, many decades. And for me to say that instead of talk about one of my own projects I think emphasizes how important I believe this Waller Creek project is. This will be something the community will enjoy hundreds of years from now. I appreciate this opportunity.

>> Mayor Adler: Thank you. Ms. Barns. On deck is Brandie Hosack.

>> Good afternoon, honorable mayor, mayor pro tem, councilmembers. As you alluded, mayor mayor pro tem, we are here truly on the backs of generations and shoulders of generations of citizens and staff and elected officials of the city of Austin who have dreamed of this project for so many years.

[5:08:41 PM]

To name a few -- name a few, the bicentennial committee represented by Melanie, Green Panthers, Citizens Advisory Committee who outlined the ten important principles by which we conducted our international design competition, and we must say that our ambitious plans would not be possible without their hard work, their leadership, and their financial generosity. This list runs all the way from those days to the present. So my esteemed cofounders, Tom and Melda, outstanding board of directors and staff at Waller Creek Conservancy and I would be remiss to not take a personal moment to say a word of thanks to the leadership and efforts of the city of Austin staff in so many departments and of the work of prior staff, council, and mayors. This project will continue to need all of us. Your effort today can ensure that the work of all those generations who have gone before will be a success and that it will meet and exceed all of our dreams. Thank you for your consideration.

>> Mayor Adler: Thank you. Brandie Hosack and then is April Clark here? Okay. You'll be up next. Please.

>> Good evening, mayor, mayor pro tem, and councilmembers. Thank you for allowing me to speak to you today. My name is Brandie Hosack and I'm the proud principal of Akins high school in south Austin. I would like to tell you a little about my school. We are a large urban comprehensive high school in far south Austin. Our particular campus does high school a little bit differently in order to serve all students and engage them in their learning, and I promise I have a point to the connection to waller creek. We're divided into smaller learning communities that focus on college and career readiness.

[5:10:42 PM]

These include business and leadership, environmental science, arts and humanities, health science and education, computer science and stem. Through these academies we seek to provide educational opportunities that partner with industry and community to ensure the learning is authentic. We are in my opinion demographically a perfect microcosm of the great city of Austin. We have a large population of students from low socioeconomic backgrounds, most from southeast Austin, and some of which have never been able to explore parts of Austin outside of their own neighborhoods. Over a year ago, we had the opportunity to meet with the waller creek project staff, including Mr. Mullin and discuss educational partnerships for our students. Since that time our students have helped with waller creek clean-ups and prep for restoration and renovation. Our students from almost every academy has shared in this work and is looking forward to continued partnership to collide our ap environmental science students, engineering students, graphic design students, and so on. The partnerships and potential is incredible. There's a space for which my students already feel ownership. It's critical that they are able to engage in this way with their own community, and what an amazingly authentic way to do so. This truly is project-based learning at its best. By supporting this issue you're also supporting your youth and the students in Austin. Thank you.

>> Mayor.

>> Mayor Adler: Yes, councilmember Garza.

>> Garza: Miss Hosack?

>> Yes.

>> Garza: Did I read that you are leaving us?

[Laughter]

>> Yes, ma'am, I am.

>> Garza: So I wanted to say you will be deeply missed.

>> Thank you.

>> Garza: We appreciate you in south Austin. If I remember correctly you're also a fine Texas aggie.

>> Yes, ma'am, I sure am. I did go to UT for my masters it nobody judge me.

>> Garza: We won't mention that. Well, you just didn't.

[5:12:42 PM]

I didn't know you were coming but thank you all you did for the children in south Austin. You will be deeply missed.

>> Thank you, Ms. Garza. I appreciate it.

>> Mayor Adler: April Clark is speak and on deck is bill bunch, Fred lose is here. Mr. Bunch, you'll have five minutes.

>> Good evening, mayor, mayor pro tem, and councilmembers. Thank you for giving me this opportunity to speak to you tonight. I'm a local architect and I had the amazing opportunity to build in the creek and create one of the installations for the creek show event. And it was amazing. As an architect I don't often get to see people's reactions to anything that I make. This was a little different. So I thought that I would share some of the reactions and responses that we had to that show. Public sprays democratic spaces. Parks bring people together. Via online media these are some of the responses we heard. Waller creek creek show, put me in mind of family enrichment, toddler toys all grown up. Then I reached the end and saw these filaments, the deep sea displacing of a thousand creators clinging together to claim one beauty. I stared rapped at the lights in the darkness. I had no care for what they might pour tend. Another one, can't stop staring, mind blown. Get down to waller creek. So awesome, get down to waller creek. Check out the creek show. We had hundreds and hundreds of comments. There's a massive spider coming to life in the creek, really keeping Austin weird. This is an amazing piece, thank you, waller creek conservancy, for such an awesome event. Let me tell you how incredibly odd I am by what you created as literally one of the most beautiful things we've ever witnessed. Thank you. This is one of those cases when the real thing far surpasses the renderings, the concept, everything is just incredible.

[5:14:43 PM]

People are in tiers out here over the creek show and we are breaking out. It's good. Final comment, this piece is memorizing and it feels out of this world. I felt drawn in and spent time resting against a tree, off the path taking it in and observing other senses of wonder as I walked by. Hats off to all of you. This is beautiful work. That's I think the most important point, spaces like this allow us to engage with each other in the public realm and connect with people that we might otherwise not be able to connect with and funding is crucial. So thank you.

>> Thank you. With respect to the creek show, I'm not sure -- and I've said this before -- I don't think that I've been to a public gathering, public event in this city that was more diverse and represented more parts of our city than that experience. And it felt great.

>> Yeah. It's amazing. You feel the city and the city is alive.

>> Mayor Adler: Thank you. Bill bunch. On deck is Bobby Levinsky.

>> Thank you, mayor, members of the council for your service to the community. I'm gonna ask -- I'm bill bunch, I'm going to ask that you reject this proposal and at minimum send it back to the parks board for some detailed review and oversight. I have no idea why we've decided that waller creek park is not subject to the jurisdiction of the parks board, especially when we're looking at committing \$110 million of general obligation add valorem taxes and sequestering that out of our general fund for a dedicated purpose that has been rather vaguely defined so far.

[5:16:47 PM]

And is very little known in the community. There's a great deal to admire in this project. The civic engagement is extremely impressive. It's nice to see people be this excited about some part of our town. But we also have to think about our priorities in this community, about the public engagement that might should happen, and about the context. You're being asked to sequester \$110 million of add valorem incremental tax increases for a bunch of projects that won't be done for years, and some of them, you know, look good to me. Some of them I think are highly suspect, and I'll get to that. Your financing plan makes very clear that that incremental increase in real estate in the district is coming from the general growth of downtown and the fact that other parts of downtown have built out and so it's coming that way. It's not from the investments that would be made with this plan. The context here is, you know, for so many years I've heard all this great stuff about waller creek and if the city would just put up the tax dollars and build the tunnel, the private philanthropy would pay for upgrading the park. But now year after year that original promise is forgotten and the demands for taxpayer support keep growing. This \$110 million comes on top of \$46 million that have already been committed in drainage utility funds to the waller creek district parkland dedication fees, you know, a whole stream of public dollars of which the accounting I got from the city just a couple months ago, \$46 million total, 36 million unspent so far.

[5:19:02 PM]

[Buzzer sounding] I don't know how that was five minutes, but --

>> Mayor Adler: Let me check on that. Let me -- did you -- you have another two minutes. I think it was set incorrectly.

>> Yeah. We're telling folks we don't have money to take care of our neighborhood swimming pools. More people come to Barton springs on one month of a summer than will come to waller creek park in the next 10 or 15 years. We're not spending a fraction of this money to save the life source of this community, which is in incredible danger right now given the rapid growth. You're putting in 110 million. The private sector philanthropy is saying they're going to put in 254 million. I don't actually believe that

will come true but if it does is that really where we want our philanthropy in Austin to be going when we had our affordability crisis, when we can't keep our neighborhood pools open, when Barton springs is getting polluted and we don't have money, Mr. Mayor, to make sure it doesn't get polluted from a sewer plant upstream? You know, where we spend our money says who we are. It expresses our values. And if this was being done right, this would have been to the parks board. It would have been looked at in the context of our other demands for our parks that are suffering. We're going to spend all this money and we're not going to add a single acre of parkland? When everything that we know tells us we're shorted -- we're very short on acres per capita. Is this our priority? I'm all for fixing up waller creek. Some of those projects are beautiful.

[5:21:09 PM]

Pontoon bridge over the lake? Doubtful of that but maybe I'm convinced. Building a high line in imitation of New York City from scratch.

[Buzzer sounding] When that project was repurposing a railroad? This isn't New York wannabe. This is Austin. Please think about this before you make this commitment. Thank you.

>> Mayor Adler: Thank you. Bobby Levinsky now. Is Mr. Levinsky here? Mr. Levinsky? What about David king? Why don't you come on down. Is Jane Rivera here? You have three minutes, Mr. King. Is Juan [indiscernible] Here? You'll be up next.

>> Thank you, mayor, mayor pro tem, councilmembers. You know, I think investing \$110 million in public money in what I call luxury parks along waller creek, that will primarily serve affluent high-income families and tourists in downtown Austin is inequitable to communities in Austin that have inadequate parks, recreation facilities and public infrastructure. Wouldn't it be much more equitable to spend that \$25 million request before you today in those neighborhoods? And as I understand the strategy is to invest billions into downtown and it will generate so much property tax revenue that it will go to these other neighborhoods. Well, with all these tifs, tirss, P.I.D.S and P.U.D.S grabbing their share that have incremental increase in property taxes really how much is going to trickle down to these other neighborhoods? We need a public accounting. I'm not opposing cleaning up waller creek and making it into a decent area for the public access. But we need to look at this. Why hasn't the office of equity looked at this big project and provided input? They should look at this and provide input to this council regarding how equitable this is to the rest of the city or inequitable it is.

[5:23:13 PM]

And, you know, I have concerns that, you know, this waller creek tunnel, we spent millions of dollars on that and find out it wasn't properly constructed and, therefore, maybe not all the property that was supposed to be taken out of the floodplain is actually going to be out of the floodplain. And that was the magic that was going to -- taking it out of the floodplain was going to make it more valuable, generate

more property taxes. I think we need to look at this project overall again closely, and I agree with bill bunch's request this be looked at by the parks board. So I would ask for a public accounting. How much investment have we made in downtown and how much property tax revenue from that investment has actually made it back to these neighborhoods that have been underserved for decades? Please give us a public accounting of how that magic formula works so we can see it and have trust and confidence in what you're asking us to do today. Thank you.

>> Mayor Adler: Thank you. Mr. [Indiscernible]. Up next would be Juan Garza. Is Juan Garza here? No? Sheryl Cole? You'll be up next. Go ahead, please.

>> Good afternoon, mayor, councilmembers. My name is Juan

[indiscernible]. As most of you know I serve on the Mac board but I'm here as an individual today. Mostly because I found out about this item last -- late last week, and the first thing that came to my mind was how is this item today going to affect the Mac? How is this going to affect the Randy street historic district? And the fund? If this item draws from the fees for the district, than this item today is not at all consistent with the adopted council resolution that's set up the district or the fund.

[5:25:22 PM]

How does this item affect palm park, palm school? Has commissioner Gomez been briefed on this? I realize there's a Travis county commission made to look after palm park and palm school so I'm just wondering how these items affect the bigger picture when we talk about the Mac, Rainey street neighborhood, palm park and palm school. What happens to the historic and cultural preservation of the district? I've asked -- I've suggested a master plan in the past for the Randy street historic district, but so far it only exists on paper. And maybe this is a good time to ask about that, to consider it going forward. What I see lacking in this district, if I understand the boundaries of this district correctly, it's an incoherent plan that doesn't really include these features that we have in the district. And so part of the action today should be about -- or should include language that protects the cultural heritage and history of the district. But I've heard nothing about that here today associated with this item, and so that was a major point that I wanted to get across to you and to see if you couldn't help us. And perhaps consider postponing this item or doing something else. But it's just not inclusive that I have seen. I've been on that board going on eight years, and we've had very little contact with the conservancy, and -- hardly any at all. And so we're right next door.

[5:27:23 PM]

It's not very hard to come to us and tell us how this is going to affect the entire district. Thank you. This is all that I wanted to get today.

[Buzzer sounding]

>> Mayor Adler: Thank you. Juan Garza, Sheryl Cole. Sheryl Cole. Mayor pro tem.

>> What about state house district elect?

[Laughter]

>> Mayor Adler: Congratulations.

>> Thank you.

>> Mayor Adler: On your victory. And congratulations on this project. I think you were the one on council that really initiated this and pushed this through.

>> I appreciate this council taking it up and bringing it to this point. Mayor, and especially mayor pro tem tovo, and I can't help but recognize my friend and mentor, Betty Dunkerley and her friend, mell ba wattly who both taught me 70% of what I know.

[Laughter] I rise today to try to give some context and answer questions and let you know that this was our millennial park. And I take a special sort of punch in the heart when I heard Juan from the Mac talk and David and bill bunch because a lot of what they said is right because this was supposed to be for the whole city. And so to the extent that we are not -- these funds are justified because it is for the whole city. And if the whole city isn't feeling it, then we have a challenge and we must address that. I stand behind this action of council today 100%.

[5:29:28 PM]

In the beginning, there was a \$25 million bond floated that passed that was insufficient for waller creek. I and Betty Dunkerley took up the project and I went on the trail to say what's it going to take to get this passed? My first stop was the association of ptas. And they said, Sheryl, it's very important that this project be for generations to come. Where you going next? And I said, well, it's not to the developers. It's to the Austin neighborhood council and they said, Sheryl, we're afraid that the reason this project is being put up is so that they can move front steps, the arch, out of downtown into the neighborhoods and not deal with the homeless issue. I said I assure you I will never support that and I'll always testify against that if it comes to up and I know you guys have also made that commitment. And then they said the only other reason we would support it is it must have a heavy environmental component. I said I'm going there next. And so I went to see -- and all these groups passed these resolutions in support of this project. I went to see clean water action and they passed a resolution in support and said, yes, we will be there to keep -- my deal was we don't want any stinky water and the sea club did the same thing. There's actually a resolution creating this entity called the waller creek advisory committee, and that Kathie tovo actually served on and that committee was made up of the groups that had passed a resolution and actually wanted to serve to make sure that waller creek was consistent with what they wanted to see it -- the fruition of it.

[Buzzer sounding]

>> Mayor Adler: I think you have more time. Is Kevin Opp here? And is k.c.prichard?

[5:31:37 PM]

Not here? K.C. -- You have another two minutes.

>> Okay. So in front of you, what you have is a proposed amendment for some additional groups to be added to the waller creek local government corporation. And those groups are designed to help with what I consider three missing issues. One is the homeless issue. Two is the environmental issue. And three is the diversity issue. I suggested certain groups like the parks board make a recommendation or the environmental board make the recommendation or downtown commission make a recommendation because I really believe in those boards and commissions and the expertise that they bring and who they would nominate. And then I also made recommendations that we use -- have recommendation from the carver museum, and we have the moody theater actually on waller creek and that we have someone from the hispanic chamber. I just happen to know that the hispanic chamber has a deep connection to Washington and also has been involved in lots of things, including bringing business and environmental initiatives home. So I leave that totally with you guys with an effort to not slow this down or demean it in any way but to make it better so that it is our next millennial park. And the question has come up, well, if we add these people, Sheryl, that will be a lot of people. Well, the community development corporation has 15 people. We don't -- and that corporation doesn't have any staff members. And, also, you have the option of making staff members ex officio. So all of that is within your discretion, but I think it's the utmost importance that it's time to give this project to the people of all of Austin. Thank you.

>> Mayor Adler: Thank you.

[Applause] April Clark has already spoken. Last speaker I see signed up is Robert Corbin.

[5:33:45 PM]

>> I have to profess my ignorance. I hadn't heard about the waller creek conservancy until today. And I saw the green buttons and so I asked this woman, I said "What about it?" And she told me about the \$110 million. I asked her how much land it was. She didn't know. I asked somebody else that I happen to know here, how much land is this string of parks? Well, it turns out the man told me 5 acres. So it sounds to me like a whole lot of city money, money spent on this 5 acres that's going to be -- have a lot of benefits like the health benefits of people, all these people are going to go out and get exercise and I envision the health benefits of how many accidents there will be of going to be out there exercising, walking and running are going to be running into each other. And then I heard the beauty described, about how beautiful it's gonna be. Well, I guess if you like walking through a canyon of concrete, which sounds like it's gonna be within a few years. And then I think about a park near my house, zilker park, where I took Kimberly Mcneeley five years ago and said look at this parking lot here. Every car that goes lieu that parking lot, tornadoes of dust go in the air. That was five, six years ago. That parking lot has not gotten fixed yet. I think of all the swimming pools around town. They say they're closed. Need repairs.

No money for that. So I have to say that I'm against this. It sounds like a boondoggle. I mean, parks are a great idea, but spending another 110 million on top of what I've been told is 175 million already, it sounds kind of screw ball to me, and I urge you all to oppose it and get some common sense back into this city. Thank you.

[5:35:49 PM]

>> Mayor Adler: Okay. That gets us up to the dais. Those are all the people to speak. We are here on item number 11. Is there a motion to close the hearing? 67 is what we're on? Yes, I'm sorry, item number 67. I apologize. Is there a motion to close the public hearing? Those in favor of closing the public hearing please raise your hand. Those opposed? Unanimous on the dais with Ms. Troxclair gone. I'm sorry? We don't take a vote on that. Okay. Item number 11, we need to approve a resolution creating and appointing the council as the new board for the tirz and others and appointing the mayor as chair. Someone make that motion? Councilmember Renteria makes the motion, councilmember alter seconds. Let's take a vote. Councilmember alter.

>> Alter: I want to clarify the county still has a member on that board.

>> Mayor Adler: Yes, among others. Yes.

>> Alter: Just the way you said it made us all the board, but there's still a county person.

>> Mayor Adler: I probably didn't say it loudly. It's the council on the board, and the county as well, and other members on the board. Yes, Mr. Flannigan.

>> Flannigan: And the updated draft resolution reflects that.

>> Mayor Adler: Okay. Those in favor please raise your hand. Those opposed. Unanimous on the dais with councilmember troxclair gone. I'm going to go ahead and close the city council meeting right now at 5:37, recess it so I can open the newly created tirz board meeting. Today is may 24, 2018.

[5:37:51 PM]

With our new board I'd like to invite Jessica Rio, cfo, to come join us on the board dais here. If you could sit in Ms. Troxclair's seat. This is as close as we get to constituting our new board. This is -- we're going to take up item number 1, which is to approve a resolution recommending amendment number 2 to the project and the financing plan for the tirz, making this recommendation to council. Is there someone that would like to make that motion? Councilmember pool. Is there a second to that? Councilmember alter. This is the revised version that's been handed out on the dais. It's a yellow page. Actually it was with us when we came back from lunch.

>> Number 001.

>> Mayor Adler: The upper right-hand corner has tif item 001.

>> Mayor Adler: so I wanted to make that motion please -- councilmember pool. Second? Councilmember alter. Councilmember Flannigan seconds that.

>> Flannigan: No.

>> Mayor Adler: No? Councilmember alter seconds that. It's been moved and seconded. This item 001. Councilmember Flannigan.

>> Flannigan: Thank you, mayor. I know there's a number of items to vote on, but since this is the one that recommends the amendment I'm going to go ahead and make my statement now. I think any time we contemplate a tif we should do so very carefully. It's often described rhetorically as new money, but tifs are often not new money. They're the regular tax revenue. There's this but-for the project in question question.

[5:39:51 PM]

So I spent a lot of time going through all the backup information. I read every single page. It was scintillating, including the market study. I can attest that I read every page because I found typos, couple here, couple there. But I did find that there are some risks, there are some risks to this project. There's risks of economic downturn. There's the risk that is inherent when you have a large private fund-raising ask. There is the risk of unexpected cost. There is the risk of these unknown assumptions about the impact of this project outside the boundary of the tirz. Some of those risks to my mind are some of the increased costs that this project might create, especially around the new development. Normally when you have development downtown, the tax revenues you collect far exceed the maybe additional fire equipment you need in that fire station or couple of other officers to patrol and we've seen that to be true across all of downtown. When I first saw the tirz proposal, including a boundary extension it really made me nervous but this no longer extends the boundary. It maintains a very narrow thread right along the creek and even though we don't have hard numbers about how many -- how much new tax revenue we will collect as a result of this project outside the boundary I think it is reasonable to expect that it is more than zero. There are properties just one block away from this that are outside the boundary and I think it's reasonable to assume that those will be increased in value as a result of this project. There are -- there's something really powerful about this project, and I think it's important to note that when we seek to do something amazing, we can also build something amazing nearby and that they can work together.

[5:41:51 PM]

If we were contemplating this project without the tirz, non-that we would do it because the question would be who else is going to pay for it, it would be fungible across an entire city. In this case we're not. We're saying the properties right along this creek are going to fund it. There was a concern about this

relationship across downtown but I'm no longer concerned about that. I think the risks inherent in this project are ones that have been fully identified, having read all of the backup I feel confident that we know what we're getting ourselves into. And I think as a city we've always been one, I hope, willing to do the big thing. That we're not going to let perfect be the enemy of the good and we're not going to let another plan sit on the shelf and collect dust. I and a couple of my colleagues have asked hard questions through this process. I feel it was -- is my duty, especially to my district, to explore every dollar that this council spends and I have routinely voted against spending items. I've voted no on the last budget. I have voted accordingly and consistently. But in this case I think that the risks being fully identified, the tirz being narrowly defined and clearly an amazing future asset to this city and its future generations I will be supporting these items as we move forward.

>> Mayor Adler: Thank you. Further discussion from the board? Mayor pro tem.

>> Tovo: Just a couple quick things. I appreciate all of the comments that we've had today and the suggestions. I want to ask a couple questions about -- so former mayor Sheryl Cole asked us to make an amendment to the joint development agreement, which is not the item before us. We're -- but we'll be considering that here in a minute. And I wanted to suggest to staff that we do have regular financial reporting on the progress of that.

[5:44:01 PM]

I see Mr. Canally nodding his head. I'm not sure what the time period is. Quarterly would be too frequent. I think annually seems about right. Annually or more frequently if it seems appropriate. And so I guess I'd like to just provide that as direction from the dais to the city manager. And I'd also just like to ask Mr. Mullin of the waller creek conservancy, we had some testimony a bit earlier about the need for the waller creek conservancy's plans as they move forward and the transformation of this network of sparks creation of the network of parks that it needs to work in sync with the Rainey street cultural district and mexican-american cultural center and the eventual -- well, let me just say palm school and its eventual role. And so I know that these are all issues that you and I have had an opportunity to talk about and I've heard you talk about them in public but I wanted to just hear your thoughts on the waller creek conservancy's commitment to continuing to work and make sure that all of those projects can be successful.

>> Thank you, mayor pro tem. I appreciate the opportunity to respond because the sense of partnership that the conservancy brings to the city does not end there. We really see it as core to our mission to be partners with all of our community partners that surround the project and beyond. The Mac is a crucial one of those. We've actually really tried to work hard to for there a collaborative effort with the Mac to see how beck, you know -- where the whole can be more than the sum of the parts given our adjacencies. We create a working group to figure out how the interface physically would work as part of the master planning process. You know, I'm I think from a programming standpoint there are lots of opportunities for us to collaborate with the Mac. We are always looking for those kinds of opportunities.

[5:46:01 PM]

It's crucial to what we do. Palm school is another one. Rainey historic district, red river clearly district, burgeoning innovation zone and it goes on and on and on. These are crucial to what we do and we look forward to engaging all of these partners.

>> Tovo: Thank you. Thanks very much. And as was stated before, I served on the waller creek citizens advisory group long, long ago. I took actually bill Spelman's spot when he ran for council and was elected and it's really -- I certainly haven't been involved with it as long as many of you in this room. I know we've had an opportunity a few times in this session to thank you but really during this gathering while so many of you are present who have been involved with this area of the city for so many decades, I just want to thank you all. I think this is really going to be transformational for our city and I'm very excited about the work that the waller creek conservancy is doing to make sure that austinites in every corner of our city embrace this and see this as their place to come recreate downtown and I know that you are all working really hard on making sure that it is inclusive and that the activities that will go on in our different networks of parks really celebrate the diversity of Austin. So thank you.

>> Mayor Adler: Okay. Ms. Houston.

>> Houston: I just want to say that waller creek, I inherited waller creek. So I call it my red-headed step child. But I'm going to say to the folks that -- when Peter Mullin came on board, the culture of the conservancy changed. There had not been much reaching across I-35 or looking for marginalized communities or engaging all of Austin. And since he's been here, I've seen a drastic change in his reaching out, his ability to listen, and I hope that continues.

[5:48:02 PM]

I hope that you don't -- as I get these millions and millions of dollars begin to think that the people who are east of waller creek are not important. So I hope you will continue to work with people of all ethnic groups and diverse, okay? You've done a good job.

>> Mayor Adler: We have to take a vote. Item number 1 from the board of directors, those in favor please raise your hand. Those opposed. Voting is -- all of us present voting aye, which are all the city council members, without councilmember troxclair. And Ms. Rio. It's been good to have you up here on the dais. Thank you for your efforts in this as well, and she voted with the unanimous board. All right. So I am now going to recess -- or adjourn the tirz board meeting. It is 5:48. I'm going to reconvene here on may 24, 2018, at 5:48 the city council meeting. So we can take up item number 12, which is the adoption of an ordinance approving amendment number 2 to the motion financing plan for the tirz. Is there a motion to approve it? It's a revised version as handed out on the dais. Is there a motion to approve this? Ms. --

>> Houston: I was going to ask can we do them all at one time? No? Have to do them separately?

>> Mayor Adler: All right. Let's do them all at one time. As long as we have the revised. Item 12 is the adoption of the ordinance approving amendment two. Item number 14 is to adopt the ordinance to amend the budget of park by 25 million. Item number 15 is to adopt the reimbursement resolutions that needed to authorize the city issuing the certificates of obligation. Item number 13 is approving the ordinance authorizing negotiation, execution of the revised agreements to the waller creek conservancy.

[5:50:07 PM]

Item number 16 is a resolution authorizing the amendment of the waller creek local government corporation bylaws to add one more member, that's the city manager appointee. I think those are all our outstanding motions. Will someone make those motions collectively? Councilmember Renteria. Is there a second to that? Councilmember Houston. Seconds that. We have a motion and a second. Any discussion? Councilmember alter.

>> Alter: Before we vote I wanted to thank all of those who have been involved most recently I'd like to thank Mr. Canally who was wrestled with the numbers with me over the last couple weeks and helped me to really feel comfortable with the safeguards that are in place with respect to moving forward with this tirz. I also want to thank the waller creek leaders, Melba, Tom, Melanie, Peter, and many others. I really appreciate their vision and their perseverance. You've been at this something like ten years. I haven't been in Austin ten years. I really hope that we as a council will find many ways to pursue visions of this grandeur. I also want to thank the downtown Austin alliance for being willing to step up and invest in this series of parks and in our community and for recognizing the value, the economic value as well, of our parks. I want to say that I hope that the county will find a way to join us in making additional investments in this area. And I hope we can continue to have those conversations, perhaps over some of the homeless issues if we take up further elements of this. As a councilmember, I'm thrilled to be able to support this investment in our parks in our community. I think all of the underlying data that we had on this underscores the value of our parks for our quality of life and our health and for the economic vitality of our community.

[5:52:16 PM]

As we take this vote, I would be remiss if I didn't call on our community to join us in making this investment. The success of this project depends on garnering over \$200 million of philanthropy. If you think this is a great investment, too, you can go to wallercreek.org, currently a \$5 million match. I want to challenge you to be part of this so that we can make this a reality. These people have already spent ten years of their lives on it. Let's make the next ten years a little bit easier for them. So thank you.

>> Mayor Adler: Any further discussion before we vote? Just as a parenthetical only because everybody is gathered here and I feel like we've talked about this lots of times so I'm not going to repeat everything I've said except for one thing, and it's a shame that the item we had just before this was just so absolutely exhausting for this council or else this would feel like an infinitely greater and celebratory

moment but what a way to send us off to dinner. I'm not sure that this council will do anything that is remembered 150 years from now other than the vote that we're just about to take. All those in favor please raise your hand. Those opposed. It is I'm sorry on the dais.

[Cheers and applause]

>> Mayor Adler: It is unanimous on the dais.

[Cheers and applause]

>> Mayor Adler: All right, councilmembers. We're going to go ahead and recess for music and proclamations. It is 5:53. We have four items left, 22, 35, 56, and 63. Council is in recess.

[Recess]

[6:02:01 PM]

>> Mayor Adler: Hello, hello? All right. So if I could have everybody's attention, please. I know we're all celebrating that last moment --

>> [Inaudible].

>> Mayor Adler:

>> Mayor Adler: -- Because it feels so good to do what we have just done. To celebrate what we've just done, but in a very austin-specific way. So if I could have everybody's attention you're going to enjoy this here in a second and this will really cap off what we have. And we have folks already here lining up for what's going to happen after dinner, so this is a way to lighten everyone's heart. We are the live music capitol of the world, and I think they are the only city council in the country that stops every city council meeting to actually bring a little live music in to where we are. We press it into the walls so when we have difficult debates we can reach for it. Today we have with us Adam loyosia, the traveling pianist. He has traveled around cities and towns. He is an austin-based street performer living downtown near the heart of the city. You can find him performing near many of the festivals and parks that Austin has to offer, Adam enjoys bringing music to people in public places. There is a magic to the piano when everyone gathers around. There is magic in this city when our local artists perform. Please join me in welcoming Adam loyosia, the traveling pianist.

[6:04:04 PM]

[Applause].

[6:07:52 PM]

[Applause].

>> Mayor Adler: Thank you so, so, so much. So if somebody in here tonight or somebody watching on TV wanted to find you, to hear you play, do you have like a website?

>> Um, so I don't have a website because that's a lot to keep up with these days, but I like Instagram. You can find me on Instagram. And I post directly to Facebook. And you can find me in person around Austin.

>> Mayor Adler: And what's your Instagram insurance handle?

>> So Instagram handle and Facebook are going to be @thetravelingpianist. And if somebody wanted to come find you out near one of our parks or our festivals, do you know yet where is the next place or two you're going to be playing?

>> Well, I am actually going on tour in a couple of days to the west coast, to California, but I'll be back mid July and I'll be posting again and playing different festivals. So I just want to tell everyone to check my website. Sometimes it's an hour before, but I try to post.

>> Mayor Adler: Adam, thank you so much.

>> Thank you.

>> Mayor Adler: I have a proclamation.

[Applause]. So be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend to virtually every musical genre. And whereas our music scene thrives because Austin audiences support good music produced by legends, our local favorites and newcomers alike. And whereas we are pleased to showcase and support our local artists.

[6:09:55 PM]

Now therefore I, received, mayor of the -- Steve Adler, mayor of the live music capitol, do hereby proclaim may 24th of the year 2018 as Adam Loyosa Day, the Traveling Pianist Day in Austin, Texas.

[Applause].

[6:12:45 PM]

>> Mayor Adler: So I have a proclamation. This is a really special week. And we know that all too well, living in this city. I'm going to read the proclamation and then I'm going to give it to Richard Mendoza, the the director of our public works department, give him a chance to say a word or two.

Proclamation: Be it known that whereas the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewer, streets, bridges and public buildings, and whereas the efficiency of the qualified and dedicated personnel who staff our public works departments contributes to our quality of life through their positive attitudes and understanding of the work they perform. And whereas we are pleased to recognize the contributions which public works personnel make everyday to our health and safety under R. And contract and our owe and our quality of life. Therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim may 21st through 25th of the year 2018 as national public works week in Austin, Texas. Thank you all for your service.

[Applause]. All right. Thank you, city of Austin. My name is Richard Mendoza. I'm your director of public works and I'm joined here with many of my dedicated public servant co-workers behind me across all the major divisions of capital deliveries and street and support services. Public works week is one of my favorite weeks of the year.

[6:14:46 PM]

It's just not because I've been in public works for 25 years, but it's because all across the country and even as far north as Canada, cities just like Austin, although not as great as Austin, are taking time to recognize the valuable work that the hard-working public servants do everyday to maintain their cities' infrastructure across transportation as well as all the public infrastructure services like water, parks and watershed. And so on behalf of my department I would like to express my thanks for the support of the mayor's office as well as the city manager's office and city council, but most importantly the community out there that we are given the privilege to serve everyday. And I tell you what, I couldn't be more proud of the hard working group than I have behind me now. These are the folks that are out there everyday filling in your potholes and also making sure your sidewalks and your rights of way are safe and maintained to the high quality standards that the city of Austin deserves and places the responsibility and trust on our shoulders to deliver. So again, thank you, mayor, thank you councilmembers and city manager for your ongoing support. And thank you most importantly to the everyday workers of our public works department. Thank you, guys.

[Applause].

[6:18:22 PM]

>> Flannigan: All right. I have the honor of presenting another proclamation. Jimmy Flannigan, district 6. Another amazing department we have here at the city of Austin, one that I am proud to proclaim here right now, but also one that is so important I think unlike public works where I think we benefit everyday from their work, these are the folks that you kind of hope you never have to see. It's generally not a good day when you run into the EMS guys, but it does represent a majority of our emergency service calls that we get, more than two-thirds of those calls end up being medical calls and they're a critical

part of how we keep our community safe and how we keep our community healthy. Let me read this proclamation. Be it known that whereas there is a need for public service 24 hours a day, seven days a week 365 days a year and includes emergency medics, nurses, first responders, educators, administrators and others who have dedicated their lives to the service of others and whereas it is important to recognize the importance of emergency medical service providers in Austin and tracted designated emergency medical services week. Now therefore I, Jimmy Flannigan, city councilmember for Steve Adler, mayor of Austin and the entire city council, do here by proclaim may 20th through 26th 2018 as emergency medical services week in Austin, Texas.

>> I'm [indiscernible] And I'm chief of emergency services. I've been at it 12 years. 36 overall. Lots of ems in between those years. I'm here to accept this proclamation on behalf of all those wonderful people that we have out there. We've got some fantastic men and women who respond to emergencies day in and day out. And they see some of the most horrible things that you can imagine. But they also have the pleasure of delivering babies and doing all kinds of fun stuff too.

[6:20:27 PM]

So I think we actually have one or two that have babies named after them and that's a great honor.

[Laughter]. So who can do that? That's a pretty good thing. I believe we have a video from a person who is one of our clients who had a few things to say so I'll step and let that happen.

[Video playing].

[Inaudible].

>> The other interesting characteristic about your service is the people that you serve you help are total strangers. And yet you treat them as if they were beloved members of the family, doing everything you possibly can to save their lives or the good them to the hospital and get the kind of attention to deal with the injuries that they sustained along the way. On November 16th, 2017, I saw firsthand how well you act in times of peril and crisis.

[6:22:34 PM]

The austin-travis county, Texas ems responded to a call from an unknown occupant in a room in the Marriott hotel, and that unknown occupant was yours truly. I called down for help and you and your colleagues and those who represent your profession so well arrived. I was the total stranger you helped. History recalls that I flat-lined three times on the way to the hospital. History recalls, at least the doctors said, that only about five percent of the people who have the severity of the heart attack that I have even make it to the hospital alive. History will also recall that absent your presence I wouldn't have made it. So as you think about what you and your colleagues have done to me and you are and your colleagues have done nationwide for literally thousands and thousands of others, I'm filled with both

admiration and gratitude. It's a 24/7 business. You are passionate about what you do and you are. You have to be skilled and subject to continuous training and education, and that's what you do. And you have to be ready at a moment's notice to help a total stranger. So you now know who I am and I sure as heck know who you are. And there's both admiration and gratitude that I express my sincere, deep appreciation for all that you have done, all that you did for me and all that you and your colleagues around the country will continue to do for so many others in peril. Thank you and god bless you. And by the way, god bless you and your families because anybody that puts on the public service uniform, which you have done, your family puts it on as well and they live and die everyday with those whom you help in times of peril and times of tragedy.

[6:24:37 PM]

So great admiration and with thanks, I congratulate each and every one of you and I look forward some time particularly to see my friends in Austin, Texas, the Travis county ems personnel, to express my deep appreciation in person. Until then, god bless you.

[Applause].

>> Well, I think that says it all. The main thing I want you to know is we love you. Thanks.

[Applause].

>> Mayor Adler: Okay. So I have the honor of issuing a city of Austin distinguished service award for her untiring service and commitment to our citizens during her over 29-year tenure as a dedicated employee of the city of Austin.

[6:26:57 PM]

Urcha Dunbar Crespo is deserving of public acclaim and recognition, and this certificate is presented in acknowledgment and appreciation thereof this 24th day of may in the year 2018, issued by the city council of Austin, Texas. Thank you so much for your service to the city.

[Applause].

>> I do have a couple of comments. First giving honor to god for this day. I want to thank you, mayor, council and city manager. This is quite an honor and is one that I will cherish forever. Most of the city staff I've worked with over the last 29 years are not here, but those that are here and my family members I would like to stand for a minute.

[Applause]. I know that working with me and living with me was a labor of love, and you stuck with me as I transitioned from the military where I expect the responses to what I needed without question to now where I think I'm a little softer, but still adamant about doing the right thing and what does the contract say. For me it's been an awesome journey and I could not have done it without you and the

grace of god. You all were instrumental in helping me learn municipal purchasing and fleet processes, and I'm eternally grateful. Thank you again and you may be seated. I would be remiss if I didn't share with you how I started as a city employee. I almost missed out but for the persistence of sue Brubaker. For those of you who know sue, she didn't take no for an answer. So I was scheduled to start working with the state of Texas and had given them my word that I would work with them.

[6:29:05 PM]

The Friday before I would start working for them on Monday, sue insisted that I come to see her. And she proceeded to tell me that I didn't owe the state anything and that I really, really needed to work for the city. Needless to say I made that dreadful call to the state and I came to work for the city and I've been here ever since. So sue was right, as always, and she and Bettie welcomed me to the city and I still have on my wall what I call Bettie dunkerley-isms because those are things about being nice and they're framed on my wall because those were lessons from the heart from Bettie. Sue wanted to be here today but god had other plans. She passed from this life on Sunday, but will be carried in my heart and the hearts of many of you forever. In closing I want to say, mayor, council, the city is a great employer and it was definitely the right place for my family and me. I met some Austin people, learned a lot and had many wonderful opportunities to grow personally and professionally. Some of those opportunities I wanted, like purchasing, and some I didn't initially want, but they grew on me like fleet.

[Laughter]. And I want to thank Jennifer and all of the fleet staff because they embraced me, they helped me learn how critical fleet is to the city of Austin and I have a whole new respect for that department and maybe one day you will too. But in the end I treasure all of my experiences. I will miss all of you and I wish you all the best. Thank you.

[Applause].

[6:32:47 PM]

>> Casar: Good evening. When hurricane Harvey made landfall on Texas, people from all over the city and especially people that were part of the city of Austin family, got out of their homes and started volunteering and figuring out how it is that we could best accept visitors that were coming to us, who were seeking shelter and refuge from the storm. And because the hurricane hit Houston, which is the most diverse city in the country, and many areas around Houston are so diverse, we quickly realized that there was a great need for interpretation services and for us to be able to have culturally competent folks be able to accept people from all over the world that were coming and seeking refuge in Austin. When I as a city councilmember was getting phone calls being asked whether I could perform interpretation services as some of the shelters, that's when I knew that it couldn'ting just me and my friends, but we needed to tap into the greater city family and the greater family of people that cared across city departments, but also at Seton and our non-profit community. So it was very quickly that a huge group of volunteers got together to help make sure that we were taking care of people and we

were able to communicate to people in this time of real crisis in their lives. So I'm proud to provide this production to the group of volunteers that were so essential to that effort. So be it known that whereas the city of Austin is committed to providing all austinites and guests meaningful access to programs and services in an equitable manner without regard for the language they speak. To that end it has trained more than 40 bilingual staff members in can tone knees, French, mandarin, Spanish interpretation. And whereas in response to hurricane Harvey's devastation on the Texas coast, more than 2,000 volunteers from the Austin area and 10 trained medical interpreters from the Seton family of hospitals and Travis county services for the deaf and hard of hearing offered their time to support shelter for residents in 77 languages at least.

[6:34:58 PM]

And whereas in addition city staff from the Austin animal center, Austin code, Austin energy, Austin parks and rec, Austin public health, Austin public library, resource recovery, the water utility, communications and public information, development services, equity, homeland security, human resources, planning and zoning and watershed protection, took time away from their typical duties to provide qualified, confidential and compassionate language services to families and individuals in need for weeks following that disaster. Now therefore I, Greg Casar, representing city council district 4 on behalf of Steve Adler, mayor of Austin, Texas, do hereby proclaim may 24th, 2018, as Harvey response language access and equity volunteer day in Austin. And we'd like to thank the folks here.

[Applause].

>> This is such a meaningful moment. Hurricane Harvey of course was devastating to our state and everyone in this city in different ways tried to respond. But it just so happened that there was a group of city of Austin employees, bilingual employees, who had just graduated from a community interpretation training that the city is now offering to all employees who are bilingual. And they had basically graduated and then the next day they were called to service in the shelters. And they responded with all of their heart and it was so wonderful to be part of that team. And they deserve all of our recognition. And as being part of a team it was 18 an incredible privilege because everyone wants to help in some way. So to be able to serve, to use a second language to serve and to be trained to know how to do that and have it go well and make relationships that stay with you, I think everybody could attest to really being moved by the people that we met in the shelters.

[6:37:19 PM]

It is something that you don't easily forget. So thank you, councilmember Casar, for being part of that momentum, language access momentum in the city, and bringing it up when Harvey hit on the dais and of course thank you all so much for taking time out of your duties and thank you to all the supervisors and managers and everyone who made it possible for this team to be here, including the Seton volunteers, the trained medical interpreters that took charge of the more delicate medical

conversations that had to take place in the shelters. So it's an honor to be here with you and share this moment with you.

[Applause].

[6:58:53 PM]

[Recess]

[7:26:09 PM]

>> Mayor Adler: all right. I think we're -- one, two, three, four, five, six, seven. We're ready. It is 7:26. We're going to reconvene the city council meeting here. First item we'll take up is item 35, which is the fire department issue, fire station. Then we're going to take up the zoning case, and then we're going to take up the codenext process for June. So let's begin with the fire station item number 35. Councilmember Garza, do you want to lay that out?

>> Can we hear from the speakers first, mayor?

>> Mayor Adler: Yes, we can. All right. Elettes go ahead and speak. Is -- let's go ahead and speak. Is Rich Depalma here? Is Jeff Jack here? Is Mario Cantu here? Is Tony -- Mario? Mr. Cantu, do you want to come speak to us on the fire stations? On deck is Tony Maldenato. Is Barbara McArthur here? Thank you.

[7:28:10 PM]

Is Fred Lewis here? So, Mr. Maldenato, when you come up you'll have five minutes. Mr. Cantu, you have three minutes. Can we turn on the microphone?

>> Thank you. Mayor, councilmembers. I wanted to speak just briefly on this. I am here. Fire stations are really important for the city of Austin. You go to every major city outside of Austin, Chicago, reality, even smaller cities, they have really nice fire stations. They're updated, upgraded and they're manned very well. I think we're a little bit behind on times when it comes to the firefighters and of course EMS as well. I wanted to mention a little bit about some of the ideas that are being proposed. I think it's a good idea in southeast Travis county where they're considering the temporary. I think it needs to be incorporated with the temporary is the EMS component. The EMS component should be something with a fast-response vehicle or some type of motorcycles to manage the main goal in that part of the fire department and EMS is to make sure that response times are lowered down. I think that's going to be a very, very important component of that whole thing to look at, not just manning it, not making sure that everything is out there for the citizens to receive good medical and fire needs, but making sure that the

response times do go down. And it's also important to know that of course the other stations are going to be very important as well. That's pretty much what I wanted to mention. If anybody has any questions.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Tony maldenato, you have five minutes. Is Patricia king here? You'll be up next. Is Winifred Mohammad here?

[7:30:13 PM]

No. Ms. King, is Tami Doyle here? No. Tammi Doyle? Okay. So you'll have five minutes, Ms. King, when you come up. Five minutes, sir.

>> Good afternoon, mayor, councilmembers, city manager.

>> Mayor Adler: Turn on the mic please.

>> My name is Tony maldenato and I'm a resident of

[indiscernible] Community in the del valle area, which is in the city of Austin. I'm vice preside of the executive board of directors for our homeowners association, and I'm here today to request council approval of this item, requesting that the city council approve a resolution directing city manager to construct, build, establish an interim fire station in the del valle geographic area of Austin. Until a permanent fire station can be built and staffed, this is a basic life safety issue for us. The nearest fire station is built near Austin Bergstrom airport off 71 east. It's just too far from our community, our fire safety professionals tell us that they cannot meet the acceptable response times set up as standard for the Austin fire department. The majority of austinites have those standards met. Based on the risk and service analysis last updated in February, our air has been clarified as an area of immediate need of a fire station. Some of our neighborhoods have provided -- I'm sorry, councilmember Garza's office with the property insurance quotes for their homeowners coverage that's shown an increase in their homeowners premium protection component to their insurance. And I'm sure she can provide that as backup to you guys. Some of this is related to the insurance industry east classification, which as I understand it for some of our resident is the worst that you can have, category ten, and that's just not acceptable. It's inadequate based on the physical distance of the fire stations to our homes and the response times that are thus our reality.

[7:32:15 PM]

I move in 2003 and we have many safety issues out there, but this is one that deals with public safety. Ross road has essentially been a two-lane road since that time period it it's not changed significantly in

handling the demands of traffic. My reason for bringing that up is that we essentially have about a thousand homes in the area, we also have the [indiscernible] Subdivision off Ross road and pierce lane which has over a thousand homes, we have some future developments that are proposed to bring 350 multi-family units off of Ross road as well as 500 modular homes into the oaks ranch subdivision area and we also have Lexington park directly off Ross road in addition to the elementary school, the high school, and the middle school within a one-mile area stretch of Ross road. It is sadly under capacity and the demand that we place on that road daily is probably at level of service F if you talk to your traffic engineering department. So I bring this up for a specific reason as it relates to our public safety. Should we have an unfortunate event during a time when our weather conditions are unfavorable for us with regard to high winds and low humidity and our structures catch on fire and our residences are within 10 to 15 feet of each other, it won't be very long before we find our first responders having to go into a defensive pros tour and we may lose half our subdivision. Again, with the roads being under capacity for those demands of the daily traffic needs that are placed on it, in an emergency we may have our residents scrambling for their lives trying to get out of the area so I implore upon you to please consider this item. It's a very serious item for our community. Just to take you back a little bit, in September 2014, the dollar general, which is on Ross road, caught on fire, and particularly the command staff for Austin fire department, when they arrived, had to actually pull people out of that structure because they were afraid that it was going to collapse.

[7:34:28 PM]

The fire had broken to a point that they had to go into that defensive posture. Now back to the present. It's been too long already with respect to this basic life safety issue. I tell you today that it's not a matter of if, it's only a matter of when, before we see a catastrophe in our community. In summary, basic emergency service response times for our community are currently lagging behind others within the corporate limits of the city of Austin. The del valle area has been within corporate limits of city of Austin since December 2006 and in that 11-year period since we've been under the corporate annexation of the city of Austin, there have been no dedicated fire stations, ems facilities, or police substations constructed for our geographic area. To to do the the rapid growth and -- to accommodate the rapt growth of our area. We have a beautiful international airport, great international destination in the coda tract and we have the biggest inland surf park.

[Buzzer sounding] In the contiguous united States. I think it's time for the council to step up to the plate and provide these basic safety emergency services. It depends -- our lives depend on it out there. Thank you very much for your time and consideration.

>> Mayor Adler: Thank you. Patricia king. You'll have five minutes. Is Ashley yonkin here? Okay. And you have time donated to you from Adrian aguttus. You'll have five minutes when you speak.

>> Honorable mayor, mayor pro tem, city manager, and to all the councilmembers on the dais, good evening. My name is Patricia king. I live in the berdal farms area. I am president of the homeowners association. And the reason I'm here today, I am supporting the resolution by my district rep, councilmember Garza, for a fire station.

[7:36:42 PM]

Now, we have been out there -- I've been out there for almost 20 years. And there is no fire station out there. The bastrop fire came way, way too close. It was so close to our neighborhood that the ash was falling on our rooftops and we could smell the smoke. That was very frightening. The last fire we had was about two months ago, where the vacant lot on Ross road, and it caught fire. By the time the fire department got there, it already burned and it was threatening the homes that surround that area -- surround that area. That was a near miss. We can't afford another near miss in our area. Now, a temporary 5:00, we need that now. If you can do it in six months that would be fine. In six years we'll also need a permanent fire station out there. We have homes just like you do, families just like you do, and we care for them. And you can't put a price on a life. You just can't. So what I am asking for is that we get a temporary fire station out there. We out there, we pay taxes just like you do. We paying the taxes but we're not getting the emergency services that we need. So I implore you to please support this resolution. Thank you.

>> Mayor Adler: Thank you.

>> Bob nicks is on deck. Is Mike duphy here? What about Lynn ikeler? You'll have seven minutes. Please go ahead. You have five minutes.

>> Thank you. My name is Ashley yonkin. I am on the hoa board for berdal farms. I am here to talk about the lack of public safety services in our community.

[7:38:43 PM]

Currently, police response times are unacceptable. We suffer for the lack of public safety. Fire response times are also unacceptable. We live in a blue collar working-class community, and we're often overlooked. Like Ms. King said, we pay taxes just like everybody else, and we have families and homes. Our community is suffering due to rising insurance rates. A fire anywhere would be devastating, but due to increased response times in our community, the risk of losing multiple structures is much greater. Like Tony said, our dollar general burned down and basically fire had to pull off because it was too dangerous, it was too late when they arrived to save the structure. We need something to happen now. We need a temporary station. We need a permanent station. And we can't wait any longer. Thank you.

>> Mayor adler:mr. Nicks and after Mr. Nicks is Cynthia Wilcox here? Okay. And you have time donatedly Leigh Zigler and time donated by David king, so you'll have seven minutes. Seven minutes, Mr. Nicks.

>> How much time do I have?

>> Mayor Adler: Seven minutes.

>> Bob nicks, president of the Austin firefighters association, thank you, council, and dsm for hearing us today. I understand that there may be changes to the resolution. And the changes will keep the temporary option in there, but there will be an alternative plan where city staff can come back on June 30 and if they can create a time line, if I'm wrong on this please let me know, but if they can create a time line within 12-18 months to complete construction of permanent stations that could be used as an alternative to the temporary stations. I'm going to have to go on record I prefer the temporary stations as being the only option.

[7:40:43 PM]

I remain unconvinced that the city can meet a 12-18 month time line for building a fire station. And I reference -- I wish I had this handout I could give you. I'll reference a handout from the city of Austin fire department, called critical fire stations annexations, talked about onion creek station that started construction about a month ago. This is dated April 2014. And it builds the case that it's a critical station, not even on our list of 537 this is before the list of five. At the bottom of this it says that the comments are approved in a 2012 bond, land was purchased, has been purchased and construction is planned. This is April of 2014. Land has already been purchased and construction already planned. The projected date to open the station is spring of 2016. Now, because that was a -- that time line was slow, the association got involved, and the city manager at the time was very helpful. He put us on that working group, and they set another time line for the spring of 2018. And now the time line is the fall of 2018. And I'll bet everybody a coke on council we're not going to open in the fall of '18. My point being we don't have a good -- this is our latest case on building fire stations. We don't have a good track record on building one within 12-18 months. So I'm unconvinced we can, but, but, I'm excited about the prospect of rolling up our sleeps and seeing if we could. We absolutely need to do better at building fire stations. We

[7:48:30 PM]

this is a close-up of the area. It includes housing, a large aisd center, and some of the most dangerous intersections in Austin where there are frequently wrecks that cause injury and death. This is from the study that you have probably seen already which lists the areas that have the worst response time with Travis country being the worst one. Finally, we just ask that you vote yes on this resolution in support of the temporary fire stations, regardless of what you do related to permanent fire stations. It's a matter of life and death for residents in and around Travis country and beldahl firms, and waiting for permanent stations just kicks the can down the road for five to six years. We all know that. And our neighborhood has been waiting for 20 years for relief. It's the absolute worst response time in the city and has been for quite some time. We just ask that you consider this important resolution and thank you for for considering this matter.

>> Mayor Adler: Thank you. Blanca machado. You'll be up next.

>> Good evening. Respect and peace to you all. Thank you for having us here. I'm coordinator for the first responders for emergency response here in Austin, Texas. I am for us having our temporary/permanent fire station there in del valle, Texas. The reason why I wanted to state who I am and what I did is because I go all over Texas with community awareness events, teaching and training people from the fire station, partnering up with the fire stations, teaching safety and training on being a first responder and taking our own community in our own hands.

[7:50:48 PM]

I say that because it's very interesting because this is no longer business for me. This is personal. I'm a resident at del valle, Texas. I live at berdall meadows, a part of berdall farms. I know everywhere I go, it's very, very short, when I come back home, I have to worry about my family, have to worry about my residence. I want to paint a small picture for you. Now imagine, I'm talking about this in 2015 during the Halloween flood. I look at the picture that I paint. You come home from work. It has been raining very bad. There's a flooding situation that's taking place. You're in your community as a first responder. All you keep getting is phone calls saying, help, I need your help, somebody help me. I'm very thankful that my husband and I are both first responders in the community and we had people stuck in their homes. I'm getting a call, grown men calling saying, I need your help. I'm on the second floor with my children and water is rising. I need your help. Can somebody please help me? Look at that picture and think of yourself as the parent. Now, my husband and I sat out there and we directed traffic. I watched people's vehicles, lost their vehicles, I watched people's homes, they lost their homes. It took us about 15 to 30 minutes. Now, we're talking about average time of fire -- first responders, fire departments coming into your location, but what if there's a much more delay? What happens when there's a much more delay? That means there's mother time that you have to add on because we're all human. 15 to 20 minutes was far too long. I'm asking each and every one of you, as parents, as our community leaders, to listen to that picture and understand, if it was your neighborhood, what would you do? What would you vote? I don't want to lose everything that I work hard for. I don't want anything to happen to my children. Anything that happens to our community that's out there, their children, each other, I don't want to see us lose our homes.

[7:52:52 PM]

I don't want to see a child dies because it took a little bit more time just to get there as far as ems, paramedics. I want to see us be very successful. So I'm asking you, on a business level and also a personal level --

[buzzer sounds]

-- Give us a temporary fire station so we can go ahead and make sure that we will be safe in our community and also followed by a permit. Thank you all so much for your time. God bless.

>> Mayor Adler: Thank you. Yes, Ms. Houston?

>> Houston: Could I ask Ms. Muhammad a quick question? I see a lot of people in the Orange shirts. Could you explain what group the first responders are in your area?

>> Absolutely. I am a cert trainer so I teach community emergent response. So what we do is go out and try to teach community awareness. We teach people to take matters into their own to learn how to be their first responders in their homes and, therefore, their communities. So we can do that and we train them up to doing that, but we're still waiting on response times. We're still waiting to them to get there. So our vow and our promises are we're going to do the best that we can do while we're waiting for the first responders to get there. But then we're talking about life or death. Is to that's our job in the community and I can't wait till the fire station come because we want to teach and train from that fire station.

>> Houston: Thank you, ma'am. So everybody that's in an Orange shirt is a trained --

>> First responder. Absolutely.

>> Houston: -- In the neighborhood. Thank you.

>> Thank you.

>> Mayor Adler: Thank you. Blanca machado. And on deck is Reginald Muhammad. Is Reginald Muhammad here? You'll be up next. Ma'am.

>> Good evening. Mayor, city council, my name is Blanca machado and I'm here in support of the fire station. And I concur with every single person that has come up here, and I could go over the same emergency and stipulations that we need that -- a fire station.

[7:54:59 PM]

So I'm just here in support of my community for a fire station. Thank you.

>> Mayor Adler: Thank you. >>

>> I'm taller than everybody else, I guess. Good evening. I also concur with everyone, that discussed everything they said, but I would also like to paint a picture. Let's take it back earlier than 2012 when a little girl that was pedaling vacuums in del valle, she was also raped in that community. I can take you back a little further than that when a homeowner in del valle, it was a domestic dispute, and a lady stabbed her husband. All these things take place in del valle. Now, we could talk about response time, we can talk about all that, but at the end of the day, the way it's structured, lives are being lost, or lives can be potentially lost because of response time. Now, to take it further than that, she talked about the flood, Bob talked about -- I'm sorry -- Tony talked about the fires. I was there. I'm -- that's my wife y'all was just talking to. I was there when bastrop caught on fire. I was there when the parking lot that she's talking about with the store caught on fire. We see all of this stuff. So we're asking you not only just business, but personal, we're asking you to also grant this because we're there. We're the boots on the ground. Yes, ma'am, you see the Orange, but we're the boots on the ground. We see what you don't

see. We hear what you don't hear. We're active when you're not active. So when you see us on the news or whatever, that's us doing our

[7:58:03 PM]

>> I said that that was unacceptable, especially when I started to hear reports that people had started to receive higher insurance premiums. Since becoming the councilmember for district 2, I've made a commitment to host district meetings. We provide updates, highlights, highlight different city issues, folks are mostly thankful for the information and we often receive positive feedback. But I remember my first -- in my first year going out to del valle for that town hall and the atmosphere and the mood was different than my other meetings. People were generally upset and felt neglected. From the moment we arrived to set up the del valle ISD employee, helping us set up, made several comments about the price that the city of Austin was there, how they didn't feel like they were part of Austin and they didn't have any city services. I quickly learned that first year in office why this part of Austin feels that way. Time and time again I've spoken to city staff who are surprised that the Austin city limits go that far. After the Halloween floods, my staff and I felt helpless as homes were getting flooded so we loaded up our cars with cleaning kits, drove out to the neighborhood in del valle and started going door-to-door. People were hauling wet couches and furniture to their curb and all they said was, could you please just bring us dumpsters. I called city staff, I sent the address and was told that's not in the city, to which I replied, yes, it is. Thankfully, dumpsters arrived that next morning. I really pride myself in being practical and understanding limited money and resources when it comes to providing city resources. Every neighborhood wants a rec center and a pool and I know we don't have the resources to do that every neighborhood, especially del valle, wants a grocery store, and I know that we as a city can't force a private business to open a grocery store in every neighborhood. But we should and we must provide basic public safety resources.

[8:00:11 PM]

It's time we start now, it matters how long we kick this can down the road. I hope the staff can understand my frustration when after waiting two years for a resolution to the response for a clear need for more fire stations, I am now asked, just give us a little more time to figure it out. We've known for 20 years that Travis country had an immediate need for a fire station, but nothing's happened. We've known for five years that del valle needs a fire station immediately, but nothing's happened. Then the same austinites who need these fire stations recently had their insurance states sky rocked because they don't have a fire station. Today we have before us a plan for temporary fire stations until we can figure out a way to do permanent stations more quickly and efficiently. I've heard concerns about the cost of the building fire stations, but the city has funds available to build either temporary or permanent ones. I've heard concerns about ongoing costs for staffing these fire stations. I don't know what the alternative there. Is it to turn the Austin fire department into a voluntary fire department? The threat of someone's home on fire or health emergency where no help comes for over 13 minutes could mean the

difference between life and death. I'm almost done. These are not trivial matters. Fire stations provide a basic, essential service, and the city has an obligation to provide that service. Three years to build a fire station is unacceptable. I remain hopefully that we can figure this out together. I have drafted an amendment to my resolution, and even though we've been working on this for years, the amendment gives our city manager a little more time to work on it, if staff can find a way in the next month to more quickly build permanent stations, let's do that however, if, at the end of the day, three years is the best the city can do to build a permanent fire station, then we will have no choice but to give these austinites the relief they need now with a temporary station.

[8:02:15 PM]

I hope my colleagues can support this and that the city manager will work with us to provide the service effectively and efficiently. And I just want to address, I appreciate the point about the dollar general because I have to also point out, because I've heard several times that that dollar general is one of the highest grossing dollar general in our state because, again, this is a part of our city that doesn't have basic things like a grocery store. And then to hear, because of a slow response time, that dollar general burned down and was out of commission for I don't know how long, and these families not only having to deal with the burden of having no public safety resources, also now that closest grocery store that they had also burned down for -- I think it was over a year that it took for them to rebuild that. So thank you for allowing me that extended period of time, and I hope that my colleagues can support what I believe is a fair compromise. The amendment basically says Ed van eenoo proposed to bring back budget items, if we're doing the temporary station so my amendment basically says to bring us back those budget amendments that need to be done for the temporary stations. In the alternative, if we can figure out a 12- to 18-month timeline where we have a fire station at the end of that 18 months, then I could accept that compromise if the community -- if they -- if it takes one -- if they could get a temporary in six, or one more year they get a permanent, I could accept them getting a permanent in 18 months as opposed to four years.

[Applause] Jeter,.

>> Mayor Adler: On the dais, councilmember kitchen, then councilmember Flannigan.

>> Kitchen: Thank you, councilmember Garza. I really appreciate your leadership in bringing this forward and I'll be -- I'll be supporting this motion as you've amended it.

[8:04:23 PM]

I want to ask the city manager, I think we need to move expeditiously on the two top areas, but I'm also concerned about the rest of the five. And so the resolution directs -- directs developing a six-year timeline for the -- for five permanent fire stations, and that would get to all of the fire stations that are on the need -- on the list, and six years would be much faster than the current -- I think it's like a ten-

year time frame now. So I just want to do ask you, when do you -- we didn't -- this doesn't say when that plan would be brought back to us, and given the concerns that councilmember Garza raised, I'd just like to understand from you, if you have an idea at this point about when we would see a report pack on this six-year timeline and the plan for it. And if you're not certain now, if you could tell us when you could let us know.

>> Mayor, councilmember, I am not certain now so maybe when we bring back this resolution, if it does pass today, we'll have a better sense of what time frame we can get a timeline back to you.

>> Kitchen: Okay. So at that point in time, I just want to repeat to make sure I'm understanding, at that point in time, which I think is end of June, then you will come back and let us know when we would have the plan for the six-year timeline. And I'm hoping that the six-year timeline is interpreted to mean by the end of December 2024. That's when I would be thinking. So thank you.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: Thank you. Thank you, councilmember Garza, for your comments. At times they sound very similar to my district, and at times they sound very different. My district, continuing last time I looked, has more H-E-Bs than any district in the city, even though we have the largest land area. I do hear often from my constituents, we don't feel like we're part of the city or the city -- I called 311 and they said I wasn't in the city.

[8:06:28 PM]

I do hear that a lot. This is a significant amount of money to allocate, but it is one of the absolute most basic things we have to do as a city. And I don't -- I can't see a way to not do this. I did hand out an amendment. There is a version 2. If you see, it says Flannigan amendment V 2. Out a second one to reflect councilmember Garza's moved and amended version, the old one didn't make sense, but all this does is include that the report that lists response times be updated to reflect new response times after the updated signal technology that we approved through campo and other mobility improvements from the mobility bonds are completed. I don't expect that this changes the top two, because as, councilmember Garza, you said, it's not about response time that makes those two priority, but I would think that there are others, and then when you look at the ones after those, you look at that map, there's a second -- there are other areas that have high response time. I think in my district it's in Avery ranch, but aren't slated for a new fire station yet. It's right on the edge. But I think with this signal technology, we might find those numbers would come down and it will change the long-term need, because we'll be able to serve the community at that level. So what I'm doing with this, and then, mayor, with your permission, I'll make the move to amend, is just to ensure that as we move forward in this process, that we are accounting for signal and mobility improvements as it relates to our response times for first responders.

>> Mayor Adler: Any objection to -- any objection to including these? Hearing none, these amendments are included.

[8:08:30 PM]

>> Flannigan: Thank you.

>> Mayor Adler: Okay. Further discussion on the dais? Councilmember alter.

>> Alter: Thank you. I have a few questions of A.F.D. Staff, I'd like to dress my colleagues. Any questions I may have are coming from a need of due diligence on this end are not a reflection of trying to understand a complex situation. As you know, we have limits to who we can speak to due to the Texas open meetings act, so I want to thank my colleagues, especially councilmember Garza who sponsored -- co-sponsored this item for their work thus far on the item, and ask for their patience as I, as a member of the dais not in your quorum, without the benefit of your conversations, ask some additional questions so that at the end of the day, I, too, can articulate things to my constituents about the decision that we face today and in the future. I also want to thank the A.F.D. Staff who have been helpful in providing some of the data that I need to be looking at this. So I have a question for A.F.D. Staff. I'm not sure who would be most appropriate.

>> Todd dodge, chief of staff, Austin fire department.

>> Alter: Thank you. So between October and March, communications 20 council, October 2017 and March, the rankings in the stations changed. Can you tell me what changed in the formula that drove the change in the rankings of the stations that were listed among the five? The same five are there, but the rankings among the five changed.

>> That is correct. We included in the second analysis an additional component, which was the iso rating that the insurance services organization had given to the city of Austin, which was a split classification this time.

[8:10:31 PM]

>> Alter: So what drove the department's decision to include the iso ratings?

>> This was the first time that there had ever been a split class like this. Before we had always been one singular class, which allowed the same rates to be applied to all the city of Austin as a whole. This is the first time it's split out, some separate areas. So we thought it significant that we include that now.

>> Alter: And so iso strictly looks at the distance from the nearest five station, it must be within five miles? Is that correct?

>> That is correct. They look at many different factors when they come to assessing it. In this area, the one factor that made the difference where they got a class 10 was a distance from a fire station.

>> Alter: Okay. So iso ratings are causing an affordability problem for people in the now number two ranked area because they're classified lower in the iso ranking? Is that the issue?

>> That's correct, they would have a number 10 ranking which means that is given to the insurance companies, each individual insurance company sets their own rates, particularly that insurance companies do raise their rates because of that rating.

>> Alter: So am I understanding correctly that the top five stations on the list all have the same need and suffer the same challenges to service, but the

--the wait for the iso was added caused artificially by the iso system?

>> I don't know about artificially, but it does -- it has caused a difference, yes.

>> Alter: Okay. Could you tell me what is the response time for each of the top five fire stations?

>> I cannot tell you that right offhand. I don't have the data in front of me.

>> I can go back. I have it in my briefcase --

>> We have it back in the back.

>> Okay.

[8:12:34 PM]

>> In the Travis -- this is Christine with the Austin fire department. In Travis county, the 90th percentile is 11 minutes 4, seconds. In the del valle area, it is 13-12, and the loop 36 on area, it is 16-31, and can I don't even creek area, it is 12-10.

>> Alter: Thank you. So the loop 360 Davenport station is in my district, and I want to point out that between October and March it switched in rank, while at the same time the amount -- you can sit down. My other questions will be for my colleagues. Thank you. So between October and March, it switched rankings, but the amount of time went up from ten minutes to 16 minutes because of the change in the ranking, it was switched. So I would like to -- I think it's important that we're aware of that. It was not part of this discussion, so I was expecting we were having the discussion with the bond, so I have some questions about the rankings and it seals to me that all five of these stations have needs and would all benefit from the interim. I'm pleased to see more of an emphasis on all five of them in the revised resolution, but I would like to, if I get recognized again, I would like to move that we investigate providing the interim stations, whether it's fire or ems, for all five of them and figure out what is the most effective, economically, to move forward with because they all have need here.

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: I have a question, and I'm not sure, councilmember alter, if it's for you or for our staff. Can you help me understand the ranking, why the ranking changed? I know those are the questions you just asked the staff, but I didn't capture -- I didn't capture the detail about why those had changed.

[8:14:38 PM]

I also, chief Dodds, while you're talking about it, you made the comment about this is the first time there were split rankings and I didn't -- I didn't -- I think I understand what you're saying there, but I wouldn't mind you clarifying that.

>> Iso changed how they looked at cities so they gave a split classification. So we got a 1-1-y, which led to a -- houses being split in neighborhoods, some having a higher ranking -- a better ranking being a 1, or a lesser ranking. So because of that, we had not included iso in the comparison because it didn't make a difference. Every house was treated the same.

>> Tovo: I understand what you said the implication, I'm still not understanding about the first time they split rankings. Do you mean individual neighborhoods they split rankings or throughout the city, this is the first time they split rankings?

>> They would typically give an entire community the same ranking. This is the first time.

>> Tovo: As in the entire city?

>> Yes.

>> Tovo: Okay. That was one of the details I was missing, what the whole was that we were talking about that was now split.

>> Yes.

>> Tovo: Okay. And then the second part of my question, which I had asked first -- sorry for going in reverse order -- if you could just clarify again why those rankings changed with the top five.

>> It changed because we included the iso ranking in the calculation for a priority. But, again, like we talked about at the work session, all five areas were identified as areas of need. Putting a ranking on it is just a request for -- if you had to only put one fire station, where would the area of most need be. But we're saying that all five areas are areas of need.

>> Tovo: So I know you said that distance from the fire station was just one component of the iso ranking, but as I understood councilmember alter's point -- and I may have not captured the detail -- the distance -- it sounded like the ramping went down but the response time increased.

[8:16:47 PM]

Was that -- councilmember alter, did I correctly hear your comment about that?

>> Alter: So what I was trying to point out is that the response time -- so when they did the rankings, I'm not sure why because there's -- I haven't been able to dig into the iso rankings for my area. I didn't have time to do that, but it is five miles away. That's what the sheet says here, but I don't know why it wasn't ranked in the same way. What I was pointing out was that the ranking changed with the inclusion of iso, but yet the response time in my area went from 10 minutes in the data that was listed in October to 16

minutes in the data that was listed in March, and the public safety implications of the 16-minute change seemed to be pretty high. And so, you know, the need seems to have gotten even greater, and yet it's now ranked lower based on the public safety need, insofar as response time is a measure.

>> Christine tiece with the fire department. Oh, thank you. I've got to look at my notes here. So when we did the analysis and we look at kind of what you could say is -- what is the pool of areas that need a fire station so basically all the ones on the map that are blue and gold, we looked at area of development, resident population, employee population, and square footage of the property. All of those are elements that the city of Austin -- A.F.D. Responds to and provides service to those are the ones that kind of pull it into a pool. From there, let me go ahead and say we need to rank these, we need to say which ones are the most -- are at the greatest need, and of those, we basically look at response times, incident volume, homes at risk for wildfire and floods, and homes receiving a class 10 iso rating. The response times and incident volume are the greatest. That's 40% each.

[8:18:48 PM]

So 80% of the overall volume or the calculation. The difference -- when we look at Travis country, the reason that Travis country is always going to be number one when we start to compare these, is that's where the greatest call volume is. So even though it is looking at more of a 11 or around 12 minutes, it's got almost 1800 incidents. When I look at the Davenport area, it's more in the two to three hundred. And so even -- then the same thing with Morris crossing, in the del valle area. So there's this balance between incident volume and response time, and it's the volume that is kind of evening things out a little bit. So the reason we bring in homes at risk for wildfire and floods and iso is they're not evenly distributed across the city. All -- and the same thing with incidents and response times, they're not evenly distributed. But in the past, when we were a class 2, iso was evenly distributed. So everywhere in the city had the same. So that's one of the reasons we brought iso back in, or we brought any. It never had been brought in before does that make any sense?

>> Alter: I understand that you're trying to use additional data and whatever. The iso is the only thing that seemed to have changed the rank --

>> It is.

>> Alter: And I know that you've had conversations with my staff, and that we've been working on this with the esd4 and the iso ranking is an imperfect measure and they're not counting certain -- they're not counting five hydrants, they're not counting certain firehouses, so I'm not saying that we don't want to contest those rankings and do what we can on that, but my point is that all five of these stations have need, and they all don't have a station, and the only thing changing is the iso rank, and that seemed to, you know -- I would like to have the city manager be considering all five of them for interim and we can see where things look for our budget, what comes out, I understand we may not be able to fund all of them.

[8:21:01 PM]

There are limited funds. But I'm not -- you know, I'm not -- I'm not comfortable with this basis of this whole thing being just the top two when I have some serious questions about the ranking. I understand you're not trying to do anything wrong by adding that. I just -- I'm uncomfortable, you know, if we all have a public safety need and we don't know what it costs in any given case for the interim, we should be maximizing the public safety that we can deliver with our dollars. And I don't know where those chips will fall. But it seems to me we're going through an exercise here that all of them have a need, so I would like to ask my colleagues to include the five top stations in these budget things that will come back so that we have a better understanding.

>> Mayor Adler: Thank you. Still up on the dais.

>> Alter: So I'd like to make that motion unless somebody has a comment.

>> Mayor Adler: Okay.

>> Houston: I couldn't hear down here, I'm sorry.

>> Alter: I said I would like to make a motion that we include the five top stations in this item.

>> Mayor Adler: So I'm looking at this -- I'm looking at this resolution in front of us, and I'll come back to you to make a motion if you want. So I'm looking at the motion from councilmember Garza, and it has a paragraph that asks the manager to report back, I think it's the second resolve clause, with how you get from here to there with five permanent fire stations. So I don't know if that is the kind of thing that gets you there. Here's -- I find what councilmember Garza raised, the way it was raised and the complications of having insurance prices going up as identifying what could be the top strategic priority that we should have going in the budget session.

[8:23:18 PM]

Similar to the conversations that we had two years ago when it was the rape kit backlog, similar to what it was the year before that when we gave rise to the question of body cameras with the police. I think it's very compelling, and I think it is true that we have been not dealing with this for too long a period of time. And part of the challenge we have is we didn't deal with it too long a period of time, and now we have five needs that are even more critical than they were just a year ago and will be more critical a year from now. I'm trying to figure out how to deal with this in a way that is responsible. And so that we can talk through it. Because it may very well be that the decision that we make with fire stations, if we're prioritizing them, is the most significant thing, impacts the police contracts that we're in right now. And I'd like to know how this decision is going to impact those contracts. I'd like to know -- you know, we've set a goal each year for what we should be trying to add to health and human service spending, and I know we were talking about adding additional spending on mental health issues. I want to make sure that I know how this impacts that, if that impacts that. So I have all -- I just want to -- I just want us to know what we're doing when we -- when we do it. So I hear -- and I'll tell you, honestly, when I heard the numbers that councilmember Garza raised at the work session with respect to the estimate that it

would take four years to get a fire station up and operating out in del valle when we already own the land, I didn't -- I couldn't understand why it should take that long to get one up and running.

[8:25:24 PM]

So I know there are a lot of people, manager, probably talking to you at the end of that. Probably all asking the same question, why does it take that long? If we gave this dedicated staff, if we hired someone whose only job it was to Marshall through a fire station, could we get it sooner than that? Looking at two different things, looking at how quickly we could actually break ground out there so we're actually building, as well as how quickly we could complete the fire station. My understanding is, is that you've been going back and forth with your staff and pushing on that number. And I don't want to speak out of turn or incorrectly, but my understanding, I think, from last time I talked to you was that if this became a priority item and it was kind of a single-minded focus out in del valle where we already own land, you think that the city could break ground within 12 months and have this fire station completed within 24. Is that correct?

>> Yeah.

>> Mayor Adler: So -- which is significantly better than the four-year time frame. I would like this issue to be Teed up quickly because I think it's serious. I would like to know what the ramifications were if we were deciding things. We've had conversations, I know councilmember Houston has raised the question of increasing the reserves that we have in the city because we're about to enter into a legislative session where it looks like the governor is advocating for a two and a half percent cap on what we do, and there was some conversation with our finance officer, Mr. Van eenoo, about increasing the reserves that we have so that we're covered in the event that we get a capped revenue, but some of the money associated with being able to do the fire stations comes out of those reserve funds.

[8:27:24 PM]

So I need to know what the ramification of that is. But as I hit here now, I will tell you that I haven't heard anything in our conversations about budget that I find is compelling for me right now, and the priority, the fire stations -- a 16-minute wait, a 12-minute wait is just extremely problematic. I just don't know how to get from here to there, and I'm -- I don't know how to make that decision without having that additional information. So as I read councilmember Garza's item, my sense is what she's saying is, we've got to do one thing or the other. I agree with Mr. Nix that having an 18-month period is not realistic and we're setting ourselves up to not be able to get that done. But if you could get that done in 24 months, I'd be more comfortable putting in 24 months instead of 18 months, but I would also want to add there that we have to break ground and start construction within 12 months. So it would be adding that 12-month period of time and going from 18 to 24. But it would have you coming back in June, knowing that you were going to -- we're going to do one of these, or something of these, and have you take a look at the interim solution, the other solutions that councilmember Garza put in this that

talk about using txdot right-of-way, potentially, taking a look at how you do staffing and how you ramp up staffing. I don't know if there are other options or things for us to do with respect to staffing. I know that we are years behind acting on this. And I know that everyone wants a decision made, what to do immediately.

[8:29:27 PM]

I would feel a lot more comfortable if we could give you those four weeks to really run those traps, tell us what the two options are, give us your recommendation on which one to do, recognizing that we are -- we would -- we're going to do -- we're going to start doing something, and then tell us what the ramifications are on the budget so that no one is surprised in addition when this is the only thing that we're doing. I think it also reaffirms, I think, what you've heard from the council, generally, that we really want to you take a look at the budget and figure out the programs that we've been doing for a long time that don't match up to our strategic priorities today to see if it's not just a question of having to find new money to be able to do these things, but it's also rearranging the money that we do spend in a way that better reflects the priorities that this council is setting. All that to say I don't know how much of that can happen with this and I don't know what changes would need to be made in this, if any, other than going from 18 to 24 and including the one-year turn dirt. But I think this asks to you come back to us with a plan for all five stations, but most immediately, how we are going -- how you would recommend we proceed, interim or permanent, in at least these two high -- and that might already be in the language that councilmember Garza has offered, but that's just my concern. Ms. Houston.

>> Houston: First of all, councilmember Garza, thank you for adding some language in here about emergency service district 11. That kind of helps if we can partner with them. Have you been in touch with the Texas department of transportation regarding the utilization of the toll booth on 130?

[8:31:29 PM]

>> Garza: It's my understanding both the association and the fire department are in talks with txdot and our state leadership.

>> Houston: Could you all tell me -- I've got a pretty good relationship with the folks at txdot, if you could tell me after it's over who you're talking to, I mean we've been working really very closely on toll road 130 and some of the other highways, 969, Howard lane. So we might be able to get you an answer quicker if you tell me who you've been talking to.

>> Mayor Adler: Councilmember Garza?

>> Garza: I have concerns about framing this in a competing funds kind of way. Again, this is -- this problem isn't going away. We're going to have to fund it. I have been one of the lead advocates on increasing our funding for health and human services, but that's after we have provided the basic level of public services. When we have provided the basic level, then, yes, let's see where we can put our

money elsewhere, but I don't like this -- to be framed as we're competing with this and let's think about it with all these other things, I don't -- this isn't going away. These stations are needed. You're going to -- the longer we wait to build them, the more expensive it's going to get. And I find the idea of not -- of saying that we're not going to consider the iso, that it was an artificial factor -- this is our fire staff's professional opinion that the iso should be a factor, and I find it outrageous that we're going to reconsider and let the chips fall where they may during budget? These are the -- these were considered the top priority stations.

[8:33:33 PM]

And, frankly, I don't know why whymorris crossing wasn't number one. When we have austinites paying almost double their insurance premiums because we haven't built basic public service -- why isn't that station number one? And I saw, fair enough, the ranking was because they have almost quadruple the amount of incidences. I get -- and it's hard to see, and I get it, and, you know, there's more incidents that happen there. We need a fire truck quicker in Travis country. But I just find it outrageous to try to throw a wrench into this at this point, when the conversation at work session was, we don't have enough money for this, and now it's -- let's consider all five? I mean, --

[applause]

>> Garza: -- I think this needs this needs to be based on the professional opinion of our staff who have ranked -- this isn't the original resolution that ranked the five of them, that was part of the original resolution, make the timeline quicker, make it faster, I implore my colleagues to please support this item as ranked -- as priority ranked, not to consider an amendment to say now let's talk about all five and how we rank them and where we find this --

>> Mayor Adler: Further conversations on the dais? Ms. Houston?

>> Houston: Well, mayor, I certainly understand the feed for public safety in all parts of the community, and part of that I blame on the annexation policy of the city because as we talk about compact and connected, we keep annexing until now we can't annex anymore, and as we annex property outside of the urban core, we did not provide the kinds of support services that people needed. So that's on us, that annexation to get higher property taxes is on us.

[8:35:36 PM]

But now that we have annexed people and they're paying the taxes, we need to provide the services. My issue for the fire department is not the temporary shelters but the staff, the personnel, and what I heard on Tuesday was that we were going to go back into an overtime situation, whenever that happened. And I don't know what that means for our budget, again, because again, this is budget season and all those things have to be taken into consideration. So I don't have any idea, but those are some of the things that I'm interested in hearing more about, is -- I know you all gave us some kind of

cursory information about the cost for nine months, and then every year thereafter, but -- and that's -- was not for one station, manager, was that for the two? Here comes Mr. Van eenoo.

>> Looking at the memo?

>> Houston: Yeah. Uh-huh. Just refresh my mind, for two stations, temporary, 1.4 million to 2 million, and then what is the staffing?

>> Yep. So a deputy cfo for the city, following from the memo that I laid out, the fire department has informed us that their estimate for putting up a temporary structure is in the range of one to two million dollars. It kind of depends if it's going to be an existing facility that needs to be retrofitted or if it's actually going to be a new temporary structure, but one to two million dollars for each structure, total of two to four million dollars for the temporary stations. The standard complement for a four-person, staffed fire apparatus, whether it's an engine or ladder or quint, is a total of 16 personnel per station.

[8:37:36 PM]

So that would be 32 additional positions that would be added to the budget. The funding wouldn't come into play for fiscal year '18 but it would come into play for fiscal year '19. It's \$1.9 million per station.

>> Houston: Say it again?

>> 1.9 million per station, total 3.8 million for two stations, but in that first year we wouldn't anticipate you would need any more than ten months of funding because even on the interim station, we don't believe we could have that up and running before December 1st of 2018.

>> Houston: So is there money in the budget for the personnel, or is that where we talked about overtime?

>> There's not currently money in fiscal year '18 budget for 32 personnel, but that would be one of the actions we would intend to bring back at a future council meeting, would be an action to add those positions to the budget. We wouldn't fund them in fy18, but once they're added into the budget, we would, indeed, fund them for fiscal year '19. So it would be \$3.3 million we would anticipate adding to the fiscal year '19 budget to fund those 32 positions for ten months.

>> Houston: For ten months. Thank you.

>> Mayor Adler: Councilmember Garza, would you take an amendment to your -- you've asked them to come back with a process that outlines a 12- to 18-month timeline. Would you accept an amendment that says outlines a 12- to 18 -- 12- to 18-month, then add the words "And a 18- to 24-month timeline for design permitting construction and completion" and then adding parentheses, turning dirt within 12 months, so that the manager will come back to us with a plan that has a permit location if it can be done within 24 months, as opposed to 18 months, so that we can see that?

[8:39:43 PM]

>> Garza: I wouldn't be opposed to seeing that information.

>> Mayor Adler: I'm sorry?

>> Garza: I wouldn't be opposed to seeing that option.

>> Mayor Adler: Okay. Does anybody have an objection to adding to that, process that outlines 12 to 18, adding the words "And a 18- to 24," so it adds the words, 18 to 24, continuing on, month timeline for design permitting construction and completion, and then adding in parentheses, turning dirt within 12 months. Is there any objection to adding that? That means they actually start construction within 12 months.

>> Mayor Adler: It's very weird for a resolution.

>> Mayor Adler: I know. It's a resolution, not ordinance.

>> Tovo: It's councilmember Garza's name who's going to be on it.

>> Mayor Adler: Beginning construction in 12 months. I'll take that. Okay. Without objection then, that's added.

>> Garza: I just want to emphasize that part of that be it resolved, the first option is to bring back the temporary stations. If not, then --

[applause]

>> Mayor Adler: And I understand that I just want to see -- so we're going to see a temporary plan that may be the default; we're going to see a 12- to 18-month permit, 18- to 24 month permanent, and manager, by direction, if you can bring back to us what the implications are to the budget generally to we can evaluate those differences, I think that would be helpful.

>> Garza: I also want to emphasize that it says as per the report of our staff that ranked the top two, per that report.

>> Mayor Adler: Right. I wasn't recommending any changes there. Further discussion? Yes. Councilmember alter.

>> Alter: I would like to make a motion that the first be it resolved be scoped out for all five of the stations which have been waiting for years.

[8:41:52 PM]

After the first be it resolved in the interims --

>> Houston: What page is that on? I'm sorry.

>> Alter: Would be, I guess -- the first broadly -- I'm sorry, mine's not stapled correctly. Page 5, I think, after the last whereas clause. I'm not talking about ranking, I just want, you know, other parts of the city also have been -- these stations have been waiting for a long time as well.

>> Mayor Adler: So where it says in at least the top two areas, you're wanting it to say in at least the top five areas?

>> Alter: Well, there are only -- it would be the top five areas.

>> Mayor Adler: So it would be changing the language from in at least the top two to the top five.

>> Mayor, the language says at least. If the city manager wanted to bring all five, he can do that with the current language. The information I've gotten from staff is, there's no way they can do the two, so I don't see how it could be reasonable to even think that he could bring back five temporary station options and there be funding for it. I think that goes beyond the spirit of what -- of a compromise made to try to address at least the top two. That's why it says at least. He can bring back five, he can bring back ten, but I believe that goes beyond a compromise we were trying to make in understanding the difficulties that our city is facing with funding these large expenses.

>> Mayor Adler: Okay. So, manager, with respect to that direction, you have at least -- this language would say at least the top two. Would you be able to take a look at whether it was feasible or at least to educate us on more than that if it was available information so that we would be able to understand that scope?

[8:43:57 PM]

>> I certainly understand the direction that's given up on the dais right now.

>> Mayor Adler: Okay. Thank you.

>> Alter: I would prefer it to be in the motion if I have a second.

>> Mayor Adler: I understand. Is there a second to councilmember alter's amendment? Which is to change it from in at least the top two areas to being in the top five areas. Is there a second? Councilmember pool seconds that. Discussion on the dais?

>> Houston: So what I'm understanding is it's just as a matter of as you're looking, as the city manager is looking, look at the five that have been identified and then focus on those top two because those are the top two, but as you're looking maybe look at the others. Is that what you're asking to do?

>> Alter: I'm asking for the scoping for all five so that when we make our budget decisions we have all the information. They all have public safety needs.

>> Houston: This is -- I think -- and not to -- and the firefighters are a great group of men and women, but the planning aspect of the fire service has been something that's been an issue for a while. So I think this is something how do you plan for rather than react to so I would be willing to include that.

>> Mayor Adler: Manager, did you --

>> The budget staff has a different interpretation of how that amendment might be interpreted?

>> So I have three versions of this so I apologize if I'm on the incorrect version. The version I'm looking off of, the first sentence or the first be it resolved seems to speak to the temporary stations and what I'm reading it simply says to come back with the necessary finance action items to construct, build or establish interim fire stations.

[8:46:01 PM]

It is mute to the number. The next section of that first be it resolved speaks to the atative of building permanenttations and my understanding is you would want to replace that section where it talks about the top two to being -- or the top five.

>> Mayor Adler: I don't think so. I think the amendment was in the interim station section where it says, if you'd like on the third line, it has language in at least the top two areas. It would change it to the top five areas. So it would be asking for you to -- the manager right now could in scoping this look at all five and come back to the council with a report on all five. But was not necessarily directed to do that. Councilmember alter is saying -- wants specific direction to come back scoping all five.

>> So based on the new version I'm looking at it seems like it says to construct, build or establish through temporary structure or other means these stations. So for us to do that within six months we would have to come back. I would recommend coming back at your next council meeting with the necessary budgetary actions to put the money in place to do that. That would be the only real possibility we'd have of complying with the six-month turnaround.

>> Mayor Adler: My sense is that then the decision would be made at that time, at the end of June, whether to pull the cord and execute that or not. My understanding of what councilmember Garza is trying to do here is create a default, saying we want you to analyze and come back to us with a plan to do at least the top two, bringing us back the ability to be able to execute on that plan in June by an ordinance that says go.

[8:48:06 PM]

>> Sure.

>> Mayor Adler: Or something so that you'd be coming back with how that would be financed and those kinds of questions. Which I think would necessarily be broader than that and the manager said it would be broad enough to tell us what the ramifications were. So I don't read this as saying we're going to do it. It's creating the default and setting up for you to come back at the end of June with that. But it also says even though you're going to come back in June so that we can move on that should the council decide to move on that because you're going to bring us the necessary stuff, you're also going to bring

to us back in June what the 18-month and 24 option plan would be with respect to a permanent one. That necessarily means you're going to have to look at staffing for those. So it seems to me what we're really saying here is we're going to be making a decision in June, end of June, but there's a default that's created. In other words we're saying, look, we want to do something, we want to be prepared to move at the end of June. But you have, please, four weeks to come back and tell us the ramifications of the plan and what we're looking at.

>> Yeah we can certainly bring back the financial actions to do two or to do all five and then council can select what you want to do, just two, all five.

>> Mayor Adler: Right.

>> We can certainly be prepared to do that and bring that back.

>> Mayor Adler: It said at least two. If you're saying you can do all five that's great. Give us what the ramifications are on that. So I'm still dealing with an amendment that we have. Councilmember alter's amendment is to change the language. Councilmember Flannigan.

>> Flannigan: Thank you, mayor. I'm more comfortable with the original language with respect to this amendment. The really aggressive time line to the extent that it does make me uncomfortable given the size of the financial commitment we're making that's going to require a budget amendment in the current fiscal year if we're going to have stuff built by the end of this calendar year I'm much more comfortable leaving it in the at least top two.

[8:50:16 PM]

I think it's going to be hard enough for staff to get to one much less two.

[Applause] And I'm comfortable with the six-year time line for all five. And I think --

>> Mayor Adler: Okay.

>> Flannigan: We're going to be really strict with the six-year time line for all five. But I'm more comfortable with the way it's written now.

>> Mayor Adler: Okay. The amendment has been moved.

[Applause] Is there any further discussion on the amendment? Councilmember pool.

>> Pool: I think we're clear on the top two and for folks in the audience that's -- I don't think that really is the question. The question is, are there other folks in the city who have similar needs to the ones that you've come down here to tell us about who didn't know to come, for example, and who would be just as empathetic understand their request in support for us to collide them in the group that could have temporary fire stations. I think that is what councilmember alter is aiming for here, which is why I support what she is going -- trying to do. I recognize it's a budget issue but it will always be a budget issue, and I don't think it harms the effort at all to have the additional information at the same level so that we really are making some informed decisions. I don't think that changes the fact that

councilmember Garza has brought her top two, councilmember alter has concerns in her area, and I think that they deserve to have -- to be addressed as well.

>> Mayor Adler: Councilmember alter.

>> Alter: If you want to do the top three if that makes it more palatable I'm okay with it. I was trying to address public safety and have the information for everybody.

>> Garza: Mayor, that's why I said the ten-year time line was unacceptable. That's why I changed the ten-year to a six.

[8:52:16 PM]

I've emphasized it's citywide. I think it addresses the same needs as it's written. I don't think adding five options is appropriate. I will be voting no to this amendment.

>> Mayor Adler: The amendment has been moved and seconded. Is there any further discussion? Let's take a vote. Those in favor of the amendment please raise your hand. Pool, alter, Houston. Those opposed please raise your hand. It's the balance of the dais, troxclair off. Manager, please do however many as you can do. Further discussion on the resolution? Councilmember alter.

>> Alter: I would like to divide the question so that I can vote differently on the first -- excuse me, on the first be it resolved and I think it's the first be it resolved. So if I can have the whereas clauses and the second one that remains, the fourth and the fifth as --

>> Mayor Adler: You can certainly divide the question but I'm not understanding how you're wanting to divide it.

>> Alter: I want to be able to vote no on the second be it -- on the first be it resolved and the third be it solved.

>> Mayor Adler: Okay.

>> Garza: Mayor, I don't think we have ever picked and choose which be it resolved. When it makes sense to split the question that's one thing but if you can't agree to it all, councilmember alter, just vote no on all of it.

>> That's right.

[Applause]

>> Alter: With all due respect I have the right to divide the question the.

>> Mayor Adler: And she does. What she's saying she wants to divide the question so it only speaks to the permanent and doesn't speak to the temporary ones. I think that's the impact of that.

>> Alter: Yes.

>> Mayor Adler: And councilmember alter is entitled to make that request.

>> Casar: Mayor?

>> Mayor Adler: Yes.

>> Casar: I think under Robert's rules she's entitled to ask for it but we are entitled to be a vote on it.

[8:54:21 PM]

It's not to be a stickler but I think it's best practice to follow the rules. I'm pretty sure that if somebody challenges it you can put it up for a vote to divide the question.

>> Mayor Adler: I think that's true. You can do that with any ruling of the chair. I would divide the question because I don't think it would impact the ultimate vote that we have here. But certainly --

>> Casar: Mayor, the reason I bring it up is not to challenge the chair but because I think we are starting to establish a practice that we just divide the question whenever we ask for it but my understanding is that it actually takes a vote to divide the question if somebody has a concern.

>> Mayor Adler: It does.

>> Casar: So it's not a challenging of your ruling.

>> Mayor Adler: That's okay. And I didn't even mind it if it was. There's been a request to divide -- there's been a request that we put that to a vote. Councilmember alter wants to split the consideration of the permanent stations from the interim stations in this resolution. The question is before we will divide the question that way or not. Ready to take a vote? Mayor pro tem.

>> Tovo: Yeah, I'm can be I just wanted to say I'm going to support the option of dividing the question because we have done it for other people. In fact I remember one day where we divided the question and allowed somebody to vote on the action part without supporting any of the whereases, which made just very little sense to me because we could have then ended up with the action without no whereases or whereases without no action. But so I'm going to support the division. But this might be something, too, we want to think about a little bit when we talk about kind of processes and when we adhere to Robert's rules and when we might want to make our own tweaks, which is the conversation I talked about earlier with regard to substitute motions.

>> Mayor Adler: Okay. I'm going to vote to divide the question as well because I just think it's the right thing to do and I think it's going to be the same vote both ways.

[8:56:23 PM]

Ready to take a vote? Those in favor of dividing the question -- those in favor of not dividing the question? Because I think -- no. Let's state it -- I'm going to state it in the affirmative. Those in favor of dividing the question please raise your hand. Those opposed. Garza and Casar. Others voting to divide

the question. We're going to divide the question. We have this in two sections. Let's vote first on the interim direction as covered in both the first and third resolved clauses. So let's vote on the first and third resolved clauses. Ready to vote on those? With the amendments. Ready? Those in favor of the first and third resolved clauses please raise your hand. Those opposed. Pool and alter voting no, Houston voting no, others voting aye. Those first two are approved. Let's vote on the balance of the resolved clauses. Those in favor -- I'm sorry?

>> Flannigan: And the whereases.

>> Mayor Adler: And the whereases. Whereases is in the balance of the clause please raise your hand. Those opposed. Unanimous on the dais with troxclair gone. I think that's final action on this one. Okay. Item none 35 is approved as mended.

[Cheers and applause]

>> Thank you.

>> Mayor Adler: All right. Let's go to the zoning matters.

>> Mayor, Jerry rusthoven with the planning and zoning department. Next zoning item is 56, c14-2017-0132 for the property located at 4515 south congress avenue. On April 26, the city council approved this case on first reading. They approved cs-mu-v-co master plan zoning.

[8:58:28 PM]

>> Houston: Mayor, could you ask the --

>> Mayor Adler: Could everyone please, please, keep it down so we can keep working? If you could hold your conversation please we'd appreciate it.

>> At the time of first reading the city council standard that the applicant work with the south congress combined neighborhood planning contact team to work on issues of emergency access to a street known as lexinger lane and also to discuss lighting issues. Mr. Mario Cantu from the contact team requested the emergency access only be granted to lexinger lane. This is something the applicant is agreeable to but the transportation department is not. They have also requested the city not require right-of-way for the possible future widening of the street. That is something the city cannot agree to and also asked that we incorporate lighting from the development facing lexinger lane and she Sheridan. They're requiring the lighting be amber. That's something the city can agree to place in overlay, but the applicant has agreed to do it. Michael whellan is here to address any questions the city council might have. With that I'm valuable -- available for any questions.

>> Mayor Adler: Which item is this?

>> This is item 56?

>> Mayor Adler: 56. Let's bring the applicant up.

>> Michael Whellan on behalf of the applicant. The other thing we went back and worked on at the request of the council was the affordable housing issue. I mean, we basically have reached -- and we can to do accommodate on all the issues they raised. The only open item is Facebook. We think that ultimately we'll generate anywhere from 28-30 total affordable units. We've agreed for the first 25 units those will be at 80% mfi but that all other units will be at 60% mfi.

[9:00:33 PM]

Since the first reading we've also gone ahead and agreed that the -- all of the affordable housing units will be in a proportionate mix to the market units and, in addition, that all of the 60% mfi units will be two or more bedrooms so that any units -- any of the affordable units above 25 will be at 60% and all of those will be two or more bedrooms to try and reach an accommodation. So that's where we are. The neighborhood has asked 5% being at 60% and 5% being at 80% and in response we went ahead and did all of the two bedrooms -- all the 60% would be two bedrooms, two or more pathways, I should say -- two or more bedrooms. That's where we want. We really would like to get this done. I mean, that's why we've made this offer and why we're working so hard -- or have worked so hard I should say. Thank you all very much.

>> Mayor Adler: Okay. Thank you. Yes, mayor pro tem?

>> Tovo: Sorry. Mr. Whellan, I didn't completely capture those numbers. Would you mind running through them more slowly?

>> Absolutely. This is voluntary and is a private restrictive covenant?

>> Tovo: 5% at 80%?

>> No. What we've offered or the contact team, we're -- the contact team is 5% at 60%, 5% at 80%. We have offered to do the first 25 affordable units will be at 80% mfi, all other affordable units above the first 25 will be at 60% mfi, and all of those units that are at 60% mfi will be two or more bedrooms. Period. So none of those condition single bedrooms. They'll all be two or more bedrooms. The 60%.

>> Tovo: Since you switched from percentage to units, how does 25 -- remind me what the total units --

>> Let me give you an example.

>> Tovo: What are the total units?

>> It will be probably 280 to 300.

[9:02:35 PM]

I don't know. We've been using 280 as an approximate number so what will happen it will be 25 units at 80% mfi, three at 60% mfi if it were 280 as an example. Of course if it was 300 it would be 25 at 80% and

five for a total of 30 affordable units. In the example of 280 the three that are 60% mfi would be two or more bedrooms. And, and, the entire mix of affordable units would be in the same proportionate mix as the market units.

>> Tovo: And so I assume that in this area the neighborhood planning team adopted 80% as their mfi.

>> They, did they, did they did.

>> Tovo: Just as a side note we should probably now and then remind neighborhood planning teams of where they set that V -- I don't know why I'm saying vmi, I'm sorry, vmu, mfi levels for vmu because if they want to I would assume they would still have the option of lowering it to 60%, which was the -- where it could have been, neighborhood planning teams have the opportunity to set it at 60% or 80 or a range in between. And so it sounds like this neighborhood planning team really wanted deeper levels of affordability and maybe would be more comfortable with a 60%.

>> And we've tried to manage that with the fact that there's a storage unit there right now that obviously is generating income on a month to month basis as well. We're trying to balance the different competing concerns. We'd rather have housing there than what's there currently or office. I know you've had other cases where people have given up and gone to the office option. I think this is a great opportunity for housing and for on-site affordable housing that's meaningful. I mean it would at least be more than 25 units in all likelihood, probably closer to 28 or 29 total on-site affordable housing and at a lower rate than the current market in that area right now, a considerably lower rate.

[9:04:37 PM]

>> Tovo: What's the term? What's the length of time?

>> 40 years. We'd continue to comply with the vmu requirement of 40 years even for those additional units.

>> Tovo: But you haven't lengthened it at all? You've stuck with 40.

>> Yeah, the 40 years, yeah.

>> Tovo: Okay, thanks.

>> Renteria: Mayor.

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: I'm trying to get it straightened out because it was a lot of numbers thrown out so fast. So I know that in that little area right there we had already built 537 units are gonna get built there, and I have a lot of concern because of the -- out of that amount only 14 to 17 units are being offered at 60% mfi. But I know that's not your -- that's another project. So what is the number again? I'm sorry.

>> So the total number of affordable units, if we had 280 total units, there would be 28 total that would be affordable. Of the 28, using that as a hypothetical, we would have 25 units at 80% mfi and we would

have three units at 60% mfi. In addition, of the 28 units we'd have to be in the same proportionate mix as the market units, one bedrooms and two bedrooms, and rehearsal regardless, all of the --

>> Renteria: So three of them are gonna be three bedrooms.

>> It will probably be more because the mix will probably be more like -- let me do the math quickly. Elettes say the mix was 70/30 and you had 28, so you'd probably in all likelihood have a total of anywhere from six to eight two bedrooms total. Three of them -- this way we're ensuring that they -- the two or more bedrooms aren't slotted as 80% mfi.

[9:06:43 PM]

We're ensuring at least three of them if not more won in the 60% mfi. And this would be in a private restrictive covenant because we're voluntarily offering this. Obviously.

>> Renteria: And --

>> Mayor Adler: Hang on. Go ahead. Did you have additional questions for Mr. Whellan?

>> Not for Mike.

>> Mayor Adler: Okay. Thank you.

>> Renteria: I have a question to staff.

>> Mayor Adler: Jerry?

>> Renteria: Jerry?

>> Yes?

>> Renteria: You were saying something about they had requested a conditional overlay on to the entrance and exit design designate zero as fire emergency response to designated use only on lexinger lane? Is there a problem with that?

>> The transportation staff is not recommending that.

>> Renteria: Okay. Mayor, I still have a lot of questions and I need to get together with my contact team there and I will -- want to go ahead and support it on second reading and set up if we could do third reading on June 14.

>> Mayor Adler: Mr. Renteria moves to approve on second reading now and bring it back for third reading on June 14. Do you want to respond to that, Mr. Whellan? No. You okay with that?

[9:08:45 PM]

>> Sure.

[Laughter]

>> Mayor Adler: Okay. The motion has been to approve on second reading, come back for third reading June 14. Yes, councilmember pool.

>> Pool: And the second reading includes the changes Mr. Whellan outlined earlier? Thank you.

>> Mayor Adler: Those in favor please raise your hand --

>> Flannigan: Mayor?

>> Mayor Adler: Yes. I need a second to Mr. Renteria -- councilmember pool seconds it. Mr. Flannigan.

>> Flannigan: I want to clarify the things that Mr. Whellan were laying out were a private restrictive covenant not changes to the ordinance. Yeah.

>> Mayor Adler: Those in favor please raise -- yes, mayor pro tem.

>> Tovo: Were you told you could not put them in the ordinance? In terms of the units, the affordable housing units?

>> I'll let city legal respond to that. We were told -- we were in favor of a conditional overlay for the emergency access. We told I think everybody that, and the neighborhood is in agreement with that because we were agreeing with them on that. On the affordable housing, I thought that we -- that the city could only enforce the vmu. We're fine if it's in the ordinance, but if it isn't fine we also committed independently to do the restrictive covenant.

>> Mayor pro tem, the adjustments to the exiting vmu program have to be in a private covenant because of state law.

>> Tovo: We keep running into that issue and I keep saying every time it comes up we're working on a resolution and we are working on a resolution but because it keeps coming up I'm going to try to make that a priority. I really do think when we have property owners who want to do more affordability than exists in our ordinance it would be great if we could find a mechanism for them to do that as part of the ordinance rather than a private restrictive covenant.

>> Pool: Mayor, I couldn't heard what Mr. Rusthoven said in answer to the mayor pro tem because you were speaking so fast.

[9:10:50 PM]

>> I'm sorry. I have to go to the planning commission meeting over at waller creek. The issue has to do with we have an existing affordable housing --

>> Pool: No, no. I understand the issue, but you made an answer to what the mayor pro tem had asked, and it was just so fast --

>> So state law does not allow us to make modifications to an existing incentive program. You can only do the existing parameters. He's willing to do more. That's fine. But it has to be in a private covenant, not in a city document.

>> Pool: Great. I would chime in with what the mayor pro tem said and direct us also to the city manager that it would be great if we could find a way to memorialize the additional efforts that a developer wants -- voluntarily wants to do so that we can keep track of it. Thanks.

>> Mayor Adler: Okay. It's been moved and seconded. Any further discussion? Those in favor please raise your hand. Those opposed. Unanimous on the dais with councilmember troxclair gone. Approved on second reading.

>> Next case is 63, c14-2017-0139, property located at 3207 if, lane. We have a postponement request to June 28 that is the second question Q from the neighborhood. They did request a postponement on may 2 and that was granted to today and the applicant is opposed to the postponement request. So would you like to discuss the postponement before we decide whether to do the case?

>> Mayor Adler: Yes.

>> Okay.

>> Mayor Adler: Let's get the neighborhood first requesting the postponement.

>> Mayor, how long do I have?

>> Mayor Adler: Three minutes.

>> Three minutes, thank you. My name is Jim on behalf of walnut place neighborhood association. The neighborhood found out from Mr. Whellan this past Monday evening at 7:15 by an email that he sent to me that he was withdrawing from negotiations for a restrictive covenant that would have provided a win-win compromise, everyone-happy position, and he wanted to come to council and hear what the council had to say.

[9:13:05 PM]

We're not opposed to his approach, but we deserve the opportunity to be able to meet individually with council offices and present our side of the story. Especially since this maintained, which is not in the -- since this neighborhood, which is not in the city limits, presented a valid petition only to have the city tell them it's not valid because they're not in the city limits. So we don't get the benefit a three quarter vote even though we should, even though the city code says that all you have to do to be an interested party is have a utility address within 500 feet. It doesn't say you have to be a resident to the city. But so we're asking for additional time and we could settle for two weeks if it's just gonna be to come back, we can lobby council, obviously, before June 14. But we are hoping that maybe the applicant would reengage in negotiations on the restrictive covenant. To give you a clearer picture I want to do an analogy, and you're all familiar with the cartoon of Charlie brown kicking the football only to have Lucy

pull it away at the last second. Well, walnut place neighborhood association is Charlie brown. The football is the restrictive covenant. And Michael whellan is Lucy. So he has --

[laughter] He has -- on March 6 he asked the city council -- I'm sorry, he asked zap for a postponement so that he could negotiate with us, and he got it. So we set up a meeting with him on March 21 with 40 people in attendance from the neighborhood to see what changes he wanted to make. He had nothing. Move forward from March 21 to may 3, we finally out of frustration, the neighborhood prepared the restrictive covenant. We asked for a meeting and came to his office to present it to him and his clients.

[9:15:09 PM]

May 18, 15 days later, he finally responded. But his response was an entirely different set of regulations. It wasn't a tweak. It was entirely different. We responded the same day that we couldn't agree to that but we'd like to negotiate but it had to be done by the end of business day on this past Monday, may 21. So I never heard from him during the day may 21. I called him. I emailed him. Got nothing back.

[Buzzer sounding] 7:15 P.M. We're going to quit negotiating with you so please give us the postponement. Thank you.

>> Mayor Adler: Is this up for first reading known it is for first reading only? What if we approved it on first reading only but kept the public hearing open so that --

>> You know, we've had --

>> Mayor Adler: You can speak to the council offices as well as come back in and testify --

>> Houston: Mayor, it's in my district. I was going to suggest that.

>> Mayor Adler: I'm sorry.

>> Houston: Before we go through.

>> Mayor Adler: Ms. Houston.

>> Houston: I was going to wait until he finished and then hear from the agent.

>> Mayor Adler: Okay.

>> Lucy, on behalf of the applicant.

[Laughter] Michael whellan. Please do not take a vote on whether I behave like Lucy. I don't want to see that vote. Of course with everything there's always three sides to every cookie. Including that thin layer. What did happen, we revised the proposal originally was to have it all warehouse limited it was include a 125 strip of mf-1. On April 1, '42, members of the contact team -- excuse me of the neighborhood indicated that it was pretty close and, quote, seems to me this is going to give us most of what we want. On the 17th the zap approved that recommendation. 16 -- and that was a strip of mf-1, again, the neighborhood responded and said this seemed pretty close.

[9:17:11 PM]

16 days later, Lucy grabbed the football from me and said, no, no, no, we don't want any residential, we want 175 feet of vacant land with a 4-foot tall berm between walnut place neighborhood, which is across the county road in the county and this property that's in the city.

>> Houston: Mayor, excuse me, Mr. Whellan. Could you show us what you're talking about? We don't have any idea. I mean, I know where it is but nobody else does.

>> Yeah, yeah, second page. Just a big site. The whole point is that came to us 16 days after the zap vote and we thought we were going to be -- this is where it is just so, you know, Springdale road, landfill, bar mansion, appraisal district, ups and then postal service. If you go south Ibj, it's not on this map but that's where -- Ibj high school just to give you a sense of where it is. So it did take us time for our engineers and everything but we did come back. It isn't we totally dismissed the 175-foot buffer. We decided to offer 100-foot vacant buffer instead and also some of the compatibility concerns, no amplified music and trucks turning left outside. The reason I give you that history is we are at an impasse where I think we need a policy decision by policymakers for property that's in the city, specifically do you want housing -- and we're talking about 16 units on 2 acres so it's eight units per acre, kind of missing middle type housing, or do you want a vacant lot, 100-foot vacant lot there? That's kind of where we are and I think we just need some policy direction at this point. And then it would be on first reading only and we'd be able to with that policy direction I think go forward, figure out what else we might be able to do. So that's what I have and I think we just need to get some policy direction. Thank you very much.

>> Mayor Adler: Ms. Houston, do you want to say something?

[9:19:12 PM]

>> Houston: Go ahead, Mr. Flannigan.

>> Flannigan: So I'm curious if law could share with the council I think valid petition does or does not apply to properties outside the city limits. I'm happy in getting that as a memo later than right now. I'm curious about that. I have a lot of weird annexations in my district and so it would be great to know in advance should zoning cases come up, what that actually looks like. Because my instinct on this is that the longer a case takes and the more staff time involved and the more taxpayer dollars paying for that staff time it should really be in the service of taxpayers. So I'm hesitant to delay cases based on neighbors that don't live inside the city, and I appreciate your frustration, but you could petition the city to be annexed and then you would have all those rights and that is what the state law has provided you. That is not with standing my respect for councilmember Houston and things she might feel about this case. That's two separate complete issues but I would like a memo from law about how valid petition applies outside city limits.

>> Mayor Adler: Empties Houston.

>> Houston: If you could send send that to all of us.

>> Sure, I can answer briefly really quick my understanding of the law. The state law says that the person who is entitled to a valid petition needs to own property on the municipal tax rolls is the statement so by definition that means you're in the city.

>> Flannigan: Right. So how does that apply to limited purpose areas which have zoning but aren't snatched. Taxed?

>> Limited purpose does count for valid petition because they are on the tax rolls but don't suffer --

>> Flannigan: That's why I want to see a memo. Thank you.

>> Houston: So my motion is to move approval of the zoning and planning commission's recommendation on first reading only.

[9:21:22 PM]

This is a -- I have not talked with the neighborhood. I'd be more than willing to do that. But when there is a need, even though it is far at the edges of district 1 and there is no transit there, the fact that there will be the possibility of homes that would be able to house people that are considered in the missing middle is appealing to me. And I think that some things have been done to keep the office and the warehouse and will be able to provide some jobs, skilled and unskilled. So I think that we need a little bit more time, but this will be on first reading only.

>> Councilmember, if I could clarify, or council, this is a public hearing case, so I would need to know if you want to leave the public hearing open at the time of second hearing. Otherwise we'd have to conduct the public hearing right now and close it and move on to second and third later.

>> Houston: You were talking so softly. Leave the --

>> The public hearing, this is a case that requires a public hearing. So if you leave the public hearing open now, that's fine because we can continue it on second reading. But if you don't want to leave the public hearing open I would say we have to hear from speakers tonight because that's what the law requires.

>> Houston: Speakers are here tonight. What are their pleasure?

>> There aren't speakers here tonight but you could leave the public hearing open --

>> Mayor Adler: Would you all prefer to speak now or prefer to speak what it comes back on second reading? If you're hear now we'll take the testimony if you want to speak.

>> Well, in order to hopefully influence your vote today we'd like to speak now.

>> Mayor Adler: That would be fine. Let's call the testimony. Okay. Applicant will start. You can open with five minutes on the substance of the case.

[9:23:25 PM]

Mayor pro tem.

>> Tovo: I think you answered my question. So we're asking people to speak to the merits of the case today?

>> Mayor Adler: Correct. So we will have the public hearing on this matter now.

>> Tovo: Will they also have an opportunity to speak -- councilmember Houston is it your intention to leave the public hearing open so that people who choose not to speak today did speak next time?

>> Houston: Yes. Because they'll have time to have a conversation with Mr. Whellan and the second reading we'll close public hearing.

>> Tovo: So I guess also if people speak tonight are we going to allow them to speak next time if things have shifted in the days or I just want people to understand if they speak tonight if they'll have an opportunity to speak at the next hearing. Which they may prefer to do if they're --

>> Houston: Our practice has not been that. If you speak tonight that you are unable to speak the next time.

>> Mayor Adler: You have a choice. You can either speak tonight or you can speak after -- at the next public hearing, but you can't speak both times.

>> We'll speak

[indiscernible]

>> Mayor Adler: Okay.

>> Unless it doesn't apply to me though? So Mr. Witliff, do you want to speak?

>> Yeah you're not going to give Mr. Whellan -- I mean, Lucy a chance to make their presentation first?

>> Mayor Adler: We can certainly give him that opportunity but then he would have that same opportunity on second reading. Which I think ebbed entitled to as the applicant?

>> Okay.

>> Mayor Adler: But in case anybody objected to him being able to speak fire station -- twice, he sat down and said I won't speak.

>> I'm sorry. I missed that.

>> Mayor Adler: And I say that even though I think the appropriate thing for us to do would be to give the applicant the chance to speak both times if he's going to be addressed -- in fact I think in abundance of fairness I think I'm supposed to do that.

[9:25:25 PM]

Mr. Whellan if you want to you can speak first without prejudicing your ability to speak the second time.

>> I would. I think it sets the table for what we're talking about, and I can run through it rather quickly.

>> Mayor Adler: Okay.

>> So if we could. Michael Whellan on behalf of the applicant. You've already seen this map, land, where it's located, 183 and 290. This is the site specifically with the ups right across the creek there, and then the Walnut Place neighborhood opposite. The street Sansome and Ferguson is to the north, those are council roads, county is on the opposite side of the site. Current zoning is warehouse limited office, no neighborhood office and sf-1 passed I think in the '80s. And the request was to zone it all warehouse limited office. I want to pause and remind everybody warehouse limited office has a limited height of 25 feet. There's a 25-foot height limit. And those units can't be more than one story. This is what our proposal was. These were 60x120 buildings, about 7500 square feet each to try and help a small entrepreneurial type entity. You can see the bay doors are facing away perfect the neighborhood. That's part of the requirement. The one -- there is one bay door that faces east, the very top but there's a building on the other side of it. Those are the two buildings facing each other so the bay doors are in the middle. By the way under wlo you can have artist gallery and kiln, hopefully maybe some artists would like to come out here. Our proposal was -- this was a zap recommendation with yellow being mf-1, 125 feet deep from the property line and there would be a 50-foot compatibility buffer between that 125 feet and the first wlo building.

[9:27:32 PM]

And this was the proposal we made to the community, and got good feedback on. You can see two water quality ponds and the four sets of four, 16 units, and we tried to limit the number of driveways there as well. And that's what we're asking tonight. The tough site, 40-45% of the site is in the water critical zone. This is in your backup. You'll hear from Joyce later today initially back in August 2017 she actually -- there's some curiosity about whether there had be interest in purchasing the property by the neighborhood. October 24, met with the president, the -- we also met with neighbors in November of 2017, and in February of 2018 we again met with the board to get feedback. February 7 we did follow up. March 3, found out they objected. March 21, met with them again to receive feedback. And we also heard about their annexation concerns at the time. There was some concern that we'd be oversizing the wastewater line in a way that would make it easier for the city to annex them so there was concern they'd have to get off septic and lose their septic fields. March 28 the applicant sent them a revised comp set plan so we could receive comment from them March 21. So our concept plan at that time was individual lots to try and match the lots on the other side but that would have meant each one of those would have had driveways and Sansome was not a great road, which is why we went from mf-1 and limited it to two driveways. So Jim responded with a list of comments to this plan right here. We

responded to his email. We got more feedback from Mr. Witliff and then we said we were working on revisions and we sent a revised concept plan to them on April 13.

[9:29:41 PM]

Again, it was this plan that we sent them April 13. And we were, you know -- maybe it was accidentally candid but we appreciated Joyce who has kind of been acting as president said it seemed, quote, pretty close. And Ernie, who you'll also hear from perhaps today said it seems to me this gives us most of what we asked for if and only if the residential strip is built first. Can't quite see it there because of the transcription. We asked for a postponement to see if we would meet and they didn't want to meet. There it is, if and only if the zone remained zoned for residential, which it would obviously. April 17, the neighborhood opposed the neighborhood request at the zap meaning, didn't want to support a postponement then by us. Jim, Joyce, and Ernie then 16 days later presented the restrictive covenant to us that had 175-foot vacant land with a 4-foot high buffer and several other things. Is that seven intestines I think I had a couple -- seven minutes? I think I had a couple people that indicated support.

>> [Off mic]

>> Mayor Adler: You actually have another four minutes.

>> Four minutes, okay. So there was a meeting on may 5 of the neighborhood. Again, this was a zap --

>> [Off mic]

>> Okay.

>> Mayor Adler: Okay? You have another four minutes.

>> We had another meeting. Again, zap recommendation was this. The -- and you've got this on the first page obviously. The 125-foot buffer with -- and it would be mf-1, 50-foot compatibility buffer. That's the zap recommendation. The restrictive covenant from the neighborhood association did catch us a little off-guard.

[9:31:41 PM]

It was to modify the zoning to leave it wlo-no and sf-1. They wanted us to modify the critical water quality zone with a buffering mechanism that is available but you'll see in a moment it was very difficult and very odd and we just could not agree to it. They wanted us to construct a 4-foot berm, 110% stormwater detention, tree retention, even tree retention in the right-of-way, which we do not control, prominent signage for trucks, prohibition of amplified sound, limited hours of operation and vacant land and bay door. This gives you a sense of what they wanted. Here's the water -- critical water quality zone buffering. They wanted us to buffer it and have it in -- the way you buffer it is you press it down and reclaim some area. This is their drawing by the way that would have been attached to the restrictive

covenant and they wanted us to create two strips of water quality zone which are completely disconnected from the water quality transition area. We might do some buffering but that would be a site plan issue. Then they have us with this 4-foot berm that runs more than 400 feet, which is kind of a along Samsung road, quite significant. He's right after we studied it we said we would do 100-foot setback, put the prominent directional sign for trucks they asked for, agreed to no amplified sound and agreed to the location of the bay doors and loading stations that they had asked for. However, if we were going to do all that we wanted all of it to be zoned wlo since they're getting their hundred foot setback and that would help us with site development regulations because there would be a consistent set of site development regulations. That's where we are. I think the preference for us would be to offer the housing. However I think we do need to hear -- get some policy direction from the policymakers since this property is in the city and was that we would -- what the zap approved and certainly what we would be prepared to execute on.

[9:33:49 PM]

So with that thank you very much.

>> Casar: Mayor, quick question. Mr. Whellan, can you tell me again why you're using just the two driveways on the housing as opposed to just having them be houses on the street like everybody else's?

>> The -- because of the number of driveways that would be there and I think in terms of a transition to the warehouse limited office, it provides a little bit better transition from single-family housing. And I think you're going from single-family housing on Samsung road to the -- a little bit more dense housing. I think it will be at a lower price than single-family housing would be as well since they're quads and that's what we're looking to do.

>> Casar: Okay. It's just interesting. I don't know if the -- I mean, it's just interesting to me how fourplexes don't seem to be so much more intense that they would need to be sort of set back and have their own parking lots. It just seems more neighborly to have everything on the street, but --

>> Yeah. I think we were just -- again, we were trying to respond to the request with regard to driveways, and so I think that's probably why in a moment of accidental candidness they said this was pretty close what they had hoped to see from us. Originally Mr. Witliff had asked for a wall of residential in one of his first emails. You can ask him what that wall might have looked like, but we tried to respond to what the neighborhoods were asking.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Mr. Whellan, I think I just heard you describe the fourplexes as more affordable. I wondered if you could give us a sense of -- if I heard you correctly, but are these income restricted? Are you going to --

>> No, no.

>> Tovo: Have an affordable component there?

>> They wouldn't be income restricted. I think when you have -- instead of eight lots or however many we had originally, I think it was eight lots and you're able to have 16 it just brings the price point down to --

[9:35:56 PM]

>> Tovo: What is the price point of the fourplex, of the units within the fourplex?

>> We haven't done a market study. We've just done land planning and preliminary engineering. We haven't done any market study on that. I'm happy to go back and do a little bit of research and see if we can't get some information prior to second and third reading.

>> Tovo: I think if -- certainly if we're going to talk about the relative affordability it would be interesting to know what those numbers really are and whether there's a commitment to make sure that those are remaining.

>> Sure.

>> Tovo: At a particular price point.

>> Houston: One more question, Mr. Whellan.

>> Mayor Adler: Ms. Houston.

>> Houston: How many houses on the north side of Samsung?

>> On the north side -- on the -- across Samsung? There's five. Five houses right now.

>> Mayor Adler: Okay. Mr. Witliff. Is Angela Michaels here? And is Sarah Presson here? All three are choosing to speak this time as opposed to the next hearing. Mr. Witliff.

>> Hi, Jim witliff, waiting for my slides to come up here.

>> Mayor Adler: You have seven minutes.

>> Thanks. We ready? Thanks. Okay. I'm Jim witliff for walnut place neighborhood association. There we go. Ongoing. Here's walnut place neighborhood. There's a total of six plats. You can see the Ferguson crossing site there. The first plat was approved in 1957, and you can see the Ferguson crossing project right across the street.

[9:37:57 PM]

This second subdivision plat was approved in 1965, and, again, you can see the walnut place right across the street from it to the north in this drawing. So I'm going to skip that one. So back in 1996 the Bruce Todd council rezoned this property and they did the majority of the back side of it was wlo, they had an

northern california-co boundary and sf-1-co 125-foot deep section up front. So that's where the 175 came from. It was the sf-1 and the northern California setbacks totaled at -- no setbacks totaled at 175. So looking at the code, it says the council may approve the rezoning of property if the council determines a rezoning is consistent with the comprehensive plan and the purposes of this title. The purposes of the districts are intended to promote compatible land use programs. Now, I guess I won't talk about the last part since Mr. Whellan has kind of gone back and forth. It was all wlo. Then it was -- I understand what you're voting on is wlo with an mf-1 strip along Samsung, and but he had recently told me that they would go back to all wlo. But we'll talk about the strip that's there. My question would be, the homes across the street, even though they're not in the city limits, if they were, they would be zoned sf-1. And is mf-1 directly across the street from sf-1 appropriate zoning? Is that compatible? I would say it's not. I would say the zoning should be sf-5 on that property across the street. And I would argue that they could still build everything that's shown there under sf-5. Those would be 2-story townhomes that are shown on there.

[9:40:03 PM]

So that would be my first request. If you're gonna do this, do sf-5, not mf-1. And the other concern we have is all this exciting talk about missing middle housing, we have no guarantee that they're ever gonna build this housing. We think they're just gonna build the warehouses and just leave this as vacant property. So we don't have much of a buffer if it's just vacant property because this site is flat and pretty open and so we would lining some assurance that those -- like some assurance that those houses are gonna get built. This is imagine Austin. You're all familiar with it, development occurs in connected patterns, interconnected development patterns reduce negative impacts on existing neighborhoods, development carefully balances the needs of different land uses. And you want to ensure the context of sensitive infill and balance new development and redevelopment in lower-income neighborhoods while maintaining the essential character of those neighborhoods. So I would argue that mf-1 directly across the street does not do that. Wlo across the street, hell no, does not do it. It's, you know -- nobody here that lives in a single-family house if you had vacant property directly across the street from you and for 22 years it was zoned sf-1, nobody would be okay with it going to wlo or even mf-1 in my opinion. I guess that's all I have to say. Thank you.

>> Mayor Adler: Thank you. Next speaker is Ernie gamuge. Speaking today instead of next time.

>> Mr. Mayor, pro tem, mayor pro tem, and councilmembers, my name is Ernie gamuge, I've lived in walnut place neighborhood for 30 years.

[9:42:10 PM]

We've been since I have lived there under what seems to be an assault of traffic flooding and all kinds of the city -- one of the dumps is built out just on the edge of our property. And this is just another affront to us. When I moved out there we were surrounded by corn fields. Now we're surrounded by ups and

the post office. What I want to talk specifically about something that impacts me personally, if I could figure out how to use this. And that is flooding. The property in question drains directly into what FEMA calls the Ferguson branch. I call it buttercup branch. This is buttercup branch in 2007. That's taken from my porch. That road is Springdale road, which is closed. Since that picture was taken, several times this flooding has happened. The next one. There it is at full flood. Sheriff department comes out, closes the road. Next one. Again, from my porch. Looks like the Mississippi river but it's really buttercup branch. We asked the applicant to provide us with 110 detention -- 110% detention so that this would be the absolute worse that happened to us. We ask that can you that the applicant provide us with 110% detention. We think that's very reasonable. I don't want to be flood in my home. Right now I'm in the hundred-year floodplain. As are many, many houses on buttercup branch so we appreciate your looking at that and we also appreciate you giving us the time later to come and speak to you about this personally because we're a rural county road framed community.

[9:44:15 PM]

Two roads in. Springdale road being one of them. The only Samsung road just on the other side of which is this property. And the thought of having yet another pile of warehouses and all that that entails, the notes, the light pollution -- noise, light pollution, traffic is an [indiscernible] To everybody in the neighborhood. Thank you.

>> Mayor Adler: Thank you. Is Joyce Torreson here?

>> She wants to speak next time.

>> Mayor Adler: She wants to speak next time. What about Alex

[indiscernible]

>> We'll speak next time as well.

>> Mayor Adler: Okay. Nick sneitzer. And then Collin Armstrong -- oops, Nick is our last speaker.

>> Good evening to the council, mayor, mayor pro tem. My name is Nick sneitzer. I am probably the only person in this room that lives on Samsung road directly across from this property. When we bought our house a year and a half ago, we were buying a house knowing that it was in the county, on large single-family lots, across from what was a corn field, which of course is not going to remain one forever. But when we found out that -- when we bought the property the agent was trying to get it rezoned for wlo across the whole site we knew this would be trouble. I spoke with Heather in the zoning he department, she said go to your neighbors and get a petition. That's what I did. I got more than what she asked for. I turned it in. She said, sorry, it's not valid. Okay, fine. So we have gone back and forth with the developers to try and find a workable solution for our neighborhood in their development. Personally I think this is a flip job. I think they're trying to get the most relaxed zoning they can and flip it.

[9:46:19 PM]

Ma'am, they could not answer your questions about the cost of housing because this is lines on a piece of paper. They're not interested in building housing. They want to get wlo all the way up as far as they can. Would you want to live next to a warehouse? Would you want to live across the street from a warehouse? Would you want to live with a warehouse behind you? I understand there's middle missing housing but this small strip of what would be middle housing is around no transit and it is sandwiched between warehouses and our tiny neighborhood, which is on a 20-foot wide county road that is already bombarded by traffic. These developers have been stringing us along the whole time, and I got to give it to you, whellan, you're good, but please -- he's good. He knows what he's doing. We're a neighborhood. We're not lawyers. We're trying to preserve the quality of our neighborhood. We're not trying to leave out housing. We know that they have wlo. They can build their warehouses. But we want a strip of land with a berm so that there is a workable transition between our residential area and their warehouses, which already surround us and will continue to grow. Thank you.

>> Mayor Adler: Thank you. That gets us back up to the dais.

>> Pool: Mayor, I have a question for the gentleman.

>> Mayor Adler: Okay, Mr. Sneitzer.

>> Pool: Thanks. Can you tell us a little bit more about what happened with the petition, the valid petition that you attempted to submit with --

>> Sure. As soon as I found out about the unified wlo zoning, as a young Samsung resident honestly the members of Samsung are either elderly or their partner has just died or they're not here. I'm the young died in the neighborhood so I'm gonna do the work to preserve it. She said get a petition. If you can get over 50% of the people that live said 500 feet. I went through the whole neighborhood. I turned that into her. She said, sorry, it's not valid.

[9:48:20 PM]

>> Pool: And the she you're referring to is?

>> Heather Chaffin.

>> Pool: Okay. Staffer.

>> Staff.

>> Pool: Okay. To their zoning request on the petition.

>> Pool: Right. Mr. Rusthoven, do you have any information you can offer about the specifics, the changing numbers that were needed and the percentage, for example?

>> I was not part of the conversation but I believe that the gentleman here was probably told he can try and get a petition. I don't know if he was informed 2459 people in the county would not count by anybody who was not in the county would count. Towards the petition.

>> Mayor Adler: Mayor pro tem.

>> Tovo: So of those who signed the petition, how many are in the city limits?

>> I'd have to go back and look in the backup.

>> Zero. They're all from my neighborhood, which is county.

>> Tovo: Got it. Do you have a -- do you have a sense of how many -- are there city residents who fall within close enough proximity to this property that they could sign the petition?

>> The city of Austin area that surrounds us is all -- is all commercial.

>> Tovo: They could sign a petition, right?

>> Pool: Right.

>> Tovo: There's nothing preventing a commercial property owner from signing your petition.

>> They could but it's rather uncommon for a commercial --

>> Tovo: I'm sorry, I couldn't --

>> I said they could sign. It's kind of uncommon for a commercial owner to design sign, but they could.

>> I believe the other commercial businesses around were actually in support of the zoning change.

>> Tovo: Okay. Thank you.

>> Pool: Thank you.

>> Mayor Adler: Okay. Ms. Houston, do you want to make your motion? I think it was to approve on first reading.

>> Houston: We've passed -- first reading.

>> Mayor Adler: First reading only, public hearing stays open, except for those people that either spoke or donated time other than the applicant, who will get his five minutes then as well.

[9:50:26 PM]

Seconded by Mr. Renteria.

>> Houston: And I'd like to have it heard again because our schedule is getting pretty packed. If we could hear it again on the 28th.

>> Houston: On June 28. Okay. Yes, Mr. Flannigan.

>> Flannigan: I have a question about one of the cos added by the zoning commission. So they -- in their -- from my reading of it they added a condition that says that compatibility is triggered along the eastern boundary of the mf-1 property. How would compatibility be triggered to unzoned land in the county?

>> Normally would not be. That's why they added the condition.

>> Flannigan: How would staff interpret that?

>> We would interpret it as if the property were not in the county. Because the property is not in the county it doesn't trigger compatibility. If it were in the city it would have setbacks, height limitations and et cetera. If the co was adopted we would apply compatibility to the property even though triggering properties are in the county.

>> Flannigan: So staff would be making an assessment of what those non-city properties are?

>> No. We would -- they are residential. Okay? And were they in the city, they would be triggering compatibility on this property.

>> Flannigan: Okay.

>> Because the triggering property is the house that the gentleman lives in is outside the city, it doesn't trigger compatibility on this commercial development. What the co says is pretend that those properties are not in the county, that they are in the city and apply compatibility just as you normally would.

>> Flannigan: So if -- okay. So here's a hypothetical I don't expect you to answer.

>> Okay.

>> Flannigan: If these homes get built, mf-1 homes get built and then the walnut neighborhood gets flooded and is bought out by a landfill, in the county, nothing we can do it B it, we have no control over that property, and there would be no compatibility triggers on them for the new austinites that lived in this multi-family development.

[9:52:45 PM]

So I'm incredibly uncomfortable with applying restrictions to us based on properties that are not in the city's jurisdiction. I don't think that's a good idea generally. I don't think it's a good precedent. And I'm not entirely sure how that might be perceived by the state. So I would -- I'm not going to go further tonight, but I expect a more longer conversation at second reading about that co. And, you know, I have, as councilmember Houston knows, her and I have talked about all of our weird etj areas that are often frustrating about development, and I have encouraged all of them to contact their state reps about affording counties some level of land use control because we don't have an able to help them or provide them any of the rights that our tax-paying, voting citizens receive. So we'll have this conversation longer at second reading.

>> Mayor Adler: Okay. There's been a motion and a second. Ready to take a vote? Those in favor please raise your hand. Those opposed. Mr. Flannigan votes no, others voting aye. Troxclair off the dais. Passes on first reading. I think that's all of our items --

>> With the -- with the public hearing left open like we spoke about.

>> Mayor Adler: Public hearing is left open except for those people that spoke or donated time other than Mr. Whellan or the applicant.

>> Thank you, mayor. I believe our next item --

>> Mayor Adler: Last item is item number 1940 I think.

>> 22, from the planning and zoning department --

>> Mayor Adler: The clerk asked the question earlier just for the record, I think when I called out the names of the people that voted against dividing the question, I think Mr. Renteria voted no. Doesn't change the vote. Item number 22.

[9:54:45 PM]

>> Item 22 is to discuss and take appropriate action to establish the process and procedures for conducting the city council deliberations and subsequent action on the proposed administrative revision to the land development code commonly referred to as codenext.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I have an amendment to lay out if the council is ready to consider it. This is -- should I go ahead and speak to that?

>> Mayor Adler: Okay.

>> Kitchen: This is the -- I've put it on your desk earlier in the day, so hopefully you have it in front of you. It's item number 22. What this does is it says be it resolve city council intends to conduct its initial deliberations on the rewrite of our land development code and zoning map in the manner described in the attached exhibit a and then exhibit a is listed here. This is -- this reflects the -- this is brought forward with the approach that the mayor and councilmember Casar and I brought forward and discussed on Tuesday. And it attempts to reflect the conversation that we had on Tuesday and reflect the -- some of the -- well, not some of, but all of the points that people had discussed on Tuesday. So this was posted on the message board yesterday and sent to everyone last night.

>> Mayor Adler: This reflects the drive to trying to get to 8-3?

>> Kitchen: Yes.

>> Mayor Adler: On specific points or on a range of options.

>> Kitchen: I can speak to the goals. We talked about this on tuts. It looks like this. It says item 22 at the top. Okay. As you may recall at the work session, we talked about what our goals would be for our process. And so the high points of those is just what I put at the top of this and that's the goals are that in June -- and this just speaks to our process in June.

[9:56:55 PM]

In June council would take the following action. We would vote on consensus policy direct your attention on the most difficult topics by setting specific guidelines and by consensus we mean 8-3 votes. We would also vote on any consensus code language that we identified, again 8-3 votes. We would adopt the council process for considering codenext, you know, going forward. And we would set expectations for clear communication and engagement process for the public. So you can see that this --

>> Mayor Adler: Those would be expectations after June?

>> Kitchen: Yeah, after -- yeah. The testing and amendment processes and public input

>> Kitchen: Yeah. It would be after June. But we would discuss more specifically what we meant by that at the end of June. I see some puzzled faces. I can go over this in more detail. You'll see that this is divided between the council work sessions --

>> Alter: I'm sorry, before you do can we clarify what the other yellow sheet is? Is this a new version --

>> Kitchen: I don't know what the yellow sheet is.

>> Mayor Adler: I think that's what staff presented on Tuesday that looked a little bit more like the planning commission approach.

>> Yes, that is the same thing we had --

>> Alter: I was just trying to figure out which which one we were looking at.

>> Kitchen: I'm sorry, I didn't realize which one you were holding up. That's what 1256 had give us on Tuesday.

>> Mayor Adler: I think the staff was tracking more what the planning commission did.

>> Kitchen: That's right.

>> Mayor Adler: And we were proposing something more to see if we could drive to consensus. We still don't have at this point, though, a list of the policy issues?

>> Kitchen: No, we don't. What we had talked about was posting that on the message board for people to add to but that's not been posted yet.

>> Pool: Mayor?

[9:58:57 PM]

>> Mayor Adler: Yes.

>> Pool: This is just -- you know what I think I may -- they may not be -- be on the same page. Anyway, we've got -- staff sent us on April 27 the codenext policy table, which has the information that Greg and Jerry were talking to us about on Tuesday, which are the high-level policy issues that I think, mayor, you were talking about trying to have some discussion about, so we do have -- it's 13 pages on this large sheet, and it came to us April 27 under this cover memo. So I made some copies but I may not have made copies of all 13 pages. It's just the 13 pages, you can -- you don't have to look at all 13 pages but you can look at the first page and familiarize yourself with --

>> Mayor Adler: Okay. I think we have staff that's working on trying to come up with people that are working on kind of the key issue list, so one source of key issues may be that policy table as the list is being pulled together, which kissing we'll have next week to be able to discuss.

>> Pool: I would like to at least start with this document that staff pulled together so that, you know, we have -- we don't have to go -- do the compiling ourselves. It's already been done.

>> Kitchen: And, Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: Just to be clear for everyone, that's not in front of us tonight. That's more work that needs to be done as councilmember pool has pointed out. That can be used as a city startingpoint but I'm not asking us to vote on that list of projects tonight. It's not included in the motion.

>> Pool: Right. I wasn't suggesting that we do.

>> Kitchen: Okay.

>> Pool: I was simply pointing out that's work we may not need to do ourselves because staff had already provided it to us.

>> Kitchen: Okay.

>> Mayor Adler: Mayor pro tem?

[10:00:58 PM]

>> Tovo: It's 10 o'clock.

>> Mayor Adler: It is now 10 o'clock. Is there a motion to extend past 10:00? Mr. Flannigan makes the motion. Is there a second? Mr. Renteria. Discussion? Others in favor of going past -- I think we're close. I think we should do this -- finish this conversation. Those in favor of going past 10, please raise your

hand. Those opposed? Pool and alter voting no, others voting aye, we're going to extend past 10:00 and finish this mayor pro tem.

>> Tovo: So I had an opportunity -- you know, I was able to attend about half of the discussion. I think we started the actual discussion about this at about 2:30 and concluded about 3:40, so, you know, I went back and listened to the portion I hadn't heard. And I just have to say I really -- I don't -- I'm -- because I didn't have an opportunity to ask questions about it, I'm going to have to ask them now I just don't -- it's not at all clear to me how this would unfold as a process, how it would fit into what the staff have described, and I feel like we would really need to get some clarity around those issues before we -- before I would feel comfortable voting on this. And I guess I'm just wondering, as a global point, whether we have the capacity to really work through this this evening or whether there are some basic decisions we should make before our public hearing on Tuesday. So I just throw that out as a big question and just, again, knowing that I have lots of smaller questions here.

>> Mayor Adler: You want to go ahead and ask your questions?

>> Tovo: Sure. For starters, you know, I think it's not at all clear to me what process we would be using to have these conversations, and I think -- I'm concerned that we're going to spend a fair amount of time in these deliberation days figuring out what process we want to use to have those conversations.

[10:02:59 PM]

I -- it's not -- I don't know whether the -- well, one, we haven't had a conversation about some key elements in the staff's proposal, like would we -- or proposed decision points. Would we start with a staff recommendation or the planning commission recommendation? I know this came up the other day, and it was -- it was suggested that maybe we wouldn't start with any base motion.

>> Mayor Adler: It would be starting with -- I envision it starting with a list of key issues.

>> Tovo: Okay. So we have key issues, and then we're going to try and determine for what there are -- for what we can get eight people to agree on.

>> Mayor Adler: Either specific things or --

>> Tovo: Or a range, yes. But then what is the next step, and when does that next step happen? And, you know, we have community members who are working through this and trying to understand what's before them, and it's -- I don't know how to explain what we would be doing. So, say, in the example here is parking. Council directs the city manager to develop code language that fits parking requirements to location, including the possibility of increasing or reduced -- increased or reduced parking requirements after considering factors such as sidewalks, transit -- that's a very broad -- that would be a very broad -- I guess I'll stop and ask councilmember kitchen looks as if she needs to say something, so I'll just stop there.

>> Kitchen: Okay. Well, no, I certainly appreciate the questions. So I'm just trying to help with some clarity. And, again, this is just a proposal, if people want to change this, that's what we're talking about.

But if you'll look on the document under council voting sessions, number one says council will take up topics in priority order.

[10:05:03 PM]

So that's -- that's a task that the council needs to decide upon those topics and the priority order, and that's what councilmember pool was referring to. Number two, councilmembers will make and discuss motions as they currently do. Number three, council will vote on motions continuing to discuss and amend in an attempt for council to reach consensus, and that's the 8-3 votes. So -- and number 4 just gives some illustration. And, you know, it's only supposed to be an example. Please, please don't take either of these examples as a particular motion or as a suggestion of that's what we would vote on. It's only included here to try to show you what we mean by the difference between a policy direction and a potential code language. That's all. So I wouldn't want -- I hesitated to even put an illustration here because I was concerned that people would think that that meant that was exactly what we would vote on. It's just an example of what someone might choose -- one of the councilmembers might choose to bring as something to vote on. And you can see the first illustration is just like we always do in terms of voting on policy direction to staff. And the second example is specific to code language. And that's all these are supposed to be, is examples. So then number 5 says that we would continue considering motions, just like this, until we finished, until we went through all the topics that we, as a council, had identified as the priority topics in the order that we wanted to identify them in. Then we would then begin considering motions on other parts of the code using the same process, and then we could -- at the last voting session, we could decide to pass a base motion on first reading if we wanted to, and we would also at the last voting session assess our progress and decide on our next steps.

[10:07:14 PM]

And I want to emphasize, we have three dates here, June 21st, 26th, and 27th. So, anyway, this is -- you know, as the mayor discussed and as we discussed on Tuesday, this -- the purpose behind this kind of approach is to take the tough -- to make some significant progress and to take the tough issues first. And to try to reach consensus and bring us closer together as a community and as a council on where we might go on those issues. So that's what this -- that's what this process is designed to do.

>> Mayor Adler: So -- we probably have lost -- I -- my hope would be that we might be able to get more specific than this statement. If I look at some of the stuff that the planning commission did, there were votes that they took on parking that they were able to talk through, various options, and get to a 12-1 place or 10-2 place. And I don't remember all the issues, but I think one of the questions was, if you have a small mom and pop deal, 2500-square-foot in one building and it was redone, do you -- did you have a parking requirement for that or do you enable that kind to not have parking, all the way to a question where if you have an Adu to a property, what's the additional parking that would be required. And is there a contact specific indication for that? But the thought is, is that we might be able to identify some

of those issues and lay them out and collectively talk about them for the first time because we've never talked about them before, to see whether or not we're able to find a place that makes sense or a range that makes sense.

[10:09:26 PM]

>> Tovo: So let's just stick with parking for just a minute. We have a variety of places in the code where staff have proposed particular parking requirements for particular uses. Are we asking staff -- if we're going topically, rather than by chapter, and I would really have to hear a good rationale for doing that because both we and the public need a really clear way of going through these thousands of pages and working our way through them. But if we're choosing it topically and we're talking about parking, I mean, if we ever issued direction -- I understand that these are examples about issuing -- you know, what the difference is between policy direction and the specific code language. I just don't know what the city -- what our city staff would do if we issued policy direction saying come up with parking requirements that vary, depending on the use and the context. I'm guessing they would say, well, that's kind of what we did in the code that we've presented you with. So I think if we wanted to be more --

>> Mayor Adler: I agree.

>> Tovo: I assume.

>> Mayor Adler: Be more specific.

>> Tovo: And if we're taking up parking as a topic, like are we asking the staff to help us organize and come up with citations in advance of all the different places where parking appears in the code so we can review those and come prepared to talk about that? So I guess -- let me ask Mr. Rusthoven, if we issued policy direction -- well, let me amend that. If we take this up topically, do you have the time, once we prepare those 10 to 20 topics and vote among ourselves about the priorities, is the staff going to be able to provide with us all the references within the code that are relevant to that topic?

[10:11:27 PM]

Or would it make better sense from the staff's perspective to take it section by section?

>> I think it would be tough, you know, to use parking as an example for us to say all the places where parking is referred to in the code because there's hundreds of them. My understanding was that if we started discussing it by topic, what we would do as staff would be identify the issues, the areas within that topic where discussion is needed, and then when we got further into the discussions with council, we would go looking for those sections of code where we feel we received direction from council on a certain subtopic within a greater topic to go and look at doing something different. So, you know, on parking, for instance, to get to this, you know, motion, which I understand your point, it could go both ways, but if we were discussing parking at schools which we discussed at the subcommittee last week, if

we lay off parking as one of the topics, one of the subtopics within parking is parking near schools, and a part of that was a motion to say go back and take a second look at the parking near schools issue, or consider -- prefer, increasing parking near schools, which is what's being asked of us by the district, but we could go do that between first and second reading. Obviously, topic, I think, is an advantage because that's how people think of codenext, is by topic area. That's how we all discuss it. The advantage to the chapter approach, which is what the planning commission is doing right now as we speak, is that you literally go through the entire code and kind of hit everything. There's advantages and disadvantages, I think, to both approaches.

>> Tovo: Where would you -- so I guess in this vision -- I guess what I wonder is, is there a way to use the structure the staff have laid out and make some decisions about where they've indicated that we would need to make a decision and try to meld this conversation around where we have consensus into it?

[10:13:38 PM]

Because I'm just not -- I'm not sure how this will unfold.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: You know, it's -- I just want to make a suggestion. You know, it's almost 10:15 at night, and if there are -- and it sounds like the mayor pro tem has some major questions. I'm not sure how everybody else on the dais feels, but I'm not sure if 10:15 is the appropriate time to be wading through these issues. I just lay that open for people. I do think that -- I'm ready to proceed, but others may not be, and I just want to give us the possibility of bringing our full thinking to the issue and asking whether -- whether we ought to be talking about this at this time, if people are not comfortable. So I'm asking others to weigh in and I know the mayor pro tem has questions she didn't have the opportunity to be with us when we talked about it at work session. How is everyone else feeling at this point? Is this the appropriate time for us to move forward? Can we talk through it at 10:15 at night, or do we need some more time to think about this?

>> Mayor Adler: Councilmember pool.

>> Pool: Yeah. I don't think this is a good time for us to take up this really thorny conversation. Every time we try to talk about process on the dais, it really -- it takes time. That's why I voted not to continue, and that's the first time I've ever voted not to continue past 10 o'clock. I also have significant questions because since it was offered on Tuesday, I've been trying to walk through the process, and without -- with us not working from a base motion to know what the pieces are that rise to the top, and working on the significant issues, I don't think the community is going to be able to follow us, and I don't know that we can follow us. So I will have significant questions, too. And I suggest that we adjourn for the evening, table this, and take it up in another setting, when we're fresher.

[10:15:43 PM]

>> Mayor Adler: Councilmember Houston, then councilmember alter.

>> Houston: I have a question for Mr. Rusthoven. This will lead up to this conversation. How will the public hearing be handled?

>> The public hearing will be handled in accordance with the resolution that y'all passed, I think two meetings ago.

>> Houston: It's 10 o'clock at night, Mr. Rusthoven. I don't remember what we passed two weeks ago.

>> The public hearing will be -- the first one will be Tuesday here in the chambers at 10:00 A.M. Each speaker will be allowed to have three minutes, and I believe they can get donation from up to two other speakers for a maximum of nine minutes. There will be a second public hearing June 2nd, 10 o'clock, also in chambers with the same rules and nobody will be allowed to speak at both public hearings. If you spoke at the first one, you won't be allowed to speak at the second one.

>> Houston: And so when we're listening, we have to -- because they're not going to be speaking in topic or subject areas, they're going to be speaking just about whatever their particular issue is, how will we track what they're saying so that we hear what the public is saying?

>> Well, we as staff will be taking notes, but I don't know a way that we can track it. I think that the idea is for y'all to hear from them and to have that, you know, be a consideration you give when you come -- when we come to discussing and voting on the item.

>> Houston: So I think, colleagues what I'm trying to say is, this is getting very complicated, even trying to come up with a process. So maybe if you had time to kind of think about it for a couple of days, we could come up with something that is not complicated where we could get the work done. I don't know how the 8-3 vote, mayor, colleagues, I don't know how that range that you talked about on Saturday -- I don't know how that plays into it, because if we come up with that range and say eight of us agree on a range from this to this, at the end of the process, will that range still stay in place?

[10:17:54 PM]

Or do we have an opportunity to revote on it, on some topic?

>> Mayor Adler: We would have the opportunity to revote on anything. Who's okay.

>> Mayor Adler: It is mostly -- since we have never talked as a council, I don't know how far apart we are -- I just don't know how far apart we are.

>> Houston: Okay. So that's just a trial balloon to try to see where we are on the spectrum of things.

>> Mayor Adler: I think in June -- I think if we did that in June -- and I had hoped that we would have a topic list at this point so we would all have an idea of what we were talking about, and we don't, and we'll try to have that as soon as we can. And if there's a topic list that's been circulated, one version, two version that's people can add to or comment on, some of the people that come on Tuesday or Saturday might look at that list and say I'm going to address some of the topics on the list, and I'm going to tell

what I think should happen to those. I -- it was -- we were just thinking that if we tried to do the planning commission deal, try to race through it, everybody was going to get frustrated and if we took a step back and just did the topic -- but it'll make a lot more sense, I think, when we have a topic list to look at. I don't think this can engage us in a meaningful conversation, but I think we could engage in a meaningful conversation, so we'll endeavor -- people can endeavor -- we'll try really hard to get a stalking horse list published so people then have something in front of them that they can edit, and it's more -- it's sort of a different version of a fist to five, or whatever that was, so just get a feel for where we differ and where we don't differ. Mr. Renteria.

>> Renteria: I support this, this resolution --

>> Mayor Adler: You need to turn on your microphone.

>> Renteria: Oops. Yeah, I really support this. I think it gives us a base to start with and I don't have any problem with other members coming in and changing some of this, but we need to start at one place, so --

[10:20:04 PM]

>> Mayor Adler: Okay.

>> Renteria: -- I'm willing to support this.

>> Mayor Adler: Okay. But it's been suggested that we don't talk about this now I think Ann's question was a good one. Do we want to go through -- what we could do is we could try to get a list published that people could react to or think about, and then on Tuesday, when we're with the public, we might ask them to speak to that list and that would give us an opportunity to do that. So when we're together at the public hearing, depending on how many people we have, if we have thousands of people, we may not be able to talk to each other, but certainly at the public hearing, we could in relation to what we want people to talk about so we would be able to do that as well. Mr. Flannigan, then Ms. Kitchen.

>> Flannigan: So I'm willing to continue working. We do, on a very regular basis, and I tend -- sorry -- I tend to -- I come to these meetings expecting that we're going to go late, so I'm always ready to work. If -- mayor, if you're wanting us to just talk about that, I'm happy to stop, but I also can talk about the item. But we might want to resolve the question of whether or not we're continuing.

>> Mayor Adler: How do people feel? I could continue or we could pick this up on Tuesday. I'm fine either way. Let's decide that question first. Councilmember Garza, I think, hasn't had a chance to speak, then councilmember alter.

>> Garza: I think this -- I like what I think was councilmember Renteria -- this is kind of a place where we start, and we can continue -- we can change it as -- as we move along, but I think we need to make some decisions, and I think this is a good place to start.

>> Mayor Adler: Okay. Councilmember alter?

>> Alter: And willing to stay and work a little bit more. I don't think we make good decisions after 10:00 but let me thank councilmember kitchen and the mayor for trying to put forward a positive step and having the goal of trying to reach consensus.

[10:22:11 PM]

I think that's really important on this issue. It's always important, but I think from where the community is right now, that's really important. I want to just mention a couple of things because I think they're relevant for whether we decide to go forward tonight. One is, I don't know that there's any discussion time amongst us listed in our agenda postings for the hearings, and so I'd like to ask the city manager if we can provide an opportunity, should there be a break in the flow of those people coming to speak with us, that we would be able to use some of that time to have some discussion, either on process or if there's a topic that someone proposes to start with, that we could keep going with. I think that would be for both days.

>> Mayor Adler: We could post that tomorrow for Tuesday.

>> Alter: I'm concerned, I think this might be a place to start the deliberations. I think in the deliberations it would be important to try to figure out if we have consequences, then you could try to build your amendments based on that for the voting days. And I'm starting to kind of think of a hybrid of that sort, but I don't have that fully in my head. I do want to point out that this schedule -- and I know we have people going out of town, but we have a -- now we're going to have council work sessions on June 12th and 13th, the 12th we normally have a work session for our meeting on the 14th. We have the 26th and 27th on this, and we have a council meeting on the 28th. The 26th is usually a work session. At the very least, I would ask the city manager not to plan other briefings or other things on those days if we can at all avoid them. It is going to be a very tall order to work through codenext and two jam-packed council meetings, and I'm concerned about whether that sets us up for success and, you know, not knowing how many hours we're supposed to leave open and whatnot.

[10:24:23 PM]

I don't know what the option is with people's travel and the fact that we already have the council meetings, but I am concerned about that setting us up for success. And I wish I had a solution, but I don't, but I do -- I'm concerned about that and our ability to get things done through that. I also do think at some point we have to be talking about what our options are for base motions, you know, so the community knows how to address those at the hearing. And it could be the staff, it could be the planning commission, it could be a hybrid. We could say we want the staff and we want the planning commission where there was an 8 to 3 vote to kind of be what we're looking at. I'm not sure what is the best, but at some point in this process, and it might not be the first day of deliberation that we know that, but we are going to have to commit to a base and deal with one base because, otherwise, I don't see how we keep it -- keep it straight.

>> Mayor Adler: By the way, we can post for Tuesday's meeting, if we post tomorrow to allow us to talk if we choose to and we'll do that for both Tuesday's meeting and Saturday's meeting so we have the ability to do that, depending on the number of people that show up and the like. Okay? Mr. Flannigan.

>> Flannigan: So -- I mean as a point of order, I don't know that we've resolved the first question, and I had not finished my thoughts on the item. And I ceded back to you.

>> Mayor Adler: Go ahead and finish your thought.

>> Flannigan: We've decided we're going to continue working.

>> Mayor Adler: Let's push through just for a second.

>> Flannigan: I have expressed my concerns about this at work session but I am willing to operate from this premise. I have some questions, some of which I think might be more procedural and legal about what -- what it is that we're voting on, what it means to take a vote, and it goes with seven votes, does it then die, do we then have to take a reconsideration vote because the thing that went with seven was too specific and now we want to go back and find something less specific that has eight votes.

[10:26:39 PM]

So I'm a little -- it's unclear, although I think we can work through it, how that part would go. I'm unsure what, in the goal section, public input progress on mapping and engagement process for the public, means when we are now wrapping that up with our two public hearings. So we've had, like, five years of public engagement, five years of public engagement, and so I want to make sure that we're actually getting down to the work of interpreting all the input we've received. Certainly we've all received from it our own districts and if here and two two days of public hearing. I want to -- and this was said at work session about the staff, work session part two, do we limit staff presentation as much as possible so we can stay focused on our deliberations in I'm kind of with the mayor pro tem on the topic versus chapter thing. It's not entirely clear to me how one is better than the other. Both for clarity and for how we're going to organize that. So if by going with this as a base, and I think acknowledging that on June 5th we can then amend, our first action would be amending this, which I think is my preference, to be willing to amend on the 5th, in the interim maybe getting better clarity about what topic or chapter as an organizing tool might be. I also think this document is complete, but its length makes it seem more complicated than it is. It's actually not at complicated at this looks, but it erred on the side of completeness, which I appreciate, but it's also, I think, not this complicated. So it would be nice if the -- if councilmember kitchen or any of the other folks who put this together might come up with a couple more straw examples of what these parameter 8-3 votes look like and maybe just pull it right out of the planning commission, but whatever that is, I think that would help both me and maybe the public understand what those look like.

[10:28:49 PM]

>> Mayor Adler: I think that's the real haul that we have right now, if we could just get a list like that out, endeavor to do it, recognizing that everybody should cross it up, change it up, at a really high level, I think you're right, this is actually pretty simple. What this is saying is, let's assume that collectively, we're really trying to find a place that can pull the community together, just how do we structure that? So there's nothing about this that's intended to catch anybody, to lock anybody in, but let's just see if we all put our efforts together, if we can find a good place. And absolutely, you know, we could be ten minutes into this and start changing, but I think it'll be apparent to us. Once we sit down and start talking, my sense is, it will become apparent to us whether this is a good thing to do or not.
Councilmember pool.

>> Pool: So on the policy issues, can we grow that we will begin with the list that the staff has put together? Because otherwise, I don't know who's going to put that list together. Is it all of us? Is it one of us? And this seems -- since this work has already been done, I think we should at least recognize this work as a starting place.

>> Mayor Adler: I'll make sure that that informs -- I'll try to put a list up and anyone else can, but I think that's informing a list that we pulled together.

>> Pool: Absolutely, it does, okay. Thank you. I have two more things. Calendar for June, can I just remind us gently that we will have to set aside sufficient time to discuss the two ballot initiatives? We have the charter review work to go through and determine what we want to have on the ballot, and then we also have our upcoming bonds from the bond task force. We will need to go through those categories and determine the appropriate levels of funding and what -- what we want on the ballot, and we will also need to do that, I think, quickly.

[10:31:04 PM]

We won't have time when we come back, I don't think, because of budget, in August. And then the other thing I wanted to talk about, here's some of my thinking about the continuum piece, mayor, that you were talking about with the 8 part of 3 vote and the -- with the 8-3 vote. It's a range between X and Y. If we say this low end here, X, and this high end, Y, but we don't know where the mid point is, that leaves a lot of -- because this is this far apart. Okay? And if we say to staff, which was in the posting on the message board, you guys go back and tell us what you think it should be, or apply this where it is appropriate in the code, that's already the code. That's what we have currently. So my question is, when we have the first 8-3, we find eight people like this range from low to high, are we going to take subsequent votes to try to narrow that down? Because, otherwise, that really San Antonio decision.

>> Mayor Adler: I think so. If we're constructive and refining, that we can do this, you know, we get to an 8 to place, I think maybe we set it aside for a second, then go on to the second ever next one. To the next one. It may be that we find we're so close, we look at each other and say we can actually get this done, then we can go back and visit those. Maybe there's tradeoffs, as we do documents that has compromises as we're pulling the community together, I don't know, but I don't think we have to prejudge what happens.

>> Pool: I want to kind of help shine some light on surface issues.

>> Mayor Adler: This is fine.

>> Pool: Because people are going to try to understand what do we mean by a range in an 8-3 vote, it could be this one or it could be this scenario of the range.

>> Mayor Adler: Right.

>> Pool: Also, is the 8-3, continue just, all of the votes that would be taken would be 8-3, and if so, how would that be policed?

[10:33:06 PM]

>> Mayor Adler: Well, I think it's in the search of 8-3. So it's in the search of 8-3. So we'll introduce a topic and we'll talk about it, and it may be that we look at each other and we say, you know, we're never going to get to 8-3 on this one. So we'll put it aside, then we'll go to another one. And if we find that 99% of the time that's what we're doing, then this process isn't working. If we mind a good portion of the time we're actually being able to resolve things, then that'll be a sign that tells us what we should or shouldn't continue to do.

>> Pool: Then how will we know when we have achieved the final vote on any given issue?

>> Mayor Adler: My guess is, if we get to there, we'll know. Right? If we're still making room and it's constructive, we'll keep talking. We're not going to keep repeating ourselves. So if it's something we're not going to be able to get to, we'll put it aside and we'll go to something else.

>> Pool: Okay. I'll have more questions, but --

>> Mayor Adler: And I'm sure that as we go through it, we will refine it and say this isn't working, or this aspect of it is working. It's just a place to start, and it's a place to start that says we're going to start this process by trying to find if we can -- if we can come together on stuff.

>> Pool: I understand. I think we all want to come together at some place. I don't know that -- I don't think we have a sense for what that place is at all. And we have to construct a process that isn't so loose that, at the end of the day, we're like, we don't know what we decided or whether we decided anything at all.

>> Mayor Adler: I agree.

>> Pool: Thank you.

>> Mayor Adler: I agree. Mayor pro tem.

>> Tovo: I have a couple of specific questions about this, and I want to echo councilmember alter's point, that I appreciate, too, the framework of trying to find consensus on such a -- such a topic that has caused such division.

[10:35:15 PM]

Number 3 under council work sessions, council will review and discuss the related policy goals. By that, are you referring to kind of general policy goals as reflected in our general policy, or are you talking about the goals at the top of the sheet, or...

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: This was an attempt to say that for each topic, we would be talking about what we were trying to accomplish. You know, and again, this is not hard and fast, but if we're taking up a topic -- to my mind, that was a way to talk about how -- the fact that it's clear for the community and for us if we're clear about what we're trying to accomplish under a particular topic.

>> Tovo: Okay. So it's general. Just because it was capitalized, I didn't know if it was a particular thing or if it's just general policy -- we're just going to review -- we're going to start with a discussion from staff about how the topic alliance with imagine Austin and other goals and then later we're going to come back and talk about that same issue.

>> Kitchen: Yes.

>> Tovo: I just wanted -- it was just kind of a general question -- I wasn't sure if we were talking about some specific set of policy goals or just general. Then 4 and 5 under that session, we're talking -- in the work sessions is when we would be determining how we're going to post amendments? Is -- so we would hold off a bit on some of the questions that the staff asked us to think about in terms of time frame for posting amendments and things of that sort, and we're going to determine that in our work sessions.

>> Mayor Adler: I think so. I think the attempt is to see if we can -- if we actually need that crutch.

[10:37:16 PM]

>> Tovo: Okay.

>> Mayor Adler: Or if we just start talking, if we find that we don't need that crutch.

>> Tovo: Okay. Yeah, I'm going to have to continue to think about topic and chapter, and I mean, as a first pass, I think working through it by topic might be okay, but at some point we're just going to need to -- we're really going to need to hit -- hit it chapter by chapter by chapter. And, I mean, even if we move forward doing it by topic, I'm going to reserve the right to really raise an attempt to shift back because we've got to make sure -- I'm also just very concerned about the request here on this list, actually answers the question I asked you all before about providing citations. It assumes the staff would be able to provide us with citations, which they may or may not be able to do.

>> Mayor Adler: Exactly what you just said, if we go through this and are able to kind of get to general places of agreements from a topic standpoint, then I think it's very likely we could just then --

>> Tovo: Chapters.

>> Mayor Adler: Let's go through the chapters now because we have enough of a working understanding of what we're going to do in those places that were otherwise contentious, but we're not deciding it just here because we know what the overarching agreement is that we had on the dais. So I think it would make us going through the chapters -- we would go through the chapters much more quickly that way because we would know the general thing that we're applying or the direction that we're applying that we had kind of agreed upon. Rather than starting with the chapter, which I think is going to beg, perhaps, the broader questions. It's just a way to get into it. But I think you're absolutely right, this only worked at the end of the day as we go through the chapters and make sure we're --

>> Tovo: Right. So one of the questions I had coming out of the discussion on Tuesday was whether that 8-3 was always going to be our measure.

>> Mayor Adler: Until we decide otherwise.

[10:39:18 PM]

And we can decide otherwise on any given question.

>> Tovo: But it sounds like the proposal as laid out that not every vote until the finish of codenext would have to be 8-3 to be successful.

>> Mayor Adler: Absolutely.

>> It is or is not?

>> Mayor Adler: Is not. It would surprise me if at the end of the day, we get to four questions that have to be decided or however many questions that's other than 8-3, that's the only thing standing between us and finishing codenext, we take some hard votes. So it's not setting a pattern for anything. This is just a way for us to see where consensus are. But it's not supposing that we're not predetermining any of that.

>> Tovo: Okay. But the 8-3 is just kind of an initial pass.

>> Mayor Adler: That's how we're starting.

>> Tovo: Okay. Okay. I think that answers my -- the main specific questions I have at the moment. Thanks.

>> Mayor Adler: Quite frankly, we just sat down and said if everybody entered this in absolutely good faith, trying to bring the community together, what would that kind of process look like. And that's what we tried to set up. Maybe it won't work. But let's try. What else? Councilmember alter, and then back to the mayor pro tem.

>> Alter: So, again, I appreciate the goal, and I think that we need to be entering this in good faith and trying to come to consensus where we can. I hope that we'll be able to see pretty quickly if it's productive. I have two reservations. One is, we need to make progress this month. We can't be spinning wheels. We've been spinning wheels for a long time, and I don't know what that looks like once we get going, but I'm willing to get going, moving in this direction to begin with as of now.

[10:41:23 PM]

Two, though, I think this is pretty hard to explain to the community, which is on edge about this process, and so beyond we're going to see if there's consensus, I think it's going to be a challenge to explain to the community what this process means. And I think that's -- at least for me, that's where my questions are coming from so that other people have a sense -- a sense of what this means. So I think as we look -- move forward to the 5th and if we have an opportunity to have discussions on the 29th or the 2nd, I think we need to think about what we're communicating to the community beyond that we're leaders and it's not our turn to look at this and we're going to start by approaching this in good faith to do what's best for the community and come to a consequences. People are going to be asking, though, about details of the process, and it's going to be a challenge not having -- having those answers. And this just may be so massive so massive that this is where we need to be at this point, but as we move forward, we're going to have to get more clarity than where we are, you know, and where this gets us for starting on the 5th.

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: So it's still not clear to me exactly how the topic list is getting drafted. Is this something the staff -- I kind of came away from Tuesday's discussion thinking that the staff were helping draft that topic list of topics that came up as concerns --

>> Mayor Adler: Where he came out

>> Mayor Adler: We came out of that meeting and asked the staff and consultants to do it. I thought we would have one today and we don't. We may throw something out. If the staff is going to throw something out first, that's fine.

>> Tovo: We being the three of you?

>> Mayor Adler: Yes, the three of us may throw something out, any one of it won't have us may throw something out, the staff -- we just need to get something out at some point so people have something to react to.

[10:43:26 PM]

>> Tovo: And I would just suggest, too, we're not scheduled under this schedule to develop a priority list until the 5th anyway, but we need to use our public hearings as well to help generate and populate that topic list.

>> Mayor Adler: I think that would be great.

>> Tovo: That's, you know, what we've invited people to do is come talk to us about codenext, so that topic list needs to -- needs to respond to what the public lets us know, are concerns or areas where they want us to focus.

>> Mayor Adler: And vice versa, if we're able to publish a list like that, it might be something that people would look at and say I'm going to give you feedback on these kinds of things. Yes. Councilmember kitchen.

>> Kitchen: I think to speak to what the mayor pro tem was asking about in terms of a topic list, I think as a next step, we can use the council message board to talk about -- to talk about a list, bearing in mind councilmember pool's suggestion that we start with what was sent to us by the staff. So I commit to working with the mayor and councilmember Casar to put a list up, and others can add or subtract to that list and we can start working on the council message board to see if we can craft a list that we're all comfortable with.

>> Mayor Adler: And my only --

>> Kitchen: Does that make sense?

>> Mayor Adler: It does. My only caveat would be that when the first list gets published, think of it just as a stalking horse.

>> Kitchen: Right.

>> Mayor Adler: Don't look at the list and say, I don't want to do this because that's not the kind of thing I'd like a list to look at. Look at the list and if it's not close, then say what you think the list ought to look like.

>> Kitchen: Yeah, or if someone else wants to create that stalking horse, that's fine with me, we just need something put up on the message board that says this is where we're starting. And then people can all contribute.

[10:45:27 PM]

>> Mayor Adler: That would be great, and we can also talk about it on Tuesday and Saturday. Mayor pro tem and then councilmember pool.

>> Tovo: I would just also suggest that looking back at some of the work session topics will also highlight some of those issues that have continued to be concerns throughout the process.

>> Mayor Adler: I think that's true. Councilmember pool.

>> Pool: I handed out again the proposal on the amendment portal, and I'm proposing this to bring it back. What this would be like is the concept menu that we used for budget so that it's a little bit easier to use, and staff would have access to the information on it as well, the message board is kind of closed, only certain people could post to it. But -- so this lays out the criteria, the elements that would be in the amendment portal, and to the extent that -- do I need to make a motion to adopt this approach? This is to create the public facing portal that provides the transparency and would allow the community to follow along with us. This would be for posting amendments. And it wouldn't be anything more difficult to create than what we wehave had in the past three years for our concept menu for budget, the same process.

>> Mayor Adler: I'm sorry, what?

>> I'm sorry, this is not exactly how you can do it. You can adopt it just like this, you can either use the message board and have the same kind of information, or you can don't do a Q and a like you do in the budget process.

>> Pool: We want to do did the I do not understand why law is saying that we can't do the same kind of a concept menu for this that we have done for budget. Why is this different?

>> You can talk to each other about things on the message board.

>> Pool: This isn't to talk to anybody, this is to post amendments. Message board -- I agree that conversation, we understand how the message board is being used, but we're not talking about having a discussion, this is to allow the public to see what amendments are going to be submitted.

[10:47:35 PM]

>> And my recollection of the concept menu is, you all talked about at work session and staff members put things together, and if I have gotten it incorrect, I'm sorry --

>> Pool: We submitted items to the concept menu and staff did post them but the items came from the council.

>> Right. Yes, the items come from the council, then staff members put them out there. It's so that we don't have a problem under the open meetings act. So I'm happy to look at this and see if we can't tweak it just a little bit so that it fits within the open meetings act.

>> Pool: Well, absolutely. I brought this on Tuesday. I would have hoped that we would have proceeded on that a little bit more than we have. I didn't just bring this today.

>> Mayor Adler: Right. So on this right now, it's hard for me to wrap my head around.

>> Pool: That's fine. I just wanted to make the point I brought this previously. We've been talking about it. And if there are concerns from the staff's side, they should surface them and explain them and come to me and tell me, I don't understand what the problem is. This is just like the concept menu for budget.

>> Mayor Adler: If you take a look at that and see how you would implement something like this, that would be helpful. At this point right off the bat, I don't see us doing amendments because I don't see us parsing language at least initially, although I think we're eventually going to have to get there, so I think having staff tell us how we would do this when we get to that stage, whenever it is we get to that stage, I think this would be an important thing for staff to be able to react to. I understand the concern. Mayor pro tem.

>> Tovo: Yeah, I'm just trying to remember how we did the codenext Q and a. We did submit them -- I mean each of these has a slightly different process. Right? We post directly on the message board with the concept menu, we send them to staff, and they compile with the Q and a, we send them to staff and we compile, with the codenext questions, I think we submitted those directly. Is that right? So we don't have the ability to submit them directly, so I think -- I guess my question to you would be, do you want -- are you asking staff to create something where we can submit them directly and then the second part of that is I think whatever makes sense, I like the idea of having it be in one contained spot rather than in the message board, just because it's really challenging to find -- I mean it'll be amidst all the other message posts, not that we post excessively, but trying to come up and find all the different amendments scattered about the message board is challenging, and we can't do searches and things on them the way we can do the budget Q and a.

[10:50:14 PM]

So I hope so if staff can look at this, if there's a way -- I have no opinion about whether or not we should be able to submit it directly or have staff, as long as there's staff capacity to compile them, but it would be great if it was its own contained spot. I don't know if that's consistent with what you were --

>> Pool: That's exactly what I'm looking for. I agree the message board is clunky, and there wouldn't be a way to segment off codenext from anything else. This would have the virtue of clarity, and to the extent that we put the items onto that -- into it directly, or if we submit it to staff to do it, they all come from us, just like the budget questions did with our concept menu.

>> Mayor Adler: And --

>> Pool: Actually, I'm sorry, not budget question, budget riders. And it's not a Q and a, which is a difference from Q and answer.

>> Mayor Adler: Would you check and see --

>> Pool: It's not questions an answers.

>> Mayor Adler: Would you check and see what we can do legally and practically and see if there's a way to be able to accomplish that. Councilmember kitchen.

>> Kitchen: I was just going to endorse the basic -- the basic idea that councilmember pool is putting forward, which is that we have a structure in a central location, so that this is clear for the public, that it is submitted by councilmembers. It's essentially the -- it's essentially the process we did for the budget.

>> Pool: Uh-huh.

>> Kitchen: But it's -- it's posted in one place that's public so everybody can see what's being proposed. So I think -- I think that's what you're saying, mayor, you're suggesting that our staff and city attorney figure out how that works. I just wanted to thank councilmember pool for bringing this forward. I think it's a good idea.

>> Mayor Adler: All right. Do we have anything else before we break?

>> Kitchen: And I have question, yes. Are we saying -- we've had a couple of people say that they're interested in moving forward with this as a -- as a base. My question is, are we ready to vote?

[10:52:16 PM]

If not, then councilmember alter had raised the question, when can we vote? Can we post this to vote on Tuesday if we're not ready today? I just think it's going to be important to vote on this at some point so there's at least a structure that we agree to start with.

>> Mayor Adler: Okay. Let's hold off the vote. Let's post on Tuesday.

>> Kitchen: Post for a vote on Tuesday?

>> Mayor Adler: And also on Saturday. The posting allows us to discuss and decide process for moving forward on codenext. Yes.

>> If I may, we'll use the same

[indiscernible] From today, Tuesday and Saturday, those agenda have already been posted but we'll add it as an addendum.

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

>> Flannigan: I would ask that be done on Saturday, and to make sure the public understands, I will not be at the public hearing on Saturday. I'm leading the delegation to the Oslo freedom forum. I will be in Norway. I'm cutting my trip short to make it back, and this this was scheduled without consequence to our codenext process, so I won't be here on Tuesday but I want to ensure the public and reassure the public and my colleagues, and you can watch my Instagram for the photos of me listening to the Tuesday public hearing on the flight back from Norway. And I promise the community that I will do that.

>> Mayor Adler: Send that photo. Councilmember alter, then the mayor pro tem.

>> Alter: I would just ask that we still have an opportunity --

>> Mayor Adler: To talk.

>> Alter: To discuss things. I can understand not voting, but if there is a lull in the time and we want to have an opportunity to have some discussion on something related to codenext, it would be good that we don't restrain ourselves from doing that.

>> Mayor Adler: And we won't. I hope --

>> Alter: Understanding that we won't vote on something.

>> Mayor Adler: I hope we can talk process as well as the list of policy or questions so we can advance that ball, too.

[10:54:18 PM]

Mayor pro tem.

>> Tovo: Councilmember Flannigan's announcement reminded me of something, and that is, you know, back when we were talking about the calendar, councilmember alter pointed out it was the end of school and there would be things that draw us all in, and that's going to be true for me over the next week. And I have my daughter's award ceremony on Tuesday around the dinnertime, and so that -- that sort of brought me to the question of whether or not we want to schedule and let the public know about when we're going to -- what our parameters are for the public session on Tuesday. I would suggest that we set now some expectation, if we're planning to taking a lunch break, which I think we should if we can name what that start and end time would be, so again, the public knows if they're planning on coming down and they can't get here until after 12:00, that they don't come until after 1:00 if that's when we're going to have lunch, then the same with the dinner break.

>> Mayor Adler: Let's go ahead and set some sometimes right now. What time is the presentation on Tuesday?

>> Tovo: Having said that I actually have to double-check. I'm not sure. Why don't you start with lunch. And I'll do the same thing, if it doesn't coincide, I'll do the same thing councilmember Flannigan will do, just catch up with that piece of the public forum.

>> Mayor Adler: I think because this is just taking public testimony, just we can just say we're going to take a lunch break 11:30 to 12:30 and dinner break from 5:30 to 6:30. Does that work?

>> Alter: I was just concerned about starting till 10 o'clock so we could probably go a little bit later.

>> Mayor Adler: How about 12:30 to 1:30?

>> Tovo: Great.

>> Mayor Adler: 12:30 to 1:30 for lunch and 5:30 to 6:30 for dinner?

>> Pool: How about 6:00 to 7:00 for dinner?

>> Mayor Adler: All right. 6:00 to 7:00 for dinner. Councilmember kitchen.

>> Kitchen: And I just want to remind everyone that I think we put an end date -- end time. I don't remember what it was, but I think we said --

[10:56:21 PM]

>> Pool: The danger in doing that is if we don't continue until that time, I mean, we can't not. . >>
Kitchen: But we already voted on it I thought.

>> Pool: We had a situation with the planning commission where they advertised they would be there till 4:00, nobody was there, they stayed and stayed and left, and 30 minutes before 4 o'clock they showed up, that's why they're having to have -- they had to have a third hearing.

>> Mayor Adler: Have we posted an end time?

>> Pool: We have to be careful --

>> Kitchen: I just wanted to remind us that we put that in the resolution we passed.

>> Pool: I just want to make sure that it doesn't tie our hands because we finish talking --

>> We posted it for 10:00 A.M. We didn't post a closing time on there.

>> Mayor Adler: So we can create expectation of closing time. We're not going to work past 10:00 and if we run out of people we may step.

>> We may end before 10:00.

>> Okay.

>> Mayor Adler: That's correct. Okay? Are we ready to stop? All right. 10:57, we beat 11:00, and this meeting is adjourned.