

City Council Regular Meeting Session Transcript – 8/9/2018

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 8/9/2018 6:00:00 AM

Original Air Date: 8/9/2018

Transcript Generated by SnapStream

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[10:21:32 AM]

>> Mayor Adler: All right. I think we're close to being ready here. I think we have the requisite numbers, but before we start the meeting we're going to start with an invocation. Is dusty Brian here with Trinity Baptist church? Would everyone please rise?

>> Let's bow for prayer. Lord, thank you for the day you've given to us, we're thankful for the life for each person who is here. We thank you for the city government, certainly grateful for our mayor and each one of these councilmembers. We would ask that today you help them, give them clarity of mind and thought, give them wisdom and discern. For the issues at hand. There is much to do, so we ask for direction for each of them. Help their staff and their families and pray that your watch care would be over them as well. Thank you for those who are here and involved in our city government. We pray for clarity for them as well. And lord W we might disagree on issues or on certain matters, please give us kindness and clarity and the sense to understand one another. And we'll be greater grateful. And lord, we're thankful for all that you do. We ask for every one of these things in Jesus' name. Amen.

>> Mayor Adler: All right. Just about to gavel us in. Yesterday we were able to congratulate Janette on her new designation and Austin as one of the cities of the future, in the Wall Street journal, appearing prominently on that. I left out and didn't mention that austin-bergstrom international airport was awarded the 2017 airport of the year award nationally.

[10:23:33 AM]

[Applause]. So we're going to go ahead and convene today's city council meeting. It is Thursday, August 9, 2018. We're in the city council chambers here at city hall at 301 west second street. The time is 10:22. Let's take a look at the changes and correction. It should be noted that item number 9, it's district 6, district 8 and district 10, not district 9. Item number 12 is withdrawn. Items numbers 20 is postponed to August 23rd. Item number 39 is going to be also postponed to August 23rd. We have two people that have signed up on that item 39. I'm going to give them a chance to speak if they wanted, otherwise we'll pull that up on the 23rd and I think councilmember Garza wanted to say something. We'll give her a chance to do that. Is martin blacker here? Is martin blacker here? He was the person that was signed up

to speak. Okay. We're going to postpone that item number 39 and councilmember Garza, we'll give awe chance to speak in a moment, not quite yet. So postponed to the 23rd were items 20, 39. Item number 28 being postponed to the 23rd of August. And item number 101, which is an item that we can't call until this afternoon. It's a pid assessment issue so we can't postpone that now, but giving notice that when we get to 4:00 we anticipate that item to be postponed.

[10:25:45 AM]

Item number 30 relates to -- it waives city code sections 14-11-75 dealing with payment for right-of-way and not the appraisal of property section. Item number 41, making sure that the word offerers is plural. Item number 86 and 87 should reference district 1, not district 3. Item number 97 the correct zoning in case number c-14-2018-052. Item number 102 is in district 5. We have some items that have been pulled off the consent agenda. And for reference the consent agenda here is items 1 through 68. Also 108 to 111 on the addendum and also 112 and 113 on the second addendum. Within that universe I'm showing pulled items being items 13, 14 and 15, being pulled by councilmember Garza alter, pool and the mayor pro tem. And requesting that this be addressed after lunch. Without objection we will do that. We have item number 61 -- I'm sorry, we also have item number 19 being pulled by speakers. I have item number 32 being pulled by speakers. We also have item number 61 being pulled by councilmember Flannigan.

[10:28:05 AM]

And item number 108 being pulled by councilmember alter. Item number 109 being pulled. And then item number 113 being pulled. So the items -- pulled items I have are 13, 14, 15, 19, 32, 61, 67, 108, 109 and 113. I also have item number 111 being pulled.

>> Kitchen: Mr. Mayor, I apologize --

>> Mayor Adler: And 112, which is the audit petition item.

>> Pool: And mayor, I have two items I would like to pull.

>> Mayor Adler: Okay. What are they?

>> Pool: Item 6, and this is for a postponement at save our springs alliance's request.

>> Councilmember pool is pulling item number 6 and what is the other one?

>> Pool: The other one is item 60, which is the independent third-party review for health care claims. And I just have a request of the city manager on that item.

>> Mayor Adler: Do you want to make that request and leave it on consent.

>> Pool: Sure, this is directed to the city manager. I would like to include support for bills that would assist our municipal employees for the upcoming legislative session. Senator Watson suggested a bill that would waive sovereign immunity for claims and I would like to show support for a similar bill that our Austin delegation may address in the upcoming section.

[10:30:09 AM]

>> Councilmember, we can certainly accommodate that and explore that further with you.

>> Pool: That's great. I would prefer to do it this way rather than adding an agenda item. Thanks for your assistance.

>> Mayor Adler: I have a comment on item 58, which is mayor pro tem's resolution concerning its expanded mobile crisis outreach team. Mayor pro tem? I'm supportive of having the manager take a look at that as per your resolution. Manager, I'd like to know you could also as part of that take a look at the other programs that are -- we anticipate might be lost because of the 1115 waiver. Can you hear me? Okay. I want to know if you can also take a look at the other programs that may very well be lost because of the federal government's cutting off of funding for 1115 waivers so that we can see the -- not only this, but what might be successful really good programs that the federal government is no longer funding so we have a context for this. And also when you look at funding streams to take a look and see if there are other -- both for the one that mayor pro tem has pulled, but for the others as well, if we should be looking at other partners in the community or other governmental entities that would help us, you know, consider picking up the slack on these key funded federal programs.

>> Happy to do that, mayor.

>> Flannigan: And mayor, just to add to that, it's my understanding that this program covers areas outside of the city of Austin, but Travis county is not participating in restoring or maintaining this program. So also include the jurisdictional responsibilities across that.

>> Mayor Adler: Thank you. Again, pulled items I'm showing are 6, 13, 14, 15, 19, 32, 61, 67, 108, 109, 111, 112 and 113.

[10:32:24 AM]

Ms. Houston. >>

>> Houston: I'd like to pull 42.

>> Mayor Adler: Okay. Ms. Houston pulls 42. Any other comments? Yes, councilmember brief comment on taking the next step towards electrical vehicles, which are the efforts that are provided by this item towards making our city that much more environmentally friendly.

>> Mayor Adler: Okay. Other comments on the consent agenda? Councilmember troxclair.

>> Troxclair: On item number 62 I don't need to pull it, but I do want to note just a minor correction. There's a date referenced, December 31st. And it should say December 29th.

>> Mayor Adler: Okay. And just to be clear on the veterans day parade item, item number 59, it's the last draft that was posted yesterday or the day before, it just inserts the word military in front of armed forces in one place to make it clear we're talking about military armed forces and not like our police who are also an armed force. Yes, councilmember?

>> Kitchen: I just want to make a excellent on that one. I don't want to pull it. On item number 59, I just want to thank our veterans commission for the work they've done on veterans' issues and I'm sure they will continue to work with us on this and other issues as we move forward with the parade. If there's things that we can help us with addressing.

>> Mayor Adler: Good point. Councilmember pool.

>> Pool: I just wanted to find out from Austin water staff if they have a date that they have discussed with us for item 6?

[10:34:26 AM]

>> Which item?

>> Pool: It's the item 6 that we're postponing, but I didn't have a date so I thought I would check in with Austin water.

>> Mayor Adler: You had just pulled that.

>> Pool: It was just to postpone it.

>> Mayor Adler: I thought you had pulled it.

>> Pool: I pulled it in order to postpone it. And I don't have a date.

>> Mayor Adler: Let's hold off and repair that one first.

>> Mayor and council, we would like to have it be postponed indefinitely so that we have sufficient time to work out these issues.

>> Pool: That's great --

>> Mayor Adler: So we'll leave it on consent and postpone this item indefinitely is the staff's request.

>> Yes, sir.

>> Mayor Adler: Six stays on, but postponed.

>> Houston: Do you want comments before we take the vote or now before we do 59?

>> Mayor Adler: You can do it now if you want to.

>> Houston: I want to be very clear that I am not against nor am I anti-military or against festivals that celebrate the proud men and women that make up our armed forces. I wholeheartedly support people who have served those and those who are actively serving in the United States' military. My son is a 27 year veteran of the coast guard and I have veterans on my staff. My opposition is with the expression that this is a desire of this body to exclude a group or people because of what they stand for. I do not believe it is appropriate to set a precedent that would encourage future public servants of this body to express their desire to begin excluding groups or people in the future. Additionally I strongly believe that we are treading a fine line and interfering with people's rights under the constitution.

[10:36:29 AM]

Whether we agree with what they say or don't say, I remain supportive of the process that is already in place to review and process fee waiver requests for anyone who wishes to make such a request. And because we are ultimately -- we the council ultimately has a choice to approve or deny any fee request. So I will be voting against 59.

>> Mayor Adler: Further comments on the consent agenda before we consider it? Councilmember Garza and then councilmember Troxclair.

>> Garza: This is the 39 that -- it's been postponed, but I thank local 205 for bringing their concerns to our attention. It's my understanding that they do not oppose this contract, they just have tried to enter negotiations with Freeman av for collective bargaining agreement and have failed. If it were on the -- if it were not to be postponed today, I was going to ask staff to -- direct staff to negotiate labor fees and labor neutrality language into the contract and then just as a general statement I would ask any -- any organization seeking a contract with the city if your employee association, your labor association is asking to sit down with you and have a seat at the table, I'd encourage you to please do that before you seek a contract with the city.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Hang on. Councilmember Troxclair was next.

>> Troxclair: Yes. The item number 32 that was pulled for speakers, isn't that right?

>> Mayor Adler: Yes.

>> Troxclair: I want to be shown voting no on items number 2 and 3. These are both energy rebates, one for the fairmont. It's just going to increase rates for other ratepayers when we give these kinds of major subsidies. I want to be shown voting no on item number 7, item number 24, 25, 33, 43, 44, 56 and 59.

[10:38:41 AM]

I want to thank councilmember Houston for her comments on item 59. She said it probably better than I could, but I just will -- the answer to speech that you don't agree with in this country is not censorship. It's more free speech. So we should just be encouraging everybody to talk about their beliefs and if you don't agree with it, we certainly shouldn't be trying to censor it from a position of power from the government. I think that sets a really scary precedent. And I'm going to be voting against this item.

>> Mayor Adler: Thank you. Councilmember kitchen, did you want to say something?

>> Kitchen: I wanted to add a brief comment to item 39. I appreciate councilmember Garza's comments and support toes comments. I also want to -- since this item is being postponed, I also want to ask the city manager to look at a way to include the requirement for the labor piece agreement when it comes back to us.

>> Mayor Adler: Okay. It's been pointed out to me that item 48 had some speakers that were signed up on that. That's an item that is being postponed, item 48, until August 23rd. Does Randall baldarama want to speak on this now? Do you want to speak today? Not yet. We're going to pull item number 48 for speakers. So one last time I have the pulled items being 13, 14, 15, 19, 32, 42, 49. I'm sorry, 48 is what I meant to say. 49 is not being pulled.

[10:40:42 AM]

It's 48. 61, 67, 108, 109, 111, 112 and 113. Is there a motion to approve the consent agenda? Councilmember Garza makes a motion. Is there a second? Councilmember alter. Any discussion? And we have speakers, thank you. Speakers on the consent agenda. So let's call them. David king?

>> Thank you, mayor, mayor pro tem, councilmembers. My name is David king and I'm speaking on item 25 and also item 60. Item 25 regarding the six million dollars certificates of obligation to replace cap metro funding. With this action you're effectively giving cap metro six million dollars at the expense of city taxpayers. That's effectively what's happening. In doing so I hope that you will add a stipulation that cap metro must use the six million dollars to increase transit services to transit dependent riders and to comply with title 6 of the civil rights act of 1964 as it relates to the cap remap route changes implemented last month. On item 60, regarding independent third-party appeals process for city employees whose health care claims are denied, I'm glad that you brought this issue forward and that you're approving this and I appreciate adding the direction to address this to a legislative agenda at the next session. That's important. And I just have to say that I find it -- that the city would oppose the right of its employees to appeal health care claims that are denied by the city's health insurer is unconscionable. Even more egregious is the city's opposition to legislation in the last legislative session that would have granted employees the right to appeal denied insurance claims.

[10:42:48 AM]

I can't believe that -- did this council provide that direction at the last legislative session to oppose that bill by senator Watson? I cannot believe that. So I'm very happy that we're going to take a different tact going into our next legislative session. Our employees work hard for our city here, provide the best services that they can to us and they deserve this council's backing in having the right to appeal denied insurance claims. And this has had a big economic impact on at least one city employee. So thank you for bringing this forward and hopefully we can make this right for our city employees. Thank you.

>> Mayor Adler: Thank you. Gus Pena.

>> First of all, I want to thank Mr. Greg Guernsey and his staff for the hard work and their tireless work on codenext. They're not to be discriminated against. They're not going -- talked negative about because I respect them for the work that they did. It is y'all -- incumbent upon y'all because -- actually, you make policy. So it's not their fault. They did the best they could. So respect them. Okay. Thank you. Now, having to do -- Mr. Mayor, I draw strong umbrage at you equating the Austin police department with us veterans. They're not armed forces. They're the city of Austin police officers. We're armed forces. I carried an m-14, m-16 and the thumper, grenade launcher. Don't equate them with us. That is disgraceful terminology. Don't use it again. They're not armed forces, we are, military. Okay. Having said that I'm going to calm down, Steve. Number 27 having to do with housing, Mr. Mayor, this is a copy of Wednesday, August 1st metro and state T says mayor, time is -- it quotes you, time is now to end homelessness in Austin, Texas.

[10:45:00 AM]

How many -- do you remember when my wife and I went to your campaign headquarter -- look at me. I know I'm ugly, but you're not going to turn to stone. The issue is this, didn't I tell you to work hard to end homelessness as much as I could. Now you're telling mijó here, and I quote, time is now to end homelessness in Austin. Come on, bub da, it should have ended a long time ago. People are playing games. I say playing games. I'm a former IRS investigator. I've investigated them too much already. Not enough going on concrete evidence to end homelessness. It's going to be here for a long time. I'm going to tell you there are some good people out there that are homelessness and they're being assaulted by other people. We need to end homelessness. But this one, listen to me, this one takes the cake. Mr. City manager, you're in charge of everybody else. You do your job, make sure that if there's a complaint for my issue and my dad at the cemetery. I don't want to hear this crap, excuse me, about we don't have money like this, that and the other to investigate whether my dad's remains and my stepbrother, World War I and World War II, their remains are not there. 216 bodies in caskets moved from one place to another in one day. Not feasibly possible. I want to thank Jason here. He's a good -- he should be city manager, not you. But anyway, I just want to let you know he's tireless and he's been there for us and the meeting that cap metro had with you and the city council, do you know what? That was a fiasco. Three minutes are allocated to speakers. I wasn't even allowed to speak. I could have cut it down to two minutes. All I wanted to say is this, these new routes are catastrophic for the riders.

[Buzzer sounds] I know it's not on the agenda, but it's a quality of life issue, mayor. Please, please --

>> Hold on. Armed forces, military, not APD. Thank you very much.

>> Mayor Adler: Mr. Leon. Carlos Leon.

[10:47:05 AM]

Rebecca Melson is on deck.

>> Carlos Leon, August 9th, 2018 to speak what is right.

[Speaking foreign language]. First and foremost, gracious adios for letting me speak to the importance of access for all to information in a free, open society protected by constitutional law. Per agenda item number 24's backup materials, quote, without access to these important subscription services, library customers will have to seek out other information sources. And what if those other sources have been electronically denied or shut down. Though the U.S. Supreme court has repeatedly ruled hate speech to be constitutionally protected, most recently in

[indiscernible], democratic senator Chris Murphy just used hate speech to justify calling for tech giants like Twitter, Google and YouTube to take down digital content like austin-based infowars.com, falsely claiming its info are hate and lies tearing our nation apart because Alex Jones and crew disseminate truth for love of country to restore our republic by uniting us under constitutional law. The survival of our democracy does not depend on banning or deleting digital content, but ensuring multiple electronic platforms and avenues for all to access it 24/7. The Democrats' call to destroy digital content online, they do not support, is the present day analog of the fire oaths of 1933 Nazi Germany.

[10:49:10 AM]

Mass burning of books labeled Ungerman to synchronize Nazi ideology with German culture and literacy communities to physically destroy all anti-nazi ideologies in print before trying to physically murder all anti-nazi humanity on Earth. The "New York Times" feminist witch Sarah John Kerry insanely tweets trump is hitler, Democrats are emulating 1933 Nazis by trying to silence conservative anti-liberal content and thought. Not on my watch. Approve item number 24 so long as lots of legit conservative news information and opinion are included in the deal. Like Alex Jones says, there's a war on for your mind, and losing is not an option. In Jesus' name I pray, amen. Thank you, lord. God bless Texas, the united States of America, constitutional, law truth and above all god's word. Never forget it.

[Applause].

>> Mayor Adler: Rebecca Melson? Item number 14 was pulled, thank you. Adam Kahn. 12 and 13, I think those were both pulled. They were both pulled. Paul Robbins, item 3.

>> This is relating to the customer assistance program transfer. Council, almost four years ago I first notified Austin energy there was something very wrong with its customer assistance program known as cap that was giving utility discounts to the poor.

[10:51:17 AM]

Since then I have spent considerable volunteer time researching and recommending vital repairs to this broken program. While it appears that you have kicked the really expensive homes off the roles, cap continues to award charity to customers, probably thousands of them, whose incomes do not justify it. This -- there are likely millions of dollars a year going to the wrong people because you will not income qualify them. Cap is also running a surplus of seven to eight million dollars, which is not even collecting interest on behalf of the program. Cap could be income qualifying all applicants, that would likely save administrative money, that could be used to help poor people, and cap is offering a 10% discount on electricity for those -- even for those gratuitously wasting energy. I know of at least one customer that used as much electricity in one month as I used in about two years. I quit adding up my donated time long ago, but it could easily be 10 months. There is no group of poor people that is paying me on commission to get their money back, council. Given that the problem continues to fester, my faith is shaken that my advice is not valued. If the city paid me what it would pay a consultant or a lawyer, you would owe me more than half a million dollars. Perhaps I should charge you because then you might actually take my advice on corrective action.

[10:53:18 AM]

Perhaps most ironic is that the council has placed a 250-million-dollar affordable housing proposition on the ballot this fall. How can you expect the public to have confidence in a new social service expenditure if you cannot fix the ones that are currently broken? How can you argue over figure active crumbs during budget deliberations and still leave seven or eight million dollars in cap surplus unattended to? Council, when are you going to hold your own work sessions to figure out a new way forward on this important program? The current direction was determined by the at large council in 2012 --

[buzzer sounds] This is your problem now.

[Applause].

>> Mayor Adler: Is mark -- sorry. Is martin blacker here? To speak on item 39. It's been postponed. Okay. With respect to item number 39, if there's an issue with respect to the -- if there's a desire to include in the contract specifications specifications that something happened, then postponement doesn't help us get there, it would have to be resolicitted. The postponement could give us time to figure out whether or not it needed to be

[10:57:42 AM]

>> Mayor Adler: Those are all the speakers we have signed up to speak on the consent agenda. The consent agenda has been moved and seconded.

>> Houston: Item number 30 will pass on consent, but as I see the members of the Texas facilities commission in the audience, I wanted to make sure that we direct the city manager to include on our legislative agenda the issue about the ledger and how we can have more use about the ledger that we're putting more and more money on.

>> Mayor Adler: Noted. Thank you. Any other discussion on the consent agenda? Councilmember pool, then the mayor pro tem.

>> Pool: Thanks, mayor. We've also had discussions about adding to the legislative agenda the requested pedestrian access easement on the southern edge of the archive building at 4400 shoal creek boulevard to cross shoal creek over into the property that's now called the grove development, which is part of the mediated -- which was part of the mediated agreement. And I had brief conversations with some staff both here with our legislative affairs office and with senator Watson's aid about that. And I think they are all on that.

>> Mayor Adler: It's been pointed out to me we're not posted to talk about the legislative agenda on this, so --

>> Pool: So how is this different from requesting that we put item 6009 legislative agenda?

>> Mayor Adler: Because it was over and the conversation took place and we moved on from that.

>> Pool: Okay. Well, I think I've pretty much gotten my remarks into the record, if the record could reflect.

>> Mayor Adler: Great.

>> Pool: An they have agreed to assist us, I think, is the culmination of that comment.

>> Mayor Adler: Great. Mayor pro tem, did you want to speak on the consent agenda?

>> Tovo: Yeah. I just wanted to say very briefly with regard to item 58 when we addressed a minute ago, or few minutes ago now, the mcot item, it's on the Travis county agenda for today because the request has gone in both to the city of Austin as well as to Travis county to pick up the funding that's being lost under the withdrawal of the federal funding so hopefully we'll have good news out of that body today, too.

[10:59:59 AM]

And I appreciate -- I know we have our city staff -- I think we have our assistant chief Newsom here though address it but sounds as if we don't need to call on those professionals to do so. But I also just want to do refer the council to four committee meeting, we actually discussed changes to the 1115 medicaid waiver and talked about the impact it could have on city programs. I know, city manager, you

received direction from the mayor to look at that, and that would be a good source of information because -- we did go through some of the real impacts on the city.

>> Mayor Adler: Great. It's been moved and seconded to approve the then consent agenda. Further discussion? Those in favor, please raise your hand. Opposed? It's unanimous on the dais with the notations that the individual members put into the record. Okay? So that's the consent agenda. Do we want to pull up and talk about the 380 agreements, which is items 13, 14, and 15? Oh, we moved those to 2 o'clock? You're right, we did. Mayor pro tem -- if everybody could please be quiet as you leave so we can continue doing business. If everybody could keep their voices down a little bit as they walk out. Thank you. Mayor pro tem?

>> Tovo: Mayor, I just wanted to really ask a question but also make a comment about an item that we're going to take up later, and that's the mckalla --

>> Mayor Adler: Excuse me can somebody get the attention of the people in the back corner for me? If you guys could keep it down, that had be great. Thank you. Mayor pro tem.

>> Tovo: Yes. Later in the day we'll take up the question of mckalla and the term sheets and items related to that, but I had a couple quick questions that I'd just like to throw out to staff about a document they referenced in our session, I guess it was last week.

[11:02:01 AM]

At the time we had a city staff member who said that the sustainability office had been working and had a list of -- with some more specific details about requests or agreements they had made with the developer. I don't see that in the backup, and so if our city staff have that document and could make it available to council, it's possible you have and it's just gotten mixed in with the thousands of other emails we've gotten in the last day or two, and perhaps I've missed it. If it's not available on the website, I would ask that it become so. The other thing is really a public -- just a note for the public, and that is that as of last night, the term sheet -- the updated term sheet was not on the city -- was not linked up to our agenda, nor were all the responses to the question and answers linked up to the agenda. They were available on the city's mckalla site and some of the questions had been answered on the Q and a format in the council agenda. I know mine had not been. It looks to me like all of those answers have now been transferred. So if you were looking at the council agenda last night for responses to some of those questions and didn't see them, they should be there now. But, city manager, do you have information about the sustainability sheet?

>> Not right now, but I will definitely work with staff to make sure that's up there.

>> Tovo: Thank you.

>> Pool: Mayor pro tem, may I ask her a question? Mayor, may I ask a question? So, mayor pro tem, in the documents that you mentioned that are now in backup, the spreadsheet that we had requested related to the cost and expenses to the city, is that linked also, as far as you know?

>> Tovo: I don't -- I don't know. That's a good -- that's a really good question.

>> Pool: Well, it might be appropriate to ask it now, since you've raised that question. So is there someone that we can ask? What I'm referring to is the spreadsheet that staff prepared for us in response to my request that shows us the city of Austin revenues and expenditures over the 20-year time period.

[11:04:10 AM]

>> Rebecca, interim director of economic development department. That information is on the city's website as well, the .PDFs are. Is that the question, is the information also on the Mccullough site?

>> Pool: No, I'm wanting to know if it's linked to the backup for this item.

>> I'll go back and check. The information I received from the agenda unit last night, I went through it to be sure -- I think it starts on page 49, and I believe I saw that. I was working from my phone, but will go back and clarify that, but I do believe it's there.

>> Pool: Yeah. And that's for the soccer stadium.

>> Yes, ma'am.

>> Pool: Okay. Then the last question is, do we have a time certain to take this item up? Or do we have clarification on when we'll be taking this item up?

>> Mayor Adler: We're going to take testimony on that this afternoon to the degree we're able to do that but we're not going to make a decision till after different. So I would anticipate we'll also be taking speakers then too.

>> Okay.

>> Mayor Adler: It will be the item we take up after dinner since it was the item that took us till 3 o'clock last time. Okay. Are we back onto our agenda? Ms. Houston?

>> Houston: We were beginning to type of talk about scheduling, and so I want to have this out so people can begin to think about it. I don't know about the rest of the dais, but I don't do really good work after 12 o'clock, and so if it's possible if we're going to go later than that, if we could recess and then come back on Friday morning, see if that's a possibility. 3 o'clock in the morning is not a good time for anybody to make policy decisions.

>> Mayor Adler: Okay. All right. Are we ready to --

[applause]

-- To continue? All right. Items 13, 14, and 15 we'll be calling up at 2:00 or no earlier than 2:00, rather. Yes?

>> I just think we should take a moment and have a little bit of conversation about if we're going to set a time we're not going to go past. I don't think it's fair to the public to expect them to be here after midnight or for us to be on the dais after -- or whatever the time is.

[11:06:13 AM]

[Applause]

>> Garza: And I think if we set the earlier, he can set -- if we have council agreement, the earlier we can set a time, the better people can plan, and, you know, if we need to come back and reconvene tomorrow morning, I'm willing to do that. But if I think we set a time, we will at least do what we can to get through as much of the business as possible before that time.

>> Mayor Adler: Okay. Councilmember Garza?

>> Garza: I'm also supportive of this conversation. I think we need to give the public some expectations and I agree, having our most important issues after midnight is not -- it's not good for us.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Councilmember kitchen?

>> Kitchen: Just to get a sense of the dais, I would also agree, and I think it's important to set that expectation right now, so...

[Applause]

>> Mayor Adler: Okay. Mayor pro tem?

>> Tovo: I guess I would say if we are going to have expectations of continuing our meetings into Friday, we really have to address that before Thursday. You know, it does not -- it's simple not feasible on Thursday to come up with a plan to be here on Friday, personally. It's really going to be a challenge if we're here. I concur that I think we do better work before 3:00 A.M., but -- and so I'll support -- I'll support a decision to end at midnight, but I think that we should take stock at about 6 o'clock when we come back and see what items we'll need to postpone to make that happen. And generally, if we want to try to hold our meetings -- hold that space open, then let's communicate about that, you know, in the weeks before so we can schedule that time.

>> Mayor Adler: So I'll bring up this issue, by the way, at a work session so that we can adopt a rule and a convention for us. But as concerns today, councilmember kitchen?

>> Kitchen: Yes. I appreciate mayor pro tem's concerns, so -- and there may be other options for when we postpone, too, but I'd like to establish this morning whether or not we're going to stop at midnight.

[11:08:18 AM]

So I'm hearing on the dais that there's interest in that. You know, if we need to vote to take an expression of that, that's fine, but what I don't want to do is at 6 o'clock say, well, maybe we'll go past

midnight, maybe we won't. I really want to determine that this morning. I think it's appropriate for the community to understand whether we're going to stop at midnight or not.

>> Casar: Mayor?

>> Mayor Adler: I'm comfortable with us growing to stop another midnight and taking a look at 6 o'clock and seeing what we need to postpone from the agenda in order to that do that. Councilmember Casar.

>> Casar: I -- it seems like it's the will on the dais and I support the idea. I just don't know how many of my commitments for tomorrow I can cancel on the spot right now. So for me, also, as the mayor pro tem mentioned, if what we're doing is punting items over into Friday, I will have to figure out which commitments I can cancel, depending which items we move over. So I'll be flexible and of course be here on the dais, I just can't commit I can cancel my commitments for tomorrow. I will do everything I can and likely can, but I can't promise that to you right now.

>> Mayor Adler: I would also suggest as we go through the day, given the fact that we have this, if we could keep that in mind as we debate and discuss among ourselves so that we could move through the agenda, that would also, I think, help us a lot as well. Councilmember, yes, Flannigan.

>> Flannigan: I would concur with that. I'm able to do tomorrow if that's what we need to do, but I think it would be good that we want to take our public testimony today and not have people wait here all day along and have the expectation we're going to want them to come and speak on Friday morning after they spent the day here. Even if we don't do our debate and have the debate on Friday, that might be the best way to go. Then we've got overnight to interpret and listen, kind of take in all the public testimony that we may receive.

[11:10:18 AM]

>> Mayor Adler: Okay. Yes, councilmember alter.

>> Alter: I don't think I'll have the support for this, but I don't think we make decisions after 10 o'clock, and I regularly vote against going beyond 10 o'clock. I'm not absolutely is your sure I can be here tomorrow morning, but I will attempt to do that. I think as we're having the conversation in the future, we really should look at 10 o'clock. It is not fair to the community and it's not fair to our staff, and we don't make good decisions after 10 o'clock.

>> Mayor Adler: Okay. So we'll set that for work session, talk about the general rule. Today, let's agree we're not going to go past midnight, and at 6 o'clock, let's look at what we need to drop from the agenda or postpone in order to help us make that, and then let's also try to be diligent as we go through the day to hopefully not force any hard choices. Mayor pro tem.

>> Tovo: As I mentioned, and as -- I mean, I'm in the same position councilmember Casar is. If the expectation is that we're coming back in the morning, I'm going to have to immediately begin trying to figure out how to manage that by canceling things. So if the expectation is that we're leaving that option open to roll over to tomorrow, that would also be good to establish right now. And I'm sure, you know,

speaking of our staff, I'm sure many of them also have full days planned for their Friday, so they also need that signal, that there's an expectation that we may be back here in the morning.

>> Mayor Adler: Okay. So let's talk about that issue. If we dump things from the agenda and we're still going past midnight and we want to stop, do we want to reconvene tomorrow? Do we want the two councilmembers that expressed reservation, give them a chance to be able to check their calendar? No, no, no, I didn't mean reservation, I meant the practical -- if there's a better word for reservation, whatever that is, let's talk about whether or not we would consider reconvening in the morning.

[11:12:24 AM]

Councilmember troxclair.

>> Troxclair: So I guess since I was the one that mentioned it, my strong preference is that we get through as much as we can by midnight. If I think we set that as a goal -- as a council, we tend to take up as much time as we have so if we know that we're ending at midnight, hopefully it will help us get through the agenda as quickly as possible and if there's things that can be postponed until the next agenda, we can do that and then we might not have to come in tomorrow. I can if we need to, but of course my preference is to finish our business tonight.

>> Mayor Adler: So that left open that possibility.

>> Renteria: Mayor?

>> Mayor Adler: Yes.

>> Renteria: I think we should just go ahead and just keep up with the meeting so we can get this thing over with, so maybe we won't have to wait till midnight, if we just focus on what we need to do here. You know, there's going to be a lot of questions about Friday, you know. The question will come up, are we going to wait till after 5:00 so people that want to speak can come in while they're working on Friday? There's a lot of questions we have, I think we should keep on doing what we're doing right now, and then I think we should have a work session and have a real discussion about it.

>> Mayor Adler: Okay. So I think the answer now is that the possibility of meeting tomorrow morning has not been decided but remains within the realm of possibility. Let's see if we can get this they think all done today. All right. Let's move on. Items --

>> Kitchen: Mr. Mayor, I'm sorry, for the public so that there's not confusion --

>> Mayor Adler: We're going to stop at midnight tonight and if we have other things we're going to deal with at that time when we pick them back up. It might depend on what the issues are. But the possibility of doing it tomorrow has not been taken off the table. Yes, councilmember pool.

>> Pool: Mayor, I wanted to circle back around to the discussion I think the mayor pro tem and councilmember kitchen were having about item 19, and it was the opportunity costs and liability costs.

[11:14:27 AM]

Was that the document you were looking for? If I could ask?

>> Kitchen: Yeah, it's the document that we had asked for a list of all costs to the city, and there was a spreadsheet prepared. That's the document that I'm talking about.

>> Pool: So I think I heard that the answer from staff was that it was posted to the city's page for the mckalla place site? Is that right? Kitchen I had asked if it was posted to backup, and I think that they were checking.

>> Pool: Because I'm not seeing it on the mckalla place site. I'm hoping it will be here. The site is a little difficult to follow but I see the red line and clean sheet are there, but I don't see the opportunity cost document, which would be helpful to have it up here so the community could find it in multiple places.

>> Kitchen: Yeah. I think it should be attached to backup.

>> Pool: I myself have not seen it at all.

>> Mayor Adler: Okay. Can we attach that to the backup for the agenda today?

>> Pool: And for the mckalla place page.

>> Tovo: Mayor, not to belabor the point, but where is it? Has anybody seen it.

>> Mayor Adler: Yes.

>> Tovo: So some people have seen it?

>> It is on the mckalla place site under councilmember kitchen's questions. I do recognize, however, we want clarity that it is also through the agenda and we will do so.

>> Mayor Adler: Okay.

>> I'm looking at the site on my phone.

>> Pool: Mayor, may I just ask a staff since it was an important document and people may not have remembered it was councilmember kitchen who registered that ask, could we put it up along with the two red lines possibility, where you have those, the August 8th update?

>> Yes. It was also requested of staff that we try to public the questions asked by each councilmember under the councilmember's name, so we're trying to accommodate several things. But what we can potentially do is take the Q and a and move the entire bulk of the questions up.

>> Pool: What I would suggest is just that one document because it's of broader use than simply --

[11:16:28 AM]

>> Not a problem. I think we can do both.

>> Pool: I think the redundancy is really helpful.

>> Sure.

>> Pool: Thank you.

>> Mayor Adler: Okay. All right. Let's continue on with the agenda. 13, 14, 15, we're going to pick up no earlier than 2:00. Item number 19 this afternoon into this evening. Item number 32, vehicle booting. Let's call that item up. Is staff here on this? The speakers have pulled this. 32. 32. Would you give us a really high level review of what this is, then we'll call the speakers to speak.

>> Ladies and gentlemen, members of the council, thank you for having us today. I serve as operations manager for premium parking --

>> Mayor Adler: Hang on one second. Is staff here on this issue? Okay. Go ahead. Sorry.

>> I'm sorry. Your mic is --

>> Mayor Adler: I'm sorry. Go ahead. . >> Mayor Adler: Before we have the public speak, we're going to have staff kind of lay this out for us.

>> Mayor, councilmembers, assistant chief Newsom with A.P.D. The ordinance before you is to regulate the practice of vehicle booting. Last year -- last legislative session, the legislature deregulated a statewide control of the booting to the Texas department of license and regulation and gave that responsibility to the municipalities. And so the purpose of this ordinance is to regulate the act of booting and the fees that companies can charge and the conditions under which they can receive licenses to perform this act.

[11:18:37 AM]

>> Mayor Adler: Okay. Thank you. Let's hear from the public and then we'll bring you back for questions. So now I'm going to call to speak -- we have four speakers. Is Andrew Eaton here? Why don't you come on down. Is Joseph branch here? You'll be at the other podium. Mr. Eaton, go ahead, you have three minutes.

>> Thank you. Apologies for the confusion.

>> Mayor Adler: That's no problem. Pull the microphone up to you.

>> Is that better?

>> Mayor Adler: Yes.

>> My name is Andrew Eaton. I serve as operations manager for premium parking of central Texas, a parking operating company with 18 commercial facilities under operation here in Austin, Texas. Premium is not in the booting business. We're in the parking business. We directly serve the parking

needs of downtown offices, bike shops, coffee shops, restaurants, farmers markets and hotels and indirectly facilitate the parking needs of hundreds of businesses in and around the downtown Austin area. It's in our best interest to see these patrons pay and return, not booted and towed, and businesses require effective parking enforcement. We've found immobilization or booting is the most effective, efficient, and customer-oriented form of parking enforcement. Premium -- excuse me -- premium employees as admirals anyone the booting. They made clear to us a maximum boot fee of \$50 would preclude them from operating sustainably at a profit and force them to shut down operations. Booting operators should not operate without regulation and oversight so of course I support regulating booting operators and predatory booting practices which are frankly unacceptable and not a culture we wish to perpetuate, but we feel an increase in the maximum boot fee would allow booting companies to profitably operate in compliance with the ordinance. Stakeholder input in the process has been limited, to responding to the ordinance as written.

[11:20:38 AM]

I encourage the council to postpone a final decision until at the next council meeting where we hope the ordinance should be amended to increase the maximum boot fee to hundred \$100. To the council, I wanted to ask if there are any questions I could answer about our operation or our relationship with admiral enforcement.

>> Mayor Adler: Thank you. Mr. Branch, do you want to speak? Is Anthony Martinez here? Why don't you come on up to this other podium. Please proceed, sir. You have three minutes.

>> Thank you, mayor. Mayor and council, my name is Joseph branch. I'm the manager for admiral enforcement which is the parking company working exclusively with premium parking. Admiral does booting for vehicles on private lots. We're contracted to enforce 1,230 parking spaces. We already comply with most if not all ordinances, in some cases goes further than that. For instance, admiral employees are drug-tested, background-checked, wear body cameras, uniforms, and in marked vehicles which are used for patrol. All of our lots are marked and have information displaying to the customers if they get booted, where they should call and how to pay. Admiral charges a maximum of \$99. However, if a vehicle owner returns and shows they have an expired ticket within an hour, we charge \$70. If the vehicle -- if the vehicle was booted and the person arrived within 30 minutes from the time of being called, we has there half that. And if we arrive within an hour, we just go ahead and make that go so there's no charge. We do believe there's a need for an ordinance in Austin. The major concern that we have with the one proposed by the and and is the one allowed.

[11:22:42 AM]

The one proposed is \$50, we propose a hundred-dollar fee. Admiral enforcement require fees to cover cost of professionally trained employees and equipment. Additionally, at a hundred dollars, booting is still half the cost of being towed in Austin, which is an average of \$193. Honestly, it's much more

convenient than having one's car towed. In our discussion with A.P.D., urban transportation commission, earlier in July about how they came to a \$50 maximum fee, it was stated that it would be equal to the \$50 drop fee for towing, which is not based off true operating cost for a professional booting company. As a comparison for the council, if you look at the city of Dallas and university of Texas, they charge a hundred dollars when a vehicle is booted. San Antonio charges \$35, but we've found out that this has also driven most booting companies away and put them out of business, which left the primary towing companies in charge, which is a more expensive and inconvenient way of parking enforcement. Finally, the stakeholders' input for the process has been limited to responding to the ordinance as written, so I'd like to encourage the council to please postpone the final decision until at least the next meeting so that we will have time to --

[buzzer sounding]

-- Get that informing to the police department.

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

>> Mayor, [indiscernible]

>> Mayor Adler: Okay. Is Anthony Martinez here? Thank you, sir. Is Jose Santiago here?

>> Yes.

>> Mayor Adler: Why don't you come on down and you'll speak at the next podium. Sir? Go ahead.

>> Hello. My name is [indiscernible] --

>> Mayor Adler: You need to press the button. You need to press the button on the -- not yet.

[11:24:48 AM]

Press it again. There should be a red light that comes on.

>> It's green.

>> Can you hear me?

>> Mayor Adler: Okay.

>> Okay. Again, I'm Anthony Martinez, republic parking enforcement. They said a lot of the stuff I was going to say so I'll bypass a lot of that stuff. We started about five years ago. We were the first booting company here in Austin. And we worked really hard with tdlr to get a lot of the stuff started at the very beginning. One of the things that we came up with was the price of the boot. Robin Molton at the time was the head of the booting part of tdlr, and they had their own council people and they came up with a price of \$150. They felt like that was fair to observe and that was fair for businesses to be able to stay in business. With that said, that led us to getting into booting instead of towing because we were going to get into towing at the time. On our part right now, if it was to go any lower than that we'd probably go into towing. I mean, it would make sense to -- where I could take a car for \$150 because that's what it

costs to tow it away. The storing fee is 43.30 once you get it to the lot so if I'm going to get -- if I'm going to get charged less, let's say I charge a hundred dollars for that boot, I might as well tow it away and get \$150, plus the storage fees. So I can see where they came up with that number. So that way, people would stay and do what they're going to do as far as booting because there's a big need for booting in this town. Parking is at a premium here. I mean, people are fighting for their places. Some people are going out of business because other places are taking over their parking spots, or losing a lot of money.

[11:26:48 AM]

I mean, who hasn't driven around looking for a motel or a restaurant that they want to go to or stay at, and it looks like it's busy, but really it's not. It's another place next-door that's actually really busy and they're using their parking spaces. How much money do they lose per day? How much money are they losing per year? You know, they need a company like us to take care of them. So I'm for keeping it at \$150, where it was, where it's been for five years. I'm not even asking that it goes up. The towing company that they want to compare us to, like 12 years ago, they went up from 90-something dollars to \$150. It's been at \$150 to \$250 maximum that they could charge for over ten years now. The rest of the state charges the \$250 for their towing, plus the storage fees. Austin, being one of the highest places to live in the state of Texas, we're charging at the least amount that we can charge for towing. And now they want to drop the booting down even lower where nobody can stay in business. There's no way we could be able to stay in business at this price, at that cost. It is just --

[buzzer sounding] There's no way. Again, I was going to say if you have any questions for me, I know my time's up.

>> Mayor Adler: All right. Thank you very much.

>> Jose here will probably answer the rest.

>> Mayor Adler: Mr. Peña, would you come down and check in with the clerk? Go ahead, sir.

>> Hi. My name's Jose Santiago. I'm with capital parking, towing, booting and recovery. I agree with everyone what they've said. The price is going to be an issue. I'm for a hundred-dollar booting removal fee. I know you guys have a lot of things to go over today. I don't want to take up any more of your time. If there are any questions, by all means, please ask.

[11:28:51 AM]

>> Mayor Adler: Okay. Thank you very much. Mr. Peña? It's not showing up in the system, but come on up and speak.

>> What now?

>> Mayor Adler: It's just not showing up in the system.

>> Well, I punched in -- okay. Anyway, excuse me, I'm Gus Peña. And the reason I'm speaking is because I see people that are booted over here in these parking lots, and that's where I catch the bus downtown, but these gentlemen have a unique, you know, situation, and I agree with them. Yes, it is -- it is expensive to be booted. My son/nephew had his vehicle booted, and he ran toward the operator and found out that he had a parking space already paid. Lucio. You met him before mayor. So anyway, what I'm saying is this, there are signs out there. Let's make them a little bit more bolder over here or more broader or whatever you want to -- so that people can really read them. But I do support the industry and, you know, I don't think there's any shysters out there just making it more expensive than what it should be. People are going to know you're going to be booted if you don't pay. That's tend result, you know. Pay me now, pay me later, like they used to say in the '60s. I'm going to support these companies. The gentleman -- what's your name?

>> Anthony Martinez.

>> And any Martinez said it right, professionally and eloquently, you know. They'll be out of business. But let's educate the people also and make sure the signs are broader and some people don't read it, but, yeah, there is an issue here and I'm supporting these individuals here. And also the taxpayers. But they need to read the signs and know that you pay or get towed. Thank you, mayor.

>> Mayor Adler: Thank you. Those are all the speakers. Those are all the speakers we have?

[11:30:52 AM]

Councilmember alter?

>> Alter: I would like to ask Mr. Newsom if he could speak to how they came up with the fine. It seems like the point of contention is over the level of fine. Can you speak to how you came to that amount?

>> Yeah. I'm going to call detective Ballard up, too, to fill in some gaps in a second. The single man was correct, we started with the 50 because that is the drop fee that towing companies charge. If they're towing your car and you show up whenever they're towing it, the fee that's sets for them to drop it and give it back to you is \$50. So we kind of likened that to towing in the same sense.

-- Detective Ballard did research with other cities.

>> Some of that's been addressed already. San Antonio, they allow a \$35 drop fee. Dallas is 100. And then Houston, although difficult to read, is basically \$25 for a boot fee.

>> So all those things combined is how we started at the \$50.

>> Alter: So I understand that there's a certain time sensitivity to having something in place because the state's regulations will go away. Would a feasible step, an option, from your perspective, be for us to pass this on first reading with direction for you to have some conversations with the stakeholders to better understand the economics of how that works in Austin in terms of the financial stuff? It doesn't seem like it is a good outcome of this if we then don't allow any of our businesses to be able to enforce

their parking. We've required them to have parking, but they've assumed that parking is available to their customers in a reasonable way.

>> Uh-huh.

>> Alter: And then we could come back on the 23rd for second and third reading, and it would still have -- we might have to do it being in effect quick he were, but could we do that? Would that be an option that would be a reasonable --

>> We would work our best with the stakeholders to arrive at something by the two or three. Legal has drafted some emergency rules for when this does get signed, does get passed, that we can be ready by September 1st.

[11:32:58 AM]

>> Alter: Okay. I'd be curious if others might think that would be a good way to go.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Mr. Newsom, I assume that you have heard some of these concerns and feedback from the industry in the past, and your recommendation --

>> We have.

>> Tovo: -- Is as it was presented to council?

>> That is correct. Yes, ma'am.

>> Tovo: Okay. Thank you. I'm going to support moving forward with that today.

>> Mayor Adler: Councilmember Houston?

>> Houston: Thank you, mayor, and thank you. You look pretty good for after doing dodgeball last night.

>> I didn't play last night. And I had late meeting I had to go to so I missed it. Thankfully.

>> Houston: Oh, it was fun. It was fun. It was hot. There are some concerns that I have about -- that probably need some additional work. One about an appeal process for operators who have been denied. There is none at this point, as I understand it. And then as I was reading through the information, it says something about the police or parking enforcement could request a boot to be removed. What's the criteria to make that request?

>> Can you answer that?

>> The appeals process is actually in the rules, the rules for the police department. They're allowed to have a hearing with us to focus -- it's also in the ordinance. There's -- the appeal process is in the ordinance under -- what section?

>> What section was that, sir?

>> 13-7-65, under appeal.

>> Houston: Okay. I'll look at that. But the other question was about what's the criteria for a parking enforcement person or the police to ask for a boot to be removed? What happens? How do you do that?

>> Basically, this is worded just like the towing ordinance. It's in the towing ordinance as well. And usually those are when a disturbance is happening and an officer is called out, whether or not at the time they believe that it was an illegal tow or something is not right with the boot, it wasn't put on properly, there are other issues, the person not being licensed and stuff like that, it gives the police the authority to have them just remove the boot.

[11:35:15 AM]

And then the booting company's resource at that point is to file a civil suit and have a judge look at why the officer had that boot removed and if the judge finds that the officer did something improper, then they can get their money reimbursed from that boot.

>> Houston: And so is the process the same for a parking enforcement person from Austin transportation?

>> Yes. It'll be the same for them as well.

>> Houston: Hmm. Okay. So if I'm having a big fuss-up in the parking lot with the boot company, and a parking enforcement company comes by and they agree that the boot was placed on -- not illegally, but I don't know what you would call it.

>> Improperly.

>> Houston: Improperly, then that individual who is not a licensed peace officer can tell them to remove the boot.

>> Yes.

>> Houston: And under what authority is that? Just our rules?

>> It's through the ordinance.

>> So the ordinance makes transportation the agency the issues the license to the company to boot. And so through that process, that gives the parking enforcement officers the authority to have the boot removed.

>> Houston: Okay. Okay. Thank you.

>> Yes, ma'am.

>> Mayor Adler: What is being charged now, under the state regime?

>> Right now, it's the Texas department of licensing and regulation. They regulate all the booting companies currently.

>> Mayor Adler: What is being charged right now for booting? Is it 50? Is it a hundred? What is being charged now?

>> For the removal fee, there is none.

>> So the companies can set it.

>> Mayor Adler: So the companies are setting whatever they want to. This would be a limitation so whatever companies can set it at.

>> Correct. Yes, sir.

>> Mayor Adler: Do we know what the market is?

>> I don't know what the market would be in Austin for that. 150 for a tow because that's what the towing regulations say.

>> Mayor Adler: We don't know what people are charging for booting.

>> I do not.

>> Mayor Adler: So we don't know --

[11:37:17 AM]

>> The majority -- I get all the complaints from people who have been booted, and the majority of them, I would say 90%, have been charged \$150 to get a boot removed.

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

>> Tovo: Yeah, thanks for that information. When I've received complaints, and, you know, I represent an area that includes the university and some other areas that are using booting services, and it's -- it can happen within a very short period of time, and I wondered if you could speak to that, how quickly some of the booting companies are actually getting out there and getting boots on customers' cars. If you have any data on that. It's my understanding it can happen within, you know, a couple minutes.

>> What was the question again?

>> Tovo: How long -- how long -- what the time period is between somebody parking in a spot and getting booted.

>> It's pretty much like it is with the towing ordinance. Once you've parked somewhere that you are not -- either not supposed to or haven't paid, as soon as your footsteps off of that property line, you can be towed or booted.

>> Tovo: Yeah. And it's my understanding that at least in the anecdotal cases I'm aware of, it can happen within a matter of minutes.

>> Yes.

>> Tovo: You can have it put on your car that's going to cost you \$150. You know, I understand the need and the desire, I should say, I understand the desire for businesses to -- to have this option available to them to make sure their parking is available to customers, but I also think we need more protections for our consumers, and in my opinion, this ordinance really strikes that balance.

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

>> Alter: We can do it as I see is if there's not support to wait. The fees I'm hearing about are \$150, which I think is pay too high. I just don't know if 50 is too low. And I don't have enough information at this point.

[11:39:18 AM]

But -- but it's not something that I'm going to argue over if folks don't want to do first reading and move forward.

>> Mayor Adler: Okay.

>> Alter: So I'd like to hear from other people.

>> Mayor Adler: Okay. It would be good if someone made a motion. Yes, councilmember Renteria.

>> Renteria: I'm a little confused. This is just -- you know, when I saw it on the agenda, I was not familiar with it, was that -- with the towing or -- I guess it's totally new because the state --

>> I can't hear you, sir, I apologize.

>> Renteria: Oh. This is something new, isn't it? I mean, this has just been deregulated or whatever so that the responsibility falls on the city?

>> That's correct. It takes effect September 1st. We've been working towards this for the big part of the year.

>> Renteria: I was trying to decide, \$50, was that reduced with some of the towing -- booting companies just leave the market? Did you find out or ask that question or --

>> From what I've heard from some of the booting companies -- because we have some towing companies that boot as well that if it does go to 50, they will just start towing and not bother with the booting.

>> Renteria: Interesting.

>> Mayor Adler: Thank you. Mayor pro tem, do you want to make a motion?

>> Tovo: Yeah, I'm going to move to pass this. And I appreciate -- well, I appreciate the comments. I'm going to move to pass it on all three readings and see if that's successful.

>> Mayor Adler: Okay. It's been moved to pass this item on all three readings. Is there a second to that motion? Councilmember Garza seconds that motion. So we've had public testimony already on this. So continuing with the discussion that we have at the dais. Did you have something that you --

>> I'm just here in case you have questions for the transportation department.

>> Mayor Adler: Okay. It's been moved and seconded. Discussion. Councilmember Houston.

>> Houston: Mayor, I'd like to amend that motion to say a hundred dollars.

[11:41:23 AM]

\$150 is a lot of money for people who don't have -- live and work in service industry and hospitality --

>> Mayor Adler: Okay. Ms. Houston moves the 50, to make it a hundred. Is there a second to that? Councilmember pool seconds that. Discussion on the amendment to make it a hundred, as opposed to 50? Mayor pro tem.

>> Tovo: So just to be clear, you're increasing the amount that somebody would be charged if they are booted from \$50 to \$100.

>> Houston: I have to think about the people -- I thought it was 150.

>> Tovo: They were -- that's why I was asking the question because I wondered if there was confusion. So the ordinance sets it at \$50. We were talking about what the practice is now, and they were reporting that now people are charged as much as 150, which is why they're bringing forward the ordinance and regulating that at 50. So you would be raising it to a hundred.

>> Houston: Right. But I also understand that the towing companies are ruthless in this town because I get complaints about them and what they will do is go and get a towing company to come pay -- tow it way out south Austin someplace, and that's 150 cash. You can't do anything but cash. So I'm trying to get a happy medium so that the booting company can boot, but the towing companies don't come in because they are predatory. My opinion.

>> Mayor Adler: The amendment is to change from 50 and go up to a hundred. Further discussion? What about the argument that by putting it at 50, we're going to be discouraging a practice that we want? And that if we actually want booting, then it needs to be a hundred in order -- can you address the argument that was made by the companies?

>> It's a valid argument, that if it is at 50, they may choose to tow instead of boot, and there's, you know, no way that I'm aware of that we can regulate that and require one over the other.

[11:43:26 AM]

And so, you know, I guess that could be an unintended consequence of setting it at 50, .the reasons why we set it there have been explained already. Mr. Casar.

>> Casar: Do we set the towing fee as well or is towing still regulated by the state?

>> We set the ordinance, yes, sir.

>> Casar: I'm going to vote to leave it at 50, as per your recommendation, then as we see how it plays out, if it passes at 50, as you see what happens in the marketplace, you could come back and let us know you need to bump the booting fee up or come back and let us know maybe you need to bump the towing fee downward. I would be fine with the towing fee coming down. That way we continue to have a slight preference for booting over towing. But if \$50 is your recommendation, now I'm comfortable moving forward with that on this emergency basis and y'all could just come back and let us know how it went.

>> Mayor Adler: Okay. The amendment to go from 50 to a hundred. Any further discussion? Mayor pro tem?

>> Tovo: Yeah. \$50 I think is a pretty big disincentives for customers to park there so my guess is that the businesses will continue to see that as effective and as better for people who they want to encourage to come back to that business, so -- but again, I think that we have an opportunity to see how this is in practice and make adjustments as necessary.

>> Mayor Adler: Are we ready to take a vote on this amendment?

>> Tovo: I'm not going to vote? -- I'm going to vote against the amendment.

>> Houston: I'm going to encourage you bring back data in three months, not a year or six months, so we know what the trends are.

>> Okay.

>> Mayor Adler: Any further discussion before we vote? Councilmember pool?

>> Pool: I'm sorry. When we were having the discussion, I was under the impression that I think councilmember Houston was, that the hundred dollars was what the permit would cost, and I was interested in seeing the permit cost more. I'm not interested in seeing the person who gets booted have to pay more. So I think I'll either vote no or I could withdraw my second.

[11:45:31 AM]

>> Mayor Adler: Those in favor of going fill 50 to a hundred, please raise your hand. Ms. Houston, councilmember troxclair, alter, and Flannigan. Those opposed to that amendment, please raise your hand. It's the balance of the dais, and Mr. Renteria abstains.

>> Renteria: I just don't know enough about it to make that decision. You know? I hear all different types of rates being thrown at me and I really don't know, you know, because I don't have that information in front of me that I can make that decision.

>> Mayor Adler: The reason for my vote is the same as councilmember Renteria's. I don't have the capacity ability to be able to evaluate this decision. I'm going to go with staff's recommendation. But I do concur that because there's the possibility of the unintended consequences you identified, if you could look at this and come back to us. Even without on us asking for it, if you could look at this and give us a memo back to the council and let us know if the unintended consequences are swallowing the benefit of the rule.

>> Yes, sir.

>> Mayor Adler: Okay? Any further discussion on this item?

>> Casar: Mayor, I have one small clarifying amendment I wanted to put to the dais. It's pretty simple. Right now under the ordinance if the boot is being put on your car and you show up and say -- if the vehicle owner shows up while the boot is being put on your car, you can get the boot taken off of your car, but it's not very clear what the boot's being finally put on your car means. The requirements under ordinance -- under the ordinance, the car has to get booted and a sticker has to get put on your windshield or on the driver's side window. This would clarify that your car has been fully booted when the boot has been put on and that sticker has been put on the window or on the windshield so that that marks the completion of the booting. So if I pull into a parking lot because I have to make an emergency phone call and all of a sudden I see somebody putting a boot on my car, you have a right to get that boot taken off without charge, as long as you haven't been fully booted and the sticker hasn't been put on the windshield, to just clarify that's the end point at which point you've been booted and you would have to pay.

[11:47:50 AM]

>> I think we can put that in the rules.

>> Casar: And I just typed out a version of it there, so either one makes sense to me.

>> Mayor Adler: So your intent here as to say if they're putting on -- by way of being able to identify when the installation is completed, you want them to install the boot and then apply the sticker.

>> Casar: And they already have to apply the sticker. The point being, once they've installed the boot and applied the sticker, then at that point you're out of look, you've been booted.

>> Mayor Adler: Okay. Does it make any difference to you if they apply the sticker first and then the boot?

>> They have to have done both. This says they have to have applied the sticker and applied the boot.

>> Mayor Adler: Order doesn't make any difference.

>> Correct.

>> Mayor Adler: Okay. Councilmember Casar is bringing this amendment, it's in red. It adds that you can request for the boot to be removed if you do so before it's completely installed and the sticker has been adhered. Any objection to this amendment being included? Councilmember troxclair objects. A discussion?

>> Troxclair: I don't know if I object, but since this is something brand new that's being brought forward, I feel like we owe it to the speakers to tell us if they have an objection to it.

>> Mayor Adler: Is there a company -- councilmember troxclair is asking if there's a company representative that could speak to this amendment.

>> So what we're talking about right now is the sticker and the boot part? Or --

>> Mayor Adler: Yeah. If someone can stop the installation if they come upon someone putting on a boot before it's finally installed. And this is saying they can stop the boot from being put on if they get there before it's finally installed and the sticker has been adhered. So if you can get to the person before both those have been completed, then it has to be undone.

[11:50:02 AM]

This adds the requirement of the sticker being adhered.

>> Right. It sounds good. I mean, it sounds like, you know, something that should be in order to do. But, again, just like the detective was saying, once you've left the property, if he goes over and sets up the car to get towed away, it's already in that situation. Have to have his maker done for it to count as a tow. I think once it's booted, it's booted, and paperwork is secondary, just something you're doing. Just like a police officer, if he goes and catches you and he puts a boot on there downtown, then he's doing his paperwork afterwards, he's already booted. You know. So I think we should leave it the way it is. It's been like that forever.

>> Mayor Adler: Okay. Do you have any further questions, councilmember troxclair? Sorry? Councilmember alter?

>> Alter: It looks like some of the other companies wanted to have their say.

>> Thank you. A quick comment. We are actually in support of this, this amendment. I think it's fine. We're doing something similar already. In the event that we find, if an agent from admiral enforcement, our contracted booting company, calls us, lets us know if this actually seems to be an erroneous boot, they remove it free of charge, even if the customer hasn't been present and they call us citing a concern about this being a wrong boot or something, they remove it free of charge and the customer is none the wiser. We're in support of this and we're doing something similar already. Oh, the one thing I must say, though, is again, we are not in support of the ordinance with the reduced fee of \$50.

>> Mayor Adler: We understand that.

[11:52:05 AM]

Councilmember troxclair?

>> Troxclair: Just to clarify, I want to make sure I understand, I don't think if a boot has been put on wrongly, it's -- if a boot is being put on and a person stops and somebody shows up and says, no, don't boot my car --

>> Yes, they have to remove it. That's our current policy so this amendment is in line with what we're already practicing.

>> Troxclair: Okay.

>> Mayor Adler: Councilmember pool?

>> Pool: I really appreciate that that's the policy. We hear about many instances where the person putting the boot on just continues to shoulder through and do it and ignores and can be kind of rude to the owner of the vehicle. So I realize you're saying that and that's the policy, but the practice seems to be different. And that's a huge concern because it isn't right. So maybe we can hopefully see a change in how these things happen on the street with the people who are actually putting the boots on the car because I do know of instances where they have continued to place the boot on the tire despite the protestations of the vehicle owner.

>> Yes. I suppose, you know, it's difficult to -- if you would, to determine from eyewitness accounts just when the process stops. You know, if the person is pulling in the parking lot and is trying to stop from afar. But without getting into the -- out in the weeds about when that occurs, we do support that and understanding that this is one way to curb that kind of predatory practice of putting on a boot as you're leaving your car, when there was plenty of opportunity to, you know, make the customer aware. Again, I'm not in the booting business, in the parking business. It's in our business to see customers pay for parking, not booted. They're not going to come back if they're enforced upon. So I certainly hear that concern. We hear from it our own customers as well so it's something we want to dissuade.

>> Mayor Adler: Okay. The resolution is before us. Any further discussion? Those in favor, please raise your hand?

[11:54:06 AM]

I'm sorry?

>> The amendment.

>> Mayor Adler: I'm sorry, this is on Casar's amendment to add the requirement that the sticker be installed as well, as part of the installation. Those in favor of the amendment, please raise your hand?

Those opposed? It's everyone on the dais. The amendment is added. Any further discussion before we vote?

>> Houston: Just one more question.

>> Mayor Adler: Ms. Houston.

>> Houston: Item number 6 about wearing high visibility retro reflective safety apparel, we've had people who have conned people in the parking lots.

>> Yes.

>> Houston: Is that -- do you all wear this reflective vest, or do you all have identifying shirts or jackets that you wear?

>> Sure. A great question, and impostors, you know, booting impostors or, you know, folks who attempt to sell parking, not just enforcing but selling parking under the guise of someone else, is a huge problem for us, one that we tried to take a lot of security precautions about monitoring and such. But to your question, the admiral agents that we contract, they're wearing essentially a security uniform with a body camera, with, yeah, reflective lettering on the back of their jackets or their polos. They're also wearing like a utility belt, and they're driving the vehicle that they use to carry the boots has a safety light on top so it looks just like security. It's made very clear that they are an official person, an official ambassador of the company. We understand that that's a big problem and we see it all -- we see it on our lots all the time, so it's something that we're trying to curb as well by making that distinction, by putting signage that says do not pay any attendant, do not pay anyone -- the admiral agents do not accept cash, either. They pay by card. It's pretty hard line. If there's really any kink in the way the boot was processed or how the transaction was handled, the charge is immediately voided and refunded.

[11:56:11 AM]

>> Houston: Thank you. I would just say to staff that they might consider something other than just a reflective vest. I have one at home.

>> There's a badge, also.

>> Houston: Okay.

>> There's a little license that we carry.

>> Houston: Okay.

>> Go ahead. I was going to say what he's about to say.

>> We carry a license also.

>> The ordinance requires they wear their permit.

>> Houston: But the folks that are getting booted by these other folks don't know that, so --

>> That's correct.

>> Mayor Adler: All right. We have the motion in front of us. The amendment has been added. Those in favor of this ordinance, if we have seven votes, it'll pass on all three readings. Those in favor, please raise your hand. Those opposed? Troxclair voting no, pool voting no. Mr. Renteria?

>> Renteria: What was the rate set on --

>> Mayor Adler: The rate is \$50.

>> Renteria: I'm going to abstain.

>> Mayor Adler: Mr. Reenvision abstain --

>> Mayor Adler: Mr. Renteria abstains. Renteria and alter are both abstaining and others -- let's do this again. Those opposed to this item, please raise your hand. Those opposed. It was troxclair and pool. We had two abstentions, alter and Renteria. The others voting aye. This passes on all three readings.

>> [Off mic]

>> Mayor Adler: Okay. Ms. Houston votes no. It passes 6 to 3 to 2 on first reading only, and this will come back to us then on the 23rd for a want of seven votes affirmative. Yes, councilmember alter.

>> Alter: I would just

>> Alter: I would just ask that the APD, if you could try to have some conversations with the stakeholders. Obviously the people who are experiencing the booting would prefer it at \$50.

[11:58:13 AM]

I would be more comfortable doing that if we had a little bit more understanding and that those conversations had taken place. If we could try to do that in the interim I would be supportive of \$50 in we can show that moving forward. Thank you.

>> Mayor Adler: Okay. We have no speakers signed up on item number 42. We have about three minutes. Councilmember Houston, you pulled this item. Is this something we could take care of quickly? This is the emancipet item. Do you have a question, Ms. Houston?

>> Houston: Yes. Will the funding that you're referencing, the 45,000 -- no, \$675,000, will that be sourced from the general fund or will the animal services use the donation fund to supplement the cost of that program?

>> Is this on? Can you hear me office me?

>> Houston: Yes, now we can.

>> Good afternoon, Joan Hamilton, program manager with animal services. And yes, ma'am, that funding will come from animal services general fund budget.

>> Houston: Great. And you all did get the rest of the questions about how many heart worm treatment R. Treatments you did? You did get those questions and they're in the backup?

>> Yes, ma'am.

>> Houston: Thank you so much. That's all I needed.

>> Mayor Adler: Is there a motion to approve item 32?

>> Troxclair: Mayor, sorry. I don't think that's the question she asked. She asked if you will be using I guess general fund money or from -- or the donation fund.

>> General fund money.

>> Troxclair: And the answer was general fund.

>> Yes.

>> Troxclair: Okay.

>> Houston: One question while you're there, how much is in the donation fund? I ask this all the time.

>> I'm sorry?

>> Houston: How much is in the donation fund?

>> Well, it varies, but it's approximately 200,000. But we have a projected spend each year of about 250,000.

[12:00:17 PM]

>> Houston: And the high is about what?

>> Well, it depends on what you take in in the previous year. But 200, 250.

>> Houston: It's never been 400,000?

>> It has in the past, but not currently.

>> Houston: Okay, thank you.

>> You're welcome.

>> Mayor Adler: Okay. Is there a motion to approve this item 42? Mayor pro tem makes a motion, councilmember Garza seconds it. Any discussion? Those in favor of the motion please raise your hand. Those opposed? It's unanimous on the dais. The item passes. Council, it's noon. That gets us into citizen communication. First speaker that we have on citizens communication is Paul Robbins. Mr. Robbins?

>> Okay. Council, on September 15th, 2014, almost four years ago, I first notified Austin energy that there was something very wrong with its customer assistance program, also known as cap, that was giving utility discounts to the poor. Its automatic enrollment system was awarding some of the discounts

to wealthy homes. Some people on social service programs were living in wealthy homes as part of a family, even though the homes were in some cases mansions, the computer enrollment program was assuming the entire family was poor. At the end of the last budget year council finally changed the audit enrollment system to require income verification if the improvement value of the home was over \$250,000 or if the customer owned two or more properties. The good news is that as of may the repair had removed 90% of the homes from cap rolls that I had identified last year as suspect.

[12:02:18 PM]

The bad news is that the program is still broken. The screen of \$250,000 is both high and arbitrary. Here is a 2800 square foot home off mount Bonnell road on the customer assistance program valued at almost \$900,000. Because of the quirky way appraisal systems are done, it's improvement value is only \$119,000. So the customer continues to get money meant for the poor. Here is a 2600 square foot home on balcones drive worth almost \$730,000 -- appraised at that. Again, its improvement value was low and it received cap. And here is another cap home near -- at 2300 square feet in size, appraised the \$748,000. Many social service professionals consider auto enrollment superior to other forms of program enlistment because they believe many poor people either do not know about the programs or do not know how to apply. But auto enrollment is just a tool. The tool is appropriate for some programs and does not work well with others and it is obviously not working well for cap. The council inherited this flawed tool from the 2012 council and never questioned it. It is highly likely that there are thousands of homes getting customer assistance that are above 200% of poverty that the program was designed to serve. If you implemented income verification similar to what is done in Sacramento municipal utility district you would probably save administrative money while more accurately reaching the intended participants.

[Buzzer sounds]

[12:04:19 PM]

Again, I urge you to hold your own work sessions on the subject. This is your program now.

>> Mayor Adler: Thank you. Susan Reda. Angela Gettis is on deck.

>> My name is Susan Reda and I'm a large dog walker at Austin animal center and I live in district 8. Today I want to memorialize the deaths of three dogs in aac and ask for a change in aac treatment of volunteers. Hercules, a deaf white pit boxer mix died on Sunday July 15th. The death was a direct result of both a poor design of the new kennel building and lack of aac management follow through. In February a dog opened the guillotine door between two kennels and a fight took place. Luckily neither dog was seriously injured. An employee, who is not part of maintenance or facilities, put in a temporary fix and communicated to management that it was truly temporary. When volunteers asked for status later that same month, management acknowledged that they knew the fix was temporary, and that a

permanent fix was going to be made soon. That permanent fix was never made and the guillotine doors with the temporary fix was breached again on July 15th. A dog in the kennel next to Hercules opened the guillotine, started a fight, grabbed ahold of Hercules' collar and ultimately led to his death by fixation. This was a completely fixable death. If management had taken seriously volunteer or their own employee feedback and the guillotine doors would have been fixed correctly, Hercules would be alive today and not memorialized on this rest in peace poster. Ben in Benjamin, a small dog, died on July 6.

[12:06:19 PM]

His death was the result of a member of the public letting a larger dog out of its kennel. For months volunteers had been telling management that specific signage is confusing. The signs simply state, come on in, I'm ready to play. Members of public would read that and let the dogs out to play without leashing them up, and that is precisely what happened to Benjamin on Friday, July 6, when the larger dog was let out of his kennel and attacked Benjamin, leading to his death. If management had taken volunteers' feedback seriously and removed the confusing signs and/or if management it staff and kennel runs, Benjamin would be alive today. The signs have since been removed. Ricochet, a very young mix, was found dead in her kennel on July 16th. It was determined she died from pneumonia. The last time she was provided a kennel break was two days before her death. That means for two days she was in that concrete kennel, never feeling grass on her paws, never feeling the warmth of the sun and having minimal human contact. What if management took seriously out of kennel breaks something that volunteers have been asking for years and ricochet was provided with kennel break on Sunday? Could her death have been prevented had dog walkers been able to interact with her.

[Buzzer sounds] And the pneumonia been recognized and treated. The volunteers are the first line of defense for the dogs at the shelter and to no avail. City manager cronk, we ask for your report and we work with Sarah Hensley to try to resolve these issues. Thank you.

[Applause].

>> Mayor Adler: Thank you. The next speaker is Angela Gettis. Dr. Koo-hyun Kim. Tom Rott. Sylvia Mendoza.

[12:08:23 PM]

Les Walker. Ad yet Quintana is on deck.

>> Hi. Mayor Adler and councilmembers for giving me the opportunity to talk to you today. I'm Les Walker, founder of Compassionate Austin and also the co-organizer of the Open IDO Austin chapter. On April 14th, 2016, the Austin city council passed a resolution designating Austin as a compassionate city. I'm here to give you an uplifting follow-up report to show you the power of your resolution and its impact on our community. The Compassionate Austin movement in the city resolution inspired the organization of the chapter in the fall of 2017. Open IDO promotes design thinking for social good. The

design thinking methodology recognizes empathy and compassion as the essential drivers for innovation for social good. Currently Austin is one of 27 open idio city chapters and one of over 400 compassionate cities globally. Austin stands out in that it provides a unique model of being both a compassionate city and an open idio city chapter. Our Moto is inspiring other cities as well. In June Austin raised the bar for city chapters by submitting five project ideas to the open ido bridge builder challenge to solve problems at the intersections of peace, prosperity and planet in radically new ways. Please join me in recognizing these five project ideas and their leaders. One, built with humanity by Brandon veal to address gentrification in Austin. Two, good emporium by saline steer and Ruben Cantu to provide a repository for positive impact and good in Austin to enable smart decision making.

[12:10:25 PM]

Three, go love now by Scott and Freddie to empower youth, adults to embrace self-love, compassion and kindness. Tiny hacker house to create a tiny house event space and community centered support system. And five, across dividing lines by Phyllis to co-create a peace congress and platform on indigenous rights. We want to sell rate with you that out of 787 ideas submitted for the open ido bridge builder programs, two ideas with Austin built with humanity and good emporium, made the short list of 54 ideas. Five or so top ideas from the short list will be announced October 1st and will share in a one-million-dollar award. The open idea Austin chapter and these projects are the dynamic expression of compassionate Austin. So thank you, mayor and city councilmembers. Your compassionate Austin resolution is active in creating a better city and a better world. We invite you to join the open I deal Austin chapter and stay tuned. We hope that some of the project leads on these exciting projects will have the opportunity to give citizen communications at our August 23rd meeting. Thank you so much.

>> Mayor Adler: Is Joyce beck here? No? What about Lotta smagula? You will be at this other podium.

>> Hello, my name is add yet and I have a maul rescue in the Austin area and I can tell you that the number of dogs and cats is never ending until we start focusing on spay and neuter, it's never going to end. We're sacrificing everything and we're seeing our city shelter not focusing on spay/neuter. We've been focused on live outcomes, bless you, for so long, and numbers that we're making big mistakes. The quality of life of an animal would be a vital part of our program.

[12:12:28 PM]

We are adopting out to known neglecters. We adopted out to a man who left a dog in a car and then we adopted another dog out to him during the summer heat. Texas law states that standards must be reasonably related to the prevention of you'llty to animals and the responsible management of dogs and cats in the interest of preserving public health and welfare. Dogs and cats multiplying as strays on our streets is neither preventing cruelty, nor is it responsible management. We are continuing to adopt awe and return to owner dogs and cats who aren't spayed and neutered. Jug look at our numbers. In 2016 versus 2016 we took in just a thousand fewer animals. We haven't made changes. We're not focusing on

the right thing. Until we start focusing on spay and neuter this is never going to change. Strays coming into our shelter make up an enormous amount of our shelter animals. In 2016 strays made up 21% of our intake. That is the number that is taken in. We still have strays roaming our streets. Of those the number that had been returned intact is incredible. Between 2016 and 2017, the number that we returned intact not spayed and neutered to their owners, increased by 142%. The Texas law states that a releasing agency may not release a dog or cat for adoption if the animal has been sterilized or the release has been made to a new owner who signs the agreement to have the animal sterilized. I would like to know who is following up on this signed agreement? I don't know anybody S I know for a fact that are trolls in our shelter that come in to adopt intact animals to make money off breeding them and they're not concerned about that contract because they know nothing is going to happen. Spaying and neutering is good for the community because it cuts down on the overpopulation of strays. Strays on our streets prey on wildlife, they prey on smaller pets, they can cause car accidents and they even can harm humans.

[12:14:33 PM]

My ask to you today is pleased a the following to the performance measures. The number of impounded animals returned to owners intact, the number of animals adopted out intact, the number of animals transferred to rescue partners intact, and what follow-up -- and a measure of follow-up on the signed contracts for people who adopt intact animals. Thank you.

>> Mayor Adler: Thank you. Is Joyce beck here? Lotta smagula? You're our last speaker. You have three minutes.

>> Thank you, mayor and councilmembers. My name is Lotta, I'm a resident of district 1 and have been a large dog walker, have been since 2014. I'm here today to speak to you about issues that have been brought to you by other volunteers and advocates. On may 21st, 2015, city council approved a resolution directing the city manager to increase opportunities for shelter dogs to get out of their kennels. For a brief period during 2016 to 2017, two dog walkers were hired and funded by Maddie's fund. However, in October 2017, the dog walkers were replaced with personnel whose main duties are not dog walking. Advocating for positive change for Austin's homeless animals is a continuous, never ending process. So volunteers and supporters came back to city hall in may and June to again ask for paid dog walkers to supplement the hard working volunteers who are not able to give out of kennel breaks to all the shelter dogs on a daily basis. On June 25th, interim assistant city manager Sarah Hensley met with volunteers and advocates and agreed to use \$25,000 from the animal centers donation fund to pilot a contracted dog walking program. We are appreciative of assistant city manager Hensley for agreeing to this and would like to see the funds allocated and a request for proposal issued as soon as possible.

[12:16:36 PM]

We are committed to following this process through to completion. We would also like to work with Austin animal center management on improving the relationship with volunteers. A large part of this is open and honest communication both ways as well as mutual respect. When volunteers make suggestions or requests, especially concerning the safety and well-being of the animals, we would like to know that management is listening to the concerns, that they are taken seriously and that we are informed of the actions taken to address them in a timely manner. I have been asked to act as a volunteer liaison between management, staff and volunteers and have agreed to take on that role. One of the things we are first addressing is the issues of safety spoken of earlier by Susan Redda. I'm committed to working with management, staff and volunteers in concert to provide -- to provide the best quality of life we can for the animals in our charge. They deserve no less from us than our best efforts, and it is my intent to provide that to the best of my ability. Thank you.

[Applause].

>> Mayor Adler: We have more speakers that have signed up this morning and are here now, three more. Is Angela Gettis here? Why don't you come on down and speak? And Dr. Koo-hyun Kim is on deck. You will be next at this podium.

>> Good afternoon, thank you, guys. I'm sorry for being late. My name is Angela Gettis and I'm the founder of the Ruth program. To be the first in the nation to help women that are single, without children, and on low income and need help. And we partner them with elderly widows who live alone and they need medical home health but they can't afford one traditionally. So our program brings these two ladies together and give them both a hand up instead of a handout. I notice these two people groups in our community and with government is not really given a great deal of attention.

[12:18:39 PM]

Now, we're a non-profit organization, tax exempt, and we do not take any monies monthly. For nonmedical home helper it's 250 to \$300 a day for someone to get live-in care. And we have so many single women that are displaced in this world making knee jerk decisions that if with the right opportunity to have someone such as the Ruth program's agency to do the vetting, the background checks and everything -- all the due diligence that's needed upfront and get them to sign an agreement and understand what they're doing and come into this merger, they'll be much more successful. We have done events, public service announcements, fund-raisers, and I want to thank the community and private businesses that have supported us with their material possessions and it has helped us immensely. We've even been given an office last week so we're actually able to function and do consultations as well. I'm saying right now the funding is very low. It's going to take us about \$150,000 for the first year just to get it off the ground and we're applying for grants, we're doing our due diligence and we're making it work, but without the community at large that seed the validity of this program, we're not going to have the opportunities to help the families that have called us. We have done channel 7, we've done so many forms of social media, and putting the word out there. So the cry is there. We're getting the calls from single women that are making poor choices and don't know what the next step is going to be. Children that have their mothers that live in another state and they're not going

to pack up the farm and go live with her because she's living alone. So the weight is put on the community and the church and the neighbors, and this program just kind of alleviates a lot of that stress. So if anybody feels this is a worthy cause, my name is Angela Gettis with the Ruth program. I'm a local missionary. This will be the first program in the nation. It's very popular in Europe, but it's not here.

[12:20:41 PM]

I want to thank you for your time, and you can find us on Facebook, Ruth program home helper. Thank you.

[Applause].

>> Mayor Adler: And then Sylvia Mendoza. She will be speaking at this podium. No, no, sir. Doctor, please, you're up now. Ms. Mendoza is next.

>> Thank you. Good morning. It is exciting to come here to see you again.

♪♪ Oh say can you see by the dawn's early light, what so proudly we hailed at the twilight's last gleaming. Whose broad stripes and bright stars through the perilous fight, over the ramparts we watched, were so gallantly streaming. Why don't you stand up, sing American national anthem? When I sing national anthem my church people automatically stand up, sing national anthem together. Are you U.S. People, American people? Or are you American enemies? Let me read the papers, I sue all of you, the Texas support of the court of appeals as a defendant to remove all of you from here because you are U.S.A.

[12:22:43 PM]

Enemies, Texas enemies and Austin city enemies. You violate the U.S. Law, Texas law, Austin city law, democracy. I'm here to educate you you got the papers, all of you, right? Just let me read the last one. It's personally city police officer Mr. Green refused to take a action of Austin community college northridge campus whose ACC police terrorized Dr. Kim, me, professor at ACC, since 1985 when ACC police

[indiscernible] ACC's main office building, room 410 to outside. Citizen Kim cannot go to ACC property. Austin city police at lamp light village station, Mr. Green, whose case number 14-5050844 and the police chief did nothing, nothing, nothing, nothing. He said Austin city police made ACC continue criminal violations by ACC up until today, how many years? 12 years. City manager, lawyer, attorney, city mayor, did nothing, nothing, nothing, but nothing for 12 years, despite Kim's continuous and repeated requests.

[Buzzer sounds] Thank you.

>> Mayor Adler: Come on down. Ms. Mendoza. I don't have time for pleasantries and I also don't have the rights to this music. First, I advised the previous city council to not get involved in federal business.

[12:24:45 PM]

I don't know, they don't like y'all or y'all just don't listen, but y'all are supposed to be handling local government. Spies are everywhere. And Austin still hasn't recovered from the APD lab scandal. Since some of y'all don't seem to know the definition of illegal, it is banned, forbidden, prohibited, not legal. Unlawful, unjust and unconstitutional. While we're at it, the definition of hard ball is uncompromising and ruthless methods or dealings, especially in politics. Shocking, aggressive, competitive. So with that being said, get ready to play some hard ball. Certain property has been cleaned down to the bedrock because of toxic waste, but was it cleaned at the subatomic level? Because that is what is going to be required if there's a cancer scare, a cancer risk to people, especially children. Once this issue has gotten your attention it will be a whole different ballgame. Y'all just may be required to purchase the super collider multibillion dollar atom smasher to clean the contaminated neutrons, protons and electrons at mckalla place. Now picture me on a mountain top.

>> A great tasting blend of prebiotics and probiotics that help support a healthy gut.

[♪Music♪].

[12:26:46 PM]

[Indiscernible shouting].

[Music].

[Music]

>> Mayor Adler: All right, thank you very much. Council, that's all the business we have at this point. We're going to go into executive session, pursuant to section 551-point 0d 71 government code we're going to discuss legal matters related to item 113, which is the ordinance ordering a general municipal election. It is 12:28. And we will go now into executive session.

[2:47:45 PM]

>> Mayor Adler: All right. While we were in executive session, we took up matters related to item 113. It is 2:47. We're back out in city chambers. While we're waiting for my colleagues to come down, yessing, -- greg, come down and do the consent agenda and we'll get that moving.

>> Thank you, mayor and council. Greg Guernsey. 76, c14-2017-0096 for consent approval on second and third reading. Item 77 and 78, those are briefings. I don't know how you want to handle those. We

haven't had those in a while. There's no public hearing. Staff presentation will be very short. I can do those now or later.

>> Mayor Adler: Why don't we hold onto those and we'll see if we can come back to them, or those will be among the things we put off.

>> 79, npa-2017-0021.01, the staff postponement to 9/20. 80, npa-2016-005.04, and item 80 is also related to item 81. Item 80 is for an indefinite postponement by staff. Related to that is item 81, case c14h-2017-0045, this is a staff postponement for an indefinite postponement. Both 80 and 81 are related to 500 montopolis. 82 is npa-2017-0016.03, staff postponement to 9/20. Item 83, case c14 20170138, staff postponement to 9/20. Item 84, npa-2017-0016.05, there's a staff postponement to 9/20.

[2:49:51 PM]

Item number 85, case c14-2017-0106, staff postponement to 9/20. 96, c14-2017-0066, staff postponement to 9/20. Numb 87, case c14-2017-0100. This is a staff postponement to 9/20. Item number 88 is case c14-2018-0002. And I understand we have an agreement between the neighbors and the applicant to postpone this item, not to 8/30 as originally requested, but to 8/23.

>> Mayor Adler: Which number is this?

>> 88. The applicant and neighborhood agreed to postponement to 8/23. 89, c14-2018-0044, the applicant has asked for additional time on this case to discuss the commission's recommendations and ask for postponement to 9/20, so there's a consent postponement to 9/20. Item 90, I understand --

>> Pool: Will Guernsey? Mayor, I'm going to pull item 90 related to the cos. Thank you.

>> 91, npa-20180026.02, staff postponement to 8/23, to August 23rd. Item number 92, case c14-2018-0024, staff postponement to August 23rd. Item number 93 is case npa-20180026.01. This is related to item number 94. We can offer this for consent approval on first reading only.

[2:51:57 PM]

The applicant and the neighbors have asked and both agreed if we could keep the public hearing open, no one is wishing to speak today but would like to speak another day given the heavy agenda that you have. So we would offer item number 93 and 94 for consent approval on first reading only, bring this item back on August 23rd for second and third reading consideration, and then copy the public hearing open.

>> Mayor Adler: Got it.

>> Okay. That's item number 94, and that's case c14-2018-0022. Item number 95 is case c14-2018-0034, is ready for consent approval on all three readings. Item 96 is case c14-2017-0004. This is a staff postponement to 9/20. Item 97, this is case c14-2018-0052. This is to grant the zoning and platting commission for ipco, ready for consent approval on first reading only. Item number 98, case c14-2018-0060, this is ready for consent approval on all three readings. And item number 99, this is case c14-2018-0033. This is ready for consent approval on all three readings.

>> Mayor Adler: 99 is all three readings. 98 was what? All three readings?

>> 98 was for consent approval on all three readings.

>> Mayor Adler: Got it. Thank you. All right. The consent agenda goes from 79 to 99, with the exception of 90, which was pulled. Is there a motion to approve the consent agenda?

>> And that's also to include closing public hearing where appropriate.

>> Mayor Adler: Correct.

>> Renteria: Mayor, what was determined on item 88?

[2:53:59 PM]

>> Mayor Adler: 88 is being postponed. There was an agreement by the neighborhood and others to go to 8/23.

>> Yeah, applicant agrees to the postponement to 8/23.

>> Mayor Adler: 8/23. Is there a motion to approve the consent? Mayor pro tem makes the motion. Is there a second to that motion? City councilmember Garza. Any discussion? Yes, councilmember alter.

>> Alter: I just wanted to ask for 89, you postponed that till which day?

>> To 9/20.

>> Alter: Okay. So that is in my district. I don't yet have my schedule for the India delegation. If I end up having to miss 9/20, then I would ask for that to be postponed to the next meeting. I don't know that yet so I'm fine with putting it on 9/20 but I just want to foreshadow that if my plans require that.

>> Mayor Adler: Okay.

>> Alter: Thank you let us know as soon as you know. Let Greg know. Yes, Mr. Plaque.

Mr. Flannigan. >> Flannigan: On item 87, I want to be shown voting no. Specifically what we're doing on the co in this case is -- what I understand from staff is that this use, electronic prototype assembly, we're making it a conditional use just on this site. The reason for that, there are safety concerns related to this use. So my hope is that we might consider making that use conditional across all Zones instead of it just being the Zones that happen to be coming up in a zoning case. If there really is a safety concern with electroprototype, it should be a concern across the city. On 98, I'm uncomfortable approving cos that

prohibit housing. This just prohibits duplexes but I don't think it's worth a larger fight because they're trying to get their Adu. I have the no on those.

>> Mayor Adler: Got it. So noted. Councilmember pool?

>> Pool: Thanks on 90. I want to remove the two cos because they're not necessary.

>> Mayor Adler: So you pulled that item.

[2:56:00 PM]

>> Pool: Yeah. We can put it right back onto consent, I just want to let staff know I'm pulling the two cos.

>> Mayor Adler: Okay. Peel do 90 next.

>> Poo okay. I was happy to leave it on consent without amendment.

>> Mayor Adler: We said we're pulling it. Let's pull it right now and we'll come right back to it. Those in favor of the consent agenda, please raise your hand. Those opposed? It's unanimous with everybody on the dais except Ms. Houston, who's not here. Let's now consider item number 90.

>> Pool: Thank you. The zoning and platting commission put two conditional overlays on this item at metric at Howard, but they're not necessary. So it looks like the 25-foot vegetative buffer that's required for compatibility already exists, and that the prohibition on the hospital service, there's some potential changes to the industry and a possible need for hospital services for the residents at some future stage may occur, so I'd like to go ahead and approve this without the two cos. Thank you.

>> Mayor Adler: All right. It's been moved by councilmember pool to pass item number 90 with the two cos that she talked about removed. Is there a second to that motion? Mr. Flannigan seconds that. Discussion? Mayor pro tem.

>> Tovo: Yeah, I wanted to ask staff about -- I'm going to get to the part in my book where it talks about what hospital services include but could you tell us a bit about what the planning commission's rationale was and what the discussion was surrounding that particular co? Could you confirm that the vegetative buffer would be covered in compatibility?

>> Regarding the vegetative buffer, there are residences that abut this property. Compatibility standards would be triggered and so there would be basically a 25-foot set back that would be triggered.

>> Tovo: I'm sorry, would be triggered?

>> Mayor Adler: Would be triggered on this property, in addition to screening. They've also -- the only difference that might be is that a dumpster could be set 20 feet off from a property line instead of 25 feet.

[2:58:05 PM]

All those things, parking, driveways, those would have would be screened so there would have to be some sort of either vegetative or fence instructed on the property line. Hospital services, as a use --

>> Tovo: Could you because on the vegetative buffer for a minute? I just want to be clear I'm understanding. You're saying because compatibility applies, there would already be a vegetative buffer and screening that far equipment.

>> Right. They would have a choice of either erecting a solid fence or providing landscaping that would meet the buffering requirement. And then there would be no buildings, parking, or driveways within 25 feet of those residences that are out there.

>> Tovo: So what's the difference as you see it between having this as a co versus just relying on compatibility? I think I heard you mention one and that is closer dumpster placement to the residences.

>> Right. That would be the only thing that I'm aware of that they might have a dumpster that might be placed within that 25-foot zone because you can set back only 20 feet instead of 25 feet.

>> Tovo: Okay. Thank you. And then if you would talk about the hospital services.

>> Well, hospital services is a use where you would have surgery that would be on property, typically. It's more than what you might find with a medical office. I'm not sure, I did not watch the actual discussion of the commission so I don't know what their rationale was. This is located along a major arterial and a major roadway intersection. It's very close to interstate 35, which is to the east, so the access to this property is fairly easy and it would not take access into the neighborhood. You would be probably taking access to one of those two larger roadways. So staff did not make that a requirement of our recommendation. I don't know what the particular reason why the commission made that prohibition.

>> Tovo: Do we have any staff who

[3:00:08 PM]

>> Tovo: Do we have staff here?

>> Pool: Is Amanda here? She may be able to help.

>> Hi, mayor pro tem, it came as a request of two of the commissioners. They asked if we would be willing to prohibit it and at the time we said we would. It was offered on the consent agenda.

>> Tovo: Thank you.

>> Mayor Adler: It's been moved and seconded. Discussion? Please raise your hand.

>> This is ready for all three readings and closing the public hearing.

>> Mayor Adler: And closing the public hearing. Those in favor raise your hand. Those opposed. Unanimous on the dais with Ms. Houston off. That takes care of item 90. Obviously 77 and 78 are two briefings, actions on to puds. We're not going to call those now. We could do those on another day so I'm going to put this on our list of possible things we don't get to because of the timing that we're looking at. Or we could postpone them now.

>> Kitchen: Let's postpone them.

>> Mayor Adler: Postpone he them noun and let the staff people go on the two puds. Is there a motion to postpone the two puds? Councilmember kitchen, seconded by councilmember kitchen. These are 77 and 78. The two pud briefings. We're going to postpone unless there is a reason they need to go now.

>> So just postpone to August 23rd?

>> Mayor Adler: Okay, August 23rd. Does that work? Everybody okay with that?

>> Respectfully mayor, we are ready to turn in our pud and would request if possible to run through the briefing as soon as possible today.

>> That would be item 77.

>> Mayor Adler: We're going to do it as short as we can so we get through that stage in the process.

[3:02:10 PM]

>> Kitchen: I have questions that I'll need to ask with regard to 77. So I understand that you all want to do it as soon as possible and I'm okay to do it today if we need to, I'm just giving my colleagues some notice I will have questions.

>> Mayor Adler: It might be fast.

>> Kitchen: Is it not possible for you guys to do it on the 23?

>> Can you give me a second?

>> Kitchen: Fine.

>> Mayor Adler: Let's go ahead and postpone 78. Those in favor of 78 please raise your hand. Those opposed? Unanimously opposed to the 23rd. We'll come back on 77. I'm going to take up two items now. 108 and 67. We're going to take up 108 and 67 related to the maximum property tax rate for council to consider. The date that the council will adopt the tax rate and setting the dates for the public hearing of proposed tax rate. So first item 108. We have a resolution to adopt a maximum proposed property tax rate that the council will consider for fiscal year 2018 to 2019, and then we're going to need to set the date that the council will adopt the 2018 and 2019 tax rate. Under state law a vote on the motion to adopt a maximum proposed tax rate that the council will consider requires a roller coaster vote.

-- Roll call rate. The maximum set by state law is 44.82. That's \$44.82. I'm sorry, 44.82 cents. 44.82 pennies per 100-dollar valuation.

[3:04:10 PM]

If we go above that rate, citizens can petition the court to ask the tax rate be rolled back to the rollback rate. I will entertain a motion to adopt a resolution setting the proposed maximum property tax rate. Councilmember alter.

>> Alter: Thank you. I'd like to make a motion and if I have a second I would like to speak to it.

>> Mayor Adler: Okay.

>> Alter: I move the maximum proposed ad valorem tax rate the council will consider for fiscal year 2018-19 is 44.2 cents and the council will adopt the fiscal year 2018-2019 11, 2018, at city hall, Austin, Texas. And so everything else in the resolution as it was is the same except for changing 44.82 to 44.2.

>> Mayor Adler: That number represents 6% above the effective rate.

>> Alter: Yes.

>> Mayor Adler: Is there a second to that motion? Councilmember Flannigan seconds that motion. Any discussion on setting this maximum tax rate? Ms. Houston.

>> Houston: I'd like to speak. She's still --

>> Mayor Adler: Councilmember councilmember alter.

>> Alter: This is my second budget and the first having gone through the strategic planning process and our first with city manager cronk. I was excited to hear the budget as presented on Monday, and I believe that the budget as presented was around 4.9%. What we're doing today is setting the maximum that we can set through the budget process. I believe that at 6% we have room to add things and move things around above and beyond what the city manager proposed, also always we can do it within that. I think that as we talk about affordability and we talk about asking the voters to support a \$925 million bond, I think it should be something that we do is to the 8%.

[3:06:21 PM]

We've done a lot of things over the last year that have put us in a position to have a budget where we do not need to be at 8%, and I think it's time that we show the citizens of Austin and the taxpayers that we can keep our budget in order and I think the 6% represents that.

[Applause]

>> Mayor Adler: Okay. It's been moved and seconded . Mr. Flannigan.

>> Flannigan: I want to thank the city staff and the manager. Seeing a manager's budget come in at 4.9% is an exciting step forward. And I know there are more steps yet to come as we implement our strategic plan and move the city forward to where we all agree where we want it to go. Thank you, councilmember alter, for bringing this amendment. I am proud to have seconded it. I still intend to support setting the tax rate at the 4.9%, which would be 43.85, but I think today setting the max possible rate at 6% at 44.20 is a prudent measure as I know I think there's going to be a lot of thoughts about what that might mean for other strategic outcomes that we might contemplate. But I'm hopeful that we can set our max tax rate today at 6%. I think it shows we're moving the city in the right direction in terms of being fiscally sustainable and when we get into budget deliberations, we can have a more thoughtful conversation about the difference in the manager's budget and what other tax rate we might set so thank you.

>> Mayor Adler: Further discussion? Mayor pro tem.

>> Tovo: This is always a hard conversation every year because we -- it just isn't the final, it's not the final say on the budget. It's what we do at the outset of the budget so I'm going to follow along with our traditional at setting it at 6%. I appreciate and really agree with my colleagues' comments, but at this point we've received the budget, the city manager's proposed budget a couple of days ago.

[3:08:29 PM]

I certainly haven't reviewed it. I can't tell you what programs are included within it and what are not at this point. So I feel the most fiscally responsible thing for me to do as a policy maker is to set, again, to follow our normal practice of setting the tax policy -- tax rate at the highest maximum with the absolute expectation that that's not where we'll land at our final budget deliberation.

>> Mayor Adler: Ms. Houston.

>> Houston: I'd like to amend councilmember alter's and councilmember Flannigan's second to set the tax effective rate at 5.5%. I think it gives us some wiggle room but shows the property tax payers of Austin, residential and commercial, that we are really trying to be fiscally responsible and I again thank the manager and the staff for their recommendations in the budget, but as most people, none of us -- some people may have dived into it, but I'm still on the first two pages so it's -- with soccer it's sucked up all my time to do anything else. But I think this shows that we are paying attention to the pressure on our taxpayers.

>> Mayor Adler: Let's check and make sure we get a second. Ms. Houston is offering an amendment to change the 44.2 pennies to be 44.05 pennies, which represents 5.5% above the effective tax rate. Is there a second to this proposed amendment? Councilmember troxclair seconds that. Ms. Houston, I'm sorry, go ahead and finish.

>> Houston: That's okay. That's pretty much all I was saying is this is to the people who live and own businesses here that we're paying attention to the pressure that's being placed on them by the property taxes.

[3:10:34 PM]

So --

>> Mayor Adler: It's been moved and seconded to have amended to go to 44.05 pennies.
Councilmember Garza.

>> Garza: I'm really concerned about setting this at such a low rate. Even when folks are admitting they haven't even looked at the budget yet. We have no idea -- we haven't had the opportunity to comb through the budget to see what is not in there, what is in there. We always have significant more asks especially from our quality of life commissions that significantly exceed the dollars that we have. I know that there was a press conference this morning that many of our African-American community are concerned about the investments that we make as a city and to limit our ability to even have that discussion before we even start the discussion, I just -- I can't support that. I can see myself voting for a 6% rate at the end of our budget discussion, but this is not saying we're going to be at 6, this is not saying we're going to be at 8, this is saying we're setting the maximum. We're not going over the rollback rate. We could vote for 6% and I am supportive of that, but it seems irresponsible without even looking at the budget, we haven't even started to begin to get the budget requests that we will be getting from the community. To automatically be telling people no, anything slightly over what is offered now is not going to be included in this budget. I can't go in that direction.

>> Mayor Adler: Further discussion? Mr. Renteria.

>> Renteria: Yes, I won't be able to support that either. You know, we're facing a great need, especially in the inner core east and south Austin with our swimming pools, you know, we can't maintain them, we're under discussion of closing some of these swimming pools, and I don't know what's in the budget right now, you know, but I don't think we're going to get to that maximum amount.

[3:12:51 PM]

I think we'll probably come in around 6%, but I still want to see what we are going to be funding and I think it's irresponsible also to set the rate so low that we won't be able to meet -- to pay for our needs.

>> Mayor Adler: I'm going to vote against this amendment at the 5.5% but support the one at 6%. And I'm going to do that in part because we have a significant bond election that's coming up this November and I think it's important for us to communicate in the year when we're asking folks to approve a bond, and I hope that they do at such large sums for affordable housing and for transportation and for the bond elements that we also send this message of fiscal restraint at the same time. Further discussion?
Councilmember Kitchen.

>> Kitchen: I'm going to support councilmember alter's amendment for the 6% because I -- because I believe that it allows us some additional space for some needs that a number of -- that people are

beginning to identify, a number of which I have already identified, but I think it's very important for the reasons councilmember alter and the mayor and others have indicated that we signal right now our intention to keep this at 6%. So I'm going to support the 6%.

>> Mayor Adler: Councilmember troxclair.

>> Troxclair: Thank you to councilmember alter and councilmember Houston for helping us to live within our means. I'm going to support councilmember Houston's 5.5%, but if that doesn't work I'll support you, councilmember alter, on your motion. I just wanted to add that this money that we're talking about is in addition to the new revenue that's coming into our city from new development and new people who are moving here and new fees, which is really significant.

[3:15:05 PM]

It's in excess of \$50 million every year. So that's -- the city is bringing in over 50 million new dollars a year without raising the tax -- without raising taxes a single penny on anybody. And when we're talking about 5.5%, you know, that's -- I don't know very many people who have gotten a 5.5%, a 6%, 8% raise year over year for the past four years and that's the rate we're raising taxes. So while we're talking on the dais about 5.5% being limited or maybe not being -- being too fiscally responsible, I would just say that, you know, the people who are living in our city, the people paying the taxes and collecting this money from, they are living on much smaller raises year over year and they are living -- doing what they can to live within their means and it's incumbent upon us at the city to do everything that we can to make sure that the city is living within its means too. So although I would support a much lower rate, I'm at least -- I'm excited we're at least making a step in the right direction. This would be just a major, major help to so many people who are struggling to get by in our city.

>> Mayor Adler: The discussion is whether or not to amend the 6% or go to 5.5. Ready to take a vote? Those in favor please raise your hand. Pool, Houston, Flannigan, troxclair. Those opposed, it's the balance of the dais. We're now back up to debating councilmember alter's motion. I'm sorry?

>> Tovo: Mayor, is it an amendment to the staff recommendation or a motion?

>> Mayor Adler: It's the --

>> Tovo: I'm just trying to figure out if we're going to vote on this as amendment or if it is the base motion.

[3:17:05 PM]

[Multiple voices]

>> Mayor Adler: It was made as the base motion. Ed, I have a quick question for you. Generally speaking, about a third of the general fund revenues that come into the city are property taxes. About a third are

sales taxes. And about a third are transfers and development and other fees. Real roughly, and I know you hate roughly, but we have those three main buckets or components. Is that right?

>> Yeah, three main pockets, about 42% property tax.

>> Mayor Adler: 42% property tax. That's good. Then the sales tax is what percentage of that? What percentage of --

>> Of what's left? Sales tax is 22%.

>> Mayor Adler: That 22%, you are estimating in the budget this year that's going to go up about 3.5%?

>> Yes.

>> Mayor Adler: Sales tax. What is the percent increase in that last bucket? The other one-thirdish.

>> The other portion is the transfers from the utilities and fees for services, and those residentially have been growing at least in the last five years about 2%.

>> Mayor Adler: I point that out because I want everyone to understand that if we approve even the maximum 6%, and I'm not sure we do that, or approve the manager's recommended 4.9% in property taxes, it's real important we don't talk about it as we're raising taxes by that much or raising revenue by 5% or 6% because that's not what we're doing. This one component of it would increase, but we know that a quarter of the component is down to 3.5% and a third of it is down at roughly 2%. So if you wanted to figure out what total revenue was increasing, you have to take into account all three components.

[3:19:09 PM]

Sometimes when we finish this exercise people think we've just raised taxes or raised revenue by this number, and that's not correct. Thank you. The motion in front of us is to approve maximum tax rate of 44.2 pennies. Further discussion? Are we ready to take a roll call vote?

>> Mayor?

>> Mayor Adler: Yes. There isn't the will on the dais to go to our normal standard 8% so I'm trying to understand if we're going to vote to amendment that or skip over so I know whether -- I would rather not vote no on the 6%, but would prefer the 8% just like councilmembers Renteria and tovo.

>> Mayor Adler: We're going to vote on what we have in front of us. Councilmember Garza.

>> Garza: I'll make the substitution motion amendment that we adopt it at 8%.

>> Mayor Adler: Councilmember Garza moves to amend to go to 44.82 pennies, which is 8% above the rollback rate. Is there a second? Councilmember Casar seconds that. Any discussion?

>> Casar: Mayor, again, I know everybody else spoke up on this. For me I expect it would be under the rollback rate on this budget, I just think it's good practice to proforma have it at the 8% so when we

have the public hearings everybody knows there haven't been decisions made without them yet and I would anticipate voting for a budget under 8% this year even this amendment passes.

>> Mayor Adler: Sounds good. It's 3:20. I suggest we take the vote. Mayor pro tem?

>> Tovo: I just want to offer two examples. Again, we've all said or several of us have said we haven't had an opportunity to look through the budget, but a couple needs I know are not in there, the pay for success initiative which we spent a lot of time on at a cost of \$1.2 million is not in the proposed budget.

[3:21:13 PM]

Earlier this morning we passed a resolution asking for the city manager to identify funding to continue our expanded mobile crisis program of integral care that goes out and is dispatched to crisis situations which we know we have in this city. Those are two needs we know are not in the budget and who knows what else might come up in the course of deliberations. So again, I'm just going to underscore I don't anticipate that we would end up at the maximum rate, but I believe in preserving the flexibility to have that conversation in a full and thorough manner through our budget process in communication with our public.

>> Houston: Mayor?

>> Mayor Adler: Yes.

>> Houston: One of the concerns I have if we set the rate at 8% is that that will give the people who are listening to our conversation that the option is there to go that high when I don't sense from the dais that we want to be at 8%. And what that says to the property taxes. That's like \$14 million in general fund funds is coming from property taxes. And I don't know about citywide, but I know in my district people are already complaining, we've already mentioned we've got a huge bond issue coming up in November. We've got, you know, the billion dollar bond that aid passed. We've got the \$720 million of mobility bonds that's rolling out. And so this is a way to say to people this is going to be a lean year and so we can't fund everybody like we funded in the past.

>> Mayor Adler: Further discussion on the Garza amendment? Councilmember alter. To point out that even at the 6%, that's about more than \$5 million extra that we would be able to have additional expenditures from if we thought that was necessary.

[3:23:18 PM]

The manager has come in with a recommended budget of 4.9% and I think that gives us sufficient cushion should we choose to spend more than what's in the recommendation. It was back in April when we had our budget meetings we set a goal of 6% and so I was also basing my motion based on what I thought was the consensus of the dais of where we wanted to end up. I think, again, I just want to underscore comments that were made also by the mayor and others, but that with the bond coming, it

is really important, you know, to be able to signal that we have our fiscal house in order and that we will be able to spend efficiently that kind of money going forward. And I think this is part of that exercise and that's what I'm hearing from constituents.

>> Mayor Adler: Ready to take a vote on the Garza amendment? Those in favor please raise your hand. Pool, Garza, mayor pro tem, say Casar, Renteria. Gets us to the main motion from councilmember alter. Ready to take a vote? Will the clerk call the roll.

>> Mayor Adler.

>> Mayor Adler: Yes.

>> Mayor pro tem.

>> Tovo: Yes.

>> Councilmember Houston.

>> Houston: Yes.

>> Councilmember Garza.

>> Garza: Yes.

>> Councilmember Renteria.

>> Renteria: Yes.

>> Councilmember Casar.

>> Casar: Yes.

>> Councilmember Flannigan Flannigan yes.

>> Councilmember alter.

>> Yes.

>> Mayor Adler: That was unanimous on the dais. It passes. Let's then handle 108 -- no, 86. The motion to adopt the property tax rate council considered adopting for 2018-2019 passes on a vote of 11-0.

[3:25:22 PM]

For this resolution, we also need to include the date the council will adopt the fiscal year 2018-2019 property tax rate. The proposed time, date and location is September 11, 2018, here in city hall, 301 west second, Austin, Texas at 10:00 A.M. With the voting to continue to September 12 and 13 if necessary. I'll now entertain a motion to set the time, date and location as proposed to adopt the fiscal year 2018- 2019 property tax rate. Ms. Houston makes that motion. Councilmember alter seconds that motion. Any discussion before we vote? Those in favor -- councilmember alter.

>> Alter: I just have a procedural question on the date part.

>> Mayor Adler: Yes.

>> Alter: That is the beginning of our discussion of the budget. It doesn't get set -- it gets set before we have our full deliberations or does it -- last year did we do it at the beginning of budget deliberations or at the end of our budget deliberations?

>> Mayor Adler: Don't we have deliberation opportunities prior to the 11th?

>> Alter: I thought that was the first day of our official --

>> [Inaudible]

>> Mayor Adler: Microphone turned on, please.

>> Sorry. You have historically set them at the same time so that if the budget is adopted on September 11th and you've ratified that the budget will need more in taxes, then the prior year, then you can do the budget in one day. That's why the dates are what we have.

>> Mayor Adler: Deliberations on August 16th. Budget deliberations on August 29th as well.

>> And then you close the public comment and the hearing for the budget will be -- the final hearing on the budget will be set for these days as well.

[3:27:30 PM]

>> Alter: So my question though was set the tax rate before we -- I thought last year that the rate was a function of what we passed in the budget.

>> Mayor Adler: It is.

>> It is.

>> Alter: Does this mean that we are going to pass this at 10:00 A.M. On the 11th?

>> Mayor Adler: No.

>> Alter: Or any time during these three days because we just recess the --

>> Mayor Adler: Correct.

>> Alter: That's what I wanted --

>> Mayor Adler: Setting the budget rate will be one of the last things.

>> Alter: But we could if our process worked right and we did the budget more efficiently this year, we could all pass it on the 11th and that would allow us to do that.

>> Mayor Adler: We could all go have lunch together. Except we couldn't actually.

>> Alter: It's a date. We just announced it.

[Laughter]

>> Mayor Adler: So those in favor of this motion please raise your hands. Those opposed? It passes, we're set that way. That takes care of that item. Now let's take up item 67. By state law, since we adopted a proposed maximum tax rate that is above the effective rate or the rate that would generate the same amount of revenue in fiscal year 2018-2019 from properties taxed in both years, net of certain state mandated adjustments, we must set two public hearings on the proposed tax rate that council will ultimately adopt for fiscal year 2018-2019. Staff recommends setting the hearings on August 22 at 1:00 P.M. And August 30 at 4:00 P.M. In city hall, 301 west second street, Austin, Texas. So I will entertain a motion on item number 67 to set these dates for the public hearings on the proposed tax rate for fiscal year 2018-2019. Mayor pro tem makes that motion, seconded by councilmember pool.

[3:29:36 PM]

Discussion before we take a vote? Those in favor please raise your hand. Those opposed? That passes and -- unanimously and those dates for the public hearing are set. Mayor pro tem.

>> Tovo: Mayor, earlier this morning we passed item 52 and it's my understanding that we had an individual who had wanted to speak and so with the council's indulgence, I would move that we reconsider item 52 to allow former mayor pro tem Cole to present. That's my mission.

>> Mayor Adler: There's been a motion to reconsider item 52. Is there a second to that motion? Councilmember pool seconds that motion. Any discussion on the motion to reconsider? Those in favor raise your hand. Those opposed? It's unanimous on the dais. With councilmember Casar and councilmember Garza off. With councilmember Casar off.

>> Thank you, mayor, mayor pro tem. I was here earlier to speak on item 52. That is an item that is a wholesale change in your health care provider and your previous health care provider for 16 years was united health care and they are asking for a postponement to -- because of several items, but mostly because one particular process was not followed, and that is the best and final offer process that where all the vendors are given an opportunity to speak to price disparities and just kind of reconcile that. So I would like to request a postponement to October 5th to allow the procurement department to come we'll be right back and give council options on how to handle that.

[3:31:38 PM]

>> Mayor Adler: Thank you. Any discussion on the dais? Councilmember Flannigan.

>> Flannigan: I'm going to move to pass and if I have a second I'll speak to it. This is not about uhc. This is about procurement. We are once again in this place, and I really appreciate our legislator-elect coming down and speaking to us.

[Laughter]

>> I still got to work, guys.

>> Flannigan: I know. But when I saw this on the agenda, I immediately called staff and knew this was going to be a substantive change for staff and wanted to know more about it. It's a pretty big dollar figure as health care always is to any staff budget. But my understanding is that we are saving a lot of money here. A significant amount of money. And if the prior vendor screwed up their application and I'm saving a lot of money, I think we win. I think we've come out of this in a really good spot. If uhc thinks they can do better then when this is up for renewal, they should under bid blue cross and the taxpayers win every time. That's how I think procurement should work. I have been incredibly consistent on that point so I really hope we can approve this and lock in savings.

>> Other than the final conclusion -- I'm sorry, I wanted to address your statement.

>> Mayor Adler: Thank you. Is staff here? Is procurement staff here? Mayor pro tem, you can go ahead and sit down.

>> Okay. That's fine. Will you speak to the issue about process.

>> Mayor, councilmembers, city manager, James score bow, purchasing office.

[3:33:41 PM]

The concern that was raised is new to myself, I don't know if we had heard that concern before. There was a protest period after we make the order recommendation so this is not something at least I had heard of, maybe it was brought up before. The best and final offer is an optional step within the competitive sealed proposal process or the rfp process so it is available to us. But our language is pretty clear in that we ask offerers to provide us their best and most complete offer without assuming that there would be a best and final offer process. Typically when we conduct an rfp, we do not have the best and final offer request. We do it occasionally, but it's not a required step, it's an optional step and it is a less common step based on our current [inaudible]

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

>> Casar: Mr. Scarbrough, if the testimony is suggesting to us we could wind up with an even better deal than what we have before us today, how does the process work that you decide whether or not -- I imagine this might happen frequently, somebody doesn't get a bid but says but maybe I could give you an even better offer, how do we decide when to go to that best and final offer extra step or not.

>> It is a judgment call based on the evaluation of the committee. If the most highly rated offer is very complete, it represents a good deal. If there is a good differentiation between the competition, between the most highly rated and the other competitors, then typically we would move to end the process rather than to continue the process when we already have good differentiation. We could by continuing the process make it harder to make the selection rather than to make a very, very overt selection when there is good differentiation and we have a good offer from the most highly rated firm.

[3:35:53 PM]

But it is discretionary.

>> Casar: Explain how it would be harder. Right now you have a price and product being offered, and I understand that you have a lot of work to do so you can't drag these on forever.

>> Sure.

>> Casar: But if time went on and you had one more step in the process and it stayed this vendor would up being the best and cheapest that's what we would go with. But if second or third place came out significantly cheaper, tell me -- explain to me what the challenges of that would be.

>> It's usually associated with the need of the customer department. It's associated with how well the most highly rated firm meets the sections expectations or objections of solicitation. If we have a good offer to go back repeatedly to the rest of the offers could make it more difficult to differentiate between the offers because they come closer and closer together. You crowd the top of the evaluation. If you already have one at the top you, you are really giving deference to 2 one that is at the top.

>> Mayor Adler: I guess for me, in a perfect world, I want everybody bidding as if it was their last shot. And as part of the pro sets at the end, we open it up. I want everybody competing believing that's their best shot. And I would want everybody in our process to be doing that. So I'm going to support what the staff is doing here again not tied to this contract, but just tied to a policy where if staff is saying uphold our practice and don't give people a belief that if they don't give us their top bid the first time maybe there will be a shot, I would keep it random and infrequent and whenever it's appropriate so I'm going to support staff recommendation on this.

[3:38:00 PM]

Any further discussion? Let's take a vote. Those in favor of the resolution please raise your hands. Those opposed? It's unanimous on the dais, 52 passes. Thank you. On item number 48 I had said we're going to postpone that item until 8/23. I said we were going to give people a chance to speak if they wanted to. Is there anybody here who wants to speak on item number 48? This item has been postponed 8/23. I understand there's been a potential challenge raised with respect to this. I think staff was a little concerned about us having two opportunities for people to speak given this procurement issue. So it's been suggested that if anybody speaks here, this is their only opportunity to speak and they cannot speak when this comes back on 8/23. Or you can wait and speak then. So I have Laurie girlfriend, do you want to speak -- grover, do you want to speak now or the 23rd?

>> I would like to wait.

>> Mayor Adler: Anybody else want to speak today? Is Gus Peña here? Then let's go ahead and vote to postpone this item to 8/23. Those in favor of the postponement, raise your hand. Those opposed? Unanimous. Sorry when asking you to wait. That takes care of that.

>> Mayor, would you like to postpone another one?

>> Mayor Adler: Yes, which one.

[Laughter]

>> Item 77. The applicant did agree to postpone that.

[3:40:00 PM]

>> Mayor Adler: To 8/23?

>> Yes.

>> Mayor Adler: Those in favor? Those opposed. It's unanimous on the dais with the mayor pro tem off. Are we at a place where we could do the bond contract? Item number 61 do we have to do the bond first or can we do the resolution first? Let's do the resolution first. People might want to approve the bond or not approve the bond based on the contract we would have in place. Mr. Flannigan, I recognize you on item number 61 -- or Mr. Casar.

>> Casar: I'll move the item latest in backup which is the resolution that has incorporated the edits from councilmember alter.

>> Mayor Adler: Is this the one that has version 3 at the top?

>> Casar: Hold on one second. There's a lot of paper. Yes, it is. Version 3, correct.

>> Mayor Adler: Okay. Version 3 has been moved. Is there a second? Councilmember kitchen seconds. Do you want to --

>> Kitchen: Mr. Mayor, I have an amendment.

>> Mayor Adler: Hang on. Do you want to speak to it first?

>> Casar: It's fine. We spoke to it on work session. We've attached exhibit a as councilmember Houston requested so people can see item adds the specificity we created also on June 28 and lays out the guidelines and metrics for expenditure of the funds.

>> Mayor Adler: Okay.

[3:42:00 PM]

Councilmember kitchen.

>> Kitchen: I have an amendment that I think is acceptable to the sponsor. And it's -- I passed it out, it's a two-page amendment. If you'll notice at the bottom it amends page 1 of the resolution and then also page 4. I didn't repeat all ten pages because the only amendments are on page 1 and 4. All it does --

>> Mayor Adler: Hang on one second real fast, Ms. Kitchen. It's a single page.

>> Kitchen: I passed it out to everybody. Okay.

>> Mayor Adler: Okay. Is there a second to the kitchen amendment? Second from councilmember Casar.

>> Kitchen: All it does is align the language about the libraries, museum and cultural arts facilities with the language that's in the actual bond. And so that's all it does. Because we've had a bit of a back and forth in terms of what that language would be. So it simply uses the same language to describe the 128 million.

>> Mayor Adler: Sounds good. Bicultural and creative arts, we're talking that was also the music, some people were asking about arts and music. The word music dropped off, but this is inclusive of that as well.

>> Kitchen: Yeah, creative arts is intended to include music because arts was meant in that context.

>> Mayor Adler: Any discussion? Those in favor? Councilmember alter.

>> Alter: I just have a quick question. Because libraries comes first, would you mind putting libraries above community and cultural facilities? I think I have a lot of voters in my district who want to see that libraries and take the branch library renovations and change it. I would appreciate that.

[3:44:00 PM]

And then I'm fine with doing it this way. I have no objection to this. It's my understanding this is a whereas clause on page 1, you know, my preference would have been to do a parallel for all of them where we were taking the bond language because the other one is not the bond language for the other ones, it was a general sense of what we're doing that would not be in legalese for the voters to understand. I have no objection to what you're saying, I'm just pointing out there is an inconsistency in that. I'm happy to let this move forward. That is the tradeoff of doing that. But if it's your strong preference, I don't have an objection.

>> Kitchen: I was just trying to -- we've had some real back and forth trying to understand how to talk about the -- you know, the cultural and reate I have arts and that's where we felt like the language arrived in the bond document was actually a very good description and so we thought it was best to repeat it in the resolution and that's why.

>> Alter: Thank you.

>> Mayor Adler: Okay, and so the change is to move libraries in the bullet point up to the top.

>> Kitchen: Yeah, on page 4.

>> Mayor Adler: On page 4. Anybody object to that? Hearing no objection, that change is made. Libraries is moved up above community and cultural facilities. Any further discussion before we take a vote? Mr. Flannigan.

>> Flannigan: It would include all of those but not just what we did.

>> Mayor Adler: Do we have to vote on councilmember kitchen's? We also have speakers signed up on this. Before we take the vote, let's go to -- let's go to speakers. We have five people signed up to speak on this.

[3:46:04 PM]

On this instruction.

>> Kitchen: Mr. Mayor, it might be easier just to go ahead and incorporate my amendments because I think councilmember Casar is okay with them and there was no objection.

>> Mayor Adler: That's fine. Any objection to -- all right, those in favor of kitchen's amendment please raise your hand. Those opposed? It's unanimous on the dais. So we now have the base motion in front of us as amended by kitchen including moving libraries up top. Yes, from Flannigan.

>> Flannigan: If you would prefer I wait to make my motion until after speakers, that's fine, but I would like to lay it out since others were able to. The amendment I post odd the message board is ultimately about taking the sections of each bond and instead of just a bulleted list of things for the manager to consider that we're actually giving the manager priorities. So it's more directive. I think that's something that I'd like to see us do better is give the manager direction on how we would like to see these decisions made. I shifted a few of them around and my intent was to try to put equity at the top. I think already on all of them the strategic plan was at the bottom, but I'm certainly open to rethinking the orders of these priorities. It's not my intent that I have the world's most perfect set of priorities, but I think we should at least have some. That's my intent with this amendment and I think -- I already incorporated suggestions from councilmember Houston that you can find on page 3, line 69, where we changed what was written out as provision of low and moderate income house to go housing that is accessible to various income levels, something I worked with councilmember Houston on. But that should be the only substantive change to the things that are listed beyond page 7, 175 where we just combined the leveraging matching funds with the mobility bond.

[3:48:06 PM]

We can maximize by combining projects, we should.

>> Mayor Adler: You also have dollar amounts underlined. Are those changing? Page 4 of 10, line 91.

>> Flannigan: It's making clear because the first part lists dollar amounts, it's making clear that 108.3 of the 128 is comprised by the items listed below.

>> Mayor Adler: Got it. I understand. That's Mr. Flannigan's motion. Is there a second? Councilmember Houston seconds those. It's been laid out, let's hear from the public. Sylvia Roscoe, do you want to speak to us? Michael Torres, is Michael Torres here? Is Michael Torres here? No? What about David King. Do you want to come on down, David. Is Stuart Hirsch here. You will fill in behind Sylvia. Adam Con here? No. Mr. Roscoe, you can start.

>> Good afternoon, I'm going to be very brief. My name is Sylvia, director of mechanics art I museum. I'm here to ask for support of item 61, the resolution to implement the general obligation bonds and projects for the November 2018 election that includes 108 million for libraries, museums and cultural arts facilities with MexiCart for the project. I want to thank you for your work on the council, support and vision. Investing in libraries, arts and cultural facilities will greatly contribute to the education of our children and our community. Thank you so much. Now let's get to work and get the bond passed. Thank you.

[3:50:07 PM]

>> Thank you, mayor, mayor pro tem, councilmembers. I realize this is about the actual bond language on the ballot and not about the actual -- there's another item on the agenda we're going to talk about the --

>> Mayor Adler: That's correct.

>> Kitchen: This is the resolution.

>> So I'm just going to -- thank you for the clarification. I just want to make sure that these bonds are equitably allocated to communities of color and that have been disenfranchised and served for decades in our city and that we prioritize income for income restricted, for families earning at or below 50 median family -- I also add support 37 million for the Mexican-American cultural center and 5 million for the John Trevino park. I support all the other items in the bond package and thank you for bringing this forward.

>> Mayor, members of the council, Stu from district 2. A lot of times people come to you and shout at you. I know that that will probably happen later tonight.

[Laughter] But some of us get the opportunity to say please on what we would like you to consider and sometimes we get an opportunity to say thank you when you actually do what we asked and sometimes we don't. This is one of those occasions where we've been working for a number of years on a lot of items to do a good balance for the community. Your task force did outstanding work as did their subcommittees. Your staff and the manager's staff have done outstanding work so I simply wanted to hang around for a couple hours to say thank you and Godspeed and let's hope we're successful in November. Thank you very much.

[3:52:09 PM]

>> Mayor Adler: Thank you. We're now back up to the dais. Mr. Flannigan's item is in front of us. Mayor pro tem.

>> Tovo: So I think where I would like to ask some questions of the maker of the amendment is under housing. As I understand the change, expressing these not just as bullets and criteria and guidelines would actually make things like permanent supportive housing a far lower -- would make it far down on the priority list. And that's just not something I can support. As I saw what we were doing, we were calling out different projects and programs and these were guidelines that would be -- that we would use in allocating those funds once the bonds passed. But we haven't talked about it with our community nor have we talked about it on council as to where our priorities are within these items. And we're a council that placed homelessness as number 2 in our strategic goals, I don't think it's appropriate to today make permanent supportive housing a much lower item than some of the other items called out. I would prefer -- I'm not going to be able to support that change.

>> Mayor Adler: Mr. Flannigan, then Mr. Casar.

>> Flannigan: And I would agree, mayor pro tem, we haven't really had a good conversation about priorities beyond the strategic plan. That's what I was trying to tee up. I'm not necessarily locked into the sequencing of these things and I don't think the way it's written says that you only do number 1. It says want to make sure that in part it's about the sequencing of projects and the priority you put staff time. If you wanted to move it around, I'm completely open to it.

[3:54:10 PM]

I'm not -- like I said when I laid it out, my intent was I wanted to highlight equity across all the bond propositions, but more so than anything else I just wanted us to have a good conversation for the manager and staff's benefit about where our priorities lay in the staff resources required to implement the largest bond in history.

>> Mayor Adler: Mr. Casar, then mayor pro tem.

>> Casar: Mayor, I did get a chance to review councilmember Flannigan's amendments last night, and while I do think we do need to obviously prioritize expenditure of these funds, I don't think that numbing them now is the best way for us to get there because figuring out whether permanent supportive house ING is higher or lower priority than working class displacement on the guy I can't say before we pass the bonds isn't the way to figure that out or whether or not something being in need of repair versus somebody being killed in a flood. These are the things most important, these the list of three to five things that's most important. And explaining those things intersect with one another was the intent. So my open -- but I do recognize the -- the emphasis on equity within this and so if we want to do that, you know, I think there are various places in the resolution where we could direct the city manager and in contract with voters to make sure there's a focus on equity, but I just think that

numbing them, I would have concerns beyond what the mayor pro tem brought up just on where does homelessness fall within the prioritization because I think on etch.

>> Of those we would run into those challenges and will have to be making decisions as we expend the bonds. The last thing on the varying incomes in the contract I think comes into could be flick with our ballot language and -- conflict with our ballot language and specifically ballot language says low and moderate income housing because we can't spend affordable housing bonds on something that is not affordable housing.

[3:56:25 PM]

So I would want to make sure that's okay for us to word it that way, but my understanding we've got strict guidance that the housing be spent on low to moderate housing. 80% and below for homeowners.

>> Houston: Mayor, if I can respond to that, we all know it's low and moderate income housing, but what we don't want to set up is a ghetto effect. When we talk about a range of housing, some of that bond would be spent on low-to-moderate income, but it should be all income ranges so we don't set up a get low of low-income housing and moderate income housing because we all know that's not the best place for people to live and that doesn't give them the aspirational he let's do better kind of thing. That's all we were trying to do is make sure -- the bonds would be used for low to moderate housing in an income accessible housing unit.

>> Mayor Adler: Mr. Casar.

>> Casar: So that point I think we could put language together to talk about the potential for integration. I agree entirely that we should have a goal to have that housing integrated with other levels of income, so let me see if I can kick that up now understanding that's the intent. These are the challenges with the open meetings stuff so I appreciate you raising that and us trying to figure it out here.

>> Mayor Adler: So the question you had asked was a question I just asked Ann and Ann left to walk around the corner to talk. Further discussion on this issue? A feel for us, anything you want to tell us about that language?

[3:58:27 PM]

>> We haven't run it by the bond counsel so at this moment we think we can get further guidance later on, but I think the analysis is we can do affordable housing and if we need to add something else in, we will.

>> Casar: Mayor, I have a suggestion to try to get to the intent without the unintended consequence. On the bullet that says provision of low and moderate income housing in high opportunity areas that already exists as a bullet, areas susceptible to gentrification and displacement, I would add, comma, and ability to promote integration across incomes. Across incomes. And ability to promote integration across

incomes. That way it doesn't imply that we're going to spend affordable housing money on high-income house,, but instead gets to the intent of trying to make sure one of our priorities is integration across incomes within our neighborhoods. And I think we don't run into an I'm reading off of my motion sheet. There is on line 77 on page 3 of the base motion, which is the version 3 resolution, after the word displacement I've added, comma, and ability to promote -- I'm sorry, and promotion of integration across incomes.

>> Mayor Adler: And promotion of --

>> Casar: Integration across incomes.

>> Mayor Adler: Because I would imagine, city attorney, that in some of the models for affordable housing they have some units that might be market housing that help further subsidize the affordable housing and project. And we want to make sure we can use the monies that we have here for those kind of projects as well and we're not precluding ourselves from doing that.

[4:00:31 PM]

I think that would address this.

>> Casar: I think that's how it worked in the last bonds as well.

>> Mayor Adler: So subsidize, but one of the models we'll allow for is when it is integrated in a project where potentially other kinds of units are helping to subsidize those units.

>> Houston: I didn't mean subsidize. I meant have a holistic look at all ranges of income so that we focus on the low to moderate incomes, but we're not setting up a ghetto, which is what we've done in the past.

>> Mayor Adler: Right. And I hear those things being the same thing. Okay. Mr. Flannigan?

>> Flannigan: On that same bullet point, somewhere, are you comfortable with the phrase throughout the city. High income opportunities throughout the city.

>> Mayor Adler: Would you read what number one would say.

>> Flannigan: Number one should now say provision of low and moderate income housing in high opportunity areas around the city, gentrifying areas and areas susceptible to gentrification and integration of varying income levels.

>> Mayor Adler: And promotion of integration across all income levels. Across income levels.

>> Flannigan: You got it, Ann?

>> Casar: The idea being the verbs are -- I haven't taken grammar in awhile. Provision and --

>> I think you wrote and the promotion of integration across income.

>> Casar: Correct. Provision and promotion are the two action words.

>> Mayor Adler: And the promotion and integration across income -- it's promotion of integration -- it's the promotion of integration across income levels.

[4:02:32 PM]

Any objection to that amendment being included? Yes.

>> Tovo: I just need to understand what process. We have a motion on the table, councilmember Flannigan distributed his amendments. I don't think we actually had a motion to adopt the amendments, but now we're amending the language on one of the amendments and I have an issue with the prioritization language. I think we just need to step back a bit.

>> Mayor Adler: I should have said out loud I'm dividing this to take care of this part of Flannigan's amendment because I think -- Flannigan's amendment because I think this one is going to happen without objection. So I'm trying to -- okay. In essence I'm dividing Mr. Flannigan's amendments to consider first this amendment on page 3 or number one with the language that we just discussed. Does anybody have objection to that language being included in the base motion? Provision dot, dot, dot.

>> Casar: Knowing does it come with the number one. The bullet and then we'll vote on whether to number these.

>> Mayor Adler: Right. That's the language. We don't know if it's enumerated at this point or whether it's a bullet. And I didn't hear any objection so that language is now going to be included. Continuing on in the discussion of Flannigan's amendments. Yes, councilmember Kitchen.

>> Kitchen: Are you still on page 3 because I have amended later on in his document.

>> Mayor Adler: We're not on page 3. I think the discussion about whether we want prioritization is the issue before us. Did you have other changes?

>> Kitchen: I have a change on page 5.

>> Houston: Could I speak to prioritization right quick? Could we do bullets and not numbering?

>> Mayor Adler: Let's do the prioritization because that's the big one. Do we want to prioritize or leave these items as bullet points is the question in front of the council right now. Ms. Houston?

>> Houston: I can understand the concern. Mine, the way I looked at it is we're going to try to do all of these things and I understand mayor pro tem's issue about housing and -- but I think if we just put bullet points, equity is the one that I think needs to be called out because we don't do that very well.

[4:04:57 PM]

And so if that could be just up at the top of the list when we are talking about equity and then have the other things fall in, we could do bullet points. But I don't think we're not doing any of these, mayor pro tem. I think we're going to try to do all of them. And so we would not do homelessness. That's not -- that's not a consideration. We would do homelessness.

>> Mayor Adler: So if I understood you correctly you're saying let's prioritize everything in these sections but beyond that everything else is just a bullet point. I understand.

>> Houston: Equity cuts across all of these issues.

>> Mayor Adler: Further discussion on the dais? Mayor pro tem.

>> Tovo: I don't actually see within housing equity.

>> Casar: Mayor, I anticipated that this might happen so I have a printed version -- I have a printed version of this that adds a line in the very first be it further resolved that says bond proceeds shall be expended with an emphasis on equity so that it's overarching and umbrella is the whole thing. So if I could hand that version out then maybe that could address that issue and then we could take a final vote on numbers and bullets, if that's okay.

>> Mayor Adler: That would be good. I would support that approach. I'm comfortable saying equity should be the highest priority across elements and leaving everything else as bullet points.

>> Casar: So what I'm handing out is exactly my base motion. It's missing the consensus amendment by councilmember kitchen because I wasn't aware of it until today. And of course it's missing the integration provision for the integration we just did. But on the second page, on the very first be it resolved it says bond proceeds shall be expended with an emphasis on equity.

[4:06:59 PM]

So what I would move is that we could either use this amendment sheet or just include the -- or this could just be illustrative.

>> Mayor Adler: Councilmember Casar would move that we add to the base motion the language that's in red on page 2 of 10 of this document. Before us now is the red language on two of 10.

>> Casar: That way we don't have to figure out where bullet is in and bullets out. It's overarching.

>> Flannigan: I think I want to make sure we're procedurally in the right place I think we're at where my amendment is still on the table. So this is an amendment to the amendment.

>> Mayor Adler: Or as we were doing before --

>> Flannigan: It sounds like, councilmember Casar, want to do your equity thing.

>> Casar: And then we could leave the bullets --

>> Flannigan: It sounds --

>> Casar: However you want to handle it.

>> Mayor Adler: What I was going to do is see if anybody had any objection to the language bond proceeds shall be expended with an emphasis on equity into the base motion.

>> Flannigan: If you're okay with that procedurally, okay.

>> Mayor Adler: We can do that if everybody on the dais is okay with us doing that. Ann?

>> Kitchen: I have a concern. I like the direction that this is going on. I just have a little question about it. Because there's at least one area where I think the greatest need is important and I would hope that equity means that. So I'm just going to flag it and then if you can tell me that by emphasis on equity that's what you mean, the greatest need, that would be fine. And I'm talking about flood mitigation because we have criteria about greatest need for flood, safety and protection. Greatest need for flood water and quantity. Greatest need for improvement. Where we're talking about public safety I think we need to be talking about the greatest need. And in my mind that's not inconsistent with equity, but I want to make sure that people don't mean something else.

[4:09:04 PM]

>> Casar: I would concur that those are could die from flooding we should be directing the flooding money immediately to folks who are in serious public safety needs while we should recognize throughout all of our bond expenditures that there are people who have been neglected in places the city has forgotten about where people have very serious needs and we should be looking for those. But if there's people who could die from flooding we should be of course --

>> Mayor Adler: Can we get there by saying bond proceeds shall be expended with emphasis on equity and need. Houston, Texas equity and what?

>> Mayor Adler: And need.

>> Houston: What I was trying to say is that flooding happens all over the city. So we've neglected to look at some parts of the city where flooding is happening and may happen again. So that's why equity and need is still an issue. We need to pay attention to that. But it's not just one part.

>> Mayor Adler: My question now is does anybody have objection to the words bond proceeds shall be expended with an emphasis on equity and need. Hearing no objection, those words are then added. Continuing in conversation we have about Flannigan's issue in front of us, which is further prioritization or bullet pointing, if any. Councilmember alter.

>> Alter: I wanted to add to that discussion just for the public that when we went through the bond process the equity office reviewed the bond proposals before it came for an equity lens. The bond task force did that. So the bond as it is constructed is constructed with an equity lens and so we have established that as a priority for this council. It's in the strategic plan. I'm not sure we called it a lens for everything. I'm totally fine adding this, but I don't want there to be any confusion that that's going to

change a lot of things. We've already established that a principle as how we built this package in the first place.

[4:11:09 PM]

So I just wanted to clarify.

>> Mayor Adler: Okay. Mr. Flannigan.

>> Flannigan: And I don't disagree with that, councilmember alter. I think the package is one thing and there are parts of the package that are buckets, not specifics. And then there's always the question of staff's sequencing and resources to implement a bond program. We've had so many briefings about the 720-million-dollar mobility bond and the efforts and the sequencing and all that, that there will be a lot of decisions that are going to be before staff and how they roll out this very significant bond program. So just trying to just re reaffirm something I think we all agree on, but doing so declaratively in our message to staff as we move to approving the bond.

>> Mayor Adler: Further discussion?

>> Casar: I think we're at our last decision about whether to number these are not.

>> Mayor Adler: I'm most comfortable not numbering these. And I think that worked well for us in the transportation bond that we had. It 19s us to say they're all important and I haven't had the time to really go through and parse out which one I would rank in which order that I would do that. So I'm going to vote no to the.

>> Flannigan: Amendment. Any further -- to the Flannigan amendment. Any further discussion? Let's vote. Those in favor of the Flannigan amendment, raise your hands? It's the balance of the dais. Are there any other amendments from your pages, Mr. Flannigan, that we should pull and take a vote on? As far as.

>> I think if we're leaving them as bullet points, then some of the other changes, the reorderings of the combination, they don't have a practical impact if it's just bullet points and our direction to the staff is just consider all the things, then you can just consider all the things.

[4:13:19 PM]

>> Mayor Adler: All right. So we're back now to the base motion. Yes, councilmember alter.

>> Alter: I want to clarify that we're using the term guidelines then according to what we just voted, that we're sticking with the original. There was one question I had that Mr. Flannigan had something about the city manager is directed to use 19.7 million to fund all other libraries I think --

>> What page are you on?

>> I'm on page 4 of 10. I don't know if that's the right number, but I would be supportive of being clear to the voters. I don't know if that's the right number, if you've included Faulk in there, but if the balance of the money is going to libraries because we've been very specific for the cultures, I would favor that money being listed as such, but I don't know if that number is the right --

>> Mayor Adler: Do you think so, Mr. Flannigan.

>> Flannigan: We did update the numbers after Casar updated the Faulk back into the list. The numbers are right. I'm -- I would support putting the numbers in there. I don't know that there's a practical difference if only because it's the math question.

>> Alter: Well, it's a question of the bucket. I'll make the motion.

>> Flannigan: And I will second it.

>> Mayor Adler: Councilmember alter moves to specifically say that the first group combined totals 208.3 million -- 108.3 million and the second 19.7 million. That's not a substantive change, it's just further clarification. Is there any objection to including those numbers? Hearing none, those numbers are included. We're now to the base motion. Anything else to be added to the base motion? Ready to take a vote on the base motion? Mayor pro tem.

>> Tovo: Just a quick question for the sponsor.

[4:15:21 PM]

Within the the text you've switched guidelines to priorities and given the discussion we've just had --

>> Casar: That was not the amendment. The amendment was just handing that piece of paper out to look at that one line.

>> Tovo: Thanks.

>> Mayor Adler: Other than that the base motion stayed the same. Ready to take a vote. Those in favor of the base motion, raise your hand. Those opposed? Troxclair, Flannigan voting no. Others voting aye. It passes 9-2. There are a series of public hearings that have been set that no one has signed up to speak on and I think we can take care of en masse. Item number 101 is being postponed until August 23rd. Is there any objection to 101 being postponed? Is staff here?

>> Good afternoon, mayor, councilmembers, Diana Thomas, city controller. We've asked for a postponement of this item to the August 23rd agenda because we had a posting issue.

>> Mayor Adler: Any objection to postponing this item to August 23rd?

>> What number?

>> Mayor Adler: This is 101. Hearing no objection, item number 101 is postponed to the 23rd. Then I have items 102 to 107 which are pid assessments. I am not showing any speakers signed up to speak on -- this is 102 to 106 rather. Pid assessments. Anyone here signed up to speak? Hearing none, the motion

to close the public hearing? Councilmember pool makes that motion, councilmember Houston seconds it. Any objection? Hearing none, the public hearings are closed. Do we need to take any action on these or was it just to take the public hearing?

[4:17:22 PM]

It was just the public hearing. It says possible action.

>> We need to approve the proposed assessment roll.

>> Mayor Adler: There's a motion to approve the proposed assessment rolls in items 102 to 106. Is there a motion? A second? Those in favor raise your hand? Those opposed. It's unanimous those pid assessments are approved, 102 to 106. What about --

>> Mayor? Just one minute, please.

>> [Inaudible].

>> My apologies. Everything is handled. Thank you very much.

>> Mayor Adler: Thank you.

>> Houston: Mayor?

>> Mayor Adler: What about 107. That was also a public hearing. We have no one here to testify on that. Is there anyone here to testify on item 107?

>> I don't think so.

>> Mayor Adler: Hearing none is there a motion to close the public hearing on 107. Councilmember pool moves to close. Seconded by Mr. Flannigan. Any discussion, any objection? It is the -- the public hearing is closed. Do you want to tell us what action you need to 107?

>> Sure. This is considering a resolution of no objection to a tax credit application to the Texas department of housing and community affairs by hedcor investments for a property on Bratton lane in the extraterritorial jurisdiction.

>> Mayor Adler: Okay.

>> I'm sorry, 264 unit property.

>> Mayor Adler: Motion to approve by councilmember pool. Is there a second to that? I need a second. Councilmember Garza. Any discussion? Those in favor please raise your hand?

>> Houston: Wait. I'll be voting no on this because there is no transit option for this development. We continue to do this, put people out in the edges of the county and the city and we don't have any way for them to get in except single vehicle occupants.

>> Mayor Adler: Okay. Those in favor of this item please raise your hand?

[4:19:23 PM]

Those opposed? Ms. Houston voting no, the others voting aye. This item passes.

>> Thank you.

>> Mayor Adler: Two people voting no, troxclair and Houston voting no. The others voting aye. That item passes. Okay. What about the -- let's pull up the codenext item, number 111. Do you want to make a motion?

>> Flannigan: Move passage of item 111.

>> Mayor Adler: Mr. Flannigan moves passage of item 11. Is there a second to that? Mr. Renteria seconds that. Do we want to hear from the people who have signed up to speak? There are five. Councilmember alter?

>> Alter: I have a small amendment that I want to put forward that just adds the Austin's watershed protection master plan to the list of plans in the be it further resolved that has imagine, et cetera, in it, and I'll pass that out.

>> Mayor Adler: Any objection to adding the watershed master plan to the list of things that is being consistent with? Hearing none that amendment is added. If you would pass that down. To everybody. But especially to our clerk and our council. All right. So do we want to hear from the people speaking or lay out your amendments first? Councilmember pool.

>> Pool: I just passed out and I forgot to hand one to the clerk. Thank you, city attorney, for doing that. This is a slight change from the resolution that I posted on the message board. I essentially removed the portion about having the city auditor, directing the city auditor to do a review because of time constraints, but I'll look at bringing that back separately at another meeting that we can talk about it more.

[4:21:32 PM]

But this just adds a little bit more discussion and a whereas clause, and the watershed protection master plan is also in here that councilmember alter had requested and then incorporates any recommendation the city manager may derive from the findings in any future city auditor's special report that may be undertaken. So that tees up a possibility of us requesting that from the city auditor and finding room on her schedule. I don't believe these are controversial, but it would be great to know. Thanks.

>> Mayor Adler: So while we're listening to the speakers, my only concern with that line, councilmember pool, is I'm not sure what the last line means because I don't know what the recommendations are going to be. I certainly wouldn't mind the manager considering them, but I wouldn't want to direct him to incorporate something that we haven't seen on the dais or considered on the dais.

>> Pool: Okay. All right. So let me think about that and I may amend it slightly.

>> Mayor Adler: But certainly for him to consider that kind of thing I think would be good. All right, David king.

>> Kitchen: Mr. Mayor, could I also make a comment? Could I also make a comment?

>> Mayor Adler: Yes.

>> Kitchen: I would have the same comment. I also when we get to talking about it, there's a whole range of people that the city manager will be needing to talk to and so I want to be careful about loading up the be it further resolved with those kinds of things. I'm happy to instead of trying to amend this, I'm just happy to have a very brief conversation with the city manager in a minute when we get to it about that understanding.

>> Mayor Adler: All right. Then Mr. King, do you want to come down and talk to us? Is Brad parsons here?

[4:23:33 PM]

Why don't you come on down to the other podium so that you will be straight up. And is ray Collins here? Okay. You will be up behind one of these two gentlemen. Go ahead.

>> Thank you, mayor, mayor pro tem and councilmembers. I am here in the capacity as a citizen, although I'm a member of the zoning and platting commission as I believe you know. And so I am not speaking on behalf of the zoning and platting commission or my role on the commission in my following comments. I would -- I'm just asking that we conduct a -- that a stipulation be included in the resolution that directs the city manager to initiate a request for proposal process to hire an independent third-party to conduct a root cause analysis of the codenext project failure. Having spent almost \$8 million so far and hundreds of thousands of staff hours, which could equate to another four million dollars, in total \$12 million that we've invested in this process thus far, we need to idea why it failed and not use political reasoning to explain why it failed. We need to look under the hood and learn from that so we -- our future projects are better and more effective. Private business does this all the time when they -- when big projects fail, because they care to learn, because if they don't learn, they're going to fail, they're going to go out of business. And I think it's important for us to learn what happened to this codenext process. So I hope that you will do that and we can learn from those what caused the failure of codenext. Thank you.

>> Mayor Adler: Thank you. Mr. Parsons, you're up now. Mr. Collins, if you will come down to this podium.

>> Yes, mayor and council, first off I want to say that I think you're throwing this process out a little bit either too late or too early, I don't know.

[4:25:40 PM]

But it's a wasted effort, but -- and I'll come back to that, but what I want to maybe reiterate, and Mr. King, I'm glad he spoke. I just want to read a short brief statement the zap passed a few days' ago because I think it's pretty good and then add something to that. They believe that learning from the mistakes are critical to avoid repeating them, therefore they recommend that the city engage in an independent evaluation team to determine how the codenext process went wrong. No alternative process or reboot of codenext should be considered until the evaluation is complete and any recommendations for changes are implemented. Well, what I noticed is that it seemed like both the neighborhoods and reca felt like their input into the codenext process was not being listened to. We ended up with a document that was longer and more complex than the current land development code and yet it was worse. If you just want to listen to reca, they physical it was worse.

-- They felt it was worse. The problem there I believe was a lack of responsiveness of city staff. So I think the consultants should be taken a off of it and not used again and I even think the staff leadership on this should not maybe involved. Somebody else from the city manager's office possibly. Also when I said earlier I thought you've quit prematurely and maybe it's for an election, I don't know what the reason is, but there are some simple solutions, compromised that could have been come up on minimum lot sizes, not allowing all the new commercial uses in residential Zones, the density bonus. It's proposed only to be two dollars per square foot. That's too low, not going to cover costs. It should be a minimum four dollars a square foot for the density bonus. The parking requirements, one thing you can do is you can restrict parking in streets with signs. You don't necessarily have to change the minimum parking requirement, although that might be open for negotiation there. And then height capability, zap had a great solution, a compromise on height compatibility.

[4:27:41 PM]

That's just five issues I reeled off right there. I believe that's half of the problems. One other one is the process changes in codenext that took citizen input out of the process going future in zoning changes, that should not be done. It should remain similar to the process to what it is now. Presumably you're going to need less zoning changes. So those are some of the things I want to say about that. I believe that you're giving up prematurely on codenext, but it was a convoluted, messed up process throughout because the city staff and the consultants were not responsive. So I guess you've got to do what you've got to do.

>> Mayor Adler: Thank you. Is Megan weissen BAC here? What about chivas Watson. Go ahead, you're the last speaker.

>> City manager cronk, you're about to be in charge of whatever comes next after codenext. For your starting point I recommend you go back to early 2015 when the first 10-1 council was considering the Zucker report. Find an unredacted copy. Considering what has happened with codenext, I'm pretty sure there were some important recommendations of which the Austin public were left in the dark about because they were unpopular with staff and council. I predict you will read there some things left undone that you will want to pursue, things that fit well with your role as the administrative head of our

Austin city government and your new task of bringing austinites together in support of an improved land development code. I also recommend that you reprise a portion of the Zucker report's methodology and administer an anonymous questionnaire to the planning and zoning and development services department personnel. Before you administer the questionnaire, please give them some time to rest from and reflect on their codenext labors, but even so I predict their responses will remain as bleak as they were back in 2014.

[4:29:54 PM]

My hope is you will find them informative when you choose among several possible courses of action. I have one specific comment based on my own observations. I watched all 63 hours of the planning commission's votes on amendments to codenext draft 3. While doing so one thing that became clear to me for the first time was that the planning and zoning and development services departments are very much at odds over codenext. Psd's view was that P and Z were proposing things they could not implement, the zoning 25 category, for example. That is an example of how far back I think you have to go to restart the process to produce a new land development code. Finally, I commend you for the action you've taken regarding the assistant city managers. One of the reasons we don't have a police contract today is that the assistant city managers involved did not recognize and adapt to the 10-1 city charter changes. The kind of goal oriented structural change that you have implemented to correct that situation is almost certainly going to be a requirement for your new assignment today. And councilmember pool, if you -- if your amendment passes today, I'm putting my hand up for public input. Councilmember kitchen's chief of staff called me with a head's up for input back on August 1st and, you know, I produced like four pages in two hours, including what you've just heard. Thank you.

[Buzzer sounds]

>> Mayor Adler: Thank you very much. We're now back up to the dais. Councilmember pool, did you come up with some language that you think might work?

>> Pool: Yeah. Well, I think I just inserted the word, will take into consideration recommendations from the city auditor. But let me speak to my amendments just to kind of lay them out.

[4:31:57 PM]

And I just wanted to preface it by saying we did vet these, my staff worked with law, Mitzi cotton worked with Louisa on my staff to come up with appropriate language on this. I posted my can changes on the message board. In the first version I directed action to the city auditor to undertake a special project, that's the 200 hour, to look at the codenext process. We learned that the language can't be included because of posting constraints, which is why I removed that from my amended language. But a review from our city auditor about codenext -- the codenext process will be critical as we consider a new process of a land development code rewrite. So I'll write this direction as a resolution at our next

meeting. I think it's August 23rd. My other changes have to do with acknowledging the individuals and groups who have repeatedly communicated their concerns about the codenext process. I want to make sure that they know we listened and that their input is certainly a factor in this decision to move in a new direction. I really want to make sure that the public and those who attempted to help us on this hear that and understand that. I realize that any process of a land development rewrite should include a review of all of our city plans, but I would like to bring a focus to the watershed master plan if we're calling out specific plans, and I understand I'm not alone on that on the dais. It's a critical plan for a cleaner and safer future for our city. And the last item is simply looking forward to the potential of a report that emerges from the city auditor's office and asking the city manager to take those findings into account in developing a new process for the rewrite. So we can amend that. Rather than incorporates can say --

>> Mayor Adler: And considers any recommendations the city manager may derive.

[4:34:01 PM]

>> Pool: That's correct.

>> Mayor Adler: Does anybody have any objection to including the amendments offered by councilmember pool? The addition of that whereas clause? Yes, councilmember kitchen.

>> Kitchen: I don't have an objection but I just want to make a comment on it. Is now the appropriate time?

>> Mayor Adler: Sure.

>> Kitchen: Okay. I'm okay with the language, but I really want to send the message to the city manager at least from my perspective that my request was for the city manager to evaluate the process. And to take into consideration recommendations and ideas and communication from the community, from the staff, from the consultants, from the public. And I'm not suggesting that councilmember pool is suggesting this, I just don't want this to be misinterpreted to mean that we are asking the city auditor to do an analysis. From my perspective we're asking you, our city manager manager, to come back to us with a proposed approach and I want you to be empowered and I think that you are -- I hope that you are and if you have any concerns, please let us to know to be empowered to talk to anyone and everyone that you consider appropriate to understand where we're at and to come forward with recommendations to us. And as sieve said before, -- as I've said before what we're talking about is a reboot, not a start over, not throwing out all the work that's been done to date by the many folks in the community, by our staff, by our consultants, and that I remain committed to addressing the problems that we have with our current code. So I just -- so let me just ask you, point blank, do you feel comfortable with the language that is being proposed as an amendment and this language in front of you that we are asking you to consult with anyone and everyone that you consider appropriate and that that includes the community, that it includes the staff and consultants.

[4:36:10 PM]

It may include the city auditor if that comes about. Would you say that you feel comfortable with that?

>> I do, councilmember.

>> Kitchen: Okay, thank you.

>> Mayor Adler: Does anybody have any objection to including the language, the whereas clause?

>> Flannigan: Can I speak to it?

>> Mayor Adler: Yes, Mr. Flannigan.

>> Flannigan: The resolution has a number of whereas clauses, and councilmember pool referenced all of the hard work that our committed volunteers have done from across the city and that is in the second to last whereas on page 2. The whereas that is proposed I think is also important because without amending an amendment to an amendment, I feel like my input was also not included as I saw the draft go from one to two to three. So it is true to say many residents, businesses and stakeholder groups expressed concerns and not reflected their input. Also that councilmembers reflected those concerns and their input was also not included. One of the most frustrating parts of the process was watching it go from draft one to two to three and at no point did we take a vote. At no point did we take a formal statement and state what we wanted to see changed or adjusted or moved to and we just saw the drafts moved forward and we were handed a draft at the end. And partly why -- not to rehash all the stories that's been posted, I posted my own statement on my own web page but what we ended up at the end was not something I felt we could get to the finish line. I really appreciate this whereas because I think also included are the perspectives of the council.

>> Mayor Adler: Sounds good. Any objection to including the whereas clause? Hearing none, the whereas clause is included. Any objection to including the last line about having the manager consider any recommendations of a city auditor if such a report is done? Hearing none, that is also included.

[4:38:11 PM]

Let's take a vote on the main motion. Councilmember alter?

>> Alter: Yeah. I would -- I want to ask city manager in a second for his thoughts on how the process will develop, but I wanted to just say a few words first. First I want to thank our staff who put countless efforts, hours and hours and lots of effort and gave up lots of vacation and no doubt their families are happy to have them back. I would like to thank our zap funding environmental and other commissioners, reca, CC and C and all the countless people across the city who thought that this process and this land development rewrite was important enough to invest their time and energy, and I believe that I listened and I wanted you to know that I learned from all of you. And I feel like I evolved over that time learning from each of you. I agree with the sentiment that the mayor put forward when he posted on the message board that our goal is to reestablish trust that was lost in city government and all of us here on

the dais. I think, though, as we move forward we need to recognize that uncertainty often brings anxiety and that moving forward we as a council need to set clear expectations and policy guidance so that the community can have less fear about what we're about, what we are trying to accomplish and the product. So I hope that whatever we do as part of this process is that we keep those responsibilities of council front and center and that we will each have the opportunity to share with city manager Cronk and others involved in leading the next effort what we've learned through this process and ways that we think it might be better.

[4:40:12 PM]

So I would just like to ask and give the city manager an effort to absorb some of that -- as sewage some of that anxiety, some of the concern with this idea at the end. If you can elaborate on how this process will be developed, I mentioned that I was going to ask you this on Tuesday in work session, just to hear from you. Even if it's just principles, this is a tough problem and I don't expect you to have a full solution, but if you could speak for a few minutes about how you think you're going to approach this, I think that would do wonders to help dampen that level of anxiety.

>> Sure, councilmember. I think if this item passes and I will certainly start with taking the direction that I've heard this afternoon, but really again as I come to the city of Austin with a fresh set of eyes and a new perspective, step one will really be ensuring that I am listening and I am really hearing the lessons that we've learned over the past several months and years around this process, to talk to the different stakeholders that have been identified. To talk to you to make sure that your voices are included in that conversation and then to come back with you with some principles that would be the framework of that new process and what that will be. That will take some time. I can't promise it will be in the next day or week or even months ahead. It does take time for me to ensure that I have heard and that we can look at this from a fresh perspective.

>> Mayor Adler: I want to add my thanks to the people who worked really hard on this too. I think the challenges that existed still exist and the recognition that we need to do something about a 30-year development code still exist, but it was clear that the process we're on was not one that was trusted and I agree with what councilmember Alter said. We need to -- we need to come up with a way to move forward that the community can trust.

[4:42:20 PM]

I gave my statement earlier on the post. Any further discussion on this?

>> Renteria: Excuse me. I would like to make a comment. I also want to thank everyone that have worked so hard and many hours on this. I just want to let people know that we're going to delay this process and the values of your property is not going to go down. I urged all my people in district 3, hold on to your property because your valuation is going to go up. Your apartment rents are going to go up.

Because we're not building enough to meet the need of the housing in this community. And yes, there will be displacement by the people that displaced us. We're all going to get gentrified out of there. And we're not going to be able to stop the value of your land. It's going to be impossible because people are going to be out bidding. People are spending up to 50% of their income on housing. That's how ridiculous it's gotten here in Austin. And I don't see any slowing down. It's very unfortunate that codenext -- my whole view of codenext was try to build as many houses and density along the major corridors as possible. And unfortunately, the misinformation, the fake news that came out, it didn't cost much, it just took \$10,000 to get this petition done. And you know, that's what really happens. And you know, I tried, and when I saw that we weren't going to get anywhere with this, you know, we decided that it's not worth it. We're not going to achieve the goal that we want and we need to take a fresh look at what we're doing. So I hope that my colleagues are very sincere on the affordability of Austin. You know, we talk about affordability, we talk about low income housing.

[4:44:21 PM]

We talk about keeping the low income people within the inner core. And I just don't see that happening. I don't see it happening any time soon because we're delaying a lot. But you know, I just want to let y'all know that please, if you have an ability to stay on your land, either lease it or whatever because it is going to go up and it's going to be expensive here in Austin.

>> Mayor Adler: Okay. Let's keep going. I want to remind everybody we have nine items left and we have 45 minutes left until we break for music. Yes, Mr. Casar?

>> Casar: I did have two questions for the city manager just for clarification for folks. One is that I've heard a lot of folks say that have we put those millions of dollars of work down the drain? Has this all been for naught? That people are ready to learn about what was produced through the testing process. So my first question is around if the manager could make clear to the community what the expectation is of what's going to happen to all of that work and whether or not you are going to keep looking at and using so we don't pour down the drain all of that -- everything that we've learned and put together, and whether you would continue -- see value in continuing to look at how well what we put together works. So that's my first question. And then the second question, councilmember alter did ask about timeline and I wouldn't want to pin you down on a date or a month that you will come back to us, but I think that everyday that we don't perform our land -- reform our land development code is a day we're continuing to not serve our residents. I do think we need something back not five years from now or a year from now, but will we get something back early next year? So just those two questions.

>> I can commit to early next year. I think that's a reasonable expectation. I have every occasion that -- I want to spend a minute just thanking the staff that has done a lot of work over the years on this effort.

[4:46:23 PM]

And to your point there will be a lot of information and data that has been collected that will continue to be used. I am not -- there's no intention to, you know, start anew. I really appreciated the phrasing about a reboot where we're going to take what we have, but there is going to be a different look in how it's being used. But I certainly have every intention to build off of what we have really done in the past years. So I really want to thank staff for that work, but I do want to just specifically answer that question that we will be using that information. It may come out differently, but it's certainly going to be a baseline.

>> Casar: Thanks. As a co-sponsor of the resolution I'll be the first to say that passing this doesn't fix the actual real lived problems of folks in community but hopefully it did does open the door for us to be successful as a dais and as a city in reforming our land development code in a way that respects the facts and addresses people's need because I do think that there's a real commitment to cross the dais to do this sort of work together. And if we can come up with a new process that gets us there then very potentially we could come up with a process that gets us there quicker even than the road that we were on. Because everyday that we wait to reform our code, I don't know if I could put it better than councilmember Renteria, but everyday we wait we're failing current residents and generations to come. I can't get out of my head the fact that over the next 25 years it's projected that 350,000 people about, definitely over # hundred thousand people are expected to be born or to move here and our population is going to grow. And if the consultants were even close to right that we have around 80 something thousand in housing capacity, the amount of displacement in unaffordability that's going to cause if we don't plan for that is just unacceptable. And I just wouldn't feel like I did my job, regardless of the politics of it, regardless of how good or bad it makes any of us look, my conscience wouldn't rest if I didn't do something about that.

[4:48:28 PM]

So I'm glad that the manager is going to bring something back early next year so that we can reform in this area in 2019 and do all the other important work we have to do. We need housing bonds, we need infrastructure, we need to deal with flooding, but we can't avoid the issues with our code, or at least I can't with a good conscience. So I continue to look forward to work with the community and this council and staff on this in 2019.

>> Mayor Adler: Sounds good. Ready to take a vote? Those in favor of item number -- yes, councilmember kitchen.

>> Kitchen: I'm sorry, just one other thing. I mentioned earlier that I remain committed to addressing the problems that we've identified with the land development code and I just want to reiterate that. And I also want to reiterate that means the kinds of problems that we've talked about up here, but it includes our environmental issues, our water quality issues, our flood mitigation issues. And the whole range of issues even beyond zoning that are covered by the land development code.

>> Mayor Adler: Let's take a vote. Those in favor of 111 raise your hand. Those opposed? 111 passes unanimously. Let's do 13, 14, 15, the 380 agreements.

>> Mayor Adler: Staff on here, is there like a base motion to be made on this? Are you bringing amendments to a motion? How does that work?

>> Casar: I could move this with the amendments that I've posted to the message board or I could move the base motion.

>> Mayor Adler: Why don't you move with the amendments that you've made.

>> Casar: I'll move it with the amendments I posted to the message board and there are two lines right at the very bottom that are also in my motion sheet that weren't on the message board that I could just explain after I make the motion.

[4:50:36 PM]

>> Kitchen: Which item? There are three items.

>> Casar: These are amendments to item 14, but I could move them all if we're taking testimony on them all. I could just move them on.

>> Mayor Adler: Moving them over with these amendments made to item 14. Is there a second to that motion? Councilmember Kitchen seconds that. Do you want to explain the last two down at the bottom?

>> Casar: No. All four bullets have been on the message board and are what I explained at work session. The bullet at work session about excluding construction projects that were smaller than half a million dollars I just dropped it. I think it's really a lot of these incentive programs are 10, 100-million-dollar construction projects and I didn't want us to get stuck on that. I dropped that. These four bullets are exactly as I explained. The only thing that's in addition to what I had at work session is the last two lines, which is replacing the words hard to employ with the words targeted hiring under category 2. I want to - I know what the staff is going for and what they mean, and I don't mean to imply that they've done anything wrong. I just think the wording is a little odd on the page and I wouldn't feel comfortable voting for it the way it's worded. Basically in this section it says people that are hard to employ and it lists things like minorities being hard to employ, and I don't think minorities are hard to employ people. I don't think we have to talk anymore about that. So I would just --

[laughter]. So I would just replace the word targeted hiring again just to -- I know what our staff was trying to do and I just think it looks better with the words targeted hiring.

>> Mayor Adler: Sounds good. All right. We have some people here to speak on this. Let's call them up. To speak on it and then we'll come back to the motion that's been moved and seconded. Is David King here?

[4:52:45 PM]

>> Thank you, mayor, councilmembers. I feel like I live here, I'm here so much. I'd just like to encourage you to incorporate the following points into these economic development programs. One, to prioritize and focus on local small businesses, require workers defense project, better builder standards, living wages, health insurance, sick leave for construction projects that are part of these programs. Require living wages for all new jobs that are created. And require displacement and economic segregation impact statements for economic development programs. As we've discussed here before when we have these large high paying -- large companies that bring in these high-paying jobs they can have unintended consequences of encouraging displacement and economic development segregation, unintended, I know, but nevertheless, that's the impact. And we should require applicants to provide applicants for these programs to provide company policies and their track record on equitable pay for women and on racial equity. And we should also require super majority vote by council for waivers to economic development incentive requirements and qualifications. Thank you.

>> Mayor Adler: Is Bob Allen here? Is Brian Ferguson here? You will be up at the other podium. Mr. Matlin. You signed up on all three of these issues. Do you need nine minutes? Go ahead.

>> I'm Bob batlin. This statement does not represent the views of any organization.

[4:54:46 PM]

And I also hope that I express the targeted hiring correctly because that isn't what the page says. But anyway, I'd like to thank the city manager for including the 15-dollar an hour living wage in the budget proposal. As one who has worked for years to get this far, I am thrilled. Of course, we still have work to do. Council has been a partner along the way and has supported employment living wage increases annually to the greatest extent the budget allowed. At the work session on Tuesday I perceived disappointment that the first 380 incentive program brought forward for approval did not address lifting various types of people out of poverty or even help them get a dignified income. Staff, councilmembers and the consultant all seem to reluctantly agree that it was premature to address these populations. I disagree. We could use the proposed business expansion program to test scenarios and help businesses learn while we move forward. An exception process would be necessary and approval by two-thirds of the councilmembers is the blueprint we've had in the past, could allow worthy employers committed to realistically imply that as we are going forward that wouldn't be possible. They would need to justify unique, but measurable wage goals and only be paid for goals achieved. We could conduct pilots focused on scenarios of interest, protect employees from jeopardizing other benefits and evaluate effectiveness without making other modifications to the base program.

[4:56:46 PM]

I think it's practical. The existence of an exception process could park other imaginative approaches leading to more living wage jobs in Austin. I have other ideas that I would be happy to discuss, however,

for today amending the business expansion program to allow for controlled exceptions would enable good ideas to be tested at your pace. Thank you.

>> Mayor Adler: Yes, councilmember alter?

>> Alter: I wanted to ask Mr. Batlin a question. So exceptions within the business expansion to do anything or for a specific thing?

>> As I understand it, there was a blanket statement that no exceptions would be allowed. In the 380 agreements that we are rescinding, there was an exception process with very limited applicability. I believe wages were one place where it could be implemented and there were some insurance oriented things where exceptions would be allowed. I'm not saying that you want to do everything. I know the insurance environment is different than it was at the time we passed the thing, but really what I'm talking about is wages. And I'd like you to think about the fact that while I've been working on this thing, in 2013, I believe, the living wage was 11. Now it's going to be 15. We've got a billion dollar budget and it took four years of concentrated effort of people that all wanted to raise that living wage to get there. This was an organization that was committed to the living wage.

[4:58:47 PM]

And it took four or five years to get as far as we've gotten, which isn't far enough. But it's -- I find . We might allow smaller companies to move slowly toward a living wage.

>> Alter: Thank you. I was talking about something similar at work session so I just wanted to make sure I had clear what you were suggesting. Thank you.

>> Good afternoon, or should it be evening. I am reverend Brian Ferguson, the minister of the church in south Austin, a leader in Austin interfaith. I'm part here representing the clergy caucus. Austin interfaith is a group of 37 houses of worship and community organizations throughout Austin. As a religious leader I am opposed to the elimination of the living wage requirement and our tax incentive policy and support councilmember Casar's amendment. To say bread for one's self is a material issue, but bread for a neighbor is a spiritual actual issue. Having a living wage for people I believe is a moral and spiritual concern for the people of Austin.

[5:00:50 PM]

To guide my religious community I often ask what do you love and what breaks your heart? I love Austin, I love our people and I love the fact that our city cares for all people in our community. I love that we have a city council who a few years ago voted to establish living wage requirements for our tax incentive policy. Thank you for your caring, compassionate and courageous leadership on this issue. What breaks my heart is that we have working people who struggle to have the basic necessities of life such as food and housing. What breaks my heart is there are people who are not sharing in the economic success of

Austin and consider moving away. This tears at the fabric of our community and hurts us all. Our Austin community believes in the inherent worth and value of all people. The living wage environment is an important moral statement of our city that all people have dignity and worth. A living wage helps raise our most vulnerable neighbors out of hardship, giving them a greater share in the success, the economic success of Austin. Please do not eliminate the living wage requirement because its great strength was to reach down to reach so many people, so many vulnerable people who are working hard day in and day out for a better life. We have met many of you this week within we want to thank you for your support - for your support that we as a community can give dignity and worth to all people in the community who are working hard to better themselves. Thank you.

>> Mayor Adler: Thank you.

[5:02:52 PM]

And then is fanny

[indiscernible] Here. You will be up next.

>> My name is Carlotta, Garcia, and I am a member of my congregation is predominantly Latino with workers from a mix of classes. While there's plenty of professionals, a lot of them in the public sector, there are many more who are employed as housecleaners, janitors, cooks, truck drivers, and restaurant servers. They move boxes in warehouses, raise other people's children. They process paperwork in hospitals, and they cook our food. Guadalupe parisianer ins are hard working people, but too many of them earn less than dollars an hour and struggle to make the rent. Low wages force families into hard choices. Sometimes between food and medicine. Food and school supplies for the children. Low wages have pushed many out of the city already. When Austin interfaith worked with the city and community leaders to institute a living wage requirement in the economic incentive process of 2013, we argued that public dollars shouldn't be sent -- spent to subsidize poverty-level jobs. We were proud. To help establish the shared community value of a living wage requirement in incentive agreements. When we discovered last week that the staff's 380 proposal revoked the living wage standard that we had fought so hard to put into place we were very alarmed. Our neighbors confirmed. Living wage protections should be preserved for all publicly subsidized jobs at private companies. Number 2, no exceptions, no waivers. The original proposal appeared to give staff authority to waive requirements at the project development stage.

[5:04:59 PM]

And that would have rendered the living wage standard meaningless. Number 3, maximum transparency and ease in public understanding. We laypeople need to be able to see the line item cost and benefit in the budget. We want each deal to be evaluated on its own merit. We have worked since then, we have put out that statement, we've worked with councilmember Casar and several of you councilmembers to

-- and we support Austin interfaith, the amendment that he filed. We're extremely encouraged and impressed with the solid support from councilmembers for keeping the living wage standard and economic incentives and as a community value overall. We believe this demonstrates council's support as a baseline requirement for public subsidies. We also want to recognize system cronk for including the -- recognize city manager cronk. We have all worked together for Austin interfaith recognizes and appreciates your collaboration on this issue. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is

[indiscernible] Here?

>> Isabel is going to waive --

>> I'm a member of the ebenezer Baptist church in east Austin and a member of Austin interfaith. The city's proposed living wage of \$15 an hour is just over \$31,000 a year. Though it is still much less than what it takes for a family to thrive here in here in Austin, it is the baseline standard we have set as a city. It is our measure of what it takes to live here in dignity.

[5:06:59 PM]

Austin has the highest cost of living in the state of Texas. We see families being pushed out of our surrounding communities and -- into other counties. Over the years in my congregation and many east Austin congregation, which is in the heart of the east 11th and 12th street historic corridor, we have seen families move to pflugerville, Round Rock, Buda, Kyle, manor, and further out. But they still drive back into Austin to work. We understand that the private companies have the right to pay wages as they see fit. But when our tax dollars are used to subsidize private companies, then we demand that those employers at least pay what our community standard has been determined to be, the living wage. I also worked many years as a probation officer -- they have difficulties finding decent employment. They are faced with the same expenses, rent, grocery bills, that every one of us face. So they, too, deserve a living wage. Ebenezer has been in east Austin Austin since 1875. We have seen the city grow from a sleepy town to a city with a world class economy. When our disparities persist and inequality continues. From our church we can see the luxury apartments across from our doorway. That most of us cannot afford to live in. We see the luxury apartments and skyscrapers of downtown.

[5:09:00 PM]

When our tax dollars subsidize our city's job growth, then the workers who build those apartments and towers, clean the floors, serve the food in those buildings, they deserve dignity. They deserve to be paid living wage. Thank you, mayor Adler, and city council, for keeping this in mind as you move forward with

the determination of what is a baseline wage in Austin and making it applicable to all workers, no matter what else is going on. Thank you.

>> Mayor Adler: Thank you.

[Applause] Thank you. Is Rebecca [indiscernible]. Do you want to come on down? Go ahead.

>> Good afternoon, mayor, mayor pro tem, and councilmembers. My name is Jessica Wolf, I'm the Austin business liaison for the workers defense. When the first draft of the chapter, new chapter 380 agreement was released workers defense had several questions regarding worker protections and under what circumstances there could be exemptions or waivers when economic incentives were given to private businesses in Austin. We were able to meet with the economic development department, who heard our concerns, and we really want to thank them for being so responsive and transparent throughout this process. After our conversations we worked directly with councilmember Casar, who -- to amend our policy to include clarifying language around worker protections, waivers and exceptions to the worker protection that's so many have worked so hard to maintain as part of Austin's economic incentive policy. We support the original amendment that councilmember Casar proposed during work session and after additional conversations with economic development and councilmember Casar, we support the current policy with the amendment councilmember Casar recently posted on the message board.

[5:11:13 PM]

I also want to say thank you to the councilmembers who have previously supported the inclusion of worker protections, and our community's economic incentives policies and who voted June 28 to give key stakeholders additional time to work together to ensure that taxpayer dollars are used responsibly and in a way that creates

[indiscernible].

>> Rebecca, I'm the executive director of the Austin independent business alliance. While I don't have a wonderfully huge crowd backdrop for me, if y'all can picture the more than 1,000 locally owned businesses that we now represent standing behind me. Aiva stands in support of the guiding principles presented in the new 380 agreements. The ground breaking focus on businesses that are in Austin and not just recruiting businesses to come here is a profound and refreshing shift in perspective. It's exciting for me to even see the words "Local business" included in economic development. But I'm concerned about the lack of detail and the details I do know, particularly the incentives for hiring the chronically unemployed, it's a worthy goal to have full employment, and it's an important task for our city to help those in need, certainly. Some would argue that with a 2.8% unemployment rate we are technically at full employment. But this is a social services issue and not a local business issue. Paying businesses a very small stipend to take on the difficult to employ is not a benefit for the business. It's a benefit for the person who gets the job. It's a terrific benefit. But we're presenting this as benefits for local business. If the goal is to help local businesses grow, then let's look at what obstacles they face and find ways to help them. The issues I hear the most about this is ever-increasing costs.

[5:13:26 PM]

All businesses must comply with as well. Why aren't we talking about affordable housing for small local businesses or tax breaks such as San Francisco's legacy program or help with screening and training entry-level employees or an alternative compliance track for some regulations that are not health and safety issues, but we have so many on the books that are really burdensome for these smaller businesses. Without this kind of thinking, the new 380 policy appears to use local businesses to solve other problems, not to help the local businesses. This concern prevents us from fully supporting this policy. Thank you.

>> Mayor Adler: Okay. That brings us back up to the dais. There's a motion to close the public hearing? Pool makes the motion, seconded, Mr. Renteria. Any objection? Public hearing is closed. Gets us to discussion here on the 30 agreement. We're up to the -- 380 agreement. We're up to the dais.

>> Houston: Mayor, we're going to have staff come up and explain the differences?

>> Mayor Adler: We can or people can talk about their amendments and staff can speak to the amendments.

>> Casar: If you'd like I can explain the methods.

>> Mayor Adler: Why don't you take those and we'll take them in turn?

>> Casar: What's in the base motion has the living wage contained for all the categories of the business expansion program. It also changes the buzz expansion program such that the bringing of high wage jobs is not a benefit in and of itself. The other sorts of community benefits that are listed in the document, which are many, could count, but high-wage job growth in and of itself would not be subsidized under the business expansion program under my second amendment and also asks for the targeting of incentives towards lower wage sectors choosing to pay their people above living wage and extra incentives for those providing representation for their workers -- giving their workers more say at the workplace.

[5:15:45 PM]

Essentially it addresses many of the concerns that were raised by the speakers -- of incentivizing employers to hire folks for less than they should. However, I don't think it fully addresses some of the issues that were raised by Mr. Batlan who I respect and worked on this issue with from 2011 through 2013. And I do think that as we implement this policy with this level of protection we should keep an eye out for any missed opportunities and ways we can tailor this to keep working on the issues that he raised. At the same time I think there are many businesses that pay folks above \$15 an hour who are bringing -- raising people up from below the poverty line and potentially with what we set aside in the

budget we may not run into that problem. There may be enough businesses to support, frankly, doing this kind of work that receive

[indiscernible] That that concern may not be such a big deal. If we see missed opportunities in this first year we can continue working on it, but this at least covers that baseline concern that was raised by Austin interfaith. And while -- in the past our living wage was \$11 an hour and is now \$15 an hour, back when it was \$11 an hour we were actually still paying many of our employees 7.25 and categorizing them in temporary or seasonal positions so we have actually indeed as a 10-1 council raised the minimum wage for employees from 7.25 to \$15 an hour just in the course of these last few years.

>> Mayor Adler: Does anybody have any objection to the amendments that have been offered by Mr. Casar? Councilmember alter and then --

>> Alter: I have a question.

>> Mayor Adler: Yes.

>> Alter: So I posted this question on the message board, and I appreciate you trying to answer it. So there's one interpretation of bullet two that says but you'd have to come to table with additional community benefits to actually receive an incentive and I think that's important because the way that this program is set up is you get paid on a per-job basis or by a tax abatement.

[5:18:06 PM]

And so if you don't have any jobs that you're basing it on, you can't get paid an incentive.

>> Casar: Right.

>> Alter: So I wanted to clarify because I think you can do both. So it's not an either/or, but, you know, if we're saying that one of the community benefits is paying, you know, other

[indiscernible] Workers a living wage or whatever it is that achieves, you know, the master plan goals, then you're eligible for the incentive but you get paid the incentive based on the jobs that you're creating. So help me understand if I'm --

>> Casar: All right.

>> Alter: -- Getting it.

>> Casar: Mayor? Yes. So in the expansion of large businesses -- section of the business expansion program the idea would be we would deliver incentives based on your ability to meet some of these community benefits like mobility solutions, gaps in needed services or goods, these sorts of things. So I think calculated out, I'm agnostic about whether we calculate out the incentives based on a formula of per jobs or based on some other formula that the staff thinks very specifically for higher-wage jobs. So the formula for the incentives less my concern and more that we should be paying out the incentive purely based on bringing a high-wage job. Is that making sense? So I guess my response is I

[indiscernible] -- 75 higher-wage jobs and, therefore, I'm applying for X amount of incentive because I would anticipate on voting no on any such proposal so we might as well put it into the policy up front if the majority feels that way.

>> Alter: I think there's a way to do both.

>> Casar: I think the both is what -- that's the intent, is the both.

[5:20:09 PM]

>> Alter: I think the message that we want to send is that the incentive is for jobs, but you're only eligible for the jobs if you're providing these community benefits because the -- but if we don't do it based on the jobs then there's no money to give them for the incentive, at least within the program constraints that exist.

>> Casar: I understand. And I think the idea would be that it -- that if you were expanding your business that -- and you're bringing -- and you were bringing medium -- middle wage jobs and bringing up folks from below the federal poverty line then you tend to qualify for these programs if you're bringing higher wage jobs, yes, the staff could use whichever formula they've developed here but you wouldn't be eligible for it unless you are bringing a substantial and worthy benefits along with it.

>> Alter: So it's important that they can -- it's important that they can still get it on the per-job basis because the state has programs where these companies get a lot of money and incentives based on the per job and then we have to match it. We're saying if you want our match then you've got to do some of these other things too is what I'm understanding -- I just want to make sure that I have the import of what this means.

>> Casar: I don't want the incentive -- I don't think -- I think with the murk deal it's to councilmember Garza's point and concern. I don't want us to steer incentives towards companies largely because they are high-wage jobs that bring high tax receipts to this city. I would rather -- if they're doing that, they have to come with something else. I think that's what you've said.

>> Mayor Adler: It is 5:21. We have nine minutes until we stop. We're not going to work our way through all these amendments.

[5:22:09 PM]

There are a couple things on our agenda I think we can take care of really quick summary let some staff people go. We have an imminent domain action we can move further on, a floodplain matter I think fully argued last time and we could probably quickly move to a vote on the floodplain matter, and then we should take a look at what we have left on the agenda to see how many speakers we have and whether we think we're going to get done by midnight. And I think we try to do that in the remaining eight minutes. So I'm going to call up first item number 69, which is the imminent domain matter, and

with respect to item 69 being a non-acquaint condemnation item is there a motion the city council authorizes the use of power of eminent domain to acquire the property set forth for the public uses described therein. Mayor pro tem makes that motion. Is there a second to that motion? Second that? Councilmember Garza seconds that motion. Is there any discussion? This is to authorize the eminent condemnation action. Those in favor please raise your hand. Abstains? Councilmember troxclair abstains. Others voting aye. That matter passes.

>> Pool: I'm abstaining two.

>> Mayor Adler: Councilmember pool also abstains, three abstentions, others voting aye, matter passes. What about the floodplain matter? Item 70. As you recall this is something I think passed 6-4 before, needed seven votes to be able to pass. Six votes would enable that to pass tonight. Is there a motion to pass this on final reading?

>> Pool: Yes.

>> Mayor Adler: It would still take seven to pass tonight.

>> Because it's one each time.

>> Pool: I'd like to make that motion.

>> Mayor Adler: Councilmember pool makes the motion. Is there a second? Councilmember Renteria seconds this.

[5:24:10 PM]

The floodplain matter. Is there any discussion on this? Okay. If there's seven votes it passes on all three readings. If there's six it passes on second reading. Those in favor of this item 70 please raise your hand. It is troxclair, Casar, kitchen, Mr. Flannigan, Renteria, and pool. How many was that? Kitchen -- it was troxclair -- let me do it again, troxclair, Casar, kitchen, Flannigan, Renteria, Garza, and pool. That's seven people. Those opposed raise your hand. It's the balance of the dais, 7-4. That passes on final reading. Okay. So 69 and 70 are taken care of. What we have left before us, council, is to finish up on the 380 agreement. We have soccer. We have north shoal creek and then we've reading and keeping the public hearing open and then bringing that back. We could probably take care of it right now if we wanted to do it without public hearing. If we want to have public hearing we're going to push it until later in the night.

>> Pool: I think I know we have some folks from north shoal creek here, and so let me really quick check with them if they're okay with us passing on first reading and then having the public hearing stay open so that you can come back in two weeks and have a public hearing on August 23.

>> Mayor Adler: We could do public hearing tonight but it's going to be several hours before we get there because we'll do soccer first. So the question is, do you want us to just pass it on first reading tonight now, without public hearing?

[5:26:15 PM]

>> My name is Sharon justice and I'll be representing the north shoal creek neighborhood association. We would like to have a public hearing and have our plan passed, but if I am understanding what you're saying, we would not have the public hearing tonight, it would be postponed, and there would be --

>> Mayor Adler: We would pass it on first reading, which is staff recommendation, and then it would come back on August 23 for the public hearing for final consideration.

>> Okay.

>> Mayor Adler: Does that work?

>> Yes.

>> Mayor Adler: Is there a motion to approve this item on first reading? The staff recommendation. Councilmember pool makes that motion. Is there a second to that? Councilmember alter seconds that.

>> Pool: Thank you.

>> Mayor Adler: Discussion? Councilmember Flannigan.

>> Flannigan: Thank you. I want to thank my colleagues for allowing this. I brought this up in work session. My -- [no audio] -- I wanted a little bit more time to understand that. I know that some of the folks in the community have been nervous about my wanting to think about it. It's not a substantive thing in there that I know that I don't like. It's literally I haven't had the chance to get to it, it's been a very packed week coming back from the break and I want the opportunity to better understand the process you guys went through. Really appreciate this action today.

>> Mayor Adler: Sounds good. Those in favor of the motion? Councilmember pool.

>> Pool: Thank you and I would say I wanted to thank the staff for working with the neighborhood because codenext was all part of the conversation, the neighborhood included those elements at staff's direction and guidance and included them in the neighborhood plan. So to the extent that it was a little bit different, it kind of was in a way because we had the -- not yet approved but pending concepts that were being advanced through codenext. So I wanted just to give a shout out to the neighbors, also for coming down here today, and recognizing that the -- the good work that everybody has put into this plan.

[5:28:19 PM]

This would be the first and possibly -- first neighborhood plan that this 10-1 council will be approving. Thank you.

>> Mayor Adler: [Off mic] Those in favor of councilmember pool's motion, please raise your hand. Those opposed. It's unanimous on the dais, passes on first hearing, public hearing is -- first reading, public

hearing kept open, consider on August 23. Item 12 is the audit petition item which we will not consider tonight if we put the audit on the ballot. We will just withdraw item 12. What we have left for us is to finish the 380 agreements, handle the soccer discussion, and it's the ballot discussion on the election. My suggestion would be as we indicated is when we come back from after dinner we start with soccer and work our way through soccer. There are about 60 people signed up on soccer. So we're talking two, three hours of testimony on soccer, and then we could come back and finish the 380 agreement, and we could probably -- I mean, I don't know if it's overly ambitious but maybe we could then pass the election ballot and work our way through the election language. I think it's conceivable we could do those by midnight. Yes, councilmember troxclair.

>> Troxclair: Is there a statutory deadline for the ballot language? Would it make sense if we have to get that done today -- would it make sense to do that first when we come back?

>> You need to call the election before August 20 and today is the only day you are posted to call the election so I would ask you to call the election today.

>> Mayor Adler: An alternative to that would be to take a day when we're together, like on the budget meeting workshop. We could put a special call on top of that and do that. But it cuts, obviously, into the budget time. But we're all gathering on that day.

[5:30:20 PM]

So it's conceivable we could do that.

>> Troxclair: Or we could just try to do it --

>> Mayor Adler: The problem is [indiscernible] [No audio] -- Need to do that. All right. So --

>> Kitchen: Mr. Mayor.

>> Mayor Adler: We'll do soccer, 380 agreement and election ballot.

>> Kitchen: I'm sorry. I have a question. Have we figured out how many hours of testimony we have for soccer?

>> Mayor Adler: We have 60 people signed up, one, 20 people signed up on the other. The first 20 will speak for three minutes, others will speak for one minute. So my guess is probably two, maybe three hours.

>> Kitchen: Okay. Because we have -- if we come back at 7:00 we have five hours.

>> Mayor Adler: Right.

>> Kitchen: I just want us to try to be specific so. . .

>> Mayor Adler: Councilmember troxclair.

>> Troxclair: So how about soccer, ballot language, then 380 since 380 is just --

>> Mayor Adler: We could do it that way too.

>> Troxclair: Great.

>> Mayor Adler: Okay. All right. That being said it is 5:31.

>> Houston: Tell me again, what's the order that we're going to do when we come back.

>> Mayor Adler: The preference on this side seemed to be to do soccer and then after soccer finish the ballot. So we have that done. And then do the 380 agreement.

>> Houston: My only concern is that the 380 agreement folks have been here all day. So have we.

>> Mayor Adler: So have we. I know. We have gone through all the speakers though. We gave everybody here to speak the opportunity to do that. All right. It is.

>> Troxclair: Mayor, sorry, sorry. I'm wondering if in this break if it's possible -- the soccer discussion -- many of the speakers will be the same -- going to be saying the same thing that we have in

[5:32:28 PM]

[indiscernible] -- I'm wondering if we can have volunteers to group together, all the pro-mls grouped together and same for the other side. We have had significant, significant input on this.

>> Mayor Adler: Okay. Let's do this and let's see if we can get back here -- think we can get back here at 6:45? Try for that? Let's try 6:45. It is 5:32 and we will be in recess while we do music and proclamations. I have a question with respect to that. Is Naomi lands here yet? Is she here with her family? I don't see her. Okay. We're in recess.

[5:41:48 PM]

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>> Tovo:good evening. I'm mayor pro tem Kathie tovo, and it is my pleasure to introduce tonight's musical -- music. This is one of the great traditions we have here at Austin city council, is that each -- at each council meeting we break at 5:30 on the dot, usually we're close, and we feature one of Austin's talented musicians. And tonight we are pleased to welcome Andrea Smith, who is a singer and actor. She's been active [no audio] -- At time, and she regularly sings the national anthem for events in Austin.

[5:43:59 PM]

She also sings in a blues rock band, which is newly formed with her coworkers, and they're looking -- currently booking venues for late summer and early fall. So if you're planning one, keep that in mind. She serves on the board of directors for two local theater companies, a company member for two others and passionate advocate for the arts and music scene in this great city. Please join me in wishing a very warm welcome to Andrea Smith.

[Applause]

[♪ Music ♪]

[5:47:58 PM]

[Applause]

>> Tovo: Thank you.

>> Tovo: Thank you so much for being here I'd like to --

>> Thank you for the opportunity to do this today. The arts in Austin is such an important part of the fabric of who we are in this city. It's the thing that makes people [indiscernible] -- challenge to everyone in this room today is to please find a way to support the arts, whether it's the symphony, live music, or theater, please go out and support the artist that's make this great city what it is.

[Applause]

>> Tovo: Thank you. So on behalf of mayor Adler and the entire city council, it's my pleasure to present the following proclamation. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talent extends to virtually every musical genre, and whereas our music scene derives -- thrives, whereas our music scene thrives because Austin audiences support good music produced by legends, by our local favorites, and by newcomers alike and whereas we're ared to showcase and support local artists, now, therefore, I, Kathie tovo, on behalf of Steve Adler, mayor of the live music capitol hereby proclaim August 9, 2018, as Andrea Smith day in Austin, Texas.

[Cheers and applause]

[5:50:01 PM]

[Applause]

>> Tovo:our next proclamation goes to one of our departments, the Austin water utility. I'm really excited to announce that they have received the plumb certification from the alliance for water efficiency. We all benefit from our water utility's environmental stewardship and from their water conservation methods, and so on behalf of the entire city council, I'd like to present the following proclamation. Be it known that whereas on July 11, 2018, Austin water achieved platinum certification

from the alliance for water efficiency for excellence in water conservation program, operation, and management, and whereas Austin water has demonstrated 100% compliance with all recommended best practices for an effective conservation program, according to the American water works association's g480 standard for water conservation program, operation and management, and whereas these volunteer management standards show outcome oriented practices and policies that go above established regulations and set a benchmark for excellence, and whereas with this certification Austin water becomes the fifth agency in the nation to complete the rigorous certification process to earn a spot on the alliance for water efficiency's g480 leader board, as well as the only utility in Texas, and the largest participating agency to date to achieve platinum certification. And whereas these efforts are reflected in a 35 usage despite soaring population growth here in Austin, now, therefore, I, Kathie Tovo, on behalf of mayor Adler do hereby proclaim August 9, 2018, as water conservation day in Austin, Texas.

[5:52:21 PM]

Congratulations to the water utility and all of its staff. And I'd like to invite director Greg Meszaros up to say a few words.

>> Thank you. Speaking on behalf of Greg, I'm Daryl Slusher, assistant director of Austin water. Thank you, mayor pro tem, and mayor and council for this platinum award. I wanted to say something real short. There are a number of members of our water conservation division. They do hard work every day, and they're really the ones that get the most credit for this, for the work they do. Also, we've working really hard to put water conservation consciousness throughout the whole Austin -- throughout the utility, and really it's the citizens of Austin that have responded over the last decade, little bit more than the decade, to our calls to increase conservation and it's really the ones that made this all possible and gave us that platinum recognition. I just want to remind everybody while I'm up here that it looks like we're heading into another drought. All the signs are that we are. That can be very serious, especially given that it's probably a result of climate change. So I just want to encourage everybody that might be watching this or here in the room to do

[indiscernible] -- Will do that again. Thank you very much.

[Applause]

[5:56:10 PM]

>> Tovo: the next proclamation is in recognition of the -- we are celebrating the day that the American with disabilities act was signed into law. On behalf of the entire city council I'd like to present the following proclamation and then recognize a few special guests. On July 6, 1990 the Americans with disabilities act or ADA was signed into law. Greatly expanding civil rights protection for an estimated 57 million Americans with disabilities and prefer creating a second Independence day to celebrate equality of opportunity for all Americans. And whereas this commemoration is especially meaningful for all

citizens with disabilities as it marks the 28th anniversary of the enactment of the Ada, and whereas we recognize that austinians with disabilities have a right to full participation in a social, cultural, and economic activities of our community, and that these citizens help to support the community and to I went to contribute to the economy of Austin and whereas accessibility for and inclusion of citizens with disabilities is a core value for all city programs and services and the city of Austin has established a strong ongoing commitment to full implementation of the Ada, thus offering more opportunities and a better quality of life for everyone in our [no audio] -- Do hereby proclaim July 26, 2018, as Americans with disabilities 28th anniversary in Austin. So thank you.

[Applause] We're going to hear from another speaker in a moment, but I also want to recognize a special guest who we have here tonight, Janet Labreck, behind me with her service dog. She is thought as a national thought leader and connote speaker, nominated by president Obama and confirmed in 2013 as the commissioner of rehabilitation services administration within the United States department of education.

[5:58:23 PM]

She began her career in 1985 with the Massachusetts commission for the blind, where she also served as commissioner during the last six years of her tenure. We are so pleased to have her with us this evening. She's also a member of the board of trustees for both the Perkins school for the blind and national braille press. So thank you for honoring us with your presence here this evening.

[Applause] And now I would like to invite David ondich, Ada program manager, up to say a few words.

>> Thank you very much, mayor pro tem. My name is David ondich. I am the city of Austin's A.D.A. Program manager, and I just wanted to say how proud I am to be a part of a system that is part of a city that values people with disabilities, their employees. I work to make sure that we have access and accommodations here in the city if our employees, for our citizens and as is the case with Janet behind me for our visitors. And I just could not be more proud of the city of Austin to receive this proclamation. Thank you.

[Applause]

[6:02:19 PM]

>> Tovo: This is great to have such a good group of supporters. We are going to celebrate with this proclamation, Derrick Louis day in Austin. Let be it known that Derrick Louis got the in that case in that case rechartered on the historic houston-tillotson in Austin on 2017 and he has served a the unit's dynamic leader. And whereas Derrick Louis and unit number 16 aa has served with distinction through many successful voter education and registration sessions and it has provided meaningful education to youth and young adults on the effects of tobacco youth on the campaign youth against menthol that ultimately led to an unprecedented 5 sentence young people across district 6 to lead a healthier life by

saying no to menthol. And whereas the local office of the naacp recognized unit 6955 as a chapter of highlight during the youth against menthol campaign and whereas unit number 69 aa demonstrates the national naacp's game changing focuses of economic sustainability, education, health, public safety, criminal justice, voting rights, political representation and expanding youth and young adult engagement. And the unit represents houston-tillotson university's vision of a connected world where diversity of thought matters. Now therefore, I, Kathie Kathie, on behalf of mayor Steve Adler of the city of Austin, Texas, do here by proclaim August 9th, 2019 as Derrick Lewis II day in Austin, Texas. Congratulations.

[Cheers and applause]

[6:04:29 PM]

>> Thank you, thank you. First I just want to give thanks to god. I want to give thanks to everybody who came and supported me. As you can see I have a great village behind me. I want to thank my friends, my family, my adopted family that's been here in Austin. Most definitely I want to thank houston-tillotson university for giving me the opportunity entrusting me in my leadership and a special shout-out to houston-tillotson university naacp unit number 69 aa for all that you have done and believed in me for my leadership and skills in advancing this and taking it to another level. Also educating, advocating and acknowledge stating.

[Laughter] -- Agitating.

[Laughter]. So thank you, thank you. I guess what instilled this passion in me was four years ago on August 9, 2014, there was a young man by the name of Michael Brown who was shot and killed. When I seen this happen I was going to be a freshman going into college and so was Michael Brown. And I seen myself in Michael Brown. So with that being said, that instilled the motivation and the passion to advocate for a change. So definitely moving forward forward.

[Applause]. Definitely moving forward this is such an honor to get an honor like this as a black male, 23-year-old black male from la marque, Texas. It means a lot to be here in the city of Austin, the state capitol of Texas, and to get this honor. I just want to say thank you for everybody. Thank you to houston-tillotson university and thank you to the city of Austin for this proclamation.

[Applause].

[6:08:27 PM]

>> Pool: Hey, everybody, I'm Leslie pool, the councilmember for district 7. And the folks lining up behind me are all artists who live in district 7, and they had contributed pieces of their work to hang on the walls of my office for the last year. And this is the second or third round of artists that I've had hanging on my walls with continuing series of district 7 artists' art in my office. So I wanted to thank them for

their work and provide them each with a certificate of recognition and then if anyone wants to come upstairs to the office and see the work that they have done, you all are certainly welcome to. We'll be changing out the installation over the next couple of weeks and we'll have a new round of art in my office. And I believe it's coming from students, which I'm really excited about. So I want to thank Darryl Freeman, Rachel Walter, David lampue, Madeleine urban and Elizabeth Chiles. And I'm going to give each of you a certificate of recognition. So thank you all.

[Applause]. Darryl Freeman? Rachel Walter. Darryl lampue. Madeleine Irvin. And Elizabeth Chiles. And thank you all again for all your creative work and the inspiration and the beauty that you bring to city hall for us. We are eternally grateful. We'll get some pictures.

[6:11:24 PM]

>> Tovo: So today we're also going to be recognizing two of our city staff. And the first is chuck Lesniak, and I've had an opportunity to work with Mr. Lesniak through the years both as a community member and now as a city councilmember. And I'm -- et cetera really a pleasure to be able to do this. We've all so benefited in the city of Austin from his work as an environmental officer. So for his 28 years of outstanding public service as a dedicated and devoted employee of the city of Austin, for advancing the watershed protection department's mission to reduce the impact of flooding, erosion and water pollution, for his service as a pollution spills investigator, for leading efforts to mitigate hazardous waste sites, for his role in minimizing environmental impacts for roadway, pipeline and treatment plant projects. For serving as the city's environmental speaker, a role that he has been charged with ensuring that environmental protection is the highest priority in public and private department. In short for being an institution on to himself. Chuck lease 93 yak is deserving of public acclaim and recognition. There is no greater calling than public service. And today we recognize his contributions to our residents and to our great city of Austin. He will be truly missed. And this certificate is presented in acknowledgment and appreciation thereof this 9th day of August in the year 2018. So thank you, chuck. We wish you many congratulations. And much success in your adventures ahead. And would you like to say a few words?

[Applause].

>> Whew. Thank you.

[6:13:26 PM]

You know, I'll make this pretty brief. I see a lot of my friends here, people that I've worked with for many years who are -- who I count amongst some of my closest friends. And my family, my wife, frannie, my son George, my daughter Alice, my daughter Alice who is here with me today for an item that I actually had on the agenda today. That was not related to my work, which is odd and unusual. But the thing I just want to lead the city service which -- leave the city service, which has been just such a wonderful opportunity for me and I consider myself so very lucky is while I've got some of the council here and -- I

just want to remind everybody that Austin -- Austin didn't get like this by accident. People worked really, really hard. Mary Arnold is sitting here today who is one of my dearest friends. Her family. You know, Nancy McClintock, David Johns, Austin Librach, Les Toll, Pat Murphy and so many others, Lauren Ross, that have worked so hard for so long to keep Austin what it is and make it the beautiful city that it is today. It didn't happen by accident and I feel like that people assume that it did and the people that are coming here today just think it's always been like this. And so my challenge to y'all and to the council is to remember that it took a lot of work and sweat and tears to get it this way. And to remember to prioritize the environment and everything we do because no matter how good we make this city and no matter how affordable it is, if we don't have this environment, we will lose what makes Austin what it is.

[6:15:27 PM]

And so thank you for giving me that opportunity to help a little bit in that effort over time and to have such a wonderful, wonderful career. Thank you.

[Applause].

[6:18:41 PM]

>> Tovo: And so our next distinguished service award goes to another one of our fabulous city employees who is also retiring. And I've had an opportunity to work with Bart Jennings, who stands behind me, on lots of different issues. Most familiar faces here at city hall, interacting with and providing information and answering all of the jillions of questions that councilmembers and their staff send his way, in addition to being involved in lots of other initiatives of Austin water. So on behalf of the entire city council I'd like to present the following distinguished service award. For his expert service and unwavering commitment to the citizens of Austin and Austin water customers during his more than 33 year tenure as a dedicated employee of the city of Austin, Bart Jennings is deserving of public acclaim and recognition. This certificate is presented in acknowledgment and in appreciation thereof this 9th day of August in the year 2018. And is signed by mayor Steve Adler on behalf of the entire city council. So congratulations, Bart. And please come say a few words.

[Applause].

>> Thank you very much. I'm just very grateful -- chuck, I'm doing one of yours. Very grateful to be here and for the city and what the city has done for me and the flexibility. And one of the things that my mom told me was to always leave it better than what you found it to be. And hopefully through my career I've done that, and I'm greatly appreciative of all you've done. Thank you.

[Applause].

[6:21:28 PM]

>> Tovo: Okay. Thank you all for coming. That concludes our proclamations for this evening. We'll be back in session here soon.

[6:55:25 PM]

>> [Recess] ING

[7:09:43 PM]

>> Mayor adler:all right. No, not quite.

>> Flannigan: So close.

>> [Off mic]

>> Mayor Adler: All right. We have our quorum, so we're going to go ahead and in the city council chambers here at city hall. As promised we're going to do the public hearing on soccer first. Good. Everybody remembers.

[Laughter] We'll go fast. We -- our hope is to do soccer and then to actually do the ballot issue that we have for November and maybe even do the economic development chapter 380 stuff all tonight. That means we're going to have to book. So I want to try to minimize the time between speakers. You'll find that that will get all of you out of here an hour earlier than you would have otherwise. I'll call multiple names, ask people to line up at the podium so that we are constantly having people come in. Under our rules, the first 20 people that speak will get one -- will get three minutes each. Every person after the first 20 gets one minute. You can donate time up to two people to someone. We're calling both these items together, which means you can either speak or donate time tonight, but you can't speak and donate time. So you have to pick if you're speaking or if you're donating time. I say that because we see some people have signed up on one item and donated time on the other item, which we're not going to do, so you have to pick which it is that you want to do. I'm going to call ten people against. I'm going to call ten people for. The proposition.

[7:11:45 PM]

There are -- and I'm going to take publicly them in proportion to these two items as to the number of people that have signed up. So we're going to begin the process with Marissa Perryman. Is Marissa here? Why don't you come on up. Is Linda messier here? So you're going to have three minutes plus one minute, so you're going to have four minutes total time. Is Judy Garibay here? You can be there. You'll

have three minutes. Is Francois zulka here? Why don't you come on up. And is Mary ingall here? No? You'll have -- Ms. Luca, you'll have three minutes.

>> Mayor, I donated time.

>> No, to Marissa.

>> Mayor Adler: Got that. That gout your four minutes. Three minutes, three minutes. Susan spitaro, okay, and then you have time donated by Brad parsons. Is he here? Thank you. And Andrew lamou.

>> Here.

>> Mayor Adler: Okay. So Susan, you'll have five minutes, three plus one plus one. And then just two more people. Is Chad benistante here? Why don't you come on down. And then Jorge here? Why don't you come on down. Is Jordan here? Then you have three minutes. When the person -- make sure you introduce yourself so that the clerk has the name and so I get the name so I can cross off and let's go ahead and begin.

[7:13:47 PM]

>> Casar: Mayor.

>> Mayor Adler: Yes.

>> Casar: Maybe after the first batch of speakers if we could speak the \$300,000 error we made on our bond, that would be helpful. Maybe after the first batch of speakers.

>> Mayor Adler: Okay. Please start. Four minutes.

>> Good evening, Austin city council, my name is Marissa Perryman. I think you remember me. I hope you all received my email addressing the funding question about my park proposal and how the play for all park in Round Rock was built with only \$500,000 of city funds, the rest was all generously donated by the community. I would like to point out that 500 -- sorry, 600,000, and I would like to point out that's only 20% more than we signed away to psv in their Ernest money contract. I hope you consider our proposal seriously before dismissing the true economic and community benefits of a park. As many of you said June 28 there's some community benefits that just cannot be measured in dollars and I couldn't agree more. I would like you all to know it was those of who you shared that sentiment that truly inspired my proposal. So thank you. Now the rest of this -- of my minutes are going to be spent addressing the people who are here to speak today and who are signed up to speak, and I just want to say that if you trust the opinion of locals who have done our research on this, frequented meetings and participated in discussion and aren't sure exactly where you stand on the issue, here is a guide to see where on the issue you fall and what to tell our esteemed members of the city council. If you believe that public owned land should be used for public cause, please tell your representatives to say no to item 19 and yes to 109. If you believe that our leaders should be environmentally responsible please tell council to say no to item 19 and push for full environmental analysis before any agreement is made. If

you believe public uses for public land should come before private for-profit enterprise out-of-towners please tell council to vote no on item 19 and yes to 109.

[7:15:56 PM]

If you think we have enough mixed-use domain-style developments in north Austin, please tell our representatives to consider civic uses for public land and vote yes to 109 and no to item 19. If you think that traffic around the domain is bad enough as it is, please tell your representatives that this isn't the best place for a stadium. If you think the city should wait until they have enough money to maintain our existing parks before they go giving away freebies please express this to our council. If you think a 20000-person stadium should have more than 1,000 parking spots, please urge council to get real and vote no on item 19. If you think that city -- that the city of Austin is losing its culture due to our growth pattern, please tell council to stick to the slogan "Keep Austin weird" and support local businesses before courting out of town enterprises, please. Tell people to vote no on item 19. If you think that children today need more time outdoors and lower-income families deserve affordable housing near amenities and mass transit please let councilmembers know. If you think that Anthony Precourt, son of a billionaire, should pay taxes or simply buy his own land, please tell city council this. If you think that Anthony Precourt is totally trying to play us, please let Austin city council know and say no to a stadium. On the other hand, if you think this soccer stadium is actually going to happen, Precourt is actually going to keep his word to our city, despite his track record that he didn't start all this hype to try and run out the clock on his ongoing lawsuit and that he's truly willing to build a \$200 million stadium when he could build one in his team's hometown where fans are rallying to save their team, please by all means let council know that you would like a soccer stadium, but I trial hope you're right.

[7:18:11 PM]

[Buzzer sounding] To my fellow parents I ask you consider the message you're sending when you tell your kids that soccer is more important than struggling families right to a home they can afford.

>> Mayor Adler: Thank you very much.

>> Remember your place is.

>> Mayor Adler: We have so many people that will be here speaking tonight, so many people. The next speaker is Judy Garibay. You have three minutes.

>> Hello, my name is Judy Garibay. All proposals have been brought to you. I would challenge you to find one that is even in the same league asthma ris is a Perryman's keep mckalla weird. She has come up with a concept that epitomizes the city of Austin. The "Keep Austin weird" moniker has many meanings. Austin is home to a landscape of talent, individuals, and celebrations such as eeyore's birthday party that keep Austin weird, but Austin is also unique in its vision that makes it not just another big city, but a center for music and the arts, adding parkland that teaches our children, our future, about nature would

bring immeasurable benefits. The Texas children and nature organization has long known that time spent in nature makes children healthier, happier, and smarter. Active, unstructured play outdoors helps build a child's physical strength and also helps children build social and emotional skills such as problem solving and self-esteem. Interest in sports games will wax and wane, but providing a green space for children to use their imagination never gets old. Does Austin really want a soccer stadium or does Austin want to create a nature preserve for our children and our families? Austin is weird, and Austin is also forward-thinking. Make mckalla weird by Marissa Perryman a reality. Also I find it ludicrous that you are considering to up thanty on Precourt to include fees, et cetera.

[7:20:20 PM]

You're piecemealing this deal because they will not pay property tax. Please do not accept Precourt's proposal. It is not a good fit for Austin. Thank you.

[Applause]

>> I think --

>> Mayor Adler: I saw some time from David king. Is David king here? You're donating your time tonight. You have four minutes.

>> Thank you. Good evening, mayor, council. My name is [indiscernible] I'm a taxpayer, a voter, in district 7. So tonight is not just about soccer. I know the passion of soccer. My family is deeply involved in soccer. My sister was one of the first women soccer players at UT. My son plays soccer. My niece is playing soccer for smu this season. And, actually, I went to 5:00 mass so I could go see the world cup final. So we understand the passion of soccer. But this is not about soccer. This is about a lousy real estate transaction that is not good for our citizens. You must be very tired tonight because I know, as most of the other voters in this room watching this item, that the updated term sheet was released at 9:00 P.M. Last night to the media first. And then posted to the city website at 10:00 P.M. This is unacceptable. How can you, your staff, the media, the public possibly be prepared today to vote on this term sheet? This version is worse than the first one. It doesn't address the transportation issues that Ms. Garza mentioned. As a matter of fact it doesn't address any of the issues raised by mayor Renteria, or Mr. Flannigan.

[7:22:20 PM]

Who is negotiating this deal on behalf of the people of Austin? They're not listening. Or they're doing a very poor job. This term sheet is so favorable to Precourt and so dangerously risky for the city's interests. It needs much, much more work and due diligence. I would like to formally request that this item be the proper review by all citizens of this new proposal. I've been here all day, as I'm sure you've seen me. And the theme of today has been equity, about putting our people and our local businesses first in our public policy and in our city's business decision. There has been a lot of discussion about

broken promises and broken trust today, and one way to repair some of this distrust is to support a respected and proven city process like a request for proposal for mckalla. We have the opportunity to create a new community within a neighborhood that will create millions of dollars in property taxes for our education, our public health, and for social good forever. To do this we must issue an rfp and let our local business community compete, bring forward their skills and creativity to the table to bring out a new neighborhood in the second downtown. Please imagine 30 years from now your names will be on a plaque at mckalla. Will it be on a stadium that is about to be demolished or will it be on a civic center, park, or housing community? Thank you.

[Applause]

[7:24:21 PM]

>> Susan spitaro. I'd like to start out by saying your budget parameters are a government that works for all. This project did not work for all. It works for a few. It values entertainment and wants over the needs of this community, and it's a serious situation. I want to start with parking and then -- kind of a funny place to start, and traffic, statement that the president of Precourt made to the "Austin american-statesman" February 21, 2018. Immediate challenge is access, he said. The first time I went there I couldn't find it. You go you to paragon print shop, shop and look left. Short of drone deliveries I'm not sure how you get fans in there. It's kind of a doughnut hole in the middle of a doughnut and nothing has changed. It is sitting there with a plan of a thousand parking places with no plan to get people in and out. That plan needs to be written. You need to know where people are coming from. Now what they're saying is well, we will use shuttles. From where? That's the kind of specificity you need. Where are you going to shuttle them from? Where does the shuttle line up to get 20,000 people in that building? Each bus, 55 people. So, you know, they pull up, stop there, unload, and they're all over those roads and shut them down. So parking is a serious situation. There needs to be a solution before you vote on this. They have had time to do this. They are in a hurry. They should have quit whining and dining and worked on these kinds of things. Where is the parking going to be? The next thing I would like to speak of is property taxes. And I kind of like listening to your budget, I know it's sick, I'm from government and like these things, but some of the things you sid struck a note, and that is, you know, you're looking to go for a 6% increase on property taxes, and one of you said "But people here haven't gotten a 6% raise.

[7:26:30 PM]

How long they afford it" this won't affect Precourt because they won't pay any taxes. They don't have to worry about 6% or anything. You talked about bonds. All the things you need in bonds. You hope people here will support those bonds. They don't have to worry about bonds because they're not going to pay for it. They will not be contributing to this community what they need to do. Because they are not paying property taxes. They are not paying a lease payment that is even close to market. And one could say, well, are there other alternatives? All of you who sat through those the other night, there's

wonderful alternatives and those, by the way, are opportunity costs. Affordable housing is critical in this community. We have to be concerned about these people. They can't be just set aside. The proposals you looked at -- I'm just going to refer to one, the one with the most affordable housing, 838 units. \$11 million a year in property taxes. And they will pay for the rail station. How can we disregard that kind of a proposal for someone who is paying no taxes, less than market lease, and has no traffic plan for that area? It just plain isn't fair. The opportunity costs -- and y'all talked about that early on. Really what that means is you compare it to something else. And you saw the kind of proposals that you had. And I would suggest that, you know, you can't take those at face value. But at formal rfp process needs to be put out because what's important is the people who live here, the people who need affordable housing. I know people love soccer, and I've heard how passionate they are. But, folks, it's a game. I mean, yeah, it's fun, but it's not like not having a place to live. And that's really the basic trade-off that you're making. Everyone deserves a home.

[7:28:32 PM]

And we have children and families in this community that not only do not have a home now, but are looking at losing their homes. One of the things -- and this is just kind of a last comment that I would like to make is, you know, there was a lot of had you been baloo about -- 367 people showed up and most supported soccer. You know what was interesting? And that is that 122 of those people did not know where they lived. I would say they probably don't live in the city of Austin. And of that 122, 105 were for mls. 30 said they were not residents. 29 supported mls. And I think that's important because the people that do not live in the city of Austin will not be impacted negatively like those that live here. So the truth is you need to make a decision, and those of you who have supported this have given Precourt more than a fair chance. You have. And nothing happens. Nothing definitive. There is no clarity. We don't know where the training facility is going to be. Are we going to give more land for that? We don't know where they're going to practice for two years. What's the traffic situation out there? The community benefits are slim to none, and they benefit just their organization. So I implore you, I know this is an exciting thing and you're under a lot of pressure, but we need affordable housing. Everyone needs to pay their taxes here. It's the fair thing to do. And I thank you for these late meetings and sitting here listening. Thank you very much.

[Applause]

>> Good evening, councilmembers. I'm a district 5 resident and Austin voter and thanks for having me tonight. Good news I'm not going to take three minutes, so I've got a couple facts I want to hit you with.

[7:30:33 PM]

I know you've been hearing a lot of opinions on this matter, pretty heated but people have been saying this is a bad deal, okay? I've got two place that's think this would probably be a great deal, Nashville and Cincinnati. These are two cities that acquired expansion teams mls and voting stadiums. I wanted to talk

a bit about what the cities are giving up. Nashville issuing \$225 million in revenue bonds, that means they'll be saddled with 13 million in annual debt according the newspaper. In addition they are not going to pay any property tax on the stadium. They will pay property tax on the part of the development for mixed use but on the stadium itself no property tax. Okay? Cincinnati, same situation, \$200 million in revenue bonds, again, will be no property tax paid on the stadium. They are going to be on the hook for \$33.9 million to prep the site, could go up to \$45 million base on the way the deal is structured due to interest. You're saying that's Cynthia, that's Nashville, let's talk Texas, right? In 2005 Frisco was able to build a stadium for -- \$84 million, okay? Sounds quaint, doesn't it? Of that the city picked up \$55 million, 65% of the tab to build that stadium. In 2010 Houston build a stadium, \$101 million bargain. The sports authority picked up \$46 million of that cost and that's 39% of the cost. Okay? I won't rehash the terms of the Precourt deal because everyone in this room knows what it is. I'll give you a direct quote from Chris Dunleavy -- he says psv is definitely taking the risk for the amount of capital they're taking to finance this thing.

[7:32:34 PM]

I think with the teeth they got put into the non-relocation clause last night, fact they have to pay a million dollars if they break the lease every year, they have to tear the stadium down if they leave, I think it's a no-brainer for the city. Look, I love Austin, okay?

[Applause] I work here, live here, vote here, I'm raising my family here, okay? I'm a soccer fan. Second I'm an austinite first. Okay? And, I mean, look, affordable housing, parkland, the -- you know, traffic, those are all big issues facing our city but I believe this stadium provides the most benefit for the greatest amount of citizens in Austin. Okay? Look around. Look at the size of this crowd.

[Applause] Do you see people showing up wearing t-shirts for another mixed use development? The post Lamar or something like that or another domain? No. Guys, Austin wants soccer.

[Buzzer sounding] Thank you.

[Applause]

>> Mayor Adler: Mr. Chavez? What's your Jorge Chavez.

>> Mayor Adler: You have three minutes. Is Kitman Evans here? Why don't you come on down. Get in line. Is Monica Guzman here? No? Is Chad -- we just heard from him. Susan Surls here? Susan Surls? What about Susana Almanza? Why don't you come on down. Then I think you had some time that was donated to you. Is Kevin Weir here?

[7:34:34 PM]

Is Mary Jane Weir here? No. So Susana, I think you have three minutes. Is Andrew Urban here? Why don't you come on down. Steven McGee? You'll be in line. And last person we're going to put in line right

now is going to be Jackie pope. Is Jackie pope here? You come on down and get in line too. Go ahead. Introduce yourself.

>> Mayor Adler: Let's do this real fast.

>> Casar: Sorry, y'all. Little homework. So we -- in the hustle we got the Faulk like budget wrong so there's a motion for reconsideration I'd like to make, reconsider item 61 to make it accurate.

>> Mayor Adler: The subtitles we put in the heading. Any objection to reconsideration? 61? Hearing none, 61 will be reconsidered. You want to explain the change.

>> Casar: Move to pass it exactly like it was except changing the Faulk library to be the amount we passed, 14 and a half million and to adjust the other numbers accordingly.

>> Mayor Adler: How much? 14.5 million. The other numbers are correct.

>> Casar: All the other numbers change accordingly.

>> Mayor Adler: 108 instead of 108.3 and we have --

>> Casar: Two 108 instead of 108.3.

>> Mayor Adler: Correct. 220 million from 19.7.

>> Casar: Correct.

>> Mayor Adler: Any objection to those changes being made? Mayor pro tem.

>> Tovo: Yeah. So I brought my materials upstairs so I don't have the ability right now to quickly verify that so I'm going to need the staff to verify that amount includes the amount that we discussed allocating for the Austin history center.

>> Mayor Adler: Carla?

>> Carla Stefan, yes, that is correct, 14.5 is what council passed on June 28. That is correct.

>> Tovo: And that includes the amount that we passed for the Austin history center? We did it separately remember, part of it in the staff recommendation.

>> Yes, original recommendation was 11.5.

[7:36:35 PM]

Council moved to add 3 million to that amount so now 14.5.

>> Tovo: Thank you very much.

>> You're welcome.

>> Mayor Adler: Thank you. Any objection? Those in favor -- go ahead.

>> Pool: S and the Austin history center and Faulk library. Is that correct?

>> Casar: In here it's listed as the Faulk library because that's where the renovations are going.

>> Mayor Adler: Listed as Faulk. Those in favor as item 61 as amended now please raise your hand. Those opposed. Unanimous on the dais, and you're voting no?

>> [Off mic]

>> Mayor Adler: So you're -- how are you voting? Voting no. So it's 10-1. With councilmember troxclair voting no. All right. Continue on. Sorry Jorge.

>> My name is Jorge Chavez, resident of district 7. Whenever I or anybody else says may or may not change your minds. Previous public and media comments have pretty much shown where each of you stands in this issue. But I would like to mention a couple of things. July 19 meeting I spoke about the civic pride the Austin community stands to gain with an mls team. I read section of an article the chief economist for the Salt Lake City of commerce. In part she wrote economists calculate economic values by several measures, bushy also noted this, the actual economic benefit of soccer transcends traditional economic bean counting, something called life quality, and it has value just as valid as traditional economic measures as jobs and wages. But bean counting apparently is what council has been been bogged down with since psv been negotiating with the city. It seems very little value has been given to the life quality aspect of what a stadium at mckalla can bring. I'm originally from El Paso, Texas, which is just a few miles down from I-10, where most of you visited a couple months back, attempt to go enter the detention facility housing 360 immigrant children.

[7:38:53 PM]

Gracias [speaking non-english language]. Thank you for supporting them. You weren't permitted to enter. But did you notice the soccer field that was there? Did you notice the children that were there? They were all from probably different countries and probably scared to death, but they were playing soccer. Why? Because it's something that connected them to their past and possibly their future here in the United States. Now, as a fan of the U.S. National team, it pains me to say this, but I agree with [indiscernible] Of army, the Mexican national team support group who wrote in an open he had this week, I believe soccer can open doors for kids just like me. Now, y'all cared enough to travel 500 miles back and forth, and I hope you continue doing this. I really do. But why not also support the immigrant families and their kids by providing something that can help them be a part of our community? Speak of Austin conducted a survey and the basis for the term sheet that you're all discussion at the moment, and contrary to what Ms. Lucca said Austin was listening, 63% -- I'm sorry, not one district had less than 63% of support for the mckalla station.

[Buzzer sounding] Thank you.

>> Mayor Adler: Thank you.

[Applause] Go ahead and introduce yourself.

>> Hi, Anthony Simmons. I just wanted to come in as a fan and let you guys know that like really there's a lot of people out there that are really into soccer. I know it's not like the big sport here in the United States but it really is, like, getting more and more unconstrained in our country. Basically, Austin, this is becoming more and more an international city, and soccer really is an international sport.

[7:40:54 PM]

I was talking to a guy outside from Rwanda and he was really excited to hear we might be getting a major league soccer in here and I'm excited too. I think it's a really good idea. I like what this guy was just saying, like, you know, there's a whole quality of life kind of issue to this. Basically, yeah, I know there's a lot of numbers that don't add up, a lot of things, you know, you guys are apprehensive about but the future is big for this city. It's about time that we get some kind of major league -- sport in here and soccer is the way to go. Thank you so much.

>> Mayor Adler: Thank you.

[Applause]

>> Andrew Urban, MLS in Austin, District 7 resident. Austin resident since 1984, went to Martin Junior High, played soccer at Anderson High School, not good enough to play in college, sadly. Since last year I heard the phrase in any time rust variance, I'm for soccer but the end of that sentence followed by an if statement that would make the project successful in that speaker's eyes. The problem has been every time MLS or PSV would reach agreement on one of these statements the if statement then also changed. I'm for soccer, but not on parkland. That was solved. I'm for affordable housing, solved. Support youth soccer. Solved. Need more upfront cash assurances. Solved. Harder relocation terms. Solved. The list goes on and on. Then in the last minute we tossed proposals from multiple developers including at least one with ties to Bobby Epstein plus local tax breaks, online done because of a seemingly top five rule in Austin politics, if you can't win, you delay and confuse the issue until it dies on the vine. Thankfully, we have a partner in MLS and PSV that wants to be here, they want to be a leader in the community. They want -- they are willing to work with a deal with -- with the Austin local government that can at times be difficult.

[7:42:54 PM]

I've lived in Austin long enough to see some strange things come in and out of this chamber. It happens. Where we are now is that we have to resolve the end statement, we need to give MLS the certainty they deserve for how they've responded to every concern we've had over the last nine months. Today is your chance to take the qualifier off the I love soccer but sentence and recognize that Austin's first professional sports franchise wants to be a community leader here, to know that the term sheet created lets them be just that, to know that you've done something historic for everybody of Austin. Today you

can vote on item 19 and say I'm for soccer, for major league soccer in Austin, and confidently stop your sentence right there. Thank you for your time and consideration.

>> Mayor Adler: Thank you.

[Applause]

>> How you, do mayor, mayor pro tem, councilmembers. My name is [indiscernible] Evans, I'm from district 3. I'm probably going to contradict myself. I am actually for soccer, but I think that this process has been really kind of whack, you know?

[Laughter] It's not been normal. I kind of feel sorry for the people that live over in the mckalla area. I know I'm in district 3 and if they put a soccer stadium around me I think I would probably have issues with it too. Basically, I just want to say that we just need to try to redo the process to figure out some other way to get soccer in this town. Thank you.

[Applause]

>> Good evening, mayor, councilmembers. I'm suzana Almanza. The Austin strategic housing plan recommends thoughtful strategies and approaches to prevent displacement and for there equitable communities. In this and housing for those most in need, create new and affordable housing choices while also helping austinites reduce their transportation costs and other household expenses. For several years mckalla place was recommended site for affordable housing.

[7:44:57 PM]

Austin has a housing crisis, not a soccer crisis. For this reason,

[indiscernible] Opposes Precourt major league soccer stadium proposal. Why is the city cutting a rushed deal with Precourt under public scrutiny. When Daryl Slusher first ran for city council his campaign distributed t-shirts listing ten ways to spot a city boondoggle. According to Slusher the deal might be a city hall boondoggle if? Ten. It's backed by a herd of lobbyists. Nine it's listed for emergency passage. Eight, there's a deadline set by out of town investors. Seven, the contracts are more than 2 inches thick and were available only hours before they were to be approved. Or even after the meeting started. Six lobbyists claim it will create jobs, promote tourism and boost the tax base. Five, rules are suspended to limit public input. Four, it's touted as making Austin a world class city. Three, voters have turned it down once but it keeps coming back. Two, it's repeatedly posted for executive session. One, it's said that Austin is the only city of its size that doesn't have one. Again, number 1, it says that Austin is the only city of its size that doesn't have one. I think we can check out several of these that are listed here, and so where we have another bop. Boondoggle. I lived in several of them here in Austin because I'm a native. Let's stay focused and address the housing crisis.

[7:46:58 PM]

Everyone of you on that council recognizes that there is a housing crisis going on in this city. And yet you would think we have a soccer crisis. What is more important? I can tell you numerous soccer fields that are throughout my communities, at community centers, recreation centers, at parks, you name it. They're everywhere. I don't see where someone is gonna be homeless or displaced. Thank you so much.

[Buzzer sounding]

>> Mayor Adler: Thank you.

[Applause] Go ahead and introduce yourself, please.

>> Hello, mayor, councilmembers, Jackie pope and I'm a soccer coach for girls academy development. I'm also a former professional women's soccer player where I played for the Portland thorns and professionally in Houston. I also played for the Mexican national team and had the privilege to participate in world cups and travel around the world. I'm here today to support item 19 and bring major soccer league to Austin. More importantly, I'm here to tell you why this opportunity is amazing one for young girls in Austin. First the little background. The U.S. Soccer federation governs all levels of soccer. In America from major league all the way down to youth clubs. The U.S. Soccer federation determines who can run the development academy, and in Austin lone star is the only mandated organization to run a girls academy. Since lone star already runs this development academy here, psv would unlikely qualify to run one. Given the size and the supply of players. However, psv will support lone star girls development academy. This support will have a profound impact on girls soccer players in our community for decades to come. They will get a chance to play professional soccer just like I got.

[7:49:02 PM]

Every women's soccer league and girls academy has to start somewhere. Without a stadium deal in Austin there's no mls team and without no mls team there's a smaller chance for a national women's league soccer team. And without a national league soccer team, there's no girls development academy. By the way, there's no opportunity for girls or boys if you put mixed-use development on this site. Please make the decision tonight to bring mls to Austin and all the benefits that will come with it for boys and also girls. Thank you.

[Applause]

>> Mayor Adler: Ms. Pope, hang on a second, please. Mayor pro tem?

>> Tovo: Thank you. I missed the first sentence or two of what you said. Were you speaking on behalf of lone star?

>> I'm speaking for myself. I am a coach at lone star soccer club, yes, ma'am.

>> Tovo: Great. I hope at some point we'll be able to hear more from the appropriate party about what that arrangement would look like.

>> Of course.

>> Tovo: Thank you.

>> Thank you.

[Applause]

>> Mayor Adler: Introduce yourself, please.

>> Yeah Steven McGee, professional business over at UT, taught at UT for 40 years. I have a vested interest in soccer. I have no -- I'm not being paid or not on any particular side in this fight. There's two important points I want to make. It's very important that Austin bring an mls team here. Number 2, I think it's very important that this city council cut through all the complications of where it should be and pick the very best spot. Sit down with Precourt and negotiate the best deal for Austin and for Precourt so that it happens. That would be my recommendation. Now, let's think about the very best football teams in the NFL. They got that way by drafting the very best players. Austin is a high-tech center. High-tech companies get best by getting the very best high-tech workers in the world.

[7:51:04 PM]

How do you hire the smartest and best in the world? Well, soccer recruiting requires side-door kind of deals. How can Austin's high-tech companies basically get the best people in the world? Well, my suggestion is this, soccer is the dominant sport in the world, 200 countries in the world that have national teams. Three and a half billion people in the world out of 7 billion something watch soccer. 46% of the world population therefore is invested in soccer. How do we attract the very best high-tech workers to Austin? Well, there exists 20 mls teams that play in the United States. There's only seven cities, however, in the United States that are ranked in the top 25 cities in the world in high tech. So Austin is trying to move into that group of the one top U.S. Cities in high tech, and the smartest workers in the world are gonna want to go to cities that are high tech, the seven best in the U.S., and all seven of the best high tech cities in the United States have mls teams. New York, L.A., Boston, Chicago, Dallas, Washington, and San Francisco/San Jose, all seven of those have mls teams. I think without an mls team Austin is gonna have a hard time getting the best workers -- high-tech workers in the world to come here instead of one of those seven other American cities. One other point is that 43% of the founders of the Fortune 500 last December were immigrants. So the world market is where the talent is. And I think Austin can capitalize on that. Second major point, I've gone to UT football games over 40 years and I've got a lot of mls and international soccer games worldwide. There's a greater emotional energy in soccer than there is in American football. If there's a critical mass of hispanics at soccer games, it's a different game.

[7:53:09 PM]

I see the Columbus crew succeeding.

[Buzzer sounding]

-- Here far beyond what they're doing in Columbus so I would hope you get an mls team here. Thank you.

>> Mayor Adler: Thank you. Thank you.

[Applause] Is Adam Kahn here? So he's going to speak. Is Alexander Stenger here? Why don't you come on down. Is Elmer Alvarez here? Elmer Alvarez? You'll come down. Is Ed Scruggs here? Ed Scruggs here? Line up too. And then is Roy Whaley here? No? Is Debbie Russell here? No? Let's start with that group. Let's start with this group. Mr. Kahn?

>> Hi. Adam Kahn, testifying against the soccer stadium. I could list probably 17 or 18 different reasons why at this point I think that this is a very misguided idea. I've talked about how I don't think it's right to take Columbus, Ohio's team. I've talked about various aspects related to taxes and the stadium lease terms before. I think those are still valid. I frankly think that the best argument I've heard all night against it came from one of the supporters who just five or six speakers ago said the numbers don't add up. Exactly. That's the problem. The numbers on this deal don't add up. It's being rushed through. Absolutely second what Susan Almanza said about how to spot a city hall boondoggle and you're doing it again.

[7:55:09 PM]

For all of those reasons I think this is going to be a very, very, very bad idea. The one thing I do want to say and one final thing that I will add is all of you on this dais at some point in the future are gonna have to face the voters again. And if this thing turns out to be the obvious and predictable debacle it looks like right now, I would not want to own it. I know that that's not my choice. I know that's your choice. And, frankly, I know the history that you don't very -- very frequently don't listen to me so you're going to do -
-

[laughter]

-- Whatever you're going to date of birth David ondich. I just wouldn't want to own this. Thank you.

[Applause]

>> Mayor Adler: Why don't you come on up and tell me your name, introduce yourself. Between speakers if we could go back to this really you'll get out of here so much senior. Go ahead, sir.

>> All right. Hi. My name is Alexander str and unlike Mr. Precourt and Mr. Subtle I am a resident of Austin and respectable tax-paying citizen. I've studied this deal. I've gone over the disastrous proposals and I'm going to say that after thoroughly looking at this deal, this is a very trumpian business proposal.

[Laughter] I'm going to tell you this, okay? We're in an affordability crisis. We have a traffic crisis. And to bring in an absentee owner who refuses to pay property taxes and wants to pay rent at a fraction of what some of the developers, namely Chen and Littlefield are going to pay, is a slap in the face to all the citizens here in Austin. Look. Here's the thing. Precourt doesn't want to pay taxes. The parking situation

is a disaster. He's been found guilty of numerous health code violations. I'm not going to say what they are.

[7:57:10 PM]

Let's say I will not be eating at the concession stands at the stadium in Austin.

[Laughter] Anyway, look, I know your time is valuable. We all know this is a terrible deal. I used to work with first grade kids and I could tell you, this my first graders would have written a better proposal than the deal that's being laid out under the table. All right. My name is Stenger I'm going to tell you this before I go and this is what I'm leaving off with. I'm going to say building a dome run to Austin and giving flame throwers to our police is a better use of city resources than this debacle. Thank you.

>> Mayor Adler: Thank you.

[Applause] Hi.

>> Hello. My name is Raquel Alvarez and we are Manchester city, here to ask you to please bring mls to Austin. My teammates and our families are excited to have our own professional team and all the benefits it will bring to our community.

>> Mayor Adler: Thank you.

>> Mayor Adler: Thank you. Good job. Anybody else in that group want to speak? Thank you.

>> Thank you.

>> Mayor Adler: Mr. Scruggs?

>> Hello, everyone. I am strongly in support of this. I've been a soccer fan for so many years, and I think as you can tell, there's overwhelming support here tonight. I won't take up all the time. I just -- there's a lot of misinformation floating around in opposition to this deal, and, you know, we want to be transparent, we want to be the truth, tell the truth, and both sides need to follow that advice. I think -- I opened an email this morning from someone connected to local government, and it was saying, come here and oppose this give-away, et cetera, et cetera, in subsidized soccer. Then it said, P.S. This has nothing to do with soccer.

[7:59:11 PM]

However, Precourt is welcome to come. But by the way, you should know game tickets will cost more than \$100 each. These games will not be for the average income residents. And I thought a hundred dollars each, wow. So I looked it up online, and the Houston dynamo, their tickets range from \$25 to about \$70. Dallas ranges from about \$30 to 70. Colorado about the same and so on and so on. I have a hard time believing tickets would cost four times what it would cost in Houston. That's just an example.

Another one, I saw an ad in the chronicle this week that said we want a deal like Miami has. We want a vote like Miami has on a soccer stadium. The issue with that is, they're not voting on a soccer stadium in Miami, they're voting on a giant retail deal that will replace their municipal golf course and according to the Miami herald, only 10 cents of every dollar spent there will go to soccer. I don't know if we want a deal like Miami. It's just everyone needs to calm down a little bit, listen to the facts, and I think once you will do that, the decision will be clear. I just want to say one thing on this. Look at this crowd out here tonight. We don't have all the slides, we can't organize all the donated time, et cetera, but we have those kids who were just up here. Okay, this is not my city, it's not your city, it's their city and it's our city, and I hope you'll listen. Thanks.

[Applause]

>> Mayor Adler: Thank you.

>> Casar: Mayor, my mic didn't turn on when the kids were up here. I just want to do thank the kids from district 4 and the quail creek neighborhood for being here.

>> Mayor Adler: Let's bring up Debbie Russell. You had some donated time from Linda Curtis. Is Linda Curtis here? You'll have four minutes. Is Derek enson here?

[8:01:12 PM]

You'll be up at this podium here. Is Sharon Blye -- you're not wanting to speak. Hang on. Is Ed English here? You'll be up at this podium. Is -- Andrew we've already heard from, Steven Mcghee we've heard from. Jackie -- is Jamal alsofar here? Is bill bunch here?

>> Yes.

>> Mayor Adler: You'll be up to speak. Is Jeff jack here? Okay. You'll have four minutes donated time. Go ahead and start.

>> Debbie Russell, district 3. This is not about soccer. Soccer is great. This is about subsidizing a sports venture and this is about what is the best use for this property. I would have sent you a bunch of links but I assume most of you have done your homework, in summary, from Forbes, to pbs, the federal reserve bank of St. Louis, the census is clear, the idea that sports is a catalyst for economic development just doesn't hold water. U.S. Us in and world report has a piece called America's pricyist national past time, sports subsidies aren't worth the cost to taxpayers. It's bad policies to subsidize sports, especially in an affordability crisis. It's bad policy to subsidize sports on valuable land the city already designated or prime affordable housing property. It's bad policy to do this without actually considering all the other options. It's bad policy to rush into bed with an entity who has lawsuits out on them or rush into anything of this magnitude. It's bad policy to give something of this magnitude to the city manager.

[8:03:16 PM]

It's patently bad that there will not be a final vote on any large subsidy deal. When it's well documented when bad policy such deals are. You have put aside your duties here for putting the recommendations for many important charter changes on the ballot provided you by your appointees on the charter revision because you just didn't have the time. So I'm still -- we've been talking about priorities tonight, and I'm really concerned about that. If you'd hit play for me, please. This is -- this is a sure fire failure, economically and politically, and we are left here to wonder why.

>> Mayor Adler: Mr. English.

[Video playing]

>> If the stadium is producing a profit for the city [indiscernible] The money could go towards infrastructure and things like that. We need all kinds of repair, all this kind of stuff. If it goes towards that I'm all for that. If it's just another, you know, corporation or, you know, a big entity just trying to pocket money for themselves, attributing to a community they're going to be in that's a whole other story.

>> [Indiscernible]. We spent money on things that aren't even --

[indiscernible].

>> I love sports, soccer myself, and having something like this would be nice.

[8:05:16 PM]

>> It would depend on whether or not it can bring in enough money to justify it. And so that would be probably a hard thing for me to decide. But I would hope that they've done the due diligence.

>> [Indiscernible].

>> I absolutely think so. I think the citizens need to be able to voice their opinion on these things because the government can make mistakes. Even if it's not a mistake, if we don't want it, I don't think it should go in.

>> [Indiscernible]

[Buzzer sounding]

[End of video.]

>> Mayor Adler: You had donated time from Fred Lewis. Is he here?

>> Also donated time

[indiscernible]

>> Mayor Adler: Okay. Keep going. You have one more minute.

[Video playing]

>> For any of the people who benefit from that. So to give tax breaks and incentives to -- if someone can handle the amount -- the bonding to be able to reduce this stadium in Austin, they should be able to handle that.

[End of video.]

>> Mayor Adler: Is that your time?

>> Yes.

>> Mayor Adler: Was that your --

>> No, that was not mine.

>> Mayor Adler: Whose presentation was that? Debbie Russell's. Okay. Thank you. Go ahead, sir.

>> If I could have the members of mls in Austin come and stand with me.

[8:07:17 PM]

And if you guys are unaware, mls in Austin was an organization founded in 2013 by Josh bibetsky in order to unite soccer supporters in Austin behind the cause of bringing an mls soccer team to Austin. So this is a dream come true for these people here, and they represent thousands of people that we've connected with cross social media and through our newsletter. So I would like to speak to you guys and say, first of all, I want to thank you all for working tirelessly to make this the best deal possible for austinites. I genuinely mean that. But I have one simple question for you this evening. Do you want major league soccer in Austin? Do you want to have a connection to the international community in a way that only potentially 27 other cities in this country will have? The opportunity to host the likes of [indiscernible] Carlos vela, [indiscernible] And many other international superstars. At a time of wall-building rhetoric, do you want the opportunity to connect this community with our Mexican neighbors and host teams, other teams, many in our community have deep traditions tied to? Abuse you won't get these opportunities with a minor league team playing in front of some bleachers at coda. So I ask you again, do you want major league soaker in soccer in Austin? If so, tonight is the opportunity to commit to a long and fruitful partnership. Councilmember pool, austinites are tired of your stall tactics. We know that you'll never vote yes to bringing a stadium to your district. And if you want to argue this claim, know that whatever your intentions are, this is the message you have sent us. So let's stop moving the goalpost, stop playing games with us, your colleagues and Precourt's, councilmember Houston, as your constituent, I ask you please consider this stadium deal.

[8:09:25 PM]

I do not hold out hope for an expo center deal with a different ownership group down the line or anything like that because this is the opportunity we have today. Just ask San Antonio if mls and

relocation opportunity in 2005, if they've had another opportunity since then. So please, council, commit one way or the other. Your consultants have been clear, articles in the statesman comparing this to other mls stadium deals have been clear, this is relatively an incredible stadium deal. So just choose tonight if you're going to bring mls soccer to Austin and if you want to represent the majority of austinites and the majority of every single city council district, even district 7. So, please, tonight, vote to make history and do not pass up this opportunity that will likely never present itself again.

[Cheers and applause]

>> Mayor Adler: Thank you. All right. Let's try to do this thing in the snapping of the fingers. You are the tenth person to speak on one side of this issue, so you're the last person for three minutes on this side. And then there's one more person for three minutes on the other side, and then we'll get to bill. Go ahead.

>> Ed English, long-term north Austin resident and I'm going to try to bullet point this in the interest of time. Just as a reminder, mckalla is a high opportunity area with elementary schools, north ridge, transportation, jobs, health care services and supermarkets within close proximity of mckalla. We've talked a good game on affordable housing for many years. You now have an opportunity to put some action behind those words. Large tracts such as mckalla are becoming instinct. You need to take advantage of this opportunity. You've seen proposals that include significant housing opportunities that are viable options for mckalla.

[8:11:26 PM]

I happen to personally prefer the Capella no stadium option but they all have pluses and minuses. Should she is options be placed side-by-side with the soccer stadium after the numbers and blanks are filled in and then brought back to you as the council for your decision? We're not talking about anybody nickels and dimes here, we're talking a long-term commitment that involves hundreds of millions of dollars. Just as a point for public notification in case people are unaware, circuit of the Americas has been in discussions and offered property for construction of a stadium there along with adequate parking. I'd like to offer a thank you to councilmember pool and her co-sponsors for the proposed amendments that I have seen, and as an individual that was involved for years in contract negotiations, I particularly appreciate the fact that specifics and penalties were spelled out. Thank you very much for that. In closing, I ask that you vote no on this proposal or, at minimum, remove the language that allows execution of a contract. It is not a transparent process, open to comment on specific negotiated terms, what you as councilmembers deserve and the citizens of Austin deserve, given the weight of the consequences of any action taken. Please take the time to cross the T's and dot the I's on both a stadium proposal and the developer's proposals before you, the council, take any action and make any commitments. Thank you very much for your time.

>> Mayor Adler: Thank you. Is Erin roshland here? What about Anthony cardinal? Why don't you come on down. You're the last person to speak. Three minutes on this side.

>> I'll make this pretty quick.

[8:13:32 PM]

My name is Anthony cardinal. I'm a registered nurse and believe it or not, I am a resident of Austin. I live in district 4. I've been a fan of mls for the last ten years. I'd love to have an mls team to call our own. I want a stadium at mckalla place. I'm not sure where all these other ideas have come from for mckalla all of a sudden when this land has been sitting there for years with no interest. But I think anything besides a stadium on mckalla would be a terrible choice. It's accessible via transit and restaurant options. With a stadium at mckalla we'll be able to take the light rail, rapid bus, or ride our bikes. We will be chanting together on the way there. We will be eating and drinking together before the game and we will be marching together into the stadium. Our stadium. Cheering on our team. This team will help mend the divide that separates many of us. This team will become part of Austin's identity and that should be exciting for anyone that cares about this city. At this point, it should be obvious to each and every one of you that the majority of Austin wants mls. It will provide a unique then entertainment option for all austinites to enjoy. Please make the right choice tonight and let's bring mls to atx. Thank you.

>> Mayor Adler: Thank you. All right. I'm going to call a group of people to come up. Bill bunch, come on up. You have two minutes. Is pat broadex here? No? What about Michael Garfield? Why don't you come on down here. You'll have one minute. Is Kevin trick here? You have donated time from two people. Miguel Fernandez, is he here?

[8:15:34 PM]

No? What about Veronica Ross as Fernandez? Is she here? You'll have one minute. Is Dan Brickley here? Dan Brickley? What about Monica ghioc? G-h-l-o-c? No? Jamal? Megan? Ken rockland? Virginia palmer? What about bill overlayer? Are there any kids that have signed up here that want to speak? If they do, they should come on down to the podium. Is Barbara rush here?

>> Yes.

>> Mayor Adler: Okay. Then last is chivas Watson here?

>> He's outside.

>> I want to start by saying the question should not be if it's your obligation to bring mls here. If they want to come here, they should pay their own way like the rest of us. The issue is, what obligation do you owe to your voters and taxpayers and Austin water utility rate payers? I think quite clearly that obligation is to be fair, to be open, and first and foremost, to get maximum value for the water utility and the rate payers. The mls deal doesn't do that. It's a \$200 million give-away that robs the city, the water utility, aid, ACC, Travis county, and central health, for what nobody disputes is literally hundreds of millions of dollars, if it were sold on the open market and developed and taxes paid over the next 20 to 25 years.

[8:17:44 PM]

Why does somebody who's overprivileged and wealthy, from out of state, in this gilded age, think that they can come to you, all of you who have pledged that you understand we're in a gilded age, and that this asset belongs to all of us, and that we should not be transferring wealth to those who are already rich but rather benefiting and working for working class and middle class people who actually live here and pay taxes. How do you look people in the eye and say you care about schools, you care about swimming pools and neighborhoods, you care about libraries in neighborhoods, you care about a clean Barton springs? All of those things you tell people you don't have money to do --

[buzzer sounding]

-- And yet here we are on a hurry-up, not stall, but rush job to give away hundreds of millions of dollars.

>> Mayor Adler: Thank you, bill. Thank you.

>> The taxpayers get this and the voters get it.

>> Mayor Adler: Go ahead and introduce yourself, then you can start.

>> Hi. Thank you. Michael Garfield, district 8.

>> Mayor Adler: What was your name?

>> Michael Garfield. At a time people are struggling to keep their homes in the city, people with good jobs, people who inherited their family homes, it would be a history making political blunder to bring soccer to Austin that would deprive schools up to a hundred million dollars in tax money, a public and memorable mistake to declare, secret closed door negotiations, especially when public policy polling think -- they agree Precourt is an out of state corporation that should pay fair market value for city land and pay property taxes and it's a signal to the world Austin doesn't understand what it means to be a world class city because a world class city doesn't sell out its schools and future creative and intellectual capital in unsupported back room deals or act with desperation as if better deals won't come to it.

[8:19:52 PM]

Austin is already a world class city but if we can't learn to define our -- are.

>> Mayor Adler: Introduce yourself, you can start.

>> My name is Kevin Fricke. Thank you for pronouncing that right. I'm in district 10. I've served on the board of the Austin soccer association for years and I'm serving on the youth soccer club. I've coached primarily girls for ten years for the soccer association and the rangers, and my daughter currently plays soccer with the river city rangers. I'm 100% in favor of bringing mls to Austin. The arguments that I've heard against this frankly don't hold water. The land is identified by the city as a viable location for a

stadium and was a waste land for the last 20 years. It was bringing in no revenue for that time period and will now. As to parking, I personally don't think building large parking lots is the answer. I think the best stadium for events is UT, as people disburse all around from where they were tailgating or whatnot. The worst experience I've had was cowboy stadium, a Taylor Swift concert, took me an hour to get out of the parking lot. It was terrible had I've heard they only have a boys development academy. I know personally psv is working with clubs in Austin to provide community benefits to both boys and girls.

[Buzzer sounding]

>> That's it, let's bring mls to Austin tonight, please. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Before Mr. Watson starts speaking, is Dan Brickley here? Monica? Megan? Virginia palmer? Bill Oliver? I think Barbara rush we already have. She's keyed up.

>> I signed up to speak. I signed --

>> Mayor Adler: I'm sure we're getting down to you.

[8:21:55 PM]

>> A long time ago.

>> Mayor Adler: No, you're five people further down. Is Josh muller here? What about -- Josh, come on down and get in line, please. What about Zachry? Why don't you come on down. And Anthony cardon. Come on down. Mr. Watson, go ahead, sir.

>> Good evening, council, mayor. You know we come to you at this last attempt to do this for the very people who have voted you in office, who have held you accountable. I need not remind you all, but maybe I need to remind the folks behind me, this is a city where we do unique things, not just play sport. In the last year, we've gotten fair chance hiring passed. We got the underage curfew banned, the police union contract was denied, very much rightly so. Citywide paid sick days ordinance. The county commissioner's idea to spend a hundred million dollars of taxpayers money to extend the women's building at Travis county correctional complex also shut down. We got the ending of discretionary arrests passed here as well. We make the city a sanctuary city for all. That's because the people have spoken on behalf of the people, not on behalf of just the passion. I decided --

[buzzer sounding]

-- I thought I had five minutes. I had one donated.

>> Mayor Adler: I have -- Rachel? Is Rachel here? You have one more minute. It's one minute per person. One minute.

>> I thought after our special meeting on Tuesday I'd do some more canvassing. You've got a Dan, a Rick over at discount tires. They don't want soccer there.

[8:23:57 PM]

All of my Latino brothers and sisters that work at the retail spaces on Braker lane, they don't really too much care for soccer there if that's going to cost them the idea of affordable and entertainable housing. So I need to remind you again, we've got the \$250 million affordable housing bond passed last year -- I mean last month, so again we've been doing some very unique things in the city and soccer at mckalla place wouldn't be so unique, but the post experience of the displacement, the dishonor, the disapproval will. We're not saying no to soccer. We've got a wealth of places to put it. We're saying no to soccer between Cramer and burnet on Braker where it's not set for the people.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Go ahead. If I called your name, come on up. Introduce yourself. 1 good evening. I'll be brief. I'm Anthony Cardone, district 9. I want to say thank you to the city staff who's been caught in the cross fire for no good reason. They're doing their jobs the best they can and I think we should reflect they are public servants as well. I'm going to leave you with one fact. We've been told we had some fake numbers tonight but I just finished the log-in page. There are 48 people who signed up against it and 234. So I feel like that speaks for itself. Thank you.

>> Mayor Adler: Come on up.

>> Good evening. My name is Zachry

[indiscernible]. You did a very good job attempting to pronounce the very Greek last name so I commend you for that. Thank you. I'm a founder and producer of Austin's first soccer talk radio program, the throw-in on 104.9 the horn. As a member of the Austin sports media, I've talked to austinites on this issue. I've followed the discussion very closely since October of last year, and let me tell you, the discussion has been great for sports talk radio program.

[8:26:04 PM]

I call this process on the show, how the hunters, the stadium addition. As fun as it's been to cover, talk, and listen to the city on this issue, we need a resolution. I'm here tonight to support major league soccer in Austin. We're ready for it. I've heard from people, from austinites firsthand, and I've seen the passion that they have for the world's game. We're ready for major league soccer. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Anyone else whose name I called?

>> Barbara rush.

>> Mayor Adler: Rush? And then after she speaks, next person is Josh graham. Okay? And then Dr. Naser, your next. Roy Whaley, I don't have him donating time, I have him as a separate person. Gone.

[Indiscernible] Castillo, come on down. Danny wood fill. What about Brock Williams? Brock Williams? Okay. Why don't you go ahead and introduce yourself and start.

>> Okay. Thank you. I brought my sister because she knew a boondoggle when she saw it, and this absolutely is. And just shame, that's all I have to say. No on 19, yes on [indiscernible], it could be at the expo center, city-owned, county lease, the county is interested. Local businesses are struggling and closing their doors, and what have you done for them? Instead, you're giving an out of town corporation millions of our taxpayer dollars. A developer offered the city 22 and a half million dollars last year to do housing, offices, parks, all kinds of livable community, and you said no. Now we understand why, and they would pay property taxes because this deal has been going on for two years behind the scenes, and open records showed that. And I want to remind you that this -- the same lobbyists that's bringing this to Austin is the same one that many of you fought against f1, and giving millions of dollars to f1.

[8:28:12 PM]

That was his deal, too. And they just need to pay their own way. Soccer is welcome to come. Pay your own way.

[Buzzer sounding]

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

>> Mayor Adler: Hold on a second.

>> Flannigan: You signed up as living in district 6.

>> No, I live in district 4.

>> Flannigan: Okay. It's listed as 6, and I thought that was new information. .>> No, I'm 4.

>> Mayor Adler: Go ahead.

>> My name is Josh graham. I've been an austinite for nearly 20 years. We might have and I reside in district 10. My family moved to Austin from Illinois and despite my love for the Chicago cubs remain strong. When they hosted the 100th anniversary at rigly field, we went. The cubs found a way to lose but the game wasn't the only reason for going. We chatted with fans in the neighboring seats and one family in particular had held their seats for 50 years, 50 years of painfully bad cubs baseball. It wasn't for the product on the field. It took an owner and team willing to take a chance on the north side of Chicago to make the cubs the integral part of Chicago they are today. We have somebody willing to take that

chance on Austin. We want our children and great-grandchildren to celebrate a hundred years of soccer at mckalla. Thank you.

>> Mayor Adler: Thank you. Stand up and get in line. Go ahead.

>> Thank you, mayor Adler and city council. My name is Shane Castillo. I'm a proud resident of district 4. I'm here to show support tonight for item 19 and implore you all to vote for it as well. I ask that you please weigh the the benefit of having a sports team in our city. You guys have all worked out, versus opportunity costs, basically allowing the domain to plead across burnet road.

[8:30:13 PM]

As the city of transplants from around the city, around the country and around the world, as well as a city that often feels like several different Austins and segregated communities, I feel there's no better community for austinites of all stripes, new and old, to coalesce into a single shared identity to engage, interact, and celebrate with one another. Thank you all.

>> Mayor Adler: Thank you.

[Applause]

>> Good evening, council. My name's Brock Williams. I'm a resident, actually, of district 7. I wanted to say that I moved here about six years ago with my wife and my two kids and we quickly fell in love with this city. Agree up in a small town in west Texas. A lot of people don't get out of it as a matter of fact. Soccer gave me the opportunity to not only get out of that small town, it got me out of the state. It's gotten me out of the country, and it's let me see things around the world that I would have never gotten the chance to see if it hadn't been for that -- for this support. So as an Austin city councilmember asked a question a few weeks ago, does Austin want soccer or not? The city has shown for months it wants soccer. Hundreds have shown up to community engagement meetings, council meetings, press conferences. We were one of the largest markets for the international -- or one of the largest markets for the world cup, largest markets for international league viewership and have a high percentage of participation in regards to adult soccer lesion. Instead of having us support other city's teams, we ask you to give us the opportunity to focus that passion back into this community.

[Buzzer sounding]

>> Mayor Adler: Thank you. Dr. Naser.

>> Hello. You got a letter today from the watershed protection department which told you that there was no critical water feature on this site, and that may be true. It depends on how you define "Critical water feature." But let me just show you what is on this site.

[8:32:13 PM]

Okay. This is -- can we go back? This is a large cottonwood tree, and there's more than that. It's on there right now, and who knows what will happen to it when it gets developed. Next? Here's water. Here's cat tails. Here's willows. Okay? Next. There's -- you can see how this land goes. It's not even. It's very interesting, what's growing where. There's more large cottonwood trees. Next? Red wing back birds that only breed in wetland areas. Next? Scissor tail fly catcher, not many left in north Austin anymore. Next? This is another one, king bird, western king bird used to be more common than it is now. Next?

[Buzzer sounding] Doves, morning doves which are going way.

>> Mayor Adler: You need to conclude.

>> Here's the water that's still in the creek that's been mowed up there. There's water up there.

>> Mayor Adler: Thank you. Introduce yourself, sir. You have one minute.

>> My name is laquan Rogers. I'm the sole proprietor of a company called get fit with me. I've been trying to put it out there for the last three years, but since I've been doing it, people have been robbing me, stealing my car, just doing all types of things. But I still have been holding my own, trying to be peaceful about it because where I'm from, we retaliate. We don't play. But I'm not trying to go there because that's not how I am. I'm a man of peace. I just want to see kids grow up in a community that's going to be uplifting to them, so I'm just asking if you guys will partner with me because I like what I'm hearing in here. If we put some of y'all's ideas and my ideas together, I believe we'll have a ultimate plan that can make a lot of change nationwide. Thank you.

>> Mayor Adler: Thank you very much. Introduce yourself, please.

>> All right.

[8:34:14 PM]

Danny woodfill.

>> Mayor Adler: I'm sorry?

>> Danny woodfill. I'm the general manager of fc Austin elite, the women's soccer team here in the Austin area. We've been here for four years. Couple of years ago, we were actually forced out of the city of Austin due to a lack of a place to play. There's no place for even a second division women's soccer team like us to play here in Austin. There's nowhere to share that joy. There are three thriving girl soccer programs. They do a good job. We do a good job in Austin of producing girls' soccer teams. Girl soccer players, they go to college every year from three, not one, three big programs, lone star, sting, and the Austin Texans all produce players. In this deal, we need a place to play soccer. We don't need a new girls soccer academy. We don't need another girls soccer team. We need a place to play soccer.

[Buzzer sounding]

>> Mayor Adler: Thank you. All right. Is Ian rozolo here? Is Michael Castillo here? No? You'll have one minute. Is don -- Dan Conrad here? Come on down. You'll have a minute. Ralph Solis? You'll have a

minute to come on down. Is David zovaleta here? No? What about ray Castillo? Ray Castillo? No? Okay. Go ahead.

>> Thank you. My name is Ian. I'm a resident of district 3. You know, I've heard a lot of false equivalence here. A lot of opponents for the proposal say we need to bring affordable housing.

[8:36:17 PM]

We need to work on public infrastructure like transportation. Just because we're bringing a soccer team doesn't mean we can't do that. I work on a lot of --

[applause] I work on a lot of civic engagement in the city, nationally, and I've got my business cards here with my contact information. Councilmember pool, everyone else that is skeptical of this proposal, I will work with you on affordable housing. The city -- I'm sure all of my supporters here are also super in support of that initiative as well, so, you know, let's embrace this opportunity. We can also work on these other huge issues for the city. Thank you so much.

>> Mayor Adler: Thank you. Go ahead and introduce yourself. You have one minute.

>> Thank you, ladies and gentlemen. I'm Dan Conrad. I originally come from Columbus, from actually a fairly low socioeconomic family. I was fortunate enough to get a soccer scholarship to play in college. That is how I got my education. I've seen the benefits of soccer getting to play with players from all over the world. First thing I did when I moved to Austin was get involved in a soccer program here. It's where I met most of my friends. You saw the people that came up when decker spoke. We're a community. This is what brings people together. I just implore to you please vote yes on 19 tonight and bring Austin soccer.

>> Mayor Adler: Thank you. Introduce yourself. You have one minute.

>> I'm Ralph Solis, district 2. One thing we don't talk about, just being a pro sports team here, something that a pro sports team can do, Austin is -- is a city that has the largest per capita, per square mile, per whatever, of nonprofits in the city. There's no other organization besides central health care system, besides a handful of them here in Austin, that can instantly impact every one of your districts by helping those nonprofits, by helping the veterans, by helping adults and children with disabilities, by helping underprivileged kids.

[8:38:18 PM]

You're talking about having a development with a thousand affordable houses. You can have somebody instantly subsidize 10,000 kids to play soccer, and that's going to cut people's rents in half. Right? Because these kids -- these parents are paying to play soccer. There's nothing like what you guys can do as far as bringing an organization here and leveraging that. It's all of a sudden become leveraging soccer and affordable housing, let's just leverage soccer.

[Buzzer sounding]

>> Mayor Adler: Thank you.

>> I'm pro mls. Thank you.

>> Mayor Adler: Thank you.

>> Ray Castillo, pro mls. A lot of people touched on a lot of good points. I'm not going to take too much of your time. Soccer has evolved from zilker park having a league, getting moved to William cannon. There's not a lot of spots for us to watch soccer or even play. I love soccer so hopefully we can end this quick and just vote for it and move forward.

>> Mayor Adler: Thank you. You guys want to come on up? What's your names?

>> I'm Caden. This is my brother, chase. We're pro mls. We believe that Austin, Texas should bring the Columbus crew mls team to our city because Austin is one of the most rapidly growing cities in America and is still increasing in population. Austin does not yet have any form of professional sports team, while other big cities in Texas do, including the Dallas cowboys football team, the Houston Astros baseball team, the San Antonio spurs basketball team, et cetera. It will generate more happiness and income for Austin as we can bring friends and family to a game, make profit off of the sales of food and drinks, tickets, and merchandise, and it's just a big sport. It's growing. The popularity of soccer in America has greatly increased in the past 30 years, and if we create an mls team for Austin, Texas, it will inspire and bring passion to many kids and adults from Austin.

[8:40:28 PM]

[Buzzer sounding]

>> Mayor Adler: Good job.

>> Help us bring mls to atx. Thank you.

>> Mayor Adler: Thank you.

[Cheers and applause]

>> Mayor Adler: All right. Introduce yourself.

>> My name is Jeff Shaw, and I am the principal Nike rep in the state of Texas. I work with every major professional sports team in the state of Texas. I have reps all through the south. I also live just across town lake right here. There's only two teams that I don't work with and those are the two current mls teams here in Texas because that's all Adidas. So you should know this is nothing to me businesswise. This is all about branding and who we are as a city. I spent the summer with my family traveling because of mls, I mean because of the world cup in Spain, Portugal, and France, and there's nothing that would build a global brand of Austin like what we're talking about here. Right? It's not about just -- these guys have told you a million things on how it's going to improve all the soccer lives of all the children coming

up. I'm talking about the global brand that is Austin, Texas. This is a perfect fit for us, soccer is the perfect fit. Barcelona, those kind of places, it's just the right vibe. It's who we are. Right?

[Buzzer sounding]

>> Thank you very much. I sent you an email. Feel free to reach out.

>> Mayor Adler: Thank you both. Ian sorzolo. Ralph Solis. Tray, Roderick Mercado, Kelly Worthen, David Wasser. Rashab desai. Come on down, guys. Come on up to the podium, introduce yourself and you can get started. One minute.

>> I'm Dave Wasser. I'm a former consultant for the U.S. Soccer federation.

[8:42:31 PM]

I know I've got limited time so I'll try to be brief. I hear people say it's not about soccer. I don't like it because of this or I don't like it because of that. Let's be real here, it is about soccer. Of course it is. I mean, look, if you're the kind of person who doesn't like professional sports, I can understand why you would oppose this. But you should accept that lots of people do. I mean, you know, I mean, then the deal Precourt has come to with Austin, maybe it's not perfect, but don't let perfect be the enemy of the good. It's a good deal. And, you know, if you're holding out for perfection, you're never going to get something that's perfect. But we can get something that's good. I know my time is limited. I just want to say, you know, an opportunity like this will not come along again, probably for several decades. If we turn this down, mls is going to go somewhere else. Precourt will go to Sacramento or who knows. Where that's my time.

-- That's my time. please vote yes.

>> Mayor Adler: Go ahead.

>> My name is Kelly. I live in cedar park, a stone's throw away from the Austin city limit. I want to provide a unique perspective. I actually have worked in the front office for two professional soccer teams so I wanted to kind of outline some of the things that have popped up on the term sheet here, the negotiations that have gone on for the last six weeks. We have an investor that wants to invest north of a quarter of a left-hand side in our city for a building and property he'll never own. That belongs to Austin. That belongs to us. He even agreed to cover construction over acknowledges if needed. Psv listened to austinites and is providing green space and affordable housing on that site as well, in addition to a stadium. Psv is willing to pay rent up front to kick-start local initiatives. Psv will pay more than its fair share in taxes on each ticket sold, on every piece of merchandise sold, as well as payroll taxes for multimillion dollar, multiyear contracts.

[8:44:34 PM]

This will provide employment for hundreds of people from construction to --

[buzzer sounding]

-- Front office to game day stuff, as well as providing overtime opportunities for first responders.

>> Mayor Adler: Thank you very much.

>> I urge to you vote yes tonight.

>> Mayor Adler: Why don't you go ahead and introduce yourself.

>> I'm rod Mercado. I spoke before on June 26th. I work for Dell. I went to UT. I'm a coach, town and country soccer club. There was a lot of discussion -- very quick, there was a lot of discussion earlier about how mckalla is the hole in the doughnut, a hole in the doughnut that has sat dormant two decades without a conversation about an rfp. Do we fill the donor hole with something that fills the families of this city with a sense of pride wherever they go, with a sense of feeling of inclusion, of all of those great things, or do we fill it with more condos, more stores and more traffic with more commuters coming in and out of that space that, as many people have already suggested, on both side, is congested every single day of the year. Even some of the speakers against 19 have talked about the passion for soccer and city pride. You won't see that for another mixed use development. I looked at one side of the room wearing scarves and caps and I looked at the other side and I don't see one shirt that says dense urban center. I don't see one advocate there that is saying, we want this.

[Buzzer sounding] I urge you from this point on, continue to work with psv and mls to atx.

>> Mayor Adler: Thank you very much. Introduce yourself. You have one minute.

>> My name is Troy. I live in district 9 and I support item 19. My wife is from Argentina, we live here, have two kids, 11 and 7. They both speak Spanish, they're fluent and speak it at home but when we go out in public, they don't speak it. One reason why, we don't hear Spanish. We don't see the diversity that our city has unless you're on the other side of ih-35. I think it's time that we do an initiative that a brings east to west, brings it together, something that we could all get behind, and I think this is something that would be great for the kids.

[8:46:40 PM]

If you don't know which way to vote, vote for the kids. You won't see any kids up here asking for another jumbo juice. Let's bring soccer to Austin.

[Applause]

>> Hey, I'm [indiscernible] Desai from district 3. I've worked with Leslie pool as part of Austin 350. She is been great there. So let's lay off of Leslie pool as mls supporters. But what I'd like to also say is, I've lived in Austin for seven years. I went to Mccombs school of business, and I know they're about finance. The reason property taxes are excluded is because it's a financing -- it's part of the financing structure of the stadium. What that means is, it's bringing a lot more revenue in. It's a -- like someone rightly pointed

out, we should put affordable housing there, instead of building -- you know, instead of building a stadium. You can build affordable housing in a lot of other places. You could build a stadium in most spaces here so let's support mls. All right, guys. Thanks.

>> Mayor Adler: Thank you. Is Lee Nichols here? Is don Lewis here? Don Lewis? What about Raquel Alvarez? Jonas game? Marcus Whitfield? Mitch Wright? Let's do this group. Go ahead. You have one minute. Introduce yourself, please.

>> My name's Lee Nichols. I am the vice president of north Austin soccer alliance. I live in district 7. We are a recreational youth soccer league.

[8:48:42 PM]

If soccer comes to mckalla place, we will be the neighborhood youth soccer league for mckalla place. I'm proud of the fact that in 36 years of existence, nasa has never turned away a kid for inability to pay. And I sat down with psv, and they said -- I said, you know, if you want to use this land, you've got to do something for youth sports. And they said, what do you want? And I said I want some improvements to our fields and I want you to help us make sure that we can continue to serve kids who cannot afford to my with scholarships. And they didn't blink, they said, you've got it.

[Applause] I believe this is going to be a great deal for the kids and the families that my organization serves. It's going to be a good deal for Austin, and I welcome this and I encourage to you support item 19.

>> Mayor Adler: Thank you. >>

>> Pool: Mayor, I wanted to ask Mr. Nichols a really quick question because you and I have talked about this, and I raised the issue of whether Precourt had talked with any of the local recreational and youth soccer groups in town. And I had specifically talked about nasa because you and I had talked about this before. And I was interested in making sure that if something should happen at mckalla, that your group, especially, would be part -- would be one of the groups that would benefit from it. I still don't have anything in writing that commits psv and mls to supporting you in the ways that you've discussed. I am happy to hear that you have had those conversations. I would like to get those in writing. I want the commitments in writing. And I think what would be best is the comments that you made here today, if you could put them down in writing and get Mr. Precourt to sign off, then we would have something that we could maybe even include in some of our city documentation to make -- to provide assurances that the promises that are being made will come true.

[8:50:44 PM]

That has been one of my chief concerns about the term sheet and the promises coming from psv, specifically Mr. Precourt. I'm trying really hard to find certainty and predictability and enforcement. And

this is a perfect example of where I think it might be missing. You have a word, the word, but it's not in writing. So I would ask the two of you to work on that and see if we can get the commitments from Precourt, signed, sealed, and delivered.

>> Councilmember pool, I agree. I would like to have it in writing, but I would point out that in the agreement that was worked out with city staff, if I remember correctly, there was \$75,000 for youth sports scholarships. I'll be frank, even if nasa isn't included in that, if that's -- if that \$75,000 is going to get some kids somewhere in the city on a soccer field or a baseball field or whatever, I'm good with that. I hope --

>> Pool: I understand that, and I appreciate --

[cheers and applause]

>> The north Austin soccer alliance.

>> Mayor Adler: Thank you. Yes?

>> Pool: I just want to do ask folks to refrain. That's great, and I don't disagree. The point is, though, that I was looking for commitments on the practice on the playing fields, which is what you and I had talked about. So I wanted to back up the conversations that I had with you with certainty from my end, and that's the piece that so far is missing. So you don't have to respond to that. I'm just drawing that out as a specific example of what I have been trying to get and have not yet gotten. So maybe -- maybe you can help me.

>> I appreciate you holding psv's feet to the fire.

>> Pool: That's right. Thank you.

>> Mayor Adler: Thank you. Go ahead, sir.

>> Councilmembers, Marcus Whitfield. Thank you for the opportunity to be here. I've been here since 1984. I played soccer for 20 years.

[8:52:45 PM]

This process was flawed from the get-go, it sure seems like to me. We asked to do an environmental on the property. We were not given permission. We gave proposals on Tuesday. Mr. Cronk was not at that meeting, but he's negotiating with Precourt, so he doesn't know our proposals. I'm not sure how that works. Where was Precourt at any community meeting? Never saw him once. Saw a lot of these soccer shirts that they paid five bucks for, but they're going to pay \$50 for a ticket. That seems a little bit disingenious when we need affordable housing, we need wellness, there are things in this community that a long time ago were established by by the imagine Austin plan. Thank you for your time.

>> Mayor Adler: Thank you. Sir, introduce yourself, you have one minute.

>> Good evening. My name is Jonas swimmer. I attended Texas a & M university, class of 2016. Whoop! Okay. First of all, I'll say change is unavoidable, and I know that change can bring a little bit of -- make people scared. Soccer is one thing that I can attest to, growing up, I played soccer my whole life. While I was at A&M, I had the privilege to concrete a soccer organization that brought people together, and that's one thing that soccer is known to do. And apart from the -- apart from the fact that kids love soccer and people, there's a lot of opportunity for Austin as a city to generate revenue. We have companies, lots of companies that can -- intender when I was in Seattle -- I lived in Seattle for quite some time. They have teams, organizations send in people, coworkers to watch games, and the atmosphere that it creates, it's -- it could be -- it could create a lot of the revenue and just bring people together.

[8:54:50 PM]

[Buzzer sounding] And I stand for mls at mckalla.

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

>> Good evening. My name is Mitch Wright. Thank you, mayor and council for hearing all the comments, especially from us that are wishing that you would vote no on item 19. Everybody loves soccer. That's not said enough. We want soccer in this city. But consider, would you go out and buy a pair of shoes that are two sizes too small for your feet? I don't think so. Even if they're glittery. It's not the right fit. That soccer stadium and all of the ancillary things that need to be there to support it don't fit on the mckalla site. There are plenty of sites all over the city that the city owns that can fit that site, and they've been offered those sites. So I don't even understand why it's gotten this far into discussions about mckalla. It's been said a thousand times that affordable housing is in critical need here, and multiple proposals have shown that that is a great site for mixed use development to include a lot of affordable housing. I think that that is a wonderful thing, it's supported about it neighborhood groups, the soccer deal is not supported by the neighborhood groups in that area, so please consider that. Vote no. Thank you.

>> Mayor Adler: Thank you. Is anybody else here that's signed up to speak that I haven't called? The applicant, Richard Saul, is he here?

>> Pool: Is he the applicant? Isn't he a representative?

>> Mayor Adler: Representative.

>> Pool: I mean it's not a zoning case.

>> Mayor Adler: He's a principal or represents a principal. I was going to give him five minutes. He's not here. If he comes in, we'll give it to him. That takes us up to the dais.

[8:56:51 PM]

Mayor pro tem, do you want to make a motion?

>> Tovo: Mayor, I'm still working on amendment, so I'm happy for someone else to...

>> Mayor Adler: Okay. Discussion on the dais on this issue?

>> Flannigan: I don't know if there's a more pointed representative that can speak to the youth -- the women's academy, the girls' academy question. I know we had a person who is a coach perfect that program speak, but I'd like to hear more about whoever the official representative of what that relationship is going to look like. Whoever that is, come down to the microphone. Yes, sir, so introduce yourself.

>> My name is bud bacas. I'm the president of lone

>> Flannigan: -- Lone star soccer association.

>> Flannigan: Can you help me understand what the relationship looks like between you and what's being contemplated here. My concern is that we want to have gender equality in everything that we do at the city. It's part of our nondiscrimination ordinances. It's -- in fact I am a minority on this own council, so I'd like to hear more about that.

>> So I was real pleased to hear Mr. Nichols -- excuse me, I was real pleased to hear Mr. Nichols speak and he spoke about the commitment that psv made to nasa and I'm in 100% support of that. That's precisely the same kind of support and commitment that we've heard from psv from day one. I have met with Mr. Precourt. I've met with Mr. Greely, their organization a number of times.

[8:58:52 PM]

We have a binding written agreement with psv, and it's a binding written agreement to support our development academy and specifically the girls development academy. It is going to support our east Austin initiatives. And it is going to support what is called our women's premier soccer league, and that is a -- that is a special league that is for college athletes and aspiring pro athletes, former pro athletes, like Jackie pope you saw tonight, they've agreed to underwrite that program. I will tell you that the soccer world is a crazy world.

>> Flannigan: Are you familiar with the building you're in right now? Crazy in here too.

[Laughter]

>> Good point. Good point. And it is a fast-moving environment. And there was a change in the presidency of U.S. Soccer just a few months ago, so as you can imagine that's trickled down through the organization. And it's trickled down through the development academy. There's a by fur indication that took place in -- bifurcation that took place in may of this year. That bifurcation in the da.

>> Flannigan: Da stands for.

>> Development academy. The pro-da teams will be the mls teams. The amateur will be teams like lone star, so that you understand what lone star has is we are the only development academy in Austin, Texas. In fact closest one is 162 miles away, in Houston, Texas. So there's one in -- there are a couple in Houston and a couple in Dallas. So we have the rights that are difficult to earn. They're based upon a whole lot of information that goes into determining that, and so we have been awarded the development academy by the U.S. Soccer federation.

[9:01:02 PM]

Okay? And psv has vigorously agreed to support our development development academy.

>> Flannigan: Do you -- are you just in Austin? Is that what you said?

>> So we're in central Texas. We're pretty far north and pretty far south. I'll speak to our mission and our vision. There are -- in youth soccer, there are clubs that the Dallas Texans might have clubs in other states. Our mission is to only be in central Texas. That's what we want to be. We want to be -- we are one of the largest youth sports organizations in the country. We're one of the most successful youth sports organizations in the country. I think we do it very, very well. And I will -- the one piece that -- the pro piece is called the tip of the pyramid. There's what's termed as the development pyramid and at the bottom is recreational soccer. I'm sorry.

>> Flannigan: You know, I think you could probably talk for hours.

>> Yes, sir.

[Laughter]

>> Flannigan: I'd like to talk to the young woman behind you if she wants to come back up to the microphone. I think if we're going to talk about programs for girls and women we should talk to women.

>> You bet.

>> Flannigan: Why don't you tell me about your experience with this program.

>> So I actually grew up in Austin, and I actually played for lone star growing up. Homegrown. And I also got to play for the club. When I was done, obviously, getting my degree and playing professionally and with a national team I've come back and now I get to coach all the little girls from youth ten to youth 13 in the club.

>> Flannigan: How many -- and just succinctly, do you find that this program has provided opportunities to those --

[9:03:03 PM]

>> Absolutely.

>> Flannigan: To the girls that participate in it?

>> Absolutely. Not only just in everyday living. I think we focus on soccer, but for me it's also helping these girls understand that their dreams can come true. They can dream, and it can all obviously come true. If you think on the flip side lone star also has a college program, and so every single player gets the opportunity to try to get in college. And I think every year we at least put 200 to 300 kids in college every single year with our programs.

>> Flannigan: Thank you. That's all I had mayor. That's all I had on that. Thank you.

>> You're welcome.

>> Alter: I'm not sure if this question is for you, but I appreciate that you have been -- [indiscernible] How much money is in that support? They're giving \$36 million to an academy. Is that all going to the pro academy? And I'm not -- how much are they giving to you, N and then I'd like to hear from someone representing Precourt how much is going to boys and how much is going to girls. How much have they promised you as part of this binding agreement? How much money? Is that part of the --

>> It's a proprietary agreement between us and psv, and I'm happy to speak about the spirit of the agreement, but terms like that I don't feel like that's something that I should speak about.

>> Alter: Okay. Then I'd like to ask that question to Precourt, unless Ms. Kitchen's question is for the same gentleman. I don't know which representative from Mr. Precourt psv would like to address this. Good evening, Mr. Subtle.

>> Richard subtle here on behalf of Precourt.

>> Alter: I would like to know, there's a -- \$36 million I think is the new number over 20 years that is being invested in --

>> I'm sorry. Can you --

>> Alter: There is \$36 million that is supposedly being invested in an academy over 20 years. Is that for the pro academy or is that for the amateur?

[9:05:08 PM]

>> Well, you have the youth academy. You know what the number is we have in the youth academy, which is the boys, which caused the problem.

>> Alter: Right. So the boys are getting 36 million. I want to know how much is being --

>> There's a [indiscernible] Required by the league that is that academy.

>> Alter: Okay. But you're counting that as a community benefit.

>> Okay. So take it off.

>> Alter: Okay. I will take it off.

>> Okay.

>> Alter: But I still want to know how much is going to the girls?

>> I will tell you that we have an agreement with lone star and they're not interested in negotiating their term sheet in this arena and it's proprietary and I'm bound by them to honor that.

>> Alter: Okay. But you have camps, you have other things. What portion of the amount of community benefits that's going to support youth development is going to boys?

>> What portion of what?

>> Alter: You have several different categories of youth -- various youth development --

>> And we have millions of dollars in this community benefit package that are going to both boys and girls and to soccer, and what you've heard tonight is the folks out here are not as hung up on boys and girls and community benefits as you are. And --

>> Alter: They don't have a vote up here. We do.

>> I understand.

>> Alter: So we have a right to ask you whatever questions that we need in order to be able to be --

>> Councilmember alter, here's my -- councilmember alter --

>> Alter: You get to vote for any one of us if you're in our district, that's true.

>> Mayor Adler: Hang on, Richard. Please answer.

>> Lone star and Precourt have an agreement. They are not interested in publicly fleshing out their agreement here tonight. That's all I can tell you. I'm sorry.

>> Alter: So there's no way that we can get an answer of how much of the proportion of money that's going to support soccer youth will go to girls in our community?

>> I'm telling that you I'm not at liberty to disclose the agreement -- liberty to disclose the agreement between lone star and Precourt.

>> Alter: I'm going to let other leagues to respond on that.

>> Pool: Mayor?

[9:07:10 PM]

Mayor? Mr. Subtle?

>> Tovo: So on the list that you've provided of community benefits that relate to youth programs, are those independent of -- of your agreement with lone star?

>> Yes.

>> Tovo: So those are all in addition to the agreement you have with lone star?

>> Yes.

>> Tovo: Can you provide us with any information that would be more specific, such as the number of girls who would be part of the academy over what period of time, at what level, whether they would have to be income eligible girls or what some of the other criteria would be?

>> Let me do --

>> Tovo: Come&maybe we could give you time to talk with lone star about that, but I do think it's important to get some sense of what benefit is being provided, what benefit is being provided to girls.

>> Give me one second. So do you want -- do you want me to go through just the soccer programs or the -- all the benefits for youth? Because we don't break them down so many for girls and so many for boys.

>> Tovo: I guess I'm trying to see whether -- so I think what I heard you just say is your agreement with lone star has nothing to do with this sheet, in that when you have identified the number of scholarships for soccer camps and things of that sort.

>> That's completely separate.

>> Tovo: That is in addition to your agreement with lone star. So now I was just trying to ask questions about -- I'm just trying to sense whether there's anything you can tell us about your arrangement with lone star that would help us understand how many young women might benefit from that partnership. So how many -- can you tell us how many students?

[9:09:12 PM]

>> I really can't because lone star operates -- has operated their girls academy. We heard loud and clear that in our community benefits we are counting the mls mandated academy for boys as part of the community benefits. It was a huge part of it. If you take that out we still have tens of millions of dollars in benefits for boys and girls soccer programs. And I -- one of the speakers, I didn't see who it was, but I overheard, it's like if you're getting kids on the fields and getting them to play soccer, that is what is important. And we don't delineate except for the one, the mls-mandated initiation we don't delineate between boys and girls. It's all both. And I believe -- I don't have it in front of me, but I can get it. I believe I provided at some point somebody a list of how many boys and girls are on these programs.

>> Tovo: And I known you and I have talked about that language that could be added to make it clear those other programs are open and at the appropriate time we can talk about that. But --

>> And it's --

>> Tovo: I guess we're all circling around the same question.

>> What do you want us -- what you're asking us to do is disclose an agreement we have between two private parties and we're not prepared to do that.

>> Tovo: I guess I'm just trying to determine whether there's anything about that partnership you can disclose that would provide us with a sense of -- some sense of how many young women in this community would benefit from --

>> I can tell you that --

>> Tovo: -- From mls's presence here in the city of Austin, at that level. Star should tell you this but I'll reiterate it, they are extremely happy with the arrangement that we have. And I think -- I think that is reiterated and extremely happy with the impact that that will have on their girls academy.

[9:11:22 PM]

>> As this relationship develops, I think it will benefit every girl in our club. So it's important. We have recreational players. We have division two players. And we have players all the way up to the development academy. The way the relationship is styled is to benefit all of those kids. And there is one other point that I need to make because I think it's very, very important. The special nature of the relationship with psv deals with the development academy, okay? But as it gets below the development academy d1, d2, and recreational soccer, there is no exclusive relationship with psv and psv insisted upon that, and lone star enthusiastically supports that because we want psv to help out

[indiscernible] Nasa and Georgetown and lake Travis and so forth. So that's the nature of the agreement. And I think it will help all of the kids.

>> Houston: Excuse me, mayor. Could you ask Mr. Hawkins to talk into the mic.

>> One piece that's not in the term sheet but Precourt is currently doing a feasibility study on -- and I'll get -- you help me, nwsf. And would that be a program that would be welcomed in Austin if it were to come here?

>> Oh, absolutely.

[Applause]

>> So nwsf is the next level up for women's soccer. You enter into an agreement with a lone star and that helps the feasibility of bringing more women's sports and more women's soccer to Austin. And that is what we're building up to. It's not something we can build into the term sheet but it is yet another benefit that emanates from mls coming to Austin.

>> I'll be a little more cocky, I think they'll have an nwsf team.

>> Mayor Adler: You need to talk into the microphone.

[9:13:22 PM]

>> I'm sorry. I think there's a lot of reasons to have nwsI team and I think they will get there in the next five years.

>> Mayor Adler: I'm going to drill down into this one part of the deal or another part of the deal, before we do start drilling down, at a higher level, there are so many things that are going right in this city, and we all recognize those things. But there are also things in this city that are not going right. They're the things that we have to work on. And we spend a lot of time working on those. One of those is affordable housing. And goodness knows we've spent a lot of time working on affordable housing, and we extract and we push for incentives to get people to give us affordable housing, and we do that a lot and we should because that's a really high priority. We do a lot in this city with respect to mobility and we spend a lot of time on that and a lot of bond work. A lot of staff work. And it's good that we do that. One of the challenges we have at this city homelessness and we spend a lot of time and resources against that too because we want to work on that. Not everything we do in this city helps with us affordable housing and mobility and homelessness. Because sometimes we focus on one thing or two things as we try to make the city a better city. One of the problems that this has is that we know that it's one of the most segregated cities in the country. Just, you know, you go to restaurants in this city and you look around and the people in the restaurant will primarily -- usually primarily, in most restaurants, primarily be one group of people.

[9:15:24 PM]

You go into meetings in this city and look around the people that are in the meetings in the city and it is, generally speaking, another gathering of one group of people. We don't have very many events in this city that bring everybody in this city together. Where people in different walks of life are next to each other and equal and cheering together. That's what this can represent for this city. That's -- for me that's the community benefit and value of this in the city. And that's a huge thing and a huge value for a city I think is in desperate need of something like this. That doesn't mean we're not interested in affordable housing or in homelessness or in transportation or in transit or in any of these other things. It just means that not everything has to solve all of our problems. This is a really unique opportunity. So I look at the deals that been struck here, and I look at it compared to similar deals that are being arranged all over the country and this one is better than those.

[Applause] I commend the manager and the staff and the time and the work to get us to what is a pretty unique place and a pretty incredible deal for a wonderful benefit and, quite frankly, a needed benefit for this city. But it feels as if the goal line keeps getting moved. It feels as if we're gonna be asking this to solve all of our problems. And my concern is, is that in trying to get all of that we will lose what is the key benefit.

[9:17:33 PM]

Now, the women's soccer here is an example, and, quite frankly, I think that the problem was in the way that you presented this. You present it as a community benefit, a development league that's required of you by major league soccer. Now, it's true that that provides a considerable benefit to the community. That development league for people to be able to participate in, the families that are involved, the hopes and dreams and the aspirations, it provides a significant community benefit. But the problem was with that that it's part of being a major league soccer that you provide that. So it gets built into the economics of the deal, and it becomes part of that deal. I don't know what your deal is with Mr. Bacas but I'd be willing to bet it's not \$37 million. And if it was \$37 million then we would hear about it. But if it's anything less than \$37 million, then you're not giving to that what you're giving to the guys' development league but you're never going to give 37 because it's not part of that deal. So while that is something that's going to provide significant community benefit, maybe it's best that that just be left off the ledger and talk about what you're doing for the tens of millions of dollars that you're putting in soccer, for fields, for everybody in this city, and for teams for everybody in this city and just focus and count on those. And don't count that benefit for the community from the men's league and don't count the benefit that comes from lining this city up for the ability to be able to get closer to having a major league women's team or the fact that it makes it that much closer to us being able to get the women's development league. Because that's uncertain, and that's not part of this deal. So don't count that either.

[9:19:33 PM]

The deal when you look at this on a piece of property that was not used for so long and has now become the most desirable tract in the city --

[laughter]

-- Can only do so much for the city. And sometimes we take pieces of land like the ones that the library is under and we say that has a really unique benefit for the city, even though we could sell it for trillions, that's where we need a library or the land under the performing arts center which was uniquely suited for that use. If we do this deal for me, we get a tremendous benefit for this community and a benefit that is not just nice for this community to have, it is a benefit that this community sorely,

[applause]

>> Kitchen: Okay. So I have a few questions, too. I would like to say, as an overarching -- just an overarching thing that I do support bringing soccer. I think it's a great benefit for the city. I think there's a lot of intangibles to it, and we've heard a lot of those tonight. So I just want to say that up front. I don't think it is inappropriate for me to ask questions because I have a duty to understand what is in the term sheet. That does not mean that I don't support soccer. And so there's some due diligence that needs to occur, particularly since, as we all no, I this is a complicated deal. We're being asked to negotiate and execute. That means it doesn't come back to us. That means that we have a duty to understand what's in here.

[9:21:36 PM]

I can tell you I'm liking what I'm seeing. I think there's a lot of benefits here. And many of you have pointed out what those are. But we need to understand what the cost and the risks are to the city, and that's what my questions have been geared to. I'd also like to say that I think it's appropriate to ask how women and girls can participate in the opportunity of the soccer stadium. And I want to say that the fact that mls focuses on boys is not -- doesn't mean that we should ignore and not ask questions about girls. You know, there's been traditional -- in sports there's been traditional lack of attention and dollars and resources paid to women sports. And I think it's incumbent as a public policy for us to ask those questions. And it doesn't mean that I am going to do a ledger that says you have to do exactly the same amount for women -- for girls and for boys, but it means I can ask that question. And it really disturbs me that the answer is we can't know.

[Applause] And so I just have to say that. Because when I ask -- you know, when my colleagues ask that question, it's not necessarily that we're saying, okay, if you don't do exactly the same amount that it's not -- that we're going to throw the whole deal away. But we have a responsibility -- as women elected leaders, to do what we can when it's appropriate to address inequities. So I understand that y'all have an -- you guys have agreed -- you have agreed not to share information.

[9:23:37 PM]

So you've made that very clear. So but I think asking the question is appropriate, and just encourage you to tell us what you can.

>> [Off mic] I'm the father of two daughters. I get it. I also get -- and that's -- by the way, I have no sons, so I really get it.

[Laughter] We blundered when we put the mls-required academy as a community benefit. It is a community benefit. I don't back away from that because 124 boys getting to there. Get to go there. It's required, and a lot of money, and it funnels into a male professional team. But thank you for bringing it to our attention, because, frankly, we didn't even think about it. And we thought -- we thought it was a good thing for our and I, yeah, it's for the guys because it's for the guys professional team. But what it did do -- and this is what you all ought to be proud of, it made us go, oh, boy, did we blow that and didn't even think about it. We immediately reached out, researched women's academies and we found the experts. Let me tell you I know more about the academies in soccer hierarchy than I ever dreamed I'd ever know and I'll probably forget it all. What I did find out is what are the needs for girls' soccer and we addressed them in our agreement with lone star. And that is a huge plus, and it's because you all asked questions. And I thank you for that.

>> Kitchen: Well, I appreciate that. And we will probably just not agree. I don't understand why the public can't know what that kind of arrangement is.

[9:25:40 PM]

[Applause]

>> Pool: Thanks, mayor. So the thing about the agreement with lone star, just to kind of give me couple of two bits on this, is so folks came in here to talk to us about it but we you didn't find out until toward the end of the discussion that it was a private agreement. Okay? So for us to be asking information about what was included in that is pretty standard ask. But then you till us toward the end of the discussion, well, we can't give you when it starts getting down to the specifics, well, we can't tell you because it's proprietary. So that was -- so that's kind of how that played out. I do have an email from some of the parents that have their kids at lone star soccer and they asked me to check on a couple of things here. And it goes to lone star soccer and the city soccer team. Is there -- and I realize -- actually, I think I'm not going to ask this question. I want to stay on the terms in the term sheet. But there was some concern about how things were being presented about lone star soccer that they didn't necessarily either know about or have agreed to. So I'll just put that out there. So I do have a question about youth teams and the stadium. We've been talking a lot about development academies and scholarships, and my hope that there would be actual money to some of the local athletic clubs, the youth and the men's and the women's soccer teams, the whereasial teams to get funding to help with their playing and practice fields. Let's talk about youth teams and youth and the stadium. How often will the youth teams be able to play at the stadium? So I see Mr. Subtle there, and I see some other folks with mls who could probably come up and talk to us from the term sheet or just from conversations.

[9:27:50 PM]

How often will the youth in the city of Austin be able to play on the fields? In the stadium.

>> So there's one field in the stadium. It is a professional grade pitch and I'm proud of myself. I know know that it's -- mayor, you're getting ready to turn a filter on me?

[Laughter] It's a professional grade field. And right now there are no number of times that the youth can go out there and play. But I can tell you that that pitch has to remain in pristine condition for professional players. So we don't have a number on how many teams -- you've seen how fields, if you play on it every day, it has to have time to rest, has to have time to grow. And we didn't have a number. But we -- in our community benefits package. Maybe the kids' teams aren't actually playing on there. Maybe they're having clinics. Maybe they're getting to come out and just hang out on it. But there's no set times that the clubs will be able to come play on the professional pitch. But we in our -- in our community benefits package we have money set aside for rehabing other fields that the clubs can play on.

>> Pool: Good. And I'd like to see what those are specifically. And I'm also glad that you clarified that in fact the youth in the city wouldn't be able to play in the stadium.

>> I didn't say that. I didn't say that. I said that we can't tell you a number. And what type of play they can have on there because we don't know yet. That can be in the definitive agreement or they could -- or the clubs can be playing where they like to play and where we will help rehab their fields.

>> Pool: The point that I'm making that you are helping me to make -- and I appreciate that -- is that we don't know and there may be a misapprehension in a community among the youth here, especially, they may that I they may be able to play some of their games on the field.

>> And they might.

[9:29:52 PM]

And they might.

>> Pool: Well, that's great. Maybe we can -- Mr. Subtle, maybe we can then clarify that and narrow it down in the term sheet.

>> Well, so in the term sheets, you designate broad concepts and you get the terms that are important to the city for a term sheet. Now, councilmember pool, you've made it clear to me you're not for this deal anyway. So I'm not sure --

>> Pool: Mr. Subtle, I am trying to improve the deal to get it to a place where I might actually be able to vote for it.

>> Okay.

>> Pool: Because my job on the council is to do the best deal for the city of Austin. Not the best deal for soccer.

>> I understand.

>> Pool: And you know that too.

>> I understand.

>> Pool: And you know you that's why I am holding the line as strongly as I am. And I'm also speaking for a considerable number of people who may or may not be in the room here today.

[Applause]

>> Well, what I would hope is that S that we don't let -- is that we don't let a vote on a term sheet and hopefully to negotiate and execute, I hope we don't let a vote on that die because it's not perfect. And that's just something that we strive for, but I hope we don't let it go because it's just not perfect. Thank you.

>> Pool: Maybe we can have free clinics. Then the last question that I have for the lone star folks, what is --

>> [Off mic]

[Applause]

>> Pool: I just wanted to find out, what is the registration for lone star for the youth who come and play at lone star soccer? What is the registration?

>> So all of our players number in excess of 7,000. Roughly 50% of those are recreational, and then the da is probably, oh --

>> Pool: I was -- I wasn't asking how many members. I was asking what the registration cost is.

>> Oh, I'm sorry.

>> Pool: Not the registration numbers. Yes, thank you.

>> So our registration costs vary by, for example, whether it's recreational or whether it's the da.

[9:31:57 PM]

So as a da player it may cost \$2,600. We have some recreational programs that I believe are \$75.

>> Pool: Okay.

>> We have everything in between.

>> Pool: Very good. Thank you.

>> You bet.

>> Pool: I would also like to get better information about how the women will be able to participate, not here, but we may be able to get some information later, more privately.

>> Mayor Adler: Ms. Houston.

>> Houston: Mr. Bacas, before you sit do you do here I am. Here I am right here.

>> I'm sorry. I knew there was a -- yes, ma'am.

>> Houston: Haven't seen you for a couple of years now. You've got your facility opened up out in the etj and are you gonna be working with pflugerville ISD or manor?

>> So our facility is not up and running yet.

>> Houston: It's not up and running? Okay.

>> We're bogged down in this thing called the city of Austin permitting process.

>> Houston: But you're not in the city of Austin.

>> But we're in the etj so we're doing the one stop.

>> Houston: Oh, okay.

>> So we have to do both. It's site plan approval. And the plat as well.

>> Houston: So where are you all located now?

>> We're at the very same site.

>> Houston: Okay.

>> We had to withdraw and resubmit literally in the last ten days.

>> Houston: Okay.

>> But, yes, we will work with manor and we will work with the city of pflugerville, yes.

>> Houston: Okay. Thanks.

>> Mayor Adler: On the dais. Mr. Subtle, just so that people understand, the youth soccer clinics, we have two and a half million dollars for that. Do the men and women play in that equally?

>> Say that again.

>> Mayor Adler: The youth soccer clinics, is that girls and boys?

>> Yes.

[9:33:57 PM]

>> Equally?

>> Yes.

>> Mayor Adler: Then there are 30 youth soccer camps per year separate from the clinics. Is that girls and boys?

>> Yes.

>> Mayor Adler: And then there are youth scholarships for soccer clubs. Almost \$2 million. Those, is that both girls and boys?

>> Yes.

>> Mayor Adler: What about the donations of equipment and gear? So over a million dollars. Is that for girls and boys as well?

>> Yes.

>> Mayor Adler: Okay. You should be talking about that and not the development leagues.

>> I wanted to raise one more thing that it's not playing on the field, but it's an interesting thing, at every game kids come out on the field and escort the players and there are opportunities in the term sheet for kids to come out on the field during the games and all. So it's -- there are lots of opportunities.

>> Mayor Adler: It's the field construction monies. That was another dollars. Is that both girls and boys' fields?

>> Yes, it is.

>> Mayor Adler: On the dais. Mayor pro tem.

>> Tovo: Yeah. Just on that point, so one of -- one of the amendments that I think we should make to that sheet that lists community benefits is to identify that all of those items -- all of the youth soccer clinics, 5, 6, 7, 8 -- and 8 all should articulate that they're open to girls and boys, which is consistent with the intent here. I'm really struggling, though, with the academy piece. We'll leave it for now. But I do think it would be -- I do think it would be helpful to have some information.

[9:35:59 PM]

I would really encourage the parties involved to provide us with many information about how many young women will benefit. Could we talk for a minute from? This amendment?

>> Pool: I asked her to put pool up at the top there.

>> Tovo: Okay, thank you.

>> Mayor Adler: something that -- were you speaking?

>> Tovo: I'm sorry. I was just getting an email about lone star.

>> Mayor Adler: Didn't want to interrupt you.

>> Tovo: There's too much information coming in at once. I'm done.

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

>> Alter: I just wanted to -- for my colleagues who don't have children who play soccer to note that lone star is for boys and girls. It's not just a girls program. If that might have been confusing in the conversation. I do want to clarify in regards to Mr. Subtle's comment that -- something that Mr. Flannigan mentioned. We, as the municipal government, carry the value of gender equality here. So without understanding what we would be giving our land for and how it lives up to our municipal values we can't know if it meets our values or the trade-offs that we face tonight. And so these questions are legitimate questions.

[9:38:06 PM]

And I think that we've probably dealt with this question for now, but I don't want us to leave thinking that it's okay to poo poo questions that are raised about whether girls and womens have the same rights on the playing field, the same access to being in sports. I have a daughter who is an athlete, and I know

the benefits of sports and the benefits of participation, of being part of a team. And we have a responsibility to make sure that both boys and girls have an opportunity to enjoy that.

[Applause]

>> Mr. Mayor, could I answer the question about the number of players in the gda? So roughly in the gda we have roughly 300 girls, and our wpsl, it's a roster of roughly 30 girls. So there are 330 girls that will be a direct beneficiary of the directions and generosity of psv.

>> Tovo: Sir?

>> Mayor Adler: Yes.

>> Tovo: I'm sorry. I'm sure you explained these acronyms to us earlier it's just a little hard to follow this time of night. Would you mind telling us those numbers again and explaining what level you're talking about?

>> Sure. I've been doing this 25 years and it's confusing to me. There's the development academy. And the development academy is made up of a boys development academy and the girls development academy. We call the girls development academy the gda. And our girls, there are roughly 300 from the youngest to the oldest. That's probably, you know, 12 to 19 years old. And then we have the -- what we call the wpsl, which is the women's premier soccer league, and that is kind of -- that's -- Jackie actually plays on that team, and it is past prose, aspiring prose and college players, and that's a roster of 30.

[9:40:13 PM]

I will tell you that a specific of the agreement, psv has agreed to underwrite the wpsl, okay? They have agreed to underwrite our girls' development academy. So those 330 girls will directly benefit from psv. But it's more than that because the relationship is coaching education, it's coaching development. It's technical advice. It's a lot of collaboration, and that will bleed through our entire -- our entire organization, all the way down through the recreational soccer ranks. So we believe it will benefit a lot more kids than that.

>> Tovo: Thank you for providing that additional information. You have a few more questions for you.

>> Certainly. No problem.

>> Tovo: So what your statements just -- the statements you just made suggest, if I'm hearing you correctly, this arrangement is going to underwrite the elite league of 30 players as well as the academy?

>> Yes, ma'am.

>> Tovo: When you -- I'm going to ask you a question that may cross the line into what you can't reveal.

>> Sure.

>> Tovo: When you say underwrite, are you talking about funding in total or are we -- are we talking about funding are we talking about funding in total or does that get into the agreement that snuff. . >> -- That you have?

>> So I would say as it refers to the wpsl it's funding in total. When it refers to the development academy, they are going to augment the program that we currently have in place. And, again, there's so many pieces to the puzzle, it will be financial. It will be scholarships. It will be travel dollars. It will be equipment. It will be coaching education. Here's a huge benefit to us that we spoke about just two days ago.

[9:42:14 PM]

The U.S. Development academy puts rigorous requirements on us. They require us to record the games. So they -- we've -- it includes equipment in things that allow us to do that more effectively. So those are some of the details that we discussed just two days ago.

>> Tovo: Thank you. And is this for an ongoing period of time or. . .

>> Decades is the word used in the agreement.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Someone want to move the term sheets so we have a base motion up that we can amend? Mayor pro tem, do you want to do that? Do you want to move the base term sheet?

>> Houston: So let me say, like I've said before, the term sheet just got released last night. I have not read through the whole thing so there's no way that I'm going to be able to vote on it. Tonight.

>> Pool: Mr. Bacas, you can sit down.

>> Mayor Adler: Okay. We're back up to the dais. Everybody is thinking and working. I would move the base term sheet so that we have a motion in front of us. Is there a second to the base term sheet? Mr. Flannigan seconds it. It's in front of us now. Thank you. We have a second already. Yes, councilmember pool.

>> Pool: I have a number of amendments that I can pass out individually, and I'll try to put my name on the top of all of them. I apologize. The first one I sent out is 1.3, require community benefits/commitments to continue through the renewal terms and it would amend the term sheet on page 18 as follows, I'll go ahead and read it because it's pretty short, unless we can put it up on the overhead.

[9:44:20 PM]

We got an extra one to put up on the overhead? And basically what this does is exhibit 5 for the community benefits has an initial term of the lease, and then benefits would extend according to the current term sheet if mutually agreed. So my sentence at the end adds in "In the absence of that mutual agreement, the club shall provide the community benefits in exhibit 5 over the extension terms as well." In other words, it provides a default to continue the existing terms into the -- the existing terms from the first term or lease through the renewal terms.

>> Mayor Adler: Do you have a series of these, councilmember pool.

>> Pool: I do.

>> Mayor Adler: Do you want to hand them out so we can see collectively what they are?

>> Pool: I could do that except they're in different parts of the term sheet and there are a number of them, and I didn't want to clutter up everybody's --

>> Mayor Adler: Well, I think --

>> Pool: I'd be happy to. I have to write my name on all of them.

>> Mayor Adler: Why don't you hand them out. We could all write your name on top of it if we do it together.

[Laughter]

>> Kitchen: It would be helpful to me to understand who all has amendments so maybe folks could let us know.

>> Mayor Adler: I think if we could do that and see the universe of them, I think that would be helpful. Councilmember Garza.

>> Alter: Should we call this pool number 1.

>> Mayor Adler: We'll call this pool one, which is 1.3. Pool number 1. When you're ready to hand out those other ones, if you could do that, Leslie. Councilmember Garza.

>> Garza: I have one. It's on its way down. It's related to transit.

>> Mayor Adler: Okay.

[9:46:28 PM]

>> Mayor Adler: do you want to hand them out? Please. We would see the universe of what we're dealing with.

>> Houston: Mayor, can I suggest we not all hand them out at the same time. Let's get all of pool's out and then somebody else's. Otherwise we get confused.

>> Mayor Adler: Councilmember pool, will you hand yours out, please?

>> Kitchen: Mr. Mayor, even if we don't hand them out --

>> Mayor Adler: We'll get them here in just a second. I don't think you have to write it down on each one. Just hand them out and we'll all write down what you want us to write down on the top of it.

>> Alter: Mayor, I also have questions, mayor, for psv and for staff about elements of the term sheet that are separate from amendments. When is it appropriate to ask those questions.

>> Mayor Adler: In just a moment.

>> Alter: Thank you.

>> Mayor Adler: What's being handed out right now is 7.1, specifying authority over public parkland. We're going to label that one pool number 2. Pool number 2 is the one that has 7.1 at the top do you have other ones other than those two? Oh, god, yes? Four more. Okay. Let's hand them out.

>> Pool: Should be a total

>> Mayor Adler: if you'd hand all of them to Delia she'll pass them down and we'll get them out that much faster for you.

>> Pool: Then we need to get them to [indiscernible].

>> Mayor Adler: let's -- label that one when it's in front of everybody.

[9:48:38 PM]

>> Pool: Mayor, I also -- my staff is super hard working, like, all our staffs are, and I have some additional backup information. I'll pass this out. This is a comparison, a cost benefit analysis, because I think that the numbers matter. And so we have known costs, unknown costs, community benefits, using psv estimates and deficit costs of intangible benefits. And this is a better representation, I think, than the chart that we got in -- well, it will accompany the one that we got at the request of councilmember kitchen.

>> Mayor Adler: Okay. So hold on. We'll pass it out. So, colleagues, there's a document that just got handed out by councilmember pool, four more we're going to number. The first one is 7.3. It says -- well, actually --

>> Pool: 1.3 is number 1.

>> Mayor Adler: 7.1, which begins amendment term sheet by adding a new section as follows, open space and parkland, that's pool number 2.

>> Pool: That's number 2.

>> Mayor Adler: Right. And then pool number 3 is also called maintaining city control over -- no, no.

>> Pool: It's specifying authority over public parkland.

>> Mayor Adler: Okay. Then the term sheet on page 5 as follows.

>> Pool: And that's number 3.

>> Mayor Adler: Okay. That's pool number 3. Okay. And which one is pool number 4?

>> Pool: That's the maintaining city control over public infrastructure.

>> Mayor Adler: Maintain city control over public infrastructure is pool number 4. Okay.

>> Pool: Number 5 is 8.2, require psv to fund a train station.

>> Mayor Adler: Okay. Pool number 5 is fund a train station.

>> Pool: And pool number 6 is 1.2, require psv to make annual payments to other local governments.

>> Mayor Adler: Okay. That's pool number 6.

[9:50:39 PM]

Okay.

>> Pool: And then the cost benefit analysis does have my name on it.

>> Mayor Adler: Good. Councilmember Garza, do you have something that you're handing out?

>> Garza: I don't have it yet.

>> Mayor Adler: Don't have it yet? Okay.

>> Pool: And I have one more supporting document, soccer stadium subsidies versus top three largest 380 incentive agreements in the city of Austin. And that just shows you what we've done with 380 agreements and what we're being asked to do here, and this also has my name on it.

>> Mayor Adler: Okay. Does number else have amendments that they have? That they can hand out?

>> Tovo: Mayor, mine are also on the way down. Usually I think we're all sort of in a position of distributing them on the dais in the morning and whatnot. So I apologize that mine are still in progress. But --

>> Mayor Adler: So they're not here yet.

>> Tovo: No, they're not.

>> Mayor Adler: Okay.

>> Tovo: I'll give you a sense of what they are. There are amendments that speak to green building, that talk about public access in the stadium, and I think I had some on external, but they may be covered with what councilmember pool just did. They emphasize a bit -- they put more emphasis on one of the points in the original resolution about using local vendors, goods and labor. And then there are edits to the community benefits.

[9:52:39 PM]

I will say some of these are amendments that came -- that I believe Precourt is -- I don't know how to express this, but I raised some and they provided language and some of these may be very in line with their language. Some of these are not. It's a mix of that.

>> Mayor Adler: Do you have copies of these amendments? Have you seen these amendments?

>> Tovo: Nobody does because they're still on their way down.

>> Mayor Adler: Would you give him pool's 6? I understand that. We already have Poole's 6. I was asking her to give those to him. Because we have those. Okay. It's only 9:53. It feels like 3:00 A.M. I don't think I can remember some of you guys.

>> Houston: You've got a vote coming up soon.

>> Mayor Adler: Did you have questions, Alison, that you wanted staff to address?

>> Alter: I can ask my questions when I have some of the amendments.

>> Mayor Adler: Why don't you hand out your amendments so we know what that is and you can ask your questions.

>> Alter: Some of them I got my name on them, some of them I didn't yet. So the first one, staff has said that the remediation risks for the presence of existing environmental conditions are low and likely to be zero. And so it proposes a cap of \$500,000 on what the city would be willing to spend. And since we're saying it will be zero I think a cap of \$500,000 is more than generous. So that is my first amendment. My second amendment, which for most people does not have alter 2 on it, but for a few will, is, I think -- is providing additional guidance for when the transportation parking and events plan is developed.

[9:54:52 PM]

So the parties shall work together to develop a transportation parking and events plan, including a traffic impact analysis at the code of stadium co that should be approved by the city for which the city agrees to assist in development for all the stakeholder groups, the transportation parking and events plan shall address the following at a minimum, on-site structure parking opportunities, residential permit parking participation and enforcement for the affected surrounding areas on game days, clearly defining roles and responsibilities for implementation and determining standards and enforcement for minimizing impact to surrounding communities related to hours, noise, and other quality of life issues. So that's providing a little bit more guidance for some of the elements that must be in that plan. And then my third one, one of the major drawbacks of this term sheet is the complete lack of specificity about the transportation and how that's going to be addressed. In this one that has 8.3 at the top is on amending page 12 of the parking revenue sharing to fund mobility improvements area. And it directs

that stadium co shall spend 30% of parking revenues on the following, traffic impact analysis, identified infrastructure other than stadium co's proportionate share of such infrastructure and unfunded provisions and improvements included in the transportation and parking plan, stadium co shall be entitled to receive and retain 100% of parking revenues after the city certified all traffic impact analysis identified infrastructure and improvements including the transportation and parking plan have been fully funded. I think some of the people may have amendments, but let me know when you want me to -

>> Mayor Adler: Soality number 3 is 8.3 parking revenue sharing to fund mobility improvements.

[9:56:58 PM]

That's alter three. I think people are preparing other amendments. Do you want to ask your questions while people are getting their amendments?

>> Alter: Sure.

>> Mayor Adler: Hang on a second. Mayor pro tem.

>> Tovo: Councilmember alter, can you help me understand when the -- an alter number 2, the well-defined transportation and event service plan, that would need to be approved by the city, what do you envision -- do you envision -- do you envision that coming back before the stadium agreement? When the stadium agreement comes back? After the -- or is there -- is it when it's done?

>> Alter: So this is

>> Alter: So this is adding language to something that was in the term sheet already that they would be coming up with a plan. I think, you know, approved by the city would -- you know, we would have to determine if that meant that council had to approve it or if it was the city had to approve it, but the idea -- it's already in there to have them come back with a plan. I don't know what their timetable --

>> Tovo: Okay. That would be a good question. And I guess my second question was the one that you just highlighted, which is, are we envisioning a coming to council or was it your intent that they go to city staff? Which I assume was the staff's intent.

>> Alter: My preference would be for it to come to council, but we could have a discussion about that. And I do want to point out the 30% was chosen because that's what the higher exposition commission receives from parking revenue sharing in Columbus.

>> Mayor Adler: That's certainly something we can discuss on the timing of that, mayor pro tem. You know, we do a lot of -- there are lots of city processes that anybody developing develop the is going to have to go through, including somebody that's developing a stadium.

[9:59:03 PM]

So I would be comfortable saying that this person has to follow the same rules that everybody else follows. So putting in an agreement that they have to get a parking and traffic plan approved puts them in the same position anybody developing in this city is. And I don't -- for me, I don't need this to have to come back to the council periodically over the course of the development process. I don't think that's an appropriate role.

>> Kitchen: Mr. Mayor, before we start talking about specific amendments which we haven't really laid out as amendments, could we -- I'm still trying to get an understanding of the universe of amendments.

>> Mayor Adler: I think that's right. Okay. So we have -- I have the mayor pro tem's amendments. Looks like there are 11 of them.

>> Pool: Okay. So I count 21 amendments so far.

>> Mayor Adler: Well, there's -- yes. We have mayor pro tem's -- mayor pro tem's amendment number 19, but I think there are 11 in these three pages or four pages. I have troxclair amendment, I have alter 1, 2, and 3, and I have pool 1 through 6.

>> Kitchen: And councilmember Garza has indicated that she has one.

>> Mayor Adler: That's right.

>> Kitchen: And I don't know if everybody has told us about other amendments yet.

>> Pool: Can I get the troxclair amendment? I don't think it got down to this end.

>> Mayor Adler: Coming down now. . >> Troxclair: And I have a couple more as well.

>> Kitchen: There's more amendments at this end of the dais. Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: There's a couple more amendments on this end of the dais.

>> Mayor Adler: More amendments? Okay.

>> Alter: It's also 10 o'clock.

[10:01:06 PM]

>> Mayor Adler: Okay. Is there a motion to move past 10 o'clock? Councilmember Garza makes a motion. Is there a second? Councilmember Flannigan. Any discussion? Those in favor, please raise your hand. Those opposed? Voting no is Houston and alter. Others voting aye for continuing. Passes.

>> Kitchen: Is there a troxclair 2? I have a 1 and a 3.

>> Troxclair: There's a 2.

>> Mayor Adler: It's coming. So the one that you have, troxclair, you should make that troxclair number 1. Troxclair number 1 is 1.1, requiring psv to pay rent closer to market rate. And then troxclair 3 has three amendments on it. Troxclair 2 is still coming.

>> Kitchen: Mr. Mayor, this might be the time for me to make a suggestion, which I'm fine if people don't want to follow it, but I think I'd like to make it. Since it's 10 o'clock and, like I said, I counted -- I've lost count now. I think maybe we have 25 amendments or so. And it's 10 o'clock. So my question -- and I'm not sure -- I mean, some of these have been posted and some of them have been discussed and stuff. I'm not sure if they all have. But my question to the group is, shall we just wade through these? Is this the time to do that, which may take us a little while, or is it appropriate to take a little time and come back? I don't want to postpone to the 23rd, but to come back maybe next Wednesday and work through these -- I'm just laying it out. I'm not making a motion or anything, I'm just laying it out for consideration.

>> Mayor Adler: How many people will be here tomorrow until noon? Can anybody not be here tomorrow until noon?

[10:03:10 PM]

>> Pool: I don't want to be here before noon.

>> Mayor Adler: Then I think we have to keep working tonight.

>> Pool: Whoa whoa whoa. Wait.

>> Mayor Adler: That's how I would go.

>> Pool: When you said until noon, I don't understand, that we would reconvene at noon or before noon?

>> Mayor Adler: Before noon, we'd reconvene in the morning and work till noon. That would be an alternative to trying to get it done tonight. If people can't be here tomorrow, then I think we should keep working.

>> Pool: I think, if I may, the benefit to what councilmember kitchen was saying is having a few extra days gives us an opportunity to ingest all the information, including the changes to the term sheet, and maybe even before we get to amendments -- I know I have questions so that I can understand the changes to the term sheet, and probably other people have questions on the changes to the term sheet as well. And then I would also like to remind us that we have the ballot -- is it the ballot language that we were also going to talk about tonight? Which I really would like to be able to get that piece nailed down. And as far as Friday is concerned, I could probably get in here about 11:00 or at 12:00, but I can't do the morning. Can't do tomorrow morning.

>> Alter: I can't do afternoon.

>> Mayor Adler: I'm ready to vote no on all the amendments, too. That would also get us done.

[Laughter].

[Applause]

>> Pool: Do we also have an opportunity to get all these amendments out so the public can see them? We have about 24. I know my staff had been working right up to the very last second because of the fact that we got the term sheet so late last night, and we haven't even really been able to work through that.

[10:05:15 PM]

And I think it's really -- it's important, and it's incumbent upon us to get these various amendments out so the public can see them as well. And for the parties who are involved. I think Mr. Suttle would appreciate a little bit of time to look through them as well.

>> Mayor Adler: Mayor pro tem?

>> Tovo: I would say, one, I will ask my staff to post mine up on the message board. I also have extra -- not a ton, but some extra copies. If anybody in the public wants some I'm happy to hand them out. Because I indicated earlier that I had some conflicts tomorrow, I just want to touch base on that and say I believe I have resolved them so I can be here if that's the will of the group, or I'm happy to schedule it next week. I would suggest, though, that there are some really good amendments in here and so I hope we will work through them. It's unclear to me kind of what the best mechanism for doing that is, whether we take a five-minute recess and sort of think about what the best process would be moving forward, but I do think we're going to need time to read each other's and give that some time. So whether we try to do that tonight or tomorrow morning or next week.

>> Mayor Adler: How about if we take five minutes and have everybody check their calendars, their availability tomorrow morning and tomorrow afternoon and then their availability the first part of next week and let's see if we can agree on a time within the next few days when we could all be here. I mean, there are lots of ways to -- well, we should find out if we're going to do this or not. So let's take a few minutes. Everybody can check their calendars and their schedules and let's see if we're going to be able to do this tomorrow morning or tomorrow afternoon or with the first few days of next week.

Councilmember Casar?

>> Casar: And I'll make sure that my one page is printed, but I have amendments to lock down more tightly things that we already brought up in our last vote, which are the affordable housing opening date -- how the discount and free tickets would -- would work and the -- and the labor peace agreement language just being more locked in more specifically so we'll have that handed out.

[10:07:38 PM]

>> Mayor Adler: Okay. It will be good to have those. Let's take a recess for five minutes, everybody check their calendars and let's come back and see if we're going to be able to find another time in the next few days. And then you need to check with your people and see whether or not that would work.

>> Alter: Mayor, are you asking only about tomorrow or are you asking -- there's a weekend --

>> Mayor Adler: I'm asking people to check Friday, Monday, Tuesday, and Wednesday of next week.

>> Alter: All right. I just wanted to --

>> Mayor Adler: Those four days.

>> Pool: And, mayor, if I could, I'd like to -- if we are going to put soccer aside, if -- I don't know, maybe we'll stay, but I definitely want to work on the ballot language, too.

>> Mayor Adler: I understand. What? I think -- my hope is that we'd be agreeing that we would be disclosing all the amendments so that we wouldn't be showing up with new amendments. And these would be the amendments we would be dealing with. Let's take five minutes, everybody check their schedules, Friday, Monday, Tuesday, Wednesday, and let's see if there's an alternative that's better than continuing to work now, which I'm prepared to do. The time is 10:08.

[City council is in recess.]

[10:18:54 PM]

District 1 all right. Councilmembers, we've checked the calendar and we're coming back.

>> Mayor Adler: All right, councilmembers, we've checked the calendars and we're coming back. All right. So we -- let's start with one that I think might be -- should be the easiest, then we'll get to the harder ones. We have budget meeting next Wednesday. Staff says they don't need the whole day. Can we do it Wednesday morning?

>> Yes.

>> Mayor Adler: Can we also agree that all amendments will daylight tonight and any amendments not tonight, we're not considering, we're just going to consider the amendments, daylight, that get handed out tonight, then we're going to take action on Wednesday. No public testimony. This is just work session. This is just us trying to put this to bed. Special called -- special called meeting. We'll notice it tomorrow. We okay with this? The question is, can we set a special -- the question is -- the proposal would be that we would have a special called meeting Wednesday morning, which is when we have budget meeting right now. We'd move that to convene in the afternoon after lunch, but we would spend the morning on this and we would consider amendments that are daylighted as of tonight and that would be the universe of amendments that we would consider. We would come in Wednesday morning and act on amendments that got seconds, and we would spend three hours doing it, then we would be done.

[10:20:56 PM]

We would vote on this resolution.

>> Mayor, council, we had to get an extension from mls to -- we had to get an extension to mls in hopes of getting an answer tonight. If the council wants to take the time to look at these amendments, some may be okay, some may not be okay, at least to Precourt. I don't know about the council. If the council wants to take the time to do that and come back Wednesday, that's the council's prerogative. We are going to answer to the league tomorrow is to whether or not we get an extension or not until Wednesday, and then we'll be able to tell whether you Wednesday will be for naught or not. But if the council needs more time, then the council needs more time.

>> Mayor Adler: Okay. We need more time.

[Applause]

>> Mayor Adler: And if you need the manager to get on the phone with anybody in the league tomorrow, then he'll do that. You know, some of the things that have been proposed are, to my mind, clearly poison pills. I mean, they're amendments that when you look at them, you know that they make the deal die. Some of them, you know, may be more serious and we'll take the time and go through them. But some of them clearly, I think, are intended to not let it pass. And if we're going to vote it down, we should just vote it down. But we can work through -- we can work through the list -- no, no. Shhh. But we'll go through the list and figure out what's what. Mayor pro tem.

>> Tovo: Mayor, I'm sorry, I was off when you laid out the plan so I'm trying to catch up. But in any case, I would lying -- I think it would be helpful if we're going to have a pause between the distribution tonight of the amendments and when we discuss and vote on them, it would help me if we sort of flew through them very quickly and got some initial feedback from staff or from the appropriate entities so that we had that to -- we have that information.

[10:23:06 PM]

I mean, you've identified that some would kill the deal. It would be helpful to know what the opinions are on which those are so that we can give those thought and weigh and balance them. I have one, for example, that I want to ask the staff about. I haven't had the opportunity to ask them for an estimated cost of it. So, you know, if we allocated, say, 30 minutes to just fly through these amendments and maybe ask each councilmember to lay them out and get any quick feedback we can from the relevant parties, I think that would be -- that would help our deliberation.

>> Pool: Could I respond to that?

>> Mayor Adler: Councilmember pool first, then we'll come back.

>> Pool: So I have to think about what you're suggesting because if we were continuing tonight, we would be going through these. But since it seems like we are stepping back in order to give everybody

an opportunity to think through them, I don't know that I would be comfortable with allowing staff to give us a thumbs up or thumbs down or even Mr. Suttle a thumbs up or thumbs down in this setting, absent our ability to debate them. So I don't -- and then I do have questions on, as I mentioned earlier, I do have questions on the revised term sheet. So would we also be asking questions of Precourt on innocence.

>> Mayor Adler: -- On Wednesday?

>> Mayor Adler: I think if we have Wednesday now, let's ask questions now. I'm fine going through the amendments quickly so if people want to get additional information, it would advance the ball and decrease the likelihood that someone on Wednesday would say I'm just learning something new today so I'm not able to act or don't have enough information. So I would be -- I like the suggestion of just running through them real fast and giving people the opportunity to ask questions about the term sheet. But we're not going to debate the merits of any of these at this point. This is, as I understand it, an intent to be able to gather information.

[10:25:06 PM]

>> Mayor?

>> Mayor Adler: I think you've had a chance to go through a lot of these amendments now. Is that right?

>> We have, mayor, and I'll tell you that some of them -- well, let me just tell you, this has been a give and a take. Your staff took a two-page, long resolution passed by city council and turned it into a 30-page term sheet. It's very detailed. It's -- it outlines a good deal. Some of these amendments that I see on here, whether or not they're intended as a poison pill or not, I don't know, but I can tell you there are many poison pills in what I've seen passed out tonight because Precourt has negotiated the best deal in the country for a sports stadium, and anything else in these amendments that are financially related, if the amendment is placed on, our city will not get an mls team, if this thing gets any more unbalanced than it already is, financially.

>> Mayor Adler: At some point, it gives rise to the larger issue.

>> Yes.

>> Mayor Adler: In terms of what the role of the council is in negotiating deals, and then how we work with our staff when we negotiate deals and maybe at some point we just need a retreat or something to go through those kinds of conversations. I'm not sure, if I was somebody negotiating with the city, I would ever negotiate with the staff. I would say, with all due respect, Mr. Manager, I want to negotiate with your council at the end of the day, so let me just do that if I negotiate with you ahead of that, then I'm not going to negotiate my best deal because I need to hold stuff back but I don't know how much to hold back because I can't negotiate with them yet. So I understand that issue. But we are where we are, and we're in that old paradigm that some day I hope we're able to change.

>> I want to congratulate your staff because they did negotiate hard and they did do a good deal.

>> Mayor Adler: But in any event, we are where we are right now. So let's go through information and let's go through these amendments and surface questions that people want to ask, not to discuss the merits of any of these but to just work through that.

[10:27:15 PM]

>> Alter: Mayor, I object to the notion that we are going to not allow other amendments. It's been brought to my attention that there are some issues with the term sheet from a legal perspective. I'm not a lawyer. I haven't had a chance to read it with enough care to be able to look at those. Those are not necessarily substantive to -- in the way that you are framing things, but I don't want to be precluded if we find issues of a legal nature that, because of the way this process went, that were overlooked, you know, or mistakes. I don't know what those are I haven't been able to read through them. But I am concerned any of notion that we would be taking away our ability to make amendments. And I also want to add that I resent the implication that we shouldn't be able to make suggestions to change the terms to get to a point that we could be able to approve it. It's obvious that there's not a majority to approve it as is, tonight. And so, you know, we can vote on it tonight and it will fail, or we can try to make it sufficiently better that enough people can support it.

>> Mayor Adler: I think there would be the votes to approve this tonight.

[Cheers and applause]

>> Mayor Adler: But what I think, what we're trying to do is find an accommodation. If we were going to consider this tonight, we would consider all the amendments that people had tonight and we would take a final action. What we're trying to do as to say, rather than doing that and considering all these tonight and taking a final action, whether it was up or whether it was down, we would be doing it based on the amendments that we have. And then the question was, do we extend this for a couple more days to give people more time to do that. And I'm perfectly amenable to doing that, but not to open it up to more amendments than we have tonight because if we voted tonight, we'd be voting on the amendments tonight. So I think it is entirely possible and prudent and reasonable for a legislative body like ours to say we're going to consider the amendments that are before us.

[10:29:20 PM]

And it was under that understanding that I was willing to extend it past tonight. Mayor pro tem.

>> Tovo: So and I have couple questions about other amendments that maybe we could jump into, but I want to just say, yeah, I would have a hard time agreeing to that kind of hard and fast rule, too. And I'll give you one example. Some of my amendments were written with the assumption that, you know, at various points we've talked about just -- just voting to negotiate the term agreement sheet and not negotiate and execute. And so some of my amendments are actually presented with that understanding that probably somebody was going to bring forward that amendment. So absolutely, I'm going -- you

know, if that's not the circumstance, then I'm going to change mine. I mean, there are -- I could go on and on about that, but there are definitely ways in which our amendments might or might not fit together and would require another amendment. So I'm -- I just couldn't agree to -- I can absolutely agree that, you know, we'll try to surface them all and we'll try to stick to this and not expand the universe, but -- and of course the body always has the right to say, no, we didn't know about it. Yeah, it's a new idea, we didn't have the opportunity to study it, so we're going to stick to no new topics. But in any case, I wanted to ask a question of our staff about one of my amendments, which is the request that the city manager negotiate an independent third-party assured wet land or the we felt to direct term, and if there are wetlands, I know we did get a memo last night, I think it was, or yesterday. Can you help me understand whether that would be valuable, whether you feel you've already performed that work. I think there's concern from the community around this issue, as you know, and interest in seeing somebody outside. So if this amendment passes, what would you see as the timeline for bringing -- for getting somebody to do that assessment? Is it something that could be completed quickly?

>> I'm interim environmental officer, watershed protection department.

[10:31:23 PM]

I'm not sure of the timeline it would take us to hire an independent assessor to make that assessment. I can tell you our best wet land biologist who has many years of investigating and delineating wetlands, army corps regulations and city of Austin regulations, has looked at the feature and identified it not as a feature, not a wet land feature, not a critical cef. If it's a wet land under our code or under federal law, it's not that it would preclude an impact to that wet land, it would just require mitigation. So at the time that a site development permit application was submitted based on the nature of the development and the impact of the wet land, if it is a feature, it could be mitigated.

>> Tovo: I guess the question that I keep coming back to on that, and every time we raise it we really never have a chance to delve into it, at least publicly in any great detail, but the -- if our wetlands biologist has assessed it and determined that they don't believe there's a wet land, but Dr. Naser has provided with us some examples, and I think you're saying that a site plan, you could mitigate around it, but when will be the process to do that more thorough evaluation? Will there be any more thorough evaluation between here and there if this amendment does not pass?

>> Absolutely. As part of the site permit application -- site development permit application process, there would be the typical environmental resource inventory and the assessment. So to the best of my knowledge, it would follow current code. It's not that it's not necessarily having wet land features, it's not a critical environmental feature under Austin -- under our land development code. I could go into more detail on that.

>> Tovo: That's okay for now. Thank you. I'll ask some follow-up questions afterward if I need to. The other immediate question I had related to environmental mediation -- remediation. And so I had asked some questions in the Q and a. I think maybe some other colleagues did, too, about what the estimated costs -- what the estimated costs would be, and the answer came back zero. You know, I think those of us who asked that question were trying to get a sense of scale.

[10:33:26 PM]

At least I was. You know, given that remediation has happened on that site, it's everybody's assumption that there's not additional remediation that's needed. However, there were some references to if the foundation is removed, there could be remediation needed under that. Like what is the scale we're talking about? Just -- if you could talk about other projects that are similar, what kind of scale of remediation did they need? I know councilmember alter's amendment sets a cap of 500,000. Is that reasonable? Does environmental -- if there's contamination under the foundation, is it going to be in the hundreds of thousands of dollars, or in the millions? I know I'm asking you a really general question, but if you have any sense of scale, given your familiarity with other projects.

>> It's incredibly challenging to make that estimate. It would depend on what the nature of the development is at that area. So it may impact the area or it may not. It would depend on what is actually there and then what those constituents are, which would dictate the nature of any cleanup if necessary. So that site has been extensively investigated. It was strained to bedrock or native undisturbed material and completely all of that soil gone through. So I think that the conclusions in the environmental assessment are appropriate and no additional investigation is warranted at this time. Any additional investigation that would occur, or any environmental mitigation or remediation that would be necessary would be entirely dependent upon the nature of the development at those individual locations, whether there were any specific contaminants there, what those specific contaminants were, and what the nature of the remediation would be. So it's really -- I just can't answer it. I'm sorry.

>> Tovo: Okay. Thank you.

>> Flannigan: Mayor?

>> Mayor Adler: Yes, Mr. Flannigan.

>> Flannigan: Has the city ever hired a third-party wet land -- in the past?

>> The city has not, to the by this no,.

>> Flannigan: That's because we have on staff an assured wet land delineator?

[10:35:27 PM]

>> Expert individuals with decades of experience who, again, are the ones who interpret existing current code.

>> Flannigan: And can you recall that when that delineator -- when that staffer has identified wetlands, has there ever been a call for an independent third-party assured wet land delineator to say that there wasn't a wet land?

>> Not to my knowledge.

>> Flannigan: That's what I thought. Thank you.

>> Mayor Adler: So let's not get into the merits -- let's not get into the merits because we'll be here all night. Mayor pro tem.

>> Tovo: And I'm not going to ask any more questions about wetlands. I'm trying to make this time productive so we're asking questions about each other's. But I'm going to ask another -- this is actually a question for psv. And I want to better understand -- I want to better understand some of the back and forth that's happened around the areas outside the stadium. As I understand, your client is open to adjusting the term limit -- the term language in the agreement around civic use. So could you explain to me --

>> Sure.

>> Tovo: So I've made an amendment that would specify its five uses of the field, but the buildings or the facilities, whatever it is, rooms within the stadium would be accessible to the city or to an entity that we designated, such as a school district, one of the school districts, at other times.

>> So, the term sheet provides, and we used a term that we -- again, we should have known what it meant before we put it in there, but in bold in our mind meant five events available to the city that included getting out on the grass. So, for instance, if you decided you wanted to give your event to the school district, they could have a graduation there. You could cover the grass and you could have it out there. And the grass is a professional field, and we said five of those.

[10:37:29 PM]

As far as the facility otherwise -- and the facility includes meeting rooms and banquet rooms and seating and atria and all that. When you're not getting on the field, subject to availability, subject to scheduling, the city could have events in those facilities as well.

>> Tovo: And not pay for them.

>> Well --

>> Tovo: And not rent them.

>> Not rent them. We have expenses, and those -- it would be subject to scheduling, yes.

>> Tovo: And then what about outside? I know councilmember pool has at least one amendment about the open space and park space, and I know I have a couple, too, or one. I think what the term agreement provides for is something like when there aren't scheduled events, it's open to the public. And several of us asked questions in the Q and A about is there any -- are there any definitions of sort of how many times the outside is going to be programmed so that it would be open to the public, and we haven't -- I think the answer was, those things haven't been determined. So with your help us understand any areas outside, what the public access would be as it's currently contemplated, and why -- I guess

why, if there's -- I would assume if there are scheduled events in the stadium, in a lot of characterizations there's still the possibility of having access, I would hope, to the trail.

>> Yes, to the trail. So we have to go back and start with, Precourt sports ventures is sending \$200 million to build this facility. It's not a charitable donation to the city. It has to be able to money out, let's just say, it has to be able to produce revenue. What we've said on the outdoor spaces, if there's not a scheduled event on the outdoor space, then it is open to the public. It's -- you can throw your frisbee, walk your dog, come hang out.

[10:39:33 PM]

But if there's a scheduled event, it might not be available. Councilmember pool's amendment says we can only do that 35 times a year, and that's not acceptable because we don't know what it'll be because we're in the business of trying to make money on this deal. So when there's not a scheduled event, it will be available to the public to come and hang out. And, by the way, you can have an event on the outside that doesn't involve the inside. We've already been approached by a promoter that wants to of a hispanic music festival at the facility, which would have -- it would be a festival both in and out and around the facility. And that would be a time where, if you were participating in the festival, you'd be there, but if not, it wouldn't be available to the public.

>> Tovo: And that would -- if there was a festival, an admission-based festival going on outside, would that limit access to the pedestrian trail, necessarily?

>> Not necessarily. We could look at the trail because there's another amendment somewhere in here about attempting to connect to the trail.

>> Tovo: That's mine, yeah.

>> What we could do is design the trail where, even during an admission-based event, the trail could be available.

>> Tovo: And preferably connect to -- and I think the intent is to make sure it's connected to the walnut creek trail so we could, among other things, encourage people to best of my understanding.

>> That's something that was new tonight and we're going to look at that.

>> Tovo: Yes.

>> Pool: Mayor?

>> Mayor Adler: Councilmember pool.

>> Pool: Since Mr. Suttle is here, can you tell us what the hispanic music festival is?

>> We've just been approached by a promoter that says they'd like to approach when you say we get this approved to have one. And --

>> Pool: Okay. Just to be clear, the reason why I'm asking about the additional time in the bowl is because you were only programming about 17 -- about 33 events, so it looked like a whole lot of the time, that stadium was going to be available.

[10:41:52 PM]

And I just have to say, I don't appreciate characterizing any of my colleagues or my amendments as poison pills. I think that's disrespectful to the process that we're trying to do here. I think the amendments -- all of them that are being offered are trying to answer concerns that have been raised throughout -- throughout the public comment period and what people have been telling us, both privately and in emails, to our offices. So please refrain from the kind of damning terminology that "Poison pill" represents.

[Applause]

>> Pool: I do have some questions on the term sheet so I'll go ahead and run through them. I'll try to keep it quick.

>> Mayor?

>> Mayor Adler: Hang on one second. I'm going to respond to that but I'm going to let her finish her questions.

>> Pool: You want to respond to the poison pill statement?

>> Mayor Adler: I do.

>> Pool: Oh, feel free.

>> Mayor Adler: I don't think that a poison pill is a disrespectful term. A poison pill is a request that is a request such that if it were granted, would kill the deal. That's what a poison pill is. And at some point we're trying to find the balance -- if what we want is a venue and an activity that pulls everybody from the community together in ways that do not happen now, and if that's the goal that ultimately we're trying to achieve, in order to achieve that, somebody has to invest \$200 million in order to build it, recognizing that, it then has to work, in fact, we want it to work. We need it to work in order for that venue --

[applause]

>> Mayor Adler: We need to it work in order for that venue to exist and to be there for the community benefit. So if I so load the economics of the deal such that it can't survive, then I don't get to deliver for the community the benefit I want.

[10:43:58 PM]

A poison pill would be a request that rises to a level that means that it's no longer economically viable; it can't work.

>> Pool: Sure. I know exactly what poison pill means. And if you want to take the rail station as an example of that, I would maintain that if that, in fact, is not something that would make a deal on that land economically not viable because we had at least two or three alternate development proposals come before us on Tuesday that were offering up to build a train station to benefit the city and capmetro without asking for any --

>> Mayor Adler: And we can debate and I'm sure will debate on Wednesday whether any particular thing is a poison pill or not, but it's legitimate for me to say I think that's a poison pill, and it's a legitimate thing for you to say you don't think it is. But in saying that I think it's a poison pill is not something I think that violates any of the decorum or the process. It's something that I think by the terms, the whole enterprise wouldn't work. But we can debate whether that's true in any particular situation and I'm sure we'll probably disagree on some.

>> Pool: I think that's true, we will disagree on that point.

>> Mayor Adler: Okay.

>> Pool: So I had a couple of questions, and I know that councilmember troxclair was trying to get in there, too, so I don't know if you want to just jump in and I'll fall back and ask my questions next.

>> Troxclair: Well, I don't want to stop you if this is the direction that we're going, but we've already spent about 20 minutes on this topic, so, I mean, if there's truly questions that need to be answered tonight, then --

>> Mayor Adler: Right.

>> Troxclair: -- Let's get them answered quickly. But I don't want to repeat -- now that we've decided we're going to meet on Wednesday and talk about it, I don't want to have the conversation tonight and on Wednesday, especially knowing that we have ballot language that we have to get to tonight.

[10:46:00 PM]

>> Mayor Adler: Good point. If there's questions for information that we need to get from either staff or Precourt, this is the time to be able to ask those kind of information questions.

>> Pool: My questions were informational.

>> Mayor Adler: Go ahead and do them as quickly as you can. We'll go through so we can get to the ballot language.

>> Pool: I'm looking at the changes on stadium design, page 6. It says -- specifies that stadium co will reasonably work with the city to explore options for sustainable design and the new provision under the revised term sheet says -- specifies that stadium co will work with the city on feasible options for sustainable design. Is that a change or is that a "No" change? And the language is, will reasonably work

with the city to explore options, versus, will work with the city on feasible options. And if it is no real change, what is the reason for the language difference? And while he's looking for that, I have -- my questions run similarly. And I would be happy to pause this line of questioning if we were going to take up the ballot language, which I'm still advocating that we take care of pretty soon. And if I could engage these questions on Wednesday. They're in the same vein. They're changes to the language in the term sheet that seem like they're really no change, and so I want to understand what is the change. There's another one, governmental regulatory processes is the new language when it was before just governmental processes, which seems to actually have impact, but I'm not sure of the impact.

>> Kitchen: So Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: Would it be helpful or useful for those of us who have some additional questions to just meet with staff, you know, tomorrow or the next day so that we come prepared on Wednesday with our questions answered?

[10:48:08 PM]

I know that staff has offered to come around and answer some of my specific questions.

>> Mayor Adler: I think people are biting at the bit to try to get to the ballot language. Is there a quick answer to that question?

>> Yes, Mr. Mayor. Councilmember pool, the language you were making reference to regarding reasonable and feasibility --

>> Pool: Right. On stadium design.

>> On stadium design, one of the things we tried to do in going back through the term sheet was address some of the concerns that council expressed last week about the language being fuzzy or not clear enough. And that these were more requirements than hopeful endeavors by the team. So the reason we changed this, we didn't want to say reach -- stadium co will work with the staff and look for feeble options on sustainable design. We don't know what those are yet. They're still going through the design process. There's still a lot to work through on that, so we are looking -- you know, we're going to work with them to find feeble ways to address the city's concerns on sustainable design to minimize waste, net energy, and net water status.

>> Pool: Then on item 8, page 8, budget, it changed from specifies site preparation costs are not included in the budgeted cost, and the new language specifies that site preparation costs are included in the budgeted cost. And that looks to me like that shifted the cost from Precourt over to the city of Austin.

>> No. They are responsible for all budgeted costs. So it went from being a city cost to a stadium co cost.

>> Pool: Very good. So I will -- in the interest of time, I'll put these together, and I think what you suggested, councilmember kitchen, is a good one. But that gives you an idea about the kinds of questions I have.

>> Mayor Adler: Okay. Ms. Houston?

>> Houston: Yes. I asked a question, seems like weeks ago now, about the major trust.

[10:50:11 PM]

Mr. Canally, can you talk about why this project may or may not be eligible for the major special events trust or major trust?

>> I'm with economic development. The major events trust fund is a fund -- it's a state of Texas program that funds events. And there's special events that can only occur once per year. They can be multiyear but they can only be once per year. They allow a municipality to get reimbursed for costs of a special event. So you need to have a venue to create an event. So you can't use the special events trust fund to fund a venue, but once you have a venue, you may be able to apply for a special event. And the statute has some events that are named. So world cup is coming to the U.S. In -- I can't remember what year it is. Stadium is probably too small for world cup, but theoretically, if you were able to attract world cup and -- that might be something that would be eligible. But building the stadium would not be eligible.

>> Houston: And the state has no other revenue stream that's been set aside to help build or develop infrastructure like a stadium.

>> I'm sorry, I didn't quite hear -- the state program? No. Not that we're aware of.

>> Houston: Even though it has to do with economic development for the city.

>> No.

>> Houston: For the state. I mean, it's economic development engine for the state.

>> The events trust fund is the one that we're aware of.

>> Houston: That's the only one you're aware of.

>> That's events-based.

>> Houston: Okay. Thanks.

>> Mayor Adler: Okay. Yes. Councilmember alter.

>> Alter: I will try to -- I'll try to limit my questions and make them as fast as possible.

[10:52:11 PM]

And I have question for staff, probably legal. What happens if stadium co defaults on its private financing? Stadia co is like a shell. It doesn't have any assets as far as I can tell. What happens if it defaults?

>> Councilmember, there's probably two answers to your question. As far as psv defaulting on their private financing, I mean, I haven't looked at their loan documents, but my guess is, the bank will have some kind of step-in rights to make sure they get paid back so they will step into the shoes of stand co or someone else and still maintain the obligations and try to get their money back. From the city's perspective, we have the system set up currently in the term sheet where all the obligations to the city are guaranteed by psv/the club. So the city is protected in its obligations by someone other than stadium co.

>> Alter: Okay. I'm going to think about that one and watch that again. Can you explain the ancillary development clauses? So like after ten years, the city can do something, and what is psv or stadia co allowed to build, according to those ancillary development rules? A lot of those things are not in the pretty picture that we've seen. Help me understand what that's agreeing to.

>> Well, I think the basic idea is they have some concepts. I don't think they have a final plan for ancillary development.

[10:54:11 PM]

That's why we put in language that anything they do has to be brought back to the city for approval.

>> Alter: But in terms of financial share, I mean, you know, if -- I don't know what they're going to dream up, but if they were -- you know, do we have any claim on the financial revenue streams from that, or --

>> No. I mean, the idea of sizing rent was to get the economics for the city in a rent payment. The city will get property tax revenue from those developments and also sales tax and whatever else is generated out of that ancillary development.

>> Alter: So for that ancillary development, would there not need to be an rfp?

>> I didn't hear the last part.

>> Alter: It seems to get around our requirements for rfps on city land.

>> Well, I believe the idea is that stadium co is leasing the site, which is all 24 acres. So we're not getting around anything. That's the deal. They are getting the entire site as part of the deal.

>> Alter: But there's no rfp for the areas where they do ancillary development.

>> I mean, I can't speak to that because it's not an rfp for the building. I mean, we are -- the idea is that you were going to lease the stadium site, which is all 24 acres, to stadium co. That's the deal on the table.

>> Alter: I understand it's the deal. I'm trying to understand how we satisfy our legal responsibility to have rfps --

>> I can't speak to that, but I'll let the city attorney do that.

>> So there's no legal requirement for an rfp for a lease of this 20-year to 50-year term.

>> Alter: Okay.

>> That's the answer.

>> Alter: Okay. Thank you. And then my last -- you guys can laugh, but we have to understand the details here, and I appreciate a little more decorum.

[10:56:20 PM]

>> Mayor Adler: That was an entirely appropriate question. Please let her do it.

>> Alter: My last question is, I guess, for Mr. Suttle. We've talked about the 17 to 20 events, plus the five. Help me understand what the plans are for the other events and what kind of other events would be in the bowl and how often and how frequent and what kind of constraints are there from the grass or not because I'm just not understanding the level of use of this stadium throughout the year, and I would like some more details. I understand from some answers to my questions that the term sheets allows you to have whatever events you want, but I don't understand what you have planned.

>> Well, we can't even imagine everything, but we'll have games, we'll have exhibition matches. We could have concerts. We could have meetings. Whatever event might be appropriate for a stadium setting.

>> Alter: How many would you be able to do in the bowl, I mean, if you have -- I just -- you know, how many a week is that? I need some sense of magnitude of how often.

>> We don't know.

>> Alter: But I thought you've been talking about the grass being this constraint. I mean, does that place limits on those numbers or is it --

>> It does not.

>> Alter: 300 days a year you'll have things in the bowl.

>> It absolutely does. But we placed a five use of grass limit on the city using it.

>> Alter: I understand that part. I'm trying to understand the other times that you would use the bowl for non--mls events, how often would that happen?

>> We don't know.

>> Alter: You can't give me a ballpark?

>> No, ma'am.

>> Alter: Is it 15? Is it 100? Is it 200?

>> I don't have it. I don't know.

>> Alter: So we have to provide -- you're going to pay for it, but we have to provide you police support and all of that other stuff for those other things --

[10:58:24 PM]

>> No.

>> Alter: So who is going to do the traffic for you on those other nights?

>> I believe --

>> Alter: I mean we're not paying for it but our officers have got to be on --

>> No. Under the term sheet you're doing police for games only. That's it.

>> Alter: But who is going to do the security and the traffic and all the other stuff? I'm not saying that we're paying for it, but who is actually -- how is that taking -- taken care of so we have appropriate services for those other events.

>> Just like every other event we have in this city, all the big events, the many, it's based on the availability of the police officers or the availability our cost. No different than every other event in this city.

>> Alter: Okay. So you can't give me an answer to how many other events beyond the 25 that are in there that would happen in the bowl in that location?

>> I cannot.

>> Alter: Okay. Thank you.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I just noticed a slight discrepancy with regard to ticket between the community benefit sheet and the term -- and the other part of the term, of the term sheet, so that got replicated, that discrepancy snowballed into mine, so I'm going to clear that up at some point. I think it was 100. The term sheet talks about 100 tickets per game directly to the city and then the community benefit sheet talked about it total and it doesn't quite align. So for the ticket distribution directly to the city I'm going to amend my amendment so that it's consistent. And then I had a question. Let's see.

-- We were given a draft, thank you, to our sustainability office working on a draft sustainability terms.

[11:00:29 PM]

It would help me -- and we don't need to resolve that now but it would help me to know what role this will play in the term sheet and so that's the substance of the amendment -- well the amendment I think I proposed here talked about making that part of something that comes back to council but embedding it into the term agreements would also work for me. I don't know the substance of the conversations you've had to this point.

>> Chief sustainability officer. Councilmember, the document that we -- the recommendations from the office of sustainability that you have revised today, this was intended to be supplemental and in support of the term sheet that you already had. And what I was trying to do with this language was to provide some feasible options related to the goals that council had set in the previous resolution to just add some additional option language. So I think, you know -- one thing I'll say really quickly is that it probably should read recommendations and not terms. I think it would be -- it would be a supplemental item.

>> Tovo: I got it, thank you. Okay. So these are not yet -- so as I understand it -- by the way, I appreciate it, as the architectural of those bullet points I really appreciate you taking the time to make recommendations about how the stadium could meet those mu objectives. Those objectives. As I understand what you're explaining these are not currently agreed upon terms in the term sheet. These are recommendations for specifics that could help us meet the original aims of the resolution.

>> Authentic, councilmember. These have not been negotiated.

>> Tovo: Thank you. I would highlight that as something I would like to look at more carefully, the recommendations, and talk about. Because one of the things I've mentioned a few times is needing to see some of these goals being met in the term sheet.

[11:02:37 PM]

So I'm signaling it while it's not on a yellow sheet that's been distributed, it is consistent with my previous area of focus.

>> Mayor Adler: I consider that to be daylighted.

>> Tovo: Thank you.

>> Mayor Adler: Thank you. Any further questions or Memphis people -- or amendments people want to daylight?

>> Casar: Mayor, as I mentioned earlier, I printed this so everybody has them before Wednesday. But, again, they just tie down the affordability requirements for affordable housing that's already been committed to by the team and the date by which it has to open. It ties down the exact language on the labor piece agreement that has already been agreed to. It asks for check-in meetings with the nearby community after construction so there can be conversation if there's any issues. Finally in addition to the free tickets that have already been offered by the team when we took our first vote we talked about a family pack of discount tickets like there is in Houston. The team said they would do a thousand

discount tickets on top of the 1,000 free tickets so this memorial lieses this with at least 200 of those being under \$20 and sets up a good citizen club committee to figure out how we best make sure the free tickets and discount tickets get out there to the community.

>> Mayor Adler: Okay. Thank you for daylighting that. Yes, mayor pro tem.

>> Tovo: I have a question for one of my colleagues about her amendment, and that is councilmember troxclair. You have distributed an amendment -- let's see, number 2, about a surcharge. As I understand the amendment that you're making, this is -- this is separate from an -- would be in addition to the surcharges that been discussed to generate money for capital metro -- for rail/transportation?

[11:04:42 PM]

>> Troxclair: Yes.

>> Tovo: Okay, thank you. And one other issue I would just daylight and it's reflected in my amendment I put forward that relates to the trail is that I'm not seeing any language in the term sheet or in the transportation discussions we've had about how the site would encourage biking, walking, that -- I know that certainly woven through our discussions but I think it would be helpful to have some concrete language about that.

>> Mayor Adler: Anything else? It looks like one of these requests load up on surcharges and extra ticket fee, taxes, and fun taxes. We need to take a look at those and we need to look at them holistically. You know, I think that I've seen one that makes sense to me, which first reading is councilmember Garza's amendment, but we need to take a look at them again. We need to see what delivers the greatest benefit for the community but still let's this work. Any comments before we move on to the next item? Councilmember pool.

>> Pool: I wanted to check on councilmember Casar's item about the affordable housing. And I want to make sure that if something is built there that it actually is able to stay for the duration. Because on an ancillary agreement if psv is only committing to 20 to 50 years, then what happens to any other development after that? Would they get kicked out? What would snap so I don't know if that's something -- what would happen? So I don't know if that's something we can answer but I think we need to absolutely address that.

>> Casar: Thank you foraying that question and we will work on it.

[11:06:42 PM]

>> Pool: Thank you.

>> Mayor Adler: Anything else? Councilmember Garza.

>> Garza: I'll just daylight my amendment really quick, which was an issue that wasn't in the term sheet previously that I had concerns about, and that was investment in transit. And I believe we have an agreement on this one with all parties, and that is that they will construct, per cap metro's design and approval, the bus station, not to exceed \$640,000, in addition to -- as well as contribute 3 million over the period of 15 years for cap metro to use to enhance the transit. And then, generally speaking, as we move into Wednesday, I'd be curious if we can come up with some kind of spreadsheet where we see the amendments and we know -- whatever you want to call it, poison pill, whatever, is something. There's not just one party to this agreement. There's several parties. If one party doesn't agree, then it can't be -- it doesn't make sense to even be considering it. And, you know, we've done the same thing when we have big P.U.D.S or zoning cases where, you know, I would want 500 units of affordable housing but I know that if we require 500 units of affordable housing the deal is not going to happen. And so it's -- do you accept zero and not have that development? Or do you accept the 150 that's there? And so it's just a really tough position to be in, to say I don't want more money not true. Of course I would want as much as possible out of this deal, and that's what I've been looking for, the best deal, but at the end of the day this is an agreement.

[11:08:43 PM]

So I think we need some kind of document to see what is really off the table? Because if it's off the table, that's something we need to know. We need to know the reasonable -- not even reasonable, but just things that we can -- that are on the table still. Otherwise, we're going to be going way past noon on Wednesday about these amendments.

>> Councilmember, Greg Canally, finance, that's a great suggestion and the value of having all these amendments in word, I think in order to even just update the term sheet we have to have a compendium of all these and we will put them in a spreadsheet and get them out for everyone to see in advance of Wednesday, valuable exercise for both the staff and spv, so it's a great suggestion and we'll get working on it.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I'd just like to concur with councilmember Garza's statements. We see this a lot. I've seen this a lot, I'll just put it in "I" terms. I've seen this a lot on cases before this body, where there are proposals made that make the math break. And whether or not the final deal is worth doing, it has to be a deal that's actually a deal. So I hope that -- you know, my hope was to get this thing up or down tonight.

[Applause] I think we've done -- or we are contemplating more special called meetings on an item maybe than since the '90s. And I hope that we can close the deal, either with a closed door or an open door on Wednesday, but that whatever we finally decide on it's because we understood the math and then decided if the math added up. But not because we operate from some kind of crazy new math.

[11:10:44 PM]

So that's what I hope we can get to on Wednesday.

>> Mayor Adler: Is there a motion to postpone this item until next Wednesday? 9:00.

>> Kitchen: I so move.

>> Mayor Adler: And we're closing the public hearing. It's just going to be work session. And I would invite people to continue to bring in amendments even up until midnight. Special called.

>> That's what I wanted to clarify. Right now I've got councilmember Garza's amendment. I have councilmember pool's six amendments. I have mayor pro tem's amendments that are not numbered. I believe it's councilmember troxclair's where she jumps the ramp to 900 something thousand --

>> Mayor Adler: Pool has six, alter has three, troxclair has four. The mayor pro tem has 11 on her pages. Councilmember Garza has amendments, one page, and councilmember Casar.

>> Okay. So I do not have councilmember alter's at all.

>> Mayor Adler: Okay.

>> And I have, I believe, one of councilmember troxclair's.

>> However I can get those would be great.

>> Mayor Adler: We'll get you a package if you don't have them.

>> Tovo: I need to clarify that we had a numbering issue. Technically I have 12, and the 12th has multiple within that category. But just to underscore what I think came out of the last part of the discussion, I believe some of these are agreed upon, as I understand councilmember Garza and councilmember Casar, several of their elements are agreed-upon changes and the same is true in my amendment package, some of these are also agreed. Upon and were actually responses from Precourt.

>> Mayor Adler: As soon as you could do that, Greg, is to get kind of a master list of this out to everybody and then to indicate on it which things the staff is recommending that we do and the major league soccer is amenable to doing so people preparing for Wednesday's meeting can see that, I think that would be helpful.

[11:13:05 PM]

Okay?

>> Alter: I'll have copies for mine for him in a second.

>> Mayor Adler: Yes.

>> Mayor, I think, again, we will endeavor to get that done as soon as possible. I think the value of having all of these is we would then treat this, just to make sure we have an understanding as our final

negotiation with the team on those events, on those -- each of those particular ones so that when we came back next Wednesday we would be able to identify where, again-- this is a negotiation and we want to be able to have -- reach agreement like we have on the previous things. So we will do that --

>> Mayor Adler: To the degree you can tell us even before next Wednesday the things that they've agreed to so we know that, it would be helpful.

>> Renteria: Mayor.

>> Mayor Adler: Mr. Renteria. The motion has been moved, seconded. Any further discussion? Ms. Houston.

>> Houston: Mr. Subtle, could you tell me what the time line is? You said that you're going to have to ask for an extension. I'm not sure what the extension is about.

>> So the mls had told us that we needed to be able to show that we had a stadium site in Austin, Texas, by, I believe it was the end of June. July 1. Because we were unable to get that done, we had to go to the mls and get an extension. They extended that until tomorrow, I believe. And so now we have to go back to New York and tell them that we were unable to reach an agreement again and we will have to ask for an extension until next week.

>> Houston: So if the mls doesn't give y'all an extension, what does that do to this proposal?

>> Then Austin will be without an mls team.

>> Houston: Okay. And so, you know, my concern has always been about the legal issues in Ohio, and so, again, I'm going to ask you for the record because some of these same people haven't been here before, what is the status of the legal issue in Ohio?

[11:15:08 PM]

>> There's a bunch of lawyers in Ohio going back and forth, but our assessment of it is -- does not have an impact on what we do near Austin, Texas, to bring a team and get a stadium site.

>> Houston: So I'm not going to use the same analogy as I did the last time.

[Laughter] Some people are too young to get it, but I still have that same concern. I have a problem thinking about executing an agreement with a team that has not satisfied their legal issues in another state.

>> Well, our position is we have satisfied our legal positions in Columbus, and if Precourt sports ventures thought that what is going on in Ohio would affect what we're doing here tonight, we wouldn't put you through this and we wouldn't make all these folks that are not used to coming down to city council meetings come down here so often and so late. We are confident. This has to be the first thing that happens and then that enables a whole bunch of other things to happen that potentially could make that legal situation go away.

>> Houston: So we've got to -- the city of Austin has got to agree to this -- the term sheets and negotiate and execute, and if that happens whatever the issues are in Columbus will go away?

>> Those can be worked on and it provides the impetus for those things to be worked on and to go away.

>> Houston: I --

>> There's no magic. If you vote tonight -- if you voted tonight, it does not mean that the legal rambling goes away tomorrow. But what it does not is it enables all the parties to work towards that.

>> Houston: That doesn't seem to have a shadow over it that -- all those negotiations.

>> Lawsuits always have a shadow over something, but it doesn't affect what we're doing here.

[11:17:09 PM]

And if -- let me just tell you tonight if it had been voted on to negotiate and execute tonight, Anthony Precourt has said tomorrow he is turning on the spigot for the for the engineers and architects to start designing this facility. He's not going to do that until we have a deal on the stadium site before he doesn't have to keep coming back here and bringing all these folks down and having these long meetings. Everybody's some certainty. And that's -- he needs some certainty and that's all we're asking for.

>> Houston: I guess that's what I'm asking for, is some certainty.

>> Councilmember, I want to expand on Mr. Subtle's comments. We did hear you last week, and I am old enough to get your analogy. We added some language to the termination clause of the term sheet to deal with that. So if the mls hasn't approved the relocation of the team by a certain date, which we will set in the stadium lease and development agreement, you'll have the right to terminate the deal. We haven't picked that date yet, but we did hear you and there will be a date in the lease that will give you the right to terminate if they haven't been approved for relocation.

>> Houston: Thank you for clarifying that.

>> Mayor Adler: Anything else before we move on? Councilmember Garza.

>> Garza: Just quickly, I was prepared to vote tonight either -- either way, I was prepared to vote tonight. So I'm just asking if on Wednesday we can agree to give the community some finality so by 11:30 stop discussing and take a vote. I think the community deserves an answer to this.

>> Mayor Adler: I concur with that. Councilmember Flannigan.

>> Flannigan: Then one of my favorite things about this process so far -- and I've expressed many of my least favorite things about this process so far, but my most favorite thing are the number of people who I'm seeing engage with city hall who I have never seen before. I want to encourage you, regardless of

what side of the issue you're on, because I'm seeing new people on all the sides, but I want to encourage you to register to vote.

[11:19:15 PM]

And I want this to not be the last time you engage with city hall. I am going to need your help --

>> Mayor Adler: Suddenly the snapping stops.

[Laughter]

>> Flannigan: Well, yeah! But just for myself, I'm gonna need your help to build affordable housing in this town. Because when we try to build affordable housing, I hear the same complaints that, oops, we like affordable housing, but traffic. We like affordable housing, but parking. We like affordable housing but, we like affordable housing but. And I need your help not just on this deal but on all the deals. Because all the deals matter to the city. I know all of us care about the city.

[Applause]

>> Mayor Adler: Let's take a vote. Those in favor -- mayor pro tem, did you want to say something? Postponing until Wednesday special called 9:00. It's been moved and seconded. We ready to take the vote? Mayor pro tem did you want to say something.

>> Tovo: I was going to say I know we've been getting emails and there's been discussion about what message this sends to mls and I would -- I guess the message I would sent to mls is that it's late and we're -- we could certainly stay and work through all these amendments and make a decision, but that we're committed to make one next week.

>> Mayor Adler: Okay. I'm too committed. I'm looking at the dais. People are shaking their heads. Everybody has agreed 11:30 on Wednesday we're going to call for a vote. Wherever we are we're going to call for a vote and we'll be done so let's work rapidly on Wednesday because 11:30 I'm going to move the question. Anything else?

>> Kitchen: I'd like to move this question now.

>> Mayor Adler: Everyone in favor of the postponement please raise your hand. Those opposed. Unanimous on the dais. Thank you all. If y'all would leave quietly so we can keep going in the last 45 minutes I'd appreciate it. Thank you very much for coming. Let's call up 113, the election ballot issue. Does someone want to move the base motion?

[11:21:18 PM]

>> Troxclair: Shouldn't we take up 1,121st?

>> Mayor Adler: We don't have to take up 112. If we elect to put it into the ballot we don't take up 112.

>> Troxclair: But if we elect to adopt the language then we don't have to take up the ballot language in 113. I mean, it will just take 30 seconds and it's important to me to have a vote on whether or not we go ahead and adopt the petition language without putting it on the ballot.

>> Mayor Adler: We would just withdraw it. I'm just going to call item 113. Item 113, does someone want to make the base motion for item 113?

>> Troxclair: So are you not going to allow a vote on item 112?

>> Mayor Adler: We don't have to take a vote on 112 if we put it in the ballot language. We have a choice to make, either put it in the ballot or put it where we can adopt it. If we put it in the ballot that makes that choice.

>> Troxclair: We have speakers signed up on 112 and I'm asking as a councilmember we take a vote on that item.

>> Mayor Adler: I'll call those speakers to speak on 113 if they want to speak. Mr. Renteria makes the base motion on 113. Is there a second to the ballot language on 113? It's the base language that was in backup on 113. Councilmember Garza seconds it. Does anybody want to discuss it? Do we want to make any independently we ready to hear the public speak insist do we want to lay out what the amendments are? Councilmember kitchen?

>> Kitchen: Okay. I have an amendment for the mayor's amendment and my amendment and it's been passed out. And it relates to the land development code, which is part and will that's proposition J. So -- part eight and that's proposition J.

[11:23:20 PM]

>> Houston: Does this look like this and doesn't have your name on it.

>> Mayor Adler: Upper right-hand corner August 9, 2018, part eight, proposed language for the ballot on the comprehensive revisions to the land development code. We're going to lay them out and then ask for the public, so the public can see what they are.

>> Kitchen: Does everybody have I

>> Mayor Adler: Proposition J, shall the city ordinance be adopted to require both a waiting and a subsequent voter approval period, total of up to three years, before future comprehensive revision of the city's land development code become effective? Did you put -- would you put that on the overhead so people can see it? Yes, pass it down here, replace mayor pro tem's. Okay. I have also handed out another amendment that will

[indiscernible] After the testimony, public hearing. This one concerns the ballot language for the audit if we put in ballot language for the audit, and it would read "Without using the existing internal city auditor, existing [indiscernible] Shall the city code be amended to require a fiscal study performed by a

third party audit consultant at an estimated cost of 1-5 million dollars. That's also been handed out. It says audit ballot language 113, mayor Adler in the upper right-hand corner.

[11:25:21 PM]

Yes, I have more of these. Okay. Should we call people who want to testify?

>> Alter: I have a couple.

>> Mayor Adler: Yes.

>> Alter: One thing is not an amendment, it was something we discussed earlier in executive session and I forgot to bring it up on item 61 that I think it's relevant here. I wanted to provide direction to the city manager to explore other funding options for funding the rbj services that were originally supposed to be in the bond but were not able to find a way to do that within the legal constraints, whether those are cos or partnerships or whatnot, I wanted to ask if you could explore other ways to find that funding.

>> So noted.

>> Mayor Adler: Okay. Thank you. Councilmember kitchen.

>> Kitchen: I wanted to add to that. I'm not yet ready to say that we can't get that funding out of the bond. But I recognize the constraints. So I support the request because I think we should continue on both.

>> Mayor Adler: Okay.

>> Renteria: Mayor.

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: Are you talking about the city -- health building there? The 5-story building?

>> Alter: I'm talking the program that my senior commissioner had put forward. I may have the wrong -- I have the --

>> Renteria: It's not part of -- it's the city's building.

>> Mayor Adler: Correct.

>> Renteria: Yeah, it's not that Rebecca Banes building.

>> Mayor Adler: It's proximate. It's the satellite building nearby.

>> Alter: I also wanted to put forward option one for the ballot language with respect to the land development code, shall a city ordinance be adopted to require a waiting period and voter approval before codenext or subsequent land revisions become effective.

[11:27:22 PM]

>> Mayor Adler: Okay. Thank you. Let's go to the speakers. David king, do you want to speak on this? I'm going to call speakers both on 112 and 113.

>> Thank you, mayor, mayor pro tem, councilmembers. I'm very concerned. Mayor, I have to tell you I really appreciate you're laying out these amendments that we haven't had a chance to see in -- in the previous council, before 10-1, that didn't happen regularly, so I have to thank you for doing that, to give -- at least to give us an opportunity to comment on these amendments that come up here on the dais. So thank you, mayor. I appreciate that. And that gives me an opportunity to respond to the amendment we just heard about, the two amendments. One of them is to add into the language for up to three years. We talked about poison pills earlier. To me that's a poison pill. People will see that and say no way why do we want to delay it? Unless we have hard evidence that prove and say it's going to be up to three years we should not put that up there. That is going to discourage people from voting for that. That's my main message. To me that's a poison pill and we should not support that amendment. Thank you.

>> Mayor Adler: Thank you. I'm sorry, councilmember troxclair.

>> Troxclair: Mr. King, I wanted to make sure that you knew I'm also -- I've also passed out an amendment for the audit language that just presents something that's unbiased by saying shall a city ordinance be adopted requiring a comprehensive independent third party efficiency audit of all city operations and budget. This is what most closely aligns to what was in the citizens' petition. It didn't bias a voter one way or the other unlike some of the other proposals that we have so I hope that I'll have your support on that as well.

>> Thank you, and do you have my support on that. I think that's very important. I'm very appreciative of you bringing this forward.

[11:29:22 PM]

And we do need to look at the efficiency of our government. We need to have a third party look at this and give us unbiased information so we can improve our efficiency, and be, you know, right by our taxpayers here. Thank you.

>> Mayor Adler: Thank you. Fred Lewis. Is he here? What about Adam Kahn? Come on up.

>> Hi. I'll keep this pretty brief. I thought we were actually going to be doing public testimony on the substance of the audit and the bond tonight as opposed to ballot language, which is really more what I was prepared for. So I'll skip all of that and I will say as far as ballot language goes for the various propositions, what we need as a general matter is clear, concise, easy to understand ballot language that the voters will know what -- what's being voted on and we'll be able to just easily vote accordingly. We got to keep in mind there will be people voting in November who will be just voting and seeing these things for the first time at the end of a very long ballot and we want them to be able to read and make

an informed decision based on the ballot language we choose. On two specific items that are gonna be getting ballot language tonight I want to make a couple more comments on the audit, you just got sued over the codenext petition and you just lost in district court here in Travis county. If you choose to play games with the audit petition, you will get sued again and you will lose again. So proceed accordingly. As far as the bond goes, as someone who will probably be entity impractical in any opposition campaign I simply want to encourage you that you don't want to use ballot language that gives us the ability to say you're asking for a blank check. I didn't like the terrorism -- 2016 transportation bond but I will say the language was a binding commitment and that's why you haven't seen lawsuits over it since then.

[11:31:29 PM]

I think if you were to take the approach of the 2016 transportation bond, while I would oppose what's being considered now as a substantive policy I think you would at least not be asking for a blank check so that would be what I would encourage you to do and believe me this fall you don't want to face a campaign where you're asking for a blank check. So thank you.

>> Mayor Adler: Thank you. Ed English. Sharon Blythe here? No? Is Brad Parsons here? Okay. You have four minutes.

>> Mayor, councilmembers, I'm Ed English and I seriously doubt at this point that I'm going to need the full four minutes. Let me just begin by saying that I had quite -- what I felt was a quite nice presentation to make until about 9:00 last night and I was advised by email and phone call of the ballot language that was gonna be associated with the audit petition. That changed everything, and then this morning I rewrote, started over and throughout the day I think I've probably tossed out what I was going to say several times so I'm gonna kind of keep this very brief. I'll be happy to take questions if you want to offer them on the nature of an efficiency audit, what it's designed to accomplish, and why I think it's a valuable tool. But I'm going to skip that for now and get right to the less pleasant part of what I have to say, and I appreciate that an alternative to the last printed ballot language that I saw is now available because, quite frankly, the ballot language that I saw last night, which AAS I say was the last printed one I saw, is outrageous. It is clearly and obviously designed to mislead a voter, to encourage a voter to vote no. It is full of generalities, misleading commentary, and clearly designed to mislead the voter.

[11:33:35 PM]

Hypothetical outcomes and costs that are not based on any type of RFP are inappropriate for ballot language. I've seen councilmember Troxclair's alternative, and that's what ballot language should look like. And I'm gonna guess -- and I think fairly safely -- that all of you have been advised that -- I sought legal counsel and representation this morning because I believe that the last printed language that I saw is clearly illegal. And if any substitute for what I saw or what I saw was passed, I'll have no problem whatsoever -- I hate to take this kind of a position. I'll have no problem whatsoever pursuing action against the city to stop misleading commentary in ballot language designed to steer a voter toward a

particular vote. Quite simply, change the ballot language, adopt what councilmember troxclair has put on the table as simple, straightforward language, and you won't have a problem with me. Thank you.

>> Mayor Adler: Michael sull.

>> Hey, y'all. I know it's been a long day so I'll be really short. So I, too, was going to talk about what the efficiency audit did, what the benefits were, but we're beyond that. I know how the process goes. Most of what's going to happen is already decided. I just want to say you're using the ballot language as a political advertisement. What was proposed and what was just handed out now, it's obviously intended to get people to vote against it. Let's just put up clear, concise language. I mean, if you look at your posting language for today's agenda, it doesn't say related to an item not by the -- not by the internal auditor or our external auditor that costs money.

[11:35:46 PM]

It says pretty clearly in the posting language we're considering an item relating to a city efficiency study of the city's operation and the fiscal performance. I think the ballot language should mirror that real simple and clear language that you thought was sufficient to notify the public tonight. I think that's what we should go, with something simple like councilmember troxclair is recommending, and let's let the public decide if they want an efficiency audit or if they don't. It's that simple.

>> Mayor Adler: Mr. Sull, I have a couple questions.

>> Sure.

>> Mayor Adler: I think you were treasurer of the group that helped put this on the ballot.

>> I'm sorry.

>> Mayor Adler: Were you the treasurer of the group that helped put this on the ballot?

>> I was.

>> Mayor Adler: There was an organization that put up \$130,000 to get this on the ballot. Can you tell us whose money

>> It was a group of Austin -- people who live in Austin, who care about this city, care about the city being run more efficiently and run better and more responsive to the public. And what's happening is you're using the ballot language to undermine the will of 33,000 people who signed the ballot.

>> Mayor Adler: Is there a place we can go to to see the names of the people that contributed to that?

>> No.

>> Mayor Adler: Okay. In the materials that you had was one of the provisions for this that we couldn't hire -- couldn't be done by the city auditor and we couldn't hire anyone who had done audit work for the city? Was that one of the provisions of the ordinance?

>> There's four key provisions of the --

>> Mayor Adler: Is that one of the provisions?

>> There's four key provisions. One that it's an independent third party entity that has experience in this kind of auditing. As -- second that it's the entire city, all departments, Austin energy, water, general fund utility, or general fund as well. Three, that they're allowed level of access to information they need to do a good job.

>> Mayor Adler: So is --

>> Four that it ends with an implementation plan.

[11:37:47 PM]

>> Mayor Adler: So was that a yes, that the provisions of the ordinance provided that it couldn't be the city auditor or the folks that had done or were doing --

[buzzer sounding]

>> Mayor Adler: -- Existing independent external audits? Do I read it correctly, that those people are excluded from that?

>> It says that if you've had a direct contract with the city in the last five years that you would be excluded from responding to the rfp.

>> Mayor Adler: So we couldn't use our city auditor to do this and also couldn't use our external auditor to do this. Is that correct?

>> The external auditor, deloitte, that's an accounting mechanism.

>> Mayor Adler: If we had an external auditor, could we use -- is it true we couldn't use that person?

>> If they've had a direct contract with the city in the last five years, no.

>> Mayor Adler: Okay.

>> According to the ordinance they couldn't.

>> Mayor Adler: So that part is true.

>> Correct.

>> Mayor Adler: With when you were doing this did you ever estimate what the cost was of doing these kinds of audits? Did you look at what other cities or other people paid?

>> I did.

>> Mayor Adler: What was the range?

>> What was the range that -- I spoke to two -- I spoke to two firms that have done this type of work. I told them the number of city employees, the size of our budget, and the number of departments that we have. And they estimated that it would cost one to two million dollars.

>> Mayor Adler: All right.

>> I would have the same question for your \$5 million figure that you have. Because my -- my understanding is that most expensive one you looked at was the state of Louisiana, which has far more employees, far more departments, and is a much bigger organization and it was \$4 million.

>> Mayor Adler: I think we were looking at some that went up to \$9 million and the city of Dallas did one just on the fleet services and it was over half a million dollars. Just looking at the fleet operations.

>> The Dallas one?

>> Mayor Adler: Mm-hmm.

>> I haven't seen that information.

>> Mayor Adler: Okay.

>> That would be interesting to see.

>> Mayor Adler: All right. Those are all the questions I have. Councilmember troxclair.

>> Sure.

>> Troxclair: Michael, how did we know how much an audit like this will cost without an rfp?

[11:39:53 PM]

>> We don't. We would --

>> Troxclair: Based on the examples that you gave and the things that the mayor said, there's a really wide -- is there a really wide range of costs associated with this kind of work, depending on a lot of different factors that you can only find out by doing an rfp?

>> Yeah. The only way you could do it is put the parameters -- we send it out to vendors, they respond and they say we can do this work in this amount of time for this cost. That's the only way we would know what the cost was.

>> Troxclair: Do you think it would be misleading to the voters to put an exact cost range neuron the ballot language without -- in the ballot language without having the information about how much it might cost?

>> Not -- not only is it misleading, it's inaccurate and only represents one side of the story. It does not talk about the benefit of doing the audit, which would be the possible savings associated. If you're going to estimate the cost it would only be fair to also estimate the savings we've seen in other cities and you could have had those conversations too to find out what those numbers might be. That would be a fair

representation. That's what I'm saying with the ballot language. If you're only presenting one side of the argument you're trying to push people in a certain way and it's clear which way we're trying to push people with this language.

>> Troxclair: What would the potential -- if we're using examples from other cities to determine the cost and we also use examples from other cities and states to determine the benefits, what is the potential savings range?

>> From the studies I looked at you're looking at 4-10 percent annual savings. City budget of \$4.1 billion, that's a very significant number and your return on investment if you invests the one to two dollars would be well in excess of 150 to one.

>> Troxclair: Do the companies that offer these kinds of services also allow you to pay for the audits out of the savings at the end of the study, therefore, you don't have to have any upfront costs?

[11:41:56 PM]

>> Yes, they do. Detroit public schools and New York public schools use the model where they paid for the cost of the audit out of the savings.

>> Troxclair: And why was it that you put in the petition that you couldn't use the -- somebody who is associated with the city in the last five years? Was it -- I mean -- let me

ask it this way: Does our internal city auditor or the external financial accountants, do they perform this kind of work?

>> No. It's -- in my view, it's a little bit different. Our internal auditor is awesome. The work that she does is excellent. This is just a different scope. She does programmatic level, inventory level audits, which she -- again, I can't stress how great I think she is. She used to be my neighbor. We used to run into each other with our dogs. I think Corey is amazing and does amazing work. So it's a different scope of work. Our external auditor, that is an accounting mechanism. You're saying we put this dollar for this purpose, did it make it from X to Y. What we're proposing in the efficiency study is very different.

>> Troxclair: So putting in the ballot language that we want -- that in addition to the internal city auditor or the existing independent external auditor, should we do an audit, do you feel like that is intended to mislead voters by making it sound like it's redundant work and in fact it's very clear that neither the internal auditor or the external financial auditor are capable of doing this kind of work?

>> Yeah. Again, I'm just saying what my opinion is. Yes. And it's just another example of you're saying one part of the story, which is we already have an internal auditor and an external auditor. So we don't need to do this. But you're not saying we have an internal and external auditor but they don't do the work you're proposing. You're only providing one side of the story which I believe is intended to influence the voter to move it one way.

[11:44:00 PM]

>> Troxclair: Thank you.

>> Mayor Adler: Okay. Thank you.

>> Thank you.

>> One more question.

>> Mayor Adler: I'm sorry, yes, go ahead.

>> Alter: So part of WHA I'm hearing in terms of hesitancy about this item is a belief, whether justified or not, that the savings that would come from this would be coming from employee benefits or from privatization. How would you address those concerns?

>> Yeah. That's a great question. That was when my original testimony and quite frankly I just get nervous when I'm up higher. Anyways, let me address the question. So the audit -- I just want to be clear, the audit ends in a list of recommendations. The council is not bound to those recommendations, one. You get to make those decisions. We can create a citizen panel to review them and make recommendations to the council. There are a lot of things we can do. Ultimately it's just a slate of options. If you look at the recommendations in the reports from other states and other cities what I'll find is most of the recommendations being made aren't related to personnel. They're things like -- this is a great example I thought was really great for Austin, which is create a vehicle sharing program amongst city employees so you don't have to buy new vehicles as often and, therefore, you have annual savings associated with that. You have two contracts with similar services in different departments. Consolidate those contracts, increase your buying power and -- or get lower prices on the contracts. Things like that. You can look at the range of things. So, one, if there was any -- if there were any recommendations that we were possibly overstaffed in a certain area of Austin, I know and am confident this dais would not reduce our staff. But there are other creative ways to deal with overstaffing in certain areas. You can do it through attrition. You can do it by transferring certain employees someplace that's been identified as potentially overstaffed to somewhere that is understaffed and we need more help.

[11:46:04 PM]

So there are ways you can deal with that issue. But that is very uncommon. Amongst the recommendations in the studies I looked at, that they're actually saying you have -- this portion of the -- or this department is overstaffed. And then I certainly know that this council would not reduce the number of employees. You guys have -- hold your -- hold the city employees in the highest esteem, as does the public, and I don't think that's what -- that would be not be the ultimate result of the audit.

>> Alter: Thank you.

>> Yeah.

>> Casar: Mayor, my suggestion is that we try to get these votes done before midnight or take an extra five minutes to make it if we're going to plug through. The faster we can go the better.

>> Mayor Adler: Let's go on to the next witness.

>> Thank you.

>> Mayor Adler: Fred Lewis. Megan meisenbach. Matt macawiak, Steven shepherd. Come on up. Is David butts here? You'll be up next.

>> Alter: Excuse me, mayor. We had a question about 109, whether it was also postponed until Wednesday.

>> Mayor Adler: About what?

>> Flannigan: The other soccer --

>> Alter: The other soccer item, if it was postponed.

>> Mayor Adler: Yes, both postponed.

>> Alter: I just want to let people go who don't have to stay for the rest of this.

>> Mayor Adler: Yes. We were holding them together. Left thereby any -- left there be any -- go ahead, sir.

>> Thank you, mayor, council, it's an honor to have a chance to speak to you. I think that --

>> Mayor Adler: Introduce yourself, please.

>> Matt macawiak, district 10. I am the county chairman for the Republican party so I'll mention that for biographical purposes. Here tonight I'm referencing this ballot language which I believe absolutely unquestionably is intentionally misleading and is intended to confuse the voter.

[11:48:04 PM]

I think there's no question about that. It's hard to even fully understand what the sentence means, the ballot language is so absurd. The question that I would ask everyone up here and I know not all of you were involved in drafting the ballot language is, why would the city not want an efficiency audit? Because the ballot language is intended to defeat the audit. Ordinance. There's no question if you look at it that is what it is intended to do, intended to make it look redundant, intended to make it look like it's a cost we shouldn't need, intended to make it look like city services will be cut or taxes raised. When the overwhelming likelihood is none of those things will happen. We've already had Michael testify that the \$4 million will never be paid because it will save more money than that. If you save 4% on a \$4.1 billion budget that's \$16 million. That's more than \$4 million. So the question I have to ask is, why would we disrespect, why would you choose to disrespect the 33,000 austinites that signed the petition, 22,500 of whom were verified? By putting intentionally misleading ballot language together, which we already know is going to be sued over and cost the city time and. Why even do that? Just put clear ballot language forward, let the voters vote nor it, have the outside efficiency audit. It will be good for the city, the taxpayer, it may not be good for the leaders of the city's employees union but I would hope for with

the exception of councilmember troxclair, who fights for taxpayers every week, I would hope for once city council puts taxpayers first, don't be intentionally misleading, try to bias the voters. Allow voters to make a clear decision whether they want a efficiency audit or not, and I suspect it will pass and the taxpayer will benefit. Thank you.

>> Mayor Adler: Thank you. Is Steven shepherd here? Mayor pro tem, did you --

>> Tovo: Mayor, I see people waiting still for the economic development item which I assume since we're 15 minutes out from when we agreed we would leave we're not going to get to.

[11:50:09 PM]

So we probably should have indicated that a while ago.

>> Mayor Adler: Okay. I think we should do that. We're not going to get to the economic development items. The question is do we put those off until 8/23? Is there any chance at all you think we could get through the soccer quickly enough on Wednesday to handle this on Wednesday as well? No? Just asking.

[Laughter]

>> Tovo: Valiant effort.

>> Mayor Adler: Let's put that off until 8/23. Okay. We'll put the economic development items 13, 14, 15, postponed to 8/23 by unanimous consent at the dais. Please plead, sir.

>> Thank you, mayor, council. I'm Steven shepherd. I'm a resident of district 8. Came down originally just because of the original ballot language so I'm not going to repeat everything that the folks have said before me. The thing that amazes me though is I can't believe more of you are not for this audit and you think about all the things you're constantly talking about from the standpoint of the homeless challenges we have affordable housing, wouldn't you want to free up a lot more revenue by being -- having a much more efficiently run city government? And that's going to take care of, as we've heard, even 4% will give you an extremely decent chunk of change, and so I just can't understand why you guys are doing this, wouldn't even vote for it and are putting on the ballot, why you wouldn't see it was a benefit to the city. So I just hope that you will listen to councilmember troxclair and accept her ballot language to make it fair and understandable by all. Thank you.

>> Mayor Adler: Thank you. Mr. Butts. Is [indiscernible] Watson here? Chevis Watson?

>> Davis butts, anytime district 1. And, you know, talking about misleading, I think probably this petition is totally misleading.

[11:52:10 PM]

I see it as a creator of a group basically from this conservative think tank called Texas public policy foundation. I think it's basically designed to sort of set the city up so that it can be attacked, probably, as Ms. Troxclair did, run down to the state legislature at the end of the street here, and basically launch an attack on the city to try to undermine it because they didn't adopt some sort of cost savings. This is funded by dark money totally. You know, it's hidden. And we'll never know who gave this money or where it came from. Unless they choose to reveal it, of course. And I welcome the opportunity to have a campaign on this issue. I really do. I'm reminded of the Uber campaign, and I think that this will be very entertaining, to say the least. I'd strongly urge you to put it on the ballot however you choose to do it is up to you. We'll defeat it either way. Quite honestly. Of course they'll try to pour a lot of dark money in, but we'll point that out very clearly. So once again, you understand -- I think every one of you understand exactly what this is. This is spear aimed at the city of Austin by a group of extreme conservatives who are out to undermine this city. They do not like this city. They resent this city. And the rot starts at the top at the governor's office and goes down. So basically if we're gonna have an election, we'll have an election. Okay? Thank you so much. Thank you.

>> I have a question.

>> Mayor Adler: Councilmember Garza. Mr. Butts?

>> Garza: I have a question.

>> Mm-hmm.

>> Garza: I guess following the line of questioning the mayor was asking, not knowing campaigns and pacts and stuff, I thought any kind of -- explain the dark money part.

[11:54:18 PM]

I thought any kind of pact usually files -- do they choose to file a certain kind of pact where they don't have to disclose their donors?

>> I'm sorry. I'm sorry. There was a pact -- actually a 5014c called Austin civic future or Austin civic future, I think, that's been on file. It's gone through transition of leaders or members of their -- of this pack, this foundation, I shouldn't call it. It's not a pack. It's able to basically take money from all kinds of sources about reporting where the money came from. And that money, that \$137,000 that the mayor referenced, was passed onto Mr. Sull's pack and spent to basically generate this petition. Who or what -- who it came from, I can guess, almost, but basically that's how it operates. The people that are the board of directors, one was once the president of the young Americans for prosperity. Now that sounds vaguely familiar to the coke brothers. You'd probably be right about that. The others are basically involved with tp -- Texas public policy foundation front groups who, you know, basically don't like the city of Austin. And I doubt they have our best intentions, if I had to guess.

>> Garza: Okay. Thank you.

>> Kitchen: Mayor, can I ask a question?

>> Mayor Adler: Yes.

>> Kitchen: So, Mr. Butts, so in response to councilmember Garza's question, I think what we're hearing is that the reporting, such that our laws are right now, they can report that the money came from this foundation, but the foundation -- or group does not have to report who gave to them?

[11:56:20 PM]

So that's -- that's what we're seeing in terms of dark money. Is that correct?

>> Yes.

>> Kitchen: Okay. And we also have a situation where there's been a request or multiple people have requested that the groups involved tell us who gave the money and they've refused to date. Is that correct?

>> That's correct.

>> Kitchen: Okay so the calls for transparency from that group seems kind of ironic to me, that the calls for transparency to the voters, so the voters understand what's going on, but at the same time not being transparent with the voters in terms of who is paying for it?

>> Well, I think that just is indicative of their intentions. Honestly.

>> Mayor Adler: And a more complete answer, additional complete answer, when we passed our ethics ordinance requiring this we had a section that concerned coverage transaction and covered transactions were a contribution that was made to a 501c4 for the purpose of being given to any pack that would then be spent. And under city ordinances, a contribution that was made to a 501c4 for that purpose by a person, that person needs to be disclosed by the person, by the 501c4. So it's still an outstanding question as to whether or not the 501c4 in this case took any money from anybody who knew the money they were giving was going to be used in this pack campaign, in which case under our ordinances they would be required to report. But in fairness to these folks, they're not the only ones that are doing it. There are other organizations in our city right now also participated on the other ballot measure that are taking secret money and not disclosing who gave that money as well. So it's a growing issue in our city.

>> Garza: I guess, councilmember Houston, along these lines, if you want to be transparent, there is an avenue to do that.

[11:58:25 PM]

There's a way to file a pack where you're required to show the individual donors. There's a way to do that.

>> Mayor Adler: Certainly they could do that if they wanted to. Ms. Houston.

>> Houston: Thank you. And I guess this is a

>> Houston: Thank you. I guess this is a question for Mr. Butts or the mayor or councilmember kitchen. 30-some thousand people signed a petition. Are we saying that because we don't know where the money came from, that the petitions are invalid or the people are invalid? I don't hear any concerns about people being illegal. We're just focusing on where the money came from, and the petition is still valid. Right?

>> Yes. It's valid.

>> Houston: 30-some thousand registered voters said, you know, we need an audit. That's what I need to focus on. The other part of what I need to focus on, is there something wrong with having an efficiency audit? I mean, is that paying attention to the fact that there's things in any organization that could be different, more creative, done more efficiently, save some money? I'm for that because the property tax owners -- and I keep saying that, in district 1, are saying you can't keep coming to us, city of Austin, to pay all these things. So if we could find some efficiencies in this organizations, wouldn't that be beneficial to the public?

>> Well, of course it would. But of course the question is, what would the council choose to did you want? If they come back and say, well, you need to sell off the Austin energy or basically go from a pension fund to a 401(k) For your employees, and let them go on the market, they'll come up with all kinds of reasons and rationales why you need to make trimmings financially, some of which might have validity, some will not.

[12:00:26 AM]

If you choose not to do it, people will go to the capitol or they'll use it as a campaign issue, which is exactly what I think this is partly directed at. Not for this campaign per se, but in the future, to basically say that the council or this councilmember has failed to make these savings, and, so, therefore, you know, you need to vote them out. So it's a political tool, as much as it is anything else. And, you know, the fact is, you can get signatures on just about any petition in this city you want to. That's true. Now, they were paying an extraordinary amount of money to get those signatures that they got, but, you know --

>> Houston: So I guess those are a lot of assertions. I don't know. I'm not a political being.

>> Right.

>> Houston: But those are some assertions. My thing is, how do we make sure that we are operating as efficiently as we can. And we've had conversation today and at the work session about audits that have come through our wonderful program audit that nothing happens.

>> Well, that's the decision the council has to make.

>> Houston: Well, but prior councils haven't made it and we're hopeful that this council, this city manager, will look at that and say, okay, this is something we've got to do and we've got to do something about this. And I don't know that any of that other stuff that you're talking about is true. I happen to want to have an efficiency study.

>> I assure you, the dark money is true.

>> Houston: Well, but I'm talking about not the money, I'm talking about the outcome. I'm talking about the product.

>> Well --

>> Houston: So when you do that you skip what the real issue is for me. I can say that.

>> I can tell you, the real issue is how this is being used, a political tool.

>> Mayor Adler: Those are all the speakers that we have. Anybody else signed up to speak? Mr. Bunch? I didn't have you, but the clerk will note that go ahead.

>> Oh, are you one of the extreme conservatives that are behind this petition?

[12:02:31 AM]

>> Yes. I consider conserving our planet Earth being very conservative and I put myself in that camp. I'm bill bunch, executive director, save our springs alliance, district 5. I want to first say -- ask you to not put the charter amendments on the ballot and delete those from this ordinance. Neither of those two are really needed, and you're clearly just doing it to fend off the charter commission recommendations that were worked on a great deal and put those off for two to two and a half years. I think that's disrespecting the work of your commission and your citizens. My next point is on the ballot language. All this discussion about policy is irrelevant to the issue in front of you right now. And I feel kind of like a broken record from a few months ago when we told you you're violate ago

-- you're violating law by not putting the codenext position on the ballot and didn't you listen. You have an obligation to put this on the ballot. And article 4, section 5 of the

charter reads as follows: The ballot used in voting upon initiated or referred ordinance shall state the caption of the ordinance, and -- that's number one -- below the caption, on separate lines, the words "For the ordinance and against the ordinance." Your ordinance, page 47, violates both of those provisions. For proposition J, the codenext petition ordinance, and for the audit ordinance, proposition K. Neither of those are stating the captions of the ordinance. The amendment offered by councilmember kitchen and mayor Adler exacerbate the violation that's here by adding the three years, which is both false and is electioneering on the ballot.

[12:04:50 AM]

There's lots of ways you can violate people's voting rights, and one of those ways is rigging the ballot by writing ballot language that is not the caption of the ordinance, that violates your own charter, that doesn't ask are you for the ordinance or against the ordinance but says "Yes" or "No," and makes an extended argument about the policy. The policy is irrelevant. You're here to follow the charter. And y'all posted this amendment, mayor Adler, and councilmember kitchen, at pretty much exactly the same time --

[buzzer sounding]

-- You were talking about restoring public trust in the context of codenext and our land development code.

>> Mayor Adler: Thank you.

>> Is this public trust?

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

>> That is not a rhetorical question. I want an answer.

>> Mayor Adler: Your time --

>> Are you restoring public trust with your amendment from 4 o'clock this afternoon?

>> Mayor Adler: Thank you for your participation.

[Applause]

>> Kitchen: Mr. Mayor, I'd like to speak to my amendment.

>> Mayor Adler: Okay.

>> [Off mic]

>> Mayor Adler: Go ahead, Ann.

>> Kitchen: I would like to speak to the amendment. The purpose behind the amendment with regard to the land development code is clarity and transparency to the public. I will read -- I will read from the ordinance. The ordinance says that, a, there's a waiting period. The waiting period is June 1st following the next regularly scheduled -- Mr. Bunch, I'm just making an argument. I'm not -- we can talk at another time. I'm just --

>> Mayor Adler: We're through. We're not doing any more --

>> I'm here to answer questions if somebody else asks one about whether what you're saying is accurate.

[12:06:54 AM]

>> Mayor Adler: Wait, wait, wait. You talk to us.

>> Kitchen: I'm sorry.

>> Mayor Adler: So with us.

>> Kitchen: Okay. So to my colleagues, what I'm attempting to do with this language is clarity for the public. I think that -- I think it's appropriate and necessary for us to be clear, and so the language about a total of up to three years is reflecting what is in the ordinance. The ordinance talks about a waiting period, and I'm going to read the language from the ordinance. This is the time period you were the waiting period. June 1st following the next regularly scheduled council elections after council adopts codenext or the comprehensive revisions, and then the second period is the voter approval period, which is after the next available municipal election. So there's -- this is confusing language, but I think it's -- that's why I think it's important for the public to understand that the ballot has time periods in it. And there are four steps. First, the council would adopt a comprehensive revision. Second, it has to wait until after the next regularly scheduled council election, and then after that is June 1st, and then after that is the next available municipal election before the public gets to vote. So I think that this is not an attempt, and I would never attempt to suggest, one way or another, if people want to vote on it; they just need to know what they're voting on. And I think it's appropriate because there is -- there's a two-part-time period in here, and I think it's appropriate and we owe it to the voters to tell them and have that language in it.

[12:09:11 AM]

That's it. I don't think that this language is an attempt to say one way or the other how people should vote.

>> Mayor Adler: Okay. Further discussions from the dais? Yes, Mr. Flannigan.

>> Flannigan: So I really appreciate that, councilmember kitchen, and just to keep my comments focused on the land development code issue, I think the waiting period, just say wading period, to your point, is sufficient because it is a very significant and unusual definition of waiting period. I think the following a subsequent council election is a very operative phrase in that, and I don't know that I have the will of the dais to include that specific phrase, but it is far more than just a waiting period. It is more significant than that. So I support what you're saying because I think it is a critical element. It is almost a majority of the ordinance, be it -- it being both the waiting period and half of the voter approval being about the time length, so I think it's a really important component.

>> Mayor Adler: Okay. We have the base motion. Does someone want to amend in the amendments?

>> Houston: Mayor, it's after 12 o'clock.

>> Mayor Adler: It's after 12 o'clock. I think we're at a place where we can take votes on these and move forward. So, Ms. Kitchen, do you want to make the amendment?

>> Kitchen: I thought I had. I will make -- I move to amend the base motion with proposition J that I -- language that I put out.

>> Mayor Adler: Okay. Is there a second to that amendment? Mr. Renteria seconds that. Any discussion on the amendment? Yes, councilmember alter.

>> Alter: I would like to propose a substitute amendment of option 1 -- shall the city ordinance be adopted to require a waiting period and voter approval before codenext or [indiscernible]

[12:11:14 AM]

Become effective, that would be for proposition J.

>> Mayor Adler: Okay. So councilmember alter moves to amend that article 8 to take out for a total of three years and to add in codenext prior to the comprehensive revisions.

>> Kitchen: I'll second that.

>> Mayor Adler: Okay. Seconded by -- did you want to second that, mayor pro tem? Okay. Mayor pro tem seconds that. An amendment to take out a total of up to three years and to add codenext prior to the comprehensive revisions. Those are the two substantive changes.

>> Alter: Codenext door.

>> Mayor Adler: Codenext door. Those are the changes. It's been moved and seconded. Any discussion? What I would say is I'm not going to support this amendment because I think it is not presenting to the voters an accurate description of what's happening. I also agree that the language of up to three years is important because the waiting period associated with this actually is explained at length in the document that was given to the people to sign on their petition. It goes into a lot greater detail. It talks about not going into effect until there's a next city council election, so that there could be a change of city councils in the meantime. And then not even just that. After that city council election, you have to wait until the following June in order to be able to go. But it still can't be effective even then. It has to wait even past that to get to the next election period. So I think a three-year delay is an integral part of this. It is intended to allow for enough time for a change of council and for a public vote, and I think that if you just say a waiting period, people don't understand that, and it was a large part of the description.

[12:13:29 AM]

Second, when I take the court's direction with respect to whether we include codenext or not. It was argued to the court that this wasn't ripe for her to rule on the substantive issues that we had presented, and her basis for saying that was that there was no codenext. It wasn't a product, and it would either be passed or wouldn't be passed so that she couldn't make that decision with respect to anything that was codenext. She had to look at just comprehensive land development changes, be it this one or be it one

sometime in the future. And I think we went to the court, we said that we would follow the court's direction, and I think the court was very specific with respect to that. So I'm not going to support the alter amendment. Further discussion? Councilmember pool.

>> Pool: I'm supporting the alter amendment that the mayor pro tem seconded for a lot of reasons that I'll just say, two, this is the clearest and most verbatim representation of what was in the petition language, in its caption, and all of the additional information that you're talking about, mayor, can accompany the educational materials that we would use in order to talk to the public about what this would mean. But I think the cleanest and the clearest approach on, frankly, both of these propositions is to go directly from the position caption as directly and succinctly as possible. So I support what councilmember alter is moving.

>> Mayor Adler: Any further discussion before we vote on the amendment? Mayor pro tem, did you want to speak?

>> Tovo: Yes. I do.

>> Mayor Adler: Okay.

>> Tovo: I seconded the motion and intend to support it. I think it's really, for many of the same reasons councilmember pool said, I think we need to -- I believe that we should stick as closely to the language in the petition as possible, and I know part of the argument in dropping cones is that earlier today we decided not to continue with that particular process, and I've also heard the argument that codenext is how we branded the discussion about the land development code revision.

[12:15:44 AM]

But it's absolutely true for me and the people I'm talking to, I mean, and the conversation -- and I don't know just the people I'm talking to here at city hall but the people who stop us in the grocery store or talk to us in the dry cleaners or parks, everywhere I go people are talking about codenext, and that is their understanding of the land development code revision. So I think it's really critical that we include that codenext. That's become, for good or for bad, that's become the common parlance, I think it's important to have that context to help guide their decision on that ballot measure. So I really believe strongly that it's important to have codenext in the ballot language.

>> Mayor Adler: Councilmember Flannigan?

>> Flannigan: So I appreciate, mayor pro tem, your analysis on our decision earlier today, but as the sponsor of that action, that motion, that, to me at least, is irrelevant to why I am not going to support the amendment. For me, it is about the judge's ruling that says that she couldn't determine anything about codenext, or if it was appropriate to vote on because it was not a product, it was a process. It was not finished. So even if we had not -- if we had not taken that action earlier, it would still be true to the judge, to the judge's ruling, that it wasn't a thing, it was a process. And so to me, that's the operative question. So I just don't want there to be confusion about what action we were taking earlier today.

>> Mayor Adler: Okay. Councilmember alter.

>> Alter: Thank you. I think where I'm at is I think that in both of these propositions, we should be putting forward the simpler language.

[12:17:48 AM]

In both cases, we have over 30,000 folks who signed a petition asking to have an ability to vote on these. With respect to codenext, I think including the word "Codenext" in there is really whether or not to rebuilding the trust that we've been trying to rebuild. And I am feeling a little bit like we're in a ground hog day situation, and I think by putting the word "Codenext" in there, we can avoid that. I really don't relish being part of a city that is constantly being sued for doing things that run counter to the citizens' efforts to put forward initiatives, which they have the right to do by the charter. And I think that we would be on much stronger footing both for rebuilding trust and for being true to the charter's requirements if we go with the simpler language.

>> Mayor Adler: Anything else before we vote on the amendment? Let's take a vote on the amendment. Those in favor of the alter amendment, please raise your hand. The mayor pro tem, pool, troxclair, and alter. Those opposed, please raise your hand. The balance of the dais with councilmember Houston off. It is defeated, 4 to 6-1. Any further -- further amendments? I handed out the language that related to the audit. It has "Mayor Adler" in the upper right-hand corner. I don't remember what the proposition number is on that. What is -- do you know what number that was?

[12:19:49 AM]

J?

>> K.

>> Mayor Adler: K? Proposition. So I would suggest -- move, by way of amendment, the language that's in K.

>> Renteria: I move that we accept that.

>> Mayor Adler: Mr. Renteria moves that? Councilmember Casar seconds that. Any discussion on the Renteria amendment for proposition K? Renteria made the motion, seconded by councilmember Casar. But the language -- it's the yellow page. In the upper right-hand corner, it says mayor Adler. And the language for K, it doesn't say K, it just says the language. Without using the existing internal city auditor or existing independent external auditor, shall the code, city code, be amended to require an efficiency study of the city's operational and fiscal performance performed by a third-party consultant at an estimated cost of one to five million dollars. It's been moved and seconded. Discussion in councilmember troxclair.

>> Troxclair: I know that my repeated requests earlier to take an up or down vote on number 112 were ignored, but I just want to do ask one more time if we were able to take a vote on that item, considering

that we had people come down here, sign up to speak on it, and that you have at least one councilmember and possibly more who would like the opportunity to just vote to say that the city of Austin should do a comprehensive, independent, third-party audit without making Mr. Butts spend the time and energy that he's -- that he says he's going to defeat a common-sense, really basic, good government measure.

>> Mayor Adler: Okay. Any further discussion on the Renteria amendment? Ms. Houston?

>> Houston: Mayor, if I had been here, I would have voted against codenext.

>> Mayor Adler: You would have vote against it okay.

>> Houston: Uh-huh.

>> Mayor Adler: I'm sorry. The vote would have been 6-5.

[12:21:51 AM]

She would have voted in favor of the item. It would have been defeated 5-6.

>> Alter: Were you asking to include your vote in the record, though?

>> Mayor Adler: She's not here, but it is noted that had she been here, that's how she would have voted. Further discussion on the Renteria amendment? Yes, councilmember pool.

>> Pool: So the Renteria amendment is the one that has mayor Adler at the top, and I wanted to check with councilmember troxclair. She had an amendment to that, or substitute.

>> Troxclair: Yes. I would like to make a substitute motion.

>> Mayor Adler: Okay.

>> Troxclair: And offer my language that is troxclair sheet number 1 that says shall a city ordinance be adopted requiring a comprehensive, independent third-party efficiency audit of all city operations and budget. This language is unbiased, it most clearly mirrors what was in the petition. That I think it respects the will of the people who signed the petition --

>> Mayor Adler: Let's do this real fast. Is there a second to the amendment? Councilmember pool makes that go ahead, Ms. Troxclair.

>> Troxclair: That's it.

>> Mayor Adler: Okay.

>> Troxclair: I mean -- yeah.

>> Mayor Adler: It's been moved and seconded, troxclair amendment to this proposition K. Further discussion? Yes, Mr. Flannigan.

>> Flannigan: So I really struggle with this one. I think had the ordinance been offered, I probably would have voted for it, not because I think it's a silver bullet but because I think, at worst, we're spending the city's money on an audit that a future council will likely ignore. We get a lot of audits from our city auditor. We get special projects and often when those audit reports don't comport with existing beliefs, then the auditor is called into question. And we've seen this happen to other staff, too, and I don't think that's a good practice, and I don't think it would be any different, the result of a third-party audit.

[12:23:57 AM]

That being said, I think, based on my analysis of ballot language requirements, the fact that there is a cost is an important element and I think the fact that we have a city auditor who's been excluded from this process is an important element. I'm going to avoid the wordsmithing process, I don't think there's the will to go into that, so I have the odd position of opposing councilmember troxclair's language but would have supported the original ordinance.

>> Mayor Adler: Okay. Any further discussion on the troxclair amendment to the amendment? Yes. Councilmember troxclair.

>> Troxclair: I just want to do make sure everybody saw and that it's entered into the record that I handed out an email correspondence with Cory stokes, if I can read it, as discussed while we are independent of city operations, we don't typically discuss large projects like the proposed efficiency study. Specifically we select more narrowly focused topics and focus on risks within each selected topic to identify opportunities to improve effectiveness and efficiency. Focusing those high risks helps us cover more topics than we could have otherwise -- than we would otherwise be able to audit. So I think it's really clear from this correspondence that she does not do the kind of work that is being considered in this comprehensive audit, and I also want to point out as the chair of audit and finance that the other external auditor being mentioned here is purely a financial auditor, that's an accounting tool, it has nothing to do with performance auditing, so I am -- I really think that the -- legally, the best route the move forward to the city is to adopt the simple language.

>> Mayor Adler: Councilmember Casar.

>> Casar: In looking at Ms. Stokes' email, I think it says that this is not something that she typically does, but it's actually clear in the ordinance as presented by the petitioners that it's something that she is, under this ordinance, not going to be allowed to do.

[12:26:06 AM]

So regardless of whether it's something that we did want her to do or didn't want her to do, under the ordinance being presented, she would not be allowed to do it, nor would any of the firms that have had a contract with the city the last five years, be allowed to do it. So I still think it provides transparency and truth in what it is that's being presented. So I see Ms. Stokes' email as clarifying and actually still

supportive of the language that's being -- that's been offered by councilmember Renteria and the mayor that I seconded. And I also think that making sure that we don't confuse voters into thinking that they are voting to instate our current city auditor, but and I think separate and you had author provides a level of transparency as well.

>> Mayor Adler: Anything else before we vote? Mayor pro tem.

>> Tovo: Yeah, I agree. I have heard people talk about the need for an external audit at various points over the last few years, and it's at least some of those calling for an external audit have been unaware that we have an internal auditor here who does terrific work. And so I agree -- I agree both in -- I agree with your assessment, councilmember Casar that I don't read -- I also don't read the city auditor's email as suggesting that she would be unable to do that. I would also just say by way of background, we also have had a little bit of this discussion during previous budget sessions about whether we should do full scale sunset review of departments, and at the time the city manager started an initiative to look at departments rather thoroughly and to look at their performance and to look for efficiencies. So we are -- it's just true that we're doing a lot of that work already. But I do think it's important to clarify for voters that we have an internal auditor already.

>> Mayor Adler: Okay. Anything else before we vote? Yes, councilmember pool.

>> Pool: So this one is really hard for me because -- and I have been interviewed about my reasons not to support the efficiency audit as it was crafted in the petition, and I went into some pretty extensive detail with Ken martin and talked about how I thought this would fit under our strategic planning process that we -- the new planning process that we have at the city, that we could approach this internally through the city manager's office and our office of performance management and do it under the same kind of strategic planning outcomes that we have put together that we finished last year and that we are putting our budget through.

[12:28:45 AM]

But as far -- so my position on whether I want this to pass or not, though I am keeping separate from my support for the clear, simple language from the caption, and the same reasons that I argued to include codenext in the other proposition J, is because I think that that is a truer, verbatim expression of what the petition was, and when we leave it to the voters with the educational materials that we provide, in the campaign that's out in the community before the vote happens, to make those distinctions. So my reason for voting for providing the second to this is the same reason why I was supporting our previous work on proposition K. And I vote in support of this because I believe that we should go with the clearer caption language. And it doesn't have anything to do with whether I agree with the substance of the actual -- the vote that we would take in the community.

>> Mayor Adler: Thank you. And I have question for the manager. Did you look at what these kind of surveys cost by the companies that were doing them, or the company that was recommended by the folks that were offering this petition?

>> Our finance staff was able to look at some, yeah.

>> Mayor Adler: And does this range accurately reflect what your staff estimated with them?

>> It does.

>> Mayor Adler: Okay. Thank you. Any further discussion on the amendment? Yes. Councilmember troxclair.

>> Troxclair: Manager, were the entities that the staff looked at -- were they comparable in size and scope to the Austin city budget and staff, or were they entire states?

>> It was hard to find -- councilmember, it was hard to find one that was exactly the same size and scope, so there were some that were at the state level but maybe a smaller scope; some were at a city level but at a smaller scope, so we used some of those estimates to derive that this was an accurate estimate.

>> Mayor Adler: Okay. Let's take a vote on the troxclair amendment to the amendment.

[12:30:46 AM]

Those in favor, please raise your hands. Troxclair, alter, Houston, and pool. Those opposed, raise your hand. It's the balance of the dais, the amendment to the amendment is not passed. Let's vote on the amendment that raises K --

>> Pool: Mr. Mayor, just -- we didn't vote on the previous --

>> Mayor Adler: It's been pointed out to me so we're going to vote on this, then we're going to vote on yours. I apologize for that. The amendment to the amendment was defeated. We're now to the amendment. Mayor pro tem.

>> Tovo: Mayor, I have an amendment to propose to item J, if now is the appropriate time.

>> Mayor Adler: Let's vote on K real fast, then we'll go to J. Let's finish with K. Those in favor of the amendment with K, the Renteria amendment, please raise your hand. Those opposed? Troxclair, alter voting no, Houston voting no, the others voting aye. It passes. Now let's talk about --

>> Tovo: Talk about.

>> Alter: Mayor, I have one more amendment on K. It's been passed very slowly.

>> Mayor Adler: Let's go ahead and continue on J. I skipped over that when I shouldn't have. We voted on the amendment to the amendment on J but we have yet to vote on J. So we're back to J. Mayor pro tem, did you have an amendment you wanted to make to that?

>> Tovo: Yes, I do, mayor. I'd like to make an amendment to J and that is to insert the words codenext or, before the word "Future."

>> Mayor Adler: Okay. Mayor pro tem moves to insert the words "Codenext or" before we have future comprehensive land development code.

>> Pool: Mr. Mayor, didn't we already vote on that? It was part of the previous amendment.

>> Mayor Adler: It was, but there were two parts --

>> Pool: Oh, so you're separating them.

>> Mayor Adler: We could have done the same thing by dividing the question before and we just didn't do it. Is there a second to the mayor pro tem's amendment? Councilmember alter does that. Any discussion on this?

[12:32:48 AM]

Let's take a vote. Ms. Houston?

>> Houston: Which one are we voting on now? I've got two. Is it alter's or is it kitchen's?

>> Mayor Adler: Kitchen is J and the mayor pro tem is to want add the words "Codenext or" before the words future comprehensive land development.

>> Tovo: So if you could speak to that for just a minute.

>> Houston: On kitchen's motion.

>> Tovo: That's right. Yeah. We voted, as we discussed, we vote on councilmember alter's while you were off the dais, and it had two elements in it. One was two differences between K and J. One was the waiting period. The other was the absence of codenext. So given that that failed, I'm proposing that we add "Codenext or" into the language in this one. I'll just say to the reasons already --

>> Mayor Adler: Did you want to speak to it?

>> Tovo: Yeah. This really is the same reason I offered for my support of councilmember alter's. I believe that it's important, given the context of the discussion we've been having, to have the words "Codenext" in there since that is in common parlance how many people have come to think about the land development code revision.

>> Mayor Adler: I oppose this for the same reasons given earlier. That I think if we take the instruction from the court, there is no codenext, and, therefore, it's misleading to suggest that there is because there's not. What this really is, is a forever determination on how we deal with comprehensive changes to the land development code, or laws, and that's what we should be taking to the voters. And I think it would be confusing in this instance because some people think the vote in November is going to be an up or down vote on a codenext product, which it's not and there isn't.

[12:34:52 AM]

So I think it's confusing to -- and misleading to add that language. Any further discussion before we vote?

>> Renteria: So, mayor, are we voting on the audit?

>> Mayor Adler: No. This is the codenext one. This is the kitchen language, and we're talking about do we add the words "Codenext" into the kitchen language. Okay. Do we add the words "Codenext." Those in favor of the -- I'm sorry, yes, Mr. Flannigan?

>> Flannigan: I just wanted to note to the mayor pro tem, no, we agree to disagree on this. I don't believe codenext is common parlance, it isn't in my district, but I know we agree to disagree on that.

>> Mayor Adler: Let's take a vote. In favor of the mayor pro tem's amendment to the amendment, please raise your hand. Troxclair, alter, the mayor pro tem, Houston, and pool. Those opposed, please raise your hand. Five to six, it's defeated. Let's now vote on the amendment J. Those in favor of the amendment J, please raise your hand. Those opposed? Pool voting no -- I'm sorry, what?

>> Alter: Is this versus the base motion?

>> Mayor Adler: This is J. This is kitchen's amendment. We've discussed amendments to the amendment. They have not passed. We're now back to voting on the kitchen amendment J.

>> Alter: Okay. I'd like to abstain on that.

>> Mayor Adler: It contains the language up to three years, does not contain codenext.

>> Tovo: Would someone please remind me what the staff's recommended language was? I don't have that in front of me at the moment.

>> Renteria: Are we voting on the audit ballot or we're still on the --

[12:36:53 AM]

>> Mayor Adler: Yes. J. It has a J in front of it. This is not the audit link. This is -- for the life of me, I don't know what I've done with it. It has part 8. In the upper right-hand corner, it has August 9th, 2018, motion sheet amended, ordinance part 8, and it says proposition J. That's what we're voting on.

>> I thought we just voted.

>> Mayor Adler: We voted amendments to this. There have been several amendments to this that have been offered. None of them have passed. Now we have to vote on this.

>> Renteria: So we voted on the base.

>> Mayor Adler: We're not voting -- we're voting on the kitchen amendment. Those in favor of the kitchen amendment, please raise your hand. Those opposed to the kitchen amendment, please raise your hand. It is troxclair, alter, mayor pro tem, Houston, and pool. The others voting against the

amendment -- no, the others voting for the amendment, it passes 6 to 5. We are now to the base motion. Part J and part K have been amended.

>> Troxclair: Are we voting on -- I have another amendment for K.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: This basically says we have already been told based on the ballot language we're about to adopt that we are going to be sued. If that suit is successful, we would have to come back and put in place new ballot language. This simply says that if the suit is successful, we'll insert the basic -- the option 1 ballot language, shall a city ordinance being adopted requiring third-party -- so we don't have to come back and have this discussion all over again. It's a backup in case the lawsuit is successful.

[12:38:56 AM]

>> Mayor Adler: Ms. Troxclair moves this amendment to add alternate ballot language to proposition K. Is there a second to that amendment? Ms. Houston seconds that amendment. Discussion? Mr. Flannigan.

>> Flannigan: So I appreciate the effort here, but my concern is that whatever alternative language might be crafted needs to be in response to the judge's ruling. So I would be hesitant to predetermine what part of the language were ruled by the court. We're a pretty active body, more so than just about any other elected body in maybe the entire state of Texas, so I'm pretty sure we'll be around to fix it post haste whenever a judge completes their ruling.

>> Mayor Adler: I feel the same way. We just don't know what the court's going to do. The court could adopt the language and say the language we have is fine. The court could say it's not fine because you mentioned the in-house auditor, but everything else is okay. Or the court could say, you can't mention an external auditor, but everything else is okay. Or they could say those mentions are okay, but the -- the dollar amount was okay. And they could say you shouldn't have said one to five million dollars, you should have said a different number. We just don't know what the court would say, so picking the right answer at this point doesn't seem right to me. We should wait to see what the court says. Any further discussion on the troxclair amendment? All right. Take a vote. Those in favor of this amendment, troxclair amendment, please raise your hand. Houston voting yes, troxclair and alter voting yes. Those voting no, please raise your hand. It's the balance of the dais with councilmember pool abstaining. It has not passed. We're now back to the base motion. Councilmember troxclair.

>> Troxclair: Mayor, I'm very sorry, I have one more quick amendment. It would just add to the end of the base motion, add an estimated cost of one to five million that will potentially identify 160 million or more in annual savings opportunities for the city because I believe if we include the potential cost of the audit, which we do not know, that we should also include the potential savings that will come out of the audit.

[12:41:10 AM]

>> Mayor Adler: Okay. Councilmember troxclair proposes potential savings of what number did you say?

>> Troxclair: The lowest estimate I have heard is 160 million.

>> Mayor Adler: Your amendment says what?

>> Troxclair: It says it will potentially identify 160 million or more.

>> Mayor Adler: 160 is the number. Is there a second to that amendment? Is there a second? Ms. Houston seconds that. Discussion?

>> You could have not seconded and we could go home.

>> Mayor Adler: What's the basis for the 160 million or the 180 -- or 120 million?

>> Troxclair: Just like the city -- you and the city manager mentioned earlier that you used estimates based on the other cities and states that -- the cost estimates of how much they had spent on the audit, how much those same entities saved on the audit was for four to six -- generally 4 to 6%, 4 to 8% of their budget. 4% of our \$4 billion budget is \$160 million. So it's basically just extrapolating the same math that you used to come up with the 1 to \$5 million and using that to apply it to the results as well.

>> Mayor Adler: And the 4 to 6%, was that because they changed the budget or because of the recommendations of the audit?

>> Troxclair: That is the recommendations of the plan. So potentially identify \$160 million or more. Any further discussion on this? Mr. Flannigan.

>> Flannigan: I think there's a distinction on this, my understanding of the terms of ballot language, there's no guarantee of anything beyond the cost of doing this, so that would be improper to put in the ballot language. There are too many steps between the decision the voter is making and that thing occurring.

>> Mayor Adler: Let's go ahead and take a vote. Those in favor of the.

>> Troxclair: Amendment, please raise your hand. Ms. Troxclair. Anyone else? Ms. Houston.

[12:43:10 AM]

Those opposed, raise your hand. It's the balance of the dais with councilmember alter abstaining. All right. We're now back to the base motion. Yes, councilmember Garza.

>> Garza: This is everything, all -- okay. I just wanted to quickly say that I, too, have reservations about the charter amendments on here. We haven't had time to talk about them. That being said, it's my understanding the democracy dollars are one that do not have to be a charter amendment. Is that correct? City attorney and city manager?

>> That's correct. We had sent something that said that that could be done through city ordinance. There were some issues with exactly how it would operate, but you could do it through ordinance.

>> Garza: Okay. I guess I'd give the direction for our city manager to, you know, look further into that and then either -- staff could bring it or a councilmember could bring it too, because I think that's an interesting concept we should further explore.

>> Mayor Adler: A study or analysis of that, I concur with councilmember Garza. All right. We have a motion and second to the base motion. Yes, councilmember kitchen.

>> Kitchen: I'd just like to take a second and thank you, councilmember Garza, for bringing that up. I also think that the democracy dollars is an intriguing idea, and I think we should take some steps so I appreciate you making that request to investigate it further.

>> Mayor Adler: Councilmember Flannigan?

>> Flannigan: I will not request to devoid the question of these items because I would have preferred to have a longer conversation about my preference for or against some of the individual bond propositions for the sake of all of our sanity and that I said most of that back in June, but I wanted that on the record.

>> Mayor Adler: Base motion, favor, please raise your hands. Those opposed? It's unanimous on the dais. Ms. Troxclair is voting no, Ms. Houston is off the dais. The others voting aye. This item passes. Because we have put the audit on the ballot, item number 112 is withdrawn.

[12:45:16 AM]

>> Troxclair: Mayor?

>> Mayor Adler: Yes. Ms. Troxclair.

>> Troxclair: I would like to take a vote on item number 112 if I get a second. Can we take a vote as a council on item 112?

>> Mayor Adler: No, because it wouldn't be proper for us to vote on 112 at this point because we have a choice to make and we've made that choice.

>> Troxclair: So I think I asked four times before we voted on that item.

>> Mayor Adler: You did.

>> Troxclair: Can you explain to me why I wasn't give -- why this dais wasn't given the opportunity to vote on that?

>> Mayor Adler: Because the choice to the channel is either to do a or to do B. And we could either consider a or we could consider B. There's no requirement that we either consider a or we consider B, but we're only going to consider one. If that failed, we would consider the other one.

>> Troxclair: Is there a requirement prohibiting -- I don't expect it to pass, based on the votes that were just taken. I would like to vote on that item. Is there anything prohibiting me from making a motion to pass item number 112 if I get a second?

>> Mayor Adler: Yes, because I think that would be an improper action, it would require us to reconsider the vote --

>> Troxclair: It's only -- if it passes, we have a conflict but if it does not pass, there's no conflict.

>> Mayor Adler: I hear you. I don't think it's the proper thing for us to do. You can challenge that decision --

>> Casar: I move we adjourn the meeting.

>> Troxclair: I'm making a motion to pass item 112. Is there a second?

>> Mayor Adler: It's out of order. We have nothing -- someone could -- you could ask my ruling to be overturned, but that would be the vote that we would have. Okay? I think we're done with all the items.

>> Renteria: Move to adjourn.

>> Mayor Adler: All right. It is now 12:44 and this meeting is adjourned.