

## City Council Regular Meeting Session Transcript – 05/23/2019

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[10:17:34 AM]

>> Mayor Adler: So we're going to start off today's meeting by pausing for a second to commemorate memorial day, which is this coming Monday. You know, it's important -- memorial day has become a real important holiday. Everybody gets a real good vacation. Maybe some good barbecue, extended weekend. Sometimes we can forget what it is that memorial day is really all about. So it's real important that we do that today and Monday, it's the day that we remember and give thanks to those who have paid the ultimate sacrifice for the rest of us. And that's what we're going to do here this morning. If y'all would please stand we're going to bring in the colors, have the national anthem and then invocation.

[Posting of colors].

>> Oh say can you see by the dawn's early light, what so proudly we hailed at the twilight's last gleaming?

[10:19:35 AM]

Whose broad stripes and bright stores through the perilous fight, oer the ramparts we watched were so gallant -- gallantly streaming? And the rockets' red glare, the bombs bursting in air gave proof through the night that our flag was still there. Oh say does that star spangled banner yet wave... Oer the land of the free... And the home of the brave

[applause].

>> Color guard, forward and halt.

>> Please join me in prayer. Dear lord god, as we are particularly mindful today of the freedom that we share as Americans, we ask for your blessing upon this ceremony and upon this year's memorial day. We thank you, lord, that we live in a country which provides us the privilege to vote for our elected leaders. We thank you, lord, that we live in the state of Texas which has a rich heritage of patriotism, honor and duty.

[10:21:35 AM]

And we thank you, lord, for the men and women who have paid the ultimate price and gave their lives on the battlefields of history for the freedom that we enjoy today. Likewise we thank you, lord, for the American leaders of the 1860s who began honoring what was then called decoration day and after World War II began to be called memorial day. We thank you, lord, for the bravery of so many Americans who chose to serve in the military with honor and who sacrificially died as heroes. We ask that you comfort and bless the family members of our friends here in Austin who have lost a relative in combat. Please bring peace to the families and remind them of the noble service for which their loved ones sacrificed so bravely. We thank you for the bravery of our warriors and the families who feel the loss and pain the closest. Today we honor the family of master sergeant Jonathan Dunbar who was killed in Syria while serving in the special operations community. He thank you for his willingness to serve in the army and for his offering to Diaz a warrior on our behalf. God, we can you to continue to comfort his family and to bring peace amidst the tears. Lastly, lord, I thank you for the privilege that you gave me personally to deploy as a chaplain to Syria with the special operations. There are no finer men than John Dunbar. It's in the powerful name of Jesus that I choose to pray, amen. Can.

>> Mayor Adler: Please be seated. So on memorial day we honor all service members who paid the ultimate sacrifice for us.

[10:23:39 AM]

Here today we're here to pay tribute to one of our local fallen heroes, master sergeant Jonathan Dunbar. Master sergeant Dunbar graduated from Connally high school in 1999 here in Austin. He began his military service as an infantryman in May of 2005. Served as a machine gunner, a fire team leader, squad leader out of Fort Bragg, North Carolina where he was deployed to both Iraq and Afghanistan. In November 2009 he transitioned to Fort Hood, Texas where he served for four years as a squad leader and served another deployment to Iraq. In 2013 he became a team member at headquarters, U.S. Special Operations Command, Special Ops. He was designated as a member of the Army's special operations unit known as Delta Force. It doesn't say here, but I think he served seven separate tours of duty. Last year master sergeant Dunbar was on a classified mission in Syria when a roadside bomb exploded, according to the Department of Defense. He died from his injuries on March 30th, 2018, just last year. He died along with a British soldier. His -- master sergeant Dunbar's military awards include three bronze stars, four Army Commendation Medals, six Army Achievement Medals, five Conduct Medals. He received the National Defense Service Medal, the Afghanistan Campaign Medal with two bronze stars.

[10:25:44 AM]

The Iraq campaign medal with two bronze stars. The global war on terrorism expeditionary medal. The ranger tab and the combat infantryman badge. Master sergeant Jonathan Dunbar was a true American hero. Our sincere and deepest condolences to his family and to his friends. Not only on today or on memorial day, but on everyday we keep Jonathan and all of our fallen heroes in our thoughts and prayers. I think that we have a representative of master sergeant Dunbar's family, I think his son may be with us. His family?

[Applause].

>> Mayor Adler: I think when he died he left three children and a pregnant wife when he passed. We have a proclamation. Be it known that whereas memorial day is a solemn day where we reflect and remember all of our service members in the army, marine Corps, Navy, air force and coast guard who are no longer with us today. We must never forget all sacrifices made by these brave men and women who have paid the ultimate sacrifice for our country. Whereas today we honor the fearlessness and perseverance of those who have sacrificed their lives to protect and defend the freedom that this nation is built upon.

[10:27:53 AM]

We also owe our gratitude to all of the gold star families who have continued to keep the memory of their fallen loved ones alive. And the heroic service to our country by those who would never return home. Whereas Americans should never forget that freedom is not free. This day serves as a tribute to honor the memories and legacies of the fallen, that we should commemorate the lives of these courageous heroes. And whereas we recognize all members of our armed forces who have served our country. In particular we recognize a loving father, brother, loyal friend and fallen soldier, Jonathan Dunbar. Master sergeant Dunbar was deployed to Syria in support of operation inherent resolve when he lost his life when an IED detonated. We take this time to remember and pray for him, our military personnel, and their families who have lost their loved ones while serving our country. Now therefore I, Steve Adler, mayor of the city Austin, Texas, on behalf of the entire city council, do hereby acknowledge may 23rd of the year 2019 as memorial day and I'd like to give this to the master sergeant's son.

[Applause]. Thank you. Thank you all. You may be seated.

[10:30:25 AM]

[♪ Taps playing]. >>

[ Bagpipes playing]. >>

[10:34:09 AM]

>> Mayor Adler: So today is the 20th anniversary of the austin-bergstrom international airport. I think that may 23rd is the 20th anniversary. I think we have a video to take a look at.

[♪Music♪]

>> Welcome to austin-bergstrom international airport. On our 20th anniversary we want to thank you for making this the airport of choice for central Texas. We've grown a lot over the last 20 years. The last airport built in 20th century. Our doors opened in may 1999. We welcomed 6.7 million passengers that first year, flying to 29 nonstop destinations all across the country.

>> One year later we started soaring even further with our first international flight, air Canada to Toronto. We honored our terminal's namesake in 2002, former Texas senator and U.S. Congresswoman Barbara Jordan, by unveiling a life size memorial statue here in baggage claim.

>> It you for naming us one of the best airports in the world in a 2010 passenger survey.

>> Environmental sustainability is one of our corner. In 2011 we reduced our carbon footprint by 200 percent by using renewable energy.

>> The first grand prix in 2012 brought record breaking passengers in all around the world.

>> Austin's first regular trans atlantic nonstop launched in 2014 when British airways landed a dream liner from London.

[10:36:13 AM]

>> Passengers aren't the only one who love Aus. We were named the 2017 of the year by the airline pilots association international.

>> With unparalleled growth, Austin's airport generates \$7.6 billion in economic activity for Austin and surrounding communities.

>> We support more than 74,000 jobs and provide more than 80 nonstop destinations in North America and our pop.

>> We're growing. We added nine gates, six of which are international capable and expansion is about 300,000 square feet.

>> Flying with us we have over 12,600 shows right at this airport. Hey, Willie, wait up.

>> One of the fastest growing airports in the country, 9.1 million more passengers and 41 more nonstop destinations since 1999.

>> What will the next 20 years look like at Aus? Let's take a peak a peek and see what we can expect. As continue continues to grow, abia will be developed to support bigger aircraft, new technologies and

increased passenger traffic. In 20 years annual passenger traffic is anticipated to hit over 50 million. That's about the size of the Las Vegas airport.

>> We work with our airline partners to expand service options and anticipate adding many more international flights, including new destinations. To accommodate this growth a new midfield concourse will be built, adding a million square feet, 32 Gates and many more concessions. County closed in garage will be demoed to expand the front of the Barbara Jordan terminal to include ticketing, baggage claim and more security checkpoints. A new braided interchange will be constructed at presidential boulevard and state highway 71 to provide free flow into and out of the airport.

[10:38:17 AM]

We will continue to focus on environmental stewardship, reducing all transportation emissions, including not only vehicles, but even aircraft. It will continue to feel like Austin from the music to the food to the atmosphere. Our goal is to maintain our culture, to create world class airport facilities and services that are still 100% Austin.

>> Thank you for flying Austin.

>> Thanks for flying Austin. We appreciate it.

>> Thank you. For 20 years of flying Austin.

[Applause].

>> Mayor Adler: So we all know that the airport is an important hub for the community, provides jobs, it welcomes millions of people to Austin and connects us to the rest of the world. Now with a new nonstop flight to Frankfurt with luftansa. You know, when people come to Austin their first impression of this city is often the Austin kind of experience that our airport has. We're now globally connected. We have doubled the number of international flights here recently in our city. In fact, we've nearly tripled the number of passengers coming in and out of here since 1999, just at the turn of the century. In 2018 our airport experienced record growth with nearly 16 million passengers. That makes Austin, by the way, one of the fastest growing airports in the country. Iterates \$7.6 billion of economic impacts over 74,000 jobs in our city. And incidentally, it served 833,507 breakfast tacos last year.

[Laughter].

[10:40:21 AM]

And this wouldn't be possible without the hard and pretty stellar work of the city of Austin's aviation department. Many partners all working 24/7 to keep the airport and travel in this city operational, always improving the experience of people in that airport. So happy birthday to austin-bergstrom, abia. We're looking forward to the next 20 years. A lot of expansion plans in that 2040 plan that the council

looked at. And I think we have Jim Smith in the room here with us. Is Jim here? Hiding in the back? Do you want to come down and say hi?

[Laughter]. I'm not sure how many more times we can bring Jim Smith down to the podium, but nobody has worked harder for this, held this vision, done so much for this city over such a long period of time. You know, when we look at the things that are going right in this city, and there are a lot of them, there is nothing going right better than the airport. And we owe that in large measure to your leadership. And I just wanted to say thank you on behalf of a very grateful city and city council.

>> Thank you very much. I appreciated -- the recognition really belongs to the 3500 people who work at the airport on a daily basis. The city employs only about 540, but there's 4500. So our our line partners, our concession partners, our service partners, everybody plays a role in delivering the quality of service that we can provide. So I really want to thank on behalf of the city of Austin, all of our partners that make that experience a positive one. So we appreciate you showing the video and all of those people talking in the video were 20-plus year employees of the airport.

[10:42:22 AM]

So they really enjoyed the opportunity to share what they do on a daily basis. So thank you.

>> Jim, thank you.

[Applause].

>> Mayor Adler: I need help logging on to the computer. Hang on one second. All right. Today is may 23rd, 2019. It is 10:42. We are here at council chambers here at city hall. We have a quorum present. I want to read some changes and corrections into the record.

[10:44:25 AM]

Item number 1 is the minutes just for the work session of may -- the called meeting on the 2nd, but -- and the work session on the 7th, just those two meetings. Item number 2 on may 13th, 2019, this was recommended by the electric utility commission on an 8-0 vote with commissioners Weldon off the dais and commissioners Wilson and stone absent. Item number 3 also on may 13th, 2019, same action, same vote, same members off the dais and present. On may 21st item number 3 was recommended by the resource management commission with a 7-0 vote with commissioners Brenneman, frailing and

[indiscernible] Absent and one vacancy. On may 14th, 2019 recommended by the airport advisory commission on a vote of 7-0-1-3 with commissioner is a pullover da abstaining, commissioners Todd -- backup, with commissioner esepulva and commissioners Todd and V sepulva absent. Item 25, the prior action was taken on a 10-0 vote. Item number 28 is being sponsored also by councilmember Paige Ellis. Item 31 postponed indefinitely. Item 33 and 58 are being withdrawn. Item number 59 on may 14th, 2019, the urban transportation commission approved recommendations related to micromobility. And

item 64 postponed indefinitely. We have some items that have been pulled. It looks like item 11 has been pulled by councilmember -- by the mayor pro tem Garza.

[10:46:33 AM]

I don't know if you need to pull that or if you just want to comment on that? Item number 11?

>> Garza: I have direction that I could read into the record if nobody opposes it. It's been passed out.

>> Mayor Adler: Okay. Councilmember Garza has handed out direction on that item. Why don't people take a look at that right now. We'll leave that on and give her a moment -- a moment to comment on it if she wants to, see if anybody pulls it. Item number 29 has been pulled by councilmember pool, also by speakers. And it looks as if item number -- we have some of the micromobility items that we're going to pull so we can discuss them in executive session. So the items that will be pulled for executive session, those items are items 24, 25, and 59 until after executive session.

>> Pool: Mayor, I don't think -- I did not pull item 29. I think it was pulled for speakers, but I think you had said that I had?

>> Mayor Adler: That's because it's showing that on the changes and corrections sheet, but --

>> Pool: Item 29?

>> Mayor Adler: That's okay. It's pulled my speakers in any event -- by speakers in any event.

>> Pool: I see it. Sorry.

>> Mayor Adler: That's okay. So the consent agenda is items 1 through 34 and items 35 to 64. That's 1 to 34 and items 55 to 64. Any other pulled items?

>> Renteria: I want to pull number 27, please.

>> Mayor Adler: Okay. Councilmember Renteria is pulling item number 27.

[10:48:35 AM]

With respect to item number 27, I think you had indicated you wanted to postpone one of the nominations?

>> Renteria: That's correct, mayor. And I think there's a couple of speakers that want to speak on it, but I want to postpone the appointment of the community development commission position until --

>> Mayor Adler: Let's pull item number 27. There are speakers that are signed up to speak on it. So I have being pulled right now 24, 59, 27, 29 and also item 59. Councilmember tovo.

>> Tovo: I would like to pull 6. I have a quick comment.

>> Mayor Adler: So I'm looking at item -- pulled six, 25, 27, 29 and 59. Any other items to pull? We have some late pickup on items 27, 28, 29, 41, 47, 58, 51, 54, 58 and 59. And also on the Austin housing finance corporation agenda item 1 that concerns the rbj center. We have some people that have signed to speak on the consent agenda. So I'm going to recognize those people now. On -- is Robert young here? To speak on item number 16?

>> [Inaudible].

>> Mayor Adler: Okay. And then I have on item number 19 Carlos Leon? You have three minutes, sir.

>> Soy Carlos Leon.

[10:50:35 AM]

Austin, Texas, may 23rd, 2019, so speak what's right.

[Speaking foreign language]. First and foremost, gracious for letting me speak against item 19 for two evidence based reasons. Document one on screen now. Per the public backup materials for item 19, page 1 of my three page handout in front of y'all now. You are voting to appropriate public money to the capital metropolitan transportation authority. Page 2 now. However, page 2 is a copy of the title page of chapter 451 of the Texas transportation code in a explicitly defines and governs metropolitan rapid transit authorities. Though section 4.0014 defines mass transit to include specific transportation types, transit is legally not the exact same as transportation transportation. Therefore, you are about to vote to give public works money to the cap metro transportation authority, which appears not to be a governmental entity defined or governed by chapter 451 that appears not to be legally held accountable by you who are legally held accountable by us members of the public. That's wrong. Page 3 now. This shadow transportation authority that appears outside constitutional law steams to have its own network of supervisors, security officers inside cap metro doing and saying the exact opposite what they are legally bound to do and say to be anti-public servants, to intentionally violate Texas penal code 1 point 0d 7801 a. To try to make us serve them by trying to push and enforce share sharia law on mass transit.

[10:52:41 AM]

Read the dozens of complaints on the public safety website for details that you need to know now. To fix those problems now. To follow constitutional law now. To make them tow the line, now. In Jesus name I pray, amen. Thank you, lord. God bless Texas, the united States of America, constitutional law and truth and above all, [speaking foreign language], god's word.

>> 24 has been pulled. 27 has been pulled. 29 has been pulled. 34, is Robert young back in the room?

>> [Inaudible - no mic].

>> Mayor Adler: Come on down and speak on it if you want to. I signed up Tuesday, mayor. I don't know what's going on with the machine.

>> Mayor Adler: I don't know. But you're welcome to speak.

>> Thank you very much. Good morning, Gus Pena, president of veterans for progress. I want to thank the city for recognizing what memorial day is all about. Item number 16 relates to the resources connecting parents and families to family centered social services. This is a very needed funding and I would hope that more funding would go to this because a lot of kids and their families need resources as this item reflects. I taught at the school district, I taught at Austin community tools, Austin community college, so it's very important. Mayor and councilmembers, I want to keep it brief. I want to thank you for allowing my Marine Corps for doing the presentation. This, mayor, is from the senate of the state of Texas, recognizing Gustavo Gus Pena, recognition for distinguished service of the United States of America by state representative Eddie Lucio junior and state representative Eddie Lucio III.

[10:54:54 AM]

People know what veterans for progress is all about. I know it's not on the agenda, but it is because of memorial day that I bring it up. Not even my own senator recognized our efforts. It's right here from the capitol. I'm going to wrap it up. Need to be very careful. I'm a former criminal discrimination complaints investigator for the justice department. I too don't like how people are talking about me and smirking. Word to the wise what happened two weeks ago, please, speak to the people on the dais. Show respect because I have afforded you respect, but if you don't afford me respect, I ain't going to do it. I've earned my respect. And this is the flag that was felony was flown over the state capitol. I want to thank senator Lucio for doing that. I don't need recognition, but do you know what? It feels good. I want to thank him very much and show appreciation on this channel. And they're listening to me right now. Anyway, number 16, outstanding. Thank you very much.

>> Mayor Adler: Thank you.

>> Mayor Adler: Okay. Those are all the speakers to speak on the consent agenda. Mayor pro tem, do you want to do your direction?

>> Garza: Sure. This is for the design-build process for item 11, which is for the dove springs public health facility. As stated during work session, I am looking for any way we as staff can get this built as soon as possible.

[10:57:02 AM]

The need for this facility was I guess discovered after the floods in 2013, but it was needed significantly before then. And I'm so grateful for all those for the bond task force, for the voters that overwhelmingly supported this, over 70% of austinites voted for proposition E. And so the direction is staff will identify

ways to expedite the timeline for this project as it moves forward and seek to bring this project to completion as quickly as possible without sacrificing quality. Approaches to consider will include exploring partnerships or other methods that may speed the design build process, completing the design manual quickly so bidders can have high quality proposals for all considerations. Future solicitations that have shorter timelines identifying any regulatory or permitting bottle necks that may slow the permitting of the project. And please come to council, work with council to remedy any anticipated impediments. I hope there is no opposition to this direction.

>> Mayor Adler: Okay. Anybody have objection to that direction? Hearing none, that will be included. The item stays on the consent agenda.

>> Casar: Mayor, for what it's worth I know we are all supporting this direction since none of us objected, but I do want to emphasize that this is I think a shared priority amongst the dais and not just an issue. And mayor pro tem Garza's district I think it's an issue for all of us. I know we all share that. I think it's important for one of us to speak so that the staff recognizes it's not a singular district issue.

>> Mayor Adler: Yes, councilmember kitchen?

>> Kitchen: I would just echo that. I think as councilmember Casar is saying, I think that the dais supports that and if you need anything later in the process or if the staff needs anything that will help speed up the process, let us know?

>> Mayor Adler: I I this I spoke to it at work session.

[10:59:03 AM]

Any other thoughts on the consent agenda? First let's get a motion. Mayor pro tem makes that motion, seconded by councilmember Casar. Discussion? Councilmember alter.

>> Alter: Thank you. I just wanted to acknowledge item 3 which is a utility scale solar project. In August of 2017 this council set a goal of 67% renewable, a 10 percentage point higher goal than the previous Austin energy resource plan. With item 3, we are now in the zone between 55 and 65 percentage points of renewable. In April we had a wind contract that put us over 55 and now with each renewable contract we get closer to that goal. I think it's just important to pause for second and acknowledge that before we pass it. Thank you.

>> Mayor Adler: That's a good point. It's also important to note because of the rates we have right now, as we enter into the -- these contracts, it's averaging down the cost power to our customers. Because it averages down the rate. There was a time when our investments in renewable energy, we were doing in part to develop the technology and raising costs and it is now the other way around. Yes. Mr. Spillar.

>> Mr. Mayor, I'm sorry. As you've indicated you are pulling item 59, I believe you also need to pull item 58 because 59 replaces 58.

>> Mayor Adler: Okay. I think 58 was withdrawn.

>> Okay. Thank you.

>> Mayor Adler: And we're pulling 59. Okay. Further discussion on the consent agenda? Let's take a vote. Those in favor of the consent agenda please raise your hand? Those opposed? Unanimous on the dais with councilmember pool off the dais.

[11:01:03 AM]

Okay. Councilmember tovo, item number 6, you had a quick question on that.

>> Tovo: I do. This is the surcharge we discussed a couple meetings ago and I wanted to ask staff for clarification about what -- what was in our backup with regard to the -- well, what was in our backup. So where it says -- so I guess I want to understand the impact of the -- of the action we're taking today. Will that result in \$437,020 extra we did not anticipate getting? Is that what that -- is that the gap between what we would have gotten absent this action?

>> It's a combination of factors, councilmember. The action includes increases associated with the new magnesium hydroxide pricing in that we discussed at last council meeting. In our annual forecast of looking at revenues from high strength ammonia, it also involves an estimate of the flow volume from customers as well as strength of individual loading. It's a combination of all of those that goes into an annual estimate. We did plug in the new members for the magnesium hydroxide.

>> Tovo: I understand those different elements, but I guess what I'm trying to determine is how much -- how much we're recouping by adopting the surcharge today rather than during the budget process. Is that 437,020?

>> I'll have to call my chief financial officer, David Andrews, to provide that detail.

>> Tovo: I'm delighted to vote on this without that information, but I do want to get that information.

>> It might be best if we were to follow up with you on the specifics of that. I don't know if we have that calculated exactly today.

>> Tovo: Yeah, I think that's important -- I think that's important information to have.

[11:03:09 AM]

I want to be sure we don't lose track of this conversation because, you know, we did -- my office has worked with you to get lots of information about what costs -- what the cost of providing these chemicals was to the Austin water utility and thus the ratepayers before the surcharge. It was in the neighborhood of millions of dollars, almost 3 million -- it was more than 3 million, a portion of which was covered by our existing rate structure with our industrial customers. But, you know, we expressed -- I specifically and others on the dais expressed concern about passing those costs on to ratepayers and so we moved up the time frame for adopting that surcharge. And then I just have to express some concern that when -- when the item was before us a couple months ago or a month ago, that we still weren't

covering our costs of purchasing that chemical. So I really appreciate you getting it on to our agenda so quickly so that we could make that adjustment, and I just want to reiterate I don't think it's appropriate that the ratepayers were bearing the cost of providing those chemicals for multiple years before that surcharge was in place. I'm glad that the surcharge is in place. To the extent that surcharge is not covering the costs of actually treating the water, please come back to us right away, let's do it outside of a budget process so that we're staying right and collecting -- collecting a surcharge that's adequate to cover to costs. Having had conversation with one of the industrial partners who is involved, I know that's their intent as well. We have agreement from all sides on making sure that surcharge is enough to cover the actual cost of the chemicals, so please keep us -- keep us in the loop on it. I wish we knew how much this change today was actually going to result in, but again, I think it is -- we have had considerable costs in this area for ratepayers and I don't want to see any more.

[11:05:12 AM]

I want to see us covering that cost.

>> I understand.

>> Tovo: Thank you for getting this back on our agenda so quickly so we could rectify that.

>> Mayor Adler: Okay. Is there someone -- yes, councilmember alter.

>> Alter: I just wanted to thank councilmember tovo for raising this issue previously and for spotting it with the contract that came up very recently and to thank Austin water for finding a way to adjust that quicker this time around. Thank you.

>> Mayor Adler: Okay. Is there a motion to approve this item number 6? Councilmember tovo makes that motion. Is there a second in councilmember alter. Any discussion? Those in favor those in favor please raise your hand. Those opposed? Unanimous on the dais. Item number 6 passes.

>> Mr. Mayor?

>> Mayor Adler: Yes.

>> I know that we have pulled 24, 25 and 59 for executive session, but I didn't know given the numerical order if people were here and wanted to speak how we were going to hear people who had signed up to speak on that item.

>> Mayor Adler: Well, we have several different items and lots of people have signed up to speak on. We also have item 29 and they have 29 people here to speak. We have about 5 minutes before we break for citizen communication. So we're not going to be able to get through that item plus the debate and the amendments, as I would imagine as we look at this now. We have a couple people to speak on that item so I can call those items up to speak and I'm trying to figure out from a time standpoint, we can do the ahfc as well, item number 36. I think we'll try to do that one. We'll try to -- we'll take testimony, I guess, on those, I think it's a good idea. With the time we have left, maybe we'll have people present the amendments that they are making to 29 to lay those out.

[11:07:14 AM]

If we have time, then we'll take testimony on that. So let's do that. Let's call up real fast the ahfc agenda. We'll let you all go.

>> You need to adjourn --

>> Mayor Adler: I'm Gooding to adjourn the city council at 11:07 and convene the meeting of the Austin housing finance corporation.

[See separate transcript for Austin Housing Finance Corporation text]

We're back in the city council meeting at 11:13. A quorum is present, we're in city council chambers on may 23. We'll continue on. Let's hit pulled item 27. We have some speakers signed up to speak on this. I want to call up Bertha delgado. Angela bienvenidos Garza is on deck.

>> Good morning. It's nice to see you, mayor. The last time I seen you we both received two awards from the Cesar Chavez award. I'm passing some folders around, if you all can take a look at it. I also emailed council, mayor and city manager. To the honorable mayor Steve Adler and city councilmembers, I am very humbled as well as honored to be re-elected by my fellow residents in the 7872 development area for the commission board. For the last two consecutive years I have served as a former vice chair in east Austin housing commissioner on the CDC. I have been responsible in guiding a better future for affordable housing with a voice of advocacy for our low-income recipients, elders, children, and every effort to try to sustain long-time families that reside in east Austin. I have won by over 85% of the vote announcing a victorious victory by the east Cesar Chavez contact team on April 18, 2019.

[11:15:22 AM]

I am attached of attaching the following documents with proof of residency where I have resided over 30 years. I'm also attaching a letter of clearance from the city of Austin's health department as well as the CDC bylaws done federal guidelines of my commission seat. I look forward to continue to serve and work very hard in the community development commission board for our community. Thank you, president of east town lake citizens neighborhood association, lulac council 4221, deputy director of education. My seat has been pulled twice, it was pulled again today. I don't understand why my seat is still vacant for two months. This is a very crucial seat. We oversight not just the affordable housing housing bond money, but we also oversight federal cbdg funds and all type of federal funds that need to be allocated on appropriately. Currently right now east Austin has no seat due to councilmember Renteria postponing my seat for approval for two months now. I have attached also a letter from my attorney giving the legal litigation of why this isn't justice and this is not right. I'm here to speak in my behalf of asking mayor, city manager and council to please approve my chair so I can move forward and serving my community for what I've done for the last 25 years. Thank you.

>> Mayor Adler: Thank you very much. Second speaker, Angela bienvenidos Garza.

>> I'm Angela bienvenidos Garza and first of all I want to thank you for all the work you do. We love you for all the work you do. First of all, what I wanted to talk about, I don't know how I can follow such sincere explanation from Bertha delgado. She is one of the amazing voices and leaders in our area.

[11:17:24 AM]

She does speak for affordable housing. She has listened to many of us when we come to her and I come across as a chair for the east mlk contact team until August. It is important that we go ahead and get this seated in place already so that we can go ahead and C to make these decisions for affordable housing. She has all the paperwork that's there. Again, we're coming respectfully to make sure we get that chair position in place already. 85% of the vote is there. People are supporting her from all directions. This is because she has earned that support to get it in place. We're asking on behalf of the community that we get that chair placed already. Thank you so much.

>> Mayor Adler: Thank you. Thank you very much. Those are the speakers we have from the public. I had requested of councilmember Renteria earlier if it was okay if this went to executive session before we acted on it. He's okay with that so we're going to pick this up during our executive session and discuss this item. I think that gets us to everything that we can do this morning other than the mobility and item number 29. Let's let the mobility speakers speak that have signed up. There are just a few. Item number 24, is Danielle cashette here? If you want to come down and speak, you can. Is Justin Camara. Why don't you come down too.

[No microphone on]

>> Mayor Adler: Yes, that would be fine. Come on down.

>> Thank you, mayor and council.

[11:19:25 AM]

Josiah Stevenson, on the board of aura which fights for everyone. I just want to read a statement from our organization about micro mobility and the franchise model. We urge you to oppose the franchise system proposal, increase micro mobility is too important to put at risk. Micro mobility is an important aspect of Austin's passed mobility plan. Austin has been a national and global leader to help achieve noncar share mode share. The most important metric and both council and staff should be very proud of that. Many of the problems -- this has not been without problems, as we know. Many of the problems have stemmed from the lack of safe, secure micro mobility. Council has shown interest in ensuring funds and believe it's something of a golden goose, but is producing -- what it is producing is not merely a funding stream for the city but something much more valuable, cars off our streets. And emissions out of our air and old attitudes that treat cars as kind of the only real transportation option out of voters'

minds. That is why -- that is what we risk when we aim to constrain micro mobility. The franchise system is not in general set up to secure additional -- just to secure additional funding for city purposes. It's a system meant to slow change, discourage competition and decrease availability throughout the city. Even as atv has spoken of a new model of franchise ordinance, the plain wording of the staff recommendation in the written ordinance makes clear its purpose is place barriers in the way of competition, choose winners and losers and reduce micro mobility choice for consumers. Even if atd did not intend to use the franchise system in such a way, state law kind of guarantees that would be its effect.

[11:21:32 AM]

Micro mobility companies would no longer compete on the basis of who provides the best, safest, most affordable rides but rather on who provides the best and well paid lobbyists. Well more than three months to negotiate with staff and three separate hearings, scooter franchises would take longer to approve and amend than some zoning cases. Something I'm sure none of you look forward to. We support the goals for the rapid funding of the network. But we urge you not to shoe horn a slow moving anti-consumer, anti-competitive state law into achieving this goal. It's not the tool for the job and we have too much to lose to try to force it to be one. Thank you.

>> Mayor Adler: Thank you. We're going to hear these speakers and then move the speakers on 29.

>> Thank you, mayor and council. My name is Dan cashette also speaking for aura. I want to add color to what Josiah just said. I don't think the frahise system, this -- the law as written by the state ledge, it just was clearly not meant for the situation we're in. There are other ways that we can achieve our goals, and one of the ways that I would love for you to explore is to sort of kill two birds with one stone and designate certain on-street parking spaces in places like downtown as spaces for micro mobility. Say one per block, painted purple and charge the lost meter revenue to the scooter companies. You can ask at executive session whether that's something that would fall within the law, but I think that that would really get at two different aspects of what you are looking at. Both the revenue and clearing off our sidewalks, which I know is something a lot of people have heard. I also wanted to overall on the rider ordinance, I think that, you know, there's a lot of good things in it.

[11:23:35 AM]

There was just one item that I wanted to really bring up that it says that micro mobility devices cannot be parked on private property. And I think that -- I just want to be clear that there are a lot of bike racks that are located on private property and are publicly accessible. And I want to be clear that if you park on micro mobility device at a bike rack on private property that unless it specifically says do not park your scooters here, that that is acceptable. That's a small change but I think one that would be positive. Again, please explore every possibility you can to continue regulating these without using the franchise system. I think that you guys are going to be more sick than anyone of the franchise system within six

months if you try to bring it in because it's going to be so much bureaucracy and do the opposite what we want in terms of innovation. Thank you.

>> Good morning, mayor Adler, Justin, general manager for spin, one of the micro mobility providers here in Austin. First thank you very much for all the time you've already dedicated to this topic. Today we're being asked to discuss and decide on a regulatory framework for bikes and scooters that is unprecedented anywhere else in the country. A system that grants the city broad authority without being asked to make a decision on the specifics of that framework until an unknown later date. Spin supports partnering with the city on a new regulatory framework, but asks you please give this process more time so we can discuss the framework and franchise agreement simultaneously. Two of the most important issues are the proposed fee structure and creating a level playing field. Regarding fees, we understand the need for fees and fully agree the dockless mobility providers such as ourselves should help pay for infrastructure, maintenance and expansion. We request that the discussion with staff and council on topics such as per day versus per ride fees be conducted alongside the framework discussion.

[11:25:39 AM]

The second request we have is to ensure that this franchise framework will create a level playing field. The current system was structurally unfair regarding the number of units each company was employ ranging up to 500 scooters. Primarily due to the date each procedure entered the market. We request that the start of the new regulatory framework, council will provide a framework on a level playing field. We examine the specifics of the agreement be undertaken at the same time as the framework and not separately. This discussion will require more time and deliberation. We believe in being a good partner with the city of Austin and ask you grant this request of the council, the providers and the citizens of Austin have a more detailed and complete view of the new framework. Thank you for your consideration.

>> Mayor Adler: Blanca. Is Alex stringer here? Come on down. You will be up next.

>> Good morning, Mr. Mayor, councilmembers. Blanca la bort with bird ride. I want to thank you and the Austin community for enabling micro mobility to thrive in our city. Scooters have become such an integral part of how we get around and the choices we make daily it's hard sometimes to remember that scooters have only been in Austin for just about a year, and that the entire micro mobility industry has only existed for about 18 months. We value our partnership and our working relationship with you and with atd as we work towards the shared goals of improving mobility, reducing single occupancy trips and reducing carbon emissions in our community. Because of that close partnership, I wish I could stand with atd today before you and wholeheartedly support the proposal before you that's going to determine the future of micro mobility in our city.

[11:27:43 AM]

But for several reasons I respectfully request you postpone consideration of this ordinance to allow additional discussion and collaboration. A franchise is more than a simple contract between the city and operators. Classifying dockless scooters as a utility implicates a complex body of law that needs to be carefully examined by the operators and the city. We need time to determine if the benefits of this model in any way warrant the incredible complexity. Generally we question whether the franchise model framework is the best way to regulate emerging mobility and whether the city can Patricia our regulatory and -- through a more nimble framework that promotes and inspires competition rather than limiting it and innovation and ensures Austin always gets the best service and vehicles available. Further, we have concerns with some of the provisions of the draft franchise ordinance itself. For example, the ordinance lacks detail, as one of my colleagues mentioned, and silent regarding the terms of the agreement, length of agreement and how specifically we're going to regulate vehicles in continual. We're concerned this franchise model will impede impede -- there are many vehicles coming online. We all started with retail off the rack vehicles and we have constantly it rating new models. Each new model has significant mobility and state enhancements and there are more in the pipeline. The ordinance isn't clear regarding the franchise holder that makes significant changes to the device or mode or includes more adaptive uses has to get a new franchise agreement or come before council for an amendment. Further, a person is prohibited from holding more than one franchise. This prohibition is also gog to greatly impact the market and competition and could delay or prohibit the launch of better vehicles in Austin.

[11:29:47 AM]

[Buzzer sounding]

>> Mayor Adler: The last speaker on this. Stringer.

>> You know, mayor Adler, I have to say I'm a little disappointed to see you not wearing the belt that I gave you. However, I do want to talk about the serious issue regarding how the scooters are franchised as you are well aware, every single transportation company and every single transportation entity has to be franchised by the city. It regulates the amount of drivers on the road and how the drivers have to govern themselves and how the vehicles are utilized, you know. We have a surplus of scooters and seems as though our city is the wild, wild west when it comes to micro mobility. And I think that micro ability is a very important thing. We have emerging markets, but there needs to be some kind of regulatory body involved in how these things are governed. I think the city needs to -- the city needs to kind of do a little bit better of a job in terms of how the -- where this scooters are distributed, how many scooters there are because right now we have a surplus of scooters and they are in a concentrated area and I think that franchising and imposing regulatory restrictions on these vehicles will help accentuate our mobility and make it more accessibility through the city. Thank you.

>> Mayor Adler: Thank you very much. We had another mobility item on this, 59, that had three speakers. We've heard from two. Is Patricia Schaub here? I'm going to go to 29 and call some of the speakers that have signed up for item 29. We have 21 people speaking. If everybody speaks for three minutes, obviously we won't get through all the speakers.

[11:31:48 AM]

Don't feel compelled to use all three minutes. But certainly you have that ability. Is Peter mullen here? Peter mullen? You might want to come back in. I'm calling speakers on 29. Is sherry palmer here? What about David madden? Pat -- go ahead. Is pat bookta here? What about Glenn -- [no microphone on]

>> Mayor Adler: Sounds good. Let the clerk -- that would be good. Check in your names and the clerk knows who has spoken. Go ahead, sir.

>> [Inaudible] I'd like to thank council and the mayor for all of their work on this. We're here as members of the commercial music sector to support this resolution. Musicians and music venues face a crisis of affordability, access to services and spaces, equity and resources. These are immediate and palpable threats to the continued vitality of the music sector. The convention center expansion provides an opportunity to face these challenges. We hope that our city, the live music capital of the world, will seize this opportunity to support Austin's live music community. Thank you.

>> Mayor Adler: Thank you.

>> Cody Callum, executive director of the merchants association. I represent a 5013c community consortium of 40 businesses that include hotel and lodgings. The arch and homeless services, food, hospitality, live music venues as well as the waller creek conservancy. We have ongoing projects with the city for development and support. My ask of the dais are two things.

[11:33:50 AM]

One, that we be identified and included as a key stakeholder to the projects of the Austin convention center as well as palm district. Our borders go between sixth street and 12th street and east to west Trinity to I-35. So please include us in this conversation. This is -- we're part and parcel of it and also our future is intertwined with it. Which leads me to item 2. If we could keep a focus during this process on funding, as my colleague spoke to there is currently zero funding for live music and commercial music sector, so this will be a key topic as we talk about convention expansion. Similarly, representing the arch and homeless services, I can tell you our homeless neighbors are in dire need of funding and support mechanisms. These simply don't exist. As I said earlier in a press conference, we have unique opportunity whether our heart leads us for doing the right thing for homeless citizens or business people what's best for cultural tourism and growth in Austin, we need to take care of our most vulnerable people including the homeless neighbors as well as musicians some of whom end up homeless and face these sorts of crisis themselves. Thank you for your time.

>> Mayor Adler: Thank you.

>> Good morning, Nick reynosa. I am a musician here in Austin. I also have founded a group of musicians with over about 3500 working musicians who live in the Austin metro area. I've been a working musician

in Austin almost two decades, however, I pay most of my bills out of town. Much of the money I and other musicians make is done out on the road as it is nearly impossible for musicians to live in Austin and support ourselves.

[11:35:52 AM]

The very tourism industry we're speaking about was built on the backs of Austin musicians. We helped create the brand to help our city become an economic trend set center. What happens when the musicians can no longer afford to live in the live music capital of the world. The economic impact report made clear musicians need our support. I urge council to adopt the recommendation to allow the maximum amount allowable by law from the H.O.T. Fund to increase, to go directly to programs and platforms that support Austin's commercial music sector. As well I ask that the Austin, Texas musicians group I have founded be included as a stakeholder in the future planning as you move forward with the adoption of this plan. As I mention, we have over 3500 members in our group and are in the process of incorporating into a 501c4 right now. So thank you again for all of your work on this. I just want to thank mayor this morning for the great work you had at the press conference that we do need this. It's never been done before. There is no risk and it was a great opportunity to help Austin musicians. Thank you.

>> Mayor Adler: Would the others of you signed up to speak say your name into the record so the clerk can check you off.

>> Pat bokta.

>> Mayor Adler: Thank you.

>> Glenn dembowssi.

>> Mayor Adler: Thank you.

>> Suzannea Lee.

>> Mayor Adler: Thank you.

>> Sonya Reese.

>> Daniel Phipps.

>> Mayor Adler: Thank you.

>> Aaron lack. I would just like to say a few wordsment I'm the president of T ahen federation of musicians.

[11:37:54 AM]

We are a labor union. We're the local chapter of the American federation of musicians and we have about 300 members that represent musicians in all sectors, not just commercial music, but I'd like to support this initiative and just I'd like to reinforce the connection between music that is live and performed by real people --

[buzzer sounding]

-- And growth in the commercial sector. Thank you.

>> Mayor Adler: Thank you. Thank you all.

>> Mayor, are you taking the other item 29 speakers right now? I didn't hear.

>> Mayor Adler: I will be. Haven't gotten to you quite yet. I'm going to double back. Is Peter mullen in the room?

>> Yes.

>> Mayor Adler: Is sherry palmer here? Is -- I think we heard from pat bookta. Is Luis Rodriguez here? Is Richard converse here? You'll be up next. Mr. Mullen.

>> Thank you, mayor. Mayor pro tem and councilmembers, I'm Peter mullen. I'm CEO of the waller creek conservancy and we are here in support of item 29 and the resolution therein. We really want to applaud the efforts of councilmember tovo and the other co-sponsors of the resolution, mayor Adler, mayor pro tem Garza, councilmember Renteria and harper-madison to take up this resolution. I think it's really incredible incredibly positive development. If you read the and and its length which is incredible, but it is revealing in a very positive way of all of the unique and extraordinary assets that we have in this part of the city. I mean, the list is -- waller creek, palm school, palm park, the macc, Rainey street historic district, brush square, fifth street Mexican cultural corridor, convention center, cap metro's downtown station, and it doesn't stop there.

[11:40:06 AM]

If you go north, the red river cultural district. I'm so pleased the representatives of that group were here today because they are such an important part of our cultural fabric. The innovation zone, the medical school. With he have this incredible collection of assets in this part of the city, and it's not just the density of them, it's the diversity of them, right, that is extraordinary. They represent natural resources. Cultural heritage resources. Economic development opportunity. And transportation and mobility. We have the opportunity to synthesize these elements into something that's truly extraordinary and it's hard, but I think it's really important and the opportunity is enormous. And one where the whole is truly greater than the sum of the parts. I think you can imagine what the result of investments in all these assets could be. We could have a really vibrant, multi-layered diverse people and place that represents Austin's best self. As we're in period where our city is getting pulled farther and farther apart, as part of our growth, this is a place that could actually bring the city together and be maybe the place that brings the city together. That's our aspiration for waller creek and the district and all of its collection of extraordinary assets around it. I think this is an incredible opportunity, I'm supportive of it and want to

thank council for taking this on. We've been talking about lot of these individual elements for a long time. The opportunity to put them together, you know, I think we can do this, week work together to do this and we should. It's a great opportunity. I hope you approve and thank you very much.

>> Mayor Adler: Thank you. Mr. Converse and then is iris Leah here?

[Buzzer sounding]

[11:42:08 AM]

Iris? What about Ann Howard? No? What about --

>> Ann is here.

>> Mayor Adler: You will be up next. Come on down.

>> [No microphone on].

>> Richard converse with the company all in. I'm also a local artist. I have a local band called narly sax. I'm also a member of the Austin alliance, a professional alliance of local artists. In addition to that I am a participant or active member of the movement. We are all in local, which is a movement empowering artists to seek inclusion and essentially foster fairness within local -- music communities. Now in each one of these iterations, I can tell you -- well, and in addition to that just as a member of this community and this community as well, so in each of those iterations, I will always be a proponent for the arts in general and the facilitators of the arts meaning the artists, venue operators. In my view there is no more important sector of this community than our artists. The -- our artists are the ones who are responsible for -- for enriching our community with arts, and so on this particular item I feel it is a unique opportunity and I would like to advocate that my company all-in be recognized as a stakeholder if this were to go through, but as -- and in addition, as a member of the movement, we are all in local, and just as a local artist, I am excited that there may be finally funds designated directly towards the commercial music sector in Austin.

[11:45:10 AM]

And I ue or encourage or challenge you to main not just on this decision but any decision that you may make to always consider the artists first.

[Buzzer sounding] Thank you.

>> Mayor Adler: Thank you. After you speak, then Ann Howard is speaking and then Mr. Saldana. Go ahead, please.

>> Good morning, my name is iris and I'm an organizer here in Austin with unite here local 23. I used to work at the airport Austin. We represent nearly 300 workers in the hotel and food service industry,

across the country, including Austin. We are here today because Austin includes good hospitality jobs -- becau solving the downtown

[indiscernible] Will generate health for Austin hospitality industry. The recent UT study analyzing the convention center expansion estimated that scenario five could bring hundreds of thousands more people into Austin each year. Generate as much as \$485 million in private development, and 109 million annually in spending at Austin hotels and restaurants. The problem is that hospitality jobs in Austin are not good jobs. The 2018 minimum wage for the motel/hotel clerks in Austin is 11 Christopher Daniels 47, made is only \$10.48 per hour.

[11:47:11 AM]

Many workers have little or no benefits and face issues like discrimination and sexual assaults. We believe it's possible for Austin hospitality workers to have good jobs. That's why we are urging city council to ensure working people have a more

[indiscernible] In a longer term decision-making for the city-owned Austin convention center hotels. We, therefore, request the resolution be amended to ask city staff to determine a process to appoint a labor representative to the ace board of directors. In the days, weeks and months to come we look forward to working with each of you to make sure Austin hospitality workers get their fair share in Austin economic and distributing and respect of workers.

>> Mayor Adler: Thank you. Yes, councilmember tovo.

>> Tovo: I just wanted to thank the speaker for her comments. I know councilmember Casar has brought forward a resolution to do that, and as the sponsor of the resolution, I plan to accept that amendment. But thank you for being here today to talk to the importance of it. I appreciate it.

>> Garza: Can I ask y'all to send the statistics you gave about the median pay and all that to me and maybe the whole council? Thanks.

[Buzzer sounding]

>> Good morning, my name is Ann Howard, I'm the executive director at echo, the ending community homelessness coalition. I very much appreciate all the work that's been over the months to put this resolution together. I'm specifically talking to you about the provision that creates the tourism public improvement district that will generate 4 million to 8 million a year for homelessness.

[11:49:13 AM]

You learned -- heard a lot this week about homelessness on Tuesday in your work session. Councilmember mayor pro tem Garza asked the witnesses that talked about ending homelessness across the country if there was any community that's actually done it. You know, I hold out to you that

Austin has programs that can do it if we would scale them up. You know, we win awards, we get big contracts, big grants, but we're not making the dent you need to see because we're not doing enough of anything at scale. And so this money is yet, again, not enough, but it's more new money that you're struggling to find and that we can leverage this money. We should expect to leverage this money, and we should use this money for evidence-based practices that work. There's a bittersweetness to me standing before you today talking about this tpid. One the very first things I asked the city council back in 2012, 2013, was to identify a funding stream or streams that you could dedicate to this purpose so that during the budgeting cycle we're just not collecting the crumbs and asking it to, you know, bake big bread. And so today is probably the last time I stand in front of you as the executive director of echo asking for you to dedicate funding to end homelessness. You can do this. We can end homelessness in Austin for every man, woman and child experiencing it, but it takes money. Thank you.

>> Mayor Adler: Before Mr. Saldana speaks, on deck we have Bobby levinski. Is he here? No? What about Cynthia Valdez? No? What about Rachel Mcgee?

[11:51:14 AM]

You'll be on deck. Go ahead, sir.

>> Good morning, mayor, councilmembers, Paul Saldana, with hispanic advocates of leaders in Austin, and I want to thank councilmember tovo for her leadership and hard work and acknowledge the hard work of both Shannon and Ashley in her office and Nick from councilmember Renteria's office for their hard work. I think councilmember tovo said it best when she talked about over the course of many years we really had fragmented planning around these assets and we now have an opportunity given all the synergy that exists to create meaningful, comprehensive and potential healing plans that right some of the wrongs in the past that have resulted in stranded cultural resources, impaired mobilities and certainly divided communities. I wanted to focus specifically on the Rainey street historic district fund because I think one of the reasons why we've had somewhat of a divided community is that there's been a lack of trust between the community and the city. And what I mean by that is many of us were here, I think councilmember tovo was probably the only councilmember, back in 2013 who was on the dais, we worked in good faith in partnership with the city to have a resolution to adopt it in 2013, and then that was followed by an ordinance. And the Rainey street historic district fund was supposed to be funded over the years, so over the last six or seven years there have probably been somewhere between 10 or 15 new developments within the boundaries of the Rainey street historic district fund and none of the dollars that was directed by ordinance by the past council were ever put in that fund. We have as [ saying name ] Mentioned this morning at our press conference, we have imaginary funds but we'd like to see the -- that fund actually come to fruition and be funded like the way it was supposed to be. To date only 600,000 were put in that, initial seed money used to relocate much needed affordable housing in east Austin where we were able to relocate four homes from the historic Rainey street into east Austin and provide affordable housing for residents in east Austin.

[11:53:22 AM]

There were supposed to be at least \$3.5 million that were supposed to come from the fairmont hotel project that never came into this pot. Not to mention the other 10 or 15 projects that followed. And I know we're talking about everybody's tapped out and shortage of revenue, but imagine we probably could have funded phase two of the Mac without a bond project and could probably offer cash to purchase the palm school site now and do all the other things that we need. Clearly there's an issue with mobility within the Rainey street area, but for me personally and I think folks within the mexican-american community we have lost out on the opportunity to be able to honor the legacy of the mexican-american families and communities that once lived on Rainey St once latched at the green water treatment plant where Seaholm was and warehouse district on if I have and just Guadalupe. My home is that to the point that councilmember tovo mentioned --

[ buzzer sounding ] Today's action hopefully will right some of the wrongs from the past and I hope you'll support the resolution as councilmember tovo has proposed it. Thank you so much for your attention.

>> Mayor Adler: On deck now would be -- why don't you go ahead and start?

>> Good morning. Just before I start I'd like to thank everyone who has worked so hard on this to get us to this moment. It's a lot of really great work that has gone into it and I applaud everyone that has offered testimony so far this morning. I'm a labor advocate and the president of the international alliance of theatrical stage employees, local 205 and serve on the Austin central lane council and also the Austin tourism board. I support this resolution which seeks to maximize hotel occupancy tax in order to maximize benefits for our Austin community, including an expansion of the convention center. It is an exciting prospect to be able to expand our convention center in a way that optimizes public space, enhances connectivity and introduces a whole new dynamic to the area.

[11:55:31 AM]

Equally gratifying is our approach will encompass things we value such as better building programs then insures our construction workers are paid a living wage and maximizes their protections on the job. And green building programs to minimize impact on our environment. More rewarding is the establishment of a tourism public improvement district from which we can generate funds to help others in our community, such as musicians and our most vulnerable members, the homeless citizens. Add to this job creation. In the events industry it's easy to get work but hard to make a living. Stage employees are temporary employees, hired on an hourly as-needed basis. Frequent unemployment make it difficult to make ends meet, receive health care benefits or save for retirement. Expanding the convention center will not only provide more convention and trade show employment but the increase in visitors staying in our hotels increases cultural arts funds which helps theatrical employers. Hopefully we will no longer have to rely on living with others or living out of town or working out of town or taking a second job get by. On that note, as we move forward, we must look to our hospitality workers who make up one of the largest sectors of our community. The leisure and hospitality industry is the third largest employment sector in Austin, employing over 127,000 residents. Unfortunately, hospitality jobs in Austin are not necessarily good jobs. Like stage hands frequently they are temporary employees, but their hourly pay is

much lower. We recognize that as the largest sector within our community who will be impacted by convention center expansion it is only fair that hospitality workers should be recognized as stakeholders in this process because when we think about job creation we must apply values to ensure we are creating good jobs. In conclusion I ask city council to support this resolution with the conclusion of a proposed amendment asking city staff to determine a process for city council to appoint a labor representative to the Austin convention enterprises, inc., board of directors.

[11:57:44 AM]

After all, one job should be enough for all of us.

[Buzzer sounding]

>> Mayor Adler: Is bill bunch here? Why don't you come on down. Bertha delgado? What about Angela Garza? Mr. Bunch?

>> Thank you, mayor, members of the council, I'm bill bunch. I'm a men of the tourism commission, studied these issues quite a bit. Of course I'm not speaking for the commission, just for myself. I want to say that I very much support the palm school effort to make that a public space. That's a culturally appropriate and serves a whole community. That part of the resolution is excellent. I'm very much opposed to that portion of the resolution dealing with the convention center as being premature. And contrary to the facts that we already know and what's the best interests for the community. I came here as many did in large part -- or significant part, anyway, because of the live music community. We continue to sell ourselves as the live music capitol of the world. People come here in droves for that experience. We're not funding it. And expanding the convention center has the potential to take away literally hundreds of millions of dollars that should be going to live music, arts, theater, culture, historic preservation, rather than as a tool to expand that funding. It's my understanding councilmember alter has some language that will help and call for some substantial financial due diligence that has not been done yet. But doing that after or at the same time as you've already made the decision, choosing the most expensive option and saying you want to expand the convention center is the cart before the horse.

[11:59:55 AM]

You're not ready. The facts that we do know -- and this is the data that I don't think can be disputed, less than 4% of our hotel vitorssi are coming for meetings and events at the convention center. The convention center is getting over 72% of the hotel revenue. That is a phenomenal waste of our tax dollars. If you expand the convention center, add the 2 cents, that imbalance will almost certainly get worse. Not better. On the path that you're pursuing. It is time for us to reprioritize our spending, match both what tourists are coming for and what we're losing and what the residents want and love because we're lucky enough to live here. Just for comparison's sake, Houston spends 33% of its hot tax on its

convention center. San Antonio spends about 49%. Fort Worth spends 35%. Carp us Christy spends 35%. That's as a report from a state fiscal note. There's no reason we should be spending anywhere near 72% of our hot tax revenues on something that generates less than 4% of our visitors. So please step back from this.

[Buzzer sounding] Don't lock up these dollars for 30-year bonds and do the financial due diligence first. Thank you.

>> Mayor Adler: Do you want to come down and talk? Then the last speaker I have signed up here is Louis Rodriguez. Is Mr. Rodriguez here? Go ahead, Mr. Pena.

>> Mayor, good afternoon. Gus Pena. 2327 east fifth street. I think and I believe strongly what bill bunch came forward with -- and I respect the man.

[12:01:59 PM]

He's knowledgeable as the other speakers I've spoken to. what are you doing to pack? Pack -- palm? Make sure you keep palm school what it was in the community. We're destroying -- not we. Actions are being taken to destroy what is essentially east Austin. We can't do that anymore. And I think Mr. Bunch had good intentions on -- in his comments. What I -- I went to Zavala. When Zavala burned down in 1958 we had to go to metz in the afternoon so they were trying to put us in palm school but, you know, we objected to that but we're strongly supporting something that is good for palm and the people that -- in east Austin that deserve better. We just are not maintaining and keeping what is the vitality of east Austin. You want more money for the convention center. What about money for the people that need help? I don't see it. You know, I might not be as bright as anybody else, you know. I don't have a master's. I have common sense. What the community wants is not what is being planned. Listen to people like bill bunch and others, the other young lady that spoke about Austin hospitality, they're hurting also. They're not getting the wages they're supposed to get. It makes me cry. Yeah, I cry. You know, I'm liker house speaker John banor. What are we doing to our communities? What are we doing to the vitality of east Austin and what are we gonna leave for our kids? I cry about that. I do. So take the comments that were brought forth by -- like bill bunch said and others also and Paul Saldana, because our community is being destroyed.

[12:04:01 PM]

And this is not what should be happening to Austin, Texas, east Austin. And I'm here. I don't know how much longer the lord has me here but I'm gonna be fighting for the rights of the people, what is in the best interests of the people. Not economic development or more expansion of the center. Spend the money wisely, appropriately. That's all I got to say. Thank you.

>> Mayor Adler: Excuse me. I think those are all the speakers. Anyone signed up that I didn't call? Why don't you come on down.

>> Hi, there, Louis Rodriguez.

>> Mayor Adler: I apologize.

>> No worries. No worries. I'm on the tourism commission but I'm here as an individual. And one of the reasons I was excited to join the tourism commission is because I love this city. There's a lot that needs to happen to match the growth that's happening with Austin in spite of anything we are trying to do or not do. And we do need to very much keep ahold of the personality that has made Austin what it is. I am here, though, in favor of the convention center because right now, as it is, the -- there are conventions that are turning away from Austin because it no longer meets their needs. It's gonna be a dead building there, not serving the community at all. But I'm very much in favor of the resolution as it is. And just to ensure that we are keeping the community in mind as we build it, that becomes a place making -- it's a place where the community can come, the alt arts culture, the music community that very much needs to be protected and recognizes is taken care of in this space we are creating. I'm very much in favor of the resolution, and I hope that you do consider it. And I do understand the concerns that we do need to take care of our community.

[12:06:04 PM]

The money that's set aside for this convention center can't be used for a lot of the things that they want it to be used for. But in this particular instance, if we can use this money for the convention center and also make it a place that matches Austin's personality and what makes it special from other communities, we should do that. I do tourism assessments for communities, smaller communities, and I just got back from Stephenville, and one of the common challenges is meeting the growth happening in those cities. It happens whether you're a big city, small city, and it's a challenge that we have to take. And I think right now we're at a place where we have a chance to make a really big difference to help take back and help build on Austin's amazing personality that draws people to us. We can't give that away to just tourists. We need to work on the communities as well. But we're at a crossroads right now, and I think it's very important that we do the convention center so that we do continue to have the money that comes in to this. Texas brings in 60, \$70 billion a year just on tourism alone and we can't shake our -- just turn away from that. We need to get into that, but we need to do it smartly. I still do believe the convention center is the right way to go. Thank you.

>> Mayor Adler: Thank you very much. Colleagues, those are all the speakers we signed up on item 29. It is 12:07. I'm gonna go to citizens communication and then we'll break for lunch, do executive session and then come back out. I would appreciate everyone who came down to speak on item 29 as well as the 50 or so people that signed up, expressed an opinion, and did not opt to speak. Let's go now to citizens communication and we're going to begin there with Christopher Daniels.

[12:08:12 PM]

Is Mr. Daniels here? Christopher Daniels? Okay. What about Mr. Pena? Do you want to come on down? On deck is going to be Clifford Dalton. If folks that are leaving the chamber could go outside if you're going to talk so we can hear the speakers, it would be appreciated. Mr. Pena.

>> Thank you, mayor, and councilmembers, Gus Pena, proud United States marine Corps, proud east sider. Memorial day is a holiday --

>> Mayor Adler: Mr. Pena let me get of the attention of the room. Excuse me, please, if you're talking would you please go outside so we can hear the speaker. Thank you, sir.

>> Thank you, Mr. Mayor. Again, Gus Pena, proud native east Austin, marine Corps veteran pinpoint memorial day is a holiday, we remember those who died in combat. You all will have the day off. We veterans will work and honor our military veterans who gave lives to protect freedom, safety and democracy. Wiley Guerrero, Toby Rodriguez, Alex quinoz, booker T. Lofton, all friends of mine and fellow classmates who died in combat at Vietnam. All graduates of the former Johnston high school and also the Allan junior high, former. I miss you, my friends. I will never stop remembering you all and the sacrifice you made to preserve freedom, democracy. I miss you all. Ag, my friend, the last infantry man to die in Vietnam, I will miss you all my classmates. Mayor, councilmembers, usually I get a tear but I'm not gonna do this because I'm angry. It's a slap in the face for echo and anybody else saying there's only 40 homeless veterans in Austin, Texas. 76 veterans in the clinic area, metropolis, they have their encampments over there but they don't want y'all to count.

[12:10:17 PM]

I told them you need to get counted. St. John's, in that area northeast Austin, I counted 156 homeless veterans. They trust me but I'm not gonna tell you where they're at. I'm gonna tell you where the location is at. We're doing -- people are miscounting. People are destroying the lives of our veterans. We have more than 1200 military veterans that are homeless. I can tell you one thing right now that I counted 28,000 -- 2852 homeless veterans. I mean no disrespect, but the count is inaccurate and it's a slap in the face to us military veterans. I've been homeless too, mayor, remember when I was at your -- when you were running for office, my wife and I were homeless. So I can tell you what. I bear strong um Brage to telling me there's only 46 veterans homeless. I love my veterans. My wife knows it. She says I won't go to the city council meetings with you because you get too passionate. Well you got to have passion, you got to have love for the people. And these are female homeless veterans are children out there also. You know what? I still see and I'm gonna say something positive we still see good coming about but it's not good enough. Please no moralize about the amount of veterans that are homeless out there. Mayor, if you want to I can take you over there. You don't need your body guards. They're good people that will offer you their last sandwiches, Orange or anything. I will die for them. I will tell you this much, no more lying about homes veterans at 46. I want to say thank you to the senator and his son. Thank you very much, mayor. I'll take you over there if you want to, mayor. You don't need body guards.

>> Mayor Adler: Thank you. I understand Mr. Dalton is not here -- oh, good. Come on down. On deck is Valerie Deyo.

[12:12:19 PM]

>> How y'all doing, ladies and gentlemen? I was poisoned -- last night I was poisoned and all of a sudden I was poisoned a week ago -- two weeks ago. I was poisoned at the Starbucks, poisoned at McDonald's, McDonald's, and I was poisoned at P Terry's. And so I decided to say that to you all. I don't know what to do. I know nothing so I just -- and I know the poison is out there because they have poison everywhere. They have poison out there in the streets. They give poison to the people. People poison me. And poison me. And also that's -- and I wanted to give y'all my phone number. My phone number is 696-4804. For you can call me up there and also you can call me at the other number at the -- at the -- at 228-4009. That's my phone number. And --

>> [Off mic]

>> Okay, okay. Also, I -- they poisoned me bad. They've been poisoning me bad because I was sick for, like, a week or two. I was sick for a week or two and all of a sudden I couldn't do anything. I couldn't walk -- I could walk but I could barely walk. I can walk now, but I'm just tired of poison in everything.

[12:14:21 PM]

And I'm just tired of it all. So anyways, I'll let y'all go. Thank you very much for your help, for listening to me.

>> Mayor Adler: Okay. The next speaker is Valerie Deyo. On deck is Frank Harren.

>> Good afternoon, city council members, my name is Valerie Deyo, I'm in district 1 and I know you received numerous emails from me and the Clark family and I just wanted to clarify some things. I'm not here to make waves but I have been looking into our community for a while. I've been advocating for a lot of the seniors here and there's so many things I see that used to be addressed. Today it's not information because we're -- concerning the Thomas family they have property over on 11th street and I'm not an overzealous real estate agent trying to make a sale, they're part of my blood, family, history as well and I care about them and they don't have a voice. They were told they had these benefits of being the historical property and there's a lot of legacy they're trying to save. No one is trying to minimize that but at the same time trying to make sure they don't lose the property. The property doubled in value, taxes rising and they found out they had a \$10 debt. They went into settlement arrangement paying \$1,400 a month. I don't know any seniors that have that much money lying around. I'm afraid not to stop paying because we'll lose our house. No one is -- when they stop paying their taxes they can't afford it, the city will -- says we'll put your house up for auction, sell it to pay the taxes. We're trying to find someone that wants to save that house and a legacy for that home. I'm working with someone right now but it's a lot of money. They don't have the resources to do that but they're being held hostage.

[12:16:25 PM]

If you don't accept this and really they don't understand going on the internet I have to file this document to get the benefits. They send me a letter, they missed the deadline this past year for the deducti they didn't have in 2007 pay called to see how much they gained in being historical. They couldn't tell me. Look at your bill. They should be able to understand that. They have not got all these benefits. I see the city has more benefits to me a cash cow having taxes. This house has gone up every year in value but yet falling apart. It needs a lot of work. If we have someone that wants to fix it up they're happy with that. My reason to come today, keep imple, I was told go down to the city council, if they apply for an application it stops with you guys to vote to allow them to do that. If we're able to find someone that wants to come in and fix the house up and save it, the history of that family, we all want that to happen but if they can't they want the ability for someone to come in as an investor, the whole area has been redeveloped, a lot of commercial properties there, to Reali the full potential to allow the new owner the right if they decide to tie the property down to have the build out and return of their investment. Not trying toimize anything. There's some of the land available but this house is too old to be moved. We've had numerous evaluations from contractors, different architects and it's a big investment. The young man looking at it now lives in the area, restored a property, wants to do a therapist place there for the community.

[Buzzer sounding] And my thing basically is taking into consideration if they don't have the money to pay for this what's gonna happen to the land. If they're able to find a buyer angle to -- able to get this property off their backs and sold. They got a new assessment this year for another installment they do not have.

>> Mayor Adler: Thank you very much. Frank Harren. After Mr. Harren is ambrosia azulila here? Ambrosia azulila? What about Carlos Leon?

>> Yep.

>> Mayor Adler: I'll be up on deck. Go ahead, Mr. Harren.

[12:18:31 PM]

>> Mr. Mayor, mayor pro tem, council, I've missed you. I haven't been here in a year and a half. I'm not sure the feeling is mutual, but you take what you can get. On your screen any moment you're going to see some words, some quotes actually. My own words from this podium two years ago this month. And I said we need to build all housing options at all price points in all neighborhoods. Earlier this month, you all apparently signed on to a general principle under the new land development code that we should prioritize all types of homes for all kinds of people in all parts of town. And then I've also included a third quote and that was from a friends of Austin neighborhoods recommendation. In September of 2017. Essentially the code should allow all forms of neighborhood scale, housing, all over town, throughout all neighborhoods. I basically want to thank you all, particularly mayor pro tem, who I understand floated this idea first. But all of you deserve kudos that you could come up with a general principle like this that

will guide our new code. Most of you were -- either were not here or don't remember I'm sure but about three years ago at the height of the acmoany regarding codenext I stood here once more and stated I thought we could have a I'm sorrily adopted land development that we would all be proud of and glad to support.

[12:20:34 PM]

I think with a again guiding principle as you have stated in your guideline from Mr. Cronk, that is still possible. I think what you did was the first step in a very, very good conversation among members of this community. A conversation that can be without acrimony. I just wanted to encourage you to continue in that vain of thought about what our code should represent and think about your own reasons for having agreed to that language. It wasn't me or anything I've said. I know better than that. Even with my healthy ego. But each of you has somehow come to your own realization that that should be the general guiding principle of the new code.

[Buzzer sounding] So thank you again. Good to be back.

>> Mayor Adler: Mr. Leone. On deck is Mariana Loomis. Mariana Loomis here? No? What about Bryan Kerr? Those are the last speakers that I have. Mr. Leone.

>> I'm just waiting for T the. . . So Carlos Leon, may 23, 2019 to speak what's right.

[Speaking non-english language] First and foremost, thank you for letting me fight evil within the Austin public library system that needs to be legal defeated and excised by you and city manager asap.

[12:22:37 PM]

I filed a city procedure filing official complaints against new central library security guard Vince wade for personally harassing me and stalking me on-site while on duty under color of uniform, no official discipline air action was taken against him like when he previously wording for the Travis county sheriff's document, document one on screen now. Per the October 27, 2017, Austin chronicle article in front of you now, in early 2015 wade allegedly sexually assaulted a court reporter at work. Where he was bailiff, repeatedly retaliating against her for saying no to him all without penalty. Document two on screen now. Though wade worked for the Travis county sheriff's office for 20 years his city of Austin job application in front of you now falsely says he only worked there from August 2015 as if what he allegedly did to her never happened. So the city of Austin would not consider it when you hired him. That date mismatch appears to be tampering with a governmental record to defraud, a state jail felony per Texas penal code 37.10a1 and c1, though wade certified he made no misrepresentation on his application. Camera on me now. Therefore, I demand the city of Austin immediately investigate and verify this misrepresentation to fire him now. While he still on probationary status. When he can be legally dismissed at any time on any basis, without appeal. Know that I've already spoken about this on record, testifying to the Austin library commission and the Austin public safety commission, and I've

already spoken directly about this to Austin public library director Weaks who said in writing he was aware of these complaints but that really didn't seem to be pertinent information to this hiring.

[12:24:58 PM]

I disagree. The evidence is in front of you now. It's on the record. It's on TV. And on this meeting. Do what's right. Fire Vince Wade immediately before his probationary status ends. Do the right thing. Y'all talk about we want to have good equity, we want to treat women respectfully and people respectfully.

[Buzzer sounding] This Wade violated city of Austin policies and appeared to commit a state jail felony. In Jesus' name I pray. Amen. Thank you, lord. God bless Texas, the United States of America, constitutional law and truth.

>> Mayor Adler: Thank you.

>> And above all, God's word.

>> Mayor Adler: Thank you, thank you. All right, councilmembers. It's 12:25. When we come back we have hopefully the micro-mobility issue, we've had the testimony on that. We will have the item number 29, which may take up first. I think we can probably do that. We have the public hearings that we can also take up as well. We can do that before 2:00. But first the city council will go into closed session to take up four items pursuant to 551.071 of the government code, discuss legal matters related to items 24, 25, 59, and 27. The first three are the micro-mobility. 27 is boards and commission. Without objection, we will now go into executive session.

[ Executive session ]

[1:56:15 PM]

[ Executive session ]

[2:07:44 PM]

[ Executive session ]

[2:36:09 PM]

>> Mayor Adler: all right. I think we have a quorum present. While we were out in closed session we discussed legal matters related to items 24, 25, 59 and 27. It is 2:36. We are back together. Councilmember Pool is not here. Let's real quick go through the consent agenda on -- let's let a lot of people go. Then we're going to pick up 29. We've already had public testimony on it. It may be that most of the amendments on 29 we can add without much discussion so let's see how much of that can happen on 29. Maybe we can get close to moving through that quickly but let's get rid of the.

>> Thank you, Mayor, Council, Greg Guernsey, Planning and Zoning Department, let me go through 2:00 items I can offer for consent, 44, c14-2018-0140, applicant asked for potentiality -- staff is requesting a postponement of this item to June 6, 46, c14-2018-0080 staff is requesting postponement to June 6. Item 47, npa-2018-0005.01, staff is requesting postponement to June 20, 48, c14-2019-0029, staff is requesting postponement of this item to June 20. Item number 49, c14-2019-0035, Mayor, we have three speakers on that item. So we need to pull item 49 for discussion. Item none 50, c14-2019-0001.

[2:38:11 PM]

This is ready for consent approval on first reading only.

>> Mayor?

>> Mayor Adler: Yes.

>> Flannigan: On item 50 this is the case I brought up Tuesday at work session to have gr-mu as the motion on consent.

>> Mayor Adler: Okay.

>> 51, c14---

>> Mayor Adler: Gr-mu is the consent motion on that item.

>> None 50. 51, c14-85-244-rct, staff is requesting postponement of this item to June 20. Item 52, c14-2019-0044. Sh. Staff is requesting this for consent approval on all three readings. Item 53, c14-2019-0006. Staff is requesting postponement of this item to June 20. And finally item 54, c14-2019-0038. Staff requesting this for consent approval on all three readings.

>> Mayor Adler: Okay. So the consent agenda is items 45 through 54. We're pulling item 49. Is there a motion to approve the consent agenda? Mr. Flannigan makes that motion, Mr. Casar seconds it. Any discussion. Those in favor raise your hand --

>> Noting closing pebble hearings.

>> Tovo: I'm sorry, 41 is on consent or not consent --

[overlapping speakers]

>> Tovo: Got you, sorry, I lost traffic where we were.

>> Mayor Adler: Those in favor of the consent agenda please raise your hand. Those opposed. Unanimous on the dais, consent items will come back to you in a second. While you're up there, so items number -- public hearings we have, 39 through 43, is anybody going to want to discuss those?

[2:40:13 PM]

Okay. Let's hold those for a second. Let's turn to item number 29.

>> Tovo: [Off mic]

>> Mayor Adler: But if there's one -- okay. Why don't -- what is the one you want to discuss?

>> Tovo: 41, please. I have a quick amendment on that one.

>> Mayor Adler: Okay. So we called -- there's Mccall items 39, 42, 43, there's no one signed up to speak on these items. Is our action to close the public hearing and approve the items?

>> Yes, it is, mayor.

>> Mayor Adler: Is there a motion to close the public hearing and approve the items for these numbers? Yes, Mr. Flannigan makes that motion. Is there a second? Councilmember Ellis seconds that. Any discussion -- I'm sorry?

>> [Off mic]

>> Mayor Adler: On 41 -- 40. Mr. Robbins, you want to speak to item number 40? Is Paul Robbins here?

>> He just left the chambers, mayor.

>> Mayor Adler: Let's take a vote now on items 39 through 43 with not 41, not 41. Those in favor please raise your hand. Those opposed. It's unanimous on the dais. Those items pass. We'll come back to 41. Okay. So let's talk about item number 29. Councilmember tovo, do you want to lay that out and see if we can work through some amendments.

>> Tovo: I'll make a motion that includes some of the amendments and then there's some I think we need to discuss and if I could make some closing comments.

>> Mayor Adler: Okay.

>> Tovo: So I would like to move approval of this item. With some other -- some amendments in the base motion. If the makers of the amendments are comfortable with my doing that. I think that --

>> Mayor Adler: Is it easier do it that way?

[2:42:14 PM]

>> Tovo: I think so.

>> Mayor Adler: Or the base motion? And then run through the amendments?

>> Tovo: Sure. I think councilmember alter's are great. I appreciate those. My motion would include those. My motion would include --

>> Mayor Adler: Hang on a second, hang on a second.

>> Alter: I'm happy for it to be friendly accepted but I would appreciate --

>> Tovo: Let me just make then the base motion --

>> Kitchen: I --

>> Tovo: Okay.

>> Mayor Adler: We'll handle them fast. I think they'll go fast. Just do your base motion.

>> Tovo: Thanks. I'm going to make my base motion about the two amendments that I wanted to bring forward, and those collide on page 16 we neglected to put a date in there for returning to council with an ordinance so I'd like to add in by June 20, 2019 for the Rainey street district fund. And actually the other one is covered with an amendment so I'll let -- no. I'll add it in because my language is a little bit different.

>> Mayor Adler: Page 16 of 23 you're putting a date in where?

>> Tovo: At point -- under the Rainey street district fund subhead, the city manager I'm putting in a date for returning with the ordinance by June 20, 2019.

>> Mayor Adler: then on page 19 under the stakeholders for the tourism public improvement district, including echo and other homelessness providers as among the stakeholders. That's responsive to --

>> Mayor Adler: I'm sorry. Now where is this one?

>> Tovo: Sorry. 19, page 19 of 24. Item 4. Including echo, and this is, I think --

>> Mayor Adler: So your 19 of 24. I'm looking of 23 so I'm looking at the wrong draft.

[2:44:16 PM]

>> Tovo: You know, I have --

>> Mayor Adler: Are you looking --

>> Tovo: I have the marked draft in front of me. Let me say it's under convention center expansion and it is point four.

>> Mayor Adler: Okay.

>> Tovo: And that is to include echo and other homelessness providers.

>> Mayor Adler: Okay.

>> Tovo: Which you had in yours and I'd be happy to incorporate councilmember Flannigan's and visit Austin here, if you're okay with my doing that.

>> Mayor Adler: Yes. 18 of 23, .4, stakeholders after downtown alliance you were adding visit Austin and echo and other --

>> Tovo: Homelessness providers, service providers, yes.

>> Mayor Adler: Okay.

>> Tovo: Let me note that visit Austin does appear as a stakeholder later as well but I'm fine with including them here as part of the tourism P.I.D.

>> Mayor Adler: Okay, all right. With those two additions, there's the motion. Councilmember Renteria, do you want to second this motion? Councilmember Renteria seconds it. Okay. Let's now entertain other amendments. Councilmember alter.

>> Alter: I would like to move my amendment. I handed out an updated version today. The only difference from the message board is that it incorporates the language that was in the second revised version in the places where that other language was. What my amendment does, is it builds on the request for a financing plan, original resolution and provides particular information on elements of that analysis that we want to make sure are in there. Obviously our staff will do due diligence and always that are appropriate but there are specific things that I wanted to call out to make sure were part of that analysis with respect to due diligence and with respect to understanding the risks as we were to move forward with the convention center.

>> Mayor Adler: Councilmember alter has handed out a yellow sheet that has language added in red.

[2:46:18 PM]

You have two and three but you're adding 3a. You have that entitled funding mechanisms.

>> Alter: I'm actually -- the only thing -- I reordered it so it would make logical sense as much as I could and what I'm really adding is 3b and the 3c parts.

>> Mayor Adler: Okay.

>> Alter: The rest of it is purely --

>> Mayor Adler: Order changes, got that. Adding 3b --

>> Alter: Then there's the other part on page 3 which just includes under other municipal needs that the manager may identify, it just calls out such as city office space but it would still be something that the city manager would be putting forward.

>> Mayor Adler: Any objection to inclusion of these into the motion, these -- any objection to this amendment? Yes.

>> Tovo: I just want to clarify this is all additive.

>> Alter: Yes.

>> Tovo: Yes --

>> Alter: So that it --

>> Tovo: No, I think that there's not language subtracted. I think this is a good addition.

>> Mayor Adler: Any objection to this amendment being included? Hearing none, this amendment is included. Okay. Councilmember pool, do you wa to make an amendment?

>> Pool: Thanks. Yes, this is on a yellow sheet of paper, the language under convention center expansion part 2, page 18, and it is the language in red there that you see that I described earlier this week. And the only change that I have is there was some question on the second sentence where I talk about annual funding for both the historic preservation fund and the cultural arts fund would remain at the full 15% of the hot revenue allowed, and I wanted to make sure that it was clear that each of those funds would be at the full 15% of the hot revenue, which is the status quo, and I wasn't intending to say it was 15% for the two combined. I thought if I put a comma after the word "Cultural arts fund," after the word "Fund" and inserted the word "Each" at the full 15% of hot revenue allowed would --

[2:48:21 PM]

>> Mayor Adler: That's the way I read that too. Any objection to that amendment being added with that language?

>> Tovo: Just one sec. I want to think about that. I noticed that too and I had for each allocation added to the end of T sentence. I may be fine with your solution. I want to think about it for a second.

>> Pool: I'm happy to defer to yours because I think the two of us had the same thought.

>> Mayor Adler: I think they both --

>> Tovo: I think yours is fine, comma each at the full -- no. I think -- let me think about that. Each at the full -- I think I'd be -- I think I -- I would say for each allocation, just to make sure somebody looking at this years from now understands we never intended --

>> Mayor Adler: We can put them both in there, quadruple sure.

>> Tovo: Suggest at the full 15% of the hotel-motel tax tax revenue allowed for each allocation.

>> Mayor Adler: For each allocation. Okay.

>> Tovo: Are you all right with that menlo park?

>> Mayor Adler: Any objection to that amendment being made.

>> Ellis: I have one question, where it talks about section 351 and comma 15% revenue tax it was my understanding we were not doing an additional venue tax for this financing. Am I understanding that correctly?

>> Mayor Adler: I don't think this determines that. In the past financing they were stated 351 and they paid off the 334 early. I think this still would allow staff, if it wants to make that recommendation, to come back to do that in the finance language. I read this to say also take a look at 334, consistent with councilmember alter's thing and obviously people are going to be asking later on why are we doing 334 as opposed to 351 or 351 as opposed to 354 or whatever combination gets proposed. I read this as just to say staff make sure you look at both these and investigate them and then come back with your recommendation and explain it.

>> Ellis: That's great. I know we already have a 334 that we're paying off so I wanted to make sure we were gonna be looking at that closely.

[2:50:23 PM]

>> Mayor Adler: And I think that some people are still real interested in making sure that we pay off the 334 and I don't read this to say we won't do that but it certainly gives staff the ability to take a look at that because they have to explain it either way so good point, I think, and I read this language consistent with that. Councilmember pool.

>> Pool: So thanks for accepting that language. Just to close I will probably, because I'm writing it now, have some direction to staff to bring us information, financial information, on paying off -- diffusing the current debt early.

>> Mayor Adler: That would be fine. I think it's already in councilmember alter's.

>> Pool: Great. Is that in your direction or was that in --

>> Alter: It's in my amendment.

>> Pool: Okay.

>> Alter: It says --

>> Pool: Is it the due diligence piece?

>> Alter: Yeah, it's the bottom, different scenarios for paying down the Austin convention center's current debt at the bottom of page 1 of my amendment.

>> Pool: Right, under due diligence, that's great. That does mean paying that early potentially. Great. Thank you.

>> Mayor Adler: All right. Any objection to that being included? Hearing nones, the pool amendment is included as well. Councilmember kitchen.

>> Kitchen: I am moving what I had on the message board, with the -- which I just posted this morning, with the exception I understand that councilmember tovo would like to keep the crossed-out language that's in it right now. Do people need me to pass this out?

>> Mayor Adler: Would you pass it out?

>> Kitchen: Yeah, okay. Let's see. Hopefully I have enough. Pass that down. Pass that down.

[2:52:25 PM]

Okay. It's the language that we talked -- it's the language that we talked about in the work session, and then I worked with law and revised it, and point -- posted it to the message board this morning.

>> Mayor Adler: Okay.

>> Kitchen: And councilmember tovo, you had asked that I go ahead and leave in the crossed-out language, which I'm doing. Which -- so --

>> Mayor Adler: Leave in the words "And any necessary resources to develop the plan," so that would be information the manager would be coming back with as well.

>> Kitchen: By that date, yeah, and the underlying.

>> Mayor Adler: Okay. Yes. Councilmember tovo.

>> Tovo: One addition I would suggest here, councilmember kitchen, thank you for leaving in the language and I would retain the original structure no later than August 1, 2019, for potential inclusion in the 2020 budget period. Also, for potential inclusion in the 2020 budget, just repeat that if that's all right.

>> Kitchen: That's fine for me. It's the same to me.

>> Mayor Adler: Take a period out, in the 2020 budget period. City manager is --

>> Kitchen: No, no.

>> Tovo: Also nor potential inclusion in the 2020 budget, comma --

>> Mayor Adler: Repeat that.

>> Tovo: Little inelegant to repeat it twice but I think that's the fastest.

>> Mayor Adler: Offered for possible inclusion. Any objection to this language?

>> Flannigan: I just have a question to make sure I'm reading this correctly. We're saying that we want the manager to come back with a process and the necessary resources for consideration of the 2020 budget both for the palm district plan and the district-level planning process that's detailed in the policy direction? What you printed here, councilmember kitchen, says may 2, 2019 at the end.

>> Kitchen: No. It's referencing the planning process --

[2:54:25 PM]

>> Flannigan: That we adopt it. . >> Kitchen: That was the adoption date.

>> Mayor Adler: My sense is we went to the manager and asked him to ask us to come back and tell us how we're going to do planning, what resources we need, that would approach that whole thing and this is consistent I think with that. Any objection to this being include?

>> Harper-madison: My objection is around the language with the district-level planning process. I wasn't aware that we had a district-level planning process, so would this be the proposed district-level planning process?

>> Kitchen: I was just picking up the language that was the exact language that we had in the policy direction. So this is the language that we have in the policy direction.

>> Harper-madison: So my concern there is we're sort of setting the precedent for having the district-level planning process, in which case if you'd be comfortable adding proposed --

>> Kitchen: Sure, I'm fine.

>> Harper-madison: Thank you.

>> Mayor Adler: Okay. That's councilmember kitchen. Councilmember Flannigan, I think yours has now been incorporated otherwise. Councilmember pool's we had. I had an amendment that was handed out. There were two sections to it. I think the section has been adopted already. The first section that's a whereas clause that just references the study. Is there any objection to that being included?

>> Harper-madison: Is it a white amendment sheet or yellow one?

>> Mayor Adler: Yellow. It's a whereas clause. It just references the study.

>> Tovo: I have a -- I would like to discuss that.

[2:56:28 PM]

>> Mayor Adler: Okay.

>> Tovo: So --

>> Mayor Adler: Just to lay it out first, I think that I'd really appreciate the rather lengthy historical analysis of everything that's hit this. Lots of pages. I think somebody that's going back and trying to figure out what's happening in this period of time would probably find almost everything they could possibly want that was relevant to that. So for that historical record making purpose, I think that was a significant event, that task force forming as well as its recent adoption, and because it's a document that

is actually referenced in the body of the resolution itself, I would include it because I think it makes the historical history of that -- it makes it more complete.

>> Tovo: And so, yeah I know your office as a cosponsor offered this for inclusion, and I appreciate and have worked with, you know, I think generally all the amendments that you brought forward. And I think it made for a stronger document. It is indd a long resolution and has lots of history in it. I will say there were -- we had community groups who forwarded rather lengthy information they wanted included and there were lots of pieces of information I think are relevant to the subject that we didn't include in the aim of really making sure we had the most relevant information, relevant to what we wanted to achieve as the objectives. And so certainly this is related. However, my concern -- my specific concern about it, we've had lots of groups endorse things in the resolution. Again, I tried discriminating in what we included and what we decided was related but not necessarily information you had to have to understand why we were providing the direction we were. My concern about this passage is that it makes it sound -- I want to be very clear, if the council votes to include this, that we are not necessarily endorsing the visitor impact task force report.

[2:58:33 PM]

I have a lot of admiration for the people who served on it. I think that he came up with some dynamite recommendations. I support the majority of them. I've brought several of them forward and moved them through the process so that they're being implemented. But I have -- there are some I have concerns about, and, you know, we had members -- I think in looking back at the recommendations that I think, mayor, you distributed the resolution that the tourism committee -- I appreciate that the tourism commission jumped right into this work and recommended the recommendations of the visitor impact task force just in looking at this today I see the fifth bullet talks about continued allocation of 15% of the existing 7% for cultural arts and historic preservation programs. I don't actually think that's accurate. I don't believe that the visitor impact task force they recommended, and I can give you the page numbers. On page -- on page 36 of the visitor impact task force they recommended maintaining the percentage funding levels from cultural arts and the tourism promotion fund. They talk about historical preservation, and when they do they talk about on the next page continuing to allocate 1.5 million to the heritage and cultural arts program. So I think that's one way our policy has built on the work of the visitor impact task force. We actually had visitors from the -- individuals from the strifter impact task force advocating against our approximate resolution to increase to 15% because they were concerned about some of what they were hearing that it would impact and impede a convention center expansion. So I just couldn't feel comfortable with including this provision if the assumption is we are also endorsing the visitor impact task force report. Because I think in some key areas again our policy has gone beyond that and has taken different paths. They recommended potentially using the community foundation or group like that.

[3:00:38 PM]

I believed and brought forward a resolution that helped situate it here at the city and so you know, again, I think they did tremendous work. I agree with most of it, but not all of it. And in terms of our historic preservation funding, it does veer in some very important ways. So that's -- that's the substance of my concern. One is that --

>> Mayor Adler: If there's better language that would make clear we're not endorsing it, I would be really open to that. I was trying to draft it in a way that didn't imply that the council had done that. But I do think that because the visitor impact task force is mentioned specifically in the resolution itself, it just proceeds -- some someone is trying to find where that is or where that report was or what happened, it's a way just to double back. But I certainly don't want to create the impression that the council endorsed it in any way. If there's BETR language to make that clear, let's include that.

>> Tovo: I think it just gets back to the purpose. The tourism commission endorsed this report, but the report is not something that's feeding into the action for moving forward. I'll give it some thought if it's important for you to mention that the tourism commission recommended it. I have -- I was looking at this at midnight so I haven't had a chance to line up all of what they summarized with the report itself. But there was at least one inaccuracy in it. So I'll think about it and get back to it.

>> Mayor Adler: And what I handed out didn't -- what I handed out on the white sheets isn't being included in this, but the language on page 18 of 23 references that and I just thought that if someone is historically looking for it, it gives them a place to find it. So do you want to come back to that amendment?

>> Tovo: Help me understand the intent, find the visitor impact task force report?

>> Mayor Adler: Yes.

>> Tovo: Okay. Let me give that some thought.

[3:02:39 PM]

>> Mayor Adler: Your resolution doesn't say we follow it. It just says look at it. But since it does say look at it it would be good to identify something about it. Mr. Flannigan?

>> Flannigan: So I think this is important to include -- we have a really long and lengthy debate about the tourism commission last year and it was about recommendations on budget that that commission failed to do. Now they have given recommendations so I think it's important that we cite it. I understand, councilmember tovo, your concerns about that and I read this -- it could just be as simple as the recommendation of a visitor's impact task force as it relates to the expansion of the convention center, period. So we can leave out all the ratio of hot funds, all the other things that have evolved over time, but that part seemed to be pretty clear.

>> Tovo: If we're talking about just strictly -- even there I'm hesitant because they were looking at the expansion in part in terms before other benefits and it was prior to the UT study and so I just -- if there's any suggestion that we're adopting that as the guiding framework, I remain concerned. So I appreciate you taking off the allocation 6:00 hotel occupancy taxes because that is one area where we veered, but I

think we also have gone beyond the conversation that we were having at that point about the expansion of the convention center.

>> Mayor Adler: My concern doing this, this is an historical fact and it references a document. And I hate for us to be selective about the history we want to bring forward in the history and the history we don't want to bring forward and that's what it feels like to me. This is something that's referenced to this. It's an historical fact. If somebody in the future is trying to figure out what were all the things that were involved in this time that were maybe impacting people or part of this conversation, this is a true statement. This is what happened on may 13th.

[3:04:40 PM]

This is what the visitor impact task force did. It's just a statement of what is true and I think it's important to have it as part of the history for someone doing research in the future coming back to this period of time. And I'm ready just to take a vote. I mean, it's a whereas clause.

>> Tovo: Yeah. If you want to just take a vote on it that's fine. Let me emphasize again we're always selective in the information that we include. There's no way that we can possibly include all the history. I want to be really clear about that because I told multiple people throughout the last month, you know, that we were not going to be able to use a fair amount of their language not -- again, not because it isn't related just because it wasn't out of an interest in making it really as concise as possible. But anyway, I would go with -- I'm not going to support it, but I'm happy to include it to -- accept councilmember Flannigan's offered it end it at the expansion of the convention center?

>> Mayor Adler: If you're going to vote for it, I'll keep it --

>> Tovo: There are lots of other people on this dais who may also. We don't usually adopt that practice. They'll have to think about it.

>> Mayor Adler: That's okay. I'm just asking. You certainly don't have to. Any further discussion? Councilmember kitchen.

>> Kitchen: Well, I would like to take off the and allocation of hotel occupancy tax?

>> Mayor Adler: Okay. I'm fine taking it off. Any further discussion in those in favor -- yes?

>> Alter: I just want to say I really appreciate the work of the visitors impact task force and I really appreciate the work of colleagues who were in the quorum where we reallocated the hot tax. I think we've deviated a lot in various different ways. I'm totally comfortable of putting the whereas clauses of historical things in here, but I don't think somebody will go and look at that and say that's the guiding thing.

[3:06:41 PM]

The UT study deviates from it in lots of ways. We've changed the hot tax, but it is an accurate historical statement and I'm totally comfortable with it being there. But I think there are lots of deviations and things that supersede that in terms of direction, including a lot of what's in this document.

>> Mayor Adler: There's a lot of whereas clauses that I think have been superceded subsequently. Let's take a vote. Those in favor of adding this amendment with the language that councilmember kitchen wanted taken off at the end, please raise your hand? Those opposed? Unanimous on the dais. What do you know? All right.

>> Kitchen: I have a question.

>> Mayor Adler: Yes, councilmember kitchen.

>> Kitchen: So the second part of your amendment there, there's one piece of language you had that I wasn't sure that councilmember tovo had. That said that you had including, but not limited to.

>> Mayor Adler: Yes. Any objection to including not limited to? Hearing none it's -- it's the stakeholder groups that are added at the bottom of the page. Hearing no objection, including but not limited to is added as well as visit Austin and echo and the other homeless service providers. Yes. Councilmember alter.

>> Alter: I just wanted to provide the other direction that I had handed out.

>> Mayor Adler: Now would be a good time to do that.

>> Alter: My other amendment was about making sure that we do due diligence and take care of the understanding the risks before we move forward with a convention center. Another thing that's really important to me as I think about the portion of this resolution that has to do with expansion of the convention center is how we're going to bring the public inside the building. So a lot of the UT study has to do with the outside areas and the open spaces, and I think that's part of what appeals to me about scenario 5. I wrote up some direction, though, that I wanted to share and I didn't put it in an amendment because the resolution was already 24 pages and I wasn't sure how to do it in a logical way.

[3:08:42 PM]

And I think a lot of it can easily just be provided as direction because it's really some options. So the first piece of direction has to do with creative spaces. And it's asking the city manager within scenario 5 to explore ways to incorporate Austin's own music and arts community into the design and proposed uses of the convention center. For example, a theater or art gallery. This could be part of the food court, having a stage, similar to what we see at the airport that would feature Austin musicians and be funded by the convention center as an amenity for its visitors, but also a place where folks could come in from outside in that area. The second direction has to do with public use and more broadly and asking the city manager to identify and present ways to bring the public inside the building day-to-day. So we have a beautiful new public library that people use all sorts of public spaces in different ways and there's absolutely nothing to preclude some of the open spaces in the convention center having a similar like or feel, if we thought that would be useful for convention Goers and the community. The third one is not

so much about the public coming in, but that just has to do with land acquisition and we have not had a lot of discussions about that. I think it's an executive session. So I'm inviting staff to have an executive session with council regarding land acquisition topics so we can better understand some of those issues sooner rather than later so that we're not precluded from moving forward. And then the fourth area that I wanted to provide direction was that the initial design plans should include what the ground level retail would look like and incorporate industry level trends of brick and mortar retail. I've had some folks raise some questions about the viability of the retail at the bottom. I'm not sure that that makes sense to me, but I think it would be helpful for us to have some analysis so that we can put to bed those concerns or that we're made aware of things that we need to be concerned about.

[3:10:56 PM]

>> Mayor Adler: Does anybody have any objection to those directions being included? Councilmember kitchen?

>> Kitchen: I just want to say something about them. I support the direction and I particularly want to thank councilmember alter for pointing out the need to look at our creative spaces. And so as we all know it's really important and there is an opportunity to here to provide more space for our music and art communities. Thank you for bringing that.

>> Mayor Adler: Okay. Any objection -- yes?

>> Tovo: I have absolutely no objection. It seems I was trying to very quickly look at I think creative spaces and public use if we could -- and possibly retail actually would fit really well into the direction on the -- under the convention center piece, but would need to be reworded a little bit. I think in some ways it would be nice to have that embedded in the direction so that that's a clear part of what they're looking at with regard -- and making -- that they're considering with regard to design but also considering with regard to costs.

>> Alter: So I don't know what the last number -- I can take a stab at how to frame this, but the last number under the convention center could be the city manager is directed to consider the following and then just bullet point what I have.

>> Tovo: I think it would probably do into one where we've talked about place making and enhancing and an initial design exploration should aim to create flexible convention space, I think in portion. I'm open to wherever, but if we could accomplish it quickly I think it would be ideal to have creative spaces, public use and retail worked into one or a two -- just referred to in one or two sentences.

>> Alter: I think they could refer to it and also have the direction --

>> Tovo:

[Multiple voices]

>> Tovo: So it could be really brief in the resolution.

>> Alter: Also optimizing public space, enhancing place making.

>> Tovo: I think you may be using the older language.

[3:12:58 PM]

I'll give it some thought too.

>> Mayor Adler: What we could do is have a second paragraph under number one so it's just a second paragraph, but under number one where that is. And it just says that the city manager is directed to consider and then there would be the enumerated points that you have.

>> Alter: Just for the creative spaces, public use and retail. I don't think the executive session has to be in there. That would be great.

>> Mayor Adler: That one will be included in the body as the second paragraph under number one.

>> Tovo: It still needs to be a sentence. Like we still need to work it into a sentence. If we could just come back to this maybe in a bit?

>> Mayor Adler: Okay. We can come back to it, that's fine. But while we're here, just in case, does anybody have objection to including that as direction? Hearing none, that will be included as direction. If we come back and get it in the body that would be good too. There was a group that came and talked to us today. It was the music industry people that were part of the red river cultural district. I wonder if we should add the red river cultural district to this -- to the stakeholders that we have listed on page 20 of 23? And I don't know, the red river cultural district I think is an area like number one, but it's also an association of merchants in that area. So I'd be comfortable either putting it in number one and number two, maybe it belongs more given his posture here this morning in number two where we've listed a lot of stakeholders that are involved in this planning effort. Remember he was the guy that had --

>> Tovo: I remember. I'm comfortable with including it with the understanding that the red river cultural district is clearly adjacent to this area. It's not within the palm district. And this really does need to focus on the area as outlined. But I think it is -- I think including them as a stakeholder is good.

[3:15:02 PM]

I would just remind you of the resolution -- we've had one resolution, maybe two that I've brought forward looking at using hotel occupancy taxes to build out the vision for the red river cultural district. So to some extent that already has a process. It's not moving quickly, not moving quickly enough, but we've already initiated action to create -- to use our hotel occupancy taxes to do place making in that area. So I just want to be sure that this doesn't become a conversation too about how to build out the red river cultural district because I think that has to happen and I'd like it to happen and led it on happening, but this really does need to be focused on its district of the palm district plan.

>> Mayor Adler: With that understanding I agree with that. Any objection to including that among the stakeholders on page 2 of 20 and 23. Hearing none they're included as well. Councilmember Casar, do you want to bring your amendment forward?

>> Casar: Sure, mayor. Let's move the number two first because I think that one seemed from the conversation -- the controversy.

>> Mayor Adler: Okay.

>> Casar: So number two adds as part of the convention center expansion asking the manager to find ways to potentially modify or expand the board of Austin convention center enterprises. Currently to include employee interest at the convention center and convention center hotel. I think it's important for us to think about employees through this process, improving job quality through this process. The board of directors currently includes three city staff and we could get a variety of options from either designated one of the city staff. People are adding a member, but that password is entirely controlled by the city and make sure that we're finding ways to improve job quality, be it at the convention center or at the hotel that we own next to it I think is an important step to this. We can't think of all these pieces downtown without thinking of the employees that make this work happen.

>> Mayor Adler: Okay. Any objection to that being included? Hearing none that element is included.

[3:17:02 PM]

Thank you.

>> Kitchen: Mayor, I'm sorry to interrupt, but going back to -- what page were you adding the reference to the red river --

>> Page 20 of 23.

>> Kitchen: What's the section?

>> Mayor Adler: It is the district planning process. It's at the back end and it's item number 2, paragraph 2. It's before that.

>> [Inaudible - no mic].

>> Tovo: Mayor, if it's okay with you and councilmember Casar, I think I have a solution for councilmember alter's before be get too far beyond that one. Is that okay?

>> Mayor Adler: We were like mid -- does anybody have any objections to point number 2 on councilmember Casar's page? Does anybody have an objection? Hearing none, number two is included. Yes, councilmember tovo.

>> Tovo: I should have said at the outset if you're working from the marked copy, unfortunately the marked copy that got added also has -- it has marked -- anyway, it recaps some of the edits to the edits. So that makes it a little bit confusing. And if anybody needs me to talk through that let me know. You

will see some language that was not in the first draft that also isn't in the final draft. It was kind of in the iterative process. So councilmember alter, this is what I would propose and hopefully it meets everybody's objectives. So in the section on convention center expansion, under point -- what is currently point one I would remove the sentence that is relatively -- well, remove the sentence that begins initial design exploration should also aim to create flexible, et cetera, et cetera. I would take that out and I would make a paragraph there.

[3:19:02 PM]

And then I would make a paragraph at the council directs this action so that now that number one will have three paragraphs. And then to paragraph two I would suggest that we add

this language: The city manager --

>> Mayor Adler: Hang on one second.

>> Tovo: How about if I just go up there and show it? I think that might be fastest. So here -- so I made a paragraph here and make a paragraph here, and then at this point is where I would add in [inaudible - no mic]. So into -- at the end of this sentence I would say the city manager is also directed to, and then I would pick up on councilmember alter's language is directed to explore ways to incorporate Austin's own music and arts community into the design and proposed uses of the convention center, semicolon, to identify and present options for bringing the public inside the building day-to-day, and to provide information about the -- about options for ground level retail. That one I'm not completely sure if I'm capturing your intent. I think you're saying you want to see what the ground level retail looks like and so if there's better language for that. But that's what I would suggest. And a paragraph associated with that. The city manager is also directed to this, this and this.

[3:21:07 PM]

>> Mayor Adler: So the first paragraph break is internal with initial design and then you're adding at the end of that...

>> Tovo: Councilmember alter's language as I've just suggested.

>> Mayor Adler: And then flows to period and then we would get to your language on the back page.

>> Tovo: Yes. And the next paragraph would be council directs and et cetera, et cetera. I would add the next sentence, but that's minor.

>> Mayor Adler: Paragraph in front of initial design, striking the word also that can be used or -- ebbs and flows, period. And then is there an insert after the word flows?

>> Tovo: Yes. Then it goes to this, the city manager is also directed to... And then we pick up here. Explore ways to incorporate Austin's own music and arts community into the design and proposed uses of the convention center.

>> Mayor Adler: So would you just -- would you strike the words that you have there, for example, the theater or art gallery?

>> Tovo: Yes, sorry.

>> Mayor Adler: Take your pen through that. Perfect, that helps me. Any objection to that language being included that way? Yes, councilmember alter. Remember your directions are also in there as well.

>> Alter: Right. So I'm happy to move what she just said as an amendment to that, which she can second if she likes. I would just add, though, for the ground level retail, you know, I would just say "And analysis of how to make it successful."

>> Tovo: Would you add that to the end of it?

>> Alter: To the end of it.

>> Tovo: I think that sounds fine.

[3:23:09 PM]

Let me think about the sentence.

[Multiple voices]

>> Alter: Provide information about how to make ground level retail successful and engaging. Let's say that.

>> Tovo: Good.

>> Mayor Adler: How to make ground level retail successful and engaging. Councilmember Flannigan.

>> Flannigan: I think this is all really good stuff and it's a really great brainstorming to think about what can go in this space and I have all the faith in the staff that they will come back to us with a comprehensive idea that they will only bring to us if they believe it to be successful. So I think retail has issues in the marketplace and we're hearing that as we go through land code stuff, but I think this is all really good brainstorming stuff and I'm looking forward to seeing what the staff brings back once we get this moving forward.

>> Mayor Adler: Certainly don't want this to be a limitation to staff in any way and whatever instructions you got when you did the library, I don't know how detailed the council got back then to tell you how to do the library, but whoever -- whatever -- well, in any event, the library turned out well. All right. This language has -- any objection to this language being included? Hearing none this language is included as well.

>> Tovo: Should we just verify that last little bit? I think councilmember alter, the ground level --

>> Alter: We said to provide information -- you said provide information about --

>> Tovo: To provide information about --

>> Mayor Adler: Options and how to make the ground level retail option successful.

>> Tovo: I think it was to provide information about how to make -- about -- to provide information about how to make ground level retail options successful. Does that work for you?

>> Alter: That's fine.

>> Mayor Adler: And engaging. And engaging.

>> Alter: Yes, that's fine. Thank you.

>> Mayor Adler: Any objection to that being included?

>> Alter: I'm not objecting. I just want to make a small comment if I may.

>> M Adler: All right. If there's no objection it's included.

[3:25:09 PM]

Now you can make a comment.

>> Alter: So part of the reason that I wanted to provide -- I provided as direction and not as an amendment was just to try to -- I really wanted for me when the convention center design comes back it's really, really important positive me that it has the creative spaces and that we figure out how to bring the public inside and that all of the economics and the financial stuff works. So I wanted to make sure that was on the radar screen in terms of that being important. I really appreciate councilmember tovo helping me to put it in to the resolution but for me that's how I'm judging the project and it's going to be key for me moving forward.

>> Mayor Adler: Okay. And again, in that regard, you know, in the initial amendment that we did that came from councilmember alter where it talked about due diligence and risks, I think this incorporates all of those things and all of those elements and specifically you're directed to present thorough analysis of opportunities, costs and risks. Those would be the trade-offs, retail. If not retail how would you do retail? Just everything about this as you would ordinarily do, this is asking you to tell us what is the significance of the choices that we make for any of these elements and how they impact the other things that we've asked for. Councilmember Casar.

>> Casar: All right. So now I'd like to move the Rainey street district fund amendment. It is the same as what has been posted on the message board with some additional detail recognizing the importance of safe access to the mac, recognizing the importance of safe access to the fifth street mexican-american heritage corridor, but also recognizing the importance of investing and underinvested communities in

the section where I talk about equity. I'm happy to talk about what the whole amendment means if now makes -- is the right time to do so.

>> Mayor Adler: Is there a second to this amendment?

[3:27:10 PM]

Councilmember Flannigan seconds it.

>> Casar: So I appreciate trustee Saldana's testimony on the ordinance as it has been written in the past, which was saying that Rainey street dollars should stay in Rainey street. And manager, I take seriously his comment that there was some mistrust created between the staff and some of the advocates on that point around whether dollars were really going back into Rainey street or not. And I think councilmember tovo's original language here asks to look at what spending there has been. To me, though, before we pass an ordinance diverting the money in the future from Rainey street back into Rainey street, I really want to know what the money would otherwise have gone to because in the end if Rainey street -- right-of-way fees or alley [indiscernible] Can help access to the mac, I think that can repair issues in the past and better address issues of the mexican-american community there, but at the same time if we are diverting funds that potentially could build sidewalks in parts of district 1 where there's demo sidewalks needed or parts of district 4 where kids need a sidewalk to walk to school, I want to know the choices that I'm making before I make them. So it would be really useful to know generally how much money we think would go into this fund and generally what kinds of projects we would be sending them to in the Rainey street area and which projects we might be missing out on on other parts of the city if we make that diversion of funds happen. So I want to make sure that this amendment is clear, but essentially I have no immediate objection to keeping Rainey street funds in Rainey street, but if that means I might be cutting a project in a way -- cutting a project, for example, in an underinvested and community of color that really needs that money, I want to know that and I want to be able to have that transparent decision rather than blindly rededicating funds to one area.

[3:29:17 PM]

>> Mayor Adler: Further discussion on this item? Councilmember tovo.

>> Tovo: Yeah. I have a couple of questions and then some comments on it. Councilmember, are you -- it's not clear to me whether you are intending to replace the number two. Your motion doesn't show -- shows this all going into point one.

>> Casar: Correct.

[Multiple voices] It's not to repeal anything else. It's that the city manager should bring us back an ordinance that would permanently have Rainey street money stay in rainy. But I want the manager to provide a recommendation to the council, some context on the ordinance and what the impacts would

be, with a particular look towards what are the needs that otherwise might not be funded one way or the other. And to have a recommendation, that way we can just make a choice with full information. And it might very well be that we unanimously think that there are -- that we need the Rainey street funds to stay in rainy because of the projects that need to be funded. Or we might very well unanimously say there's already enough funds to complete what we need to be done in Rainey street and we need the funds for this playground or this sidewalk or for safe access to this school or what have you.

>> Mayor Adler:>> Tovo: Okay. So I have some very significant concerns with this change. You know, again and again in the last several years since the council passed that -- passed what was very clear intention that the right-of-way fees and the license agreement fees and the others were supposed to go to providing infrastructure and to providing and to supporting his efforts to emphasize and celebrate the history and the culture of the mexican-american families who lived in Rainey. And it was an important part as I just came in on the tail end of that conversation. There are many others in the community who have worked on it for a long time.

[3:31:18 PM]

I have been asked multiple times where that -- why the money isn't going into that fund. It was we've gone back, my staff went back and looked at the transcript and looked at the tape and it seems to be a very clear intention that was not fully realized in the ordinance. So again and again as we've had conversations over this last couple of years about palm school or Rainey or others, this has come up. And I think it is -- I think we absolutely need to honor the commitment that the council made to the community, to use the funds in that way. I appreciate that you're not replacing the ordinance piece. I would say I think it's important that we move forward with the ordinance, making this change and separating out the second part so if the city manager goes forward and does this additional analysis I think that could be useful information, but I would say some of these pieces of information and analysis of the equity of such an ordinance, we have an equity office that is looking at the equity of our investments. It is not an easy -- it is not an easy or a short task. And I just -- I think it's important as different speakers today and at various other -- in various other conversations have emphasized this is one of the -- in my opinion one of the wrongs we need to right. So I'm not comfortable at all waiting to consider that ordinance for the kind of very broad analysis that's being directed in this amendment. And so I would suggest a couple of things. One, that just as a minor issue since we're doing ones and twos and whatnot that you make your points a's and B's and the language. I would add the language, I'm going to make an amendment to add the language, the request for this additional information shall not prevent the city manager from returning with the ordinance on the date specified above, nor shall it prevent the council from taking action on that ordinance.

[3:33:25 PM]

Hopefully I remembered what I said because I just did it impromptu. We always have an opportunity during the budget process to make decisions. It's really the confidence conversation we had with the affordable housing trust fund, with the resolutions that we passed, one that you brought forward, one that I brought forward, that we might not be able to fund other needs or other needs that are more pressing. We always have an opportunity to make a different decision this B that in the budget. I think we should pass the ordinance when it comes back to us. We can wait for this analysis, which will take longer than June, and we can adjust if need be. So that is my proposed amendment is as I suggested, that we separate out and add that additional language about the request for this additional information shall not prevent the city manager from returning on the date specified above with the ordinance, nor shall it prevent the council from taking action on that ordinance. I also have a couple of -- I would also like to -- I have a couple other amendments to the language, but that's my first.

>> Flannigan: So I'm satisfied with the way councilmember Casar laid it out. I do think it's a little odd to put in direction or in a resolution language about us not trying to like say whether or not we can take action in the future. We can take action in the future regardless of any ordinance. I'm not sure that's necessarily helpful. But I do like the acknowledgment -- frankly, I don't think we do it enough, that the more analysis we ask for, the more likely it is it may play delay the thing it is we're asking for. I'm curious from staff do they think this level of analysis would delay the return of this ordinance?

[3:35:34 PM]

>> Casar: And just to be clear about what I 43 this level of analysis. I just want to know that if we spend some money building a sidewalk or fixing a sidewalk in Rainey street whose neighborhood might not get a sidewalk. Which sidewalk might not get built because I want to know what choice I'm making, that's all.

>> Council, Rodney Gonzalez, assistant manager for economic affordability. I think you are asking for an analysis of where does that money go to. We can certainly provide you that information.

>> Flannigan: That will not delay the return of this ordinance as we've previously requested? Natured for that reason I would support the language that councilmember tovo put in since it's not going to impact that. I would even go a step further, councilmember tovo, and I would do a paragraph break in front of the city manager so that the first paragraph stood by itself. Because we're asking for an ordinance to come back. I would have the second paragraph as Mr. Casar read it with the additional language that you added at the bottom about the delay. Numbers are and it's consistent with every other time I've been asked to vote on a movement of money without having a prescriptive movement of money without being able to at it more holistically. And I'm concerned about passing something with the expectation or the allowance that we're going to pass it, but then in four weeks later we may be changing it. I think that doesn't feel right to me and we're so close to budget. So I would support councilmember tovo's language at the end changing the numbers to letters, making that a separate paragraph. Councilmember kitchen.

>> Kitchen: I'm sorry, councilmember tovo, I need to hear the language you were adding again. I do think it's important to have an understanding of the impact. I'm also not clear if this is suggesting that

forever these funds be deposited this way. So it makes me wonder at some point would we be faced with a circumstance where the needs -- I don't have any financial analysis in front of me, so -- and there may be an explanation that this area would always need all of those funds, but I don't have that information in front of me.

[3:37:53 PM]

So I do think it's important to have information returning to us. So I'm not remembering exactly the total amount. I get the part about we want to be sure that this doesn't delay, but the last part of your sentence if I'm remembering it correctly really gives me pause. So maybe you should just read it again and then I can perhaps hear it a little better.

>> Tovo: Sure. The intent is the third provision here is -- I mean, maybe this is just a misunderstanding. It sounds like we're asking for a pretty broad analysis of funding needs and strategic priorities and analysis of equity. Are you expecting that to be a very thorough analysis, councilmember Casar, or just a recommendation based on that as a backdrop?

>> Casar: I think what I want to know is generally which projects we would likely be -- generally how much money is going in, do we anticipate going in, generally what types of projects we would be funding in the Rainey area with that money versus other types of projects we would be funding otherwise. So I want to know what are we thinking about funding in Rainey, what things might not get fund fire department we funded in Rainey and just to be able -- so the council is making a decision based on facts on the ground as opposed to just a bucket.

>> Tovo: Okay. So my additional language would be this, councilmember kitchen asked for it. The request for this additional information shall not prevent the city manager from returning with the ordinance on the date specified above, nor shall it prevent the city council from taking action on this ordinance. And again, the rationale here is that this -- there was council action directing just this very measure. And it didn't get -- it didn't get realized in the ordinance. And so what we're doing is really reemphasizing what is already -- what should already be existing policy.

[3:39:57 PM]

It just didn't happen. So I think that -- so that's the rationale for saying we want to be poised to move forward with action that actually gets us back to where the community thought we were in 2013.

>> Mayor?

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Okay. I don't -- I'm fine with that language. I don't see that it has the -- as councilmember Flannigan said, we can always make changes at any time. And my hesitation is because I don't have an ordinance in front of me right now. I think it does need to address issues about long gentlementy and

things like that. One of the things I think it does is because we generate quite a bit of tax revenues from the downtown area, but we have needs throughout the city and so I think we just have to acknowledge that -- that we should make those decisions with a full understanding of the implications of what we're doing with it when we -- when we say a certain amount of our dollars are going to something. And it's not that I oppose it at all. I'm just saying we need the information and I fully expect to support that, but I need to see what the details are when the -- so I think your language is fine, but just understanding that that doesn't commit this entire dais to vote for it when it comes back.

>> Tovo: I've got that.

>> Mayor Adler: Councilmember Casar?

>> Casar: I'm fine with that language. I think it's just really important to emphasize and say again that this money is not currently going to this area so if we're going to make a change we should know what that change is. And I for one am really supportive and think it's really important for us to write the wrongs of the past, recognize the history of communities of color in this city and bun of the ways we could do that is better investing and recognizing those communities of color the wrongs in the past year, but I don't want to commit a new wrong potentially by taking away resources from those very same communities that are struggling today.

[3:42:18 PM]

And part of the history of communities of color in this city is not being invested in. And I don't want to not do that because we-- because we didn't ask. So I think we need to just be really clear. I'm not implying that it's going to go one way or the other. I don't want it implied that I don't care about the history of commuties of color. I am making this amendment because I care about that in particular.

>> Mayor Adler: My sense is it gives us additional information. I think there's consensus on the dais. I think we could move past this. Is there any objection to councilmember tovo's language being included, the numbers going to letters? This being a self-sufficient paragraph. Councilmember tovo.

>> Tovo: Yeah, I have no objection to that, but I need to make another amendment.

>> Mayor Adler: So without objection that amendment is added. Councilmember tovo.

>> Tovo: Under little letter B I think we should specify it's the rainy district because we're talking about the palm district as well. The intent of the original resolution was for those as well. I want to make it clear that this is not the taxes from this area going in, it is specifically the right-of-way fee, license agreements, things that were being generated -- the idea was that the fees that people are pay to redevelop that area would be reinvested both to support through the infrastructure, but also to protect the historic integrity and create a museum and whatnot.

>> Mayor Adler: Any objection to Rainey district in front of? Out without objection. That is pass. We have half an hour before we lose Alison. I think she wants to do that too. Does anybody else have any more amendments on number 29? All the amendments have been added?

>> Casar: [Inaudible].

>> Mayor Adler: That's how I called it up. I called it up not only the amendment, but I called up the language. We'll do it both ways. Okay. We've amended it now.

[3:44:19 PM]

I wasn't clear. So we've amended it now. We've amended Casar's amendment number one to split the paragraphs, take the letters to -- numbers to letters, add Rainey street historic district, add the councilmember tovo's language at the last sentence. We've added those. Now let's vote on the amendment. Those in favor of Casar amendment number one please raise your hand? Those opposed? Tovo, Garza, pool voting no. Alter voting no. The others voting aye. It passes. Now let's vote on number 29, resolution number 29, as amended.

>> Tovo: I'll make them fast, but among other things I really just need to say some thank yous. First of all to my staff be really it was Shannon Haley who in conversations that we were having with different stakeholders and different members, she was the one who came up with the idea that a master plan could be really helpful in this area. And so -- and she has worked tirelessly on this, as has Ashley Richardson in my office who recounted and went through lots of -- lots and lots of resolutions and did lots of talking with community members to help reconstruct the history that is within the resolution. And you know, one of the things that is so exciting for my about this resolution is that it really is at this point a community document. Over the last month and a half since councilmember Renteria and I posted it on the message board we've heard from community members, organizations. As I mentioned before, people have suggested language. So this is in many ways a draft that had lots and lots of hands on it. I think it's a much better -- mayor Adler provided lots of specific details around the convention center piece. And you know, I think all of that has made for a much stronger resolution. And I'm very excited by some of the comments that individuals made in the press conference today. I think this is an area that has enormous growth and change, has had enormous growth and change and has more ahead of it.

[3:46:22 PM]

This is really an opportunity as I said this morning, of not just providing better physical connections and better literal connections for people in this area of town, but really using this as an opportunity to bring together voices and individuals from throughout our community who have shared goals in creating something that I think will really be just a dynamite area of town that I hope if we do our job well, you know, provides for -- provides for some of the new needs, but also begins with a recognition and a respect for the history and the culture of so many austinites who have come before us. So I want to appreciate too the co-sponsors who participated in it.

>> Mayor Adler: Councilmember tovo, I want to thank you for your leadership on this. I think that this is real significant as you point out, to be planning that area, given everything that's going to be happening. I also want to thank the community for getting involved in this some so many ways. And a post script to mark -- I think it's a big thing that the council is declaring it wants to move forward on the convention center and I want to thank you for your leadership when we brought in the university of Texas design team as well as my colleagues on work on it, which I think was very significant in demonstrating what a convention center expansion could be and I appreciate that. It's a big deal on this on lots of levels. Any further discussion before we vote? Yes, councilmember harper-madison harper-madison no questions, jus a comment. I know a lot of people think of this as a convention center expansion, but I'm really preferring to look at it like an improvement. Replacing the current facility with something similar to scenario five in the UT study would finally reconnect the downtown grid, but also create fantastic new public spaces and generate more around the clock activity.

[3:48:24 PM]

And most importantly it will help us leverage new revenue for the arts, for cultural heritage and for relief of our residents experiencing homelessness. It would also be a vital component of the waller creek project, the palm district, the potential transportation nexus at the downtown station, and for reconnected Austin, if we ever gut Kut up I-35 and cap it. And more convention center space means more tourism dollars going towards hotel staff. Valets, bartenders, musicians and street artists. And all of the other workers who depend on the industry's good health. I see that they returned. I didn't want to make reference without them being here. Some of the speakers pointed it out and my colleague councilmember Casar pointed it out, this is a really brilliant opportunity for us to pay attention to service industry professionals. So we heard a lot from the folks in the creative sector today, but I think all too often we overlook the importance of the people who do the jobs and keep this city moving. I've been everything from a housekeeper to a server to everything else. I have the utmost care and concern for people in the service industry and I really look forward to us taking the opportunity to not only grow and expand and come together as one Austin, but I want us to take that opportunity to be very considerate and intentional about the needs of folks who are in the service industry. Lastly, I would like to sigh I'm super excited that there's so much agreement on the dais about this effort and I really can't wait to get the ball rolling. And I'll echo you, mayor Adler, and say I'd like to thank my colleague for her leadership here and for everybody really coming together and making it happen.

>> Mayor Adler: Sounds good. Let's take a vote. Those in favor of this resolution 29, please raise your hand? Those opposed? It is unanimous on the dais.

[Applause]. All right. Let's pick up the transportation, mirk elements.

[3:50:25 PM]

We've had -- micromobility elements.

>> Alter: Mayor, could I ask if we take 59 first because that's where I have amendments. I have to leave for my son's graduation. I think we should be able to --

>> Mayor Adler: Okay. We handled an item earlier, the fee issue, Paul Robbins had signed up for it. He was in the lobby. Wasn't here. Do we want to give them a couple of minutes to address us?

>> Sure.

>> Alter: Can we take care of this item?

>> Mayor Adler: We'll call you up to do this, but first let's take care of the things that councilmember alter needs to be here present to do. I want to do that without trying to set a precedent with respect to that. Calling people up to speak after their items have already been called. All right. So let's take up 59 first then. Councilmember alter?

>> Alter: So I'd like to move passage of 59 and then if I have a second I would like to provide some direction.

>> Mayor Adler: Okay. Is there a second? Councilmember pool seconds it. Councilmember alter.

>> Alter: Thank you. So item 59 provides a sort of rider safety regulations that are really important for making sure that we can enforce whatever rules we have related to dockless and make sure that they're safe for our community. One of the things that I've been really concerned with is trying to understand how this safe rider ordinance interacts with our pilot that's currently underway in parkland. And I want to first of all thank Angela for working with my office to add a part 20 to item 29 which recognizes the fact that dockless scooters are prohibited in parkland and trails that are part of parkland unless otherwise provided for in the pilot. That's ongoing. I'm really looking forward to seeing what comes out of the pilot and hopeful that we'll be able to have clear rules about under what circumstances these micromobility devices ought to be allowed in parkland and on trails.

[3:52:35 PM]

But for now they are prohibited other than as the pilot says. And I want to make sure that the provisions of the safe rider ordinance are applicable in those trails where the pilot allows for dockless. Where you are not allowed to have micromobility devices, you will be cited for being there without permission. So what I would like to do is direct the city manager to work with park staff to include the appropriate provisions of the safe rider behavior ordinance into the park pilot, including the helmet provision for children, the parking rules as appropriate, rider duties in case of injury to a person or damage to property, the provision regarding use of portable electronics while riding and any other provisions that staff thinks is appropriate. So that was the first piece of direction I wanted to give. And then the second is that we need to step up enforcement of our rules with respect to enforcement for when you cannot be on a micromobility device. This is particularly true in our parkland and on our trails, so I would like to provide direction to the city manager to explore the feasibility of giving park rangers the authority to enforce micromobility ordinances on parkland and to identify other options for expanding city enforcement resources with regard to micromobility citywide. I don't know if the city manager --

>> Councilmember, this is something we talked about so I'm happy to work within the direction.

>> Alter: Great. So what that does is try to see if we have an option to have our park rangers be able to say you're not allowed to be on a micromobility in this -- micromobility device in this area and that we need to step up the enforcement of the ordinance with respect to the micromobility devices.

[3:54:40 PM]

>> Mayor Adler: Okay. Councilmember, it's been -- it's been moved and seconded already, I think. Councilmember kitchen.

>> Kitchen: I had some direction too. Is this a proper time?

>> Mayor Adler: Hang on one second. Is there any objection to including the direction that councilmember alter has just offered? Yes, councilmember harper-madison.

>> Harper-madison: So all in all I like the changes and I think it looks really good and I would like to applaud staff. I know y'all get asked to do a lot and we appreciate you. The new framework looks good. And we're addressing devices that came on to our radar just about a year ago. And for doing it in a way that hopefully addresses the next big innovation, we want to say thank you. I'm still concerned, however, about this draft language. Safety should be the top priority, I agree with my colleague. And that's for the entirety of our transportation system, by the way. So it's important that we get all of this stuff right. I understand the need for urgency and I want to -- I would like to make a motion that we approve this on the first read because there are some amendments that I would like to --

>> Mayor Adler: Prove this on what?

>> Harper-madison: First read only. I would like to come back to that.

>> Mayor Adler: We'll come to that. We're discussing the direction from councilmember alter, seeing if there are any objections to the direction from councilmember alter.

>> Renteria: Mayor? When you say microdevices that's only going to be for scooters. We're not talking about ebikes, wheelchairs.

>> Mayor Adler: Does staff want to address this?

>> Good afternoon, I'm Jason Redfern, Austin transportation department. So this ordinance will cover shared bicycles and bicycles and micro-mobility devices. Scooters, ebikes and regular bikes.

>> Renteria: And are they going to be outlawing those on the trails?

[3:56:45 PM]

What's -- I don't understand what you mean by that.

>> So under 81-31 under the parks regulation there are certain devices that are banned from the trails. Bikes are not banned from the trails, but the scooters are.

>> Renteria: Okay. Thank you.

>> Mayor Adler: Okay. This basically makes and takes a look at enforcement trying to expand that opportunities and the rules to parks that exist in areas outside of parks and things related to that. We're still discussing councilmember alter's suggested direction. Yes. Councilmember Ellis.

>> Ellis: Mine is not on hers.

>> Mayor Adler: Let's stay here for just a second. We're still on councilmember alter's. Anything else on that? All right. Seeing no objection, that direction then is included. Not the whole thing, just councilmember alter's direction to look at parks and bring those rules over and to help with enforcing of those rules in parks. And that of course is subject to the pilot program that's being run, still do the pilot program, because at some level I would imagine that a lot of our parks may very well provide a very important component of our overall city transportation, and I don't want people to be on scooters on roads that are unsafe when they could also be in a park without us having had a conversation to decide it's important enough for them to be on roads as opposed to being in a park. With that conversation I hope will be precipitated by the pilot program that's happening right now which has been accommodated in the language that's in what we're passing. Okay. We've gotten past that. Now, new Ann.

>> Kitchen: I have direction, and it translates -- it's the same direction -- or it's the same thing I said at work session so I'll just repeat it as direction. And it relates to enforcement.

[3:58:49 PM]

As part of our discussion, the direction is for staff to create a program that's similar to the don't block the box program, which was a -- which was a sort of dedicated enforcement mechanism where the public was educated and then warnings were given and then fines were given. So the direction is to do that type of program, with -- to enforce rider behavior in accordance with the ordinance and then to report that information back to the council. That could be reported back to the mobility committee and/or to the council as a whole. But the direction is to take that specific action. And just by way of explanation, the reason for that is that one of the biggest concerns that the community has is that the requirements we put in place actually work in terms of being enforced and certain kinds of behavior no longer continuing.

>> Yes, councilmember.

>> Mayor Adler: That instruction clear enough four.

>> Very clear, yes.

>> Mayor Adler: Is there any objection to that being included? Hearing nones, it's included. Councilmember harper-madison.

>> Harper-madison: So my -- in looking at the revision, my biggest concern is section 12-1-32. And there's several items in this section that have been stricken already. I'd like to move that we just strike that whole section. That would be my -- are you looking at it? 12-1-32, 17, 18 -- 17 through 32 on page 1 of 10.

[4:00:57 PM]

59?

>> Mayor Adler: We're on 59.

>> Harper-madison: Right.

>> Mayor Adler: Where are you now?

>> Harper-madison: I'm looking at the ordinance.

>> Page 1 of 10.

>> Harper-madison: Page 1 of 10, line items number 17 through 32.

>> Mayor Adler: Hold on one second. I'm looking at one of 11. Is that an older one, version two in the upper right-hand corner? What?

>> We're on item 59, which is the rider ordinance. The 12-1 and 12-2, which should have pages 1 through ten?

>> Mayor Adler: 12-1-2.

>> Ellis: I have 11 pages on the version --

>> Mayor Adler: But that's 12-1-1.

>> On the most recent version number 2, it's part two of the ordinance that councilmember would like to strike and that includes -- begins at line 17.

>> Mayor Adler: So that I make sure I have the right document --

>> I'm sorry, I'm sorry. Angela --

>> Mayor Adler: I want to make sure I have the right document.

>> Yes, I know. You have the latest version is verse 2 and it should say version two on the upper right-hand corner.

>> Mayor Adler: In Orange letters.

>> Yes, in red, mine is red.

>> Mayor Adler: Okay.

>> That, what councilmember harper-madison is referring to is -- she's mg to strike all of part two, which begins on page 1, line 17, and concludes on page 2, line 37.

>> Mayor Adler: So what you would be striking is a person may not use a toy vehicle on a public street except to cross the street at a crosswalk, a person may not ride a micromobility or ride a skateboard on public device on public landscaping or art?

>> Harper-madison: Correct. So in this -- while I appreciate -- or, rather, I appreciate the bicycle advisory council to strike this -- for several reasons, like, councilmember Renteria just asked what is considered a micromobility device?

[4:02:58 PM]

What is considered a toy? Is it a Barbie jeep? Is it a tricycle, one of those covering things? I don't think that that is clearly defined. I also think the previous language had this real specific geographic scopes, lines 25-28, and then this one is just much broader. There's just a lot here that I feel like if we're gonna strike so much already can we remove this whole section.

>> Mayor Adler: Councilmember harper-madison moves to strike the regulations as concerns basically toy vehicles or micromobility devices on public landscaping amenities or art. That's the motion. Is there a second to that amendment? Is there a second to it? Councilmember Renteria seconds it. Discussion. Councilmember harper-madison, do you want to address it any further?

>> Harper-madison: The only other thing I would say is the amenities part, if we could change amenities to furniture, utilities, architectural features --

>> Mayor Adler: Are you in another section now?

>> Harper-madison: I'm sorry? I am not. I am on -- it's number 4 in that same sensation. It says banning these devices on public amenities sounds problematic. This could be interpreted as anything from furniture to -- you know, this could be interpreted as anything, right?

>> Councilmember, if your motion succeeds and all of part two is stricken, then it's gone.

>> Harper-madison: I'm sorry. I thought I didn't get a second.

>> Oh, I'm sorry. You did from -- is this --

>> Mayor Adler: Is this to address the people that are taking the skateboards on the downtown art installation?

>> Harper-madison: On the art, yes.

>> Mayor Adler: Using them as --

[4:05:01 PM]

>> Harper-madison: Ramps, yes.

>> Mayor Adler: Ramps? Councilmember tovo.

>> Harper-madison: I'm not asking that didn't go away. I didn't ask that at all. What I'm saying it's the word "Amenities." Art is already there in the ordinance.

>> Tovo: Mayor, if I may.

>> Mayor Adler: Tell me what you're trying to accomplish.

>> Harper-madison: At this point I got confirmation that I actually had a second on my motion. I'm done.

>> Mayor Adler: Okay. Let's discuss now the motion. Councilmember tovo.

>> Tovo: I guess I understood the motion to be that B was going away although -- actually that 12, one, 32 was going away all together and I can't, isn't that right because I don't want to see people riding scooters and skateboards on public landscaping and art? Was that your intention to strip out that whole provision or strip out the word "Amenities."

>> Harper-madison: It was the word "Amenities."

>> Tovo: I had confusion about that. I thought you were suggesting we remove this passage altogether 12-1-32.

>> Harper-madison: Like I said in coordination accordance to what the cle advisory committee recommended, the only part if we were to keep part of it would be that part, the thing I would do to change "Amenities" to specifically say the words I said before. Strike "Amenities" and furniture, architectural features, because it already says "Art," public landscaping.

>> Mayor Adler: What was the word you were suggesting?

>> Harper-madison: Instead of amenities, furniture, utilities, and architectural features.

>> Mayor Adler: Furniture, utilities and architectural features.

>> Tovo: So is the motion to substitute that language for amenities?

>> Harper-madison: That's it.

>> Tovo: Which I could support but we're sure that the motion in front of us is not to strike this sensation?

>> Mayor Adler: I'm going to fix that because originally it was but I think now that we understand the intent better, is there any objection to making this amendment turn into -- councilmember kitchen -- let me finish the sentence first.

[4:07:08 PM]

The question is, is there an objection to changing this amendment, recasting it, so that what it does is it just takes the word "Amenities" as it's used in this section 12-1-32 and making it be furniture, utilities, architectural features? That's the question in front of us right now. Councilmember Kitchen has a question.

>> Kitchen: I have a question for legal. So I have a concern about -- my question is, what would this change? I mean, what are we leaving out? I like the term "Amenities" because it's a broad term.

>> Yes.

>> Kitchen: But I understand that perhaps the reason for changing it is a concern that it's too broad.

>> Harper-Madison: That's definitely my concern about it being too broad. I'd hate for somebody not know how to interpret that and find themselves on the other end of a citation they weren't anticipating because they didn't realize that was prohibited behavior.

>> Kitchen: I understand that, furniture, utilities, architectural features, I'm not sure that's broad enough. What was staff thinking when we add the word "Amenities" what kind of things were you thinking of.

>> Jason might have to remind me. We did struggle with this ourselves because we wanted to make sure it was inclusive. I remember park benches being a big deal, really to keep people off doing dangerous things on for instance the rocks outside, the Boulders, they're not -- we didn't know how to characterize it as art or -- and then furniture didn't seem appropriate because of the definitions I was seeing and then arc tech Tyler -- arc tech Tyler feature we struggled with how to do that so we decided on amenities. Perhaps we would have done a better job to do public amenities, but that was what we were thinking.

>> Kitchen: It sounds to me like furniture, utilities, and architectural features.

[4:09:09 PM]

I'm not sure that's broad enough.

>> Mayor Adler: Councilmember Pool.

>> Pool: Is amenities defined in a section?

>> No. We're using common knowledge.

>> Pool: Have we used that term anywhere else in our --

>> No.

>> Pool: I can see why you're having trouble coming up with a collective to including everything.

>> Exactly.

>> Pool: Is there a definition sensation?

>> Yes. In part one actually.

>> Pool: Could we use that section to define what we mean by amenities so that we can keep this section kind of crisp and then use the definitions for that term?

>> We could, ma'am.

>> Mayor Adler: I think we're struggling with how you would define amenities is.

>> Harper-madison: If I may, for what's it is worth, I don't know if there's any skaters in the room but I grew up as a skater kid and I just would hate to see some skater kid find themselves hemmed up on the other end of the law receiving a citation because they didn't know they could skate on a thing. So furniture includes benches, you know, and aural architectural features includes those blocks outside. I feel like they can be applied to multiple elements. I struggled with the language as well. I think how we landed does put enough in the way of direction so that we know what would be prohibited. As opposed to something so broad that -- I mean, when people don't know that what they're doing is inappropriate, then they find themselves in a situation where they're unfortunately --

>> Mayor Adler: Councilmember Casar.

>> Casar: Mayor, I'm reading this, I'm supportive of councilmember harper-madison's amendment for the reasons she laid out. And I'd be just interested if there's something -- from that list if there's something that we're missing we're worried about it doesn't computer.

>> Mayor Adler: I think that's councilmember kitchen's question too. I'm fine with furniture, utilities, architectural features as well.

[4:11:13 PM]

I'm fine with public landscaping. We have parks, public landscape features that are for the intent of providing opportunities for people who are riding skateboards, and they're on those and I don't know what I would call those other than maybe -- I mean, that kind of looks like landscaping to me. So this -- the whole section here I'm having a little trouble figuring out how it would actually be enforceable ultimately.

>> Pool: Mayor?

>> Mayor Adler: Either we could just go from amenities to those three things and then keep it open and if people crowd source it, people in the community see other stuff that -- change it later. All right. Any objection to changing "Amenities" to say furniture, utilities, architectural features? Hearing none we'll make that change and we'll just update this thing later. You can either do that there or define amenities in section 1 as the Scribner thinks is the better way to go.

>> One section atd had maybe in a definition section add clarification as intended to be used, for instance for the half pipes, they are allowed to be on there because they are using them as intended so we may explore that as well.

>> Mayor Adler: That sounds good.

>> Just for clarification.

>> Mayor Adler: That would be good. All right. Any other changes to --

>> Renteria: Mayor?

>> Mayor Adler: Yes, councilmem

>> Renteria: There's a section there of 12-2-13.

>> Mayor Adler: 12-2-13.

>> Renteria: I'm really troubled by the -- where it says on a at the end it says in a reasonable, prudent manner. What does that mean? How are they going to interpret that, the police officers or the park rangers, whoever?

>> So it would depend on the outcome. If smartphone were riding a a -- somebody were riding a device on a sidewalk and didn't hit somebody then we could say they were riding reasonably and prudently.

[4:13:23 PM]

However if that same rider was on the sidewalk, it was a crowded sidewalk and ran into a group of people, the outcome is that they did not act reasonably and prudently and that's how it would be applied, based on the outcome of that action.

>> Renteria: Okay. I just kind of am troubled with that language also because, I mean, it's gonna be up to the police officer to interpret.

>> Correct.

>> Renteria: And, I mean, I'm still struggling with it.

>> Mayor Adler: It would be good if we could come up with an answer. We have lots of other things, too, like driving recklessly that we give police officers, there's no real description for what recklessly is either in the same kind of way, what's reckless in one place might not be in another. I don't know that anybody has ever figured out what the right answer is.

>> Renteria: I mean, it's like the -- when you get charged for being drunk, I mean, they don't test you, you know it's just gonna be the police officer's word and yours and, I mean, it depends on how he interprets it.

>> Mayor Adler: Right.

>> Renteria: That's what I'm afraid of.

>> Mayor Adler: I guess ultimately a jury.

>> Mayor Adler: Councilmember harper-madison, councilmember alter --

>> Alter: I asked that question in q&a and I think it might address it.

>> Mayor Adler: Okay.

>> Alter: The q&a response was in this ordinance reasonable and prudent would only apply in riding results in a loss of control, as similar of evidence of not driving in a reasonable or prudent manner. Hopefully that provides some clarity. I was also concerned to understand what that meant and I felt like that provided some clarity.

>> Mayor Adler: Okay.

>> Alter: It also says in there it's a term applied in law in general.

[4:15:25 PM]

It wasn't made up specifically in this case.

>> Mayor Adler: Thank you. That's helpful. Councilmember pool.

>> Pool: Passed out an amendment, on the back of the yellow sheet, pool motion sheet. This is what I had talked about in our work session. So it's in 13-8-9. Actually, this is on item 24, and because that is also in item 59, sorry -- never mind. I do have some direction. I'll do 24 later.

>> Mayor Adler: Hold that until 24.

>> Pool: Yeah. But do I have some -- I'll hold that for 24 also.

>> Mayor Adler: Any further comments on item 59. We ready to vote on item 59? Councilmember Ellis, and I'll come back to you. Councilmember Ellis.

>> Ellis: I do. I wanted a little clarification on section 12-2-15 parking in the first section where it says a person shall not park. Number 9 talks about a private property without permission of the owner. It seems like the goal here is not to have them in, like, a commercial space but how does this apply to people who rent a home or an apartment where -- do you have to have written permission from your landlord to have a mobility device there? How does that spell snout?

>> I mean, we're allowing private property owners, they have the right to regulate their property how they see fit. And so if they want to prohibit then they could put up notifications or signs or warn people that the parking cannot happen on their property.

>> I think specifically I think what you're asking is if I rented an apartment and I had a scooter and I could have my scooter on my apartment grounds, correct?

>> Ellis: Yeah, just kind of understanding the difference between occupying a place of residence and being the owner.

>> Oh, no, no, no. Technically, it's -- if I'm in that apartment complex, that's my property. I'm a resident technically.

[4:17:27 PM]

I'm not the owner of the land but I would be considered a resident. I'm the private property owner in that legally speaking. So I don't see that it would be -- it would be complicated for the police at least to enforce because if you're a resident -- just like you're allowed to park there with your vehicle. It's not a trespass because you have a lease that authorizes you to have your property on -- ostensibly. That's why it won't be a problem, I don't think.

>> Ellis: Great. I appreciate that. Also on section C where it says a person shall be able to park in this way, it seemed odd to me that sections 1-5 all had or's at the end instead of and's because it seems like if someone is parking a device in a certain way but you're only abiding by one of these that it would be acceptable, and I just wasn't sure if that was -- if that needed to be written a little bit differently.

>> I'm sorry. Could you repeat the section again?

>> Ellis: We're still in the parking section but now it's C. A person shall park a micromobility device or bicycle in designated spaces marked for use and then 2-5 all had an or after them or some of them did. And it just seemed odd to me because it seems like you were probably wanting to say, you know, don't obstruct fire exits, delivery areas or alleyways and already in a manner which does not obstruct travel movement in violation of the Americans with disabilities act.

>> It's -- the only one that has the or really is number 4. It should have the semicolon after one, then there's a semicolon after two, and the or is or other pedestrian way or alleyway, semicolon and four, semicolon, and then the word or, and the way that's drafted and the way I understand it was you can't do any of these things.

[4:19:38 PM]

>> Ellis: Okay.

>> Because if I -- let's say I put an and --

>> Ellis: It's inclusive even if it says or at the end.

>> Yeah. I can't walk there. I can't walk there. Or there. I can't walk any of those places. You see? So that's the construction.

>> Ellis: Okay. That makes more sense.

>> Yeah. That -- hmm --

>> Ellis: Are these exclusive of each other?

>> Hope I didn't do that. No.

>> Ellis: Okay. That makes a lot more sense. I wasn't sure if councilmember harper-madison was still interested in doing this on first reading in case anyone else had adjustments or if you were comfortable having your concerns addressed --

>> Harper-madison: I actually have more questions and concerns.

>> Mayor Adler: We're still discussing item 59. Let's go ahead and see. Yes, councilmember kitchen and then back to councilmember harper-madison.

>> Kitchen: I wanted to point out I think we have one more speaker.

>> Mayor Adler: We can certainly do that. We called all the speakers this morning.

>> Kitchen: Yes but we didn't say we were closing that and we never said --

>> Mayor Adler: We can certainly call up an additional speaker. But while we're here, and we'll get to the speaker, let's stay up where we are. Councilmember harper-madison.

>> Harper-madison: Yeah. My concern was similar to councilmember Ellis' about parking. I think we're just gonna run into one of those situations where it's gonna be so difficult to dictate I wonder if we can strike the priority property part of that. Let's say, for example, I'm at HEB and parking at the HEB, park my scooter there is prohibited, the onus is on the HEB to put a sign that says "Parking prohibited." I think it's not reasonable to expect private property owners to put a sign in their yard to prevent it, in which case I just don't know that -- I just don't know that we need to have this here and that it adds anything that doesn't do more than add more confusion. Because when I think private property, I'm thinking residential.

[4:21:39 PM]

I know this also applies to commercial, but that would say if the commercial proprietary doesn't want scooters on their property, the onus specifically is on them or maybe even if some way to make the designation about private more clear. Because I know for a fact some folks are gonna see "Private" and think residential as opposed to commercial.

>> Right. So we put this in there so that the people who own private property don't actually have to put the sign down. So we think that this is important to let private property owners have the ability to regulate or allow people to or to not use their property.

>> Another thing I just wanted to add, this was a specific ask from the community input because a lot of residences, homes, specifically they have several for -- for whatever reason people dump their scooters onto their property and they have no -- recourse, they call 311, try to call the police, it's a trespass. Putting this in here was really to put this on notice it's not appropriate, it is in fact illegal so they don't have to police it themselves. They shouldn't have to say, yes, we do allow you. The opposite is true. They have to say you are allowed to park here as opposed to throwing their scooters on people's lawns or actually in front of some businesses downtown also get upset about it.

>> Harper-madison: I appreciate that clarity. Did you see what my concerns were --

>> I got you, I got you.

>> Harper-madison: Okay.

>> Mayor Adler: Okay. Anything else on 59? Is there a motion to approve this? Who made the motion --

>> Alter: I made the motion and I would lining that motion to be on all three readings.

>> Mayor Adler: Motion is to approve on all three readings. It's been seconded. Any discussion? Let's take a vote. Yes, mayor pro tem.

[4:23:41 PM]

>> Garza: Only because councilmember harper-madison said --

>> Harper-madison: Fitters reading only.

>> Garza: Did you still want that?

>> Harper-madison: That's what I wanted.

>> Garza: Did you want to explain why?

>> Harper-madison: Right. So when I said that that's what I wanted because I had some questions about several items. I got the clarity that I needed about private property owners not needing to post signs in their yards about scooters and some of the other items. So that's withdrawn as far as I'm concerned.

>> Mayor Adler: So you're okay then?

>> Harper-madison: Thank you.

>> Mayor Adler: Those in favor of this item approving all three readings as amended please raise your hand. Those opposed. It's I'm sorry on the dais, 59 passes. Ongoing. Do we want to pick up, then -- that gets us to 24/25.

>> Kitchen:mayor, we neglected to call the speaker before he voted. I'm not sure that would change anything.

>> Alter: If you don't mind if we could keep the vote. I have to go to my son's broadcasting and I need to --graduation. Keep the vote even if we hear the speaker.

>> Mayor Adler: Robin stallings, do you want to speak? Sorry, I apologize.

>> Thank you, Mr. Mayor, councilmembers for giving me a chance to speak on this. I'm sorry I didn't get a chance to speak before you voted. There's a couple things that need to be fixed but overall there's been a lot of improvement since the first draft. We really appreciate it I'm the executive director of bike Texas. For 28 years we've had paid staff working on bicycle safety and education, and this is near and dear to our hearts. Some of the interests in this ordinance. But there's a couple things that caused us concern and we feel like are really subject to bias of the enforcement. One is the director being able to

pick officers and including parking officers to enforce moving violations of scooter, operators or bicycle operators, and we have concern about that.

[4:25:43 PM]

Without a community discussion. Are they trained for bias? Do they even hire to be the right personality to deal with people this way? If it was limited to section 12.2. -- 12-2-15 where they're only enforcing parking provisions and poor parking of micromobility devices or bicycles we'd be pretty comfortable with that. We have no problem with police officers enforcing ordinances, but this entire ordinance plus presumably parts that aren't even in here but part of the overall ordinance that then parking enforcement officers without any of the kind of training would now be able to do this. It gives me real heartburn and I feel like it's gonna be unevenly enforced. Some people, old white guys historically have a lot of privilege are less likely to get enforced upon than other members of our community, you know, that -- you know, there's just a lot of bias out there so I feel like that's a problem. Combined with reasonable and prudent behavior when riding these things that -- that seems extremely vague, whereas if we had it that they can't interfere with pedestrians, I think that's in the ordinance, on a sidewalk, we're comfortable with that. But who should be doing that enforcement? And do we want to leave it that vague? That's a bit of a concern. It's a new technology. We're learning. Certainly people, as it's new, there's crashes, novices, people just getting started but in a short time we'll all have a lot more experience with these but I still don't see that we want to have people that don't have the professional retention don't have necessarily the aptitude or, you know -- to do this moving violation enforcement. Then there's another concern I have about the age, that if we want people to use micromobility devices, and I think we're realizing as is atd that there's a lot of potential for this, but are we gonna really require helmets on 16 and 17-year-olds?

[4:27:49 PM]

We'll let them drive a car, but we are actually going to require them to wear a helmet when we believe in helmets at bike Texas, we've put -- well, we trained 2 million children in bike safety education. We believe in helmets. But there's been no evidence that mandatory helmet laws actually increase helmet use but education and encouragement, there's better ways to get helmets on heads. But I don't really see 17-year-olds or 16-year-olds Oregon any other age walking around with a helmet in their hand for the once or twice a week when they might take the opportunity to jump on a micromobility device. I feel like if it's gonna be imposed helmets on this new technology, that there ought to be a community conversation about it. I believe there would be support amongst our organization and others out there to really talk about when are helmets appropriate.

[Buzzer sounding] But at least for under age 16. Thank you very much. I don't think I have any more time. I don't think anybody gave me their time. But thank you. If you have any questions I'm happy to be

here as a resource. My preference would have been one reading and then we work out some of the bugs. There's other small problems with this as well. Thank you.

>> I would say two things, first point, it's actually something that has come up in conversation, am I correct, manager, with respect to enforcement, you said I'd be discussing that with the police chief and making actually an individualized determination as to who actually could enforce and making sure that they had individualized training before they were given that responsibility and authority? So I think that that was covered, and I appreciate that.

>> But it's not in the ordinance. It's gonna outlast all of us in this room. Somebody's personal intention to do that isn't quite the same as what's been put down in the law.

>> Mayor Adler: And I understand that. Then I think to the overall point and to that one, too, I think they need -- everybody recognizes this is a new technology and a lot of this stuff is gonna happen iteratively and I think while we're doing this we're saying this is where we are at this point but I still expect we're going to continue to do this in an iterative way so the conversations with the community on things we have yet to address but also the things that we have addressed I expect you to be coming back us to routinely and continually with this new technology as we learn more and see more and can figure out better where to go.

[4:30:11 PM]

So I think your points are well-taken. Anything else? Yes, councilmember kitchen.

>> Kitchen: For the staff, the earlier direction about the ban the box and reporting back to us on enforcement, as part of reporting back to us on the efforts -- the results of enforcement activities, perhaps -- I would ask you also include information about the -- what's needed for folks that are doing the enforcement.

>> Sure.

>> Kitchen: So I think that that will give us a touch point, if there are concerns, about having the proper training for the -- for our staff that's doing the enforcement. We can address it then.

>> Animal.

>> Absolutely. >> Mayor Adler: Thank you, sir. We're down to the last five things. We have something on here that has some speakers that have signed up on it so I'm inclined to take that one next. So let's take item none 49. I don't know if land development staff is with us. I guess they'll be coming back. Sorry to have taken that out of order. I figured if we're gonna have -- if we could let other people go. We're gonna have to be here regardless. Okay, Paul, are you here?

>> I am.

>> Mayor Adler: You want to fill this gap while we're waiting for land development folks to come in? Any objection to reopening the public hearing on this item number 40? Hearing none, Mr. Robbins, your turn to speak.

>> Thank you, mayor. I was here to protest the gas rate increase when it first occurred several years O.

[4:32:13 PM]

Once the argue rate is structured, it can be carried over with the same structure through interim rate increases for as long as five years. Well, most councilmembers were here in November of last year when I pointed out problems to the rate structure. There were two new people here that may not understand how punitive this rate structure is to the poor and to those who can serve energy -- conserve energy. Ready? Okay. This is what you call a regressive rate, where the more you use, the less you pay. And it's a chart of the existing gas rate structure. The lowest bracket pays more than twice as much as the top bracket per unit of energy. Contrast this to the Progressive rate structure of Austin energy, where the more you use, the more you pay. And Austin water, where the more you use, the more you pay. Gas utilities base -- that cause these regressive rates have more than doubled over the past ten years, actually increased 122% over inflation here's a comparison of the percentage of non-fuel revenue collected by Austin energy's monthly fees compared to Texas gas services' monthly fees. The gas company's percentage is four times Austin energy's percentage.

[4:34:21 PM]

This is what Texas gas service's yearly fee would be for the base fee if gas used Austin energy's model. It would be \$54 a year instead of \$226 a year. And none of these concerns even get to the problem of why our gas rates have gone up 50% over inflation in the last ten years. And when these increases are going to stop or at least stop increasing as much. Council, there's little you can do to stop a grip rate increase, but there's a lot you can do going forward to stop this kind of consumer abuse. In the next rate case, set reasonable base fees, further investigate why rate increases are occurring at such an alarming rate and consider full capital recovery fees, which Austin has for electricity and gas -- excuse me, for electricity and water, and which actually caused rate reductions. Thank you.

[Bzer sounding]

>> Mayor Adler: Thank you, Mr. Robbins. Appreciate that.

>> Thank you for letting me come back. I did not hear you when I was in the lobby.

>> Mayor Adler: Not a problem. Thank you for putting that into the record. Let's call up item 49.

>> Thank you, mayor, council, Greg Guernsey, planning and zoning department. Ite 49, c14-2019-0035. Property located at 9500 north Lang creek parkway, a property just east of 183 north a, between lakeline and Avery ranch.

[4:36:21 PM]

The zoning request is made up of two tracts. Tract one, which is the eastern most, 58 acres and they're asking for mf-4, multi-family district zoning, and the second tract is about 39 acres, and they're asking for general commercial services mixed use or cs-mu zoning. It was recommended by staff and the zoning and planning commission recommend this zoning as well I'm sorry -- unanimously. The property to the north sun developed and there's single-family residences also zoned multi-family, planning and development. To the south is mixed use zoning gr-mu and some go zoning. It's part of a Texas department transportation, their cedar park campus is located on this property and a lot of it is undeveloped. To the east is a planned development and some state offices but the majority are single-family residences. And to the west, again, you have the right-of-way of U.S. Highway 183a northbound. I think you have three speakers regarding this property.

>> Mayor Adler: Three speakers with donated time, but we'll start with the applicant.

>> And that's Alice Glasco.

>> Flannigan: If I can clue for the public the Texas department of transportation calls it their cedar park campus but it is in fact the city of Austin and it bugs me every time I drive by that sign.

>> Mayor Adler: We're gonna give the applicant five minutes to open.

>> Good afternoon, mayor, councilmembers, mayor pro tem, city manager and deputy city attorney. I'm Alice Glasco, and the slide in front of you shows the highlighting in pink or salmon, whatever might appear to you.

[4:38:25 PM]

As Mr. Guernsey indicated the entire property comprises 97.23 acres and we are seeking to zone tract one to multi-family four, which would allow for 1200 multi-family units. Out of those 200 units 150 of them reason condos. The remainder of the tract, tract two, comprises 38 acres, commercial cs-mu and at this time those commercial uses are undetermined. Those will be determined as time goes on. The staff recommends the zoning change, so did the zoning and platting commission. We've met with the neighborhood association to the east of us and one of the residents is here to speak. We -- I've also met with the transportation staff, the concepts plan in front of you shows you the properties that are gonna be multi-family. They are four tracts which will be in acreages of 12. They'll be phased out over time so they're not all going to be built at the same time so the 1200 some units will be located in the areas indicated as multi-family. The properties facing 183 will be the commercial tract. We'll have some parkland and an assisted living facility. I believe I'll pause here and respond to any questions that might arise after the citizen speaks. Thank you.

>> Mayor Adler: Sonya Zagorski, come on down. You have three minutes.

>> Good afternoon. My name is Sonya Zagorski. I've lived in Austin almost 30 years and I have a love for all things Austin except for property taxes and traffic. As a retired teacher I have never considered

myself an activist but today I must share my strong objection to the rezoning of the lakeline mixed use project being discussed today.

[4:40:31 PM]

I appreciate and respect the applicant's right to develop this property and prophet profit from it but not at the expense of the owners of adjacent and niche nearby properties, not only would our property values be negatively impacted by the proposed project but also be further detrimental to the quality of life for all the current residents of the area. As you might be aware, the lakeline area is in question -- is exempt from all traffic studies. Developers of multi-family complexes and hotels have taken advantage. In the last three years, bringing -- I'm sorry, complexes. I have witnessed four huge multi-family complexes and two new hotels built within a mile my home in the last three years bringing heavy traffic and lower water pressure to our contrary. That being said the proposed traffic entrances and exits from the 58 acres of apartments will not be sufficient. The 183 access road is also severely congested as many people choose to exit 183 at lakeline mall drive and exit off to avoid that 183 toll road. During peak hours thousands of cars inch along the access road towards Avery ranch boulevard to get on to old 183. Adding new traffic entering and exiting the proposed property if that same corridor will be quite dangerous and time consuming. Which brings me to the most important concern, the possible connection between my neighborhood and the apartment community. The city has asked the developer to reserve 25 feet of their property as a right-of-way for potential street that meets up to our neighborhood cul-de-sac with potentially dangerous traffic on 183 access road and congestion on Avery ranch boulevard, an easy cut-through into my neighborhood would be ideal for many commuters and relief to city of Austin. But it would destroy the safety of our neighborhood and the many children out playing.

[4:42:43 PM]

In summary, I'm realistic and I know that I cannot stop progress. I cannot stop the city of Austin or wealthy developers. However, I see the request of the zoning as overreaching and incompatible with existing neighborhood and our current traffic problems. The rezoning would potentially maximize the developer's profits while producing overwhelming burden on Austin citizens, the city infrastructure and public safety. Thank you for your time.

>> Flannigan: Mayor.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I just want to thank you for making your way down to city hall today. It is not easy to spend time and get to city hall from district 6, certainly from Avery ranch, literally the farthest point in the city of Austin from this building. Thank you for making the effort and spending your time and for spending time with me personally and neighborhoods and my office thinking through this issue and

through the concerns of any neighborhood that they have whenever new stuff comes in. I will -- I also want to thank you for your work at the legislature on house bill 1272 filed by representative abusey. I'll remind my colleagues this is in the area the state has prohibited us from collecting traffic impact fees, a bill passed in the legislature several decades ago. Unfortunately while we did get a hearing and -- we did get a hearing in committee, unfortunately the committee did not recommend it and so the bill stalled and we won't be able to apply our usual transportation process on this development. But of course it doesn't prohibit us -- didn't really allow us to stop development altogether. I'll also note the neighborhood concern about the connectivity is ultimately within the control of the homeowners association. There is a strip of land owned by the homeowners association that would be required in order to create connectivity, and so it does -- still any feature contemplated decision about that will rest in the hands of the residents so there won't be any future decisions made without your involvement so I want to make sure everybody knows that all those considerations have been taken into account.

[4:44:59 PM]

I thank Ms. Glasco and the applicants for spending your time with the neighborhood residents in my district. We don't have a lot of zoning cases in district 6, certainly none of this size. I can't even tell you we had a zoning case of this size in district 6 and I think it's a testament to all the hard work everybody did and to the passion and the thoughtfulness of my residents that we can do this so expediently.

>> Mayor Adler: Ms. Glasco, do you want to close?

>> Yes, I'd like to close back to the aerial, just to speak to what councilmember Flannigan stated regardless the lack of requirement for traffic impact analysis. Staff was asked the same question by the zoning and platting commission. We use this map to show the roadway network. You can see where the yellow are the traffic signals and the transportation staff felt like even though a traffic impact analysis isn't required here, the transportation network, the roadway is already there, the lakeline station is to your right, bottom right side, so people can ride, so that's our station from Leander. This is the first one the city of Austin coming all the way downtown. So the site is located in an air you have Avery ranch to the north, you will see the network that will help traffic go and N and out. We feel that the ingress and egress aspect of it is well covered, as you can see on that map, and we ask for your support of the zoning case. Thank you so much.

>> Mayor Adler: Thank you. Is there a motion to approve this item? Mr. Flannigan makes that motion. Is there a second to that motion? Councilmember harper-madison seconds. Any discussion?

>> Flannigan: Just to be clear, this is first reading? Are we prepared for all three readings?

[4:47:01 PM]

>> We're prepared for all three readings.

>> Flannigan: I make this motion for all three readings.

>> Mayor Adler: Close the hearing, all three readings. Let's take a vote. Those in favor please raise your hand. Those opposed. I'm sorry on the dais with councilmembers Aler and Casar off. All right. Thank you very much. I think that's it for -- we have uno, item number 41, let's do that so you can go home.

--

>> Jerry rusthoven,

[indiscernible] Of the university neighborhood overlay district height map. This case is recommended by the planning commission as well as the staff. It would amend the map to include the property located at 2408 Leone street to go from the 50-foot district to the 65-foot district. Under today's map that property is limited to 50 feet unless they participate in the uno program and do affordability, in which case they could go up to 65. Under the amendment they could start at -- go up to 65 feet and then go up to 80 by doing affordable housing. The applicant has agreed to a private restrictive covenant with the university area partners group that says that if they did any height above 50 feet they would be required to do affordable housing. So by adjusting it from 50 to 65, it would not be a loss of opposing and they wouldn't ultimately be allowed to go up to 80 feet although I don't think they actually intending to that high. So there is no reduction in affordable housing. There is an ais in the backup that says that this does result in a negative impact, but because of the private restrictive covenant we think that is covered.

>> Mayor Adler: Great. Thank you. Councilmember tovo.

>> Tovo: I pulled this because of the ais. I was looking for my acronym thing somewhere councilmember Houston left that behind for me, the affordability impact statement. So the affordability impact statement does note this would have a negative impact on the affordability because of the loss of affordable housing so I think I'd like to ask them come up and help tease out the difference here.

[4:49:10 PM]

Why wouldn't -- would we have the ability to just say -- to make an amendment to this and say from 50 feet on they'll be subject to the uno provisions so it's within the zoning --

>> I think law can define this because it is an existing density bonus program under state law we cannot change requirements on a case-by-case basis. Because the applicant has agreed to anything above 50, same as today, would require affordable housing, that it is -- it would result in no net loss to affordable housing.

>> Tovo: I just need to go through those a little bit more slowly. So the -- so the -- if we made -- so at 50 feet, that's when the affordable housing requirements kick in.

>> Today we can go to 50 by right.

>> Tovo: Right. Beyond 50 --

>> Up to 65 by doing affordability.

>> Tovo: So what you're telling me is that the restrictive covenant, I didn't bring down my uno notes, but the affordability requirements in the restrictive covenant, which I have a copy of, are exactly the same as the uno benefits once they go beyond 50 feet.

>> It would be triggered at 50, exactly.

>> Tovo: But then the enforcement would be on the private partners, which is the university area.

>> Right. The enforcement would be on the city between the 65 and the 80.

>> Tovo: But it would be on university area partners between 50 and 65.

>> Exactly.

>> Tovo: Could we back up to the other option of just indicating -- and I don't know what that means would be of indicating it, but indicating that from 50 on up they would be required to participate in uno? Could we do that within the zoning?

>> I don't believe we can because of the Baxter bill. It would preclude the ability. We have a preestablished density bonus program which allows you to require affordability. We can do that under state law but what we cannot do is on a case-by-case basis adjust that because it then doesn't become a program anywhere.

[4:51:18 PM]

It follows the Baxter bill.

>> Tovo: Even though we have an existing density bonus program because it's not exactly matching this case and there's a gap, that would be -- that would be outside of a density -- considered to be outside of a density bonus program.

>> Correct.

>> Tovo: That's really unfortunate. Okay. All right. Thank you. Can I just ask our nhcd staff if they concur that though this is not the best mechanism that we're -- that the provisions within the restrictive covenant are the same that they would be were this under uno?

>> Good morning, mayor, council, Travis with the neighborhood housing department. Yes, I mean, I think our primary concern is, yes, we would be a private restrictive covenant that we could not enforce. We would not be able to monitor these units. They wouldn't count towards our nhcd targets? Our traditionally five strategic plan. One potential initiative is you can amend the bonus height as part of -- and the land development so that -- and the bonus height applies to the entire subdistrict. Thereby achieving the same result of getting the same -- the maximum height by maintaining 50 feet. I know there are separate amendments that's supposed to be in source codes ordinances potentially at some point in June that would do something along those lines.

>> Tovo: In terms of the options we have before us today it sounds like this is our best option for making sure that we get the affordable housing? I mean, there -- your assessment under the affordability impact statement recognized a negative impact because of the -- because of the -- what you're describing, that we can't enforce it. I guess I would say there was one thing you said among the things that we can't do with this kind of an arrangement and one was counting these units towards our strategic goals.

[4:53:20 PM]

I would say we should figure out how to do that, make sure that we're factoring in those units that are under restrictive covenants if for no other reason it helps us be aware of what those are and often communities themselves will, you know, kind of keep an eye on those kinds of arrangements and make sure that those units stay affordable. So having all of that information captured I think is important to making sure that those units continue to be affordable if that was the commitment.

>> Sure. You may recall in a strategic plan we have things called nhcd targets, we have community plan goals. So theoretically anything that's part of a private restrictive covenant could fall under the community goals.

>> Tovo: I see but not the other. That makes sense. I appreciate the explanation. Thanks.

>> Mayor Adler: Thank you. Is there a motion to approve this item 41? Councilmember tovo makes the motion. Councilmember Flannigan seconds it. Any discussion? Those in favor please raise your hand. Those opposed. Passes unanimously on the dais and the public hearing is closed.

>> Thank you, mayor.

>> Mayor Adler: Let's do 27 real quickly, the boards and commission. I'll take a motion to approve it. And a second. And then we'll see if anybody wants to say anything on the record before we vote. Councilmember Flannigan votes -- moves adoption of 27. Is there a second to that? Councilmember Ellis seconds that. Before we take a vote does anyone want to say anything on the record? Yes. Councilmember Renteria.

>> Renteria: Yes, mayor. Unfortunately, you know, our hands are tied in this situation on especially about the BAC. And what we're basically gonna -- my recommendation is to instruct the CDC staff -- committee members that -- they have the ability to remove a person off that commission if they become rude, if they're disruptive.

[4:55:24 PM]

It's unfortunate that our hands are tied by the state and the federal government, but, you know, when we have to change the meeting site to city hall because of the way the -- some of the members have conducted themselves, with threats and the profane language they use against some of the people that show up to speak there, especially some nonprofit leaders, nonprofit housing, and the way they were

treated, it was very unfortunate. It was very embarrassing. And I hope that, you know -- I'm not gonna be able to -- I want to pull that one person item -- cbc so I can vote on it, so I can vote against that. But I support all the other items on 27.

>> Mayor Adler: We'll go ahead and vote the whole thing the way we do on a consent agenda but the record will reflect your opposition to that nominee. Further discussion? Councilmember tovo.

>> Tovo: I have a question about a different nominee. I think these are two different appointments, but I wondered if the commissioner who -- for whom we would be waiving the requirement of service on just one board to allow that person to serve on the board of adjustment and the zoning and platting commission, does that individual intend to serve on both into the future or is this a stopgap measure or -- I just don't know, and I guess I would ask the clerk if we've ever had an individual serve on two different land use sovereign boards? That seems pretty unusual and not ideal. Again, I don't know if it's a stopgap measure until a replace segment on the one or if somebody could provide some context there.

>> Renteria: Mayor.

>> Mayor Adler: Yes.

>> Renteria: I believe that person has the intention to step down. He just was waiting to get a -- for someone to nominate his replacement so that he could serve on the other commission.

[4:57:37 PM]

So --

>> Tovo: Okay. That's helpful. So it's just a very temporary thing.

>> Renteria: Yes.

>> Tovo: I think what I would like to do then, mayor, is just have the record reflect my vote against the waiver and an abstention on the nominee, but I appreciate the context, and that's --

>> Mayor Adler: Okay. Thank you. Any other comments before we vote? Okay. With those comments made known in the record, those in favor of this item 27 please raise your hand. Those opposed. It is unanimous on the dais --

>> Renteria: I abstain.

>> Mayor Adler: Councilmember Renteria abstaining. With the record noting the other changes. Or comments. It passes on the dais with councilmember alter off. That that gets us to items 24 -- and councilmember pool was also off the dais on that. Thank you. That gets us to items 24 and 25. Let's do 24. Anyone have a motion. Councilmember Flannigan?

>> Flannigan: I want to move to postpone items 24 and 25 until August 8th. I posted direction on the message board and I've hand handed a list of requirements for staff to bring back in August for us to explore how to handle this issue in a more thoughtful way.

>> Mayor Adler: There's been a motion to postpone until August 8th with the direction that's been given. Is there a second to that motion? Councilmember Ellis seconds that motion. Mr. Flannigan, do you want to address it first?

>> Flannigan: Yes. I have some concerns about franchising as a model. My concerns personally are more about injecting the political process into this and wanting to avoid setting up future scenarios where vendors of these devices might find themselves incentivized to fund political campaigns in order to prevent their competitors from entering the market.

[4:59:53 PM]

And I think we can be more creative and I think the council will have to be more creative in a lot of ways depending on what's happening in the legislature right now. So my hope is that when we come back in August we can put this to bed, but do so by addressing all of the concerns that I've heard at work session on Tuesday that we've talked about with legal and executive session and that we can get this wrapped up pretty quickly. I want to thank councilmembers Ellis and harper-madison for helping with direction for my office.

>> Mayor Adler: From a staff perspective are you okay with this additional direction coming back with more details on this? Do you want to speak to this motion to postpone until August 8th?

>> Jason john-michael, assistant director of smart mobility Austin transportation department. The department has no opinion of whether or not we should move forward right now at this time. Given the executive session and the discussion that happened there we're willing to take councilmember Flannigan and team's motion sheet and look at coming back on August 8th.

>> Mayor Adler: My sense is to a degree a lot of this would be the same whether we passed it today on first reading or not. You will do the work. But this enables you to think perhaps more broadly about solutions or resolutions that might both protect people as well as let us keep innovating with the innovation. Councilmember kitchen.

>> Kitchen: I have an amendment to councilmember Flannigan's amendment. It's just the addition of some items to consider and so I'm hoping it's considered a friendly amendment. It's just adding back in a couple of subject matters for this staff to consider as they go away to -- to consider a revised franchise model and other potential models as councilmember Flannigan, Ellis and harper-madison have suggested.

[5:02:03 PM]

>> Mayor Adler: Let's see if we have a second. Councilmember Kitchen makes an objection. Is there any -- an amendment. Is there a second to the amendment?

>> Harper-Madison: I didn't catch what the amendment was?

>> Kitchen: It just adds some subject matter to what you all put out. So you have a list of things for the staff to consider. So I just added a couple of things.

>> Mayor Adler: Service area, fleet sizes. Make sure we have a level playing field and considering appropriate penalties and other enforcement options. Any objection to that being included? Hearing none that amendment is included. Councilmember Pool?

>> Pool: If we're going to postpone it, which I don't have a problem with, I wanted to go ahead and read some direction in that could be looked at during this time. And then also ask you all to consider the amendment that I put forward today that I discussed on Tuesday, which is the requirement that each bicycle or micromobility device in the franchise or in whatever the format is, if it's not franchise, be assigned and marked with a unique identifier. And so forth. And we had talked about that on Tuesday. It would be great if you all could look at that in that time between now and when you come back. And then the direction that I wanted to give is as

follows: I understand that we can solve a lot of our enforcement issues by implementing G.O. Fencing, much like -- 83 geo fencing much like the University of Texas does on its campus. Once our pilot program is completed and this is the parks portion, and we have the data to determine where these services are best provided, we can work with the franchise holders to deactivate areas where our parks department decides they are not appropriate, which is what they do on campus on UT. So I would like to give direction to the city manager to work with the franchise holders once the pilot program is depleted to direct the areas that they will not be allowed.

[5:04:05 PM]

And this goes over the enforcement and cost of training our additional personnel. And maybe a really elegant solution to the concern.

>> Mayor Adler: In fact, even broader than that, take a look at geo fencing earlier because there may be other safety requirements or differentials that aren't park related necessarily, but more negotiable. I would concur in both the direction to take a look at unique identifiers and to take a look at geo fencing and how we might be able to apply those.

>> Pool: Thank you.

>> Mayor Adler: Any objection to that being added? Hearing none that amendment is added. Mr. Flannigan.

>> Flannigan: Thank you for that. I would consider the ID and the signage and markings thing to be part of the design specifications that we laid out in our direction, so I think that's completely compatible with that. And if possible I would like when you come back thinking about geo fencing as an option, what our

-- what the city's quality of gps signal is in the downtown area because I think that we've also experienced that the specificity of geo fencing around tall buildings becomes a problem because the gps signal isn't necessarily making its way through at that level of specificity. So understanding more what we might do to help address that as an issue so it can be applied through this technology would be helpful.

>> Mayor Adler: Okay. We have that direction. Councilmember tovo?

>> Tovo: [Inaudible - no mic]

>> Mayor Adler: My question is are there any more amendments or discussion on this item?  
Councilmember tovo.

>> Tovo: I'll support moving forward today in this direction. I want to say that it seems to me there are benefits from the franchise framework that we had an opportunity to discuss. I think for me it will be proceeding in a way that is not franchise will mean figuring out what other options we have to capture some of the benefits of that structure.

[5:06:07 PM]

I appreciate the staff for being creative in this long period of time working with stakeholders and it means I take seriously your recommendation that this is a structure based on your expertise that you think would work best and so that -- again, I support -- I will support taking a little bit more time to look at other options, but ultimately I think we need to come up with a structure that's going to provide the most benefits to the city for the infrastructure and the staff time and the resources that we're putting into supporting this industry. I'm hesitant to go here because I don't have the language that was just said with regard to campaign contributions and franchises, except just to note that I have a concern about the passing reference to 'creating -- with creating a franchise system we might be opening ourselves to a situation where franchisees are making campaign contributions. Is that what -- did I hear you correctly in that, councilmember Flannigan? I might have misheard you. It's been a long day.

>> Flannigan: So obviously none of that language is in the thing that we are adopting --

>> Tovo: I understand that. It was just your comments on the dais.

>> Flannigan: My concern is that by injecting -- one of my concerns about franchise is not so much the details around the things and I agree with you that we want to be able to capture as much value from this as possible, but by having a political process that would be a requirement for new entrance to the market, it would just -- new entrants to the market it would currently incentivize the current entrants in the market to be participating in a way that is not best for what we want to accomplish as a city. It's more making a remark in my thought process.

>> Tovo: Okay. I have a lot to say about that, but it doesn't need to be here. I just think ultimately hopefully everybody up here makes good decisions based on the requirements and absent other contributing factors.

[5:08:14 PM]

I wanted to also take this opportunity to mention that on June 22nd I think it still makes sense even though we're delaying this part, my office is working with transportation department, has been for the last couple of months to have a scooter summit, which I think is going to be a lot of fun. It will talk about some of the new rider rules and some of the expectations and the rules that the districter -- that are part of the directors. It is going to be just from about 10:00 to 11 or so. We're hoping to have lots of good participation from the scooter companies and some education around -- around how to be safe on scooters, but also how to access them, how to ride them, use the apps for maybe people who haven't tried them yet. I appreciate outcollaboration on that. I think it will be a lot of fun and invite the community to participate. It will be on electric drive, appropriaterly appropriately over on electric drive.

>> Mayor Adler: Sounds good. Let's take a vote on the postponement of items 24 and 25 with the direction. It's unanimous on the dais with councilmember alter off.

>> Renteria: Mayor?

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: I wanted to to -- I abstained on 27, but because I'm supporting all the other members, I want to change my vote to yes with the notice that I did -- wasn't opposed to the CDC.

>> Mayor Adler: The record should reflect that councilmember Renteria supported all the nominations, butosed that one. That said, those are all the items that we have on our agenda for today. We have some really important proclamations, some great music here that we will start at 5:30. And colleagues, this was a pretty hard and pretty big may that we just did. I'm not sure we've had a month where we've got as much done as we did in this may on tough issues. So good work. Mayor pro tem?

>> Garza: Does that actually reflect his change of vote or do we need to reconsider.

[5:10:17 PM]

>> Mayor Adler: We can vote and reconsider.

>> Garza: If the record shows his vote is yes I want it --

>> Mayor Adler: Let's take a vote to reconsider.

>> Garza: I'll make the motion to reconsider item 27.

>> Mayor Adler: Any objection. Motion has been made to reconsider 27. Any objection? Hearing none, we're going to reconsider it. I don't think there's any discussion. Let's take a vote. All the comments that people made earlier are incorporated herein by reference. Let's take another vote on item number 27 with the comments that people made included. Those in favor of 27 please raise your hand? Those

opposed? It's unanimous on the dais with councilmembers pool and alter off the dais. With that said, at 5:10, this meeting is adjourned. We'll reconvene at 5:30.

[5:31:49 PM]

>> Good evening, y'all! Good evening. Hey, y'all, if I could get your attention real quick. So I'm Greg Casar, city council member for district 4. In Austin we drop everything at 5:30 for live music. Tonight y'all are going to have a real treat. Heralding from district 4, we've got Roger Wallace and his band. Roger has been a staple of the Austin music community for 25 years, performing country and roots venues all around Texas, the United States and Europe since 1994. He just released his fifth album titled "Live at the white horse," recorded at the honky-tonk he's made home, I've got to listen to his music and it's pretty good with or without the lone star tall boy. He and the band played for a 26-year-old kid and I'm so happy to invite them here to city hall to share some music with all of you. Please welcome Roger Wallace.

[♪ Music playing ♪]

[5:36:32 PM]

[Applause]

>> Thank you.

>> Casar: On top of that, Roger is a great political pundit. He's got mortalities than just one. Roger, tell little bit about yourself, the music, and the band.

>> Uh...I've been here since 1994. Glad to move here from Knoxville, Tennessee, 25 years ago, started playing music around town, started playing blues and started playing country, put out five records all around town. Jennies, the continental club, broken spoke, we've been playing at the white horse since they opened several years ago, since day one, and we're still there. I'm glad to have these guys with me. They've been playing with me all this time, 25 years, Jim strenger on the guitar, bradfordham on the bass, and Lisa on the drums. World class. I'm happy to play with them and this town is lucky to have them.

>> Casar: If we wanting to see you guys play where will you find us.

>> Every Friday night at the white horse.

>> And if we want to download your music because we go to bed before 10 o'clock, sometimes.

>> Sometimes.

>> Casar: Where would we find your music.

>> From iTunes, from Amazon, and Spotify. You can also buy cds of mine from Antone's record shop.com.

>> I'm going to present this to you and the band. Be it known that the city of Austin, Texas is blessed with many creative musicians whose talent extends to virtually every musical genre, whereas our scene thrives because Austin audiences support good music by legends and local favorites alike, including those from north Austin, whereas we're pleased to showings and support our local artists, therefore, I, Greg Casar, representing district 4, do hereby proclaim today, may 23rd, 2019, as Roger Wallace day in Austin, Texas.

[5:38:56 PM]

[Applause]

[5:42:16 PM]

>> Good evening, everybody. Well, I'm very excited to read this proclamation. You know, there are often rivalries amongst councilmembers and one of the rivalries that we often hear about is between aggies and longhorns. Today I have the distinction of reading a proclamation to my beloved university of Texas longhorn band. That's right. I was a member of the longhorn band from 1996 to 2001, and I have marched in every alumni band half-time show since I graduated in 2001, and I don't intend to miss one for as long as I can hold the susaphone and go down a hundred yards on the football field. Amazingly, the alumni band was selected to participate in the 75th anniversary of the normandy invasion, and they will shortly be heading across the pond to participate in that ceremony, representing all of the U.S., and so our alumni band is going to get to do that. Yes.

[Applause] So I'm going to read the proclamation, then I'll invite our band representatives to come up and speak. So be it known that whereas the university of Texas longhorn alumni band and university of Texas longhorn band have been invited to commemorate the 75th anniversary of the normandy invasion in normandy, France, 2019, whereas it's the most celebrated World War II anniversary as I go fighting the end of the war across Europe and whereas the university of Texas alumni band was selected because it's more than 3,000 members worldwide, represent the best of American culture, patriotism, and friendship amongst friends and allies of the United States, I, Jimmy Flannigan, for district 6 and entire band, and mayor Adler, proclaim June 6th, 2019, as alumni band in normandy day.

[5:44:35 PM]

[Applause]

>> Thank you, sir. Hello, my name is Jeff Sloan, I'm president of the longhorn alumni band this year. Today we have Donna Beth McCormack, Donna Scott, director of the longhorn band, Heather canoli, around Cynthia wren, we are about to embark on an incredible journey to France. We have seven days in France, in normandy where we have three different events where we will perform at two different official services, at the cemeteries in normandy and Omaha beach. We will also participate in a liberation of France parade, and the first city in France that was liberated by the allied forces in June of 1944, and that city is saint Mary glass. There are 27 bands attending this event but we will be serving as the host band for all three events. We have some tidbits about this trip. We have a gentleman who came to us through a contact of a repair shop in Dallas, and his grandfather landed on d-day and carried with him a trumpet that helped him as a security apparatus, so to speak, and he played the trumpet during this time when he was in normandy. Well, he has since passed away, and his grandson inherited this trumpet, and this trumpet will be going with us to d-day and again be replayed on our ceremonies and we'll have taps sounded by one of our alumni band members at these events. So we're quite honored to play tribute to the many veterans that died and sacrificed in France on this event. So thank you for having us today, Jimmy, and hook 'em horns!

[5:46:49 PM]

[Applause]

>> Mayor Adler: This is so sad.

[Laughter]

>> Then what you are smiling about?

>> Mayor Adler: I know.

>> Except for us.

>> Mayor Adler: See, we were talking the other day, and I was with a group of people, and we were talking about the consul general, Carlos Gutierrez, and we were trying to remember who it was that was the consul general of Mexico before this consul general.

[5:48:50 PM]

And none of us could remember. I'm sure he did wonderful work.

[Laughter] But I do know that five years from now, none of us will be wondering who it was that was consul general of Mexico in Austin over the last -- over the last five years. Consul general Gutierrez came into his office and his position at the same time that our new 10-1 council was coming into office. We were all finding kind of our new way around, led a little bit by our experienced councilmember, councilmember tovo, mayor pro tem, but we were all -- most of all -- new, trying to figure out. There

have been people around us that have always been a constant north star, that have always been a real guiding light for this community in so many different ways, and to have that role being fulfilled by somebody who was a consul general and not part of our government, I think, was unique. We were -- we were the years that, dealing with immigration, with refugees, with new administration, with a campaign initially that was dealing in such aggressive, demonizing of refugees, demonizing folks specifically that were Mexican Americans or folks that were living to our neighbor to the south, and our guide in that, my guide in that, with such grace and such dignity, but such resolve, and such a north STA was this consul general.

[5:50:56 PM]

I can't tell you how many events he's been at that have nothing to do with his portfolio in this city. But as a part of this city and valuing anding the people in this city, the -- I have obviously been with him events at the consulate, working with him on those things that are the central part of this is portfolio, but I -- but when we had the storms down in the gulf and refugees were leaving the shoreline and arriving as guests in our city, and we were looking at that point at creating our own shelter beds, the estimate was that we were going to take 10,000 people at the beginning of that, the very first jurisdiction that reached out to me and reached out to the city to offer support, the very first jurisdiction, including other cities and other states, including countries, the very first person to reach out was our consul general to see what he could do to help. I went to some of the shelters where our guests were beginning to gather and walked in, and he and his wife were already there serving and helping people that had found themselves in shelter in this city. But that kind of thing has happened over and over and over and over again. I -- it is no small wonder for me that you're being taken away from us and sent to a higher calling, a tougher duty, a tougher duty in San Diego.

[5:53:04 PM]

I want you to know that I was with the foreign minister of Mexico in the new administration and made a personal appeal to deny our consul general that position, to keep him here, and he was very polite and listened to me, and he said, "You are not the first city in the united States that has made that request for this consul general." Which means I was late on the draw. I didn't know. But -- so it's of no surprise, as was explained to me, that you're needed there. You're needed there by Mexico, you are needed there by the United States as well. You have taught me a lot, and you and your wife, Diane and I consider to be really close personal -- personal friends. You have gone with me to Mexico to show me around, to take me in places that I needed to go. You're going to be just missed. So I have a proclamation to read, but before I read the proclamation, I'm going to give you something that is the other thing you get to do as mayor other than just read a proclamation. But I don't do it -- I don't do it as often, but recognized as something that mayors can do, I have a key to our city, Austin, Texas. Consul general.

[Applause] And I have a proclamation.

[5:55:05 PM]

Be it known that whereas Carlos Gonzalez Gutierrez came to Austin in 2015 and immediately became an integral part of the community, he was approachable and supportive of many local events, including the hugely successful Mexico Independence day celebration at our state capitol; and whereas he made himself available to work, to strengthen the connection and understanding between Mexico and the United States, and worked tirelessly in this pursuit, he created as well the addition of Casa Mexico, a showcase of Mexican entrepreneurs, innovators, and musicians in Austin's iconic South by Southwest International Festival; and whereas he willingly opened the door to the Mexican consulate for events including co-sponsoring a special event with the Irish consulate, his superb skills and efforts kept the community informed of pertinent events affecting their well-being, and whereas this highly visible and extraordinary consulate also appreciated and fully supported the Austin Saltillo Sister Cities' organizations and recommended that an annual Saltillo Day in Austin be created and celebrate Carlos leaves a strong legacy of goodwill, and he will be missed. Now, therefore, I Steve Adler, Mayor of the City of Austin, Texas, together with the entire Austin City Council, do hereby proclaim May 23rd of the year 2019 as Consul General Carlos Gonzalez Gutierrez Day in Austin, Texas. Thank you, sir.

[Cheers and applause]

[5:57:11 PM]

>> Mr. Mayor, members -- distinguished members of the City Council, dear members of the Austin community, as well as members of the organizing committee and the Saltillo Austin Sister Cities committees, I would like to thank you all for the opportunity to stand in front of you for one last time as Consul General of Mexico in Austin. After four years as Consul General in this marvelous city, I only have words of gratitude, towards you, Mayor, and towards every single one of the members of this Council. My wife Elena, and I are extremely grateful for the warm welcome that you gave us when we arrived to Austin, for the exceptional treatment that you provided us during our time here, and for the close and productive relationship that we were able to develop between this city and my country. Mr. Mayor, members of the City Council, I leave Austin with a certainty that after four years here, the leadership, dedication, and willingness of you, Mayor, and the members of the Council to work side-by-side with the Consulate of Mexico in so many different areas has resulted in a closer and stronger relationship between Austin and Mexico. Gracias.

[Applause]

[6:00:40 PM]

[Applause]

>> Mayor Adler: I think sometimes it just feels like everybody that works for the city of Austin works in the public works department. All right. So we have a proclamation here today to celebrate national public works week. In a city that is growing so fast with so many moving parts, it is what the city of Austin government and what the city of Austin does to so many people is almost entirely what you folks do. You are part of their lives every day in everything that they do.

[6:02:41 PM]

They see you visibly working more than they see just about anybody else in this city, the 14,000 people that are working, they see what you're doing, they see what you're doing in really tangible ways in terms of changing conditions and improving lives. This entire city is thankful for your service, and today we have a proclamation, and then get to recognize one important representative of this department.

Proclamation: Be it known that whereas the support of an understanding and informed population is vital to the efficient operation of public works systems and programs such as water and sewer, streets and bridges, and public buildings; and whereas the efficiency of the qualified and dedicated personnel who staff our public works department contributes to our quality of life through their positive attitudes and understanding of the work they perform; and whereas we are pleased to recognize the contributions which public works personnel make every day to the health, safety, comfort, and quality of life of those that live in this city, now, therefore, I Steve Adler, mayor of the city of Austin, Texas, on behalf of the Austin city council, do hereby proclaim may 20th to 24th of the year 2019 as national public works week.

[Applause] So we have with us Richard Mendoza, who is the director of the department. I want to give this to you.

>> Thank you, mayor.

>> Mayor Adler: Would you like to say something?

>> Real briefly.

>> Mayor Adler: Please.

>> Thank you, mayor, city council, and manager's office. It's a privilege to be the director for the city of Austin's public works department.

[6:04:42 PM]

This week, all around the country, multiple cities, counties, and states are celebrating the work that their public works departments do. In fact, it was announced on the American public works association

web page that the house of representatives passed a resolution recognizing public works week in our nation's capitol. But I'm especially proud of our city of Austin's public works team that's behind me, and many of them were actually working all day in the hot sun out there, taking care of our infrastructure, but we all could not be successful, of course, without the support of our mayor and our council, our manager's office and our partnering departments, as was stated. Austin transportation department, Austin water department, watershed management, Austin resource recovery, and so it's with great honor and privilege that we continue to serve the community in this way, and we look forward to many more years of service. Thank you, mayor.

[Applause]

>> Mayor Adler: You know, congressional action is really nice, but it's not quite the same thing as the Austin city council. Right?

[Laughter] Obviously, a department that is this big has so many people doing so much work in so many parts of our city, but it's important for us to remember that it's not just one big department, it is made up of individuals that have chosen to work in the public service, and tonight we also get to recognize Ed poppitt with a distinguished service award, issued by the city of Austin for his untiring service and commitment to the residents of Austin during a 21 -year tenure as a dedicated employee of the city of Austin. Ed poppitt is deserving of public acclaim and recognition, and this certificate is presented in acknowledgment and appreciation thereof, this 23rd day of may, in the year 2019, by the city council of Austin, Texas.

[6:07:00 PM]

Ed, congratulations.

[Cheers and applause]

>> Actually, I've been here for 33 years, believe it or not, so -- but it's been a great -- great journey. The city has been a wonderful home and I've worked with great people through the years. It's been a team effort to take care of the city. We hardly ever get a chance to catch our breath. It's just like a roller coaster ride as I describe it, you know, hang on and go with the curves and it's been a wonderful career. The city has been a great employer. It's just been a great thing to work with all these wonderful public works professionals, so I really appreciate the opportunity to have been a city of Austin employee and a public works employee. Thank you very much.

[Applause]

[6:10:22 PM]

>> Mayor Adler: All right. If we could get the folks in the back of the room to -- if we can get the folks in the back of the room to walk on out if you're going to keep -- so you have a chance to visit out there, we

can continue on with the program. So the next proclamation that we have here is an important one for our city like it is for every city. You know, we -- we talk a lot now, which is good, about our first responders, the folks that are at the front line of keeping us all safe. I think there's a growing appreciation for that. Certainly, your community has made the EMS first responders in our city a real priority, and we recognize that with the attention and resources we've tried to bring to bear because we have now seen our city stressed in so many crisis situations that you all performed so incredibly well in, the storms that we have seen, the national disasters, the bomber incident that you all were so involved with, as well as the work that you guys do every Friday and Saturday night at 2 o'clock in the morning when all the bars close. It is an amazing thing to see these professionals doing what they do to keep us safe. Be it known that whereas emergency medical services is a vital public service and provides life-saving care to those in need 24 hours a day, seven days a week, 365 days a year; and whereas the emergency medical services system consists of paramedics, emergency medical technicians, emergency physicians, emergency nurses, first responders, educators, administrators, and others who have dedicated their lives to the service of others; and whereas it is appropriate to recognize the value and accomplishments of emergency medical service providers in Austin and Travis county by designating emergency medical services week, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, on behalf of the city council, do hereby proclaim May 19th through the 25th of the year 2019 as emergency medical services week in Austin, Texas, and here to accept this and to speak, I hope, Chi Rodriguez.

[6:13:08 PM]

Chief.

[Applause]

>> Well, thank you, Mayor. Emergency medical services really stands for enthusiastic, mighty, and super, super cool. We have 603 amazing individuals that make up our department, but I don't say that lightly. I'm going to give you some examples of things that they do. They do everything, everything from responding to emergencies to helping people manage their medical insurance. Who knows how to do that? That's the mighty part. Our communications medics have answered over 140,000 calls for help. That's 140,000. That's a lot of people calling. From that, they dispatched paramedic and EMT clinicians to 123,000 cases. That's huge when you think about that. That 365 days a year, 24/7 is real to us, we do it around the long. We have community health paramedics, and last year they connected over a thousand homeless individuals to health care and to other services they needed to have a quality of life. Tomorrow, I have the honor of recognizing a group of paramedics who have actually responded to people who have no pulse, in other words, they're clinically dead, but they saved their lives, they returned their pulses. They individuals got to go to the hospital, survive that, and go home to hug their family. Isn't that incredible? They're going to be recognized tomorrow. That's incredible. And the other extreme, 25 paramedics are going to be recognized for delivering babies into their mommy's hands. Isn't that cool to get to do that kind of thing? So this is on behalf of those incredible people that I'm here today to receive this proclamation. We couldn't do this without the support of this community, the support of the Mayor, our council, city management, and everybody that contributes to our system. Thank you so much.

[6:15:11 PM]

[Applause]

>> Mayor Adler: Everybody on the commission should come on down. Oh, they're already down. Okay. Do we want to bring down the Asia pacific employee network as well?

>> We're all here.

>> Mayor Adler: Okay. All right. We now have another proclamation to recognize a key component and part of our community and neighborhood. In fact, in a fast-growing city that's growing faster than any large metropolitan area in the country by rate, in our city, the fastest-growing compartment part of our city is the community represented by the people standing behind me.

[6:17:14 PM]

It's a community in our city that is doubling right now at a rate of every 10 to 12 years. That is making our city richer and fuller, more vibrant, and just a dramatically better place to live in. And, thus, a proclamation. Be it known that whereas Austin residents who trace their ancestry to Asia and the pacific islands have contributed much to the city with their talents and hard work. These residents speak many languages, honor countless traditions and practice different faiths, but they are bound by a shared commitment to freedom and liberty, while the diversity among asian/pacific Americans adds to the cultural fabric of society; and whereas the Asian and pacific islander community in Austin is the fastest-growing demographic group, doubling every 12 years, and comprising approximately 8% of the city of Austin's population; and whereas the Asian American quality of life commission was created in 2014 to represent the growing Asian and pacific islander community in the city of Austin, and brings this proclamation forward today; and whereas asian/pacific American cultural percentage month is nationally recognized as a time to celebrate the diversity of Asian and pacific island cultures and their influence on the larger community, now, therefore, I Steve Adler, mayor of the city of Austin, Texas, together with my colleagues on the city council, do hereby proclaim may of the year 2019 as asian/pacific American heritage month in Austin, Texas.

[Applause]

[6:19:17 PM]

And then to accept this, pooja Sethi.

>> Thank you.

>> Mayor Adler: Thank you.

>> Yes. Thank you. We want to thank the mayor and city council members and our wonderful city staff for recognizing Asian American Pacific Islander Heritage Month. The month of May was chosen to commemorate the immigration of the first Japanese to the United States on May 7th, 1843. That was the first time that any Asian entered America, and that's why we celebrate the Asian American Pacific Islander Heritage Month in May. It is truly, truly wonderful to be here. We are so proud to be part of the Asian American Quality of Life Commission that was started by our city council, created by our city council and our mayor and staff, and we meet every month and we are proud Asian -- a proud part of the Asian community and proud Austinites, so thank you so much.

[Applause]

[6:22:50 PM]

>> Tovo: Good evening. I'm councilmember Kathie Tovo and I have really the great honor of presenting a proclamation this evening to Ann Howard. I have known Ann for, you know, about the last eight years. I've had an opportunity to work with her both as a councilmember and also as former chair of the membership chair for Ending Community Homelessness Network Coalition, Ending Community Homelessness Coalition. Ann is such a force of good in this community, and, you know, by that I really mean a force. She has helped us, she has worked so hard and so effectively in really helping our community recognize homelessness as a top priority, and you see that reflected both in the general IC but also here in the walls of City Hall in terms of the kinds of priorities that we've set for our city council. She does her work collaboratively. She has helped lead housing and social service providers to work together to share information and expertise and to really better leverage our very scarce resources in the service of individuals who are experiencing homelessness. She has worked collaboratively with nonprofit and private community and has brought in new partners into this effort to create safe and stable homes for all of our neighbors in this community. I'm looking at on the plaza to where one week we had play houses outside that Echo, Echo was raffling off but also using as an opportunity to create awareness around homelessness. That was --

>> [Off mic]

>> Tovo: That was just one of many innovative ideas. A few meetings ago, probably a couple months ago now, the council voted on the pay for success initiative, which, you know, if you were here on that day it might have looked like a pretty easy vote but it only happened after years, really years of hard work on behalf of Ann Howard and it really wouldn't have gotten done had it not been for Ann's persistence. It was a multiyear effort. It's the first of its kind here in the state of Texas.

[6:24:51 PM]

It is a partnership with private community and outside funders, and it took a lot of long meetings that she was engaged in with others to get that done. So I appreciate Ann. She is often here urging us to do the very best for our neighbors who are experiencing homelessness, and we have so appreciated her leadership at echo. So, without further adieu, on behalf of mayor Adler and my colleagues on the council, it's my privilege to present the

following proclamation: Whereas, since 2011 Ann Gill Howard has led the -- let me start again. Whereas, since 2011, Ann Gill Howard has led the ending community homelessness coalition or echo in its efforts to end homelessness in Austin and Travis county; and whereas under Ann Howard's leadership, echo has expanded from a coalition of providers focused on ending homelessness in Austin and Travis county to become a leader, a national leader in best practices and innovative ways to house the homeless; and whereas Ann Howard and echo have been instrumental in building a coalition of providers who were able to achieve functional zero among homeless veterans in Austin and are leading efforts to eliminate youth homelessness in our city; and whereas Ann Howard has built the public/private foundation partnerships required to launch a pay for success initiative to address homelessness in our community, which will be the first pay for success program in the state of Texas; and whereas we're pleased to acknowledge Ann Howard for her vision in addressing homelessness in Austin and beyond our city, and for her profound commitment to making Austin a community whose actions merit values in helping those who are experiencing homelessness, therefore I, Kathie Tovo, on behalf of mayor Adler and my other colleagues, do hereby proclaim May 23rd, 2019, as Ann Gill Howard Day in Austin, Texas.

[Cheers and applause]

[6:26:56 PM]

>> This is really fun, and I think the work over the last, you know, seven, eight years, for me personally, has just been a joy, and that joy really is reflected in the people that I've gotten to work with and grown to know and to love. Today we've reminisced a little bit. Marty Buyer back there is one of the very first people that I met in this building, and the folks behind me are really the people who have shown me the way. You've got Joe Catherine Quinn of Karatoss who is our expert on how you house people, what they need to stay housed, Lisa Garcia from the housing authority, who carefully monitors what HUD will allow us to do and what they won't. You have -- who else is there? Kathleen Casey. We've traveled together learning best practices, and she helps lead the effort to, you know, address mental illness in this community. Sharon's new to Austin, and Andrea really working to lead echo going forward, and I mentioned all of y'all. And this city council and mayor, who have just -- I loved what Ann Kitchen said one time, I'm tired of nickel and diming this. We've got to step up and really put the resources on the ground. I think the new things that y'all are trying and wrestling with, as Bernet Brown, the social worker who everybody is listening to, says you've got to rumble, and you guys are rumbling in trying to figure it out. We've got the national alliance to end homelessness in the house, who's been showing us, you know -- calling -- taking truth to power about what we need, and our fearless servant, Stephanie Hayden, who is the social worker at heart and now the boss, and we appreciate your leadership. And I really want to hand it to your team who has put up with me, you know. I didn't know what I was doing, but I knew I was going to do it.

[6:28:58 PM]

And so, you know, they've stuck in there with us, and that mess of all those resolutions that they've had to deal with I think is part of the fever and urgency we have to work with going forward. So get them some vitamins and keep going because we've got to go. Anyway, it's been a long day, and I just want to say thank you for the opportunity to serve. I want to say thank you to Mark Littlefield for help leading the board of directors at Echo to truth and power. And I'll be quiet. Thank y'all very much.

[Applause]