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[10:21:16 AM]

>> Mayor Adler: All right, colleagues, I think we have everybody here. We can kick this off. Before we begin with our meeting, let's all stand and bring up Adam sultan with the Austin shambhala meditation center.

>> Good morning, mayor, council. In the view of shambhala buddhism, leadership involves every human being as every human being possesses the qualities of a leader. In this case a leader is simply a human trying to aspire and lead a good and decent life. We can invoke that beginning with the sense of benevolence towards ourselves and openness to our world and its possibilities. Let's take a moment in silence to simply feel our humanity as it is, without judgment, and to extend kindness to our present situation and experience, whatever it may be. May whatever kindness, patience and intelligence we've touched upon be of benefit to all. Thank you, and enjoy your meeting and the rest of your life.

[Laughter].

>> Mayor Adler: Thank you. All right. Before we go -- before we actually bring in the meeting, I want to recognize -- I think that we have some members today of the youth council with us attendance. Are they here with us today?

[Applause].

[10:23:19 AM]

It's a group of folks from around this city trying to bring in to governance and to city operations the voice of the youth in our community, really available thing. Thanks a lot for being with us today. Thank you. We also want to take a quick moment here. It turns out that Pio's birthday was last Friday.

[Laughter]. And Delia's birthday was yesterday. So keeping in tradition with the city council, if the councilmembers will all turn off our mics except for Jimmy.

[Laughter]. Let's sing happy birthday to Delia and Pio.

>> ♪ Happy birthday to you, happy birthday to you, happy birthday dear councilmembers, happy birthday to you!

[Applause].

>> Mayor Adler: And then just to take a quick moment, today is the 75th anniversary of D day, and we should take just a second to reflect on that. Okay. I think that now gets us to our meeting. Today is Thursday, June 6, 2019. It is 10:24. We have a quorum prese with us and we can do our agenda for today. Councilmember harper-madison is out today. There is a Maudie's run downtown after dinner so the streets will be closed.

[10:25:23 AM]

I mention that to the council in case we can work our way through the agenda before we have street closures, but if not people who are coming down here know that they will have to deal with that. Gives us an incentive to be done first. I'm going to have to step off the podium during citizens communication today, and as we discussed on Thursday, I'm supposed to fly out of here this evening, so I'm going to try to get out this evening and we'll see what the calendar is looking like. On our agenda for today we have some changes and corrections I'm going to read into the record. On item 27 on June 4, 2017 it was recommended unanimously by the zero waste advisory commission on an 8 on 0 vote. Item 39 on may 28th, 2019 it was approved with the additional direction by the parks and recreation board on a vote of 9-1 with board member Cotham voting against and board member Donovan absent. 46, 47 and 70 were withdrawn because they were each replaced with items that are on the adumb dumb and will be -- addendum and will be heard. Item number 50 is to set a public hearing to consider an ordinance. It's not going to be actual consideration, it's just setting the public hearing to consider. Item 64, rv's matter looked like it's being proposed to August 8. Item 72 is concerns a zoning case concerning a protest located in district 7, not in district 1. We have some items have been pulled today. Item number 13, towing matter pulled by councilmember Casar. Item number 20 has been pulled by councilmember tovo. I think that's the mobile outreach. Item number 27 pulled by councilmember tovo.

[10:27:27 AM]

It's the zero waste purchasing matter. Item number 33 pulled by councilmember tovo, which is an office furniture item. We also have item number 39 being pulled by councilmember kitchen. That's the pitch and putt item. Item number 41 has been pulled. This is the family friendly issue, and my record indicates that it was pulled by councilmember tovo. Item number 45 is the ordinances concerning sit, lie, camping and solicitation. I'm pulling that, item number 45, and we'll conduct a really brief briefing for us

consistent with the -- what I've just handed out on the dais. That item is going to be postponed for public discussion until next week when it's going to be considered. I'm sorry? Two weeks, yes. Two weeks it's going to be Ned. So that's when public comment will be. I've asked for my colleague's indulgence just to help true up the issue as best we can. We can do that with some folks here when we break. But there will be no public testimony taken on item number 45. And then item number 40 I would -- my understanding is that we're not going to be voting today on any of the planning commission nominations per our earlier discussion. We're going to T all planning commission nominations up at the same time, our last meeting in June. So there's either one or three planning commission members that showed up on that backup, depending on which one you're looking at, but in any event there will be no planning commission. Those are being removed from the item and it remains on consent. So I have the consent agenda being items 1 through also 98 to 100.

[10:29:40 AM]

On item number 100, councilmember pool, I think you were okay with the amendment that I handed out at the work session that basically just took some language and moved it out of one clause and made it its own whereas clause. I have other copies of that if anyone needs that, but the consent item is councilmember pool's resolution on that with the amendment that I had handed out before. That's how that is on consent. I'm looking at pulled items

then: 13, 20, 27, 33, 39, 41 and 45. We have some people wanting to speak on the consent agenda. Does anybody have any comments or anything they want addressed before we do that?

>> Flannigan: Mayor, as I posted on the message board, I think there are other items to be discussed after we have a more complete briefing on the tax cap issues. Those numbers are 19, 20, 21, 22, 23, 24, 29, 31, 32 and 37. 27 and 33 have been pulled so I don't have to worry about those. But I would like to postpone those until June 20th so that we can get a full briefing from staff on the long-term implications of tax cuts.

>> Mayor Adler: What were the numbers you had, more slowly, please?

>> Flannigan: 19, 20, 21, 22, 23, 24, 29, 31, 32 and 37. Items 27 and 33 have been pulled so we can talk about those then.

>> Mayor Adler: Okay.

[10:31:41 AM]

27 and 33 have been pulled.

>> Flannigan: Yes.

>> Mayor Adler: Right now let pull those items and we'll discuss them as a group. We'll have staff come up and talk about the ramifications of postponing or not postponing. Councilmember alter.

>> Alter: I would object, particularly to postponing item 32. And I know rabbi Friedman is here to speak on that item. That is the item related to workforce development on a contract with capital idea. But I'd like to see if we could let rabbi Friedman speak earlier in the day so he doesn't have to stay here all day over that.

>> Mayor Adler: Okay. So we're going to pull that item so we can discuss postponement, but if it's with the indulgence of the dais, since he's the only speaker signed up for this, we'll ask the rabbi to speak as if he were speaking on the consent agenda, give him an chance to speak, but that item will be pulled to discuss postponement. With that being said, let's have the speakers from the public, and the clerk gave them to me and I dropped it. So I'm going to look for it while rabbi Friedman comes up to speak because I know he's on that list. Is rabbi here? Why don't you come down here and speak that item. Item 32.

>> Good morning, mayor, good morning, councilmembers. I'm here on behalf of inter interfaith Austin and capital idea to urge that you not postpone this particular item. We are already underway in recruiting approximately 50 students to go through this program this summer and that was done on reliance of the fact th this item was part of the budget for this particular year. We've worked hard during the course of this year to meet the standards that were set for these funds, and according -- as I understand, city staff has agreed that that is the case.

[10:33:49 AM]

We also need to point out that there are -- we have worked quite hard at the state level to obtain funds which will also help in these efforts and those rfps are going out within the week. T to know about this funding may endanger those funds as well as a foundation grant of approximately a million dollars to study the program and to allow us to gather more information about the efficiencies of this program. I remind council that this is not a one-way street. That by training people for jobs that are of a high caliber and well paying that this is an investment in the future of our city. These are folks who are going to be able to afford to live in our city, contribute back to it in so many ways. And to delay that process would not be in the interest of the city in general. So on those basis I would ask the council to go ahead with this particular item and consider its immediate funding. Thank you.

>> Alter: Rabbi? I just wanted to clarify. So it's my underst from the information that you provided that we have students who are in the pipeline for programming this summer, whose programs might be at risk. We have state funding that would be able to make investments, and I believe there's also some private funding. I don't know if you mentioned that, that might also be at risk if we do not move forward.

>> Yes, that's my understanding as well.

>> Alter: Thank you.

>> Flannigan: Mayor, since apparently we're having a conversation about this--

>> Mayor Adler: I was thinking that more as an intention to ask a question, but why don't you close us out on the discussion.

>> Flannigan: I want to understand one thing, rabbi, that you said, does the organization create financial obligations on the assumption that funding will continue?

[10:35:58 AM]

So they will be on board with the reliance on this funding?

>> I want to make sure I understand the question. so when we recruit students -- are you asking when we recruit students we do on so with understanding that this funding will be available?

>> Flannigan: Yes, that the organization is making obligations now for things that the funding is going to pay for?

>> Do you mind if I consult with the director of the program for a moment? Real quick.

>> Mayor Adler: Let's call this up when we do the motion to postpone, but you've identified that issue now. When we call this up we'll address that issue.

>> Thank you.

>> Mayor Adler: Okay. I neglected to also indicate that we were pulling item 49 49. As we discussed earlier we're not going to take a vote on that until after lunch, but if there's an opportunity to speak before then we may have that opportunity afforded. Yes.

>> Kitchen: I'm not aware of any -- I'm happy to take 49 on consent if that's the will of the council. I'm not aware of anyone that is coming this afternoon that has concerns about it. They would all be coming to -- as far as I know are all coming to support. So if no one wants to pull it, we could --

>> Mayor Adler: I don't think we could do that now because we announced on Tuesday to the public that if they showed up after lunch that they would have a speak and we just can't know. But right after lunch we'll take it up first and see if we can dispense with that. So item number 49 I also pulled.

>> Tovo: Mayor? Sorry to interrupt, but will we have -- I have another quick question related to the executive session that we had on Tuesday. Is that -- so will we still have an opportunity to ask that -- are we taking up item 49 in executive session or no?

>> Mayor Adler: We weren't planning on it. If you have an additional question we can make sure that we do.

>> Tovo: It's a very quick one, but it relates to real estate matters.

[10:38:01 AM]

>> Mayor Adler: So the answer is yes, we'll up item 49 at lunch. You might want to have your staff appropriately present. Okay. We're now going to take the folks, citizens, to speak on the consent agenda. We have two signed up on item number 10, but the last one was a late sign-up so we're going to treat that as if it -- it doesn't pull it off of consent. But let's go ahead and begin. Ray Collins. Is Mr. Collins here? Why don't you come on down. I have you to speak on item number 18, Mr. Collins.

>> That's correct.

>> Mayor Adler: You have three minutes.

>> Thank you. First slide, please. My name is ray Collins. Last March I showed our neighborhood connections to the Bergstrom spur both in terms of people and geography. Today I'm going to show you connections outside our neighborhood. This is the Bergstrom spur running along ratham lane and what you see in the background is the south congress park and ride. The eastern edge of our neighborhood is two-tenths of a mile from the park and ride and the western border is about two miles distance. It is -- it's a mostly safe bicycle ride with most places -- with some places that I wouldn't want a child to ride unaccompanied by an adult. What capital metro is now calling the Orange line, aka metro rapid 801, stops here at the south congress park and ride. The second connection is to a city owned property at 4711 win bay go lane. I haven't kept track of what is happening with this property, but back in 2017 the plan was for a non-profit called art space to develop this property's work-live housing units.

[10:40:06 AM]

You can see the Bergstrom spur right-of-way running along the right side of the property and here it is at ground level. Slide off, please. I imagine there are other connections but I'll close by reit a rating the city's position of the arrive, the only non-vehicular route to the airport. Thank you.

>> Mayor Adler: Thank you very much. It's on consent and expected to be approved. Let's take a look at other speakers. Is David king here? So I have you signed up on two items, nine and 10, I think. Okay.

>> Yes, mayor. Thank you. Thank you, mayor, mayor pro tem and councilmembers, and thank you for considering my comments and for your service. Regarding item 9, I would ask that you please create an anti-displacement program in the equity office to help ensure that anti-displacement policies are equitably implemented. Just because we create new housing does not mean that that housing is going to be equitably available to our communities, vulnerable communities and those that are disenfranchised. Please provide neighborhood housing and community development department with sufficient staff and ours to fully implement and monitor and effectively administer the action plans and programs as soon as possible. And ensure that a majority of the funding for income restricted affordable housing goes districtly to community-based non-profits with historic ties to communities in east Austin such as the montopolis and Guadalupe community development corporations, to purchase land and build income restricted family friendly housing in their communities. Provide additional funding to implement and maintain nhcd's online website and database for existing market affordable housing, increase funding for historic surveys of neighborhoods and community as assets affected by rapid redevelopment and displacement.

[10:42:13 AM]

Facility small area planning efforts that did he place our most vulnerable communities. Increase funding for homeless services. Create an office of housing and small business stability focused on helping low income residents and small local businesses that are victims or at risk of involuntary displacement in gentrifying neighborhoods. Implement a 24 hour hotline to help low income residents and small local businesses find, access and stay in place, anti-displacement resources and assistance. Now is the time to implement these policies to help our communities be resilient to the redevelopment that is about to happen to our city. Regarding item 9, affordable housing goals. Please ensure that a majority of the income restricted housing is dedicated to low income families earning at or below 30% median family income. Please ensure that none of this income restricted rental units can be used as short-term rentals and ensure that an equitable quality of income restricted housing is produced in west Austin. And that the neighborhood housing community development department has sufficient staff and resources to ensure that these are occupied by low income families and not by market rate -- for market rate purposes. Thank you for considering my comments and for your service.

>> Mayor Adler: Thank you. As I look at the agenda that I have, councilmember tovo, you'veeanded out an amendment, item number 41, that I think added some additional folks to seek input on as well as providing a history of some action in this area. Is it okay with you if we leave this on consent if that amendment is added.

>> Tovo: That's great. I apologize that I didn't have a chance to talk with the sponsor, councilmember harper-madison, about it. I would like to leave it on consent. I'd like to make just one quick comment if I may.

>> Mayor Adler: Why don't you go ahead and do that. I think we have someone else also signed up to speak on this item and we'll give that person an opportunity to speak on it on consent, but go ahead.

[10:44:13 AM]

>> Tovo: The language I'm adding is this assessment should include the analysis of previous council actions, existing city of Austin programs contained within exhibit a and then it goes through some of the work that's been initiated that relates really directly to the areas that were suggested to be assessed. And so I just wanted to make sure that the city manager understood my intention in that line. You know, as I understand the toolkit, it is directed in large part at our private employers out there. And in fact even references the city of Austin for some of the programs we have. So I wanted to be sure before we initiated -- before we initiated a full assessment of all of these areas, that you and the other staff who are going to undertake this work are really familiar with just the very substantial work that we've done in all of these areas. I certainly don't think we need a top to bottom evaluation. What would be helpful it to know whether the -- all of the resolutions we've passed and the action we've directed on everything from living wages to paid leave to flexible work hours and locations, supportive services, are they

effective, are they in place, are they still gaps? I don't want us to recreate the wheel here. And that was my primary intent. I did have one other comment and a question. One was -- it wasn't clear to me whether there was a cost associated with this item. For doing that assessment or if this assessment is intended to be done by the staff.

>> Mayor Adler: I think it was intended to be done by staff. And I think you're right, a lot of it is pushing out a lot of the things the city is doing very well to the corporate and private sector.

>> Tovo: So I think it is great, the toolkit is. I think it's great to look at our own practices and see, you know, whether there are areas we can improve, but just with the acknowledgment that we've done a lot of -- we have done a lot of that. We have been a leader in this space. There are certainly areas where we can improve, but again, we don't want to -- we don't need or would it be an effective use of time and resources to start from the ground up.

[10:46:14 AM]

I do want to make a comment, though, that I think a very good policy for us to adopt as a council would be to really align our days -- our city work days with AISD's calendar. I recognize that there are other school districts, eightish, I think, within the city of Austin limits. Many of them follow the same calendar. There is very close alignment, but it's not always a perfect match. And I think that is -- you know, I see that on days where AISD is off and the city is in service, it doesn't happen very often, maybe once or twice a year, there are a lot of kids in the halls, including mine often, because that's an unexpected -- it's a challenge when you have those kinds of days. We also have -- also very close alignment and I know the city manager coordinates on days that are -- are they Texas equivalent of snow days, but those too have not always been a perfect match so there have been some really challenging times. I'm fortunate in that I have a lot of flexibility in how I structure my day and can accommodate that but a lot of our city staff do not have that flexibility and there have been a couple of days where the school has a two hour delay and the city has a one hour delay and that's really a challenge. How do you get them to the school or bus stop. It's really challenging. I think again, having that be just a very stated policy where we're always working to do that is important. And I would just say that in my time here on council, we have had a couple of meetings that occurred on AISD days off. One was an emergency, perfectly appropriate. And I think had to happen on that day. But we've had at least two other days that were suggested for council meetings, including one that was on a holiday and it was in very close -- I think the suggestion came up two or three weeks before Memorial Day to maybe have a meeting on that day. So too, I think having a general policy about we're not -- we're going to, unless there's an emergency or a realtime sensitive need we're going to work to not schedule council meetings or city work days.

[10:48:17 AM]

I think it falls within this category. So that's one of the areas where I see an opportunity for, you know, just enhancement. We're almost there, but getting all the way there would be of help.

>> Flannigan: Mayor?

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I agree with what you said, councilmember tovo. I like item 41. I would remind my colleagues that just because staff is doing it doesn't mean there's a cost. I ask that question on a lot of items just to make sure we're not taking away from one previous resolution we've passed in order to work on another resolution. We've all had that feeling happen. I just want to keep that in mind.

>> Mayor Adler: I think that's a good point too. And I don't mean to speak -- obviously I can't speak for councilmember harper-madison, she's not here, so if any of the other sponsors disagree with anything that I'm saying, please say something. I would also point out that it's not just employers outside of the city because we know from some of the issues that have arisen in our city with respect to childcare and employees and employees working late, so there are certainly city issues as well. We need to make sure that we pick those up. You know, that was kind of the precipitating factor for some of these kinds of questions. Mayor pro tem, did you want to say something?

>> Garza: I don't have any opposition. I was wondering if we heard from councilmember harper-madison, but I good just hear from her and she's fine.

[Laughter].

>> Mayor Adler: Well, good for that. We stalled long enough. So is there any objection to that amendment being added? Hearing none, that's added. Item number 41 stays on the consent agenda. Let's call now Carlos Leon? Is Mr. Leon here? I have you signed up to speak on items 100 and 41.

>> Soy Carlos Leon here to speak against item 100. Lines 59 through 11 of the proposed resolution implied the erosion of abortion rights, our constitutional and human rights violations, justifying an economic boycott of Alabama businesses like the 1955 Montgomery busboy cot that helped launch the civil rights movement.

[10:50:36 AM]

That's ass backwards, convoluted and wrong. The mothers premeditated first degree murder of her yet to be born child, the most innocent human life there is that begins at conception, is not a reproductive right, but a termination wrong. A pregnant mother is supposed to feed, grow, nurture and protect her totally dependent, yet to be born child, not kill him or her. Abortion is the most serious spiritual, civil and human rights violation against a yet to be born child, which should be against the law in Texas as soon as roe vs. Wade is rightly overturned, which can be not enough since the approximately 60 million murdered since it became law in 1973. Abortion is not pro choice. It's anti-life. Council woman pool, you and the supporters of your resolution are dead wrong on abortion in Alabama. You and they should be sponsoring an ordinance praising and supporting Alabama's courageous, morally correct decision to follow god's word, to defend and protect human life, encouraging and incentivizing the city of Austin to do business with Alabama, rewarding what's right, the right to life, the most important right given by god. Though pool's resolution claims Alabama is one of the poorest states, I say it's one of the

richest states spiritually outside the great nation state of Texas, making Austin's no-kill pet licy, yes-kill human policy, completely insane.

[10:52:41 AM]

It's not weird, it's alien to and against humanity. Stop serving Satan and start serving the lord, who's good all the time. May god have mercy on your souls because the witches who support abortion will not. In Jesus' name I pray, amen. Thank you, lord, G bless Texas, the United States of America, constitutional law and truth. And above all, [speaking foreign language], god's word.

[Buzzer sounds]

>> Mayor Adler: Okay. Councilmember pool.

>> Pool: There were some other folks who had signed up supporting this resolution, but we had agreed, you know, that their support quietly and their communications with the council and with my office were sufficient, but S we have opened the door here, which we hadn't expected, may we give the advocates, if they wish, an opportunity also to speak?

>> Mayor Adler: We can -- so do you want to pull the item? Leslie, did you want to pool that item? Did you want to give one person an opportunity to come down? Any more than --

>> Pool: There was only one person who had registered to speak and M understanding is you had to ha at least two people registered to speak to pull an item out.

>> Mayor Adler: That's correct. That item was not pulled. This is someone who then spoke on it. I'm not sure what you're suggesting now.

>> Pool: I'm suggesting if Amanda or Emily would like to speak, I'd be happy to have them. We can pull it and they could come speak. I would like to gandy do that pretty quickly, though.

>> Mayor Adler: If it's just one person, we can have them on come down and address it. If it's going to turn into prolonged debate we need to pull it.

>> Pool: It was never intended for that. I see our advocates here. Would the two of you like to decide which one of you would like to speak?

[10:54:49 AM]

[Shouting].

>> Mayor Adler: Hey. This is a late sign-up, which we do. It doesn't pull the item and they will get -- one person has the opportunity to speak for three minutes as well as we treat all late sign-ups. It doesn't pull

the item, but we don't preclude someone from being able to speak. Do you want to come up? Come on up.

>> Pool: So we have Emily martin and Amanda Williams. So thank you both for being here today.

>> Yes, thank you, councilmembers and thank you, councilmember pool, for bringing such a timely resolution to Austin right now. My name is Emily martin and I'm the deputy director at

[indiscernible], and I'm here with Amanda Williams who is the executive director of willow fund. We're here to support the resolution in its curre form. We really appreciate councilmember pool taking such a strong stance on reproductive rights as a wave of abortion bans sweep across the country. We appreciate the council for working with us and our partners at lil fund and planned parenthood to ensure the resolution is in line with the values of our organizations and our members. Because we had concerns that a boycott without specific corporate targets would harm those constituents we are really trying to protect, the working women and families, who are most of who is impacted by these restrictions, we are grateful for the council worked with us to ensure this resolution is in line. We are strongly against the actions taken by the Alabama state legislature and similar legislatures around the country, including Texas, and their actions against abortion this session. We must remind people that we are the majority, six in 10 Texans and seven in 10 Americans, do not want to zero versus wade overturned and we're proud so see Austin take a stance against abortion restrictions and in favor of abortion access. So we really appreciate council taking up this item today.

>> Mayor Adler: Thank you very much.

>> Pool: Thank you, both.

>> Mayor Adler: Mr. Hirsch, did you want to come down and speak on the consent agenda?

[10:56:53 AM]

>> Mayor and members of the council, stu from district 2. I support adoption of the strategic housing goals in item 10 and have the follows

questions: Number one, will the creative work of Austin housing authority at rosewood and Chalmers court and Austin generic at Rebekah baines Johnson be counted if funding decisions occur before today's resolution? Question number two, will neighborhood housing and community development have sufficient resources for monitoring, for income restriction in accessibility and visitability standards. Number three, will next year's budget achieve 10% of the 10 year goaestion number four, will next year's budget incorporate 50 serious median family income and 30% median family income goals. Question number five, will the end of affordabilities for some university neighborhood overlay sites beginning in 2020 be included in the net affordability tracking measures? Question number six, will housing affordability goals incorporate assumptions that housing choice vouchers and veterans administration vouchers can be an important funding source to achieve housing affordability goals? Question number seven, will the housing trust fund become a funding source for additional housing so vouchers. Question number 8, will smart housing have fast track review and inspection restored. And

question number nine, will early childhood development centers and after school services be encouraged on family friendly affordable housing sites? Thank you for adopting this resolution with clear measures, and please provide us answers to the questions as we move towards budget deliberations. Thank you very much for your good work.

>> Mayor Adler: Great. Thank you very much. Council, as per changes and corrections, I would note that we have late backup in items five, nine, 40, 41, 44, 45, 49, 64, 70, 74, 75, 76, 77, 78, 79.

[10:58:59 AM]

Also in 84, 87, 92, 96 and 97. Those are all the people we had to speak on the consent agenda. Again, the items that I have

being pulled are are: 13, 19, 20, 21, 22, 23, 24, 27, 29, 31, 32, 33, 37, 39, 45 and 49. Any further comments O anything on the agenda? Yes, mayor pro tem?

>> Garza: I'll move the consent agenda.

>> Mayor Adler: It's been moved. Is there a second? Mr. Flannigan seconds that. Any comments? Mr. Flannigan.

>> Flannigan: I'd like to be shown voting no on item number 10, the housing goals goals. Are they soon to be the same numbers presented at the housing committee where a number of us there's no reason it shouldn't move forward, but I didn't see results on items council raised. Item 5 I'll remain voting for, but I am concerned about providing low interest or zero interest loans, but since it's a loan and not an expense, I'm not going to ask for postponement.

>> Mayor Adler: Further discussion on the consent agenda? Mr. Casar.

>> Casar: I appreciate councilmember Flannigan's point on the district goals, but as we see how it impacts scoring or projects as any we play the housing bond, I think it's something potentially revisited once we see the impact, but I appreciate you flagging that. I appreciate everyone's support of item 98. It's exciting the university of Texas is considering continuing their partnership with the council to keep doing good things and figuring out how we develop city-owned land and historic African-American neighborhoods facing significant gentrification in a way that improves that area but also actually brings people back and stymies gentrification and improving it is a really hard question and it's exciting they are considering it.

[11:01:15 AM]

Of course, this resolution is just to explore that kind of partnership so I want to make it really clear to the manager that if things don't work out or you don't think this will work, you bring us back other alternatives as you see fit. This is not saying you absolutely must -- is not binding the council to

absolutely doing this, but I think it's exciting they've approached us with this opportunity. If it doesn't work out or you don't think it's the right way to go, of course the intent is that you can bring us back other options.

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

>> Alter: Thank you. I just wanted to acknowledge the mayor's leadership on item 5 which provides a loan to workforce solutions so that they can make their transition to a larger space and serve more clients. I believe we need to be investing in workforce development and so I just wanted to acknowledge that. I think this no interest loan or low interest loan is a creative way to be using our 380 funds in service of the goals that we all agreed to when we redid that process.

>> Mayor Adler: Thank you. Councilmember pool.

>> Pool: Thanks. I just wanted back on item 98. I am supportive of this item and I'm glad we are continuing to have our professional partnerships with the university of Texas. I led on the initiative last fall, you may remember that produced the uprooted report which is a really important report and brought us the displacement tool our staff is using in conjunction with the work university of Texas brought to us. I did want to make sure and councilmember Casar and city manager, I wanted to be sure since originally we had paired up the redevelopment at Ryan drive Justin lane with the Home Depot redevelopment project. And even though they were paired up, they are on different tracts and they are individual projects, they stand alone that is correct the additional work that's necessary and should be completed with U.T. On the Home Depot site does not in any way delay or change the trajectory that the Ryan drive project is on.

[11:03:30 AM]

>> Casar: Mayor, at least I could speak to my intent to that. Both projects are very exciting, they are very different, and so, of course, there is no intent to say that we have to wait on Ryan drive while U.T. Works on Home Depot, for example. I appreciate your leadership working on that tract and look forward to seeing that did great things too.

>> That's my understanding as well.

>> Mayor Adler: It's been moved and seconded the consent agenda. Further discussion? Those in favor? Those opposed? Unanimous on the dais with councilmember harper-madison off. That's the consent agenda. First item I want to call up is item 45 that was pulled. This is an item we're going to move to postpone for two weeks. And I appreciate the council's indulgence as hopefully we try to narrow issues. As people are leaving the hall, if you could please keep it quiet so we could keep moving, I would appreciate it. Mr. Casar, this is your motion. Before I call down the chief, I want to give you an opportunity to speak now or later, whatever you prefer.

>> Casar: No, I appreciate the opportunity for us to ask some folks some questions here today and to continue to clarify what we learned at work session. I think that it is important for us to have the conversation and I -- what I glean from work session is that it is unanimous across the council that

nobody wants to repeal or change rules in a way that endangers public health or safety in any way. That really the goal and the intent is to try to not perpetuate having criminal ordinances, to having criminal penalties to behavior that isn't creating any health or safety issue. And so I look forward to really diving in on that because I just think that that is all of our intent and I hope and look forward to us landing in that place on the 20th and think today will help.

[11:05:35 AM]

>> Mayor Adler: Okay. Thank you. Colleagues, I've handed out on the dais a draft amendment that has been handed out to some of the stakeholders. Mr. McGill on my staff to go had and post it so it's up on the message board for people to see. And -- and it's my intent to talk about that for just a second. And then to bring down chief Manley as a resource witness to talk with me about that. And then we're going to invite some people to come down by way of panel to talk about what it is that we're talking about. I think -- I think -- and then we, of course, have all the staff members that are also available for resource. But the intent today is not to talk through the issue, to decide what the right answers are or are not, more than anything else it's to narrow the issue. Because as I go around the city and as I have been in TV studios and with radio stations, talked to the community, I think there are a lot of people in the community that are concerned that these ordinances might impact our ability to be able to police affirmatively public safety threats and health, public health threats. And I think that the purpose of today's conversation is to really make sure that we true up what it is we're talking about as well as to make sure what we're doing in fact has that intended result. So at a really high level, I want -- I want to thank councilmember Casar for working with our office on this amendment. I know you haven't signed off on it yet, but I appreciate you helping us try to do what we're trying to accomplish. The stakeholders that will be testifying, I appreciate their involvement again, not committing to anything in particular, but have helped us in my office try to get it to this place.

[11:07:45 AM]

As well as the police chief and the APA folks that we've talked to about this as well. This is how I look at it, and it makes sense to me and maybe it will make sense to people in the community. There are three buckets that -- at least three, but three buckets of impacts that arise associated with folks that are experiencing homelessness. The first bucket are those things that call into question and are threats to public safety. Touching somebody aggressively harassing somebody, threatening somebody, either causing physical public safety kinds of harm. I think it's important that whatever we do doesn't take away a tool for a police officer that is facing or confronting probable cause for someone that is threatening public safety. We don't want to do anything that impedes their ability to be able to act when they see that or would ordinarily address that. The second bucket is the public health issues. You know, if someone is urinating or defecating on our streets, if someone is giving rise to a public health challenge, we want our enforcement folks to be able to act and we don't want to do anything that takes away their ability to be able to act. And we need for people in the community to tell us if we're not

accomplishing that by this so that we can fix it and make sure that we are. Because we want to move past conversations about whether we're impacting our ability to deal with public safety threat or a public health threat, because the intent is not to do that, we'd like to make sure we are. But there is also a third bucket. And the third bucket is really what this community should be talking about. It is the more difficult issue.

[11:09:48 AM]

But unless we get past the first two, we're not going to actually have the conversation we need in the community on the third. And the third one is what do we do when we're dealing with someone who is experiencing homelessness but is not presenting a public safety issue or a public health issue. It could be somebody who is sitting in front of a restaurant who is dealing with personal demons and talking and speaking in a way that the rest of us cannot understand. It could be somebody that hasn't bathed in a long time. They are there. And -- and they are not presenting any measure of public safety issue and they are not presenting a threat to public health. What do we do in that case? And part of the question that we have as a council is do we want our police to arrest that person. Is that something that we say is a criminal thing? That's at one end of the spectrum. The other end of the spectrum is if we have a street lining congress avenue where it may be wide enough to put a tent. Do we want someone able to put a tent on congress avenue outside a restaurant where someone at the window is looking out and seeing that, and the owner of the restaurant says please make that person move. They are not threatening anyone's public safety, they are not presenting a -- under this hypothetical, they are not presenting a public health risk, but what do we do in that case. The ultimate question for us and for you, manager and for the strategy officer is going to be to help us come up with what is it that is our city's response to that kind of situation. It is not the intent for today's meeting and panel to decide the answer to that question. It's only to make sure as best we can in the community and on social media that we are not talking about the first bucket, we're not talking about the second bucket.

[11:11:51 AM]

Let's have an honest conversation in this community about the third bucket. And the question we have is with today's conversation, my hope is to be able to move us to that third bucket so that we have that conversation. Councilmember kitchen.

>> Kitchen: Thank you, mayor. I think -- not that we need to talk about this now, but part of that third bucket is item 49 and that's shelter. We've had lots of conversations so far, and that's not the item in front of us right this minute so I'll just say one thing and that is that ultimately the end game is, the solution to homelessness is housing. But we can have that go again and again and later also.

>> Mayor Adler: And I think you are right. It may involve us having conversations about creating areas where people can camp or creating areas where people can park. There are lots of solutions, not for our conversations today, but let's move people to the places that's what we're trying to address. What I

have handed out to people that I know you do not have a copy of but the people testifying have seen or discussed this is taking the amendment that councilmember Casar had posted with respect camping and sit-lie and adding to it words that appear in the state ordinance, the state statute 4203, 42.03 of the penal code. It's taking language Mr. Casar's draft amendment had where he had intentionally or knowingly impeding the use of public property, making usage of the public property even reasonable intervene. Not only intentionally knowingly but adding recklessly, because that's in the state statute, and where it says impeding the use of public profit, the words or rendering impassable because that's also in the state code, and making usage of the public property in convenient, we have added to that or hazardous.

[11:14:02 AM]

So it would read what's axable in camping and sit-lie is intentionally, knowingly or recklessly impeding or rendering impassable the use of public property, making usage of the public property unreasonably in convenient or hazardous. That's the first group of three amendments.

>> Casar: Mayor, I do want to state that those are fine, entirely fine with me. It reflects exactly what I think the sponsor's intent was which was to try to mirror state law in a way that is not discriminatory against people based on income or whether they have housing but that is about the behavior. Those were the original intent but it seems to make it mirror state laws more closely.

>> Mayor Adler: Thank you. The second concerns the solicitation ordinance. We have an ordinance right now that makes actionable aggressive solicitation. And your original amendment, councilmember Casar, had us just repealing that section. There is good reason to appeal it -- repeal it because probably it is unconstitutional. And the reasonable it's potentially unconstitutional is because we can't control speech. So you can't make someone can be arrested for aggressively coming up and asking for money when it's not against the law to aggressively come up to someone and try to proposition them, say. So one way to deal with that is just to erase the section. Another way to deal with it, which is what is in the amendment that I think has now been posted on to the message board for people to see or about to be, what it does is it takes the solicitation ordinance and turns it into an aggressive confrontation ordinance. And basically everywhere it said to aggressively solicit, it now says to aggressively confront.

[11:16:05 AM]

Because it's the aggressive behavior, not the actual words, that really is what is of people's concern. So it takes that ordinance and it just really substituted aggressive confrontation everywhere it said aggressively solicit. It also takes out the per se section. There were some sections under the old statute where it was a violation to solicit even in a nonaggressive manner in certain places. And that section is taken out, like next to an atm, that's taken out now. The only thing that's actionable is the aggressive behavior, regardless of the message associated with that. We're throwing it out as something for the community to consider over the next week. We'll work with the stakeholders and everybody involved.

There's an issue with that that I think we'll discuss with the chief in just a second that that's obviously a vague ordinance, to some degree. It presents some issues on that, but presents no greater issue than what the existing ordinance does. And it's been our ordinance on the books, and we've been defending that ordinance and should continue to be able to defend this ordinance the same way we defended the other -- the other existing ordinance. So it was those two changes that are on this amendment, and my hope is that if we consider this amendment or things like this, that we can reassure the community that we're not doing anything to take away any tools for someone that is probable cause exists that they are creating a public safety issue or a public health issue. We're only talking about that third category which is what do we do when someone is not presenting those issues, what do we do as a community. Councilmember Casar.

>> Casar: And for this set of changing the solicitation ordinance to be about being aggressive versus about being poor, I think you are aligning with the intent of what it is we've worked on.

[11:18:17 AM]

This is the first time that I'm actually looking at the words so we can keep considering it, but in the end, from what I'm hearing your intent, it doesn't change the intent, but it might reassure people -- some folks might say it's do milk tip, saying we -- duplicative, saying we should be able to stop someone if they are propositioning someone or asking someone for their address instead of money, but in the end I see the potential value in reassuring people. I hear some of the same questions you've asked, but in the end it sounds like we're all rowing in the same general direction. We have to just figure out how to do that.

>> Mayor Adler: And I appreciate that too. The point of this, again, we have a really important conversation to have as a community. What do we do with the folks that are experiencing homelessness that are not doing a criminal or public health -- what do we do as a community. Obviously we're doing some things ago councilmember kitchen pointed out and increasing shelter area, but that's a conversation we should have. And as a community we should demand of ourselves that we don't let this devolve into a conversation about public safety risks or public health risks because that's not what we're talk about. We don't need to organize people on those issues. What we really need to do is have a serious conversation about the third bucket. That's the purpose of this. Chief Manley, do you want to come down for a second? And we'll work through these panels as quickly as we can since we're not deciding anything today and we're voting to postpone and getting to the other pulled items.

>> Kitchen: Could you give us an idea who all is going to be speaking? That will help us know whether to ask our questions.

>> Mayor Adler: The intent is to have chief Manley give us an overview of this and speak to the issues that I raised. Then we're going on the pull just some people down for the center area here. We're going to call some service providers, give them a chance to comment on the bucket issue if they want to.

[11:20:24 AM]

Someone from echo, someone from mobile loaves and fishes, someone from Austin interfaith. Then we have the opportunity for folks from the business community, downtown community that have also helped us engage in this issue. We have given opportunity for daa to be here, we have given opportunity for the police association to be here as well. We also have then a third group that would be the civil justice advocates, grass roots leadership, Texas fair defense. We also invited someone that was -- could speak to the lived experience of being homeless in our city. And it's just that. It's just those three groups real fast. And obviously our staff is here in case council has any questions. Chief, can you help us try to focus what the community conversation is we need to have?

>> Renteria: Certainly, good morning, mayor, council, manager, Brian Manley, chief of police. I think the way you've framed the discussion and a lot of what's been occurring in the community dialogue has been probably about the extremes on either end. The extreme being those situations where we have someone that is aggressively maybe touching someone or is committing acts in public, whether it be defecating, urinating or other types of conduct that we have other laws on the books to address. The ordinances will not necessarily impact our opportunities in those areas to go in and make that area safe because we have other tools that we can use. As well as the discussion that's been talking about arrests and using all of these tools to arrest the homelessness issue. To the point when we talked earlier when you were posing the question, Mr. Mayor, about do we want the police to still have the opportunity to arrest in these circumstances, so much of what we do does not involve arrests. So much of what we do, we actually get voluntary compliance.

[11:22:26 AM]

We have data that shows through an initiative we're doing in the downtown area where we have officers working overtime on the homelessness issues. We're getting voluntary compliance 98% of the time and this is on a data set over 8,000 interactions where the officer goes up to the individual who we have received a complaint on or seen potentially violating one of these ordinances and we've gained volunteer compliance. The other things that we have also available to us is that it's not an immediate arrest. It may be an emergency detention if it's that the person that is in a mental health crisis and we go out and our officers determine that the appropriate course is getting them into a treatment center. It may be the host team coming over and aligning them with services. So the arrest is really very, very minimal number of occurrences, and I have data I can provide, but I know today is not the day to go through all that. But the number of arrests we make for these three ordinances compared to the time in which we encounter it and all the other actions we take really is minimal. What this really, in my opinion, at this point the issue that we have to address is what are the community examinations and the direction of -- expectations and direction of council when we get those calls because either a resident or visitor to our community perceives that their safety has been jeopardized. Feels like they are not safe for whatever reason based upon either someone violating one of these ordinances, sitting and lying in front of a business that they have to go past to get into that business, or if you are enjoying an outside cafe and they've pitched a tent on the other side of the fence and they are hanging out their laundry and it was not the experience that that resident or that visitor had planned for their evening that night, do you

want your police department to be able to go in and address that situation, or is that the standard that we want to -- to address. I think a couple of the other issues as far as what's been written into the ordinances, one of the changes by adding culpable mental states is something we would have to address within these ordinances when we could potentially end up in a court if we've made actions under this.

[11:24:43 AM]

The previous ordinances did not require a mental state, a culpable mental state, which is a legal standard, so it could be if we're interacting with someone who is highly under the influence of alcohol or drugs or someone who is intoxicated that we have to achieve that burden of proof in a court of law that they had the capacity to exhibit that culpable mental state. And the other change is that the ordinances initially made the act itself the violation. The mere fact you are sitting and lying in violation of the ordinance or the fact you had camped in violation of those parameters set out in the ordinance were the violation. With the new language that the violation -- I'm sorry, create a circumstance that is now hazardous or dangerous, these are, again, thresholds that we would have to now establish to take legal action. And so much of what we do, we garner through that volume of voluntary compliance and that likely would be impacted with higher thresholds because officers might without the tools to enforce would be less likely to seek that voluntary compliance. So again to sum it up, Mr. Mayor, I think the issue that we have to talk about is what are the community's expectations and what standard are we going to set as a community for those types of interactions when people perceive that their safety has been jeopardized or they don't feel safe based on something that legally we may not believe rises to the threshold of a hazard or a danger.

>> Mayor Adler: If I could just parse that a second in the conversation with you. I think it's really important that you identify for the community that arrests are few and far between. There are just not that many and you have the numbers associated with those and over time those arrests are going down. Is that right?

>> Yes, Mr. Mayor, it is.

[11:26:43 AM]

>> Mayor Adler: You've also identified sometimes when folks get arrested who are experiencing homelessness, they get arrested, they are told to appear before a judge or a judge later, and a significant number do not and a warrant then issues for their arrest. Is that right?

>> Yes, that is correct.

>> Mayor Adler: So one of the issues we need to talk about is both the numbers of arrests and noting that they are coming down, but also how that interacts with warrants then being identified that then have warrants out for people's arrests and that kind of thing. So I think that's -- you've tagged for us an important thing for us to talk about associated with this and thank you for that. What about the three

buckets? I want to make sure that my understanding is that the first bucket, which is when a police officer has probable cause or believes somebody is threatening public safety or committing an act in violation of public safety, that you -- that what's being proposed in these amendments does not -- the police officer that's seeing that violation or recognizing -- acting on that -- there are no tools that are being taken away. You still have the tools to be able to address somebody where you see probable cause associated with actively doing something about public safety.

>> Correct. If there's a threat to public safety, then we have other ordinances or laws that we could use to impact that specific incident.

>> Mayor Adler: Okay. And I say that because it's important in our conversations we recognize -- we want the community to recognize we're not compromising that at all by this. What about public health? That's the second bucket. It's true, is it not, chief, that what we're doing here does not -- that still enables the police officer to act on -- on things that they believe rise to the probable cause level of a public health safety issue; is that correct?

>> Yes, the things that we typically deal with in that public health arena would be those issues of urinating or defecating in a public space, maybe drug use in an open space, leaving needles around, so things like that we typically deal with, we would have other ordinances, other laws if we were to actually observe the violation that we could use.

[11:29:00 AM]

>> Mayor Adler: And with respect to that, in the state law, the culpability, the mental state that you referred to, the language we have made broader in this amendment by adding recklessly in addition to knowingly, those are required by state law to be able to act on these kinds of things. Isn't that right?

>> Yes, sir.

>> Mayor Adler: So we're in accord with that. So really what we're talking about is the third bucket. And the third bucket is what do we do when a business owner or someone calls the police and says there's a person experiencing homelessness outside my store. They are not putting anybody at risk, they are not threatening anybody, they are not citing a health hazard, they are not doing any of those things. Would you please move the person away. And the question is then what do the police do in that instance. Under the existing statute, you have the ability to go in and say to that person who might be sitting there dealing with demons, you need to move, I'd appreciate you moving, will you voluntarily move. I think you give them 30 minutes to move before you do anything, but ultimately under the existing law, you have the ability to arrest that person who is not threatening anybody, not creating a public health, he's just there dealing with his personal demons. You have that tool to be able to arrest them and that's what would be taken away. Is that correct?

>> Yes, if they met the definition of a violation under the current sit and lie ordinance, we would have the ability to arrest even if they don't pose that hazard ordaining eras is proposed in the new language.

>> Mayor Adler: Really that's the question. What do we have our community's response to be to someone who is not posing that risk for danger. But somebody is calling or a police officer has seen where somebody's quality of life is being impacted, they feel, or they are having a perception of a public safety or a public health risk that the officer responding says I don't believe that it rises to that level.

[11:31:07 AM]

What happens in that situation? And that's the debate I think our community needs to have, and if we could just focus on that, I think we'll have a better conversation. Anything else you want to add, chief?

>> The only thing I would add for consideration, I know there's a lot of work that's going to go into these issues involving the homeless community, as we craft and work through this space, we also have to recognize that there are individuals that are homeless by choice that don't want to live in possibly shelter that's been provided. And so we just have to make sure we keep that as part of the discussion as well as how they would fold into everything that we're trying to do here.

>> Mayor Adler: Thank you. Does anybody have any questions before I go to the next place? Mayor pro tem?

>> Garza: Just a quick clarifying question. You mentioned that arrests were low, but what about tickets? I believe these are all ticketed offenses. What is the -- do you know the number of tickets last year that were issued for any of these three that are being considered to be repealed or changed?

>> Certainly. So when we look at the cite and release data, most are handled by cit and release. That appearance is questionable at times. The data that I have shows when we look at the three ordinances that we've -- that we're looking at today, in 2016 there were a total of 2,820 citations. In 2017, 2,576, 2018, 927.

>> Garza: Of those, do you have information that shows -- the problem isn't just about being arrested and having a warrant later, it's being ticketed and not showing up to court and then getting a warrant. Do you have the numbers that show, for example, 2016, of those 820, how many of those turned into warrants because they didn't show up to court?

[11:33:08 AM]

>> That information I don't have here. We might be able to pull that together. We would obviously have to work with the courts and all of that to track where our arrests ended up in their system. Or citation, I'm sorry.

>> Garza: I think that would be useful information if it's possible to get it, but that really is the barrier we're trying -- as councilmember Kitchen mentioned, it's housing that is really going to solve this issue, with the exceptions you gave, there are some people that will not seek that housing. But when you have

a warrant on your record for a ticket because you were laying somewhere because you had nowhere else to lay, that could affect or ability to get housing.

>> If I may just for a point of discussion, these types of incidents, type C arrests, were not show up on a history.

>> Garza: Would a warrant show up?

>> If you run a warrant check it will show up. Once you've handled the warrant, it's no longer a warrant. And so I know it's been talked about a lot that these impact someone's ability to get housing. These do not show up on a criminal history. Now, I think a lot of applications ask have you ever been arrested before and so the answer might be yes, if you didn't handle this, but I think that's part of the larger community discussion where a lot of stakeholders need to weigh in and look at individuals' arrest records, and if the arrests were for these types of issues related to homelessness, as a community that's the solution, but oftentimes they are going to be accompanied by other violations that might be problematic for a renter or lessor to open up houser for a person.

>> Garza: An active warrant would not show up on someone's criminal history?

>> No, if they handled the warrant. Criminal history is different than running someone for warrants. Whether we pull up a criminal history, it will give a list of things they have been arrested and convicted for. If we run someone to check them for warrants, that would show up. Yes, if we have an individual who has not handled their warrant and either gone and dressed it for the -- addressed I for the courts, that would show up.

[11:35:15 AM]

If they have, then it does not show up because it's not an active warrant anymore.

>> Garza: Would it show up if somebody is seeking housing and the person on an application checking mebody's criminal history, not a police officer, would an active warrant show up on somebody's criminal history?

>> I'm not sure if the active warrant would show up on a criminal history because a criminal history is documenting your history. Let me confirm it because there are two different stems for two different purposes.

>> Garza: Okay. Thanks.

>> Mayor Adler: Okay. Yes. Mr. Casar.

>> Casar: Thank you for being here, chief. So what I got from the city attorney yesterday and I think from the conversation with the mayor just now lines up with questions but I want to be explicit because I think folks have been asking really specific questions. Some people have said that folks sometimes get frighteningly accosted. Is it your understanding that with what we're discussing right now if someone is frighteningly accosted, APD could still criminally intervene?

>> Depending on the level of the frightfulness and the accosting, I'll try and use language -- I think that's trying to be addressed in this aggressive confrontation ordinance. This is untested language. I'm not sure that courts have addressed confrontation before, and when the mor referenced earlier that my beliefs were this was vague, it's kind of in that lane. I think we've got to look also at times when there is protected speech such as political rallies. I could see this type of conduct occurring where people are getting into each other's space and there might be areas to make improvements to make it less vague, but particularly what I'm looking at is the fact the courts are really going to be the ones to make the determination of whether or not something is going to meet that threshold. Our officers will make the evaluation on scene as we do all the time whether something meets that threshold for arrest, but if we see the courts routinely strike down that arrest either through acquittal or not following through with charges, what we're going to see officers less relying on that knowing the courts have --

[11:37:34 AM]

>> Casar: Let me ask it this way. Let's put aside whether someone is homeless or whether they are poor or not. Let's say a person today frightening accosts someone and asks them for their home address. Are you saying that APD can't intervene in that decision?

>> No, sir, you just added touching. We have assault statutes on the books. Again, it depends on these get very nuanced and specific depending on the conduct. As soon as someone makes contact that is offensive, you are looking at the assault statutes.

>> Casar: But if someone is really really threatening and asking for an address, are you saying that there is a point at which that agrees is sufficient for you to intervene in.

>> Yes.

>> Casar: And the point being that any changes to this ordinance would not change that so that if you are being so threatening that it doesn't matter the words that are coming out of your mouth, whether you are asking for money or somebody's home address, that standard doesn't change. Once somebody is aggressive enough that you can intervene, the words shouldn't matter that are coming out of their mouth, if they are being aggressive enough for you to intervene, you can still intervene.

>> The aggressiveness will be based on the behavior not the speech unless the speech is considered offensive by law because that brings in other statutes under disorderly conduct potentially. But to your point, I think what you are getting at, it's about the conduct more than the speech, but sometimes the speech may come into play if it violates other laws.

>> Casar: Understood. So frightening accosted is subjective, but if someone is frighteningly accosted, you can't do anything whether -- under this you couldn't do anything whether they are asking for money or your address.

[11:39:35 AM]

But if somebody is actually aggressive enough that you would say that is somebody truly be threatened, in this case you can still intervene once they are threatening enough that you believe it's a criminal act.

>> Under the proposed ordinance, is that what you are discussing?

>> Casar: Even right now, even right now if somebody is very threatening and not asking for money, there is a point at which you can intervene.

>> Yes.

>> Casar: The point being that would continue regardless of what we do.

>> Correct, the laws on the books today will exist other than these three ordinances under discussion.

>> Casar: Some folks have asked whether or not anything we do here today would change the rules as far as people cursing or screaming at you. And my understanding is that if somebody is obscene or cursing or screaming at you, we're not changing those rules and so if somebody is cursing or screaming asking for money or not, you would still be able to address -- you would still be able to criminally intervene if somebody is being threatening in that way.

>> Correct. We have statutes that address profane language and all that under disorderly conduct.

>> Casar: Regardless what we do and that isn't changed or removed by what the mayor has laid out.

>> Correct.

>> Casar: And then finally, folks have asked the question about somebody following you with the intent to intimidate you and create a fear of imminent bodily harm. My sense is regardless what we do here today, we aren't changing that. The fact of the matter is if somebody right now is following you and creating fear of imminent bodily harm, that you can intervene.

>> We would intervene whether there are arrestable offenses. We believe obviously intervene and put a stop to the behavior. Whether there would be action on the back end with filing of charges or making an arrest would be determinant on specific actions during that encounter.

>> Casar: The idea being right now if somebody is following you, let's not even say it's a person experiencing homelessness, let's not say it's a person asking for money.

[11:41:44 AM]

But asking for their home address or propositioning them, you can intervene and no matter what it is we do here, if somebody is following someone and creating fear of imminent bodily harm, you can intervene.

>> We can and we would, yes.

>> Casar: So the difference that's being proposed as the mayor laid out is that if a person is sitting or lying down and isn't creating a public safety hazard, is not creating a public health hazard, isn't breaking any rules as relates to parks, to trails, isn't breaking any of our rules as relates to rec centers, isn't breaking any of those rules and isn't causing a problem, that in that case you would not be able to have a criminal violation on that person in those instances.

>> Correct, if they are not breaking any of the established laws but maybe acting somebody's sense of safety, they could call us because they feel less safe. So it becomes a quality of life issue for the individuals that feel less safe based on this behavior and what our enforcement opportunities would be.

>> Casar: If a person feels less safe and APD determines if there is an actual threat, this wouldn't change that. But if a person feels less safe and APD determines this is not endangering health or safe, that's what we're trying to balance here today.

>> Correct, councilmember.

>> Casar: And I think that is a hard and real question we should be asking ourselves and I appreciate us elevating that because we have to recognize that the people experiencing homelessness just like people who are not are all people here and we have to sort of balance those needs and decide what is a criminal violation and what is not. And thank you for sort of walking me through for walking me through that. You mentioned mental health and public intoxication. And in -- none of these things would change. You could still do a mental health -- take somebody in for mental health issues based on current state law, or for pi you could take them to the sobriety center.

[11:43:54 AM]

This isn't changing those things.

>> Correct.

>> Casar: Thank you.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Thank you, chief. I have several questions related to the data. And this is more in line with the kind of information that would be helpful in the weeks ahead. In the question and answer there are two different sets of information of the citation data. I think as I understand it, the first segment, which shows from 2014 to 2018, is the municipal court data. And then the next chart is the downtown Austin community court data. Is that why it's been broken up into two?

>> I don't have the same data set. But you were provided with multiple data sets. That may be the point. We each collect data. At our level of contact. And as I mentioned earlier, the downtown Austin alliance has a set of data based on a program they operate with us. We have data based on officers' on-duty actions. Municipal court has data as far as how the cases process through their system.

>> Tovo: I so I guess I would suggest in the week ahead, it would be useful to have all the data in one place. Because, for example, some of the numbers that we being cited before -- and I couldn't make

them match the numbers that I have here. I think there was a number that was somewhere in the neighborhood of 900 or 800 citations offered and it just doesn't match the two charts I have in front of me.

>> I can have a member of my staff reach out to a member of your staff, and we can get these questions in writing and then look at the data so that we can provide a response to every one.

>> Tovo: Sure.

>> If that meets your needs.

>> Tovo: Yes. I would ask my colleagues to also I think about that, too. We're getting lots of questions about it, lots of questions about which way the numbers are trending, you know, how many individuals are being arrested for these offenses and I'd like to be able to answer those kinds of questions with confidence, knowing that I'm looking at all of the information and not just the chart of those citations at the community court rather than those at the municipal court.

[11:46:07 AM]

I want to point the public to the question and answer also includes two charts, one of which shows where those citations are happening. And I think that's useful data and also data that individuals have been looking for. So I appreciate that information. I want to understand -- I want to make sure I'm understanding the comments you made today. So you talked about -- you made a comment about the ordinance allowing for -- I actually can't remember your comment. I wanted to be clear on whether you were talking about the Adler amendment or the original ordinance that was brought forward by the cosponsors. I think it had to do with being able to issue citations for aggressive confrontations. As I read the ordinance and our backup, because it would be repealing that, you would be relying on other kinds of measures to enforce actions against aggressive confrontations. You'd be relying on assault charges or other kinds of charges.

>> With the proposed amendment that the mayor has put forward -- I'm sorry, the proposed ordinance that the mayor has put forward -- looking at this being an aggressive confrontation versus an aggressive solicitation this is something that we would look at. This may be an ordinance that we would use since it's new language. I was speaking to the vagueness of how would a court interpret a confrontation in a legal manner. And then whether or not that conduct that constituted that confrontation fit within other statutes that already exist. So this is new language. I think to your question, we might use this ordinance put forward by the mayor under the appropriate circumstances, because that's what it was meant to address.

[11:48:12 AM]

>> Tovo: Thank you. But that is a shift. And I think -- I appreciate the mayor. I think this is reflective of the conversation we had both in the work session, as well as in the executive session and I think addresses, you know, some of the concerns that I had heard with the proposal that was in our backup. You also referred to something that I'd like you to explain again to be sure I understand it. That was the data that you have related to how many times the officers are successful in achieving compliance from individuals. And I think you cited a stat that was quite high. I forgot what it is.

>> Yes. I can walk through that. It was 98%.

>> Tovo: Could you make that data available to us as well?

>> Sure. That's data that we've received from the downtown Austin alliance specific to the program that we're running through them. And these are overtime officers working in the downtown area with handheld devices tracking those interactions we've had involving these ordinances and then tracking the outcome of those interactions. And again, with that data, showed that we had a 98% compliance rate. We can provide that.

>> Tovo: That would be super. Can you restate what you were saying about how compliance, how voluntary compliance could be impacted by a change in the ordinances?

>> Sure. So, voluntary compliance comes about when an officer asks an individual to take action. We're normally only going to ask an individual to take an action, change their course, if it's not legal or not appropriate. So if we change the underlying ordinances to where the conduct is only a violation now if it is hazardous or a danger to someone, the officer that gets a call from a person who says I don't feel safe, this person is outside of my business exhibiting a, B, or C conduct, they are less likely to ask that person to move along or to do whatever has been requested if they don't believe that it meets the underlying ordinance, if it were to be changed in this manner.

[11:50:19 AM]

Because we're only asking people to voluntarily comply with a standard the community has set. If we change the standard, there would be fewer times we would ask someone to change their conduct.

>> Tovo: Thank you very much. I appreciate it. We'll work to create some questions that willull the data.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Thank you very much. I appreciate the chance to ask you some questions. I want to thank the mayor and councilmember Casar, too, and others. I think we're headed in the right direction. I also think that clarity is really important so that we all understand what this does and doesn't do. And I'm focusing on the public safety aspect of it. So I wanted to turn some to the language here talks about hazardous -- public property, unreasonably inconvenient or hazardous. I want to talk specifically -- I want to drill down on how a officer determines what's hazardous. Because what I'm seeing or hearing perhaps that I think we need some clarity on, and the public may need some clarity on, is particular circumstances that they may consider to be hazardous. But at this point in time, it appears that there's no enforcement happening in those areas. So I just want to drill down and understand -- first, is that an

accurate perception on the part of the public? And second, is that because of a difference in the consideration of what is hazardous, or is there some other reason? I'm going to give you just one example and then I don't want to run you through a lot of examples, but there are concrete situations that I think there may be some lack of understanding or confusion about that we need to understand.

[11:52:33 AM]

So, for example, in an area under an overpass that is in a median, or medians, active areas under an overpass where you have on the median both a sidewalk that people need to walk to as their only way to get underneath from one side of the overpass to another. And then you've got a median between lanes of traffic and between turnarounds -- fairly narrow medians. So there's a law right now about obstructing sidewalks. So, my understanding is someone could not pitch a tent right in the middle of a sidewalk. I guess I'm asking you, would that be considered obstructing the sidewalk, which appears to still be covered by the language we're talking about here. But what about a situation where that crowds a person, and crowds the person camping between two pretty active lanes of traffic? To my mind -- I've seen places like that that I would consider hazardous, both to the person who is camping or trying to have a place to be -- both to that person and to someone trying to walk by. And so I haven't seen enforcement in those kinds of circumstances. And that may be that I'm missing something. So I'm wondering if you all -- what your response is in those kinds of scenarios, and if there's any difference in how you would respond between what's being proposed and what you have right now. I think that what's important about what's being proposed is clarity. And it gives us an opportunity to clarify specifically what we're talking about when we're talking about hazardous or -- I'm using that term because that's the -- well, endangerment, too, because the other part of this is materially endangering the health and safety of themselves or of another person.

[11:54:43 AM]

So I want to understand what we mean by endangerment, what we mean by hazard, and want to make sure that we're clear. And then I think clarity means that we have to talk about examples of circumstances, so.

>> Mayor.

>> Yes.

>> Chief, I don't mean to interrupt you, but I know that you all have asked the manager to come back with a public document that we're doing to draft. And we'll have example of specific scenarios in it. And rather than ask the chief to on the fly come up with an answer, if you don't mind, I would really suggest that it would be helpful for us to be able to come back with a document that will be public for everyone to see so we can help answer some of these specific kinds of scenarios.

>> Kitchen: Okay. I'll ask it differently. I appreciate that. For clarity's purpose, we do need to have those kinds of examples so people understand. But let me just ask what you do now. If you can just give a general kind of example, because we have laws on the books right now. So I'm trying to think of a way to ask that question that addresses what the city attorney is talking about. So, for example, perhaps one way to get at that is the data that is being presented. There are some circumstances where there appear to be some -- I guess -- I don't know if that list is arrest under the no camping. Can you give us an example of what is possible and not possible, or what the police might consider something that's happening now?

>> Under the camping ordinance?

>> Kitchen: Yeah mmhmm.

>> I would have to take you back to the parameters of the ordinance that talk about the things that constitute the violation -- erecting the structure, breaking ground, doing all of those specific actions. An officer has to be able to articulate that THA individual violated the elements of what the ordinance covers.

[11:56:49 AM]

So any example I would give you would just be creating a situation where somebody went and built a tent under those circumstances, or a shelter.

>> Kitchen: That's fair. I would just say that the no camping ordinance is not enforced in many parts of the area, and probably for very good reason. But it's not, because people are living under bridges. So I think that -- and I'm not suggesting one way or the other what that is what we want to be having as a community or not. I'm just saying that it is the case. And so I think we need clarity on what circumstances these changes to the ordinance would impact and what they would not. And I think that that's really important, because we all need to be on the same page as a community to have the kind of conversations that the mayor has laid out. And I think that's the way to think about it. So I think with the -- if I'm understanding correctly, what we are expecting to receive is specific examples, and how this ordinance would apply in those examples. Am I understanding correctly?

>> That is our intent.

>> Kitchen: Okay. And that would be something that's made available for the public?

>> It is going to be a public document.

>> Kitchen: Let me go on to a different question, then, see if I have -- oh. I wanted to ask about public health. And I don't know who -- if that that would under APD, or if that falls under our public health department. So, is there a scope of addressing public health that is APD? And is there a scope of addressing public health that's our public health department?

>> I think we would address violations that could be seen as a threat to the community health, but I think there are things that are outside of our purview as well, such as maybe disease promotion in camps that are beyond our area of expertise.

[11:58:54 AM]

We would look at those types of conduct that do occur in these types of situations, and the ones I mentioned earlier, such as the defecating and urinating in a public place, the drug use that may take place which leaves residue in the area that visitors would come across. Those could all be seen as threats to public and community health that we would have a role in, but I think there are other circumstances that there might be other divisions that are better-equipped to speak to and handle.

>> At some point I'd like to have a conversation with our public health department. That maybe falls in the second bucket you laid out about public safety, public health. Okay. Well, then, that's all the questions I have beyond just having specific examples. Because as said before, I think one of the things that is happening right now in our community is there's a lack of understanding. And sometimes there's confusion about what is an area -- not area, but what kind of conduct is appropriate for action and what kind is not. And what the police have to see or not and those kinds of things. I think that that's really important, that we get down to that level of detail, because if we don't, we are going to pass something that we think addresses the situation and it may or may not. And I'm just talking about the first two buckets, the public safety and the public health.

>> Mayor Adler: Those are all really good questions. I think that is exactly what we need to figure out. What I want to make clear is we're not talking about instances where the officer arrives and says this is a threat. We're preserving the things they can do. When there is arrival on the scene for public health, they can proceed in all the things they can do.

[12:00:55 PM]

But the situation you're talking about is real and what a lot of people are talking about. It's where the officer -- it does not rise, in the officer's eyes, to something that's created probable cause. We have large parts of our community that are asking for conduct to happen. And what I don't want to do -- and I think we'll get lost in the community and not end up in a good place. If the community thinks that we're undercutting an ability to be able to deal with a public safety violation that the officer sees, or a public health violation that the officer sees. If we can focus, as think you're asking, for the conversation to concern that very real area that we need to find what our answers are, that last bucket.

>> Kitchen: That's -- I understand that. I am trying to drill down on what the officer sees that's considered to be endangerment or hazardous. We need to understand what that is. I'm still firmly in the first bucket. And I -- understand there needs to be officer discretion. But need to understand what those words mean because we don't have a definition in here and we don't have specific examples. So I think

as long as we can move towards a place where we get examples so we all are on the same page in understanding what is hazardous and dangerous, I think that we need to understand that.

>> Mayor Adler: That's very true. The point for today is what we are doing today is not changing the import of those words. Whatever endangerment means today, it means tomorrow. Hazardous the same. It is real important for us to have a conversation about what does that mean and how are you applying that. I just want the community to know that by these amendments, we are not changing those standards.

[12:02:56 PM]

>> Kitchen: Okay.

>> Mayor Adler: They exist before and after we do this. So that's a really important conversation to have. Just don't think that we're changing that by what we're doing here.

>> Kitchen: I'm not suggesting we're changing it. But I also am not suggesting that we are addressing it.

>> Mayor Adler: Over the next two weeks or next two years we need to figure out how we address it.

>> Kitchen: How we address public safety, not the third bucket. I'm talking about hazardous.

>> Mayor Adler: We can deal with all three of those. What this ordinance is going to -- I understand what you're saying and that's an important issue, too. I just want the community to understand, because I'm getting a lot of emails and texts asking me, that we're undercutting our ability in bucket one and bucket two. While there may be concerns with bucket one or two, what we're doing here is not changing any of the words that currently exist. We could decide we want to strengthen them or change them. That is certainly something we can talk about. But nothing we're doing here or that Mr. Casar is proposing to do changes what currently exists.

>> Kitchen: That's what I want to be sure of. I think that's what I'm hearing. But it's also not fixing a problem.

>> Mayor Adler: I understand that. It's an important conversation for us to have. To that end -- I'm looking at texts and emails already as concern the solicitation ordinance, because we talked about that. I want to go back to the conversation are we changing anything. There may be concerns you have with the existing solicitation ordinance about how to apply it or not to apply it or where to apply it. I want for everyone to understand that by changing the word solicitation to confront, whatever protections or guarantees were offered under the existing statute, we are continuing to offer those under the changed statute, except that you no longer have to prove there was a solicitation. The aggressiveness is exactly the same. The standard for aggressiveness remains the same under what's being proposed.

[12:04:59 PM]

Good, bad, or indifferent, whatever you had to prove before, you have to prove now. The only change is you no longer have to prove a solicitation. You just prove a confrontation. Which means that under the existing solicitation ordinance, where it says that it's illegal to intentionally make physical contact or touch a person, or to stand within five feet of the person after the person has asked for you to stop, or intentionally blocking someone's ability to be able to leave, using obscene or abusive language or gestures, or doing something intended to or likely to cause a reasonable person to fear imminent bodily harm -- all of the things stay in place exactly as they were before. The only change is you don't have to also prove there was a solicitation associated with it. You're just now going to have to prove what you had to prove before, which was that aggressive conduct. Is that correct?

>> That's my interpretation, Mr. Mayor. Maybe the city attorney would agree. But that's my interpretation of what you've written here.

>> Mayor Adler: Thank you. Councilmember alter.

>> Alter: Thank you. I appreciate the conversation. It's a complicated set of issues and it's important we understand what's changing, moving forward, as well as a community. There's certainly some challenges with these ordinances that we need to address, but you made a comment, chief, that I want to make sure that I understand. I'm not a lawyer so I may be missing something important here. But I think for me, you made a comment -- if you observe the violation, xyz happens. And I'm trying to understand how that interplays with taking out or repealing or changing these ordinances, because it seems like there's a hierarchy of cascades and what you could do now you won't be able to do later, even in a case where it was aggressive, because you could rely on the broader -- the existing ordinance.

[12:07:07 PM]

I'm just trying to understand that interplay, because you -- if you don't see the aggressive behavior, but you can see something else, you're able to act. And I'm just -- there was a part of that comment that I feel like is relevant for understanding what we're doing. And I want to understand that better. So if you could elaborate on that. And then as appropriate, maybe Ann can put some stuff in the memo related to that, because there's this weird interplay and I'm really not understanding how that works.

>> Certainly, councilmember. I think in the area of aggressive solicitation versus aggressive confrontation, it didn't change. We either observed it or we didn't. When I was talking before about observable conduct I was really talking specifically about those health issues such as urinating or defecating in a public place. If we came across someone who set up a camp on any downtown street or elsewhere and there were fecal matter or needles in public space, if we didn't observe that we couldn't hold that person accountable for it. When I was talking about observable conduct, it was in light of that set of circumstances with various laws on the books. There are requirements that officers either observe the conduct, or there is evidence that exists that the conduct occurred. And so none of that changes with what's going on in the ordinances. I was just giving an example of what might happen if we showed upon a scene that we were called to and we couldn't prove the conduct was committed by the individual we're interacting with.

>> Alter: How does that interact, though, with the existing ordinance and changing that? Would thatnge -- that would change how you could approach things, would it not?

>> I think the change that could happen is under current language and ordinances, the mere act of sitting and lying is the violation. The mere act of camping is the violation. Under the new ordinances you've got this higher threshold of it has to be hazardous or dangerous.

[12:09:12 PM]

So the possibility could exist that we could get a call from a citizen that is complaining upon someone who is sitting and lying or is camping, and they could give us a set of circumstances that they believe made it dangerous or hazardous. And by the time the officer arrives if that conduct is not occurring anymore or we can't tell that it occurred, we might not be able to enforce it because we couldn't go in and establish in a court that that had occurred. That would be the circumstance where that might come into play in light of the ordinances that are being discued.

>> Alter: Okay. Thank you. Appreciate it.

>> Casar: Mayor, to your point, I appreciate that yes, on the aggressive solicitation, nothing is changing as far as preventing aggression. The tools we have to prevent aggression would exist in both cases. Some folks might ask what is the reason that we're changing anything at all. We didn't draw that out. Correct me if I'm wrong, but the difference here would be currently if somebody asks for money and it's 7:30 at night downtown, they are committing a criminal act. What this would change is if it's 7:30 at night downtown and somebody asks for money and they do so peacefully that it would no longer be a criminal violation of the law. But, however, if that person at 7:30 at night is threatening or obscene to T level that you would stop any other threatening or obscene behavior, that does not change. So things that rise to the level of threatening, obscene, or dangerous is where there is no change, as the mayor described. But to the point where somebody is not violating any other rules, asking for money at 7:30 at night would no longer be a criminal violation. So that is, for example, an example of what does change.

>> That's how I read it as well.

>> Mayor Adler: Okay. Chief, thank you very much.

>> Thank you.

>> Mayor Adler: Colleagues, we have some people we invited here to speak. It is 12:10. I had wanted them to come and speak mainly to the issue of what it is is the issue, not to speak to us on what the solutions or the right answers are.

[12:11:20 PM]

That's the conversation we have over the next two weeks and into next week. But to really focus on what it is that the issue, and to get, if we can, agreement from everybody involved that with respect to this change in the ordinance, as opposed to what do we do about buckets one and two, what's operating here is as the police chief says, are you taking away -- because we are taking away a tool in three. And do we want to take away that tool in three? Because that's what councilmember Casar's resolution, I think takes away the ability to arrest when there is not a violation of one or two. It doesn't change what determines a violation of one or two. We can certainly have that conversation. We can make it easier. But whatever it is that determines one or two, we're not taking away a tool to deal with that. What we are taking away is the ability to arrest somebody who is not doing something in the first or second bucket. And I want the community to focus, then, on that issue, since that's the issue remaining. I don't know if you want to take a break and we go to citizen communication now. There are, I think, five speakers -- four speakers. We can have them do that. And then we could quickly go through the panels with that limited discussion. Maybe that would be a good place for us to break. Do you want to do that? Okay. So I'm going to call the four citizen communication speakers. We're going to continue pulling up, and then we'll break.

>> Casar: My one clarifying change for everybody watching on bucket one or two is health, safety, impeding the ability to use public space, and not breaking any of our existing rules. For example, breaking our existing rules for parks. Some folks have raised the question could people who do not want to wait outside of a car stay overnight in the park. The answer is there are rules that say you can't stay overnight or camp in parks.

[12:13:22 PM]

So it's actually somebody who's not a health or safety violation, not blocking use of public space, and not breaking any other rules that we have that we establish.

>> Mayor Adler: That's what we're talking about. This week. Next week, what is our community response when someone is not breaking any of our rules other than sitting in line or camping.

>> Kitchen: And I understand that, but we also have to talk about what our rules really are.

>> Mayor Adler: I agree with that. But that is not being put in issue. That question exists where we change this or not.

>> Kitchen: Right. That's right.

>> Mayor Adler: So, right. So we're talking about what this proposed change is. That is something we should talk about. All right. Let's do that. Let's call up citizen communication. David Smilek and then Dave Austin. Then I have Royce Hall and Chris Davis. And then we'll be back to the panelists.

>> Howdy. Can y'all hear me?

>> Mayor Adler: Yes.

>> Okay. I'm an artist, but this happened -- anyway, my glasses on. Okay. This is justice for the turtle. My brother Justin who died in 1991 found a turtle crossing the street in Dallas texasn 1987. He has been in the family that long. My father and mother have both died, had the turtle from 1990, then I since 1998, 22 years. I took great care of the turtle. A female green slider, over 40 plus years old, was murdered by Austin wildlife rescue, a nonprofit. I don't know when. They told me nothing. The director told me April 24th, 2018, Austin animal control should not have brought yurtle to them and they should not have accepted yurtle, but they did and are responsible forhat happened.

[12:15:37 PM]

Yurtle was brought by Austin animal control to Austin wildlife rescue with five dogs, one 20 years old, four others ten years old, and one grackle 20 years old, April 20th, 2018, 11:00 P.M. I had five dogs, one grackle, six birds -- they say five birds. One is missing. Getting nowhere with the wildlife director, I got ahold of Erica who said she would help me get yurtle back. She called on may 8th and told me Austin wildlife rescue had killed yurtle. The director of Austin wildlife rescue should be fired. Austin animal control needs checking into. Austin animal control is -- I never did talk to the Leanne shenfield. I never could talk to her. But I sent her emails concerning this, because I had no due process. It was not professional. I told the officers my car was impounded. I told the officers about the turtle. It was delivered in indifference, nligence. Leanne Sheffield -- I never saw her. Anyway, I went to get records, no records. Thomas lee I found out was a field services -- I think he's the one that picked them up. He should be fired and I would like to know his work record. There's only two photos of the car and one of yurtle.

[Beeping]

>> There are no photos of the birds in my cages. And mark said I was adamant about yurtle being injured. I was adamant about yurtle being not injured.

[12:17:41 PM]

If she is injured, the police or animal control injured her. My cages -- there was only -- I'm going to make out a police report if some officer -- for my stolen cages and personal property today.

>> Okay. Thank you, sir.

>> It I can.

>> Sir. That was your time. Thank you.

>> Okay. But I sent this to Leanne, had no right to bring a family pet from '87 to Austin wildlife. Animal control said she said it was a cracked shell. They said it was a punctured lung. There was nothing wrong with the turtle, nothing.

>> Okay. Thank you, sir. Next speaker is Royce hall. Is Royce hall here? Is Chris Davis here? I believe Austin is not speaking. Dave Austin? Those were all the speakers for citizens communication.

>> I believe we're supposed to continue the conversation about 45. And I don't know who the next speaker was on the mayor's list, if you'll just give me a couple seconds.

>> We're going to take a five-minute recess. We'll be back in five minutes.

[12:25:17 PM]

>> Mayor Adler: All right. We're close to having a quorum here to pick this back up. And we do. So we're doing to start. So, again, colleagues, appreciate the indulgence here. I want to bring up -- if we could -- some folks here to speak to us relatively quickly before we go into executive session. First, some of the service providers in the community. I think we might have some folks from echo, I think mark Littlefield and Nana hard may be here, and I think Heidi Sloan might be here with mobile loaves and fishes, and someone here from Austin interfaith, John Elford might be with us. If you all would come forward. The next panel that we're going to have is going to be some downtown people, so daa if they're here in that second group, and maybe Apa if they're present, and then some of the civil justice folks will be in the third group. I appreciate you all coming down. In a second I want you just to go down and introduce yourself and say who you are. It's next week that we're going to have the debate and the discussion on what we should be doing with respect to these things. And we're going to be getting information and data, of course, over the course of -- what? In two weeks, I said it again. I'm just overeager, you know. So, I'm not really interested -- and I think now is not the time for us to discuss what the solutions are. But I want the community to really understand what it is that we're actually talking about. We have a proposed change. And the proposed change from councilmember Casar, he says is intended to just focus on the situation where there is no public health violation and there is no safety violation, however that's determined, that there is not one of those two. But we still have some people in the community that are calling up and saying, do something about what I'm seeing.

[12:27:23 PM]

It's not a public safety violation, no one is threatening anybody, it's not a public health situation, what do we do. And I want to understand, if we have successfully narrowed the issues to that one thing that we're able to be talking about here. So, why don't you introduce yourself and then talk about this question of what's at issue with this resolution that we're going to be considering in two weeks.

>> [Off mic]

>> Try that again. Good afternoon, my name is mark Littlefield, I'm the board chair of echo.

>> My name is Ann howward, executive director at echo.

>> Heidie Sloan with mobile loaves and fishes.

>> Mayor Adler: Thank you for being here. Do you want to talk about what the council needs to deal with?

>> Sure. I'll start. I have a real brief statement from echo. Our mission is to provide dynamic leadership that engages the community to end homelessness in any bucket you choose, all buckets. We're trying to end homelessness in all those buckets. The way to end homelessness is with more housing and fewer barriers to that housing. In recent years, echo collaborated with excellent partners such as the downtown APD command and the downtown Austin alliance to address the ordinances. But there's still issues to resolve in order to keep our streets safe and de-criminalize homelessness. On November 2017, the city of Austin report concluded that certain city ordinances may create barriers for people as they attempt to exit homelessness. Citing people for violating these ordinances also does not appear to be an effective means of connecting that individual to the services they need, nor is it an efficient use of city resources. In the last three years alone, the city of Austin handed out thousands of tickets downtown for things like pan handling, sitting on sidewalks and setting up camps.

[12:29:30 PM]

The vast majority of these tickets go unpaid. Eventually warrants are issued and arrest are made which create additional barriers to housing. Echo supports the policies expressed in item 45 on the Austin city council agenda to amend and remove ordinances which criminalize the status of homelessness and create systemic barriers to housing. We are confident that as a community we can find better ways to address problematic behaviors without creating additional barriers to housing. Thank you.

>> I wanted to address how the criminal activity or the warrants that end up come out of these tickets impact homelessness. Due to Austins very low vacancy rate in the rental market, many properties are able to vigorously screen out and screen prospective tenants, so because there's no shortage of eager renters. Properties review applicants' criminal history, credit history or rental history, and income when assessing for tenancy. At many properties, any arrests or convictions, felonies or misdemeanors, will result in a denial for housing, regardless of the nature of the offense, the time since conviction, or any other extenuating circumstances. Almost every property will deny an applicant for an outstanding criminal charge or having an active warrant. It's just the way it is. Properties that will consider applicants with criminal histories tend to be located in lower-opportunity neighborhoods already burdened by heavy drug trade. Some of those properties may charge a higher monthly rent or posit in exchange for accepting an applicant with a criminal history. That's the work we have been doing, to partner with properties to reduce that screening criteria.

[12:31:31 PM]

And sometimes we pay to do that. Of course individuals with more serious charges have almost no housing options and wait for months or even years before we can negotiate a safe place for them to live. So I'm grateful to work for a group like echo, the echo board of directors that supports this. And I'm

very grateful for your leadership, because I believe you're trying to get to the place to do the right thing. But I think we also need to be smart, not just right. And to be smart we need to shrink that third bucket. We need to figure out how we have fewer people on the street. And thankfully you've endorsed an action plan that talks about outreach, shelter, housing, and services, and addressing racial disparities that just plague this whole set of dynamics. And so to me, again, as we address that bucket, that third bucket, we're talking about where's the money to reduce homelessness. Where's the money to help get these folks off the street into housing focused shelter. How do we create the flow so that we can say you're not going to be here on the street. You don't have to suffer on the street like this. Those demons racing in your head, we have doctors to help you. You can afford the medication to help you -- we can afford it. And right now we're not doing that. And so I think that's part of the conversation that we've got to get to as we address that third bucket, to make that third bucket a little pail. Because everybody else has gotten off the street. We'll be the first community in the country to figure this out.

>> Mayor Adler: So I understand quickly, we haven't made discussion about what we do in the third bucket. Echo and you guys are not advocating that we do anything to de-criminalize public safety offenses. Is that correct?

>> That's correct.

>> Mayor Adler: You're not trying to de-criminalize the aggressive behavior, the threatening behavior, the touching.

[12:33:35 PM]

You're not recommending we de-criminalize anything that's in bucket one or two. You're saying with respect to bucket three, let's decrease the number of people or end the number of people, whichever, that are being criminalized where there's not a public safety violation, however it's determined, or a public health determination, however it's determined. Correct?

>> We clearly support de-criminalization of homelessness and we want everybody on the streets to be safe, whether it's my mom or your mom, or the homelessness mom.

>> Mayor Adler: But you're not talking about de-criminalizing public safety and public health violations.

>> I want to say one more thing. We also support our police officers in being able to know what the law is and what the expectation of this community, because I think we'll all be safer. I think the homeless population will be safer when we enforce the law.

>> Mayor Adler: Got it. Thank you. Yes, please.

>> Thank you. Thank you for hosting us. I'm super proud to be sitting on this panel. I'm super proud to be here representing mobile loaves and fishes, also. We have been a part of the homeless not handcuffs coalition for several months now and that has been great work. We come to that coalition and to the work of decarceration because we are in the business of palliative relief for the last 21 years, driving food trucks to the city of Austin and stopping on street corners and handing out sandwiches and developing a sense of care in our community for persons still experiencing homelessness. So I relish the

opportunity to talk about housing. And I would love to tell more about community first and the feeling of bringing someone home. But it's really important to recognize that people experiencing homelessness exist in a continuum that is not just the continuum of care. It's not just the points that we see them. It's not just the points that they are interacting with the police.

[12:35:35 PM]

It's not just the points where they are applying for housing. They exist in the world and have needs in the world 24 hours a day, 7 days a week. And if we're not willing to step back and look at the existence and the experience of people experiencing homelessness on the streets right now and the impact of needs ordinances on their lives right now where they are then we're not doing real justice to this work. I just want to point out that mobile food pantries and other service providers around the city, as was pointed out in the audit a few years ago, we see the ordinances not just as an ineffective tool for building this bridge for community agreement around what this third bucket should look like, but actually a barrier to us providing services to the people that we care about the most. And we've talked some about that today in the form of warrants and jail time and housing application time, but I will tell you that there is something much more basic here. That when I talk to people who are still living out on the streets, who have maybe applied for housing, for us we take in folks who have experienced chronic homelessness. So most of them have been on the streets for at least a year, many more of them for tens or 20s of years. And for most people their average wait time to get into permanent supportive housing is about two years. So this is a long time that we're trying to interact with people and keep them on board, even moving towards that continuum of care regarding housing. This isn't even talking about folks who haven't applied yet. In the meantime, in those two years they're balancing this idea of trying to live and survive and to eat and to have money and to sleep and to rest and to not be ill and to manage their mental health, which is I I don't know how people could possibly exit two years of living on the streets of Austin Texas without shelter without having some sort of deep mental health need. And people are trying to work with that and trying to do their best to manage that even without shelter available to them.

[12:37:41 PM]

And it's not just about shelter. It's about the fact that if you are arrested, then your belongings may not be there when you come back to them. If your camp is swept away and your tent is thrown in the trash, then your prescriptions probably get thrown in the trash with your tent. If you are fleeing the presence of police because you do not want to be in violation of these ordinances as they exist right now, you are moving further and further away from services. And the services that are able to reach you are less and less consistent. For me, what that looks like is when I go to find someone that I have developed a relationship with who has applied for housing, who is hoping to come home, who has done everything to be able to get on that wait list and to keep up their spot there, if they have been recently ticketed, if they have a warrant, if they have been recently arrested, it all pretty much looks the same to me. It

looks like they're gone. It might be that they are in the hospital. It might be that they are in del valle but it looks like they're gone and I can no longer check on their mental state. I can no longer check to make sure that they have food. I can no longer bring them in for an appointment to talk about housing with them. These ordinances, at their base, because they target people who are experiencing homelessness, are a tool that actually mostly promotes fear. And fear pushes people away from downtown Austin, but away from the services that we have in place for them. And so I want to talk about de-criminalization, but I also want to talk about a sort of repeal that moves entirely away from talking about behaviors associated with homelessness altogether, to remove that fear, to remove that stigma as much as we possibly can.

[12:39:54 PM]

>> Mayor Adler: Thank you. But to be clear, you're not suggesting that we de-criminalize someone who is creating a public safety violation?

>> No, de-criminalizing behaviors associated with homelessness.

>> Mayor Adler: You're not talking about de-criminalizing someone threatening the public health of the community.

>> No.

>> Mayor Adler: I think that's really important. Again, this debate/discussion we're having about the third bucket. Does anybody have any questions for these providers before we get the next panel? Thank you very much for being with us.

>> Mayor, I just want to throw in there for folks who are here today, watching at home, watching this issue or frequent city hall observers, a lot of times there's an issue where it's one side or the other. I am for this, I am against you. There are some folks who are going to come speak next from either the APD downtown command, the downtown Austin alliance. These are our true partners and we work together. This really is not an adversarial thing, I don't believe. And I am very proud of the help and the relationships that we have with some of those folks.

>> Mayor Adler: Thank you.

>> I'm sorry, can I ask a question?

>> Mayor Adler: Yes.

>> Garza: You touched on something that I asked the chief and I want to make sure I understand that in fact, if you have an active warrant, it can affect your ability to find housing or to get a job.

>> Absolutely.

>> Garza: People that check -- jobs, if they're looking up your job history, or if they're considering hiring you or considering bringing you in as a tenant, they can search some database that shows you have an active warrant and say sorry, you have an active warrant.

>> And it even happens, councilmember, before that. Back at the office, we search for that because we are trying to most quickly get this client into a residence. And so we look up their history. We look up do they have an active warrant, because then we know what our options are.

[12:41:58 PM]

And they're very few.

>> Garza: Okay. Thank you.

>> Mayor Adler: Thank you very much. We have a representative from downtown association. I wanted to give the Apa an opportunity to be part of this. I don't know if they were able to make it here or not. It doesn't look like it. Why don't you -- that's okay. Before --

>> Do you mind if I stand?

>> Mayor Adler: Not at all. So, in a second I want you to introduce yourself. I want to begin by thanking you and the downtown alliance for working with me and my office, and I guess my colleagues on the dais as well, although I wasn't part of those conversations, trying to figure out the best way to deal with this. And I think that there were some concerns that were raised in the community about making sure that whatever we did here, if we did something, did not de-criminalize criminal conduct, didn't de-criminalize a public safety violation, didn't de-criminalize a public health violation. Certainly we have this third area to talk about where there's not an allegation, that a police officer feels that they can move forward with either on public safety or public health, but still is presenting an additional challenge to the community. What do we do on that? That's what we're going to be trying to figure out. But I want to make sure that from your perspective we have successfully protected the first and second buckets, that we haven't accidentally de-criminalized something that should be criminalized. Because if there are those kind of things I want to make sure we take care of them so that we focus really the attention on the third. And then you had written a memo, Steve, about a year ago, with some suggestions on how to deal with the solicitation ordinance. Because you had identified some challenges with that.

[12:44:02 PM]

We've tried to follow some of the suggestions that you had made or address some of the concerns that you had written, so if you want to touch base on that briefly, that would be helpful.

>> I'm Steve Roberts. I have not had the pleasure to meet all of you. I'm the chair of the safety and hospitality community of the downtown Austin alliance, have been for five years. I'm a lawyer by trade. I have practiced law in downtown Austin for over 30 years. I have not lived in Austin, but my best friend lived a block from the Salvation Army years ago. I'm very familiar with downtown. I volunteered a few years ago because I thought it was time to give back. I want to first say that we have a lot of common ground. I appreciate the comments from echo that this is not adversarial. Let me talk about the common

ground first. I'll back up a minute. You mentioned my memo. Last year there was a movement to take an amended ordinance and put it before city council. We read it. The community had problems with it. The city manager arranged for a downtown forum. And what we heard was fear. If you eliminate completely all aggressive solicitation, we heard fear. We heard fear from people on the streets, from residents, from businesses. So that's what we dealt with. That gave me the opportunity -- I'm not a constitutional lawyer. There's only about 20 cases, though. To understand the limits of the constitutionality. And we have to educate our community that whether or not you like somebody coming up and asking you for money, they have the constitutional right to do that. So we don't even need to have that conversation. Let's get that very, very clear. That's part of our role, is to educate the community.

[12:46:02 PM]

But let me be very clear. No one should be punished for suffering from homelessness. We agree. The current statutes, particularly the solicitation statute, is unconstitutional. The others are also unconstitutional. They're also wrong. And the only reason why they stayed on the books is because the law enforcement policy changed to come closer to within the bounds of the constitution. Well, that's not a good situation to put on the police, to take a statute and only enforce it up to their level of constitutionality. That is a problem we face. Our issues -- and I will address them -- again, are not adversarial. Maybe they're a little lawyerly. But our issues are with specific proposals proposed less than two weeks ago. So, I want to address that. But before I do, I'd like to give you a little context about what we see downtown, because this conversation makes no sense without context. In the last point of time count in January, there were over 700 people sleeping within one quarter mile of our service center downtown. 700 people. I don't care whether the behavior or not, you have a public health and a humanitarian crisis right here, right now. If you walk under the bridge on 7th street on waller creek as I have, you have human waste pouring into our streams. We have a public safety problem now regardless of this. This is our concern. This is what we hear. We had a crane operator send us pictures of human waste in the alleys, it's that bad. So what do we do about that? And I want to address that very first. The sheer number is the problem. What we believe is that for a decade we've been trying housing first and not building shelter until we had the path to housing.

[12:48:07 PM]

Unintentionally what we have done is left people on the streets, because there's never been enough money for housing. And echo has a great vision. Last year they said here's a vision for permanent supportive housing. But we need to go from \$30 million a year to \$70 million a year. So while you try and find that money in this political climate, what we are saying is shelter now. When San Diego had a hepatitis epidemic, they built shelters now. They didn't plan, pilot, take a year and add 100 beds. So that's where we're coming from, shelter now. And I will tell you, if the city can do that, we, the private community, we have talked to a lot of people with a lot of money. You create a plan, you deal with this problem, and we will bring the money for the next step. The path out of shelter is housing, self-

resolution, but there's another layer that we have identified. And some members of council have traveled with us to Houston and Denver. We're looking for creative ideas, and one is this that we can all get behind. First, shelter. Everyone deserves shelter. Roof over their head, safety, cleanliness. But the next step is not everybody is ready for a six-month leased apartment. Up until after the depression we had an entire line of housing for people which you could loosely call boarding homes, in and out, easy in and out. Safety and also privacy. Think of it as converted motels. So, we want to also throw out this idea that there is a step that the private sector can get behind, one place to move people to shelter that can be done quicker and faster.

>> Quick question, just because an attorney, all due respect, with no parameters on the subject or time, and we were supposed to be doing this really quick.

[12:50:15 PM]

And I want to stand up and say relevance, because we're talking specifically about three ordinances. Thank you for that context, but I think we need to talk about the changes that --

>> I finished the context.

>> Mayor Adler: There will be an opportunity to talk about the larger issues.

>> Right. But the reason why I brought the context up is for the future discussion of the third basket, what do we do until then.

>> Mayor Adler: Okay. Hold that thought.

>> I am holding it. Thank you. So, I do want to talk about what our problems are, the focus on public safety, on specific issues before us to throw this out for your discussion. On the issue of aggressive confrontation, one thing that councilmember Casar has asked the city council, has asked the police, don't we have state laws in place right now that would prohibit the same behavior as the proposed statute? I would suggest to you that you read the statutes, because 40 years ago I was a police officer and I had to read the statute. And to your question, how do we know whether you violated the law? First, it's the policeman's judgment. And then it's the prosecutor's judgment. And then it's the judge's judgment. All we can do is make it as clear as we can and go down that chain. So, I'll give you an example. Assault works, clearly you can't assault somebody. But what about disorderly conduct? In the state statute, it bans abusive, indecent, vulgar language, but only if it tends to incite an immediate breach of the peace. Similarly, offensive gestures are only illegal if they tend to incite an immediate breach of the peace. You can read it. There's nowhere else in the disorderly conduct statute that really applies. We think it's important for both the police and the public to have clarity. I have not read, mayor, your suggested changes, but I can tell you in piple we think you're getting to the concerns of the downtown community by being content neutral and focusing on conduct.

[12:52:28 PM]

To the comments about whether it's vague or not, what gives me comfort as a lawyer and as a former law enforcement person is if you read this carefully, there is no aggressive confrontation unless it's intended to or is likely to cause a reasonable person to fear imminent bodily harm or theft. That's the bottom line. You can be as offensive as you want as long as you don't cause that reasonable fear. That gives us the boundaries of the constitutional speech that we need. So that was my comment on the solicitation. So, one, I don't think it's duplicative. I think it gives us specificity of behavior. We do need to protect everyone against, including the people living on the streets, by the way. On the issue of camping, on the public safety piece is what you've asked me to address. We've been criticized for -- and the community has been criticized for saying now can people camp in parks? You say, of course, not, there's a curfew. This may be a minor point, but we could add clarity. If I were a defense attorney I would read the proposed statute to say one, you commit an offense if you camp anywhere but a designated area. But you only commit an offense if you're a public threat. How does that square with a curfew when camping generally is controlled by curfew? I would suggest clarity.

>> Mayor Adler: Councilmember alter raised a similar issue and our attorneys are taking a look.

>> I think that's just a language issue. I've heard that's not the intent. As to public safety, the culpable mental state, I heard the chief say that would be problematic.

[12:54:31 PM]

In the state statute that you modeled this change language at, there's also a person violates the rule if they've been warned, if they've been asked, been given a reasonable command. Whether you know it or not, you're blocking a driveway. And then they don't respond. That could be a violation. So I think we could have both the culpable mental state and we N have a fair warning. The same thing, camping, sitting and lying. I think with those changes, we are addressing the public safety issues. So the only thing I would like to conclude with in the third basket is just throw out as a rhetorical thought, rhetorical question. The sidewalks on congress are 18 feet wide. There's plenty of place to put one tent. That okay? Is it okay if people lie down at 2:00 in the afternoon and sleep? They're not blocking, they're not in a doorway, is that okay? What if it's ten people, twenty people, 2nd street? I would suggest I've reviewed statutes in liberal cities -- Portland, L.A. -- And every city has some restriction in their downtown area on where you can sit, lie, and camp, because it becomes unconstitutional when there's nowhere to sit, lie, and camp. But there's no reason why a matter of public policy you can't restrict the area. I have heard people dismiss non-safety related regulations as aesthetics, about people being offended by the homeless. I want to conclude by reading to you from the city council resolution of the sit and lie ordinance on what the council found was compelling public need. I would suggest to you this need is still here. The council finds that the city has compelling interest in encouraging and preserving a vital pedestrian-friendly urban core, promoting tourism and business in the central business district, preserving the quality of urban life and in protecting its citizens from intimidating behavior and encouraging businesses and neighborhoods in the central city where walking is a realistic alternative to vehicles, the council finds that in areas with high pedestrian traffic and high incidence of petty crime,

individuals sitting or lying in the pedestrian right-of-way contribute to a sense of fear, intimidation and disorder, are disruptive, block the free passage of pedestrians, and contribute to the loss of access to and enjoyment of public places.

[12:57:17 PM]

We are relying on an increased tax base to help the homeless. That requires a vibrant downtown. That is a bigger basket three issue. I don't have the language for you. I don't have a specific suggestion. But that is an issue that we think needs to be discussed thoroughly.

>> Mayor Adler: Thank you. And I appreciate the comments and I appreciate -- stay there for just one second. And I appreciate the help, because we're trying to get this into a place where we clearly are taking care, I think, for me, of buckets one and two. You know, sometimes I think that one of your functions has been to raise some of the concerns that are being heard in the community and enable that to happen. Then we can address them. The Apa isn't here today. I would be asking them the same kinds of questions because they have also raised some of the concerns that we hear in the community. And again, we want to make sure that we address them. There was an op Ed piece, I think, that was submitted here this week. And it expressed a concern that we were -- that I have also heard in other places in the community, that we would be doing something by our action to de-criminalize, and now to allow people to scream at, touch, or block passage, to follow you when you didn't want to be followed. That was before we had proposed keeping this -- the aggressive behavior ordinance -- just taking out solicitation. But -- I know you haven't had a chance to read it yet -- that you'll take a look at it and see if we have been able now to maintain what was the preexisting law with respect to each one of those elements, we just have uncoupled it to a solicitation.

>> You read the concern, I didn't write the concern was that the other laws are not adequate or specific. We need something specifically clear.

[12:59:17 PM]

That was that particular concern.

>> Mayor Adler: And I hope by that we've been able to hit th that. You have reflected or the writers of the op Ed had reflected a concern in the community that we would be weakening our ability to regulate behavior that impeded public health, or impeded safety by by putting in the state standards in that, again, it's not our intent to impede the officer's ability to impede a public safety violation or a public health violation. Please make sure wire accomplishing that in this it's not the intent to impede that, as differentiated from the third bucket where there's at an allegation of public safety or public health, but the larger issue you were raising in the third bucket which is do we want to concern ourselves with the impact on economic development, do we want to concern it on quality of life? How do we want to deal

with the other elements that some of our community are raising other than a violation of public safety and public health?

>> I would only add going back to the public safety that we have another concern. If you don't approach basket see we will fear see the social media that we don't want to see in this town that we're seeing in Portland, that we're seeing in Seattle. They're blaming people for being homeless, saying they're turning their cities into sell pools. Where is -- assess pools. Where is this anger coming from? It's the spread of encampments, the spread of people living --

[indiscernible]. So the public safety issue, we're concerned about you're going to be harming the people on the streets by getting public push-back by elements of our society we do not want to hear.

>> Mayor Adler: I understand, but that goes then to the third bucket. Yes, Mr. Flannigan.

>> Flannigan: To be fair, Mr. Bryce, that fear is coming from your organization.

[1:01:21 PM]

Let me finish. The editorial you and the crime commission and the chamber put together is full of exactly the type of stuff we've shown today is not true. And I've had that conversation with the leader of your organization to make that very point to days before the editorial went out. So let's be very clear about where misinformation is coming from. And I do take offense to you saying things to this council and wagging your finger our face saying we haven't read the law. I guarantee you we have read the law and there are some serious issues we're going to work out. That's why it's being postponed for two weeks and I really hope that we can continue this in a very respectful manner.

>> Mayor Adler: Okay. I hear the comments. Taking a forward looking view on this, the intent here and taking the op Ed that was written as a statement of concerns, my understanding is that the way we have added language with respect to the no sit, no lie, no camp, the keeping of the aggressive behavior issues we have preserved all of the tools that our police have when they are dealing with a public safety issue and a public health issue. The debate in our community now is on the third bucket. What do we do when those things are not presented? And I would appreciate your organization and the aba and everybody in this community, not just those two, but everybody. My office's communication as well, to really focus this community on that third bucket because it's a hard bucket, but what we want to avoid is confusing people it to think that we're talking about decriminalizing behavior that creates a public safety violation which we're not doing, or decriminalizing behavior that includes a public health violation, which we're not doing.

[1:03:29 PM]

And I think we're all united in that. So I don't want people to think that there's a difference in that. We're all united on that. And if everybody will understand that, then that will open the door for us to have the conversation on the third bucket.

>> I agree with that. The one tool police asked us for and our [indiscernible] Asked us for and the host team asked us for that they're not solving, but I want to close with this, they say when we ask somebody to move, where can we tell them where to go? When we answer that question we will be on the road.

>> Mayor Adler: Thank you.

>> I appreciate everything this council is doing. You're so far ahead of everything we've seen. Thank you.

>> Mayor Adler: Thank you. Ann, did you have something or Kathie, did you have something? Kathie?

>> Kitchen: Do you want to go first?

>> Tovo: Thank you for the words that you expressed about the private community and their willingness to step up and provide those longer term housing solutions wch are so desperately needed. Since some of your conversation talked about the need to build emergency shelter, I would just say while we're talking about this conversation I know we'll have an opportunity to talk about it again later, I just want the public to really understand the resources we have to construct shelter are more than the resources the city has to run the shelters. And that we just have to really understand as a community because we will need private support to help with some of those functions. I mean, we've been talking this week, for example, about the Salvation Army, who is in a similar situation. They did a very tremendously successful capital campaign, but don't yet have the funding to operate that shelter at full capacity. Later in the day we'll talk about another housing focus the shelter that the city would put resources to creating, but again, it's the maintenance and operations, the ongoing resources that would have to come from general fund resources which are limited in the best of cases and now with the work that the legislature has done to impose tax caps, are going to be even more limited.

[1:05:33 PM]

So we really need to be clear as we have those conversations, it's not just the longer term housing solutions that we're going to need the private community to step up and help with. We have a huge challenge and I don't know howl we'll meet it in terms of funding. We may have the resources to construct more shelter, but we don't have the resources identified to run those shelters. So this has to be a community effort. So thank you again for your commitment from the private community to help with those longer term solutions. We really need the private community to help with those operations costs at the shelter as well.

>> And I should have addressed that. We do believe that we can bring money to the table for that. The one thing that people ask us that we're not quite there yet, but between the city and us and echo and the others, we're very close to answering this question, what is the plan? There's been a lot of work in this city. And when that happens we think we will are money to bring to the table.

>> Tovo: I appreciate that. I appreciate daa's commitment to helping to end homelessness. As I listened today on Kut and New York City and Ia and some of the numbers that they're dealing with in terms of individuals experiencing homelessness, the issue we have in Austin is dire and every one of those individuals should be housed. We still have a population -- this is a doable -- for a city like Austin, housing every one of those individuals is very doable and manageable, especially when compared to other major cities. And so, you know -- but again, it will be that partnership between the city and philanthropy and private business. So thank you again for the daa's willingness to collaborate on the solution.

>> And the faith community. I don't want to leave them out. They're an important part.

>> Mayor Adler: Ann, did you have any quick comments?

>> Kitchen: Yes, I would echo what councilmember tovo said and then I would say that it's a matter of priorities.

[1:07:33 PM]

We have a lot of resources in this community. We also have a lot of resources within our budget and a lot of resources within the community. It is a all hands on deck activity for our community, but let's create the environment with all of your help where we're talking about how we bring those resources to the table because it's a matter of priority, and I want to focus on how we make sure that we identify all those resources because I don't believe it's a matter of saying that we can't find the dollars. I think it's a matter of saying we made this a priority. We made homelessness a priority, we recognize it. For all the reasons that we continue to talk about it, and we just need to do it. I don't think we need more planning, I don't think we need to think about what needs to happen. I think we need housing. We need everybody to come to the table and let's make it happen.

>> We agree. Thank you.

>> Mayor Adler: Councilmember Casar.

>> Casar: Thank you for your testimony, your words, for that memo. I think that we agree on so much. You said all three you believe are unconstitutional or have unconstitutional components, all need to be changed, all have components that are wrong, and that we need to focus on public safety and health violations or aggressive and threatening behavior and differentiate that from peaceful behavior. I think on that front I agree entirely with you. I haven't heard anybody on the dais disagree with you and I don't think any of the advocates disagree with you. I can't think of a single person in this debate that has suggested otherwise. I share some of councilmember Flannigan's frustrations that it was suggested that other people suggested otherwise, but I think the intention from everybody here has been all of those things. So it sounds like our disagreement seems pretty small, which is about four, which is about should we have a law that makes it doubly or triply clear potentially beyond what the city attorney or the police chief have said?

[1:09:39 PM]

If that's form, then it seems like that's something that can get worked out. You raised a concern about whether parks rules should be in this ordinance or not. I'm looking right now at a city ordinance that says a violation of parks rules is a class C misdemeanor. And then I look at the parks rules and it says a person may not camp at a park. I think it seems clear and I think you might agree that it's pretty clear. Just like the police chief clarified that if a person isn't asking for money, but is instead accosting someone in a frightening manner, threatening manner for their phone number, which I think is also a big problem downtown, that the police can intervene in that situation, especially if that person may not be homeless, most likely actually isn't, and the police can intervene in that situation and I think could intervene in that situation even if we passed exactly what's on the agenda for today. But I recognize your disagreement that maybe you would like that to be more clear. And if the end all we're working out in the next two weeks is that form question, then I think that that's something that we can overcome. I also really appreciate your suggestion actually about notification because that's just in one part as opposed to multiple parts. I think it's a constructive suggestion and something that we should maybe incorporate. I have concerns about the geographic stuff, but in the end if that's what it comes down to it doesn't sound like really that much, so I appreciate your frankness and tenor and I think that we can -- I think we can sort it out. On bucket number 3, I'll just remind everyone today, I think on consent we added eight million more dollars behind this issue just today. I support councilmember kitchen's item to have new stealth as you've described and some of us before this council meeting were cutting a ribbon at the Rathgeber center. So just today we cut a ribbon on a shelter. We're thinking about buying another shelter and putting another eight million dollars in funds behind it. I think that's the action it will take and I appreciate you asking the private sector to try to meet us there.

[1:11:40 PM]

So thank you, sir.

>> I really agree with what you're saying on buckets one and two. It's a matter of wordsmithing, thinking it through, getting it right. Bucket three is the big issue. What do we do until we have the housing? Do we limit behavior that is not an immediate threat to public safety? And if so how? That is our concern.

>> Casar: Thank you. >>

>> Alter: I have a question for you. First I want to comment to Mr. Casar since we're not in the same quorum that you might want to look at what we just did respect to the behavioral ordinances in the transportation code with dockless. That was a section of the road that only applied to right-of-ways and roads, but we added into the ordinance something that said that all park rules apply, just to be extra crystal clear on that -- crystal clear on that and very similar language I think might be usable in this case in that regard. I wanted to just ask if you could elaborate on what more you need to know from us about what needs to be done to have those investments flow from the private sector into helping us address this homeless issue more than has already been done today?

>> You've already done so much. When I say we're in the last mile, I'll explain. When you have a person of authority in the city whose one job is to focus on homeless, that's one, and you're getting that within 30 days, as I understand. Number two, we and other people in the community, have created a schematic of homelessness, working with the city, with your innovation department, what Sarah Hensley spent a year doing, studying the problem. I agree with it, we've studied it. You've got your data. Now it is a matter of with this data, with the city taking the lead, with everyone standing around, what does this look like? And it's not too hard.

[1:13:42 PM]

Stealth and every path out of shelter that you can find and services to go with it and mental health issues. It's not that complicated anymore. But it needs to be a plan that everybody is on board with. That's what it will take.

>> Aer: I hope that when that person is on board we can have follow-up discussions and take advantage of these offers because we do need the whole community, the private sector and the non-profit to join with us as government in trying to address some of the issues and help people to get into homes. Thank you.

>> Mayor Adler: Okay. Thank you very much, sir. All right. We have some civilustice folks with us. Why don't you come on down. And then we also have some folks that have first hand experience with homelessness that have offered to be with us. Yes.

>> Mayor, as people are coming down, I want to make sure the record is clear. You are having a robust conversation about the ordinances, but as written they are not unconstitutional. I want to be clear about that on the record. I know that you are going to make changes that you all approve of those changes.

>> Mayor Adler: Right. And certainly any one member of the council can speak for the city's position on that or even a majority of the council. So here again, it's over the next two weeks and next week when we will have a conversation about what it is that we need to do. I think the purpose of today is to really focus attention on the difference between buckets one and two and three so that we really focus attention. I'm going to start with the two gentlemen on the outside and give you a chance to speak first. You're welcome to introduce yourself. You've heard the conversation that we've been having and I want to give you an opportunity to visit with the council. Sir.

[1:15:42 PM]

>> My name is Steven James potter.

>> Mayor Adler: I don't think your microphone is on.

>> My name is Steven James potter. I am a member of gathering ground theater group. Austin's homelessness advisory council and a voting member of echo's membership council. In addition to that I work with a number of organizations that serve the homeless. For two years I worked as a Salvation Army monitor for the men's dorm. I say all that to say this, there are few very people who know homelessness more than I do. And what these ordinances do, a day-to-day existence of your average homeless person, generally you feel like a refugee in our own city, neighborhood. You feel like a refugee. These ordinances as present criminalize me for just sitting or lying, or has been mentioned. With that we feel that the language as currently is is wrong. The language we have submitted we feel is much more in line with both buckets and one and at the same time addresses bucket three in a manner that is holistic and actually provides the homeless person a little bit of sanctuary, a little bit of hope. Hope is hard to come to on the street. I would add to another point, the homeless person that has been characterized today has been someone with a mental health issue.

[1:17:45 PM]

That is certainly the case and there are a number of folks who have mental health issues. There are a number of folks who have substance abuse issues. But more and more what we're seeing in the homeless community, and I speak to many of my fellow homeless, more and more it's a simple economic issue. They simply can't afford to pay for rent with what they're getting paid. Now, living wage is a different battlefield, different conversation, but more and more these folks are simply trying to Mike -- make a living trike to do what we want to do and simply cannot do that economically. 98% compliance was mentioned by APD for these individuals who get up and go voluntarily. My question would be where do they go? Are they simply going to another spot where they are then in violation of that same ordinance? Do they go to the park? What do they do when it rains? There are very few spots downtown where you can actually get out of the rain. Additionally it has been mentioned that the number of tickets has decreased. A part of that I submit is the work that host has done. I've taken a chance to speak to a police officer who works with host, and someone sitting in front of Maggie may's strung out on k-2, their approach to that individual is simply this. They identify the person, ems is called, and they are transported to the hospital. Now, does in a solve that homeless person's problem? No. But it doesn't create an additionalarrier to that homeless person getting -- sorry. Getting off the street?

[1:19:46 PM]

So the language that we have submitted and your additions I agree with, and yeah.

>> Mayor Adler: Thank you very much for being down here today. Sir.

>> My name is Steve. I'm homeless right now. Been homeless on the streets since 2015. I am one of 700 that sleep down here. Yeah, I've got tickets. I got one about three weeks ago for sitting down. 4:30 in the afternoon, waiting for the arch to open and here come APD. You, you, sit. You, you, go. Got a ticket. I think one of the problems is you're missing the host bucket. You guys have a good chance to make a

homeless and APD and you guys a G reputation of let's get together, let's talk about it. It's weird how you guys make choices for us. And because these -- I hate getting tickets because it ruins my day for the whole day. I see Mr. Coffee, he tells me what to do. We need something better. They have the ability to give tickets because it's not a crime, but a behavior thing. Let's work on the behavior and stop giving us tickets. I'm working on my 12th ticket right now. My last one was sitting down. Where are these tickets going to stop? I ain't bugging no one. You guys are taking away shade trees. You guys don't have enough water fountains out there. Summertime is coming along. One of the spots to sit down is at poor choices because it's nice and shady, but if you guys tell us to move where are we going to move? And it's going to get worse when you close the arch and close the day center and we can't sit down when it's hot outside. This ordinance ain't working.

[1:21:46 PM]

You need to figure something else out. You have a good opportunity to have the priest come down, have you guys come down and talk with us instead of you guys making choices for us right now. I appreciate it. Thank you.

>> Mayor Adler: Thank you very much. That was very helpful. Last two speakers we have on this. Did you want to help the community understand what's in front of them from your perspective? >>

>> Thank you, mayor and councilmembers. My name is Emily. I'm senior staff attorney at the Texas defense project and we work on criminal justice reform. And one of the things that we've been doing over the last few years is representing low income people who get tickets in the Austin municipal court and in the Austin community court. We've seen and had a lot of clients who experienced the devastating affects of these ordinances firsthand. I want to talk about three things. One that these ordinances, first is they're unconstitutional, which I think everyone has recognized today. Two that they're really counter productive and actually put up barriers to escaping homelessness. And three they're very inhumane and go against all of the city's values. To the first point I think that everyone here has recognized already that they're unconstitutional. The no sit no lie ordinance, and the no camping ordinance violent the ordinance against cruel and unusual punishment. People are just existing, they have nowhere else to go and they have to sleep and sit outdoors. There are similar ordinances that have been overturned by the courts in other cities. And then the solicitation ordinance is overly broad and is violation of first amendment rights as has also been discussed. I think the city has known since at least November of 2017 that there are constitutional problems and until now nothing has been done. I also want to just really emphasize how counter productive these ordinances are. So we've talked about the warrants already. 90% of these tickets do result in warrants. And what that means is that people have barriers to housing, as the mayor pro tem pointed out, and to employment.

[1:23:48 PM]

I have clients who have got to the point where they were offered a job and do the search and see that they have active warrants and they've lost that job opportunity. So it's really devastating. Not only is it a barrier to getting housing employment, people with warrants can't even go to get their id because if they go to dps there is a chance they would get a search for warrants there and get arrested when they go to the dps to get their id and it's difficult to do anything if you don't have an id in Texas. And then I also think that there's been a lot of discussion about wanting police to do outreach to homeless individuals and help them, but right now these ordinances create a real sense of fear. And they're not calling the police when they are in danger and there's been some discussion about other people reading scared of homeless on cycle, but it's much more likely for people to be victimized than anybody else and in the most need of protection. Right now they're afraid to call the police because if they call the police they could be arrested just for existed. If we want police to be able to do outreach, then we really need to repeal these ordinances so that they're not talking homeless people. Around finally, I think it's really obvious that these ordinances are really inhumane, they go against our values, equity and inclusion. They discriminate against people based on their housing status and say your very existence is illegal. And I think it's important to note that African-Americans in Austin are nine times as likely to experience homelessness as non-hispanic white austinites so there's a lot of disparate racial impact to these ordinances. I think what item 45 does right now is that it focuses on the danger, whether or not somebody is putting themselves or somebody else in danger, and on access to public spaces, schedule of focusing on whether or not somebody is homeless. I think that for police to be asking themselves questions like oh, is this person who is sleeping in a median to go to councilmember kitchen's point, if they role out into traffic, is that dangerous for them.

[1:25:55 PM]

That's what we want them to be asking. Those are the questions, not has this person been sitting too long, can I give them a ticket? And focusing on public safety, I think that item 45 is actually putting more of a focus on public safety and making it so we'll put our resources against things that the community actually does care about instead of what's happening right now where we have some of our clients who are getting tickets for doing things like sleeping in their own vehicles and actually being so scared of getting tickets, they're going out into the woods and day caring more and more dangerous areas to find from the police so they don't get the citations and warrants. One of member of our coalition wouldn't be here today who actually was so scared of getting warrants that he started going out into the woods into dangerous areas. He would still have police who would go and find him and say okay, you need to hide person. And would actually go and sleep in creek beds and actually almost died on two occasions because of rain because he was hiding in the creek bed and sleeping there. So right now we have the ordinances that are actually making things much more dangerous for people. And I think what councilmember Casar has proposed is really focusing in on the issues that we care about, which are public safety and access to public spaces. Thank you.

>> Thank you, mayor and councilmembers for the ability to meet. I am Chris Harris. I am formerly with grassroots justice and now just liberty. I think it's been really well established, both the illegality and the illogical nature of these ordinances. I'm going to focus more on the inhumanity piece that Emily talked about. I think we're talking about unaffordable behaviors by people based on their status within our

community. That being illegal makes their very existence within our community illegal. Steve, the attorney for daa, brought up the rhetorical. The police interact with an individual.

[1:27:56 PM]

They are giving them a ticket. They tell them they can't be here. And the question is where can they go. And right now the answer is nowhere. The answer is, as Emily referenced, were told by an officer to hide better. That cannot be the solution. And I've heard it mentioned often Ann often during the terms of this debate and really over the last year and a half that we've been purchasing for the decriminalization of homelessness in our community is that let's get the how long side figured out first. Let's end homelessness before we tackle these ordinances. And I submit that we can't. We can't wait. To provide a place for every single person to be. We have to have an answer to that question. Even if that answer is somewhere else in public property that again is not threatening the health or safety of anyone. It's not obstructing the use of public property for anyone else. It is not threatening public safety in any way. We have to have an answer to that question. I think that's what these changes are ultimately designed to help do is to allow there to be a place for folks to be. I think when you talk about that third bucket that you've really focused on, this is the question. Who ultimately has a right to our public space. Do people with homes, with money? The people that are creating economic activity, do they have more of a right to the public space than anyone else? And I'll say that I don't believe so. I think if we really believe in equity and justice in our community that each and every person in our community, whether or not they have a home or not, whether or not they have money or not, whether they're involved in economic activity or not does not mean they have more of a right to public space, does not mean they have more of a right to feel fear and to utilize our other public services in order to deal with that. I think it's also really important to note the historical origins of laws like this.

[1:30:00 PM]

The laws of this state, they were immediately introduced after reconstruction. These are the black codes that were adopted. Pretty much in the south and ultimately across this land, they were as a means to control the labor and the access to public space of recently freed slaves. It was to say that we need to actually limit black people, recently freed black people's access to public space and we need to feed them back into the only avenue available to us for slavery, which is the prison system, which was the convict leasing system at the time. If we look even further back, it's been about really controlling access to public space and because of the racial disparities in our community of homeless, the enforcement of these ordinances does not look that different. It's about controlling the access of the poor and largely black folks access to public space. It's about limiting it. And we cannot have that. That cannot be a law on the books in our city. It cannot be our city has as laws that our police are out and enforcing. So again, I really want to thank all of you for attempting to address what I consider to be really unjust as well as unconstitutional ordinances that again criminate the very existence of people in our community, say that they have no right to public space within our community, even when they're not causing public

health or public safety issues to anyone E and that it's really, really important for the council to act on this. I thank you so much for your leadership on it and really hope and expect everyone to vote the right way on June 20th. Thanks again.

>> Mayor Adler: Thank you very much for participating. Thank you. Councilmember alter.

>> Alter: So Chris, when we were working on the issues for police oversight we looked at what other cities were doing and there's a lot of comments that are swirling about other cities.

[1:32:02 PM]

Do you have any information in a help us understand how much of the situations are changes in the ordinances or how much is simply the housing is? I don't have any of those facts on that and I'm sure you guys have already done the research. I'm just wondering if you could speak to a little bit about where these ordinances have been changed in other cities and the consequences from your research what you have learned about that.

>> I guess I'm not sure on what it is? Are you talking about the laws?

>> Alter: I was talking about the comments and the other cities like Portland and San Diego and Los Angeles are experiencing challenges and they're conflating those with these ordinances or relaxing them in those places and I don't have a way to assess the accuracy of that. I was wondering if you had any research on that or knowledge about that that you might share that that would shed light on that.

>> I would be happy to have further discussions to kind of get into the nitty-gritty on some of the particulars in each individual city because I think there are some various dynamics at play. I think that's being crafted as it relates to the ordinances that are in item 45 address the primary concerns that you've seen from other cities, whether it be called skid row in Los Angeles or anything like that, these ordinances would still prohibit folks from blocking passage or making use of public space unreasonably inconvenient to others, as well as address the public safety issues and public health issues that come -- that arise. I think it's been made clear by law enforcement as well as by city legal thus far that the primary scenarios in which they might want to intervene in a situation that does impact public health or public safety, that they still feel like they have the tools to do that.

[1:34:10 PM]

So I -- it does not appear to me in any way based on what we have seen in other cities that the changes that have been proposed would lead to any changes like those in the cities that people I think are unreasonably fear mongering about.

>> I would like to add to at. I think one of the things that all of those cities that you listed have in common is they're all very expensive and getting more expensive and housing is getting more expensive and people are getting turned out on to the streets more. I think that's the reason why you would see an

homelessness increase and encampments. It doesn't make any sense from an intuitive level that lessening ordinances would contribute to growing homelessness because what we're doing is criminalizing behavior that people can't help. You can give somebody as many tickets as you want, but there's no way that criminalizing it is going to make them less homeless. They don't have any or choice. The whole point is they don't have anywhere to go. If you're giving them a ticket for behavior they can't help, then there's no way that they're going to suddenly stop being homeless homeless. So I think that's the underlying intuitive point for why we need to repeal them because there's no way that they're helping. They're actually hurting because it means people have warrants and can't get housing.

>> Alter: I hear what you're saying. I'm try to get more information out there because I think there is -- I think folks are pointing Seattle and making claims and it just would be really helpful to be -- if there is research or if there is analysis there's already done to be able to separate out the lack of housing, which is the problem, of folks experiencing homelessness, versus the changes in the ordinance here. So if another office already has that information, I would appreciate being pointed in the right direction.

>> We've looked at that some and I would be happy to share that with you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I was going to say, councilmember alter, there might have been information out of the national alliance to end homelessness that might be helpful there about the differences in some much these other cities where they may not have -- the challenges they have experienced with regard to that third area we've been talking about, and that's the place for someone to be.

[1:36:31 PM]

I would suspect that there's really the place -- that's the area that these other cities have a lot of challenges with and have not grappled with. We are in -- I think someone said earlier we're in a situation in our city -- I think it was councilmember tovo -- that we -- we can still get ahead of the curve, you know. We're a number of years behind the curve from these other cities and we have an opportunity to address that. I will ask the national alliance if they can help us answer that question. I'm hearing those same kind of concerns and I think it's a question that perhaps there's data that they can share with us. And then the last thing I wanted to say is I wanted to thank every one of you as well as everyone else who has talked today. These are conversations we have to have. And I want to thank you for continuing to push and to continuing to raise the questions of values and morals that you have because as a community we have an opportunity in Austin to really align what we're doing with what we believe, and we know that we're not doing that now. So I just wanted to say thank you.

>> Mayor Adler: All right. Thank you very much. As we close this section out, then just as we're about to go into executive session, two things. First is with respect to this, I know this took a lot of time for us to go through. Didn't anticipate it would take this long, but I think it will make next week's work that much easier. My hope is just as we've seen with each of the groups that have come here today from top to bottom, everyone is trying to work on what is the crucial issue. People have made suggestions, we've

been able to tailor this and move this increasingly toward what is really at issue. My hope is that we can keep the conversation now in the community on what do we do with the third bucket?

[1:38:33 PM]

And that we won't be having people in community that are confused to think that we're talking about in any way removing impediments that protect public health and public safety. That we're doing anything in any way that is associated with removing protections from being cursed at or screamed or touched or block the passage. That we -- it's not -- that's not what this council is considering doing. And if we can keep everybody focused on the really difficult question that we do have, I think we'll be better off. I want -- Mr. Casar, do you want to --

>> Casar: If you wanted to continue, I didn't mean to interrupt you.

>> Mayor Adler: I was going to move to something else. Yes.

>> Tovo: Especially if councilmember Casar is going to make concluding remarks, I just have a question for our chief while we're having this conversation. It's a quick one, though. Just in looking at the data and again, I think it's important to ask this today and not wait because I'm trying to clarify what the various proposals we have before us would and would not do. And I appreciate that our staff and our legal staff are going to kind of help us understand that in a way that we can put out to the public as well. In looking at the -- in the 2017 and the 2018 data for solicitation, I see it's broken down by categories, so aggressive solicitation for example in 2017, there were 45 instances of it. Solicitation without a food permit, one. Solicitation by pedestrian in roadway was 84 -- the biggest category of solicitation is actually is individuals in roadways. So those that fall under the state law in 2017 were 151. In 2018 it was 52. Are those -- did those remain or not remain with the proposals we have before us? On the state level I would assume those remain.

>> Correct. So the state level we would be dealing with the state law for pedestrian in the the roadway and these ordinances would not do anything to change that. Under the changes to the acompressive solicitation ordinance, that would now change to aggressive confrontation.

[1:40:45 PM]

If that still meets the program T that would be a tool that remains to the officers.

>> Tovo: But in terms of just general solicitation by pedestrian in roadway under city ordinance, which again were the bulk of -- well, yeah, they were about twice as many of those as there were aggressive solicitations in 2017 and then in 2018 there were about 47 of those again. It seems to me based on my understanding of the amendment that the mayor -- the amended ordinance that the mayor brought forward, those would no longer be offenses. Solicitation in a roadway would not be an offense unless it was aggressive -- unless it fell into the parameters of aggressive confrontation.

>> Correct. We would be left with the state law for pedestrian in a roadway.

>> Tovo: Okay. And can you help me understand why somebody would get a citation under a city ordinance rather than a state? Does it deal with the roads? Which roads they're soliciting on?

>> No. I think it would more deal with the elements that were present. In other words, the pedestrian in the roadway is due to the danger of being in that roadway versus the ordinance on solicitation you might not feel that the danger was the same. In other words, maybe it's a residential slower speed versus when they're doing it on the frontage roads and all of that. It's really an officer's discretion on whether they feel that the conduct is unsafe and dangerous versus that it's violation of the solicitation as outlined.

>> Tovo: Gotcha. Okay. If we could just make sure that gets folded into the memo that staff are doing as well, that component of understanding that. So if I understand what you're saying, based on the -- it's sort of based on the danger of the road. If it's a dangerous situation, they're more likely to get a ticket under the state ordinance versus just the behavior of soliciting. If it's just the behavior of the soliciting that's causing the concern they would more likely get a violation under the city ordinance, which would go away under the measures we're contemplating.

>> I believe that's what you're seeing based on officers' judgment. I'm speaking on what I believe the officers are giving consideration to when they're making the decision of whether to apply law or ordinance.

[1:42:49 PM]

>> Tovo: Okay. Thank you very much. I think it's -- yeah, anyway, thank you for -- thank you for breaking down the solicitation in this way. I think it helps us have a fuller conversation about it.

>> Mayor Adler: Councilmember Casar.

>> Casar: I just appreciate everybody's time today and everybody that spoke, and the chief taking so many of our questions and the city attorney taking them yesterday. Mayor, I know you kind of wrapped it up, but I really want to be really clear, we have an editorial written a couple of days ago, an editorial from this morning, and I think what we've concluded is that everybody is's intent here is the same on these points. Folks asked whether or not this would allow people to be price eningly accosted. The fact of the matter is nobody here intends to change that. Everybody has been clear that what is posted wouldn't change that. And with what you have decided to change we could make it doubly clear if we wanted to. The same thing applies to people being able to do whatever they wanted in parks. That -- people saying this is going to let you do whatever you want in parks. That isn't true. That a person would now be allowed to curse or scream or touch you or block your passage or follow you threateningly, that is written in an editorial. That we established on Tuesday is not true. And with what you have suggested to make it doubly belt and suspenders, not true. Some folks wrote in an editorial this morning that it could prohibit prohibitions on aggressive activity. I think we've all established that's not only the intent, but not true. People can be aggressive around atm's, not true. That people could be followed threateningly or grabbed or there could be abusive language. Again, that is not anybody's intent. And I

think it was established by the attorney on Tuesday, not true. And by your language that you've handed out trying to make it really clearly not true. But what is true is in a we have ordinances on the books that say it is a criminal violation for you to sleep in your car. And we have a lot of aid students who every night sleep in their car.

[1:44:56 PM]

We're saying it's a criminal violation for you to ask for money peacefully at 7:30 at night. That is -- we just know that that's just not right and we have to figure out what it is we do about that. I appreciate all of council's work to do something about that. I actually thought I wanted to be a high school teacher before I got more into organizing and into politics, and one of my favorite students that I was helping co-teach, I recognize that no matter how hard we tried there was nothing he could do to change the fact that she was driven to school in the same car she slept in at night. Around it's just not right for us to say that is a criminal violation of the law and that's a hard conversation for us to have, but I appreciate that it seems like there's just so much energy and thought and compassion going into figuring out how it is that we help with that situation, not calling it a criminal offense. Still taking it into account everybody's public safety, but not making things worse for her. So thank y'all.

>> Mayor Adler: Thank you. With that, colleagues, in the next 60 seconds we're going to do away with 10 items and left staff go. We have items 62, 63 and 65 which are setting public hearings. I would entertain a motion to set the public hearings in 62, 63 and 65 and to postpone item 64. Councilmember pool makes that motion. Is there a second? Councilmember Renteria seconds it. Any discussion? Those in favor of those actions please raise your hand. Those opposed? Thank you. It's unanimous on the dais with councilmember harper-madison on gone. And then with respect to items 55, 56, 57, 58, 59 and 60, these are on non-consent condemnation items. No one has signed up to speak. I would entertain a motion to the effect that the city council of Austin authorizes the use of the power of eminent domain to acquire the properties set forth and described in the agenda and resolutions for the current meeting for the public uses described 31. Is there a motion?

[1:46:56 PM]

Councilmember tovo makes the motion. Is there a second? Councilmember Renteria seconds it. Any discussion? Those in favor please raise your hand? Those opposed? It's unanimous on the dais with councilmember harper-madison off. All right, city council, here at 1:46 P.M., is now going to go into closed session to take up five items. Pursuant to 551.086 of the government code we'll discuss competitive matters related to item 67, Austin energy generation. Pursuant to 551.072, we're going to discuss real estate matters related to item 49, which is the implementation of the provision for median shelter structures. And pursuant to 551.071 of the government code, city council will discuss legal matters related to item 68, tenant relocation, 69, sign regulations, item 103, the disposition of parkland. Without objection, we will now go into executive session.

[4:27:44 PM]

>> Mayor Adler: All right. It is 4:27. We're out of closed session. In closed session we discussed competitive matters related to item 67, real estate matters related to 49, legal matters relate to 68, 69, 103. And we are back in the city council meeting. Council, I -- we're going to need to reconsider what we did with the public hearings, 62, 63 and 65. Because we actually needed to conduct the public hearings even though nobody was here so we failed to make part of our motion to close the public hearing before we moved on. So I would entertain now a motion to reconsider items 62, 63 and 65. Is there a motion to do that? Councilmember tovo makes that, councilmember pool seconds that. Any objection? Hearing none, we're going to reconsider that matter. Is there a motion to close the public hearing on 62, 63 and 65? No one has shown up for those. Conducting and closing, which we've called people, there's no one here to speak on those. That motion is made by councilmember tovo, seconded by councilmember pool. Any objection on the dais? Hearing none, approved, councilmember harper-madison off. Let's do the item -- I understand we can move through 49 quickly, that there's potentially one O speak on that and then we can let people go. Is that right?

>> Kitchen: There may be a few. I think the agencies have consolidated to one, but it will be less than the number in front of you.

>> Mayor Adler: I need it to be a lot less because I need to pull the things that can go fast.

[4:29:46 PM]

>> Kitchen: I think you can pull this. The service providers are nodding their heads. I imagine neighbors could be one and that would be it.

>> Mayor Adler: Let's call up 49. Is there a neighbor to speak on this? I'm going to call up the consent zoning next.

>> Ray Collins, and I am going to spare you my actual prepared talk and just say I'm in favor of this shelter space and also represent some people in my neighborhood where I live, south wood, that are also in favor, and just as a minor complaint about something you all already know on lot about. You all pretty much have arranged things but nobody but me, a retired person, can be here today. You all know about that. Thank you. There are myself and other neighbors near the notorious Ben white under passes that favor this.

>> Mayor Adler: Thank you.

>> It's going to be my talk, I'll leave it with the clerk.

>> Mayor Adler: Please do that. Thank you.

[No microphone on]

>> Mayor Adler: Come on down and speak. This will be the last speaker.

>> Kitchen: I think we have one other speaker for the service providers and that will be that.

>> Mayor Adler: Go ahead.

>> Kitchen: Go ahead.

>> Okay. So I kind of got the gist of what's being proposed to take care of the homeless situation and how many of them there are around town. And just before I came down here actually there was something on the news about Los Angeles spent \$620 million last year on trying to resolve the homeless situation and the number of homeless increased by 16%. So just spending money on something doesn't mean that you are going to get maybe the results that you want.

[4:31:49 PM]

But I have some ideas, if you are going to do something about the homeless, some good ideas here. One is you could end the no kill policy of the city that's probably costing 8 to 10 million dollars every year to the city of Austin and use that money to take care of humans, homeless, instead. You could also end the homeless -- the homestead exemption tax on -- on property owners because what that means is that renters are paying the tax that property owners are not. So if have to pay that tax, that pushes up rents, which actually makes it harder for people to afford a place to live here in town. And also the way you've dealt with it in the past like down here on the -- on the river, there's about a 15-story building, and people that are staying there that's government subsidized housing, could probably hasn't those for four or five thousand dollars a mayor Adler and take care of the homeless. Why not have those people stay on the edge of town and people that need jobs in the center of the town living in these spaces like bluebonnet studios and the place on the river, that would make more sense, have them on the edge of town than to -- and then have people living downtown that actually work did you not. Also what you can do if you can take care of the homeless, bluebonnet studios, people get 420, 4030 square feet, why not have a 200 square foot unit that's only got two burners on the stove instead of four and only cold water. There would be showers on the ground floor. You could probably build places like that and smaller places and probably do it for about half the money so you could actually house twice as many homeless people as the way we're housing people now in Austin.

[4:33:54 PM]

So that's all I have to say. Thank you.

>> Mayor Adler: And the service providers speak on item 49.

>> Renteria: Mayor, I think he was talking about east Austin and it's for seniors. It's not -- these people are over 65 and are retired and they are low-income seniors. So they are not able to go off and work.

>> Mayor Adler: Thank you. Go ahead and speak to 49.

>> Jo Katherine Quinn representing all my friends here behind me. And we want to thank you --

>> Mayor Adler: Hang on one second. Is the speaker who last spoke still in the room?

>> Kitchen: Yes.

>> Mayor Adler: The clerk didn't get your name.

>> Kitchen: It's Robert Corbin.

>> Mayor Adler: Thank you very much.

>> Thank you all so much for, first of all, prioritizing homelessness in your strategic planning, and we want to thank councilmember kitchen's staff for the very thoughtful way that you and your staff worked on this particular shelter and really listened to our input and we find of -- I feel like we all did this together so thank you very much. We recognize that with the really drastic, sudden increase in the number of unsheltered people that we have in the city now that a shelter is a -- an additional shelter makes a lot of sense. And especially a housing focused shelter because a shelter is only as good as its ability to exit people to permanent housing. So thank you for this effort and for your support.

>> Mayor Adler: Thank you for all that you do and thank you for abbreviating your testimony so we can get as much in before 5:30. That's also appreciated. Joel Mcnew that wishes to speak on this item 49.

[4:35:55 PM]

>> Thank you, mayor and council. Thank you, councilmember kitchen. I am the president of safe horns and we are a nonprofit that advocates for safety on and around the u.t.-austin campus. We approve this great effort you put into shelter. It's an important component to solving the homeless crisis in our city. So to provide shelter for our most vulnerable citizens who want a hand up, as we move forward towards crisis intervention, we ask you allow the community to be part of the process. These decisions being made now greatly impact the future of our city. We know that being homeless is not illegal and people experiencing homelessness are made up of various groups. Those who have fallen on hard times, who want a hand up, addiction and mental illness and finally criminal transients who hide under the umbrella of homeless taking handouts but often victimize and prey upon the homeless. Citizens and visitors to our city. We need a robust crisis intervention that includes shelter. Resources that connect and the Austin police department, the support and ability to maintain order. Many times officers are the front line first to engage many times giving of their own time and money to help. They also connect people to resources and hold criminal transients accountable. But we are told by APD that the aggressive behavior and conduct is something that an officer must be present to witness that conduct for something to happen. We don't have enough officers on the street to do that so how will that be addressed? And I know councilmember kitchen, that was something you talked about earlier today. Lastly for the last four years, our nonprofit has asked for safety improvements to the community where the majority of students, U.T. Students live, which is west campus, and have yet to see action.

[4:38:01 PM]

This week we've been accused by the criminal justice advocates of repeating stories of fear monger, lying about crime that impacts our students and the crime isn't real. May 24th, haruka wiser would have graduated with my son and his classmates at the university of Texas college of fine arts. Her tragic brutal rape and murder by a homeless person is not just a story, it's a soul, it's a life taken, a young person who loved this city. Her brutal rape and murder is something we experienced along with her family. She didn't get a chance to live her story. Please include and take clear action on public safety so the community understands what that means. Thank you.

[Applause]

>> Mayor Adler: More and more people are coming up to speak on this so I'm going to pause and move to a different item on the agenda.

>> Kitchen: Mayor, I think you can ask if there is anyone else to speak and can we take a vote?

>> Mayor Adler: Is there anyone else that wants to speak on this issue before we take a vote? Yes, there are. Is there anyone else to speak other than this last person? Why don't you come on down. Is the council agreeing to close public testimony after this speaker since no one else identified they want to speak? Without objection, we're closing public speaking after our last speaker.

>> Okay, my name -- [no microphone on]

>> Mayor Adler: Go ahead and sit down and he will turn on the speaker, the microphone. The microphone is not on so the people watching TV can't hear.

>> My name [indiscernible]. I'm from Africa. For something I didn't do. So I went to legal aid.

[4:40:02 PM]

So I need some help. Where everybody see this know I'm telling the truth. The manager, the evil. Something I didn't do. I want to legal aid, I got a lawyer. That's notht when big people put up for something they didn't do. Thank you. May god bless.

>> Mayor Adler: Thank you very much. Councilmember kitchen, do you want to make a move?

>> Kitchen: I move passage of item 49, which is --

>> Mayor Adler: Go ahead. Is there a second? That was our last speaker.

>> [No microphone on]

>> Mayor Adler: Come on down. This is our last speaker on this item. Be it known that. We're going to break in about 50 minutes and we're going to lose councilmembers when that happens.

>> Kitchen: I understand. We're moving fast.

>> I'm sorry, the young lady she didn't sign up and I tried to let her speak.

>> Kitchen: It's okay, ma'am.

>> Mayor Adler: Go ahead and speak.

>> Hi, may night -- my name is Sherri Taylor. I'm here to speak about the housing situation and I was feeling that TRE was some opportunities for churches that are having space when there's inclement weather, for instance, to open their doors and offer opportunities for those who are in the way, are on the sidewalk or wherever they are during the day and a threat to your city and a threat to your tourism if those citizens who are a member of these churches that would open their doors. There's a program at first united methodist church where I play the piano at 5:30 Tuesdays and Thursdays for breakfast. After that folks go wherever. But they've opened their doors to ladies from 7:00 to 11:00.

[4:42:05 PM]

They can come there and be refreshed and have conversation and have safety. That's on Thursdays. Anyone else who has a church, maybe your church organization if there's only 18% of this city that attends church, maybe you could increase those in your pew by having community service during the week and then maybe they might join your church. That would eliminate the issue of trying to arrest so many people who don't have a place to go. I think tomorrow there's an event, a group called outreach, victory outreach Austin, it's not inclement weather, they are just opening the doors of their church to -- for palitive care. They can have a place to be without getting arrested. I wrote a poem I would like to dedicate to juneteenth because those familiar with that history suddenly those who had been incarcerated with slavery had been free two years before but they didn't know that. So now then the -- the martial law makes it free, free to go where. We don't have anything. So same thing happened. I will try to read this poem. Juneteenth memorial day remembrance. Even hesitant prayers and stumbling phrases can't inhibit god from receiving our best intended phrases. His almighty blessings generously land, he made us capable of receiving his deliverance plan. God houses all resources to comfort our fears. In equities feed failure with loss and blame, but confidence is rewarded by calling on Jesus' name. Be up lifted for god can do anything no matter how hard winds blow, let faith in got pre vial.

[4:44:11 PM]

Revival is often where you rise from where you slept.

[Buzzer sounding] Our sins away were swept. All I'm saying is if we return to that what country was established on, which was freedom for religion? Zan you.

>> If the churches can open their doors, not just in inclement weather, I think we could solve the issue of loitering.

>> Mayor Adler: Thank you. Thank you very much. Councilmember kitchen makes a motion, seconded by councilmember pool. Let's take a vote. Those in favor please raise your hands. Those opposed? Passes unanimously. Councilmember harper-madison off the dais. Do you want to take us

through consent Kitchen: The only thing I would like to say very quickly is thank you to everyone who came here to support this and all the other people who sent in their emails. And thank you for all of us for -- to all of you for helping us get to this point.

>> Thank you very much. All right, consent zoning.

>> Thank you, mayor and council. Greg Guernsey. This is zoning ordinances, restrict, hearings are closed. Item number 70 is not on your agenda. It's been replaced by item 105. I'll get to that in a moment. Item 71 is case npa-2017- npa-2017-0021.01, a staff postponement to June 20th. Item 72 is case npa, 2017-2017-0018.01, this is a staff postponement to June 20th. Item number 73 is case c-14-2019-0053. This is a staff requested postponement to June 20th. Item number 74 is case c-14-2018-0141. I'll introduce Jerry rusthoven. He's going to make a brief statement.

>> Councilmembers, on this case we're ready only for first reading. I have been in discussions with the applicant and they are in agreement that they will not move forward with second and third reading until they have cleared the pending code vitals on the property.

[4:46:18 PM]

>> Mayor Adler: Thank you.

>> Let me continue. Item number 75 and 76 we have a speaker on both item 75 and 76, so those will be discussion, as well as 77 and 78. UT number 79 is case c-14-v-87-087-rocket. This is a staff requested postponement to 6:20. Item number 80 is case c-14-2019-0072, ready for consent approval on all three readings. Item number 81 is case c-14-2019-0060. This is ready for consent approval on all 3dings. Item number 82, c-14-, 2019, 0054, this is a staff postponement to June 20th on item number 82. Item 83, c-14--2019-0041, this is a staff postponement request to June 20th.

>> Pool: Excuse me, mayor. If I could, Mr. Guernsey, I'm looking at this sheet here on item 82 it says P by staff to August eighth.

>> We'll be asking for postponement on 82 and 83. If we do there's a code requirement that we have to provide full renotification. We can save the renotification costs if we postpone to the 20th and then continue it on to the 8th. Item number 84 we have several speakers. That will be a discussion item. Item number 85, c-14--2019 had not 0020. Mayor, I understand that the individual T spoken or signed up to speak to this item is no longer speaking to this item and would be okay with going ahead with three readings today, but I understand possibly councilmember Casar may make a comment regarding this case. This is item number can 85, case c-14--2019-0020.

>> Mayor Adler: We're going to keep it on consent. Keep going.

>> Item number 86 is case c-14-2019-0014.

[4:48:21 PM]

This is ready for consent approval on all third readings. Item number 87 this is case c-14--2019-0016, this is ready for consent approval on all third readings. Item number 88 is case c-14--2019-0008. This is ready for consent approval on all third readings. Item number 89 is c-14-2019-0013, this is ready for consent approval on all three readings. Item number 90 is indication 2019-0056. We have an applicant's request for postponement of this item to your June 20th agenda. Item number 91 is case c-14-2019-0050. I understand this is ready for all three readings. I understand there might be a question by councilmember tovo regarding this case maybe doing for first reading only.

>> Tovo: Correct.

>> Mayor Adler: Okay. So --

>> Tovo: I could keep it on consent on first reading with a brief request to staff.

>> Mayor Adler: Does anybody have any applicant or person here to speak on it that has an issue with that, first reading only?

>> We're fine with first reading.

>> Tovo: I do have some specific direction for staff that I would like to read at the right moat.

>> Mayor Adler: We'll have it on consent and first reading only on this item.

>> Moving on, item number 92 is case c-14-2018-0146, ready for consent approval on all third readings. Item number 93, case c-14-2015-0062.01. This is a staff requested for iefinite postponement. Renotification will be required before we bring item number 93 back. Item number 94 is case npa-2018-0021.01. We have an applicant request for postponement to 6-20. And item number 95 is case c-14-2018-0080, again an applicant request for postponement to 6-20. Item number 96 we have a speaker signed up so that will be a discussion item.

[4:50:24 PM]

Also ite 97. And then on the addendum, this is item number 105, which replaces item number 70, this is ready for consent approval on second and third readings. It's item number 105 on the addendum.

>> Mayor Adler: So the consent agenda is items 70 through 97. Also item 105. The items that I show as being pulled are 84, 96 and 97. Correct?

>> And 75, 76 -- mayor, you did say 77, 78.

>> Mayor Adler: I missed those. So 75, 76, 77 and 78. So the items I have pulled are 75, 76, 77, 78, also 84, 96 and 97. Other pulled items? Okay. Is there anyone here to speak on any of those consent items? That wishes to speak? Okay. Yes.

>> [Inaudible - no mic].

>> Mayor Adler: 97 has been pulled. So you don't need to speak yet. We're going to do that in a moment. Okay. So 77, 78, 84 has been pulled, 85.

>> 96, 97.

>> Mayor Adler: Is there anyone who has signed up for any of the non-pulled items that wishes to speak? Okay.

>> You said 75, 76 were pulled?

>> Mayor Adler: 75 and 76 were pulled, correct. All right. The comments -- first I'll take a Mexico and then comments -- take a motion and then comments.

[4:52:27 PM]

Is there a motion? Councilmember Flannigan makes the motion, councilmember Renteria seconds it. Any comments on the consent agenda? Councilmember Casar.

>> Casar: As it relates to number -- item number 85, it is one of the cases where we are creating mobile home zoning in order to try to preserve mobile home and rv parks in the community. My understanding from the agent and the owner of this particular property is mobile homes. They want to continue to expand that use in some parts that are unused. And my hope is that they are able to do that by zoning it this way. They should be able to do that. I hope that the staff works together with them to make that work. And of course, if there's any level of variance or change that's required to be able to get the kind of affordable housing expansion we want there, then I for one -- and I think a lot of folks here would be very open to trying to see if there's any other council action that needs to be taken because I think the intent here aligns with the intent that has been expressed.

>> Mayor Adler: Okay. Any further comments? Councilmember Tovo, did you have a comment you wanted to make?

>> Tovo: Yes. With regard to the item on 91 that we're passing on first reading only, thanks to the applicant for your willingness to do that. I appreciate it. I would like to direct the staff to do the research to determine if they would recommend review of the structure on this property for the historic landmark commission. I think that would be helpful information to have. In light of the time I won't go through all of the information related to this, but it is -- this structure falls within the northwest district of the downtown plan. One of the goals of which was to preserve and enhance the unique historical and cultural heritage of downtown. So I think it's very important to evaluate this. Ordinarily the -- our process at the moment, and I think it needs some tweaks, but our process at the moment is that it would not be evaluated for its historic merit until a demolition permit is submitted. So I think that

before we do the rezoning that would be really helpful information to have to determine whether or not this structure is of historic merit, especially because this is a district -- one of the -- the couple districts, areas of downtown that was recommended in the downtown plan for a possible local historic district, which is probably a measure I'm going to initiate here in our next meeting or two.

[4:54:48 PM]

So again, first reading with a direction to staff that they evaluate whether or not this is a property that should go before the historic landmark commission, in light of its importance to the goals of the downtown Austin plan.

>> Mayor Adler: All right. Any other comments?

>> Mayor, and we close the public hearing where it's appropriate?

>> Mayor Adler: Closing the public hearing where appropriate in these items. Any other comments? Let's take a vote. Those in favor of the consent agenda please raise your hand? Those opposed? It's unanimous on the dais with councilmember harper-madison gone, the others speaking. Okay. We're going to knock off some of these zoning cases. We don't have time to do the largest one H before we take the break. I'm going to start back and move forward. Let's call up item number 97.

>> Mayor, I'm Jerry rusthoven with the planning and zoning department. This is case c-14-2019-0055 at 15414 mckalla place and 10617 and a half burnet road. The proposed zoning is li-pda-np. The property owner is the city attorney, the applicant is Armbrust and brown. This is the site that the industry agreed to lease to the Precourt ventures for the fc soccer team. We are using the light industrial areas of zoning to do a few things. They are number one, to adjust the uses to permit popper lodge, multi-family residential, cocktail lounge. To reduce intear 84 84 setbacks, to alter the parking and loading requirements. To add light pollution reduction requirements, to allow for food trailers and to make adjustments to the sign regulations. There have been a few edits to the ordinance that was uploaded that is available in yellow on the dais. There is also a white document that I recently handed out that's just a correction to the legal description of the property. So far with that I'm available for any questions.

[4:56:53 PM]

>> Mayor Adler: Is the applicant here? You've got the first five minutes.

>> Mayor, members of council, my name is Richard suttler. I'm here on behalf of the applicant today in light of the fact that y'all are trying to get out of here, I'll keep it very brief. We're just doing an overlay on your existing zoning to allow the residential and to create the regulations that will allow for a stadium. And that's essentially it. I'll be happy to answer any questions or I'll be happy to rebut if there's anybody against it. Thank you.

>> Casar: Mayor, or Mr. Suttle. Shoal creek have continued to -- folks have continued to flood in questions generally. Can you talk to how you handle drainage issues on this site?

>> Sure. The drainage issues will be held at the next phase of the development. That's the site plan. And the site development permit. And we will be -- we're working with the city staff right now on all of the detention and water quality requirements that are -- that the engineers handle as they go through the site development process. This pda doesn't affect that at all.

>> Mayor Adler: Okay. Thank you. Thank you. Is Jorge Chavez here? No? Is Francois here? Susan is on deck.

>> Good afternoon. My name is Francois and I'm a resident of north Austin. I have participated in the neighborhood association and in the north burnt gateway planning -- burnet gateway planning area for the last 10 years. I know this site very well. I asked via email last week to make sure that every one of you had had a chance to visit the site yourself to see the constraints of that location. This is a very unusual zoning case in that there is no traffic plan included with this zoning case.

[4:59:01 PM]

Of course, this is a very dense area and growing rapidly and I think it is irresponsible to proceed until that traffic plan has been evaluated. We did have a neighborhood meeting where Mr. Suttle and his team presented basically nothing new other than we'll do it later, we'll do it later, we'll do it later. So there is no traffic plan. There is no event security plan. There is a request for 85% impervious cover. Of course, Mr. Casar has already mentioned that there are flooding issues in that area. There has not been a determination if atlas 14 will apply to this site, and the water quality detention ponds. There was also a request for 130 feet of height that is way too tall. There are apartment complexes next to site. If you visit the site you would see that there are four stories. 130 feet would be four times the adjacent properties. And I would like to also note that in the north burnet gateway plan the brandy wine development received a variance for the 130 feet, but they did so with the exchange by offering a rail station and public parking garage. So those items should be funded by the lease holder to receive their 130 feet height. There's also no setbacks on this zoning. And so that's a problem because now we have residential apartment complexes right next door, and this massive building. So this project is just not ready to go forward in my opinion, and I would like for you to go and see the site yourself and evaluate it because I think when you see that the mckalla road is not ready to handle any traffic. It's a one-lane road.

[5:01:02 PM]

The entrance from the north off of Braker is the access drive to the apartment complex. So that is just way too small to handle crowds of 20,000 people. And then it is a flag lot so the only other access point

at this point is the alley behind discount tire. And of course, that's not even paved. So there's still a lot of questions about the infrastructure.

[Buzzer sounds] Around this project. Thank you.

>> Mayor Adler: Thank you. Ms. Pitaro. And then the applicant can

>> Thank you, mayor and council. I want to just kind of keep going where Francois left off. Because it's such a different site from what we've done, it is critical. This is mckalla right there. That's the street it's on. And as she said, there are two driveways on -- one on burnet and one on a Braker. That's handling 22,000 people. And one of the issues is how are people going to get in and out? There are no drains, there's no sidewalks, there's no bike paths. This isn't even a two-lane road. It dead ends, not even a cul-de-sac. That's mckalla road. And the question is you could go in there and completely redo that road, but there is no money for that in the lease and how is that going to happen? They talk about people coming in and parking elsewhere. There isn't the pedestrian infrastructure. They were talking about bikes, but the other day when we had that meeting they said that they were going to have 500 I guess called a bike bank. That's not there anymore. So the reason traffic is so important and it shouldn't go forward until you know this, maybe there isn't a solution. There hasn't been one so far and Mr. Suttle said they didn't have one. The other thing that's important when you look at this is they continue to talk about 17 soccer games, but this facility can handle large concerts and there's no restriction to day, time, number of events.

[5:03:11 PM]

They can have whatever they want under that lease. So you have to think how are you going to get those people in and out. The impervious cover I think is interesting. One more thing I want to say before I run out of time. I don't know if any of you saw the piece on CBS Tuesday night, but what they talked about was how some cities had put parksecreation on top of former super fund sites. That's what this is. This is a former superfund site. And I don't know if you know that, but you need to look at that. And I'll actually send you the article to your offices if you want to take a look at that, but it's a very serious situation. And the experts think that you can never truly correct a superfund site. So here we're putting 22,000 people over and over, and children on something we know is a superfund site. Austin cares about salamanders and bugs and caves. We ought to care about people. We ought to care about putting all of these people on a former superfund site. So thank you very much. I think you would be smart to postpone this until you get some definitive data on the traffic and the environment. Thank you.

>> Mayor Adler: Thank you. Applicant, do you want to close?

>> Mayor, members of council, on the traffic, as you recall under our lease agreement, it's not really a traffic impact analysis, it's an event management plan because the site doesn't generate daily trips like a normal office or retail does. So under that plan our site plan and our developments tied to having an event plan and a traffic study. And that will be forthcoming. This pda doesn't do anything to get us out of the height issue that was mentioned, we're at 130, but all around us with development bonuses on burnet road they can go to 180, so eventually this will be behind 180-foot tall buildings.

[5:05:20 PM]

I want to thank Francois for having us out at the neighborhood meeting the other night. As par that meeting we committed to if they would set up a committee of the whole or a subcommittee. We will continue to meet with them as we progress with the site plan and drainage plan so that everybody will understand. We are counting on the atlas 14 and the 500 year floodplain so we won't be affecting drainage downstream and putting anybody in harm's way. So with that I'll be happy to answer any questions.

>> Mayor Adler: Thank you. I'm sorry? Yes. Councilmember tovo.

>> Tovo: Mr. Suttle, when you say you're counting on the atlas 14 regulations, are you saying that you're designing in compliance with them?

>> Yes. As I understand it, and I'll get my lane here with the engineers, but the 500 year is now the 100 year floodplain. And we are accounting for that.

>> Tovo: Okay. So the site will be designed in accordance with the atlas 14.

>> Yes.

>> Tovo: Super.

>> Mayor Adler: Is there a motion to approve this item, 97. Councilmember pool makes a motion to approve it. Is there a second? Councilmember Flannigan's seconds. Any discussion? Those in favor? Councilmember pool?

>> Pool: With your indulgence I just wanted to say a couple of things because this has been really important project not only for district 7 and grassy grassy woods and the adjoining neighborhood and city. I want to speak I've heard from my community on the project and to make sure that I'm clearly stating my support for success confidential outcomes on the Austin fc project. It's a multi-faceted project and what we have before us today is just one step, just one step along the way to what I hope in fact be a boon to this city for the surrounding residents and to the domain commercial area of. During the soccer stadium discussions last year I worked hard to get a good deal for our city.

[5:07:22 PM]

And our colleagues on the dais all shared in that effort. Great things are happening on the Austin fc front and I congratulate them on their founding partnership with St. David's. That's a wonderful community partner to kick off relationships in Austin. The success of this stadium rests on these community partners as well as on good planning, and that is what some of the neighbors have spoken to as well as Mr. Suttle here today. And we begin today with the pda zoning. And of course, with the pda code amendment that we passed at our last meeting. The success of the stadium also rests on good transportation

management planning, and I want to thank Austin fc's agents, Richard Suttle and Amanda Morrow, for spending time visiting with my constituents in my office and in Gracy Woods on Tuesday night and for their willingness to continue to work with the affected communities on traffic concerns. I also want to thank the Gracy community for setting up community meetings and conversations with the fc agents and for continuing to stay engaged. I know difficult it is to work hard against a project that you think will be difficult for your neighborhood to see it passed and then have to work to try to improve conditions and make sure that it all goes well. That's my commitment to you as a neighborhood and to the city. The lease agreement contains the relevant language about a transportation, parking and event plan, including the traffic management plan and an agreement with Capital Metro, all to be developed before substantial completion of the stadium structure. My understanding is that Austin fc's traffic engineers have performed quite a bit of that traffic analysis and they are currently working on that agriculture speech-to-text with our -- that aspect with our transportation staff.

[5:09:25 PM]

So that will soon be available for the public to review. I'll continue to work to make certain that there is good community engagement and that the input from the neighbors is part of the considerations of the broader transportation plan. I think hearing from folks from the area will be critical in gaining a sense of conditions on the ground, and in crafting a plan on how to manage large events. This is a first for our city and I think we all want to do it right. I'll continue to -- I'll continue to work to ensure the successful for Austin fc and for district 7 communities as we take the next steps to this really important project. And if I could, Mr. Suttle, I know you're still in the room. Where did you go? If you could, please, I know you had indicated that your public commitment to work with the community on the transportation plan and I just wanted to highlight that. So that we could emphasize it and make sure that folks know that you are there to work with them.

>> We are committed to continuing to work with the neighborhood on all things traffic operations of this facility. They know better how their neighborhood and their traffic works than anybody else and we look forward to getting their input and continuing to work with them.

>> Pool: And to my Gracy Woods neighbors who came down today, you heard that commitment to work with you and I also know that you are willing to continue with this work and that will also be really, really critical to the success of this project. So that's all I wanted to say, but I thought it was really important to emphasize these points and I thank everybody for all their efforts to this end.

>> Mayor Adler: Thank you. Let's take a vote. The motion is to approve on all third readings to close the public hearing. Those in favor please raise your hand? Those opposed? It's unanimous on the dais with councilmember Harper-Madison gone. Colleagues, there are three items that have lots of speakers that are not going to be called until after dinner. We can already tell because that's not enough time to call any of them.

[5:11:26 PM]

That's the towing matter number 13. It is the pitch and putt contract number 39, and it is the west sixth street case, which is 84. Let's continue on and see the ones that we can knock out here that have fewer speakers. Next one we'll call up now is 96.

>> Tovo: Mayor? Since people are leaving, can you let us know a sense of what time we'll start up after dinner.

>> Mayor Adler: Colleagues, it will be 5:30 when we have music. My sense is when we have proclamations that it will be 6:30, 6:45 before you're able to get going. And I try to join for a minute or two. I'm not sure I will be able to. But probably won't be any earlier than 6:30, probably 6:45. Certainly anybody who got here at 6:45 would be fine because your not going to be able to close out any of the big ones in 15 minutes anyhow. So continuing on, let's see if we can knock out 96.

>> Thank you, mayor and council. Greg Guernsey, planning and zoning department again. Case c-14-2019-0017, the property located at 2807 Cameron loop. It's about a four acre tract and it's currently developed with a mobile home park that also contains tiny houses and some rv's. The existing zoning is rural residential. And the surrounding zoning to the north and to the west and to the -- north and south and east is zoned sf-2 or sf-3 and existing single-family residences. And to the west is a townhouse condominium project zoned sf-6. It was initiated by the city. There is a concern by the property owner who has concerns about the mixture of the uses that are on the property having both rv's and also mobile homes. The zoning and platting commission did not make a recommendation. They failed to bring forward a recommendation due to lack of an affirmative vote.

[5:13:31 PM]

I'll be here if you have any questions. I know you have I think a co of speakers regarding this item.

>> Kitchen: Could I -- is it appropriate to ask a question now?

>> Mayor Adler: It will be. You've completed your presentation?

>> Yes.

>> Mayor Adler: Before we call the applicant, do we have any questions from the dais?

>> Kitchen: Yes. Mr. Guernsey, so we have postponed the ordinance change with regard to the bile home parks.

>> We have.

>> Kitchen: Okay. So that means that the zoning changes right now will just -- will N be subject T the -- to any ordinance that talks about a particular percentage being rv versus mobile home, correct?

>> That's correct. It's my understanding the existing use on the property has been in existence for quite awhile. If there are things that are nonconforming today, that would not change with or without thege

of this ordinance. The code amendment that was postponed to the 8th may actually bring some of this use into compliance ING on the results of that.

>> Kitchen: Okay. So at this point in time changing the zoning today is not going to require this mobile home to change how -- mobile home park to change how they do business.

>> That's correct. It would not have a fundamental change do their operation as it exists. Nor change of conform active as far as it -- conformity as it stands.

>> Kitchen: Thank you.

>> Mayor Adler: So in this case the applicant is the city. Is there someone else to speak?

>> The propertner. U.

>> Mayor Adler: I'll call the property owner. Go ahead.

>> Good evening, mayor, city councilmembers. I'm a partner in 2807 Cameron loop and also the property manager. We support the intent of the council resolution, but rezoning to mobile home puts us in a bad predicament that the staff cannot resolve.

>> Mayor Adler: And you have two minutes donated to you by Mr. King.

[5:15:34 PM]

>> Thank you. Our issue with the proposed mobile home zoning is that it does not allow rv's or tiny homes. Our park has 20 rv's and five mobile homes. That's 80% rv ooze. Some of our rv tenants have been in the park 20 to 30 years. These spaces are for long-term. We only allow people who use their rv as their primary residence and want to stay. Our turnover is very low, maybe one or two spaces become available each year. And there's no daily, no weekly, no monthly. And there's no recreational stays.ese are working people. Their rv's may be old but we don't care. We do credit history and criminal background checks like apartments require. There are no dump stations. The rv's and mobile homes are each connected directly to the septic system and the property is on city water. The Travis central appraisal district classifies us as an av park. We are taxed as an rv park under the state property tax code. Our park was built in 1969 and annexed into the city December 31st, 1997, almost 30 years ago. The market has changed to where people are relying less and less on mobile homes and more on rv's because of their price and mobility. We rarely get calls for people looking for mobile home placement. The cost and difficulty of relocating a mobile home puts the tenants at the mercy of the landlord with little negotiating power. Instead, tenants are preferring rv's and tiny homes. There is also less stigma associated an rv or tiny home asl. A change to mobile home zoning would immediately put us into noncompliance. Merely grandfathering our rv's, but not allowing future rv's into our park would cause us financial harm and also hurt the very low income people that need locations. That's not the intent of the council's resolution, we don't think. City staff has tried to help us by revising the mobile home zoning ordinance to allow 50% rv's. With our park at 80% rv's, that doesn't work for us. Our current tenants or our futu tenants.

[5:17:37 PM]

He what does work for us, and everybody else: Leave the park as it is. It's been that way for 50 years. The current zoning of rr protects the tenants. If a future owner decides or tries to build apartments, the property would need to be rezoned anyway. Until there is a solution found to accommodate our future and current residents, rv tenants, and prevent financial harm to us, we cannot support the city-initiated zoning change of our property to mobile home. We ask that you please keep everything the same. I get asked what I do all the time, and I say I provide affordable housing for those people who want to downsize, who want to save, who want to get out of debt. And they ask how did you get into that? And it's not really of how I got into it, it's why I got into it. When my husband and I had the dream of buying a home three years ago and we didn't have the money to do it, we moved into an rv. We moved into an rv, saved up, saved for a down ent, we were able to buy a home here in Austin, and you know, there's people that want to do that. So why would someone want to do that? Well, because financial hardship is hard if you're wanting to buy a home here in Austin. The cost of living is very expensive and it's just an alternative way. And it was a great way for us to do that. So ask that you please take into consideration the things that I've said and ask that you keep everything th and leave I Ast is, has been for the last 50 years.

>> Mayor Adler: Okay. Those are all the speakers that we have. Councilmember kitchen.

>> Kitchen: Let me just ask a few questions.

>> Sure.

>> Kitchen: So I think you may have heard that we are not moving forward with the ordinance right now that has the 50% requirement, so that would not apply. So is your concern that -- was that your M concern?

>> Our major concern is the ordinance then in the -- that it was being passed as 50/50.

[5:19:44 PM]

And even -- our zoning change if it got changed to mobile home today, we really don't know what the ordinance is going to say. So --

>> Sipped I see. So you're --

>> Kitchen: I see, so you're concerned that even though we haven't moved forward with any ordinance and it wouldn't impose any requirement right now, because you don't know what the ordinance will say that's what you're concerned about.

>> Exactly.

>> Kitchen: O

>> Maydler: Councilmember tovo.

>> Tovo: Thanks for your testimony. I had a question. Is it my understanding that you're intending to serve the site with city of Austin water and wastewater?

>> It has city water at the moment.

>> Tovo: How are the rv's, are they connected to it?

>> They are connected to septic that has been working fine for many years. At the moment that keeps the cost of living therein expensive for the people GHT now.

>> Tovo: Okay. But they're not tied into the waste and --

>> They're tied into water, not the waste.

>> The water.

>> Tovo: Do you have any continue intentions of making changes to that in the near future?

>> If it needed to be done, we could do that, though right now what we have is working and there's a lot of expense involved in doing that. And in order to do that, the cost would have to be carried over somewhere if we could afford to do it, yes. Right now we like to keep the cost of living there as inexpensively as it is and then if we have to do it later because for whatever reason, we would, but it is working fine now and working properly.

>> Tovo: All right, thank you.

>> Casar: First, thank you for your T and thanks for everything you've done here. My understanding from the staff, I hope that they'll reiterate it to you, is that you won't be more nonconforming with nh zoning than without it. There wouldn't be a change for you there, but what we could change is the mobile home zoning category, which I think everybody here intends to do.

[5:21:51 PM]

My proposal was to make it 80% so that way it would just fit exactly what you are doing and everybody else is doing, but there might be better ways of doing it. So that's our intention. I want you to know and for everybody there to know that our intention is not only preserve it as mh, but to preserve the ability of those rv's to stay and preserve the ability for rvs to come back and forth and to change the underlying ordinance so that yours works, which will pull you out of the situation that you are currently in and would be in, unless there's something in all of those things that I misunderstand.

>> Yes, absolutely there is something that I think might be that we might not be aware of. And the fact that I have one empty spot and someone like myself comes and is looking for an empty space and I'm thinking my S going to change because I get T downsize. And then as the property owner I have to tell that person, I'm sorry, I can only have a mobile home there or I can only have an rv there. Sorry, you're

going to have to wait or go. And then I'm stuck not being able to rent the spot as the property owner and then the person looking for a place is limited by what they can do. So if there's one spot and that puts me over the percentage --

>> Casar: So I understand well how if we do it at 8 sneers August or if we reconsider the vote and made it 80% now that that wouldn't happen because you have your percent.

>> That's current, but what if I become 81% because I have one more rv or 82% because I have an empty spot and the next person comes in and they have an rv, a mobile home leaves and then an rv wants to come in, I'm out of compliance.

>> Casar: Understood. What I want to understand from the staff is that not a situation that exists? How does this situation change from their current zoning to mh? I thought we asked this question at the beginning and now I feel like I he to reask it.

>> Radioow the use is nonconforming.

>> Casar: So?

>> So with the change in zoning from rural residence, which is lot lot detached single homes, to mh, manufactured homes or mobile home park type of zoning, the nonconformity doesn't change.

[5:23:55 PM]

There's not the ability to basically expand this use right now, nor would they be under the new category. I think the relief that we've been talking about is really might be sought in the amendment that might be coming forward. We just don't know what that amendment would look like.

>> Casar: I understand it's nonconforming now and would be nonconforming with the zoning change and would stop being nonconforming with the change. I get that. But if -- but tell me this: If right now she wanted to go to 90% rv today without a prezoning change, would they be allowed to do that?

>> Yes.

>> So right now technically what she has is W allowed. And so an expansion if she was bringing a brand new mobile home, technically that would not be able to hook up.

>> Not a new spot, though. You're not speaking of adding a new space, are you?

>> No. If she's merely replacing a mobile home that was removed and putting one back in, it wouldn't be. It would have to be a new one that meets the state standard for a manufactured home, manufactured 77 or later.

>> Casar: It's a very specific question. If a mobile home moves out today and she's nonconforming, can she bring an rv in?

>> I don't believe so under the occurrence ordinance.

>> Casar: So here's the thing. What you might -- what might be happening might be different than what the law currently allows. What we're trying to do for you is to make it so that the thing that you might think okay actually is. So right now changing it to mobile home does not change anything for you is what every city staff person and law person I've talked to this week says. So by changing to mobile home doesn't lower your cap. Your cap -- you technically aren't allowed to bring new rv's in. And what we were trying to figure out for today but what we can technically figure out for August 8th is you won't have to worry about that anymore.

[5:25:58 PM]

And maybe you didn't know you needed to be worried about it --

>> I just know that having that specific zoning would only allow us the mobile homes to go back in there currently. With the ordinance that they were proposing.

>> Casar: What we're hearing is that your current zoning has that too. You may not know it, but instead of you finding out with a surprise with a violation because somebody complains --

>> It's rural residential and 97 rv.

>> Casar: I understand what everybody is saying, what everybody has told me is what you think you're allowed to do you might not be. And we're trying to fix it so that you can.

>> Okay.

>> Casar: So I think everybody here is on your team and is going to figure it out.

>> Okay. Cool.

>> Casar: Okay. Thank you. Cool.

>> Mayor Adler: All right. With that said, is there a motion to approve this item? Close the public hearing? Councilmember Casar makes that motion. Is there a second? Councilmember Kitchen seconds it. Any discussion? Those in favor raise your -- councilmember Pool?

>> Pool: Sorry. I had to step off so I may have missed it. Was there a discussion about the water/wastewater and the safety and the health concerns?

>> [Inaudible - no mic].

>> Pool: Okay. And I know that some of the regulations are being pulled to get some additional work from staff in order to get those drafted up properly, but I want to make sure that whether an rv or a mobile home is on the site that they have access to the wastewater facilities so that they have a clean and safe lot for these homes.

>> Tovo: As I understood the property owner's response to my question, they are tied into water, but not into wastewater. They use septic.

>> Pool: Right. So being able to clean out the tanks from the rv's is a concern so they don't -- people don't have to take their rv to a dump station, they can do it on that site somehow and that's the piece that our staff is looking at for future action. And that's a piece that I think is really key to making sure that having rv's on mobile home sites are as high general in this case and safe for everybody.

[5:30:12 PM]

No? That's item number 78. Can we take that up because there are no speakers on 78? 77 and 78. Is Brandon woodstruck here? Do you need to speak? No? Okay. Does anyone want to move to approve this item number 77 and 78?

>> Those are ready for --

>> Mayor Adler: Councilmember tovo makes that motion. Is TRE a motion to approve 77 and 78 and close the public hearing? Councilmember Renteria makes the second.

>> These are ready for first reading. I just want to note that we would bring these back for second and third reading on June 20th along with a restrict that you postponed earlier so that three items would come back together.

>> Mayor Adler: With the understanding that first reading only, come backs on the 20th as you indicate. Been moved and seconded. Councilmember Flannigan?

>> Flannigan: Just to save time I'll note my concern and will take it up unfortunately on June 20th. The conditional overlay on this site is another one of those where it matches compatibility so it becomes unnecessary factor, but we can address that later.

>> Mayor Adler: Sounds good. All right. Been a motion and a second to approve 77, 78 first reading. Coming back on the 28th with a restrict. Discussion? Councilmember tovo?

>> Tovo: Mayor, I would just ask -- I don't know if you want to hear from the ant today on the 20th about that particular point, but it's my understanding that that -- that removing the restrict wouldn't yield additional housing and that it was part of the conversations which were extremely productive with the surrounding neighbors. So if people are going to be thinking about it between now and the 20th, it might be useful to hear that from the developer, the applicant.

>> Mayor Adler: Do you want to address that issue?

>> Just to be clear, not the restrict, it's the conditional overlay.

>> Tovo: I understand. I just M it. Thank you.

>> Mayor Adler: Do you want to address that really quickly?

>> Sure.

>> Mayor Adler: This would be the last thing we're doing here.

>> Thank you, council.

[5:32:12 PM]

Megan lash. I am the applicant and will be the potential property owner for this development. As most of you know this is a nine percent housing tax credit development. This will serve residents from 30 pierce area median family income all the way to 60 percent median family income. We go through a really stringent process with tdrca and start early and include theood association through our tax credit application process. It's actually a joy to get to folks and work with these communities through this process because I'm actually going to be their some day so it's very important to me because as a future pronener this community to understand the pros and cons of what each development brings to the communities that we build. The tax credit application went in March 1st and we worked hard to maximize the number of units based on this location and our site constraints. And working through that not knowing if affordability unlocked would be placed in service by the time that we came through the zoning case, we worked through this with the neighborhood association as part of our tdrca application. That went in March 1st and I cannot change T it will not yield any additional units if we were going to remove that restriction. As well as it would go against what we've worked so hard on with this group of people.

>> Mayor Adler: Great. Thank you very much. Let's now take the vote. Those in favor please raise your hand? Those opposed? Plaintiff votes N-- Mr. Flannigan votes no, the others voting aye, councilmember harper-madison off the dais. That gets us to -- yes? And councilmember Casar was also off the dais for the vote. Although I think he seconded the motion. But in any event, off the dais for the vote. It is 5:33 and with that we're going to take a rs so that we can do music and proclamations. Colleagues, I'll be checking in at the airport, but I may not be with you after you come back, so the mayor pro tem is ready to take the dais.

[5:34:15 PM]

And with that we're in recess.

[5:46:19 PM]

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♪♪ test test test test test ♪♪

[5:49:58 PM]

[mic check].

>> Garza: Good evening. Good evening, I'm mayor pro tem Garza, I'm stepping in for the mayor this evening as we go proclamations and music. One of the really cool things about the Austin city council is we break at 5:30 to recognize community members who have done wonderful things this our community as well as highlight some of our local artists. Because it's important to -- it's important to make time for music in our lives and today we are lucky enough to have dj Mel here with us. Notoriously recognized as Obama's dj. Dj Mel is one of Texas' most well rounded and high profile djs. Based in Austin he has performed at lollapalooza, Austin city limits, the voodoo festival, the NFL draft from 2015 to 2019, the 2012 democratic national convention, election night 2012 at President-Elect Obama's headquarters, the Obama farewell address and the white house Easter. Dj Mel has one of the longest running dj weekly's at the west campus bar nasty's from 2006 to 2017. May or may not have visited that establishment myself. He is the official deejay for the university of Texas men physical and men's basketball team. In 2014 he was inducted into the Austin music hall of fame. So please enjoy deejay Mel.

>> Hello. Can you hear me?

[5:51:59 PM]

Shout out to the guys with the helmets over here.

[Cering]

>> Not much to see up here. I'll play some rocky Ericsson. Rockrocky Ericsson, rest in peace.

[♪Music♪].

[Music]

[5:56:39 PM]

[Music].

>> That last song is by an Austin hip hop artist from the late '80s.

>> Garza: That was fun. Dj Mel, do you have some social media if anybody is in addition to the -- not if anybody. We have people watch. Not just my husband, wondering where I am at 9:00 P.M. Why would they look on social media to find you?

>> Um, there's a one stop shop, djmel.com. You can find everything. Music, social media, dates, all sorts of things. You can stalk me.

>> Garza: That was my next question. So if somebody wanted to see you, they could go to that same website?

>> Yeah. My next show is at the historic scoot in on inn on the side. It's my kids edition until 1:00 P.M. It's a big dance party for the kiddos.

>> Garza: Awesome. So I have a proclamation. Be it known as whereas the city of Austin is blessed with many creative musicians whose talents extends to virtually every musical genre and whereas our music scene thrives because Austin audiences support good music produced by legend local favorites and newcomers alike and whereas we are pleased to showcase and support our local artists. Now therefore I, Delia, Garza, mayor pro tem, on behalf of Steve Adler, mayor of the live music capital, do hereby proclaim June 6th as dj Mel day in Austin, Texas.

[Applause].

[5:59:01 PM]

.

[Applause] Jim Smith and his crew to come up. I will ask them to come up. I am going to kick this off and then I am going have the mayor pro tem give the proclamation and distinguished award, but we are just so honored to have Jim Smith in our presence and having had served the city of Austin for the last 35 years. When you think about what consummates a true professional and statesman for our city, Jim Smith comes to mind. He has had a number of roles over the years, both department director, assistance city manager, and airport director, and even since I came on board, I asked you to fill in as interim assistant city manager of mobility while we got the executive team in place.

[6:01:14 PM]

And through all of those roles and throughout the history, Jim has always stepped up to the challenge to ensure we are leading our city in the right direction. The airport in particular is one of the most critical economic drivers that we have as a city and Jim's steady leadership in the department has allowed that area to grow over the years and we are just so privileged to have him. I know that Jim is moving into retirement, but you are not one to let moss grow on your feet so obviously you are an avid cyclist and he is even putting an obstacle course at the airport and so we will have a path with his name on it that our employees for many years in the future will be able to remember him by. So it is a mayor pro tem provides the twirled award I just want to really on behalf of the entire city of Austin, all the employees I have worked for you over the years, thank you so much for your service, Jim Smith.

[Applause]

>> So for his 35 years of public service with the city of Austin and his accomplished leadership as airport executive director, assistant city manager, and director roles in finance development, public works and transportation and building inspections, Jim Smith is deserving of a public acclaim and recognition. The certificate is presented in acknowledgment and appreciation thereof this sixth day of June, 2019, signed by mayor Steve Adler. So congratulations. Thank you for all you have done for the city.

[Applause]

>> >> Thank you. It really has been both privilege and a pleasure to work at the city of Austin for the last 35 years and what made it enjoyable and why I stayed so long is the opportunity to work with some really great people, some of which have joined me today which I am thankful for, but it really has been a great ride and you have a great staff out at the airport and I am sure they will continue to give you great service out there.

[6:03:27 PM]

So I really appreciate this. Thank you.

[Applause] >>

[Applause] >>

>> So we have a proclamation for hidden heroes. Be it known whereas the series of wars conflict in which our nation has been engaged over time since World War II have resulted in 5.5 million military and veteran caregivers who are parent, spouses, siblings and friends caring for those wounded, ill and injured who have served our nation as documented by the 2014 Rand study commissioned by Elizabeth Dole Foundation, and whereas an alarming number of military and veteran caregivers according to research are suffering numerous debilitating mental, physical and emotional affects as a result of their caregiving duties and whereas most military and veteran caregivers consider the challenge and work they do as simply carrying out their civic and patriotic duty, without realizing they are, in fact, caregivers and do not identify themselves as such and whereas the city of Austin desires to recognize and support those who are serving in these vital roles and in our community, therefore I Delia Garza on behalf of mayor Steve Adler hereby proclaim June 6, 2019 as hidden heroes day.

[6:06:07 PM]

Congratulations.

[Applause]

>> Hi, there. I am Taylor Claiborne, dole fellow alumni for the state of Texas and this is my new fellow Laura and we would like to thank the still of Austin for recognizing that out of the 26,000 caregivers that are in the state of Texas many of us in this community are dealing with even World War II era veterans not receiving adequate care and caregivers have to leave their jobs to take care of their family responsibilities, and we just appreciate the city of Austin for creating a climate in which we can create new opportunities to help caregivers identify and get resources and anyone anywhere can go to hiddenheroes.org to find the marble website where veterans or their caregivers can give whatever needs for horse therapy to PTSD treatment, so thank you so much, city of Austin.

[Applause] >> .. So this is for aquatic safety awareness.

[6:08:11 PM]

State proclamation. Be it known practices on April 14th, 2019 Gus Munson age 17 -- am I saying your name right?

>> Okay. Age 17 rescued a 15-year-old young man who was struggling in swift running water while at fisherman's park in bastrop, Texas and wags after successfully bringing the young victim to the riverbank, Gus Munson proceeded trek barefoot through the woods to find the nearest first responders and bring them back to the young victim's location and whereas the victim's condition quickly worsened while being transported to the local hospital resulting in his being immediately transported via star flight to Dale's children's who. In Austin, Texas where he regained responsiveness and immediately assisted by Dell's staff to bring his temperature back to normal and whereas be it known that Gus Munson's quick thinking, rescue minded response and courageous ac a effectively saved this young man's life. Therefore I Delia Garza on behalf of Steve Adler, pair of the city of Austin herein proclaimed June 6, 2019 as Gus Munson aquatic safety awareness day.

[Applause]

>> .. Hello. I want to just start off by hank you very much for thisus recognition. I would like to thank the city councilor and the city council and mayor Adler for having me here today and particularly I would like to thank Ms. Gordillo and all of my support staff from the aquatics division. I am thankful for training and mentoring I have received from my fellow life guard coworkers. The currents at the river, when these events took place was random chance, but thing and work ee that I received at aquatics division gave they ability to know what to do that day.

[6:10:13 PM]

I am very humbled that I have been able to make a difference in people's lives. For this I am sure truly grateful for again for the people at the aquatics division. Importantly, I would like to thank the girls responders who are always prepared and dependable in time of emergency. Their swift action, through their swift action they were able to prevent tragedy after the initial rescue. I am truly thankful that the young man has recovered today, because of the efforts of all of that, all that were involved. My thoughts and prayers have been with the young man and his family through this time. Lastly I want to thank everyone who showed up today. You really helped support me and I really appreciate you coming out. Thank you very much.

[Applause]

>> ..

[Applause]

[6:12:37 PM]

>> Our next proclamation is for the step up steppers. Be it known that whereas step up steppers of Austin's mission is to promote mental and physical health through creative dance as well as to develop obedience, moral character, and discipline in the ages eight through 17, and whereas step up steppers of Austin continually provides a positive influence in the community through various charitable acts and volunteer work, and whereas the sixth annual juneteenth steppers celebration will share the history of Juneteenth, while showcasing urban ballroom dance as well as cultural significance of Chicago stepping. Now, therefore, I Delia Garza on behalf of Steve Adler, mayor of the city of Austin hereby proclaim June 6th, 2019 as step up steppers day in Austin, Texas.

[Applause]

>> On behalf of step up steppers, CEO, president, and staff, thank you, honorable mayor Steve Adler, district 1 councilwoman Natasha Harper-Madison, honorable council members, thank you.

>> It is an honor and a privilege to receive the city of Austin's proclamation observance of our annual juneteenth stepper celebration and commemorating the 50 anniversary of the first state of Texas to sign legislation making Juneteenth a state holiday here in Austin. Where the beauty of urban ballroom dance, the rich history of Juneteenth emancipation holiday and the culture of culture, Chicago stepping shared by thousands around the globe will meet. The city of Austin is the site of our national event being hundreds and soon thousands to stimulate growth in our economy.

[6:14:43 PM]

With your support and resources, we can reach our goals. Our event is on the daschle is open to the public, so are our weekly classes, step up steppers, .. Damages organization, is a safe place for domestic violence awareness, E we tea with local agencies to serve our community along with our youth and veterans programs. We are creating a healthier, wiser and better community through dance art. Sincerely, Kevin Henderson, CEO, dolly Henderson, president, step up steppers, Austin and kill Len, Texas, the organization again, again, we thank you.

[Applause] >>

[6:16:56 PM]

Gar our next one is for the Dell valley independent school board board of trustees and I have the privilege to be able to representct 2, which is southeast and I am excited about this proclamation and all of the amazing work they are doing in Dell valley and just able to break gruded on the fire station in Dell valley and also exciting growth and improvements happening in that area and it is with partners like the Dell valley school board and school districts we are able to continue to bring services at this part of Austin needs. So be it known whereas the Dell valley ISD board of trustees consists of president rec California Rebecca birch, vice president newburgher, secretary Elvia guardian. I love I have -- trustee Charles digs, junior, Richard Rendon, Desiree bar are a, Darla Wagner, who commit to serving the Dell valley community a and with the leadership of superintendent dolly crook to provide best education and resources for all students and whereas the Dell valley independent school district board of trustees received the019 excellent excellence in education and the, in the school board category which recognizes the contributions of public school professionals from across the lonestar state the school board award recognizes those boards who have demonstrated outstanding leadership in the in the areas of academic process, the identification of community needs and the specific actions taken based on those needs. And the new and creative methods for community engagement. Admission to the only for that Dell valley board was presented a 25,000 cash prize. Therefore, I Delia Garza on behalf of mayor Steve add her hereby proclaim June 6th, 2019 as Dell valley independent school district board of trustees day. Congratulations.

[Applause]

>> Thank you.

[Applause]

>> Well, first thank you pro tem Garza for bringing this forward to the city council and thank you to HEB for honoring us and recognizing us.

[6:19:03 PM]

I think we all have, at the boards all represent our district and try our best and this was a nice honor for somebody to have recognized that. We do this on behalf of our students. Our students make it easy for us to do this. They are the best students in the world and make it easy for us to want to do everything we can do for them. Speaking of services this is, while this is an award, we still do document have an HEB. But we would love to get that so we can continue to provide services. But, thank you, we appreciate it. AUSE]

>> We still don't have an HEB.

>> ..

>> Come on down. >>

[6:21:44 PM]

Gar all right. Hello, everybody. So I am council member Ann Kitchen from district 5 .. And this is -- go ahead.

>> Council member Paige Ellis from district 8.

>> So I am so honored to have brought forward the earlier resolution that we had. With he passed by council, and this proclamation is to recognize Bill Russell's eagles contributions to the city of Austin. His passion for caving and his keen abilities to discern and discover not only identified caves and features but also ignited interest in others to explore and to search for deeper understanding of these cave systems. And their function in our environment. Bill Russell was recognized as one of the most prolific Cavers on the North American continent, being awarded a certificate of merit from the National Spelunking Society as well as made a fellow of the society in an, and an honorary member so he is associated with discovering in 1966 of system Watla in the rugged mountains of Mexico considered one of the world's premiere caves, so deep and extensive that it is still being explored today and is now known to be the deepest proven hydrological system in the western hemisphere, and the eighth deepest in the world. And in a recent ongoing expeditions into the cave system, one of the passages that is expected to connect to the system is named Bill Russell's delight. Being 150-meter long tight struggle with knife like shredding blades of turf. I just -- I don't know how you guys do it.

[Laughter.]

>> So .. Blowing saint cave is other of his discoveries, right here in Austin. And he went further to lobby the landowner to donate and preserve the track of, tract of land, along with its direct connection to the Edwards aquifer and Barton strings so the adoption honors his work by renaming the blowing sink trap to the William H. Russell preserve.

[6:24:03 PM]

Bill Russell put his skills and passion to work at home, reopapping and preserving our local caves and was recognized by many as a brother, a father, a grandfather figure within the caving community, mentoring and inspiring every cave scientist and cave digger working in central Texas. Because of his local accomplishments discovering and inspiring others to take up where he left off, we wanted to do a little more for this man, so bill russellid so much to inspire so many to where few would naturally be inklobuchar Independence to go, he inspired curiosity, curiosity, passion, and empowerment, particularly in young Cavers. So that is why I council member kitchen.

>> And council member Ellis on behalf of mayor Steve Adler of the city of Austin, proclaim June 6th, 2019 as William H. Russell Austin cave heritage day.

[Applause]

>> ..

>> In hello. Justin Shaw, and I wouldn't be a caver if it want for, weren't for bill Russell, and for everyone standing behind me as well as many people across this continent he inspired so many. For us she a family member really for us and for you guys I want you to know it is really important. These caves are not just -- they connect to ourifer and the water thatomes out of Barton springs is H magic. It is the, it comes from the caves and sinkholes if it weren't for bill Russell I would shoulder to think what the quality of the water of Barton springs would be today. So I want to thank everyone for acknowledging William and what he has done. It really means something to the Cavers and to the city of Austin.

[Applause] >>

[6:35:03 PM]

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[6:50:15 PM]

so we have a quorum so I will call us back into session. I am trying to see because I know a lot of our speakers aren't back yet, but council member tovo pulled a couple of the items so I will wait for her on that one. Mr. Flannigan, do you want to bring up your items? On the post moment issue?

>> Flannigan: We can try.

>> Garza: So I believe item 32 has one speaker. Let's see.

>> Flannigan: Some of them were pulled by other council members. And I have somewhat lost track of which ones were pulled for separate discussion versus being able to take them in the group. Gar far it is.

>> Garza: It is .. I think -- Alan Friedman spoke already. And so Mr. Jacobs, do you want to come up and speak? And you have three minutes.

>> Thank you, councilors, manager, my name is Stephen Jacobs and executive director of capital idea. We urge you to move ahead with this item tonight, timing matters, those were funds that were voted and allocated back in almost a year ago as part of the budget process. They are designed to enable 50 low income adults to move ahead and become middle class taxpayers, earners and professionals in tech and nursing. The point -- can you all just keep it down while walking in? Thank you. Go ahead.

>> And as rabbi Friedman spoke this morning is is going, this is going to support 50 students. Timing really matters. The semester starts for these students August 6 teement, these potential students.

[6:52:17 PM]

That gives us a 12-week time frame that we need for them to move forward with the considered decision about their career goals, the planning, the career exploration, the understanding of the budget that is involved, the length of time for them as their educational level to achieve their goal. We don't want to rush the decision, nor do we want to put them into the ACC process without enough advanced time so we can help them find the courses that they need on the schedule when they need it and if we have to do some negotiation with ACC we don't want to have to force ACC to do more than they need to. So for that reason, we ask that the council move forward with these funds, which were part of the budge process, almost a year ago and have been moving their way through a somewhat convoluted purchasing process. So thank you.

>> Garza: Thank you. There are no more speakers on 32 so I will entertain a motion. Council councilor alter.

>> I would move to approve seconded by council member pool. Is there any discussion? No?

>> Discussion on this it two?

>> Yes. I would like to substitute motion for postponement. >>

>> Garza: Is there a second on the substitute motion for -- that dies for lack of a second, so all those in favor of moving item 32, please raise your right hand. Councilor Flannigan, el sister, kitchen, tovo, myself and councilor pool, it passes, thank you.

>> Thank you. Appreciate it. Take care.

>> The dash let's see here.

>> I -- councilor tovo, you pulled that one. Did you want to ask questions?

>> Tovo: Thank you.

[6:54:20 PM]

So I had submitted some questions in the Q and a and I appreciate the answers but I needed some additional follow-up information. It wasn't particularly clear to me from -- it wasn't particularly clear to me from the backup what -- how this was going to be used and so I want to justable tune in on some of that. .. So what -- well, it is talking about -- what is the primary -- what is the primary purpose? Is it to promote the programs or to provide kind of a mobile office for customers to come in and do customer -- to enroel -- will they be able to enroll in the customer assistance program? Will they be able to pay their bills? Will they be able to not just get information but actually enroll in some of the services? There was some information that suggested they would be able to actually apply for energy efficiency and solar programs but it wasn't completely clear.

>> Yes. This is Jeff -- Austin energy. In response to the question, this is supposed to be a 27-foot trailer that is going to be used for outreach programs on the utility. And also with our partner, the departments of sustainability and where us this structure as the kind of structure where probably all of you have walked through one of these exhibit kind of vehicles before, where they have different program highlights or maybe a description of something of that nature. We can have program staff in place. It is mobile so that we can use it at events or that we can bring it to, say, places where

-- our customers it would be more convenient for customers to have the program outreach that you guys -- that the council has been directing staff to undergo, to promote our customer assistance program, to promote energy efficiency programs, et cetera.

[6:56:31 PM]

We will have the ability -- it is going to be a wifi based, so that we will have opportunity to do some enrollment on-site. You were mentioning that. It won't be a situation where we would do, for example, cash handling, but if someone wanted to make an on-line payment, that could take place, but the main focus is not about payments. So much as it is about outreach and program education and involvement in that.

>> So I guess I understand it will be boy guy equipped and could, could provide for enrollment opportunities and payment opportunities. But is that the intention? I guess it is very unclear toe even after the Q and a what the intention is. Will -- can I walk in and pay my bill? Are you going to target areas where -- where you might see high numbers of disconnect and try to, you know, provide councilors on-site to help people manage their bills and figure out other ways of paying them or entering into payment plans? Is there a clear intention to have this serve as kind of a place where people can come and enroll in programs, not just get information about the customer assistance program but actually enroll?

>> Yes, ma'am. Both of those things.

>> Okay. With regard to the second question, I asked -- I think I need to better understand why -- why a van is a better method of delivery of information for -- amount our programs than actually sitting -- sitting at a booth and providing information that way. It sounds like part of the intent may be a lot of the intent and that is really the next question, is to go out to community events and fairs. Why is being in a van a better option than sitting in a booth?

>> We are continuing to try to be invasive with our marketing outreach. We have been encouraged by all of the council to improve in that area, and this is the kind of -- I would loo I can to say it is -- it is certainly used at other locations, for example, our colleag down in San Antonio, CPS energy, they have used such a vehicle for a number of years.

[6:58:46 PM]

I can see it will be used and more comfortable than a booth, for example, at a given setting. It can also be used for other purposes and maybe purposes not part part of the original intent like in a situation where there was -- outreach, for example, with we could show up and help people to be able to charge their phones or distribute water or things of that nature, so it is also a part of the -- part of that initiative we would have.

>> Poo think these are all interesting opportunities for it. I think I would feel more comfortable -- I would feel more comfortable passing this expenditure if there was a very concrete commitment to doing those things, that it would be

-- it would be -- because it just -- just as an outreach veebl vehicle, again I am having trouble understanding why an expenditure of this level is better than just a table with information. Some people may not want to go into a van and talk to people at a community if that's going to be its main function I'm not on board at this point. I don't know if I will be on the 20th. I know councilmember Flannigan you wanted to postpone it. If it is going to go to neighborhoods and -- let me back up and say we've talked about the led program and how we want more enrollment in the lead abatement program, but we've talked with Austin energy about potentially going door to door. I think at this point that's not within Austin energy's model of customer interactions, but if this vehicle is going to be that kind of -- provide that kind of outreach, go to communities that would really benefit from those lead abatement programs, provide information and have more direct contact with people and actually providing the enrollment and there's a concrete commitment to using the van in that way, that would be of interest. If there's a concrete commitment to utilize it in terms of you've just described in terms of Youngs, I think that would be of benefit-- owe in terms of outages. But I would like more clarity and like a concrete plan for making sure it's millionty functioning in those ways.

[7:00:51 PM]

>> Certainly, councilmember. We can provide you some follow-up information if that's what's desired. We intend for it to be extremely versatile for all those various uses. It is a concrete plan. Be do intend to go to things like our recreation centers, our retirement centers where maybe there's a little challenge with A.D.A. Able to get to other locations and we'll make sure that the trailer is A.D.A. Compliant and we can circulate the customers through it, that sort of thing.

>> Tovo: I misspoke. I need to correct myself and say not lead abatement, but home repair. And some of the weatherization. So we talked about one of the questions I had is how people would know where the van is. I would also like to see some kind of commitment like some of the food trailers do of having a schedule of where it's going to be so if there's predictability if I'm a customer with a bill and want to enroll in a weatherization program or really get some concrete information about that I can go to that location, I can see clearly from your website where it is.

>> Yes, ma'am. We intend to put that kind of information on the website and we'll use our social media as well.

>> Tovo: So it talks about the shape of the trailer being accessible. I asked whether it could look cool. Again, I'm trying to figure out what would make this van anything other than a regular city van? Why would it be more appealing and attract more people than, say, a booth at a festival. I think aiming for it to look cool, like a light bulb, that starts to get building excitement about Austin energy to make people want to go into your van at a community festival where that's a fire truck and a helicopter. I mean, as som goes to the role model days and sits at a table, I can tell you I don't generate as much excitement as the helicopter.

[Laughter].

>> Right. It's going to be a challenge for us to make this trailer look more attractive than a fire truck or a helicopter, but we'll do our best on behalf of the utility to make it seem appealing and to feature some of the kinds of programs that we're promoting, like, say, solar on top of the trail E that kind of thing.

[7:03:09 PM]

>> Tovo: I'm all for the -- I really want concrete work to happen in there in terms of enrollment and enlisting. So that's where I am on this. You know, I would prefer passing it with a little bit more concrete information, but if I have your commitment that it's going to do all of those things and that you can touch base with us about what that actual plan is going to look like in terms of not just program information, it's not just going to be an informational vehicle, but it will have these very concrete purposes and we're going to use it to maybe reach out to some areas where we know there are lots of people who are struggling to pay their bills and they might really benefit from learning more about different programs, weatherization, customer assistance program, other ways to lower their bills, then that would be -- then that's of more interest to me.

>> Yes, ma'am. You have our commitment.

>> Tovo: Okay. Thanks.

>> Garza: Councilmember Flannigan.

>> Flannigan: Thank you, councilmember tovo. I had very many of those similar thoughts about this item.

>> Tovo: Also the light bulb, was that one of your similar thoughts?

[Laughter].

>> Flannigan: Not precisely.

>> I need to rally more support for that one.

>> Flannigan: I think mine is more different than that. So I pulled -- I put this on my list to pull along with a lot of other items because I am concerned about some of these items having multiple year financial commitments when we have not yet been provided analysis from staff, what our multiple year financial is under new state laws. And that's why I have included items in the way that I have today. I would be fine denying this item for a number of reasons. One, I don't know that this is something worth a million dollars over five years given some of the other things we might do like -- I don't even want to list a thing but to say, you know, the utility has a lot of ways it can help the community, help the ratepayers of the utility.

[7:05:10 PM]

I'm not sure this is one of them that rises to my level, but I'm happy, councilmember, if you want to make a motion. You pulled it, so --

>> Garza: Does anybody want to make a motion on item 20?

>> Tovo: Let me ask staff another question. Is the first -- this is a lease? So the contract authorization is to lease a -- lease a van?

>> Yes, ma'am. It's for the design, the lease, the signalling, the -- the installation, the operation, all of those things.

>> Tovo: I guess I would welcome some thoughts from other colleagues. I wouldn't mind giving this a little more thought between here and at least June.

>> Garza: Councilmember kitchen?

>> Kitchen: Can I ask about the extent to which this is time sensitive? In other words, could we take some more time to think about it?

>> Councilmember, in consultant with Austin energy this matter can be considered at a later date.

>> Tovo: I'll move that we postpone this to the 20th unless we think we need more time than that, with the request that the staff come back to us with a little bit more information about how the balance of time is going to be spent with the van, where it would go, how would you determine where it would go, that kind of thing, but also I share with councilmember Flannigan the concern about the size of the total contract, so what would be -- what would we be looking at? I guess we would be looking at 589,500 for an initial term. I guess there's not an initial term lower than two years it looks like. We couldn't just do a year. But anyway, if you provide us with that information I think that gives us another -- a little bit more information about that.

[7:07:14 PM]

>> Garza: Is there a second to the postponement? Councilmember Flannigan seconds. All those in favor of postponing item 20 to the 20th please raise your hand? Raise your hand again. Flannigan, alter, Ellis, Casar, Renteria, kitchen, Garza and pool, with the mayor and harper-madison off the dais. That postponement passes. The next item -- I believe those were all the ones, councilmember Flannigan, that others had pulled. So do you want to address the remainder as a group, which I believe are 19, 21, 22, 23, 24, 29, 31 and 37.

>> Flannigan: Was 27 already disposed of? I think 27 is --

>> Garza: 27 wasn't on my list that you had. Okay. 27. So councilmember tovo, you have a question on 27?

>> Tovo: I do. So this is the item with the Austin resource recovery department undertaking a new master plan. Around I appreciate the responses back and the Q and a. I still am a little confused about what the main thrust of the work is going to be. Is it going to be to update our existing master plan? Is it going to be assess our progress in achieving its goals of the master plan or is it going to be to construct a new master plan? And I guess my questions are coming from the fact that, you know, we haven't made major policy changes with regard to zero waste and other important initiatives, so I'm not sure I understand completely the need to go forward and spend 300,000ish on a contract to do a new master plan. It would seem like the existing master plan would probably suffice with some updates and some assessment of where we are in reaching those goals and what we could do to further reach them. But a new master plan seems a bit beyond what I would think we would need.

>> Councilmembers, mayor pro tem, Richard Mackay la, interim for arr.

[7:09:21 PM]

This was an update to the master plan we started in 2011. In that initial master plan we said we would update it every five years. It's actually been nine years since we've done that. There has been a lot of change in the industry. As you know there's been a lot of recycling changes with China and the lack of imports into that country for recycling. We've had a lot of new players come into the market here in the Austin area. There's been some policy changes at the legislature, at the Texas supreme court with single use plastic bags that changed some of our ordinances. So our goal is for the consultant to basically look at what our plan had done before and kind of evaluate. Not really go over it again, but just kind of make some course corrections as we need to go forward for the next five years to see what we can do to get to our goal of zero waste.

>> Tovo: I actually thought the bag ban came after the master plan. Is that not accurate?

>> The bag ban did come after the master plan, but it was initially the -- that was one of the goals of the initial master plan was to have the bag ban, and now that it's been overturned we need to look at what other alternatives we have as far as plastics. You know, that was overturned by the supreme court not too long ago.

>> Tovo: I know that. I was concerned if the master plan didn't consider that a component because it hadn't happened yet. Anyway... Okay. Maybe others have questions?

>> Garza: Councilmember alter.

>> Alter: Yeah. I had thought this one was going to be postponed. I was looking forward to making some direction on things that I wanted to see covered in that master plan update, so I would support postponement so that we can provide that further direction and I'm guessing that maybe councilmember tovo will have some as well. I think that as you mentioned there's been a lot of advances with comparable cities. There's also been a lot of advances with, you know, cities that we might not any think of as comparable that are doing some really innovative and interesting things that we might be able to consider, particularly with respect to plastics and pavement and other kinds of things.

[7:11:34 PM]

I also -- I'm concerned about whether we have appropriate economic analysis of our system, whether we need to be owning some of our own facilities, wh economics of that looks like that I might want to have explored. I don't have all of these ideas fully fleshed out because I was anticipating that we would be postponing it. But I just did want to flag that I will probably be providing some direction, including some items of that nature moving forward.

>> Part of the scope of service is to look at other cities and what programs that they have. Some zero waste cities as well as other cities in Texas that may not be zero waste cities, but to see what type of programs that they do have. So those are things that we are looking at.

>> Alter: Yeah. And I didn't go -- I got the rfp, but I haven't had a chance to go through it in detail. And some of those may be already covered.

>> Everything you had talked about we are looking at.

>> Alter: Great, thank you.

>> Garza: Councilmember Flannigan.

>> Flannigan: I move postponement to June 20th.

>> Garza: Is there a second? Councilmember alter seconds that.

>> Flannigan: I would add as we go through this process I think a lot of this is just going to be process and there will be a lot of agreement by the time we get to the 20th. So the more we can use the message board and save time in the council meeting in two weeks is probably going to be a good

process because I think I'm going to agree with all the direction stuff you're going to put together. So the more we can avoid that on Thursday. So I hope we can move this stuff a little quickly.

>> Garza: Councilmember tovo?

>> Tovo: Sorry, I have another question. I should also apologize. I had indicated in the morning that I had just a couple of quick questions about these items so I apologize they're coming up so very late. With regard to question that I asked will how much would be for progress versus a new master plan, the answer was that the expectation would be the consultant would review the current master plan to obtain a frame of reference, but would not be evaluating the plan as a whole. And I guess that to me sounds like they are developing a plan sort of from the ground up. I wonder really if that's the best use of resources.

>> They're going to look at the old plan to see what it consisted of and then kind of use that to build to see what kind of corrections that we do need to make.

[7:13:42 PM]

Staff had actually gone through the scope of work, each division manager of their respective area went through the scope of work to see what they felt needed to be done in the plan. R. To kind of take away some of the work that the consultant may have to do in the future just to keep the cost down. So we've kind of looked at it already. We do also plan to have stakeholder meetings in each of the areas, districts, to get stakeholder input to see what they would like to see in the program. But we're really just kind of building upon what we've already done. So this wouldn't be a master plan from the ground up. A lot of the work has already been done. We have a good base, like I said, we just need to make some course corrections to make sure we're on the right track.

>> Tovo: Is some of the cost -- it seems like a pretty high cost. Is some of the cost due to the community engagement piece that is the expectation that the consultant is providing the staffing? For that and managing that process?

>> They are. We're looking at anywhere from 10 to 12 meetings with stakeholders around the city in addition to meetings here at council and at our zero waste advisory commission.

>> Tovo: I guess I would ask too and that may be something to think about in the couple of weeks ahead is whether there is a scaled down version of this that would get us the information we need, but do it in a more economical manner. Undenied -- somebody said to me this is an fund and I completely get that, but we still should be looking for cost savings where we see them.

>> We're not doing the meetings to repeat what we're doing in each of the area. We're kind of using each meeting as a focus and taking sections of that meeting to make sure the correct stakeholders are there for those portions. We're not going to be duplicating the same meeting over and over again in each other.

>> Tovo: Okay. I guess I was talking about cost savings more generally, not paring back on the number of meetings and combining council districts, I was thinking of how you scope the project and see if there

are -- if there is a -- if there are a couple of different alternatives for us to consider in terms of sizing down that project.

[7:15:42 PM]

Thank you for your time.

>> Thank you.

>> Garza: Is there any other discussion on postponing 27 office? If not, all those in favor of posting 27, please raise your hand? That's everybody on the dais with the mayor and councilmember harper-madison not here. That item is postponed until the 20th. And I believe that leaves -- okay.

>> Flannigan: Mayor pro tem?

>> Garza: Go ahead, councilmember.

>> Flannigan: I think in conversation with staff of the remaining items on procurement, which are 19, 21, 22, 23, 24, 29, 31, 37, there might be two, if I'm not mistaken, that staff thinks is important to do today and the rest staff is comfortable with postponement. Mr. Scarborough can you tell us which of those two items -- you don't have to do a long explanation. I'm willing to accept the two items without push-back.

>> Yes. Councilmember, James Scarborough, purchasing office. When we reached out to -- after you indicated your are interest on these items, reached out to our customers and Austin energy responded back on items 19 and 37. 19 for the Hewlett Packard enterprise products maintenance and support services, and 37 for the net app network storage products and services. There are urgency on both of those two items. The remainder of the items can be moved to a later date.

>> Flannigan: So mayor pro tem, I will approve approval of 19 and 37.

>> Garza: Is there a second? Is that a question?

>> Kitchen: Yes, a question.

>> Garza: Let me entertain a second first. Councilmember Ellis seconds that. Councilmember kitchen?

>> Kitchen: I have a question about item number 24.

>> Flannigan: We're at 19 and 37 is what we're debating right now.

>> Kitchen: Yes, okay. So I thought --

>> Flannigan: We can dispose of 19 and 37 and we'll be right back do the rest -- and then we'll do the rest.

[7:17:43 PM]

>> Garza: All those in favor of approving 19 and 37 please raise your hand. That's everybody on the dais, with the mayor and harper-madison off the dais.

>> Flannigan: So mayor pro tem, with your permission I'll just set up the motion for the remainder. So I'll move to postpone to June 20th items 21, 22, 23, 24, 29, and 31.

>> Garza: Is there a second to those postponements? Seconded by councilmember Ellis. Go ahead, councilmember Flannigan.

>> Flannigan: As I laid out briefly, the intention here is not necessarily that every single one of these items needs to be denied on the 20th and maybe 91 of them need to be denied, but I think we'll benefit having a more detailed conversation with staff about the benefits of tax caps before we approve items that have long-term fiscal impacts.

>> Garza: Councilmember alter?

>> Alter: Councilmember flannin, I appreciate you raising this issue and we need to be responsible about how we approach things in light of the changes at the legislature. I just want to understand what the expectations are for staff in terms of information that we will get before the 20th, and I don't know if that's you sharing or Mr. Cronk sharing, but I just want to be able to anticipate what kind of information we're going to have that's different than tonight.

>> Garza: Councilmember Flannigan?

>> Flannigan: That's a really fair question. I'm not sure what we're going to hear from staff on their tax cap analysis, which is part of my instituting bringing this up. My expectation is that staff will come back on the 20th having briefed us on the 18th, I think. We're getting a briefing on the 18th about tax caps, that on the 20th these items being moved on to the new agenda will have some indication about whether or not what we learn on the 18th has changed staff's take based on our debate on the 18th on these items. I think that's not anything much more complicated than that.

[7:19:46 PM]

>> Garza: Councilmember kitchen?

>> Kitchen: Two different questions. I do want to ask about item 24. Which is -- if I'm understanding correctly, is an electronic patient record. Can you flesh that out for me? I'm concerned about delaying that.

>> Yolanda Miller, deputy purchasing officer.

>> Kitchen: Okay. So this is electronic patient record for --

>> For the fire department.

>> Kitchen: Right.

>> And it is a replacement of a system they're currently using. This one will provide more electronic data to go into their system. The -- we've not heard from the fire department that it would cause a problem to delay this for two weeks.

>> Kitchen: Okay. Well, I'll just state my concern. I think that this is probably cost effective kind of thing and we'll get more information about it, but improving our electronic patient record system is really critical. So then my second question

is: I wasn't aware that we were going to debate or -- did I hear you say debate on the 18th?

>> Flannigan: We'll get a briefing from staff.

>> Kitchen: We're not going to decide anything.

>> Flannigan: We will have a discussion and I think that might indicate

questions that remain. >> Kitchen: Well, you know, I appreciate that, but I think we have a lot more discussing to do than just on one work session with regard to the impact of tax caps. So while I appreciate postponement of these for two weeks, to my mind we may end up needing to postpone them until August because we're not going to be making budgetary decisions on the 20th and just having a briefing on the 18th is not really going to inform our decision making around the budget. So I just wanted to point that out.

[7:21:47 PM]

>> Flannigan: Maybe one thing we might learn is with the extra two weeks from staff which ones need to be done on the 20th as what of this list may be further postponed, but not to kind of rush this too much.

>> Kitchen: Okay. But I'm fine with that, I'm fine with that, I'm just saying if our concern is whether or not this is something we can afford to pay for right now, we're not going to know it on the 20th. That's all I'm saying.

>> Flannigan: Sure.

>> Garza: I'll just -- I appreciate you making the point and it's necessary that everything we approve from this point on, just like every time, we're going to have to be considering carefully with the restraints or with the restrictions put on by or Lege that even they have admitted are not tax relief. But I will not be supporting a postponement on these items, especially knowing what the agenda on the 20th will look like. So anybody else -- councilmember tovo?

>> Tovo: Yeah. We always make choices to approve or not approve expenditures based on whether or not we think it's a worthwhile expenditure for the benefit and a necessary expenditure. I completely agree, and councilmember Flannigan, I appreciate you raising the issue that the bar got a lot higher with the legislative tax caps. On the other hand, some of these -- number one, we have a lot of items on our next agenda and so I think pushing some of these down the road isn't -- in my mind doesn't get us a lot of efficiency because we're still -- with regard to some of these -- some of these I'm not -- I think we

could live without potentially if we had to, like the ergonomic consulting. Though it's important for the health of our staff, that's something that I need to give more thought to in light of the new economic circumstance. 29 we're going to need landscaping. So like that one just feel like today or on the 20th I'm going to support continuing to landscape our properties.

[7:23:53 PM]

Otherwise we incur extra costs from code compliance among other things. So 29, I would like to move 29 out of the postponement. I think in the end we'll agree to move forward on landscaping and should unless councilmember Flannigan, you can help me understand why waiting a couple of weeks would be helpful on that. The other thing that I feel should go forward today be library books, in 31. We sure may have to make some hard choices about libraries and the support of libraries, but we certainly will still need library books as long as we have a library system, which I hope we're going to cut all kinds of areas in our budget before we cut that one. I would be inclined -- I would agree to postpone many of these, but I feel as if 29 and 31 should go forward -- should go forward because I think in the end those are necessary items. And perhaps we could -- I'm looking at 31 more specifically to see if there's an opportunity to do a shorter contract, if that's of benefit.

>> Garza: Councilmember Flannigan?

>> Flannigan: Among other things --

>> Tovo: I'm sorry, mayor pro tem. One thing is that it relies on this year's funding. At least I would like them to authorize to go ahead and utilize the funding that is already in their budget for acquisition.

>> Flannigan: And I acknowledge that there will be different levels of tolerance, financial tolerance for these decisions, and mostly I wanted to make sure we were having this conversation, and my naive thought was that we could just postpone a bunch of them and the more we learned about June 20th the more it became less likely that was going to be super productive. I'm fine wherever we fall on this. I feel differently about item 31. I think that is precisely the type of area that we have to contemplate. C. You know, there's basically only as we know, it's only a basic five departments that are general fund departments that are not mostly grants or federal or other ways, police, fire, EMS, library and parks.

[7:25:57 PM]

And something's going to break depending on how we move forward. I just don't have all the answers yet to know. And that's the premise of me initiating this conversation.

>> Tovo: One thing that's going to break for me is I'm going to absolutely vote to cut the incentives to the domain and other projects so that we can fund library books in our libraries.

>> Flannigan: As I have said prior if the legislature does tax caps I'm open to the undoing of incentives as well.

>> Garza: Councilmember alter.

>> Alter: I would support the motion that -- the pseudo motion that councilmember tovo made.

[Laughter]. I was also looking at particularly 29 and 31, and I think you've said what needs to be said about the library books. What I appreciate about 29 is that it's also an effort to get us to net zero by switching the fuels that we're using with our lawn services. And I think there is important value in that and we share some climate goals. I don't know if that is urgent, but I would be supporting that in two weeks just as much as I would be tonight. So maybe there's a happy museum here with some -- medium with some of these things. I want to respect the request by a colleague to take two weeks to decide some things, regardless of the size of our agenda.

>> Garza: Councilmember Ellis.

>> Ellis: I think I'm hoping this in a similar way to -- approaching this in a similar way as councilmember Flannigan. I want the departments to have the resources they need to do this work, but it is a little bit concerning to be heading into kind of the end of this round of meetings for us and to feel like you need some sort of budget briefing to make sure if we know we're committing to something over the next five years that we have a little bit idea of what that future holds. So I wouldn't say that I would not support any of these, but I do -- I would like a little more information as well.

[7:27:59 PM]

>> Garza: Councilmember Renteria.

>> Renteria: Yes. And I hope that when we do take these kind of projects into consideration that we distinguish between enterprise funds and property tax funds, general Fu, because we are able to handle the tax cuts not affecting us in the enterprise area, it's more in the general fund right now. So the way I see it. So we really need to see if this service is really needed. And that is my concern, not more of whether -- what the state did to us, especially when it comes to enterprise funds.

>> Garza: We pulled out 29 and 31. Do you want to make that motion, count tovo?

>> Tovo: I'll move to amend -- I'll move to amend the motion on the table to take 29 and 31 out of the list. Of postponements.

>> Garza: Councilmember kitchen?

>> Kitchen: I'm sorry, I'm going to get out of order. I want to take 24 out also.

>> Alter: I will second tovo's motion if you need that first.

>> Garza: You second pulling 24 out?

>> Alter: I don't know. Which one is 24.

>> Kitchen: 24 is the electronic medical records. That's really important for the effectiveness of the services that we provide.

>> Garza: Our attorney has advised us to do one at a time.

[Laughter]. So let's start with 21. Can I have a motion to postpone -- I'm assuming postpone 21.

>> Flannigan: Move to postpone to June 20.

>> Garza: Seconded by councilmember Ellis. All those in favor raise your hand? That's everybody on the dais except for Garza and Adler and harper-madison off the dais. 21 is postponed to the 20th. Item 22. Councilmember Flannigan makes a motion to postpone 22 to the 20th. Is there a second?

[7:30:01 PM]

Councilmember Ellis seconds. All those in favor? That's everybody on the dais. Councilmember Renteria, what's your vote on postponing 22? I'm sorry? Ag so.

>> Flannigan: alter, Ellis, Casar, kitchen, tovo, pool for postponement. Renteria, Garza against. And Adler and harper-madison off the dais. Item 23. Motion made by councilmember Flannigan to postpone 23 to the 20th. Is there a second? Councilmember Ellis seconds. All those in favor of postponing 23 to the 20th? Flannigan, alter, Ellis, kitchen, tovo and pool with Casar, Renteria -- so that fails. That postponement fails. Does somebody want to move to --

>> In that case I'll switch. I'm sorry.

[Laughter].

>> Tovo: I don't mean to be making it difficult for you. I will vote to postpone that one as well.

>> I just can't hear what --

>> Garza: All those in favor of postponing 23, raise your hand? Flannigan, alter, Ellis, kitchen, tovo, pool -- there's not six votes for that, so that fails. Anybody want to move 23? Pool moves 23. Is there a second? Casar seconds. All those in favor of passing 23 raise your hand. Ellis, Casar, kitchen, Renteria, task bar sand pool, that goes with Flannigan as a no. Item 24, councilmember Flannigan moves to postpone 24 to the 20th. Is there a second? That dies for lack of a second.

>> Kitchen: I'll make a motion.

[7:32:04 PM]

I move passage of 24.

>> Garza: Councilmember pool seconds that. All those in favor?

>> Flannigan: If I can comment just briefly. One of my concerns with item 24 it's not clear to me what a patient record system in the fire department is compared to EMS, DAC, compared to other records

management system. I'm fine with moving forward, but that's a question I will want staff to get back to us on.

>> Kitchen: Sure, they do see parents.

>> Flannigan: Part of my challenge is how many departments do we have seeing patients and do they all talk to each other?

>> Garza: All those in favor of passing 24 please raise your hand? Alter, Ellis, Casar, kitchen, Garza, pool, with Flannigan voting no and the mayor and harper-madison off the dais. 24 passes. Is there a motion to pass 29? Councilmember tovo moves to pass 29. Is there a second? Councilmember alter seconds. All those in favor of 29 please raise your hand? Is that everybody? That's everybody on the dais with the mayor and harper-madison off the dais. 29 passes. Is there a motion to pass 31? Councilmember tovo moves 31. Is there a second? Councilmember pool seconds. All those in favor of passing 31, please raise your hand? It's alter, Ellis, Casar, Renteria, kitchen, tovo --

>> Kitchen: No.

>> Garza: Not kitchen. Tovo, Garza and pool. No's or Flannigan and councilmember kitchen with the mayor and harper-madison off the dais. 31 passes.

>> Flannigan: Mayor pro tem, if I can just say one thing? I want to thank y'all for going through this process and I put this on the message board late this week, it was Monday. But I think it was a really productive conversation. It's something that staff I think is paying close attention to as we move forward through many, many more procurements in a new era. Thank you so much.

>> Garza: Sure. Let's go to 33.

[7:34:04 PM]

Councilmember tovo, you had a question about 33.

>> Tovo: I do. I had asked the question, this is to lease about 33,000-dollar -- 35,000 dollars' worth of equipment for dsd, and I had asked whether there was a cost benefit analysis on renting versus purchasing and you provided that information. I appreciate it. It talked about furniture needs being short-term. I have a couple of questions. Have the staff been hired yet? And if so what furniture are they using? And two, given that staff will need furniture in the new building, why wouldn't we consider whether the purchase does make sense and they could just move that furniture to the new building.

>> I am Janet Mcneil with development services department. The new building is scheduled to be finished in may or June of 2020. The contract includes all the furniture as well as the building. So we will not be need moving any current furniture to the new facility.

>> Tovo: I did not remember that. Are the new staff already on board, the new staff for whom this furniture is being leased?

>> Some of them are and there are still vacancies. So we've been shuffling people. But yes, some of the 52 have been hired. Some are backfilled with existing employees. So that left other additional openings within the department. So we're still populating.

>> Tovo: Do you have a sense of how many of the 52 positions have been filled?

>> I believe all 52 of the new positions that were created were all filled.

>> Tovo: So what of furniture are they using? It sounds like they have got some workstations then.

>> They do. They have existing workstations and we have been reconfiguring and making smaller workstations to make room for all the additional employees.

[7:36:07 PM]

And we're running out of furniture.

>> Tovo: But at the everybody who is working there has a desk.

>> We had some vacancies in the department. I believe we're still at a nine percent vacancy rate so we still have vacant positions in the department. And we're still hiring temporaryies and those people so we're quickly running out of space.

>> Tovo: I know in a couple of places in the city there are areas that have extra furniture that you can go and kind of pick through and borrow.

>> Well, we are using used furniture. We are using existing furniture. In one area where the workstations are larger, we are breaking those down and making two workstations instead of one. So we are exhausting all of those efforts. And so the furniture that we're renting is all used furniture.

>> Tovo: So I guess -- so what would be the intent once you lease it? Would it be to swap out the furniture that you have for this?

>> No. This would all be new workstations coming in. And it's a month to month ntract, and the vendor does understand that as soon as we move to the new facility the furniture would return to the vendor and the contract would then end.

>> Tovo: Is the furniture that you're contemplating leasing strictly for the vacant positions? Is all of that 35,000 just for the vacant positions that haven't been yet filled?

>> The 35,000-dollar number that you're referencing was our costefit analysis for an example. So our Ben white facility we looked at purchasing furniture for that facility versus renting. So that was just that example for a cost benefit analysis showing that it was much more cost effective to rent for a short period of time versus purchasing.

>> Tovo: Because actually the contract, thanks for reminding me, the actual contract is for much more.

[7:38:10 PM]

It's up to 472,560. So I think -- I'm not prepared to support this today. I'll just my colleagues I think this is general fund expenditure money, we're moving to a new building and as you said, is it for multiple departments and this is just dsd's?

>> This is just dsd's and it's only for one year. Year two and three were added I believe in case of-- in case a building didn't get finished in time. But we are an enterprise fund.

>> Tovo: Well, that was another question I'm glad you reminded me of. I know where there are some fees -- there are some expenditures within dsd that were not able to -- we're not able to followed into the fee structure that we assess. Our furniture costs part of what we can build into fees that are assessing those who go through the development process?

>> Thank you, Janet. Rodney Gonzalez, assistant city manager. If I could also help bring some clarity, the furniture that's in front of you is actually already in place. What we did is we did a contract, but it was within the city manager's authority to do, and what we found is that we need that furniture a little bit longer just to take us through the period of move-in. And once we move in we do intend to of course provide the furniture back to the leaser at the time. But we do need the furniture. It's being used. All the positions have been filled as mentioned by Janet. What we've done is we've done lots of rearranging to fit within the building, including, of course, moving to the Ben white location.

>> Tovo: So if we don't approve the contract you have to give the furniture back? The furniture -- it's not at all clear from the ifc that we had -- from the rca that this furniture is already in place and was done under the manager's authority. So help me understand why -- how does this break down year to year?

[7:40:14 PM]

And if the plan is to be in a newpace by next spring, why is the contract amount so high?

>> The first question to the annual contract amount -- I want to say the total of 450,000 is for three years or is it for four years, Yolanda? Three years.

>> About three years.

>> Three years, yes. So we only intend to use it for one year. That's it. Then we'll turn the furniture back. But you may remember, council, that you had already approved a for Ben white for part of our staff to go over. So we've got approximately 100 some-odd employees at Ben white. So we had to buy this new furniture to get into that space as well. Not buy this furniture, but lease this furniture. So we leased it at that time under the city manager's authority level and this extension of course will then take us to next years whether we can turn that furniture back in.

>> Why is the contract authorization so much more than the example in our Q and a? The contract authorization is for 157,000 a year, yet the example of the dsd services at Ben white is in the 35,000 range.

>> I will have to ask Janet for that information. But also another point of clarification is that the dollars here aren't general fund dollars. The dollars here are part of dsd, which is the separate enterprise right now.

>> Tovo: And I had asked that question, and I'm sorry I asked several others, so that one didn't get answered. Is the cost of furniture factored in one of the costs that we can factor into the fees that we're assessing for applicants going through the development process?

>> It certainly is and it has been from day one.

>> Tovo: Okay, thank you.

>> So the cost benefit analysis that is showing in the answer to your question, was just one example.

[7:42:16 PM]

We have since added additional workstations, but this was what we did as far as a cost analysis at the time.

>> Tovo: I'm sorry, I'm not understanding. Is all the contract authorization of 157,000 for dsd?

>> Yes. So this is just one portion of the furniture that was in Ben white. We've since added additional, but as far as doing the cost benefit analysis you asked if one was done. This is what was done a year ago.

>> Tovo: Okay. I'm sorry, I'm struggling to make these costs align. Because what have you currently -- maybe one of my other colleagues can answer. It just seems so much higher -- it's so much higher than the city manager's authorization and it's already in place. So I'm trying to figure out whether the contract authorization --

>> I think --

>> Tovo: How it compares to what the current costs are on this furniture.

>> I think what might help is we haven't had the furniture for a full year. We've only had it since we moved into that Ben white location. So that's why it was underneath the city manager's authority. Of course since we'll be spending more than that to come back for council approval.

>> Tovo: Can I say one more thing. That's an unusual -- I will have to think about whether there are other circumstances like that where the city manager's authority is used to enter into a relationship with something that's a month to month expense that it clearly -- we're then faced with either continuing it or giving back the furniture. That's just an unusual circumstance. I don't recall encountering it before.

>> Garza: Councilmember alter.

>> Alter: Thank you, councilmember tovo, for surfacing that. I'm really uncomfortable with this notion that we authorize something under the city manager's authority and then we have to -- we're faced with a contract to continue it whether it's an enterprise fund or something else. I'm not sure if that's really the right interpretation and I would suggest that we postpone this and it come with very clear

information that we need to know about this contract because I'm not sure that at this area we're getting a clear picture of what's going on or that we are able to absorb the details of it moving forward.

[7:44:36 PM]

>> We can do that. We can outline when we acquired the furniture first and then of course what that procurement took us through and why we're requesting this extension today.

>> Alter: I think that would be helpful moving forward. And if I may make a motion to postpone to June 20th and with a direction to provide us additional background information that so that we can evaluate this contract appropriately.

>> Garza: There's a motion to postpone. Is there a second? Are you seconding that, councilmember Renteria?

>> Renteria: Yes. You know, I just -- we just authorized for them to hire all these new employees there in September of this budget cycle. And it took them a while to fill these positions, but we've got to have furniture for them. So I hope maybe we can offer a better explanation next time around, but we do need to do that.

>> We will.

>> Renteria: Thank you.

>> Garza: All those in favor of postponing 33, raise your hand? I think that's everybody on the -- councilmember kitchen?

>> [Inaudible].

>> Garza: No, it was a motion to postpone. Did you not want to second that?

>> Renteria: I take my second back.

>> Garza: Councilmember tovo seconds. All those in favor please raise your hand? Councilmember Flannigan, alter, Ellis, tovo, pool. I think is that five? That's five. So that is not postponed. Does anybody want to make a motion to move 33? Motion made by councilmember Casar. Is there a second? Councilmember Renteria. All those in favor of passing 33 raise your hand. Ellis, Casar, Renteria, kitchen, Garza.

[7:46:37 PM]

That fails as well.

>> Casar: I'll move to reconsider the postponement.

>> [Inaudible].

>> Garza: Can you just bring this -- can we -- councilmember Casar moves to reconsider 33. Is there a second? Councilmember tovo seconds. Would like to make the motion to postpone? Councilmember tovo moves to postpone. Councilmember alter seconds that. All those favor of postponing raise your hand? That's everybody on the dais with the mayor and councilmember harper-madison off. That is proposed to 20th. Going to pull up 75 and 76. There's one speaker. There's one speaker and that's Mike cunetti. Does staff want to start.

>> I'm Jerry Russ stow toe veteran with the planning and zoning department. The property is located at 2608 west seventh street. This is amendment a to the central west Austin neighborhood plan to amend the future land use map from neighborhood commercial to mixed use. Related item is number 76, for the property located at 26 on 06, 2608 and 2610 west seventh street and on knew man drive to rezone the property to cs 1 np. This is simply to allow a twin liquors to move within the shopping center that contains the existing twin liquors and goodwill adjacent to the Randall's at expositi and lake Austin boulevard. The staff and planning commission recommend approval.

>> Garza: Is there a Michael conatti? The applicant. Do you want to open? Sorry about that.

>> Thank you, mayor pro tem, councilmembers. Ron thrower representing the landowner.

[7:48:39 PM]

I believe that y'all have documents on your dais and when it comes up I'm going to be speaking to it. As Jerry pointed out, the applicant in this case is looking to expand the twin liquors store located on the property. It's been there for many, many years. And the property is located as you know on Newman and seventh street, but it's very visible from lake Austin boulevard, which is an imagine Austin activity corridor. And currently the zoning is not in question on this. The neighborhood is supporting it, staff is supporting it. The planning commission has supported it. The issue is the future land use map designation. Currently the Flum has the property designated as neighborhood commercial, which does not allow for any of the zoning that exists on the property today.

>> Alter: One second. Could you turn the volume up? Is that possible? Or lean in a little bit? It's kind of hard to hear you.

>> I can move closer too. So moving forward, again, the existing future land use map designation does not even allow for the zoning that exists on the property today. So we have to file for a future land use map amendment with -- in order to get our twin liquors expand odd to the property. So we only have two options of what we can do as far as a future land use map amendment. And that is -- excuse me just a second. Obviously I got a little bit out of order here. This is to expand residential uses on the property. But our options as far as what we can apply for are commercial, land use designation and mixed use land use designation. And we chose from a planning perspective to put on mixed use land use designation on the prompt and the reason is because I think there's a lot of desire for housing in the future for the property, or for Austin.

[7:50:44 PM]

And so if you look at the central land use -- central west Austin Flum, you look at the entire Flum and look at where they may have mixed use designated on the pro. It's only located around 38th and Lamar. There is no mixed use designation west of mopac. And again, putting the planning hat on, we certainly believe that the mixed use designation is the more appropriate designation for the property. And so neighborhood commercial allows for no., L.O. Object Ir. Our options are commercial and mixed use. And you can see that C cs-1, which exists on the property today, are the zoning categories that are allowed on the property under this designation. Now, again, all we're asking for since we have to pay for the Flum amendment is to put the appropriate Flum designation, which should be on this property. It's next to -- it's next to the -- it's next to the central market that's going to be going in where Randall's is today. It's next to seven 11. And it's next to other developments that is in the area. And so imagine Austin obviously supports the mixed use Flum designation on the property. And we're looking for your support for this. And again, the planning commission had a 13-0 vote for the zoning change, an 11-2 vote for the Flum change. And obviously staff is recommending this as well. And I'm available if you have any questions. Thanks.

>> Garza: Thank you. You have three minutes, sir.

>> Mayor pro tem, councilmembers, good to see you. My name is Mike conetti, I'm the chair with the west Austin neighborhood contact team.

[7:52:45 PM]

I'm here trying to represent the work that the community put into our neighborhood plan. It was completed 2010. We had three plus years of meetings. We had 50 meetings with 833 participants. And we think we came up with a vision and a plan for serving the existing residential needs not only in the exist neighborhood but also we wanted to plan for adding density and adding residential to the Brackenridge tract. And that is a piece of information that was non-profit apparently understood by staff and also was something that was not presented to the planning commission. If I hit this right -- how do I activate this? So just to show you what motivated us to go into the neighborhood plan, we have these large pieces of property in west Austin. One is called the Brackenridge tract where the many golf course, but also student housing is located. And on the upper right by 38th street we also have the Austin state school. And when we undertook the planning process we wanted to plan intelligently to increase density in the neighborhood. We wanted to add retail, we wanted to add affordable housing, we wanted to add a lot of density because we know it's coming. It's going to come to these properties. Actually, I think councilmember tovo may remember this. She was on the planning commission at the time when we went through this process. And at the planning commission we had some proposed additions to these tracts that the neighborhood agreed to and that the planning commission agreed to to add mixed use, add affordable housing. A lot of good things that I know the council is interested in doing now.

Unfortunately by the time it got to council, the university of Texas intervened and said, do you know what, UT owns this land. You can't plan for it anymore. But I want the council to understand that our plan did envision adding density and retail and affordable housing, especially the graduate student housing that's there. That's the most affordable housing there is in the center of town. We think the reason that's important to our case is that the neighborhood commercial that is located there and that our future land use map calls F serves that residential area.

[7:54:51 PM]

It's the favorite restaurant in the liquor store for the people that live there, for the people across the street, for the students. We love it. We love it too much. And we're in favor of the zoning change. What we're asking council to do is to keep the current Flum as neighborhood commercial. This is permissible. In fact, that's what council did when they passed our neighborhood plan. They had a commercial zoning underlying that was inconsistent with the neighborhood commercial Flum and we would ask you to consider doing thing, even though we are supporting changing the underlying project -- zoning so that this project can proceed. The reason that council approved this little pocket of neighborhood commercial was to serve all of the surrounding residential. I know it's a priority for council that you want to add residential to the inner areas. This already has a lot. We think the Brackenridge tract is going to be an opportunity to add more. And this will be coming back to you hopefully soon if we have some successful negotiations with the university.

[Buzzerounds] I ran out of time.

>> Garza: Okay. Thank you, sir. Do you want to provide a rebuttal, applicant?

>> Mayor pro tem, councilmembers, Ron thrower again. Thank you. I just want to point out that it seems a little bit interesting that y'all probably spent 18 hours deliberating directions to the city manager for codenext or whatever the next code is going to be called. In doing a little bit of a search, I'm finding that during that discussion, 567 times y'all talked about the need of housing. And so ale I'm trying to do on this case is put forward an opportunity to remove at least one more barrier that's in place of putting housing on a property in a location where it is extremely essential and it's also extremely appropriate. You know, again, mixed use designation in this location is the absolute right thing to do from aing perspective and that's what we're asking for your consideration tonight for.

[7:56:53 PM]

So with that again I'll answer any questions you may have.

>> Garza: Are there any questions? Councilmember alter?

>> Alter: I have a question for staff. Hi there. So what I've understood from the neighbors is a desire to maintain commercial use in this area. I support allowing residential on this site, but I also recognize that

we need to maintain a mix of commercial uses in proximity to residential uses if we're going to create compact and connected communities. Can you please clarify whether we have any way in the neighborhood plan amendment whether we support residential uses on this site, but only if those developments are mixed U in the real sense of maintaining some level of commercial or retail uses?

>> At this time there is no way in the code to require the mixed use. The mixed use in the Flum allows for overlay which allows for commercial or residential or a mixture thereof. But we don't have a zoning category other than vmu that requires mixed use. In a single development.

>> And vmu is not an option here?

>> No, we would not recommend vmu at this time here?

>> Okay.

>> Alter: So I want to -- I support the zoning part, 76, I also want to establish that I support residential uses on this site, on our corridor, and where we allow commercial non-hazardous uses. But in any area that we have a very limited amount of commercial we also have to be able to recognize that it's important to preserve those uses as well. If a zoning case comes before a site before us, I would not port a situation where we would support the commercial crews on this site.

[7:58:53 PM]

In this particular case from my colleagues because it gets a little confusing, the zoning case doesn't actually ask for mixed use. They're asking for a change in the Flum that would then allow them to do mixed use down the line, but we would still as a council have to approve any changes to the zoning to allow the mixed use or it would be a matter of something that would come through potentially the land development code rewrite. Would want resal to be additive in this site and I think we should try to find ways to make that happen moving forward. I am going to abstain on the Flum part of this and support the zoning part because I understand that we have as a council said that we want to put residential in commercial areas. In saying that, though, I think this particular case reveals some challenges that we are going to have when commercial may disappear when we see ourselves moving in that direction. If the property if the property owner does embark on further changes, it doesn't seem that's the immediate goal, but when with you do, depending on what the nature of that area looks like at the time, I would strongly encourage you to maintain some commercial portion at that time.

>> Garza: Councilmember Flannigan?

>> Flannigan: I really liked what you had to say, councilmember alter and I actually agree on what you laid out there. I think one of the things we learned or that we're learning is the tools that are given to us in the code that we have are not sufficient for complexity in the type of growth and development that we want to see, so I'm prepared to move forward. I mean, it's a little challenging with two members absent to know exactly what the right thing to do, and we just experienced that on some procurement items I'm prepared to make a motion if the mayor pro tem would recognize me.

[8:00:56 PM]

>> Garza: Sure. Go ahead.

>> Flannigan: So I move approval of 75 and 76, but probably just on first reading because I'm not sure we're going to have enough votes to do all three. I just don't know. If I move for all three and we only have six and it's just first reading anyway; right? Osteoi'll move all three.

>> I support 76 -- the issue is that the zoning they're asking for doesn't have any residential as part of it currently.

>> Flannigan: I understand.

>> So there's a mismatch, so it's sort of this hypothetical thing we're which doesn't allow us to meet the challenge.

>> I would say we do each separately. Councilmember Casar seconds, all those in favor of 75, please raise your hand, Flannigan, Ellis, Casar, Renteria, Garza. That fails. Is there --

>> Casar: So then the backup then is either tstop it the I will the next meeting or change the Flum to the other option. Right?

>> Yes. You can either postpone the item and see how it goes next time or you can also simply the Flum is not a requirement, that's zoning, we don't recommend it but it is possible leave the Flum like it is, and to approve the zoning on one or three readings today.

>> Garza: Councilmember alter?

>> Alter: I'm not exactly sure what to do in this particular situation, but I will move 76, all three readings.

>> Garza: Seconded by councilmember Casar on all three readings, closing the public hearing I'm assuming, raise your hand. That's everybody with the mayor and harper-madison off the dais. We could also postpone 75.

>> If I could just add, so if you didn't postpone 75 and you left it alone, it would essentially be the identical situation you have today, the neighborhood plan would say neighborhood commercial and zoning would be cs1.

[8:03:08 PM]

>> Garza: Councilmember Casar?

>> Casar: I think that difference in points wasn't made to may because as councilmember alter noted, when we rewrite the zoning, it sounds like there's actually agreement amongst the parties if we can have a zoning agreement that allows commercial and makes housing additive, rather than zoning category that's replacing, then we should all be fine. We'll stick to the planning principles that Mr.

Thrower aptly pointed out and still under the request of some neighbors, which I totally understand that you still want to have a cool restaurant or store there, which you've got, and that would be cool to coordination I think we're all on the same page and given the length of our June 20th agenda, I don't think we've got to add this.

>> Garza: All right. So no action happens on 75. Councilmember pool.

>> Pool: Yeah. I'd just like to weigh in and support that additive approach and if that's something that our staff can take note of and bring to us for codenext so that we can, as councilmember Casar mentioned, maybe create a special category.

>> Garza: All right. We have three more items and I'm going to take them in this order: 13, 39, and 84. So 13, I'm going to start with the speakers, or does staff want to --

>> Either way.

>> Garza: Let's go ahead and start with the -- go ahead, staff, make a brief presentation.

>> Okay. Good evening. Councilmember, manager, last fall a towing fee study was requested by a consortium within Austin. The current fee for tows was \$150. It's been that 13 years since June of 2006. If you apply the consumer price index and cost of living increase in today's dollars, that would be \$185.

[8:05:14 PM]

If you look at the area around us and 11 other agencies, \$195 is the average, Round Rock at 130, Travis county at 275, so in addition to that, these tow fee studies can only be requested every two years, so it won't be two years before this could be requested again. This was our recommendation.

>> Casar: Thanks for sticking around. It's good to see you. The reason I pulled the items, since it's been so long since you've done this, I wanted to ask whatever processor we use or policy we set, that set us up for the future, for the next time so y'all don't have to do as much work on it.

>> Yes, sir.

>> Casar: So if we average Texas big cities, we're at about the right price. If we keep this going according to cost of goods, should be 195 and if we average our area it's 195. What we found, big cities in Texas seem to actually be lower, it seems that means the cost in places like Round Rock or the area are actually higher than in cities. So rather than setting the policy that we're going to peg our prices to more expensive tows, which seem to be at the edge, I think actually just keeping this Gooding with cpi provides some level of assurance to staff, so let's do it to cpi. My amendment, instead of going to 195, go to 185, which just keeps this going according to cpi, I can hand that out, but that's the reason had hopefully folks planning to testifying, will recognize I expect people would rather have it at 195, but I hope they can understand why 185 makes sense and maybe that gets us at some level of ability into the future.

[8:07:21 PM]

And I understand or hope that makes sense to you guys.

>> It does, absolutely.

>> Casar: Thank you for sticking around all day no us.

>> My pleasure.

>> Garza: We have speakers on this item. First speaker is Sean Saldana. Is Sean Saldana here? He was signed up against. Next is Tasha mora. Is Christina mora here? I'm just checking because you have to be here to donate time. And is martin -- is it Perez? You're here? So you have -- Ms. Mora, you have seven minutes. >>

>> You may see a group of people join me because they have donated time. There's a visual representation of who's here and who I'm speaking on behalf of. And I definitely. To limit the time that we're taking for you all. I want to thank you, mayor pro tem, and councilmembers for the opportunity to speak on this topic. My name is Tasha Mora. Just a little history because it is relevant, is, I was raised in Austin. I come from one of Austin's largest families. I attended elementary schools, middle schools, high schools, in your respective districts, married my high school sweetheart, started our family-owned tow company 70 years ago, located in councilmember Harper-Madison's district. She just looked up. We are also in councilmember Pool's district, and apparently Garza's district as well. Our tow company provides non-consent tow services for the Austin police department, and also non-consent tow services for the Austin's private property owners. I stand here and I just want to look back to see who's here. Great. I stand here alongside fellow non-consent tow providers.

[8:09:25 PM]

These are industry stakeholders that are in opposition of item 13 as it is currently written. The opposition was not for the amount of the adjustment, it was because of the exclusion of the stakeholders that were involved in this process. The sentiment is held by the signers of the petition, forgive me because I did want to save time and I rushed out. I did bring in the petition and I don't know if I'm supposed to hand that out -- okay. So the industry stakeholders standing with me today represent approximately 80% of the non-consent private property tow services that are provided in Austin. And although we appreciate a.p.d.'s recommendation for the rate adjustment, the ordinance as presented is not in line with what was originally requested in the petition. So I provided the petition for reference. If you turn to page 2 of the petition, the petitioners have requested that the city of Austin consider the tow fee adjustment for all non-consent tows based on the information provided by our industry. And you can find that at about the third paragraph. Last line, please consider a tow fee increase for all non-consent tows based on information provided. Further, councilmembers, if you

-- if you turn to page 5, the last paragraph reads that the petitioners request that the city of Austin consider this adjustment for any light-duty, non-consent tow performed in the city of Austin. The tow fee study had been requested in accordance with the city ordinance.

-- The tow fee study was conducted and presented to the urban transportation commission during their meeting.

[8:11:32 PM]

I personally attended the meetings and we as petitioners were surprised by the proposal and the recommendation because there was an exclusion of a type of private -- excuse me -- non-consent tow providers. So following the April utc meeting, I requested a meeting with a.p.d.'s highway enforcement, who were, I will say, very generous with their time, to discuss a petition, as it was requested, to discuss the ordinance as it's written and proposal as presented, and gain clarification as to why the tow fee adjustment has been recommended for a group of non-consent providers, yet not to include or exclude another group of non-consent providers. I and other stakeholders attended the second utc meeting in May where a.p.d.'s highway enforcement position reminded the same with the presentation that was provided on a powerpoint, which said not to include, essentially, the private property, this would not affect the private property towers, but verbally did say that they were neutral on the private property, and questioned by commission members, they reiterated they stood neutral. We can't speak to why A.P.D. included only non-consent police tows rather than all non-consent tows as requested within the petition, but excluding a group of the non-consent providers was not the intent of the petition as submitted, and we, the petitioners, and stakeholders, appreciate a.p.d.'s proposal and recommendation to adjust the non-consent fee. However, we do not and cannot support the ordinance as written on today's agenda or as the ordinance is at the exclusion of a group of non-consent tow providers. Having the tow fee adjustment apply to some stakeholders and to exclude other stakeholders specifically the stakeholders who met the criteria to request a study. The non-consent providers that provide applies tows, there's criteria technicalities in the ordinance to request adjustment.

[8:13:37 PM]

They did not meet those numbers without being able to be inclusive of the private property group. Key technical aspects related to our industry within the ordinance do not seem to be recognized in today's proposal by A.P.D., so we're asking that if council shall vote, that council members shall pass this ordinance with the amendment without the exclusion, specifically to strike the terms "Other than private property tows," to today's vote, or we ask respectfully for a postponement until July to allow more discussion with A.P.D. And to council to resolve the matter. We would appreciate the opportunity to meet with you and answer questions, provide clarification, and provide a clearer picture of the technicalities of the ordinance. We're not aware of a public safety or health concern is to why the proposed ordinance as written must happen today, and with that I am happy to answer questions.

>> Garza: I have a question. The part where you're suggesting eliminating, is that in here?

>> The proposal is on item 13, there is the parentheses that starts at the end of the second line, "Other than private property tows."

>> Garza: Is that in the document that you handed U.T.?

-- That you handed us?

>> The request, no, it is not written that way in the document we handed you. In the document the request is to consider a tow fee increase for all consent tows based on all information provided. And I'll further add -- I know I have a little time added, donated -- oh, that was it? Thank you.

>> Garza: That was it but I asked you a question, so it's okay.

>> Okay.

>> Garza: So he I'm trying to understand what the change -- you're talking about on the proposed ordinance change on 3?

[8:15:37 PM]

Section 3?

>> So section 3 in the petition? help me understand, if you don't mind.

>> Garza: I'm trying to figure out what exactly you're asking in this document. Do you --

>> Mayor pro tem, I think on our draft ordinance under part 2. You'll see it says non-consent towing fees, then in parentheses, I think that's where the language is matching up.

>> Garza: Okay. So your requested change would be to mark out, other than private property tows.

>> Yes, mayor pro tem, and that links back to the ordinance as written, and also when requested a tow fee study. There's not a differentiation between if there's a -- an adjustment to have the non-consent tow fee, there's not a differentiation between a police tow or private property tow.

>> Garza: Okay. Thank you. Does anybody have any questions? Okay. Thank you.

>> Any further questions?

>> Garza: The next speaker is Melissa Frederick. Y'all can sit down unless there's other -- is she one of your speakers? Okay, sure. Sure. That's fine. I didn't know you all were all together.

>> Good evening. My name is Melissa Frederick. I'm so sorry. I'm Melissa Frederick. I am from aus-tex towing and recovery, we work in the city of Austin for the Austin police department. The towers sent a request to the city manager back in November of 2018 asking for a tow rate increase for all class a or light duty, non tows, not to exclude any non-consent tows that are done in the city of Austin. There are currently 351 towers in the city of Austin that hold an Austin police department tow license. There are

also approximately 150 state licensed vehicle storage facilities with uniformed employees that would greatly benefit from this increase.

[8:17:45 PM]

The increase will allow tow companies to provide their employees greater pay, more training, safety measures that will help them tremendously, and be more appealing to new hires which will also help the city. During the 13 years since this last tow fee rate increase, there's been a substantial increase in the cost of living and the cost of doing business in the city of Austin. Utilities, fuel, property taxes, and equipment have increased considerably. The most significant increases are business's liability insurance, which has increased 55%, and health insurance which has increased by 120%. This is in just the last 13 years. In addition to these factors, the federally regulated minimum wage has increased by 40% since 2006. The city of Austin living wage has increased by 38%. These increases alone justify our request for a rate increase. I'm certain that every single person here can attest to how big Austin has grown and how much it's grown since '06. There's been an increase in population of 34% as of the last census which was done in 2017. That has increased more traffic on Austin's roadways and need for tow companies to clear these roadways. Your vote in favor of this increased rate to \$210 for all tows done in the city of Austin will benefit every individual that lives in and travels through this city. In closing, we had asked for the city of Austin to abide by the towing ordinance which states they must deduct a tow fee study every two years to allow for adjustments to these tow fees. That hasn't been done in 13 years. Thank you for your time.

>> Garza: Thank you. Is Michael Montoya here?

[8:19:46 PM]

You have three minutes.

>> I'm Michael Montoya, other than of atx together. I come to you as probably one of the newest members of this coalition. As a small business owner, it has been my pleasure to work and provide our services in this city for almost two years. Coming back home to Austin from California and starting our business here, I can attest to the much better economy, growth, and friendly business climate that you all have fostered here in the city. While we may be new, my company has been befriended from this growth and developed our private property impound services to be our bread and butter. Unlike my business, I have seen in my short time here, other more established companies fall short and have failed. While this might seem good for competition, this has not decreased the amount of tows that are needed or have been performed in the city, but instead, has decreased the number of quality, established, and quality providers that provide property impounds. There were many providers on the consent side that have come into this market, and technology has played an even bigger role in connecting consumers with multiple tow truck providers. Vehicle owners and companies are now searching for the lowest cost providers to be their vendors, while at the same time, the costs seem to be

rising from every angle. As previously mentioned, this comes from equipment cost, repairs, diesel fuel, insurance, property taxes, rent, and the overall cost of living. We rely heavily on the private property impounds to be our main source of revenue, and while we are on a long waiting list to be on the police rotation, I support the fee adjustment for the non-consent tows but not just for those who are lucky enough to be on the rotation, but for me and my colleagues who may never get on that list because it is so long, but still provide non-consent tows for private property owners and small businesses.

[8:21:47 PM]

Unlike those who are able to be on the police rotation list, small businesses like mine have the different marketing, staffing, and insurance costs that are needed to generate just one tow. And that's on top of the sticker, notification, legal and signage costs that are added by the state and tdlr regulations. I believe that this adjusted fee adjustment made by the market study would greatly alleviate the pressures of these rising costs for me and other small companies that are not present here today. Actually, it was my understanding that the market study that you all -- that was presented, included information from both groups, since we are actually one and the same. I hope that you amend the resolution to exclude that exclusion provision for non- -- for private property, and be inclusive of all non-consent tow providers as provided by the previous ordinances that set those up.

[Buzzer sounding]

>> Thank you for your time.

>> Garza: Thank you. Next speaker, Timothy Sapp. Is Justin Perez here?

>> [Off mic]

>> Garza: You have five minutes, Mr. Sapp.

>> Thank you, members of this council for the opportunity to speak about my industry, an essential industry that often lives in the imagination as cartoon-ish villains, but in reality, is comprised of hard-working skilled labors, provides commerce and residential security for every jurisdiction in Austin. Arise today is one of the originators of the petition who set aside misgivings about the Austin police department's head of towing enforcement, because my signature as largest single provider of non-consent tows in Austin, was essential to create this amendment.

[8:23:51 PM]

I rise today in opposition of this proposed amendment because this proposal is underworked and the reasoning behind this proposal is largely incomplete. The proposal fails to grapple with important legal questions that will affect enforceability, as my colleague Tasha mora has already detailed. It punts on an opportunity to mandate improvements from the industry. It does not offer a reason for the cost increase beyond the maintenance of margins, and itexcludes the providers of over half the non-consent

tows in Austin. It codifies classes of part of this industry and hundreds of austinites who work in it, an under class as what has already been prejudged as a lower contrast industry. By including private property impounders, this will further degrade an industry that needs the ability to progress to meet the demands of a burgeoning city. As a teenager, I would go to my grandmother's neighborhood in your district, councilmember Casar, to take her to the grocery store on north Lamar. Her duplex neighbors often had visitors parked in her assigned space. She didn't get around very well by then and walking was a more arduous task than minor convenience. There was a service station on far west, nowbly represented by councilmember alter, he had cars park there overnight and block the garages, he wouldn't be able to service customers until they moved. Today I live on burnet road where I'm represented by councilmember pool and where my condominium sees its parking besieged by the apartments that have developed so rapidly. This is not a telling of my passion, I submit to you that this is naturally occurring economic command, towing is necessary for same reasons we deem towing necessary on public roadways.

[8:25:59 PM]

It ensures residents have use of parking they need and auto garages conserve their customers and it ensures our grandmothers are safe when carrying in their groceries. There's a natural demand for her impugning, the need for safe, manageable roadways, public and private. This will not succeed in decreasing the volume of workers it will only decrease the quality of the companies. Two large companies have failed in the last two years. The overall must be of jobs is declining and benefits such as health care have disappeared. Insurance protecting the had you been has been stripped to the minimum with always higher deductibles. The cost of being empathetic is becoming harder to justify. But still, the towing doesn't slow down, whatever your judgment of the industry, it is inescapable that as long as the demand for towing exists, Austin is best served by healthy and executive towing industry at its best and not a lean industry at its hungriest. I must sound like an advocate for deregulated, unfettered free markets, but the truth is I'm a staunch supporter of increased regulation, raise the cap on price of all non-consent tows and this rate should be contingent on reforms for accountability, dash cameras, use of body cams, requirements to educate the public will towing regulations. I want my industry to invest in its reputation but just as I don't trust companies to spend a tax cut on improving their workers' compensation, I don't believe that our industry should be given a pay increase without stipulations that create benefits for all austinites. The proposal I submitted today provides only one justification for a fee increase. Declining margins in the form of increased costs, the same cost faced by private property companies. We want policy to emanate from empathy, we must be more concerned with outcomes.

[8:28:01 PM]

Asked by utc, police responded they have no trouble kind of thing response times for collisions. Police impounds, meanwhile, have been held by the same companies since before I was born.

[Buzzer sounding] In the interest of good governance, I request any price increase come concurrently with reinstitution of an open public bid to maximize bid to the city, I also request the non-consent tow fee be capped at \$185, and in the interest of public accountability, I request the city update regulations towards increased transparency and information.

>> Garza: Thank you, sir. Mr. Sapp?

>> He had to leave.

>> Garza: He had to leave. Okay. So those are all the speakers. I guess I have a question for staff. Why was the -- why were the private property tows excluded?

>> We just made the decision that since there's no public safety aspect to those, we don't interact with them, we felt it was best to remain neutral on the price that private tow publishes can charge for parking lots and apartment complexes, those types of classes, so for that reason, we remain neutral.

>> Garza: Councilmember Flannigan?

>> Flannigan: I have a question for the city attorney. Because the posting language has the afraid "Other than private property tows," are we not allowed today to make the change suggested by the speakers? S

1 I think that's a good question, I think if you wanted to make a change suggested, you would simply give direction to do that, to come back later, I think because it is posted to just do one, I think if you wanted to ask them to study the question or to come back and change it, you could do that later.

>> Garza: I have a question for chief. What is the -- if we were to postpone this, I'm a little hesitant to postpone something to the 20th, is there any timeline for us postponing it till August 8th to work with the stakeholders who felt that they didn't have a -- weren't able to participate in the process?

[8:30:18 PM]

>> We're not opposed to that had.

>> Garza: Councilmember Flannigan?

>> Flannigan: I'm also open to approving this today and give staff direction to come back with private property ones and do them separately. I think we can approve the one today. I feel like I should apologize to the private folks for the posting language not allowing us to take absence in the way -- to take action in the way that you've directed. We can't do it today, it's just one of those weird things about posting and you have to have the law comply, blah, blah, blah,

--but I think it's a worthwhile conversation to make sure your concerns are being addressed but I'm ready to move forward with everything that's posted.

>> Garza: City councilmember Casar.

>> Casar: So I'll move that we move forward with this item today at 185. And with the additional direction that I think the suggestion was well made that we shouldn't just give a fee increase without

some -- some inced -- sorry, that in the future, if we are brought up the increase on the private property, that that may actually come together with something having to do with making sure that there's B benefits or better pay or better service in those places and that they should think about that and that that may take some time.

>> Garza: Is there a second to councilmember state your's amendment? Seconded by councilmember Flannigan. Does staff have --

>> I just want to clarify, the law does require at certain points for the city manager and the council to conduct these fee studies. It can't be required more than once every two years, but, you know, the fee study can be required to be conducted without any strings attached, so to speak. So the study has to be conducted. It can't be -- it can't be rejected merely because there's not other things considered as well. That's sort of a legal requirement, if that makes sense.

[8:32:21 PM]

>> Casar: Okay. I'm sure we'll understand

>> Garza: Councilmember kitchen?

>> Kitchen: I'm sorry. Are you saying -- so what we're suggesting that we move forward with this and then quickly address the other -- the issue related to the -- other than private -- private property? Are you saying that it's two years before we can do that?

>> No. I thought I heard councilmember Casar saying there needs to be other regulatory things considered along with a fee study in the future. If I misunderstood, then I apologize.

>> Casar: I think that rather than working that out here, since we're not even posted no are that issue, I just think that we hear the folks there, we're legally set up to only be considering A.P.D. Tows today, that's why I said I'm sure we will come to understand what the process is for that.

>> Kitchen: Can I go ahead --

>> Garza: Councilmember kitchen.

>> Kitchen: My question is, how quickly can we consider the towing fees for the private property tows?

>> What the ordinance says is the city is not required to conduct more than one towing fee study every two years, but that's not a -- that's not a prohibition on the city conducting more than one every two years, so if the city were to conduct a second towing fee study, you know, if your direction was to conduct another fee study on the private property fee tows in the future, that could be done.

>> Kitchen: Well, I think what I would be interested in is addressing the situation that was presented to us.

>> Sure.

>> Kitchen: Which would mean not waiting for two years, and perhaps I should ask this question. So the asked that was done, that information cannot be used for addressing the situation per private property tows?

>> We could do the same study for private property tows. We just surveyed similar size city in the metropolitan area cities to see what non-extent tows were.

[8:34:27 PM]

We could do the same with private property if that's the direction.

>> I'm sure that's a possibility, yes.

>> Garza: I'm confused. I thought the point was, the study wasn't done for private property.

>> It was not, but I'm saying we could do --

>> Garza: That's what I'm saying, it's not like we're doing another study because the study was not done --

>> For private property, correct.

>> Garza: So we're not asking for any additional, we're just saying the direction would be to do a study on the private property and bring back a recommendation including the stakeholders' feedback? Can you do that?

>> Yes, we can do that.

>> Kitchen: I would feel most comfortable if we had a timeline.

>> Would you like to suggest Juan?

>> Kitchen: What would you consider to be a reasonable timeline to accomplish that?

>> I guess it would be when the council meetings are that you want to hear that by.

>> Kitchen: Do you think you could complete that by August or September?

>> Yes, ma'am.

>> Kitchen: Then I would suggest the first -- the first meeting in August? Is that doable?

>> Yes, ma'am.

>> Casar: While I'm sure we'll come to understand what we can and can't do in the study, I thought it was interesting it was brought up there might be other improvements to the industry that we could be thinking about at the same time that we change the fees, so I just don't want to rush it. So in the end if there are ways that we can make sure that consumers are better protected and that people have the best experience through that process, as was suggested and was offered, I would want that opportunity so that we're not just doing the fee and then thinking about the other stuff later. So in my view, I would

prefer to of those stakeholder meetings and ideas come up about how we can improve consumer protections at the same time that we're dealing with the fees, I would prefer that. So that's why I would like to --

>> Kitchen: Well, I don't understand how that's different than the tows that we're approving today.

[8:36:30 PM]

>> Casar: Because one of them are regulated directly by the police department that we have under contract and the others we do not.

>> Kitchen: So you don't -- asked you're regulated but you're not under contract with the police department, and that's not to your credit or not to your credit, it's just -- it's different.

>> Kitchen: Are you suggesting a different timeline?

>> Casar: I'm just suggesting that we not rush it for the first week of August if there's things an come out of the process that are useful.

>> Kitchen: Well, I would just like a timeline.

>> Casar: I'll drop it.

>> And councilmember kitchen, as we just discussion, we should probably get this back on the agenda for the urban transportation commission so we can get it done in time to get to the first meeting that we can get to with them and then get it to this body as soon as we can after that.

>> Kitchen: Okay.

>> Garza: All right. So the amendment on the table is councilmember Casar's decreasing to 185, and --

>> Casar: Yeah, I moved the 185.

>> Garza: Was that seconded?

>> Casar: My base motion is to set it at 185 rather than 195.

>> Garza: Okay. Is there a second? Councilmember Flannigan? Does that include the direction to come back with a non-consent as soon as possible? Okay. All those in favor of passing this item but decreasing the amount to 185 with the direction to come back to us as soon as possible for the non-consent tows, please raise your hand. It's Flannigan, alter, Ellis, Casar, Renteria, kinks tovo, Garza, pool.

-- Tovo,pool, that passes with mayor Adler offerhe dais. Thank you.

>> Thank you.

>> Garza: The next item, 39?

[8:38:30 PM]

Next item is 39.

>> Kitchen: Mayor pro tem, may I make a motion?

>> Garza: Before the speakers?

>> Kitchen: Yeah. I'd like to lay it out with a motion, then we can hear the speakers.

>> Garza: Sure.

>> Kitchen: Okay. I would like to move -- I would like to make a motion to evaluate the disqualified bidder and consider their submission as part of this procurement process.

>> Garza: Is there a second? Legal wants to say something.

>> Excuse me, councilmember kitchen, I think what you might be trying to do is asking to reject all bids and start the process over?

>> Kitchen: No. No, I'm trying to say what I did, but if that's not legal, then let me know. To my mind, I would prefer to proceed with evaluating the proposal as part of this procurement, but are you saying that we legally can't do that?

>> Brandon Carr, assistant city attorney. I would agree with the city attorney that the instructions in the solicitation required a signature. Under state law, you have to follow all the instructions in order for your -- in order to be considered treating everyone fairly, which is also required under the law because the offer or the proposal was not signed, therefore, it's not really an offer. They didn't make an offer prior to the deadline, which was what was required by the solicitation. So if you do not want to go forward with the recommendation of the city manager or the purchasing office, then the correct thing to do would be to reject all bids.

>> Kitchen: I see what you're saying. Then I change my motion to reject all bids and to extend the current contract for six months if necessary and rebid the contract.

[8:40:31 PM]

>> Garza: Is there a second to -- councilmember tovo seconds. Councilmember Flannigan?

>> Flannigan: Thank you, mayor pro tem. I'm uncomfortable moving forward with two members off the dais. My instinct is that this is going to be fairly close. We've had other close votes tonight. I'm going to, since we are making motions before the speakers, which was not going to be my preference, and is not typically our common practice, I am making a substitute motion to postpone this until June 20th, but still to take all of the testimony tonight so that our two missing colleagues will be able to review it and no one will have wasted their time, then when we come back on the 20th, we can take a final vote.

>> Garza: Is there a second to that? Councilmember Renteria seconds that. So let's take the speakers now. First speaker is Nessa Joseph Orr is it?

>> Tovo: Mayor pro tem, aren't we then, when we have a postponement motion on the floor, don't we usually just take testimony regarding a postponement?

>> Flannigan: Which is why I was hoping to take testimony before with we were making motions.

>> Kitchen: Well, you can withdraw your motion to postpone and bring the up before we take testimony on the subject matter.

>> Flannigan: Then I suppose that is what we will do so as to not violent protocol.

>> Kitchen: Okay.

>> Garza: Is Emily Villarreal here? I need to make sure the people that donated time are here. So is Emily Villarreal here? Jordan? You have five minutes.

[8:42:37 PM]

>> First, thank you so much for your time and for taking this seriously. So, as you know, because you're councilmembers in Austin, Texas, Austin is not like other cities in Texas. We have things that people brag about. We are a funky, unique city. People drag their friends when they come here to Zilker park or to Barton Springs and also to the Butler Pitch and Putt. Things you might not know about the pitch and putt. I am here to help you make the most informed decision about the best possible vendor for public use of this park you can make, and I believe that by discounting the current vendor you are really not giving her a shot at something she has built for decades, a unique culture, community that's fun and lively, something super accessible and affordable to people who are working class and working poor. We have people that play together who are both CEOs and dishwashers on the same course, the same day, at the same time. So what I'm going to do is give you a quick overview of the park just so you can see it. If you've never seen it or been inside it, for me personally, I've worked there a year and a half, I've played there eight years, I love it. I never thought I would want to play go I'm not a golfer. Most of our golfers aren't. They're never going to play on an 18-hole park. They don't have to check in, check out, it's for everyone to use. I'm going to explain Butler Pitch and Putt, what it is, which is important, what it is, and why it matters to us. As you can see, Butler Pitch and Putt is in the center -- what's going on here? Oh, here we go. Sorry, technology. The pitch and putt is in the center of south Austin. It's flanked by Riverside and Barton Springs in between south Lamar and Dawson. That puts it in the center of the 78704, facing downtown. To have a view this well of downtown, you have to spend a lot of money, but our patrons don't have to do that.

[8:44:39 PM]

They can just come up anytime and enjoy the park. What it is is harder to explain because though it is a short course that does offer golf for people who want to practice, it's only \$10 to play, it's super easy to walk on at any time, but it's more than that. It's a community of people. People can come there at any time with their families and friends, like I said, they can sit for as long as they like, and the reason that it's different is because everyone is welcome there. There's no golf required, there are no tee times, no time limits, no dress code and you can BYOB. I'm not joking when I say there's literally nothing like Butler in Austin. I say this because a group of over five people cannot play on any golf course, short or long, for any reason at a public or private in Austin. The maximum is 5. If you have four children and two parents, you are never going to play golf together, it is not a game that you are allowed to play. This group right here that you see has five children and one adult, they would not be allowed on a regular golf course. Butler is for kids. These kids came up the other day, they had their own money, it was a \$9 day, they had their own clubs, they could walk up and play, they didn't need folks, they're on summer breakers it's not just for them, it's for them to play in, hang out in, people bring their dogs, hang out in the courtyard. Also for seniors we have a \$6 round, which is extremely affordable, and a lot of our seniors have health problems which make it unreasonable for them to play an 18-hole course anymore. This is what they can do understand a lot of them, this is what they do. They're retired, this is where they are. 24 gentleman, 24 -- this gentleman, Alex, name and played today. He said if they close it for a few months, where will I go? It's for people who just want to get off work, go hanging out with their friends, do something different, challenge their mind, challenge their body and not spend too much money.

[8:46:39 PM]

There's no expectations for how well you play. And something you should know is that -- oh, I'm missing a slide. Our regulars are as weird as Austin. And anyone who takes the part needs to take that into account. They're what makes it unique and what makes it great. From the famous people, like golf legend Ben Crenshaw to ache for Luke Wilson, they come play the course but more important, the not so famous people are what makes this course amazing. They've put decades of time and money into building this public concession that asks no money from the city and only generates revenue for it. We have a tiny staff of three. We manage this whole park in the center of town and people love it. They can come, like I said, large groups, this would not be allowed on a regular golf course. On the weekends, it gets really busy. But no matter how busy it gets, people hang out in the courtyard, they chitchat, they take in the view, they catch up with their friends.

[Buzzer sounding] What I would like you to know is that when you look at Butler pitch and putt, at the different faces, the history of the place, I really want you to reconsider Lee Kinser's bid as something she has built for the city, her efforts and time and money have gone into building something iconic for this city that is unparalleled and that people come to in droves.

>> Garza: Okay. Thank you, ma'am. Next speaker is Carol Joseph. You have three minutes, Ms. Joseph.

>> Thank you. Can I use this? First of all, as a former teacher, I want to say that I'm really glad that I only have three minutes to make a fool of myself. I think that's great. I also want to say I have a complete new respect for you, sitting here all day -- I hope you have good chiropractors.

[8:48:43 PM]

[Laughter] Good yoga teachers because this is crazy.

[Laughter] And, after hours and hours of waiting, I have edited what I was going to say so much that this is going to be maybe not even three minutes. I was at both of the parks & recreation board meetings. I spoke at one of them, and afterwards read articles that used the word heart breaking to refer to the recommendation to award the contract to pecan grove. And it was heart breaking. I felt that the board basically pulled a Robert Mueller. They acted as if their hands were tied and they had Noce but to make that recommendation, even though when they spoke about it, they understood that it really was wrong, it was a wrong thing, it was not fair and just. So today I'm asking you, knowing everything that you know about this situation, to do the right thing and allow Lee Kinser's bid to be considered. It may be that you choose pecan grove's bid over Ms. Kinser's but that is not what is happening today because of a clerical error. I have been playing golf regularly at butler, thanks to my daughter nessa, who just spoke, for the past two and a half years, and I've met people from all walks of life. I'm afraid that for many of those people, if this contract is awarded to pecan grove, August 12th may be the last day that many of them will find this golf course welcoming. Lee Kinser, I want to thank you for always making me feel welcome. Playing at butler has truly changed my life.

[8:50:44 PM]

Councilmembers, I'm asking you to do the right thing to do and just wait to make a decision until Lee Kinser's bid can be considered. Thank you.

>> Garza: Thank you, ma'am. Lee Kinser? And I just need to check with these other people that donated time, is Paul Saldana here? Is Nathaniel Anderson here? You have three minutes, ma'am.

>> Okay.

>> [Off mic]

>> Garza: Sure. You have five minutes, ma'am.

>> Okay. First of all, thanks to everybody for having us and for everybody that came to -- in my support. And I got this sweet little note the other day, and I'm just going to read it. It's from Steve butler, and he writes, my grandfather, Mike butler, and family gave the city of Austin in 1941 the butler park pitch and putt land and butler park, butler field, Zach Scott theater land, butler show and palmer event center. So many of us have enjoyed the pitch and putt run by the Kinser family over the years. It is an entrepreneur, one of the very few that are affordable and central. It doesn't need upgrading or changing. We have enough of that in Austin already. It is remarkable that a minor deficiency, one signature missing for renewal bid, could disqualify a great family operator and jeopardize this landmark. You can make this right. I respectfully ask that you allow the bid to be accepted and then renew their

lease so the Kinser family can the I know to provide a fun and affordable experience for current and future generations. Hitting a hole in one off the first tee was the highlight of my youth. My young boys haven't played it yet, so please don't take it away.

[8:52:49 PM]

So that's -- I think everybody has probably seen all the media coverage and know where I stand O this, and I appreciate your time. Thank you.

>> Garza: Thank you, ma'am. Councilmember Flannigan?

>> Flannigan: I just sent a handout down the dais and the stories from the statesman back in the '40s show this purchased the property from the butler family, it was not a donation.

>> Garza: Okay. Thank you. Ms. Kinser, can you come back up? Councilmember tovo has some questions.

>> Tovo: Ms. Kinser, thank you for being here and thank you for --

>> Thanks for having me.

>> Tovo: -- For being a good steward of the pitch and putt. Can you help us understand some of the changes that you've made in the last several years of the contract? I know the last time it was reissued, there were -- the parks department put some increased requirements on it, and I just wanted to give you an opportunity to speak to those.

>> Okay. We did a lot of landscaping, we did a lot of rock work, flower beds. We did painting to the building, the tables outside. We put mulch down in the areas where grass won't grow because it's touchedy, new mats on the tee boxes, netting for safety reasons along -- some along the street, some in between some tee B we did a fancy new mailbox, and let's see, what else? We redid the electrical inside. We still had fuses that you screw in, and that all totally got redone. We did an ac/heat inside. We water with a well and we have a 220 electrical for the pump, and that all got totally redone and brought up to code, new pump, and we've done sprinkler system work, we've replaced a lot of sprinklers.

[8:55:13 PM]

I'm sure there's other -- we have a flagpole now.

>> Tovo: Thank you. I remember there was a conversation and the parks department wanted to see some increased investment and some changes there, and I appreciate you telling us a little bit about how you responded to those increased standards. And so was it just an oversight that you did not sign that page of the application?

>> Yes. I hired somebody to write the rfp for me and -- yeah, a signature got overlooked.

>> Tovo: Okay. Thank you so much.

>> You're welcome.

>> Garza: Sean Macgregor.

>> Get a little bonus speaker of the day. We'll see how it goes. Is either one fine?

>> Tovo: Either one is fine. You'll have three minutes.

>> Perfect. I feel the same sentiment where it's amazing that you all are knowledgeable about together and trees, zoning, what have come up today, it's pretty incredible to be balancing all those things. So the reason I'm here, there's multiple, first one, this little guy, my love of butler pitch and putt, then a little period, but go with me, also this, right here. First of all, baby Jay, we live less than a half mile from butler pitch and putt. Go for a jog, no one's out there, \$1 each, play bucks, so \$11, we're on the course, sweaty, having a good time. Playing with random strangers, become friends by the end of the round, they're holding him back while I hit. It's amazing, every time you make friends. That's one of the reasons I love the course.

[8:57:15 PM]

Another reason, you know, I'm here, I mention this, it goes back to the time where I was at school at Texas Tech, I had a business law teacher, and the one thing I remember from that class is he talked a like, you know when you're making the decision, it doesn't quite feel right, you get that kind of tightness in your chest, there will be a lump in your throat, that's the old "Ain't right" meter. So you have that intuition inside you that when you're making a wrong decision, that ain't-right meter goes off and you should know we're about to make a mistake here. I'm a business owner, like y'all, how you have to juggle so many things, it's similar to where you have to be an expert at the internet, have to know about the new social media platforms, how all the zoning regulations, et cetera, you have to do so many different things. That family has run this business for 70-plus years, and for them to be disqualified and not even considered because they forgot one signature on an 80-plus-page document is unconscionable and definitely strikes the ain't-right meter. I mean, you should definitely give them a chance to at least look at it. I'd be fine, I'm not E I love the golf course it is a, I'd love the kinsers to keep running it but even if you don't give it to them, you should at least consider their bid. If it was based on merit, giving it to this other group, I wouldn't be here today. But because you didn't, I started up pitch and the putt.com, hopefully y'all with got 500, a thousand emails because of it, just to let you know this is a place that helps make Austin special, I hope we can keep it weird. Please consider her bid. It's the right thing to do. I know if you think about taking away a family business for 70 years over a missed signature, hopefully this feels off a little bit. Thank you so much for your time..

>> Flannigan: Councilmember? My recollection, and maybe city manager, you can just confirm this or not.

[8:59:16 PM]

When I watched the parks board meeting about this, staff confirmed that the rfp responses were between 10 and 12 pages, not the 80 pages long.

>> Kitchen: Could I say something?

>> Tovo: Who is that question directed to?

>> Flannigan: City manager. It was staff's response at the parks board meeting and it seems if staff is here at 9:00 on a Thursday.

>> Tovo: We can try to get you an answer at some point in the conversation. Councilmember kitchen.

>> Kitchen: Councilmember Flannigan, I appreciate your perspective and it's good for you to bring it out, but I think his point was not that it was 80 pages, his point was that to throw something out without considering the merit, I think that's what was setting off his "It ain't right" meter.

>> Flannigan: I am aware of what he was saying, but I am just saying that there are factual details that even the parks board realized were not coming across correctly.

>> Kitchen: Okay. Thank you. I don't think that makes a difference.

>> If I still have 20 seconds can I add one tiny more thing?

>> Tovo: Mayor pro tem, I'll hand the chair back to you, but I had a question for the speaker and I wondered if you had one more thing that he wanted to mention.

>> So the last thing I was going to mention, I was actually on like a Facebook share with councilmember Flannigan and I had brought up that it was unfair thing. I wish it was based on merit instead of just a technicality taking it away from a family. And he mentioned that, well, one of the problems is if we restart this bid there's other bids that have also in the past had the same issue and we will have to readdress those. Well, again, with the "Ain't it right" meter, it doesn't seem like it's have 10 mistakes, have an 11th, have a chance to correct it and oh, well, we can't change that because it will affect the other 10 people we already made a mistake for. So again, I mean, it's all about the it ain't right meter. You have a chance to do the right thing.

[9:01:17 PM]

Even if you look at the bids and they aren't the best bid, at the least give them the chance. They've dead ended. Indicated decades to this course and this city and I think they've earned that. Thank you so much.

>> Tovo: Thank you.

>> Garza: The next speaker is Steve Broils. You have three minutes. And if Susan Spitare wants to make their way. Go ahead.

>> Hi. There's much talk and concern here at council about preserving the elements of Austin that locals and visitors love so much. I would just like to echo thpreserving that unique and distinctive character of Austin. And in a lot of ways I think everyone would agree that we're failing at this. And this is not just about the pitch and putt. And this city landmark definitely has a unique character to it. And we've definitely seen a lot of city landmarks wiped out without a second thought or citizen input and I think that's one of the things that's troublesome here is that the lack of input from -- the desire of people to get input from the public on the long-term direction of the park. There wasn't a chance for the people who use the pitch and putt and I think that's problematic and these new potential vendors aren't engaging with the community now sharing their vision of what they would do with the park. So I don't know how we could expect them to engage with us later if they are -- if the right people want to know what's going on, they're not engaging with anybody about that. So I'm definitely open to changes and improvements to the park, but the character of the park needs to be preserved. Also, I think that definitely if you take some of the public statements that some of the pecan grove representatives have said, there was a lady, Anna morales,nd she said oh, no, we're going to preserve everything in the park.

[9:03:31 PM]

You're going to -- not everything. She didn't say preserve everything. She said the things that you like about the park will be there, and the only thing she could come up with were the trees, the hole in one wall and the able to bring your dog. And if that's all that's going to be preserved, then you have 100% a new course. You don't have improvements, you have a new course. And there's other statements that have been made that it's going to be a new course new grass, new dirt, new hole layout, new everything. And again, the public will lose another unique part of Austin, and the city is going to gain nothing except these guys are going to make a bunch of money. So I just -- please genetic the current proposal. We need to get real public input and more proposals and input from people who actually use the course. Thank you.

>> Garza: Is Susan spitaro? No. Is Anna morales? You have three minutes.

>> Thank you. Thank you for the opportunity to speak with you today. I am pretty much in awe of your stamina right now, having been here with you today. My name is Anna morales. I am with pecan drove partners. I am originally from Lima Peru, played for the Peruvian national golf team and then playe duke university. I moved to Austin over 20 years and opened a small business, a woman's golf store, here, and was able to sell that successfully when my boys were little. I would like to start by saying how honored we are to be considered in this process. We are four passionate golfers and austinites. We are entrepreneurs who have come together to make a small business to help renovate butler pitch and putt to its original 1948 glory and vision. I've noticed that golf in Austin has moved further and further west and gotten more and more expensive. It's more important than ever to have affordable, inclusive golf space in central Austin.

[9:05:38 PM]

And butler is -- the future of butler is pivotal to this. Our vision for butler is simple. High quality golf while keeping reasonable prices and the unique Austin feel. It can be bittersweet to see places we love change as Austin booms. I think we've heard that tonight and I feel that way. Our goal is to renovate butler to be excellent stewards of this property, I was really heartened to see the media outcry to save butler because that's exactly what we will do, we will save butler. Everything that makes butler iconic and sacred will remain. But butler is in a state of stens itch disrepair. It needs love and it needs attention. When I see the future of this park, I see kids with their parents and grandparents, university students, I see tourists coming to check an item off to-do list in Austin. And I see people who live and work downtown coming out for fresh air. Any renovation we would do would improve the golf course to make it enjoyable and label for everyone.

-- Playable for everyone. But we will keep the heart and the soul of butler pitch and putt, make no doubt of that. Our partnership would like to thank the parks and recreation board for their 9-1 recommendation and want to convey how honored we are to have received such high marks on our bid. The integrity and passion we followed during this process, dotting all of our I's and crossing all of our T's, would be the same qualities that we would bring to this endeavor. Golf courses build communities and so many intangible ways. Families spend time together, friendships are made, and suddenly on golf courses as we've heard tonight, strangers are no longer strangers. Golf courses make for strong, vibrant communities, and we're honored to be a part of this process.

[9:07:41 PM]

Thank you very much.

[Buzzer sounds]

>> Garza: Thank you. Jason black, you have three minutes.

>> Thank you, guys. My name is Jason black. I'm also with pecan grove. Wanted to first introduce myself. I am born and raised in Austin. My parents have lived in the same house for 50-plus years. My dad spent 40 years at the university of Texas. Grew up playing golf, played all the public courses, played Hancock, lions, Morris Williams, pick the range, a number of them as well. My passion is genuinely getting kids into the game of golf. I've experienced it firsthand with my daughter, and that became our why for butler pitch and putt is golf is one of those games where you can share the gift of golf and bring people together on a golf course and we see butler as the perfect canvas for doing that. Everything that everybody has said about butler we greetings agree. Nici, she said it spot on. Butler is a place for all different people, all different walks of life, and it's something that we don't take light-hearted. We do want to thank the parks in the procurement process. We believe that they did run a fair process. We are sympathetic to the situation that we're all in with respect to lack after signature. Thank you for your time and if you have any questions, I'll take them.

>> Garza: I don't think there are. Thank you. Steve butler? I need to make sure these people that donated time -- I'm not going to say this name right. Is it Karen delit? Are you here?

[9:09:42 PM]

And Karen Kelly? All right. Sir, you have seven minutes.

>> All right. Thank you very much. I really appreciate your time and consideration of this item. I'm Steve butler. I am from the Michael butler brick family. My great, great grandfather moved here and assembled 90-plus acres on the southside of the river. It was always his dream to give that back to the city, and it took two more generations to get for my grandfather, Mike butler, to get enough buy-in from the family to do that. So it was technically sold for I guess a refund of a fraction of the taxes that were paid on it. It was always considered a gift by my family. And to it wasn't for fair market value if that was the implication that you had, that almost the entire value was given to the city. Not that that really matters why we're here today, but I just thought I'd mention that. Set the record straight. So here -- I'm here to oppose authorizing a new lease before the Kins certify family application properly considered. One is that butler pitch and putt is Austin as it is. I think it's being run well and I think that the family, if given a lease of a realtime, would put money into the park. I don't think it's really necessary, but certainly the greens could be updated a little bit. And I also think that the proposal was wrongly rejected. So again, I could echo many great words that people had up here before, but butler park inclusive, affordable, traditional, accessible. It's not commercialized and I think that's important. I don't want a vendor having a Starbucks there or something to change that it feels like Austin.

[9:11:50 PM]

It feels like Austin that certainly I grew up on and played on as a kid. There aren't that many places around that you really can go and feel like Austin and have a good time and for not much and I just worry that any new operator will change that feel of the park. Second is the process. I certainly understand that the argument that one minor error should disqualify an application. That you don't want to appear to see favoritism in some people and you want to discourage people from opening these things back up again. But this is a special case. I mean, this is a 70-year awesome family that has operated the place. A complete application was timely submitted except for a signature. This is not a typical road construction contract, right? So you're not -- this is a special place, it is a special contract that should be given full consideration to renew. And I think it was just wrong that that wasn't happened for a technicality. So I don't think anyone else is going to come back to the city in this same circumstance, under the same facts, under the same equity as the Kinser family has with this case. This is not going to open a flood gate of consideration for procurement matters. And frankly, I think the kinsers deserve an exception, they deserve for their application to be he I wasn't aware she hired a consultant to do this, but it makes me worry that you have to hire a consultant and have a lawyer check it over to make sure that it gets through and gets accepted. I don't want to be in a city that requires that. So anyway, there's so much history and tradition being lost in Austin and I really just don't want this to be the one part of it.

[9:13:54 PM]

I think that they deserve to be considered, and if the -- if the other applicants are better, then I'll certainly support the council and the staff on that. We don't know. They deserve that consideration, and frankly, I'm confident that they will prevail if given an opportunity. So I respectfully request that you deny the action. I appreciate councilmember kitchen and her amendments and motions and I fully support that. I don't see a harm in waiting to decide this, to exclude the 70-year operator who has successfully done it. I don't see any harm in doing it. There's not a health safety issue. We're not going to turn into pumpkins if this decision isn't made before I think full and proper consideration. So please give them a chance to save our institution. Thank you.

>> Thank you.

[Applause].

>> Garza: Michael butler. Michael butler. You have three minutes.

>> Thanks, dad. My name is Michael butler, Michael Daniel butler to be certain and impart of the butler brick family, seventh generation austinite here in Austin. I ask you to please reject the proposal to move forward and to grant the lease of butler pitch and putt to pecan grove golf. Instead grant the Kinser family consideration for the lease. After 70 years the Kinser family deserves proper consideration for their proposal for the lease. The course is great as it doesn't need a big change honestly. Please make this right and give the Kinser family the respect and the consideration they deserve for the years of service they had to the city.

[9:15:57 PM]

Remember Austin families and their traditions. nestly, don't let that go to waste. Keep butler pitch and putt in the Kinser family and give it the proper consideration it deserves. Thank you, Kinser family, for your service to the city. Thank you.

[Applause].

>> Garza: Thank you. Is David piper? And then it's Brian buster and Tim gastell. Mr. Piper, you have three minutes.

>> I'm David piper, the president of the zilker neighborhood association. I know is a tough problem for everybody, the boards and the selection committee and staff and you all. But I think in this case the compassion is more important than following the standard procedure. I think we can do the alternate procedure here and do a reconsideration. I think 70 years of service, the Kinser family deserves a second chance on this. And there was some talk on actually trying to amend the -- change the process to where this kind of thing, the substantive part, separate the non-substantive maybe face page to where this kind of thing didn't happen in the future. And if that's the case, then we should just go ahead and do it

now, include this one in it. I think -- I have a feeling that after a lot of years goes by here and a lot of years go by and the history of Austin is written that the -- if this is decided to give another chance for them to do this, I think Austin will feel good about themselves, and if it goes the other way I think austinites will look back on this and say that wasn't a very good part of our history.

[9:18:12 PM]

Thanks.

>> Garza: Thank you. Brian buster? Brian buster. No? Tim gastell. You have three minutes.

>> Hello, council. My name is Tim gastell, I'm a golf coach here in town. I would be lost without butler park. I literally came home in 2005, lost soldier. I was a vet. I didn't know what I was doing and my dad said hey, let's go play some golf, let's go to butler park. I'd say muny and butler park are very dear to me. Both of those I think the council should be aware of they're both very important to the city of Austin and the culture of Austin. When I came home I could not forward to play golf at any other country club. I couldn't play out there in west Austin. I came everyday to butler park and was welcome to learn how to play the game of golf, which saved my life. I was on lost. I'm telling you, I could have been one of the 22 that did not make it, but instead I found a silly game. And I know that the council might not understand how important the silly game is, but it literally saved my life. And the least we could do is let them be on the application. Check it out, see what T are, what they have to do. Honestly, I can tell you we don't need an Augusta par three in downtown Austin. It's not going to sell. I don't need that. I don't need the greens to be perfe I promise you. They don't need to be that way. A little kid needs to learn how to chip anyways. And I promise you I see more kids every single day at that course. Little tiny kids. And this year for the first time I had one of those little tiny kids that learned on butler park is now on my high school golf team. He's on my high school golf team. So I have people who are benefiting, they're playing this course. I've talked to college golfers who come to this town.

[9:20:13 PM]

Every one of them played butler park. Jordan has played butler park. It would be a shame that a family that has been here for 70 years doesn't have a chance. When I came home I had the opportunity to be welcomed by her, her big giant standard poodle run up to you and act like you're family. It was one of my favorite memories of coming home. I got over that hump. I'm now a high school teacher and I get to share my passion with golf to all those kids. And one of the places that that happens at every single day is at butler park. It does not need to be Augusta national. I promise you, council, there will be lines of people every Saturday for the greens that are there. You don't have to spend any money. You don't have to debate anymore. There's a family that's taken care of it this long. Like would you want to get rid of lamb's candy because they don't make the candy you want anymore? They've been here for a long enough time that at least count should consider. That's all I'm saying. Thank you.

[Applause].

>> Garza: Thanks. Is it Ken roshland? I have Lee Kinser, but I believe she already spoke, so those are all the speakers. Is there anyone that wanted to speak and wasn't able to? So those are all the speakers. So councilmember kitchen?

>> Kitchen: I'd like to move forward with my motion. I understand that councilmember Flannigan wants to make a motion to postpone, but I think I would like to have a vote on my motion first and would just ask him to please defer and not make a substitute motion at this point in time. T's appropriate to vote on the merits of my motion. Could I make an argument for it? Is that appropriate right now for my motion?

>> Alter: Can you repeat the motion from before?

[9:22:15 PM]

>> Kitchen: My motion is to extend the current -- is to rebid the solicitation and extend -- let me back up. I'm sorry. I'm trying to be correct with it. My motion is to reject the recommendation in front of us, rebid the solicitation and extend the current contract for six months if necessary to complete the rebidding of the solicitation process.

>> Garza: And you got a second, is that right?

>> Kitchen: Yeah. So can I argue for it now?

>> Garza: Sure.

>> Kitchen: I just want to say that the bottom line for me is that I think that a decision that is as important as this, which is about the stewardship of what is a very important place in our city, I think that that decision needs to be made on the merits of a fully vetted evaluation, not a technicality, and that's why I believe it's really important that we move forward in the way that I proposed. It's the only option we have as a way to move forward. But I just think -- in weighing what's in front of you, R. Us, from my perspective I consider my role on consider to be one to make a judgment call and to consider what's in the best interest of the city. And I just cannot see how it's in the best interest of the city to make such an important decision based on a technicality without even having the opportunity to look at a fully vetted evaluation from an entity that's operated this city icon in -- for so long.

[9:24:18 PM]

So that's why I'm making my motion.

>> Garza: Councilmember tovo.

>> Tovo: Thank you. I'd like to speak to my second. You know, all you have to do is look within a half blockuiling we're sitting in to see how much change this city is going through each and everyday and so much of that change is great change, but it is change. I think again and again in our role as councilmembers we hear people talk about how important and how much more important as a city changes, how much -- how valuable it is to have those E dollars really Austin sacred spaces continue to exist for future generations. Certainly Barton springs is one of those sacred spaces, but I would say butler pitch and putt is as well. It is an ionic place, it is for many of us kind of old Austin. It feels like old Austin. But that doesn't mean it hasn't changed and responded to new generations and continued to serve those new generations of Austin families. It's been a very long time since I've been out there and had an opportunity to play, T it is a lot of fun and I think as the photos indicate and all of the email we've gotten in support in discussion of this item have indicated, you know, it is still a very special place in our community and one that really draws in austinites from across our community. And I would say I think it is really important, thank you to the speaker earlier who emphasized how affordable it is in terms of pricing. To be able to keep it at that level pricing really makes it a more affordable alternative than so many other leisure activities in this city from watching a movie to even -- to other comparable fund, kinds of fun like bowling.

[9:26:20 PM]

So I think that's -- I think it is important that we have this conversation. As my colleague said, having had the same family run this business and been stewards of this important resource for decades, it is really important that we have an opportunity to make that decision with all of the pieces of information that we would need to make -- to evaluate this those different choices before us. And so I believe that the community has asked us to make that decision with all of the bids in fronts of us and to do that we do need to rebid the process. So I appreciate very much the other applicants in this process, but I hope you understand that this is an important decision before the council, and I want to make sure that we have the ability to evaluate all the bids and that we're not making a decision where one bidder, the bidder who has been the steward of this resource for decades, is eliminated based on' technicality.

>> Garza: Councilmember Flannigan.

>> Flannigan: Thank you, mayor pro tem. I'm concerned because the way that some of my colleagues areing this out it would appear that they don't believe that the rfp itself was well written. And because -- let me finish my thought on that. Nothing would allow any successful bidder to cha what people love about butler pitch and putt. And if the rfp was not written that way, then the rfp is bad. So if that's not what I'm hearing, if I'm hearing that incorrectly, then the thing I'm hearing is there is only one vendor anyone is interested in.

[9:28:21 PM]

Those are the only two options that I'm hearing. And maybe there's a universe in which those options make sense to me. I think it's important to note that the council was presented with that option in 2014, and the current operator was allowed to continue operating by canceling the rfp or stopping the rfp process that was beginning. It's very challenging. I think you all are seeing how challenging it is to be on the council and to be involved in the policy and budget making decisions of the 11th largest city in America and that means that there are processes. It means there are legal requirements, it means there are consequences when you don't follow them. And like with any decision, the council can decide what it wants to decide. But it does not mean that we enjoy the consequences of those decisions. Nobody wants to see the butler pitch and putt turned into condos, turned into anything else, turned into Augusta, nothing in the rfp would have allowed that, nothing about any of the bidders would do that. And if there's only one possible person who can run it, then I'm not sure why we went into rfp but for fact that we went through this as a city in 2014 and made that decision. I think this is really important. And I, just speaking for myself, have tried to be very consistent in how I approach decision making on procurement items. There have been a number of instances bidders have come late and wanted special treatment wanted rfps to be rebid. And sometimes the council did it, sometimes it didn't. But it's never happened when it was because a bidder was disqualified.

[9:30:23 PM]

And that is problematic because of -- of the challenges of folks who some of us know like to play T game of procurement and no one who bid in this likes to play the game of procurement, but there are others. Ones that number in the hundreds of millions of dollars. It's very challenging. It's challenging not because I know any of the bidders. I don't. That's partly how procurement is supposed to work. It's supposed to be not about who they are. It's supposed to be about the merits and the process and that allows in all manner of procurement to avoid corruption, to avoid political interference, and that's why I feel very strongly about the process when it comes to the city's procurement. And I think there's another will. Here which I'm hearing from some folks. I think it's a really bad indication to say that any vendor who has had a contract with the city for an extended period of time should be granted additional consideration. I think it's really difficult when the longevity of that relationship stands back into a part of our city's past that maybe none of us are really proud of. I think these are all very important details. And more importantly than anything for tonight, the entire council is not here to decide it. And so I appreciate, councilmember kitchen, your desire for a vote. Unfortunately that is not what Robert's rules requires so I am going to make any motion if the mayor pro tem will recognize me.

>> Garza: I'll recognize councilmember Renteria and then I'll come back and recognize your motion.

>> Renteria: And I also am going to second that. Since I've been on the city council there's only been one time when there was just a one source.

[9:32:26 PM]

So even though there was two bids submitted that we -- I voted for and that was the Aust boat club there on waller creek, but it was because the waller creek construction was going on and I felt like it was right to give them an opportunity to, instead of voting for the other bidder. It was very close. I don't think we even went to that point. I think that we didn't evened by that bid. We just sheriff's department hey, -- we're just going to give that to you. I Fely uncomfortable because I always believed in competition and you have to bepetitive. And you know, one word left out, one signature left out, it will disqualify you. And you should know that. And it's very unfortunate that the argument has -- there wasn't a signature on it. My god, I mean, everything that I submit, even when I write something or when I fill out a check, I pay my bills, I sign it. You know, I know that you're supposed to sign a document. Any legal document you're supposed to sign it. And I just cannot understand why we're not giving it to the people who followed all the rules and did it right. And they got extremely high points. I just feel like if -- if we go the opposite direction we're going to end up in lawsuits. And I hate to see that happen. So I'm going to vote to postpone it also because this is a very important decision and I think that the full council should be here to make this decision.

>> Garza: Councilmember Flannigan.

>> Flannigan: So I make a substitute motion to postpone this item to June 20th and to note for the community that we will not be taking additional public testimony on that day so that we can consider today's testimony the operative testimony.

[9:34:40 PM]

>> Garza: Councilmember Renteria, are you seconding that motion for postponement? Okay. Councilmember pool hasn't spoken yet. Councilmember pool?

>> Pool: So I wanted to ask our staff, in the discussion -- I guess it would be the procurement staff, Mr. Scarborough. You had said something about the city is working on a new process for these applications as a result of this unfortunate circumstance and the new application is going to be electronic and the new application cannot be submitted for consideration to the city unless and until all specific blanks are filled. Can you talk about that a little bit?

>> Yes, councilmember. James Scarborough, purchasing office. The purchasing office has been working on expanding the capability of Austin finance online. It's the city's online finance website. Where you see all of the city's solicitations, you see the city's contracts and what have you. We want to add the functionality of allowing offerers to respond to those solicitations using that application so we would move away from the receipt of hard copy bids and proposals and rather receive them strongly online. There's legal ability to do so under Texas procurement status and we have developed the capability in the current application, but we are still in testing and it's going to writer a rewrite of our solicitation documents, a change in our procedures associated with receiving proposals, doing public openers, so there's a number of procedures that have to be addressed. So nothing that we could implement in the short-term, but we are developing that capability now. One thing that would be addressed would be the ability to capture the intent to be bound to your offer.

[9:36:42 PM]

So that's what we recognize when an offerer signs their bid or their proposal, that binds them to that bid or proposal. Tells them they are committed to it. And if we award them the contract that they will do what they have committed to in that document. Once we are able to receive offers online, we would be able to develop the capacity to capture that signature or capture that intent to be bond with the submission and not require an image of a wet signature or similar.

>> Pool: Is that the kind of thing where if somebody missed signing at that point, like Ms. Kinser's application did, that that application couldn't actually be accepted so the person would have to go back and review and figure out -- like when we try to buy something with a credit card online and if we forget to put that code in there, it stops the -- any forward movement and you have to figure out what blank you haven't filled in.

>> Correct.

>> Pool: So is this something that -- I know Austin is on the cutting edge frequently in a lot of different procedures, but is this one with the electronic processing of applications like this, are there other cities or municipalities or even other governmental entities that already do this sort thing?

>> Councilmember, absolutely absolutely. In fact, I've worked at a couple of other governments myself and have done online procurement for most of my career. So yes, this is done. City staff addressed this a number of years ago but there were some concerns about the technical adoption of the vendor communities in Austin, so it wasn't pursued at that time. We feel like there's enough acceptance of the market right now that we have been pursuing to develop this capability for the last several months.

>> Pool: And how long ago was that that that capability was reviewed by the council, but the council decided not to move forward with that?

[9:38:47 PM]

Was that before this particular council? How many years ago?

>> Absolutely. At least a decade or so. But it was -- I don't know if it actually went to council. Rather I think it was during testing management just decided to go in a different direction at Thate.

>> Pool: About 10 years ago.

>> Yes, ma'am.

>> Pool: Okay. So I guess I could conclude from this -- your answers to my questions that if we had been able to do it 10 years ago or five years ago we wouldn't possibly be in this situation.

>> Possibly, yes.

>> Pool: So I am -- thank you, Mr. Scarborough. I want to thank everybody who has come to speak on this item. I agree that this is a technicality that has tripped up the application for the kinsers on this site. I agree that this is one element of the old Austin, the Austin that was here when I moved here 40 years ago. And we're fast losing these authentic echos of our past. I am really disturbed that in fact a missed signature would stop that application have being considered. Our staff didn't even rate this application for Ms. Kinser because of the lack of a signature. I have worked in other levels of government myself and I believe at least at the state level with multi-million-dollar contracts the folks on the staff go through these contracts and make sure with the vendors who are putting in their applications that all of the blanks are filled in, especially one as key as a final signature saying yes yes, I am submitting this and I am bond by this contract. Clearly Ms. Kinser didn't intend not to sign her application. And I think that if the - if things the other applicant had forgotten to sign their application, I think we would be arguing to allow that person's application to be considered if it wasn't being considered simply for the lack of a signature.

[9:41:04 PM]

So I think this is playing on both sides. I think it's a fairness issue, and I am fully supportive of councilmember kitchen's motion. I am opposed to the motion to postpone and I support moving forward today with rejecting the bids, allowing the Kinser contract to continue for another six months, and reopening the bid so that everybody can apply and have a level playing field.

>> Garza: Councilmember kitchen.

>> Kitchen: Councilmember Flannigan, I want to speak to some things that you said so that there's not a misunderstanding. I pretty clearly said, and I'll say it again just so it's clear, what matters to me here is the best interest of the city and I think is the best interest of the city to choose the best company, the best group, the best people to run this very important part of Austin. We don't know who that is. We do not have that information in front of us because we have not evaluated one of the bids. And to my mind that is the worst thing that we can do for our city. And so that's all this is about for me. I am not choosing one entity over another, and I was a little -- so I want to make that clear because you seem to be thinking that maybe I was. I am not. So I think that -- I wanted to make that really clear. And to make a decision so importantor us based on a technicality, I just can't go with. I also think to insert a motion to postpone in front of a motion that I'm trying to make on the merits, I really would prefer that you can always make the motion to postpone after we vote on the motion of what I'm trying to move forward.

[9:43:21 PM]

You don't have to substitute a motion to postpone. And so I don't think that that's a very fair way to proceed. I also don't think it's fair to make a motion to postpone. And based on the fact that councilmembers are not here and then close the public hearing. So I would just ask out of courtesy to

allow us to have a vote on my motion. And then you can make whatever motion after that you think is appropriate.

>> Garza: Councilmember Flannigan?

>> Flannigan: Just to be clear, I didn't say which councilmember was saying what. It was just saying this is some of the things that I'm hearing and that's how I'm hearing it. So we can be cool. It's fine. Again, my histation, and it's a little bit of a process question because -- and then when we do this on zoning if you take the no vote, then the no vote is done attend you have motions to reconsider and all those types of things so I'm not quite sure the layout of if the motion fails it's failed. You have a motion to reconsider in order to this is the crazy thing we have to figure out in order to do the things we do. City attorney, can you help me figure that out? Because sometimes when the thing fails, the thing fails.

>> Kitchen: Not in this case.

>> Under parliamentary procedures a substitute motion would come after the parliamentary motion. That's one piece. And if you have a motion and it fails here for this procurement, the manager could bring it back.

>> Flannigan: Okay.

So that would work too.chen: But think about what my motion is. My motion is to reject and then rebid the solicitation. If that fails another motion can be made.

[9:45:23 PM]

It's not.

>> Flannigan: I understand. I think my concern is with two members off the dais I'm concerned about making substantive votes. It's close. I'm sensing that it's close and I'm concerned about taking substanti with two members absent.

>> Kitchen: Why don't we see what happens with the substitute vote and then you can make your motion to postpone.

>> Flannigan: I'm standing by my substitute. Sorry, councilmember, I'm standing by it.

>> Garza: Any more discussion? Councilmember Casar.

>> Casar: Two things. On Robert's rules stuff because I think it's important for us to remind ourselves of that for this and for the future. There's I think a latter of 13 motions and it's -- ladder of 13 motions and it's set up you should take the postponement votes before main motions and Robert's rules so that you - - and so that you don't wind up in those situations. So I don't think it's actually from my experience over the last four and a half years here and then multiple years batching it, this isn't out of the ordinary at all. We generally make Mexicos to postpone and take those votes before the main motion because that's my understanding of the latter. Motions I know that we could do differently and I know that we can do

it differently, but I'm trying to point out that councilmember Flannigan isn't doing anything out of the ordinary.

>> Kitchen: I was making a request.

>> Garza: Councilmember alter.

>> Casar: Wait. That is one thing. It seems like we might end up postponing this on this particular issue. What's of interest is to me is a point that councilmember Flannigan brought up is about the rfp itself because if -- because what we want to be able to get out of this is not who it is that runs the course but what we want the course to be like at the end. So of much more interest to me of a signature here or who we pick or not is what I hear from many of the people testifying who just play the course is they want the course to be at a low price and to have a certain feel and to be a certain thing, which we should be getting out of our rfp process so that whoever it is that bids does that.

[9:47:32 PM]

So what I need to learn between here and the end, which it sounds like the end no matter what is not today because either we reject all bids or we're postponing, so no matter what it's not the end today. What I want to know is whether our rfp process and the contract that we would sign guarantees us a course where you can bring your dogs and hang out and have five kids and play and all that stuff. nt to make sure the rfp process is getting us that. If this rfp process insufficient for getting us that, then there was something wrong in the beginning. If something in that rfp process guarantees that stuff that's a different story. That's what I want to learn from here and the end, whatever that timeline is.

>> Garza: Councilmember alter?

>> Alter: Thank you. This is a difficult decision for me. I understand councilmember kitchen's position. This is in her district. I also respect the parks board which voted to move forward with this. I agree with councilmember kitchen that we want to be choosing the best choice and be able to evaluate the options, but I also care about our procurement process. That being said, I am prepared to vote against the postponement initially so we can have a vote on councilmember kitchen's motion and then should her motion fail, then I will vote for a motion to reconsider the postponement. I am not comfortable with a five-four decision that ends up with this being rebid. I don't think that helps us move forward and compounds to what is already a legally challenging situation for me to understand.

[9:49:34 PM]

To so when we do get to a point where we will be voting on the motion for postponement, I will be voting no on that, on the first time around and should it come back, need to come back again, I would vote for it.

>> Garza: Councilmember Ellis.

>> Ellis: Inch this is a delicate situation and also difficult decision to make. I don't think anyone is envious of us at this point. I think it shows our passion and commit to our community. It shows there's a legacy of coming together and doing things in a good way for Austin. But I also feel like our dialogue around this process is sometimes bordering on that we don't trust our proposal process and I think what this does show is that our purchasing and procurement department is not telling people to change their bids. It's not trying to pick favorites just because we really lovng or someone. And I think that shows a lot of integrity for all of us as a city as transparent as possible even when those decisions are tough. And I think also if this had ended up in a different way and someone was disqualified that we didn't have a relationship with, we wouldn't be going through this. So I think we just want to make sure there's equity on all sides and as someone who does have a background in purchasing and procurement and I have done the multi-million-dollar state level contracts and they do get thrown out. They are not sitting there going through with you to make srything is okay. But I think if any of us can be in assistance in moving forward through a process that will catch things like this in the future to make sure all the boxes are checked and everything is really done thoroughly, let us know because I think we're all actually in a position to want to move forward with that so that we can help y'all and you can help us.

>> Garza: All right. This has been a fun first meeting.

[Laughter].

[9:51:35 PM]

I'm learning a lot. So go ahead.

>> Kitchen: So I wanted to ask a question about the public testimony. So -- was part of your motion to close the public testimony and would you consider part of that motion being to allow people who haven't spoken?

>> Flannigan: My intent was trying to be respectful of June 20th. On some level of the people who waited all day long to be here. I don't think legally we have public hearings opened or closed so it's more of a telegraphing what I hope we will do on 20th, but there's no legal restriction -- am I right in reading that?

>> You're right to the extent that this is actually not a public hearing. This is just an item that you all are consi and your rules allow people to come speo you during these things. You could choose to say we've had all the public input we're going to have on this particular item because it was posted for today, people came and spoke today and you will take an action on the 20th. You certainly can do that if you want to.

>> Flannigan: I would imagine that the bidder who the staff recommended might now turn around and try to get a bunch of people to show up and that may not feel right to the folks who put all the effort in to come tonight. I think we could make that decision later no matter what we vote right? It's kind of up to the -- okay.

>> Garza: So the motion is to postpone until 20th and not allow further speaking on the 20th. All those in favor raise your hand. Flannigan, alter, Casar, Renteria, those opposed, alter, tovo, pool. That motion fails. Is there another motion? The base motion, which was to reject all bids and resolicit.

[9:53:41 PM]

All those in favor of that -- oh, there was a second.

>> Alter: I have a question or a comment.

>> Garza: There already was a second, yes. Councilmember alter.

>> Alter: So I'm going to be voting on this motion today. I'm not sure where I will vote on the 20th. I need to go and review the actual rfp. There were some questions that were raised for me tonight. I am concerned that we have park concessions, which is what I regard this as, and they're largely held by for-profit enterprises and it's largely important that we do periodically bid these and that means they sometimes have to change hands. I agree with councilmember Renteria that when we did the Austin rowing club we had the contract issue with the construction, which I why I was comfortable archbishop comfortable with how we proceeded in that case. We will in two weeks and in the future be faced with some difficult decisions where beloved vendors are not the ones who come back with the highest score. And so I just want to be clear that this is how I'm voting tonight and I still have some more homework to do moving forward on that. So I just wanted to say that.

>> All right. All those in favor of the base motion raise your hand. Alter, kitchen, tovo and pool. All those opposed? Flannigan, Ellis, Renteria, Casar and car is a. That fails as well. Maim.

>> Alter: I would like to motion to reconsider a postponement with the closing of the public hearing if that was part of the motion. Because I have to do the same motion.

[9:55:44 PM]

>> Garza: Is there a second. Seconded by councilmember pool. Councilmember kitchen? Go ahead.

>> Kitchen: It's not a closing of a public hearing because this isn't a public hearing. It's a suggestion that we can take up later in terms of testimony.

>> Alter: Thank you. It getting late. I appreciate the clarification.

>> Garza: All those in favor of -- I believe it's juston that we're not going to take any more speakers. And that could be changed on the 20th. I guess the question is are we going to allow speakers to sign up on the 20th.

>> The motion that you made earlier you said that there would be no speakers. So the motion to reconsider I think is the same thing. If that is the direction, then speakers will not be allowed to sign up.

>> Tovo: Then I would like to make an amendment that we allow speakers to sign up. I think if we're postponing to allow colleagues to be here, I think it's important to have speakers be connected to the time when we're making our decisions. I just think it makes for better decisions if we're in touch with the public who has come and addressed us. I don't know whether we'll have a lot of people come down to speak and to address this issue again. But that's amendment.

>> Garza: Is there a second to that amendment?

>> Renteria: I just want to say that I have no problem with new speakers coming up and signing up. I just want to make sure that the speakers that spoke today have already spoken and they're not allowed to repeat and speak again. Two weeks from now.

>> Garza: So the amendment is -- are you seconding councilmember tovo's motion? All those in favor of the amendment -- to allow speakers, raise your -- councilmember pool?

[9:57:48 PM]

>> Pool: So I just want to make sure I understand we're saying that we're going to let -- that we do want to hear from people on the 20th because the mayor and councilmember harper-madison are not here, but they wouldn't have a chance to hear from the people who have already spoken. So I don't understand the logic in that. I think if we are going to allow people to speak that we should allow them to decide if they spoke today that they could also speak next week since the basis of having the postponement is because two of our members are not here. So I -- I think we shouldn't deny the right to speak tonight, that they can also speak in two weeks.

>> Garza: The amendment is to allow speakers on the 20th. All those in favor --

>> Pool: All speakers or or --

>> [Inaudible].

>> Pool: Any speakers. Okay.

>> Garza: All those in favor raise your hand? Oh, I thought Pio seconded it. No? Is there a second to that amendment? Councilmember pool seconds it. All those in favor that amendment raise your hand? Kitchen, tovo and pool. That fails. Back, councilmember tovo.

>> Tovo: I'll try again. The amendment would be to allow speakers if they haven't spoken today, with the understanding that we can also always call up the principal people, which is always a right we have to do. If we had questions for either of the applicants or especially since we are only able to talk with them in this forum. So I will go back to the so I'll go back to the change councilmember Renteria suggested, to allow speakers who haven't spoken for today.

[9:59:53 PM]

>> Garza: Is there a second to that? Councilmember pool. I'm going to vote against that because of the situation where the other bidder could bring a bunch of people, then the people that spoke on one side wldn't be able to speak again. So all those in favor of that amendment, raise your hand. Kitchen, tovo, and pool. That fails. All the others voting no. So back to the original motion to consider, which was postponement till the 20th and no speakers, which was seconded by -- made by councilmember alter, seconded by councilmember Flannigan. All those in favor, raise your hand. Flannigan, alter, Ellis, Casar, Renteria, Garza. All those opposed? Kitchen, tovo, and pool. That fails. Thank you for being here. I will with entertain a motion to go past 10 o'clock.

>> Tovo: So moved.

>> Garza: Moved by councilmember tovo. Is there a second? By councilmember Florida all those in favor of going past 10 o'clock, raise your hand. Flannigan, Ellis, Casar, Renteria, tovo, Garza, pool, passes. Councilmember alter voting against -- abstaining? Councilmember alter voting against and the mayor and harper-madison off the dais. The last item is item 84. Staff, do you want to walk us through that?

>> I'm Jerry rusthoven with planning and zoning. Case c14-2018-0150. This is for property located at 1804, 1806, and 1808 west 6th street. Requested zoning was originally lo-mu-np. Staff recommendation is for no-mu-np, planning agrees with staff recommendation.

[10:01:53 PM]

Exist you've got property is four duplexes, demolition permit has been approved for those duplexes by the historic almost on. The proposed is a total of six residential units, grand total of 10,000 square feet. Located at the end of west 6th street where it becomes the mopac on ramp. I believe the issue with most of the neighbors has to do with where the property takes access.

>> Is the applicant available?

>> Yes. Also there's a valid petition 21.85%, we would suggest first reading only because you don't have a complet council.

>> Garza: Okay. Thank you.

>> Good evening, mayor pro tem, councilmembers, city manager, and deputy city attorney. I'mal Glasgow representing the properties 1804, 1850 eveere, 1808, west 6th street, these properties are just at the edge ofh street before you get into the mopac access, headed north. This map shows you exactly where the property is located in relationship to the neighborhood and also where mopac is located and obviously west Austin neighborhood to the west. The subject properties are indicated here in yellow. As you can see, the zoning to the east of the subject properties range from lo-np. The property that joins the subject tract is also owned by Peter Pfeiffer, the adjoining tract also owned by Mr. Five, and also you can see a mixture of no-mu-np and lo N had I request for zoning, west 6th street for lo-mu, to show you where the properties are located in relationship to the street.

[10:04:16 PM]

The map may be needed later but again, this aerial shows you the ingress and egress points currently located on the site, 1804 west 6th street has an alley access, that's the duplex lot Mr. Jerry rusthoven mentioned. 1806 has access to west 6th street, and 1808 has access also on west 6th street but on the Teresa avenue part of the road. This slide is about 1804 west 6th street. This property is currently zoned sf-3. The comparison here is no-mu versus lo-mu. The property has approximately 936 square feet. The difference between no-mu is that this particular property has 3500 square feet of building square footage, which equates to .38 far. The property is not intended to be demolished, just rezoned for live/work situation. Mr. Pfeiffer has tenants who have home occupation and the home occupation rules are rather strict. They only allow one assistant one employee who can assistant the proprietor of the business. So lo-mu would allow for the property to be legally conforming or compliant with the zoning code. No-mu, the building square footage would not be in compliance with the zoning so it would be a non-complying building because the ratio I currently .38 and not .35 as allowed in the L zoning. The properties approved by the commission for demolition are 1808 and 1806, the properties to be redeveloped. The entire site area is 22,342.52 square feet.

[10:06:18 PM]

The proposed use would be for again live/work development, some live units and office space. Under lo zoning, the property can yield 6 units and approximately 7,000 square feet, so that would be the mixed use component that we're offering. And, again, the demolition has been approved subject to getting a site plan. So with whatever zoning commission gives us, we are hoping council can recommend lo-mu, then can prepare a site plan that can be viewed by the commission for its final approval. This slide shows the site plan for the site and -- I'll go back to the site plan. The site plan shows access onto west 6th street, an enters only one way in, one way out. This is designed in response to comments from txdot. We have a traffic engineer here, Cathy Smith, with H.R. It's coordinated with txdot. We've received comments about where the ingress can be. Txdot allows for us to have the ingress points we have here in and out, and have asked that we extend the vertical traffic delineators to prevent folks from having conflicting traffic movements from the side onto mopac. This aerial shows you where the site is located. You can see a one-way entry that we propose to Teresa and mopac. I guess the pavement, the difference in color of the pavement shows you the beginning and the end of Teresa versus west 6th street. The traffic delineators where txdot would like us to install them if we proceed with this assignment lo-mu he can zoning allows 6,000 units for 1808 and 1806 street, promoting a liveork environment.

[10:08:34 PM]

The no-mu zoning north of west 6th street allows only 4,000 square feet of office space under the ratio loud for no-mu. The huh-uh zoning also only is intended for reenvision have citing a building, so no zoning was introduced under the -- the 1986 code, to accommodate older buildings that were to be maintained but owners were to use those buildings to have an office building or non-residential use and actually under the old code you could have residential two because zoning was cumulative, so you could already have residential use so you already had a built-in live work arrangement under the old code, 1984 through, I believe, 1987 or so, which you do not have today, so that was the intent right there. Demolition has been approved for 1806 and 1808, and I would like to again remind you that for the 1804 west 6th street, no zoning would render the property non-compliant with zoning district. I'd be glad to answer any questions you might have at this point. Thank you.

>> Garza: Thank you. I don't believe there's any questions right now. So the first speaker is Masey Jacobs. Is she here?cond, cartly hunter. Matt Jacobs. Mason Mathias. Alice, but you just spoke. Paul seals. Paul seals, Mr. See, I just Mr. -- Mr. See, I need to make sure these folks are here. Ellen, Tom? Go ahead and come up, Mr. Seals. You have minutes to speak.

[10:10:38 PM]

Who were the speakers that you wanted -- go ahead and come up in the order just so I know who's -- Mr. Applewhite, you're first? And you have -- is Bryce Perkins here? Okay. And is Victoria Applewhite? Okay. Mr. Applewhite, you have seven minutes.

>> Thank you for your hard work. I know it's been a long one. I'm David Applewhite. When my family moved into 1608 Patterson avenue nine years ago, my daughter was three months at the time. My son was born three years later. Our home is located across from these properties just across the alley so we've got a very personal interest in your decision today. This is a wonderful neighborhood. These fo blocks currently have about 20 school age kids in the neighborhood. Matthew elementary, o'henry middle school and Austin high are all within walking distance of this neighborhood and kids do walk to these schools. We enjoy the walk and bike to acl, zilker park, the kite festival and blues on the green, along with many virtues to our neighborhood, many people park here. We have -- excuse me, how do we D this? We have several gatngs throughout the neighborhood, the may day festival and the talent show. But the immediate neighbors are strongly opposed to this rezoning to commercial. When we found out about this, we wrote a letter of concern to the neighborhood association zoning committee. We shared this with the owner. We put together a ballot petition, no to commercial, we're open to all sorts of residential. We had two meetings at our with the owner, the prospective buyer, and the owner's representatives, architects and consultants.

[10:12:40 PM]

Unfortunately they didn't take into conderation our request. Once we learned it was going forward to the planning committee, over 35 immediate neighbors signed in petition against the rezoning to

commercial. We had a third meeting at the owner's residence at 1808 west 6th and he showed us options for residential density which we were very pleased to see but then he moved on with the discussion. Then at the membership meeting they voted to agree with us and oppose commercial zoning. Okay. What are we looking for? The neighborhood needs more residential options. We need more residential. We need increased residential density, affordable housing options, diversity and residential options and this property is an ideal space to address those needs. Why do we object? As I mentioned, we need more residential, not more commercial. This has insufficient access for commercial to site and this will have an unreasonable effect on pedestrians, bicyclists and motor vehicles. If you take a walk down 5th and 6th street, you will notice an immense number of for-lease signs, commercial for-lease signs. These are all within half mile of this property. There are plenty of commercial space available in T blocks. What we don't have enough of is residential space. We need more residential, not more commercial. If you look on available, what's available today, this is within a half mile of this property. We've got over a hundred thousand square feet of commercial available today, within walking distance of this property. We don't need more. We need places for these people to live. If you look other what residential is available today, we got two large apartment blocks within walking distance. They are totally full. 99% leased.

[10:14:41 PM]

We have nine houses available from 10th street to 5th street. Mopac to Lamar. Nine. And four of them are listed over a million dollars. At 606 Patterson right next-door, to give you an example of the demand, it was put on the market, it was sold in less than a week. The buyers then put it up for lease. It was leased in a day. We like the idea of live/work in our neighborhood. We've got plenty of work opportunities. We need more live opportunities. You've seen the site. Here's the site. What I want to talk about is the access. Yes, these along 6th street are zoned no but they have three lanes to work with. This does not have the access to get in. There's no collector street within 40 feet of access that is required under commercial operations. This is the hike and bike trail. Here's access. You've seen these in, but if you look closer, that's a 12-foot wide street, 6th street, if you've been down there, people are moving out. There's the bike lane that people cross over to get to Johnson's creek and there's their entrance. This is 27 feet here. If they use this as an exit -- I'm glad to see they're looking at an entrance, but looking at an exit, they have to go through our neighborhood to get out. Then here's the alley, 12 feet. This is not enough access for a commercial building at this site, definitely not a 14,000-foot commercial building. Traffic generation, we've talked about that. The other area we're concerned about is parking. 14,000-square-foot commercial property could employ over 50 employees, and we are at capacity in parking in our neighborhood. We don't have anymore. They only have 18 spaces defined in their plan at this point. So those other neighbors -- those other employees are going to have to park along the street. Here's where they have to park. This is our street on the weekend. Patterson. This is Monday morning. It's packed. This is Holtsman partners at 2500-square-foot office building on the corner, you can see the parking lot is full, they're parking illegally on the grass and on the street.

[10:16:50 PM]

We don't have the parking. So what is our request? Based on the vast majority of the neighbors' opposition to the rezoning to commercial, all west Aust's need for more diversified residential options, not commercial, the lack of safe access to property to allow for traffic, the adverse effect to parking with commercial at this site and adverse dangerous effect on motor vehicle and bicycle traffic at this juncture, we request that the city council rejects this rezoning to lo and encourages the owner to investigate higher density residential options for this site. Thank you.

>> Casar: Mayor pro tem?

>> Casar: Councilmember Casar?

>> Casar: Thank you for your presentation. Hi.

>> Hi.

>> Casar: That's okay.

>> I'm tired.

>> Casar: I missed the part of your presentation where you said that you had asked for the owner or their agent to look at higher density residential options and then what had happened?

>> We went to -- oh, I'm sorry. We went to his -- to his office and from the beginning, we talked about the need for higher density residential. And we went to his office after the planning committee meeting and he showed us four drawings of various residential. We're like, great, let's do these had wait a minute. But the mass is much bigger than what we could do under lo. So it was -- I think it was more of a -- he didn't -- he didn't want to go down that path. He didn't want to go -- we wanted to talk about those ur options, he wanted to talk about the lo option, and that's we are now.

>> Casar: Do you recall about how many units of housing y'all were talking about? Not that I'm going to hold you to it, just --

>> Yeah, he looked at sf-3, what he could do with that, which would be four units because he could divide the lot, and then he looked at sf-3 cottages, which I think were four separate cottages there, which was about 14 -- over 14,000 square feet, both of those options.

[10:19:02 PM]

I think0 is what he showed us, given the attic and the basement.

>> Casar: Okay, thank you.

>> Then he looked at mf2 and sf-5, there's a lot of space but it gives us the residential space we desire.

>> Garza: Hold on, sir. Councilmember tovo?

>> Tovo: Yeah, I just want to be clear. So you and the other neighbors who were negotiating were supportive of those -- would have been supportive of those companies --

>> Absolutely. Absolutely.

>> Tovo: And those ranged from s4 to mf --

>> Sf-3, sf-3 cottages, sf-5, I believe, and mf-3, I believe those are the ones -- he may be able to tell you more. Mf-2?

>> Tovo: Okay, thanks. I was trying to find out what the highest range was that had been contemplated. So it was mf-2. Thank you. >>Za: Councilmember Flannigan might have a question? Oh.

>> Flannigan: No, no.

>> Garza: Oh, no question.

>> Flannigan: I have questions for my colleagues. I'm sorry I jumped in. Are there more speakers?

>> Garza: There's a lot more speakers. Can you say your name? Are you Mr. Seals?

>> Yes, I am.

>> Garza: And Tom barber was not here; correct? Okay, so you have five minutes, sir.

>> Okay. Council, my name is Paul seals. I'm at 1709 Frances avenue, and I've been there for the past 32 years. I'm former chair of the old west Austin neighborhood association steering committee, and currently I'm on the Elana zoning committee. And I was extensively involved in the rezoning of 1706 and 1708 west 6th street, which concerned many of the issues in this case. A summary of that case is on page 5 of the staff's report.

[10:21:05 PM]

As David said, owana voted to oppose the rezoning for commercial use, and went on to encourage the parties to work out a residential alternative that would support higher density residential project. The neighborhood plan is instructive. First 1806 and 1808 are in the residential core. Let's see. This is taken from the neighborhood plan, and it shows the 1808 and 1806 as being in the residential core, the properties that are indicated in white, and you can see that this property is in the residential core. Also, I to the neighborhood plan and look at the future proposed land use and zoning changes, you will see that -- if you can spot the little corner property on the map, it's shown as continuing to be residential. Under the plan for the properties in the residential core, the plan prohibits zoning changes in the residential core to more than -- to more permissive zoning changes. With respect to 1804, it's in the north 6th street district in the plan, which is described on page 7 of the staff report. Where a property in the district is zoned sf-3, the plan would allow rezoning to no-mu-co provided the conditions of the co are met. The rezoning application for 1804 does not address the requirements of the conditional overlay.

[10:23:06 PM]

Finally, I first met Jim Lindsay, one of the owners of 1806 and 1808 a little over a year ago on the property. He showed me various alternatives for the development of 1806 and 1808. The plans that he showed me were all residential. I gave him positive feedback. A new higher density residential development there would further protect the residential core from being eroded from its H edges, as well as nearby residential properties along Patterson. Toward the end of our meeting, he mentioned that he was also considering commercial use. I advised him that based on past rezoning cases in the immediate area, I was quite confident that the nearby neighbors would be in substantial opposition. Council, let's resolve this case with a residential project. We ask that this application for lo rezoning be denied. Thank you and I'll be happy to answer any questions.

>> Garza: Thank you. I don't think there are any questions. Was there another speaker that was supposed to be up here? What's your name, ma'am?

>> [Off mic]

>> Garza: Is Thomas Dunn here? You have five minutes, Ms. Dunn.

>> I don't think I need extra minutes. I'm bell did you known. I live at 6 on 7 Patterson avenue. My husband and I have been there since 1980. A native austinite. I don't live on this proposed alley but I live on the one across Patterson avenue, which is almost a continuation of this alley. I worked to negotiate the current zoning agreement at 1706 and 8 west 6th street, which is one block east of this. I'd like to tell you the pros and cons of how these projects, along with other properties on our alley, have ad ours because they're very similar and they're going to be similar no matter what happens.

[10:25:09 PM]

The benefits of the masonry wall that rerequired has been successful in separating office from residential use and separating traffic and parking. The neighborhood has benefited from routing commercial traffic onto 6th street away from what we have, a one-lane, two-way alley. I would point out that in the nous coupled with lo that preceded it is the most generous zoning the neighborhood can withstand, based on traffic and parking problems, with most homes on Patterson and Frances having daily 8:00 to 5:00, Monday through Friday business parking with no relief. The office uses have changed to field use and activity on the alley. Regardless of these changes, I would point out that the increased ownership by one business of two more offices has created a complex along the alley with people walking up and down with boards and cell phones and groups of people, and one time I found a man on his cell phone in my carport when I was coming home. Finally, I mistakenly accepted the design of a parking lot next to my house with no border and a vegetative border would softened the asphalt cover on the alley which is 1710 west 6th, in ex to my house. These points relate to the proposed project in that if this new one I a one-lane, two-way alley and it's complicated by the fact that it's a dead-end alley,

and it has a very difficult curve to negotiate. Increased proposed impervious coverage requires a buffer to the nearby homes there and safety is an issue, especially for children, particularly at the curve. Finally, I would like to point out that although the inner city is not for everyone, those of us who live in our neighborhood love it. The argument that people wouldn't want live there because of the train noise and mopac is not valid. You would only need to attend our may pool party or our annual talent show with dog tricks and cooking demonstrations and live music to understand we do love it and we intend to stay.

[10:27:23 PM]

Please help us maintain and improve the livability of our neighborhood. New residents are always welcome and we see this property offering a win-win situation that regard. Thank you.

>> Garza: What's your name, sir? Patrick. Is Walter leverick here? Mr. Patrick, you have five minutes.

>> Mayor pro tem and members of the city council, my name is Rick Patrick. I live with my wife at 1702 Frances avenue, pictured here, a little over a block from the subject property. I've lived on Frances avenue since 1978, was a founding member of old west Austin neighborhood association. When we moved to our neighborhood, houses lined both sides of 6th street and were mostly residences. As rezoning and development increased, neighbors did what we could to preserve the lifestyle and atmosphere we enjoy in our little corner of Austin. We walk to lady bird lake and our children walk to Matthews elementary and Austin high. This is a vibrant, vital, thriving community but we zoning these properties for commercial use would he rode and endanger the things we and all neighbors value, among them traffic safety, freedom from excessive parking, 24/7 neighbors who look out for each other, and houses that are really homes. My neighbors and I have worked for 40 years to preserve ouommunity. Please deny this unnecessary zoning change and help us keep our neighborhood safe, enjoyable, and residential. Thank you.

>> Garza: Thank you, sir. Was there anyone else from that group? What's your name, sir?

[10:29:26 PM]

You have three minutes, Mr. Rivera.

>> Hello. I'm going to be brief so I'm not going to repeat everything they say, which I agree. I live at 704 Patterson avenue with my wife and two daughters. I've been -- owned my house since 1998, and I'm an architect and I'm also part of the owana zoning committee which participates in all the issues in our neighborhood. So what I want to just mention is that we do agree with the owner of the property about doing houses, doing residential units. And like David mentioned, we saw three or four options about housing, and we were very happy to do that, we were happy to support setbacks in the front, about heights, we would work with them to have housing in this area, he have no interest in having the sudden C for higher density of housing. We also talked to different architects and Ms. Glasgow an tried to

understand what it means about the zoning change and the response was, let's change the zoning and it will work with the issues of traffic, height, houses. Having a low zoning means that lo-mu is that it can be 100% commercial. With the restricted covenants about a percentage of housing versus commercial, they didn't want to talk about that. We talk about the staff and planning commission recommendation about no-mu, talk about that, they didn't want to talk about that, either.

[10:31:28 PM]

So we feel that it was changing to lo without any restrictions or nothing. So we work in good faith, we have several meetings, we met as many times as they were available. We met with three architects, two consultants, a prospective buyer, which is here tonight, too. So we are flexible. We wanted the best for the neighborhood. That's why we are here tonight. And we wanted, you know, to work that out, and we ask for your support T deny this petition and keep the residential and even higher density for our neighborhood. Thank you very much.

>> Garza: Thank you. Did I call on Oren metsner? You have three minutes, sir.

>> Pro tem, members of the council, good evening. My name is Oren Mitzner. I live roughly three B away from the subject sites and work two doors down from them, 1800 west 6th street. Living as close as I do to the place I work has give me the opportunity to know my neighbors back and forth, twice a day, the trip that I make to and from my house. I've invited -- they've invited me to take part in their pot lucks, may days, talent shows you saw great pictures of, where I found out firsthand just how wonderful this neighborhood can be. After the first month, I knew I wanted to stay in the neighborhood as long as I could. It reminds me of the suburban neighborhood I grew up in, where you know everybody by name. However, unlike my neighbors, most -- excuse me -- however, unlike my neighbors, most of whom have been there for 15, 20 years, I was really late to the party.

[10:33:32 PM]

I'd been in Austin for five years and in this neighborhood less than three. Leaving my only two options if I want to stay to either rent indefinitely or win the lottery so I can afford one of those four-million-dollar houses that are available today. Unless we can afford a third option, a more dense, mixed use on the development would provide us to be part of the community for the long haul, to the out of reach single-family Hom available today. Besides just having more units to offset the overall cost, a live/work concept would further help make the neighborhood financially open to young professionals like me since it would -- since I wouldn't have to also rent a commercial space for the business I eventually want to open. I don't need all the space of a full size home, and I don't have children that would be affected by mopac noise and the train noise. In essence, this development fits what I want perfectly.it's close enough to where all wonderful events that are spoken about -- that have been spoken about can easily be joined into but far enough away that it wouldn't destroy the character of the neighborhood I fell in love with three years ago. Since it sits on the neighborhood edge that's already 99% offices, the

professional offices mixed use would allow -- would fit right in on the front side, while residences could blend into the existing single-family houses that line the back side of the property. New financially be -- housing opportunities means new additions to the pot luck and more talents to see at the show in November. This development can be a win for everybody. Thank you all very much.

>> Garza: Thank you. Councilmember tovo has a question for you.

>> Tovo: Thanks very much for coming and staying and providing your testimony, too. I wanted to ask you, I heard some of your other neighbors talking about how they had conversations with the developer to have a higher level of residential density, and it sounds like that's in support of what you're saying about offering more housing options in this area, as they point out, it doesn't necessarily -- the zoning that's being contemplated wouldn't necessarily result in any residential, necessarily.

[10:35:53 PM]

So are you in support of a higher level density if that's the will of the council?

>> I'll be 100% honest with you, I'm also an architect, I work at 1800 west 6th street, barely pfe architecture, Peter Pfeiffer is my employer, we, along with some other architects have looked at a bunch of plans and one of the issues that we ran into along with all the others was that multifamily housing and mf-2 size building would further make the issue of parking worse in our neighborhood. Mf-2 parking on that -- the amount of parking you would need doesn't fit on that site, even with -- unless we take drastic measures like including some of the already codified ways that we could reduce our parking, we'd end up with more cars than we can park and the streets are already as full as David and other neighbors have said.

>> Tovo: Okay. Thanks. I appreciate you explaining your connection to one of the applicants.

>> Of course.

>> Garza: I believe those are all the speakers I had. If there are no other speakers, Ms. Glasgow, do you want to close and maybe address some of the questions we've already heard about the residential part.

>> Alice Glasgow again, back for rebuttal I believe there's a misunderstanding about the request. The request is for lo mixed use. The mixed use overlay would allow residential. And we are appropriating residential. I'm going to go to the plan because the site plan -- there we go. The site plan, and I'm hoping someone will have a copy. This will show you where buildings are located. Parking is going to be underneath. And I neat to take -- I need to take up a larger plan.

[10:37:59 PM]

Parking concerns of housing and affordability. Lo-mu, we are proposing to have six residential units. The building to the back that is onto the alley will have six units with underground parking, and then the office building in the front will have 7,000 square feet of office space with its parking underneath also. So to have office space allows -- with a garage allows you to have building that can support the parking and those spaces. So our site plan shows a total of 24 spaces that would be provided under the code. I gave some of you a copy of the site plan that's easier to read so you're not having to strain your eyes to see that. With this proposal, we would like -- with lo-mu, I know you all are saying, how are you going to make sure you don't just build all 14,000 square feet under lo as office. We are offering to condition under restrictive covenant that the city would enforce, some of the conditions that would help answer the questions of affordability, would agree to have 10% of the units to be affordable, which we have six units we're proposing at 40 years for rental units and if they're for sale, 99 years for owner-occupied units. We would like to prohibit -- you know, only allow ingress access onto the side from -- the Teresa side. We would also state that the office space would be limited to 7,000 square feet and also if the property is developed as residential, obviously it can be all residential use. Under lo-mu, the total square footage allowed on the site under the flood area ratio of .70 is 14,000 square feet. That's all you're getting under the lo. The mu overlay allows you to have the residential component so you have the six units in the back, with its parking, then the square footage of office in the front of 7,000 square feet.

[10:40:04 PM]

So those are restrictions and can be enforced and will ensure that you have a mixed use, and of course the parking will be demonstrated at the time of site plan. The site is subject to commercial compatibility standards. As you can see, the green area shows the 25-foot set back of compatibility. Height is also restricted by compatibility. So you have all those restrictions that are -- come into play.

[Buzzer sounding] Thank you.

>> Garza: Councilmember alter?

>> Alter: I just want to make sure I heard you correctly. You said there would be six to seven units of residential and 10% would be affordable? What does that mean, with six or seven units?

>> I'm sorry, I didn't -- if we get lo-mu zoning, we're willing to agree to 10% of our residential units. What we're proposing under this scenario of lo-mu is six units would be residential because we just have 14,000 square feet of allowable square footage with lo zoning.

>> Alter: I know. My question is, what is 10% of six?

>> It would be one unit. It would be one unit because -- one unit will be at least affordable.

>> Alter: Okay. Thank you.

>> I'll just use the wording that is in the code, the 10%.

>> Garza: Councilmember tovo?

>> Tovo: Yeah. Been a conversation from the neighbors about the conversations they had with your property owner about having put on a higher level -- sorry, I'm so tired, the words are coming out -- basically, can you help us understand why your applicants did not consider something like mf-2? As I remember our meeting, though, Mr. Pfeiffer has been in that area a while, this is kind of a speculative property for the other owner.

[10:42:09 PM]

He's a new owner. He's, I think, intending to sell the property, if I'm correct.

>> Mr. Lindsay?

>> Tovo: That was my understanding.

>> Mr. Lindsay is interested in really selling the property to someone else who can develop it and he's had previously the market on the market, was on the market for six months and he didn't get any offers for residential other than possibly mixed use development. So an interest in the property but no offers to purchase the property.

>> Tovo: So I guess can you help us under would he be -- I mean, it seems like the neighbors were supportive of rezoning from single-family to mf-2, that would result in, I don't know, just by real rough calculations, something like 11 units on that site, you know, when we certainly have identified increasing residential opportunities in all of our neighborhoods as a high value. To me, that sounds like a good option here.

>> Well, the -- when he had the property on the market for sale, there was one person interested in doing the mixed use arrangement where you'd have the residential uses and a minimum of square footage for office, so that's where that interest lies. The different zoning -- under the mf-2, approximately 11 to 12 units. But the lo-mun would, we feel, would provide a live/work arrangement where you'd have units, people live there and also have an opportunity to have office space, too, and parking can be addressed in an affordable manner when you have the arrangement I just showed you on that site plan, we believe. If you can have structured parking, to go underneath and have the buildings above, then step back and have the residential in the back, too, with tucked-in -- tucked-under parking spaces would help address the concerns about having all parking spaces on site versus along the streets and the alleyways.

[10:44:27 PM]

>> Tovo: Okay. Thanks.

>> Garza: Was there any -- anybody else? Questions or explain a motion? Go ahead?

>> I'm not clear on Ms. Glasgow's reference to the affordable housing piece, but as you all know, under local government code section, we cannot enforce the affordable housing piece of her proposal. She may provide affordable housing, but we can't turn to restrictive covenant or covenant, that restrictive housing be provided unless it's under an affordable program we have.

>> Garza: Councilmember Tovo.

>> Tovo: I forgot I have a question for staff, this is for Mr. Rusthoven. Can you help us understand what it means that the demolition -- as the demolition contingent on the rezoning approval or is it just contingent on approval of -- on receipt of an approved site plan?

>> No, the demolitions for 1806, 1808, the two single-family houses, the applicant has confirmed all three structures are in relatively poor condition, demolition has been granted by the HLC. The HLC simply agreed to grant the demolition permits. The second --

>> Tovo: The last part of what Y said just got lost. It's not contingent on the rezoning. I guess the reason I was asking, Ms. Glasgow's presentation talked about the demolition permits and I forgot the language, it didn't say contingent, it says something else, upon receipt of -- would you mind telling us what your language said?

>> The approval of the demolitions was subject to a site plan being submitted to staff, that demonstrates what will be replaced after those buildings are demolished, so we would need to, obviously, to help determine what that would look like.

[10:46:45 PM]

So that's what I was alluding to, when a decision is made on the zoning, then a site plan can be prepared to turn in to then finalize the demolition process.

>> Tovo: I understand that. I guess what wasn't clear to me was whether it was finalizing the site plan or whether those things were contingent.

>> I'd have to check between the second and third reading, I find it unusual they'd be contingent upon a site plan, but I'll look into it.

>> Tovo: I don't recall running into that language in the past on these, so thank you.

>> Garza: Is there any motion on this or any more discussion?

>> Tovo: I'm somewhat interested in hearing from colleagues whether they would support a rezoning to mf-2.

>> Garza: Councilmember Flannigan?

>> Flannigan: I'm -- I'm kind of struck by the different conversations we've had tonight on some of the zoning cases, and in some places we've heard from neighborhoods that say they want mix of commercial and residents, and other neighborhoods say they don't want mix of commercial and residents

and I'm not quite sure how we square -- I think we're kind of hoping staff will come back with some of those answers for us in the larger picture. This particular property faces the highway so I'm more comfortable with the mix of commercial and residential, and my understanding or my expectation would be that the office uses help make the project pencil out in terms of having the residential and other components. If we were going to contemplate residential only, I'm not sure that I would want only mf-2, but I need to know a lot more about what could happen there.

[10:48:47 PM]

It's kind of an oddly shaped site, on a weird corner, an odd, unique space, that particular site. I'm comfortable -- I thought the site plan the applicant laid out was pretty compelling with mixed uses and however the affordable unit might be treated seems like a pretty good situation, and I would support it, I think is what the applicant was asking for, so that's where I would be.

>> Garza: Councilmember kitchen?

>> Kitchen: Well, to respond to your question, councilmember Tovo, I would be interested in understanding what residential might go there. And one of the things that strikes me about it is the fact that there is a whole lot of commercial in the area, and one of the speakers had spoken to the interest in the ability to have more residential in the area, which, to my mind, speaks to what we're trying to accomplish in terms of people being able to live closer to housing -- I mean closer to jobs and things. So to answer your question, yes, I would be interested in that potential.

>> Garza: Councilmember Tovo?

>> Tovo: I'm going to move approval on first reading for mf-2. I'd also like to -- well, then if I get a second to that motion, I want to add some additional direction.

>> Garza: Is there a second to that motion?

>> Kitchen: I'll second.

>> Garza: Councilmember kitchen seconds it.

>> Tovo: So the additional direction is, in the -- I think that it is -- we've heard some concerns about access to and from -- ingress -- oh ingress and egress on Teresa, in regard to that. I think that it would be appropriate, especially in case a different zoning is contemplated along this process for the staff to work with the law department to look at -- well, number one, it's not clear to me whether mf-2 -- I don't think we had a discussion about whether mf-2 -- what mf-2 does in terms of traffic in this area, and I think that's an important question.

[10:51:13 PM]

But if it poses -- if that poses the same traffic concern that's no did, I think it's appropriate to ask the staff to work with the law department to see whether we can put a condition in place that would prohibit vehicular access on Teresa avenue. So if -- and I know that requires some txdot -- working with txdot so I would ask the staff to, one, help us understand -- help us understand the impact of how the -- what the traffic looks like with -- under mf-2, and also to work with txdot to see what is possible in terms of restriping with -- prohibiting ingress and egress on Teresa, if that appears to be still a consideration or concern under mf-2.

>> Garza: Is there any more discussion on the motion? Councilmember Flannigan?

>> Flannigan: And to be clear, so what we're doing now is first reading only? Do we know when this would come back? And I'm hoping it's not in two weeks. Jerry, tell me something good.

[Laughter]

>> I'm smarter than to say two weeks. No, it would be up to the applicant when we brought it back.

>> Flannigan: Okay. Ms. Glasgow, please not in two weeks, but I wouldn't support it in the end, I don't think mf-2 has been explored to know if that's sufficient, I might want to do mf-4 or some other -- I haven't had a chance to look through it. Kind of came out of left field. I'm comfortable with what the applicant laid out, only, but I want to move forward tonight to keep this moving along.

>> Garza: All those in favor of mf-2, please raise your hand.

[10:53:13 PM]

So everybody on the dais with the mayor and councilmember harper-madison off the dais, and there is no objection, we have no further agenda items and we -- --

>> Mayor pro tem, we postponed a lot of items today and we had a large number of items for the agenda plan so I'm exploring ideas with each of you and I'll encourage the mayor to post something on the message board to try to break up the meeting on the 20th. One idea would be to use the time that was allocated for Austin energy oversight committee on the 19th, that would be the Wednesday, the day before the council meeting, to possibly take up non-consent -- or non-zoning consent items, and then on the 20th, take up all the zoning items, and then the homelessness items that were to the 20th. That's one idea, I just wanted to flag for you and the community that we'll try to get that on the message board but that might be one way of trying to break up a very large agenda. This is over 150 items, then all the items that were being postponed today, so it might be over 170 items. So we're trying to find a way to ensure that we can get through that in a sufficient amount of time frame.

>> Garza: We appreciate any way you can bring that number down, city manager. We are adjourned at 10:54.

>> Alter: I just add that maybe we can try and use the message board to get things out there, particularly for this agenda.