

City Council Regular Meeting Transcript – 12/05/2019

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[10:17:25 AM]

>> Mayor Adler: I think we can get started. Before we begin the city council meeting it's our custom here at city hall to begin our meeting at the peaceful moment by inviting people from different walks of lives and different faiths to share prayers or moments of reflection. It's an important way we see the diversity in our city and have everybody in aligned for greater good. With us today we have Ron major again son, -- Jorgenson, also known as the poet Dr. Arthur a stone. Thank you for being with us.

>> I appreciate being here. As you said I'm known as the poet Dr. Charles a stone. And I'm with the Austin international poetry festival, which is entering its 28th year, and thanks to the city council and funding through the division of

[10:18:26 AM]

cultural arts, we have been able to invite over the years hundreds of poets from 55 different countries to bring an international poetry to Austin, and allow them to carry Austin back to their own countries. And along those lines, I thought I would just read from the anthology celebrating our 20th anniversary, which is truly an international effort. The cover was designed by an Austin poet. It was edited by me and a poet from England and the poem I want to read you is one from a poet from Australia. So this illustrates the diversity of what we're all about. And it's a short poem and it's one kind of giving thanks to Austin for being a focus for poetic activity. You can go any night of the week to two or three different poetry events in Austin. It's amazing. So this poem, which is relatively short, was written by Bob Mudd, not his

[10:19:28 AM]

real name, his pen name. He's from Australia and visits us every year. It's called Austin in context. Desperate house wives don't have TV. They come to Austin poetry readings. And they are so much nicer than the ones on TV. Couch potato sports people discover slam poetry in Austin. Touchdowns of words that send shivers up your spine. Musicians don't enter idol in Austin, they become idols by performing every night. Austin is an oasis of American values, expanding the dream lost by mainstream. There is no con in this text. I drink this -- Mudd speaking, I drink Austin waters unfiltered and take home ideas bottled to share with everyone I meet. There is an aquifer of consciousness in Austin where the Barton springs of philosophy still flows from a depth that still stores

[10:20:30 AM]

Indian wisdom. In this context all is well. As an Australian speaking about Austin, based on his experiences here. Thank you very much for your support over the years.

>> Mayor Adler: Thank you. All right. Today is Thursday, December 5th, 2019. It is 10:20. We have a quorum present, full dais. We are in the city council chambers here at 301 west second street. We can begin our meeting. I'm looking at the changes and correction form. Item number 2 has been postponed indefinitely. Item number 15 has been postponed until January 23rd. Item number 20 is being postponed until February 6th. Item number 69 has been withdrawn and replaced with

[10:21:30 AM]

item number 117. Item number 84 has been withdrawn. Item number 87, the correct address is 2401 Winstead lane. Item numbers 91 and 92 are in district 4. That's a correction. And item numbers 94 and 95 have been withdrawn and are replaced by numbers 119 and number 120. Colleagues, with respect to item number 67, which is the item where we cast votes for individuals to serve on the Williamson county appraisal district board, it's been recommended by our colleague councilmember Flannigan that we split our 120 votes among the four incumbent. That would be 30 votes to

[10:22:32 AM]

each, Charles Chadwell, Harry Gibbs, don hissell and Rufus Honeycutt and that would be the consent motion with respect to that item. The consent agenda today -- also by the way we have two items that are shown on the changes and corrections being shown for a time certain. We had discussed these at the work session earlier. We would hope we would do our normal practice, which is to let us start earlier if there are people who want to speak earlier and are present. We had talked about item number 27 actually being handled before 6:30 and dinner if that's something that -- is something that we could in

fact do. So while we're not going to set that as a time certain, but we will be cognizant if you hear from people who wanted to come after dinner

[10:23:32 AM]

we can handle that when that comes up. I'm sorry? 27. But item numbers 66 an item that we will take people to speak before dinner, but we won't take action on this item until after 6:30. We have some -- on the consent agenda, the consent agenda today is items 1 through 75 and also 116 and 117. We have some items that have been pulled for speakers, with speakers. That would be item number 21 which is the auto aid. Item number 24, which is the safe alliance matter. Item number 66 which is the APD, which we'll be hearing later. Item number 70, which is the

[10:24:32 AM]

expeditions school. And also it looks like item number 56 has been pulled by speakers. Again, items being pulled are 21, 34, 56, 66 and 70 and also 27. Which is dove springs. Okay. We have some people to speak on the consent agenda. Is -- we had someone speaking on item number 2, but that has been indefinitely postponed, so Paula Kaufmann, that item has been postponed indefinitely. Item number 9, Bobby

[10:25:34 AM]

levinski, is he here? Does he want to speak? No? Okay. And then item number 15, Gus Pena. That item has been postponed until January 23rd.

>> [Inaudible - no mic].

>> Mayor Adler: All right, sir, thank you. We have speakers signed up for item number 28, Leslie Mcmillan. Would you like to speak? I'm sorry, come on up. You have three minutes, Ms. Mcmillan.

>> Okay. Just on 28 right now?

>> Just on -- well, had you signed up for more than --

>> For 28 and then the APD.

>> Then you can just speak on 28.

>> I just wanted to ask if you guys have looked into the possible issues that I

[10:26:37 AM]

alert the Janine Clark about in the mayor's office before deciding to give them the money, safe alliance. Was that ever brought to anyone's attention or discussed?

>> Mayor Adler: This is your chance to be able to talk to us if you want to.

>> On okay. Well --

>> Mayor Adler: Tell us anything you think you need.

>> Well, I think that they need to be looked into just for some issues that --

>> Mayor Adler: So safe alliance has been pulled. That's 27.

>> Right.

>> Mayor Adler: 28, which you also signed up for, is the automated bio metric.

>> No, I was just doing safe alliance.

>> Well, that's been pulled. That will come up in a moment.

>> 28 has been pulled?

>> Mayor Adler: 27 has been pulled.

>> Flannigan: Safe alliance is 24.

>> What am I doing?

>> Mayor Adler: I had you signed up for number 28, but apparently you don't want to speak to that. 28 is --

>> Safe alliance?

>> Mayor Adler: No. Safe alliance is 34 and

[10:27:37 AM]

that's been pulled. So we'll pull up speakers for that in a moment. Not right now.

>> 28 is APD?

>> Mayor Adler: It's not the big APD issue.

-- [Overlapping speakers].

>> Okay. So my question on that is can that be used for -- to find hit and run criminals? Can those cameras be used for that? Because that's what we need. I spoke last week or the last council session

about the three-car accidents that I was in within seven weeks, all rear-end collisions. The detective I found out there's 1200 hit and runs in Austin a month and there's only two detectives in that department. So I'm wondering like why we're giving like \$30 million to a park in south Austin when -- if you're not safe you can't

[10:28:38 AM]

get to the park to enjoy it anyway? I'm all for parks, but I'm wondering why there's only two detectives in that division when we're getting over 1200 hit and run cases a month and there's no cameras and there's nothing that we can do to stop this. And I was not contacted by the person that I was given the point person to in the past couple of weeks, and so I'm going to move forward with the fiduciary duty breaches if we can't get this fixed. So I'm just wondering what everyone is thinking about all of this.

>> Mayor Adler: Thank you for your comments. Mr. Pena, do you want to speak to item 33 and 116 and 117?

[10:30:04 AM]

>> You said 116 and 117 also.

>> Mayor Adler: 33 and 116 and 117.

>> Bear with me. I'll be quick. Okay. My name is Gustavo Pena, native austinite, 2327 east fifth street. We work with lifeworks and with other social service agencies like Mona Gonzalez is -- her agency is very good. This is appropriate and I wish we could -- I wish the city would be able to allocate more funding for life work. It's outstanding. You were over there also when I was over there when they had that big hoop did he due. It's outstanding. Every social service agency that I've dealt with in these many years that I've been, I've been coming to the city council meetings for 47 years. I'm not new at it. Even in the 50s. It says not to exceed 1,405,000, et cetera. Well worth the money. And you said 116 and 117,

[10:31:06 AM]

right?

>> Mayor Adler: Yes, sir.

>> There's so many things going on with the homeless issue, I can tell you because I was homeless too, but we were phone banking at our initial office when you first ran for office, and we were homeless back then also. So I can tell you what homelessness is all about, what the needs are. So anyway, I just question a review of grants, contracts, policies, interagency coordinator addressing homelessness. Don't

we have a city of Austin -- it's supposed to be an independent audit. Great. Well, 200,000 is a little bit more pricey for me, but -- and for other people, but we'll leave it at that. Number 117 is the naming of the metz recreation center. He's a good friend of mine. If anybody didn't like him, something is wrong with that person. May he rest in peace and we strongly support it,

[10:32:07 AM]

veterans for progress supports is, and this man was a saint as are many others from east Austin. I'll leave it at that. Thank you for the due diligence you do for individuals. We wish we could have done it before it passed away. Thank you very much and I look forward to speaking to other items?

>> Mayor Adler: Is manual Hernandez here? Do you want to speak to item 117.

>> Good morning, council. My name is gavino Fernandez and I'm here speaking as representative of concealio mexican-american landowners. What I see on 117 is you're excluding a public hearing, is that correct?

[10:33:11 AM]

Because -- it does not include a public hearing on this. My comments are not on the individual. I worked with Mr. Metz for 10 years. Yesterday when we were informed of this there was a codenext meeting at community gardens. And members of the community got to see this and they said wait a minute. Are we circumventing the naming process? Why are we doing this? Why we are not engaging the people that live there in or around the city that have been and continue to be members of the metz recreation center. Now, I read the resolution and also I want to mention to you that last year we awarded a scholarship under Rudy Mendez because we strongly appreciated his commitment to the arts, but there's been a lot of other people that worked at metz that also contributed to the community. All it says is there's a

[10:34:12 AM]

process, an open process to discuss and bring this issue to the community. This is circumventing the process. And we had twins when I was working there -- there are other people who are in community who made major contributions. When I read Rudy's credentials here, I think we should name the Dougherty arts center. Rudy taught classes at the Dougherty arts center. We talk about racism here and the confederacy and all that. If you want to be sincere in your efforts on racism in the city of Austin, let's rename the Dougherty arts center. You have all the things here. To me this is circumventing the process in your districts. You never come up with it going to your neighborhoods for vetting, for giving

[10:35:12 AM]

contributions to the process. And this is a total, total disregard and disrespect to landowners in our community when you circumvent the process and that just goes to show -- and we always talk about why don't people vote? Because you do these kind of things? It discourages people to go vote because they have no voice. This one happened at allandale neighborhood, this one happened at mace is a drive in -- Mesa drive in those areas. You bring something like this to you with no input from the community, no comments, anything? So I think that going down the road, el Concilio, lulac and east town lake citizens is opposed to this name change without having a public hearing. Thank you.

>> Mayor Adler: Thank you, sir.

>> Tovo: Mayor, I would ask the sponsor to comment on it, but I think it's just

[10:36:12 AM]

initiating the process which does send it to the parks board for a conversation and then back to council. But again I would just ask the co-sponsor for -- the main sponsor for confirmation of that.

>> Renteria: That is correct. You know, this ain't the only item that has gone before the council for a change. We did the same thing with Emma -- with the mac. We named it after Emma Barrientos. And we had a lot of requests from the public there and my district to name it after Rudy Mendez, after metz -- to name it after Rudy Mendez. So we felt this is a proper procedure and we had requests from the Mendez family and the neighborhood there to rename it. So -- plus, metz was a supporter of the confederate army, so I thought it was --

[10:37:13 AM]

this is one of the most popular way to go through it. So that's why I -- I'm sponsoring that.

>> Mayor Adler: Okay, thank you.

>> Tovo: And just to clarify, there will be an opportunity for the public to participate. Thanks.

>> Mayor Adler: All right. Those are all the people we had signed up to speak on the consent agenda. One last time, the consent agenda items are 1 through 75 75 and 116 and 117. Is there a motion to approve the consent agenda? Councilmember harper-madison makes the motion. The mayor pro tem seconds. Any discussion or comments? Councilmember Flannigan.

>> Flannigan: I would say on item 28 we asked a Q and a about why this agreement is happening with Travis and Hays, but not Williamson, and staff said it was sent to Williamson and the sheriff's office up there declined to participate. I would hope in the future, city manager, when the city is having a troubling

[10:38:13 AM]

interaction with Williamson county that you would engage with my office because I would love to know what the challenges were with that agreement.

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

>> Alter: Thank you. I would like to add \$20 to item 63 for the Austin soul food truck event so that it's got all of its fees covered in terms of fee waivers. And I wanted to speak briefly to item 55, which is about the strategic administrative office occupancy plan and consulting to help move that forward. This is our city's plan to exit our office lease space and move into city owned office space by 2026. I'm really happy to see this project moving forward for a long time I've championed the need to lease space to owned and I'd like to thank Alex Gale and the -- for

[10:39:16 AM]

really moving forward with this. We had a report for this in audit and finance. And while this is kind of wonky and nuts and bolts, it's really important for our fiscal sustainability and for being responsible stewards of our taxpayer dollars. When we move from lease to own it's kind of like taking out a mortgage and it's a better financial move, but in the context of revenue caps it also moves money from O&M to capital expenses, which gives us freedom to do other things that we need to do. So over the long-term as we move forward with this policy, I think it's just important to recognize that it has a lot of ramifications for allowing our city to function better. So I wanted to thank the folks involved for pushing this forward.

>> Mayor Adler: Any further discussion on the consent agenda?

[10:40:16 AM]

All in favor of the consent agenda please raise your hand? Those opposed? The consent agenda is unanimously approved. Let's go to some of the pulled items. Let's go to item 21, which is the auto aid agreement. Colleagues, just so you know, I have handed out on the dais on a yellow sheet something that's called V 2, Adler direction V 2, this is a red line to the language that I handed out at the work session on Tuesday. It basically takes the language as proposed by the association and divides it into

two separate sentences. First city council directs the city manager to have the fire chief coordinate with Travis and Williamson county for the universal regional

[10:41:17 AM]

fire response operating guideline report back to city council in 12 months. That sentence is what was proposed by the association, except that's the association has come out, but that's covered in the next sentence where the manager is directed to coordinate with the AFD regarding the universal response guideline. And again I want to thank both the association and the chief for working on this. When this first came up there was just a whole raft of issues, and everybody worked really hard to get to a commonplace. We got to a commonplace on like 99% of the things. This was the one last -- the issue was the default and then this other issue in terms of the timing came up. But this is what my recommendation would be. We have four people that have signed up on this. I would give staff the opportunity to speak first

[10:42:18 AM]

and last, and I don't know if you want to speak first and last, chief, or if you want to have the other people speak first and then close. What's your preference?

>> [Inaudible - no mic].

>> Mayor Adler: Come on down then.

>> He said they can speak first.

>> Mayor Adler: Got it. Let's begin then with Bob nix. You have time donated, chief, from Mike Duffy. Thank you. What about Christine Jones? Chief, you have seven minutes. Thank you, Mr. Mayor, mayor pro tem, council. We appreciate your service and thank you for hearing this item again. And we apologize we need to

[10:43:20 AM]

bring this before you again. I think mayor Adler laid it out pretty well. He's worked very hard with the fire chief and the association to reach some common ground and I want to applaud your efforts, Mr. Mayor. It's been very, very helpful. We still feel that there are some differences that were not bridged by that effort, but it did get us very close close, and I'm hoping there will be a councilmember that offers some amending language that might alleviate some of those concerns. That language would basically insert to the interlocal some assurances and oversight from council. I understand that there shall be

some -- there has been some concern that maybe this was a charter violation and I had my attorney write a small opinion on that that I'd like to read real quickly. Claims that although it was appropriate for council to consider and approve the current auto aid agreement in 2013, and although it is appropriate for council to consider and improve the

[10:44:21 AM]

proposed new version day, if there's another proposed version in the future, it would somehow violate the city charter for the council to consider and approve that version. What they're basically saying is that if you can approve the older version you can certainly approve a new one if you had the oversight function with the amending wording. The claims that reviewing the contract a third time would cross the line from policy making to operational management which some may say is prohibited by the charter. This is wrong for two reasons. The first reason about whether to what extent or under what circumstances to use city resources and send city employees in harm's way to provide emergency service outside the city is fundamental policy questions that the city council can and should weigh in on. Secondly, the charter is not as restrictive of council authority as some might suggest. Instead the charter provides that the council has all the powers and authority of the city except in specific limited circumstances. The specific limitations have to do with the selling

[10:45:23 AM]

of parkland, selling of public utility facilities, settling claims without getting an opinion from the city attorney, and hiring and firing city employees other than the city manager. The charter gives the city manager authority over certain areas, but this is not one of them. The charter specifically addresses contracting, providing the council may approve certain contracts and amendments to the contracts. There are some contracts amendments that the city manager can do on his own, but the charter does not prohibit council review and approval of any of these contracts. The state law specifically provides the council has to approve an interlocal cooperative agreement like the auto aid agreement. So I want to be really clear, we support a lot aid. We think it's a great policy issue to promote. We think bringing in a second county is a great idea, but we are concerned about one operating system of what they would look like. Our chief financial officer of one-19th of the vote. And literally they could change the operating system we have in Austin today with the power that you're transporting to these other chiefs. Although we trust them, we

[10:46:23 AM]

see no reason for them not to trust us. And providing that oversight function will ensure that we will have a better system going forward. And will ensure that we don't come back up here again if they do

go off course and do something that's unsafe, then we have to come back and ask about the auto aid contract. That's a terrible decision to put in front of council. I don't want to do it. Inserting this language on the front end will prohibit that from ever happening. And we'll just make sure that we all work together and come forward with a good agreement in good faith. I do appreciate your consideration on this matter if this amendment is brought forward. I would also support the amendment that would direct the city manager and staff to look toward a solution for Williamson county Austin residents immediately. If we sign this agreement today, which I think we're going to, I would say you're probably not going to have any relief in Williamson county residents until probably 2021. The whole notion that we're going to have this all already by August 2020 is

[10:47:25 AM]

very unlikely. So signing today doesn't help Williamson county. We need an immediate solution and we also need some council oversight. Please support your firefighters on this. All we're asking is that the 45 day wait to ratify period is installed so if something does happen that we have no control over because we won't have the votes to control that, that you will have some purview to make sure we're still safe. We appreciate your consideration.

>> Mayor Adler: Thank you very much.

>> Flannigan: Mayor, can I ask Bob a question? Chief, we've been talking a lot about this. It's obviously important to my constituents in Williamson county on the response time and the safety issues. On your description here you talk about the oversight and the number of votes and while chiefs can decide operating agreements. Is that the primary issue for the association? Is the oversight piece?

>> Yes. You brought up a great point at workday that I would like to repeat. You said this is the way it's always been under this agreement. We've always had this notion that the chiefs could vote in operational issues, and that's true. We also had the whole

[10:48:25 AM]

agreement anchored on the premise that we will use the Austin operating system. And now that we are going in other regions that may not be the case anymore and we need to make sure that as we do needs assessment to find out what system we need to do county-wide it's going to have a profound affect on the Austin firefighters, like it never would have under these old agreements.

>> Flannigan: So the oversight thing is really about the operating agreements. It's ensuring that we want to keep 8101. And nobody says they want to do that in the city of Austin.

>> Our interest is the safety aspect of the operating system, but inch the council also retains some interest in equity if you do future studies and you have in oversight in how changes are made, you need

to be informed by the equity studies that will happen later this year. So I think it does accomplish both those things.

>> Flannigan: When I talked to some of the chiefs in my part of the city, they were less concerned about the operating agreements and more concerned about the equity in even what happens under the current agreement

[10:49:26 AM]

auto aid with Travis county, and when devices are being sent on long runs into other parts of the county. So do you think that the current auto aid agreement with Travis county is also bad? I mean, is it not good?

>> I don't think it's bad. I think it's unstudied. We seem to operate under the philosophy that it's a win-win regardless of what the data shows. I think we should delve into the data a little more. I sent you a chart from north lake Travis and it's a huge disparity? What we do in providing them service and what they provide us back and it makes sense because of their rural location and all that. Is it okay? Are we so socially conscious that we're willing to transport resources that could help our citizens in other areas of the county that really can't help us back? If the answer is yes that's fine, it's a policy question, but it's never really been considered and I think it needs to be.

>> Flannigan: But that's been happening for a long time. When did auto aid get started with Travis county? I can't remember the year.

>> I'm sorry.

>> Flannigan: When did we start auto aid with Travis

[10:50:26 AM]

county? It's been a number of years, right?

>> Auto aid started around 2008. The last -- then there was a couple of esds in that agreement and then it became everybody in Travis county I believe in 2013.

>> Flannigan: Okay.

>> So again, how the principles were anchored to begin with. And chief Bailey told me this and it reminded me of what it was. Several chiefs brought him in and said we want to do auto aid with you. Three things, you will get equity, number two, you will come up to Austin standards and number three you will use the Austin operating system. We're behind that, but it's starting to evolve to something different. And that's why I think the oversight is so important.

>> Flannigan: Thank you.

>> Mayor Adler: Next speaker is Robert Abbott.

[10:51:30 AM]

>> I'm fire chief with lake Travis fire rescue and also president of the fire chiefs association. And I want to give accolades to everybody involved in this process. Bringing these many agencies together as you can all imagine because you've all been involved in projects where you bring stakeholders together. It's been going on in two years and with the specifics of updating and evolving auto aid as we know it. We will definitely acknowledge and give credit to the city of Austin for many years. The city, the fire department and also the association for helping out as we all tackle the growth issues in and around the Austin metropolitan area. As we've seen this growth we've also seen need for change. A lot of these departments that are participants of the auto aid agreement have now increased staffing levels, have added new stations, very close to the city lines in some stations, and we're doing much more communication on capital improvement projects relating to public safety, fire and ems, than we ever have before. So a lot has been gained through the auto aid relationships.

[10:52:30 AM]

The challenges that we see moving forward is that everything will evolve. We had different operating procedures before a 101. We knew we may be going toward new operating systems in the future. We will have other counties involved, not just Travis and Williamson county, but also hays county. This will continue to evolve. I would caution anybody to believe this is the only model template. But through communication and working together as we have with chief baker and his staff and also former chief Kerr on this same thing for many years, we're getting to a point now we have 19 departments on board. That is substantial. And really this comes down to a customer issue. We want to provide the customers the best possible service that we can. We know there will be some shortcomings. We know there will be some challenges along the way. But if you were to get an engine company across the line into district 6 right now, chances are you will be getting a paramedic engine company on a call that would

[10:53:30 AM]

be normally a bls company. And we don't draw division lines over that. We were to provide -- we want to provide the best care to whoever is calling 911 and we think that auto aid as it continues to evolve is one of these answers. We've been tasked by city managers in wilco and in Travis county and in the city to work on regional size Asian. It's stuff -- regionalization. It sounds like a feel good word, but comes with a lot of weight. And we appreciate the council's guidance on this, all the back and forth that has gone on for some time. I'll commend also the other chiefs. I know that some of the chiefs have had discussions with public safety commission on this. And some of their takes on it, thinking we're

fracturing the system. I can tell you we're not here to fracture any St. We're here to evolve the system and improve the system and we feel that we can provide the city of Austin residents, which a lot of our employees are --

[10:54:32 AM]

[buzzer sounds]

-- Great, great customer service through auto aid agreements. So we think to passing this agreement and we want to a thank you for your time.

>> Flannigan: Mayor? Chief, thanks for coming down. You have the distinct honor of also serving city of Austin residents in the limited purpose jurisdictions.

>> That's correct.

>> Flannigan: So I want to thank you for protecting my constituents and my voters that aren't served by the Austin fire department. It's one of the weird things that happen in the city that a lot of folks don't honor or understand. And thank you for the fire drills you do in comanche trail. I'm looking forward to AFD do the same thing shortly. You do support the auto aid agreement.

>> That's correct.

>> Flannigan: Double that if they were changes made to that agreement that it would put the entire agreement at risk? That's what I'm worried about.

>> Everybody except the city and the two other departments that have chosen not to participate, have run this by our city councils, or boards and attorneys.

[10:55:32 AM]

We've already signed. Any substantial change we will have to go back and we've been working on this for two years. It predates chief baker. He picked this up and ran with it with the support of his team, but I remember having discussions with former chief Rhoda Mae Kerr about the same thing and this is how long it's taken to get to this point. So if there's significant changes and we have given -- the last meeting we had with chief baker and his team, we gave on a lot of policy changes even after the city council said okay to the representing chiefs, you have the guide on this, but there are certain things that we're going to have to bring back, and it will take some time. It's taken about six months to get the other parties past the city councils, the district commissioners and the attorneys. And we've spent a substantial amount of time. And equity does come up in that discussion. I can tell you that when we started to be participants of the auto aid system, a lot of these departments had

[10:56:33 AM]

to elevate staffing levels. And we did that at a cost measured by the millions and millions of dollars. We've also raised some of the equipment differences -- I'm not going to say there were better standards in the city compared to the county. They were just different. We had a number of departments switch as something as simple as sba, to a department of \$2 million, making that change is \$400,000. And they did that because that's the right thing to do for the intent of what we were trying to accomplish together. And if you look at the commitments we've made with staffing to bring them up to equal levels with the city, some departments were already going to do that. Other departments did not have that planned. And they foregod station raises and other things to meet the Austin staard, which is an average standard by the way, nfp standard. We've gotten better and gotten better collectively. We haven't gotten better because we're waiting for one person to pick up the slack. We want the city of Austin to continue to be participants in the auto aid

[10:57:33 AM]

agreement. What we don't want the city to feel is you have to be the answer to regionalization in Travis county, in Williamson county. There's a lot of other stakeholders that carry this weight as well. So thank you.

>> Flannigan: And an equity question. In your experience do you find the runs that you are doing into Austin's full purpose jurisdiction vice versa, how do you experience that from your experience in terms of equity? If we're running devices into Austin and into lake Travis.

>> Specifically I would have to look at the data. I think in our part of the area it's about 50 50/50. I'd have to look at the data. I don't think it's a burden to us. Running into the city we've never considered to be a burden at all. We consider that part of what we're doing. And we know that some of our citizens that come out of lake Travis area get into wrecks in the city of Austin and we know that the city of Austin folks come into our area to recreate, it's a very beautiful area.

[10:58:33 AM]

And we want to make sure that is seamless and a continuous type of service. So specific to our area in district 6, I don't see it being a huge demand one way or the other. We make it work. And at the end of the day the taxpayer is who benefits. So thank you.

>> Flannigan: Thank you. Chief. I have a question for I have a mention for law. Significant change in any agreement with kick it back to all the city councils, is there a legal difference where a minor change might not require it to go back to all the city councils or is that more of a rhetorical difference?

>> Because we don't know what the other jurisdictions have in way of delegation of power.

>> Flannigan: It's a jurisdiction by jurisdiction louver it's a minor or significant.

>> If I could just clarify that point is that the

[10:59:34 AM]

operational changes, most of the chiefs in the auto aid agreement have the authority and I already told chief baker that we will work through chief baker and his staff with 975s request on the operational, that's -- that was hashed out about three weeks ago. The las would be our concern if there's significant changes to that.

>> Flannigan: Thank you, chief.

>> Mayor Adler: Just so you can get a feel for where we were in the conversations, let's end with this. I want to thank the chiefs, I want to thank our association and chief Nixon and our chief working through and reaching agreement on all the substantive issues, and there were a lot of them, who is in charge in any given moment, what kind of review follows this this happens out in the field for this happens out in the field, those things were worked and agreed to. Got down to this one last issue, what happens when a change is being made. Our association wanted, as

[11:00:35 AM]

has been handed out, an amendment that says let's put into the Ila itself that each one of the governing boards has the opportunity to get involved if changes are being made. But when the chiefs got together, some said my board doesn't get involved in that, it's an operational decision, that's not a policy decision. Don't send this back to my governing board, that's not their job in this instance. But each one of the jurisdictions had different versions of what was and was not appropriate to go back to the governing board. So ultimately what I had suggested to our folks were we really can't govern what everybody else has to do with their governing board, only with our governing board. Let's make it really cheer that for us if there's going to be a change, we have to have 45 days' notice so the council can intervene if it wants to. And that's what we had tried to do.

[11:01:37 AM]

Yes. Mayor pro tem.

>> Garza: But, mayor, even if another governing body doesn't -- chooses not to weigh in or feels like they shouldn't weigh in, then these changes don't really have any effect because they wouldn't weigh in,

they wouldn't -- they either wouldn't send a letter of objection or they would defer to their chief and the chief wouldn't send a letter of objection.

>> Mayor Adler: I think -- my sense was, and I don't know this but just trying to understand the comments I heard, there may be some jurisdictions where the chief thinks that they have the operational concern. It's never been questioned. They are continuing to act operationally, and they don't want the Ila to bring their council or their governing board into the conversation. So -- so certainly everybody could do it themselves and the governing board of those districts could decide whether or not to get engaged, but my sense is that what people didn't want

[11:02:37 AM]

was assuming that the governing board had that right even if they wanted to. That it would be precipitating perhaps a disagreement back in other jurisdictions about whether or not the governing board had the ability to enter into. And for us, I was just trying to stay as far away from those discussions and those other jurisdictions as we could by just focusing on us and making -- because here we know it's something that we have the ability to weigh in on, so here let's give direction that says there will always be notice coming back. That's what I've done. Councilmember pool.

>> Pool: If a change would cost money to a jurisdiction, wouldn't the chiefs of the esds want to advise and get some acknowledgment that a change to a standard in order to stay in alignment with the -- with the Ila and the auto aid with everybody else so all standards are the

[11:03:39 AM]

same, wouldn't they need potentially to take the question to the governing body with oversight of the finances? And maybe we can have Bob nix come down and respond a little further on that. I mean, I am -- I am supportive of ensuring that everybody is on board with all of the standards so that no matter where you are delivering aid in whatever jurisdiction, everybody has the same standards to meet. And if that means that some of the smaller esds have to purchase new equipment or upgrade their equipment, that's a safety factor and that's as important for the people that they are coming to give aid to as it is to the firefighters themselves who are rendering the aid. And so I want to make sure that everybody who is out there in the field responding no matter where they are under auto aid is working from the same set of rules and standards. So my question is on this not wanting to take it all back to the governing

[11:04:39 AM]

bodies, wouldn't you have to anyway if there were an increase in a budget? Because I don't understand the structure of all of the various entities.

>> Well, there's esds and obviously other cities in this discussion.

>> Pool: Right. Right.

>> So the practice of capital improvements in some of the larger equipment, to your point, equipment, to my knowledge among all the participants has never been an issue. They allocate the resources because they know it is part of the deal. And for their folks as well in addition to the other firefighters is safety. We're not going to put something out in the public that's unsafe.

>> Pool: So why the reluctance then to take a change to an agreement back to the bodies?

>> Some of the boards give some chiefs more authority in that decision than others.

>> Pool: Okay.

>> And it depends a lot on the size of the department and the complexities in which they deal with every day. I can assure you, though, any financial changes would have to go back. And most of the participants

[11:05:40 AM]

if not all of them are already at minimal staffing levels that are defined within the agreement and it's already funded for. So any department that would come in afterwards would know up front that that's going to be an associated cost.

>> Pool: Well, doesn't this change that the mayor pro tem has handed out, doesn't it -- I don't know if you've seen it, but doesn't it allow for that kind of individual situation, the unique circumstances of each esd and city to still operate, but within this larger confines so everybody can stay in alignment and lock step with everybody else knowing all the standards are going to be the same and no one small group of chiefs can impact what another -- the safety standards of another city.

>> And myself, chief baker and the other --

>> Pool: This would still allow that to occur, right?

>> I don't have exactly what's in front of you, but I think with the intent of what is trying to be

[11:06:40 AM]

conducted here, I think that meets your point. I think that would work. I think to the question of what would -- you know, substantial changes were made to the Ila, what would trigger that, some cities or districts may have a different take on what is substantial versus the chief saying we're okay with that and we're good. When we did a comparison to just the equipment, without even trying we're 85 to 90% compatible, without even trying. That was years ago. And I can tell you just in that small time, about 12 years now, gains have been made and we've done joint purchases, we've saved some money in that

because we're buying the same equipment now. So there's some gains there as well. So I think to your point, and I don't have what's in front of you exactly, I think that would work.

>> Pool: That's great.

>> If that answer your question.

>> Pool: Maybe you can get a copy from the clerk of the mayor pro tem's amendment. I think the clerk has it.

>> I would defer that to

[11:07:40 AM]

chief baker. I know that he has had some time to have discussions and I wouldn't want to interfere with anything he's already working on. If there's anything --

>> Pool: Well, I'm asking you because you had been brought up to kind of give another perspective of folks in the field and maybe have have a different working relationship and I appreciate your input.

>> And we're always here as a resource.

>> Pool: Do please get a copy of the additional amendment.

>> I will.

>> Mayor Adler: I think those were all the folks we had signed up to speak. Chief, do you want to come on down? Do you have a copy of what was handed out by the mayor pro tem?

>> I have several copies. I don't know if I've -- I got copies of several items.

>> Mayor Adler: This is

[11:08:41 AM]

the upper respected corner, it says mayor pro tem Garza.

>> I have it now. Give me a minute to look at it.

>> Mayor Adler: Yes, sir.

>> Garza: Mayor, while the chief is looking at it, I see your point and concern whether different forms of government, strong city manager, mayor, whatever, I think an easy fix would be incentive saying will be sent to the governing body, will -- they can decide what their appropriate authority is. But ours could be dined as the appropriate authority for the Austin city council.

>> Pool: Are you making an amendment?

>> Garza: I haven't moved it, but as a matter of discussion, I think that would help with the concern about who the governing body is.

>> Pool: I agree it seems to hit it right squarely.

>> Mayor Adler: Chief.

>> Okay, Mr. Mayor, I have

[11:09:42 AM]

reviewed this. From mayor pro tem Garza. And I'm not in agreement with this, especially the part that the change must be sent to the governing body of each cig signatory or part. However, I hear the concern from my local union and can respect that. I know for sure without a doubt that a101 worked very well for the Austin fire department and the city of Austin. And a101 worked well for some of our esd partners and for others it do not work as well and they have their own operational system. So how can we come to a common agreement where it's a win-win for all? And I believe that by having a subject matter expert who have helped author the a101

[11:10:43 AM]

policy from the Austin fire department to participate on the update of possible changes for one operating system, having their person who helped author a101 to participate would enhance the safety, again, of all members and it will be -- they will be able to help us write a one operating system in the future where all parties can live by. So I believe that the version 2, Mr. Mayor, is a good version, giving council 45 days notice of any possible requested change as well as the fire chief meeting with our local body, Bob nix and local association, get them -- knowing having that dialogue and discussion is very appropriate. I'm not against that. I am against including any additional language in the Ila, interlocal agreement.

[11:11:43 AM]

I think the version is a good version to have. You heard my other concerns and comment over the past couple of weeks.

>> Mayor Adler: Okay. Yes, Mr. Flannigan.

>> Flannigan: Thank you, chief. I've had some conflicting information about whether or not the Ila in front of us right now including append sees has already been changed beyond what some of the

participating jurisdictions have approved. If we approve this today, regardless of amendments, is it still going to have to go back to jurisdictions for reapproval?

>> So the only thing -- the Ila did not change the operating guidelines did, again, that was with attorney Ann Morgan was talking about, not knowing exactly what each jurisdiction was given the authority to do. We believe it was negotiate and execute. If that was a requirement, we would take the agreement back, but it was only the

[11:12:45 AM]

appendix a that was modified. The Ila had never been modified to any extent.

>> Flannigan: So we're not sure.

>> No, but our plan was if there was an issue with it, we were going to take the document back for signatures based upon a short discussion only the appendix a had change, which was something each of the jurisdictions gave their chiefs the authority to negotiate anyway.

>> Flannigan: So the Ila that was agreed to by all the other jurisdictions that are participating already gave the chiefs the authority to change exhibit a with agreement of 75% of the chiefs?

>> That's affirmative.

>> Flannigan: So the theory you are saying is those jurisdictions have already given the authority to chiefs to make changes to the exhibit.

>> Yes.

>> Flannigan: Okay. Thank you.

>> Pool: Mayor, could I ask chief nix to come up and respond? Mr. Mr. Flannigan would like

[11:13:48 AM]

to get from Mr. Nix on that.

>> Thank you. I just listened on the chief talk about the requirements for the Cigna in ars to on the agreement and I've been pass ING this information back and forth with management for quite some time. This was the interpret of our attorney after he spoke to the city attorney yesterday. It actually contradicts a little bit what the chief just said. I talked with grace, Kerry grace, and she said all the same things I have been saying for months on this issue. She said that all parties will need to sign exactly the same agreement with exactly the same appendage a in order for it to be an effective agreement. She said that no agreement is in effect until the city of Austin every single Travis county esd signs. If chief

Bailey does not sign the same version that all the other parties sign, then there is no new agreement. This was a conversation --

[11:14:49 AM]

this was the synopsis of conversation between our attorney, Matt backup and city attorney. And the city attorney previously emailed chief pool an interpretation, it's the exact same interpretation. We cannot change appendage a now and not have it resigned. Appendage a is part of the interlocal. Now, after it's signed and after it's effective, then the chiefs have the authority but not during this period where the signators have not signed yet. Hope that helps.

>> Mayor Adler: Chief?

>> One holdout. ESD11. If, if, if he does not sign. 19 agencies were involved in this. I find it hard to believe, although I'm not in charge of ESD 11, that he will hold out and put his own citizens at risk for automatic aid

[11:15:52 AM]

agreement. Anyone back here can decide they do not want to participate in automatic aid. And so be it. You don't participate in automatic aid. So if chief Bailey or any one of these chiefs decide that they do not want to participate in the automatic aid, they have the right to do so. But that does not mean that we should not have an automatic aid agreement with those agencies who want to provide those additional enhancement and protections for their citizens. So if chief Bailey doesn't sign, then chief Bailey doesn't sign. And ESD 11 south of Williamson county.

>> Councilmember pool, may I respond? First of all, if chief Bailey doesn't sign, the agreement is not effective and we'll have the same agreement we've always had in Travis county, renewing annually up through January 2023. So it will not stop auto aid

[11:16:53 AM]

for chief Bailey. But chief Bailey has agreed, and I've talked to some of these councilmembers, he has agreed if we accept interlocal amendment I believe Delia Garza is going to offer, he will sign on. Now this agreement that you sign today will be effective and we can actually get on with our business. So I would highly recommend that we consider the amendment.

>> Mayor Adler: Are we ready to take a vote? Thank you very much.

>> Flannigan: One more question for chief baker. Which of the esds in Williamson county are participating?

>> I can let them --

>> So you have cedar park fire department, you have the Leander fire department, you have Georgetown fire department, the round~rock fire department. You have the Hutto fire department. The only one that was along the border that was kind of waiting to see what was going to happen was the

[11:17:53 AM]

sambas.

>> Flannigan: Jollyville?

>> The last meeting I had with the chief, yes, he was going to participate.

>> Flannigan: Okay. Thanks.

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

>> Thank you all.

>> Mayor Adler: How about if we do this. How about if someone makes the motion for the base motion, then I'll recognize the mayor pro tem if she wants to make an amendment. If that does not pass, I will make the motion for the direction in v2 and then we will do the directions from Flannigan and the directions from alter.

>> Garza: Sounds good. I move my amendment that was handed out on the dais with a couple of changes if I get a second.

>> Mayor Adler: The mayor pro tem moves the base motion, approval of the Ila. Is there a second to the base motion approval? Councilmember Flannigan seconds that. Mayor pro tem goes further and urges an amendment to

[11:18:53 AM]

the Ila and I'll recognize the mayor pro tem to make that amendment.

>> Garza: So it would be instead of sent to the governing body, it would be sent to the appropriate authority of each signatory party. And then it also refers to a government body again and I would change that two in the -- the sentence starts on the fourth red line, but it would be written notice of the change was sent to the appropriate authority of each signatory party. And an additional definition that the appropriate authority for the Austin fire department is defined as the Austin city council. And then --

>> I'll second that.

>> Garza: If I could speak to --

>> Mayor Adler: Your amendment is to change governing body or any governing body in the three places it appears to be the appropriate authority.

>> Garza: Yes.

>> Mayor Adler: And then beyond that, you are putting a definition into the Ila

[11:19:54 AM]

that says that the appropriate authority in Austin is the city council.

>> Garza: Yes.

>> Mayor Adler: Okay. Is there a second to that amendment? Councilmember pool seconds that amendment. Mayor pro tem, you can speak on it.

>> Garza: I just -- I want to say that I know that everybody has come into this with good intentions, and I know that everybody cares about the safety of our firefighters. I'm absolutely positive of that. I was a little disappointed in the turn that was taken on Tuesday because that's never been a question in my mind about who cares about our firefighter safety because I absolutely believe the union represents their members greatly and caring about that and I absolutely believe chief baker is a great leader for our fire department and deeply cares about the safety as well as all the other chiefs in this room. That being said, I guess just to keep it short, I think that this does not

[11:20:56 AM]

provide any real substantive change, it just provides a safeguard for what I believe is a policy issue. And so for that reason -- because of my history, I defer to labor on this and that's why I'm offering this.

>> Mayor Adler: The amendment has been moved and seconded. Further discussion on this? Yes, councilmember kitchen.

>> Kitchen: I think that the amendment makes sense. I think we should go forward with it. It's slightly different than the one that you are proposing, mayor, but I think that difference is important and I would also think that it's important to listen to our union in this regard. It does put it in the agreement which I think is important for future. So it's more specific than the -- than direction. And it also talks in terms of no written objection as opposed to just a notice. To me I see that as two difference that are important so I'm going to

[11:21:58 AM]

support the mayor pro tem's amendment.

>> Mayor Adler: Councilmember alter.

>> Alter: I wanted to ask our -- excuse me -- our legal counsel if you could clarify what the rules are about the ratification so we have one argument, as I understand it, that's saying that they can go ahead and do this and if it's an exhibit a, it can just kind of move forward. If we did the changes we've done so far. And then there's another argument saying that we have to go back and get it approved by everyone anyway. And it seems like whether we put this amendment forward or not depends on that interpretation.

>> Yes.

>> Alter: If I wasn't clear.

>> I think I do. What I've tried to explain

[11:23:00 AM]

to all of you and to the buyer department management for some time -- fire department management for some time is we aren't privy to the scope of authority that each governing body and each city council gave to their management, which is a different model in several places. And so we must rely and defer to the chiefs about the scope of their authority. So, for example, this is posted today and Austin does this often, negotiate a execute and rarely or often the document is -- the actual interlocal itself is not at all started or it's barely started or it's a framework. You know, there's different stages of completeness when you as a body approve management to go forward. And that's our dilemma with these other entities, we

[11:24:00 AM]

just don't know the level of authorization that each of the esd boards and/or city council have given to their management. And that's a question for each chief. So each of them will have to look -- would have to look at this if it were adopted and decide whether they need to seek approval for the new language from their governing bodies.

>> Alter: If there was one more entity that still had to signed and we signed it today and they wanted to make a change to exhibit a, would it have to come back to us before the whole thing went into effect?

>> The -- the terms -- by the terms of the agreement, the first effective day of the agreement won't occur until all of the Travis county esds and the city of Austin have signed it. That's the effective date. So they could all get together in a room and do it all at once and on that date

[11:25:02 AM]

it will become effective, or they can do it successively and the day that the last of those entities signs it is the effective date. One reason that it's drafted that way is because it will automatically supersede the current agreement. The current agreement that auto aid is -- that's governing the auto aid process now. And so the manager signs it after the council approves it. It can't be changed after it's effective probably. The operating -- we're talking about operational guidelines, this whole conversation really and the attachment is the operational document and the agreement right now gives -- I think you all are aware it gives 75% of the chiefs the ability to make changes. If you approve it today because it's posted as

[11:26:03 AM]

negotiation and execution, and the chiefs still wanted to put some finishing touches on the operational guidelines, under all this language put together, they could do that. You're approving -- you're approving the city manager's ability to negotiate and execute so that implies further finishing touches. Does that help?

>> Alter: What I'm trying to understand is if the statement it would still have to go to the other bodies, the appropriate authority is accurate regardless of how we --

>> Chief Abbott I think indicated he believes he would have to take it to his governing body. We don't know the extent of authorization that the other district -- the other parties have given to their chiefs.

>> Alter: Okay. Thank you.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: Is that true you think you would have to

[11:27:03 AM]

take it back?

>> [Inaudible - no mic on]

>> Flannigan: Come back to the mic. Do you think you will have to take it back?

>> Substantial changes, no.

>> Flannigan: Is what we're doing a substantial change?

>> It's getting close.

>> Flannigan: That's not an answer, chief.

>> You ask the question and we're getting there.

>> Flannigan: Is the exhibit change, regardless of the amendment, is the exhibit change a substantial change?

>> The exhibit change for me is not a substantial change. We'll just get a nod from back there.

>> Flannigan: Okay.

>> This is how high tech we are.

>> Flannigan: Thank you, chief.

>> Yes, sir.

>> Flannigan: So I'm -- it's tough because I think we're all trying to do the same thing, we're all trying to get to the same place. And where we're getting hung up a little bit is the challenge of doing this work

[11:28:04 AM]

regionally. Normally when we're doing these agreements or resolutions or passing ordinances it's just us on the dais, we can make amendments, changes, we're the city and we're the governing body. Regional work is very different. And I thought chief Abbott made a good point when he talked about that. The idea that another governing body would cede their control to us is not one I think is realistic. Us saying for our own chief is one thing. If there's a change made, let us know about it, got to come back to us. I don't know that that is necessary, although I will support the mayor's version of this solution if only because I think it would have happened anyway because our association is really good at keeping us informed so there would have been notice regardless, and I feel like the association as they have been working with firefighters and the other

[11:29:05 AM]

esds are going to be providing that written notice to all all the region. The notice isn't the problem. The notice would happen. But I think this change really does risk the ability of the reasonable partners to -- regional partners to come back to the table, and I would really hate to risk that.

>> Mayor Adler: And seconded by the mayor pro tem. Ready to vote? Those in favor of the Garza amendment -- yes.

>> Alter: Sorry. Is there a way -- I understand the desire to give the other folks the authority to do the same thing, but our concern is really that we have the authority. So if we're doing this anyway, you have the same effect, is it a nonsubstantive change for everybody else if we say that this has to apply only to us? And we can provide authority to the city manager that if other ones want to be added and they can figure out a way to do it, we're okay

[11:30:07 AM]

with that? Is that a potential way to avoid some of the problems.

>> Garza: Can I respond.

>> Mayor Adler: Yes.

>> Garza: I'm fine with that. I thought -- but what I thought chief baker was trying to accomplish was equity amongst the decision and so I feel like that makes it very heavy-handed on our part to say we get a say, nobody else gets a say. So this was an attempt to remain in the spirit of allowing other authorities to also have a voice in changes.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: It's important there is a substantive difference between the mayor pro tem's amendment and the mayor's direction. In amending the Ila, if 75% of the chiefs agree to a change and this body objects, it doesn't happen for anyone.

[11:31:08 AM]

We would have the veto over changes that 75% of the chiefs want. I find that kind of a nonstarter for this agreement moving forward for the other chiefs. In the mayor's direction, it's the way it works with auto aid right now, which is if the chiefs agree to a change, we have the option to not do auto aid. There really is a substantive difference between the two.

>> Mayor Adler: All right. Go ahead.

>> Garza: I just believe the way this is written, it's not any change -- it's the certain ones, yeah.

>> Mayor Adler: Let's go ahead and take a vote. Councilmember kitchen.

>> Kitchen: I understand what you're saying, councilmember Flannigan. I think that was the concern that was raised because -- so that we wouldn't be in a situation where everyone else wanted to change and all we could do is choose to be in or out. I think that that was the concern that was raised.

[11:32:08 AM]

So -- so I see the point you are making, but that's exactly what was expressed us that we didn't want to happen.

>> Mayor Adler: Mr. Flannigan and let's vote.

>> Flannigan: We have a Travis county now. It's not a substantive change.

>> Mayor Adler: Those in favor of the mayor pro tem's amendment? Renteria, Garza, Casar, the balance of the dais except for Flannigan. Those opposed, me, Flannigan, alter and Ellis. The amendment passes. Given that the amendment passes, I don't know that there's a need for the v2, which was intended to address the same thing. That gets us then to the Flannigan amendment. Mr. Flannigan, do you want to propose your amendment?

>> Flannigan: So I'm concerned about the automaker of auto aid. I'm also concerned about at least one if not two departments in Williamson

[11:33:09 AM]

county that weren't -- that were waiting to see how this would go like Sam bass or jollyville, two of the most critical fire departments that I need for my constituents in Williamson county. So I have direction here about directing the manager to figure out other solutions.

>> Mayor Adler: Is there any objection to this direction? Hearing none, the direction is added. Councilmember alter is also proposing direction.

>> Alter: So my direction is that the city manager is directed to provide annual updates on auto aid to the public safety commission including reports on balance of resources, incidents relative to each participating department. So, you know, this allows us over time to have some clear mechanisms for understanding if there are imbalances or not, which I think, you know, it's not going to be even Steven all the way across, that's not the way this is supposed to work, but if there are some severe imbalances both Austin and

[11:34:09 AM]

the other parties would then be able to see that and make adjustments to their resources appropriately.

>> Mayor Adler: Any objection to that direction being added? Hearing none, that direction is added. Let's take a vote. Those in favor of this resolution as amended, please raise your hand. Those opposed?

Mann on unanimous on the dais. Passes as amended. Moving forward. You want to handle item number 27 now, mayor pro tem?

>> Garza: I think all the speakers that intended to come are here. You can start taking speakers and then I can -- I'll know more.

>> Mayor Adler: Okay. Let's go to item number 27.

[11:35:12 AM]

We have six people to speak in favor -- speak on item number 27. Is Mr. Peña here?

>> I am here.

>> Mayor Adler: Do you want to come speak? Is Robert Kibby here? Is Robert Kibby here? No?

>> Garza: I think he's outside.

>> Mayor Adler: He's outside. Okay. Is pat Smith here?

>> Garza: They may be outside as well. I'll ask staff to look for the people.

>> Mayor Adler: That would be great. Also Fred Cantu and Gloria Iugo, Ophelia Zapata, Christina Chavez and Brian Curtis. Mr. Peña.

>> Gus Peña, president and co-founder of Veterans for Progress. I know this area very well because Mona Gonzalez had a

[11:36:13 AM]

argues that -- an organization we used to coordinate with Dove Springs and I have a lot of family at Dove Springs. But this is having to do with the recreation center -- renaming. I know people want to have a process, but I know the Morales family very well and we're here to support it and I'll keep it short. I know some people might not want that to happen, but the majority part that I've spoken to in Dove Springs area is for it so Veterans for Progress does, with all due respect, support this renaming of the Dove Springs recreation center. I'll leave it at that. It's an honor. It's an honor. Thank you.

>> Mayor Adler: Robert Kibby. Time donated by Andrea Kibby. Is Andrea here?

>> No.

[11:37:14 AM]

>> Mayor Adler: What about Carlos Yanez? Is Mr. Yanez here? You have three minutes, Mr. Kibby.

>> Mayor, council, thank you forgiving me this opportunity to speak. This is big for us in dove springs. Why do we want to make the rec center George morales dove springs rec center. George has done great things for this community. Many years ago him and his wife starting giving out backpacks. They started out with 50 backpacks. They needed 51. He went out to the store and bought that one and said never again will a child go without a backpack. This past year we gave away 3500 backpacks to needy children. Dove springs rec center was closed for remodeling. George morales went out to Mendez middle school, had an agreement where we can have Thanksgiving there for the people in the dove springs so we can feed the kids and the families. Yes, George morales does not

[11:38:14 AM]

do this by himself. There are many people out there that does this. But he is always there in the leadership role, getting his hands dirty, making sure that we at dove springs have what we need. The kids look up to George morales. Not many people from dove springs make it. Back in the '80s and '9s, we were supposed to be dead or in jail before we turned 21. He is an example that we can be whatever we want when we set our mind to it. Just because we're from above springs doesn't make us bad people. Council, I urge you to play vote in favor for this as an honor. Don't wait until he passes away. Let us say thank you for what you've done for this community. Thank you.

[Applause]

>> Mayor Adler: What about pat Smith? Is pat Smith here? You also have three minutes.

>> First I would like to say there are many, many community members and children that were going to be here today.

[11:39:15 AM]

It was set for 6:00 P.M. We were told and maybe moved to 5:00. If it seems that there aren't many here, it's because we are really surprised by the timing. My name is pat Smith. I'm past president of the southeast contact neighborhood team and I'm speaking to support keeping the dove springs recreation center name. This issue has been very divisive in our community. There's recreation centers or places where family and children and community come together and there's really no room for any -- anything that could be construed as divisive. Many people do good work and volunteer work in the community, and they do it just for the good of the community, completely self-less. And I think that that's an honorable way to do volunteer work.

[11:40:17 AM]

I have concerns about how thoroughly vetted all of this was. I'm concerned about the -- the lack of process, the idea that this thing from -- could have been initiated by a vote of 25 people just a few weeks ago and passed and come before city council in just, again, a matter of weeks with no requirement for community meetings, for any outreach in the community. Many people in the community, most have absolutely no idea this is even being proposed, and that really is not a good example of democracy. The best example of democracy is the way the recreation center was originally named, which was the wonderful volunteers who actually got the funding. When all funding was going west of I-35, these selfless people got the fund to go have the recreation center built, then they wanted nothing in return, they

[11:41:19 AM]

sought children to support and recommend names for the recreation center and the children voted on the name. It is about the children. It's not about any one person. George has been a wonderful volunteer in the community and no one -- no one discounts that, but this is not about one volunteer in the community. It's about the entire community and what's best for the community and the children and keeping the community together. Thank you.

[Applause]

>> Mayor Adler: I'm going to continue to call speakers. Mayor pro tem and at the end I'm going to ask if you want to hold this open.

>> Pool: I just wanted to confirm because the speaker said she thought it was going held until later in the day and we had a time certain on it, but is my list wrong?

>> Mayor Adler: We didn't have a time certain. We discussed it, I think that was an error. We discussed that at the work session and rather than doing it that way, we left

[11:42:19 AM]

the question open.

>> Pool: Okay.

>> Mayor Adler: But as I just said, we're going to return to my question. Let me continue asking the people who are here to speak.

>> Pool: So possibly people who aren't going to come until later will be able to speak?

>> Mayor Adler: We're going to discuss that in just a moment.

>> Pool: Thank you.

>> Is Fred Cantu here? What about Gloria Iugo?

>> Garza: I know there's a lot of confusion. We had originally talked about a time certain, but later in work session said we wouldn't really ask for one until today because we weren't sure of who was going to show up or if they needed a time certain. And then I spoke -- my office has been speaking to people and saying we would hear it around 2:00, but there's never been a time certain. We were trying to accommodate -- we knew there were two sides. We were trying to accommodate everybody. So the last we told everybody was around 2:00. So after everyone speaks that's here, I would ask that we hold off and then around 2:00 when we come back from executive session

[11:43:21 AM]

or whatever, take any more speakers and debate it.

>> Mayor Adler: And then vote. Sounds good. Ms. Iugo.

>> My name is Gloria Iugo and I am proud dove springs resident for more than 25 years. Thank you for the opportunity to speak before you today. I'm active in our community, vice president of Houston elementary pta, and I have been volunteer with Austin fire foundation and grant to improve Houston elementary pa. I oppose the renaming of the recreation center. I was at a meeting in September when the proposal was made and the vote taken to change that recreation center name. I attend regularly and had no idea a vote was to be taken. I was stunned by what was taking place. When the vote was taken by a show of hands, there were so many unfamiliar faces all voting in favor.

[11:44:22 AM]

I felt very uncomfortable about making a public show of opposition. I have spoken to many parents at Houston elementary and the community and I have walked several areas around dove springs. People, they don't know of the proposal name changes and many are upset by changing the name. They do not understand why it's needed. Out odd out of respect for our community I ask that you vote against changing the name of dove springs center. Thank you.

>> Mayor Adler: If the clerk would uncheck Fred Cantu since he will be doing another call at 2:00 so we can know who's speaking. Is zafela here? What about Christina Chavez? What about Brian Curtis?

[11:45:23 AM]

Okay. Then what we're going to do is table this motion. We'll pick it up after we come back from the -- oh, I see you. I'm sorry. I apologize. Mr. Fernandez, why don't you come on down. Sorry.

>> That's fine, mayor. Gavino with [indiscernible] We, too, are opposed again folks, the process. This is government bullying. I mean, there was no discussion, there's no community input, and there are many, many individuals that planted the seeds for what's in dove springs right now, the rec center, the health center, Christina Chavez, [saying name], former councilmember Bob Larson. All these people in the 19 - in the '90s were out there working real hard to

[11:46:26 AM]

make dove springs a quality of life living experience. As we all know, that community was built for the retired air force men from Bergstrom. When Bergstrom closed it became a section 8 community. So I think that we could name individuals for other items or other parks or whatever, but I think that dove springs, because it went through all the elementary schools in that community during this era to come to this name. It was a contest. If we are to liquidate that effort in dove springs to have a center named like this, I think it's a betrayal to the community that was there when they were planting all of these seeds. I remember clearly when commissioner Leon had to add additional funds to build a swing because it took so

[11:47:27 AM]

long that the funds depleted. So the county jumped in with all the people there so that they could get the original swimming pool that was laid out for them, and it happened. So I think that, again, this is an issue of process. This is an issue where government is being bolder than the community and the voice of the community. Again, you won't find this at northwest rec center. You won't find this in west Austin, where you just decide that you're gonna do this without any community input. Again, I'm not talking about the individual that we're -- I'm talking about the process. And I think that we need to have a process, a public hearing, so that we can address if someone wants to change the name of this rec center so that the people in that community can have an equal opportunity to vet and give their opinion. So at this point we're opposed to the name change

[11:48:28 AM]

until there is more public discussion, and we can name, like I mentioned, there are many other facilities in the area that this person could have this name place. And, again, like told the parks and recreation department, I always have a -- personally, these are people that are working, for example, in parks that

are working, get paid every two weeks and then we're gonna name a facility for them. Come on, please respect our people's voice and initiative -- initiate a process. Thank you.

>> Mayor Adler: Thank you. We're gonna table this matter and pick it up after lunch.

>> Garza: Mayor, I want to make it clear for everybody that's here, please let anybody know that this will come back up at 2:00, so I just want to make sure that if there are additional speakers that were confused about a previous conversation at work session, what time it was coming up, is that it will be coming up after 2:00 and I can get into the time line later, but similarly to the

[11:49:30 AM]

point that councilmember tovo made earlier, there was a process. It would not be on our agenda if it had not followed a process.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: I want to bring up the fact some of these groups and members speaking here actually brought to the council to rename at Rendon park atify he is Ta garden and it didn't go through anybody's process. They just brought it directly to here the city and it passed, without any kind of citizens/neighborhood input. So I find it kind of ironic when you're speaking for one thing and then you speak against another thing.

>> Mayor Adler: Thank you, sir. No, please. All right. So this matter is tabled until 2:00. Let's take care of some things we might be able to clear out some staff. Item 76 --

>> Casar: Mayor, I would really like to have the safe

[11:50:31 AM]

folks get a chance to go and I think that would be really fast.

>> Mayor Adler: Okay. Item 34. It looks like everybody is speaking in favor of this.

>> Casar: That's why I would love for them to be able to leave.

>> Mayor Adler: And I'd like to get to -- I'd like to do the eminent domain matters and ahfc matters before people go. Maybe there could be one person to speak for safe.

>> Casar: I don't think safe even needs to talk.

>> Mayor Adler: Okay, let's talk. Who wants to speak on item 34. Mr. Leone, do you want to come up and speak?

>> So Carlos Leon, December 5, 2019, to speak to item 34. Gracias, adios. Why I'm for the funding. Safe alliance needs more money and resources to provide the most critical early intervention.

[11:51:31 AM]

Immediate shelter and safety for each and every eligible woman who requests it. On Sunday, at a bus storage storage -- bus stop I met a woman who seemed lost and overwhelmed trying to find a shelter. Salvation Army for women was full and she did not know who to call or where to go next. She appeared unprepared to be newly homeless, where she seemed to know no one. Though her -- through her tears, she said a roof over her head and securing her things were most important right now because she was terrified of waking up outside the next morning without her stuff, meaning someone stealing it while she slept, who could have sexually assaulted her when most vulnerable outside. Based on what she said, that she had gone through before getting here, safe alliance is who she needs right now.

[11:52:31 AM]

Safe's 24-hour hot line answered her call but could not offer her immediate shelter because they were full with a waiting list. Fix this need now. Because her first night out of trouble needs to be with safe alliance, not in the street to be preyed upon by predators value culturing her. Since you support zero waste and no kill animal housing pay for no wait human shelter because she and women like her are more important than trash and pets. Fund safe alliance enough so safe can provide immediate secure shelter for her and women like her until they get temporary housing, until they get permanent housing, while helping them defeat abuse, violence, homelessness, and interrelated evils.

[11:53:32 AM]

To help them rebuild a new, better, healthier life. That's real social justice. That's America. Though buying hotels to house homeless is a good start, the women safe alliance serve need separate, secure shelter right now and throughout the process. Do right right now. Because inasmuch as you have done it unto one of the least of these, my brethren, ye have done it unto me. Matthew 25:40. In Jesus' name I pray, amen. Thank you, lord. God bless, Texas, the united States of America constitutional law and truth and above all god's word.

>> Mayor Adler: Thank you. Is Gus Pena here?

>> I'm still here, mayor.

>> Mayor Adler: Why don't you come on down. Is Leslie mcmilan here?

[11:54:34 AM]

No? Okay. Mr. Pena, you'll speak. While he's coming down, do we have someone want to make a motion on item 34? Councilmember Casar moves approval. Is there a second to that motion. Councilmember harper-madison seconds that motion. Mr. Pena you want to speak?

>> It would have been nice to speak before the take action or whatever.

>> Mayor Adler: We haven't taken any action.

>> What did you just speak about?

>> Mayor Adler: He just made a motion.

>> Oh, okay, the motion, all right. Mr. Leon said it appropriately. Why aren't there enough services for single women? They call me at midnight because they say, oh, I see you on TV and you've been homeless and there I go, you know, I don't have a car but I have my sister, sister, I need your help driving there, Lucy, my sister Lucy, y'all met her, she's tougher than I am. If this safe alliance is key

[11:55:35 AM]

and crucial. Mr. Leon said it the best way and even better than I could ever say it. Women are vulnerable. They're tough also, but so are the children. So veterans for progress strongly supports immediate intervention, and this should have happened a long time ago. We talked about it when you were running for office. Do you remember? At your campaign headquarters. We need to help the most vulnerable, and they're vulnerable out there. And you know I cry every night because this is Austin, Texas, and we still have homeless people, homeless women with children, and I'll leave it at that. But you know what? Kudos to whoever brought this up to the forefront. We -- I love people, and I'll die loving, helping people. This is immediate emergency, and Mr. Leon, thank you very much, and thank you, Mr. Mayor.

>> Mayor Adler: Don't go too far away, Mr. Pena.

[11:56:38 AM]

You signed up on something I'm hopefully going to get to here pretty quickly. There's been a motion and second on this item. All those in favor please raise your hand. Those opposed. Passes.

>> Casar: Mayor, the -- safe is here and I want to thank you all for the continued work that you've always done. We just want to get you out before the lunch break. Thanks to council for making this a recurring

item so we don't have to put it in the budget every year to do the domestic violence prevention, so thanks for the work that y'all do.

>> Mayor Adler: Great, thank you. Ahfc, I'm gonna recess the city council meeting at 11:57 and convene the board of directors of the Austin housing and finance corporation.

[See separate transcript for Austin Housing Finance Corporation meeting]

I'm going to reconvene the Austin city council meeting here at 11:59. It is still December 5, 2009. We're still in the city council chambers. I'm gonna call up item 76 through 81, eminent domain items. We have one person who is signed up to speak on item number 77. Is Paula Kaufman here? Would you like to speak? Come on down.

>> Hi, Paula Kaufman. I have property in district 4. One of the reasons that I wanted to speak today is that looking at these eminent domain proceedings

[12:00:43 PM]

that were necessary to upgrade the utilities in district 4 add significantly to the cost and wanting to understand with these different areas with proposed more capacity, what the infrastructure costs actually are going to be to accommodate this capacity, such as councilmember Leslie pool asked a lot of these questions about what these costs would be to accommodate more density but also what the funding mechanism would be to pay for these upgrades. And looking at the distribution of the capacity, district 4 is only slated to have 9,994 units out of a total of about 400,000. And my question is, once these utilities are updating, such as part of this eminent domain plan,

[12:01:43 PM]

that district 4 would be able to accommodate more density, especially since councilmember Casar is very keen on getting more density, but if the lack of infrastructure in district 4 was a reason that so much of the density was not placed there. District 9, on the other hand, has 69,000 units slated for that, where we may have some of the older be updating. And looking at the domain costs of buying these properties in district 4, once you look and state where it might be -- what it might be costing to get these eminent domain proceedings for upgrades to infrastructure in the other districts where the land maybe even more expensive. But looking at district 6, with only asking for 27,740,

[12:02:46 PM]

one of the experts on my committee said that district 6 has a lot of -- more updating infrastructure already. Looking at the Dell kurto project, which is going to cost \$100 million to upgrade the infrastructure in these older neighborhoods, why not place some of this capacity in some of the newer neighborhoods that can already accommodate it until we have the funding in place to actually make these upgrades to our infrastructure necessary for these -- this density. And until everyone knows the answers to all of these questions it's absolutely impossible to pass a map on December 9 that is looking at the density spread so unequally amongst the districts.

[Buzzer sounding] Thanks.

>> Mayor Adler: All right. With respect to items 67,

[12:03:47 PM]

77, 78, 79, 80, 181, non-consequent condemnation items, is there a motion 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 for the current meeting for the public uses described therein? Councilmember Renteria makes the motion. Councilmember Casar seconds. Any discussion? Those in favor of these items please raise your hand. Those opposed. It's unanimous on the dais with councilmember Garza off, mayor pro tem Garza off the dais. All right. That gets us to 12:04 so I'm gonna go to citizen communication now. Is Bonnie Cahill here? Ms. Cahill, do you want to come down?

[12:04:47 PM]

Is Dr. Koo-hyun Kim here? Dr. Koo-hyun Kim? What about silver white mountain? Is silver white mountain here? You'll be up next. Go ahead, ma'am. You have three minutes.

>> Thank you. My name is Bonnie Cahill, and I live in the towers at town lake in the Rainey street area. I've lived there for 20 years. I'm a member of several organizations that have attempted quite unsuccessfully to be heard and to keep development in our area from being a wild west show. I have been both delighted and dismayed at the changes in our neighborhood. City seems to take no interest or little interest in the residents of the area who are both taxpayers and voters. Instead all considerations seem to favor developers, and this council has made decisions that are completely indefensible. Just a few of these are, excuse me, number 1, failing to develop a master plan which we have requested for ten years, while

[12:05:50 PM]

simultaneously ignoring the rig red dog traffic study with its recommendations for the district that was completed and given to you all 2.5 years ago. We're not against development but it needs to be integrated with a master plan. Retaining developers money that was intended for infrastructure, which is sadly needed to provide sidewalks, crosswalks, street lighting and paved alleyways, none of which exist today. Allotting 11 feet of east avenue, a public street to developers in an area that needs more street access, not less, thus reducing the infrastructure and increasing the density. Number 4 was initiating shared streets on Rainey, which blocks one of the two passages to our homes. There have been two accidents on Rainey street in ten years. But there have been four accidents on east avenue in just two years, and one was a near fatality. You don't seem to understand that people drink on Rainey street but they drive, park on east avenue, coming to

[12:06:52 PM]

south Rainey, where we live. Shared streets in most areas incorporate them do not have the residential footprint that our area currently has and continues to develop. Now the city council is voting to remove any height limits under construction, which will of course add more traffic and further complicate mobility problems. Without a sensible overall plan for this unbridled development the safety of area residents is increasingly at risk, particularly in the case of emergencies and fires. We are at a loss to understand what guides the council's decision on these matters and can only conclude that our elected officials are more interested in representing business interests than the voters and taxpayers who put them in office. We're asking to you please vote no on unlimited heights in Rainey. Thank you.

[Applause]

>> Tovo: Mayor.

[12:07:53 PM]

>> Mayor Adler: Yes.

>> Tovo: I want to make sure that the Rainey residents here today know that is going to be the subject, the last patrol you mentioned with regard to increasing the height limits in Rainey is part of the land development code rewrite. Most of you probably know that, but the council will be taking up that conversation on Saturday, this Saturday, so you're certainly welcome to come back and engage with the council on that point during that setting as well.

>> Mayor Adler: All right. After silver white mountain speaks is Angelica Erazo here? Come on down. Go ahead.

>> Hey, council. I'm glad you've got a front row seat because it's gonna get messy. I'm here because the two officers in 4453 I complained about back in June told the biggest, baddest goliath lie. First, there are

six ways -- wait, no ten. I've added some to defend yourself. The officers used only one. It seems they use the most common response out there so other officers can relate.

[12:08:54 PM]

Their defense was that I cursed and yelled at them. They used deception. I told one of my four sons what the officer supervisor that I had cursed and yelled at them. My son laughed and laughed and laughed and said if they only knew -- if they had only known that it's impossible for you to curse. One of my four sons will try to be here next time to tell you how he has tried to pay me to curse. He says I can't do it even if my life depended on it. He says I'm an extreme minority, that it's psychological with me. Though I like to say I did not yell at them when I informed the sidewalks that the sidewalk was blocked by vehicles just ahead I may have been sarcastic when they became discombobulated and I said do your job and fix it but that was the extent of our conversation. They then took off. But there's more to this than meets the eye. My mom, being half white and

[12:09:54 PM]

half apache, when I was a little girl she washed out my mouth with lye soap, now curse words won't transmit out of my mouth. I'm incapable of cursing so make no bones the two officers lied. Therefore, they are not credible and should not ever be expert witnesses or for that matter serve on a jury. Don't get me wrong. There are plenty of honest, hard working police officers who deserve credit and are willing to share the credit with the west -- rest of the hard working police force when credit is do. I want a public apology from the two officers but know I probably won't get it. Though I cannot curse my mother never said anything about being mean or vengeful. So then there's my dad who was Italian but I'll save that for another day. Oh, I see A.P.D. Is in the limelight, you know, the spotlight again?

[12:10:55 PM]

Ha-ha-ha. Okay. Now I'd like to give credit where credit is due. Maybe they picked the shorter end of the straw. Anyway, Jimmy Flannigan was present at the feast of sharing and Alison alter who gave her speech entirely in Spanish, I think. I didn't know she had a hidden talent apart from always remaining cool, calm and collected. I guess I'll read this again. Hey, council, I'm glad you've got a front row seat because it's gonna get messy.

[Buzzer sounding]

>> Mayor Adler: Your time is up. Thank you. Angelica Erazo and before you start is Anthony farmer here? Anthony farmer? What about Jason Salazar? No? What about Heather Elliot? You'll be up next. Come on up. Go ahead.

>> Good afternoon, council, my name is Angelica Erazo, and I'm the vice chair for

[12:11:57 PM]

the hispanic quality life commission, speaking on behalf Latino quality of life commission. A.p.d.'s racial profile has been getting worse and worse. Council a few moments ago the community came out and testified against funding for 30 new officers and instead allocate those budgets to be funded towards things the community needs, better lighting, more health care resources and things to improve our parks. The community -- the presence of police with people of color, people with mental health issues, people with disabilities and people who don't speak English creates more of a threat than actual community safety. It creates danger and harm. That is not my opinion. The data shows that. And you, council, didn't listen. You went ahead and approved 30 positions knowing how equitable policing is in Austin. We welcome you and we need your leadership. Thank you, Natasha. You have had the chance to

[12:12:57 PM]

do right by the community. We are watching you and hope you listen to the most vulnerable in this city. My commission and I have heard complaints about how A.P.D. Is mistreating them. We want accountability. That is our biggest concern as the city tries to identify ways to handle

[indiscernible] Our commission would like to see a plan on how A.P.D. Plans to meet strategic direction 2023 pillar for safety. Our community spent hundreds of hours sharing our opinions and needs around safety. We want to see a plan in three months on how A.P.D. Plans to address that and be assured our times weren't wasted and voices were heard. We want to see how Mr. Cronk is ensuring responsibilities released in a memo around the chief's responsibilities are being met. Y'all have the memo in front of you. We want to see an evaluation of his performance. One of the responsibilities is to enhance efforts for diversity recruiting but did you know A.P.D. Has \$0 allocated towards diversity recruiting? You can't recruit diverse

[12:13:57 PM]

talent without a strategy in place. Same with immigration and race relations. We also are concerned with a.p.d.'s policy for language access. There's nothing on the books how to handle interpreter services. What if they don't speak English? Our commission has written a policy which all your chief of staffs will receive within the next hour via email that provides a way to ensure our community is being serviced correctly. Children should not be translators for their parents. It creates trauma and puts them in dangerous situations. Women especially fall victims. They're in domestic violence situations, where their predators share their story, side of the story but the women cannot due to limited English proficiency.

We know these problems are also at the top and that they're systematic. You'll hear from the community tonight reading the recommendations from ajc. We support the initiatives of ajc and encourage you to ask for a plan to release the report of the chief's one year evaluation and work with us to get our

[12:14:58 PM]

interpreter services in place. Our community is getting killed. Turned over by ice and getting searched, stopped and arrested at a constant increasing rate. Please help us. Thank you.

>> Mayor Adler: Thank you. Before Ms. Elliot speaks is John Kaschak here? No? What about Melissa Quackenbush? You'll be up next. Go ahead, you have three minutes.

>> Okay. How many of you have had drug addicts bust down your doors? I have. I lived -- this happened when I lived in San Antonio, and there was one good action that came from that, the police in San Antonio decided to set up a small substation in our neighborhood, in a small office. I'm asking you, since you passed the -- to start a shelter at -- low barrier shelter at the roadway inn that you consider adding a

[12:15:59 PM]

small police substation. This is a high crime aa with drug dealers, prostitutes, pimps, extensive burglary and thefts and I've included this in information I've provided the council. With over 300 homeless, of which a significant fraction may have drug and mental health issues in a small motel this can lead to problems amongst the residents. The horrible location chosen by the city council means the residents of the shelters will be propositioned by pimps, drug dealers, prostitutes and they can easily get hit by cars on the freeway. Niche cheap hotel service hosts to the pimps, drug dealers and prostitutes, drug addiction such as meth, opiates, crack cocaine left untreated leads to burglary, theft and battery. Currently the police station is far from the roadway inn. The police force is understaffed, and already the police cannot arrive in time to address many calls that we are already having.

[12:17:02 PM]

We are not opposed to the shelter. We are opposed to the low barrier and no barrier. We're not opposed to homeless housing for people between jobs, jobs with insufficient salaries, elderly with no retirement funds, health problems. Those significantly seeking recovery and treatment for mental health and drug addiction. However the assistant city manager's memorandum states that they will not have to receive treatment and there are no background checks of any kind. So we're opposed to the low barrier and no barrier. The crime rate is already high in this very densely populated area, and I've provided maps showing all the dense housing and proximity to schools and parks, skateboard park and city pool.

And there's also a lot of green belts where people hide. A -- having a police officer and not a security guard should be present at all times since police can immediately deal with crimes

[12:18:03 PM]

and currently the police response time in this area is already very slow. There should be grounds for removal of residents who are currently committing crimes, suicidal and inadvertently a danger to one self since there's a dangerous freeway close by. I have provided you with information showing all of the housing is immediately nearby.

[Buzzer sounding]

[Applause]

>> Garza: I didn't know the mayor was gone. Go ahead.

>> Sure. Melissa Quackenbush. Councilmembers, I live in the timber ridge neighborhood that's adjacent to the planned roadway and shelter. First I'd like to say we're grateful that echo has finally set a date and time to meet with us this coming Monday and we're especially grateful that A.P.D. Has already found time to meet with us twice. Next just in case it's not

[12:19:04 PM]

clear, we are not nimby. I'm proud of my neighborhood for wanting to be part of the solution and to help end homelessness. Our main concerns are threefold, not in any particular order. First to participate in effective solutions to end homelessness, to promote a safe neighborhood, and to protect smart development in our community. Mayor Adler, you said it's incumbent on the city to address the concerns of the community, and Malika said the same and we're going to hold you to these promises. It's in your best interests because you need us to succeed. If you fail imagine the outcry when you try to replicate this model in other communities and you know the project is being watched at the state and federal levels. And I'm sorry to say it, but you have to forgive us for not having a lot of confidence in your ability to do this without us. Your roll-out of the new ordinances over the summer left a lot to be desired. Don't get me wrong. I applaud you for decriminalizing homelessness, but you did it

[12:20:04 PM]

without a clear plan in place. Putting it gently it was historical irresponsible and put many in harm's way. Especially the vulnerable, the very people it was supposed to help. This seems no different. It feels like you're scrambling to pull the pieces together to retrofit it into the action plan. This is not the path to end

homelessness. If you've learned anything, and I know you have painfully you've learned homelessness is a complex issue that takes a lot more than good intentions. The path to end homelessness is paved with thoughtful planning and resources and the input and help of the community. So what do we the community want? We want to help the city anticipate and plan for key factors that will influence the shelter's success, such as security considerations you've already heard about, of which there are so many, transportation, mobility, et cetera. We want accountability. We want agreement on the outcomes we expect within what time frame and under what budget. And we want periodic

[12:21:05 PM]

progress reports. We want to have a voice in how the shelter is managed. After all, we note neighborhood better than anyone. Please make good on your promises to engage us. We want to be a part of the solution. But our helping hand will turn into a very loud, very annoying noise maker if you don't engage us consistently. I sincerely hope it doesn't come to that. Together I truly believe we can make a difference and make a huge dent in homelessness in Austin, but that's the operative word, "Together." Thank you.

[Applause]

>> Mayor Adler: Thank you. And by the way, I rewrite the commitments I made, including meeting with you out there regularly to ensure both you're involved and that we're seeing the successes that we need to see.

>> Kitchen: Mayor, could I add something?

>> Mayor Adler: Yes.

>> Kitchen: I think there's concrete suggestion that was made that I'm hoping that echo is following up on. And that is some sort of

[12:22:07 PM]

steering committee or whatever they want to call it, some ongoing way to involve the community. So I know that all of us would be interested in that, and we'll do our part in looking to make that happen.

>> Mayor Adler: That makes sense to me too. Melissa -- I'm sorry, yes.

>> Tovo: I think that's a very good suggestion. I appreciate you highlighting that. I would also -- you know, I think we can learn a lot from the way that foundation communities approached their initial developments and the way in which they worked with neighborhoods and neighborhoods and really made sure that they were getting input and really working very closely with the people who would be neighbors to the new development and those neighbors. So, again, I would just ask our city staff to kind of look back at some of the organizations that have done innovative projects in different parts of town

and really look to how they built success, I mean, to the point where we often have had neighborhood associations and community members coming and offering support for those developments because of -
-

[12:23:08 PM]

they have such great faith in foundation communities. And that was not -- I mean, I've sort of watched them long enough to know that that was -- you know, when they -- at their first development, I remember as a community member, it raised concerns, and they had to work to mitigate those. So it was not -- it was not immediate, and so I think that that would be very useful to talk with them about how -- again, how they built that community trust.

>> Renteria: Mayor?

>> Mayor Adler: Yes, councilmember Renteria.

>> Renteria: I also wanted to explore the possibility of, you know, this has been a hotel and it does have office buildings down at the bottom for the administration, whether we can station a small substation of police officers where they can work out of there because it's a good opportunity to maybe have one of these little small substations. You know, it doesn't have to be more than two police officers, but given the opportunity to be able to -- especially if they work in that area, to be able to

[12:24:09 PM]

stop by there and, you know, meet the clients and do their little community policing there.

>> Mayor Adler: Okay. Thank you. Is Melissa Quackenbush -- that was you. All right. Missed that. All right. Anybody else here that's signed up to speak on citizens communication I haven't called? With that said, it is 12:24. We're gonna go into executive session to take up one item pursuant to 551.072 and 071 of the government code, discuss real estate legal matters related to item 118. Without objection, we will now go into executive session. Thank you.

[.

[Executive session]

[1:14:44 PM]

>>> >>> >>> >>> >>>

[1:47:13 PM]

>> Mayor Adler: All right. It's 1:47. It's still December 5th, Thursday, we're in the city council chambers here. We were in executive session. In closed session we discussed real estate matters related to item 118. And now we are back 1:47. I think there are some things we can take care of here while we have people filing in. We have a public hearing and consideration of an ordinance. It's item number 83. No one has signed up for this item. I'm going to call for any speakers. Seeing none, is there a motion to approve the resolution associated with item 83 and to close the public hearing? I need a motion.

[1:48:16 PM]

Kathie tovo makes the motion. I need a second. Councilmember harper-madison seconds that. Any discussion? All those in favor raise your hand? Those opposed? It's unanimous on the dais with councilmembers alter, kitchen and pool off. The others voting in favor. That passes. Okay. That was item 83. We can't do the zoning cases yet. That gets us then to the pulled items. The first pulled item is dove spring. We're not going to call that until after 2:00. That gets us then to pulled item a 56, which is the E 3 works matter. There are some people that

[1:49:17 PM]

have signed up to speak on that. Does the staff want to lay out anything on this item 56 before we call people to speak? I don't know if staff is here yet. Okay.

>> Mayor, councilmembers, James Scarborough, purchasing office. Item number 56 relates to the authorization to negotiate and execute a contract with p3 works LLC to provide public administration services for five years for a total contract amount not to exceed 1.5 million. Staff is here to answer in I questions you have in this regard.

>> Mayor Adler: Thank you. Without objection I'll call folks up to come up and speak. Is Abdi guessen here?

[1:50:25 PM]

No? What about Micah king? Is Micah king here? No? What about Yusef baju? No? What about John inside officer -- John Schneider? Do you want to come on down?

>> [Inaudible - no mic].

>> Mayor Adler: Okay. We'll call you in a second.

>> Mayor and council, John Schneider. I'm a founding partner with p3 works. I just wanted to be available to answer any questions if there were any. But I was expecting other folks to come up and talk. So if there's any questions, I'd be happy to answer them, otherwise I'll take a seat.

>> Mayor Adler: Take your site and I'll give you a chance to speak after the speakers speak. Is Abdi here?

>> He's just outside.

>> Mayor Adler: Is he coming in?

[1:51:25 PM]

What about Micah king? Do you want to come on down and speak? You had time donated from Sammy rejerandi? You have then five minutes, sir.

>> Thank you, mayor and councilmembers. Micah king with hush Blackwell here on behalf of union expect which was one of the bidders on this solicitation. And we also have the vice-president of this company, regional vice-president here, Abdi, and we also have use, who is another litigator in another firm here to talk to you today about this case. So we are asking that you reject the proposed contract and cancel the solicitation and reissue it. And for several reasons. There are some potential securities and exchange commission violation issues and there are also some

[1:52:26 PM]

really extreme scoring irregularities. This is not about sour grapes. This is about scoring that is really just not based on anything rational. It is not supported by the basic facts, okay? Now, the solicitation is for public improvement district administration. What it does not say is that the scope of work includes municipal advisory services, which is regulated by the msrb or the municipal services rule making board. That was created by an act of congress in the wake of the last recession by the dodd-frank act. It was done in part to protect municipalities such as Austin from receiving municipal advice on things like bonds and pids where the firm isn't registered and where the leaders of the

[1:53:26 PM]

firm or members of the firm haven't passed the required examination. Our firm and the other firm that responded to this solicitation that wasn't awarded the contract or recommended to be awarded the contract, are registered. Multiple people in both of those firms have passed the examination. The person that staff recommended be awarded the contract was never registered. We filed a freedom of

information act request for that info. They haven't registered, and as far as we can tell nobody at that firm has passed the required examination. Other two issues that I really want to touch on are the scoring on the categories of qualifications and experience. Staff awarded perfect scores to p3 works who is recommended for the contract. 25 out of 25 possible points on each category. The other two respondents

[1:54:27 PM]

who are much larger, much more sophisticated, many more years of experience, many more employees across the nation, were awarded half the possible points. And so when you contrast those numbers, it just doesn't make sense. So we're asking the city council, you all, to take a look at this, to dig deep beer this, and find out what is going on, what is the reason for this? I know there's subjectivity with procurements. There are judgment calls, but when you contrast 50 points to half of that and you look at how small and local this recommended firm is, how they're not registered, how they haven't passed the required examination, and you compare that to the other two firms, it doesn't make sense. The local firm, they say that they have 300 million dollars' worth of bond-related experience. In contrast the other two

[1:55:27 PM]

firms combined have over \$8 trillion of experience. So I want to mention that. And the price as well. So the firm that was recommended for this contract is the most expensive. And you're talking about -- this is 1.5-million-dollar contract. If you have the two renewal terms, optional renewal terms exercised over five years it would be \$1.5 million. The party recommended for this awarded by I think it was 50,000 per year, our firm by 30,000 a year. So what you're being proposed is to grant a contract to a firm that is the least qualified, that has the least amount of% and is the most expensive. We believe that there's an

[1:56:27 PM]

investigation ongoing at the securities and exchange commission. Our company reported these issues to the industry group for municipal advisors and they found this information credible enough to report it to the Ocie, the investigatory body at the sec. Thank you for your time. I'm sorry, is Yusef Bajuh here? You have time donated by Spencer Smith. You have five minutes.

>> Thank you, mayor and council. My name is Yusef Bajuh and I'm with Muny Cap. We are a public consulting firm. We are one of the three firms that responded to the RFP for the public improvement district administration work. And I think Micah touched on some of the points that were very -- to say the least

[1:57:28 PM]

inexplicable and bizarre in the scoring matrix. I just want to add a little bit to that, to what mentioned, particularly on three of the categories that were scored. First one was relevant experience. Our firm, many cap, has been directly involved in administering pids in Texas for the past 13 years. The other respondent, dta, I believe was involved in administering districts for the past nine or so years. And the last firm, the firm that is being awarded the contract, has actually been in business for less than four years. So we have the most institutional experience, direct and relevant institutional experience. And as Micah mentioned earlier, we have been involved in over \$7 billion in special district financing over the past 22 years as muni cap. Our president, Keenan rice, has actually been involved in special districts more than in those 20 years, more than 30 years. We have been directly involved over 300 districts

[1:58:28 PM]

across 30 states in the nation and in special districts. To our understanding the respondent firm, the firm that is being awarded the contract, is only working in Texas and has only been working for past four years. We have actually since we started this work back in 2006, we started working with the Texas attorney general's office and a lot of the pid administration processes that exist right now were processes that we worked out with the Texas attorney general's office because no one was around to do those back in 2006 and 2007. So we worked with the Texas attorney general's office to basically properly translate and apply the pid statute into the pid administration function. On top of that, because we were able to bring in additional experience, time tested -- tested and tried experience from other states states, we've always been able to create innovative processes both for the district administration and the structuring itself. As an example back in 2013,

[1:59:30 PM]

2014, we were able to basically first time successfully couple a public improvement district and a tax increment reinvestment zone and create a hybrid district, which allowed municipalities to be able to fund infrastructure that goes above and beyond the boundaries of the district itself, which became very highly sought after and very effective tool since then. So what I wanted highlight, with that breadth of experience we were able to add efficiencies to the process and reflected in the price we bid which is about 40% less than what the firm that is being awarded this contract is provided. A few more things I want to add as far as in addition to the msrb commission, we at muni cab are the firm, more than 60% of our staff are women or minority. All but one of our regional managers is a woman or a

[2:00:31 PM]

minority, so we are very much committed to diversification to the values that the city stands for. So we feel that there for some reason that's, you know, beyond our comprehension, this rfp process has resulted in potentially awarding a contract to a firm that has the least amount of institutional experience to do the work that is being sought after, and also, you know, offered to provide those services for the most expensive price. So we believe this is something that you as council need to look into because you are the governing body for the pids. The property in the pids are your citizens. There is a lot of misconception in that because the assessments that are collected from the property owners are the only things that are paying the pid administration costs and that city does not directly pay those costs. There's a tendency to kind

[2:01:32 PM]

of not focus on the impact. But at the end of the day, the citizens are -- are your responsibility. You are their governing body. Get the best service at the best price. This rfp that has been submitted to you all does not meet that so we just wanted to bring that to your tension and thank you so much -- attention.

>> Mayor Adler: Thank you. Is Yousef here? You have three minutes. John Snyder is on deck.

>> Thank you, mayor, councilmembers. My name is Yousef with Sanders bossworth for muni cab. I wanted to discuss a few issues because you all are going to be responsible for the administration. It is federal black letter law that any municipal service adviser has to be registered with a msrb. And this legislation came out this the Dodd frank act

[2:02:33 PM]

that came out of the context of the last financial crisis. The msrb requires all municipal service advisers to be registered and pass a series 50 examination. My client muni cab as well as the other bidder that lost out on this contract, they are registered with msrb. What's most important, there's many rules and regulations that the msrb requires to follow. What's most important is rule 42, which requires that a municipal service advisor that's registered with a msrb owes a fiduciary duty to the city and the taxpayers. Now, that's a duty of care, a duty of loyalty. This is the highest standard possible of duty of care, okay? You've got a letter from p3 that was submitted as part of the bid saying it does not owe the city a fiduciary duty. Any msrb licensed adviser will owe the city a

[2:03:35 PM]

fiduciary duty. So it kind of defies any explanation from the purchasing office as to why they would award the bid first to an entity that is not legally, does not have the legal capacity to execute this contract because it violates federal law, and number 2, it does not owe the city a fiduciary duty, it does not owe the taxpayers a fiduciary duty. For those reasons I think it's very important the council take another look at the this and open the solicitation process up and deny the award to p3 works. Also there's been handouts handed to you. There's a draft petition in front of the councilmembers that we intend to file later on this afternoon. It's a rule 202 petition where we are going to seek an investigation into this whole procurement process to figure out what exactly happened here, how can the city of Austin award a contract to an entity that's not registered with the

[2:04:36 PM]

msrb. I've got extra time so if anyone has questions, I'm happy to answer them.

>> Mayor Adler: Thank you very much.

>> Thank you, mayor.

>> Mayor Adler: John Snyder.

>> Thank you, mayor, council. I did not bring a team of attorneys so you just got me so I'm not going to be able to answer some of the specific questions that you may have relating to legal matters, but I would like to address a few things. When they are saying it's not sour grapes, I think that's a little tough to believe. They are correct, we've been around for less than four years. In that time we've grown to be the largest pid administrator in the state of Texas. That's due to our work quality. There's no doubt about it, you can call any of our clients and they will tell you the same thing. A good majority of our clients are former muni clients. We're not out soliciting,

[2:05:37 PM]

they are calling us saying they are happy with the service and asking for a change and they come over to us and to a city I think would all say was the right decision. Related to the msrb matter, we've conducted legal counsel and there's a legal exemption -- I mean an advisor, we're exempt. We don't -- we feel and our legal advice we've been given we do not need to register.

>> Mayor Adler: Okay.

>> That's all I have.

>> Mayor Adler: Thank you very much. Thank you. Those are all the speakers that we have signed up. Does staff want to add anything?

>> Mayor, councilmembers, James score borrow again. I also have staff from the purchasing office and financial services department to answer further

[2:06:38 PM]

questions in this regard. As there may be discussions and interpretations of law have attorneys from the law department as well. Some of the concerns, because they relate to possible litigation, we would defer those to our colleagues at the law department. As there were concerns associated with the scoring and the qualitative aspects of the solicitation, they were addressed in a protest that was submitted to our office and that was reviewed for legal and factual errors. And we did not find that the evaluations were made based on anything other than the contents of the solicitation and the contents of the proposals in response to the solicitation. Oftentimes offers will compare and contrast themselves to each other based on their mutual or their individual expectations of themselves and their market. But when we evaluate, when the government personnel

[2:07:39 PM]

evaluate solicitation -- excuse me, proposals in response to a solicitation, we do so based on what the solicitation asks for and what the offers submitted in their proposal. That may or may not necessarily be what the offers in the market will compare and contrast themselves to. So the evaluations and the resulting scores from those evaluations were based on what the solicitation asked for and what was actually in the proposal submitted in response to the solicitation. With that if you have specific questions with regard to this solicitation or the evaluation process, I have staff here. If you have other questions with regard to some of the suggestions related to regulations and certification thereof, we also have staff here available as well.

>> Mayor Adler: Councilmember pool.

>> Pool: So the question comes to the municipal advisory services and whether the contract with p3 is to perform those kinds of services. But my understanding is that -- is that what we are

[2:08:41 PM]

asking for or with a pid administration is that something different than than municipal advisory services?

>> I'm going to have to defer to --

>> Pool: Okay. Thanks.

>> Belinda weaver, treasury office. This is for pid administration services so it's something separate. I'm sorry.

>> Pool: Go ahead.

>> We do have a municipal adviser.

>> Pool: Can you tell me the difference between the two, the pid administrator and --

>> The pid administrator is going to be providing us with an item such as like assessment updates to our assessment methodologies and things of that nature. They do service and assessment plans that are provided to council annually. So it's strictly pertaining to our public improvement districts. As far as our financial

[2:09:42 PM]

adviser, municipal advisor, pfm, they provide us all sorts of advisory services specifically relating to bond issuance and things of that nature.

>> Pool: Okay. I guess I would want to understand from the other bidders if they understood the difference and maybe Mr. King could respond. Mayor, could I invite Mr. King up?

>> Mayor Adler: Okay.

>> Thank you, councilmember pool. And so we looked at this indepth, multiple officials, and yes, the city does have a municipal adviser that is registered, pfm. That's not in dispute. What's in dispute and what's clear to us is that the scope of work in the contract that you are looking at today does require services that are considered under federal rules to be advisory services.

[2:10:42 PM]

That term is per statute liberally construed, widely construed. It is not a strict interpretation. This is not a close call. About an exemption, the letter from purchasing in response to our protest said that, well, if there were covered services, then our other financial adviser can do it. That's not the case. That's not the scope of work overlapping where it needs to. Number 2, they said, well, and anyway, there's an exemption under the Irma rules that the city can rely upon. The problem is the city did not issue that exemption letter until after we filed our protest and we filed a public information act request for a letter from p3. They are required to submit a letter to the city saying they are relying on the city's exemption letter. They've never done that.

>> Pool: Thank you. Thanks, Mr. King. And Ms. Weaver, if I could ask on the certification question, if --

[2:11:44 PM]

>> We do provide a certification. We have been providing a certification, but it's renewed on an annual basis. So when they requested it it was right at the beginning of you are on renewal period that we posted online. We've had our municipal advisory letter that has been posted for the last at least four years.

>> Pool: Are you talking about p3?

>> No, I'm talking about the municipal advisory exemption letter that he just referenced.

>> Pool: Okay. So before he went into the letter, Mr. King was talking about whether p3 needed to have a certification to do the work that we have put out for bid.

>> There was no services within the scope of work that were intended to be municipal advisory services.

>> Pool: And okay, so you're saying that the pid administrator duties do not require any kind of a certification or a msrb registration?

>> Correct. And if there is any sort of

[2:12:46 PM]

work that would require that, that would come from our municipal adviser pfm.

>> Pool: The only question I have left for staff is the discrepancy about a 40% difference in the cost, 50,000 versus 30,000 on the two bids. I don't know who wants to ab that one.

>> I'll try. Shawn from the purchasing office. I'm looking at the matrix and they both received the same score for cost. So I'm unsure where those numbers specifically are coming from. If you look at the out of 20 points they each received ten.

>> Pool: The cost of the contract, it's represented that p3 would charge 50,000, but a different bidder was charging 30,000 for the contract? Is that right?

>> The amount of this contract was based on what the department estimates they will need, not based on E response. The 1.5 million over the five years was what the treasury office believes they will need during that period of time, not based on specifically any proposal.

>> Pool: Yes, sir.

[2:13:46 PM]

I think you were the one who brought up the cost of the bids. Because you were making the point that your offer was less than the one that was awarded. Is that right?

>> Yes, and in our proposal we produced to do the administration work for \$30,000 per year per pid. I believe based on the amount that is being proposed for approval, it looks like it's going to be \$50,000 per pid per year. So our proposal --

>> Pool: 20,000 less, the 40%.

>> Yes.

>> Pool: Does staff have any comment on that?

>> Again, based on the matrix, they were both equivalent, that's why they both received ten out of 20 points. That would show me they both proposed equivalent as far as the cost comparison. Sometimes the cost is compared on an item, but that's not necessarily what the contract amount brought forward is.

>> Pool: Okay. That does leave me, deputy city manager, a little troubled about the cost of

[2:14:47 PM]

the contract. I know it's \$20,000, but that's a 40% difference in the -- okay, am I not capturing that correctly?

>> No, I'm sorry, I'm not getting my point across. Since they each received ten points for price on their proposal, they each proposed a comparable price. There should not have been a difference. The contract amount of 1.5 million I believe is how they came up with their estimate. However, that amount was just what the treasury office estimates they will use based on the amount that was proposed. So sometimes -- I'm trying to come up with an example. But say in our proposal we said we wanted to do X, Y, Z, the department says I may want to do a little more of X, less of Z. The contract amount might vary -- this isn't a this isn't a tell me what you are going to do. In the next five years we know what kind of consulting we will need and in that case we will get an exact amount. We just said these are the amount of services, propose your prices.

[2:15:48 PM]

That's how the cost comparison was done, but the actual contract amount will be based on what the department feels they need.

>> Pool: You feel like the dollar figure may vary from either the 30,000 a year that was offered by one firm and a 50,000 a year that was offered by the firm that was selected.

>> Well, in general what -- the scores are telling me if muni cap is saying there's is 10,000 and they got ten points, p3 should have been equivalent because they also got ten points for that score.

>> Pool: My disconnect is how you see the valuation of two dollar figures that actually are significantly different, but you've awarded them the same number. What I would ask is because I see the mayor looking at his watch --

>> Mayor Adler: I wasn't --

>> Pool: But I think what I would just like to do is maybe table it and just ask some questions of staff and we could bring it back so I

[2:16:48 PM]

can get my questions and get some certainty in this matter.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I would agree with councilmember pool. I would like time to ask staff questions about this item. Is there a problem if we don't do this today? This is a pretty big time difference to the next --

>> Mayor Adler: There may be time this afternoon. Do you just want to put it on the table for now?

>> Pool: That's all --

>> Flannigan: I'm in agreement, but I also wanted to know if those answers don't work for me, are we risking something by not doing this today?

>> Diana Thomas. My office is currently responsible for doing a significant portion of the work that we're hoping to hire through this contract. And as these public improvement districts continue to grow and expand and the number of customers that we have to address become more prevalent, we do not have the staffing resources to maintain that

[2:17:48 PM]

level of effort. So my hope is that we can answer your questions today and continue to move forward with this one way or the other whether we move forward with the contract or if we have to resolicit we're starting the process of doing that resolicitation

>> Flannigan: Okay.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I want to ask that question again. I understand the point you are raising about the need for additional resources. But that's sort of a long-term need. The question councilmember Flannigan was

asking is whether there needs to be a decision today or whether a decision in January would work just as well. And it seems to me that since it's a long-term need, the answer may be yes, but I just wanted to offer you an opportunity to provide a response to whether that one month and a half delay.

>> Of course. I think my concerns would be that we still have to negotiate a contract, and

[2:18:48 PM]

then once that's completed, we would start the annual service and assessment update process and assessment rule process that would come before council in the may-june time frame. Given the change in the budget cycle. So as we're looking at putting together the budget process and all of the updates that go with that, we would need time to get that done. So I'm just trying to think in the span of time it would take to get that accomplished. If we wait two months to the end of January, would we still be able to accomplish everything that we need to accomplish.

>> Tovo: I see. And so the time frame for when these first batch of work needs to come to council is may-june. So it would mean you continuing to do that work potentially rather than have the outside assistance. If we wait until January. Thanks.

>> Mayor Adler: Let's put this on the table after you get your questions asked we'll come back and see. We're going to put 56 on the

[2:19:49 PM]

table. And let's go ahead and call up then item number 70. This is councilmember Renteria's item. Councilmember Renteria, do you want to introduce this. We have people signed up to speak as well.

>> Renteria: Yes, mayor. This item here has been coming to us for the -- the exposition school has been coming to us for the last three years. It seems like there's a policy that's on the books right now with parks and rec that you cannot run an expedition school and be a vendor at the same time. And this particular school,

[2:20:50 PM]

it goes out and trains people how to use kayaks safely. Also has -- operates a state-of-the-art handicapped accessibility kayak launching pad there at fiesta garden. And they are struggling right now. They are not able to provide the service if they don't have the opportunity to be able to rent out the kayaks during their slow time. And I feel like that if we did not support this group, that we would lose a valuable service. And I think that this location has a potential to provide service for the whole

community. We're the only side of the lake that doesn't have a vendor that provides any type of water recreational

[2:21:50 PM]

activity. It seems like it's directly across in south Austin there, they have one by the Oracle, another one further down on the other side of 35 where you got the canoe and kayak stand, the Austin -- I believe it's Austin club that runs that. Then you have a couple of them across the street by Barton spring. But it seems like we're always being deprived of activities for our neighborhood and our kids. And I just want to make sure that we don't lose this valuable service. And that's why I'm bringing it up.

>> Mayor Adler: Okay. Councilmember Renteria, you move to pass this item? Councilmember Renteria moves passage of this item 70. Is there a second? Mayor pro tem seconds. We have some people that are signed up to speak. Is kimry Duda here?

[2:22:52 PM]

Come on down. Jay Clayburg? No? You will have three minutes. Is allysa magrum here? You have three minutes.

>> Good afternoon. It's a sincere pleasure to meet every single one of you. Thank you for your time and service. I am the founder and executive director of the expedition school. I grew up in Austin. I would not be the person I am today without the access to our parks, our swimming pools and our outdoor sanctuaries. My father contracted polio as an infant that left him permanently disabled. When I was a child, he would take me -- make time for me to go fishing with him, paddling on lady bird lake. At the time in the '80s, there was no accessible dock for him or for us to access

[2:23:54 PM]

our watercraft. And so we used drainage ditches. That was the only available access for us at the time. I learned countless lessons through his disability. These very lessons have not only inspired me to incorporate these lessons but also to start the expedition school. The founding principles of the expedition school are to strengthen our community through transformative outdoor programming, safety education courses and medical support. Hence it is paramount that we the expedition school instill the safest outdoor practices, offer hands-on practical safety course training. We hire a diverse collective professional outdoor educators. And we offer free adaptive outdoor programming to blind and visually impaired individuals and individuals

[2:24:55 PM]

with intellectual and developmental disabilities. I'm proud to partner with nonprofits and for-profits alike to continue building enriching relationships throughout the community that positively contribute to our local community that honor the history and culture of our beloved east side and that incorporate environmental initiatives with every program. Since the launch of the expedition school, we have a perfect safety record in paddling and outdoor programming. 92 lives have been saved by our students who have taken our safety courses. Since we've been in operation on lady bird lake, we've removed 17 tons of trash and three tons of recycling. We've received words from the Austin police department -- awards from the Austin police department, American red cross, keep Austin beautiful and down home ranch. And we have been actively certified as a woman owned business and disadvantaged

[2:25:55 PM]

business since July 28, 2009. We have proudly operated on the east side of Austin and the agreement with the city of Austin parks and recreation department.

[Buzzer sounding]

>> Mayor Adler: Do you want to conclude your thought?

>> Sorry?

>> Mayor Adler: Do you want to conclude your thought?

>> It's just evidence of the lessons I've learned through access to parks and from growing up in an adaptive household and it would be a sincere honor to continue operating on the east side bringing this programming to the community at large. Thank you.

>> Mayor Adler: Thank you. Allysa magrum. After you Adam shalosky here? Do you want to speak?

>> Good afternoon. My name is allysa magrum, executive director of Collins hope. We are a water safety and drowning prevention association founded after a

[2:26:56 PM]

four-year-old lost his life to a fatal drowning in 2008. I'm here to speak in support of the expedition school. We partner in this community to prevent drowning and partner with so many organizations including the city of Austin parks and rec and the ymca and the expedition school so we can help build a better culture of water safety for our community. There have been drownings this year in central Texas, we've had ten fatal child drownings. That's not counting any adults. We have had drownings in the past on lady bird lake. We partner with the expedition school for many reasons. The biggest reasons are

because of their focus on safety and sticking to the gold medal and highest gold standards of water safety. And I feel like for them to not have a concession on lady bird lake and be modeling that behavior for our community, helping get people on the water wearing life jackets and developing

[2:27:56 PM]

safer behaviors around water, which is going to help us prevent drownings. At Collins hope they provide the water safety and support for our 10k swim we do in lake Austin every year and we partner with them because of that record of safety. Not to mention the adaptive services that are provided out of their place on the east side. There's many opportunities if you go out, and I run and bike around lady bird lake all the time and you see people recreating on the lake which sometimes wear life jackets, but you see so many people on the west side recreating and not as many on the east side, and this concession would provide that access for the east side as well as the adaptive folks that get to come and enjoy the water and recreate safely. From Collins hope because we have a singular mission to

[2:28:57 PM]

raise water safety and children from drowning, having this concession and having the expedition school continue to operate with the highest standards will help our community be safer and that's so important. We can't continue to lose people to something that's preventable and drowning is preventable. So please uphold this concession. I think it would be a great asset, continue to be a great asset to the community, not just on the east side but to the entire community. So thank you so much for your time and consideration.

>> Mayor Adler: Thank you. We have ten speakers in favor of this, only one against. Don't feel like you have to take the full three minutes if you don't want to. Is Diana wise here? Diana? What about Sara sharp? Sara sharp? What about Casandra Dickerson? Why don't you come on down. Go ahead, you have three minutes.

>> Thank you, mayor, council

[2:29:58 PM]

and staff. Good afternoon, I'm Adam, program director of the expedition school. At the expedition school we open the doors to groups of all sizes, ages, experiences, backgrounds. To help others see the world through a different lens, understand that the outdoors is an essential element of humanity and learn the benefit of being take he he willing our fears and inner struggles. To others pursuing a mastery in life saving skills. Our space on the shores of the Colorado river has provided us access to the wild river that flows there our the city. That access has allowed us to continue our work guiding and educating

through the wonders of the outdoors. A space that's hosted hundreds of eager learners excited for what the day will hold. It has been a space for students gathered in mourning for lost friends. It is a warm welcome for visitors experiencing one of the many joys of austinen a a welcome to neighborhood

[2:30:58 PM]

locals. Above all it is the home to the expedition school. As program director, it is my honor to ensure the hearts and minds who walk through our doors be forever changed a beautiful sun rise shared with a friend and developing a sense of self in the out of doors. With a vote to grant the concession, you are supporting the expanded and continued efforts for positive change. For the community, for education, for health and for preservation. I humbly ask you consider granting this concession to ensure the future of our mission is secured on the banks of the Colorado river. Thank you.

>> Mayor Adler: Thank you. Is Casandra Dickerson here?

>> It's me.

>> Mayor Adler: Sorry. What about gavino Fernandez? Jacklyn Vidal? What about Linda Webb? What about peg Treadwell. Why don't you come on down and speak if you want to. Go ahead, you have up to three minutes.

>> Okay, thanks.

[2:31:59 PM]

So thank you. My name is Casandra Dickerson and I work with a residential program for adults and individuals people with disabilities and we have been trying to start a paddling and kayaking program for about ten years now at different locations and have always been hindered in that process either due to equipment availability or cost prohibitive programs. It was not until we linked up with the school we were able to get this program off the ground. It has been really critical in building skills and confidence in our individuals and it would be a huge loss for them if this program didn't exist. And the concession would help them to build their programs even more. In addition to just allowing us to come for very free or reduced costs, they also have a location that's very critical to safety, in my opinion. It's sheltered and doesn't have a lot of extra boat traffic, really important for people with balance and

[2:33:00 PM]

mobility issues that don't feel as comfortable on the water. They have staff extremely well trained in safety. That makes out feel comfortable in bringing our individuals out to go with them. And they have

Ada access on their docks which is something that you just don't find anywhere else. So people that we thought would never be able to get out on the water are now not only out there but paddling on their own independently, which is a huge boost for them. And then in addition to allowing us to come out for programs, they have also been training our staff for I think 13 years, close to 13 years, for us to learn lifeguard and safety skills so that we can assist our individuals even when we're not in their programming. And both of these things have just been so important to our program, so important for our individuals. I really ask that you consider the concession so we can continue to partner with them and elevate the skills for these individuals. Thank you.

>> Mayor Adler: Is Brendan

[2:34:01 PM]

Sheehan here? Anybody else signed up to speak that I haven't called? Yes. What's your name, please.

>> My name is Brandon Sheehan.

>> [Inaudible - no mic on]

>> Mayor Adler: You are the next speaker. You will go up next.

>> Yes, good afternoon, everybody. My name is Brendan Sheehan, general manager and director of the Westover club. I was there for 26 years. I recently retired a few months ago. The leader of the expedition school is kimrr, but she is one of the most -- she's had a big impact on my life. And when I was at Westover as general manager there, about ten years ago I was really struggling for a leader for my life guards, and the expedition school came in and they just were amazing. And it's like to me she just has an amazing presence with

[2:35:03 PM]

people and her expertise, I mean I just -- she just came in, I had never met her before and she had a huge impact on my life just in that moment. Kimmrr is a special person and has tremendous local knowledge of being from Austin here. I don't know everything that -- about the expedition school, but it's had an amazing impact on my life guards at Westover. I know she works with the west lake fire department. And this town, this city that is exploding needs environmentalists. She cares so much about the environment. And I mean that is what's happening in Austin right now. And I've never met somebody -- she's like myself. I'm from cape cod, Massachusetts. I've lived here for 30 years. And it's like I can't believe what's happening, it's like I don't know if you call it construction or destruction in this city. And it's like kimmry, she

[2:36:03 PM]

cares so much about Austin and anybody that's in front of her, I feel like she just impacts them. And she impacted my life, impacted the lives of my life guards and I just admire her. We need to have people like her in positions of leadership. Well, hopefully that worked. And again, I feel like she's just impacted thousands of lives and I just -- I love the expedition school and the work she's doing. And I just -- I love how much she cares about the city of Austin. And working with young people. And so --

>> Mayor Adler: Thank you.

>> Thank you all for your time.

>> Mayor Adler: Thank you. Ms. Treadwell. You have up to three minutes.

>> I don't need three

[2:37:04 PM]

minutes. I ditto everything that everyone has said. I have lived on the east side for 50 years, and I really, really am thankful that someone that's this good a steward of that kind of a facility is on that side of town helping us all out. I have worked with the expedition school. My grandkids have gone to it. I volunteered for it. I have volunteered and worked for, gosh, events forever around fiesta gardens and that part of town lake, and I would love to see her over there and I really hope you will consider it. Thank you.

>> Mayor Adler: Thank you very much. Okay. Those are all the speakers that we have. We have a motion and second. Any discussion before we vote? Let's vote. Those in favor please raise your hand. Those opposed? It's unanimous on the dais with councilmember alter off. Thank you very much. Let's go ahead and call up

[2:38:08 PM]

the item 27, renaming dove springs.

>> Garza: Mayor, some of the speakers for have agreed to consolidate.

>> Mayor Adler: Always good to hear. Do you have a list or -- is there a person I should call?

>> Garza: I believe it's Anna Geary -- can you raise your hand if you -- if you are the ones consolidating? What's her name? Yvonne flores, Anna Geary, and I think that's it.

>> [Inaudible - no mic on]

>> Mayor Adler: We'll give other people a chance to speak too. If the ones that are speaking could come do you know to the clerk, that would be great -- come on down to the clerk. Let's start with Yvonne, why don't you come and speak to us.

[2:39:11 PM]

>> Good afternoon, councilmembers, good afternoon, mayor. Yvonne flores, a proud employee of Travis county and also a proud union president of afscme local 1624. Good deeds are given to those less fortunate and needy, but Devine work is showing them their worth and that they matter. Proudly I can say these words directly relate to the human being we are asking city council to honor with the renaming of an important building located in the same community that major morales grew up in and continually strives to make a better place. That building is in the backyard of an area I was born and raised and what an achievement for all the kids growing up in southeast Austin who will see and be motivated because they know who constable George morales is. They know he is still doing their mission of making their neighborhood a worthy and valued part of Austin to. The local neighborhoods, events, to the public meetings and the community school programs that George

[2:40:11 PM]

morales attends to frequently, any child walking into that neighborhood center will be inspired to say I want to be like constable morales. I want to help those around me. And I know I can help my community. This is my own personal testimony from my own personal experience as working with George. He has made it a point to stay exactly where he was raised, exactly where he grew up, and do the constant ongoing public service to those that live in his neighborhood in every possible way. He has gone above and beyond, giving back to his community. George walks the walk every single time. In this day and age, it means so much to have a mentor, a leader, a motivator that our children can look up to in southeast Austin. And as a single mom of two sons, I would be so excited and proud to be able to tell my sons as well as any young child growing up, specifically in the dove springs community center area, that you see that building right there? That's named after somebody who is still alive and he

[2:41:15 PM]

still continues to do what it takes for us because he is very strong and very passionate about our neighborhood. I'm proud to say as a union leader, as a public servant, as a proud Mexicana and alumni of Johnson high school, go rams, that George morales is a true leader of southeast Austin and know he will continue to do so. Naming the dove springs community center building after him will be an inspiration for everyone in that community, in that neighborhood because they know George has earned it and will not stop helping and giving to his community.

[Speaking in Spanish] Southeast Austin and viva George morales. Thank you.

>> Mayor Adler: Is Christina Chavez here? Would you like to speak?

>> Thank you very much.

[2:42:15 PM]

My name is Christina Chavez. I moved in the mid '80s to the dove springs area with my two sons Mario and Cesar Chavez. They attended the schools in the area. Palm school elementary as well as Mendez. I won't go over all the work that I have done or that we did as a team back in the 1990s because I have already sent an email earlier this morning to all the city councilmembers about how the name came about for the dove springs recreation center and where we engaged everyone, not just a group of people -- as a matter of fact, the three names that were on the ballot was dove springs

[2:43:18 PM]

recreation center, Williamson creek, and Christina Chavez. Well, I am not one that has a biggy George -- a big ego in having things named after me and I didn't have it then and I don't have it now. So to me it didn't matter at that time who it was under. What did matter was that the kids would have a say so in whatever they voted on. That's what I was, you know, going to respect and honor for the rest of my life. That's what I want to do now. You know, last night I was really appalled at all the half truths that were told or is it half lies, I'm not sure which way to go, but there were many things that

[2:44:19 PM]

were said that were not true. I don't have a hidden agenda. I am not running for office. I have no political aspirations to be a politician, so there's no hidden agenda for me. You know, I no longer live in dove springs because in 1990 when I was working on getting a recreation center and swimming pool in the area, that was in the '90s, my husband passed away in 1990. That put a little damper in my life, but I continued to work until we got the work accomplished. 1998, we had the grand opening of the dove springs recreation center, and during all that time I was a single parent, a widow, but I continued working and pushing --

[buzzer sounding]

-- For what the kids needed. In 1999, my son was murdered

[2:45:22 PM]

in dove springs by possibly gangbangers. Pretty similar to the dove springs posse that George morales used to hang out with. I'm not saying it was his gang, but, you know, because I'm not going to tell you half truths until I know the truth.

>> Mayor Adler: Do you want to finish your thought.

>> And I appreciate you hearing me and please respect what the wishes of the children, they may not be here to speak for themselves now.

>> Mayor Adler: Thank you.

>> Because they are adults, but I am.

>> Mayor Adler: Thank you.

>> Please do not change the name.

>> Thank you.

>> Mayor Adler: Is Anna Mcguire here? Come on down. Is feristed ramteen? You have three minutes.

[2:46:23 PM]

>> So thank you for being here, allowing us to be here to talk about this item. We appreciate the work you do for the city. My name is Anna, I am immediate -- [inaudible] Contact team. And our contact team voted on this item in September of -- the 9th of this year. And so what was presented to the group is our contact team was unusual in that we don't normally address zoning issues and future land use issues, but we also consider other social issues and items that are presented. Anybody that contacts me wants an item on the agenda, I'll put it on the agenda. It was presented to us, what was decided it was a unanimous decision. We had about 37 individuals there. Not that we have that many members for the contact team, but we had a hot potato item at that time and it was the health community center that was being

[2:47:24 PM]

proposed and placed on parkland. There were people there that were there for that meeting. Whenever people that are not eligible to vote want to make their opinions known, those of us that are members do acknowledge that and so the vote was unanimous. And I always ask for an abstention and any objections to the vote and I don't vote because I would do it in case I have to break the tie on the vote. It

was a unanimous vote and we would really appreciate you honoring the wishes of the contact team members.

>> Mayor Adler: Thank you very much. David? You have time donated, I think, by ke LAN. You have three minutes.

>> Mayor, mayor pro tem and council. Thank you all for letting us be here and thanks for the

[2:48:24 PM]

attention to this item. Since I don't know when the next chance I'll get to speak with all of you at once, I want to take a moment and say thank you all very much for all of the work you do for the families in Austin and all of your districts and citywide. And a shout out to the wonderful people that all staff your offices and serve the constituents in Austin. Because I know they are back there. Anyway, my name is David and I'm here in a personal capacity. I am a life-long austinite and I was raised in the heart of dove springs. So I attended Houston elementary, Mendez middle school when I was a kid and I grew up playing with friends, cousins, siblings and neighbors at the dove springs rec center and participating in the programming and it made a huge difference in my life. It was an establishment and institution in our community that is extremely important. I wanted to talk a little about the neighborhood and the community and why we're all here today. As many of you know, dove springs is a working class,

[2:49:26 PM]

an immigrant community in southeast Austin. And it is a place that has struggled historically with poverty, with violence, with health issues, with institutional neglect and even natural disasters. If you all know anything about dove springs, you also know it's one of the most vibrant and beautiful communities in not just the city but the state. All of that is in large part because down there we have leaders who have worked, who have sacrificed, who have served, dedicated their lives to taking on those challenges and to serving their neighbors. And many of them are standing here behind me, but when I think about folks who have helped empower that community, who have taught us what is possible, who have taught us what it means to be a community to take care of each other, the people who come to the top of mind are George morales, who has been my neighbor since I was six years old and his wife and entire family. So I won't list all of the accomplishments because I

[2:50:26 PM]

don't have the speaking time for that, but I will say there's absolutely no doubt in my mind that constable morales is well deserving in adding his name to the dove springs rec center. It's not just about honoring someone well deserving, it's about equipping him with a really important tool that he would

have to help empower and inspire the children and the families in the dove springs neighborhood and to continue his service and to be able to be more effective. To be able to show the children and the families in 78744 and dove springs that they have ownership of this community and that they have at least they place here where they and their families are welcome. So I hope you approve the addition of the name. Thank you.

>> Mayor Adler: Thank you.

[Applause] Is there anyone else that signed up to speak on number 27 that I have yet to call? Come on up.

[2:51:30 PM]

Please introduce yourself.

>> Hello, everybody. My name is ramteen, I am a member of the parks board but not here in that capacity, here on a personal capacity.

>> Mayor Adler: You have time donated. Is Jacob here? You have five minutes.

>> I'm going to speak quickly because there's a little bit to cover. I want to be clear I have much respect for George morales. He is an excellent civil servant and he's a really nice guy. However, I have a couple of ethical concerns about renaming this facility and my fondness of George is no reason to turn a blind eye to them. The process was flawed. During the initial parks board meeting, supporters of the resolution got there early filling the room to capacity resulting in several getting turned yay. Neither the board nor park staff were informed. When the board voted, they were under the impression all citizens were afforded the opportunity to speak. This is false. Since nearly every person at

[2:52:30 PM]

the initial meeting spoke in favor, even some board members felt uneasy to pass the resolution, they did so as to no anger the community. Citizens showed up for the second time to speak on the resolution. This time 12 spoke against, 20 in favor, three of which immediate family members of George. We were informed the resolution to reconsider was against -- at which point a unilateral decision to withdraw from the agenda. After speaking with director Mcnealy, she informed me it was her impression the chair was on the same page. When the chair suggested we -- we may not do that which is a violation of Robert's rules of order. From my understanding. We were unable to even consider ideas other than voting on a motion to reconsider to have our voice heard as a board by council on this agenda item. I'm pretty confident the board would not have voted of the same way. Granted, I cannot be certain. Would not have voted the

[2:53:32 PM]

same way. Excuse me. As it did in the initial meeting or at least tried to find an alternative way of having our voices heard without violating Robert's rules. The best legal alternative I could come up with was coming here and speaking. Aside from the flawed process. George morales is a sitting official and law officer. Citizens have brought to my attention they felt too intimidated to oppose the name change due to George's status. You all and I may know George and may not feel intimidated or afraid to speak against him, he's a nice guy, if we disagreed. But for a resident who has never heard the name of their constable and knows they are an offir, I can see where they are coming from. Especially given the state of the country today. This poses a major ethical concern. As a political object are active that works on campaigns, I think it'sette

[2:54:32 PM]

Cal -- like I said before, I like George. I would love to see him continue to serve in the capacity in which he does. If I'm going to hold someone I don't like accountable I must also hold those I do like accountable. As a political operative, I understand significance of name recognition and I would think you may agree it is a blatantly unethical thing to do to name something after someone who may run for office. I'm aware it is not technically against the rules to name something in our city after a sitting elected official, but I suggest you take a look at that. I've checked with the parks and clerk to see if we have ever named anything after elected official while still in office. The research was not 100% complete due to short notice, but only the history center could inform of an instance it did happen. Tom Miller had the Tom Miller dam named after his four years after he became

[2:55:34 PM]

mayor. He went on to serve for an additional 18 years as mayor after that for a total of 22 years giving him the record for longest amount of time in that office which is 12 years longer more than double the runnerup. I'm not saying the dam is what got him re-elected, but to suggest it didn't have impact on the race is shortsighted. I realize making the arguments today are not political savvy thing do. I'm personally a leftist and believe the councilmembers most likely in favor of this name change are the ones I most often agree with. Friends have warned me against making these statements due to political fallout, but I'm not doing this to be political savvy, I believe it's the right thing to do. I would totally be in favor of renaming the building after George morales, but not so long as he is in the position of power that he holds today. Thank you.

>> Mayor Adler: Thank you. I think there was one other speaker who signed up. Does anyone else want to speak on this matter? Come on down.

[2:56:37 PM]

>> How are you doing today. My name is Sammy Solis, I live in dove springs and I'm for the name changing of constable George morales. Thank you all.

>> Mayor Adler: Thank you. Those are all the speakers we have signed up. Back up to the dais. We have a motion, moved and seconded on this item.

>> Garza: It hasn't been moved.

>> Mayor Adler: Mayor pro tem makes the motion. Is there a second? Councilmember Renteria seconds. Any discussion on the dais? Mayor pro tem.

>> Garza: I want to thank all the community members that have come here to speak on this. I do want to speak to the process a little because it's been mentioned several times that there wasn't a process or the process wasn't followed. And I will say I was approached earlier this year because there was an item earlier that councilmembers can bring these things without -- without any community input, we can decide to unilaterally with

[2:57:39 PM]

support of colleagues and I thought it needed to be a community-driven effort. And the same community member agreed and thought absolutely, I think that's a good way to do it too and we'll get the support. And so this has been purely a community-driven effort since the beginning. People contacting my office. The application was put in, I believe, in August. In September there was a southeast contact team meeting where we have the minutes. It showed the unanimous vote that was taken there. October 22nd it was at the parks board. I know that there's some -- I've heard that there was an opportunity for some not to speak. It was a unanimous decision there. And then it was actually supposed to be on our council agenda November 14th, but out of concern for the community members that had felt that they didn't have the opportunity to speak, it was

[2:58:39 PM]

postponed to allow them the opportunity to speak. And then there was a meeting I believe on Tuesday that -- where I'm still not entirely sure why the agenda item wasn't able to heard, but they still were given the opportunity to speak. It is disheartening to see some of the contention. You know, I feel I've been caught in this he said, she said situation, but all I can speak to is my knowledge of who George morales is. And you don't -- you don't become the councilmember of district 2 without meeting this person or this family at some point.. They are everywhere. They are at every community get together. They are -- they invite you into their home. They -- when you need the bouncy house for your kid's birthday party, they refer

[2:59:39 PM]

you to somebody. They know who the best tamales are. They are such a fixture and part of this community and so dedicated to wanting the children of this community to have a better life. And I know what it's like to grow up and maybe not be able to see people that look like you in leadership positions. And wherever Mr. Morales goes, he's met with warmth, he's met with cheers, and I hope that -- I believe everybody who has spoken has good intentions. And I hope we can come together because at the end of the day every single person who has been here no matter what side they were on, I know you care about this community and want what's best for it and that's all -- that's what all of us want is what's best for Dove Springs and I know we will continue to work together to make this community better and

[3:00:39 PM]

stronger.

>> Mayor Adler: Thank you. Let's take a vote. Those in favor please raise your hand. Those opposed? It's unanimous on the dais with councilmembers pool and alter off the dais.

[Applause]. I think we're ready for a motion on item 56, the p3 works case, but Leslie's not here so let's hold on that. Let's do the consent agenda on planning.

>> Good afternoon, mayor and council, I'm Jerry Rusthoven with the planning commission department. Your zoning agenda today is -- we have item 87 and a related item 88. I believe those will be discussion items. We have a couple of speakers signed up. Item 89, this is a

[3:01:41 PM]

postponement by the staff to February 6. Item 90, this is a postponement request by the staff for January 23rd. Item 91, this case is ready for consent approval on all three readings. Item 92, related case, this case is ready for consent approval on all three readings. Item 93, this is a postponement request by the neighborhood for January 23rd. The applicant is in agreement. Items 94 and 95 are withdrawn. They will be replaced by 119 and 120 on the addendum. Item 98 --

>> Mayor Adler: Did you do item 96?

>> I'm sorry, I'm doing 96 right now. 96 is a postponement request by the staff to January 23rd. Item 97, this is a

[3:02:44 PM]

postponement request by staff to January 23rd. Item 98, this is also a postponement request by staff to January 23rd. Item 98, this is a postponement request by staff to January 23rd. Item number 100, this case is ready for consent approval on all three readings. Item 101, this case is ready for consent approval on first reading. Item 102, this case is ready for consent approval. Item 103, this case is ready for consent approval on all three readings. Item number 104, this is a staff postponement request to January 23rd. I believe there was a single

[3:03:44 PM]

speaker signed up, but staff is requesting a postponement to January 23rd. Item 105, this is postponed to January 23rd. Item 106, this case is ready for consent approval on all three readings. Item 107, this case is ready for consent approval on all three readings. Item 108, I believe that councilmember Flannigan would like to postpone this item.

>> Flannigan: That's right, January 23rd if we could.

>> That's a postponement to January 23rd. Case 109 --

>> Mayor Adler: Is everybody okay with that postponement? The applicant? Everyone is okay. No opposition. Okay.

>> Case 109, this case is ready for consent approval on all three readings. Item 110, this case is ready

[3:04:47 PM]

for consent approval on first reading only. Item 111 and 112 will be a short discussion. Item number 113, this case is ready for consent approval on all three readings. Item 114, this case is ready for consent approval on all three readings. I believe we have two speakers signed up, Mr. Pena and Mr. Register. I don't know if they're in the room. I guess we'll pull that one for discussion, mayor.

>> Mayor Adler: Okay.

>> That would be 114. Item 115, we have a postponement request on this case by the staff to January 23rd. We did have one speaker signed up in favor, Mr. Pena. I don't think he's in the room. So that would be a staff postponement to January 23rd on item 115. And then we have the two addendum items, item 119, this is a postponement

[3:05:48 PM]

request by the neighborhood to January 23rd. Related item 120, also a postponement request by the neighborhood to January 23rd. There's no opposition to those postponement requests.

>> Mayor Adler: Thank you. I'm seeing the pulled items are 87, 88, 111, 112, and 114.

>> That's correct, mayor.

>> Mayor Adler: We have some people that want to speak on the consent agenda. Before we do that, councilmember tovo, do you want to say something?

>> Tovo: I want to pull 107 for some quick questions about the courthouse.

>> Mayor Adler: Let's pull 107 as well. We have a speaker on 115 on the consent agenda. Is Gus Pena here? No?

>> Tovo: Mayor, I'm sorry, I also -- I have a quick

[3:06:49 PM]

question, we can pass it on consent, but I do have a quick question about the Mueller amendments and how that will impact our capacity with regard to the land development code. So it doesn't need to necessarily be pulled but in this section of the meeting I do want to ask that question.

>> Mayor Adler: Okay. Let's come back to you after the consent agenda is handled. On the consent agenda the pulled items are 87, 88, 107, 11, 112 and -- 111, 112 and 114. I don't think we have any speakers on any unpulled item. Is there a motion to approve the consent agenda? Councilmember Ellis makes the motion. Seconded by councilmember pool. Any discussion? Those in favor of the -- yes, Mr. Flannigan.

>> Flannigan: I want to be shown voting no on 109, this is the covert Ford case that's in district 10, but pretty close to my district. I have issues with auto use co's. It seems very different than when we typically always exclude auto uses for cases with CEOs and yet in this case it feels like a spot

[3:07:50 PM]

zoning where we're only allowing auto uses in this one location. So I'll just be voting no.

>> Mayor Adler: Okay. Those in favor please raise your hand? Those opposed? Unanimous on the dais with the notations made. That gets us --

>> Casar: Mayor, on the one case in my district that passed on the consent agenda, I'd like to thank both of y'all for the work that y'all are doing in my district. Now that this area that we just passed on consent seems to be a mix of industrial and some uses that pedestrians might be able to use, I would love for the

staff at some point to huddle with y'all to figure out if there's a way that people can more easily walk from the neighborhood to this area that is no longer going to be just industrial. So thanks for what y'all are doing.

>> Mayor Adler: Okay. Councilmember tovo, did you want to say something else about Mueller before we pass the consent agenda?

>> Tovo: Oops. Yes, thanks. I see some of our members of the Mueller community, including Greg weaver of catellus and others, thank you for being here today.

[3:08:51 PM]

I think this is a very good amendment. I'm excited about it. I did want to ask our staff if they have a sense of whether our land development code team has contemplated how these amendments will impact our capacity numbers?

>> Councilmember, I don't know the answer to that question.

>> Tovo: I would ask that our code team take that into account and provide us -- I can submit it through the Q and a, but if you would treat it as a Q and a and provide us with some information about how this -- obviously it will increase the capacity in district 9 because of the increased entitlements and it would be useful to know what those numbers are. So thanks. And let me just take the opportunity to congratulate those who have been involved in the Mueller development. Our internationally recognized lead project. It just celebrated its 15th year and it's just a terrific place to go and visit and live. So thank you all for being involved in it.

>> Mayor Adler: Sounds good, thank you.

[3:09:52 PM]

I understand that item number 56, councilmember pool's question has been answered at this point. Did you want to make a motion to approve 56?

>> Pool: Yes, mayor. I move to approve item 56 on all three readings.

>> Mayor Adler: Is there a second? Councilmember Flannigan seconds it. Those in favor please raise your hand? Those opposed? It's unanimous on the dais. Did you want to abstain or did you vote? How did you vote? Harper-madison I wanted to make sure I knew what 56 was. But no, it's unanimous.

>> Mayor Adler: It was unanimous with -- what? With councilmember Renteria off the dais. Okay. So 56 is then passed. 66, we're going to take up last. That gets us then to 87 and 88. This is the Winstead matter.

[3:10:56 PM]

All call both those up together, 87 and 88. Is the applicant here? Do you wish to speak?

>> No, sir. There is one citizen to speak. She and I have spoken in the hallway. I think she just wants to make a couple of statements. I'm happy to answer any questions after that. Thank you.

>> Mayor Adler: Is Katherine miles finch here? No. What about Carol Hawkins? Do you want to come down and speak? Ms. Hawkins.

>> Hi. I wanted to thank you all too for everything that you do. And I just spoke with Mr. Conn and his representative out in the hall, and I was impressed with him. I think he wants to be a good neighbor. I want to take this time, though, to express challenges from west Austin for native austinites.

[3:11:56 PM]

My mom is 94. Like someone who spoke earlier, my dad had polio when I was two years old, which is when they bought the house at 2412 dormarion, which is two blocks from the rezoning issue at hand. My parents could not have afforded that house after my dad had polio. And it was not tarrytown downtown, it was right by the railroad tracks. My mom is 94. Her mom lived to 103. We're really blessed like that. But in order to take care of my parents, we had to add on to their property twice, which meant their taxes went sky high. We can't afford to live in

[3:12:57 PM]

tarrytown. There is no low end tarrytown anymore. So this is our polite. My mom's -- our plight. My mom's income is poverty level. And so that's kind of the back story here. Then somebody comes in and wants to open a food truck two blocks away, and we're told that it could increase traffic nine-fold. And I'm telling you, wind Windsor road and Winsted is already a busy intersection. The law says that you only have to notify people within 200 feet of such a zoning change. I never saw the Orange sign. I was watching for it because I knew when

[3:13:57 PM]

Mr. Littlefield died something was going to change on that corner. I never saw it. And nobody ever notified neighbors two blocks away when our traffic could increase nine-fold. There's something wrong with the process. So thanks for letting me vent. It's -- people's eyes glaze over when they hear that you were born in Brackenridge hospital, you know, but it ain't all so easy. Thanks.

>> Mayor Adler: Thank you. Is there a motion to approve items 87 and 88? Councilmember alter?

>> Alter: I'm not sure I'm going to make a motion yet, but I wanted to first of all thank Ms. Hawkins for coming down and joining us and

[3:14:58 PM]

appreciate you sharing your experiences. And I'm sorry that you felt like you didn't know about the process. So we have two items before us. We have 87 and we have 88. 88 is a change to the Flum and 88 is the zoning. I'm going to be voting no on item 87 and I hope a majority of you will join me in that. In many instances today we have properties --

[buzzer sounds]

>> Mayor Adler: You can keep speaking.

[Laughter].

>> Alter: I know, I just don't want to keep speaking over that. In many instances today we have zoned in conflict with the future land use maps in our plans. While I'm not in conflict with the food truck on this site, the fact is that it is zoned single-family residential under the land development code as are all the surrounding properties. They are not mapped for the mixed use zoning districts that this Flum change would

[3:15:59 PM]

signal. While today our code requires us to rezone this property to allow a food truck, in a matter of months I suspect that all that would be required is a conditional use permit. So I don't believe it should require an amendment to our future land use map to allow this food truck to operate on this site. In a matter of months it's quite likely if the circumstances, you know, were the same, we would have multi-family properties there that could do this by this conditional use permit. So I just -- I feel pretty strongly that I don't think we need to adjust this Flum at this time. And we're using our flums to designate future land use. And this is still supposed to be a multi-family residential area in the future.

>> Mayor Adler: Okay.

>> Mayor, real quick.

[3:16:59 PM]

I have a quick addendum or change I have to make to item 88, just a correction in the ordinance, a single word. Part 2-b of the ordinance it should say instead of restaurant general, it should say restaurant limited. And then we would also need a part 2 C to add restaurant general to the prohibited uses. That's what we talked about last time.

>> Mayor Adler: Any objection to those changes being made to item 88?

>> Alter: Thank you for --

>> Mayor Adler: Is there a motion to approve item number 88? Which is the zoning case. Need a motion? Councilmember Casar makes the motion. Is there a second? Councilmember Flannigan seconds that. Any discussion? Those in favor please raise your hand? Those opposed? It's -- councilmember tovo votes no, the others voting aye. It passes. 87 is the Flum change. Is there a motion to change the Flum?

>> Alter: I'll move to deny the Flum.

[3:18:02 PM]

>> Mayor Adler: We just don't have to do anything. Is there any problem from a staff perspective of making a zoning change, but not the corresponding Flum change?

>> Yes, there is. The city charter -- our comprehensive plan and our zoning need to match per state law. So my understanding of what you're saying about not changing it is you think we're going to change it back, but changing the Flum will also happen will any Idc change, so every zoning change that's why we have Flum changes associated with zoning, is to make sure that all our zoning is consistent or the a comprehensive plan is consistent with our zoning. So it would be our recommendation that you do in fact pass the Flum change at the same time. And then if I'm understanding the concern that this will ultimately in the rewrite be something different, the revisions will include

[3:19:02 PM]

comprehensive -- will include changes to the maps that will in turn change the Flum, if that makes sense.

>> Alter: So this is a future land use map. So when we adopt flums, if all the zoning matches the flums, does all the zoning always match all the flums?

>> Yes. You can have a future land use map that you haven't yet changed zoning, but as you change zoning that's reflected in the Flum you need to change that Flum to reflect what you've changed in your zoning.

>> If I may aid we've adopted neighborhood plans and this tract would be included in an example of that where we've left the zoning as it exists at the time the plan was done, but we have done a Flum for a differing category than what the existing zoning is. This tract would be an example of that, before the

[3:20:02 PM]

vote that was just taken.

>> Alter: So we've done this before? We've done this since I've been on council where we have not matched the Flum and the zoning.

>> Yes. As part of the neighborhood plans -- yes, we have done it before as part of zoning cases.

>> Alter: So in this case where it's going to change in three months or whatever, I don't see why. I don't want us to be signaling that we want to be putting a whole bunch of commercial stuff in this area. It's a different -- by changing this -- the concern that I'm hearing from folks is they don't want this to suddenly become commercial in some way when it is a multi-family area. And if you're going to get multi-family, that's one of the places you're going to get it.

>> Flannigan: Mayor?

>> Mayor Adler: Do you want to finish what you were saying?

>> No. I just wanted to finish saying that when we adopt the neighborhood plan, sometimes we change the zoning, sometimes we do not. Sometimes when we do not change the zoning we do do a Flum because of its name, future land use map, that

[3:21:03 PM]

has a future category than the existing zoning. So when we do neighborhood plans we don't always sync up to the future land use map because it's a guidance for the future. So they're not always synced up at the time of the neighborhood plan.

>> But as additional changes are made you do sync up with the Flum.

>> Correct. We as staff would never recommend a zoning change and not recommend the neighborhood amendment that went with it.

>> Flannigan: It sounds like it's an order of operations question. If you make the zoning change you update the Flum. That's how I've seen the zoning changes come in the three years I've been here. But if you're doing just a Flum, just doing neighborhood plan, you don't go and backfill all the zonings at that time. So if we were just doing a future land use map you wouldn't update the zoning, but if you're doing one zoning you have to update the Flum.

>> Correct.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: You may have said this and I didn't hear it. What's the legal requirement for having them aligned?

[3:22:03 PM]

>> It's the state law regarding comprehensive plans. Once we have a comprehensive, state law requires our zoning comply or that we change the comprehensive as we change zoning.

>> Kitchen: Just so I'm understanding, under state law our zoning has to match all of our flums?

>> Our zoning needs to match our comprehensive plan.

>> Which the flums are in the comprehensive plan? Well, we're out of compliance then right now.

>> Well, as Jerry said there are times where we have -- where they are future land use plans and you haven't gotten to the zoning yet. So if you don't have a zoning case and just doing some planning, you may say this is what we want this to be in the future and as the zoning comes up, if you rezone it and don't match that you would change the Flum.

>> Kitchen: But it sounds like there's some discretion about the point in time when we would do that. So that's what --

[3:23:04 PM]

>> Mayor Adler: Let's put it to a vote. Does anybody want to move changing the Flum to correspond on item number 87? Councilmember harper-madison makes the motion. Councilmember Flannigan seconds it. Is there any discussion on the vote on number 87?

>> Kitchen: I have a question. So what does that mean about addressing the concern that councilmember alter raised when in a couple of months we're looking at a new ldc map. Does that mean that the proposed map will be -- right now the map is supposed to be equivalent to our zoning? What's the impact?

>> Councilmember, I would have to work with the team that's working on the code rewrite. I imagine the most logical conclusion here would be to zone this piece of property f-25 with the code rewrite. Right now the proposed zoning in the code rewrite would not allow for what was just voted upon, so the best thing to do would probably

[3:24:05 PM]

to apply the f25 category to this, which would be what you just approved. So that's what I anticipate it would get with the code rewrite.

>> Alter: You can actually do this with the zoning with a use permit, which means, though, that if we we would have been my preference to be able to do it that way because then if it didn't work out you have some mechanism to get them out of doing a food truck if it was disruptive, which is the fear, but you would have that mechanism through what is in the draft code right now, which you don't have. So I wouldn't prefer it to be f25.

>> Mayor Adler: There's a motion to correspond -- make it correspond with the Flum. Any further discussion? Let's take a vote. Councilmember pool, did you want to say something?

>> Pool: If we could I'd like to change my vote on the first item to be a no because I want to vote no on the Flum and I want my vote to be consistent on that. So maybe we could -- I could ask for reconsideration of the first item after we do

[3:25:05 PM]

this vote here. But I'm going to vote no on the Flum piece here.

>> Mayor Adler: Okay. Let's take a vote. Those in favor of changing the Flum please raise your hand? Harper-madison, Flannigan, Casar, Garza, Ellis, Renteria and me. Those opposed raise your hand? It's the balance of the dais. It passes 7-4.

>> So that would be for all three readings, mayor?

>> Mayor Adler: For all three readings. There's a motion to reconsider the vote on 88, 88, so that councilmember pool wants the opportunity to change her vote. It does not change the outcome.

>> Alter: I'd like to change my vote as well.

>> Mayor Adler: Is there any --

>> Kitchen: And I'll change mine also.

>> Mayor Adler: Any objection to reconsidering the earlier vote on 88? Hearing none, let's reconsider it. Those in favor of 88 please raise your hand.

[3:26:06 PM]

It includes the changes that were said before. We're taking another vote on item number 88. Please raise your hand.

>> Kitchen: What's the vote I'm sorry?

>> Mayor Adler: We agreed to reconsider, we agreed to reconsider. Now we're reconsidering and taking another vote on 88. Please raise your hand on 88 if you're in favor. It is harper-madison, Flannigan, me, Casar, Garza, Ellis and Renteria. That's seven. Those opposed please raise your hand? Those abstaining? Okay. Councilmember alter abstains. The other three vote no. It passes 7-3-1.

>> Alter: If I could make --

>> On all three readings. First, second, third.

>> Alter: So I just want to be clear, I think what's in the draft for this property would have allowed this use with a conditional use, which is why I had supported this in the first

[3:27:06 PM]

place. I am abstaining so that I'm not inconsistent or violating the law in terms of how I'm voting, but I want to be very clear that as we are going forward with our team that is mapping, we're doing this because we're being told we have to. And I think if we hadn't been told we have to, I think there seems to be general sentiment that this should still be multi-family moving forward. So I don't want this change to this higher zoning that has to be there with all these CEOs and all this other stuff to be interrupted that this area has a desire by the council to be commercialized in some fashion that has not been discussed and is not the appropriate set of uses at large for this area.

>> Mayor Adler: Mcraven.

>> Flannigan: And I want to agree, councilmember alter, I don't think there's any confusion. I want to make sure and agree with you so staff knows there's no confusion. I'm excited about a new code that would allow food trucks through cop process just for

[3:28:08 PM]

the very reasons you described, but again it's because the code is so messy that we have that we have to go through this really convoluted process. So I want to confirm what you're saying.

>> Mayor Adler: Unless for the purposes of history someone is actually counting votes, I also agree with what Mr. Flannigan said and what councilmember alter said that would have flipped the vote otherwise. Okay. Let's move forward then. That gets us then to item number 107. Councilmember tovo, you pulled this one?

>> Tovo: Yes. Mr. Rusthoven, if you would, I understand that our practice is and it's often a preference to rezone items that are -- sites that are owned by the city or owned by other entities to P zoning and I wondered, though, if you could give us a sense of given that P zoning -- well, it has broad -- relatively broaden title means and I wonder if you could give us some sense of what kinds of conversations you've had with Travis county about

[3:29:09 PM]

their project.

>> Well, I haven't actually discussed with them the the site plan for the project. My understanding is it's under review. But what P zoning does is like I said, it's for public entities, it requires a commission approval for any site over an acre. And the planning commission or the site development regulations for the property. So it doesn't have set development regulations, rather it incorporates those approved by the planning commission. I believe Mr. Weigh less whellan is here if you want more specifics on the building height.

>> Tovo: That's okay. The question which I didn't articulate well I think you've answered, which is where would it go from here given that there are no set height or setback or other types of entitlements. What does the process look like from here on once we take this vote? And so you've indicated that it would receive a public hearing at planning commission and then their approval or [indiscernible].

[3:30:10 PM]

>> That's correct.

>> Tovo: Thanks very much. I'll just -- well, I guess I won't move approval because I'll be walking a -- not a quorum, but --

>> Mayor Adler: That's okay. You're the only one who wants to be recognized at this point. I'll let you do that. Councilmember tovo moves passage of item 107. Is there a second to that? Councilmember pool seconds that. Any further discussion? Those in favor --

>> Tovo: No, I just want to say I'm excited about this project starting and I think it's very appropriate that we take this action today to rezone it. And I hope it's one of multiple really great collaborations to come in this, as we approach 2020 between the city of Austin and Travis county.

>> Mayor Adler: Okay. Let's go ahead and take the vote. Those in favor of this item please raise your hand. Those opposed? It's unanimous on the dais

[3:31:10 PM]

and 107 passes. That gets us then to 111 and 112.

>> Mayor, item 11 is case npa 2019-2020.04. Related item 11 '12, both are located at 600 industrial boulevard. These cases were both approved on first reading previously. My understanding is that the

applicant was asked to go and further refine a private restrictive covenant that Mr. Renteria spoke of last time. The applicant, Mr. Heartman, is here to address those questions and the case is ready for second reading only, both of them.

>> Mayor Adler: Okay. Do you want to speak to this?

[3:32:21 PM]

Lapse[lapse in audio]. We've had two more good discussions with the contact team and we really appreciate Mr. Cantu and others meetings with us. We've agreed to a couple of additional requests. We've had previously 20 or so items that we've agreed to. And the additional items that we've agreed to are additional restricted uses, also payday lending, we're restricting that, as well as informing them when there's sale of the property. But in essence it comes down to at the last reading we're at five percent, 80%, volunteering as part of our lipda rezoning five percent and 80 percent at mfi. Five percent at 60, all voluntarily for four units out of 400. The others spread out among all unit types. This is all incorporated into the restrictive covenant with the neighborhood, also with habitat as well. This compares to adjacent 55 acres of lipda that have

[3:33:21 PM]

zero affordable units. And the adjacent vmus that have offered a voluntary five at 60% as well. So we're identical to those projects. Not to overcomplicate things, but people always ask about what about the upcoming land development code revision? We calculate it as basically resulting in seven units under vmu 5-a. We're looking at 40 -- five and five is where we've been. At the recent encouragement with councilmember Renteria's office we were asked dog to six percent at 60% mfi. We mentioned that to the contact team as well. I would offer -- these are the adjacent projects that are also at five and five percent. There's the one mention, the very lowest is 1406 congress. I know we had agreed to 10% at -- you got zero four to one units from that project. And for some reason -- I'm happy to answer any

[3:34:21 PM]

questions. Thanks for your consideration on second reading today.

>> Mayor Adler: Is there a motion to approve this on second reading only with the six percent as noted?

>> Renteria: I move to approve second. This is very tough decision for me. We're giving up a lot of entitlement here. It's 85 feet. I know that -- we're going to be losing a lot of our industrial sites in that area. And I'm willing to convert that whole area. But we are losing a lot of -- we are going to give away a lot of entitlement. And I really feel that we need to be able to bring in affordability to that area. And I

don't feel like we have enough there. The medium income -- median income is just going up and up. What used to be mfi years ago at 80% is now no longer

[3:35:23 PM]

true. The cost is just going up so high here. And I would like to see -- you know, I would like to pass this, but if I feel like we're not able to get the -- some of the entitlement that I feel like that area deserve, you know, I don't want to turn it into a high income area where south Austin cannot afford to live there anymore. So that's where I'm at. And I'll go ahead and make the motion to approve on second reading.

>> Mayor Adler: Motion to approve on second reading going to the six percent.

>> If I may clarify. You cannot include the six percent in the motion. Under state law that's a private agreement that Mr. Hartman spoke of. This would just be to approve on second reading in both cases.

>> Mayor Adler: Thank you. There's been a motion. Is there a second? Councilmember Flannigan seconds that motion. Any discussion? Councilmember harper-madison.

>> Harper-madison: I would just like to get some clarity. So I heard the previous

[3:36:24 PM]

speaker say something about how there was a original discussion around 10% number and then you said I'll leave you with some reasons to vote for this, but then your presentation went away too quickly. I don't know that I understand the transition from 10% to six percent. Or did I mishear you?

>> I probably didn't speak as clearly as I should. Since October or so we've been -- the applicant has voluntarily agreed to with the neighborhood to be at five percent of the 80 percent mfi. And five percent at 60% mfi. And as of today we're willing to go to six percent of 60 percent membership as a voluntarily agreement with the neighborhood.

>> Harper-madison: So I never heard you say 10%? I made that up in my head?

>> I may have misspoke.

>> Harper-madison: I understand. And it was the -- no, I understand. And if I may, ask for a

[3:37:24 PM]

moment of personal privilege, if I could see the last slide again and just take a few minutes to read that, please? Is.

>> Harper-madison: All done.

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

>> I'm sorry, whoa do have

[3:38:25 PM]

one speaker, Mario Cantu, who is here.

>> Mayor Adler: I'm sorry. Sorry to have nearly overlooked you.

>> Mario Cantu, chair of the contact team. I wanted to pass on a couple of things. I think there's some mixed thinking about this property. I caught the free for all zoning -- I call it the free for all zoning. You can almost get anything you want in this zoning. So we have to understand that the properties will be within the industrial core, which will be the very first time that something like this is ever going to take place. Second, it's projected at 85 feet. Every other property that we've worked with applicants have always gone to 60 feet. Then the additional item that this applicant is going to have is going to be a brewery right next door so you will have a commercial aspect that's going to be attached. And so those are the main things that you have to also

[3:39:26 PM]

look at with this property. This is why we're kind of treating it a little bit different when it comes to the affordable housing -- what we call really affordable housing. And we've been looking at the 10% 60s because we've given so much more as opposed to so much less. So initially that's what we've asked. We continue to ask for that. And we want to continue to push for that. My understanding is when we spoke with the applicant after the last time I was here, we were looking at the 10% 60 and that has since kind of faded away. And I would like to go back and have another conversation regarding that with the applicant. We've had nine to 10 other conversations and meetings. So to have another meeting, have another two more meetings is not going to hurt us and I know it's not going to hurt the applicant as well. So I just wanted to pass that on because this is a huge big piece and chunk of

[3:40:28 PM]

property and it's not just a little bitty piece that will be in Austin. You also have to think too is there going to be a trickle effect from this property that's going to be caused on to the all adjacent properties in the future and it's going to displace these highly skilled workers, their families, et cetera. So I think there's a balance here where we've been balancing on the corridor with 60 feet as opposed to 85 feet as

opposed to in the core and outside the core. So I really ask every councilmember to really kind of regroup, really think this out. I think we need to also have some type of analysis as to our industrial core because once we eradicate the industrial core within the city of Austin, then costs for developers and when it comes to supplies and manufacturing, it's going to be, you know, outrageous for them as well. This is a very big problem we have in our central part of Austin. Thank you.

[3:41:28 PM]

>> Mayor Adler: Thank you. It's been moved and seconded to pass on second reading. Those in favor please raise your hand? Those opposed? Councilmember harper-madison votes no, the others voting aye. It passes. That was items 111 and 112.

>> Mayor, your last zoning case of the year is c-14---

[buzzer sounds] I guess that's it.

>> Mayor Adler: You may finish your thought.

>> Which is case c-14-h-2019-0128 for a property located at 2011 Hamilton avenue. This is to zone a house from sf 3 to sf 3 historic. This is the Richard Overton house. I do have Mr. Sadowsky here if you would like a presentation. This did pass unanimously at the historic commission and planning commission. We have one speaker here to speak in favor. If you would like a staff presentation we can do it, otherwise go to Mr. Register.

>> Mayor Adler: I think we can proceed on. Is Mr. Register here?

[3:42:29 PM]

>> Thank you. So I'm Brian with a Y register as to what you do to vote. Mr. Overton's house brings up a couple of issues. Making his house into a human is not in the direction of trying to preserve some places in Austin from gentrification and it's good you will on do that, but be sure to protect something of the substance of east Austin communities, not just a symbol. Please protect where people live, not just to remember. Second, making Mr. Overton's house into a museum is a wonderful case of honoring the honorable. I would ask you to please recall that the city systematically honors the dishonorable. For every road named after those, there are those named for treason. There was one who started his career as a serial rapist. We have a Reagan drive who handled things for the confederate government. We had Dixie confederate and plantation roads. All of these were listed off by the equity office well over a year ago. I know how to work on these.

[3:43:29 PM]

If you're going to honor the honorable fleas follow through by not honoring the dishonorable. I'll be contacting some of your offices and I'd like to ask you to direct your staffs to take up the issue of confederate street names and of course turn this into a museum and honor the honorable. Thank you.

>> Mayor Adler: Is there a motion to approve this item 114? Councilmember harper-madison makes the motion. Seconded by councilmember Renteria. Any discussion? Councilmember harper-madison.

>> Harper-madison: I'd like to say this is really an honor. I was able to attend Mr. Overton's last birthday party at his house, this house. And I know that this is something that the family is really looking forward to having happen. So happy to support, especially because it is in my district, and I know that Mr. Overton was a fixture. I'd just like to say a few words about him, if I may. At 112 years old, he was the

[3:44:30 PM]

oldest living veteran in the country and he lived right here in Austin, Texas on the eastside. Mr. Overton was the grandson of slaves, and I'd like for everybody to take a moment to think about that. The parents of the parents of that man we watched news stories about on our iPads were born in bondage, held as property to someone else. He grew up in the segregated south and signed up in his mid 30s to help fight in World War II. And for those of you who are really into war history, you really have to read some of the stories. The unit that he was with really were instrumental in helping us win battles. It's -- in fact, if you're interested, my office has catalogued some of this information. If you're interested, please reach out to our office. We'd be happy to share. Afterwards, he built his home in east Austin. The only place in the city

[3:45:30 PM]

where a black man, even a black gi, could build a home. From the porch of that home he watched decades of history go by, the civil rights movement, the end of legal segregation, and the election of our very first black president. In his latter years his easygoing durability made him a household name, a jet setter who flew to Washington to meet that very same black president. But he never let it go to his head. Despite his celebrity he lived a simple life smoking cigars and drinking histy and sitting on his porch on the eastside. Always welcoming my visitor no matter who they were. He was a physical link to the history of our nation and our city. And now that he's gone his house is our physical link to him. So I enthusiastically support his family's request to landmark the home he built and I look forward to working with them to find ways to maintain it as a

[3:46:31 PM]

space where the public can come and experience the history and heritage embodied by Mr. Overton, one of Austin's all-time it finest.

>> Mayor Adler: One of the absolute pleasures and honors that I had in this position as mayor is I got to spend time with him on every veterans day and at many other locations. Councilmember harper-madison thank you for going through his background. I won't repeat any of that, but what I will say is he had an incredible sense of humor. He was a very witty gay. And the last time I saw him, I was sitting next to him and it seems like every other person that would come up to him would always ask him how do you live to be 112? And his answer to that for the first several years I was with him was always, he lived that long because he smoked the cigar everyday

[3:47:32 PM]

and had that bottle that he drank from. The last time I was with him someone asked him that question and he said the same thing. And then he looked at me and he said, you know that's not true. And then he winked at me.

[Laughter]. I think it was true. I think that's what he was saying.

[Laughter]. I choose to believe that. Ready to take a vote? Those in favor of this item please raise your hand? Those opposed? Unanimous. And that passes. That now has us handling everything on our agenda here except for item number 66. We're not going to take any action on this until after dinner. Do we want to see if anybody is here to speak on it now and give them a chance to do that if they wish? We're going to pick up item number 66 after dinner, but keeping with our custom, we want to ask people -- if someone is here to speak and wants to speak now do we give them that chance to do that? Is anybody here that wants to speak now on item number

[3:48:32 PM]

66? Come on up, sir. What's your name, sir?

>> Let me pull that file up. I wasn't ready to talk about that until way later. Sorry, okay. So --

>> Mayor Adler: Introduce yourself.

>> I'm Bryan register. This is a civic humiliation. The city of Austin is committed to undoing its racist past. City of Austin is committed so no such thing. The city of Austin has warm feelings about ending racism. If you're actually committed to something people can tell because you will be following through on the commitments that have allowedly asserting that you have the commitment. There is an inverse correlation between your need to tell us how committed you are and how committed you actually are. Please strike that dishonest clause from the resolution when you pass it.

[3:49:34 PM]

Then there are these nine whereas clauses that bring no new information to the table. Two whereas clauses about the newly discovered fact that members of APD use bad language and four more whereas clauses that again bring no more new information to the table. What this means is the subtext of racism that we knew about and could list in 13 whereas clauses do not warrant this, but now that we know about the bad words we can all agree that something has to be done. The public knew everything important so what were you waiting for? The reason that racial slurs, especially the N word, are genuinely harmful is that they are threats. To use this forbidden word is to bear the history of history and the casual and institutionalized violence against black people. This is why black people don't hurt one another by using it and why there are no damaging white slurs because there is no tradition of burning white people alive to put us in our places. What this means is you are responding to the threat of violence but you haven't been responding to the reality of it. It's as if you didn't mind somebody running through

[3:50:35 PM]

town pummeling people, but as soon as he threatens to do it, you suddenly see it. Ask what is the hell is wrong with our city that has how we prioritize the safety of our citizens? Thank you.

>> Mayor Adler: Is anybody else here who wants to speak on item 66? Come on down. You have time donated from Janet. Is she here?

>> Susan Spataro. One of the main statutory responsibilities of municipal government is public safety and that of course is primarily our police force. So to me it's an extremely important issue for every single person that lives here, whatever part of town you live in. Safety in terms of criminal behavior and also with the

[3:51:35 PM]

traffic situation, the patrolling of streets, make a difference on lives. And so this is a very significant issue. It looks to me from having read media that what we have here is a personnel issue that probably has to be dealt with. And there are undocumented accusations. I don't think any of us should say based on that, we have a police department that is totally in disarray. It is an affront to the men and women that serve this community in the police department. It is an affront for citizens like me, I'm just a regular person --

[buzzer sounds]

-- That want protection or a lawful society. If you look at our police department, we've got a chief that is very well respected in the community. They have internal controls. They have body cameras. We have vehicle cameras. We have an oversight

[3:52:35 PM]

committee and we have a police monitor. And now we have an investigation. And that's not enough? To me it is incredible overkill. And to say that you're not going to hire any more police or stop when we're short anymore, I just don't understand it and I don't understand the motive of it. All of us will be losing protection. And I read the article this morning where when you froze, I guess you would say, the firefighters tt there was an increased cost because of overtime. So what you're doing to this community if you pass this is you are increasing the crime, reducing protection at an increased cost. And I think that is so unacceptable. But you know worse than that is we're getting in this

[3:53:35 PM]

community to be so heavily identified with identity politics. The divisiveness and discrimination is to me intolerable. When you look at the backup to this agenda, I think it paints a picture of a community that y'all have made up. I mean, I came here with a group of people who have never been here before a couple of months ago. And they were appalled at the racist, discriminatory comments coming off this dais. I guess I've gotten hardened to it. But it's offensive. It's offensive to every one here. It's not good for anyone, especially children. I think that if you are -- I guess I read this in the backup.

[Buzzer sounds]

>> Mayor Adler: Finish your thought.

>> If you are going to look at every activity of the police department, I would say you need to do it with the whole city, including yourselves.

>> Mayor Adler: Thank you very much. Anyone else want to speak on this item 66? That said, it is --

[3:54:36 PM]

>> Alter: Mayor? I just wanted to mention that I'm working on some amendments that I hope will be amenable, but I'm doing it as fast as I can and I will post it as soon as I'm able, but we've been in meeting all day.

>> Mayor Adler: If you have a chance to post them, that would be great. I would urge everybody to come back down here at 5:30. Andrea Dawson I going to be bringing a little music into the chamber. We

have a few proclamations, doesn't look like we have a lot so it looks like probably 6:30 is something that we ought to be able to do to reconvene. Councilmember harper-madison.

>> Harper-madison: I was just going to say to my colleague, so councilmember alter, I know legal is working on the latest iteration as we speak, so I just wonder, Ann maybe you could help too, should her amendments go directly to legal or --

>> I would suggest that councilmember alter have whatever amendment she's working on, maybe post them on the board between now and 6:30 if possible and then

[3:55:37 PM]

assuming the dais wants to incorporate them we can do it at that time.

>> Harper-madison: Okay.

>> Alter: We're already working with legal.

>> Harper-madison: Okay.

>> Alter: That would be the normal way that we like to talk to legal before we bring them.

>> Mayor Adler: Always a good idea.

>> Harper-madison: And mayor, if I may, I'd just like to offer a couple of points of clarification after our last speaker. It wasn't the city of Austin that stopped the cadet classes for fire. It was the department of justice. It was a federal stoppage of those classes. And I think it's important to note that. Additionally I'd like to note if you read any article that's been written in the last two days or watch any news report that has been broadcast with an interview that was conducted by me, I've said time and time and time again, we are not talking about halting cadet classes. I've said it multiple times. There are people for whom it's beneficial to say that I said that. So there are three classes for 2020. February, June, September. The clarity that will be

[3:56:37 PM]

offered as we deliberate this evening, February class not interrupted at all. October class, not interrupted at all. So we normally have two classes. Next year we're going ambitious because we are short. So those three classes, that's abnormal. So the two classes we would always normally have are going to happen. Don't listen to misinformation. The only class that's potentially in any jeopardy of not happening is the June class, but we would all like to see the June class happen too. We need some benchmarks met. I hope we all get to see three classes happen in 2020.

>> Mayor Adler: Sounds good. Economy, councilmember tovo.

>> Tovo: Just a quick question for my colleague. Councilmember harper-madison, you said you were working with legal for the latest iteration. That's what you distributed this morning and posted on the message board?

>> Harper-madison: That's mostly it. There were some slight adjustments made throughout the course of the afternoon.

>> Mayor Adler: If you could also post that as soon as it's ready, that would be great and we could look at

[3:57:38 PM]

it before we come back down. Councilmember alter.

>> Alter: I was going to ask this later, but I think it might be helpful because depending on your answer it might be helpful for each of us to think about it over the break. I wanted to get some clarification on page 5 for part 1 about officer and supervisor communications, including all public posts on social media platforms that are available to the investigators, city email, text messages and instant message communications on city devices within the last five years. So what I'd like to understand better is the scope of what you're talking about. So having worked on the sexual assault contract over the last nine months and -- it was really important that we had a lot of clarity on exactly what we meant. And I'm trying to understand if we're looking for sort of particular words by an algorithm and all of those things or are we actually asking that individual, like we're hiring people to read through everything and

[3:58:39 PM]

determine what's racist or not racist because they're very different sort of scopes and resources involved. And I'm just wondering if you could clarify what you meant by that language so so I can have a better --

>> Harper-madison: At the end of the day, the request to analyze communications is ultimately about what everything that's, you know, existing into this resolution is about, is determining bigotry, discrimination, sexism, I mean, we're looking for misogyny, we're looking for racist language, we're looking for discriminatory language, ableist language, anything that would be unbecoming of a peace officer, a sworn civil servant.

>> Alter: I guess I'm trying to understand -- that's a lot, a lot of material. And if we want to get this done faster, we have to have a contract that is as specific as possible with respect to the scope.

>> Harper-madison: I look forward to seeing the

[3:59:39 PM]

enactments you bring --

>> Alter: I don't necessarily have one for that because I wanted to first understand -- I was just trying to understand what -- what the primary goal was from that particular part because we already know what we're gonna find so I just wanted to, like -- I think we have a sense of what we're likely to see, and so I just -- I want us to spend our resources on --

>> Harper-madison: I think we might be talking about two different things. To offer clarity

[indiscernible] [Overlapping speakers] So the resolution is calling for two separate investigations. One specifically about allegations for one particular individual. And then as a separate measure, an investigation and audit of the department as a whole and leadership of the department. So this deeper dive into communications has more to do with the department as a whole, leadership as a whole, in which case -- does that offer you some clarity?

>> Alter: I think I understand that. It's just when we actually hire someone to go and do this, they're gonna have to

[4:00:40 PM]

have a clarity about the scope of what they're doing. And I want to make sure that we offer that. And I wasn't able to fully understand what you were asking, and so I'm trying to get some clarity --

>> Harper-madison: Maybe that gave you some clarity but also if you flip all the way towards the sort of be it resolved, the full scope is the direction that we're offering the city manager to provide the third-party investigative team, and I haven't -- I haven't been asked any questions for clarity about what my intent there was, but I'm certainly happy to answer them, manager, if you don't understand what the direction is.

>> Mayor Adler: Okay. We'll take a look in the meantime and see if there's anything else that needs to be on there. With that said it's 4:01. 5:30 is music, we are going to try and pick back up this meeting. We are in recess.

[Recess]

[4:55:49 PM]

Katy.

[5:28:53 PM]

[♪Music♪].

[Applause].

[5:32:10 PM]

>> Mayor Adler: Are we set? All right. We now get to my favorite part of city council meetings. I think here in the live music capitol we are the only city I think in the world to stop every city council meeting and actually bring live music into our building. We try real hard to press the music into the walls, because when you're here at 11:30 or 1:00 in the morning, you try and find that music and bring it back in. Tonight we have Andrea Dawson with us. She is known as the sassy soul trial tress -- soultress of the blues. She has spread her brand of Texas blues to far flung reaches of the world, such as Brazil, Chile, Shanghai, China and various venues in

[5:33:12 PM]

Sweden. Now she has turned her attention to her own thoughtful material, Austin style. Look for her most recent endeavor into the food truck business. Sassy's vegetarian soul food. It's a full and vibrant addition to the Austin scene. Please join me now in welcoming to the main stage at city council, Andrea Dawson. Thank you.

[♪ Singing].

[5:34:55 PM]

[Singing].

[5:36:33 PM]

>> Thank you.

>> Mayor Adler: Thank you so much. So if somebody was watching this or -- it will run on a loop so people will see it later. If people wanted to find U where would they go? Do you have like a website or Facebook page.

>> Yes. You can find me at andreadawson.com or sassy sues vegetarian soul food.com.

>> Where is your food truck.

>> My food truck is at the intersection of 12th and Chicon. Sassy's vegetarian food truck.

>> Mayor Adler: And back to music. If somebody wanted to get some of your music, how would they do that?

>> You would be able to find me on the -- on Facebook also, Andrea andreadawson.com. I do have some music on CD baby. Currently I'm working on a CD of my original songs and

[5:37:33 PM]

you would be able to find that on andreadawson.com.

>> Mayor Adler: When do you think that will be coming up?

>> My next performance will be with another group called sass and we're doing a performance on the 21st at one-to-one. Yes, December 21st.

>> Mayor Adler: I have a proclamation. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend to virtually every musical genre. And whereas our music scene thrives because Austin audiences support good music, produced by our legends, our local favorites and newcomers alike. And whereas they are pleased to showcase and support our local artists, now therefore I, Steve Adler, mayor of the live music capitol, together with my colleagues on the council, do hereby proclaim December 5th of the year 2019 as Andrea Dawson day in

[5:38:35 PM]

Austin, Texas.

[Applause].

[5:40:57 PM]

>> Mayor Adler: A few proclamations. I'm going to start us off, and here I have Emily Morris to accept a proclamation. She's with the state bar.

Proclamation: Be it known that whereas, human rights awareness is essential to the realization of fundamental freedoms. It contributes to promoting equality, preventing conflict and human rights violations and enhancing participation in the democratic process. And so the universal declaration of human rights was adopted by the united nations on December 10th, 1948, with a date annually commemorated as human rights day. And whereas the Austin human rights commission with regards the city of Austin as an international city with people and businesses that conduct activities around the world, therefore it has significant interest in making its community aware of international human

[5:41:59 PM]

rights issues. Around whereas Austin human rights commission supports the recognition of international human rights for all people and the celebration of international human rights day to highlight its efforts in combating human rights abuses locally. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim December 10th of the year 2019 as human rights day in Austin, Texas.

[Applause]. Emily? Did you want to say something first? Describe the work and what's going to happen at the legislature next year.

>> Sure. I'm here as a volunteer with the international law section of the state bar of Texas. And we're the first section of a state bar in the country that we know of to have a committee dedicated to human rights work. So we are working to get different cities across Texas to recognize this day that's coming up on Tuesday and then in the next

[5:43:00 PM]

legislative legislation we'll also be working to get the state legislature to recognize that. We definitely appreciate mayor Adler and the city council for helping us with that.

>> Tovo: Good evening, I'm city councilmember Kathie tovo and I represent district 9 and it's my pleasure to present the following proclamation to the Austin junior forum which is located in district 9. So we have some of the

[5:44:01 PM]

members here today. As some of you may know, the junior forum is celebrating its 50th year, the Austin junior forum is celebrating its 50th year this year and we're so appreciative of the great work they do in the community. They raise funding and provide support for women, children and for programs benefit is seniors. In their most recent grant round they gave grants totaling more than \$68,000 to 10 organizations and they do lots of other great things as well. So without further adieu, I'd like to present

the following proclamation. Whereas public service and engagement as well as service to others are hallmark of Austin's character and central to how we meet our city's challenges, and whereas founded in on March 28th, 1969, the Austin junior forum is one of nine junior forum incorporated chapters in Texas and supports women, children and seniors through fund-raising and approximately 11,000 hours of direct community service

[5:45:02 PM]

each year. Whereas the Austin junior forum has granted more than \$1.7 million to Austin area non-profits and donates approximately 2,000 stuffed animals annually to the Austin police department, Austin fire, austin-travis county ems, and Travis county sheriff's if for their use in supporting and comforting children and others who are victims of trauma or witnesses to crime. Whereas the Daniel H Caswell house at 1404 west avenue in Austin, Texas serves as the headquarters for the Austin junior forum and the site of annual fund-raising and other events. And it showcases Austin history as a city of Austin historic landmark, a Texas historic landmark and a landmark recorded on the national register of historic places. And whereas the city of Austin is pleased to recognize the Austin junior forum on its 50th anniversary and to thank its members for serving the Austin community, helping to expand the capacity of other non-profit organizations and contributing to the city's mission and values. Now therefore I, Kathie tovo

[5:46:03 PM]

on behalf of mayor Steve Adler, do hereby proclaim December 5th, 2019 as the Austin junior forum day in Austin, Texas. Congratulations.

[Applause]. I'd like to welcome its president, Cindy Payne, up to say a few words. Cindy.

>> Thank you. Thank you so much to mayor Adler and councilmember tovo and Nicole golden as well for this proclamation. Austin junior forum is so very proud to serve the Austin community for the last 50 years. Built on a foundation of a few determined women who were committed to serving the city, we established ourselves in our current home. The historic Daniel H Caswell house in downtown Austin on west avenue. This home of ours is a very special place for us and for many Austin residents who have held weddings and other special events there. On February 28th and 29th of 2020 we'll be hosting a special 50th anniversary event in our home and we would love for all of you to

[5:47:04 PM]

be there and celebrate with us. And on November 5th of 2020 we will resume our beloved Christmas at the Caswell house which we unfortunately had to cancel this year due to water damage that our home

sustained. This event funds our community grants programs and we are very proud to have our home fully repaired and we're have very much looking forward to bringing the event back to the Austin community next year. Our success and our ability to support our non-profit partners with our volunteer time is made possible through the generous spirit of our members, a number of whom are here with us tonight. So a big thank you to these ladies that are standing behind me. We always welcome new members and we have several events coming up for the ladies who are interested in joining us. In addition to our community grants program we also provide stuffed teddy bears and dalmation to Austin area first responders to help them comfort a child during a time of crisis. The funds for these stuffed animals are raised during amplify Austin. The event is held in March and we are again looking

[5:48:05 PM]

forward to being a part of that very special day of giving. You can learn more about us and the work that we do and the service that we give to the community by reviewing our website at austinjuniormforum.org. In closing, we want to thank the city of Austin and everyone who supports our mission. We recognize that we are a part of a community that truly cares. Our non-profit partners are doing incredible work to support our most delicate residents, included abused and neglected children, children with severe medical conditions, children who have lost their homes, older adults who are seeking to age with dignity, and women who are balancing motherhood, careers and other challenges in their lives. Austin junior forum looks forward to another 50 years of service and support to this community. And we hope to see some of you at the Caswell house soon. Thank you all very much.

[Applause].

[5:50:34 PM]

>> Tovo: Good evening. Again I'm councilmember Kathie tovo and I represent city council district 9. And this weekend we are going to have an annual fun event, the annual holiday stroll that is sponsored by the downtown Austin alliance. And this is a special year for the downtown Austin alliance. They're celebrating a special anniversary of 25 years of having the downtown holiday stroll in our central business district. Last year -- a couple of facts about the downtown Austin holiday stroll, I love to go most years with my children and it's always a fun event. You will see lots of community members out there going -- there's food and music and lots of merriment and fun things to do. Last year was one of the biggest such holiday strolls with an estimated 15,000 attendees attending at some point throughout the night. The tree stands 45 feet tall, I'm told, with more than 137,000 led lights

[5:51:36 PM]

rotating through holiday songs by some of Austin's favorite musicians. In-- other features have included blue lapiz, our dance team in Austin who goes down buildings. If you haven't seen it, it's really extraordinary. This year it will have lots of different event, including a market, photos with Santa and Mrs. Claus, a petting zoo and other fun things. Thank you, downtown Austin alliance for sponsoring that great, free event for our community. And so I would like to present the following

proclamation: Be it known that whereas in 1994 the downtown Austin alliance planned a celebration to light a Christmas tree at the head of congress avenue. Formal activities were canceled that year due to weather, however, a spontaneous crowd gathered together in a celebration that was uniquely Austin. Whereas in 1994 the tree lighting ceremony was dedicated to the memory of Charles icenbaum who had a long history of decorating for the holidays. And the tree lighting has

[5:52:37 PM]

continued as a beloved tradition in our city. Whereas the first downtown holiday stroll was sweetly informal and enhanced by the artistic decorations of many children. Whereas the downtown Austin alliance remains dedicated to the community's vision for downtown, bringing all ages together in a celebration of our unique culture of music, art and holiday cheer. And whereas the city council is pleased to acknowledge the downtown Austin alliance holiday stroll in its 25th year for its longevity as a community gathering that helps Austin maintain a small town feel even through its emergence as a world class city. Now therefore I, Kathie tovo, on behalf of mayor Steve Adler, do hereby proclaim December 7th, 2019, as downtown holiday stroll day in Austin, Texas. Thank you very much.

[Applause]. And I'd like to invite Mandy Thomas, downtown Austin alliance's director of strategic partnerships, to come and say a few words.

>> Thank you, mayor Adler,

[5:53:38 PM]

thank you councilmember tovo and other council for recognizing the downtown Austin alliance and the 25th anniversary of holiday stroll. This is one of my favorite events in town because we're able to bring the community together of all ages to celebrate the holiday season in downtown. It's a free event. This year we'll have some of Austin's hottest musicians performing throughout the night. There's a sing along with Kut. Kutx at the capitol steps. Photos with Santa. There's a petting zoo. A life size snow globe. So we invite the entire community, no matter how old you are, it's for ages zero to 100. Out on Saturday from 5:00 to 10:00 on congress avenue as we close down the streets and kick off the holiday season in downtown. Thank you.

[Applause].

[5:55:24 PM]

>> Garza: Good evening, I'm mayor pro tem Garza. I represent district 2, which is southeast Austin. Southeast Austin has unfortunately lost two of our beloved crossing guards. We were able to recognize one last council meeting, and I'm grateful that we're able to recognize adelfa Jaimes today, who was a fixture by the elementary schools and the middle schools in the dove springs neighborhood. And as we all know our crossing guards are just wonderful people that come out early in the mornings and make sure that our children are protected, so I'm grateful that the Jaimes family is here to be provided for that wonderful work.

So the proclamation: Be it known whereas crossing guards play an important role in the lives of children, guiding them safely across the streets,

[5:56:25 PM]

acting as beacons for our littlest austinites, and whereas adelfa Jaimes provided safe passage to the families of southeast Austin as a crossing guard for 19 years near white Ann elementary and Mendez middle school. And whereas adelfa Jaimes served with dedication in riggers of harsh weather and traffic. And whereas the community of dove springs mourns her loss, but continues to hold her close to their hearts and remembering her kindness.

>> Mayor Adler: Now therefore,, I Steve Adler, mayor of the city of Austin, Texas, together with mayor pro tem Garza, do hereby proclaim December 5th of the year 2019 as adelfa Jaimes day in Austin, Texas.

[Applause].

>> Garza: And I believe Mr. Jaimes would like to say a few words. And Katherine will translate.

[5:57:46 PM]

>>

>> [Speaking non-english language]

[Applause]

[5:58:50 PM]

>> Good night. My name is Gabrielle Jaimes. My wife passed away recently in October and I want to thank everybody, the city council and mayor and mayor pro tem for honoring her and the work that she did. She loved the children she helped and she loved going to work every day. I'm thanking everybody on behalf of my family, my children, my grandchildren, and I appreciate that you guys have been able to do something for her to remember her when she was alive.

>> [Speaking non-english language]

>> And she started working in 2001 as a crossguard until this year. Thank you very much.

[Applause]

[6:01:38 PM]

>> Joelle, you're distracting the av guy.

>> Flannigan: Good evening, my name is Jimmy Flannigan, councilmember for district 6, 1 of the great honors and joys of representing district 6 is that I have the honor of representing the city's largest Asian community. Tonight we are reading a proclamation for an important part of that community, the Bangladesh community. I will read the proclamation we'll hear more about it. Be it known whereas in 1971 Bangladesh fought the Bangladesh liberation war against Pakistan to become an independent country. 3million lives were lost during the liberation war, which created the sovereign nation Bangladesh, seceding from Pakistan. Whereas the celebration of victory day on December 16 has been taking place since 1972 the Bangladesh liberation war has become a symbol of great pride for

[6:02:40 PM]

the Bangladesh community living abroad and topic great importance in cinema, literature, history lessons at school, the mass media and the arts in Bangladesh, and whereas Bangladesh association of greater Austin is celebrating Bangladesh victory day on December 15, 2019, at Rutledge, therefore, I, Jimmy Flannigan for mayor Adler and the entire city council do hereby proclaim December 15, 2019, as Bangladesh day in Austin, Texas. I think we have madra chadry to come up and speak.

>> Thank you so much, Mr. Mayor and the councilmember Jimmy Flannigan for proclaiming 15th December, 2019, as Bangladesh day. It's a great honor for

[6:03:42 PM]

Bangladesh and Bangladeshi community in and out of greater Austin, greater Austin area. As a small background, I'd like to say 16 December 1971 is the day Bangladesh got freedom from Pakistan after

nine months of liberation war. She then -- Bangladeshis around the world celebrate this day as the victory day of Bangladesh. Baga, Bangladesh association of greater Austin, will be celebrating this day in a grand style this year, and including day-long activities and a grand cultural show. We believe this proclamation will add a huge spotlight in our celebration and as well as the event.

[6:04:47 PM]

I'd like to take the opportunity to invite you all for our celebration that is happening on 15th of December at Rutledge elementary. Thank you.

[Applause] .

[6:07:18 PM]

[Recess]

[6:26:13 PM]

[Speaki Ng non-english language]

>> [Speaking non-english language]

[6:49:08 PM]

>> Mayor adler:all right. It is 6:48 still December 5. We're still in the city council chamber. We have one item that's left to be considered. It's item number 66. We have, I think, 63 people signed up to -- signed up on the speaker list.

>> Alter: Mayor, before we move on may I note one thing?

>> Mayor Adler: Yes.

>> Alter: Before we move on, I just wanted to note had I been here I would have voted yes on item 27 for the renaming of dove springs. I'm not going to ask to reconsider because mayor pro tem is not here right now, so I'll just note for the record that I would have voted yes on that.

>> Mayor Adler: With the minutes be shown to reflect that, please.

>> Alter: Thank you.

>> Mayor Adler: If the minutes could be shown to reflect that, okay? All right. Item number 66,

[6:50:13 PM]

councilmember harper-madison, do you want to make a motion?

>> Harper-madison: I'm sorry, mayor. I was distracted. Yes, I'd like to make a motion. But there are three different things that are happening right now simultaneously, one of which I think I need to have my team address. Would you mind offering me a moment?

>> Mayor Adler: Yes.

>> Harper-madison: Thank you. So my sense is I really appreciate the work that everybody has done on this. First, I really appreciate councilmember harper-madison's leadership in -- in making sure that we had a measured stop with what's been happening in the community so that we recognize the gravity of what is going on. Because I think that's a really important thing for us to do. I want to thank the members of the community that have gotten engaged on this, and I know that everybody has

[6:51:14 PM]

been working actually not just with their own communities and their own natural and historic allies, but with everybody else that's been involved in this. I want to thank everybody that's been doing it from different places. I'm encouraged that it appears as if we may very well have a really significant piece of work that deals not only with police but deals with institutional racism and system I can inequities, that deals with such a significant topic for our community with a resolution that I think is going to pass pretty overwhelmingly. My hope is that we can use this moment -- tonight I want to be really serious and specific about what it is that we are enacting and doing tonight, but that we can do it in a way that

[6:52:15 PM]

launches us on a path to do this in a really constructive way, that moves our community forward. That's my hope. To that end, I hope that the discussion that we all have reflects that hope and promise that everyone recognizing the gravity of this moment and the seriousness of these issues will help us launch this next phase in a way that enables our community to get better and to grow. We have people that are signed up to speak. Whenever you are ready, I will recognize you, or I can start with the speakers.

>> Harper-madison: Well, two things.

>> Mayor Adler: Okay.

>> Harper-madison: My colleague, councilmember Flannigan, just pointed out to me that the latest iteration of the resolution that I handed out has

[6:53:21 PM]

some -- some issues. So on line number 127, and then -- but then it carries over --

>> Flannigan: 127 is where item 7 starts,.

>> Harper-madison: Correct.

>> Flannigan: That's where it was a little confusing.

>> Mayor Adler: Say that again?

>> Harper-madison: Go ahead.

>> Flannigan: On line 127, where it has the five struck through, that should be number 7 there. It's a numbering issue, it's actually a continuation of the line above.

>> Mayor Adler: It's a continuation.

>> Harper-madison: Right.

>> Mayor Adler: Got you. So seven there should be stricken, got it. Okay. Councilmember

[6:54:22 PM]

harper-madison, do you --

>> Harper-madison: [Off mic]

>> Mayor Adler: Councilmember harper-madison, do you want to speak first before we --

>> Harper-madison: Take speakers?

>> Mayor Adler: Do you want to make a motion or start with speakers?

>> Harper-madison: I'd like to make a motion.

>> Mayor Adler: Please.

>> Harper-madison: That we pass the resolution, considering we need to make those minor edits. I've seen some of my colleagues have some amendments they're bringing -- bringing forward and for the most part they look friendly to me so I'm looking forward to hearing. Thank you everybody for coming out this evening. It's a serious investment of your time and effort to come and participate at the

municipal level and I really appreciate every single person who came out this evening to spend your time with us. I'd like to make a motion to put forward this resolution or item number 66.

>> Mayor Adler: Okay. There's a motion in this item 66. Is there a second to this motion?
Councilmember Casar seconds this motion. So let's go to -- I'm

[6:55:24 PM]

sorry?

>> Casar: I would like to touch on two things before speakers, both of which I think might be helpful before the speakers.

>> Mayor Adler: Okay.

>> Casar: So the first one was before speakers showed up, there were questions around how is it that there could be a good review of messages on social media and checking on those things. After looking into how this has been done, mostly by journalists in other parts of the country, I just want to make it clear to the manager that I think the intent is to try to follow some of those models of how that's been done in other parts of the country and that sometimes when folks -- sometimes folks don't always use their full first and last name on their accounts and that there are hopefully we look and find professionals that are able to -- you know, when you put out an rfp and look for a professional, somebody who has the expertise to look at accounts that may not include a person's full first and last name. So that would be the hope on that item. And of course we don't want that to slow things down, but my hope is that as you scope this work you do your

[6:56:25 PM]

best to meet this general intent. The second thing is, manager, I really appreciate, because I think there were questions during the public safety commission and other questions in the press around this resolution supports the independent investigation on the specific allegations and I think there were questions about how to make sure that that was as thorough and comprehensive and independent as possible. You sent out a memo to us laying out how you would do that, and that way folks don't testify, asking for those changes. It sounds like you actually have already been implementing those. So if you could actually lay out that memo that you sent to us, I think that would be really helpful.

>> Of course. Sure, councilmember. I'm passing out for the dais, if they didn't see it, but I do appreciate councilmember harper-madison's inclusion in the draft resolution of the support for the independent investigation that I am conducting with the specific allegations. But to clarify how I'm going about doing the investigation, I did want to

[6:57:25 PM]

articulate both for the community, for the council, and then it is part of the investigators' contract that the [indiscernible] As you know the priority for this investigation is that it be independent, completely, thorough, the city shall facilitate access to any persons for interviews, the city will require full access to relevant persons for the investigation, the investigator will note in her report if any access was denied to her and by whom, if anyone -- and if anyone declined to speak with her, insofar as any employees have firsthand knowledge of relevant facts and may be fact witnesses, they will not be part of this -- they will not be part of the investigation except if the investigator needs information from those employees. The assistant city attorneys defending any lutes related to the investigation won't be part of this investigation except if the investigator needs information from these attorneys, and the report will be released as quickly as possible after its

[6:58:25 PM]

completed without any redactions except for the very sensitive information, such as information that identifies juveniles, reveals social security numbers, et cetera. So I hope this clarification is helpful in regards of how I'm conducting this investigation.

>> Mayor Adler: Can the clerk post this on to the backup for this item? Can you do this, like, in realtime? It happens now or should I have my staff post this on to the message board is my question? Can you post this memo that just came out, this email that just come from the manager on to the message board? I've just forwarded it to you.

>> Casar: Manager, just for one more, I think it was implied in your statement but to make it explicit I think there was some folks that had the understanding that the independent investigator would directly report to the city attorney but my understanding that interact the direct report is to you.

>> That's correct.

>> Mayor Adler: Okay. Mayor pro tem.

[6:59:26 PM]

>> Garza: I didn't have a question.

>> Mayor Adler: Councilmember alter.

>> Alter: Thank you. Thank you, councilmember harper-madison, for bringing this resolution, which creates an opportunity for us to acknowledge that we have a problem and take action. I appreciate your -- what sounds like your willingness to accept the amendments more or less once you've read them

more carefully. I just wanted to let the folks who are in the chamber know that I've posted to the message board if you want to read the exact language of my amendments, but I wanted to just read them out because I think it's helpful for the discussion for those of you who are presenting. So the first amendment is focused on the recommendations that may come back to us after the investigation. So it picks up with line 136 and adds, including but not limited to, these are the kinds of recommendations that would come back, an

[7:00:27 PM]

actionable plan, measurable benchmarks and appropriate timeline for racial disparity, stops and use of force incidents. A framework for current reporting to the council for the fair administration of justice. An indicator in the council's adopted five-year strategic plan. Reporting on the plan to address and remedy any weaknesses and threats for APD as may be identified in the equity office's equity assessment tool. Continuing education for active APD personnel as part of the required biannual recertification on topics of bias, gender bias, the history of policing and its intersection with police in our community. Cultural competency and we are topics as recommended by the equity office and office of police oversight. Reputable leadership training that would benefit the APD culture. Establishing clear, published standards as it relates to the qualifications required for appointment to assistant chief as consistent with state law. Creating measurable

[7:01:28 PM]

benchmarks for enhancing diversity at all levels of the department and improving background checks and screening of incoming cadets as well as officers being considered for promotion as it relates to topics such as explicit and implies at this time bias, racism, homophobia, gender bias and other forms of discrimination. A detail of cadet academy class sizes, attrition rates and demographics. The report to council should include options for a mechanism to incorporate the aforementioned recommendations and accountability metrics into the performance standards for the APD executive team. And finally in this section the city manager is directed to work with and incorporate results from any relevant work that has been conducted or is being conducted by the equity office, the office of police oversight and the innovation as it relates to APD. Amendment 2 just adds the innovation office to among the offices that would be consulted. And amendment 3 adds a line to the part about the cadet

[7:02:30 PM]

classes that says if the aforementioned revisions have not been implemented at least 30 days ahead of the start date for the anticipated June 2020 cadet class, the cadet class may be rescheduled as deemed appropriate by APD as long as the revisions have been implemented by the new start date.

>> Mayor Adler: Okay. Thank you.

>> Alter: And these are on the message board which you can access by going to austintexas.gov and hitting the message board at the bottom of the web page.

>> Mayor Adler: Anybody else want to say anything before we go to the public? Okay. I'm going to start then with public speakers. I'm going to try to move us through as quickly as we can. Our rules say the first 20 speakers have the ability to speak for three minutes.

[7:03:31 PM]

The -- after that it's one minute each. First speaker that we have is Carey Roberts. Do you want to come on down? Is Pete Winstead here.

>> He's not.

>> Mayor Adler: No? What about Gus Pena? What about Kathie Mitchell? Kathie, do you want to come up to this podium? We'll work as quickly as we can in between in remembrance of councilmember Houston. Like when somebody says, jazz hands would be best so that we can keep this moving. Sign language for applause, thank you. Much better. Let's go ahead and start. Mr. Roberts, you have three minutes.

>> Good evening, mayor and council, I'm Carey Roberts, the executive director of the greater Austin crime commission. My organization was founded 22 years ago to support central Texas first responders and support regional public safety planning.

[7:04:31 PM]

Pete Winstead who couldn't be here tonight is the president and his predecessors include mayor Roy butler, admiral Bob Inman, ambassador Pam Wilford and other community leaders. Councilmember harper-madison, I'm sorry this resolution was necessary and I hope it's never necessary again. , But events that brought us to this moment can'ting ignored because we can do better. When the system fails it fails all of us. And I had hoped in my lifetime that racism was something your daughter and my nieces and nephew would only know as a fading memory memory. We all want our police department to be the best because it represents our sense of safety as a community. Austin police officers respond to nearly 1500 calls a day. And those interactions are always because someone needs help. And that's why we support the audit, the investigation, evaluation and review but not the ask you pension of police

[7:05:33 PM]

recruiting and training because growth is the number one public safety concern for us. Response times are slower again for the eighth consecutive year, and for a city that values community policing, the time that officers have to build relationships and trust in the neighborhoods they serve is below even the minimum recommended national standards and is projected to worsen again this year. So we can't afford to fall behind on police staffing and knowingly increase public safety risks. I have a deep respect for Chaz, Chris, Kathie, and the labels don't do any of us justice, whether it's black, brown, white or public safety or social justice advocates, because they care about public safety just as much as I do, and I care about social justice. And I've learned a lot from them and will continue to learn from them. The crime commission supports the city manager's independent investigation and councilmember harper-madison's resolution

[7:06:33 PM]

to audit and review the policy, procedures and training, but not to suspend any cadet classes. We don't say it enough, but thank you for your public service and a happy holiday.

>> Mayor Adler: Thank you. Kathie Mitchell, why don't you come on up. A Mimi styles here? Why don't you come on down? You have time donated from Sarah clough. Is Sarah here? No? What about Margaret hill? No? You will have three minutes, Ms. Stiles. Go ahead, Kathie.

>> So I'm here delivering a couple of different messages. You all should have received a letter. This is from some of the ministers who couldn't be here tonight. Greater mount Zion, greater

[7:07:38 PM]

Calvary Baptist and St. John's missionary. Also the Baptist ministers' union. Basically they are supporting the delay on cadet classes and the specific kinds of changes that you all have put into the most recent revision, which I understand you all worked really hard on and it looked great, so thank you for giving it so much thought. I wanted to just take a moment and then let others speak more better on this. I think that we have learned mostly that we have a police culture problem. And a police culture problem is a combination of many things. It is the training that cadets get. It was the balance of how

[7:08:39 PM]

cadets and officers spend their time. It is more than just the words that are said by people in this case or what are else we find when we investigate. If you combine a culture of bias, racism, with a culture that relies too much on control and not enough on communication as its means of getting through the day, then you have a toxic combination. And I think the reason that we have all been so heightened in our

outrage about everything that has come out is because of the potential for that toxic combination to really be the reason that we've had the police shootings, the use of force incidents, the

[7:09:39 PM]

specific cases that you have seen me come before you over and over on. So we're hoping that this is the moment where we finally kind of surface the culture and surface all of the different and relevant ways that we can change that culture. And this is something that's happening all over the country. We're not alone, and we can use models from other places. So I'm really happy with the resolution. I'm happy with what you all are trying to accomplish. Thank you, council woman harper-madison for all your work on this, and I'm excited to see us move forward.

>> Mayor Adler: Thank you. Before Ms. Stiles speaks, is Joel Mcnew here? Okay. Why don't you come up. You have time donated from Jackie Bucci. You will have five minutes. You have three minutes.

[7:10:40 PM]

>> [Inaudible - no mic].

>> Mayor Adler: To Mimi? Did you tell the clerk. Then you're back up to five minutes.

>> Thank you. For this is nothing mid enthat cannot be disclosed and nothing concealed that will not be brought out into the open. That's Luke 8 low 17. I'm Mimi styles, the founder of measure. I want to acknowledge something we rarely do and that is who is listening to what is being said today N this room there are people of color who have been directly impacted by racism both overt and systemic their whole entire lives. They have also repeated experiences of having their self-advocacy result in non-action or denial or reactionary responses and sometimes even aggression. Many of you are just as exhausted as I am. There are officers in this room who on a regular basis

[7:11:41 PM]

put their lives in harm's way to protect and serve the people of Austin. There are city officials in this room and staffers in this room whose job it is to represent in the heat of the public eye the current interest of all people while at the same time upholding our federal and constitutional promises, especially you must feel this enormous pressure to get this one right. And there are many other perspectives in this room, and what's being heard is perhaps just as important as what is being said today. And while we certainly perpetuate and change our society, we did not create it, we inherited it. And what we inherited is tied to a long history of systemic racism. And as someone who has worked

with the Austin police department and many cities as they attempt to implement community policing, I'm heartened by the movement that policing is making towards addressing

[7:12:43 PM]

systemic racism. But I'm also aware of the many pitfalls along the way. At measure we believe that we empower the police to do their job well. This new cadet class needs certainty. They need to be able to trust their training and act quickly and responsibly in any situation. This issue undermines that certainty and we need to be on a solid path that resolves both the immediate issue of racist behavior and the longer standing condition that allowed it to occur. The cadet class should be developed when that path has been established, which brings me to my second point. You see, when you have to get a vital job done, you want to move as fast as you possibly can, but sometimes like this it takes time. Getting to the bottom of an issue takes time. Untangling the impact of systemic racism takes time.

[7:13:44 PM]

Building community trust, which has never really existed between the police and the community, takes time. I am truly for this independent assessment. I am truly for the delaying of a of the training of cadets during this assessment. I strongly recommend that we remain open to the length of time that this investigation will take in ensuring a level of accountability and transparency along the way. I strongly recommend that we use this as an opportunity to explore what training and support and morale building that the police department may need in order to have this problem become a true opportunity that all of us can be broad of in the end. Thank you.

>> Mayor Adler: Is Mary

[7:14:46 PM]

lake here? No? What about Seneca Savoy? Okay. Go ahead. You have five minutes.

>> My name is Joelle Mcnew Mcnew, we have an organization around the UT campus. In September of 2016 I met chief Acevedo for the first time and during the conversation he invited me to come to national night out, which I had never -- I had heard of it. I did not know what it was. And I thought why don't we just do that. It sounds amazing. Little did I know it's a much bigger endeavor than I anticipated, and at that time it was only a week and a half away and we started our first national night out in west campus October 4th, 2016. And from that point it was

[7:15:48 PM]

really incredible because I thought this is such a failure. We had 150 students and people from the community, and students actually thought it was amazing because they had never gone to national night out and they didn't know what it was and they walked away with a positive experience. So tonight I'm talking about our community, which is west campus in district 9 and the areas surrounding campus because that's what we focus on. I never knew really what community policing was, community engagement. I had never participated before, and now it's something that I have devoted my life to pretty much since our non-profit started. So the pictures you're looking at are the events that we have coffee with a cop, queso with a cop, doing anything we can to bring the students and the police officers that serve their area together to build a relationship and be a part of the community? And I think the most

[7:16:49 PM]

important thing that we've done whether it's five people at an event or five hundred people, I think the greatest success that we have is that students walk away needing meeting an officer that if they did call 911, if there is a crisis, this is the officer that most likely they will see again. And building those relationships. We have had nothing but positive experience with APD. And UT pd. And we could have been coming to you first because we want the safety improvements in terms of infrastructure and we've received nothing. The best relationship we've had is with APD. Is it perfect? Obviously not, but it's a relationship that we built and we think it's very important that the community effort together is something that the conversation that

[7:17:49 PM]

councilmember Harry Harper is talking about with the big picture. And I want to say that we are not professional advocates, we don't get paid, we don't gather, we are citizens who love Austin or we're UT students, faculty members, alumni. Those are the people in the community that we make up. And what's hard and I hope you hear me because you've seen me for a long time, I understand what you're doing and it's really important. My real job that I do to pay for my life is aerospace. I know there's a quality assessment, there are things you have to do because if the plane breaks down and the parts go down, the plane goes down. So I see all of you with great respect because you're running a business, but you're getting paid by the taxpayers. The people who aren't professional speakers. And we keep showing up here and the thing that's so difficult is when we come,

[7:18:50 PM]

we come because it's important and we're passionate and we want you to hear us. We're asking for things that we think are important too, like everyone else. But when people come to speak and they say you're racist, you're white privileged, you're a fear monk Erwin center, you're a liar, all these things over and over, physically intimidating us, to bully us, seeking out our family members, please hear me when I say that is not okay also. You have to look at the big picture of why we're all here. Why is it okay that the people that you listen to the most that my understanding is that you've also donated money to them, advocate groups, they have the seat at the table. Is the table only 12 people? Who decides what the table is made up of and when are other people going to have a

[7:19:51 PM]

voice that you're really going to listen to. It's very sad when you come -- and really it seems like I was the only citizen for the police contract dumb enough to show up because I think it's important based upon my relationship from just throwing myself into something that mattered --

[buzzer sounds] And someone yells out, I hope your husband is killed. And none of you said a word. And it was very loud. That is not okay. It's not.

>> Mayor Adler: Thank you.

>> I think we have to look at the big picture, all of us care, we're not getting paid to come here. We do it because it's important.

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

[Applause]. Next speaker after Mr. Savoy would be tandera, louie.

>> He's not here yet.

>> Mayor Adler: Not here? What about Fatima Mann. Come on down. Sir, you have three minutes.

[7:20:52 PM]

>> Yeah. I guess there's a lot to cover and I'll try to show some restraint. The nature of behaviors in hierarchical institutions tends to be contagious. This is true of implicit bias, this is true of violence and this is true of most, like, anti-social behaviors. And we shouldn't expect police to be different. When we look at the patterns, right, starting back with freedom cities and going to looking at use of force rates, to be shocked at these findings, right, is to perhaps ignore the nature of the institution and how it's arranged. So when we're looking at this resolution, which I strongly support, there are a few things that I'm going to call up particularly. It is not just the use of

[7:21:53 PM]

racial slurs that's contagious. The study of police violence is very extensive and in particular much like civilian violence, police use of force tends to travel along social networks. People learn from the people that they're around. Being exposed to an officer who is involved in an unjustified shooting increases vastly like four or five times the odds that you yourself will commit one. And we can expect that to be the same with bias behavior as well and that not to be undone with a single bias training. So the demand to slow down, to stop the hiring process, can seem extreme at first, but if you look at the nature of behavior as traveling from co-worker to co-worker, being modeled by superior officers and how much more powerful that is in a classroom, the idea that we need to find outliers and try to isolate

[7:22:53 PM]

them is important because otherwise behaviors will replicate themselves through the system. So I think the framework that Austin justice coalition in particular has been centering for awhile is very important here. If we hire without finding out exactly how far these particular outliers, right, have spread, what their behaviors are and in particular the ones who have outlier use of force rate because 1.5 percent of speakers account for 10 to 20% of use of force cases. You can expect behaviors to replicate themselves again because the part that happens in the classroom is a very tiny part. It's exposure to other officers that's a primary determinant of behavior. I have talked to a few of the councilmembers and I'm more than happy to share the direct research here, but it also works in other directions, right? A single implicit bias class is very unlikely to cause much change in behavior, but there are other ways of

[7:23:53 PM]

modeling, like non-violent behavior --

[buzzer sounds]

-- That have been shown to be effective at reducing violence and I think that's something that we have to take seriously, what an overhaul would actually look like. Thank you.

>> Mayor Adler: Thank you. Is Amy Thomas here? Amy Thomas? No? What about Jonathan Murray? Why don't you come on down? You have time donated from Scott Henson. Is Scott Henson here? Thank you. And is Crystal Ericsson Collins here? You have up to seven minutes if you want to take that. You have three minutes.

>> Good evening, everyone. My name is Fatima. I answer to both. I hope you all are drinking water and taking care of yourself. That's everyone in this room. I'm with the community advocacy and healing project. I'm the founder and the director. And I'm here in support of resolution 66, but also in addition to making some more comments about humanity, accountability, healing and

[7:24:54 PM]

reconciliation. So I've stood before you plenty of times about policing and community policing and the importance of police officers, you know, learning about racism and systemic racism and all the things that we need to be doing to hold police officers accountable. In this moment, though, I have yet to hear us talk about the human beings that have been impacted by this behavior and how human beings actually feel and what we're doing to actually alleviate those feelings in a way that is consistent with a process. So we continue to think that changing policy is going to change the human services that actually have to, you know, enact the policy, and it doesn't. So we can do the investigation, which I think we should. I think that if we're thinking of future generations, we shouldn't have the recruitment process now because if we're saying that we believe that we want a better APD, then we need to actually create a process to have a better APD and we can't do that if we're bringing a new class of human beings into the same muck and ruck that we haven't gotten together yet. Do I agree with all the things that are stated in the resolution? Absolutely. The one thing that I think this resolution is missing

[7:25:54 PM]

or that we have stopped considering is that the people who put on these badges are human, the community members who call the police with the people with the badges are human, and how do they feel knowing that the people who they believe should protect and serve them use racist comments, like the N word, frequently. And not only was it used, but people knew that it was used and then was okay with it being used and no one said anything. The human beings that actually have to go to work everyday are not just impacted by this from a frustration point of view, but imagine the mayor, the person you are all supposed to look up to, decided he was going to use struggle employer language? Are you going to trust him, trust the leadership? Are you going to trust he has your best interest in mind office if we're looking at humanity how are the human services that are supposed to protect and serve us going to do their job well and how is the community that are supposed to trust these other human services, how are they supposed to trust them? There are community members who despise the police, despise them, but over the last couple of years have been doing their own due

[7:26:55 PM]

diligence to heal and restore and reconcile. And now where are they? They don't trust their own instinct anymore. We don't trust our own intuition. We trusted people like new Newsom to be in power. How are we, yes, policy allows accountability, but what about the healing and reconciliation? Racialized trauma is real. Systemic racism isn't just systemic racism, but what are the impacts of systemic racism. So what are we doing to heal and reconcile our human services? That's all.

>> Mayor Adler: Thank you.

[Snapping].

>> Mayor Adler: Is summer -- why don't you come down? You have time donated from Sarah Nugent. Is Sarah Nugent here? Is Joey Jitsek here? You will have seven minutes, as do you, sir.

>> Thank you.

[7:27:55 PM]

Hello and good evening. My name is Jonathan Murray, former police cadet with the Austin police department class of May of 2017. Austin city council, the people of Austin, citizens of Texas, thank you for your time listening to my voice. And on behalf of all the other cadets that couldn't be here tonight. A little bit about myself, I've been here in Austin since I was five years old. My father and grandfather were police officers. I naturally had great respect for law enforcement. I finally decided I wanted to follow in my family footsteps to not only continue a family legacy, but also to truly serve and protect the people. We come here tonight to urge a necessary and immediate fundamental change in the training and overall culture of this current toxic, winning warrior mentality. What was being taught. At APD that we witnessed during our training. This is for the sake of having and holding current and future officers to a high quality and caliber of ethical and moral degree. In the end they serve and protect the citizens of Austin and surrounding communities as public

[7:28:55 PM]

servants, not warriors. There's a difference between having a warrior mentality versus a garden mentality. I want you to really think about that for a second. Let's remind ourselves that what is integrity? It's doing the right thing when nobody is looking. We should be able to have a department of integrity when we can achieve that by holding not only the leadership of APD accountable for what has been transpired to this date and in the past, but also for fellow officers who do not have integrity. And all it starts and begins in training, where they are now. Based off my personal experience and perspective as former cadet with APD and the academy and instructors, they demonstrated concerning and questionable training scenarios that had countless injuries of cadets, verbal chastising of the homeless by instructors and morally questionable comments about the general public. This really did happen. Not only did I witness these comments, but we were also

[7:29:58 PM]

encountered numerous, unnecessary injuries by all cadets. This appalling behavior is completely contrary to the department's stated vision, mission and values. How is this proper training? It is imperative that we have a police department that is being held accountable for its officers' behaviors and possess high moral standards. In the end officers have the power to incarcerate, withhold rights and importantly they have the power to potentially withhold a human being's life. This needs to be engrained in the minds and hearts of the leadership of not only within APD, but absolutely necessary in its training where it all starts. We invite people listening tonight to help bring about a positive change in the morals and overall culture within our police department by holding them to high standards and because it's the right thing to do. This is why we are here tonight. I hope you can take what we're saying seriously.

[7:31:00 PM]

And by doing this by opening an investigation on what's going on down there. I and 10 other cadets have brought forward accusations of discrimination, negligence and hostile training that led to serious injuries not only to myself, but also others during these trainings. This was actually presented to a letter sent to the city of Austin defense attorney October 23rd, 2017, on behalf of our legal representation. They did absolutely nothing. And this is why things have progressively gotten worse and it's being deteriorated as we speak within APD. This information should be publicly available to all who would like more detail on the subject matter, specifically on how and why we got engaged, these cadets, moving forward and speaking out, wanting to promote a necessary change within the Austin police department. We surely hope an independent investigation of the concerning events of what's happening now, most recently, and also in the past, will help bring about this shift.

[7:32:05 PM]

This shift for a more positive and healthier culture and training of the Austin police department. Again, we thank you for your time tonight and listening to our collective voice. Thank you.

[Finger snapping].

>> Mayor Adler: Is Amanda marzloe here? You will have three minutes. You have seven minutes.

>> Thank you. My name is summer and I was a member of the 137th cadet class for the Austin police department, which started on may of 2017. I sought out a position with the department after seeing a family member's life drastically change for the better after an interaction with a mental health officer from APD. I wanted to have that kind of an impact on my community and everything I had heard APD say to the media were all the right things. So I wanted to be a part of that. When I experienced in the academy, however, was an altogether whole other world. Instructors made derogatory statements about homeless people, telling us if we did

[7:33:05 PM]

not already hate them, we soon would. We were told if someone resists arrests, they had, quote, just earned a legal ass whipping, said by an instructor. And we were told by an instructor that if we say we are there because we wanted to help people, she would, quote, f---ing punch us in the face. Those were the instructors that were here to train the cadets to be the best police officers for the city. As you can imagine these sorts of statements are probably never going to be found in the formal curriculum, but they are clearly part of the mentality of some of the APD officers and academy instructors and even more importantly they are informing the mindset of the newest officers in how to perceive and interact with our community. Many of us cadets that disagreed with this mentality resigned rather than buy into it. In thinking about the latest allegations of racism in APD, I'm not at all surprised. While Austin is known as the little blue island in the big red sea, it seems that the academy and importantly APD more broadly, is out of step with the false of our

[7:34:05 PM]

community. Our police have been endowed with the duty to serve and protect, but have not aligned with the values of our citizens they cannot adequately serve and protect. In fact, they can actually do much harm. The police department has power unlike any other city department to literally take life if they deem necessary, but has exhibited flawed judgment in a number of ways. The rape kit backlog, the high rate of police shootings resulting from mental health calls. What we witnessed at the police academy and now the calculations of racism. At APD there's an overall lack of transparency and true outside oversight. Those inside will not speak out against it publicly for fear of losing their jobs or crossing the, quote, blue line, and facing the retribution of colleagues or superiors. While those outside cannot see the true inner workings. We need a full and thorough third-party investigation into all aspects of the department as well as a complete revamping of many aspects, especially the

[7:35:05 PM]

academy. As a comfortably interested middle class white woman I could likely walk down the street today unaffected by any of these issues for I so choose. I am privileged that I have that option, but not everyone in Austin has that privilege so it's important that our leaders, you guys, begin changing the system that caused dysfunction, division, oppression, so we can all be more prosperous and united as a community. Thank you, council.

[Applause].

>> Mayor Adler: Thank you. Is Dominique salvara here? You have time donated from Margaret hill. Is Margaret hill here? No? Yes, over there? Thank you. You will have five minutes in just a moment. You have three minutes.

>> Okay. Thank you. My name is Amanda. I'm the executive director of the Texas defender service. And we're a statewide agency that's headquartered in Austin and we represent

[7:36:06 PM]

people who are on death row. And I don't typically come down to the council because the issues that I deal with on a day-to-day basis aren't typically dealt with here. But this one is. The issue that you're dealing with in terms of a culture change is a matter of life and death. I just spent a month of my life trying to prevent, and in this case successfully prevent, the execution of Rodney reed, and in that case it was an issue of racial bias. Essentially at the end of the day, reed was convicted and sentenced to death because a bunch of law enforcement officers couldn't believe that a young, white woman had a consensual relationship with a black man. And those biases that we're seeing in this correspondence here permeate every aspect of an investigation. And when it goes wrong, it

[7:37:06 PM]

really goes wrong. So I would just urge you to do everything that you can to eradicate the problem that we have in APD right now before it expands further. So I would urge you to please, please, stop recruiting until we figure out the problem and can onboard people in a way that they can be effective law enforcement officers. Thank you so much.

>> Mayor Adler: Thank you. Is John Paulo Conley here? Go ahead, sir, you have five minutes.

>> Good evening, councilmembers, mayor Adler and city manager cronk. My name is Dominic salvara. I am a criminal defense attorney in Travis county. I'm also a member of Austin dsa. And it's not lost on me that yesterday marked the 50th

[7:38:08 PM]

anniversary of the brutal murder of chairman Fred Hampton by racist police officers in Chicago. We lost a civil rights icon because racism was allowed to grow and fester within that police department and city leaders did nothing to stop it. Now, you fast forward 50 years to Austin, Texas, and the parallels are not lost on me and I hope they're not lost on y'all because what we have are brown men and women, black men and women who are suffering abuse and being shot by Austin police department with no accountability. So it's no longer a question if there's racism within the police department. We know there is. The only question is what's going to be done about it? Everyone here tonight with talk all day until we're blue in the face, but

[7:39:09 PM]

ultimately the decisions are going to be made by y'all on the dais tonight. And I truly hope that at a bare minimum the resolution on item 66 is passed because so much more can be done. And if you want to change the culture within the police department it should start at the top. Everyday that chief Manley is allowed to lead this department the council is telling the public that they're okay with everything that's going on. That you're okay with a system and a department that not only allowed a racist cop to exist on the force, but to have a department that allowed him to rise to the ranks of assistant chief chief. So I truly hope that you do

[7:40:09 PM]

the right thing and find now leadership and -- new leadership. And I want to say a special thank you to the cadets who spoke earlier. That was truly courageous to hear their experience and what they went through. And I thank you for the time.

>> Mayor Adler: Thank you. Is Doug Smith here? You have time donated by Jose Garza. You have three minutes.

>> Good evening, council. My name is Ron Paulo. I'm here with the Austin justice coalition. I'm a community organizer and I live in district 1. I work on housing policy for the Austin justice coalition. When we work on housing policy one of the major issues we've been trying to tackle is what do we do with

[7:41:10 PM]

the declining rates of people of color in this town. How can we get new people of color to come back or come to this town to have a diverse community? How can you talk about having people come back to a city where they're not state, where they are a city where they're actually endangered. If you were a person of color would you want to raise your children in a community where they are on a street and have to deal with police officers that don't even see them as human? This is a serious problem. We can't talk about addressing equity in this town in any other form if we don't also think about the ways that inequity has shaped our public safety process. So I'm just here to say I fully support this investigation, but we need to show that we mean business, which is why I also support delaying any new cadet classes until we can actually show that we have made significant change in the police department or else we will continue as a city to send the message to people of color that they are not safe in this town

[7:42:11 PM]

and they are not welcome here. Thank you.

>> Mayor Adler: Thank you. After Mr. Smith speaks we're into the one minute time period now. Speakers have one minute. Donated time is at a minute. Is Alicia Castillo here? And you have time donated from serreri morales? Is she here? Thank you. You will have two minutes when it's your turn. You have seven minutes.

>> Yes, my name is Doug Smith and I work with Texas criminal justice coalition. And I'm here in support of the resolution and I wanted to speak directly to the impact of racial bias on enforcement specifically drug enforcement. So we began looking at this issue rather intently in went to when we found in

[7:43:11 PM]

austin-travis county, despite a significant reduction in index crime rates we were seeing a 90% increase in new possession of controlled substance less than a graham cases. The increase was so stark that Travis county was needing to consider a 97-million-dollar new female wing of its jail facility. In a jail complex that ought to have been shuttering beds. So we began a year long process and when I say me, Texas -- we, Texas criminal justice coalition, grassroots leadership, Texas harm reduction alliance and the civil rights clinic of UT law, we reviewed 2900 possession of a controlled substance cases. We read every single arrest affidavit and we developed a code of circumstances that led to arrest. We also looked for location, we looked at demographics, we looked at outcomes, including bail amounts, whether the person was revoked, whether the person received some type of

[7:44:11 PM]

community supervision or treatment. And what we learned was truly, truly disturbing. So of the 2900 cases, 30% were African-American despite being only 8.9% of the population. And even more disturbing we found that more than 50% of all the cases were precipitated by a traffic stop. Not speeding. A traffic stop such as failure to signal, no registration, no tail light. Those were the type of cases that they were stopping. And so the stop evolved into a search. And the reasons most commonly all of the volunteers found that was the most common reason for the search was I smell marijuana. So the person couldn't even consent to the search, I smell marijuana. So I'm a white person, I've lived in Travis county since 1976, went to college here,

[7:45:12 PM]

grad school here, joined the air force here and also had a substance use disorder here, also sought help here. And in my 50 years I have never been stopped for failure to signal. Never once. Never have I been stopped for not having a tail light broken. Never once. So I want to say something else. So drug use occurs throughout this city. They're happening at your school. It's a statistical impossibility that there aren't people sitting in this room who don't have drug issues. There are people who -- there are people in white parts of town, Latino parts of town, black parts of town who have drug issues. The difference is that white people don't live in communities where they are surveilled and stopped and search searched. That is the difference.

[Fingers snapping]. When white people have substance issues that impact

[7:46:13 PM]

their lives and lose jobs and marriages, they often times have access to help. What we find is in the very communities where this type of enforcement is happening, those are the same communities that do not have access to a continuum of supports, including harm reduction. And don't think for a moment that this enforcement actually resulted in any net benefit to the community. So when we looked more deeply into what happened, what we found is that a significant proportion of black and brown people actually did not get a pr bond, they sat it out in jail, they were given time served after days, weeks, months or even a prison term. And they were released back to the exact same circumstance, except this time with a criminal record that further derailed their ability to find a job, get an apartment. So we've heard that the

[7:47:14 PM]

chief of police and district attorney are interested in pursuing prerisk diversion models and I hope stint is as well. It will do very little good for the community if it is not coupled with a serious look at how drug enforcement is happening right here in our city. If we don't stop the pretext stops, if we don't stop the searches, if the police don't stop producing possession of controlled substance cases, because they are produced. They didn't happen because of open use. Barely eight percent of all drug cases happen because of open use. They're happening because people are being stopped and the cases are being produced. It's affecting a net harm to our community. It's a net harm to our community. So I ask that in looking at police practices that we curtail the pretext stops,

[7:48:16 PM]

we curtail the non-consent searches and then look at building up community-based supports within these communities. I thank you.

[Fingers snapping].

>> Mayor Adler: Thank you. Is Kate Graziano here? You have time donated by Claudia Munoz. Thank you. So you will have two minutes. And you have two minutes.

>> I think I also had time donated by one extra person.

>> Mayor Adler: Okay. Then you have three minutes.

>> Thank you. Good evening, my name is Alicia also with the criminal justice coalition and I'm here on behalf of a cadet who still doesn't feel safe to come you on and a share her story. She says, I was in class 140. We never thought anyone would listen to us. The department controlled the narrative of why people leave, tell people they're lying. My class started with 20 women and graduated four. Five cadets went to the

[7:49:18 PM]

hospital the first day. 140 were supposed to be the course correct on the guardian mentality after the controversy with class 137, but instead they doubled down on the most hostile work environment possible. I read over the resolution for item 66 and I have some notes. Lines 53 through 55, the attrition rate has less to do with cadet preparedness and more to do with the cadets being in a hostile learning environment. It is a way the department can essentially victim blame the cadets who resign or fail without having to be accountable for harming them. The 49% attrition rate for my class is more indicative of a problem with the institution, not the students. Lines 84 through 90, recruitment needs to be audited not only for who is given an offer letter to the academy, but who is not. Often qualified cadets were dismissed without being given a valid reason why. They were not also made aware of their ability to appeal the decision. Further there is not proper

[7:50:19 PM]

protocols in place to have background investigations and protect the private information of the applicants. This were museum Russ occasions that I felt my private information was being mishell by recruiting. Line 36 and so on, the investigation needs to include an audit of the cadet written grade book. There was suspicion that the grades were being fixed since access to the exams and grades were restricted. There also needs to be an investigation of how the materials are being presented, not just the materials themselves. The investigation needs to also address the reporting of work-related injuries from the training academy and harassment of cadets who are on light duty. Several cadets felt they were forced to resign while on light duty because of harassment from the instructional staff. The investigation should further look into incidents where instructors forced cadets to harm each other for training purposes, resulting in an injury. Examples, vehicle extractions, fighting in the pit and defensive tactics. The investigation needs to include looking at the

[7:51:20 PM]

instructors themselves, their misconduct while at the academy. Worker's comp harass. , Sexual harassment, negligence, disparaging remarks about the people coming in to do cultural community presentations and targeted harassment, harm to cadets the instructors do not like. The entire chain of command do recruiting and training should be questioned on either their participation in misconduct or ignoring it. Ultimately cadets are the most vulnerable employees of the city and they have little to no protection against harassment, retaliation or serious injury. Thank you for your time.

[Applause].

[Buzzer sounds]

>> Mayor Adler: Thank you. Is Beverly Lazar here? Why don't you come on down. You have time donated from Gloria fardesi. And also I think I've already had Syria morales already donated time. I just have -- you have two

[7:52:20 PM]

minutes. Go ahead.

>> Good evening, my name is Kate. I'm with the Texas harm reduction alliance. We just opened an overdose prevention center in district 1. Although I'm not maybe the most visible advocate, I do work diligently to create alternatives to our criminal justice system because it's harmful and racist. And that's why I'm here tonight. I'm working closely with Doug Smith and others on that drug arrest data project, and I think that the number, the 30% number of low level drug possession arrests are of black people in Austin, I don't think that should come as a surprise to many of us. But I do want to highlight it because when you're trying to create solutions and faced with numbers like that and then allegations of such egregious racism in the department come out, that makes the solutions -- it

[7:53:22 PM]

makes it really hard to find a path forward. So when I'm sitting in rooms with APD, the district attorney's office, trying to figure out how do we reduce the negative impact of the criminal justice system on our community and create alternatives to incarceration, how do we move forward? How would you -- how do you sit in the room now and look them in the eye and say yes, we can work together to make this community better when you know what's going on within the department? And so I believe that we can create alternatives that work, and I feel compelled to speak tonight about how do we create a path guard when we know that this is happening? You can't ask community members to fix racism in APD.

We need you to take leadership on this and hold them accountable. Not only address this immediate instance, but the culture change that needs to happen. Otherwise like others have said before me, anything we try to build together is going to continue to perpetuate those racist outcomes.

[7:54:22 PM]

And so I want you to take seriously --

[buzzer sounds]

-- The data, but also this is bigger than any data point. Thank you.

[Applause].

>> Mayor Adler: Thank you. Is Charles moody here? Mr. Moody, come on down. You will have a minute. You have two minutes.

>> Somebody just donated a minute.

>> Mayor Adler: Then you have three minutes.

>> Thank you. My name is Beverly Lazar and I'm here representing district 8 and the Austin justice coalition. Mayor Adler and councilmembers, on May 5th, 2018, I attended an event on the UT campus where acting APD chief Manley was holding a community session where folks could give input and ask questions in order to decide if he should be chosen as the new Austin police chief. Personally I had reservations as there were no other candidates to consider. I told acting chief Manley that I felt that his officers responded to situations with knee jerk reactions and I presented

[7:55:23 PM]

two situations to make my point. The first situation involved Brion King who was who was thrown on the ground, handcuffed, put in the back of a police vehicle and these reactions were in response to her speeding. Ms. King was crying and asked why the officers were doing this to her. One of the officers responded by saying that it is a known fact that African-Americans are more prone to violence than others. The second incident involved the bomber. APD immediately concluded that the bomber was African-American and he was referred to in the press as a murderer. When the actual bomber was cornered and I believe committed suicide, we learned that he was a young white middle class kid who acting chief Manley described as challenged. I said to acting chief Manley that if a person is black and speeding, they are violent and dangerous. If there is a person killed by a bomb, the perpetrator must be black and they may very well be drug dealing involved. Acting chief Manley answered my query by delivering some

[7:56:26 PM]

gobbledygook about an almost identical blue house on the next street. My point was that in APD there is systemic racial bias. Many of my talks to this council, I have stressed the importance of better police training and particularly deescalation training and how to deal with people experiencing mental health crisis, et cetera, et cetera. With the events unfolding regarding the despicable behavior of officer Newsom, I may conclude that my remarks as well as the remarks of hundreds of other citizens have fallen on deaf ears. After that, I had a paragraph here that I cut out of the "Austin American-Statesman" quoting Ms. Spescek. She was so eloquent that I don't have to go there. But once again, I implore you, is anyone out there, does anyone hear, does anyone care? I am asking this council to

[7:57:27 PM]

adopt resolution 66 presented here tonight by the Austin justice coalition and other organizations. I suggest that it be approved in its entirety. It is way beyond time for action. Thank you.

>> Mayor Adler: Thank you. Is Mia Greer here? Why don't you come on down. Sir, you have a minute.

>> Thank you, mayor. I support the resolution 66. I'm a pastor and we've talked about the culture and culture is a difficult thing to change. It's the most difficult thing to change in any organization and it needs to start with a radical change of personnel. The results of those cultural issues and biases are what I want to talk about briefly. Keith Talley, a young African-American male who was pulled over in July, videotaped and APD has this videotape, but it's not been shown about this interaction. And this interaction clearly

[7:58:29 PM]

shows racial bias where the officer says several times, I was thinking that I was going to have to shoot you. Keith called me and his mother right after that incident. He was asked to go to jail to be interviewed. During the interview he broke down emotionally and said, I just don't want that officer back on the streets.

[Buzzer sounds] And now where is that officer? Where is that video? Keith killed himself on October 23rd, so there is -- Keith's blood is crying out, and in a place where there is poison in the water, the only people who suffer are the people who are forced to drink it. Thank you.

[Applause].

>> Mayor

>> Mayor --

>> Mayor Adler: One moment, please. Is Amy Camp here? Amy Camp? No?

[7:59:30 PM]

What about chas Moore? You have time donated from Tricia Forbes. Is she here? Tricia Forbes?

>> [Off mic]

>> Mayor Adler: Okay. Why don't you visit with the clerk. Warren Berkeley? That was one. Why don't you have the clerk donate you time. You have a minute.

>> I am president of the Travis county ranch round table. I'm also the mother of Keith tally. I have a problem with the cadets learning from the big brothers who are going to teach them what they're taught. My mother used to say, you got to watch your little brother and your sisters because they watch what you do and they do what you do. One thing that happened with my son is, the transparency of the big brothers were not there. They would not tell us what happened. They wouldn't show what happened. But we happened to have people

[8:00:32 PM]

who cared about us enough and we've been on enough boards that they could say you got to watch this; they're going to hide it. The thing that I hate the most, of course, is that this affected my son in such a way. But one thing that he said over and over and over again was, ma, I don't want this to happen to my son.

[Buzzer sounding] I don't want this to happen to my grandson. Thank you.

>> Mayor Adler: Thank you. Manager, can you find out about that videotape and let us know? After chas Moore speaks, Mary Elizabeth. Is Mary Elizabeth here? You'll be up next. Mr. Moore, you have three minutes.

>> Thank you. I don't have any music or any whips tonight but I do want to start by saying I just really appreciate and love the people that make up ajc.

[8:01:32 PM]

And I've been thinking about that because I think about Fred Hampton who a lot of people don't know, he organized people from all colors, all walks of life, all ages. And that's who we are. And I want to start off by saying we at ajc, we believe we can live in a world without police. I'm not saying that we, you know, hate the police, but we also understand the creation of police, which was to catch slaves. When slavery was abolished, there was never in my recollection of history a conversation about, okay, what do we do now? Then you have the 13th amendment and all these things. We understand that in order to

get to a world without police, we have to fix other complete entire systems. We need better schools, we need better economic structures, we need better health structures and things like that. So until we get to there, we have to deal with what we have. People commit crime because they don't have, because more than likely, because of the color of their skin or the lack of education, people feel afraid, except the white lady from west

[8:02:34 PM]

campus, apparently, who ironically, a white woman feels safe with cops. Who knew? But tonight we're talking about the institutionalized racism within the police department. This is not, you know, we hate the police type thing. We're saying this is the system we have in place that is supposed to keep us in safe and protect us. We cannot do that if these people think we are -- I agree with council woman harper-madison, I would say the most despicable word in, I would say, language anywhere. Until we can really get under the hood, as I've been say, of the police department and see how bad this problem is, you know, some people would be happy with you all firing chief Manley or firing chiefs, but what does that really do if the entire police department feels the same way that Newsom does?

[8:03:35 PM]

Until we get to the roots of the problem and see what this is, it doesn't make sense to bring in other people. Again, I keep saying it's mean, it's perfect for the situation, the little dog who sits in the chair, the house is on fire, he drinks his coffee and says this is fine. No, it's not fine. We need to put out the fire before we bring more people into the house. I respect the leadership. I know this is going to pass. Hopefully people can come up and say what they want to say so we can go home early. And also I agree with something somebody said earlier about this is a humanity issue but I understand how government works understand a we're here because we want you to hold these people with the power of god, accountable. We can take them to Ayana at another time but right now we just want you to hold them accountable, we think this is not the instead of but a great first step. Happy birthday to aisha. She's on my leadership team and

[8:04:36 PM]

now it's on public record forever.

>> Mayor Adler: Thank you. Is Heidi Sloan here? Heidi Sloan? Come on down. Ms. Elizabeth, you have a minute.

>> Hi. I'm Mary Elizabeth. I live in district 1. Good evening, council and mayor. Oh, where to start. I have to thank everybody who's spoken before because every one of them has touched on something that I

wanted to say. Racist remarks by an assistant chief police officer for Austin police department. Racist remarks over years from a man who became an assistant police chief. Well, okay, so what? I want to ask, I have a question for the white members of the council or the people who call themselves white. If you have children or maybe by

[8:05:38 PM]

now grandchildren, you know, they go out at night, and I suspect you probably worry when they go out at night like, oh, man, are they going to get in trouble, with they getting get hurt.

[Buzzer sounding] Hello?

>> Mayor Adler: You have one minute. You can finish your thought.

>> Well, you probably say a prayer for them to come home safe. Does that prayer ever say, police, god, don't let them be hurt by a police officer? I bet it doesn't. I bet you think that calling -- if there's a serious incident, that calling the police would be a good idea. Or possibly even that a police officer --

>> Mayor Adler: Thank you.

>> -- Will bring your child safely home.

>> Mayor Adler: Ms. Elizabeth, thank you very much.

>> That's not the case of people of color.

>> Mayor Adler: Thank you. Chris Harris, Mr. Harris here? You have time donated from Julia Alexander, from Pamela Brubaker.

[8:06:43 PM]

You have three minutes.

>> My name's Heidi Sloan. I live in district 1. It was said at the beginning of testimony that when the system fails, it fails all of us, but let's just say for the record that we know it fails some more than others. As Kathie said, we know that racism within our police department has resulted in real harm being done, harm that has been reported and harm that has been not reported. I was out on Sunday knocking doors, talking to people about justice, as one does, and every door I knocked, I asked people, what's your biggest concern? And I had lots of ideas of what it might be, but every door, the answer was racism and use of force in the police department. Every door. And I was not surprised at any one of them that that was the biggest concern. And, y'all, I am glad that we are here and we're going to, I think, pass this proposal. But it didn't take this long to

[8:07:46 PM]

know --

[buzzer sounding] Let's ask.

>> Mayor Adler: Thank you. Ken Cassaday. And you have time donated from Justin berry so you'll have two minutes. Mr. Harris, you have three minutes.

>> Thank you so much for the time. My name is Chris Harris. According to a recent community impact article, almost three-quarters of those booked into the local jail in fiscal year '18, the vast majority of which were brought there by A.P.D., qualify as indigent. For a single person, that means they make less than \$15,612 a year. For a family of four, that means their household makes less than \$32,187 a year. This is three-quarters of the folks brought to the jail. This is who fills up our jail and who the police are policing because this is how we choose to address poverty in our city. Not with robust social programs and investments with patrols, surveillance, and criminalization, to the tune of over \$400 million annually. And because of the historical

[8:08:49 PM]

inequities that persist in housing, inequality, banking, black and brown people bear the brunt of this poverty. Roughly 12% of austinites live before the poverty line. For blacks that 19%. For Latino folks it's 29%. As it's practiced, no longer as a slave patrol, as chas pointed out, poverty control, means disproportionate interactions with black and brown people. While this draws many folks to help folks in need, it draws folks who hold racist and bigoted views and to hold the Austin police against those they view beneath them. They permeate throughout the department to use a system already infected with bias and exact an even more direct cruelty on the communities, on their fellow officers, and as you've heard tonight, on the people that

[8:09:49 PM]

are trying to become officers. I support item 66 because we need to know the full extent to which individuals hold discriminatory views that work in Austin police department to hold them accountable, both for harm they've caused and to ensure they can't cause anymore. I support item 66 because it also understands that systemic racism is just as important the uncover and to dismantle. Finally, I support item 66 because it rightly recognizes the important role that hiring and training processes play in creating the outcomes that we see. Outcomes that mean that black and brown people are overstopped, oversearched, overarrested, beaten up more often, and more severely, and, you know, it's -- I'll just conclude, you know, it's very -- it's very difficult to be here, you know. And honestly, I'm also very worried about the ultimate outcome of this investigation

[8:10:50 PM]

because we still have a lot of issues with the accountability. We have in place something called the 180-day rule that persists in the contract. It means that whatever this thing unfolds, if it happened more than six months ago, we can't do anything about.

[Buzzer sounding] So we still have a lot of work to do, but I do think truth is important, and I hope that this uncovers it. Thank you for the time.

>> Mayor Adler: Thank you. Is Jeannie Ramirez here? Why don't you come on down. You'll have a minute. Mr. Cassaday, you had time also donated from Donald Baker so you have three minutes.

>> Thank you. Good evening, mayor, mayor pro tem, and councilmembers. As most of you know, my name is Ken Cassaday. I represent over 1700 members of professional men and women who do the job every day here in the city of Austin. The number of employees that I should be representing is over 1900. However, the climate for retaining and recruiting police

[8:11:51 PM]

officers is very difficult, becoming an even greater challenge. The tone of this resolution does not assist in making the city of Austin an attractive place for our applicants that are trying to fill 170 vacancies. We need to be clear. The Austin Police Association requested the first outside independent investigation of our chief, our assistant city manager. The allegations of extremely unprofessional and disgusting comments made by a member of our executive team struck our members hard. There's anger, there's frustration, severe levels of disappointment, and the discovery of a former assistant chief's behavior, and those who were present to hear the comments and did nothing about it. Yet to many of our members, this resolution feels like a slap in

[8:12:51 PM]

the face, for the actions of people who attended the police academy over 20 years ago. Calling for the city manager to cancel any new cadet classes until audits are completed with a deadline of June 1st, 2020, is a true disservice to the working men and women of the Austin Police Department. It will compound the problems with recruiting applicants to fill the increasing number of vacancies. It will also negatively impact the efforts and opportunities of a diverse workforce to come to this community, cutting into the cadet class eliminates another opportunity for men and women of diverse races, ethnicities, and sexual orientation, and those of lower economic resources from joining the Austin Police Department. Since the resolution requests an immediate focus on patterns of friendly behavior and institutionalized bigotry, I suggest it also suggests a review of people working at city hall to set the

policies, city legal who interprets the policies, and prius legal advice, and the dadwho provides little advice, to

[8:13:56 PM]

take some action when they were notified. They post on city platforms, city email, text messages and instant message communications on city devices should also be included in the investigation. This is a time for city hall to lead from the front. Stop pretending it's a systemic problem with men and women who wear the uniform every day in other than of this community with their work. Don't penalize the employees who are calling out improper conduct. Do the outside investigation. Do the review of the recruiting and police training. But focus your efforts on the real issues --

[buzzer sounding]

-- And the real locations of the problems. Please don't sacrifice our police cadet class for political theater or police or platform agendas. Thank you.

>> Mayor Adler: Thank you. That's your time. Thank you. Is Angelica here? Come on down. You have time donated from Samuel Franco. Okay?

[8:14:56 PM]

So you'll have two minutes. Mr. Ramirez, you have a minute.

>> Hi. I'm Jeannie Ramirez. I'm a local animal community political activist, I'm also a local rock singer in the music community. I was in shock when I heard these allegations. I have experienced racism in the music community nobody wants to talk about with big festivals not hiring local Latinos and minors for these stages. You know, I actually did not want to stop the cadet classes, until listening tonight, I'm glad I stayed. And after hearing thed can a

-- hearing thecadets, I wanted to try. It was so hard to hear what these cadets said. I thought -- I don't have anxiety, but maybe I was having an anxiety attack in my chair. I feel like we have racism in Austin no one is talking about. Different segments of our life here, whether it's gentrification, the music community, which nobody wants to

[8:15:57 PM]

talk about, and now allegations? This -- chief Acevedo, it means when he was our chief of police. A Mexicano. I'm Mexican. I don't get it. We've got to do something. Please go forward.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Is sue Gabriel here? Sue Gabriel? No? What about --

>> She's here.

>> Mayor Adler: Oh, I'm sorry. I'm sorry. You have time donated from Brianna Griffith. Is Brianna Griffith here? Thank you. Is Amaya pilgrim here? You have three minutes when you speak. You have two minutes.

>> Police oversight released one against today another report regarding assistant chief allegations of racism against a hispanic officer. She was promoted through the ranks despite having these negative biases against hispanics in her heart. We know now about the allegations against assistant chief Troy around homophobia and Justin for

[8:16:59 PM]

using the N word yet these leaders would come to our community and tell us that they always have our best interest at heart. It's one thing to think that you have one issue here, but these are repetitive allegations made against the highest ranks of the police department. We know it's systemic. We also know diversity does not always equal equity. We cannot simply continue with business as usual. We are at a reckoning point and it is the responsibility of council to address these issues at their root. This is not a call that the community takes lightly. Due to this behavior, who knows how many officers were overseen for promotion and how many officers with victims of implicit biases. I'm in support of resolution 66 and ensuring that this investigation has teeth and independency. In regards to recruiting, the practices need improvement. I attended the equity assessment with A.P.D. And asked head of finance how many dollars are used for diversity recruiting? The answer is zero. You can't recruit diverse talent without a strategy in place or a

[8:17:59 PM]

flaw system. Please ensure there is a plan for diversity recruiting and better crumb. I personally have been victimized by A.P.D. But I am not look. Let's remember brionne king, Mr. Patel, and David Joseph. There are many people who experience this type of discrimination every day. Please pass this and thank you, councilmembers councilmembers, and councilmember harper-madison for your outstanding leadership. Thank you.

>> Mayor Adler: Thank you. Is Mona lisabrock here? Why don't you come on down. You have time donated from Alexa Ethridge. Is Alexa -- thank you. And what about Bryce Lacey? Or Lacey Bryce? You'll have three minutes. Ms. Gabriel, you have three minutes.

>> I do not support resolution 66. The city of Austin has a

[8:18:59 PM]

history of racism and discrimination in all areas. As we all know, the city has already adopted a strategic direction with metrics associated with fair administration of justice. When the city manager hired chief Manley, he wrote a memo laying out expectations for the chief. Ccu came in force in August, requesting that you fund low-income housing, parks, homelessness prevention, and the like. You did not support -- you did not listen. Here we are again. We don't need another study to tell us police are racists. We already have outcomes to work towards. This resolution has no teeth.

[8:20:01 PM]

It has no accountability mechanism. What happens when the metrics aren't met? Will the council defund positions? Instead of defund being -- funding -- instead of funding the study, fund low-income housing, fund health care, fund -- make funds for housing. No amount of police training and no investigation can undo -- can undo the embedded police attitudes. Why? Because the institution of the police in the United States has intentionally been set up to oppress communities of color. And that is still true today.

[8:21:03 PM]

All of the research shows that more policing doesn't reduce crime. What reduces crime is investing more in low-income housing, job creation, health services, investing in communities, not police. Defund A.P.D.

[Cheers and applause]

>> Mayor Adler: Thank you. Is clorin Williams here? Williams clorin? What about Stephanie Rodriguez? Why don't you come on down. You have one minute. You have three minutes, Ms. Brock.

>> Thank you so much for this time this evening. My name is Mona lisabrock and I too was a cadet in class 137 in may of 2017. My experience was of great discrimination in the sense that on day two, as spoken by one of the other speakers, that there

[8:22:03 PM]

were cadets who were injured on day one. I was injured on day two. I was then put on light duty, forced or -- yes, forcibly not able to work out, to exercise, or to be active with the rest of my comrades. However, the intimidation didn't stop for me as well. I encountered instructors saying to me, you think you have it easy standing there on the side. You just wait until I get you back out there on the field. I've got something for you. So the fear and intimidation was intact, even though I couldn't participate with the rest of my comrades, until my fifth week of training, I was back on regular duty, and from day one, they made good on that promise. I was forced to take physical tests that I, of course, was --

[8:23:05 PM]

failed, since I was unable to train. And on that third day of being back, I passed out on the track, lost a little bit of consciousness, and when I was pulled inside before I could completely regain my breath, I was surrounded by three instructors plus the sergeant, what sounded like a rehearsed speech of the reasons I needed to resign, that I wasn't cut out to be a police officer, although the reason why I was there is because I saw the cry from the community that we needed help and that we needed trust again. And I wanted to be the face of not only an older individual, female, black, and to put that badge on and put a new face to what it meant to be safe in this city, and to be denied because I couldn't run around the track was

[8:24:06 PM]

devastating to me. Being that I had no issues in any of my tests, that I had proven to be completely honest, without fault to defame me from being a police officer, a servant to the community, and to be told that because of a criteria of passing out on a track without being able to train due to an injury that I sustained from the training that they were giving me and administering to me, put me in a state of depression, heart break, and at a loss, because now what am I supposed to do to be able to help and have a hand and a pulse in this society that my children that I have to watch them walk out the door and be a part of, and without being afraid for them.

[Buzzer sounding]

>> Mayor Adler: Thank you.

[8:25:07 PM]

Ms. Rodriguez, come on up to this podium.

>> My name is clorin withs I've been here recently speaking about the life I'm living, somebody impacted by the Austin police department. My brother was shot more than nine times April 7th, 2017, and we're

still dealing with the same issues and nothing has changed. The recruiting then, out of the four officers that shot my brother, the most time being active police officer out of the four shooters was maybe two years. Chief Manley said something that stuck out to me and it stuck out to me to this day, that the discretion was the reason for the shooting. It was a very, very, very racist moment, and it still sticks with me to this day. There's nothing changed because there's no real moral conduct in this police department. They are only here to do their job, and until we are able to get officers who really want to

[8:26:09 PM]

commit a service to a community, they will continue to do their job. We don't need doing jobs, we need people doing services for us. So I support this. Maybe this will help us get closer to a change in what we're looking for. This community is hurt, we're tired, and we're still looking for some real leadership out of this council. No disrespect, but it's time to make a change.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Is Yasmin Smith here? Why don't you come on down. You'll have a minute. Go ahead.

>> My name is Stephanie Rodriguez, and I just want to keep it short, basically saying we already know, like, it's a racist system, there isn't much else to say. Defund it. I mean, how many people -- how many police officers want to be there if they can't have their guns? So there isn't much to say about that.

>> Mayor Adler: Okay. Is Brandon Boone here? Why don't you come on up. You have one minute.

>> Jasmine Smith, born and raised

[8:27:10 PM]

austinite. Adding a room, an additional room to a house that has structural foundational issues is inefficient. And I would argue negligent and dangerous. Because when that house eventually topples over because of its structural issues, the devastation left in its wake will be at a greater capacity than if those issues were actually addressed. Adding recruits to training that is stemmed in the methodology of A.P.D. As it is of today is negligent. And it is dangerous. We must first address a systemic racism, pledge, and oppression, and that will take time. But what some are calling a delay, I call a necessary prerequisite to doing things the right way. Thank you.

>> Mayor Adler: Thank you. Speaker 39 had a chance to speak. You might want to -- clerk, if the clerk would mark that off.

[8:28:15 PM]

Is Jared Brackenridge here? Come on up, sir. You'll have one minute. Mr. Boone, you'll have one minute, sir.

>> I'm Brandon Boone from

[indiscernible] Incorporated, nonprofit. I'm a black man. I suffer from PTSD and bipolar, too. I do a lot for my community. I do a lot for the people out here. I give out food. I give out toys. I do everything I can growing up in our community, northeast Austin, Texas. I'm a black man. And when I leave here, all I see is white people up here. All I see is white people. And the biggest fear I have, because I have -- I have black men, the biggest fear I have for them is when they go out and they walk out and they leave and go out into this world. When I leave here, my biggest fear is that I don't get pulled over by somebody who's racist. And -- but I tell them every

[8:29:16 PM]

time, y'all better have it together when you mess with me because I'm a citizen just like you. I'm a human being just like you. Y'all don't have the same fears we have.

[Buzzer sounding] The biggest fear we have is just getting up every day and doing our regular life, just doing the regular things in life, going out to eat, going out to do something, the biggest fear in our life is just doing that. And when we see them blue lights behind us, because we don't know if it's going to be a racist cop, we don't know if it's going to be somebody that's going to hurt us.

>> Mayor Adler: Thank you.

>> All I want to say is, y'all don't have that fear. When I leave here, I paid \$20 to go park. \$20 to park. You have meetings late night, can't nobody park and most of you people got to work in the morning.

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

>> I want you to know you don't have the same fear we have as people of color.

[8:30:17 PM]

>> Mayor Adler: I understand.

>> When we go home at night. I have a fear, when I leave here, I got to go leave, and I got to have a fear that I'm going to make it home safely, and I'll do the right thing.

>> Mayor Adler: Thank you, Mr. Boone.

>> But y'all don't have the same fear that we have, and it's sad that racist people --

>> Mayor Adler: So the next --

>> On the police officer --

>> Mayor Adler: Okay. Mr. Brackenridge --

>> By not doing that. Thank y'all. Y'all don't have the same fear we have. >> Mayor Adler: Mr. Brackenridge

--

>> When we leave here, we have a fear, just driving home.

>> Mayor Adler: Thank you, Mr. Boone. Brackenridge. Go ahead, sir. You have one minute.

>> [Off mic] Stand for some -- we do stuff for kids. All these white people in here.

>> Mayor Adler: Mr. Boone? Mr. Boone? We have -- other people have had a chance to speak. Everybody else --

>> The feeling we have, y'all give us one minute to tell y'all,

[8:31:17 PM]

so we got to rush and we got to get it out, and I don't know how this stuff works. I don't know how it works. I'm going to just tell y'all, you're rushing me. I'm going to leave, but guess what when I leave, guess what my fear is. Your fear is that I don't do nothing stupid, that I hurry up and get off the mic. My fear is that I make it home and don't no racist cop stop me for something simple and tell me get off the car. Like this, get off the car, do this.

>> Mayor Adler: We appreciate you coming down, sir, and we all had a chance --

>> God bless y'all.

>> Mayor Adler: Thank you, sir. Thank you. Mr. Brackenridge.

>> Y'all don't have that fear we have.

>> Mayor Adler: Mr. Brackenridge, do you want to speak?

>> I got that fear. Y'all don't got that fear.

>> No, you good. I'm not going to stop you. As he said, I'm very proud that he's in here speaking up. There's so many things put in place so that black people, that's why most of the time we're not in this room, but I'm very

[8:32:18 PM]

proud to see my black and brown people in this room tonight.

>> It cost me \$20 to park.

>> But that's not part of my time. But anyways, it is, it's okay.

>> I don't care about the money.

>> Here's what I got to say. If black was white and white was black, what would your decision tonight be? I could welcome say as some people have already said, this is automatically going to get approved. Right? It's the logical thing to do. But as we've had other governmental bodies here in Austin do, such as the Austin independent school district, implementing plans with racist maps and things like that, it's -- you know, it's kind of not surprising. So I'm going to watch this and see what y'all actually do.

>> Nothing.

>> It's a start, but I think we could do more. So don't less this be the last part. Also, last thing I want to say is --

[buzzer sounding]

-- Being an actual black man, like he said, when I get in my car and see the blue and red

[8:33:20 PM]

lights on the side of the street, I'm automatically panicking. But you guys will never understand that. You will never understand that. It's very important we get protections like this put into place.

>> Mayor Adler: Thank you. Is there anybody else who signed up to speak and I haven't called their name? Anybody signed to speak and I haven't called their name? That gets us then back up to the dais. Councilmember harper-madison, do you want to start us off?

>> Harper-madison: Forgive me if I'm mistaken, I don't want to speak out of turn, Ms. Price, I thought he called your name earlier.

>> Yes, he did. I donated my time.

>> Harper-madison: Sure. I'd like that very much. I'll start by saying I think we all recognize the importance of the action we're taking tonight. We all recognize that there comes a time in everybody's existence to have to do something really hard because it's worth it. I think it's worth it for us as a council to have to do something really hard because it's worth it. I think it's time for us to do

[8:34:22 PM]

something really hard as a city because it's worth it. I think it's time for the Austin police department to do something really hard because it's worth it. Because out of those 1700-plus officers that were talked about tonight by the Apa, they deserve better.

>> That's right.

>> Harper-madison: A lot of those -- somebody told a story up here this evening that really just got me thinking about a story I've told a couple of times about how my car broke down on the upper deck of I-35. I don't know if you've ever been in the upper deck of I-35, the bridge shakes, it wiggles, and it feels very uncomfortable when you have cars zooming past you and bridge wiggling. Me and my daughters are in this car with the bridge wiggling. My daughter is scared so I called 911. So 911 responds. The emergency mostly is that we had a tiny sliver to pull over

[8:35:22 PM]

into. We really weren't safe. But the fact of the matter is, my daughter was frightened, and I'm a very concerned mother, and I wanted to get her off that bridge. And so the officer who responded, you could tell he was a father by the way he interacted with my daughter. You could also tell he was a man who put on that uniform and that badge every day and believed in what it is that he does, and he believes that he's a servant of the community. And so this gentleman, when my daughter vomited in a bag, he's getting vomit on his arm and he just helped her adjust the bag and he rubbed the temple and her back and he said I've got some cones in my trunk. Would it help if I put those cones and your car? She said yes. So he does. He said would it help if I turn the lights on on top of my car? She said yes. He does. He said do we need one more car here? She said yes. So he does.

[8:36:23 PM]

Then he picked my daughter up because she did not want to walk on that bridge, that shaky bridge, and put her in his car, put us all in his car and got us off that bridge. I've also been nine months pregnant with a baby that decided she was going to stay in a little too long, and so I left my house in nothing but a swimming suit to try to swim my baby into coming, and I got pulled over for going 33 in a 30, in a neighborhood where I could see my house from where we were, I could see my kids' school from where we were. Let's just say that interaction didn't go near as nicely or as well. It included really, really aggressive, vulgar behavior. So there's nobody in this room, you've made or otherwise, who doesn't recognize that there are layers to what it is that we're discussing this evening. There are nuances.

[8:37:24 PM]

And I don't mean as simple as good cops, bad cops. I really hate that narrative. It's so much more complex. Tina mentioned it earlier when she talked about humans. Humans are fallible. We all mess it up sometimes. It just so happens that from a professional capacity, there are some folks for whom there is no margin of error. And so the goal of this resolution and talking to my colleagues over the last couple weeks, talking to the many, many bold, brave officers who took the time to come and talk to me about their experiences, former cadets who came and talked to me about their experiences, the goal at the end of the day was to make certain that we, as a city -- today we're the 11th largestist I in the nation. What about when we're the fourth? When we look back and say, we did something really hard because it

[8:38:24 PM]

was time to do it, we will be able to look back at some point and say that was the time we did that hard thing because we had to; now look at us. As a beacon of hope, a template, an example that other cities look to for when they need to get it right, too, because pervasive systemic racism is not an Austin exclusive problem. Yeah, we're special but we ain't that special. Everybody's got a little bit of this illness, and it's time for us to apply a massive dose of treatment to our entire country. And so I say why not start in the capital city in the great state of Texas. And so I really appreciate all the support that I've received from my colleagues, all the supportive stories that we've heard this evening, and it is my hope that this is simply a start. It is also my hope that folks don't leave here tonight feeling debilitated by anger or frustration. It is my hope that you leave here tonight feeling inspired by the

[8:39:26 PM]

opportunity we have before us to take a system that's not working and make it right. I see that as an opportunity, and I really look forward to working alongside my colleagues, the community, and the Austin police department to get it right.

>> Mayor Adler: Thank you. Councilmember alter laid out her amendment. Is there any objection to that amendment being included in the motion? Hearing none, alter amendment is included. Any further discussion on this item? Any further amendments? Councilmember alter?

>> Alter: I just wanted to ask for a clarification on a part, just trying to follow it. And, again, I'm thinking back to what we did with the sexual assault resolution, and one of the things that was in an earlier version, but it looked like it was deleted in this one, and I don't know if I just didn't find it, was the opportunity for the

[8:40:28 PM]

investigators to bring interim reports out of the updates, so you had a specific date where they were bringing a middle update, but is there an opportunity if something rises to the top that they should be encouraged to bring that on an interim basis? I couldn't see if that was --

>> Harper-madison: So this might be helpful. We put together a timeline. So the timeline goes from November to January. Investigation into allegations against former assist chief Newsom initiated by city manager, performed by independent third-party. The second part of the timeline is from February to June, in a report issued by December 2020, final report 2021. So you mean outside of these specific milestones, are there opportunities to bring forward additional guidance?

>> Alter: I just wanted to make

[8:41:29 PM]

sure that the city manager would understand, when writing the contract, that over the course of this two years, if, in the course of the investigation, something rises to the surface of needing action or being very actionable, that does not need to wait till the end of two years, that it would be part of their contract to surface that in an appropriate way, either bringing it to the attention of the city manager or to the city council.

>> Harper-madison: I don't recall that specifically being one of the milestones that we included, but I'm certainly not opposed to us adding that direction to the document and/or offering from here for that direction to the city manager.

>> Yeah, that's understood. Councilmember, I'll incorporate that into the scope and that will be what's proposed back to council.

>> Alter: Great. Thank you. Then I had a question for councilmember Casar who had responded to my question from earlier, so those of you who were not here, I was trying to better understand how we were talking

[8:42:31 PM]

about approaching the scope of doing the officer communications with the social media, et cetera. And you made your remark so quickly, I didn't fully absorb what you said at the beginning, and wanted to ask you to talk a little bit more about the process you had in mind about how they might approach these reviews, whether it was an algorithm, whether it was -- whether there were other models that we could be using.

>> Casar: Sure. So I, of course, will leave it to our procurement staff and the manager's office to find the best ways to do this work, but I don't anticipate that the most effective way to do the work in the resolution is for someone necessarily to read through every single text message, every single post, but

instead, to utilize technology to find, you know, what -- anything that might be inappropriate or incendiary or to meet some of the standards laid out in the resolution. I think that there have been lots

[8:43:32 PM]

of journalists and organizations and nonprofits that have done this kind of work in different parts of the country, and I hope and understand that there would be people with the qualifications to find people who might use accounts that may not actually list their first and last names to be matched, but there are other ways of matching that, but ultimately I would leave it -- I would want the city manager to understand that this is a resolution trying to create our intent as a body, and that if ultimately he finds that the scope should be modified, one way or the other, to get to our intent, then I would expect that they would walk the halls or communicate with us to find a way to get to the -- to get to the goal. But I do think that you raise a good point, that we don't want this to take forever. And so that may mean that somebody has to use technology rather than a really labor-intensive process, but of course you want to see how respondents come back when we're looking for the vendor to help us with this. Does that make sense to you?

>> Alter: It does. And then another question I had

[8:44:33 PM]

is, it says in here, like, that it's effective on January 23rd, on page 5, that the city manager is directed to initiate a comprehensive multi-pronged investigation. Is that just the hope that we'll have the contract to approve on that date? Or is it -- I don't think that's -- I'm not sure that's feasible. I just was trying to understand what that meant.

>> Casar: Mayor, if I may, unless the lead sponsor wants to -- correct me if I'm wrong, my understanding is the -- at the top of page 5, the reason for the January 23rd date is that that may be after the specific investigation to the allegations, that this would then begin the second prong, is my understanding. But of course other sponsors might pipe in if I'm wrong.

>> That's accurate.

>> Alter: But the city manager can begin the procurement pose for the one before that?

>> The additional, correct.

>> Alter: Okay. Thank you.

[8:45:34 PM]

I want to thank councilmember harper-madison for bringing this forward. I think it's important that we acknowledge we have a problem and that we take action. I think ultimately we're going to be judged not by the fact that we called for this investigation by what comes out of it and how we respond to that, and that was the reason for my first amendment, was to put in some additional guidance of the kinds of things that we need to have come back to us in terms of recommendations so that we have some -- some beginnings of some of the scope of the kinds of things that we may need to be looking at, and I appreciate councilmember harper-madison taking that up. I wanted to also just say that in the course of reviewing this resolution, I had an opportunity to talk with a number of staff members, including with office of police oversight, with the equity office and the innovation office,

[8:46:36 PM]

as well as with chief Manley, and I know in a lot of our discussion, it feels like we have a really long way to go and we do have a lot of work to do in hearing from the cadets today underscores that. But in talking to, as well as the police association with my staff -- in talking to the people who we have who are already begun some of this work, I think we are much further along than we may realize as a dais. There's a lot of material that is in draft, a lot of stuff that is actually pretty far along. It's not perfect and there's still a lot of ways forward, but it was those conversations in part that helped me to believe that at least for the section on the training and the recruitment, that we could realistically manage to accomplish this within the time frame that we have set out and within the confines to

[8:47:36 PM]

still be able to deliver the examination that we need to and move forward with our classes in a timely manner. And I think it's important to recognize that we have staff who have been charged with doing some of this work and have been working on this, and we will benefit from that knowledge and expertise in this whole process, so...

>> Garza: I want to thank councilmember harper-madison for asking me to be a part of this resolution. I've expressed my -- my family's background in the past and my support for public safety. My sister is a police officer. She's married to a police officer. I have cousins, I have uncles, my father was a firefighter, and I was -- I was an Austin firefighter. I have tremendous respect for our

[8:48:36 PM]

public safety. But repeated incidences by our department have really shaken my faith in many ways, and in some ways, I've lost a lot of faith. I was an early supporter of chief Manley, and I have been incredibly disappointed. I've shared this with the city manager. I shared this at a hispanic quality of life special-

called meeting about a month ago. And I really -- you know, hearing the cadets come and tell their story was incredibly powerful, and those allegations shake my faith even further of the vulgar and violent behavior in our cadet class. As a former cadet, not police, as a fire, I, too, was sometimes in situations that were very

[8:49:38 PM]

discriminatory. There was a lieutenant who made it very clear he did not like women in the Austin fireplaced. Thankfully, that lieutenant is no longer an Austin firefighter. I am committed to making sure that whatever comes out of these -- of this investigation, people are held accountable, but I have to agree with Mr. Moore, chas Moore, in that I would say the easiest thing is to replace the leadership. That's the easy thing. I think the hard thing is part of what we're doing tonight. We're not just looking at saying -- getting rid of one person and saying, okay, we fixed the problem. We're looking deeper, and we're taking this seriously, and I'm proud of this council. We've had some incredibly difficult decisions in the past year, and I'm proud that we always have gone with the right decision, even though it may not

[8:50:39 PM]

have always been the politically best decision for all of us. So thank you, councilmember harper-madison, and thank you, all those who came to share your story. I know that that was not an easy thing to do.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I also want to thank councilmember harper-madison for your leadership on this and inviting me to co-sponsor this item with you, and I have made comments both on Tuesday and at the press conference this morning, so I don't feel like I need to repeat every single one of them, but, you know, I want those who were here tonight to understand that, you know, my district has a very different relationship with the police department, that made it even more important to be a part of this effort. Most of my district has a trust relationship with the department. When I talk to my constituents, they want to maintain a trust relationship, and that means rooting out white supremacy and racism and discrimination, to maintain the trust relationship. And that's what we are doing here. And I'm really proud to be a part of this effort.

[8:51:40 PM]

I'm proud to be standing alongside councilmember harper-madison to do it. And I have heard that -- I have heard statements from the association, we heard from the crime commission, that they also want to do those things. Now, the cadet class question is one that I think we've addressed, but this work is

important. It doesn't end with this resolution. It didn't even begin with this resolution. And I know that we are all committed, every single one of us up here, and I know every single one of you out there, regardless of your position tonight, are committed to ensuring a department that this entire community can trust. That's where we have to be. And I am committed to that work. Thank you, councilmember.

>> Mayor Adler: Yes, councilmember Casar.

>> Casar: Mayor, I just have one small correction because I think one line got lost as we included councilmember alter's amendment

[8:52:41 PM]

into the latest harper-madison, and so I just want to read it out loud, and I think we'll just have easy consent from the dais. I think it's because there were multiple versions. But the amendment from alter, I think, entirely unintentionally here, changes where it says recognizing resistance and the rules --

>> Mayor Adler: What page are you on, what line?

>> Casar: Excuse me, sorry, page 9 of the version 3 of harper-madison.

>> Mayor Adler: Line --

>> Casar: Line 165 and 166. And if you look at amendment number two from alter, amendments lining out 158. I don't think a big deal, but just -- at all, but just to put it in the record, it says recognizing resistance and the rules and procedures that define resistance.

>> Alter: May I make just one clarification? Mine are meant to -- we put the line where they were, but we had to -- when we drafted them, we had to work on the other -- we worked on the other one but legal gave us the right line numbers

[8:53:42 PM]

but didn't correct the language because we couldn't have the language. So amendment to our amendment is only to add, and the innovation office, to the end of what it was.

>> Casar: All good.

>> Alter: So then I don't know that changed for amendment 3, other than to add the sentence in there, and then the stuff for amendment 1 doesn't change anything except for the underline? Is that correct?

>> Casar: My mistake.

>> Alter: It's not your mistake, it's just confusing because we tried to have the right line, but we couldn't --

>> Mayor Adler: That's fine. The underlined language.

>> There were multiple versions, and I understand that what's being changed by alter's amendments is the language that's underlined, in the final version.

>> Mayor Adler: Okay. Thank you. Councilmember Renteria.

>> Renteria: Mayor, you know, I also want to thank Natasha for bringing this up. I guess I'm one of the few here

[8:54:42 PM]

that's not shocked about what's been going on in the city with the police department. You know, when Marc Ott, we went out for a drink, and he asked me, he said, Pio, do you think Austin is racist? I said, hell yes, it's racist. We're still fighting -- excuse me -- we're still fighting the civil war. They gave up the fact the civil war was over a hundred years, they're still fighting that, you know? This is Texas. Nothing surprised me about how racist the state is. It's one of the worst, you know? Well, I guess Mississippi and Alabama would probably be right there with us, you know, but it doesn't shock me. I mean, I've been a victim of police brutality. I've been locked up for no reason at all. You know, even when I was 20 years old, I was -- there was a bottle -- a hot bottle in the back seat, it had been there for

[8:55:45 PM]

weeks, I didn't pollute, I recycled everything, and I was thrown?

-- I was thrown in jail for minor in possession. I was moving -- my wife was working with the homeless and I got stopped one side, he said -- you know, I had a headlight out on the car and I was a passenger. I got thrown in jail for three days, you know, for disorderly conduct, pi, public intoxication. You don't have to be tested. They can just put you right in jail. And don't talk back. Don't tell the officer, hey, you know, I'm not drunk. Now he got me for disorderly conduct. You know, those are the kinds of things that have been going on in Austin for a long time. You know. And I thought finally we were finally reaching that point where we're out of that era where -- but it seems like this president

[8:56:45 PM]

that got elected, seems to open up the whole gate again and open the door and say, okay, it's right to discriminate. It's okay. And, you know, this has been the most disappointing last two and a half years with this administration, to see all the hate. You know, it's just -- really just breaks my heart. I'm finally reaching that age when I think it's all behind us, you know. I'm going to be 70 years old next year, you

know. And I've seen it. I grew up here. Austin was segregated. You know, we had a lot of discrimination. And back then, I mean, I even had the ti -- U.T., university of Texas, in charge of the whole computer system there, call me one day. Those are the kinds of things I grew up with. I was working for IBM. I went and told management about it. They said don't go back. We'll take care of it. You know, and that's what I

[8:57:46 PM]

expect. I worked for IBM, retired from them, and one of the things they instilled into me is respect for the individual. And that's what I want to see with my department and our police officer and every worker here in Austin, is the respect for the individual. And that's what's really important to me, and, you know, I am proud to support this item here this item here tonight.

>> Mayor Adler: All right. Yes? Councilmember Ellis.

>> Ellis: I just wanted to state I'm going to be supporting this resolution. I really appreciate councilmember harper-madison's hard work on it and the other cosponsors that have probably helped through this process. And for councilmember alter and kind of her expertise, you know, that she's added into this as well. These systemic problems we have they're in a lot of different systems in the city, in the state and like Pio said, councilmember Renteria, in

[8:58:47 PM]

our country. And as elected officials, you know, we've been given the responsibility to make these hard decisions and to represent austinites well, and especially when we hear these claims of racism, sexism, homophobia and other forms of discrimination that we have to use that power for good. It's incumbent on us to be able to do that and I think this is a big step in the progress that we've been making and will obviously continue to make. I think these are really good bits of information to help us really piece together what we need to do to make this better, so thank you.

>> Mayor Adler: So my thought on this -- and quite frankly I hadn't anticipated saying anything because I didn't think I'd have anything new to say. But having gone through this conversation here today, there's one observation I'd like to make. There was a speaker that spoke tonight about this conversation and expressed some concern about this resolution and this

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conversation making it more difficult to have a recruiting class or to deal with the morale of police officers, prospective police officers that would read this or see this debate. And I guess I look at it really

differently. I -- this -- the conversation we have had tonight as a community I believe has been incredibly constructive. It has been a solemn conversation, but it's been a forward-looking conversation. It talks about what we know. It talks about what we have to find out. It talks about finding the truth and then dealing with it. This is a serious conversation. And then I think to myself, when -- if I was a recruit or a police officer looking

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at this community and the nature and tenor of the conversations that happened tonight, what a wonderful thing it would be to have a recruit class that did see this and say I want to be part of that community. That so respects and honors its police force but recognizes we have a challenge and we want to deal with this challenge in a constructive way because we recognize that it will make all of us safer and better. What an incredibly strong class that would be. I hope that for us. And now as we pass this resolution, we have to promise each other and ourselves that we will in fact do right by it. Any further discussion? Councilmember kitchen.

>> Kitchen: I want to say thank you, and I agree with

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what everyone has said. And I would just ask the city manager to think about -- and ask councilmember harper-madison to let us know what she'd like to see happen, but it occurs to me that what we've done with other things that are really top of mind and very critical for us, like the issues related to homeless, we have gotten regular updates. That's what we've been doing recently. We've had regular updates on the progress of what we're doing on these issues, and so it might be useful. And I will defer to what you think would be helpful, but I would suggest that you might think in terms of giving us some regular updates. We do -- do have and I appreciate the dates that you've included in the resolution, and we need to stick to those. But there's some time frame in between those dates, and it might be helpful for us to have updates more often.

[9:02:50 PM]

So I'd just invite you all to think about that.

>> Mayor Adler: Motion has been moved and seconded. Councilmember Casar?

>> Casar: I know a lot of folks got a chance to thank you, councilmember, but I also want to say thank you for the way you have picked this up and thank you for your leadership and for the opportunity. What Mimi style said at the beginning of tonight was so important about what is heard is as important

as what is being said, and we heard you all, even if it was sometimes things that we have already heard, hearing it again and hearing it from your lived experience has been also really important tonight, and I want to echo the mayor's sentiments about how your participation in this moves us forward. Racial justice, racial injustice in the city is undeniable against people in color in general but in really specific ways against black Americans, black austinians, past and present, the people who have

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endured slavery, Jim crow, discrimination, red lightning so much more but it's those same black Americans and black austinians that I've been thinking about today who have successfully transformed our democracy to live up to its name, to push us to live up to our values as a city and today we are provided with an opportunity to -- an open door to follow in that really important tradition and it may be hard, as councilmember harper-madison said, but that's the only way to get this done. The work begins, again, here tonight. Thank you all so much for pushing us. We need to keep hearing from you and we need you in the room as we try to get this important work done. So thanks to all of you all as well.

>> Mayor Adler: Let's take a vote. Those in favor of this resolution please raise your hand. Those opposed. It's unanimous on the dais. This passes 11-0. With that at 9:04 this meeting is adjourned.