

City Council Regular Meeting Transcript – 2/20/2020

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[10:15:43 AM]

>> Mayor Adler: All right, colleagues, I think we're about ready to -- colleague, I think we're about ready to get started. Today is Thursday, February 20th of 2020, but we'll go ahead and convene the meeting formally in just a second. But before we convene the Ming, meeting, we have an opening moment with pastor Lee lever from the Austin mennonite church. It's our custom at city council to start meetings with a peaceful moment by inviting different people from walks of life and different faiths to share their prayers, moments of reflection. It's an important way we celebrate the diversity that exists in our city and begin our meeting with everyone focused and aligned for the greater good. Sir, thank you for joining us.

>> Good morning, mayor and councilmembers and all who are gathered here for a prayer this morning in the midst of black history

[10:16:45 AM]

month, I have tinkered with a couple of prayers by the Dr. Martin Luther king Jr. And offered them this morning for our reflection. Let us pray. Oh, thou eternal god out of whose intelligence the whole universe has come into being. We thank you for the fact that you have inspired men and women in all nations and in all cultures. We call you different names, some call you Allah, some call you elohim, jehovah, Barack Obama mayor Adler, the unmoved mover ground of being ultimate concern Ander is even dip advertise creativity. We know these are names for one and is the same god. Grant we will follow you and become so committed to your way and reign that we will be able to establish in our lives and in this world a brother and sisterhood that

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will be able to establish here a municipality of understanding where men and women live together as brothers and sisters and respect the dignity and worth of every human being. In these days of polarization and emotional tension, when the problems of the world and the problems of Austin, Texas, might seem gigantic in extent and chaotic detail, give us penetrating vision, broad understanding, power of endurance and abiding faith and save us from the paralysis of crippling fear. And O god we ask thee to help us to work with renewed vigor for a warless world and for a humanity that transcends race or color. We thank thee this morning for the marvelous things which have been done in this city. Bless city leaders and staff as they work on the agenda of the day.

[10:18:48 AM]

Give all who are fathered here generosity of heart and spirit and clear minds. With gratitude for life in this time and in this place, we pray, amen.

>> Mayor Adler: Colleagues, the mayor pro tem is off the dais this morning. She's attending a funeral out of town and will join us as soon as she gets back. Councilmember Tovo, thank you for handling the sit com today because I need to be off the dais at noon. All right, colleagues, I'm going to convene today's meeting, Thursday, February 20, 2020, city council is in the city council chambers here at 301 west second street in Austin. The time is 10:18. And we're going to begin by looking at the consent

[10:19:48 AM]

agenda. We have some changes and corrections. Items 29 and 31 #, noted on February 12, recommended by the wastewater water commission on a 7-0 vote with commissioners Ho, Michael and Schmitt absent, commissioner Parton off the dais. Item 30, February 12, 2020, recommended by water and wastewater commission, 7-1 vote, commissioner Fisher against and commissioners Ho and Michael and Schmitt absent. Item 37, not recommended by the electric utility millions. February 12 that same item was recommended on a 7-0 vote. Item number 40 is being postponed indefinitely. Item number 44 we should be adding councilmember Renteria to list of

[10:20:50 AM]

sponsors. Item 53 has been withdrawn and replaced by addenda item 83. Item 85 postponed to March 12th. We have some late backup in items 3, 14, 15, 17, 41, 46, 56, 65, 67, 68, and 72. The consent agenda for us today is up 1 through 53 and items 78 through 83. On that consent agenda we have some

items that are pulled. Item number 3 has been pulled by speakers. Item number 8 has been pulled by councilmember pool. Item number 9, I understand, has five speakers signed up

[10:21:50 AM]

for that, but they have requested that it not be pulled. So that it can just stay on consent. We also have - so 9 at this point is not being pulled. Item number 13, I think, is the same. We have speakers that are signed up on this, but they will only speak if it otherwise got pulled, so 13 is not pulled. Item number 15 has been pulled by councilmember tovo. I'm going to recuse myself from voting on item number 22, which is the census item. I chair the austin-travis county complete count committee together with the county judge and the president of the league of women voters, so that money comes to an organization that the three of us chair

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so I'm going to recuse myself because of that connection. I will not be voting on item 22. Item number 30 has been pulled by councilmember tovo. Item number 37 has been pulled by councilmembers harper-madison and councilmember pool. Item number 38 pulled by councilmember tovo. Item number 41, note that a late add was the Travis county ems advisory board appointments of shendell millborn and Timothy rutton. And then also being pulled item number 44 by councilmember Flannigan. 46 and 47, both of those

[10:23:52 AM]

also by councilmember Flannigan. Item number 82 has been pulled by the mayor pro tem. I'm going to go through this once more quickly. The pulled items are 3, 8, 15, 30, 37, 38, 44, 46, 47, and 82.

>> Tovo: Mayor, the first time through you said 41 as well. I may have written it down wrong.

>> Mayor Adler: I just read into the record the ems appointments.

>> Tovo: So 41 is still on consent.

>> Mayor Adler: That's right.

>> Tovo: Just as I noted on 15 and 30 I have very brief direction to staff.

[10:24:57 AM]

>> [Inaudible - no mic on]

>> Mayor Adler: And also being pulled for a brief comment are 78 and 79. By me. So one more time. 3, 8, 15, 30, 37, 38, 44, 46, 47, 78, 79, and 82. And 13 has been pulled by -- no. There are a lot of people signed up for 9 and 13 but only want to speak if it gets pulled. Any more comments on the consent agenda? Yes, councilmember alter.

>> Alter: Thank you. I just wanted to note that for item 43, which is the fee waiver for the Austin Chinese cultural festival that was put on by Austin chinese-american network

[10:25:57 AM]

this weekend, there's still \$688 in fees that need to be waived. I'm already in there for a certain amount. I will add another \$200 to the fee waivers and I wanted to see if anyone else wanted to add to that balance.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: I'm sponsoring that fee waiver, I was going to bring up the same issue. Thank you to the mayor and mayor pro tem for also putting in fee waivers to that and so hopefully we can close the gap for them.

>> Mayor Adler: Councilmember tovo.

>> Tovo: So councilmember alter, you said there was a gap of \$600 and you are filling it with additional -
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>> Alter: There's a gap of 688 and I'm filling with 200.

>> Tovo: I'm happy to do 250.

>> Kitchen: Mayor, the communication didn't occur, but I'm supposed to be on that one also.

>> Mayor Adler: Do you want to pick up the remaining --

>> Kitchen: What is the remaining?

>> Mayor Adler: 238.

[10:26:58 AM]

>> Kitchen: Sure.

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: I was going to offer assistance as well. If you are comfortable with that councilmember kitchen, we can split that.

>> Mayor Adler: Okay. Anything else? Is there a motion to approve the consent agenda? Councilmember alter makes the motion. Councilmember harper-madison seconds. Any discussion? Those in favor of the consent agenda please raise your hand. Sorry.

>> Casar: Since I'm on the committee with you, although I didn't share any

[inaudible] Recuse myself.

>> Mayor Adler: Councilmember Casar also recusing himself on item 22. It's austin-travis county census collaborative agreement.

>> Casar: I'm not on that. When you say the committee --

>> Mayor Adler: The money is going to that particular organization. So the city attorney says you can remain on.

[10:27:59 AM]

Okay? Those in favor of the consent agenda raise your hand. Those opposed? Unanimous on the dais with the mayor pro tem off. Wait. Before we do that, I think that there was a speaker to speak on the consent agenda and that is -- let's again with Mr. Peña. Mr. Peña, do you want to speak to us about consent items? I will call the vote on the consent agenda after Mr. Peña speaks.

>> Good morning, my name is Gustavo peña, proud native east austinite and proud United States Marine Corps veteran. Grew up at 2320 east fifth street. Native austinite.

[10:29:02 AM]

Mayor, you said 16 is on consent?

>> Mayor Adler: 16 is on consent, yes.

>> Okay. This is having to do with multi-family private activity bonds by Austin affordable PFC, housing authority, city of Austin. We would like to make sure that our tax money, our funding is going to an entity, make sure it is into compliance. We have had other projects that say, well, you don't qualify for this, but yet our city money is paying for these -- these activity bonds. That's what number 18 -- that's what number 18 is all about. And we veterans demand some sort of system what we'll know that are in compliant with the funding that we provide, and that is not happening right now. Item number 26 is having to do with negotiation, execution of amendment with the Salvation Army. Mayor and council, again, I

[10:30:05 AM]

support this. We have been through this with other mayors way before any of you all were on the top of the dais and any person that has been active. We need compliance for funding. And let me tell you something at the salvation Army, these beautiful ladies came in with two guys, two gentlemen that testified about problems over there and they were kicked out. Mayor, I'm talking to you. They were kicked out. Why? Because they spoke out against the atrocities at Salvation Army and front steps. That is illegal. I'm a former IRS investigator. I still have my ID. I don't like that. It shouldn't be reprisals against people that are trying to improve the quality of life and you all are allowing that to happen. Giving more money -- we need more compliance, you know, methods to make sure that these fundings are going to these people and not kicking them out. That's not acceptable. Item number 79 having to do with the lease agreement of

[10:31:06 AM]

lions munny, we're all supportive of that. I talked to the U.T. People, I used to work for university of Texas ten years and I told them we're not going to give up lions. So live with it. Item number 13, you said 13, right?

>> Mayor Adler: Item number 13 is on the consent agenda.

>> Okay. It's having to do with front steps, inc. We want compliance. Make sure they are doing what they are supposed to be doing with our funding over there and we have problematic issues at front steps also. We need somebody to go out there in the city of Austin to make sure the funding is going to where it's supposed to be. And it ain't doing it. It ain't getting it. And people are not getting the services they deserve. That's why we have all the people out there spread out.

[Buzzer sounding] Thank you very much.

>> Mayor Adler: Thank you. Okay, colleagues -- yes, councilmember pool.

>> Pool: I wanted to make a note to register me as a know vote on item 14, which

[10:32:07 AM]

is the tax rebates.

>> Mayor Adler: So noted. Those in favor of the consent agenda raise your hand.

>> Harper-Madison: Requesting time certain for item 47 for 4:00 P.M.

>> Mayor Adler: Can we agree we won't --

>> Harper-madison: I'm sorry -- 37.

>> Mayor Adler: So let's make the commitment that we won't take a vote on that item until after 4:00 and we will ask for speakers after 4:00, if we have time and there are people here, we might be able to take them earlier, but we will not vote on that item and we will give speakers the opportunity to be able to speak at that time.

>> Harper-madison: Thank you.

>> Mayor Adler: Those in favor of the consent agenda please raise your hand. Those opposed? Unanimous on the dais with the mayor pro tem off. I want to call some of the consent items that got pulled that we think are going to be really quick with just a -- you know, a quick comment or two.

[10:33:09 AM]

Then we'll double back. Councilmember tovo, I think you said that you had item number 15 would be quick?

>> Tovo: It is quick. We have some amended language. Staff helped craft those. It's my understanding they are comfortable with it although I would invite them to correct that if that's not accurate. And it just -- I'll just read it. Disclosure of any proposed improvements within the public improvement district anticipated object told under regulations other than the regulations in effect at the time for the development application for improvements is filed. This would just -- would require that disclosure and offer an opportunity for staff to work with -- work with the applicant to make sure that either current regulations -- it's my expectations that current regulations or regulations superior to what they would be required to develop otherwise would be what staff are negotiating. To make sure that we're

[10:34:10 AM]

not -- it's my intent to make sure we don't have projects coming in under extremely old code without providing direction to staff that we want to see those negotiated for the strongest water regulations and other regulations.

>> Mayor Adler: Councilmember tovo moves to add a disclosure item to the petition. Any objection to that being included? Is staff okay with this? Yes. Is -- thank you, manager. Any objection to that amendment being added. Hearing none, that amend is added.

>> Ellis: Mayor, I would like to make a motion to postpone this item. Some of the language that was brought up in work session about the city automatically objecting when we can't reach an interlocal agreement is something I would like more time to vet with staff. That part was removed?

>> Pool: Mayor, maybe we could have staff come up and speak to that.

>> Mayor Adler: Okay.

>> Ellis: That would be helpful if it's changed since Tuesday.

[10:35:11 AM]

Okay. Thanks.

>> Elaine hart, chief financial officer. On Friday we sent out a revised Valentines policy that eliminated that sentence in that section of the development pid policy. So we are no longer automatically rejecting. We will evaluate every pid that the county looks at and come make recommendation to council about them. We have been in conversations with the county staff, Travis county staff, which has been active in working on pids, and they are in agreement with sitting down and working on an Ila with us. They understand some of our issues so we think we can work it out with them.

>> Ellis: Okay, so is the understanding council would be able to review every pid and that an interlocal agreement would be required to move forward?

>> No. Ila is not required. We would still like to work

[10:36:12 AM]

one out that would have to come back to council and commissioners court. If there is or if there is no one, we will bring recommendation back to council and council would have the opportunity to look at them.

>> Ellis: Okay. Is there any time line in case maybe it's over a time line that we don't have meetings scheduled? Would we still be able to, you know, if discussions are happening in June, would we still come back in August to have those constitutions?

>> That's what we're trying to work out in the Ila, to have more advanced notice of when the county might take action on creation of a pid.

>> Ellis: What would happen if we are unable to come to agreement on a pid in our etj?

>> Well, typically staff gets the work done and does a recommendation to council either via memo or we can work with the mayor's office to call a special called meeting if -- in the past what we've done is try and

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canvas to see if there's interest among council to have a special called meeting. Otherwise we handle it via a memo to council before the 30-day deadline.

>> Ellis: Okay. Thanks.

>> Thank you.

>> Mayor Adler: Okay. Thank you. Let's take a motion to approve item number 15. Councilmember tovo makes that motion. Is there a second? Councilmember pool seconds. Discussion? Councilmember alter.

>> Alter: I just wanted to thank our staff, miss hart and miss weaver and all the other staff who have been working on this for a long time.

>> Mayor Adler: Those in favor of item 15 raise your hand. Those opposed? Unanimous on the dais except that councilmember Ellis abstains and the mayor pro tem is off the dais. That item passes. You also said that you had a real quick one, councilmember tovo, on -- was it item number 30?

[10:38:17 AM]

>> Tovo: Yes. I would like to move approval to negotiate, but not execute, with the direction that staff should review -- review this item with our council water oversight committee.

>> Mayor Adler: Is staff okay with this?

>> Just talk through some of the logistics of having the opportunity for the water oversight committee review it and then when it might come back to council for final execution.

>> Thank you, manager. Greg mezarus. First week of March and there was one issue raised about FCC frequency bands and we would go discuss that with them and come book to council later in March. Is that what your direction is?

>> Tovo: Yes.

[10:39:17 AM]

And just to clarify, grant fisher, my water and wastewater commissioner, raised two issues. One was about the FCC, the licensed FCC band that this contractor that's part of this -- that would be part of this contract under this particular contractor, he also raised an issue of proprietary technology. I think there are two issues and I'm happy to share with our water utility councilmembers the emails and the correspondence that we received from grant fisher that outline those concerns. But it is those two concerns that I would anticipate that I would request our council committee look at and that they come back yes, the item come back to council with their recommendations and thoughts on that. What we're

trying hard to avoid and I pressure him raising these concerns is another situation we had with our billing system which was extraordinarily costly and part of that cost had to do with it being

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proprietary technology and other glitches. We certainly don't want to be in a similar situation.

>> We feel very comfortable with our recommendation and I believe we could work that through with the subcommittee and hopefully come back to the council and get the authority to execute.

>> Tovo: Great. So my motion is to negotiate. If I get a second.

>> Mayor Adler: Okay. Any objection to changing it to say negotiate and then come back? Hearing none, that amendment is placed in there. So negotiate and come back. Vetted however it is that you can, but bring it back to get it approved. And the question with respect to entering into contracts where there's proprietary information is something that at one point in what we were doing the smart city challenge we came up with like a code of the kinds of contracts we would want to enter into and I think there's a real push not to enter into anything that would have a difficult exit strategy or a costly exit strategy. So I understand the concern

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that you've raised. So it would be helpful to know how we easily get out of it with all the information and data that has accrued. Councilmember pool.

>> Pool: Yeah, and it's also a \$95 million contract and I believe the system itself is proprietary. So if things change, it would be difficult for us possibly to -- we may not be nimble enough to be able to accommodate that if we had to then go out and have an entirely different system. Thank you for bringing this to the committee. Thank you and I look forward to having conversation in the committee.

>> Mayor Adler: Was there a timing issue?

>> I'm sorry, mayor?

>> Mayor Adler: Was there a timing issue in your comments?

>> Well, timing in terms of we would like to try to get that back to the council still in March, which would be our goal. We bid this originally in July and it's a multi-part

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procurement.

>> Mayor Adler: Do you see any problem with being able to bring it back in March?

>> We don't on our end. Hopefully we can get the subcommittee comfortable with our approach and why we recommended it.

>> Mayor Adler: Okay. All right. Yes. Councilmember Ellis.

>> Ellis: I just wanted to briefly state we look forward to discussing this at the water utility oversight committee. So I appreciate you bringing that forward a would love to review the information, but I'm also excited about this technology. I think we're headed in the right direction. We just want to be very cautious about all the little details.

>> Mayor Adler: Please accommodate the meeting so they can get back in March. Councilmember Flannigan.

>> Flannigan: The technology this contract is for is the same technology the pilot program has been using; is that right?

>> I'm sorry.

>> Flannigan: We've been doing pilot programs for the advanced meter infrastructure?

>> We had a few small pilot programs. One predominantly in the river place area to kind of get our first exposure to Ami. This is not the same vendor or technology that we used in that. This is, you know, the full

[10:43:26 AM]

scale implementation so it's much broader than those individual pilot areas.

>> Flannigan: So have we done -- did any of the pilot efforts use this technology?

>> Not our pilot, but this technology has been used in other cities.

>> Flannigan: Then I'm even more comfortable sending it to water first.

>> Mayor Adler: Those in favor? Those opposed? Unanimous on the dais with mayor pro tem off. Thank you. Also I think we can handle quickly, 78 and 79, which are the Brackenridge and many agreement. Is there someone here from U.T.? Would you come up? So we're talking about an extension here. There would be a five-month extension on these two things. My hope and I think our joint hope is that we make the best use of this time and actually force this

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issue to conversation. I think everyone wants on the one hand to get this thing resolved one way or another before we get to the legislative session next year. Backing up, I think that's going to require us to actually start doing stuff. Second, I think that this also gives us an opportunity to have a much broader and wider conversation. Why don't you talk about what your expectations would be happens in this period of time and I'll tell you what mine are.

>> Okay. Mayor, members of council, Richard Suttle. Here representing the University of Texas. It's really a much broader conversation to be had. The relationship between the University of Texas and Austin is just so important to both parties. And over the last several years with this -- with these rolling deadlines that have come along on the golf

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course and also now on the Brackenridge development agreement, which was an agreement that was entered into many years ago and actually validated by the legislature to make sure everybody knew that it was for real, those are all coming -- they are going to expire in May unless we do something. We've had several extensions in the past and we just haven't gotten any traction on what this broader relationship looks like. And what the University would like to do is engage the city, which would mean the council and the management and staff and talk about these things. And what's going to happen next week is we're going to the board of regents meeting with the city's request to extend these and I will be asked, so what's happened since the last time we extended and what's going to happen during these extensions? And I would like to be able to say we've had great conversations, we've had great collaboration on the arena, great collaboration on the fever waivers, great

[10:46:29 AM]

collaborations on the HEB and we continue to have more conversations. And there were letters exchanged between U.T. and the city and both letters had broad, no detail, but broad concepts that we should talk to. But the letter also said the one party that we haven't heard from is the council and we would just like some direction from council. Is the council willing to engage, and I'm assuming the answer is yes. And if the council is willing to engage, what types of things would the council like to talk about. For instance, housing is a big deal in this city and University of Texas housing is a unique way to solve part of our affordable housing problem. Because the more students we get out of affordable units in the fringes and downtown on campus, it means it frees up other affordable units elsewhere. We should be talking about that. Traffic, both traffic in and around many and the Brackenridge tract is important, but we also have

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a traffic opportunity in circle C to do a partnership with cap metro. U.T. Owns that land and could participate. The district U.T. Sits in, there's a lot of issues U.T. Could help with both 12th street, 11th street, the housing and all. What we're really looking for, I need to be able to say to the board next week is that we're being asked to extend again, the conversations are ongoing and council has said these things are on the table. If there are things off the table, let us know that too and try to get something back in a reasonable amount of time. I think the letter said we would like to have an idea if the council is willing to engage, maybe get back at the end of April and see where we are on those engagements. With that, the items will be on the board for consideration to extend next week and hopefully I will have something to report that it won't be similar to conversations we've had during the last extensions. There's a wonderful

[10:48:30 AM]

opportunity here, and for the first time in a long time we've got two very large organizations. And me along with some other teammates at U.T. Are starting to hone in, for instance, a very small thing but apparently the city needs an access easement to get across some U.T. Land to do a -- some surveying and environmental study for the red bud trail bridge, and it's gotten bald up on u.t.'s side. And I didn't even know about it, but now I'm able to get in and jar that loose because we now have a conversation going. Those are the kinds of things we can do on housing and development on traffic, on safety, all those things, but we just need -- the board is going to want to hear from the council that we want to have that conversation. So I make that comment today. If there's anything you would like for me to pass along to the board, I would love to pass along. If there's something you want me to pass along that is off the table for consideration, be happy to do that.

>> Mayor Adler: I appreciate you coming and we

[10:49:34 AM]

give everybody on the dais a chance to speak up if they want to. For me, I'm really encouraged the ability to have a broad conversation about how we should be helping one another. We both represent taxpayers, the university is really important to the city, the city is really important to the university because it's there. There have been some conversations about actually getting a cohort from the university of Texas in the same room with a cohort from the city of Austin staff. Something I know that councilmember alter has taken a leadership role on in terms of dealing with a broader relationship as you've discussed, this meeting in particular. Manager, I would really like to see us do that and I think responding quickly and having a status report in April on these wider issues, I think that conversation might better inform that. If we could get that done quickly too, I think that would be really helpful. With respect to the things that were in the letters

[10:50:35 AM]

that went back, every one of those I think for me is on the table and able to be talked about. But what would be really helpful is if we could get from the university a really specific proposal on things that the university would like to see on these or any other matters so that we actually had -- so that we had something we could react to. This is a body that is much better able to react to a request rather than to - than to imagine what we might be responding to. So if you could get to us a specific proposal, manager, that gave us something like that back, I think we ought to be able to pretty quickly begin to react to it. I think it's really important, manager, that you bring in this entire dais in these conversations so I would request that you socialize these items with the other offices so that everybody is knowledgeable of what's happening as we move forward. So I would like us to move

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forward both on the specific but on the general because I think that they are all part of the same conversation. I think the timing you are asking for ought to be able to work with us coming back at least for an update to say where we are at that point. I think it's a reasonable request. Please get us as specific proposals as you can so we can react to that. Councilmember pool.

>> Pool: Thanks, mayor. Mr. Suttle, thank you. It feels different, this conversation that we're having, like it's a big book and it's opened up and we can leaf through all the pages and there are really good opportunities for U.T. And for the city in that book. Thanks for helping to open it up and also for the leadership from councilmember alter on some of this. I also wanted to thank Judy plumber for the extra efforts she's brought to the table with the wisdom and many years of experience that she's brought with regard to real estate issues. It's always a delight to work with Judy.

[10:52:36 AM]

I did want to say I had engaged in a sort of conversations with I think it was Jim walker at U.T. Back when I was first elected about pickle west and the desire of U.T. To find places for more student housing. Because the U.T. Builds more student housing, that will help as far as people not students being able to have access to the apartments maybe they are in. I am super pleased that that's one of the pages in the book that's opening up and I am committed, as I mentioned to my colleagues yesterday and to to you and publicly to work on that specific piece that's in district 7 as well as to support whatever else we can do across the dais across the city to get the many agreement kind of packaged up in support of our save many efforts which have been going on for a really long time. I still have my save many

[10:53:36 AM]

sign in my office. It's gotten a little dusty, so thank you, I appreciate the work and look forward to partnering.

>> Mayor Adler: Okay. Anything else from the dais before we move on in councilmember Flannigan, then councilmember Ellis.

>> Flannigan: Thank you, Mr. Suttle. I think there is broad agreement that we want to close the door on this sooner than later and we're talking about similar issues about housing and transportation. I don't think there's that much gap between the university's goals and the city's goal, I think they are pretty aligned, it's the bullet points and the legal language in most cases. And the mayor has talked many times about the value of student housing to address the affordable housing issues and I'm a big believer in that too. So be able to see how we can co-solve those issues is really helpful and ultimately whatever the future of monkey many is,

[10:54:37 AM]

being able to solve these shared issues, there is a lot of support. I would encourage all of us to consider the leadership on this issue to be across the whole dais. Things have moved quickly on this and it's time to involve a lot for council offices in the discussions.

>> Mayor Adler: Anything further? Councilmember Ellis, you were next.

>> Ellis: I just wanted to make a quick request to be closely involved in anything going on in district 8. Some of the land use agreements in that area near circle C pre-date some of the agreements around Brackenridge and our neighbors in circle C are very aware of some of those discussions, and I also want to make sure that our environmental staff is very much involved in those discussions in that particular area. So immaterial.

>> Happy to try to team up together to make some good things happen for our city. We have a lot of shared interests, but I wanted to make that special request.

>> Tovo: I'll underscore

[10:55:37 AM]

what several colleagues have said about making sure all of the council is apprised and involved in this conversation. But I did want to take a moment just to appreciate councilmember alter's leadership on this and for raising the important issues that you have both with regard to many and its importance in the community but also for really elevating that very important need of housing. So thank you to U.T. For this continued partnership and this kind of new phase of partnership and I'm glad that looking for

housing opportunities is part of that conversation. So again, thank you, councilmember alter for your leadership on that.

>> Mayor Adler: As you head back and visiting with the regents, please thank them for their continued conversations with us, especially the chairman, who I think is helping facilitate this broader conversation.

>> I will, and let me just tell you the president is the one that grabbed hold of this year's ago and said why are we not talking on this

[10:56:38 AM]

now and he's been trying -- it's helpful to have a president that is -- that wants to put this to bed as well. And it could be that it's a number of things, but it started with muny, but it could be much bigger than many now. Muny may or may not be part of the puzzle, but if it's not, it will be a good -- it will continue to be a good relationship.

>> Mayor Adler: And please thank him as well. Almost every conversation I have with him, see him at events, this is something I know is high on his agenda. We can do so much with each other, he's articulated that and I really want to follow his leadership in this area. Mr. Peña, why don't you speak, then we'll come back up to the dais.

>> Kitchen: Mayor, I wanted to say something.

>> Mayor Adler: Let's let Gus speak then we'll come back.

>> Thank you very much. And I -- it's going to be a shocker, but I agree with a

[10:57:39 AM]

lot of what the prior speaker spoke about. And I also work for U.T. For seven years and I know the ins and outs of it. Dr. Frank Erwin was chairman at that time, he was one tough bird, but we were able to dialogue. And I'm glad that staff and others are willing to work together on this issue. But I don't want anybody to forget what Mary Arnold, the participation that she has been here. Her intervention and help was very key and it still is very crucial. So if anything is done here by the gentleman who just spoke, invite Mrs. Arnold because she knows everything that's going on much more than me. And I was at U.T. In 1975 to 1981, so I know the ins and

[10:58:39 AM]

outs, but I also have spoken to president Finley also and I just want to thank all parties of the city and the attorney and the university of Texas as a whole because they are coming together to speak together on key and crucial issues, but not only for us but for the students also, for the community and for the whole of the city of Austin. I want to thank everybody. I know it's a shocker to thank the lawyer here who was just awhile ago, but he has been very productive person in this dialogue and just I want to thank you all, everybody that did that. It's a piece of work when you work together and not hating each other. And thank you very much for that. And the veterans for progress agrees also with our statement so if they need help, we're here to help you out.

>> Mayor Adler: Great.

[10:59:39 AM]

Thank you. Councilmember kitchen.

>> Kitchen: I just wanted to emphasize for Mr. Suttle one question. I think it's on the list of items we've been talking about. One of the things that's really important for coordination is the activities -- not activities, but the opportunity for transit. So I'm hoping that will be part of the discussions. Even if they're not part of the discussions, it is important for the whole city that we work out an approach there.

>> They are now on the list for discussion, and this is the kind of give and take that wasn'ted to have.

>> Okay, thank you.

>> Thank you.

>> Richard, I just want to let you know that I agree with my colleague. UT has so much land there, and there is a lot of opportunity for the housing, especially

[11:00:40 AM]

affordable housing, so I'm willing to work with you and UT as I have in the past and try to get the best deal that we can get out of it.

>> Thank you, council member. Anything else on the dais. Council member alter?

>> Alter: Anyone else? Thank you. So, I spoke at work session so I'm not going to repeat myself, but I think we really do have a wonderful opportunities to improve the collaboration and the partnership between the university and the city. We have already begun to do that in different ways. We were able to move very quickly on the arena and on the red river straightening, on the HEB and on a couple other issues, as well. The city is also in my experience, taking more advantage of what UT has to offer the

community, whether it's the vulnerability study that was done that's helping to inform our land development code, whether it was the study

[11:01:42 AM]

that was recommissioned with respect to the convention center, and the many defensive ways that we interact with UT and that UT faculty and students and staff contribute to our community in a really broad way. I think that the issues of housing and mobility, open space and just being able to really grow where we want to grow so it is most effective, the partnership that we can create is really, really very important. With respect to muni, we have been talking for several years now, and I want to underscore that the pace of how we move forward depends on getting answers to certain questions about what kind of infrastructure is needed to support what UT wants to do, and those are answers that we, as a city, need to have. We are not in a position to

[11:02:42 AM]

write a blank check, but we do want to see growth that matches the infrastructure, and I think we're getting closer to finding solutions and to getting those answers to those questions. But that is really going to be key for us, as we move forward. I also want to flag that we have two new developments with respect to muni that I think change the conversation. We have the creation of the safe historic muni district, thanks to the work of senator Watson. And, we have the muni conservancy, a private philanthropic group that is raising funds to secure the golf course. We are meeting regularly with those partners and UT to make sure everyone is on the same page, and I appreciate the president's involvement and Mr. Subtle's involvement with that, and so I'm really very hopeful that, as we move forward, we will find mutually

[11:03:42 AM]

beneficial solutions all across the city. Austin is an incredible place, UT Austin is an incredible institution. When we combine forces there will be no stopping us and we will be able to meet challenges in new ways. My hope is we will be the envy of other cities and other universities at the end of this process, as difficult it as may have been right now, to get to a point where we're really, really collaborating in a model way.

>> Thank you. So what I hear is that it is in our court to give the city a specific proposal, and I will do that in such a way as to hope that the city manager can bring it back to you by the end of April. The reason the end of April is important that will be the next board of regent meeting and we can report some process. Thank you.

>> My hope would be you get the proposal as quickly as you can so there can be a series of conversations, it is not just a point in time. It would be helpful to get the traffic stuff moved forward so

[11:04:42 AM]

we can evaluate impacts in that area, and participation in that joint meeting, I think would help inform the broader conversation, too. I think those three things, but let's do all those things as quickly as we can, consistent with being appropriately deliberate. But I don't think there is any reason we shouldn't be able to significantly advance this ball and that timing. Does that sound reasonable to you, manager? Thank you.

>> Thank you America I don't remember and council.

>> Mayor Adler: All right, council member alter moves passage of item 78 and 79. I second that. Any discussion? 78 and 79, those in favor, please raise your hand. Those opposed? It is unanimous on the dais with mayor pro tem off. Does anyone else pull an item they think is a quick item? If not, I'm going to start at the top. Council member Flannigan.

>> Flannigan: One is something we didn't get to on Tuesday, so

[11:05:43 AM]

I don't think it is too complicated.

>> Mayor Adler: Okay, let's do 44, 46 and 47. 44.

>> Flannigan: So on 44, I'm just curious, from the sponsor, the intent on this it seems like we're asking staff to do the stuff they should already be doing on south central water front, so if there is something additional this is getting us to, I'm curious what we think that is going to be.

>> Yes, thanks for your question. So most of this is in the recommendations that were passed in the south central water front plan. We have some -- our advisory committee has certainly urged us on to further action. I think there are varying levels of interest in seeing faster action. Let me -- I would like to have seen more action on this, up to this point, and we've had some

[11:06:45 AM]

starts and stops. I think we now have some forward progress in part on the regulation, on the regulatory plan in part because we were able to, my staff was able to work with city staff and now it is surprised from the contact, but we have much happening potentially in the south central water front, and it's, I

believe in our best interest and our city's best interest and the best interest of really seeing that plan implemented to its full vision to take further action at this point. And to see that action happen sooner rather than later. So the item that I think will make a big difference here, all of these are important, some of them we've urged before, but having an implementation team immediately set up I think would help this project move forward in a way I think we really need to do soon. Does that help?

>> Flannigan: Yes. If I might.

>> Mayor Adler: Yeah.

>> Flannigan: I'm going to support the item, I just wanted to V the conversation so I

[11:07:46 AM]

understand better. City manager, I hope doesn't take ifcs to do things we've already said we want to do. We have all at certain times taken turns with that level of frustration, certainly a memo update, I don't think if it is appropriate to form a team, that is more your job than hours, but I understand if we want to get stuff moving -- the fear is we have to start doing your job for you and I don't want us to get there. Help me with this, please.

>> Thanks, council member. One thing we're taking away from this conversation more frequent updates to council on this project. There is a lot going on with those departments that would impact this particular area, so knowing that staff is stretched pretty thin but to be able to respond quickly in a more frequent way is certainly one take away from this experience.

>> Flannigan: So, if there is a list of things that we've asked you to do, and I often kind of

[11:08:48 AM]

describe it as we give you a hundred jobs and staff for 10, but are there going to be other things that now take longer as a result of this that we need to understand?

>> That's fair. My job is to bring back to you, if there are things we have to reprioritize for you to be able to make those judgment calls and saying here is how we want to make sure you're directing and here is where your priorities are so I think that is an ongoing discussion with the council.

>> Flannigan: And I'm can you, council member tovo, this should be moving faster, you think we all want to understand. Thanks.

>> Mayor Adler: Council member tovo.

>> Tovo: You've raised good issues, council member Flannigan. The last be it resolved is another step perhaps we didn't articulate it as importantly as we needed to using the energy to come back with a time certain, June 11, on a plan for "One Texas." That is something we've indicated we want to see.

[11:09:50 AM]

It is in the conversations but if we're going to have the opportunity to really make that site work well and fully understand how it can fit with other projects going on, including the statesmen redevelopment, we need to get that. We need to get that assessment of one Texas center very soon. So that is a level of detail that I think maybe didn't exist before.

>> Mayor Adler: Okay. Let's take vote on this item 24? 44. Those in favor, is there a notion approve 441234 council member tovo is there a second to that? Council member pool. Those in favor of 44, please raise your hand. Those opposed? Unanimous on the dais with the mayor pro tem off. 44 passes. By the way of just clerical work there's some fear that there may have been duplicate copies of the yellow sheet for boards and commissions, nominations and waiver, item number 41. My sheet and the one that is the official sheet does not have any

[11:10:52 AM]

muds appointments on it, so if there is a straight stray one on there with a mud appointment on it that was not the one handed out to us on our dais and we did not make a mud appointment by virtue of our vote. In case that record needs to be clarified. We will continue on with the consent agenda that we have. Let's go ahead and we have a lot of speakers here on number 16, let's see if we can handle this and move forward. Catastrophe mayor in terms of fast things, when it is appropriate. 9 one about video, I pulled 38 is reasonably fast, as well.

>> Mayor Adler: My sense is there are a lot of speakers here and I will call this so they can go home and we can take care of this before noon and that group of people don't have to come

[11:11:53 AM]

back after lunch.

>> May your, which one did you say?

>> Mayor Adler: Number 3. Let's begin with some of the people that have signed up to speak publicly, unless staff wants to speak first on item number 3. Does staff want to speak before I bring the public up? No? All right, let's go. Is Ashton couple betterbatch here. Has time donated from Larry graham is Larry graham here? Is tam Hawkins here? Don't believe so? Then you have five-minutes, sir. On deck is Nancy Nipp is Nancy Nipp here?

>> She is, your honor mace may she is, annany has time donate Ed from Chad.

>> She is.

>> Then he will also have

[11:12:56 AM]

five-minutes. Go ahead.

>> Thank you, mayor. My name is Austin Cumberbatch, I represent alt-tes in regard to the shared use lounge service concession rfp 8100-abi-005. Thank you. This is not about sour grapes but valid concerns about the lack of transparency, a flawed methodology and equity and noncompliance with federal law which led to an erroneous recommendation by staff. The process was built without a valid equity lens and scored without a valid equity lens. It was non-transparent, raised questions but then didn't provide an opportunity for the respondents to answer those questions. And then, particularly I'm going to talk about the non-compliance with FAA regulations. FAA is talking and chess and I

[11:13:57 AM]

believe the city was working on tic tac toe. The focus here is, in regards to the law 49 cfr 23. And I point out that the advisory, airport advisory commission, voted neutral, so they rejected staff's recommendations so they knew something was amiss here. I think you understand by your vote on January 23 to conduct a disparity study and spend up to a million dollars on that that the city can do better it as relates to dbe relationships and contracts the program requires that good faith must be exercised by those that participate in that and direct arrangements are to be the focus opposed to goods and services. While it goes to the goods and services authorized, it is important and it is healthier situation for acdb programs to

[11:14:58 AM]

go through concessions that are run by, owned by acdbes. Includes an ownership with 20% equity for a black-owned company. The law also requires to take all necessary steps to achieve the goal through direct participation or to encourage direct ownership arrangements defined as joint ventures, partnerships, subleases, otherwise arrangements. In other words, what Ald and Tes have, which is a 20% ownership plus a 3% management fee. This is a direct ownership arrangement which was -- they go on to say a propose that will fails to adequately address this requirement is considered non-compliant or non-responsive and to be rejected.

[11:15:58 AM]

The commitment to achieve this compliance impacts the ability of the probable and the financial proposal, that is in turn the amount of money they can pay rent to in this case the city. More money they give to their equity owner is less money that goes to the city, which should be fine, particularly for a city that finds itself still the number one city as far as economic segregation in the country, and has said for the last few years that its focus on equity and racial equity and looks to achieve or meal I don't remember rate the historic

-- emelioraate the equities we're faced with today. If the acdbe ownership is not taken into consideration via goods and services, that's exactly what the FAA is looking for. The Manchester airport group provides 13% of goods and services and we're not aware of

[11:16:59 AM]

any documentation required of good faith effort required to achieve goals of the ownership. The staff ignores this submission. The rfp was set up without an equity lens and implemented without an equity lens. The staff gave the proposal to the 11% goal, regardless of how 2 was met. 11% is more than a pass, that's like calling Michael Jordan a basketball player and giving his a pass. This seeks direct ownership arrangements and not only did the city ignore that ownership and declared it being a weakness. How it came up with it being a weakness, I'm not aware. This comment contradicts the acdbe relations and under mines cfr 49, part 23. Rather than meal I don't emeliorate the conditions, they will exacerbate that. It was leading in the category. It seems like staff was blinded

[11:18:00 AM]

by American Express' money and took their eye off the beggar prize which was equity. I have 30 seconds. Okay.

>> From the dais. Okay. Council member pool is asking you to finish your thought.

>> Pool: Yes, you could please complete your thought.

>> Absolutely, he appreciate that. Staff's decision actually punishes a company like ald/tes for complying with the law and focusing on equitying ownership opposed to goods and services. Typically in this work, racial equity we talk about being comfortable and being uncomfortable. You don't have to be uncomfortable here. The law allows you comfort. If you follow the law, then you reject staff's recommendation and you'll award the cop tract to ald/tes. Thank you very much.

>> Thank you.

>> Before miss Nipp speaks, is Dannon Garrett here?

[11:19:07 AM]

Why don't come on down, you have time donated so you will have five-minutes.

>> Thank you very much. Mayor Adler, members of the city council, my name is Nancy Nipp and I'm the president of airport lounge development, or ald. Ald is the largest common use lounge operator in the united States, 20 in the U.S. And four in the United Kingdom. We are a texas-based company and we have over 14-years experience in running and operating lounges. I have more of that as he was the president of American airlines admirals club for many years before joining ald. I'm here to express concern with the abia evaluation process for the common use lounge we believe has a far-reaching impact beyond this rfp. Ald responded to the common use lounge with a 20% equity ownership partnership with local Austin minority company Tes. Our joint ownership proposal not only aligned with abia's rfp

[11:20:10 AM]

requirements and objectives but also fully complied with the airport concessions disadvantages business enterprise. We believe it is important for you to be aware of the concerns surrounding the evaluation of this rfp. As you will see in the documentation that we've provided, the evaluation conducted highlight as focus on a financial offer with a disregard for minority and women-owned equity ownership. In conjunction with our concerns regarding compliance, methodology, inequity and lack of transparency, the results of the valuation send a troubling message to prime bidders such as ald. Ald could have minimized the acdbe participation or avoided having an ownership equity participation. We chose to demonstrate our support of the city's commitment to minority and women-owned business giant venture partnership that had equity and opportunity for a locally-observed woman business,

[11:21:11 AM]

not any more, to grow her business and provide a much sought after service for the traveler at Austin Bergstrom airport. As you will see in the evaluation score, the ald test joint venture was leading the scoring and delivers the highest score in the key objective areas until the financial proposals were scored. It is apparent by the financial scoring the key objectives of the rfp were not as important as the financial proposal, even though the rfp did not indicate the financial proposal was the most important aspect. In focusing on the financials, the abia has not only disregarded minority-owned and women-owned equity business, but also sacrificed the best concept that provided a truly Austin experience for

the travelers. Ald has participated in over 55 lounge rfps. It is unprecedented that financials received a perfect score and no other category was

[11:22:12 AM]

given a perfect score. In fact, in all of our experience, we have never seen a category that was not part of the prime objectives receive a perfect score. This is a first time we've been punished for exceeding the minority and women-owned participation and for having an actual equity ownership with minority companies. If the focus is on the Pius financial proposal and not on women and equity owned partnerships, this will flume not only ald's future proposals but all prime bidders at abia. We respectfully ask the city council not approve the recommended provider and review the procurement process of this common use rfp in conjunction with your recently-approved study of women and minority owned business contract disparities. The alt test proposal is not only consistent with Austin's vision of being a beacon of sustainability, social equity

[11:23:14 AM]

and economic opportunity where diversity and creativity are celebrated but it will also help propel Austin towards that vision. Therefore, we respectfully request that you award through rfp to ald/tes. Thank you very much.

>> Mayor Adler: Buffer begin, sir, your five-minutes is Rebecca Kahn here? You will have five-minutes.

>> Good morning, mayor. Good morning, council members. My name is danen Garrett and I'm one of the partners in Tes. I want to kind of outline to you guys the reason that the federal aviation administration has an acdbe program. The objective of this program is to create a level playing field for acdbe's to compete on dot-assisted contracts. It is also, the objective is to help remove barriers for participation for acdbe's.

[11:24:15 AM]

It is also designed for certain groups that is presumed to be socially and economically disadvantaged, this includes native Americans, blacks, hispanics, women and Asian America. The objective is to recruit small acdbe businesses to develop them so they can become independent and ultimately graduate out of the program so they can be it independently. I want to bring your attention to -- what we think the merits of this pro test is about. We think this is really about Tes, a small, acbde firm, competing against mag, an American Express backed firm. There is no way that me and my cousin, who is my partner, no way we can compete as a small business owner. We don't have the capital, we don't have the resources that, we compete against American Express, it is impossible for us to win without an acdbe program.

[11:25:19 AM]

The acdbe program allows us to create a level playing field so that we can compete. And I would like to bring you guys, we furnished you guys the complete code for 23-25, which is the acdbe policy, a the policy for compliance. So, if you go and read it, which is furnished to you guys, 23-25 it outlines the definition for direct ownership when there is a compliance goal. And, in this case, it was 11%. It is important to understand the difference between goods and services verses direct ownership when counting to acdbe goals. Goods and services cannot be counted to a credit on a gross receipt goal, that is revenue on goods and services. Goods and services purchased from acdbe should be counted on total goods and services, not

[11:26:19 AM]

gross receipts, which is a distinction. We're not comparing apples for apples. The third thing is, it is important when we look at the objective of -- and here is the actual compliance rule. The objective of the concession specific goal is to obtain acdbe participation through direct ownership arrangements with an acdbe, calculate the goal as a percentage of total estimate gross domestic product receipts from the concession. That must be met, once it is a gross receipt goal in this case 11%, the only way to achieve it is through ownership in the goods and services. Do they essentially buy products from us, right, but we wouldn't be on the ground learning how to run the business. So, in this case they wouldn't have to have direct ownership, but we have equity, so we are direct owners in that venture. Also, if you look at section 2, it specifically states, if the

[11:27:20 AM]

goal applies to purchases and/or leases of goods and services, calculate the goal by dividing the estimated dollar value of such purchases and/or the leases for acdbe's, to be eligible for the award of concession, competitors must make a good faith estimate for this goal either by obtaining enough acdbe participation to meet the goal or documenting it made a sufficient good faith effort. And, finally, subsection F says, in the code, your acdbe program must require businesses subject to acdbe goals at the airport, except for car rental companies, to make a good faith effort to explore all available options to meet the goals, to the maximum extent practical through direct ownership arrangements with acdbe.

[11:28:21 AM]

Meaning this is not an interpretation of the rules. This is not subjective. It is definitive regulation. It's not subjective to somebody else's interpretation. This is FAA saying, to be compliant, you must have direct ownership. Otherwise, the primes have no reason to go out and participate with a local acdbe. Thank you very much.

>> Tovo: Mayor, I have a question for that speaker. Mr. Garrett, made a few references to having furnished us with some of that code. Can you help me understand where that is.

>> Ashton, the attorney, has provided you guys with a document and the complete code, the regulation code.

>> Mayor Adler: The clerk has it, she will hand it out now.

>> Tovo: Thank you very much.

>> Mayor Adler: Before miss Kahn speaks is Rick Garrett here? You will be up next.

[11:29:22 AM]

You have time donated from Chris Williams so you will have five-minutes when you speak. You have three-minutes.

>> Hi, I'm Rebecca Kahn, the owner of not any more massage business from 2002 to 2018. If you recall, we weren't the successful offer for the massage contract in the 2017 rfp after you voted to award it to a national chain of airport spas, despite the serious flaws we highlighted in the rfp. Since leaving Apia, I've had to lay off 30 employees, our revenues have been reduced 95% and we're struggling to find our footing outside the airport. When the rfp scoring got it wrong for us, we pulled the three emergency brakes located in our purchase process. In our case we watched those brakes fail one by one. The first emergency brake is the airport advisory commission who in our case in a highly unusual

[11:30:23 AM]

unanimous vote, changed the aviation department's recommendation from the national brand to us. This had never happened before, and yet this unprecedented commission vote was entirely ignored by city council. The second emergency brake in our purchase process is the acdbe minority women owned certification program. Companies like mine become certified because we think it matters. Then the one time in 16-years I needed my certification to matter, it was worthless. My 100% acdbe women-observed status was scored the exact same as our competitor's promise to achieve the minimum 11% participation. It was a pass, fail, check box. This is shameful. A pass/fail score is not how we raise up acdbe women and minority owned businesses. Larger rfp savvy companies will exploit this weakness all day long. All other elements of the rfps are scored to the .01-point yet

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this vital equity is scored pass/fail. The third and final emergency brake in our purchase process, however, is the authority of city council to choose another qualified offer with the notable exceptions of council members tovo and pool, you did not do that. Your vote for the national brand ended our business as we know it, and it didn't have to be that way. Perhaps if council member Flannigan, announcing his intention to vote where the process recognized that choosing another qualified offer is not going against the process, it is the process. Perhaps if my council member, Alison alter hadn't left the dais for the night minutes before the vote. Perhaps if a certain council member hadn't fallen asleep on the dais. Perhaps if council member Casar tweeting his upset preventing the consideration of localness had recognized we were not asking to you choose us because we were local. Perhaps if all of you realized that hiding behind a threat of FAA regulation and litigation was a weak and coward leeway to

[11:32:25 AM]

dispatch with an Austin success story, perhaps things would have been different. As it was, you let this Austin asset slip through your hands. Until our advisory commissions are taken seriously by city council, until our minority and women-owned program gets real teeth and until our city council steps up to the authority you have to correct the occasional visionization run amok, well-run, highly-regarded, women and minority-owned businesses like mine will be unable to compete with the deep pockets and empty promises of national brands. And what does that say about us? Thank you.

>> Mayor Adler: Mr. Garrett, you're up. You have five-minutes system Jeremy here? Come on up, you will have three-minutes. Go ahead, sir.

>> Thank you, mayor Adler, city council, my name is Rick Garrett, I am a local minority everyone business owner, which is part of the proposal. At first glance, if you don't quite understand our concerns or our issues you may believe this

[11:33:26 AM]

is some local business owner complaining about losing a proposal. I would tell that person that that is absolutely wrong. I've had the pleasure of losing several bids in the city of Austin and if that were the case I would be here all the time complaining about losing bids. This here is different. This solicitation, I fear will set a dangerous precedent going forward for all minority-owned and women-opened businesses who want to do business in the Austin's airport. This solicitation was created, evaluated and scored without an equity lens. Although we had our major issues with the transparency of the scoring, we were leading going into the last and final category, which is financials. We were told by the airport staff the evaluators could not compare two exposures next to

-- two proposals next to each other. We were told there was not a pre-determined benchmark set how to achieve a perfect score. You might think, you know what,

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there is no big deal, sometimes you can get a perfect score but what you don't know is in the last 135 different for goes that's been scored by the airport over the last several years there was no perfect score ever given, exempt this one.

-- Except this one. That tells me that mag was allowed to buy this contract. That may not be an issue for you, but the issue when you allow someone to buy a contract and then you disregard how they obtain their minority goal and how much they got in their minority goal and if they exceeded the minority goal or if they sat around the compliance that creates a dangerous loophole. Airport concessions contracts are very different. As you heard today, you have to have ownership equity in these contracts. What does ownership equity look like? If I have 20% ownership equity in this particular project, in this concession, that means I get 20% of the product, of the

[11:35:28 AM]

profit. If I'm taking 20% of the profit from this operation, then my prime partner, their ability, their profits are going to be minimized and their ability to offer the max score is going to be impacted by my ownership equity. I believe that maf G made a bet. That bet was we will disregard or we will skate around or we will minimize our minority partner's equity and we will pay the city a ton of rebel. Based on the score, I believe that bet so far has paid off. So while we understand that you cannot award these contracts to a local business owner, we don't want to be punished for exceeding and meeting the goal, for having a ton of local vendors within our proposal. You know, I've read the previous D isparity studies, I read the racial wealth divide profile. I am a member and have relationships with all the minority chambers, I have a

[11:36:30 AM]

membership with the LGBT chamber, you know, and I have a first-hand understanding of what it means to be a black business owner in the city of Austin. And based on your approval of the disparity study that tells me that you understand there are some challenges, as well. This solicitation and how it was handled is exhibit A for institutional racism. My hope is that you will just set here and not allow that to happen. My hope is that you will listen to our concerns, you will do the research, you will -- you don't take anyone up here's word for granted, find out for yourself. We were compliant. We had this award, we were winning going into the financials and it was bought underneath us. So I ask that you award this

contract to ald/tes, and as my partner and cousin said we did provide you all with a recap letter wrapping up some of our concerns about the solicitation.

[11:37:30 AM]

Thank you.

>> Mayor Adler: Thanks. Is Derrick micimo here? Why don't you come on down. You have three-minutes. Sir, you have three-minutes. By a head.

>> Thank you, I'm Jeremy, responsible for business development at mag usa. Together myself and our partners here today we are going to make up the escape lounge here in Austin. I want to thank you, the council, and I also want to thank the airport for running a fair, transparent process and recommend we move forward in the process. The process is where airport puts out an rfp and they give you a bunch of criteria on what they're looking for and they give a categories where financials are worth a certain amount, experience is worth a certain amount and everything you spring together and it is very clear how it is laid out. There is a bunch of categories given points and pass/fail, this is how the rfps are across the

[11:38:31 AM]

country. We've responded to dozens and dozens of rfps along the way, and you will have an opportunity ask questions in that process if something is not clear. If you're not sure how something should be weighted or what they're looking for, there is a question and answer process, you send the questions and get answers and that's how these things work. We aren't the largest lounge operator in the U.S., but we are the best, based on customer feedback and we're the fastest-growing. We listen to our customers and on average we get 4.5 stars from customer rating, something we care a lot about something that you should care a lot about to create that experience for your customers. Other lounge companies out there score less than 4, again comparing ourselves to others. We do have a partnership with American Express and that creates a sense of premium experience, creates a sense of brand, creates a sense of place for what we want to Cree Nate Austin, and together with American Express and our partners we're going to create a beacon in this airport to create

[11:39:33 AM]

a wonderful lounge experience in the growing airport that it is. We have a lot of partners with us to bring this experience to life. We have our acdbe partner, Mitchell group here with us. Their texas-based company, they've been around for over 25-years. In the contracts they work with, it is gross receipts, it is not equity, that's how it works on the contracts across the country. And that's what we do, that's what

we're doing here. We have mozart here, as well. A local company, local coffee provider that is very well-known and that is something we're going to bring the experience together. I just want to thank you for giving us the opportunity, thank the airport for being part, for allowing us to respond and we're looking forward to bringing this lounge together to the airport. It's been a long process and the space is vacant and we're looking forward to making a wonderful experience for the passengers later on this year.

[11:40:34 AM]

>> Mayor Adler: Sir, you have three-minutes. On deck now would be, I think, don Mitchell.

>> He is's the senior partner, I'm the junior partner. Does it matter what order we go?

>> Mayor Adler: No.

>> Council, thank you for having us. My name is Derek mecino, the junior partner with D and B Mitchell group. We are a dallas-based company, food LLC, food operators that are 100% prime operators. We run and operate a mixed portfolio in the airport second. We have operations in Dallas at the dfw airport. We are award winning operation and most thing that I'm most proud of, we're not defined by our acdbe certificate education, wear die fined by our performance and that is excellent, the throughout the years over two decades, we have won many, many accommodationsable the proudest one is, my colleague, okay.

[11:41:43 AM]

>> Our senior partnerre.

>> Mayor Adler: All this forthank you for speaking. The speaker after this speaker, Michael boland. You will have three-minutes. Sir, you have three-minutes.

>> Thank you for the opportunity to speak. I guess, first of all, I've been in this best for 25-years, and for years, 25-years ago, most of you all probably weren't around, but by then it was really, to be a minority prime at that time was something different. So I have worked for 25-years, I've been in this business. We're primes, we operate our own stores so we're not an ink participator, we aren't -- incubator, we aren't looking for be experience, we're operators. In this particular venture, we're going to operate the stores. We will be the sole operators, we're responsible who is hired, who is fired, everything. That's our job completely.

[11:42:43 AM]

All right? We've done -- we have many awards, we won a lot of which I'm very proud of. In fact, a periodical recently in the last few weeks pointed now the dfw two of the top restaurants we own and operate. Okay. The other thing, many things I'm proud of, I like to summarize a couple of them. Number one, one of which we rewarded -- first of all, for the acdbe, I know it takes a certification, a we were selected as the, for the 21st gala, the outstanding acb company, so we've jumped through all those hoops, we've done the things and we've fought hard to get to where we are, and we've been recognized as one of the top acb companies so we aren't somebody who is, say just there. We're the operators ourselves.

[11:43:44 AM]

We do that. We also recently, me and my partner, we built the first ihop with a bar in dfw airport. We also, in one of the major, major airport conventions, a concept that we started and derive Ed, we were awarded number three new concept in the country. So we're an advanced company, we can compete with anybody, and it's been awful hard doing so like the gentleman before us mentioned. In fact, everything he said sounds like he was describing who we are. If we are selected, you will see, we're the operators and I think in the years to come, a year from now two-years from now, you look back on this meeting, you will tell us a job well done, well done. Thank you.

>> Mayor Adler: Mr. Boland, you

[11:44:44 AM]

want to come up? You have time donated from Susan acimo. So you will have five-minutes. And when you're done is Ken Leonard here? Why don't you come, you will have three-minutes. Go ahead.

>> Thank you. Like me colleague, Jeremy, I, too, work for mag, we are a subsidiary of a U.K. Company, we have one in the Manchester airport and we're headquartered in Chicago. We work at 11 airports in the U.S. Right now, 10 for lounges and one for car parking and another one for parking. We understand and appreciate how important it is when we come into an airport and into a community that we need to try to figure out about that community, when we're going to put a flong an airport, to try to represent and share that experience with

[11:45:46 AM]

the traveling public, whether it be folks that are leaving and you know maybe giving them one last taste before they go so they want to come back or folks connecting that negative leave so they get a taste of Austin. We're really excite about the city, this opportunity, as Jeremy described, there was quite clear in the rfp and through the question process that the scoring and the waiting and what was required, I want

to correct a couple things or make clear a couple things. We won every category but one, and in the financial category, we did score better than everybody else by quite a wide margin. We didn't make a bet on that, we bet on Austin. We said that that's the fastest-growing airport in the country, it is a great, booming city and we think we will put a lot more people in that airport, presumably more than anyone else which is why we were able to make that generous offer. We've partnered with D and B Mitchell group as we would in airports they're going to

[11:46:46 AM]

operate for us, they're going to get 13% of that situation, the airport had asked for 11.06% so we exceeded that goal. There is nothing in the rfp that suggested it needed to be 20, 30, 40%, so we had complied. And, so I think from our perspective, we're really excited about the opportunity, we're really excited to be here, we're really bullish on your city and your airport and we want to offer you this great amenity and provide the airport the rent that we think they're owed for such a great airport and for such a great opportunity from us so that's all I have to say, thank you and respectfully ask for your approval today. After Mr. Leonard speaks, guess Pena come down. You have three memberships.

>> Mayor Adler, council, thanks for our group being here.

[11:47:47 AM]

I'm going to be very short, I have the privilege of being one of the owners of Mozart coffee roasters, we are kind of an Austin institution, we're Austin's first coffee roaster. We have also have the privilege, we've been entrenched in every single coffee opportunity at ABIA from the opening of ABIA, and we were approached by D and B Mitchell, don specifically, and we were impressed with how they operate, and we chose to be their coffee purveyor. I said we are a minority owned business ourselves, we've been in business in Austin, Austinites for 26-years, and my wife could not be here because she is baking for Mardi Gras right now because we are also Austin's biggest bakery so we're looking forward to helping them be successful Austinites. Thank you.

[11:48:50 AM]

>> Mayor Adler: Pena.

>> Mayor, council members, especially your league legal eagle, my name is Gustavo Peno, east Austinite, former IRS investigator and I worked for the justice department. There is another one also he can show you, I think I showed you when you were running for mayor. Anyway, I don't like to use the D word, discrimination, but I'll use it a little bit here. Respectfully, I've known Mr. Ashton Cumberbatch

many years. I am well liked in the black community. I do know that for a fact, and on my hispanic community, a lot in the anglo, also. I feel that this is a little bit

[11:49:53 AM]

disparate issue. Mr. Rick, I can't remember the last name, Garrett, said it appropriate three, this should be awarded to these individuals. We do not have, that I know, appropriate African-American participation in the process. I find it a little bit diskrimm in a discriminatory. I would ask that you keep awarding the contract to Mr. Rick Garrett's company. I investigated a little bit, I liked what I saw. And you're going to do what you're going to do, but this group over here is the best because there aren't many --

[11:50:55 AM]

excuse me, there aren't many awards to African-American companies or hispanic companies. I might disagree with me, you don't give a D, F or an S if you do, but it is true this company deserved to be awarded that contract, and you know, Mr. Cumberbatch said it appropriately, you know, you're an attorneying, got your legal eagle right here, but I was going to go to law school, too, many judges said we'll pay for your tuition. My health failed me, but knowing that, this group, Mr. Recognize Garrett's company, they should be awarded that contract. I do my investigations before I even speak, and this is what our group, veterans for progress,

[11:51:56 AM]

7520 strong veterans support them. Do your homework and they're the best company. Thank you.

>> Colleagues, those are all the people we have on on the dais. Our city attorney just reminded me, pointed out to me, that the agenda has posted this item for approval of this contract. So that's what's before us. So today we either approve this contract or we don't approve this contract. If we don't approve this contract it, needs to be rebid, but apparently we do not have the opportunity to award the contract differently than as posted. I think that's the choice that we have to make. I would suggest we get our staff up here and address what, to me, is a different kind of legal question than I've heard before. Yes.

>> I have a question related to our range of options.

[11:52:56 AM]

I assume we can always postpone. I'm not suggesting I want to do that, but I want to lay out the full range of options.

>> Mayor Adler: We would be able to postpone. Council member tovo.

>> Tovo: Are we intending to talk about this in executive session today? I guess are we having an executive session today.

>> Mayor Adler: We are strong an executive session because there is at least one legal eat on it that needs to be traced so the answer to that is question

-- to be addressed, so the answer to that is yes. Should we go into executive session for this or do you want to have these things earned publicly.

>> Thing is some public conversation that needs to happen and if we need executive session, we can, after you hear from the staff.

>> Tovo: I want to reserve that option, I may want 20 do that.

>> Mayor Adler: Council member pool.

>> Pool: I want to understand, and it may be a information executive session, what it is about these contracts that bars us from making a different

[11:53:56 AM]

motion, that it is unusual, we usually are able to make a motion that is authentic with the council dais, so city attorney, is that something that can be addressed here.

>> Sure, council member. It is posted to award the contract to this particular vendor. It is not posted otherwise and that is just the way it happened today.

>> Pool: So the question for me is why did staff thrust that way, because it does remove the opportunity for us to have a different decision and I would request the way the city manager look at this decision, this has happened to this before and I would ask that it not continue to happen.

>> We do typically post an alternative so we will look at that, thank you.

>> Mayor Adler: Council member kitchen.

>> Kitchen: Related question, in understanding the options that we have, is there an opportunity for staff to with draw it and

[11:54:57 AM]

repost it in a different way. Again, I'm just asking for the legal options.

>> Mayor Adler: I think it can be withdrawn and reposted, I think it can be postponed and reposted.

>> Kitchen: Okay, thank you.

>> Tovo: Mayor that was precisely my question, typically when contracts come to us, they're posted in a broader way so I would regard this one as more narrow than it usually is and what we do with other kinds of posting irregularities, it's just have it withdrawn and come back to us with different posting language.

>> Mayor Adler: Okay. Staff? You want to respond to the kinds of things we've heard, and in particular, for me, I think that the new argument that I hadn't heard before was that we

[11:56:01 AM]

should be taking into account equity ownership, where that exists in this kind of situation. So please at least address that, but address anything that you think would be helpful for the council.

>> Good morning, mayor and council members. Susannah with the department of aviation. We evaluate our proposals in collaboration with smbr and Edward is here to assist with answering that question in terms of how we evaluate the compliance plans that people submit in response to solicitations. According to my Rex, the last 10-years, we've been evaluating compliance plans consistently in a pass/fail motion whether or not they meet the federally approved acdbe goal approved by the FAA.

>> Mayor and council, Edward

[11:57:02 AM]

compos, business resources department. She is correct, the way this program, the acdbe program that we administer on behalf of the airport, it is a pass/fail compliance regulation, so everyone must either meet the goal of the solicitation or provide good faith efforts on their efforts to meet that goal. Under our program that we administer for this particular acdbe program for the airport, it allows some flexibility. You can achieve the goal by direct ownership or you can achieve the goal through the use of subcontractors so, in our opinion, both of those proposals that have come up today have met the requirements of our program.

>> Do we have the discretion -- I understand we can do it as pass/fail do we have the discretion to score this kind of thing over than in the past?

>> Yes, a great question. We have asked that question in the past and we've about told the federal government prohibits that type of a scoring

[11:58:04 AM]

mechanism.

>> We have no choice but to do it on a pass/fail basis do they do 11% or more or not.

>> Yes, sir.

>> We can't take into company if someone does 12% or 08%.

>> Correct, it is strictly a pass/fail and we apply that same sort of criteria for the local program, as well.

>> There was some language that appeared on the slide for Mr. Cu Mr. Cumberbatch that he head to say we could and in fact, we're required to give extra due consideration to somebody we are it was not a subcontractor work but rather it was equity ownership. Would you respond to that argument?

>> Sure, equity ownership is something we take into conversation. As you know, many acdbes are very small firms, they do not have the financial capacity, the capital, to be a direct owner in something like this, so our

[11:59:04 AM]

program that is approved by the federal government allows us some flexibility. So it allows us to look at direct ownership, and it also allows us to look at subcontractor participation, NHL an effort to meet that goal that was established for any particular solicitation.

>> How do we take into account equity ownership and how was that taken into account in the may t-rex that was considered.

>> I don't know if it was included in the matrix. However, I can speak to the role that smbr staff plays in this kind of process. We have a representative who sits in all the evaluation committee meetings, provides input and their take on the company. And the makeup of the compliance plan and the firms that will be providing services for this particular project. And so we act as a resource to the valuation panel in that respect.

>> Mayor Adler: In this one, it looks -- it was a pass-fail, you either had 11% or didn't have 11%. It looks as if equity ownership was treated the

[12:00:05 PM]

same as just hiring subcontractors. So if I understand the fact pattern correctly here, in this instance, there was no extra credit given to equity ownership over just hiring subcontractors. Is that correct.

>> That's correct, sir.

>> Mayor Adler: Do we have the discretion to do a matrix in such a contract situation that would give extra weight to equity ownership interests?

>> I think when we've addressed that question with the FAA, who oversees this program, they've not given us clear direction to do that. In fact they've shied away from us awarding points based on a grading, if you will, of how much participation is given for any one particular vendor over another. So that's why we've landed on the pass-fail consideration.

>> Mayor Adler: But could we also do a pass-fail on whether there's equity

[12:01:05 PM]

ownership or not?

>> I think we'd have to get with law to see whether or not that would be permissible.

>> Mayor Adler: Colleagues, it's noon. I don't know if you want to continue this conversation now or whether you want to go to citizen communication and then pick up the conversation after executive session. I'm going to be needing to leave the dais. Councilmember kitchen.

>> Kitchen: The legal questions I have, which I don't know if they're executive session or not, is I really want to understand better the basis of our discretion. So thank you for sharing the information that you have, but I would really want to understand the range of our discretion. So I hear you saying that from the information you received that you didn't receive clear direction and they shied away, but to me that -- I need an additional level of understanding because to me that doesn't tell me, you know, if we actually have discretion. So I don't know if that's a legal -- if that's an

[12:02:08 PM]

executive session conversation or if we just need more legal briefing on that.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: Mayor, with just getting this document, I would feel comfortable if we postponed it and bring it back up at our next meeting. There are just so many questions they've that, you know, I would like to -- before I make this decision, I would like to get some more information.

>> Mayor Adler: Okay. Councilmember pool.

>> Pool: Yeah. I'm in the same place. I'd either like the city manager to withdraw this item or to postpone it. I think that there have been some significant points raised here today that have been [indiscernible] This process for quite sometime, in particular what happened with the not anymore folks

and Ms. Kahn is here speaking about that, I think it was in December of 2017, really clearly, and so this situation has reoccurred. It will continue to reoccur.

[12:03:09 PM]

And I think we need to get our arms around it and just really make some decisions and it won't be in approving in contract here today to Mac, or whatever the -- the American Express company.

>> Mayor Adler: Is there prejudice to the airport's operation if the contract -- if this decision was postponed?

>> No, sir.

>> Mayor Adler: So further discussion on the dais?

>> Kitchen: I have one question.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I support postponing it for the reasons councilmember Renteria raised. This is a document I'd like to have an opportunity to review. I'd like -- I also have some questions, so if we're postponing it today, I would ask that we have an opportunity in the work session prior to when it comes back to council to have the opportunity in executive session to answer those questions. And I would ask the city manager if we vote to postpone it, if you could please post -- make sure that the posting language is broad in the way that our contracts typically are

[12:04:14 PM]

broad.

>> I simply suggest if it's the will of council to withdraw the item today and we can bring it back with different posting language.

>> Tovo: If that's the appropriate option, that would be my addition to councilmember Renteria's motion, if he's open to that option.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: And I just want to ask in whatever form it's brought back, I would like more information. We have -- the backup doesn't give us any information. We don't have what we typically see, you know, when we're looking at contracts. So I have information that we received from speakers today, but there's nothing in the backup from our staff. So I think that we need to have the backup information about the evaluation in the -- the range of information we typically receive with contracts.

>> Pool: Mayor.

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: I really appreciate the conversation. I appreciate you bringing forward the motion, councilmember Renteria, to postpone the item because like you said, we need to

[12:05:15 PM]

give it a great deal more consideration. But I'd like to point out that this is not an anomaly. So by way of the conversations -- I wasn't here, unfortunately, in 2017 for the not anymore discussion because I certainly would have been paying very close attention. But this is not an anomaly. As a small business owner person who has been in the entrepreneurship space in Austin, Texas, since the '90s I recognize we've consistently had a problem with our mwbe procurement processes and functions and I appreciate that everybody is sort of on high alert at this point and recognizing that this is odd and that everybody has questions because I'd like very much for that to extend to the other folks in the city of Austin who are finding themselves in situations where our process simply doesn't work for small businesses, particularly women-owned and minority-owned businesses. So I appreciate the opportunity to bring this back for further discussion, but I'd also like very much

[12:06:16 PM]

for the time that we have that lapses in between now and then, my office and mayor pro tem's office is working on an ifc to address this very issue, to offer some direction to the city manager. I think the posting language will be ready for it to go on our next agenda, but I'd like to talk to a couple more of my colleagues about the intention there and to see how we can make this more substantive in terms of forward-moving changes. Thank you.

>> Flannigan: So I will support withdrawing the item so the posting language can give the council more discretion. I'm concerned that the backup is -- there is backup. It's just not super detailed, doesn't have the scoring matrix, doesn't have things that we've seen on prior procurement items, especially with the commission coming back with an unusual recommendation, I don't feel like the staff has really provided enough info for us to make a decision today so I'm going to support withdrawing the item so the posting language

[12:07:16 PM]

can be revised.

>> Mayor Adler: My sense is that's the number we need on the dais to be able to just withdraw it. I would suggest we hold off the conversation until it's actually in front of us. Is there an objection to this

item being withdrawn and then reposted more broadly but having a chance for us to discuss this either at work session and/or in executive session? Hearing none we're going to go ahead then and withdraw it, but comments.

>> Casar: One question, separate from -- so we can narrow the issues.

>> Mayor Adler: Sure.

>> Casar: I do think the abcde issue is really important to flush out and I think that's what we'll talk about and better understand between here and when the item comes back. I saw in the backup, I had one question that we have living wage and living piece provisions. My understanding is that regardless of who it is that gets selected through this process or separate process that those would would apply

[12:08:18 PM]

to anybody that wins these contracts? Is that correct?

>> That's correct.

>> Casar: I just want to the make sure that those are set and sort of on the table no matter what so we can really hone in on this important --

>> Yes, that's correct.

>> Casar: Okay. Thank you, ma'am.

>> Mayor Adler: Councilmember alter.

>> Alter: Thank you. I just wanted to make sure my colleagues are aware that our next audit and finance committee meeting we'll be receiving report. We've asked for additional reporting from small/minority business group and so there will be some reporting there and we can certainly talk to them about the scope of that briefing and if it should be a little bit broader than what we had originally intended.

>> Mayor Adler: I think that's a really good point. I would love for them to brief us in that setting on this issue. Okay. So this matter then is withdrawn, subject to being we posted then for briefings and/or both work session, executive session as it comes back. That gets us -- thank you for coming down and being part of this.

[12:09:18 PM]

This is 12:08. It's time for citizens communication. Councilmember tovo, would you please take the gavel?

>> Tovo: Sure. So we have a full calendar of individuals who have signed up to address the council today on items not on the agenda. Our first speaker is going to be Jose Corona on aviation safety. If you would

come up to the podium. Then our second speak today is dolly Ensey. And you'll each have three minutes. Mr. Corona? If you would provide those two the clerk and she'll hand them down. Thank you, Ms. Ensey. Either one is fine and you have three minutes, sir.

>> Hello, city council. Everybody can hear me okay.

>> Tovo: If you want to wait a minute we'll give everyone an opportunity to clear the

[12:10:20 PM]

chambers.

>> Sure.

>> Tovo: Why don't you begin, Mr. Corona. Could you restart the time, please. Thanks. Okay.

>> Ready? All right. My name is Jose Corona. I own Austin helicopter tours. I'm here in regards to the landfill that's being proposed just south of Austin, Bergstrom international airport. The landfill itself creates a hazard because of the Turkey vultures. I know you guys not in aviation don't get to see them very much but they're huge birds. They fly not only single but they fly multiple birds altogether because they're all looking for food. And what a perfect place to go to but a landfill. My concern is that eventually it will take down an aircraft. That's why I am concerned

[12:11:20 PM]

about this landfill extending and getting bigger and higher as well. I've been flying for 20 years. The Austin airport is one of the most bird-filled airports that I've ever been to in my whole career. And, you know, kind of like a stop sign, no one wants to put one up until somebody has an accident and that's what I'm afraid of, that it will happen much later after loss of life. That is my concern. So I'm hoping the city reconsiders that expansion. Just the fact that the wildlife that's there, it's just the Turkey vultures. There's no small birds that are -- small birds will get out of way. I often say that the vultures fly asleep because they won't move. Aircraft approaching, they won't move. They just stay there. They're actually not really

[12:12:20 PM]

flying. They're actually on thermals and they're basically just riding the thermals, finding food. So that means that the approaching aircraft, they don't know, they're not flying, they're just floating. And then the aircraft will hit them. How much more time do I have?

>> Tovo: You have 59 seconds.

>> 59 seconds, yes. I'm an instructor as well, and when I instruct my students to scan the horizon for birds and of course aircraft, once we see a Turkey vulture I always tell them look for the other ones because the other ones are there. You can't see them. They're at multiple different levels but they never fly alone. Usually anywhere from two to I've seen as many as 15 altogether. Very concerned. Thank you.

>> Tovo: Thank you so very much. We appreciate you highlighting that concern. Ms. Ensey, you're our next speaker. You'll be followed by Elvia moralez-andarza.

>> Council, my name is dolly

[12:13:22 PM]

Ensey. My husband and I have lived in district 9 home for 20 years. We and our neighbors are requesting the city's assistance with eliminating illicit and dangerous truck trailer traffic on east 38 and a half between airport boulevard and I-35 in the Cher wiwood neighborhood. Our request is twofold, enhance the regular enforcement of existing laws, including trucks prohibited on certain streets, uncovered debris loads, use of cell phone in a school zone and speeding. The second one, instruct city departments to refrain from using east 38th and a half street as a primary corridor unless cherrywood is the origin destination and especially to avoid travel during times when maplewood elementary and open door preschools are arriving had and departing. Whereas this four -- 4/5 of a mile section is narrow

[12:14:22 PM]

residential street along most length and primarily residential uses on one or both sides and whereas it's a major route for pedestrians and cyclists especially children and parents heading to and from schools and whereas a midsection is cross lined by -- causing major backups near the schools, and whereas east 38 and a half serves as a corridor for authorized vehicles, such as AFD, A.P.D., ems, arr, school buses, two capital metro bus routes, delivery van service vehicles and residents and whereas a full suite of traffic calming measures are in place, now, therefore, we neighbors do hereby proclaim that this transportation planners dream but it becomes a nightmare when cut-through traffic but unauthorized industrial-sized trucks, most recently heading to the former concordia university

[12:15:24 PM]

site by a project firm called Odin Hughes. These and other drivers routinely ignore the international symbol no through truck sign because they know it is not enforced. Sadly, last Thursday, I'm not sure if you have the -- sadly, last Thursday morning a truck pulling a trailer carrying large equipment jumped

the curb as the regular morning stream of students and toddlers approached their respective schools. A father and his two sons were nearly struck. The young boys were quite scared and expressed their concern in this drawing. One of -- that's a drawing by one of the sons. It's an accident waiting to happen. You see where he says, oh, no, this is from Ben. He says this is an 18

[12:16:25 PM]

wheeler almost running me over.

[Buzzer sounding] We appreciate councilmember tovo's help with us and we hope that we can work with the city like they did with -- like y'all did with us with katellis.

>> Tovo: Thank you very much and for elevating these concerns to my office. I know in 2017 you reached out and we were able to make sure that the signs got placed there. I'm not sure if you've received the letter from last week indicating that the Austin police department is going to do some targeted patrols. They have reached out to the construction companies, and thank you for the additional information. We'll make sure that the city of Austin -- that city of Austin construction vehicles are also aware of where they can and cannot be. So thank you again for continuing to focus on safety in that area. Much appreciated. Thank you so much. If you would our next speak is Michael Abelson, so you'll follow this speaker. Thank you.

>> Good morning, it looks like everybody has in their minds safety and growth.

[12:17:26 PM]

And that is one of the reasons of why I'm here today. My name is Elvia moralez-andarza and I live on the towers of town lake condominiums on the Rainey district. Now I'm here because unfortunately I was one of those persons that did go through an accident. While walking with my dog, I was struck or hit by a scooter driver. I was fine. The driver was fine. Unfortunately my son's 6-month-old puppy was hit. He's recouping. He didn't die. Nothing was tragic, but still this left us very scared and didn't feel very safe. Unfortunately this is one of those moments when it's the sweet and sour moments. I know you are thinking about growth. It's great. We love growth. There's a lot of pilot studies. There's a lot of proposals that are coming up. Unfortunately some of those proposals are not benefiting or are not in the best interests of the residents that live there. One of those is the proposed or the pilot study that's

[12:18:26 PM]

occurring right now, which is the shared street pilot, which closes on the weekends one of the main arteries of our neighborhood. Which is Rainey street. This was great for the visitors and the businesses.

Unfortunately this is creating a very chaotic flow of traffic on the neighboring streets, which is where I had the accident. This is something that I really want to make sure that the city council is aware as they are also allowing for the construction of high density buildings. This means that there's gonna be more residents, more permanent residents. We live there 24/7. We have businesses downtown. My husband, my children go to school downtown. And so having a street that's gonna be closed is gonna be without the proper structure, it's gonna be chaotic. It was fine that nothing really serious happened with this accident, but I'm here to ask you to please, please -- plea to consider

[12:19:28 PM]

safety. Not only for the visitors and the businesses, but also for the permanent residents that live 24/7 in that district area or in that neighborhood. So please keep in mind to keep our neighborhood safe for everybody. Thank you.

>> Tovo: Thank you very much.

[Applause] Mr. Abelson, you'll be followed by Jeffrey Jacoby speaking about Travis county landfill. Mr. Abelson is speaking about about the Rainey district.

>> Thank you. As the president of the Rainey neighborhood association I'd like to take you on a little tour of Rainey. First what I'd like to do is I'd like to have you dream a little bit with me. Just imagine in this room every one and a half to 2 feet there's somebody standing. Fill up the entire room all the way to all the walls and everything and every one and a half to 2 feet somebody is standing. That's the density that is already in the process of being approved and has already been approved and

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constructed within Rainey. Now, it's kind of interesting that if you look at that, because I was a little wrong there because -- extend that two and a half blocks this way. And extend it five and a half to six blocks that way. And that's the real density that you're gonna see in Rainey because if you took everybody as far as how they were standing, you would only have around a foot and a half to 2 feet. Now, you have cars. Right? So that gets even smaller. You have scooters. That gets even smaller. You have buildings. That gets smaller. You have a couple dozen bars and restaurants. That gets smaller. You have the Mac, which hopefully will be increased as far as its size, okay? So the actual space is about this much space per person on Rainey. Now, what's interesting about that is there's only two ways in and out of Rainey if you have a car. What's also interesting as Randy Clarke told us numerous occasions there's

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not going to be any mass transit into Rainey because the streets are too narrow. We don't have bike lanes. There's all kinds of issues that we have. All right? Let me explain just briefly what's happening within Rainey as far as the future. When everything is built out that's already approved or in the approval process, we'll have close to 20 high-rises, number of them over 50 stories high. We will have six hotels, dozens of bars, an expanded Mac and actually have some empty lots so there's gonna be more than that. There's no public transportation, currently no bike lanes and scooters abound and we have equivalent to 14 austinians in one quarter of one square mile area with two ways in and out. Now, we are different from sixth street. We're not just an entertainment district purchase we're a residents. We currently have around 3,000 people. When this is built out we'll have six to 10,000 people living within one quarter square mile, not on a grid, two ways in and out, okay? There are other people here today in support of my

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comments because they're concerned about what's happening in Rainey because they're concerned these types of things might be happening in their neighborhoods as well and it's not just in district 9. There are people standing behind me that are from all different parts of the city because we all have these same concerns. The concern is not just transportation, the concern is safety. If you have this type of density going on, then what happens when you have need for an ambulance fire truck? We actually have a video when Rainey street was closed for this pilot study when there were two fire trucks stopped 5-7 minutes. They didn't move at all.

[Buzzer sounding] Our ask is this, please just keep it the way it is now as far as what the height limit is. It's eight to one F.A.R. With opportunity to buy up to 15 to one far. Please look at again so there's not craziness of this no height limit because no height limits is going to go maybe it even more difficult for us. Number 1, number 2 --

>> Tovo: I'm sorry. That is your time.

>> Okay. Thank you.

>> Tovo: Thank you for being here.

[Applause] As you know there was an

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amendment. It failed. I appreciate you continuing to advocate for it. Next is Jeffrey Jacoby. Speaking about the Travis county landfill and our next speaker will be Adham lel-effendi speaking about aviation safety.

>> Afternoon, y'all. Thank you for listening to me today. I'm Jeffrey Jacoby with Texas campaign for the environment. Behind me you'll see stacks of letters from concerned citizens all over Austin about the

proposed expansion of the Travis county landfill. You'll see on the screens photos from the Travis county landfill showing incontrovertibly that there are birds out there. I hate the fact that I keep having to talk about birds and planes and garbage. I'll let the pilots talk about the -- about why planes and birds are a bad idea. I'm here to talk mostly about the garbage part, specifically the evidence that this Travis county landfill is a poorly run

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facility. You're seeing that on the screen today. Almost all of these photos were taken on Sundays. To my knowledge, last I heard, the aviation department has not gone out and periodic this dump on a weekend. You'll notice that oftentimes the trash is left uncovered. You can look at the photos from may 5 in particular. As the type 4msw landfill that supposedly accepts only construction and demolition debris and brush they're only required to cover it once a week and it appears they're not doing that, which is totally fine with tceq but not fine when it comes to public safety. Relying on the tceq to protect the environment and public health, an agency run by governor Abbott appointees that has a long history of siding with industry is a joke. That's why it's laughable to use things like tceq compliance history and lack

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of enforcement actions to justify this expansion, which is exactly what our aviation department continues to do. The evidence is clear. Aviation needs to stop ignoring it. Frankly, we don't even need this expansion anyway. Austin is a zero waste city. You as a council have already passed an ordinance requiring the diversion of construction demolition waste back in 2015 and you're scheduled to increase the diversion requirements this year, the zero waste advisory commission has already passed a resolution firmly opposing this expansion. As a city committed to public safety and zero waste, it's time to go on record saying unequivocally know and the most effective way to do that is to direct aviation to rescind its statement of no objection and look at the evidence that's in front of them. In its official comments to tceq aviation says the city isn't responsible for permitting trash facilities. That's true. But the 11 of you -- almost

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11 of you on the dais here today are the ultimate decision makers when it comes to abia. You have unique powers to stop this expansion because you own the airport, we the citizens of Austin own this airport and you're uniquely positioned to tell tceq that this is a threat to public health. How in the world, how in the world is it a higher priority to protect?

[Buzzer sounding] How in the world is it a higher priority to protect the interests of a private garbage company over the interests of the flying public? Thank you.

>> Tovo: Thank you, Mr. Jacobie. Next up, Adham lel-effendi and you'll be followed by Julian Reyes.

>> Thank you, council for the chance to speak today. My name is Adham lel-effendi and I'm a pilot based at austin-bergstrom international airport.

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I hold private, high performance complex instrument and commercial ratings from the FAA. Just about every week I fly an aircraft in and out of abia to locations around Texas and southwest. During my roughly four years based at abia I've encountered birds regularly in the sky on north approaches and south departures as well as consistent bird warnings on the official airport weather. These encounters occur much more frequently than during my years based in Dallas, for example. I recently discovered that the cause of this consistent threat is a landfill located directly south of runway 17 right and 35 left. As a pilot this type of land use is seriously concerning as it jeopardizes my safety, that of my passengers and the multitude of travelers coming N and out of the airport. These Turkey vultures really only affect the approach and departure phase of flight, unfortunately the two most critical. You're closest to the ground

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and particularly on departure the aircraft is closer to its limitations while you're trying to build air speed and altitude as quickly as possible. This leaves less safety margin for complications of any kind presented, but particularly for those presented by bird activity, for example. I realize this landfill theoretically does not accept the kind of waste which should attract birds but I have seen notable Turkey vulture activity in and around the landfill property from the sky. It is my feeling that a clear and present danger to human safety should take precedence over all things land use. I'd like to wrap up by asking council to help pilots and passengers see to it that if we ever do strike a bird during approach or departure from abia for it not to be because there was a recently expanded landfill adjacent to the runway. So I ask that the city's letter of non-opposition to the expansion of the landfill be rescinded and a stance of opposition be

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taken. Thank you.

>> Tovo: Thank you very much. Julian Reyes, is Mr. Reyes here? Our next speaker will be Albert Dennington, speaking also about aviation safety.

>> Albert had a family emergency. He's in New Orleans.

>> Tovo: Thank you for that information. Then our next speaker is pat valls-trelles, to be followed by Wendy Murphy.

>> Pool: Councilmember tovo, before the folks speaking about the bird strikes and landfill leave, if they could hang on a second, I did want to ask staff for some assistance on this. And I wanted them to be here to hear, if I could be recognized.

>> Councilmember pool, Shane hartsman son with the aviation department.

>> Pool: Thanks. First I wanted to thank all the folks in the community for coming out and speaking on the issue and bringing the issue to the attention of my office so we could take a look it. I'm thinking it would be a really good idea to have a vetting of this at the boards and commissions so

[12:30:35 PM]

the community with expertise in the area can hear your concerns in a public discussion. So to that end I'd like to have the city manager pass this along, this item along, and put it on an upcoming agenda for the airport advisory commission. I would like that commission to have an opportunity to hear from the community and then to get involved. I think that would be a really good step at this point. And I thank Mr. Jacoby and Ms. Inspired and the pilots as well for coming to raise concerns about pilot safety and also the impacts on the environment. City manager, could we have that happen, please?

>> Just to clarify, councilmember, I mean, that's a council advisory committee, and so I would encourage you to talk to your commissioner and then have them talk to the chair and make sure that it's part of the next agenda.

>> Pool: My commissioner is planning to bring this, so to the extent that you are now informed about it as well. We'll look for this then to

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be on the airport advisory commission agenda and hope you all will bring your concerns directly there and we can get some good conversation at that point and maybe some additional input from that board. Thank you so much, everybody, for being here today. I share your concerns.

>> Tovo: Councilmember alter.

>> Alter: I would like staff to maybe provide council with a memo of what they're going to do for fixing the problem that appears to be there right now with the landfill totally apart from the expansion. If in

fact we have birds there now, we have a problem that we need to address there. So can we get some follow-up on what steps the city is taking to make sure that we do not have material out there that is attracting birds?

>> Yes. We can do that.

>> Alter: Thank you.

>> Tovo: Councilmember harper-madison.

>> Harper-madison: Mr. Jacoby, I wanted to ask you to not leave the building. Somebody from my office is

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going to come down and talk to you, get some information. Thank you.

>> Tovo: Any other questions from colleagues on this issue? Okay. Thank you very much. Okay, next, pat valls-trelles, and then Wendy Murphy will be our last speaker for the day.

>> Thank you, councilmember and other councilmembers for the opportunity to speak. My name is pat valls-trelles. I live in district 9. And I am a member of the board of directors of a spay/neuter advocacy organization, the spay neuter center. My colleague Wendy Murphy will be speaking about spay neuter in a few minutes but I'm here to speak about the loose dog problem we have here in Austin. I'd like to bring to your attention the loose dog problem and lack of attention this problem has received. I'm not here to propose a

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solution, I'm here to present the data and request meetings with your staff members assigned to animal services because this is too complicated to present and discuss in a three-minute presentation. The animal advisory commission has begun given this information and not acted on it. I think it's important that you learn what is going on and what we can do. As you can see on the screen, district 2 had the highest number of loose dog calls to 311 at 1,659. District 2 had the second highest. District 1 had the second highest at 1,391. District 3 was at 991. And district 4 was at 971. Those four districts combined, districts 1-4, had

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5,012 calls on loose dogs to 311, constituting 68% of the 7,319 calls in fiscal year 2019. Those four districts, to my knowledge, do not have members of the animal advisory commission that live in those districts. So when the animal advisory commission discusses animal issues, the four districts that have the most significant problems do not have representatives. In fiscal year '19 there was a member of district 3 that was on the animal advisory commission. Frankly, I confess, I don't know if there is one right now, but I suspect that we have -- there is a problem in at least three of those districts. There are three districts that only had 10% of the loose dog calls, district 6, district 8, and district 10. In district 6, I frankly don't know whether that's

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because you don't have loose dogs or because it's too far away for animal control to get there and maybe the calls aren't even coming in, but I may have loose dogs. In district 8 and district 10, I suspect it is the --

[buzzer sounding] Well, thank you for your time.

>> Tovo: Thank you very much.

>> Flannigan: Councilmember --

>> Tovo: Councilmember Flannigan.

>> Flannigan: Pat, I would double-check the list of councilmember names you have on your sheet.

>> Did I make a mistake?

>> Flannigan: You've given me district 6 and district 10 on your list. I think councilmember alter really should have --

>> I'm sorry, councilmember alter. Thank you for pointing it out. That's my fault. Sorry. Councilmember harper-madison.

>> Harper-madison: Ms. Valls-trelles, I also have a question for you. One of the first things we did when we got here was dive head first into trying to get all our board and commission appointments taken care of, and the

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animal advisory commission was absolutely the most difficult one to find a district 1 resident to participate, so I know that you are deeply entrenched in that community and should you know somebody that you'd like to recommend or who would be interested in applying for that position, I'd be all too happy to take your recommendation.

>> Councilmember harper-madison, I really appreciate that. And I do know that you tried to do that, and I also know that there are some constraints on all of you in terms of some statutory mandates from the state law.

>> Harper-madison: Right.

>> You did appoint a city employee.

>> Harper-madison: Right.

>> Which needed to be on the commission. I do have a suggestion, which is that when a member from your own specific district can't be found in a timely manner and you go ahead and appoint, perhaps there's another member that would appoint someone from an underrepresented district. And so I would like to

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request the opportunity to work with you on that.

>> Harper-madison: I very much appreciate that. Thank you.

>> Tovo: Councilmember Renteria.

>> Renteria: I did appoint another person for my district 3. The other person was so frustrated with the commission that she resigned because she said she wasn't going to be putting up with all this -- whatever goes on in that commission. But just to let you know that there was frustration with it.

>> I appreciate that.

>> Tovo: Okay. Thank you, all.

>> Good afternoon, everyone. Thank you for giving me this time. My name is Wendy Murphy. I live in district 4, and I'm a member of the spay neuter advocacy center. I'm here today to ask you to promote a greater emphasis on spay neuter by adding two specific performance measures to the animal services budgets. Number 1, 95% of pets leaving Austin animal center are sterilized, including pets that are adopted, reclaimed by owners or transferred to a rescue group. Number 2, 95% of pet owners

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who specific spay neuter vouchers at mobile clinics are able to return and have their animals sterilized within one week of receiving the voucher. Mobile clinics are often unable to accommodate everyone who shows up for spay neuter services. Free appointment vouchers are given to those turned away. It is not uncommon for dozens of vouchers to be given out on any given day and there have been days when well over a hundred have been given out. Also, there can be an extensive waiting period for the person

to be able to come back and actually get the animals sterilized. Maximum one week waiting period should be implemented. Why is spay neuter so important? It is the most effective and humane solution to the pet overpopulation problem. Pet overpopulation creates many problems for the city of Austin. Austin animal center often operates over capacity, which can cause suffering for the animals, as well as create hardship for employees and volunteers. The shelter relies also on

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some very questionable and controversial practices in order to maintain manageable occupancy. Free adoptions, closed intake and putting cats on the street without a known care-giver, this is known as snr. These practices are harmful and even fatal. An animal given away for free is much likelier to end up neglected, abandoned or used as bait in dog fights. The snr cat program is flat out cruel. Pet overpopulation contributes to the problem of stray dogs. Stray animals suffer. They also create a nuisance and sometimes a very dangerous threat to the citizens of Austin. Large numbers of stray dogs and cats can also cause harm to the environment and to our local wildlife. All of these problems could be significantly reduced by a strong sustainable citywide spay neuter policy.

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The two performance measures I suggested at the beginning here today would be a great beginning and would represent a real and valuable commitment on the part of the Austin city council, a commitment to be an active part of the solution to this very real and pressing problem. Thank you for having me here today.

>> Tovo: Thank you very much. Okay. Julian Reyes, is Julian Reyes here? Then that concludes our citizens communications for today. Thank you all for coming down and for addressing us. The city council will now go into closed session to take up two items pursuant to sections 551.072 and 551.071 of the government code, the city council will discuss real estate and legal matters related to item 58, which is the purchase, exchange, lease or value of an interest in real property and improvements commonly known as the palm school, located at 100 north I-35 in Austin, Texas, 78701. Pursuant to section 551.071 of the government code the city council will discuss

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legal matters related to item 59, satari et Al., case d1gn6500260 in the 53rd judicial court of the of Travis county, in the third court of appeals, Travis county, Texas. Is there any objection to going into executive session on the items announced? Seeing and hearing none, the will

[2:36:39 PM]

>> Mayor Adler: Colleagues, it is 2:36. We're out of closed session. In closed session we discussed real estate matters related to 58 and legal matters related to item 59. We have I think six items that were pulled this morning that we still need to address. We have two public hearings and then we have ahfc, quick item, and potentially two items I think for discussion on zoning, but let's find out. Let's do the consent zoning and see how many people we can send home.

>> Zoning agenda for today is item 60, npa-2017- npa-2017-0018.01. Offer for consent approval on second and third reading.

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61, c14-2019-0053, can also offer on consent for second and third reading. Item 62, c14-2019-0152, P request to April 23. Item 63 is a discussion item. Item 64, for consent approval on first reading. Item 65, c14-2019-0156, I'm offering this for consent approval on first reading, however, there are additional prohibited use the applicant has agreed to. The additional prohibited uses are cocktail lounge, pawn shops, outdoor entertainment, bail bond services, extermination services and limited warehouse and distribution. I would also like to note the applicant and the neighborhood are working on a private restrictive covenant regarding outdoor

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amplified sound. I can offer that for consent approval on first reading. Item 66, c14-2019-0163, on this case I want to be specific that the recommendation here is for L.O., not lo-mu. The applicant requested L.O. And we cannot do the mu without doing a form change so I'm going to recommend that for L.O. Zoning. Item number 67, c14-2019-0165, this is a postponement request by the applicant to March 12. Item 68, c14-2019-0168, this case I can offer for consent on all three readings. Item 69, this I can also offer for consent on all three readings. Item 70, for consent approval on all three readings.

[2:39:42 PM]

Item 71, npa-2017-0021.01, this case is a P request by staff to April 9th. Item 72 is a discussion item. I understand councilmember Flannigan would like to discuss 72. Likewise, 75 is npa-2019- 21.02, postponement request. Item 75, postponement. And postponement request by staff to March 12.

>> Mayor Adler: So I see the consent agenda being items 60 through 77. We're pulling 63, 72 and 73 for discussion. The others staying on consent as you described.

[2:40:44 PM]

Councilmember Flannigan.

>> Flannigan: I think you said 78 when you meant 76, just for clarity.

>> Kitchen: Mayor, could you read that again?

>> Mayor Adler: The consent agenda is items 60 through 77. The items being pulled are 63, 72, and 73.

>> I think on one of those we had the postponement request but I'm not sure if the person would like to speak. On number 66 the American is the applicant and does not wish to speak.

>> Mayor Adler: I have someone signed up to speak on all 62. Is there anyone on 62 that wishes to speak? Otherwise it looks like it's going to get approved on consent. Postponement. It's going to be postponed. Do you want to speak on the postponement? I'm sorry?

[2:41:44 PM]

Yes.

>> Yes, my name is Sheila Lyon, a member of the old Austin zoning committee, been there two years following a history on the proposed projects. As far as the upper half of -- Brian is going to be the next agenda on the bottom half, but the main thing is look at the -- it's a very difficult site to build on. And Victor Iod, the owner of it since I believe 2007, before that going back with the history, 1983 they proposed a site, they had foundation problems which rumor has it that the foundation shifted two feet before they actually finished the framing of it. And so then it was a weed lot until 2011, where Victor had the thing that started the hope gallery in the

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south by which was a big benefit to Austin hope gallery. They also paid for the maintenance, the security, also helped pay for the move over to the new thing and that was a real big thing culturally for Austin to have the arts, you know, flourish here in Austin. So that was a big benefit that he did do, and the other thing he preserved the castle, he -- he selected city development to do the lower half because it's very -- he's very concerned about that that be developed properly. So number one, considering the history of the development, it's going to be an expensive build. And actually having the up zone would

help build an appropriate thing that actually might survive there and not have problems in the future. So therefore I'm in support of the upzone from mf5 to

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mf6, and I'll be back in April to consider this is an appropriate -- appropriate decision for that property. Thank you.

>> Mayor Adler: Thank you.

>> Mayor Adler: Thank you. I'm seeing if anybody else is signed up to speak on the consent agenda. And I don't think I have anybody else that's signed up to speak on anything that hasn't been pulled. Is there a motion to approve the consent agenda? Mayor pro tem makes the motion. Second. Councilmember Renteria. Those in favor of the consent agenda, please raise your hand. Those opposed? It's unanimous on the dais and we are all present.

>> Mayor. Voting no on 65.

>> Mayor Adler: Let's go back up to the top and run through the pulled items beginning with item number 8.

[2:44:51 PM]

Councilmember pool, you pulled this contract?

>> Pool: I did, mayor. I'm looking at the matrix scoring. I see there's a de minimis difference, .43, less than half a point out of more than 100 points. One of the contractors, Bayer engineering is 100% women and minority participation, which is a plus. And there are other aspects of the scoring where there's value for the number two candidate. When the looked at the rankings, it seemed even. I liked scoring that showed less subcontracting. So if I could pass over to you the talking, and if I get it back, I would make a motion to approve Bayer -- I'm sorry,

[2:45:51 PM]

Bayer engineering and environmental consulting for this contract.

>> Mayor Adler: I'll come back to you for that. Is staff here to explain what happened? And we have two people signed up to speak.

>> Good afternoon, capital contracting officer. Item number 8 is a staff recommendation for awarding the consulting contract for work on six library facilities. And as you discussed on the matrix, it is pretty

close, less than a half point regarding the difference between the recommended firm and the other firm. Staff's recommendation is based on the scope of work, the submit submittals and the evaluation process conducted by my staff.

>> Pool: Thank you.

>> Mayor Adler: You want to speak to -- are they roughly the same? Did you give any weight to the

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women-owned status? Is that something --

>> If you can look at the criteria, item number 1 is the gatekeeper item. It's not an evaluated scoring item, the mbe program. They meet the goals or demonstrate good faith efforts. Both companies did that. We don't look at that anymore. We look solely on the basis of qualifications. The criteria -- the remainder of the weight focuses on that. My experience with both companies is that they do really good work. So you have two good firms that can do the work. And staff recommendation was the firm that scored the highest, given our criteria.

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

>> Mayor Adler: Okay. Councilmember pool makes the motion to approve Bayer. Is there a second to that

[2:47:56 PM]

motion? Councilmember kitchen seconds it. Councilmember pool, do you want to discuss it?

>> Pool: Well, the fact that they were very much aligned in the rankings, I'm looking at the city of Austin experience with the prime and they have a good score in there. It's higher than the other one. And let's see, if you look at the other scores you can see how close these both were. And I am looking to just simply make the motion to choose Bayer engineering and environmental consulting. They are fairly even. But I liked the scoring on the experience with prime. It tells me there's less subcontracting going on and the benefits of the contract are helping to build capacity.

>> Mayor Adler: Further discussion? Councilmember Flannigan.

>> Flannigan: So I think we're having a similar conversation

[2:48:56 PM]

about whether or not m/bwe is a check mark or a score. It's not clear to me, given conversations we had earlier, whether or not the allowable consideration under federal law might be different than that under state law. I feel like it is different, that federal government has a different set of rules and allowances than state law. I don't know how to have that conversation on the dais right now. There are subcontractors that are meeting m/bwe goals for both of the vendors. So I'm not quite sure how to evaluate this in the context of what our minority contracting program is allowed to consider.

>> I want to provide more clarity. For this procurement process, in the selection of consulting services for engineering services, which is what we're looking for here, state statute is clear in terms of how we go about that process. Looking at the qualifications of the firms that respond to the criteria and scope of work. Here we looked at the m/bwe

[2:50:00 PM]

requirements as a gatekeeper. Both of the firms met the goals. The difference was between one, the prime firm that staff recommended met the goals through sub-participation in terms of m/bwe, and the second-ranked firm, Bayer, met the goals through the m/bwe requirements but also because they are a certified woman-owned company. Going back to the state statute we focused on the qualifications after they met that initial requirement of meeting the goals established in the solicitation.

>> Pool: Mayor, if I could just --

>> To answer the question, it is a check-off. You meet the goal or you don't. It's not a scoring within that. So in this case, both companies met the goal of m/bwe requirements.

>> The question we're asking ourselves is, is it a checklist?

>> Mayor Adler: Should it be.

[2:51:01 PM]

>> Because we've decided it should be, or is it only allowed to be by a higher power?

>> It's only allowed to be a checklist. And I'm very clear that we need to have another executive session on this whole topic, not today, but next time. If -- I don't know what the timing requirements are here. If you do not want to award to the recommended vendor, you can postpone this and look at the packages to make a determination about another reason you think would be an appropriate reason to select a different vendor. You'd want to postpone this and do -- take the time to look at the packages involved.

>> Flannigan: I would support postponement or going with staff recommendation, either way.

>> Mayor Adler: Is there any -- to the city if we postpone this?

>> No, we are able to post tone to March 12th. During that time I can provide backup information regarding the scope of work, the submittals and our evaluation criteria.

[2:52:03 PM]

Regarding the checklist, we received responses. If you look at the evaluation matrix, there was a firm that did not meet the goals. They were not considered as part of the evaluation process. That's how we use the m/bwe program requirement in compliance with state statute.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: Yes, I would like to have an executive session, just as an aside so that we can understand the scope of our authority. And I want to understand what we can do for a local program instead of always having to operate within the state confines. I'm not understanding that we can't create our own scoring matrix from a local perspective. So I would like to understand that, too. Be that as it may, in this case the difference in total points was .34. And Bayer engineering had scored

[2:53:06 PM]

higher by almost one full point on interview points. And to me, these are very close. And to me, that's more determinative. And so I would support councilmember pool's motion, or if people would prefer to postpone and give it some thought, I'm happy to do that, too.

>> Mayor.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: I think that we should postpone it. I had an issue last year on -- that also was more minority participation than the other one, but they all met that criteria, to my understanding. And so it was -- the recommendation was for me to go ahead and vote for the staff recommendation, and we did. So, yeah, I would like to explore that more.

>> Mayor Adler: Councilmember pool, are you okay with postponing this?

[2:54:06 PM]

>> Pool: That would be fine. I'm happy to.

>> Mayor Adler: I would like to have the broader conversation, as councilmember kitchen suggested, too. And I don't know if we can make that part of the conversation in audit and finance. I don't know. I'm just raising the issue. And when we're going to be asked to make a different decision, if it's possible -

- we immediate to need to figure out how to daylight that so they can get the packets out to everybody so that people feel like they're able to sit in that capacity. Without objection, we're going to postpone this, and you can bring it back on the 12th. Let's have the executive session, work session.

>> Pool: I just wanted to reiterate the difference in the scoring between these top two was .4, less than a half percentage point. And so my preference was for the

[2:55:08 PM]

organization.

>> Mayor Adler: Sounds good. That's what we're going to do with number 8. There are two people here signed up to speak on number 8. Let me give them a chance to do that, if that's something that they want to do.

>> Mayor Adler: Is John hunt and Keith Simon here, do you wish to speak?

>> Hello, I'm Keith Simon, John hunt had to leave. And so we both work for teracon. I'm a senior architect and the proposed principal for this project. Our company has a long history of successful projects working for the city of Austin. On this particular project, we worked very hard to make sure we met the city's mbe and WBE goals for the project, collaborating

[2:56:09 PM]

with casa Bella architects, apptu, king structural, as well sumland group. I want to correct one thing, councilwoman, about the subcontracting aspect. While we can self-perform the work, we made sure to collaborate. That's an advantage because we can collaborate and review the work, whereas our competition is a pass-through where it's 100% subbed out. That's a distinction that was misunderstood. We recently completed the city of Austin Falk library project with great success, durable solution that saved the city \$45,000. And I believe if you speak to the project managers from the city, that they'll speak to our success rate with the city. We feel that we're exceptionally qualified for this work. We went through a very rigorous and fair process through the rfq and the interview process. And so as you can imagine, I was

[2:57:14 PM]

very surprised that our award nomination is being challenged. And I'd like to ask if anybody has any specific questions for me.

>> Mayor Adler: Thank you, sir. Anything else from the dais? Okay. Thank you. All right. Item number 8 is being postponed. Let's then go to item number 38. We're going to return to 37 later. Let's go to item 38. Councilmember tovo, you pulled that.

>> Tovo: Yes. I appreciate staff providing us with more information. I do want -- I have some questions that I would like to ask about the portions of the contract that are for other departments. I'm not sure who the right person is to ask on staff. But I need to better understand why and how and what are some examples of when atxn is unavailable, and then some more

[2:58:14 PM]

specific information about atxn.

>> Good afternoon, Keith leaves, acting deputy director of the public information office -- reeves. To your question, this contract, other than the convention center, most of the other needs from the departments are on an as-needed basis. We ask departments to first make that request to atxn and if we don't have the bandwidth to produce that video, then they would use this contract to supplement our support.

>> Tovo: And I understand some of them are very specific needs, like one was aerial shots and things of that sort. I assume atxn doesn't typically do that kind of videography.

>> The request was more of a routine maintenance and checkup of buildings.

[2:59:14 PM]

That's not the typical video production that we do. But we do have those capabilities.

>> Tovo: How many staff do we currently have at atxn?

>> Eight full-time staff and six part-time staff divided between control room operations for meeting coverage, and producers that work with departments on edited videos.

>> Tovo: Some of -- most of the projects that were described seem like things that could be planned ahead. They weren't time-sensitive, necessarily. I'm still struggling to understand why atxn -- I appreciate the explanation that atxn will be the first stop for those services. But I'm still uncertain that there's really a demonstrated need to have these services when we have an entire department that is well-staffed to do that kind of work.

>> We don't have the staff to

[3:00:15 PM]

accommodate all of the requests, so rather than telling a department no, that there's no resources available, we like to provide them options. And if we can't meet something in their deadline. We've got a pretty full production calendar right now for our staff, so we certainly keep busy with that. And there's an increasing need for video production services. And some of the departments just want to have that available to them.

>> Tovo: Do you have any statistics on how frequently in the last year or so departments contacted atxn for projects that could not be accommodated? And was it a factor of the time at which they contacted you, or -- if they call on a Friday and they need the project within a week and they've called at the last minute, that's potentially one reason why atxn wasn't available. But if they're calling well, ahead of time -- with sufficient

[3:01:15 PM]

time to complete that project but atxn is still not available, that would seem to be a capacity issue.

>> It is a capacity issue. We've got about 60 active productions going through various stages of preproduction and postproduction right now. We've got another 50 or so that are, sort of, in a limbo, sort of waiting for departmental support to wrap up. You know, we've got more requests than we can do. Just the requests that we have on our docket now would be a solid six months of production. So I think a lot of departments know that we're backed up like that. So we do get most of those requests come to us first. I don't have a specific number about those that we've told we don't have the bandwidth for but it's pretty often that that

[3:02:15 PM]

happens.

>> Tovo: Okay.

>> They don't come to us if they need something turned around quicker and they know usually we wouldn't be able to do that.

>> Tovo: I appreciate that, Mr. Reeves. Thanks so much.

>> Thanks.

>> Mayor Adler: Anything further on this item? Let's move passage then of item number 38. A motion to approve it? Councilmember Flannigan makes a motion, seconded by councilmember Renteria. Any discussion? Those in favor of 38, please raise your hand. 38 passes unanimously on the dais.

>> Can I speak quickly about two items that already passed? Items 12 and 20. I wasn't able to be here this morning, but, of course, would have voted very happily yes on 12 and 20, which are the design construction services for the springs public health

[3:03:15 PM]

neighborhood center. I wanted to thank the voters for passing that bond. And number 20 is the childcare facility at the municipal building, the new municipal court. And I want to thank the city manager and all of the departments, public health, real estate, who helped us get that contract done. I'm very excited about the opportunity. Mr. Gale, thank you for working with us on that. To have another high-quality, affordable childcare facility in one of our childcare deserts. So, thank you to all the staff for those two items, and to my colleagues for voting yes on them.

>> Mayor Adler: Thank you. Let's go then to item number 46. Mr. Flannigan, you pulled this.

>> Flannigan: Yes. So, I think there's an updated version, since we talked about this the last time. I mostly just wanted to confirm with staff whether or not this addresses my concern from their

[3:04:18 PM]

interpretation that the direction that you've been given to go work with the parks foundation and how that relates to a future open rfp process.

>> Kimberly Mcneely, director for the parks and recreation department. So, councilmember, I think what you're saying is, is it clear in the direction that the idea is after we get -- after there has been a timeframe in which the Austin parks foundation operates as an intermediary response, then we should be opening it up as an rfp process, a solicitation process? I'm not trying to be evasive. I'm just right to make sure I understood the question.

>> Flannigan: This is the conversation we need to have. That is half the question. Thother half is are we going to the parks foundation for themselves to be the operator?

>> We have not. We've discussed both ways.

[3:05:18 PM]

We've done preliminary research as to the options, but we haven't decided -- for the short term, we haven't decided on what that would look like. As we do preliminary exploration as to what is available as far as operators go, what is available as far as trains and equipment goes. So there's been some preliminary research, but no decisions have been made. To the other question, after the short-term

process is completed, it is the parks and recreation department's intention -- it wasn't clear -- that there would be a solicitation process with the new master plan as we determine how that train will be used in the future, either as an amusement or some other kind of people-mover opportunity. It was always our intention to have an rfp, whatever the right solicitation, for the long term.

>> Flannigan: Sure. And I'm fine with moving forward with this today. Thank you, councilmember Ellis, for taking some of the concerns, and staff for bringing changes.

[3:06:19 PM]

I want to make sure the work we're doing with the parks foundation doesn't preference a vendor, making it essentially not an open rfp at the end of the master plan. I'm not necessarily opposed to the parks foundation owning the open solicitation process itself, much like that we are contemplating with workforce solutions, where we work with an outsider it I to manage it but they're not the provider. That's a conflict of interest to do an open rfp. Those are my concerns. We can move forward with this today. I'm going to keep working with staff to make sure that those pieces come into play. Thanks.

>> Mayor Adler: Sounds good. Is there a motion to approve item number 46? Councilmember Ellis makes that motion. Councilmember kitchen seconds that. Any discussion?

>> Just a couple of quick comments. I appreciate the conversation and questions about this particular process. It's a little tricky because it doesn't lend itself well to our typical process. We've ended up -- what's been amazing is seeing so many community members, city staff,

[3:07:19 PM]

and other people who want to help come together, including the parks foundation, and a whole host of other people who have rolled up their sleeves to make something happen quickly. I very much appreciate that. I know the intent for this is to get it up and going for our community members so once the zilker park master plan is completed, we would be able to get back into a more normal line of process for our contracting. So this is a highly unusual case, but it's been amazing to see community members come together to make something happen very quickly.

>> Mayor Adler: Okay. Those in favor of item number 46, please raise your hand. It's unanimous on the dais, it passes. That gets us to item number 47, Texas gas. I think Mr. Flannigan.

>> Flannigan: Quick question for sponsors or staff. I don't know that I've seen a resolution that asks an external

[3:08:20 PM]

entity to do something for us. I'm not quite sure how we think this is going to be effectuated.

>> Sure. So, this is a resolution that I am the lead sponsor on. And it grew out of conversations that I was having with Texas gas. And they have agreed to do the study. But it seemed more appropriate to have council approval when moving forward, than one councilmember asking them to do something. And I can speak more broadly also to the resolution, but maybe I'll do that after the speakers. But the study, they've agreed to do it. And this outlines it in a more formal way. It's important because it affirms their commitment to be partners with us in trying to address our carbon footprint.

>> Flannigan: I don't have any issues with the substance, it's more of a process question. It's not something I've seen.

[3:09:23 PM]

>> Ellis: I think Texas is here. I don't know if they're signed up to speak. We worked very collaboratively on this to find a way for us to use technology and the market to come up with solutions that would help us address our needs here.

>> Mayor Adler: My sense, this got pulled, the question has been answered. Should we ask the speakers if they want to speak? It looks like it's going to get approved unanimously.

>> If the speakers want to speak, they should be allowed to speak. And I would have some comments as well.

>> Mayor Adler: I don't know if you guys are here as resources or you wanted to be able to speak? Okay. Come on down.

>> Council, I'm Paul, environmental racket visit environmental activist, consumer advocate. I thank councilmember alter for taking leadership on this.

[3:10:24 PM]

I support reducing carbon emissions of the gas utility. This resolution advocates for an increased leak reduction program for invest of carbon offset programs that can be put on a customer's bill, similar to the way Austin energy conducts its green choice program. And it also asks for an investigation of biomethane potential in the Austin area. I think it's a positive step. I do think, as a practical matter, you're going to find that this biomethane that's located will end up used as a transportation fuel rather than a domestic heating fuel, because it fetches a higher price. I still think that the study is worth doing.

[3:11:26 PM]

I hope council will develop a subsequent initiative in conjunction with the rate case now under way with Texas gas service to fund research on renewable hydrocarbons and solar industrial process heat, capturing biomethane is important, but the volume of resource is limited. Solar fuels, conceptually, are a strategy that will affect larger volumes of natural gas and reduce larger volumes of carbon-emitting fuel. Larger volumes of carbon dioxide, excuse me. It frustrates me to no end to watch fossil fuel companies threaten the Earth with ever-increasing volumes of carbon, and at the same time watch our federal government look the other way. And to some extent, even

[3:12:29 PM]

encourage the increased emissions. Research and development funds are lacking, and climate cities like Austin could lead alternative energy development. If Austin established a research and development fund, it would set a precedent that other climate cities around the country and even the world could follow. They could match Austin's funding and compensate for some of our federal government's recalcitrance and negligence. Councilmember alter, thank you for leading this.

>> Mayor Adler: Okay. Mr. Graham, do you want to speak?

>> Thank you, Larry graham, Texas gas service. Just briefly, we want to say we appreciate working with councilmember alter on this. We're actively exploring taking methane from the plant. And we think it's a pretty

[3:13:30 PM]

exciting opportunity. So we're very excited to do the study to look at what other possibilities we can. We think -- right now, I think natural gas contributes to 7% of the greenhouse gases in Austin. And this would be a way for us to reduce that. I think the company is excited about this and we want to participate with the city. We're happy to cooperate with councilmember alter and everybody else. That's all we wanted to say. Thank you.

>> Mayor Adler: Thank you. Councilmember alter, did you want to make some comments?

>> Alter: I did. Thank you, Mr. Graham. Item 47 is the product of a several month-long conversation I and my staff have been having with Texas gas and the office of sustainability about how we might collaborate more effectively to reduce our carbon footprint with a specific focus on opportunities related to natural gas. We surveyed how other communities have approached this challenge and identified a real need for more information on the capacity for leveraging renewable natural gas here in

[3:14:32 PM]

Austin. Texas gas has agreed to conduct a feasibility study and that's the first step to getting meaningful actions. The study will be modeled after work that so-cal gas is going in response to California state requirements, which are absent in Texas. This work represents a commitment by Texas gas to be part of the solution, and to use technology and market mechanisms to deliver on environmental goals. The resolution results in several things -- it will provide a feasibility analysis, it will improve transparency and up to date data specific to Austin, it will provide options for increasing leak detection and reduction efforts, and it will also offer potential green choice program options related to natural gas. The feasibility analysis will identify opportunities to take advantage of existing biomethane in the Austin region, which might include existing landfills, agricultural residue, wastewater treatment plants. The resolution also asks Texas gas to provide expertise to

[3:15:34 PM]

facilitate next steps. We have to recognize that there's a ceiling on local supply for biomethane, so Texas gas service will also identify options for purchasing offsets as another strategy for reducing carbon-equivalent emissions and to come up with an opt-in program similar to green choice at Austin energy. This resolution requests more transparency on leakage rates and to explore technologies and cost options to reduce those rates. I'm pleased that Texas gas demonstrated an interest in building a more sustainable business for Austin residents. I would like to thank Texas gas and their leadership, as well as Zack and the office of sustainability, as well as my cosponsors, councilmembers Casar, Ellis, harper-madison and pool. This work will help us to get closer to our net zero goals and I'm pleased it looks like this will pass unanimously.

[3:16:35 PM]

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: I just wanted to thank everyone involved in moving forward with this. I wanted to thank our activist Paul robins for his assistance with the language and that sort of thing. And I wanted to particularly point out that I understand that one of the options that will be looked at is the option to provided city of Austin vehicle fleet and other fleets with biomethane for fuel. That's one of the things that fits under all the options that we're looking at. So, thank you, councilmember alter, for moving forward with this.

>> Mayor Adler: Motion to approve.

>> I'd like to move approval. Version two, which was posted to the message board last night and passed out on the dais this morning.

>> Mayor Adler: Is there a second to the motion? Councilmember harper-madison seconds the motion.

[3:17:35 PM]

In discussion? Those all in favor, raise your hand. Those opposed? It's unanimous on the dais. Item 47 passes. I think that gets us, then, to 82. Mayor pro tem, this is your item. You pulled this.

>> Tovo: I didn't know if there was going to be discussion on it, but I believe there will be now. This is addressing the vacancies on the A.C.E. Board. We have three. It is -- council has the ability to appoint those vacancies. And after talking to my cosponsors, all parties were able to agree on the three names listed in the resolution. Now that I've talked, I can't move it. But does anybody have any questions on it?

>> Mayor Adler: Mayor pro tem

[3:18:41 PM]

moves passage of item number 82. Is there a second to this? Councilmember Casar seconds. Any discussion?

>> Tovo: Mayor. I would like to ask the sponsor if she would contemplate an amendment -- accept as friendly an amendment to reverse the terms of Philip and Josma.

>> Garza: Hang on one second. I will. I wanted to look at something. Okay, yeah. And it's because councilmember Tovo was -- my office had had discussions with councilmember Tovo. We weren't able to get to an agreement. But I'm willing to reverse that to try to possibly get to

[3:19:41 PM]

another consensus, candidate, if we can get there.

>> Tovo: I would be prepared to support this as it is if we can make that change.

>> Mayor Adler: Councilmember Casar.

>> Casar: Mayor, I would want to vote on that amendment. I support the resolution the way that it is, in part because I feel comfortable with these three. If reversing the terms means we have to potentially debate again in six weeks, swapping somebody out rather than continuing to appoint this group of three, I would rather see if we can get a vote on that now. Trying to have this the way it is presents a diversity of candidates with a diversity of experiences.

>> Mayor Adler: Okay. Councilmember Tovo urges an amendment to switch the names of Philip and Jols Thomas, which has the effect of changing the termination date of the deal.

[3:20:42 PM]

>> It does.

>> Mayor Adler: Is there a second to the amendment from councilmember tovo? Councilmember pool seconds that. Further discussion on the amendment? Okay. We'll take a vote.

>> Garza: I'm going to abstain because I offered it as it was. I was happy to take the friendly amendment. Now I don't want the effect of voting against my original resolution. So I'm just going to abstain from this vote.

>> Mayor Adler: Okay. Any discussion on this amendment?

>> Tovo: Well, I guess I'll prompt the discussion. I had hoped we could accept it as friendly and avoid the discussion. That not being the case I'll indicate that as we have had conversations over the last couple weeks, I shared that I'm

[3:21:44 PM]

very -- I think -- again, this is uncomfortable. We didn't have to have a conversation about it. But I need to explain my reasons for suggesting a reversal of their terms. I think Mr. Shmeant is a well-respected attorney. I understand -- I believe he's on the board of workers defense. That's an organization around which I have a lot of support. I think he is a fine appointee and appreciate his willingness to serve the city of Austin. This is a very -- a large departure for the city to have three community members on the A.C.E. Board rather than city staff. And I am wanting to move into that with some cautions. The last -- I believe the last city board that Mr. Shmeant served on was the electric utility commission. I was serving on council at the time. We were doing a major rate case.

[3:22:46 PM]

The utility commission had a very strong role in that rate case. And as some of you who have been watching it know, when that recommendation went through the electric utility commission, we had a split vote there. The electric utility commission was presented with a good deal of evidence, including by some of the commissioners, that the rate would have a very large impact on ratepayers, including and especially low-income consumers. They were presented with information suggesting that the revenue requirement was far larger than it needed to be, driving an overly large rate increase. And despite the really good work of Pfaff, day, another commissioner, those really important voices in the community and on the commission itself were not attended to in a way I believe they needed to have been. When it arrived at council we were forced to re-litigate that

[3:23:46 PM]

rate case. And so we did. And we looked at all of that information and considered and balanced all of the differing perspectives. And that made a huge difference. I believe we were able to lower the impact of that rate to almost half of what it would have been otherwise. As a result of that process, we now have a designated formal role for consumer advocate in that process to make sure that that doesn't happen again, that we have at the very heart of our rate review process somebody who is looking out for the rights of the consumer. I appreciate Mr. Shmeant's willingness to serve. I would prefer, based on that experience, I would prefer to see how it unfolds on the A.C.E. Board over the next couple months before we made a decision to appoint him to the length of term that's in the original resolution.

>> Mayor Adler: Okay. Thank you. The amendment has been moved and seconded.

[3:24:47 PM]

Any discussion? Councilmember Flannigan?

>> Flannigan: Councilmember tovo, do you recall roughly what year that was? I'm having a hard time remembering how far back that was.

>> Tovo: I think I've got it here. 2012, I believe.

>> Flannigan: I was ambivalent to this but I'm going to support the mayor pro tem's original motion. I'm not comfortable with that as the reason. So I'm just going to support the mayor pro tem's original motion.

>> Mayor Adler: Okay. We have an amendment and a second. Take a vote. Those in favor of councilmember tovo's amendment, please raise your hand. Alter, pool, tovo. The balance of the dais is opposed with the mayor pro tem abstaining. That gets us to the motion as originally offered.

[3:25:48 PM]

Any further discussion on this item 82? Yes, councilmember alter.

>> Alter: I just wanted to confirm that for any of our appointees to this board, they're serving at the pleasure of council and council can determine to remove them at any point, is that correct? Thank you.

>> Mayor Adler: City attorney confirms that.

>> Alter: I want to thank folks for stepping up and being willing to serve on the board. It's a big time commitment and appreciate their service

>> Mayor Adler: Those in favor, please raise your hand. Those opposed? It's unanimous on the dais, 82 passes. Thank you.

>> Mayor Adler: All right. Let's handle the ahfc meeting.

[3:26:50 PM]

So, here at 3:26 I am going to recess the city council meeting.

[See separate transcript for Austin Housing Finance Corporation Board of Directors meeting]

I'm sorry? Now I reconvene the city council

[3:28:51 PM]

meeting, February 20, 2020, 3:28, still in the city council chambers. We're going to pick back up. We have two public hearings that we're set for today, item 55 and 56. Mr. Peña had signed up to speak on item number 55. Mr. Peña does not appear to be here. So we have no one left that's signed up on 55 and 56. 55 and 56 were to conduct a public hearing and then to adopt in the case of 55, standards of care for pard. Is there a motion to adopt the standards of care and to close the public hearing? Mayor pro tem makes the motion, councilmember alter seconds it. Any discussion?

>> Yes.

>> Mayor Adler: Yes, councilmember Flannigan.

>> Flannigan: Having not dug into this too much, are there staffing requirements or other

[3:29:52 PM]

implications to the budget that come from these standards? Is it closer to codifying existing practice? Just to get a quick sense.

>> Sure. Good afternoon, Tiffany, division manager with the parks and recreation department. The standards are set by our local standards of care and recommendation from the our national parks and recreation board and our txdot after-school, out of school time programming is how they are set. And then we build our budgets around those ratios.

>> Flannigan: This is fairly similar to existing practice? That's what I was thinking. It's not --

>> Nothing new.

>> Flannigan: Double the staff for programs or other things.

>> No, sir.

>> Flannigan: Basically what we do now, tweaking it as we go.

>> Every year for our exemption as a public building we have to have an open forum.

>> Flannigan: Excellent. Thank you.

>> Mayor Adler: I think we have a motion and a second for this item. Those in favor of item 55?

[3:30:53 PM]

Unanimous on the dais with councilmember Casar off. Item number 56, is there a motion to waive the fee for the smart housing project and close the public hearing? Councilmember harper-madison makes that motion, councilmember Renteria seconds.

>> That includes the changes that were passed out.

>> Mayor Adler: It includes the changes passed out in yellow. Any discussion? Those in favor of item 56? Those opposed? It's unanimous on the dais in favor with councilmember Casar off. 56.

>> We had a public hearing on number 85. It's 85, the public hearing on the central health overlay. The staff is requesting a postponement of that item to March 12th.

>> Mayor Adler: We have another speaker signed up to do this. Is there a motion to postpone this item to March 12th? Councilmember pool makes that motion. Is there a second to that

[3:31:55 PM]

motion? Councilmember alter seconds it. The public hearing remains open. This item is postponed. Those in favor? It's unanimous with councilmember Casar off the dais. I think that gets us to the pulled items on zoning. We'll begin with item number 63.

>> Planning and zoning, item number 63, property located at 1006 Baylor street, change from mfi to mf6 and P. The staff recommendation is to grant mf6 with a height limit of 60 feet. The commission requested approval of zoning with the staff recommendation plus additional conditions of a

[3:32:55 PM]

25-foot setback, except for utility work and the retaining wall, and to provide an unfenced potential future bike/pedestrian access point on the south end of the property. The applicant has issues with the last condition because there is a very steep slope there. It is an existing alley that does not punch all the way through. There are some concerns from the public works and transportation department about the ability to put a connection through there. I believe they have some issues with the condition relating to the 25-foot setback. I don't think it would fit. It makes a difference because of the pue. The recommendation is for mf6. The question is whether we're going to incorporate the recommendation into the ordinance. The case is ready for first reading only.

>> Mayor Adler: Okay.

>> It is the site of the former graffiti park.

>> Mayor Adler: Okay. We have some people that have signed up to speak on this.

[3:33:56 PM]

Do you want me to start with the applicant and the speakers first? Is the applicant here? You have five minutes.

>> Good afternoon, Alice, representing the applicant on item number 63. As Mr. Rusthoven explained, this case is here for rezoning from mf5 to mf6. The staff recommendation was for mf6co and the condition overlay was to limit the building height to 60 feet. The reason we're asking for mf6, as you can see on the graphic above you here, is that the Orange area represents the

[3:34:57 PM]

square footage allowed under the current zoning, the ratio allowed is 1:1. So our site area that can accommodate the 1:1 is in Orange. However the white area for a total of 14,000 square feet is the area we are expanding into. When you add the Orange and the white, you end up with 1.5. So we're going out and not up. Because of the proximity of single-family zoning and houses close to us, we are subject to compatibility standards. And because of those standards, we are limited in height from the north and south. So the height under mf6 does not do us any good. So the only thing we're thinking is the floor to area ratio that allows us to have the Orange and

[3:35:58 PM]

the white to be built. This property was rezoned in 2007 with the support of the old west Austin neighborhood association. At that time, we agreed to a limit of 16 units on this site. Now with this plan we have ten units proposed, and the units to serve families. Instead of building 16, the neighborhood asked us to obviously accommodate units that have families, and also because of the concern of traffic on Baylor street, that ten units work fine with us. However, the F.A.R. is above what the current zoning allows. This height plan shows the area north of the site. This area we're showing because the planning commission recommendation creates a problem for us. Because the electricity power lines need to go underground,

[3:36:59 PM]

we've been working with Austin energy since 2007. And they've always agreed that we can take the electric utility requirements underground as long as we provide a ten-foot public utility easement for my client to absorb the cost of taking those utilities underground. So the city will not pay for that. We will. So between the ten-foot pue and the existing retaining wall that has to stay to maintain stability, we are obviously left with you have a ten-foot pue, a 7.8-foot retaining wall, and we're left with 7.2 feet. You cannot accommodate anything else there. So the planning commission recommendation that asked us to provide a pedestrian connection within this 25-foot setback is physically not possible, hence our request to go with the staff recommendation of mf6, co

[3:37:59 PM]

limiting the building height to 60 feet. This is the site as it exists today in yellow, the graffiti park. The art is still there. The slabs have not been removed. They will be removed sequentially after we've obtained all the proper permits to allow that movement to occur. So, the discussion has also arisen between us and the neighbors regarding connectivity. The old west Austin neighborhood association zoning committee and the steering committee have had several meetings with us to explore the possibility of continuing pedestrian connection from Baylor to blanco. So, the green on the screen shows the existing road on west 11th street and where it terminates before my client's property. And then from blanco to approximately where the castle

[3:38:59 PM]

is in green, that alley is on ground. The area in red is city-owned right-of-way of the same alley. And that's the area where we jointly, and the neighborhood association, would like to ask the city to explore the possibility of connecting -- of finishing that alley so that there's continuous connection.

[Buzzer sounding]

>> Is that all the time, with the donated time?

>> Mayor Adler: Who did you have time from?

>> Brian Cumby and Melissa brown.

>> Mayor Adler: Are they both here? You can have another four minutes.

>> Thank you. This graphic is to show you the area where there is a possible exploration for pedestrian connection, in red. We're hoping at this hearing, the city council can ask the city staff to explore the possibility of completing that pedestrian connection. This is the location of where

[3:40:03 PM]

the graffiti park is. This is the retaining wall that has to stay in place. You recall the location of the ten-foot public utility easement. That is where you see the mud with the graffiti on it. You can see the power lines above. Those power lines are the ones where we are going to remove and install the electrical requirements underground. So that's where the public utility easement is going to go. Between that and the wall is where the 7.8 feet I mentioned on the previous graphic is. And beyond that retaining wall, that is where we have 7.2 feet left to the building. So there is no room to add a pedestrian connection on our side. Hence, our request that the pedestrian connection be explored at the southern end of our property, where the city right-of-way still exists and has not been explored. Our request is for you to

[3:41:06 PM]

approve the staff recommendation of mf6 with a conditional overlay limiting the height. 60 feet is what we have today. And the neighborhood folks we talked to just felt comfortable maintaining the height we have now. And we are okay with that because we cannot exceed that height because we also have an agreement with the neighborhood association not to block the view of the castle, because you can see that castle all the way from lavaca and 18th street. I tried that and you can see clearly from there. So our intent is not to block the view of the castle. It's at historic landmark. Our heights are going to be three stories, 40 feet, as allowed under compatibility standards. I will pause here and respond to any questions you might have. Thank you.

>> Mayor Adler: We have other people signed up to speak. Does anyone have anything on the dais before we get to them? You have a chance to close.

[3:42:12 PM]

Is Sheila Lyon here? Do you want to speak? You have three minutes.

>> Hi again, Sheila Lyon, old west Austin neighborhood association zoning committee and landscape architect. Again, we've worked with Brian Cumby not only on this project but another project in the neighborhood. He definitely is a developer, him and his team, that work well with the neighborhood. They address the neighborhood's concerns and then try to identify ways in which they can give back. He's a wonderful developer. This project is between the slope and the geological issue, it's going to be a very expensive foundation. The first one failed. And I think building this project is going to be of benefit to Austin so that we won't continue looking at the ruins, weeds, for the next I don't know how many years, it's been 35 years or more since the first project was built.

[3:43:14 PM]

And like I said, we were lucky enough to have the hope outdoor gallery for a brief period of time which became an iconic gallery. And also, Brian Cumby and his team have been -- Paid money for security, cleanup, and also donations to have the successful move to the new hope outdoor gallery location. Thank you. I am in support of this. I didn't say that. I hope you will support it, too.

>> Mayor Adler: Is Ted here? I have him as our last speaker. You have three minutes.

>> Mayor Adler: Oh.

>> Good afternoon, I'm Ted.

>> Mayor Adler: I'm sorry.

>> I'm the current chair of the old west Austin neighborhood association steering committee. And like the question that came out of the planning commission

[3:44:16 PM]

meeting earlier, members of the owana steering committee are interested in ensuring there is a clear community benefit that results from this project. Pedestrian connectivity is a benefit our committee has shown interest in and supports the council's efforts to understand the feasibility of creating such a connection between Baylor and blanco that likely would require a stairway. The steering committee is eager to learn what comes of the feasibility study. And if this fulfills their wishes for a further community benefit from this project. And that's why we're still neutral, waiting to hear what comes of that feasibility study. I will say in all the interactions we've had with Mr. Cumby he's shown that he wants to support the neighborhood. And as we have been discussing, the pedestrian connection, he's said he'll go to the end of the Earth to help figure this out and how to make it work. He's open to contributing financially, if he were able and

[3:45:18 PM]

we get to that point. I understand that this feasibility study process will take some time and we'll need to go through that before we get to the end of this. And I support that as well. Thank you.

>> Mayor Adler: I apologize. You have three minutes.

>> You just skipped me.

>> Mayor Adler: I know. I apologize.

>> Rosemary, I am the former chair of the zoning committee. When I was chair, we approved both this project for Mr. Cumby and Mr. Iede, who has the land above. We agree with the 60-foot because we want to allow the castle to be seen by everybody. We worked with both gentlemen, but mostly with Brian Cumby. He also has a project on 9th street right next to our park, the west Austin park. And he has generously agreed to help us reduce the flooding in the park by holding back

[3:46:19 PM]

additional water up to 30%, which the city allows. He also worked with us to reduce the number of units he was building and to allow for larger units, because we'd like to continue to encourage families to move to our neighborhood. And also at colorfield we're trying to have him increase the unit size so that families can attend. And we approved this in the zoning committee before we knew about his possible check to the park. Do you have any questions? Thank you.

>> Mayor Adler: We are now back up to the dais. Does the applicant want to close?

>> Mayor Adler: In the closing, make sure that you address, please -- it seems as if everybody is okay with the

[3:47:21 PM]

mf6. It seems as if it's the conditions that were added at the planning commission, which I guess were two. One had to do with a pedestrian access way in the back, and the other one concerned -- what was the other one about?

>> Prohibiting a fence.

>> Mayor Adler: Please speak to both those.

>> Correct. So -- the slide back up. The planning commission recommendation included the staff recommendation of mf6-co which limited the building height to 60 feet. The planning commission added a 25-foot no building zone, which is what is required under compatibility standards, the setback.

Within that setback, the planning commission thought, not understanding all the things we needed to squeeze into this 25-foot area, that within that

[3:48:22 PM]

25 feet -- we cannot accommodate a ten-foot public utility easement, the retaining wall and just seven feet left to have a public connection that may not go anywhere. We cannot accommodate everything in that area. So our request is to adopt the staff recommendation, which is just mf6 with a height limit of 60 feet. That would accommodate our project as opposed to prohibiting a fence, we cannot fence the property. That is one of the planning commission recommendations. The other one, to provide a pedestrian --

>> Mayor Adler: Why can't you fence it?

>> Well, they don't want us to fence it. We would like to have the option of fencing it should the need arise. If they prohibit a fence, then we cannot fence it. That's what we're trying to

[3:49:23 PM]

avoid, so we can have the ability to fence the property should we need to, especially when you have an electric utility easement there. If we need to fence it for security reasons we would like to do that. If you tell us not to then we can't.

>> Mayor Adler: I understand.

>> I hope that's clear.

>> Mayor Adler: Okay.

>> And while I'm here I think one of the requests from the neighborhood association as part of our dialogue is they did want to ask council to consider allocating the parkland dedications fees that would be accrued from this project to be earmarked for improvements within their neighborhood parks, because obviously they're not earmarked, they're part of the general fund and go elsewhere. Ted forgot to mention that in his presentation. I'm bringing that up since it's been part of our dialogue with them to explore that. Thank you.

[3:50:23 PM]

>> Mayor Adler: Thank you. Okay. We're back up to the dais. Any discussion on this item?
Councilmember tovo.

>> Tovo: Mayor, I'd like to move approval of -- I've got to think more about the fence. That wasn't something that surfaced in our conversations. I'm going to move the staff recommendation at this point, but with some additional direction in I get a second.

>> Mayor Adler: Do you want to say what your additional direction is?

>> Tovo: The additional direction is going to be to direct the city manager to convene staff from different departments, including the transportation department, public works, and watershed protection to address this option of pedestrian connectivity, in particular to see if there's a feasible solution to providing pedestrian connectivity on the

[3:51:23 PM]

right-of-way. And if a feasible alternative exists, to come forward with recommendations about an appropriate level of cost share between the developer and potentially the city of Austin.

>> Mayor Adler: Okay. There's a motion and a second from councilmember pool. Discussion? Councilmember Flannigan.

>> Flannigan: That sounds like a good way to move forward. I think it's a valuable conversation about the use of city right-of-way. And we've had some of those conversations elsewhere about layering in utility right-of-way with other uses. This might be an interesting exploration to that end, as we have talked about it in other places.

>> Mayor Adler: Okay. We have a motion and a second. Further discussion? Those in favor of the motion, please raise your hand. Unanimous on the dais with councilmember Casar off. That passes.

>> Tovo: Mayor --

>> Mayor Adler: Did you intend to keep -- the public hearing will automatically be left open.

[3:52:24 PM]

On first reading with the conditions, approved.

>> Tovo: Can we get some clarification about parkland dedication fee? It was my understanding those are earmarked for use within a certain proximity to the development that is triggering the fee. I'm not sure that we need to make any changes for that to happen.

[Off mic]

>> Tovo: Sorry, Mr. Rusthoven, to put you on the spot. That's my expectation of what happens and if we learn anything different we'll make an adjust the on second reading.

>> Mayor Adler: That sounds good.

[Laughing]

>> She should go.

>> Mayor Adler: Yes.

>> Tovo: Director Mcneely, would you mind addressing that subject?

>> Kimberly, parks and recreation. I was coming up simply to say I would need to research and provide you additional information. I am not intimately familiar with this case. To your point, yes, once there

[3:53:26 PM]

is a certain space in which parkland dedication funds are able to be spent but I don't know how these are specifically earmarked or if they are, but I'm happy to get you that information.

>> Tovo: The concern as I understand it articulated is that they would potentially flow into the general fund and then be used anywhere. And it's certainly my understanding that the intent there is for them to be used in close proximity to the development triggering.

>> This case would have the same rules all other parkland dedication funds would. I don't know this intimately.

>> Tovo: Those rules are to spend it nearby?

>> Yes.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Okay. Then we'll move on, then. We have two more items, first item, number 72, which is the delwau matter.

>> C14, the delwau rv park. This case is the second time before the council.

[3:54:27 PM]

It was submitted once before and withdrawn. 7715 delwau lane. The requested Zones change to muco. The proposed use is a campground with some additional uses such as restaurant, store, and possible personal improvement services. The staff recommendation is to grant csu-co with a list of prohibited uses. The platting recommendation was to allow campground, personal services, allow general retail sales, convenience, and allow uses permitted by the mu overlay with the exception of multifamily residential, and make the following uses conditional -- restaurant, outdoor entertainment, and prohibit all other uses. So, the difference between the staff recommendation and the zoning and planning recommendation is the Z.A.P.

[3:55:29 PM]

Prohibits more uses and makes more conditional. It is my understand that the applicant is okay with the staff recommendation but they have an issue with the conditional uses as proposed by the zoning and planning commission.

>> Mayor Adler: Okay. We have some people that are signed up, let's begin there. Is the applicant here? Why don't you come on down. You have five minutes to open.

>> Mayor Adler: You have five minutes.

>> I'd like to start by telling about who I am and what this project is about. I was born in Austin, Texas. After attending Austin high, I went to college, received a master's in sustainable landscape design and planning. A few friends and I began a contracting company in California called two crows. We come from a diverse background of farming, education, design construction,

[3:56:31 PM]

and permit culture. We've been involved in a wide scope of work from general earthworks, farm and ranch consulting, building orchards for a resort. A few years ago we got interested in working for ourselves. We were interested in rv parks. This is in part due to the fact that one of my business partners and I lived together in a for students. During our time there, we enjoyed the sense of community, affordability, and having a smaller footprint. We thought with our skill set, rv park development would be a great fit. We started acquiring and improving existing parks. We create and maintain high-quality, affordable rv communities that encourage diversity, health, and sustainability. We found this amazing old site in Austin and thought it would be the perfect place to build such a community. The site is located in east Austin, east of highway 183. It's on the walnut creek bike

[3:57:32 PM]

path, close to the knollwood neighborhood and future residential development. There's no access to amenities on this side of the highway currently. The site's located along the river, but mostly outside the floodplain. The neighbors are a farm, city of Austin land and residential homes. To the east is the racetrack. To the north we have railroad tracks. To the south there's a quarry. And there's a flight path. It's not a pristine, quiet place. It used to be an industrial concrete sacking plant. Delwau lane was essentially a trucking route. It has abandoned buildings and structures, it's overgrown, unsafe, there's issues with trespassing and illegal trash disposal. Our goal is to create an extended stay rv park with 60 to 70 sites. I envision people staying for a season or one or two years maybe. There would be shared facilities such as a bath house, yoga room and common workspace, and

[3:58:36 PM]

orchard and gardens. There are a lot of young people and retirees that appreciate the simplicity of living in a home on wheels. We don't want the site to only be for those that are residents. I think the commercial component is so important. We have the support of our neighbor, the race track, and residents in the neighborhood. Having a small cafe with a playground and marketplace will make for a much more interesting project and be a real benefit to the neighborhood. This will allow for public access to the river and increase the connectedness along the river corridor which is currently lacking. I see the property and land as a shared resource and especially a property as unique as this one shouldn't only be enjoyed by a select few who can enjoy the high price of ownership. I definitely appreciate and respect the feelings of the direct neighbors. I don't think anyone wants

[3:59:36 PM]

to have their road see more traffic but on the other hand it does seem change is inevitable. Under current zoning there could be 20 single-family homes on this site and who knows the future of the racetrack. I'm interested in a project that maintains a safe road and rural feel of the area and hopefully can increase biking and walking for the neighborhood and added parking should help alleviate the congestion caused on farm volunteer days and large events at the racetrack. I think the mix-commercial space and rvs can remind us of some of the best characteristics of old Austin. Thank you, councilmembers.

>> Mayor Adler: Thank you. Is Jamie Moore here?

>> Hi, my name is Jamie Moore and I live in the

[4:00:37 PM]

neighborhood, thank you for your service to our city. As he said, the directly affected neighbors are in position to the zoning change, and I just want to point out a couple of things to you, especially with Austin being a vision zero city. This road at most parts or many parts is only 13 feet wide, which is less than from here to you. Two cars -- I do have pictures to show. Two cars passing is sometimes difficult, and they want to increase pedestrian and domestic traffic. There's nowhere to put a sidewalk. There's nowhere for you to go when a car is coming. I had someone try to run me over just the other day when walking my dog. I know this happens on a lot of different roads. The big -- another big issue is the bridge. If you even look at the low water crossing study, it says that delwau lane crossing inundates during a subtwo year flood. I've been separated from my children by the flooding bridge where office on one side of the bridge and they were at home and I was unable to get to them.

[4:01:37 PM]

There's actually structural issues with the bridge, per the city of Austin. It's in the -- as one of five bridges that requires major rehab and replacement. Serious repairs were required after four major flooding events. It was closed multiple days on several occasions when I've been living there with the inconvenience, and they've completely damaged abutments on these several occasions and this is from austintexas.org. I didn't make this this up. The projected trips per day is completely inadequate. It says 321, twice as much as they are now, and 80rv sites, convenience store, yoga, boat rentals. There's no way 321 covers that. I'd like to see a better estimation of the actual trips per day that are estimated before this would be -- in my conversations with them, it doesn't really sound like they're going for affordable housing. Hopefully they've moved that

[4:02:38 PM]

way after conversations with y'all and seeing there's a push from that from the city council. That would be awesome and I would love to see that. I completely approve of that. But increasing the traffic like they're saying over a -- it says substandard in the actual report of the proposal. It says a substandard road. Down a substandard road, over a substandard bridge that has flooded multiple times and cuts off access because it's a one-way -- it's a dead end street. There's only one way in, one way out. They say that they want it to be something like radio, coffee and beer. If you've ever been there, you know there's quite a bit of traffic that's generated there on a very small road with inadequate space for everyone to travel on. It is a lovely property. I think that the rv site in and of itself, the camp ground is a fantastic idea, fantastic use of that. But putting a high -- like, something -- like they're talking about as far as a convenience store and

[4:03:38 PM]

restaurant and all those other amenities on this road is dangerous. And I don't --

[buzzer sounding]

-- Approve of it. Thank you so much for your time.

>> Mayor Adler: Max Elliot. Is Zachary hergot, why don't you come on down. You'll be up next. Go ahead, sir. You have three minutes.

>> Max Elliot, cofounder and executive director of urban roots, youth development nonprofit organization serving Austin since 2008. We use food and farming to transform the lives of young people, providing paid internships for them, encouraging the community by growing food for those in need. As

many of you know our farm and education center serves thousands each year and is located on delwau lane. But simply put, delwau is substandard. It is incredibly narrow road. You can kind of look on the map here. There's no right-of-way. There are no sidewalks. It's uniquely pinned in

[4:04:38 PM]

between the walnut creek bike path, railroad track and WUND year floodplain. If you look at the map, this is the access '14 flood map, a significant portion of the road, including the bridge is in the hundred-year floodplain. And the city also declared the bridge to be the fourth worst bridge in need of repair. Combining these with the camp grounds project with a convenience store that will distribute alcohol would create a very unsafe environment for the youth and community members we serve on our farm. It's important to take a look at the traffic impact study. The trips per day have only accommodated for the trailers and restaurant, not for the planned convenience store, doesn't include the food trailers, doesn't include the yoga studio, doesn't include access for kayakers and canoes. It also doesn't include -- it's not featured the blind curve, if you look at it right on the other side that have creek, it turns at a

[4:05:40 PM]

really angle and really dangerous. I understand residents need amenities for their isolated neighborhood and see this development as an opportunity for their family. However, allowing this development at the end of a subis it the road, at a road that floods consistently is a disaster waiting to happen. Approving this rezoning I believe will place risk on the shoulders of delwau lane residents as well as the young people and clients that we see at urban roots farm. It is a social worker and executive director of urban roots, my greatest responsibility is to create a safe environment for the youth and communities we serve and I hope you oppose this so you can keep us all safe. Thank you.

>> Mayor Adler: Come on up. Before you speak is orisoffer here? You'll be at the other podium in three minutes. Go ahead, sir. Three minutes.

>> Good afternoon. My name is Zack hergot, live at Shelton road of the S curve in the bridge we've been discussing is

[4:06:41 PM]

immediately on my property. I'd like to express my opposition to this project based on the condition of the bridge, the condition of the road, the fact that 100% of our neighbors are in direct opposition, the environmental impact of the proposed septic and proposed river access that the project has proposed utilizing, the dangerous entrance at the hike and bike trail and inadequate traffic study and I also want to bring up the implications of the zoning change in the instance that this project was unsuccessful and

what kind of worms that would entail. This bridge has been listed in various reports as the third, fourth, fifth worst bridge in Austin and we can all agree it's in the top five. Recently both sides of the bridge have started to degrade significantly. Some addressed by the city a few years ago, but it's begun to degrade yet again. I've seen this bridge flood five times in the last four and a half years, and boggy

[4:07:44 PM]

creek right now drains a significant portion of all of east Austin. Boggy creek is getting deeper, it's getting wider, becoming more and more problematic day by day, storm by storm. The road is on a blind s-curve, people drive very, very fast down this road, particularly sides of when they enter the s-curve. There's heavy foot traffic from the residents and other members of the neighborhood. People going to the hike and bike trail with small children. I personally am nervous when I cross that bridge with my daughter, not knowing who is going to be flying around that curve at any minute. There's no street lamps. And in all honesty is this road is way too skinny. If there were to be any sort of traffic backup, my fear is that they are going to have events at this facility that's going to bring in a lot of people. And if this project doesn't happen, an outdoor music or entertainment facility could, under the commercial zoning, happen, and that's going to create a traffic nightmare. All the neighbors who live in here are opposed to this.

[4:08:46 PM]

We purchased our land because of the quiet and having a beer haul at the end of this dead end road will endanger both the residents of the neighborhood and other guest. I have serious environmental concerns as well. The amount of impervious cover that they're proposing putting I'm not sure has been properly addressed. There is no drainage. There's no sewer system here. Both stormwater or other kind of sewer. The plan calls for a low impact river access, and it has a steep riverbank. So either this is going to be dangerous to the people utilizing this access, people going back and forth to the river with tubes or kayaks or it's going to over time become more and more developed river access in this section of the Colorado river is not only beautiful, it is somewhat environmentally sensitive.

[Buzzer sounding] Approval of the zoning changing is going to give a wide range of the future and I just want to consider that this is irresponsible zoning

[4:09:46 PM]

change. Thank you.

>> Mayor Adler: Is dusty Whipple here. Come on down. Go ahead, you have three minutes here.

>> Hello, councilmembers, my name is Ori Soffer and I live on Shelton road. My main question is regarding the traffic study. It's -- there are seven residences and one business on this road and that's 140 trips per day, average. And somehow increasing 60 to 80rvs is only going to add another 320 trips per day. Something doesn't make sense with these numbers. Also wanted to address the idea that this is the only thing around, and as far as amenities, the -- we know that highway 183 is being highly developed around that area and things are coming. There are many more properties which will provide amenities for the neighborhood and for ourselves, and I think that putting an rv with -- park

[4:10:46 PM]

with high traffic -- it's not mobile homes. It's rvs that will need to come in and out of the neighborhood constantly. They're not supposed to be permanent -- there permanently. They will be coming in and out during a/c, south by southwest events which coincide with Austin events. The increase in traffic will be immense. It's not just occasional one or two trips per day, so those are the things I wanted to address. I just don't think it's an appropriate location for an rv park. We do want to share this with other people. We're not trying to keep it to ourselves. We're certainly not elitists. We welcome everyone to come down, walk the hike and bike trail, park on the road and come for walks up and down the roads, enjoy it before it's overdeveloped, honestly, and houses would even be more appropriate on this property. It can be subdivided and sold as individual homes at this point.

[4:11:48 PM]

And I think everything else has been addressed with regards to the bridge and the quality of the road itself. It may have been a trucking road at one point but it is not longer such a thing. It is a quiet road for families and children, walkers and bikers. Thank you.

>> Mayor Adler: Sorry, Mr. Whipple, you'll have three minutes. After you Yvonne atlas.

>> Councilmembers, thank you for your service. My name is dusty Whipple. I'm the direct neighbor to the proposed project, and first I'd just point out that a little more than 18 months ago we met in chambers and discussed this project, and it was stopped at first reading. And a lot of that had to do with the fact that we had an advocate in the city council, Ms. Ora Houston. And she drove out to the neighborhood and she took an intense interest in the proposal, and our concerns as a neighborhood

[4:12:48 PM]

association, because she saw for herself that the street is poorly lit, it's narrow, she dug into the history of the bridge. The bridge has flooded -- seven major floods in 20 years, damaged, substandard. The list goes on and on. But beyond that, her concern that I share is that this really isn't just an rv park. It's an rv

park and an alcohol concession. And that was one of the real sticking points the last time we were here, and they really weren't willing to negotiate the alcohol away. And with when zoning there's nothing preventing this from being a very large beer garden, picnic tables, you got a beer concession. It doesn't have to be a very large space to sell a lot of alcohol. And as the direct neighbor with two kids, I've got a problem with that. This is a residential neighborhood. It's not and shouldn't be the next entertainment venue in Austin. It's a poorly lit street. It's never going to be

[4:13:49 PM]

Rainey street. There's one way in. There's one way out. I just think it's just not the right call. And what it really is, is a bike path. And it should be accessible to the city of Austin constituents for that purpose. You can go on the bike path, safely get to the bike path, go out on walnut creek, adding a lot of traffic, possibly inebriated traffic to the street is not really a great idea. I think last time around we kind of came to that conclusion and there was an opportunity, I think, to negotiate the alcohol component and that was declined by the constituent here who wants this project. And I think that's really -- speaks to what they're really after. It's not just about people coming for a one month or two month stay on the river. It's about another opportunity to sell beer and, you know, on picnic tables outside in Austin. I got to ask yourself, do we need another one of those when we've got hundreds of them? I certainly don't think this is where you put that. Thank you for your time.

[4:14:55 PM]

Yvonne atlas, why don't you come on up. Noah Zimmerman -- okay. Mr. Coleman? Why don't you come on up. You have then five minutes. Is chase Brockman here? You'll be up next with three minutes.

>> Council, thank you for your service. Glen Coleman for the applicant. I don't think I'll need five minutes. I want to say there's no boat rentals. Somebody mentioned boat rentals and I want a distinction between cs-1 which would be -- this would be a restaurant so yes, beer and wine. There would not be -- those sales could not exceed more than 51% of gross sales. We did the traffic calculations at 1200 square feet. That's what is in the -- that's where the 320 number comes from so he would be unable to exceed that or to have a large venue or sort of a party barn. That's not going to happen. Let me tell you what this is. Imagine a small quickie picky that can sell soap

[4:15:55 PM]

and, you know, whatever the people need next door at the rv park. The economic engine of this project is the rv park. If he's allowed. If he's -- if he's loud and noisy he's gonna get one star on yelp and be broke. He can't neuron a party venue on the end that have street. We've offered to eliminate amplified

noise if that's council's pleasure altogether. This is definitely not something that can evolve too far in terms of getting away from the rv use. At 20 homes at sf-2, let's look at sf-2 right now, 310 trips per day. If he does 20 houses, 310 trips per day, that's approximately ten trips per day fewer than your staff's calculation for the rvs. So what are you getting for that extra -- what are you getting for that extra ten trips per day? No matter what you put there, if you believe, contrary to professional staff, if you believe the bridge is safe, contrary to

[4:16:55 PM]

what engineers have told, that's going to be there for any use, whether home or multi-family or whatever goes there. The safety of the bridge is a concern four, the traffic is roughly the same, 6.5, half a dozen or the other. I don't buy the argument that the narrowness of the street is necessarily the pertinent to our use and not to anybody else's. But for the extra ten trips a day you're getting something for the community. You're getting something where people can gather. You're getting very informal but still rare access to the river. You're getting a place where a neighbor can run down and get a jug of milk, yes drink a beer under a picnic table. He can't be party at 2:00 A.M. Because those rvs will leave and he'll be broke. It's not something we will see. This is the experience this developer -- local developer has had in his other rv parks. So I'd like to think about that because we've heard a lot about, well, the bridge is unsafe. That's not empirically true.

[4:17:56 PM]

It is identified as needing improvements, certainly the case. We hope some bond money will shake loose soon to make that happen. But whatever happens down there, whatever happens at this former concrete sacking plant, those conditions are going to remain significant there's no reason to believe that the next developer isn't going to do something even more intensive but you will probably lose forever the ability to share this space with all of Austin, with the biking community, with the neighborhood who has been very supportive, with the patrons of Austin driveway who have been very supportive. I believe check your packet, they've definitely supported it. So we understand that change is scary but changes are coming, right? There's no way that delwau lane is going to escape the economic pressures that we're all -- we are all under in this city but here's an opportunity to secure for all time a chance for that to be something funky and fun and old Austin, amenities to the

[4:18:56 PM]

neighborhood, a community center for the neighbors and for the larger community of Austin and the bike community. And I just don't think you're going to get that with a bunch of sf-2 houses homeowners association and an environment which doesn't allow for that inclusivity. This developer has experience

doing what he's done. He's done it before. He studied to do it. This isn't something -- just a pipe dream. They know how to deliver this type of project and they've done it well in the past. So think carefully about the alternatives, yes, there is some problems around that bridge potentially. But anybody that comes to delwau lane is gonna be saddled with that and we believe that this would be an excellent neighbor for all of the parties up and down delwau. I appreciate your time. Thank you, council. Thank you for your service.

>> Mayor Adler: Before Brockman?

>> Thank you, chase Brockman, I've been a resident for the last 7.5, eight years or so and I fully support this

[4:19:57 PM]

development as the camp ground as proposed. As it stands right now there's no really anyplace that's very close where we can get groceries or anything. It's quite the drive to go just bread or milk or anything like that. So I would really look forward to having somewhere I could walk or ride my bike or walk with my dogs and go get some groceries or possibly have a beer at the end of the day. And I think, you know, just as that -- as that property is right now, it's quite unsightly. It's been -- that old concrete planning falling down, all rusted out, looks dangerous. I mean, you know, who knows who could be staying there from time to time as it is because there's not a whole lot flak so the more people that are back there I think the safer the area could be with more eyes on the area. Thank you. That's all I have to say. Thank you.

[4:20:57 PM]

>> Mayor Adler: Does the applicant want to close?

>> We've also talked to the neighbors about doing some maintenance along the bike path and making some better signs and mowing that area because I think there's some concerns about the exit from walnut creek on to delwau lane and been trying to meet with him and figure out how to make the project best for everyone. And on the environmental side we're definitely going to be looking into expanding wastewater service because there is water wastewater we may be able to pull to the site. My business is an ecological design company, very focused on doing the right thing and doing right by the land. Thank you very much.

>> Mayor Adler: Thank you. We're back up to the dais. Those are all the speakers. Is this all three readings or first reading? I didn't catch that.

[4:21:58 PM]

First reading only?

>> First only.

>> Mayor Adler: First only, okay. Thank you. Discussion on the dais? Is there a motion? Mayor pro tem.

>> Garza: I have a question for staff. Can you remind us of what the difference in this and the one we I guess denied last time?

>> The only difference I can recall is last time they were asking for cs-1 zoning, which allows for a cocktail lounge. They're asking for cs zoning which does allow for a restaurant that sells beer, wine liquor but doesn't allow for a cocktail lounge.

>> Garza: Thanks.

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: Thank you. I actually have a couple questions. Generally I'm inclined to support this rezoning, especially after given some of staff's recommendations but one of the things I do have concerns about, something said something about it being a potential entertainment venue and that's not how I foresaw it so I wonder if us adding no amplified sound might

[4:23:00 PM]

assuage fears about that.

>> You could add general outdoor entertainment, generally an outdoor concert type venue.

>> Harper-madison: Which was mainly concerned about the sound but I'll take a moment to think about it. The other thing I want to bring to light I've been to events at urban root that had alcohol so I'm just trying to figure out if the neighbors that are here in opposition have similar concerns about the outdoor events that have music, that have alcohol, that happen already in their neighborhood.

>> Great, yes. So we welcome the community out to all of our open houses. It's a great way for the public to get a sense for the spirit of our work. Other than hands-on volunteering opportunities we do five open houses per year. They're typically from 12:30 to 2:00 P.M. So there's not -- we do provide

[4:24:01 PM]

beer. There's probably less than 12 beers consumed collectively among 40 to 50 people that do attend. We do announce those open houses to all the neighbors because they are welcomed of course to those open houses. So it is --

>> Harper-madison: Generally speaking they're not met with opposition from the neighbors?

>> It's a farm tour first and foremost. Beer is one of the beverages that we offer.

>> Harper-madison: Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Okay. I have a couple of questions and concerns. So the first one is that, you know, we're talking in terms of a conditional overlay, and we're about to -- well, we're going to be adopting a land development code. So what's going to happen to this conditional overlay

[4:25:01 PM]

under the new development code? Jerry, I know I'm putting you on the spot. My understanding -- and if you don't know you can answer that. But my understanding is that cos are not being carried forward.

>> My answer is I don't know.

>> Kitchen: Okay. So one of my concerns -- sorry, Jerry.

[Laughter] You're not the right person to answer that. But for my colleagues, my understanding is that cos are not being carried forward or at least if I'm understanding correctly some cos are being carried forward that relate to housing but not cos that relate to transportation, and I don't know about cos related to use. So I'm concerned about whether there's any possibility to actually put the kind of guardrails around this that people are talking about. So that's one of my concerns. The second concern is, it's sf-2. Which is housing. I'm not sure why we would not keep it as housing,

[4:26:03 PM]

given our concerns. Again, I recognize this is not my district so I don't know the area. So but just in -- you know, so I understand if there's something I'm not understanding about that. But in general, in general our goals as a city is more housing. So I'm not sure why we would change away from housing in this circumstance, particularly for a zoning category that I'm not seeing a path to keeping the kind of guardrails around it that we would want.

>> Harper-madison: Do you mind if I speak to that, mayor? For district 1, some of the most affordable housing types we have available and that are accessible are mobile. And so that's my thought around us really -- I mean, mobile homes, rvs are a housing type. It's some of the most affordable housing, one of the last vestiges of affordability and housing for a lot of people in d1 so that's why I'm generally supportive of it.

>> Kitchen: Can I ask a question?

>> Mayor Adler: Okay. Then we'll go to

[4:27:04 PM]

Mr. Flannigan.

>> Flannigan: Maybe I misunderstood. I thought this was an rv camp ground, not an rv park that people could stay longer. Maybe I misunderstood.

>> Harper-madison: There's longer term stay options, I believe, if I'm not mistaken, up to a couple months.

>> We're hoping to build a longer term rv park. All of our rv parks are longer term.

>> Kitchen: Can you tell me more information. What do you mean by longer term?

>> People stay for multiple years.

>> Kitchen: Okay. So would all of the -- all of the spots be available for longer term?

>> Yes.

>> Kitchen: Okay. How many spots are you talking about?

>> 60 to 70.

>> Kitchen: So all 60 to 70 would be basically rental space in an rv?

>> People would bring their own rvs.

>> Kitchen: Yeah, yeah.

>> Yes.

>> Kitchen: Thank you.

>> Mayor Adler: Councilmember Flannigan.

>> Flannigan: Just to clarify, there are many,

[4:28:06 PM]

many, many conditional overlays being continued in the new code under f25. So all of the sites with f25 that have cos are maintained regardless of what we adopt as long as they maintain the f25. While we haven't had the discussion about what do we do about these zoning cases in this time period while we're deliberating kind of two things at once wouldn't surprise me if f25 was going to be a zoning option for some of the zoning case that's maintained some of these conditions. Obviously adding new

conditional overlays is not an option in the tract we're working on, but all the f25 -- I want to be clear for the public because we're not removing conditional overlays on properties if they have f25.

>> Kitchen: Let me say one thing to that. I have properties in my district which have cos on them that the staff has told me they are not maintaining nor are they putting them f25.

>> Flannigan:so if it's not

[4:29:07 PM]

f25 it isn't. If it is f25 it is.

>> Kitchen: I want to be clear my understanding from the staff under the land development code is they are not putting f25s on all cos and all cos are not being maintained.

>> Mayor Adler: Jerry wasn't able to answer it so we'll get an answer to that at some point in this process.

>> From the zoning maps I've seen in the code, that is true. Some have f25, some do not.

>> Mayor Adler: We just can't know what this one was. That's fine. We're moving past it. Further discussion? Councilmember tovo and then councilmember Renteria.

>> Tovo: Yeah, I wanted to ask Mr. Rusthoven, I'm just checking my chart but I haven't found the answer yet. Does cs allow mobile home, ongoing mobile home?

>> No. But the -- I believe the mu would. So the thing is the difference between an rv and mobile home, remember we had this discussion when doing the mobile home rezoning

[4:30:10 PM]

cases, a mobile home park has spaces that are leased, people then bring mobile homes onto and they are considered to be a residential use. An rv is a property -- is a vehicle that's titled. It has a license plate on it. But the city does not have limitation on how long an rv can be in an rv park and shady grove is probably the best example of that.

>> Tovo: Okay.

>> So there's a difference between mobile home and rv. An rv can stay there for as long as it wants?

>> Tovo: There's nothing within this case at present that would prohibit rvs from remaining there for a couple years?

>> No.

>> Tovo: They would have the ability to do that. On the other hand there's also nothing at this point in the description of it to require that that be the case either? They could also just have rvs come and go within a weekend.

>> That's correct.

>> Tovo: There are no provisions or restrictive covenants or anything suggesting that they're going to use this?

[4:31:11 PM]

>> No. There are additional regulations from the health department regarding sewer hookups on the camp grounds.

>> Tovo: Thanks.

>> Mayor Adler: For me, I'm going to support the owner's application here. I hear the --

>> Harper-madison: Mayor, I think you forgot about councilmember Renteria.

>> Mayor Adler: Councilmember Renteria, I'm sorry. Go ahead. Thank you.

>> Renteria: Thank you, mayor. I supported this last time around and I'm going to support this. My -- the immediate neighbors, it's in my district. We share the boundary there on the road, and we -- because of what they are doing to 183 and I saw the diagram last time that -- their plan on how they was gonna reconfigure and do away with bond road, which was a direct road to connect to the traffic going south,

[4:32:13 PM]

and also going into airport and Cesar Chavez. Well, now they did away with that underpass there, and now they have to go all the way up almost to martin Luther king to make a u-turn to come back if they want to travel south. There's really nothing there. It's just a neighborhood. You're talking about a desert. Food desert. That's what you'd call that right there in that location. So I'm going to support it, and I've gotten a lot of emails from -- and calls from my constituents there in Norwood that they're really behind this.

>> Mayor Adler: I'll follow councilmember Renteria's lead on this. Further discussion? Is there a motion to approve this item? Councilmember Renteria makes the motion. Councilmember harper-madison seconds it.

[4:33:13 PM]

First reading only. First reading only. And are we approving the -- what recommendation we approving? We're approving the -- is it the property owner's recommendation? I mean --

>> The staff recommendation, the applicant is in agreement with the staff recommendation but we had issues with the planning and zoning recommendation.

>> Mayor Adler: First reading, moved and seconded. Any discussion? Mayor pro tem?

>> Garza: I guess I'm comfortable with first reading. These are always tough because something is going to be -- something is going to be there. I don't remember what case it was, but it was -- you know, the neighborhood didn't want -- I think it was they didn't want, like, a retail, they didn't want something but were okay with

[4:34:14 PM]

something else when the something else actually created more trips. I wonder if when this comes back - - it sounded like one neighbor said they'd be okay with the camp ground aspect of it if it wasn't the other part of it. So I'm wondering if there's negotiations that can happen between now and the following readings to get the neighbors more comfortable. Then I'm also just -- it sounded like mover a camp ground and then now I'm hearing that maybe it's more long-term, and that -- those really are two different things, and so I'd like to -- for me to further support this on following readings I would like to know that that is in fact -- this is in fact an opportunity for that kind of affordable housing because that is the one affordable housing left. I know that I have mobile home parks in my district where there are also, you

[4:35:14 PM]

know -- I believe rvs as well. So I'm going to support it on first reading, and I hope when it comes back to us we can have a discussion on what's there. Because if it is long-term housing, these -- I'm picturing two different things as a camp ground versus affordable housing. And so I'm inclined to support the affordable housing part of it and I want to know that we're headed more in that direction than the camp ground, which I feel would make the neighbors more comfortable with it. So --

>> Mayor Adler: Okay. Councilmember tovo.

>> Tovo: May I ask the applicant to come up and clarify that? Because, you know, I was just looking back through the transcript last time and even the comments today, creating long-term housing didn't really seem like the concept we were having described on either one of those occasions. And so this would seem to be

[4:36:16 PM]

a direction that just hasn't really been fully explored. So I just need to understand, I guess, what your intention is. Is it to create a camp ground where people come and go? Or is it primarily to create long-term housing?

>> It's primarily to create long-term housing.

>> Tovo: Okay. Again, I just -- that's a little surprising based on the conversations we've had to this point.

>> The zoning category is camp ground. And, you know, when we brought it forward it was -- you know, under cs camp ground is kind of what the rv park -- I believe that's what allows for a rv park.

>> Tovo: I'll ask the staff to clarify. I'm not aware that -- of that. In any case, your representative talked about the projects that you have that are similar to this. Would you remind me where those are?

>> Yeah. Those are mainly in California and the website -- you can take a look at them.

[4:37:16 PM]

It's two crows housing.

>> Tovo: Twocrowshousing.com.

>> Yes. I think that should give a sense -- none of them are short-term camp grounds all over. We provide longer term housing.

>> Mayor Adler: Further discussion? Colleagues, we have two more items and 55 minutes before we break for music.

>> Tovo: Mayor, I had asked a question that I was wondering if Mr. Rusthoven could answer. Mr. Rusthoven, if someone wanted to create a long-term housing with rvs being the housing, is this the only zoning category?

>> No. Because the council recently did an amendment to the mobile home ordinance that allows rvs to be in mobile home parks as well.

>> Tovo: So if your primary purpose was to create long-term housing in rvs you don't need cs? You don't need the cs piece?

[4:38:17 PM]

>> Correct. You could do it --

>> Tovo: Under mobile home?

>> Yes.

>> Tovo: Okay, thanks. I would suggest if that passes on first reading if that's really the intent perhaps the applicant could amend their application to come back with mobile home. And I'd be interested to know whether the neighbors are supportive of that direction, if that's the -- if that's the explicit intent. I guess maybe that's a question for the applicant, if that's -- if that's more along the lines of what would be appropriate for your concept.

>> Well, we are also interested in the commercial aspect as well.

>> Tovo: Which element of it?

>> The marketplace and the cafe.

>> Tovo: Okay and that seems to be the elements that are providing the most concern, though, for those residents.

>> I believe so. I believe so, yeah.

>> Tovo: Okay. All right. Thank you.

>> Mayor Adler: Any further discussion? Councilmember alter?

>> Alter: Can you just, again, define what you mean by longer term stays?

[4:39:18 PM]

Because we were talking about -- when you were talking about it before it sounded like it was maybe a month or two months.

>> As some of our parks, people live for many years.

>> Alter: But what portion of this park can be long-term and you sustain it financially?

>> I would hope that pretty much 100% are people that are staying long-term. I don't want people that are coming in for a week or even a month. I'd rather -- they would all presumably be month to month contracts. I can't control how long someone stays, naturally, but I would hope people would be staying at least for a year. I'm interested in creating a community and I don't think it works as well when you have people coming in and out.

>> Alter: Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: My question would be, would you be willing to explore between first and second reading a zoning category that provided for the -- whatever the zoning category is but provided for the longer term

[4:40:21 PM]

housing? Perhaps that's the mobile home category. As long as you could also provide for the cafe that you're talking about and the marketplace?

>> I would be interested in looking at that. I think I need to look a little more. All the building standards are different because they're -- if you go mobile home I believe you need to build towards a mobile home so you end up -- it's going to be financially difficult I think because you're going to have to overbuild the whole thing for mobile homes when in reality you're trying to house rv's.

>> Kitchen: Well --

>> Does that make sense?

>> Kitchen: Yeah. Except we did change the standards some to allow rv's in the mobile home parks.

>> So I'd need to look but I believe the building standards are still going to be -- the road sizes, everything else within the park would be --

>> Kitchen: I guess what I'm -- I have a different question, and that has to do -- I'm sorry. I have a different question for staff now. So what about the -- I'm not understanding exactly how the -- in the backup there's information about a -- the

[4:41:21 PM]

transportation analysis, and it references that -- the recommendations in the -- if I'm remembering correctly, it references that the recommendations in that traffic analysis would have to be followed. Am I right about that?

>> Development officer, Austin transportation department. So the recommendation is when this applicant comes at the time of [indiscernible] They will have to upgrade the road to the standards to provide pedestrian and bicycle connectivity. And also -- also will have to widen the road.

>> Kitchen: So that would be required.

>> Yes, councilmember.

>> Kitchen: What about the bridge?

>> The bridge was not part of the recommendation because there are certain limiting factors because we have the legal maximum limit we can ask for, and we believe if they have to take the road up to the standards and provide all the bicycle and pedestrian connectivity, we are gonna be capped at

[4:42:22 PM]

that.

>> Kitchen: Okay. Thank you.

>> Thanks.

>> Mayor Adler: Motion before us to approve this on first reading. Those in favor on first reading please raise your hand. Those opposed. Pool and tovo saying no. Those abstaining? Kitchen and alter. Those in favor please raise your hand. It's the other six on the dais. This passes on first reading. 6-2-2, with councilmember Casar off the dais.

>> Kitchen: Mayor, could I just make a comment. I can support this in the future, but I don't feel like we have the

[indiscernible] Yet on the route towards the housing that we're talking about, and so I want to understand better how we can secure

[4:43:24 PM]

that use that the -- that the applicant is saying he wants to use it as. So I'm also unclear about how this would be carried forward under new zoning. And so I need an answer to both of those things in order to feel comfortable moving forward.

>> Garza: Mayor?

>> Mayor Adler: Mayor pro tem.

>> Garza: Yeah. I don't know if the applicant -- I know this is in your district, councilmember harper-madison. I don't know if the applicant has sat down with the neighbors. It doesn't sound like it. It feels like there's a disconnect in the understanding of what's going to be here. I did look up the website and it's long-term rentals, but these other ones do not have the amenities that are being asked here so I'm wondering if there's the opportunity to not have the things that the neighborhood is concerned about. But I don't know. It doesn't seem like there's

[4:44:24 PM]

been -- the two parties have sat down and discussed this. I would encourage for second reading for that to happen.

>> Mayor Adler: Councilmember pool.

>> Pool: Yeah. I would encourage that as well. And an answer to the concerns that councilmember kitchen raised. Be happy to get additional information. And I appreciate the neighbors coming in and

expression their -- expressing their concerns. There may be some common ground we can achieve on this. Thanks.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I'll add last time when this came before council there were a large number of neighbors and, again, I'm going back through the transcript and looking at it. I appreciate that the project may have changed considerably but I want to say, again, it doesn't sound as if what's been described has been long-term housing. So I certainly support additional conversation with the neighbors, as father-in-law last time there had been some and there were conversations and requests to adjust some of

[4:45:26 PM]

the entertainment elements that I think were giving concern to the neighbors and to your immediate neighbors and the residents around it. So I hope that that conversation can happen. And I hope we can get a real clear understanding of what is and is not going to happen on the property.

>> Mayor Adler: My recollection back then, wasn't one of the key issues the cs zoning itself? I think that at that point the applicant was asked, would you back off of the cs zoning and there wasn't an interest in doing it at the time, as I recall. But I'm happy this is going to come back on second reading and we can talk through a lot of the issues that have been raised. Further comment before we go on? We have 45 minutes and two items left. Councilmember alter.

>> Alter: Super quick. I just wanted to say that anymore the same place that councilmember kitchen is. I said I'm in the same place that councilmember kitchen is.

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: Yes. I wanted to read this out loud because it sounds like

[4:46:26 PM]

a place I'd like to live. Two crows creates and maintains high quality affordable small home communities that encourage diversity, health and sustainability. For me while I can appreciate the desire to have the conversation about concessions, pun intended, I really would like to live in a neighborhood that had a market and a cafe and a little bar. I don't see those as amenities that necessarily have to work to the detriment of the surrounding community. So I also look forward to continued conversation and, you know, open dialogue.

>> Garza: Real quick response.

>> Mayor Adler: Go ahead.

>> Garza: I agree but it sounds like the concern is people coming that aren't living there, coming from -- it being a destination and that's a different thing for me. So that's just my concern, is it a destination point or is it just, like, a neighborhood amenity? And I still am not clear

[4:47:28 PM]

what is the intent.

>> Mayor Adler: I'm happy we're going to address all these issues more closely. I kind of like the idea of taking areas that are on the water like that and making them available to larger segment that otherwise couldn't enjoy that kind of amenity. Oftentimes that's private property and you can't get to it. So but I understand that there are trade-offs associated with that. Okay. We ready to move on? Okay. Let's move on then to item number it 73.

>> 73c14-2019-0160, for the property located 12411 limerick avenue. Existing zoning sf-1. Posted zoning northern california-mu, zoning and planning commission agreed with the staff recommendation.

>> Mayor Adler: Mr. Flannigan, you pulled this.

>> Flannigan: Yeah. This is fast. I am confused about how --

[4:48:29 PM]

what appears to be a more intense zoning is being recommended by staff versus what was applied when we have very famously gone round and round and round on what changes we can make to what an applicant requested.

>> The code is specific that an addition of an mu overlay allowing residential to a commercial category is not an increase in intensity. The mu simply adds an residential element to the commercial zoning so it's determined not to be more intense.

>> Flannigan: My understanding is that the limitation was related to state law about notice requirements.

>> There are also --

>> Flannigan: I don't know how the code could undo --

>> Councilmember, also on the notice, every notice we send out, we say an mu may be added.

>> Flannigan: It says mu on all the notices?

>> It does.

>> Flannigan: Wow.

>> It says it may be added and renotification would not be required.

>> Flannigan: I got to go back and look at those notices.

>> It's on the bottom.

>> Mayor Adler: Is there a motion to approve this

[4:49:29 PM]

item 73? Approve the staff recommendation on 73. Is there a motion? I need a motion. Councilmember Renteria makes the motion. Is there a second? Councilmember harper-madison seconds it. Any discussion? Those in favor of 73 please raise your hand. Those opposed. Unanimous on the dais with councilmember Casar off.

>> Thanks, mayor. That finishes the zoning.

>> Mayor Adler: Thank you. Good job. I think that that gets us to the very last item on our agenda, which is item number 37, the contract with waste management. Councilmember harper-madison, you pulled this one.

>> Harper-madison: Indeed I did. I suspect I'm not the only one who has questions though. In fact we have --

>> Mayor Adler: Councilmember pool pulled it as well.

>> Harper-madison: So what order do you want to take

[4:50:30 PM]

this in? I have lots of questions and concerns.

>> Mayor Adler: We also have people --

>> Harper-madison: Questions from staff. Should we hear from our speakers or we speak first?

>> Mayor Adler: Want to hear from the speakers and we can see what issues they're raising.

>> Harper-madison: Sounds good to me. Councilmember pool, you pulled it also. Are you good with that?

>> Pool: Oh, yeah.

>> Mayor Adler: Okay. Let's hear from speakers that have signed up. Is robin Schneider here? Why don't you come on down, Ms. Schneider. Is Kim wood here? Come on down to the podium. You'll each have three minutes. Ms. Schneider, can you give those to the clerk? You have three minutes.

[4:51:30 PM]

>> Thank you so much, robin Schneider with Texas campaign for the environment. First I want to thank you for taking the bull by the horns last September when you worked with the city -- with Travis county to increase local government's ability to deal with the problem landfill in northeast Travis county, Austin community landfill. This stopped waste management's efforts to expand their existing problem landfill. However, as I'm sure you know, now they have put in the paperwork to have a transfer station, you know, have trucks dump trash on a big slab, only gonna have three sides of a shed and possibly leave it there for as long as 48 or 72 hours and then have bigger trucks come and take it away somewhere else. So the city, we're glad, submitted comments about this proposed transfer station. And hundreds of residents have weighed in as well. Right now we don't want to undermine the united

[4:52:33 PM]

opposition to waste management's plans at this location. And the city council has stood strong on this for more than three years, as you'll see from the Austin monitor story I just gave you, it's three years almost to the day that the city council unanimously rejected a similar proposal from what's before you right now. So we want you to stand strong even though unfortunately the staff has not been -- they continue to fail us. In March of 2017, they had a contract, hold-over contract for nine months. Then that ran out in December of 2017. Another seven months. And then in March of 2018 we had another hold-over for 19 months. And now we're here with another emergency contract. So what they should -- the staff should not be given the leeway to negotiate and

[4:53:34 PM]

execute a contract given their failures over the past three years. Instead, we urge you to stand with us and forbid any city of Austin facility discards from going to this problem landfill. Do not undermine your support for the neighbors and for the environment by sending mixed messages and sending your trash to that landfill. We want to make it clear that this city does not do business with bad actors. Thank you. Happy to take questions.

>> Mayor Adler: Is Kim wood here, please? You'll be up next. You'll have three minutes. Is Melanie McAfee here? Why don't you come on down. You have three minutes.

>> Thank you. My name is Kim wood. This is my first time attending one of these meetings. So sorry if I sound nervous. I'm a resident in pioneer crossing east, and I'm

[4:54:35 PM]

speaking here on behalf many of the residents in pioneer crossing east. And west. Being less than a mile from the Austin community landfill, I first hand have lots of experience dealing with the smells, the putrid odors, sewage like smells often inside our homes as well. It's really bad. I know we're not here to discuss the landfill and transfer station but I do want to plead with you to ask you not to execute any contracts with waste management incorporated. A couple weeks ago, couple hundred of us turned up at the official public meeting held by tcq to talk about our opposition to the transfer station that waste management wants to build, and I am very concerned that if the city of Austin does execute any contracts that that is going to be leverage that waste management can then use in order to build this transfer station. So we really just plead with you not to do that. Waste management have not

[4:55:36 PM]

been good neighbors to us. I have only had to deal with them for the last year and a half and I promise you it has been enough. It's made me question whether moving to Austin is the right decision, as you can tell I'm not from here. Many of my neighbors have fought this for 40 years. It is terrible as it is and I don't want to have any reason that waste management might use this contract in the future as justification to build a transfer station. I plead with you on behalf of pioneer crossing east, west, walnut creek, wall place, chimney hills, all of whom were represented at the public meeting and who have been opposed to this waste management incorporation for a very long time. So as we're trying to do something and we're trying to fight the potential building of a transfer station, I ask that you support us as residents of the city of Austin, and I ask that you please not execute any contracts with waste management incorporated in the meantime.

[4:56:36 PM]

And thank you all very much for everything.

>> Mayor Adler: Thank you. Ms. McAfee, before you begin is Adam Gregory here? Why don't you come on down. You have time donated from Ryan Hobbs so you'll have five minutes when you speak, Mr. Gregory. Go ahead. You have three minutes.

>> Please reject the staff's proposed emergency contract with waste management. This is the worst possible moment for this to happen. It comes at a time when this garbage collector is proposing a massive transfer station at the Austin community landfill. I thank you for your support in voicing opposition to this insane permit. As you know, waste management has been a bad actor in northeast Austin, coming up on 40 years now. I have been there the entire time. Opposing them for over

[4:57:37 PM]

two-thirds of my life. They have never been a good neighbor. They have never reduced, refused, or recycled trash. They are the opposite of what we want in our zero waste community. The 4 million gallons of hazardous waste have never been remediated. Do you know what the monitoring wells that applied materials are showing? Where is the toxic waste today? If waste management has their way, their answer is to bring in over a thousand trucks every day, right next to it. Pounding, crushing and pushing massive amounts of garbage into giant, heavy, monster garbage trucks. I wonder how that will shake out with all these barrels so close by. The time has come to end this lifetime nightmare of mine. Northeast Austin is exploding with affordable housing communities. Just 9 miles from the state

[4:58:40 PM]

capital. As Austin debates how to densify within its city limits with affordable housing, the answer is staring you in the face. Stand firm. Stand with us, the northeast neighbors, and refuse to send any garbage to this awful landfill. Your vote no will send the message that is needed today. Be ready for the battle up ahead. Thank you.

>> Mayor Adler: Thank you. Before Mr. Gregory speaks, is Valerie Dautser here? Why don't you come on down. You have five minutes, sir.

>> Thank you. Mayor, council, good evening. Adam Gregory with TDS. Please do not approve staff's request to negotiate a no-bid emergency contract with waste management. There's no reason for this council to take a vote that would effectively say that it's perfectly acceptable to dispose all of the

[4:59:44 PM]

city-generated waste at the waste management Austin community landfill. Even if that approval is only for a month or a day. It needs to be clear to everyone that the competitive purchasing statutes that city staff have said prevent them from doing an additional hold-over of the existing city facilities contract or continuing to utilize the existing contract, those same statutes explicitly exempt these exact types of services from having to receive a preapproval from council for these funds. These services are exempted both because they're necessary for public health and safety and because they're associated with municipally owned utilities. I have the statute here and I'd be happy to pass it around if you'd like it. I encourage you to confirm with staff that this exemption does not require you to approve this agenda item in any form. At the SWAC meeting staff confirmed there would be no gap in services if council chose not to approve this contract.

[5:00:45 PM]

They voted unanimously to vote you reject it. Arr suggested there were other options for securing services but stated it was the preference of corporate staff to secure a council vote on an emergency contract. Clearly these services can be secured through waste management Oregon another hauler using any of the landfills except Austin community landfill by using standard purchase orders. I remind you this contract began all the way back in 2010 with a different company. Waste management recently purchased the local assets and accounts of the original contractor. After the original term and approved extensions staff has held this contract over four times for a total of 39 months and now they're before you eight days before it is scheduled to expire and the council is being asked to award a no bid \$000,000 contract with unknown contract provisions that will be written in secret? It's clear that staff does not need this vote from you to continue these services.

[5:01:45 PM]

And it seems clear to me that this emergency has been orchestrated in an effort to force you to take a vote that is inconsistent with about two decades of city policy towards the Austin community landfill. Tds has been expecting a solicitation for these services since last August, when we gave our feedback to the draft solicitation published by staff. We heard last night from staff that just yesterday corporate purchasing approved the issue Wednesday of the solicitation. Just yesterday. So [indiscernible] I'll remind that you the council still hasn't considered for approval the landfill criteria matrix policy that the council solid waste management working group directed staff to develop with stakeholders. Although that was finished in October of 2018. You may recall that staff removed consideration of the landfill criteria matrix from your agenda in November 2018 and said they would come back to you as

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part of the first solicitation that utilized the landfill criteria matrix. Well, that first solicitation is scheduled to come before you in April on your April 9 meeting. I submit that it is inappropriate for purchasing to try to force you to vote on the acceptability of the waste management Austin community landfill just before you're scheduled to consider the landfill criteria matrix, which is the tool council requested last time council rejected a contract because it would utilize the Austin community landfill. I'll finish by reminding you of one last instance staff came to council with an emergency request to utilize the Austin community landfill for Austin energy waste one day before that contract expired. That was in 2015, 50 months ago. All of you who were on that council voted not to give into the pressure and just said no. Austin energy has had no problems managing its waste

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since then. Despite the claims that they had no other options at the time. Please do not vote to approve a no bid million dollar contract. Just say no to this contract and to reliance on the waste management Austin community landfill. Staff can manage these wastes just fine through purchase orders until they can issue an actual competitive solicitation for these services. Thank you very much.

>> Mayor Adler: Thank you. Is Jeffrey Jacoby here? Go ahead, ma'am. You have three minutes. Don't pay any attention to the buzzer?

>> Hi, my name is Valerie

[indiscernible] I've lived in northeast Austin since 2013 and I'm here to urge you not to [indiscernible] They have been a consistent

[5:04:47 PM]

bad actor in our community. I find it perplexing this emergency situation was allowed to arise. Awarding this over 1 million-dollar contract would be in opposition to previously stated stances by the council against waste management further dumping in Austin community landfill. This is -- all of the issues that have been brought forth by my neighbors and friends Melanie McAfee and Kim wood show that this is just one more way that waste management is trying to dump in our community and siphon off as much as they can from this site before closing it down. Maybe one day. But we've all been hearing five to seven years for years now. There are other solutions to this emergency problem. Please consider those. And don't be forced to execute a million dollar

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contract. I'm sure y'all can kind a creative solution. Thank you.

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

>> Hi again. Today evidently is the day of talking about garbage here at council. Over the course of the last week and a half I have been making the rounds at the various commissions that have been talking about this contract. We were at -- I was at the electric utility commission last Monday which uniformly rejected this proposal. Was at the water and wastewater commission, which has a whopping \$28,000 stake in this contract and has some processes that we really need to look into it and then last night at zwac which unanimously rejected this idea. And the reason they're unanimously rejecting this is very simple. It's because the city of Austin should not send any of our waste to the Austin

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community landfill. That is a long standing policy. Robin mentioned this previously so I don't need to belabor the point. Also I did want to thank councilmember harper-madison for accounting for the various citizen concerns that have been raised about this particular item today, as well as more generally the transfer station and landfill. It's going to take leadership to keep waste management from

[indiscernible] One last thing, what is staff going to say? Staff is going to say on March 1, if we don't execute this contract with waste management to dump in the Austin community landfill because make no mistake about it, that is what's gonna happen, then there's gonna be trash from city facilities potentially flowing out into the streets. That's simply not true. Last night at zwac it was confirmed that if this contract isn't executed,

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then there will be no disruption in services to the city. Richard Mchale said that, director snipes confirmed that. And yet I've been at these commissions and watched staff go in front of these commissioners and make -- leave the impression that if you don't do this today there's going to be a catastrophic public health emergency on March 1. I mean, I've watched this first hand over and over and over again over the course of the last ten days or so. And so I just want to make sure that before you hear from staff that you know that they are also saying when pressed by your commissioners, they're also saying, well, actually, uh, you know, March 1 comes around we're still gonna have our waste and recycling and compositing handled, okay? And I can assure you that that has been the case at these commission meetings over and over and over

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again. And I'm happy to take any questions.

>> Mayor Adler: Thank you very much. Colleagues, that gets us back up to the dais. Would staff come down? Would you answer that question? What happens if we don't approve this?

>> Mayor, councilmember James Scarborough, purchasing office. I'll have to defer to our colleagues at ar to respond to that particular question.

>> Mayor, council, Ken snipes, director, Austin resource recovery. I think with respect to the contract terminology, once the contract ends then my job would be to try to figure out a way to keep services maintained throughout the city. With respect to the provisions, once the contract expires then we would be in a position where

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we would have to abide by contract law. And contract law, as I understand it in this case, doesn't allow us to continue with the current contract because we'd be exceeding the contract provisions which require that we not go beyond 25% of the original contract value.

>> Mayor Adler: So what happens?

>> If the --

>> Mayor Adler: If we don't approve this contract?

>> Then we would need to execute a new contract.

>> Mayor Adler: Is that a problem or a concern? What if we say no today, to this requested action? Will you be able to handle picking up garbage on March 1?

>> Well, as I said before, my job would be to find another way to do it, but legally I would have to work with our contract staff to figure out what the provisions for that would be.

>> Mayor Adler: Do you think you're gonna be able to -- if we did that would you be able to figure out a way to do it?

>> Legally, we'd have to

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rely on contract law. Theoretically, it would be my job to figure out how to get that done. Am I not answering your question, mayor?

>> Mayor Adler: No.

[Laughter]

>> So the -- the contract terms require that the contract not be extended again. There are no more provisions to extend the contract. That contract would technically end on -- at the end of the month. And so typically what happens then is you would have to issue a new contract or in most cases you would continue the work under the current contract terms. And I think that's what we would try to do, but we would want to work as quickly as we could to execute a new contract to move forward with providing those services. I also want to say that the solicitation for that body of work is also continuing and should be on the streets here pretty quickly is what we hope.

[5:12:01 PM]

>> Harper-madison: I justed to point out I've heard three people say at zwac last night. I was trying to find the transcripts but I guess it's not posted yet. I've heard three people say there wouldn't be any interruption in service and that we had options. I wonder if that might help to get to the root of your

question. What are our options? How feasible and viable are they? I'd like to say as another new kid on the block, I find it unfortunate that this decades old problem landed in your lap and you're new to the game. You inherited this, so any opposition or sort of harshness in tone is a matter of frustration over it's not towards you. I'm sorry that you inherited this hot potato.

>> Thank you, councilmember. I appreciate that. The comment last night was about -- from my perspective, of having ownership for the program. Right? My responsibility is to make sure that across the city that regardless of what happens that I find a way to

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deliver the services that we need. There could be nothing worse than to have a break in service related to garbage. So that was the intent of the comment. But I do want to be clear that we're bound by a contract law, and I rely on the professionals under that guidance to determine how we move forward with respect to the new contract.

>> Mayor Adler: Councilmember pool.

>> Pool: Thanks. I think we could do a purchase order, as far as dealing with the additional waste. And I just want to say -- and thank you all for being here. The community wants to see this landfill closed. That's why these folks are down here today. That's why Mr. Jacoby stood up here again and talked about this issue. Just last month, I think it was last month, although time gets away from me, we were able to transfer the authority, governmental authority over this landfill to Travis county when we

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restroomed it from our etj because Travis county has additional tools as far as oversight and regulation of this landfill than the city of Austin has exercised in the many, many years that it's been under our jurisdiction. That was a really important move for this community and it sent a signal to the people who live in that vicinity that we really are trying our best to ensure a quality of life for them. This landfill needs to close. So I just -- I'm going to say a couple of things and then I'll pass it along to the next person but I really need to get these comments into the record and then I'll defer to my colleague, councilmember harper-madison, to make a motion. But I just need to say for the record I'm really disappointed in how this process has been handled yet again. Council is in a box with few options, except to approve an emergency contract now or

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retroactively approve an emergency contract. So it seems that the work in the community to create the landfill matrix criteria, which I led on that effort, was largely ignored. And I guess that may be why we are here now. We are operating under emergency measures, but we don't need to. We don't have to. We shouldn't have. We took this issue under advisement with a specially called work group that I chaired a couple years ago in order to address this very concern. Our adopted policies do not support continuing to use this particular landfill. I'm concerned that staff did not prepare to act on those policies. I'm not gonna be able to support this contract or the actions that got us here. And, city manager, again, I led on the work group that crafted the landfill matrix criteria, as did my colleague, councilmember alter, and as we both know it was a long and arduous process with a heck a lot of community input over many, many months.

[5:16:05 PM]

So I'd ask as a result of where this contract is or rather where it isn't that you go back, city manager, and review that matrix, reconsider the recommendations that were printed, and put them into effect. So I am a no vote on continuing this contract. But I will defer to my colleague, councilmember harper-madison, to make any kind of motion, which I would then like to second.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Yeah I just have some additional questions for staff. I guess I'm not -- I'm not really clear on what -- I'm clear on what you're saying, Mr. Snipes. But what is your plan B if this contract is voted down today? Where will the waste go?

>> Councilmember, as y'all may father-in-law the memo

-- recall from the memo we released recently, I wasn't sure what

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staff were referring to in the meeting last night so I wanted to defer to my colleagues in ar. If we're in a position that not to authorize a short-term contract that may put us into a position of having to proceed with a contract in order to collect the waste at the various departments and then return to council requesting ratification of that contract after the fact. That was referenced at the end of the memo. I'm not sure if ar has the capacity to collect this material on their own. They indicated they did not. So it may be one of the options of having to proceed on the most limited basis with a contract and to return to council at a later date and request authorization of that contract.

>> Tovo: Would it be going to this facility? Or would you have an option at that point of entering into a -- entering into a contract with another facility and then coming back and ratifying that?

>> Entering into a contract with another provider or entering into a contract with any provider that

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excluded this particular landfill?

>> Tovo: Either.

>> Either.

>> Tovo: I mean, I think the preference would clearly be -- I don't know where the votes lie along here, but clearly you've heard a lot of concerns about this particular provider.

>> Yes, ma'am.

>> Tovo: So I think the preference would be, for me, a different provider.

>> From a procurement perspective, that would be not an issue. It would be more of an operational issue for our colleagues at ar, if -- if they desired to exclude a landfill, then we would check with law and proceed. But I -- their first priority would be to ensure that the waste was collected and we would do that the best way we could, given the contract tools that we have available to us.

>> Tovo: Thank you. So that's very helpful. So you would be able to enter into a contract and come back and have it ratified and depending on -- and you could take into account the earlier council

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decision and avoid entering into a contract with this particular provider?

>> Well, the interim contract or the short-term contract that's being recommended is consistent with the landfill matrix. So setting that aside. If we were to seek a provider, whether it be the current provider or another provider, to deposit the material into another facility, we would then have to change the terms and conditions that we are currently relying on for this short-term contract. So we're not sure. We would have to negotiate that and we're not sure if that would impact the price. We're not sure if that would impact the service level. As we noted in the memo there are over 200 containers at the various sites. Those would possibly impact it in terms of when and how they would be collected if we changed providers. So all these introduce unknowns that we would have to deal with in the next few days.

>> Tovo: Thanks. I just look back and I do see the line that you were referring to. But I did want to specify --

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clarify that that didn't necessarily mean you would enter into a contract with the same provider. So one additional question. So will -- no. I think you've answered it. Okay. Thank you.

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: Will there be room for additional comments once we make a motion and move forward or should I do that now?

>> Mayor Adler: You can make a motion and speak to it first.

>> Harper-madison: I'd like to make a motion we vote item 37 down. I can't support this item.

>> Pool: Mayor, I'll second.

>> Mayor Adler: The motion is to vote no on this -- or to take no action. Is there a difference between those two? The contract will expire on its own. But to -- so it's a double negative. The motion is to not extend the contract as requested by the staff, seconded by councilmember pool. You can address it.

[5:21:10 PM]

>> Harper-madison: So I want to say some things that are pretty predictable but they need to be said. I'm going to talk about environmental justice for east Austin nights. East austinnites, the people that don't have the opportunity to live in the highest opportunity parts of town are still having to deal with the whole city's trash. We're still talking about that. And that's a problem for me. I think I'd be a little less frustrated if my office had had any opportunity to weigh in on this conversation until this week, post work session, district 1, the district where this public nuisance, frankly, lives didn't have an opportunity to weigh in on the conversation. And I find that troubling, frankly. I know we have to put our trash somewhere, but we can do it in a way that doesn't

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compromise people's health and wellness and quality of life. My heart and my nose goes out to the people that live anywhere near this landfill. I've had the opportunity to take a deep inhale of those sweet putrid fumes that you guys have to live with both in and out of your homes. I think we as a city have said for long enough this council -- the position has been very clear. We don't want to continue to send waste to this facility. I think if that's the case our actions should be symbolic of just that commitment. So I hope all of my colleagues will really take into consideration the implications of this body supporting any action that in any way seems like we are advocating for this particular bad actor. I appreciate y'all's time.

[5:23:18 PM]

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I agree with what councilmember harper-madison has said and also councilmember pool. And I will be supporting the councilmembers' motion. And I have to say that I'm really -- well, others have said it well, but I cannot believe that we're in this circumstance yet again. I was also on the committee that councilmember pool headed up, and I don't understand why we're in this situation again, particularly not with any heads-up. So I'll just leave it there. I hope we don't have to deal with this again. And I also hope that by voting no that doesn't mean that staff will be coming back to us with this same contract. I mean, I understand that there's some emergency authority, but if that emergency authority needs to be invoked, I hope it's invoked in a very short time frame, through purchase orders if those are

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possible. And if another contract has to come back to us, I want to strongly suggest that it should come back to us with a very, very limited time. You know, this council said a long time ago, as others have said, that this is not an appropriate place for us to be putting our trash, as councilmember harper-madison said better than I. And we just need to -- when we vote and say as a council we don't want to do that, I think we mean it. So thank you.

>> Mayor Adler: Yes, staff.

>> Yes, if I could add a couple points of clarification, I'd appreciate it. Thank you. There was a reference earlier to the emergency provisions in the state procurement statute, just a point of clarification. There are exemptions from formal competition in state procurement statutes. The one we are specifically addressing are associated with public health and safety. In essence there's insufficient time right now to conduct a solicitation,

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receive offers, evaluate the offers, put the item on agenda, bring it to council for authorization. So that is the basis. It's the time. The emergency exemption or the exemption does not authorize the resulting contracts. It just waives the competition. The charter requires council disposition that's why we bring the items to you. We always try to bring the items to you before the contract is created, sometimes in an emergency we will bring the items to you after the contract is created. That may be the case here. But we will try to minimize that to the extent possible. There's also a reference to using purchase orders, and I'm not sure exactly how that was intended. Purchase orders are just small dollar contracts. The monthly spend on this contract is about -- just under \$90,000 a month. So if we were to stay within the manager's authority and used a purchase order, that would get us about two weeks

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and a day or so. Then we would have to create another purchase order, another purchase order, if we needed more time than that. And we didn't -- we've never interpreted it being council's intention for us to split procurements to stay under your authorization threshold, so we bring these items to you when we know that they have the possibility of exceeding the manager's threshold. We take your authority seriously, and so that's why we don't particularly use that practice. But I'm sure the intention of the comments were well-intended. To the extent that this item is not authorized we will work with arr to find a contracting method that meets their needs and minimizes the amount of time until we can complete the new solicitation. As was mentioned we did receive the requirements enabling us to proceed with the solicitation fairly recently. So we can't proceed with a solicitation until we know what we're going to be competing for. So when we received the

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requirements now we're ready to proceed. With that the case the solicitation should be out on the street very shortly and we will expedite it to the extent we possibly can and bring you back a full item for your consideration.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: Yes, I'm really disappointed that we're here at this time after we have -- gave instructions for years on, you know, doing away with that, with waste management. You know? And so I'm gonna be supporting my colleague's resolution. And I hope that this is the last time this happens, that y'all won't come back again on another contract that's just about to expire and then ask us to do a -- to support your recommendation. So I hope you give us a lot more time in the future.

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>> Mayor Adler: I

>> Mayor Adler: I understand the frustration that a lot of the dais that's expressed because this contract has been stepped so many times, it seems as if it ought to be presented to us so we can make a decision on the issues. Obviously, we immediate to make sure that garbage continues to be collected. I gather from the nature of the conversation that we had that we could vote no on this contract and garbage would, in fact, continue to be critiqued and , in fact --continue to be collected and there would be uninterrupted service. If I'm wrong about that correct me. Assuming there's going to be uninterrupted service, it sounds as if the way that you're going to do this is to enter into the contract -- a

contract, under an emergency, because to not collect garbage would create a public health hazard. Therefore, you have the ability

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to be able to do that and then bring the contract back to us at some point in the future for ratifications. It sounds like there's going to be a contract that happens. I am concerned about entering into a contract that could inadvertently put a finger on the scale of any of the other public discussions that are happening. So without making any judgments of any kind but wanting not the inadvertently put thumbs on a scale, I join with the request that came from councilmember tovo to look at doing a contract that doesn't go back to this site for fear that we might inadvertently be expressing an opinion on a site that would not be

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commissioned, authorized by the city council.

>> Mayor, I just want to add, with respect to the contract terms, there's no way to guarantee that there would be no break in service. We would work to try to prevent a break in service. That would be our goal, to make sure that there's no break in service.

>> Mayor Adler: Well, I hear that. It's hard for me to know what to do with that. I mean, we have an item that's coming to us, and I want to know whether there's going to be a break in service. I want to know if there are things that we can do to avoid a break in service. Or if there's a break in service and it comes back -- you know, it goes to the council and failed to take action here today, it doesn't seem to be our option -- I mean, I need more information here. And if we need to postpone this meeting and go on - - I mean, I'm comfortable creating a break in

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service, but from everything I've heard, I don't know why we would be doing that. Councilmember pool.

>> Pool: So we had in the work group that I chaired, we had clearly identified that we wanted to close this landfill, we wanted to stop sending this -- and I believe, and correct me if I'm wrong, most of the waste that we are sending to the Austin community landfill is from the city of Austin agencies. Is that correct?

>> I'm not showing a personal of waste versus what happens citywide there.

>> Pool: The contract that we're talking about is city of Austin hauling there. That's the piece that I'm talking about.

>> The contract in discussion is a contract to -- to dispose of city material, city waste.

>> Pool: Yes, it's city waste.

>> Yes.

>> Pool: So mayor, I wanted to make sure you were clear on that, they're not collecting from neighborhoods, it's city of Austin waste that's going to the

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Austin community landfill. So we had directed coming out of the work group that I chaired very clearly to stop that, and we had put together a matrix that I thought had been adopted, but found out later after the fact that because we didn't specifically vote to adopt the matrix, then it was left to the staff to either do parts of it or change it, which was a serious concern for me, but it really hasn't -- it hasn't bubbled up in will now. But this dais sent clear signals not only through that work group but then also for the release of the etj for this site over to Travis county for the additional oversight that Travis county will bring to this, because of the burgeoning important neighborhoods that are coming up around it and because, frankly, for over 40 years, the city of Austin has fought to close that landfill because it was clearly going to be a residential area. So I appreciate all of what staff is saying, but I am failing to

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understand how the direction that came both from my work group, from this dais action to release the etj, and frankly this conversation here, that anybody would fail to understand that we do not support sending city of Austin waste to the Austin community landfill, and we actually really want that landfill to close. So I'm just kind of astonished. And, mayor, no, I do not agree that we should table this or delay it. I think we need some very clear action here. I think this dais is ready to take this strong vote. I think we have already, frankly, said this in the past, that we want to completely remove ourselves from this -- the Austin community landfill.

>> Mayor Adler: What I'm missing -- help me, councilmember pool, if you can help me, I mean, I agree with everything that you said about the direction and that we need to be able to take -- I'm

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with everything except I want to know what happens --

>> Pool: Right.

>> Mayor Adler: -- On March 1st with all the garbage that is created. Does it just pile up? I mean, are we taking the vote today to start accumulating piles of garbage?

>> Pool: Okay. So...no.

>> Mayor Adler: Okay.

>> Pool: Two answer to say that is, our staff could have already given us the plan to close this down. That was our clear direction. But they chose not to. So I trust that our staff can be incredibly nimble and redirect the city of Austin waste that is going to this one site to another location that is not beyond their capabilities, and that is what we are telling them to do. That's what we told them to do the last time we had this conversation. That is what we said to do out of the work group on the landfill that I chaired. That was two years ago and more.

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The direction from this dais has been really clear, it was in the report, it was in the matrix changes that we made, and it was submitted. I'm -- I am -- it's a dry well for me to understand why the staff has continued to bring this contract to us in clear -- when the clear direction from this dais has been repeatedly to stop. So city manager, I leave that -- I trust in your capabilities and our staff's capabilities to work on this. I'm sorry it's come to this pass, but the signals were really clear all along. And I -- mayor, I trust the city manager and our professional staff to make sure that what you're saying doesn't happen and, in fact, the city of Austin will stand up and do the right thing with regard to this issue. I have no doubt that we will be able to manage.

>> And, councilmember, I mean, we take that direction very seriously and we're excited about the solicitation that we're now

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going to be pursuing, and the only reason that we're even putting this contract before you is to get us a little bit more time to be able to go through that thorough solicitation. That's all it is.

>> Mayor Adler: I think everyone understands that. I think that there are ramifications of voting to extend this contract. There are at least two. One is an affirmative vote to make a decision to send waste to a site that expresses a decision on a location that this council is not prepared to do or to make. And the second thing that it does is potentially could impact the state proceedings on the issue. I don't know whether it could or not, but we've heard that suggestion, that it might. So I hear what you're saying. I just don't know -- I don't know what to do with it. I mean, I'm comfortable, you know, trusting and believing

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you're going to be able to figure this out, but if you can't, then I want a special called meeting on February 28th. I mean, but it would be a long meeting and it would be a meeting that would probably go back and try and chase all the steps that we did and why it was that we've ended up in this place and need a special called meeting two days before a contract action. Because I'm not comfortable taking action to approve this for all the reasons that were stated, but I'm also not comfortable with piles of garbage. And I understand you're in front of us today saying you would use your best efforts to ensure we don't have piles of garbage, which I understand and appreciate, but I want to know that there's not going to be piles of garbage. And if there's going to be piles of garbage and you need further authority of some kind in order to prevent there from being piles of garbage, I want to make sure that you have the authority to do that, then we can process why that we're in this place that we're forced to do something. I mean, I am willing to go with

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councilmember pool and trust that you can because I think that you can, but if you can't, I want a special called session, and I want to discuss everything that's related up to this. I want to have the long conversation about this. But I obviously don't want piles of garbage. Councilmember alter.

>> Alter: So, I agree with the history as councilmember pool has laid out, and don't want any more garbage to go to this landfill, but I also do very much share the mayor's concern that I want to know that we're not going to have garbage there piling up. I want to add one other thing or two other elements to this that I'm trying to grapple with. One is that we have no anti-lobbying ordinance on an emergency contract. And we have seen what happens in

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this particular field when we allow for lobbying to happen, and that also was part of our discussion. And I think we need to just recognize that that is part of the discussion, even if we all agree we don't want any more -- want any more waste into the particular landfill. The fact of saying that we don't want it in that landfill reduces us to two landfills, which is going to affect the competitiveness of any solicitation, and that is going to impact us moving forward, which -- unless we -- it won't impact us moving forward unless we change the matrix because this landfill is possible, so we need to figure out what steps we need to take if we want to change that matrix. But then, you know, I think there's value in saying if you don't have an agreement from some other landfill by next week, then we need to we consider this in

[5:40:37 PM]

terms of the short run process, given what I've seen about how things play out in this particular field. And I'm willing to show up for that meeting, even if I totally don't want to have any waste going to that landfill, but we can't afford to have our procurement processes maneuvered in ways that undermine our ability to negotiate. So I would really like us to have a way forward that allows us to do both, and I think the mayor's suggestion is a possible way forward that the other folks that have an incentive to allow us to keep on the path by helping us to professional the issues that might arise over this period of time.

>> Mayor Adler: We have a motion in front of us -- we have a motion in front of us not to approve the contract extension. It's been seconded. Any further discussion?

[5:41:38 PM]

Let's take a vote. Those in favor of the motion not to approve the extension, please raise your hand. Those opposed? How do you vote?

>> Alter: I'm just wondering about whether we can have that special called meeting if we have to if we don't have it resolved.

>> Mayor Adler: Yes, I'll set that meeting.

>> Alter: Okay. So if that's set, then I will be in favor of the motion to not --

>> Mayor Adler: Okay. Manager, if your office would help us contact other offices, make sure we have time next week to put this special called on the meeting. My sincerist hope is that we're not going to have that conversation because that's not going to be a good conversation for us to be having if that's actually where the council is on this issue. But if you would help us get a date, we have to get something set for next week. Okay? The vote was unanimous not to approve the extension of this

[5:42:41 PM]

contract. With that, at 5:42, this meeting -- I think that was all the things we needed to take care of. This meeting is adjourned except that I point out to people there is music and procs still to come and it would be for everybody's heart. With that, this meeting is adjourned.

[5:59:31 PM]

>> Mayor Adler: You guys ready? Are you ready?

>> I'd like to take this time to say thank you very much for being here.

[Indiscernible]

[Cheers and applause] Let's do it one more time. Yeah!

[Indiscernible] Treeg and treegmusic and I'm very excited, and hopefully

[indiscernible]

>> Mayor Adler: We're excited to have you here.

>> Thank you.

>> Mayor Adler: So are we putting in another plug because the keyboard doesn't play. So while they're plugging that in, so our city council

[6:00:33 PM]

here in the live capital music of the world is I think the only city council that I'm aware of in the country that makes sure that every one of our city council meetings we bring in a little live music. I don't know if you watched what we were doing over the last hour and a half. It's not real exciting TV, but it's hard stuff. And the ability to be able to bring music into this place is real special. We try to take the music in here and we press it into the walls as much as we can so that when it gets really hot here and it's 2:00 in the morning we can try to close our eyes and bring back some that have music back into this place. But we're real excited when our local artists come here and do this. I was looking today at there was a tweet or something,

[6:01:34 PM]

maybe a Facebook post from you that came from HT and they were saying how excited HT was that you were going to be here and kind of representing them. We're excited for that too. The university on the east side of Austin, Texas. That's right.

>> [Indiscernible].

>> Mayor Adler: But we really appreciate you coming and being here with us and helping us celebrate. I like that announcement that came. It actually had a name for this music venue that we're in. That was not city council chambers. I don't remember what it is, but I loved it. It was like the shadow lounge or something like that. And I loved the thought -- I'm gonna see if I can find that and start calling this place something other than city council chambers when we're listening to music. It's kind of like Carnegie hall but not quite.

[6:02:35 PM]

>> Kind of feels like Carnegie hall.

>> Sounds good to me. Today we have with us treegmusic.

[Cheers and applause] Treegmusic is an electric vocal powerhouse, sure to command the ever stage she graces. Her entertaining magnetic style mixed with her vocal gymnastic ability is what makes tree special. She has a background in music and her performance style an experience of its own. Her EP, freckled face fantasies and her album entitled you don't even call are available -- that's it?

[Laughter] Are available on your favorite streaming downloading platform as the romance of Austin,

[6:03:37 PM]

treegmusic's platform is geared to pending healthy relationships of all kind, by starting conversation through her music, giving listeners permission to love themselves and show compassion to others. What a treat for us. Treeg, the stage is yours.

>> Thank you, mayor. Thank you, mayor Steve Adler. We appreciate you.

[♪ Music ♪]

[6:10:18 PM]

Thank you so much for having me tonight. My name is tree. And you can follow me on all social media. Mr. Mayor, thank you so much for what you do here in the city. Thank you for leading. We appreciate you. Thank you congresswoman Natasha. Appreciate you, baby. Thank you all. I can go on for a long time but I know they got to come in here and do what they got to do do do do do.

[♪ Music ♪]

[6:12:42 PM]

[Applause]

>> Mayor Adler: Wow. Almost makes worth coming to city council meetings.

[Laughter] So if somebody was watching that right now or this plays on a loop so it's going to play more often, if somebody wanted to find your music, which sites should they go to to get it?

>> They can go to their favorite streaming

[indiscernible] Go to treegmusic.com or

[indiscernible]

>> Mayor Adler: And if somebody wanted to come see you perform, when is your

[6:13:44 PM]

next gig in there that someone could actually see you?

>> Thank you for that. The next show will be at south by southwest.

[Applause]

[Indiscernible] So March 19.

[Indiscernible] Is the next date, which is

[indiscernible] And then March 27th, again, it's all going to be on Instagram.

>> Mayor Adler: Okay, cool. Well, I have a proclamation. I do.

>> He said he had a proclamation.

>> Mayor Adler: I do have a proclamation. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our music scenes thrives

[6:14:44 PM]

because Austin audiences support good music produced by legends, our local favorites and newcomers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capitol, together with my colleagues on the city council do hereby proclaim February 20th of the year 2020 as treegmusic day in Austin, Texas.

[Cheers and applause]

[6:17:43 PM]

>> Mayor adler: I am the guest D.J. On kutx Saturday night. Saturday night.

[Applause] Y'all need to check that out. I think it's, like, 6:00 or something. Maybe 5:00. But in that time zone. Playing nothing but Austin music. Set -- except for one Tony Bennett tune. I snuck it in.

[6:19:28 PM]

While the band is packing up, we have a few more proclamations that we get to do. We get to do this evening. And this is one. Be it known that whereas since 1961 more than 235,000 Americans have served our country and the global community as peace corps volunteers, living and working alongside local leaders to catalyze change, and whereas the heart of Texas peace corps association is dedicated gauging -- engaging, uniting and supporting peace corps community in central Texas and the hundreds of return peace corps volunteers living here in Austin. And whereas peace corps week commemorates president John F. Kennedy's establishment of the agency on March 1,

[6:20:30 PM]

1961 and celebrates all the ways that peace corps makes a difference at home and abroad, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim March 1-7 of the year 2020 as peace corps week in Austin, Texas.

[Cheers and applause] And we'll make sure that they get this proclamation.

[6:21:33 PM]

All right. We have another proclamation. Be it known that whereas 91 years ago on February 17, 1929 in Corpus Christi, Texas, the founders of the league of united Latin American cities citizens, lulac, joined together to establish an organization that would become the largest, oldest and most successful hispanic civil rights and service organization in the united States. And whereas lulac has developed a comprehensive set of nationwide programs fostering educational attainment, job training, hour, scholarships, citizenship and voter registration, and its members throughout the nation have developed a tremendous track record of

[6:22:34 PM]

success in advancing the economic condition, educational attainment, political influence, health and civil rights of the population of the united States. And whereas lulac has adopted a legislative platform that promotes humanitarian relief for citizens and immigrants, increased educational opportunities for our

youth, and equal treatment for all in the United States of its territories, including the commonwealth of Puerto Rico. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, hereby proclaim February 16-22 of the year 2020 as lulac week in Austin, Texas.

[Cheers and applause] Davino, do you want to say a few words? The former district

[6:23:35 PM]

director, let me give this to you. Do you want to say something about lulac?

>> Let me let my colleague go first.

>> Thank you, mayor, for your continued support of lulac and its initiatives, especially voter registration and all those activities that we engage in with lulac throughout the country. We do have -- fortunate here in Austin to have a lulac national education service center, where we work with 500 aid students at Reagan, Lanier, eastside memorial and Akins, and we assist them in their navigation to college. And many of them have been real successful. So thank you for this proclamation and recognition, and we continue -- and we ask you to volunteer. Join lulac. Be a mentor. Help us with -- we have a big family to - that we serve. Thank you, mayor.

[Applause]

>> Mayor Adler: Thank you.

[6:24:36 PM]

While I have you guys up here, I have a distinguished service award that I understand that it's for Marcelo Tafoya, and I understand you're going to be able to get this to him. And I'm going to ask Mr. Acevedo, former director of lulac, to accept it for him. This is a city of Austin certificate of recognition on the occasion of his 50 years of service as a member of the league of united Latin American citizens. Marcelo Tafoya is deserving of public acclaim and recognition. This certificate is issued in acknowledgment of this significant achievement this 20th day of February in the year 2020, issued by the city council of Austin, Texas. Thank you. Would you please get this to Mr. Tafoya.

>> Yes, sir. Thank you, mayor. Have a good day.

[6:25:37 PM]

>> Mayor Adler: Thank you. Do you want to say something? Okay.

>> Thank you, mayor, councilmen, council ladies. It is definitely a great honor to receive 50 years of service to the league of united American Latin citizens. For Mr. Tafoya, his family, and those that he has helped throughout his long-time living here with us. He just turned 81 years of age. 50 of those years he's been with the league of united Latin American citizens. That is a commitment. A commitment of volunteering for his community. Now let me add something to this because this is a great honor for him. But for those of you who don't know Mr. Tafoya, he wasn't born with polio, but

[6:26:40 PM]

he has polio. This is not a deterrent for him. We have walked the corridors of the state capitol during the legislative session time and time again for years. Advocating. Advocating for those issues that pertain to us, the Latino community, and the general public at large. We are a civil rights organization. We also advocate for all of us, all of us to be treated equal. Under the voting rights act which has been going downhill ever since -- I forget the code that decided on it, but you can see where we're at with voting rights right now. And we have been hitting it hard to get those restored back. Since 1960. 465, during that time frame, when we were going on the

[6:27:43 PM]

civil rights and voting rights. Let me tell you, it's been a struggle. It's still a struggle. Any time that they take our right to vote here from the state capitol, we're going to be there fighting for each and every vote that we can get. Folks, let me tell you, on behalf of Mr. Tafoya, his family, and the league, I'm so honored to receive this for him. Thank you.

[Applause]

[6:30:20 PM]

>> Mayor adler: you know, some of these are more bittersweet than others. You have taught me so much and so much of what I have been involved in over the last five years since I've been mayor have been things that you have walked me through and taught me. I think the chronicle today ran a piece about the work that was done with the 50 jurisdictions surrounding Austin to come up with the rule change that was the first time that Austin joined on an environmental issue with so many of these jurisdictions around us. And it seemed like such a long shot when we started and we were trying to figure out how to get it past the state. You did such a good job on it that the state agency adopted it as its own rule. You have been at the

[6:31:21 PM]

intersection of so much of what is near and dear to who this city is and what we value. You're going to be missed. We have a proclamation. Be it known that whereas Mike personett has a lengthy and distinguished career involving a wide variety of water-related programs at state, regional, and city levels, as well as the private sector, and these are included state water environmental policy, residential water supply planning, water and wastewater utility infrastructure development, water reuse, conservation, drought management, and watershed management and protection. And whereas Mike helped start the city's water conservation program in the

[6:32:22 PM]

mid1980s, one of the precursors to the current watershed protection department, he has served in an executive capacity in the department for nearly nine years, including as interim director for 13 months. And whereas the watershed protection department is profoundly grateful for Mike's expertise, his dedication, his many years of service to the residents of the city of Austin and the surrounding area and wishes him well as he moves on to the next phase of his life's journey, but before he leaves now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, together with my colleagues on the council, do hereby proclaim February 20 of the year 2020 as Mike personett day in Austin, Texas. God speed.

[6:33:22 PM]

[Applause]

>> I will. I would pretend to say I'm at a loss for words, but everybody knows me better than that.

[Laughter] I'm thinking this is actually a quarter of a day, right? It's 6:30. I hope that empowers me to do all kinds of things like grant pardons and such but we won't go there. It's truly been my honor and privilege to complete the full-time phase of my career in the water business with the city of Austin. It was a home very early in my career for a short disciple I came back after a 25 year break was extremely fortunate to have landed not just with a great city organization as a whole but with a truly outstanding organization in the watershed protection department. Counting the city twice, I've worked for 12 different organizations. Three state agencies, lcra, city, and a bunch of big

[6:34:24 PM]

engineering infrastructure companies. And it was very shortly after I started with the department in 2011 when I realized that I had truly saved the best for the last. That it's absolutely amazing group of really passionate, dedicated of folks that work in that department. I think generally speaking the department is recognized for the level of excellence that is pretty apparent day to day. I'm very proud, for example, of the work staff has gotten underway with dealing with homeless encampments and flood hazardous areas. I think as difficult as that did problem is, I think we've as a department -- I will say "We" -- have handled that with a really simplifies indicated and compassionate touch. And very, very proud to be affiliated with a department that does that kind of good work. I'd also like to say that

[6:35:24 PM]

I've spent a lot of time with the city working in what I call the white space, between departments and actually between entities outside of the city. And the city of Austin is blessed to have the quality of staff that we have in all the departments I've worked with. Extensively parks and rec, transportation department, public works and particularly surprisingly since I'm a water guy, the Austin water utility. And just to recognize that, you know, the strength of any organization is of course the people in it, and I'm really, like I said, honored, privileged to have been able to be part of that and hopefully made a little contribution to the day-to-day life of what has truly become and becoming every day a great world class city and one that I love. Thank you, all.

[Applause]

[6:37:49 PM]

>> Tovo:good evening. I'm councilmember Kathie tovo and I have the honor of presenting a proclamation to another one of our really distinguished city of Austin employees, and so these are always bittersweet moments because we're sorry to see them -- I'm sorry to see Carla Steffen leave the city of Austin but we're so excited about all the great work that you've done while you're here and excited about your future path. A graduate of the university of Texas of the permian basin, Carla holds both bachelors and master's degree. She started at the city of Austin in 2002 and worked her way up through the city of Austin from her position -- initial position as corporate internal audit manager and then prior to her time at the city Carla held positions with KPMG LLC, elms Farris and company, and [indiscernible]. She has more than 30 years

[6:38:50 PM]

experience in financial accounting, analysis, and auditing. A colleague of Carla's described her in the following way, and I think all of us who have worked with Carla would concur with

this assessment: In addition to being what the colleague remarked as wicked smart, Carla has a strong work ethic and always demonstrates a willingness to help. She's a master of all trades and can do it all. She has an infectious laugh. Nothing is beneath her and she will always step in and assist and has enthusiasm for the work. And she's been a great mentor to the next generation of city employees. So, Carla, thank you so very much for all of the fabulous work that you've done for the city of Austin on behalf of the mayor and the entire city council, it's my privilege to present the following proclamation. Be it known that whereas Carla Steffen's accomplished career with the city of Austin began in 2002 when

[6:39:50 PM]

she earned the role of corporate internal audit manager, responsible for leading the city manager's internal audit function and whereas in 2009 Carla transferred to the comptroller's office to serve as corporate accounting manager and was soon promoted to deputy comptroller in 2010, and whereas Carla joined the Austin convention center in 2015 as its chief financial officer and while in that esteemed position Carla served as executive lead for the city's 2018 bond development program. Whereas Carla's colleagues value the art industry and agility with which she seamlessly managers, whereas Carla Steffen is deserving of public acclaim and recognition for her untiring service and commitment to our citizens during her 17-year tenure as a dedicated employee, leader, and public servant of the city of Austin. Now, therefore, I, Kathy tovo, on behalf Steve Adler, mayor of the city of Austin, Texas, hereby proclaim February 20, 2020, as Carla

[6:40:52 PM]

Steffen day in Austin, Texas.

[Cheers and applause]

>> Thank you, all. I actually have prepared remarks to try to get through this did. So we're gonna take a trip down memory lane and 17 years can either be a sprint or marathon. I'm going to try to make it an easy paced 5k for those of you that know I'm a runner. 17 years has given me a great opportunity to work with some tremendous people across this city. Some of who beat me to retirement but I still want to mention them and take a minute to thank those who formed me along the way. It all started with former city manager Toby, who saw a

[6:41:53 PM]

need for her own internal audit function and I was lucky enough to join the city manage that function for her. Thanks to Toby and John Stevens, Vicki shoe Bert, Laura Huffman, Rudy Garza and Nicole who

helped me establish that function and get it up and running when I first got here. From day one I had the privilege of managing Emily Roberts who I actually still work with today in my current role and Cain Mcallister. I thank both of them for being such great auditors and actually teaching me so much about how to manage and lead people. We have some great memories of the projects we actually worked on during those four years, and I was thinking back. One of them was actually auditing the airing of music videos on the public television channel. Back when it was going, fitting for the live music capitol of the world. The other was doing the due diligence that actually allowed council to feel comfortable authorizing the commencement of the construction of the long

[6:42:54 PM]

center. So we kind of did it all over those seven years. It was very rewarding. Fast forward seven years and I want to thank Dinah Thompson. At the time when I was having to make a decision about moving into an audit role with the city auditor or joining the accounting, oh, I picked accounting and went to the comptroller's office as the accounting manager. I thank Diana because she is one of the most technically sound leaders but can approach every day with such a calm and steady approach. I tried to emulate her for those of you who know me. I've probably failed more than I've succeeded in that but she was such a wonderful boss. She promoted me to deputy controller. During that time I had some great staff, Kristi Fenton, Kim and Tiffany was a team of three for an office of six. We were half staffed and they rocked it every day until we could get up and running. That first year of the audit

[6:43:56 PM]

Tafoya give a shout out to Kathie Austin over at Austin energy. She helped me survive each day as we were getting through that first year of audit. While at the controller's office I got to work with many other people, Joyce, Joseph, Lauren, Fabian, brandy, Jennifer, and Joey were all staff of mine at one point or another or worked right alongside me. It was then I got to start working with the treasury office, art, Georgia, Belinda, introduced me then to the city's financial advisors, pfm, Dennis, Blake, they all made my job so much easier while I was at the controller's office. Nearly six years ago I decided to shift my career from accounting and auditing and I cannot thank mark tester enough for believing that I was the right person for the job. I miss him already. He took a chance on me when

[6:44:58 PM]

maybe others thought that he should pick someone expels I will never forget that. He's just been a tremendous boss of mine and I wish him all of the best of luck in Orlando. It made my decision leaving even harder, but I also got to work along some great people who are back in the room and this is who I'm going to get really emotional. Paul, Tricia, Debbie, Michelle, [indiscernible] We're all either count

parts or direct reports to me. You and all of your staff have been so wonderful to work with. Along with other managers, Lisa, Amy, Terry, and 300 other people at the convention center. It was the best decision I've made in my career. I've been so happy working for the city in this role the last six years. I do want to say, too, as part of this role I was able to work with a bunch of other organizations that are either part of the industry

[6:45:59 PM]

or just met along the way, visit Austin, your crew, Tom, Steve, Julie, Mary kay,y'all were wonderful. Scott and Denise with the hotel industry, Judd buoy, you all taught me so much about this industry, tourism and coming in just knowing accounting, I couldn't have learned everything that I was able to without you. So thank you for being such great partners. We've had this little thing called the convention center expansion that's been on my plate for six years and working with consultants like Allan, Gensler and David o'neill and rich with conventional wisdom, again great professionals in the industry. I owe them a lot as well. I also want to thank Elaine hart and Greg canally.

[6:46:59 PM]

In 2016 they actually thought I was the right person to lead the 2018 bond development program. I said yes. I took a little bit of Elaine's advice. If you ever heard her speak she said one of the best thing she's done in her career when opportunity presented themselves she said yes so I said yes to this one. I got to work with dozens of departments, work with the bond election advisory task force, and that's where I got teamed one Katie, who is one of my lifelong friends now, and we were a domestic duo from day one, and I will never forget the day that we got to start working together because it has been a wonderful ride ever since. There were other council-appointed task force and commissions along the way, but I had the joy and privilege of working with.

[6:47:59 PM]

The task force led by James, tourism let by kat. As much as some of the topics were contentious and I had to answer probably the same questions more than a dozen times, it was a tremendous honor and I just hope that I helped those two groups arrive at some really solid recommendations. I now want to thank mayor and council. I have worked with nearly every office, but I especially want to highlight the mayor's office, councilmember Flannigan, councilmember tovo, and councilmember pool's office, actually. And all of their staff. I hope I get all of the names that I want to shout out, both former and current staff. Jim wick, Shannon Halle, Ashley Richardson, Alisa, Kate, Marty, Laura, Mike,

[6:49:01 PM]

Barbera, just wonderful people to work with. And I cannot tell you how proud I am that no matter what the issue was and what side of the recommendation we stood on or where the final outcome came down because we were not always aligned, I so value the mutual respect you have given me and the belief that -- and the trust you gave me to provide you the information you were needing. That is my role, and as a city staff I just want to help people get the right information. So I cannot thank you enough for having that belief in me. This is my family. We don't say goodbye. We just say see you later so I'm not going to say goodbye. It's a small enough town. I still run into people everyday from when I first got here 20 some odd years ago, so I'm not saying goodbye. I will see you soon. I do want to give one last shout out to the city manager, his executive team. All of you still working for

[6:50:03 PM]

the city, you are what makes this place great. Your success is going to make this place -- continue to make this place the place that I want to live forever. So I wish you all the best. Thank you.