

City Council Regular Meeting Transcript - 09/15/2022

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[10:11:53 AM]

>> Mayor Adler: It is Thursday, September 15th, 2022. We are in the city council chambers here in city hall. The time is 10:12. We have a quorum present. We have a lot of speakers today, guys. As of yesterday we had 131 signed up at 10:00. I don't know if there are additional speakers, there probably are, sign up at the kiosk. I don't have a final number. And then we have another 40 or so speakers, I think, on the zoning to be called at 2:00. If we start speakers and run a minute, we're probably looking at 12:30 to finish speakers. We have the public communication speakers that are signed up for three minutes each.

[10:12:53 AM]

That gets us into 1:00. We haven't been able to talk to each other yet. That's probably when we break for lunch so that we can get there. Let's get to the speakers as quickly as we can. Changes and corrections reading into the record, item number 21 is withdrawn. 31 concerns police. 37 is withdrawn. 38 is postponed to September 29th, 2022. Item 42 is withdrawn and replaced by agenda item 89. Item 65 is related to item 85. 81 is in district 7. 85, a valid petition has been filed in opposition to this zoning request. Item number 90, councilmember Ellis has joined as a sponsor. Thank you for doing that.

[10:13:53 AM]

And the header for council discussion should say discussion and possible action. We have some items that have been pulled off the consent agenda. The parkland dedication items, 53 and 59, 66 and 67, have been pulled. I think when we get to those, those will move fairly quickly. Item number 54 associated with item number 61 is the councilman bull-house. Item 55 is the convention center garage item, associated with item 60. Also being pulled, item 56, the license plate reader. Item 86, 87, and 91, also being pulled. We have late backup in items 3, 31, 49, 47, 50, 51, 52, 53, 54, 55, 56, 59, 71, 77, 79, 81, and

[10:15:02 AM]

85. Before we get to speakers, is there anyone that wants to say anything? Councilmember tovo.

>> Tovo: Yeah, I'd like to pull 29 and 30, please.

>> Mayor Adler: Okay. 29 and 30 also being pulled. Do you anticipate those are quick items? That means they're up and down in five minutes.

>> Tovo: I'll have to think about it. And also 90, please.

>> Mayor Adler: 93?

>> Tovo: No, 90. I'm going to pull that one as well. Thank you.

>> Mayor Adler: Okay. Councilmember Kelly.

>> Kelly: I've circulated a motion sheet for item 26. It's my intention to possibly adopt that on consent.

>> Mayor Adler: The legislative agenda item?

>> Kelly: Yes.

>> Mayor Adler: I think councilmember harper-madison has

[10:16:03 AM]

an amendment for that also that's been circulated. We'll see, again, if we can handle those expeditiously. If anybody wants to discuss our talk about them we'll pull the item and handle it in deliberations.

>> Which number?

>> Mayor Adler: Item 26, which is the legislative agenda. We're going to see if we can do that without pulling. Okay. All right. We have a lot of speakers with us today.

>> Alter: Mayor.

>> Mayor Adler: Mayor pro tem.

>> Alter: I was wondering for councilmember harper-madison's, for the intergovernmental, if there was -- I saw the message board post. Was there also a particular motion for the wording and how it would appear?

>> Harper-madison: It should have been circulated on the dais, but I'll make sure my staff gets you that by email as well.

>> Alter: Thank you.

>> Harper-madison: And yes.

>> Alter: For councilmember Kelly, that would be great.

>> Harper-madison: You bet.

[10:17:03 AM]

>> Mayor Adler: If we could get those to the clerk so the clerk can post them into backup, that would be helpful so the community can see it as well. Thank you. Councilmember Renteria.

>> Renteria: Yes, on item 26, the state legislator agenda, is it going to be too late if we vote on that today about putting in an amendment?

>> Mayor Adler: No, we can put on amendments today if we want to.

>> Renteria: During the visit, I noticed that some of the discussion that had been going on about the capitol view is these wires that are stretched across the rail train hook up to it. And I saw -- that's how it runs. And that's what they're saying is going to block the view of the capitol, which I went down there

and we saw that there was a lot of lines going across there for the lights and security lights that they have

[10:18:05 AM]

there, walking lights for when students cross the school. I just don't understand why it's going to cost the taxpayer another billion dollars to put it underground just to protect that view. And my understanding is that it has to be a structure and not a line put across the street. I would like to see that.

>> Mayor Adler: Okay. Give it to the clerk. If we have a lot of changes to the legislative agenda, we'll pull that item and handle it as a pulled item. It sounds like we may have more than a quick thing to take care of. But let's get started on speakers, because we're going to be having the opportunity to listen to the community pretty much all morning here. We're going to start with remote speakers that work best for you? And I think the first speaker is

[10:19:09 AM]

an American sign language speaker.

>> Correct. They ended up sending a video. They still receive the two minutes, if we can play that. It's Tyree telly.

>> Hello. My name is Tyree, originally from Alabama. I moved to Austin, Texas in 2014. And the reason that I located here was because it's such a safe place where I can be part of such a large deaf community, where there are many activities, a lot of diverse people, and we have great tacos in Austin. I love Austin. However, on May 30th, my life was changed dramatically. I went to a black lives matter protest, and I was there throughout the day and the evening. And that night, APD assaulted me

[10:20:12 AM]

with rifles and bullet pellets with injuries to my head, my body, and my toes. And I was very fortunate that my eyes were not impacted. Being deaf, I could have been blinded. I did not know what was going on. I had no warning. And unfortunately, I went through posttraumatic stress. I became homeless. I am still suffering with what happened. And I am trying to achieve some equity. APD has put the deaf community at a disadvantage. They have not kept them in their thoughts. Deaf people rely on their hands and their eyes to communicate, so I think that the city should

[10:21:12 AM]

reject agenda item number 56 and support agenda item 86. Mayor, I'd like to thank you and the council for listening to my story today. I appreciate your time.

>> Mayor Adler: Thank you very much.

>> David King.

>> Thank you. I'm speaking on the parkland dedication fee items. And I'm urging you to please approve the staff-recommended commercial and residential parkland dedication fees for luxury and market-rate developments. Reducing the recommended fees will shift the cost for parkland from luxury and market-

rate developments to low and middle-income taxpayers. If development doesn't pay its fair share of fees, those costs will be shifted to low and

[10:22:14 AM]

middle-income families and you know that, too. Reducing or delaying parkland dedication fees is inequitable to low and middle-income families. You know that. Don't come back next year and tell the public, we need a multimillion-dollar parks bond if you don't make development pay its fair share. Many of you campaigned on making development pay for itself. Please honor your commitment. Please don't be like other politicians who urge voters to support them and then turn their backs on them when they have power. Thank you.

[Buzzer sounding]

>> Mayor Adler: Thank you.

>> Next speaker is Susan stacola speaking on item 56.

>> Hi, good morning. I just want to say that as a member of the Austin community, I really believe that we need to continue to support our Austin

[10:23:15 AM]

police department with giving them the technology and tools needed to save lives, catch criminals, and protect us. I really can't understand, quite frankly, why any city would ever defund their police force. It is my opinion that we have taken away the trust and respect of the police department. And these are some of Austin's finest people, men and women that are, you know, protecting us and getting out there every day and saving lives. And, you know, I think that, you know, we need to give our Austin police department the benefit of the doubt.

[Clearing throat] You know, I do know that there are bad cops. I recognize that. I think that --

>> Thank you, speaker. Your time has expired.

>> Mayor Adler: Thank you for

[10:24:15 AM]

participating with us today.

>> Okay. Mhmm.

>> David Hensley on item 56.

>> As a concerned citizen and board member, I am against item 56 and urge you to consider a few issues regarding alprs. APD's previous apr vendor faced a class action lawsuit in 2020 for violating a privacy act. Vendors need to be vetted before they have access to the data. The lives you aim to protect will be liable to various safety threats by the nature. Over the last two years, collaborating with APD, centers have faced breaches. Any and all data collected will be vulnerable. The current draft has a lot of language about the prevention of discriminatory policing practices. Such language has failed to prevent such practices in the past.

[10:25:16 AM]

Policing for which apr databases could support would ensure this. I ensure you to look at the works of a legal scholar for more details. Thank you for your time and consideration.

[Buzzer sounding]

>> Jamie zapata on item 56.

>> Hi. My name is Jamie. I live in school district five, and have been working for the last ten years as a criminal defense investigator in capital murder cases and wanted to speak on item 56 against trying to enact a very authoritarian surveillance program that has been proven time and time again to be pretty ineffective. And we see constantly in my work the way that these programs are used to violate fourth amendment rights of citizens and are disproportionately weaponized against the poor and people of

[10:26:16 AM]

color. I was really displayed to hear that my own councilmember, Ann kitchen, is a sponsor of this kind of useless program that we see across the country being used to target almost entirely people who are not guilty of any crime whatsoever. Thanks for your time.

>> Cleo on 56.

>> I many a -- am a Latina, Democrat, and mom. And alprs can exonerate the innocent and assist in finding missing persons. Let's talk about kidnapping cases that were solved. Someone was charged with 18 felony counts involving nine shootings and was arrested thanks to apr data. Someone was alerted of a stolen

[10:27:17 AM]

vehicle by an alpr system. The officer discovered the vehicle was linked to the kidnapping of a girl. He was charged for kidnapping and molestation. In California, a 76-year-old man was killed in a hit and run accident. Witnesses were able to capture partial license plates of the car, provided to law enforcement, and solved that case. As of may 1st, 2022, 1,114 children have opinion recovered as a result of the amber alert program. 70% of all crimes are committed with the use of a motor vehicle, and the apr can search the --

>> Thank you, speaker. Your time has expired.

>> Mayor Adler: Thank you for being with us thank you.

>> Stanley on item 56.

>> I appreciate y'all allowing

[10:28:18 AM]

me to speak, some perspective from an ordinary constituent, which y'all represent. According to traviscountytexas.gov, expired license plate is \$267. If you get ticketed. Even further pay to play. Do we think it matters if someone in a Tesla forgot to renew versus someone that's waiting three weeks for their paycheck and they can't afford it right now? Someone that literally can't find it in their monthly budget to get their car inspected on time? I really want to challenge why .in an age of surveillance, considering handing over this technology to the same people that let rape test kits mold due to apathy or incompetence. I don't know. I hope not. Maybe it's to get funding for the county, but let's go to the

[10:29:18 AM]

numbers.

[Buzzer sounding]

>> The second-worst city in America for minimum wage earners is our very own Austin, Texas. Let's keep it weird.

>> Thank you, speaker. Your time has expired. Shane on item 56.

>> Hello, my name is Shane .I want to speak out against item 56, bringing back the automatic license plate reader is a tool of mass surveillance. The potential for abuse is not even shown. Anytime the data is collected, it can be abused. And as someone who does support law enforcement and believe in positive police reform, I think there are other opportunities and ways to bring about more of a win-win solution to this issue. And I hope we can work to

[10:30:21 AM]

uncover that and not bring about tools such as the automatic license plate reader or other things that we think deceptively might improve crime at a cost of security, privacy, and dignity. Thank you very much.

>> Rebecca Sanchez on item 56.

>> Good morning, my name is Rebecca Sanchez, I live in district 1. I am also calling on item number 56 against the automated license plate reader. I know that there's probably an amendment going around today that's trying to limit the sharing of the data with other law enforcement agencies and I would say the best way to limit that is to not collect it. This is a piece of mass surveillance, and it will be weaponized. And I think we just keep opening the door to more and more

[10:31:22 AM]

surveillance across the city. And once that data is collected, it will be weaponized against its own people. So I urge you all, please say no to item number 56. The police do not need more tools in their toolbox. They are fine. They are one of the -- well-funded and they will continue to be well-funded thanks to the state legislature. So I think that idea of it being an additional tool is not taking into fact the harm that it can and will be used to cause. Thank you.

[Buzzer sounding]

>> Christina Swanson on item 56.

>> Hi. Good morning, my name is Christina Swanson, a registered nurse in Austin, Texas. I worked in the hospital throughout the entire pandemic. I am the wife of a wonderful woman. As a queer person in Austin, and I am the mother of a bi-racial daughter. The police have shown they do not care for and do not respect

[10:32:22 AM]

people who look like my daughter, so I would ask that you please vote against item 56. Inaccurate reads are common. One study showed in California that 37% of all lpr hits were misread. The only secure data

is data that isn't collected at all. Uk showed us that their information was leaked to the internet. So please vote against item 56. The police do not need anything from us.

>> Todd hitner, 56.

>> Good morning. This is Todd, district 5 resident. This morning I'm speaking in favor of item 56, the automated license plate readers. Austin is known as a high-tech city. License plate readers are high-tech. They can assist law enforcement with silver alerts, amber

[10:33:23 AM]

alerts, and kidnappings. Silver alerts help locate elderly, missing citizens. Amber alerts help locate endangered, missing, and abducted children. And kidnappings can lead to more heinous crime. The cost is .0023% of our budget. It would seem that everyone on council should support assisting and locating our lost elderly, missing children, and victims of kidnapping. Thank you for your time.

>> Gumbo vertos on 56 and 86.

>> My name is gumbo. I'm [indiscernible].

[10:34:27 AM]

I'm against item 56 and for 86. I'd like to ask if you've ever tried to put any [indiscernible], because the apr program would be -- a very small bag. Data collection program problems can not be solved. That's not how data works, no matter how many data security clearances you put up, it will be shared with outside entities. Speaking of accountability, it would be ironic -- for years upon years -- bare minimum

[indiscernible]. Over 30,000 -- no desire -- I urge you [indiscernible]. I yield my time.

[Buzzer sounding]

>> Mayor Adler: I had difficulty understanding that speaker. He was breaking up.

[10:35:28 AM]

If you could call that speaker and if that speaker can get a better connection, we can put him back in the queue and have him come back again. Next speaker, please.

>> Lindsay on 56 and 86.

>> Hi. I want to make sure my audio is okay. My name is Lindsay. She/they pronouns. And I'm a member of -- a resident of district 4. Thanks, council, for all the hard work you're doing. I did want to say to please do not vote to pass the automatic license plate readers. We've heard so much of the harm. I helped collect signatures all summer on the Austin police oversight about. Act. Unfortunately, the city clerk did not verify the signatures in time. We reached the number needed but because of the timing, it would be for the may ballot instead of

[10:36:31 AM]

November, which is too long to have the effects we need for the upcoming police contract. I want to ask city council to please honor the 33,000 austinites that asked for the act and please pass this for the community today.

>> Catherine on 56 and 86.

>> Hi. I'm a resident of district 9. I'm calling to speak against 56 and in favor of the Austin police oversight act. Listening to the testimony of others, I think it's pretty obvious that the reasons cited to pass 56 are anecdotal and the reasons not to pass 56 have to do with systemic studies of how effective license plate readers are and how they are misused. Please vote against it. In terms of passing the Austin police oversight act, I just urge council not to do another

[10:37:32 AM]

four years of the current contract with our civil liberties being on the bargaining table with the police. Please pass this. We need to not have another four years. We need it in place. Thank you.

>> Lynne Sprague on 56 and 86.

>> My name is Lynne spraying and Sprague and I live in district 1. I'm speaking in support of you all passing item 86, the apoa, without delay. As the previous caller mentioned, we cannot wait for the low turnout may elections to engage in desperately needed police oversight. The city of Austin needs this legislation in place as soon as possible to make sure it's there before police contract negotiations happen. I'm also speaking against item 56, alprs. This technology's risks far outweigh any benefits, including risk to domestic violence and victims of stalking. And also the risk to our

[10:38:34 AM]

immigrant community members. We know that I.C.E. Regularly seeks and uses this data to discern the daily patterns of our immigrant community members and deports them without warrants through traffic stops. This is a direct contradiction of our city's commitment and should not be passed. Thank you.

>> Andy coco on 56 and 86.

>> Andy, district 1. So, when you ask everyone who are working class or immigrants, or communities of color, families with trans kids, abortion-seekers, you end up with a whole lot of people. We are bearing the brunt through criminalization of our existence. For some of us and maybe some of you, at least one identity in that list applies to every

[10:39:34 AM]

single person we love. Alprs are touted as an occasional helper, but are unjust surveillance and an easy avenue to further punish those of us who are already over-policed. Violating everyone's fourth amendment protection in exchange for rare benefits -- not fair. I'm speaking in favor of -- against item 56 and in favor of police oversight with peace and without delay. Thank you.

>> Magdalene burns, 56 and 86.

[Phone ringing]

>> Michelle manning-scott on item 56 and 86.

>> I'm a registered

[10:40:35 AM]

voter/resident of district 7 and I am in favor of item 86, police oversight now with no delay, and against item 56, alprs. On August 31st, 2022, the APD, opo received this phone complaint. The complaint alleges her son was arrested by APD for walking on the street. Walking on the street is not a crime. He was charged with not providing an id. Her son has a mental disorder and maybe he did not understand the question he was being asked by APD. Her son is not from Austin and did not know anyone here. He is being held at immigration. They arrested her son and he did not commit any crime. She wants to know more about the situation. There should have been a mental health team instead of thinking he just crossed the border. Her son has been here for a year, pays taxes and went to school. The people who know her son know his mental state. Her son --
[buzzer sounding]

[10:41:37 AM]

>> Respects the police and probably did not know how to respond to the police. He lost his phone and money. He told her the police took his id.
>> Thank you, speaker. Your time has expired.
>> Mayor Adler: Thank you for participating.
>> Thank you for your attention.
>> We have Mr. Vedros back on the line.
>> Mayor Adler: Thank you.
>> Good morning, can you hear me better now?
>> Mayor Adler: Yes, we can. Please go ahead.
>> Oh, beautiful. Good morning, Thursday morning. I'm gumbo, they/them, a resident of district 5, a member of afscme 1624 in Austin against item 56 and for item 86. I'd like to ask if you have tried to put a cat into a bag. Because the apr program would be letting a large cat out of a

[10:42:38 AM]

small data. That's not how data works. It will be shared.
[Indiscernible] Speaking of accountability, it would be ironic to pass -- if for years we have been asking for the bare minimum -- oversight and putting this off to the may ballot delays that oversight and hamstrings your own leverage. So, pass the acoa, no delay. I yield my time. Thank you.
[Buzzer sounding]
>> Mayor Adler: Thank you.
>> Magdalene Burnsed.
[Phone ringing]

[10:43:40 AM]

>> Alicia torres on 56. Mara Kinney on 56 and 86.
>> Hi. My name is Maura, district 7. I am a licensed social worker here in Austin. I am speaking against item 56. I feel concerned about the impact of alprs on members of our community. The city would be legally bound to turn over data to I.C.E. If requested. Vocation data can -- location data can already be

shared with I.C.E. Children and families can be separated. They have previously shared unnecessary information with I.C.E. I am also speaking in support of council passing item -- the

[10:44:42 AM]

Austin police oversight act. The city should not be forced to concede more money for years to come by state legislation in exchange for minimal transparency and oversight from the Austin police association. Please do not wait for the low turnout in the election. Thank you for your time.

>> Craig boseley on 56, 86, 87, and 91.

>> Hi. My name is Craig, I'm a resident of district 3 and a member of Austin dsa. And I'm joining the chorus of citizens who are testifying against funding for alprs and in support of the direct passage of the apoa. We've heard that there's no evidence that alprs reduce crime. It doesn't take an expert to understand at the broad surveillance methods pioneered during the failed war on drugs don't keep us safe.

[10:45:42 AM]

Surveillance tools have and will always be used to target social and political movements and vulnerable people in our city, in our country. The city will not be able to prevent I.C.E. And other agency from the using alprs to to separate families, using detention and deportation, and to track people who are seeking abortion. We also must pass the apoa without delay. In addition to police abuse of surveillance, APD's use of violence to injury and kill working-class black and brown citizens, immigrants, women, and -

[buzzer sounding]

>> The local and national up-rising and protests of these policies show that we need urgent action.

>> Thank you, speaker. Your time has expired.

>> Immediately. Thank you.

>> Connor brofy on 56 and 86.

>> Hi, good morning to everyone today. I'm Connor, he/him, speaking in opposition of item 56, to reject

[10:46:45 AM]

alprs in Austin and in favor of item 86, enact the Austin police oversight act as soon as possible. APD has been allowed to share the whereabouts of those seeking abortion, undermining grace's protection. Texas crime reports show a significant decrease in crimes solved every year the alprs were originally in use. Despite the city giving away our privacy, you pay the department more every year to do their job worse. Just as we no longer have the ability to defund a failing department, we have no way of stopping the state from requiring live access to alprs, meaning any data collected regardless of if it's held for 30 days or 30 seconds could be stashed by the state for eternity. Alprs have a fundamental lack of oversight and no feasible accountability. Code infractions arise to internal investigations or a reference to oversight boards, both of which can circulate.

[10:47:46 AM]

Thank you all for your time and your careful consideration today on how willing you are to give a weapon to a failing department that cannot be taken back --

>> Thank you, speaker. Your time has expired. Gloria Munoz on 56.

>> Hi. My name is Claudia Munoz. I live in district 9. And I am the co-executive director -- I'm calling to register opposition. One of the first callers told you how physical weapons of policing actually hurt him a lot. The alprs are not physical, they're not tangible. And this great city that prides itself on being tech-forward understands very little about the adaptation of policing tools. Alpr data can be shared and sold without you even knowing. So I invite all of you to instead of trying to give the police weapons that most of you don't even understand,

[10:48:49 AM]

[indiscernible] That you get to know that technology better instead of just giving these tools to be used against vulnerable communities. So please vote no on item 56. Thank you.

>> Sam petasnic on 56 and 86.

>> Hi. My name is Sam. I'm a resident of district 7 and I am urging council to vote for 86 and against 86, just adding to the chorus that was spoken here. Some spoke about the amendment of limiting the data-sharing. For 56 and hoping to pass it that way. And I think this is a bill of false goods. The only way to collect data safely is to not collect it at all. We've heard how harmful these programs can be. So I really hope you enact police oversight as soon as

[10:49:50 AM]

possible and do not pass this harmful surveillance tool in our city. Thank you.

>> Ben, item 56, 86, and 87.

>> Hi. I'm Ben, a resident of district 4, he/him pronouns. I wanted to speak in opposition to item 56, in favor of 86 and against 87. As we've heard many people mention, the only way to secure is -- secure that data is to not collect it. There's no legal mechanism that you have to prevent the state from forcing you to share that data in real time with dps who's trying to go after people seeking abortion healthcare or healthcare for their trans kids. There's nothing you can do to prevent I.C.E. From gathering that data to target our community members. Frankly, I am shocked to see

[10:50:50 AM]

some of the sponsors on item 56. And it calls into question your dedication to the protection of our community members. Many of the arguments of those who have spoken in favor --

[audio stopped]

[Buzzer sounding]

>> He disconnected, so we will call him so that he can conclude his statement. Kassy on 56, 86, 87, and 91.

>> Hi. My name is kassy, she/her pronouns, a district 9 resident speaking against alprs and in support of the apoa. I also oppose items 87 and 91. Data shows alprs are largely ineffective. We don't need tools of mass surveillance perpetuating harm by putting residents already

[10:51:52 AM]

unjustly discriminated against at risk. The system we had in 2019 gave I.C.E. Agents and other police departments direct access to people's data. Bottom line, we can't trust APD with data on the movements of people not suspected of violating any law. It will undoubtedly harm more people than it will help. To think otherwise is a deprave grave mistake. I support the apoa, as it will deter police brutality and create more transparency than the current police contract prohibits opo or anyone else besides the police from gathering evidence or interviewing witnesses. The apoa will allow all legitimate complaints to be investigated and held accountable instead of ignored. What moral reason is there to vote against transparency? Please support the apoa and reject alprs. Thank you.

>> Sarah somers on 56, 86, 87,

[10:52:52 AM]

and 91.

>> Hi. My name is Sarah somers, district 9. I'm a single parent, a graduate student at U.T. And a member of the social action council at the church of Austin. I'm calling to speak against alprs and for apoa. Alprs give everyone's license plates but 0.5% of scans are connected to crime. As speakers have said, the data is stored and massive amounts of data collected from alprs has been leaked before, like in the uk. Alprs are proven to be up to 35% inaccurate. Texas A&M research has shown weather can affect the camera's ability to read the plate correctly. Private data has been used to target women seeking reproductive care, as when Facebook shared information with police. Alprs data can be used and weaponized in this way. Please do not renew the contract with automatic license plate

[10:53:53 AM]

reader. For apoa, the city made a commitment to recognizing equity in 2020 and a huge part of this includes police accountable.

[Buzzer sounding]

>> The apoa will help protect black and brown communities in our city and cannot wait for the may ballot.

>> Thank you, speaker. Your time has expire

>> Do not wait. Thank you.

>> Alyssia torres on 56.

>> Hello, my name is Alicia, I'm calling from district 3 and I'm calling against item 56 and in support of item 86. Item 86 should be passed today if we are a city that through action really wants -- those most directly impacted. In regards to automatic license plate readers, I think the community has spoken loud and clear today.

[10:54:55 AM]

This is something that we did away in 2020 because it showed

[indiscernible]. I think the other members -- community members have brought up that this is a tool that without any true and honest intentional police accountability can and will be weaponized against

us. We also should not be led to believe that if provided this tool, the state will not come in and weaponize it against us. We cannot blind ourselves to the state of our state and the movement -- that we're doing.

[Buzzer sounding]

>> And to pretend to protect us --

>> Thank you, speaker. Your time has expired.

>> Not pass -- leaders today.

>> Mayor Adler: Thank you for participating with us today. We appreciate it. Thank you.

>> Megan Marvin on 56, 86, 87,

[10:56:00 AM]

and 91.

>> Good morning. My name is Megan Marvin. I live and work in district 3. I do not support reinstating alprs. The police should not have that data without a warrant. It would be incredibly irresponsible to approve alprs without passing the police oversight act directly and immediately. Waiting for a low turnout election is no more democratic than passing an act brought to you by over 30,000 constituents now. Delaying until may is effectively delaying until 2027. And you know that. The consequence of any delay would be borne by the same group of people who have been bearing the burden of police misconduct all along. And you know that, too. If officers know they will face discipline for misconduct and brutality, they will do it less. And that's what we're after. Thanks for your time.

[10:57:15 AM]

>> Logan morales.

>> Hello, city council. My name is Logan and I'm a resident of district 5. I'm speaking today in support of the Austin police oversight act. I understand some of you want to delay a vote on this until main order to see what the voters say, but we already know. I spent the summer asking them to sign a petition that would create a system of transparency. A small team collected over 33,000 signatures in just a few short months, so we already know this has broad voter support. Additionally, I'm very frustrated with the notion that we should delay the vote, because that is an incredibly privileged stance to be able to take. Maybe you can afford to delay this vote, but think of all the marginalized communities in Austin who cannot afford to wait for police accountability. Police misconduct is happening now and it's going to keep happening until may. At the least the public should know about it. This act is the way to do it. We need police oversight now. I urge you to vote no on alprs

[10:58:17 AM]

also. Thank you for your time.

>> Ben sudaby.

>> As many callers have already mentioned, we need police oversight right now, no delay. There's overwhelming support from the community, just demonstrated by them collecting so many signatures that your own city clerk wasn't able to get it onto this November ballot. A delay, months long to a low turnout election won't serve the interest of democracy. There is massive support for this. You have the

power to enact that. Go ahead and do that today on 86, no on 87. And it's no on license plate readers. This data will be abused and it will get out of your hands. Even your best intentions will be misused by the state and by federal entities that don't have our community's interest your

[10:59:19 AM]

records -- your votes on this will go down in record and it will be a sign to future generations to your stance on the protection of individuals who are being targeted right now. Please vote no.

>> Shelby bohanen.

>> I'm demanding police adopt this oversight act. The city needs this legislation in place as soon as possible. I'm demanding council reject alpr's, which would put people in serious danger. The city has paid out over 14 million in settlements to people

[11:00:22 AM]

from police brutality protests but has not indicted any officers, nor has the department disciplined those in excessive force. You must pass this directly and immediately, restoring basic functions to the office of police oversight is a no-brainer and has widespread support. With an over 33,000 signatures collected?

>> Your time has expired.

>> Thank you.

>> Hargene subarry on item 56.

[11:01:34 AM]

Please unmute. Cynthia mannen on 86.

>> Good morning. I'm executive director of the Travis county democratic party. I'm speaking in support of 86. Austin residents support citizen oversight and greater accountability of the police department. We endorsed the Austin police oversight act. We trust the elected members of Austin city council to protect the residents. Regardless of the mechanism by which that is accomplished we trust you to make decisions that will build trust and foster a public safety system that works for all austinites. Thank you for your consideration.

[11:02:38 AM]

>> Jen margeles.

>> I'm speaking in favor of the oversight act and against item 56. Making the right votes will continue [unclear audio]. Civilian oversight should be nonnegotiable. We see what happens when we let the police police themselves. UT's costly in terms of human lives and dollars. We can't -- the only way to guarantee surveillance data isn't used against immigrants, abortion seekers, people of color is to not gather the data

[11:03:40 AM]

in the first place, especially when research shows there's no benefit.

[Buzzer]. It's costly and damaging to the community. Please vote yes on 56 today and -- please vote appropriately.

>> My name is megaheplan. The best way to eliminate abuse of data is not to collect it. The best way to limit violations to our constitutional rights is to stop authoritarian and effective mass surveillance of your community. License plate readers further the decriminalization of poverty via [indiscernible] Who can't afford to pay fines, fees, tickets. We know they surveil neighborhoods that are low

[11:04:41 AM]

income and communities of color. I want to urge you to vote -- pass 86 without delay. The fight against mass surveillance is tied up to a reckoning of policing and racism in Austin. We have to take the opportunity to realize the role of -- please stop investing resources in mass surveillance of the community so we can confront the systemic harms. Only then will we be?

>> Thank you. Your time has expired. Robin Schneider. 86. Robin, please unmute.

[11:05:44 AM]

Beth Muffet on 86.

>> Hi. My name is Beth Muffet. I live in district 8. I am speaking against item 56 and I am speaking in support of item 86. Regarding 56, alpr's are generating millions of data points on the movement of people not suspected of violating laws while putting multiple categories of people at risk. The only secure data is data not collected. Regarding support of 86 transparency and accountability requirements are not bargaining chips the police should be able to hold in negotiating. The police should not be forced to lock in more funds for basic and minimal transparency and oversight from the Austin police association.

[11:06:45 AM]

Joining the chorus of people against 86 and supporting 56 from south Austin. Thanks for your hard work.
>> Robin Schneider.

>> Hi. I'm now a district three resident. I have an a district nine resident. I was in the city council Cham Eric Bers when koun -- council chambers when the council stood up to the police union and rejected the contract. I was so proud of our city for finally listening to people who have been victimized by the police. This is your chance to really stand up for strong police accountability by voting yes on 86. If you delay until may there is no guarantee that the police contract that's being negotiated that has to be completed in March is going to

[11:07:46 AM]

be covered. If you want to have a legacy on police oversight and police accountability, it is time to vote yes on 86, especially the council members and mayor who are departing the council. This is your opportunity to leave a legacy of justice. If you think black lives matter, this is your chance to prove it. Thank you.

>> Erika flores. Ms. Flores, please unmute. Munib Aslam on 86 and 87.

>> Hello.

[11:08:47 AM]

I'm a master's student in public affairs. I'm testifying from work in favor of 86 and against item 56, 87, and 91. I hope city council votes in favor of the oversight act. I'm urging my council members to vote yes so that we can put a reliable system of oversight in our code. We want to keep the promise of providing a safe and equitable Austin for folks. Police brutality is reprehensible. I hope we do pass 86 and without further delay, thank you for your time and consideration. I really appreciate it.

>> Erika flores on 86.

[11:09:53 AM]

Erika, please unmute. Carmen Yanez on 86 and 87.

>> Good morning, mayor, mayor pro tem, council. I'm here to say yes on 86, no on 87. This oversight act is your opportunity to pass a critically important piece of policy today. Right now we're losing oversight every time a report goes into internal affairs and disappears. We're aware of the problem but not able to take action on cases like those you're hearing today. You can spare us an additional election because there's so much to do. You know when it comes to campaigning, educating the public on civic issues, you can take an important step towards equity and justice by creating accountability today. As one of your pro police

[11:10:54 AM]

callers said earlier, she realizes there are bad police officers but eventually they'll get caught. Only a few of our elected officials give us tools to hold them accountable. Be the change today. Thank you.

>> Rachel Shannon on 86 and 91.

>> Good morning. Rachel Shannon, 21 year resident of district one. The time for police oversight is now, not in may when it becomes a bargaining chip. There's popular support for it. The city has failed to issue discipline over the more than hundred examples of false arrests from body camera videos. When will we take this seriously? Austin is entertaining more support for surveillance that stands to criminalize all these

[11:11:55 AM]

people in addition to the black and brown individuals. This is in direct conflict of the recommendations. You know there's no amount of privacy protection that can ensure collected data will not be misused or shared. The only truly secure data is data not collected. Represent and protect your diverse and amazing community of people. No alpr's are not worth the right of human rights. Police oversight now.

>> Thank you, speaker. Erika flores. Erika flores.

[11:13:02 AM]

Okay. She disconnected. Last speaker we have is Lindsay iingnotacy.

>> I did get my chance to speak, actually, but thank you so much.

>> That concludes the remote speakers. We've tried with Ms. Flores several times. I'm not sure if she's just muted and can't hear us, but how would you like to proceed.

>> Mayor Adler: Let's go to the in-person speakers.

>> All right. First speaker is Chante Marshall on item 86.

>> Good afternoon. I'm here to speak in favor of the police oversight.

[11:14:02 AM]

My brother was subject of a joint operation between police and public of public safety. The goal was to arrest my brother on active warrants. On this day the operation ended with my brother being shot by four police officers from APD and one dps leaving him with eight to ten gunshot wounds. The main focus was to get him arrested, but I have questions -- was the operation thought out? Was the extent of force and plan of action necessary? The police officials never made themselves known to him. They never announced over the bull horn who they were. They followed him for hours after he attended to his -- as he attended to his after work duties, at which point his children were in the car. They deflated his tires, causing him to pull over.

[11:15:02 AM]

I am for the act because I want to see justice for this type of behavior.

>> Gus Pena on several items.

>> All right. Let's get to the nitty nitty. I'm here to discuss what has been happening to me and others out in the community. I was told -- I was going -- I was at the second floor. I was invited by two council member AIDS. We were going to talk about issues. This is not relevant to what

[11:16:05 AM]

you have listed. This -- your -- Renteria told me to leave. I had to leave. I said I have permission to speak over here. I'm not going to mention the names but this character was wrong in what he did in telling me that I have to leave. I didn't have to but I left -- I'll tell you what. My blood was boiling. I'm going to leave it at that. I want to say to you also, Adler -- I'm going to live it up. I voted for you twice to retain you as elected official. Do something about this. This character could be filed on for assault. Be very, very careful with that also.

[Speaking Spanish].

>> Mayor Adler: Thank you for participating today.

>> Next speaker is Christopher

[11:17:11 AM]

borgstead on multiple items.

>> Alexander stringer. On deck is sofie Washington.

>> Good morning. I'm speaking in support of item 26 and the need to adopt a resolution regarding the state legislative priorities because the biggest concern we are facing is right-wing extremism. Okay? These -- I'm having panic attacks because of these Maga Republicans. It turns out I am four per cent black. Every since then I have been worried about the oath keepers and proud boys coming to my

[11:18:11 AM]

house in order to murder me because of racism.

[Crying]. That's why we need to have a social credit system in place so these people can no longer participate in society. If you didn't want to wear a mask, get vaccinated, if you don't want drag queens reading stories to your five-year-olds -- if you think it's okay to drive a car and open private property, not only are you a right-wing extremist but you don't believe in science and you're a domestic terrorist and your house --

>> Mayor Adler: Thank you for participating with us today.

>> Sofie Washington on item 58. On deck is Sarah Becker.

[11:19:13 AM]

>> Sarah Becker? On deck is Lisa hugman.

>> Hi. I serve on the parks and rec board and part of a multiagency homelessness working group. The homeless in our woods are not just camping. There is a darker, more sadistic culture to their lives, a perverse power structure and jail culture runs amock. Most homeless are trafficking are being trafficked through forced fraud, cohergs or survivor sex. Drug dealers don't just deal drugs. They are traffickers. Meth and speed create feelings of hypersexuality and they're forced into taking these drugs, rendering them invisible in a

[11:20:14 AM]

sadistic society. Homeless people fear being robbed anted not having a safe place to sleep. Whether male or female these daily threats make them vulnerable to trafshgers who offer protection. The perverse relationship becomes one of involuntary slavery. If a person tries to flee it's common for them to be brutalized or tortured. Thank you for listening. I support council member Kelly's resolution.

>> Kristen sulpiveda. Yvonne wellldon on item 52.

>> Good morning. I would like to support item 56 and oppose item number 86. You know, in 2020 Austin had a record number of homicides -- 48 homicides. That was a record number.

[11:21:15 AM]

In 2021 we had 89 and this year we're on track to exceed that again. We're also dealing with the number of deaths from autofata autofatalities, aggravated assaults, burglaries and crime is increasing. We need to support our police and stop this attempt to

[indiscernible] The police. Thank you.

>> Susan patara. Monica Guzman is on deck.

>> I'd like to support 52 and thank council member Kelly for bringing that forward. Sorry. Thank council member Kelly for bringing up 52. 56 -- I testified before. You know, as I sit here and listen to surveillance. What's that? It's a camera. What's that? A camera. When you walk in city hall, there's a camera.

[11:22:17 AM]

There's cameras all over the building so to say the police can't use cameras but everyone else needs cameras to be safe is hip critical. I am very much opposed to 86. I think the constant attacks on the police have result inned the crime that was just pointed out. The people calling 9-1-1 and not getting a response, calling 3-1-1 and not getting a response. They have rights here too. They're working so they're not testifying. That issue needs to be put on the ballot and people need to vote. Thank you very much.
>> Monica Guzman speaking on several items. On deck is Bryan register.
>> For transparency purposes I was a task member and support the recommendations we put forward. I'm opposed to 56.

[11:23:18 AM]

If you consider apr surveillance if you have relationships with immigrants, nonbinary persons you know residence -- those of Mexican descent are targets. You must vote it down. I'm opposed to 87 and 91. Aufasers are still harming protesters, failing to provide protection and support for people experiencing mental health crises. They are not being held accountable for past and on going abuses. I support 86. There's annual increase in complaints. For the current year they provide -- complaints filed through ia remain unknown. I urge council to approve today. We need the oversight act now. Your votes are for constituents. Do not delay justice.

[11:24:19 AM]

Justice for Austin residents. Vote down 56, 87, 91. Approve --
>> Mayor Adler: Thank you for being with us. We appreciate you participating.
>> Bryan register. On deck is Katrina fairly. Andrew hornman. Speaking on item 56.
>> I support everything Monica said. I'm also, like everybody else, just against police oversight. This seems like an attack on poor people and minorities inside the city. And support -- I am for the police -- the oversight -- police need to be held accountable. And that's it.

[11:25:19 AM]

Thank you.
>> Obi nenezbit.
>> Resident of district 9. Please listen with open ears. A lot of residents have expressed being against 56. I work for a tech company. Lot of tech companies don't solve problems. They're to look for problems. Colorado police detained, handcuffed a black mother of four children after mistaken their SUV for a stolen motorcycle. A man finds himself surrounded by cops after apr misread 7 for 2. We need to stop the collusion

[11:26:20 AM]

between tech companies and the police. The reality is alpr's can and have been used to separate people. What we know and have seen happen they have been using alpr's to surveil individuals expressing their protected first amendment speech. This is a mass surveillance technology about locations of people.

>> Mayor Adler: Thank you for being with us today. Thank you.

>> Please protect our fourth amendment.

>> Travis van holt on 56. On deck is Kevin Welch. Linda Nuno. Rebecca burnheart.

[11:27:21 AM]

On deck is Amelia Casas.

>> Hi. I'm the chair of public safety commission and live in district 10. I support item 86 and oppose item 56. We have a chronic problem in Austin which is when the police engage in misconduct we fail to provide the people of Austin with any meaningful relief. We've seen this in the public safety commission. It happened with the second report where we learn we have a stop, frisk and arrest problem where police engage in illegal conduct. There's been no remedy and we have had no fol ol low-up. This will happen with current complaints coming in to the office of police oversight

[11:28:22 AM]

right now. On may 9th we heard police forces trampled pedestrians and pinned a person to the ground. On may 4th, 2022 at a protest, Austin police used an I-red for 10 to 15 minutes, causing hearing damage and children were present. These are two recent complaints that are not going to be addressed if you vote no on item 86. Also, just to clarify, in 2021 our homicide rate was 9.25 per a hundred thousand people. In 1984 we had the highest --

>> Mayor Adler: Thank you for participating. Thank you.

>> That's math.

>> Mayor Adler: Got it.

>> Keven Welch on 56.

>> Hello. Current president of the board at eff Austin. I want to thank many of your

[11:29:24 AM]

offerses for working with us on the debate. Thank you for your collaboration. I appreciate the improvements that have been made to the legislation. I have to be honest. They're not enough. I urge you to vote no today. It's vital to vote for 86 against 87 and 91. The only way we can have a conversation around this issue that will not just be deck dotes about -- is hard data. What's the point of a pilot program? We're going to be back here in a year. This tech is mass surveillance -- indiscriminate monitoring of people. Indiscriminate is the key word. Not targeted for suspected wrong doing. It is mass surveillance, whether or not you want to call it that. I hope we'll continue this

[11:30:24 AM]

conversation. I hope I'm proven wrong about the harms of this technology.

>> Mayor Adler: Thank you.

>> Good morning. My name is Amelia Kasas. I'm speaking in favor of 86 and against 56, 87, and 91. I was proud to sign on the petition for oversight act. I believe increased transparency and oversight can make Austin safer for all. There have been countless complaints of excessive force and this will bring Austin one step closer to taking accountability. There is no reason to prolong especially with the timing of the contract negotiation. It needs to pass now to make impact. I urge you to vote in favor of the item today.

[11:31:24 AM]

We know that alpr's are frequently used to make petty arrests and share info. These possible threats are not to be taken lightly. I ask that you please protect your constituents from mass surveillance and vote no on item 56. Thank you.

>> Crystal Ericson Collins. On deck is Sam Kirsch.

>> I'm going to read --

>> Mayor Adler: Before -- just to touch base on that. The best way to get something to council members is to give it to the clerk and then the clerk make sure that it's handed out on the dais.

>> Thank you.

>> Mayor Adler: Go ahead.

>> I'm going to read from a complaint from OPO from July. I called 9-1-1 and requested mental health officers for assistance with my 20 year old

[11:32:25 AM]

daughter who has a medical condition and medication reaction. I showed them her medications and had her neurologist on the phone. She was agitated, not making sense most of the time. They asked her to come outside. She asked if she could all come. They said no. She wasn't making sense. The female officer antagonized her. She got agitated. I asked if they could call the mental health police and they said they were. I had my daughter's therapist on the phone and she asked for her to be hospitalized, given this was psychosis. They said no. We could hear her screaming in agony. We since learned she was tazed several times. She's been in a state of crisis and is traumatized. At this moment she is missing and suicidal. If something happens I hold APD responsible for the outcome. Thank you.

>> Mayor Adler: Thank you.

[11:33:28 AM]

>> Sam Kirsch. On deck is Bob Liable. Thank you. Bob Liable. Fran Tattoo.

>> Thanks. I'm a resident of district 7. I'm here to oppose 56. I would like to thank council member Harper-Madison for describing as mass surveillance. If you support the license plate readers, would you support or oppose the use of facial recognition software or the indiscriminate accessing of library cards or bus passes? What's the difference? I also want to raise one point, which is that through the

[11:34:29 AM]

sharing with Aric -- APD shared over 140 energy records used by immigration and customs enforcement, which I think is an -- should be an incredible concern to folks. On 86 I think the majority of the council supports the apoa. To me, justice delayed here is justice denied. You have the opportunity to do the right thing today and I was ask you to do it. Thank you.

>> Mayor Adler: Thank you.

>> We have Erika flores on the line. Can we take her?

>> Mayor Adler: Yes.

>> Thank you. Erika flores.

>> Can you hear me?

>> Mayor Adler: Yes.

>> Yes.

>> Perfect. Speaking in fair of 86 and against 87. On my [indistinct audio].

[11:35:39 AM]

This has been extremely frustrating, individually and as a commission, leaving us unable to fulfill duties asked of us when appointed to the commission. Adopting the (indiscernible). We're asking for the infrastructure and support to do our jobs and create a real path to transparency. I implore you to adopt it now. Thank you.

>> As someone who collected signatures for the Austin police overreight act there's no doubt in my mind this was put to a special election today. This is signature and doesn't accurately reflect the multitude of residents I speak to every day. Abuse exists. I'll say her name -- Sandra bland. No accountability.

[11:36:39 AM]

Please don't make us wait four years to save lives. Do the right thing. Please vote -- I'm asking you to vote against 56. My mother is 88 now. Still won't talk about it. We can reimagine public safety by taking the money and reinvesting in the community, creating trust in the community and among the officials, neighborhoods, social programs, mental health. Thank you for your time. I yield back.

>> Hannah Alexander. Holly bell. Then Emily garrick. Please state your name and the items you're speaking on.

>> I'm a resident for district

[11:37:42 AM]

9. I'm the director of organizing at the harm reduction alliance. I'm speaking in opposition to items 56 and 87, speaking in support for (indiscernible). Every single person that walks through the door has been impacted by policing and most have faced incarceration. Most have a substance abuse disorder, no access to healthcare and few opportunities to overcome the obstacles stacked against them. Our organizations will not seek to exist, our services will not stop being needed if our government continues to double down on policing. Automatic license plate readers are issues cut from the same fabric leading to people being trapped in poverty, broken-up families and so much more. Do not vote for mass

surveillance for expansion of police powers and to uphold the lack of transparency and oversight. I urge you to vote with common sense and moral judgment.

[11:38:42 AM]

Vote no on 56 -- vote yes on 86. Thank you.

>> Holly bell. Emily garrick. On deck is Eric rufalo.

>> Thank you so much, mayor and council members. Last year, as you know, there was settlements in \$14 million for police brutality. This was a record number and is not including the record of a \$67 million verdict in one case. There's also been historic number of indictments against police officers and this council knows too well what kinds of cases those were -- people of color being killed, a child given brain damage, there

[11:39:44 AM]

was a woman punched eight times in the head. These are cases where APD saw the facts. These are not a case -- they saw the facts, reviewed the cases and said they're consistent with the policy and nothing was done wrong. That's the kind of oversight we have right now. We cannot allow that level of oversight to continue for four years. We need to pass the oversight act now. I am frankly shocked that so many of you are considering delaying for another four year years.

[Buzzer]. I would like to urge you to vote no on item 56. Thank you.

>> Eric ruffalow. On deck is Eric weber.

>> Hi. I'm resident of district one. I'm in support of passing police oversight.

[11:40:44 AM]

I'm in opposition of 56. They are mass surveillance. There are people here more poignant and direct than I, but it astounds me that we are considering giving mass surveillance to the police. The police need oversight and they do not need mass surveillance technology. It can be abused. Let's not give it to them. Thank you.

>> Rebecca weber. On deck is sandy mcgnaw.

>> Hi. I live in district nine. I am the public safety commission appointee from district seven. I have been since before 10/1. I'm here to ask you to oppose 56 and to support 86.

[11:41:47 AM]

I would ask you to please consider the risks associated with the apr system when you're considering the benefits. So we're all horrified by child abductions. When I was a legal aid lawyer in south Texas, I learned firsthand this issue of international child abductions being related to family violence situations. It's horrible. At the same time, I live here in Austin and I don't know anyone whose child has been abducted but I do know many immigrant people. We all care about immigrant people. Every single one of us has someone in our life that we care deeply about who is -- whose sense of safety and security is threatened by this mass surveillance. So I ask that you do not support this line item. We can use this money in so much better ways.

>> Mayor Adler: Thank you.

>> May I ask --

[11:42:48 AM]

>> Mayor Adler: One second, please.

>> May I ask the speaker a question. You said when you were a certain type of law. Can you tell me what type of law you practice now and what type of clients you represent.

>> Yes. Thank you, mayor pro tem. I was a legal aid lawyer. I represent victims of police violence in central Texas. I have clients who have been injured by the Austin police department, San Marcos police department -- as far south as the Victoria police department. My cases in Austin -- my clients include tire tieri. He was outside talking to a doctor as he continues to try to heal from the violence he suffered at the hands of Austin police. I think -- like, I understand deeply the issue on 86.

[11:43:48 AM]

I didn't choose to use my time to talk about it, but appreciate the opportunity to follow up. I know what has gone on at the Austin police department -- not only have I served on the public safety commission but I was on the citizen review panel -- like, I have reviewed the officer-involved shooting files for all of these cases for years as a volunteer. And now I choose to represent people who have been injured because sitting at the table for all those years, I have given up on that, quite frankly. And now choose to use my time to try to represent people in the court system because I am just so deeply disappointed in our community and our approach to this. Does that answer your question?

>> Harper-madison: It does. I appreciate your advocacy and

[11:44:50 AM]

I think your perspective is important to take into consideration, so thank you.

>> Thank you.

>> Sandy mcgnaw. On deck is Clinton Reary.

>> I'm for items 52, 56, 91. Against item 86. Mass surveillance was brought up today. For equity's sake, educate yourselves. We walk out of our doors, go to toll booth, library, grocery store, here in city hall. We're being watched. Maybe we should stop all that surveillance. Support reinstating lpr's. Support Leo's benefits. The officers need that. Support letting the voters decide police oversight.

[11:45:51 AM]

Only people that don't want it are criminals, people that have something to hide. All lives matter -- no matter what color, race, uniform we wear. We all matter.

>> Mayor Adler: Thank you.

>> Clinton Reary. On deck is David Johnson.

>> I'm for item 56, the lpr's. If 20 is mass surveillance. I'd be petrified to hear what you think of cell phones. When it comes to 86 and 87, I oppose it. I support police oversight but this is not what it is. This is a ballot manipulation. It gives complete control and power overpolicy, procedure and

[11:46:52 AM]

contract negotiation to a civil organization that requires 20 hours of education, no ride-along experience. Culture changes as we've seen crime rates have gone up under reimagining policing that impacted minority communities. Let's do it the right way and please, please encourage you to do your due diligence in reviewing this ordinance so we can actually have a proper oversight committee, not defunding the police that others actively do and promote. As you can see in the tweet -- Chris Harris pretty much says to strengthen my resolve to do everything to defund the Austin police department as much as possible.

>> Mayor Adler: Thank you for being with us today.

[11:47:52 AM]

>> David Johnson. On deck is Sarah Campbell.

>> Hello. Thank you for this time. David Johnson. Grass roots leadership, resident of district five. Council member harper-madison, thank you for calling it what social security.

-- What it is. This doesn't work. You're unable to protect us from the state. You're unable to protect us from any abuses. Almost a hundred in the crowd report instances where they got away with it. I think we should talk who we're talking about. Why we can't trust APD and why we can't trust you to give them for tools. Here's a notice of complaint. I'll give you highlights. The first complaint is with officer blank. When he arrived he escalated the situation. She forced my grandson to the

[11:48:53 AM]

ground and handcuffed him for no reason. They were in an emotional teen-age wake-up. I phone video. Three patrol cars arriving minutes apart. Walked in, handcuffs to stand closer to me and his grandfather. The cop pulled him to the ground. This happened this summer.

>> Mayor Adler: Thank you for being with us today.

>> [Microphone turned off].

>> Mayor Adler: We appreciate you being with us today. We need to get to the next speaker. Appreciate your -- thank you.

>> Sarah Campbell on 56 and 90.

>> Hello. I live in district three. I'm speaking against 56, 87, 91. Asking you to say no to alpr's. They're a tool for warrantless surveillance with no ability to

[11:49:56 AM]

ensure the information won't be misused. Law enforcement has used them to scan plates of worshippers at a mosque. Police have used them to spy on girlfriends, exs, and people they don't know. Towns use them to gate low-income communities, tracking every community that enters and leaves. I believe the last example is your intention -- it will increase harm to communities of color and low-income community members. I'm absolutely -- absolutely against y'all spending the city's money this

way. Regarding item L 6 it is clear the Austin citizens want more accountability and transparency from APD. I strongly suggest you pass 86 now. Thank you for your time.

>> Daniel kavlman. On deck is Roy wayly.

>> Thank you for the opportunity to speak. I'm a pro housing advocate and

[11:50:58 AM]

community member in district 3. Parkland dedication -- 66 and 67. Thank you for taking the impacts of these seriously and proceeding cautiously. Here to voice support for various amendments and speak to a broader funding strategy in the future. Council member harper-madison proposal to protect small businesses, allow floodplain lands are thoughtful. Adler's proposal for engagement process will create a better policy or parkland dedication. We need a thing about whether the -- this puts the burden on new residents, workers, and businesses. The proposal will have negative impacts on affordability. A bond is an equitable funding

[11:51:59 AM]

strategy and should be considered as an alternative. Thank you so much.

>> Roy wailly on 66, 67, 90. On deck is owise Asar.

>> [Indiscernible].

>> What I would like to do instead of speaking on 90 is donate my time to Mr. Bill bunch who is going to speak on that and will speak much better than I will. It's the same 60 seconds. Will you let me do that?

>> Mayor Adler: Mr. Bunch has the opportunity to sign up to speak as well. I mean?

>> There is nothing he can say in 60 seconds that you need to hear, nor is there for me. In two minutes he can give you some information to chew on.

[11:53:01 AM]

Whereas I can only say a few things, and Mr. Bunch has the facts. I think it would be only proper that I give my 60 seconds to him. It's the same 60 seconds.

>> Mayor Adler: I hear that. I think you may know for the last couple of years we've been consistently applying a rule that this council continues to apply. So we're going to do that. Your time is running and you're certainly welcome to use it however you like.

>> Well, in that case I'll speak on the parkland dedication issue then. A lot of people spent a lot of time on the public input on that. And now it seems like "Thank you for your time but this is the way we're going to do it because of all the amendments." I've listened to and followed what council member alter has said and Sierra club supports council member alter on this.

>> Mayor Adler: Thank you.

[11:54:01 AM]

>> Up next is Lexi bohanen. Bohanen.

>> Mayor?

>> Mayor Adler: Yes.

>> Harper-madison: I saw a bunch of sharp looking people in the room. I'm curious what the occasion is for you joining us in chambers today. You know who you are. That row right there. Are you here with a school or a trip to watch council proceedings? Or?

>> [Microphone not turned on].

>> Harper-madison: Thank you. Thank you for joining us today. We need to see more young faces in this room.

>> Janice Bookout.

[11:55:06 AM]

>> Thank you, council. D-1, 25 years. I've heard the position to let people speak in a vote. The concern is misplaced. 33,000 is way beyond the required 20,000. 2021 Austin voted not to hire more officers. The community has spoken and a four-year delay would go against their interests. Of the 100 complaints to opo every month, including brutality, misconstrue, and profiling, only one per cent are investigated. As for the -- if they can't retaliate if we put the ordinance language in the contract as nonnegotiable. People are capable of rising to higher expectations. 217 cities had a reduction in violent crime with a strong opo -- that's a study of 217. The police chief has acknowledged the benefits of community relations -- to community relations.

[11:56:07 AM]

See my e-mail for links. If it helps to have a memorable quip, 86 the options to [indiscernible] Of harm. Thank you.

>> Cassandra champion. On deck is Thomas Downing. Thomas Downing? Next is Colby Duhan.

>> I'm from district five, retired United Methodist pastor who admires and respects the men and women of the Austin police department who put their lives on the line to keep our cities safe. However, all of us in service professions share a special ability to harm those we are called to protect. Those my pastor misconduct cannot maim or kill it can

[11:57:11 AM]

through exploitation of the vulnerable destroy lives. We like to think we can discipline ourselves. We're on the side of the angels. Self-discipline can fail. The signs begin with rumors, open claims of mistrust. Next come multimillion dollar lawsuits and criminal lawsuits. I've seen this progression in my own profession. We see it now in our police department. I urge the council to vote for 86, creating an independent office of police oversight. Thank you.

>> Colby Duhan on 86. On deck is Quincy Dunlap. Naketha Darlaparty on 86.

[11:58:15 AM]

Scott Henson on 86. Shane Johnson, 86. On deck is Shareen Call.

>> Good morning or almost afternoon. Council, my name is Shane. I'm a resident of district 7. You can't promise that city staff won't bring you an unacceptable contract again. You can't promise that you will

be able to hold a place for the Austin police oversight act to be implemented after may. You can't even promise that a few council won't roll it back before 2027. And that is why we're asking

[11:59:16 AM]

you to vote no on 56, yes on 86, no on 87 and no on 91. If we don't pass the Austin oversight act now it's dead in may. You should all know that by now. Over 30,000 people in the community signed the petition. Don't silence their voices.

[Buzzer]. The only promise you propose -- this is shameful. And items 56 and 91 are what institutional racism look like in 2022. Thank you for your time.

>> Shareen call on 86. On deck is Brian mcgiveerern. Brian?

[12:00:17 PM]

Kathleen Mitchell. On deck is Molly petznek.

>> Hi, I'm Kathy Mitchell and here today with another of my famous giant binders of stuff. Those of who know me know this is how I show up. This is recent complaints filed with the opo against the Austin police department. And you have heard people taking pieces of them and reading them, giving you the words that people are telling the opo in the most recent window. So this is like August, July, June. That's it. And this is just what was filed with the opo. There are far more that are

[12:01:19 PM]

filed directly with the police department that we don't get to see. I want to take a moment and finish reading the one that David Johnson started because he ran out of time. This is from a grandfather. Their only job is to deal with crime, not teenage relationship breakups. The girlfriend said several times she was fine and that there was no crime committed. Crime is the key here.

[Buzzer]. There was no crime. These officers are hostile, untrained and aggressive. I'm glad his grandmother and I were there. I think if we were not he would have been seriously injured or maybe killed. I want you to remember that as you talk about what you're going to do today, it's about whether or not we have a system in place for these people who just suffered.

>> Mayor Adler: Thank you very much.

>> Molly on 86. On deck is Paul quincy.

[12:02:21 PM]

>> My name is Molly, I'm a resident of district 3 and I'm here representing Texas civil rights project. We have fought for equality and justice for all Texans for more than 30 years and based on this experience we unequivocally urge you to vote in favor of the Austin police oversight act. Functioning police oversight is fundamental to protect the rights of all your constituents, but placing the act on the ballot in may in no way serves this goal. As advocates for voting rights in Texas, we understand the importance of democratic participation at all levels of government, but deferring this vote will only restrict participation and engagement in the democratic process by guaranteeing that police oversight never seize the light of day and that the will of voters can't be put into action. A vote to place the act on the

may ballot is a vote against police oversight for years to come. We urge you to vote on the police oversight act today,

[12:03:21 PM]

item 86, and against deferring the measure until may,ium 87.

[Buzzer]. Real oversight is necessary to protect the dignity and rights of every one of your constituents. Thank you.

>> Paul quincy on 86. On deck is John Ramirez. Ana Rodriguez on 86.

>> Hi, good afternoon. I'm here to ask you to vote now today on the Austin police oversight act, not delay one day, four months, not at all. I want this oversight to

[12:04:22 PM]

never be a point of negotiation in police contracts. I want it to stand on its own. I want to disentangle it from that process. I approach this work as someone who is deeply connected to victims of crime. I've come before this body a lot to talk about that. I'm also seeing that same community being leveraged as a reason to justify increased surveillance or not enough oversight. I'm saying that neither victims nor people accused of crimes are safe today and that we need independent oversight that is parent and that has civilian oversight. We need it to be disentangled from the contract negotiations and we need it today. Today.

[Buzzer].

>> Sam kirsch on 56 and 86.

[12:05:24 PM]

>> Good afternoon. My name is Sam and I live in district 5. As protesting on may 21st, 2020 I was shot in the eye by a beanbag round by an and officer. I have distorted vision, eye pain, loss of depth perception, eye spasm, nausea, nerve pain and damage. It is imperative for the council to adopt the apoa with no delay. Basic transparency should have nothing to do with cops' wages and benefits. The council must also reject alpr's today. Chief Chicon's testimony on September first raised even more concerns. He donged the question about other jurisdictions that do prosecute abortion in regards to data sharing with Aric. The data states that city funds shouldn't be used for abortions. If someone is leaving by car they are leaving Austin on a

[12:06:24 PM]

major highway. He stated the database software must be available to all officers in all the vehicles.

[Buzzer]. 40% of police officers engage in domestic violence. Why should you entrust his department to track our every movement, thank you very much.

>> Mayor Adler: Thank you.

>> Kimberly sefcek on 86. On deck is Morgan shelbourne. Mike Seigel. Cynthia Simmons. Jackson wade.

[12:07:27 PM]

Jackson is speaking on item 86. On deck is Alex dubo.

>> My name is Jackson and I am here on behalf of the American civil liberties union of Texas. We oppose item 56 and support item 86. We give officers more authority than any other profession, the power to stop, search, arrest and even use deadly force. This power means we have a greater responsibility to hold officers accountable for misconduct. But the current roles in Austin shield officers from accountability. The meaningful review of complaints is blocked. Complaints older than 180 days are disregarded and disciplinary history of officers is hidden even when they kill our neighbors. A vote against item 86 preserves these injustices. A vote against item 86 will delay and maybe even derail meaningful police accountability. Mayor Adler and council, we are looking to you to lead. Please vote for item 86.

[12:08:28 PM]

Make our community safer and ensure meaningful police accountability is never again bargained away. Thank you.

[Buzzer].

>> Alex. On deck is bill bunch.

>> My name is Alex. I'm a retired NYPD detective sergeant from the internal affairs bureau. Excuse me because it's been awhile since I spoke in public. Regarding item g-6, I used license plate readers for half of my career catching criminals and the other half catching corrupt police officers. I'm telling you right now we need license plate readers. If I can't use that I will get a subpoena for your cell phones and people don't want that. Please do the license plate readers. In with regard to police oversight. I worked with the ccrv. I think it's great. However, you have to have at least a member of the police department on the board or on the oversight because

[12:09:33 PM]

civilians and police officers clash all the time and nothing will get done. That's it, thank you.

>> Mayor Adler: Thank you.

>> Bill bunch. On deck is Justin Howell. Mr. Bunch is speaking on items 86, 87 and 90.

>> Thank you, mayor and council. Bill bunch first speaking as an individual and 30 year resident of district 5 in support of 86. We need the independent police oversight and accountability reinstated. Please do that today. Please don't make some statements about that you support it but you want it to go to the voters in may. That's unnecessary delay and you know you can't promise that we'll still have that opportunity given the pending discussions with the police union. On item 90 I'm speaking on behalf of the save our springs alliance and the zilker neighborhood association's executive committee. First this item is both legally deficient and misleading in its posting.

[12:10:35 PM]

It calls for the city manager to create a regulating plan for the south central waterfront. That is is technical term under the tax code which refers to and is required for the tax increment reinvestment zone. The notice does not mention the reinvestment zone.

[Buzzer]. You're not posted to take action as the tirz board. And that's just to get started on how grossly misleading this is. You are not implementing the south central waterfront board, you're not implementing the regulating plan.

>> Mayor Adler: Thank you for participating with us today.

>> You're implementing a --

[no mic].

>> Mayor Adler: Appreciate you being with us today. Thank you. We need to get to some of the other speakers. Thank you, thank you. Thank you for your time. Everybody else today is trying to make sure that everybody gets a chance to speak today, and you're

[12:11:38 PM]

making it really difficult. As it is, the council is going to be here until 12:30. Thank you.

>> Next speaker is Justin Howell. Mr. Howell, is Mr. Howell here. Thank you, thank you.

>> [Inaudible - no mic].

>> Justin Howell speaking on 86, 87 and 91. On deck is Jules Mandell. Alicia Castillo.

>> Mayor Adler: Come on up. Go ahead, please.

>> Hi. My name is Jules. I use they, them as

[12:12:38 PM]

pronouns. I am a member of district 9. I am a member of disruptive collaborative, a consulting firm here in Austin and a community organizer. Councilmember tovo, I was really encouraged when I heard that you will be voting yes on item 86 and I want to thank you for supporting real justice in Austin. I would encourage you to vote no on item 56 as we've heard. Mayor Adler, I'm speaking directly to you on this one. In 2020 when I was here after the up risings, I was impressed with your leadership in how Austin boldly decided to defund the police in response to their brutality. And while the compromise that you've come up with of pushing the vote of the Austin police oversight act until may may seem like a compromise, it's a concession. It will come too late. The contract negotiations will have already happened and we will not have any oversight. I truly believe that your heart is in the right place, but that fear of the opposition is pushing you to compromise on this important issue. And I would encourage you --

[12:13:40 PM]

>> Mayor Adler: Thank you.

>> Alicia Castillo, speaking on 86 and 87. On deck is Wendy Todd. E membership name is Alicia Castillo, a district 3 resident. I'm with the center for justice and equity and a board member at equity action. I'm here today to speak in support of item 86 and against item 56 and items 87 and 91. And you will hear a lot of reasons why today, and while it is shocking to me that this council would consider passing a mass surveillance initiative without passing oversight, there are a lot more reasons that it would be shocking for us to not get oversight today. And one of those is like Kathie mentioned before the fact that we have gone through over two years of

[12:14:43 PM]

recent oversight complaints. And from those we saw lots of themes, lots of patterns. Ones you might expect, racism, excessive use of force, but once I almost didn't speak about today is aggressive and threatening behavior from police officers on the road.

[Buzzer]. And I hope that y'all get the chance to hear some of those complaints later on today and support police oversight today. Don't delay.

>> Wendy Todd.

>> Tovo: Mayor, I just got a communication from Wendy Todd and I want to clarify. Our speakers -- so I believe Wendy Todd intends to speak about some zoning items but also wants to speak about 90. Will individuals be able to speak about items on the consent later after two? Zoning items --

>> Mayor Adler: People can sign up independently zoning at two and here at 10.

[12:15:44 PM]

They can speak both times.

>> Tovo: But if she wants to speak about 90 it has to happen before we conclude our consent agenda.

>> That's correct.

>> Tovo: Thank you. I'll let her know.

>> That concludes all of the in-person speakers.

>> Mayor Adler: Let's hold here for just a second. Is anybody else signed up to speak? Do you want to come talk to the clerk?

>> Tovo: Mayor, while they're registering, I just wanted to say I think there's confusion given the relationship between the statesman pud which is on our zoning agenda, and about item 90. There may be several speakers who thought they could come at 2:00, mistaking that for a zoning item. So I don't know if that is multiple people or just one or two.

[12:16:47 PM]

>> Mayor Adler:

[Overlapping speakers].

>> Tovo: Thank you.

>> Sorry. My name is Sherri Taylor. I am -- I was signed up to speak about 38, which you delayed to the 29th of September, but in addition to that I was invited to participate in a deiz Y seis celebration, which is tomorrow. And if I wait until the 29th, 16th of September celebration would be past tense. So my name is Sherri Taylor. I signed up as Sophie Washington because I am also a domestic violence survivor from may 20th and I didn't want that person to show up here and interrupt. So we are having at wildflower terrace apartments, which is a

[12:17:47 PM]

senior community, a meet the candidates event. Many of the seniors like myself cannot -- don't have tolerance for heat and can't travel. Have to get up at 4:30 in the morning just to get ready for the bus to

come pick you up. So we're having a mock wedding reception between Julio's corn tortilla chips and Amy's entrilingual lad das.

[Buzzer]. I was told I could not have the event because I didn't organize it, but I did organize it and I hope that you will attend. It's from 4:00 to 7:00 on Friday P.M. We want a pot luck to meet the candidates because we cannot come out in the heat to see y'all at your different engagements that you are having for the vote that's coming up. So I also happen to be running for U.S. House of representative and I would like to speak and talk to y'all about classes for white people only that is being sponsored by the

[12:18:47 PM]

Mueller neighborhood association for September. It's called racism workshop, but I thought you're supposed to have anti-racism workshop. But there's is for 500-dollar scholarships. I volunteered to go to the class and I was told it was for white people only. Thank you. My conclude number is 737-717-7250. Yay deiz Y seis.

>> Mayor Adler: Okay. I think those are all the speakers that we have signed up at this point. We're going to get to the public communication speakers here in just a moment. Let's see if we can take -- do we want to vote on consent or do we want to give people a chance to speak on consent? In which case we'll do it after lunch. Do you want to try and take a vote on consent? We'll give people a chance

[12:19:48 PM]

to speak on consent after lunch. At least we can let staff go now. So I'm showing that the consent agenda is item 1 through 58 and then also items 86 to 91. I'm showing that the pulled items today are 26, 29, 30, 53, 54, 55, 56, 86, 87, 90 and 91. Again the consent is items 1 through 58, 86 to 91. The pulled items are 26, 29, 30, 53, 54, 55, 56, 86, 87, 90 and 91. Is there -- is there a motion to approve the consent agenda? Councilmember pool makes that motion. Is there a second to approve the consent agenda? Councilmember Ellis seconds.

[12:20:49 PM]

Any discussion or question before we vote on the consent agenda? Yes.

>> You said that number 26 was pulled. I wanted to make certain that wasn't because of me. I didn't want to pull it. I just wanted to offer some clarity and read into the record.

>> Mayor Adler: I made that because there were several people who wanted to make amendments to that. So we'll discuss that more at length since we have multiple people. Yes?

>> Kelly: On the consent agenda, if the clerk could please reflect that I'm voting no on items 18, 23, 34, 61, 90 and 92, thank you.

>> Mayor Adler: Okay. It's been moved and seconded. Further discussion on the consent agenda? And also with respect to number 27, is -- go ahead.

>> Thank you, mayor. Number 27 is a legal settlement. We move that you approve a settlement over the special commissioner's award which

[12:21:50 PM]

was \$475,000.681. So the total amount in the city of Austin versus bluff springs is 725,000 and \$22. Sent a legal memo to you already. It's for upgrade 'an Austin energy line and in addition to this payment the claimant will drop its claim. So it's recommended for you.

>> Mayor Adler: Okay. Any objection to that being included on the consent agenda on item number 27? Hearing none, that's what item 27 is. Councilmember Renteria and then councilmember kitchen.

>> Renteria: Yes, mayor. On item 26 I've been in contact with --

>> Mayor Adler: 26 we've pulled that one.

>> Renteria: I'm withdrawing my request because I'm in conversation with our consultant. And she said that it's better if I just pull back and we could always add it later on.

>> Mayor Adler: Sounds good. We'll consider item 26

[12:22:50 PM]

later. Councilmember kitchen.

>> Kitchen: I just have a comment on an item on consent. Should I make that now or later?

>> Mayor Adler: We decided a second ago we'll make comments after the break. So let then vote on the consent agenda --

>> Harper-madison: Mayor?

>> Mayor Adler: Yes, mayor pro tem.

>> Alter: I'm sorry, my computer decided to restart as you were reading the consent agenda. And I'm now I think double on the screen, but I want tow just confirm we've pulled 26, 29, 30, 53, 54, 55 and 56.

>> Mayor Adler: 86, 87 --

[overlapping speakers].

>> Mayor Adler: Correct. Thank you. Those in favor of the consent agenda please raise your hand. Those opposed? I'm showing all of us voting in. And the consent agenda is passed. Let's go then to the folks who have signed up to speak

[12:23:51 PM]

on the public communications agenda. Is everyone -- do we have any remote speakers associated with that today?

>> We do not.

>> Mayor Adler: Let's begin with Paul Robbins. You have three minutes, Mr. Robbins.

>> Are you sure you're ready for me?

>> Mayor Adler: We're ready.

>> Council, I'm here to speak on two energy-related matters. First, recently the resource management commission unanimously passed a resolution asking you to eliminate some of the rebates that Texas gas service is giving. These rebates are not consistent with Austin's climate goals. I have my own opinion that these are also not cost effective at saving gas either. The resolution will save almost '99 hundred thousand dollars in ratepayer money a year, and we ask that you vote on this before November 30th in time for

[12:24:55 PM]

the next budget year of these programs. The other thing I want to advise you on today is an issue that will probably dominate much of October, electric rates. Austin energy originally proposed a 48-million-dollar increase which it intended to fall largely on residential customers. Fortunately several of the intervenors have researched this in great detail and have found at least \$56 million in potential savings. And that does not include about 12.5 million in savings that has already been agreed to by the utility largely because the utility made a miscalculation. But I'm here to urge you to look at three other things that could reduce rates besides this \$56 million. First, intervenor cooper has

[12:25:56 PM]

determined that town hall center, the former Austin energy headquarters building, will be sold next year and that would defray about \$6.1 million annually for the next five years. Second, ERCOT experienced a 99% year on year increase between October of last year and August of this year. It is at least possible that increased assumption will create a windfall that will be leveraged over five years to create a rate increase. In San Antonio, of course, the city council is fighting over how to spend \$75 million in surplus. Third, why aren't we collecting the full amount of growth? Council sought to collect 100% of growth but this is only for on-site hookups. Our water utility has a recovery fee that collects for common infrastructure as

[12:26:57 PM]

well such as water treatment plants and reservoirs. The electric utility has not pursued this strategy and this could be another possible savings. Council, I'm asking you to get to the bottom of these issues. Thanks very much for your attention.

[Buzzer].

>> Tovo: Mr. Robbins, thank you. I'd like to connect with you about the Austin energy building as well as the last item you mentioned with regard to cost recovery. I think that's a really important point you raised and I'd like to

[indiscernible] In terms of the line extension resolution. That I brought forward because she was really the force behind our making that change. But I do want to address the point that you raised that there may be additional opportunities there.

>> Yes, at 106 she's still a force to be reckoned with.

>> Tovo: Yes. And I really love that she prefaces all of her

[12:27:57 PM]

communications to us by citing the millions of dollars she's saved us with that line extension fee, which is exactly right. We have netted millions of dollars that we were previously losing because of that action.

>> We netted so much money that we had a rate decrease in 2016 because of it. It was just really -- I realize you're pressed for time. I'm just going to make one quick statement on this. You've got a disparity between what the water utility does and what the electric utility does. And it's unfathomable to me.

>> Tovo: I think that's a very good point and because we have folks who are visiting possibly for the first time, thank you for highlighting that and it's a great example of how volunteers in our community very often can bring forward, like you and like [indiscernible] Can bring us ideas that are really beneficial and make huge impacts for all of us.

[12:28:58 PM]

So thank you.

>> Thank you, council member.

>> Mayor Adler: Is bezawit girma?

>> We do have a powerpoint. I don't know if someone is going to --

[12:30:15 PM]

>> Good afternoon council members and mayor Adler. Thank you for having us today. I will be representing azez wao. Next. So asez is crime of young adult workers from the commission society church of god. We have over 75,000 churches in 75 countries. Asez stands for save the Earth a to Z and wao stands for we are one family. Currently our volunteer group is focused on the great pacific garbage patch. As you know it has the largest accumulation of ocean trash and our goal is to eradicate it. Currently there is over 33 million tons of plastic trashed on land and unfortunately 99% of sea birds will have consumed this trash by 2050 and about 90% of sea birds have already had ingested vinyl and plastic substances. In the marine world about 15% of living organisms have

[12:31:17 PM]

been exposed to plastic pollution and they have become endangered species. This is a massive tern for human beings because of microplastics. Microplastics are less than .5 centimeters and unfortunately not filtered through the sewage system and as a result they enter the sea and fish ingest it mistaking it as food. We humans do end up ingesting this microplastics in terms of food. We need to protect the marine ecosystem and that's why we want to move together towards eradicating gpgd. We are making efforts. The first is through the academy include which we have activists that inspire our peers through our 12

[12:32:18 PM]

step plan. Next. And the next slide. And the next slide. Perfect. So due to the ongoing global work that we have done, we have been the recipients of the United States president volunteer service award, which we have received twice and we have also received the prestigious green apple award for three years in a row. Council members, the reason why I'm standing here before you today is because we have a proposal for the city of Austin. Our researchers have calculated the weight and number of plastics to be collected in each city across the globe to make an impact on the environment. The amount needed to be collected by the city of Austin is 12,501 pounds. We want to work together with the council of Austin in order to play our part in protecting our city. Mayor Adler, you are right. Austin is a magical place -- [buzzer], with spirit and soul. You stated that we needed to

[12:33:19 PM]

make smarter and longer term plans for the development and management of our water assets. Council members and mayor Adler, thank you for your time.

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: If I could just ask a representative from that group -- thank you very much. This is really interesting and it was great to hear more about your organization and your area of focus. And I've asked one of my staff members to come down and just connect with you because we're working on a resolution related to single use plastic for to go meals and would love to share information and get your feedback on that.

>> And our chapter is actually located in district 9.

>> Thank you for being here and for your advocacy.

>> Thank you.

>> Mayor Adler: Thank you.

[12:34:19 PM]

Next speaker would be Bradley Lutz.

>> Mayor, while that speaker approaches the podium, I know we called Quincy Dunlap earlier. He just walked in. I don't know if he's able to speak still.

>> Mayor Adler: We'll give him a minute to speak as we did the others. The end of this process.

>> Thank you, Mayor Adler and council members for your time today. My name is Brad and I'm a representative for AseZ which stands for Save the Earth from A to Z. We're a worldwide university group from the World Mission Society Church of God. We want to partner with you all to protect our Austin environment. Our plan is that everyone can be a green citizen starting with the youth. Everyone responsible for driving -- not having any laws for bio diversity and

[12:35:21 PM]

reducing our assumption. We all need to change, everyone has to do something. We have a right to enjoy the nature, but at the same time we have a responsibility to protect our environment. That's why we carry out the Green Ship project to navigate the way to fulfill our duty and to make a real change. As she said, we need to become stewards of the Earth to make a radical transformation in our lifestyle. We consume so many products, so many goods everyday and to be honest in the future it's not going to change. Consumption enriches our lives, however the impact on the environment is climate change. If we don't stop climate change we don't take action, we and the next generation will face an irreversible tragedy. According to European Science Union, the deadline to limit warming has already passed. We need to take radical climate action today. Now is the time for us to do something. That's why we carry out

[12:36:22 PM]

sustainable actions to reduce the impact on the environment caused by consumption and raise awareness about eco friendly practices. For this we have the green campaign and we have environmental forums to spread awareness of this. During world water day we bring to light how much water it takes to make common consumers towels and actions how the public can participate. We've held thousands of forums throughout the world with participants with how to show green ship and to you to be a green citizen. For this we set the example and gather students in the global village to take part in cleaning up local rivers and coast lines and also remove invasive and poisonous plants, help sustain the environment by planting trees and so forth. For all of this work that you see above, we have

[12:37:23 PM]

received multiple awards from the united nations and also the green apple award multiple times for having the best environmental practices. So we want to educate and lead people to take tangible actions in everyday consumption and to protect the ecosystem. We've had 533 meetings with 148 mous signed as of 2021. So mayor Adler, we use the global network encompassing various needs, various areas -- [buzzer]. Mayor Adler, I remember sitting in these seats August 25th during your state of the union address. You said our change was not to persuade people of Austin that a big plan was necessary. It was to demonstrate that we properly understood the scale of the problem and restore confidence that we could solve it all. As young adults that speaks volumes to us because if we understand the problem then we can be the stewards that save the Earth from a to Z. Thank you. We will change our future

[12:38:24 PM]

with you.

>> Mayor Adler: Thank you. I appreciate you being with us today. And I have the absolute honor of representing this city at the c40 conference in button no, sir Aris coming up as well as the comp 27. And I think for a lot of reasons Austin will be receiving special recognition in those forms in part of the work that we do in this community. Councilmember tovo, I'd like to be part of whatever you're moving forward on that and I intend to bring an ifc with what I think is a really innovative idea to help us make recycling something and that is even easier for all of our homes to do. As they separate different way streams. So thank you for your work. Appreciate it.

>> Thank you. And we want to invite you in November we're having an environmental forum at an elementary school and we would like to invite all of

[12:39:25 PM]

you to participate and to come.

>> Mayor Adler: Please let the entire council know.

>> Possibly we could extend you contact information and see you there. Thank you.

>> Mayor Adler: That would be great. Thank you. All right. Our next speaker is Malcolm Yeatts.

>> My name is Malcolm. I am the chair of the east Riverside oltorf combined contact team. I'm here today to remind city council about the need for recreational facilities in the east Riverside area. This is the presentation I did not have time to complete on September 1st. The east Riverside area is park

planning area 12. This is mainly designated parkland deficient. The city recently removed two lakeshore parks from this parkland deficient area when the park maintenance facility on lakeshore and the former youth hostel were

[12:40:26 PM]

both given to private organizations. Not only is the east Riverside area lacking parks, but there is also no community center. This lack of a community center impacts several social services. One example is the Riverside togetherness project. The east Riverside area is considered the highest crime area in the city and was chosen for a department of justice grant to fund the Riverside togetherness project. The goal of this project is to reduce crime in the east Riverside area through community-based policing. This has been hampered by a lack of a place to meet. There are no areas that the community can meet. Many other social service organizations that operate in this area have the same problem. For years the community relied on churches as civic meeting places. The last church to close in this area was the Parker

[12:41:27 PM]

lane Methodist church in 2019. Many civic and service organizations use this church for their offices. In 2021 when there was a neighborhood plan amendment to change the zoning of this property from civic to multi-family, the ROC contact team asked council that this church be rented by the city as a community center but the buildings will be demolished for apartments. I would like to give city council a brief overview of the demographics of the east Riverside area. This map shows the income distribution in the Riverside togetherness project area. Which has the lowest income distribution in the city. Between 80 to 90% of the residents of each Riverside area rent. A high percentage of the east Riverside population consist of especially grants. The demographics of Lender elementary school give the

[12:42:28 PM]

most accurate snapshot of the area population. 78% Hispanic, 63% English as a second language 91:00% economically disadvantaged. The ROC contact team voted to ask city council to consider the needs of the many low income residents who live in this area and direct that the former youth hostel be used as a community center -- [buzzer] -- For the east Riverside area. A community center is what this area needs and would be the most beneficial use for the residents of this year. Thank you.
>> Tyler Mack. Go ahead. >>

[12:43:28 PM]

>> Hello city council. District 5 resident here. I've lived in Austin for over 10 years now and anyone paying attention can see the city is headed in the wrong direction in regards to quality of life, public safety and crime. A key turning point was in October 2019 when the city council overturned the public camping ban a move championed by former member Greg Casar in his infinite wisdom. Thankfully the citizens responded by passing prop B. Homelessness in Austin has been called an affordability issue when in fact it's a drug abuse and mental health issue. What exactly is affordable to someone with zero

income anyways? This is now a problem the city will be spending \$79 million on next year. Thanks, Greg. APD states catalytic convertor theft has increased 2,000%. Car break ins and thefts are commonplace in all greenbelt entrances. Even after this has been a well-known issue for over a decade now. In southeast Austin

[12:44:29 PM]

community college theft is up -- auto theft is up 39%. Auto thefts are up downtown. There have been at least 61 of these jugging robberies in this year with over \$500,000 stolen from Austin residents. The area near the arch building on seventh street is a 24/7 open air drug market and people have overdosed, been stabbed, shot and killed in the street in the surrounding alleys, sometimes even in broad daylight. This is an issue that I emailed you all about over a year ago and received no response. The arch building should absolutely be moved away downtown. The safer sixth street initiative does not go far enough and it is more reactive than proactive. More cameras and lighting does not prevent crime. So far this year there have been at least 54 murders in Austin. In 2019 there were 47, 2020 there were 48 and in 2021 the city had 89 murders. Are you noticing a trend

[12:45:29 PM]

here? And what rationale person sees all this happening and thinks do you know what we need, less police and more social workers. It seems like the city cares more about adding bike lanes on the streets than keeping criminals off of them with the attitude of we're all out of ideas. This reimagining of public safety has been a total failure. These crimes are not happening in Westlake hills or tarrytown but many take place in the east and northside of the city against low income residents, sometimes happening between the homeless as we saw with the murder at auditorium shores last month. These crimes -- sorry. The election in November is important and I believe that a vote for Mr. Kirk Watson is a vote for more of the same failed leadership that got us here in the first place. Remember in 2022 when Chris Matthews made him look foolish on hard ball?

[12:46:29 PM]

That was awesome.

[Buzzer]. The city residents deserve better. Thank you guys for your time. Thank you for the casual shirt. I just got back from cab bow. Congratulations to all of you for giving yourself a 40% raise. Thank you and have a blessed day.

>> Mayor Adler: Next speaker is bill springs. Is Mr. Springs here? What about Sophie Taylor? Sophie Taylor? I'm sorry? Okay. Is Brian Adams here?

>> Thank you guys for your time. You know, I'm really eager to help you out.

[12:47:32 PM]

Mr. Adler, I can sense in this crew here and your team, I'm really eager to help you out. I notice on seventh street these trailers have their lights with the naked eye their lights, they're not lights, they're lasers. I've seen them filling up with gas tanks like -- gas tanks. And what they are is lasers. Listen to

them. You can see it on my video. Can you put it up? This is huge and it's for the city and for people. I know my time may need to be extended but please take the time.

[12:48:36 PM]

Anyways, if I can meet with you, these are lasers and they're lasers that are pushing out, you know, attracting parasites. And what these parasites are doing, they're getting on your skin and they're getting on your clothes, your skin and then they're making way inside your insides, right, and tuesdaying -- those are lasers right there? See with the naked eye you can see that's just a laser. That's a light, right? But they're lasers flashing. They're flashing. You see right in the silver where the silver is, that's where they're filling up. What they're doing is this is a cold way to eliminate population. I understand what's going on with the city and all you taxpayers with money. You're basically saying we're not going to pay rent in prison, they're committing crimes, they're just going to get out, so with taxpayers money you developed a good solution. You're like let's just take our money, get them housing and stuff, and get them off

[12:49:36 PM]

the street. But what these lasers are doing, this is a cold way Abbott is doing this. Maybe he's doing this. I know it ain't you, Steve. What they're doing is they're causing parasites, getting on your skin, in your skin, and they're causing worms and then they're fatal, it can be fatal. And they're also connected with the metro bus. They attract sound. There's a lot of false -- the city is in on it.

[Buzzer]. I mean, the city is in on it. And I know Abbott is probably saying hey, Greg -- Mr. Adler, you will have to do megawatt with this. I know you guys ain't in touch with this, but this is huge. This is huge.

Excuse me. I'm willing to work --

>> [Inaudible - no mic].

>> Mayor Adler: And I appreciate you being with us today. Thank you.

>> [Inaudible - no mic].

>> Mayor Adler: Why don't you check with my staff and maybe we can work that out.

>> [Inaudible - no mic].

>> Mayor Adler: All right. We have some other speakers here signed up.

[12:50:38 PM]

You know, we really appreciate when people in the community come and speak to us, these slots in the middle of the day when people are allowed to come and speak are pretty coveted spots because the community wants to do that. We have a rule that says people -- because there's limited number of spots and so many people that want to speak we limit it to everyone can sign up, but they can only speak once a month when they sign up. And that gives other people a chance to be able to be one of the 10 people that have a chance to speak. I have two more people that have signed up. I think mark leach and Bennett leach. I want to make sure that -- you want to speak, ma'am? I've signed up. You were already speaking. This is Sophie Taylor. Hang on one second. Sir, behind you sitting at

[12:51:38 PM]

the table is the person I'm recognizing.

>> [Inaudible - no mic].

>> Mayor Adler: I did and I didn't see her. Ms. Taylor, why don't you go ahead. You have three minutes.

>> Good afternoon.

[Inaudible]. Hi. My name is Sherri Taylor. I'm a resident atly to 01 Berkman drive which happens to be called wildflower terrace which happens to be in the Mueller neighborhood area. And I happen to be a member of the Mueller neighborhood association. I would like to read minutes from our Mueller neighborhood association meeting August 3rd. Shelly Baldwin, a wildflower terrace resident in suite 348, who is a co-chair of the Mueller neighborhood association, came to our meeting on the third of August to talk about the anti-racism training that is being sponsored by the

[12:52:40 PM]

Mueller neighborhood association specifically for white residents to help learn what we don't know. Well, the class would be meeting the four Sundays beginning in September. The cost is \$500, but scholarships were available. If you're interested you were to call Shelly at 512-470-1700 as soon as possible because the space was limited. I happened to be at that meeting and she happened to mention she really doesn't come to the meetings that we have of our community and our apartment because that was the first time I had seen her. But she made an announcement about was not saying anti-racism, it said racism workshops had been closed and she came to let them know that three people had dropped out and they wanted some volunteers. So myself being a 22 year veteran of the classroom, I'm interested in education so my hand went up. And I said well, I would be interested, and she said no, it's for white people only.

[12:53:40 PM]

So I was confused and looked to the left, right, made sure everybody heard that. So I was told that this was initiated because some children who are from mixed race families were being bullied on the bus and so the Mueller neighborhood association can have racism workshops to reeducate the parents of those children which thought they should just get put off the bus. But the bottom line is I am member of the neighborhood association, paid my five dollars. The bylaws say that anybody who is a member should be able to go to any workshop they want to. And I was denied together and then the workshop information was taken down off the website so I couldn't get an application. But I am also running for U.S. House of representatives and when I went around to get signatures in my building I got one from Shelly Baldwin. And I asked her could I get an application for the racism workshops? And she says, no, because it's for white people only. So when I get to go to the

[12:54:40 PM]

United States congress, if I get elected, even though I'm running against Lloyd Doggett, but I told people he's running against me, anyway, I want to know if that's for white people only because congress I thought said we the people. So we're having a reception tomorrow, Friday, deiz Y seis. We are 55 and over and many disabled like might self, I can't get out to come to these meetings.

[Buzzer]. And some people can't come because of the heat. So I gave you copies.

[Buzzer]. Our invitation to the marriage of Julio's corn tortillas and Amy's enchiladas. And this is a marriage you should come and bring -- it's a pot luck.

>> Mayor Adler: Thank you.

>> We want the candidates to please come out and talk to us at 3801 Berkman drive.

>> Mayor Adler: Thank you very much. Did I call bill springs, is he here? Okay. I thought I had called.

[12:55:41 PM]

Mark leach and Bennett leach, did you both get a chance to speak last week, signed up to speak?

>> [Indiscernible].

>> I haven't spoken.

>> My name is mark leach.

>> You have three minutes.

>> They had a video -- thank you, council and the mayor for taking the time to listen to me. I represent bluff springs rv and boat storage. In order to build our storage lot we had to jump through a lot of hoops and we had to build two retention ponds before we could even start construction. The spring villa apartments next door to us are flooding us with mud and water and other debris. They have a 36-inch pipe and three 18-inch pipes right on our back property line.

[12:56:44 PM]

And there's trash and everything. This is property behind us that we have huge development plans. We've hired a lawyer, we've talked to the city many times. We just need some help from somebody in the council, the mayor, to hold the apartment complex to the rules and the engineering regulations. They're operating under a revision. They do not have approved engineer plans. Because of that we cannot stop them because we cannot get the city or anybody in the permit department to stop them from construction, to fix the problem. All we're asking is that they fix the problem. It's been under revisions for the past 16 months and still operating. We just cannot get any help from the city or the

[12:57:46 PM]

council. This is a continued problem and going to pollute the boggy creek greenbelt area. I've seen this happen before in the out skirts of the ski where these big complexes and parking lots pollute these beautiful streams and creeks and that is what this is eventually going to do. And we're talking about environmental protection. We've talked to those people. And it doesn't seem like the city cares. They absolutely give the big construction companies a pass where they scrutinize the small business family people that have small projects. And we just would like to get someone's attention. It's bluff springs rv and boat storage.

>> [Inaudible].

>> Mayor Adler: Hang on a second. He's the speaker. I'll talk to you at the break.

>> We have spent a lot of money with an attorney and we have

[12:58:48 PM]

engineers that we're paying to help us, also. And -- revision plans, they stopped sending them because we kept finding so many mistakes. They didn't build a retention pond before they built the foundations for the apartment complex. And they built it up 16 feet with gravel and we're way below them. And during the construction, all that was coming on our parking lot.

[Buzzer sounding]

>> At one time. And they put in a big pipe to divert it to our back 2 1/2 acres. But I would appreciate if y'all could help us.

>> Mayor Adler: Okay. I'll come down at the break. Thank you. I think those were all the speakers we had on public communications. Colleagues, I think three people's names were called to testify earlier and we missed them. If the clerk called those three people, I think Quincy is one, Paul and Brian.

[12:59:51 PM]

Are those other two here? Let's call those three people. Why don't you come on down. At the podium, if you would. You have one minute.

>> My name is Paul, a resident of district 4, represented by our hero, Chito Vela. I am a proud member of AFSCME Local 1624. Most of you are my union brothers and sisters. We're here to ask you to vote for meaningful police oversight which will never happen if APD is allowed to bargain away liability. You ask for our support. Almost all of you receive it. Vote Back is the one opportunity we have to ask you where you stand. We take your answers seriously and we do not forget them. At our meeting, Councilmember Harper-Madison and Councilmember Ellis, I asked you directly if given the opportunity you would vote the APOA into law. You committed to pass it into law on city council. Councilmember Kitchen, I enjoyed chatting with you as well. I was grateful to hear your support as well as optimism.

[1:00:52 PM]

about it passing. Others have in the past championed plus oversight. We don't consider your statements at Vote Back as mere campaign promises. These are commitments you make to bring the values we share with you to public office.

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

>> Good afternoon, Mr. Mayor. I acknowledge you and thank you for your service. The Austin area Urban League operates in district 1, or rests in district 1, acknowledging Councilmember Harper-Madison and the esteemed members of the city council. I'm here today to speak to you in opposition to the license plate reader and as part of the police oversight act. And I want to emphasize the importance of understanding the community's commitment to following processes and understanding that this is a step along the way to ensuring that we rethink police oversight.

[1:01:54 PM]

and have a community aspect to police oversight and partnership with OPO, right? So when we think about the license plate readers and how that data could be utilized for racial profiling and other negative impacts to the community, this oversight done by the community can help manage and maintain efficacy in how the police uses that data.

[Buzzer sounding]

>> So I want to take the position, mayor Adler, if this has to go to the ballot. But I think we need a yes vote in support of the police oversight act.

>> Mayor Adler: Thank you. Our last speaker, sir.

>> Good afternoon, I'm here for much the same purpose. With respect to the license plate readers, we know that they are problematic at best. The number of false phosphoof positives. The police are the most powerful

[1:02:55 PM]

and therefore dangerous force in our society. We should be giving them as few tools as possible to do their jobs. We have to give them some, is it necessary to give them orwellian controls? We should not do so. This is an extreme step towards a surveillance step. When it comes to oversight, if it's going to be a good idea in a contract negotiation, it is a good idea now. If it's going to be a good idea in a few months, it's a good idea now. We need this to be passed immediate I. A couple of years ago in Minneapolis, a man was murdered by police. That led to protests across the country. The protests in Austin got nasty. What if unaccountable police here were to do something similar? The protests would be a good deal nastier if we didn't have reliable oversight in place. For the sake of the city and public safety, please vote against these license plate readers and for oversight.

[Buzzer sounding]

>> Thank you.

>> Mayor Adler: Thank you very

[1:03:56 PM]

much. All right. Colleagues, it is a little after 1:00. In a second here we're going to recess and come back. We have the Austin symphonic band. I'm going to suggest we come back at a quarter to 2:00. At 1:45, let's see if we can blow through real quickly item 62, which is the eminent domain, 63, ahfc, 64, the private activity bond. I'm saying those things because I anticipate no debate or discussion on those things. We could do them right now, it would push back our time. The band's been waiting here for quite a while, so I want to move really fast. We're going to call up -- do we have the people here to do that? Are the people here to do that? Let's try and do it real fast.

[1:04:57 PM]

I'm going to recess the Austin city council meeting here at 1:04. I'm going to convene at 1:04 here on September 15th, 2022, the Austin housing finance corporation meeting. We're in city council chambers. The board of directors is present. How many items do we have on the agenda today?

>> One item on the agenda, Mandy Demayo, Austin housing finance corporation, a companion piece to item 23 that you just passed on the consent agenda agenda for city council, and this is authorizing us to move forward with execution of our service agreement between the city and ahfc for nearly \$35 million to operate our housing program.

>> Mayor Adler: Thank you. Is there a motion to approve item 1? Councilmember pool makes a motion. Councilmember harper-madison seconds that. Any discussion? Actually, director pool and director harper-madison. No discussion, let's take a

[1:05:58 PM]

vote. Those in favor, please raise your hand. Those opposed? Unanimous among the directors, except for director Kelly, who is voting no. And Pio is absent. So 9-1-1, passes. We're going to adjourn the Austin housing finance corporation meeting here at 1:06. I'm going to reconvene the Austin city council meeting, 1:06 continues to be September 15th. The eminent domain item is item number 62. With respect to item number 62 being a nonconsent item, is there a motion to the effect that the city council authorizes acquiring the property for the public uses described therein? Councilmember tovo makes that motion. Is there a second to that motion? Councilmember Ellis seconds it. Any discussion? All right. Those in favor, please raise

[1:06:59 PM]

your hand. Those opposed? I see everyone voting in favor, councilmember Renteria off the dais. I think the last item that we can handle really quickly here might be item number 64, the private activity bobbed. Bond. Is there a motion? Councilmember pool makes a motion, councilmember harper-madison seconds. Any discussion? Let's take a vote. Those in favor of 64, please raise your hand. Those opposed? I'm showing everyone being in favor, councilmember Renteria off the dais. That passes. All right. Here at 1:07 we're going to go ahead and recess. Let's see if we can get here at 1:45. There's a couple things we can knock out before we take speakers at 2:00. That's the goal to do that. While those speakers are speaking we're going to look at the agenda for the rest of the day and see if we can lay out a way for us to take care of things. I am inclined to take the things that were on the agenda two weeks ago but were postponed and

[1:08:01 PM]

see if we can get those quickly. Those would be parkland dedication when we come back, the castleman-bull and the parking garage issue since we had those last week. Yes, councilmember pool.

>> Pool: I'm hoping we'll be able to complete all of our work and not have to have a meeting on Saturday or Monday.

>> Kitchen: Mayor, at this point do you have a thought on when we would be taking up . . . I think it's number 86 related to the opo? I know there's some folks that are curious about --

>> Mayor Adler: I don't know. We're going to look at the whole agenda and make sure we have the best chance of getting through as much as we can today, but we hope to be able to discuss that with everybody. We'll probably finalize that as we go through the speakers at 2:00.

>> Kitchen: That's fine. I just wanted to give them an idea.

>> Mayor Adler: With that, then, we are in recess until quarter 'til. Thank you.

[1:09:04 PM]

[1:14:13 PM]

>> Mayor Adler: Our musicians at Carnegie hall, this is like our own Carnegie hall. It's still real important. You know, music is really the center to so much of the culture that we have in the city. It's one of the big reasons why when I passed through the city in the late '70s, I didn't leave. And it's a part of who we are. We're the only city council I know of that brings live music into this place so we can capture that sound, and feel, and push it into our walls so that on days, maybe even like today when it looks like we're going to be perhaps going really late, I can close my eyes for just a second and bring back the music and keep going. But today we have the Austin symphonic band with us. And we just so appreciate when

[1:15:15 PM]

our city musicians come and give us this gift, although we pay for music here in the city of Austin. And everybody should be paying musicians in this city when they have them play. All right. So, please.

[1:19:09 PM]

>> Mayor Adler: That was great. Thank you. Do you all play in the Austin symphony as well?

>> The Austin symphonic band has 90 members, we've been playing since 1981. We have our first concert of the opening season this Sunday at silver park.

>> Mayor Adler: Okay.

>> Very excited to make music this year.

>> Mayor Adler: Is there a website or social media connection if people want to follow you?

>> Austinsymphonicband.org. The information is up there about our concert season for the 2022-23 season. We have three indoor concerts in the Austin area and four outdoor concerts. The first one is coming up in zilker park. We have a mother's day concert, father's day, all the concerts are free.

>> Mayor Adler: That's great. How many members?

[1:20:09 PM]

>> Over 90 members from all walks of life, teachers, doctors, engineers, wonderful community members. It's a wonderful organization that loves to give back to Austin.

>> Mayor Adler: So, it's great to know where to go to be able to hear you play and to be in zilker. If people wanted to participate, is that something they can consider doing?

>> Yes. We have information on our website as how to join as a member. We welcome guests. They are welcome to sit in on rehearsal. We have many performance opportunities. We're always looking for more community engagement and help swell our ranks.

>> Mayor Adler: A gift to the city. I 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 scene thrives because Austin audiences support good music produced by legends or local favorites and new comers alike,

[1:21:10 PM]

and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capital do hereby proclaim September 15th of the year 2022 as Austin symphonic band day in Austin, Texas. Congratulations. Please let the others know.

>> Thank you so much.

[Applause]

[1:58:22 PM]

[Music]

[2:06:44 PM]

[Music]

[2:13:23 PM]

>> Mayor Adler: All right. Are we ready?

[Indiscernible] TV. Are we ready?

[2:14:23 PM]

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>> Atxn, are we ready to proceed?

>> Mayor Adler: All right. Thank you. I'm going to reconvene the Austin city council meeting hear on September 15, 2022. We continue to be in the Austin city council chambers. Everybody is with us. Who are we missing? Council member Fuentes is not with us yet. I assume will join us shortly. But we have a quorum present. Colleagues, I'm going to suggest that you start with the speakers on zoning, that when we're done with the speakers on zoning we try to handle the consent agenda. After we've handled the consent agenda, we then go to some of the items postponed from last week, starting with the 65 and 85, which are the nccd issue.

[2:15:24 PM]

The statesman pud items 82 and 83, which I think is just a postponement. That ought to be move pretty quickly. Any items -- parkland dedication, and then the Castleman bull house -- 54 and convention center garage is 55. When we're done we'll see where we are with respect to dinner -- what is still left for us to handle at that point will be item 26, the legislative agenda, items 25 and 30, pulled by council member tovo, item 90, which is the regulating plan information or data. We also have the police oversight act and the license plate readers and proclamations. So -- but let's get through

[2:16:25 PM]

this first, see where we are. Want to take us through postponed items.

>> Sure. Items for postponements will be item 71, requestedly applicant. Item 72, requestedly applicant. Item 74, indefinite by applicant. 75 to October 15th. 76 by staff. As you said, mayor, the -- 82 and 83, statesman items will be postponed to September 29th. 84 by council member kitchen. Those are the items offered for postponement when we do the consent agenda.

>> Mayor Adler: Okay. Let's G go ahead and call the

[2:17:26 PM]

[indiscernible].

>> Sorry to interrupt. I believe we had two council members who were going to be absent on the 29th. I'm wondering if we can postpone the statesman pud to the 13th.

>> Mayor Adler: Council member harper-madison you're one --

>> Harper-madison: I am comfortable with you moving forward. I'll be here for the next one.

>> Mayor Adler: Okay. Council member Fuentes said the same thing in our work session on Tuesday. We can certainly --

>> Alter: [Indiscernible].

>> Mayor Adler: We can discuss that when we get to voting on the consent agenda. Council member kitchen?

>> Kitchen: I'm backtracking a little bit. I was hoping we could take up the lpr issue right after we take up those other ones from last week because it's been pushed so many times. I'd like to get it done.

[2:18:26 PM]

>> Mayor Adler: I hear that. I'm probably going to do O it in the order that I have them read here, but let's not do that yet because we're not at that place yet. Let's go ahead and get to the speakers that we've called up. Okay.

>> First is Daniel Nelson, speaking on item 65.

>> East 13th street for 20 years, since 2002. Our property shares an alley with properties on east 12th. I ask council to follow the recommendations of the urban renewal board as a result of consultation with years of residents. I ask council members to vote against the proposed amendment regarding cocktail lounges and music venues on east 12th. I ask council members to vote against this amendment and any

[2:19:28 PM]

other proposed amendment that would likewise weaken the protest and property rights of affected residents. I believe this would mostly benefit the portfolio of eureka holdings to the detriment of affected residents. Thank you for the chance to speak.

>> Rebecca Leonard.

>> I'm owner of a planning, architecture, design firm. We've been working for a vision on land holdings along east 12th. I support 65 and 85 and believe that the changes to the urban renewal plan and the nccd zoning aligns with the visions set forth as well as delivers on the spirit of the African-American cultural district.

[2:20:28 PM]

Thank you.

>> David Espinosa.

>> I have lived nine years in east Austin, five years at east 12th street. I would like to ask council members to vote against harper-madison proposal of turning it into a bar district. I like what district one council member argues. I think this would be a blow to economic hardship -- economic hardship and will displace families in the area. Moreover this is not favoring the culture, as said before. You just mentioned an area for rich people to park in this area -- just converting it into

[2:21:28 PM]

anywhere America. I ask you council members -- if I [indiscernible] Financial interests, we decide to have a home in this neighborhood, the neighborhood -- it doesn't make sense to convert it overnight to bars. Thank you for the chance to speak.

>> Patrick Happ on 65 and 85.

>> Good afternoon. I'm a homeowner and currently serve as president of a neighborhood association. The -- establishing an entertainment district without taking in the zoning case -- the [indiscernible] There are no zoning protest rights against an individual property. The office is using nccd to rob people of property rights. You can avoid altering planning

[2:22:29 PM]

efforts and tools and robbing east austinites by voting no. It's just that simple. Thank you for your time.

>> Kashay clause on 73. Laura drake on item 73.

>> Hi. My name is Laura drake and I've lived in Austin all my time -- in south Austin specifically for four years. I wanted to ask you to please consider voting for item 73

[2:23:32 PM]

regarding foxie onslaught Eric -- onslaught -- on slaughter lane. I use their services to leave my dog with them while I go to work. And without their service, I would have a difficult time finding someplace for him to go. There's another dog day care nearby but they have been on a wait list for the entire year that I've been with foxie Roxie. I just ask when you decide on zoning, please take into consideration the needs like workers like me who represent the community and rely on the services of foxie Roxie for their livelihood. Thank you.

>> Kashay clause.

[2:24:37 PM]

>> Can you hear me.

>> Yes. Please proceed.

>> Hello? Okay. Thank you. Hi. I've been a customer of foxie Roxie since it opened, which is over a year now. As I mentioned in my writing to the court, my service dog was trained there and I would really not

be able to travel or be able to live the life I'm living without my support dog. The training he received at foxie Roxie was bar none and I believe they provide service for other people -- as the previous speaker said allow owners to come home to dogs with with good energy so they receive therapeutic benefits from the dogs. They take their dogs after a stressful place -- the dogs

[2:25:41 PM]

are -- the people are not stressed out because the dogs have been taken care of and people experience therapeutic benefits. I believe since I've been going there -- the area has developed.

>> Thank you. Your time has expired.

>> Hello?

>> Mayor Adler: Thank you for participating. Next speaker.

>> Nika shiffs, 78.

>> Good afternoon. I'm a resident speaking in support of historic zoning for the property at 1605 Leona street. It's been a great privilege to inhabit this home, to honor the legacy of my ancestors who laid strong foundations for our family. The residents have been home to several noteworthy residents who made contributions to the

[2:26:42 PM]

cultural identity of Austin, including my great great aunt, a cosmetologists and entrepreneur, a blues and rag time musician [indiscernible] And Manuel, the god father of tejano music. Our home is one of few properties that have been maintained as urban renewal projects threaten neighborhoods across Austin, particularly in east Austin's formal Negro district.

>> Thank you. Your time has expired.

>> Mayor Adler: Thank you very much.

>> David king on 82.

>> Please vote on the statesman pud of inequity.

[2:27:43 PM]

The proposal's [indiscernible] Is inequitable and elitist. The developer's proposal to hide and prevent public access to open green space, public parkland and trails is inequitable and elitist. The developer's proposal to prevent low-income family from living in the towers is inequitable and elitist. Subsidizing with bonds is inequitable and elitist. The city's proposal to [indiscernible] Is inequitable and elitist. Please do not let lucks si developers use this for wealthy and elite people. Thank you.

[2:28:44 PM]

[Buzzer].

>> Barbara martin, 82 and 83.

>> Hi. I oppose 82 and 83. The developer testified at the last hearing they were working with the parks department but the parks department rep got up and testified they oppose the developer's plan. The

developer is asking for millions of dollars of tax incentives and that's not about wages. They will encroach on the trail, cutting down precious trees and reducing access to the trail. The new structure will be flush to congress avenue so you won't have the public access to the hike and bike trail. You'll have to go through the private development. I don't know why you're supporting this plan when it will be a huge loss for all Austin residents. Please vote no on this plan. Thank you.

>> Garrett Nick on 82 and 83.

[2:29:46 PM]

>> Hello. I've been in Austin in south Austin for 23 years, 10 of which I was a secretary for srctc. I volunteered three years to work on the south central water district overlay. That was volunteer time. It is different franchising to get to this point in the process and have someone who's paid hundreds of dollars to show up and talk about their plan when they didn't participate in the public plan process. If you want to disenfranchise your supporters, continue down the path of not listening to what we worked on for years using input from the stakeholders. The statesman pud is a rip off for everyone in Austin and I can't think of why you would support it and ignore all the years of planning and work that have gone into this. We deserve better and you can stand up and demand it whenever

[2:30:47 PM]

you're ready instead of rolling over. Thanks.

[Buzzer] .

>> Jeff Dickerson, 84.

>> Hello. Can you hear me.

>> Yes, please proceed.

>> My name is Jeff Dickerson. I want to thank council member kitchen and Donna kelon for working with us to resolve issues with the applicant. I need to bring up another point as a hearing impaired person with a cochlear implant. When I'm speaking on the phone and looking at the live transcript on screen, there's about a two-minute disconnect. As a hearing-impaired person I cannot follow this conversation and try to hear over the telephone what is going on. So I appreciate if someone

[2:31:50 PM]

would look into this before the next time an impaired person like me listen and speak. I'd appreciate it. Thank you very much.

>> Kitchen: Mayor, can we ask someone -- I don't know who the appropriate person -- the city clerk or appropriate person to look into that.

>> We'll reach out to atxn.

>> Kitchen: Thank you

>> Tovo: Mayor?

>> Mayor Adler: Yes

>> Tovo: I think that might be an area where we consider providing extra time to those individuals.

>> Mayor Adler: Okay. Next speaker.

>> Tracy whit on 65 and 85.

>> Good afternoon, council. Council member harper-madison lounge use expansion came at the tail end of a long regulatory clean-up process. I respectfully request that you please clarify when she spoke with members of eureka, their

[2:32:50 PM]

lobbyists or representatives about expanding permission for cocktail lounge use -- before or after he declared her canned das si candidacy? When did she first talk to eureka or their team about a cocktail lounge use amendment? Does she having any housing history who will benefit from her expansion? .

>> Hi. Hoping this can be approved for

[2:33:50 PM]

the zoning change. First question many African-American asks is where are black people? We have continued to be erased, displaced, uprooted -- communities moved around -- deaf by a thousand policy cuts over a long time line. You have a 2008 African-American quality of life report that recommends all culture and entertainment district -- 11th and 12th street being historically African-American is sort of a last place where we can preserve something for us. It doesn't have to be just a bar. This is for a sophisticated crowd of professionals and leaders who would like a place to go and connect with each other. There's also a report by measure, the African-American leadership institute -- it was

[2:34:51 PM]

recently done in 2022. 375 black individuals responded that the reason why they leave Austin -- and we do have a declining black population as a percentage in Austin -- is because of a lack of belonging. We don't have places to go, so we want to emphasize this. Employers are getting us here, but many are leaving for a lack of social connection. This can be a place where we can all come together and find each other, enjoy a little bit of Austin.

>> Thank you, speaker. Your time has expired.

>> Thank you.

>> Michelle hogan on 85.

>> My name is Michelle. I've lived in our home or 13 years. There are obvious problems with

[2:35:52 PM]

turning east 12th into a bar district. There are some not so obvious. For the last year I've been trying to convince my 85 year old mom who lives in Houston to come live with us. Last Saturday she came to visit to see what that would look like. She was met with thundering music that shook our windows. Based on her experience Saturday my mom has said no to living with us, which makes caring for her more difficult. Imagine how much residents' quality of life will decrease with entertainment venues and bars are allowed on east 12th. Please vote no on this proposal.

>> Clifton van dike on 85.

>> 80-plus year resident of Austin and New York avenue. My family home abuts east 12th

[2:36:55 PM]

street alley along the south side. Bars on east 12th are overrunning with trash, flooding homes with yelling and amplified sound you can't escape even with doors and windows closed. This happens weekdays and weekends. The code department issues citations and all the disruptive, harmful activity continues. The city appears to be powerless to shut down illegal gatherings. Please listen to the residents of district one who are impacted. Please listen to us and restore cocktail lounge prohibitions as agreed upon by the community. We need your decency and wisdom to avert this take over. Families need your leadership, kindness, and understanding. Thank you very much.

>> Harold McMullin on 85.

[2:38:08 PM]

>> Mr. McMullin, please unmute. That concludes the remote speakers. Mr. McMullin just returned. One second. Harold McMullin.

>> Sorry for the technical difficulty there. I was having a hard time. Can you hear me now.

>> Yes.

>> Yes. I'm a resident of Robertson hill neighborhood, which is in the urban renewal district between 11th and 12th street. I am a student of the history of urban renewal in east Austin, and actually the city's complicity in urban renewal displacement and

[2:39:08 PM]

gentrification. My American studies graduate degree from some years ago is of the demise of the 11th and 12th street commercial corridors and the depth of the -- death of the east Austin black music scene. I am the person who concedes the Austin African-American cultural district based on this work 20-plus years ago. 60 seconds is short. Nothing in the language in front of you promotes a bar district. Neighbors, many of whom I love and like -- that is the language they used in getting people to sign their petition.

>> Thank you, speaker. Your time has expired. That concludes the remote

[2:40:08 PM]

speakers. In person we have Gus Pena, registered for item 65. On deck is Susan Oranger. Wazeri garuba.

>> Mayor Adler: Ms. Oranger.

>> Hi. Thank you. We are predominantly a single family neighborhood full of diversity and long-time residents. There is no outreach due to covid. Many older neighborhoods are afraid to speak out. The corridor is overrun with str's. How does this help in a housing crisis? The traffic is overwhelming our infrastructure.

[2:41:10 PM]

It is not a code-enforcement issue. We are a district that is frustrated and angry. I feel like our corridor is being held hostage by a developer. The only winner is the developer. We've been living with a lot of

vacant lots show casing outdoor music events on this property. Enforcement can't help. They write citations and nothing. This will bring more displacement, not housing. Please honor our valid petition.

>> Wazeri garuba? On deck is Jay archer.

>> Good afternoon. Thank you for having me here to speak. This is my fourth time. I think you know where I stand. I stand with council member harper-madison. I want to read a few letters from local leaders. President of the national black

[2:42:11 PM]

NBA -- I believe east 12th street should be lively, active, prosperous for generations to come especially due to designation. That's why I stand with council member harper-madison's motion. We do not want to block access to anything in our community. B coalman says the population dropped 5.4 per cent. In the past decade that has not slowed down. The district in question is a critical piece in the history of the business class and we ask you take the time to address our concerns to limit and maintain businesses, no different than our historical counterparts once did. I ask you read the submitted letters. Thank you for your time.

>> Jay archer on items 65 and

[2:43:13 PM]

85. On neck is Nichole Dever.

>> We were herded to east Austin. My family is a long-time family from east Austin. We came out of slavery and ended up in east Austin. Karl downs is my great uncle. May Sims is my great aunt. There are academia and street people. We were held hostage all these years. Red lining, having no rights, urban renewal -- all the problems we've always had and we could not get 12th and checkan cleaned up until white people came. I want this place to be clean, to be decent. We should be able to go to sleep at night, raise your kids in a nice environment and

[2:44:14 PM]

having bars everywhere like what Cesar Chavez has turned into with a scooters -- everything is not a free-for-all.

>> Mayor Adler: Thank you.

>> Nichole blare.

>> I'm a 48 year old architect raised in east central Austin. I know my older neighbors well. None of them want cocktail lounges up and down east 12th, not under the false pretense this honors their history. This has never been an entertainment district. As was documented and in the e-mail I sent you. Please uphold the petition, including signatures from six African-American residents who have lived here 42 to 62 years. They all oppose bars and have no -- and can back up what the research says.

[2:45:14 PM]

There have been no public hearings by city staff since bars were added. There have been no public hearings since bars were added. 3500 square foot bar area limit should warrant further discussion.

Those bars would be enormous. Proposed 1200 square foot bar spacing is a bit of a joke. Eureka owns four blocks so you're looking at one bar over an entire block. We deserve a seat at the table. Please honor our petition. Thank you.

>> Nell Peterson. On deck is Sylvia ondeono.

>> I'm standing in for Nell Peterson. She's ill. She's a close friend of mine. I would like to say vote no on your proposal. As a child -- I've been in

[2:46:16 PM]

Austin on the east side all my life. I'm 65 years old now. My grandfather stayed at 1902 east 11th street until the time of his death. What you're trying to make 12th street now is what it used to be. What we had back then was respect. The people that's now the residents now -- they're scared -- especially the elderly. They're scared to even open their doors, so I'm asking you again to say -- vote no. If you want to make 12th street something, make it a historic district from what it used to be and not what you want it to be.

[Applause].

[Buzzer] .

>> Hello. I want to believe that we are all fair people in this room,

[2:47:19 PM]

that we all -- well, I hope we all want the same thing. We -- I want y'all to vote no against this redistricting or this rezoning proposal. It's come to my attention that there has not been any public input or community outreach meetings since April of 2021 on this issue. And it was after that that the cocktail lounges that Natasha decided to enter came in. If you're not going to vote no, at least give us an opportunity to give a scheduled meeting for community outreach. Please vote no -- if not, at least be fair about this. Thank you.

>> Christopher borkstead. On deck is Lee eler Deller --

[2:48:20 PM]

Lee dellerom.

>> Hello. I'm owner of foxie Roxie. What we do -- do we have the pictures? We take our dogs' clients -- they bring their dogs to day care. We take care of dogs from shelters that -- as everyone knows, shelters every day put down dogs. We train them, we rehabilitate them so they can find home, happy people. These are some of the kennels. We keep our dogs inside. We take them outside for the potty break, the pee break. Trainers work with the dogs. We want to create an environment so when the dogs go home they have a balanced place that they can be with. Everyone at one point had a pet in their life. We know how important it is to have the pets. Some people are lonely, don't have spouses, kids. The pets are important for

[2:49:21 PM]

these people. We want to continue our business with these dogs. We're doing this as a passion, not as --

>> Mayor Adler: Thank you.

>> Kitchen: Could he finish --

>> Mayor Adler: Sir?

>> Kitchen: If you want to finish your sentence.

>> We're not just doing it for work and money. We're doing it for passion. There's not a lot of money to make in this business. The money we make, we put it in our dogs. We have a state-of-the art facility. We put sprinkler, water. Make sure they're very much taken care of. Thank you.

>> Christopher borkstead. On deck is Kevin Mcbride.

>> I'm one of Austin's local homeless. I'm a philosopher that kind of goes with the homelessness. What are y'all doing here? Everything y'all have done has

[2:50:23 PM]

kind of made my life worse. I am not street people. I'm working homeless. I live in a vehicle. Camping ban -- led to me getting welfare checked daily by people out in the suburbs. You do things that create compassion for the person that I will soon be. I am marching towards becoming street people. And I don't want to end up at a point where I'm deserving of your compassion. See, I hear these people -- I need a dog day care, access to a trail. We need to build housing for someone like me. Yeah. And -- oh, don't build jobs next to minority neighborhoods. Don't build these developments, don't do this, don't do that. I need a place and someone is currently living in that place and they want a better

[2:51:23 PM]

apartment than that place. Build them a fucking apartment so I can get their apartment and have a place to live.

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

>> Katherine Mcbride speaking on 73.

>> Hello, everyone. My name is Kevin Mcbride. I've been [indiscernible] For a while. Basically foxie Roxie has been a lifesaver for me. My daughter was kidnapped last year and I needed something to help me to cope with my daughter being taken by someone. They came through and said I have a dog for you. He opened his heart, gave me a dog. When you go through emotional distress, it's important to have something hold you down. These services he provides are good for the community. When you need someone to be there for you, a dog is a man's best friend.

[2:52:23 PM]

And I just want to say that foxie Roxie is needed -- not just people building apartment complexes coming from California and changing Texas from the way we live here. That's all I got to say.

>> Shocklara delarom. On deck is Joseph Reynolds.

>> Hello. Regarding the zoning case, case number 2103 west slaughter lane. Small business owner and operated by my son -- the owner of foxie Roxie, small business located at this address. The entertainment service tenant closed and the space has

[2:53:24 PM]

been vacated. We move it, [indiscernible] Inspector informed on September 13th, violation class closed. The staff recommendation is to grant neighborhood commercial mixed use, commercial overlay, combined in district zoning. The condition overlay would be modified to remove three uses from the prohibited use in the lease ordinance number 2014080. So -- anyway, I resolved the problematic some of the area neighborhood who who complain disturbed. But the dog is no more noise. [Indiscernible] Will comply and never cause nuisance barking. I would also mention trying to keep active payroll for exist

[2:54:24 PM]

ING employee who count on the business leaving, helping shelter dog, to prevent kill them, helping our customer care for dog. I put my asset in this business for only helping with no profit and need city of Austin to help keep active. I am trying to keep building active, not vacant. That will be caused place for homeless trespassing. For this reason I am -- please [indiscernible] Condition uses for this property as conditioned by housing and remove it from prohibited use list. Thank you so much.
>> Mayor Adler: Thank you.
>> Thank you.
>> Joseph Reynolds, item 81. On deck is Roy wailly. Virginia palmer.

[2:55:31 PM]

Sarah Campbell. On deck is Wendy Todd.
>> Hello. I've been a resident of south river city neighborhood association with the statesman pud is located for 37 years. Since before then, the neighborhood has worked to keep downtown on the north side of the river and to keep it from encroaching to the south. The water front overlay set in place standards of development that we could embrace. The recent south central water front vision plan -- we participated in and embraced but that plan is eroded by what the applicant is proposing for 305 south congress.

[2:56:32 PM]

Outside design professionals as well as local design professions have been telling us for years that Austin gives it away, doesn't make adequate demands on developers. It's been true and will be true in this case if you approve 305 south congress as currently proposed. Thank you.
>> Wendy Todd. On deck is bill Oliver.
>> Good afternoon. I'm back again. Wendy Todd, srcc president. I've corresponded and tried to meet with many or all of you regarding the statesman pud. We -- I participated since 2012 in the design of the vision framework plan. I sat on the south central water front advisory board. Now I serve as the president of the neighborhood association. In earnest we heard the applicant in 2019 when they applied for a planned unit

[2:57:34 PM]

development which the whole south central water front was to avoid a pipe line of planned unit developments. That's what we have right now. And I would urge you to urge the housing and planning department to use the highest standards for a plan unit development and if you're going to review -- if it's filed a pud, review it as a pud and hold it to higher standards than what borrowing and taking entitlements is providing them without the community benefit. Thank you.

>> Bill Oliver. On deck is Russell Frazier. On deck is Linda Nuno.

>> Hello. My name is Russell, I'm a long-time resident in the d9 district.

[2:58:34 PM]

I'm going to quote some figures to you from the latest, what I believe is the latest south central waterfront analysis. There might be some minor revisions, but I think this is the gist of it. You've probably seen this graphic with the gigantic buildings. In essence, what the developer did is analyze what they call the hybrid buildout, which was the 2016, the 400-foot building, for example, yielding 2 1/2 million square feet of office, residential, hotel and retail. Lately, the application is up to 3 1/2 million square feet, because the building heights are all increasing. This is an increase between 2016 and recently of a million square feet. And that's all in office and residential. I think it would be a big

[2:59:35 PM]

mistake to negotiate --

[buzzer sounding]

>> With endeavor without doing our own financial analysis. And therefore, I'm against it. Thank you.

>> Linda Nuno. On deck is Danny Thompson. After Danny Thompson is Daron bowers.

>> Yes. I'm here. I live at 1183chican. I was born and raised in the city. I've been playing music in the city for pretty much 50 years.

[Phone ringing]

>> And I've been speaking with a lot of the -- our tourists, our visitors who come through. I play every day in my front

[3:00:36 PM]

yard. And they come by and they let me know exactly, you know, why they came, what they enjoy. I speak to my neighbors. None of them have any complaints. They moved to that area for that reason. And I've been noticing that for a good 40 years. It would be a shame. I mean, it's what made Austin what it's becoming now.

[Buzzer sounding]

>> And for us to stop that in the middle of something that's becoming great for us, I think would be a shame. I wholeheartedly support Natasha. If it wasn't for her, you know,

[3:01:36 PM]

trying to do this, it would stop what I've been working at for 65 years. And I hope y'all take that into consideration.

>> Mayor Adler: Thank you.

[Clapping]

>> Daron bowers. On deck is Edward Winston. Lee Sherman. On deck is Melanie house-dixon.

>> Thank you, council, for listening to me. I am a resident of New York avenue, which is just adjacent to 12th street. I'm a long-time resident of Austin, been living here for 52 years. 12th street has changed over the years. I don't remember in my growing up too many bars in the area.

[3:02:39 PM]

The chican area had bars, there were not a lot of bars up and down the street. I'm here hoping that you would vote against councilmember Harper's agenda item of 85, specifically for the expanded use of bars. I am all for the development of 12th street. I'm looking forward to that. We've wanted that for a long time. We watched 11th street develop and watched 12th street sit there for years and nothing's happened. We would like the development that does happen to be in line with what the neighbors and the neighborhood want. And that is conducive to raising a family. Thank you.

[Buzzer sounding]

>> Lee Sherman. Melanie house-dixon is on deck.

>> My name is Lee Sherman.

[3:03:40 PM]

I'm a longtime east Austin resident, in the area for 26 years. And a few names -- Clifton, Edward, Charles, Ida, Isaiah, Earline, Anita -- are just a few of 50 people who have signed a valid petition requesting no expansion of cocktail lounge uses, unilateral action was taken by councilmember harper-madison to expand bar use permissions in a non-compromise which was offered to expand it by five times the number of bars we have thousand. The 200-foot spacing idea would be difficult to enforce, as seen with east 12th. Last of permits does not stop tenants from disrespecting the community. We are not being represented and we are disappointed with councilmember harper-madison for representing eureka, a Dallas corporation, instead. We all want to see black-owned businesses in all of Austin.

[3:04:42 PM]

Displacing those opportunities with bars does not provide affordable commercial space. Restaurants allow alcohol service. Why bars? The ones we have are anglo. Those don't equal a cultural district. Thank you.

>> Melanie haas-dixon. On deck is Tobin levy.

>> Mayor, mayor pro tem, and councilmembers, my name is Melanie haas-dixon and I stand before you today not as the mlk/na president or the east mlk co-chair, or the president for the Bethany cemetery, but as a long-term resident for east Austin in district 1. I speak in opposition to the

[3:05:44 PM]

up-zoning for the 11th and 12th street area. Why? Because preliminarily, 11th street was our only area for entertainment. It holds historical value. And right now we are in the process of losing all of our African American historical value for this part of town. As you have heard from the community, today, the voice of the community is not being heard. We are being ignored for the sake of development.

[Buzzer sounding]

>> We are being ignored for the sake of up-zoning. And we would like transparency and we want to see -
- having more of input for what is going on in our community. I ask that you oppose on this third reading the up-zoning for the 11th and 12th street area.

[3:06:46 PM]

>> Mayor Adler: Thank you.

>> Thank you.

[Applause]

>> Tobin levy, and on deck is corsten.

>> Hi, I'm Tobin, an Austin native. I've lived at my home on east 12th for eight years. I'm here once again to voice my opposition to the amendment introduced by councilmember harper-madison allowing for the creation of a bar district on 11th and 12th street. To be honest, I'm really terrified of public speaking. And like many of my neighbors, really tired of missing work for what increasingly, sadly, feels like a foregone conclusion, especially when there exists a vision for east 12th that was agreed upon through massive and diverse community outreach. It calls for reasonable density, housing and businesses that are walkable, serve residents and honor African American culture.

[3:07:47 PM]

That vision does not include a new bar district. Still, we're back here and it is equally terrifying and even more so because of the divisive language and accusations of racism that have come from the last meetings.

[Buzzer sounding]

>> I just hope that you will look at the history and really listen to us, listen to everyone. Thanks. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Torsten werick.

>> Good afternoon, my name is torsten, a nine-year res didn't resident of New York avenue. I ask you to oppose the zoning changes for number 85 against the bar, specifically for the bars and the cocktail lounges. Our neighbored's very quiet. It's very safe.

[3:08:48 PM]

We're concerned about excess traffic and turn that into an entertainment district and destroying the fabric of the neighborhood. We're supportive of historical aspects of the neighborhood, especially with African American culture. And one of the attractive things for me moving down there was to support

those types of businesses. So please consider what impact adding all those bars are going to have to our neighborhood. Thank you.

[Applause]

>> Mayor and council, that concludes all the speakers.

>> Mayor Adler: Colleagues, it comes back to us. Want to take us through the consent?

>> Sure, mayor. Jerry rusthoven, housing and planning department. Item 71, c14-2020, this case is a postponement request to October 13th. Item 72, case 20210161, a

[3:09:52 PM]

postponement request by the applicant to October 27th. Item number 73, case c14-0020, I can offer this case for consent approval on second and third readings. I understand councilmember kitchen, you're okay with including pet services as a permitted use?

>> Kitchen: Yes, I am.

>> Thank you. Item number 74, case c1420220047, an indefinite postponement request by the applicant. Item 75, case c1420220039, a postponement request by the staff to October 13th. Item 76, case c81492006.02 a postponement request by the staff to October 27th. Item 77, case c14h, I can offer this case for consent approval on all three readings. Item number 78, case c1h220098, consent approval on first reading.

[3:10:54 PM]

Item 79, 0066, consent approval approval on all three readings. Item number 80, c1420220075, for consent approval on all three readings. Item 81, case c1420220050, for consent approval approval on first reading only. Item 82, case npa20190022.02, this is a neighborhood plan amendment with the statesman P.U.D. This will be a postponement to September 29th. Item 83, case c1489003.02, statesman P.U.D., postponement to September 29th. Item 84, case c1420220056, a postponement request by councilmember kitchen to September 29th. Item 84 is case c1420210037, the east 12th street nccd, this case will be a discussion, mayor.

>> Mayor Adler: The last one is number 85?

>> Yes.

>> Mayor Adler: Thank you.

[3:11:55 PM]

Colleagues, the consent agenda is items 71-85. The only item being pulled is item 85. Is there a motion to approve the consent? Councilmember Fuentes makes a motion, councilmember harper-madison seconds. Any discussion? Okay. Councilmember tovo.

>> Tovo: Yeah, we had this discussion on Tuesday about postponing to a time when two of our colleagues are off the dais. This is an incredibly complex case. I think it deserves the attention of our full dais. It is something that we're going to have to talk about extensively. It would be my recommendation that we do a different postponement date. But rather than argue about it now, let's postpone it to the 29th and take it up again then, but I do think this case deserves a full dais when we consider it on second reading. It is extremely complex, multiple amendments that have been posed that are

substantially different from what passed on first reading, and it's going to require our attention. And I would also say when it

[3:12:57 PM]

comes back, whether it's on the 29th or our first meeting in October, we need to afford people a full three to talk about this. This business of doing one minute does not provide anybody with an opportunity to really talk about issues of substance.

>> Mayor Adler: I think you're right. I like looking at that. I have the same question. So let's see where we are on the 29th. Yes, councilmember Kelly.

>> Kelly: At the risk of repeating everything that councilmember tovo just said, I want to say I agree with her and I would like to afford the community enough time to be able to speak on this, because it is a very important decision for the future of how our city's going to look.

>> Mayor Adler: Okay. Let's go ahead and take a vote on the consent agenda. Those in favor, please raise your hand. Those opposed? Who are we missing? The mayor pro tem. So on a vote -- the consent agenda is approved on a 10-0-1

[3:13:59 PM]

vote with the mayor pro tem off the dais. Okay. So let's now pick up some of the things that we have passed on before and some of the things we can handle. Let's begin with items 65 and 85, the east 12th street nccd.

>> Good afternoon, mayor and council, I'm mark Walters, item 65 on all three readings and item 85 on third reading. Can I have the presentation, please? At the July 28th meeting, I was asked to do an analysis, a back of envelope about the spacing requirements for cocktail lounges along 12th street, and the numbers that I came up with were wildly hypothetical. We got direction from the

[3:15:00 PM]

council to go and do a more detailed analysis, and this is the results of that analysis. Next slide, please. One of the things we did is to insert some reality into the analysis. So, we looked at structures and sites that weren't likely to become cocktail lounges for a matter of reasons. Historic structures, houses, church, historic lodge, apartments, multifamily site plan locations, single-family houses, funeral homes. We didn't look into the analysis of what state and local regulations would do in the spacing of cocktail lounges. That was not part of the analysis. Also, we may have missed a couple of them. And these were just theoretical, or as part of the analysis, more than likely. These aren't statutory or regulatory. Next slide, please. The sites in lavender were identified as the constraint

[3:16:00 PM]

sites. The sites in green are existing cocktail lounges. And the yellow is the universe of sites where these could possibly go. Next slide, please. We looked at different spacing requirements. We looked at 150-foot spacing. So you have 12 cocktail lounges. Next slide, please. At 200 you get ten cocktail lounges. Next slide, please. And then at 300 feet you get seven cocktail lounges. One thing I'd like to add is this is

done as more of an academic exercise where you start at one side and work your way over. The pattern of ours was going to be dictated about the first three or four that go in. That's going to set the pattern. Economic decisions aren't based on this type of starting on the east and working yourself to the west.

Next slide. If you have any questions, I'll be happy to answer them at this time.

>> Mayor Adler: Anybody have any questions? Councilmember harper-madison.

>> Harper-madison: I don't have a question, actually. I wanted to make a motion, but I

[3:17:02 PM]

can wait.

>> Mayor Adler: Anybody else have a question of staff?

>> Tovo: Thank you for doing this analysis. Is this in our backup?

>> Yes, there is a report that this presentation was taken from.

>> Tovo: Could I ask you to go back to the first slide, please, very quickly? Sorry, the second slide.

>> Second slide.

>> Tovo: Third slide. Okay. Actually, the one before it and then this one I wanted to ask you about. So I think you said this. This is not -- the constraint here is not a legal one or one of zoning, it's just what you think is likely.

>> Yeah. Yes.

>> Tovo: Historic structures can and do serve as bars.

>> Yes, but some of the historic structures, one in particular, is owned by the city, so that would not be necessarily --

>> Tovo: Yeah, I take your point. Newer single-family houses, same. There is no legal impediment to them serving as a cocktail lounge.

>> No, but a lot of them are a

[3:18:05 PM]

small footprint, two-story. I wouldn't think that would convert to a bar anytime soon.

>> Tovo: But the size, it seems like, eyeballing it, size . . . This is not my forte, but it seems like the size of the structures along 12th are comparable to the size of the structures along Rainey, many of which have become bars.

>> I've not been to Rainey street, to a bar there, I couldn't tell you.

>> Tovo: There are relatively small single-family homes that have converted into bars, mostly one-story.

>> They tend to have larger setbacks than some of the houses on 12th street, so you get the front space of the house.

>> Tovo: As a little area. But in terms of size, I think it's comparable. Okay. So then on the next site, where you're saying -- let me just pull this up.

[3:19:05 PM]

Where you're identifying them as constrained now in lavender, those are reflective of what you're identifying as constrained on the previous slide -- not legally constrained, not constrained by zoning, just

they're not -- they're unlikely, in your estimation, unlikely to develop, but not really legally constrained or constrained by zoning.

>> Correct. There are sites or uses that do constrain cocktail lounges in state and local regulations, but I'm not a hundred percent familiar with those. I would defer to law if you have a question.

>> Tovo: I think it's schools, daycares. Are those reflected in this map, are any of those uses reflected on this map?

>> No.

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

>> Mayor Adler: Okay. Councilmember kitchen. Question for staff?

>> Kitchen: Just for clarity purposes, there's two items. And so could you just explain

[3:20:06 PM]

the difference between the two items for folks? The concern that's been raised that I think we're hearing about relates to the . . . I think we're moving or changing -- not removing, changing might be a better way to say it what's currently a prohibition on bars. So, that relates to 85, correct? Okay. And 65 would just reflect whatever is done on 85, is that right?

>> I think it would be the other way around.

>> Kitchen: Okay.

>> Urban renewal plan supersedes local zoning regulations in instances where they're in conflict.

>> Kitchen: Maybe my question is for councilmember harper-madison. Is your amendment to 85 or is it to both of them? 65 and 85? I'm just trying to understand the relationship between the two items.

>> Harper-madison: Staff is the more appropriate --

>> Kitchen: Okay.

>> Harper-madison: Staff is the more appropriate avenue to offer you that.

>> Kitchen: That's fine. I'm just trying to understand.

[3:21:08 PM]

>> Trish with the law department. The amendment sheet right now will actually amend both.

>> Kitchen: Okay.

>> It will address 85 and make the corresponding change in 65.

>> Kitchen: That's what I thought, I just wanted to clarify. Thank you.

>> Mayor Adler: Okay. Another question of staff before we get to the motion, yes.

>> Pool: Just one last question. And it could be law, but I think there are two churches in this stretch, and there are also restrictions around the church's presence. Admittedly, I accept that they would have to indicate their opposition to opening a cocktail lounge or a bar, but there are two churches, is that correct?

>> That is my understanding.

>> Pool: Can you talk about the impacts of those churches?

>> That wasn't part of the analysis that we did.

>> Pool: I know. Is it 500 feet?

>> I think Mr. Rusthoven could answer that better than I can.

[3:22:13 PM]

>> Councilmember, if the cock tailage were closer than 200 feet, it would require 200 feet, it would require council approval.

>> Mayor Adler: Okay, councilmember harper-madison, do you want to make a motion?

>> Harper-madison: I'd like to approve third reading of items -- I'm sorry, I'm looking at the wrong item numbers. 65 and 85 with the amendment that was sent out by the agenda office. The amendment reflects what was distributed on June 28th with some added language to ensure alignment with the urban renewal plan.

>> Mayor Adler: Okay. The motion is to pass on third reading what we passed on second reading with the harper-madison amendments included that have the 200-foot separation, that amendment.

>> Harper-madison: There's an additional amendment that I was going to bring forward earlier. I think it was a matter of protocol to read this into the

[3:23:14 PM]

record, do you need me to do that now or after my colleagues have had an opportunity to speak?

>> Mayor Adler: You can either move them both as a single amendment, or we can resolve the 200 feet and then you can do the second one. What's your preference?

>> Harper-madison: Let's do the first one. In fact, this one doesn't include that at all. It's just the one amendment on this item.

>> Mayor Adler: Okay. The 200-foot. It's what we approved on second reading, plus the 200-foot amendment, that's the motion. Is there a second to that motion? Councilmember Renteria seconds that motion. Is there any discussion? Councilmember harper-madison.

>> Harper-madison: So, as I've said before, this has been a long process that has involved a ton of hard work put in by the urban renewal board, city staff, community groups, and east Austin residents, which my personal appreciation is extended to you all for being here today, whether we agree on the item or not. I really appreciate neighborhood

[3:24:14 PM]

contribution to the dialogue, so thank you for being here today. I know it was an effort to take time out of your day. I can not thank everyone enough for all the blood, sweat, and tears they've devoted. I've spoken about the context, but it's worth emphasizing. The decision to include limited conditional use for cocktail lounge was not unilateral. My team conducted a robust community engagement process with a public survey that gathered input from property owners, renters, business owners, and stakeholders in these two important corridors. We put that out through door-to-door canvassing and targeted online outreach. There are folks I know were in a group that received it and opted out of completing it. We mailed out hundreds of hard copies. That effort alone garnered over 500 unique responses. We asked people what was their

[3:25:15 PM]

vision for this part of the city. And the number 1 thing that they said they wanted to see is a walkable, complete community. 85% thinks neighborhood clubs and indoor, not outdoor, indoor live music should be allowed on 11th and 12th. I brought this amendment forward to align with the nccd, with the vision, not only expressed by the community survey, but to ensure that the uses supported, which includes live music venues. This part of town has been severely harmed by intentional policies like the so-called urban renewal plan. And this is our opportunity to correct mistakes of history to revitalize a major section of the African American heritage district, align the land use with the district's goals and to encourage a mixed-use walkable neighborhood for people of all

[3:26:16 PM]

income levels. It's unfortunate that there's a lot of misinformation that continues to swirl around about what we're voting on. I keep hearing accusations that we're trying to open up bars all up and down 12th street and the fact is that's not true. Great neighborhoods across the world allow a diverse mix of uses, including neighborhood bars. The item before us would allow those as one conditional -- and I put emphasis on the word conditional -- option among many other unconditional options. If someone wants to open a bar they have to go through an extensive public process where neighbors can engage with the property owner to determine whether the plans are appropriate. They can also negotiate terms you can't include in a zoning case like operating hours. Those case-by-case negotiations then end up before a vote at our

[3:27:17 PM]

planning commission. And if anyone doesn't like those results, they can appeal to the city council. Multiple measures -- layers of oversight. I said that part already. This is not an easy or simple, or rubber-stamping process. And it involves a lot of community engagement. Rather than a top-down wholesale decision by council, I do think this empowers the neighborhood to determine amongst themselves what is or isn't welcome in their own community. So, I hope we can put the false claims behind us. We are not creating a new 6th street. Let's just put that to bed and move forward with a factual baseline. What's truly exciting to me that in this moment is that this part of down that is to near and dear to my heart, finally, gets some love. It's quiet because there's nothing there. That said, I hear the concerns that have been raised by some

[3:28:18 PM]

residents and we've been working to come -- we've been working to come up with middle ground. With the help of staff we came one the mechanism presented to you in the presentation we saw before, with cocktail lounge use -- I'm sorry. Came up with a mechanism that will still offer potential opportunities for cocktail lounge use but blocks any scenario where they will be concentrated in high numbers. So I'm proposing that save the existing businesses with cocktail lounge use, a conditional use permit for cocktail lounge may not be located on a lot within 200 feet of a lot that also has a cocktail lounge use. This will limit the use, essentially, to one lot per block. I believe that strikes a fair balance between the differing opinions expressed on the issue. And I hope so, because I personally am fired up about moving forward with this and seeing what can transpire within the blocks of 16 and 18 on 11th

[3:29:19 PM]

street as we look forward to other great projects that are going to come out of this. And I'll close by saying I have neighbors that walk past my house and don't speak to me. I have neighbors who ride past my house and don't speak to me. I very much encourage you all to see me as a person, which I am. Be mad at the policy, not the person.

[Off mic]

>> Harper-madison: Be mad at the policy, not the person. I'm talking to anybody who's listening.

[Off mic]

>> Harper-madison: Thank you, mayor.

>> Mayor Adler: Thank you. Does anybody else -- shh, please, please, please. Any further discussion on this item? Councilmember pool.

>> Pool: Thanks, mayor. I will be supporting the proposed changes to the nccd here. And I'm doing so because I'm comfortable with the compromise that councilmember harper-madison has crafted, which imposes a 200-foot

[3:30:20 PM]

distance between new potential cocktail lounges. I'm also aware there are processes in place in our code that allow the community multiple opportunities to shape any potential cocktail lounge. As I understand it, and we saw a little bit of it here today, staff's analysis found that ten lounges could potentially be approved from the ih-35 frontage road east of poquito with a 200-foot distance mitigation. Any new lounge would be required to seek a conditional use permit and a C.U.P. Offers a more nuanced public discussion around the operations of a lounge. And that includes hours of operation, outdoor music, lighting, dumpster placement, and so forth. We haven't heard about it much at all on this case, but with the presence of two churches on east 12th street in the nccd,

[3:31:22 PM]

any new cocktail lounge within 300 feet of the Simpson united methodist church at Leona and the fellowship bible believers at waller will require an alcohol beverage waiver. And that is a process which includes a public hearing at council. So, these two public processes go above and beyond zoning. And they encourage public engagement on business operations that will affect the quality of life for the surrounding community. So I will be voting in support of this item. Thank you.

>> Mayor Adler: Any further discussion? Yes, councilmember Kelly.

>> Kelly: Thank you. I just want to say quickly thank you to councilmember harper-madison for your leadership in your district over there. Compromise is never easy, but I do recognize and appreciate the work you and your staff did to get here today. So, thank you.

>> Mayor Adler: Any further discussion?

[3:32:22 PM]

Councilmember tovo.

>> Tovo: Yeah, thank you. I appreciate all of the conversation, and everyone who has come on a variety of positions related to this. Thank you, councilmember harper-madison, for continuing to listen and bringing forward this amendment. I am still not supportive of the amendment to allow cocktail lounges. And I can read the tea leaves in terms of how that vote would go were I to make a motion to remove that, so I'm going to abstain from a vote. There's much good in both of these items, and really support all of the changes other than that one, so it grieves me not to vote in support of the majority of it, which I support. But I can't support the inclusion of the cocktail lounges, so I'm simply going to abstain.

[Applause]

>> Mayor Adler: Okay. Any further discussion? Mayor pro tem.

>> Alter: Thank you. I appreciate all the neighbors who have been coming down over

[3:33:23 PM]

many months now to share their thoughts and their experiences. It does sound like there's some enforcement challenges in the area and I would ask the city manager to work with councilmember harper-madison to address those concerns. I think they're valid concerns. Enforcement is tricky in a lot of situations, but I think we heard from enough people that we do need to try and see if there's some further steps. And I'm sure that councilmember harper-madison would appreciate extra support from the city manager to address her constituents' needs. This has been a tough one. I have reservations about cocktail lounges. I do think in this case that councilmember harper-madison has worked hard to find a compromise that puts guardrails in.

[3:34:24 PM]

And it's amazing to me that this is the one piece that we're debating over, over this really complicated set of issues. So in this case, I'm going to defer to the councilmember's judgment here, but I will say that I appreciate having heard from everyone and the voices did give me a lot of pause. And this is a difficult decision.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: Yeah, I'm going to support it, mayor. You know, when it comes to cocktail bars, I don't go to them because I can't afford it, you know. If anybody's going out there to a cocktail bar and ordering a drink, they're between 10 to 15 dollars apiece, so you've got to be pretty well-off just to be able to afford to go into one of those things. But I do believe on special occasions there are people that want to go there. Most of them serve food, you know. So I have no problem with that.

[3:35:25 PM]

If some out of town guests come by, I wouldn't mind taking them to a neighborhood cocktail bar, because they're also serving food just to survive.

>> Mayor Adler: Any further discussion on this? I'm going to support the recommendation as well. I think that I appreciate the hard work. These things are never easy. I also apologize that our processes are such that the neighborhood had to come down here four times or something to do that. And that was an aberration here even for us, but even with that I apologize that you've had to do that. I'm supporting this because there's an additional process with the C.U.P. To have a forum to discuss

whether and how this use, if ever, should be deployed. So I'm going to vote yes as well. Let's take a vote. Those in favor of the motion as amended, or motion with the

[3:36:25 PM]

amendment incorporated, please raise your hand. Those opposed? Those abstaining? Councilmembers tovo and kitchen are abstaining, the others voting aye, that passes 9-0-2. That passes on third reading.

>> Mayor, you -- I was informed it needs two votes, one for the urban renewal plan and one for the zoning case. And the zoning case has a 22.9% valid petition.

>> Mayor Adler: Okay. Let's take the vote again, first with respect to the zoning case. Please raise your hand if you're in favor.

>> Harper-madison: Mayor, I think there's still some discrepancy.

>> Joy, housing and planning, 65 needs all three readings and 85 is third reading only, so I just want that clear for the record.

>> Mayor Adler: Okay. Let's take the vote on 85. It's third reading only. I think that's the zoning case. Those in favor, please raise your hand. Those opposed?

[3:37:27 PM]

Those abstaining? 9-0-2, councilmembers kitchen and tovo abstaining. Now we'll vote on the other number. What's the other number? 65? And this is for all three readings. Those in favor, please raise your hand. Those opposed? Those abstaining? It's the same vote, 9-0-2 with councilmembers kitchen and tovo abstaining. Okay. That gets us past that. Let's see if we can pick up parkland dedication. Item number 92 is the appointment of the sobering center. Can we handle that? Item number 92. Does anybody want to move the appointment to the sobering center? Mike, why don't you come here, please.

[3:38:31 PM]

[Off mic] Councilmember tovo, do you want to make the motion on item number 92, which is the appointments to the sobering center?

>> Tovo: I would, thank you.

>> Mayor Adler: So moved by councilmember tovo. Second? Councilmember Fuentes seconds that. Any discussion? Those in favor, please raise your hand. Those opposed? Unanimous on the dais, 92 passes. Parkland dedication. Colleagues, I'm going to suggest a process which I hope will keep it as simple as it can be. Item number 66 and 67 -- item number 66 relates to -- it's the ordinance associated with commercial parkland dedication. That's coming from staff in response to the work from mayor pro tem. We're going to consider that first.

[3:39:31 PM]

We're going to make all the amendments to the commercial item. When we're done with that we're going to call up item number 53. And I think 53 and 67, which relate to the changes for residential to make sure they conform, with change made to commercial. Also to add to residential the extension for

the number of affordable housing units that are associated with that. We're going to incorporate into that second motion all the changes that we have just made in the commercial so that the two motions are the same with respect to commercial. We'll make any additional amendments at that point. When we have decided the action on both commercial and residential, then we'll consider the fee matter, which is I think item number 59. We're going to do that in order.

[3:40:31 PM]

So, again, it's going to be the commercial item first. I'm going to put on amendments that if they're not already included then we've already talked about that I think are -- agreed. There are three or four amendments councilmember harper-madison is moving forward with, councilmember vela and the mayor pro tem may have suggested language. We'll handle those. And at that point I think we're done with commercial. We'll pass that, then we'll move to residential, incorporate that work into that, make whatever other changes are necessary. So let's begin. Mayor pro tem, do you want to lay out the commercial?

>> Alter: Sure. I would like to open and close the hearing for commercial parkland for item 66 and move passage of the commercial parkland dedication ordinance as

[3:41:32 PM]

in the backup.

>> Mayor Adler: Okay. Is there a second to that motion? Councilmember pool seconds that. It's in front of us. You can open the discussion if you'd like, mayor pro tem.

>> Alter: Sure. So, this is an item that we initiated unanimously back in April following work by the parks board that happened just before the pandemic. And this commercial parkland dedication ordinance introduces a new tool for us to be able to provide quality parks to our community and those who work in our community. Parkland dedication is an established mechanism under law to be able to account for the impact of development on parkland. I'm pleased that we'll -- it looks like we'll be able to adopt this today. This will help our commercial developments to pay their fair share. It will allow us to provide

[3:42:32 PM]

critical trail connections in some small spaces. That will really enhance our ability to provide that quality parkland, which is so important for green space, for recreation, for health, for community. So I'm looking forward to moving forward on this today. And then I'll have comments on other people's things this week as we go.

>> Mayor Adler: Thank you. Mayor pro tem, there were two amendments to this that I wanted to make. The first one was to put in language about the -- when the determination of the fee was made. And that would stay continuing as it moved forward so it wouldn't change during the course of the process. That language has already been handed out. It's in backup. I think that's a friendly

[3:43:33 PM]

amendment to add. Are you okay with that?

>> Alter: I am. I would just like to have Ms. Link confirm that when -- under that setup, you know, when they filed if they don't complete it by the end of the 45 days, then the clock starts ticking again if these have changed, because they won't have finalized their application.

>> Mayor pro tem, Trish link with the law department. When someone files their application, they have 45 days to make it complete. It not completed -- if it's not, it expires.

>> Alter: Yes, I will take that as friendly.

>> Mayor Adler: Hearing no objection, that language is included. There's a direction I asked the company -- direction to engage in a stakeholder process. That language has been handed out. Is there any objection to that

[3:44:34 PM]

language being included? Hearing none, that is also now part of the base motion. I think that gets us to the amendments from councilmember harper-madison. I'll turn it over to you.

>> Harper-madison: I appreciate it. I just had the one, actually. And it's to amend section 251603. Does everybody have that one? I thought we distributed it on the dais. What item number is it? I'm not looking at it. I don't know.

>> Mayor Adler: What does it concern?

>> It concerns the floodplain component.

>> Mayor Adler: I think that's your number 2. You're striking the word "Not."

>> Harper-madison: Mhmm.

>> Mayor Adler: That was your amendment number 2.

>> Harper-madison: Right.

>> Mayor Adler: Is there a second to the harper-madison amendment number 2 so we can lay it out to discuss it? Councilmember vela seconds that.

[3:45:34 PM]

I'm sorry, go ahead.

>> Kitchen: We're trying to find the right amendment.

>> Councilmember harper-madison, did you want -- I have concerns about your amendment. Did you want it to apply to both residential and commercial or just commercial? You only want it to apply to commercial? Are you also bringing one about functional population? Okay. So you want the floodplain one only to apply to commercial.

>> [Off mic]

>> Harper-madison: Component could apply to residential.

>> Mayor Adler: Is staff here? I mean legal.

>> Erica Lopez.

>> Mayor Adler: We have harper-madison amendment number 2, item number 66, takes out the word not. Is that a section that would apply to both residential and commercial?

>> Yes, but I do have alternative language available to make it only apply to commercial.

>> Harper-madison: That's not necessary. Let's apply it to both, please.

[3:46:34 PM]

Thank you.

>> So, right now the base motion is number 66 and the posting language is for commercial parkland dedication only.

>> Harper-madison: We have to take them up separately?

>> Under item number 53.

>> Harper-madison: Got it.

>> Mayor Adler: Okay.

>> Kitchen: Mayor, I don't think that one has been passed out. I'm having some trouble finding it. Katie - on this end of the dais.

>> If you open the agenda, it's listed. I think it's number 2 under item 66.

>> Mayor Adler: Item number 2.

>> We're not taking that up right now.

>> Mayor Adler: When we get to the one that is both residential and commercial.

>> Okay. Then -- okay. I am withdrawing my amendment with respect to functional one

[3:47:38 PM]

population, because it doesn't do what we thought it was going to do. That I posted this afternoon.

>> Mayor Adler: No one --

>> I understand that. I'm just saying I'm withdrawing that.

>> Mayor Adler: Okay.

>> Is all I'm saying.

>> Mayor Adler: All right.

>> And then if no one's making that, then I have --

>> Mayor Adler: Hang on one second. Councilmember harper-madison. I'm trying to -- were there any other amendments that you wanted to make to the commercial? There were four I had in front of me. One was amendment number 1, 66, that spoke to one whole functional population.

>> Harper-madison: There was amendment number 1 and that was a small business one. And that was amend section 251601 to add the following language and that additional language is a site plan or building permit for commercial development that would produce less than one whole functional population.

>> Mayor Adler: Is it your intent to make that amendment?

>> Harper-madison: It is.

>> Mayor Adler: Councilmember harper-madison makes that amendment. Is there a second to that

[3:48:40 PM]

amendment? Councilmember vela seconds that. Okay, discussion on this item.

>> Harper-madison: Are you coming to me?

>> Mayor Adler: Mhmm. I'll come to you. You have a first chance. If you don't want to --

>> Harper-madison: I'd like to.

>> Mayor Adler: Go ahead.

>> Harper-madison: We know our local and small businesses are struggling with rising real estate and development costs, so this amendment is intended to safeguard them from negative impacts of additional fees.

>> Mayor Adler: Okay. Mayor pro tem.

>> Alter: Thank you. I've been working since planning commission proposed this to try to find a solution that worked, and I thought I had one, which is why I passed out the amendment that started with except for commercial development. It turns out that amendment as written requires them always to give land, which is not what we were trying to do. We were trying to make it so that we could make a small business not pay fees. But if we needed to, they could be required to do land.

[3:49:41 PM]

I am going to ask my colleagues if we can please put this into the stakeholder process. This has actually quite big ramifications -- not so much for the fee part, but for the land part. It's a small amount of land they could be required to dedicate, like .0094 acres, but it is the right size if you needed a trail behind a Starbucks, etc. I wanted to ask if the park staff could speak of how many cases we anticipate we'd have of these. And it might be the floodplain. We would never be able to have the conversation if we exempt them, let alone be able to require it. So, Mr. Scott, can you speak to what you know about the examples and pard's perspective on this amendment? Pard has worked to try to find a way to make it work but the land is the most important part of the commercial, so if you could speak to this issue, please.

[3:50:41 PM]

>> Yes. Randy Scott, parks and recreation department. Pard's biggest concern is losing the opportunity for critical connections. We discussed with law earlier today and they have concerns about not collecting fees for all small businesses but requiring land for a small few. We have several examples probably around a dozen or so a year where a Starbucks or a fast food restaurant will go in that backs up to a creek where we are trying to put together a greenway system, a trail connection. And without that ability to acquire land or require land, we lose that connection and then have to go through another process of acquisition, which sometimes might be an unfriendly acquisition. Or if the site is fully developed out it's just a block on that greenway with water

[3:51:42 PM]

quality ponds or whatever that would not allow pedestrian access behind there. So that's really our concern about that. The fee in lieu of for a small business is about \$4,000 that we're talking about the fee in lieu of for land dedication, but it's really just that loss of the critical connections. And not having -- having that discussion earlier with law and not being able to find a resolution that allowed pard to require land on that small few is our biggest concern.

>> Alter: So I would just ask if we could -- it's a legitimate concern and one that we should be thinking about, but so is the need for the land in these cases. And since we have the concrete examples, I would ask that we bookmark that for the stakeholder process and see if we can -- with a little bit more work and approach if we can try to find a way to address both

[3:52:44 PM]

concerns at the same time. And I apologize for submitting a motion that was confusing things.

>> Harper-madison:vy a

>> Harper-madison: I have a question. I'm trying to figure out, is there any requirement for the city to make the acquisition within a certain amount of time, or does the land just sit there in perpetuity until we decide to acquire it? If there isn't an immediate plan for the acquisition, I'm not following the critical connections component.

>> Okay. So in district 1, walnut creek, it took me a period of 20 years to put together all those acquisitions to make that trail system work. So as that went in and if a commercial development came along and maybe it was a McDonald's came in and built there without a commercial

[3:53:46 PM]

parkland dedication ordinance along walnut creek, they would block our ability to get through and have that walnut creek trail. The acquisition -- we don't have the funding to go after all those parcels in a period of one year or a period of ten years. It takes a long time to build all those acquisitions up together. So, knowing which ones would go to a small business, like McDonald's, or Starbucks, is hard for us to, you know, know. There's not a lot of them. And pard is not against waiving the fees for small businesses and just requiring land, but we couldn't find a mechanism that would allow us to do that, to require land when there's critical sections without --

[3:54:47 PM]

critical connections without requiring land 100% of the time from small businesses. So we tried to work on a resolution, but we were unable to find one that would alleviate that concern of losing those critical connections.

>> Harper-madison: I appreciate that clarification. Thank you.

>> Do I need to make an alternative motion?

>> Mayor Adler: What's in front of us right now is a motion and a second on the harper-madison amendment number 1. That's what's in front of us right now. Councilmember pool.

>> Pool: I appreciate the mayor pro tem's suggestion that we put this into the list of items to be discussed through the stakeholder process. I think that's a good idea. And I also generally support parks trying to maintain the public access so people can walk the trails from one end of town to another. We're working really hard to make that possible for our bike pathways and we're trying to

[3:55:47 PM]

make pedestrian access everywhere in the community. And this is another element for public access. But if we can't resolve this here on the dais, I do support putting it into the stakeholder process for additional conversation.

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: I would like to take it to a vote. I'm just thinking about the implications of small businesses that need brick and mortar. To Randy's point, what if they can't do the acquisition for 10 or

20 years? I don't think we should make small businesses who need access to brick and mortar wait until we're able to acquire the land. And I guess I think eminent domain when I'm thinking about those small parcels, but that are super important connectors. I recognize the validity and importance of the connectivity of the city, but I want to make certain we're not operating to the detriment of small

[3:56:49 PM]

businesses. So I would like to take it to a vote. If it doesn't go forward, happy to see what the stakeholders' take is on the item.

>> Mayor, may I?

>> Mayor Adler: Further discussion on this item. It's been moved and seconded. Mayor pro tem.

>> Alter: Well, I hope that we can oppose this amendment and put it into the stakeholder process. I think there's -- you know, what happens is we get -- the land gets dedicated or we get the easement. It may take a while for the trail to be built, but they know where it's going to be. They can build everything they need for it. And otherwise what's happening is they're building over it and then you can't ever get it. So it's not a question of let's just put it off to eminent domain. This way they're able to build it. It's literally at most it can be for this group is .0094, which

[3:57:49 PM]

which is -- enough for a trail but not enough for anything more. Over time that's going to help small businesses to get people there. Half of the instances are fast food restaurants. We're talking about them as if they're small businesses and they are small businesses, but I don't know that that's what we have in our head when we're talking about it. And, you know, it's -- pard isn't even in the room for the conversation otherwise, because they're not required to do any of the parkland pieces. They don't make them wait. If they do it they know and they know what they have to provide. It might take a little while for the trail to be developed, but they know where the trail's going to be, etc. Because it's a trail, it's not going down the middle of their property. It would be on the edge of the property. Pard would work with them to accommodate that as they do in all of the parkland dedication

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pieces to address things. And it could be, as we're going to talk about with floodplain, that it's a piece of floodplain that otherwise, where you could do something like a trail, but we wouldn't be able to have the conversation for that. So, I hope that people will not support at the amendment.

>> Harper-Madison: The other thing is that the applicant can go and appeal to the planning commission in those instances. I also recognize that the applicant for the small business can make the decision whether or not to give the land to pard. But pard, if I'm not mistaken, can appeal, correct?

>> Pard has the ability to appeal when we are requiring more than 15% of the rough site area. That would not apply to the small business sites. The amount of land that would be owed by small businesses is tenths of an acre, smaller than

[3:59:51 PM]

a tenth of an acre.

>> Harper-madison: I appreciate that. I think that offering the opportunity to go before the planning commission in those few instances where it could get tricky is a good compromise. I would like to take the vote, mayor.

>> Mayor Adler: Councilmember Renteria.

>> Renteria: Mayor, I'm a little bit confused. I have a constituent that is a small business, nonprofit, runs a bicycle shop. And he has land right next to where the future trail is going to be. He's willing to go ahead and give that land for the trail to go through there, but he's stuck because his property is so small. And then there's a parking requirement. He has no cars, no vehicles. A bicycle will be right next to the trail. Because of the land he's required to give to the park and his requirement for parking,

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it's keeping him from developing that piece of property. So I'm just trying to make some sense out of it all. How is that going to work out, you know? Should we be flexible enough where we can exempt him from having to build parking? I don't know what kind of requirement is going to be in the future where he's stuck. He don't know which way to go because he has a piece of property there that he's supporting for a trail, but if he gives up that piece of property, the parking requirement is keeping him from pulling the permit. So I'm very alarmed about how we address these type of issues where are we talking to the other departments about the parking requirements that come along with these type of small

[4:01:52 PM]

businesses that are having problems meeting both requirements?

>> Mayor Adler: Further discussion on this item?

>> Mayor.

>> Mayor Adler: Yes. Go ahead, sir.

>> I wasn't sure if that was a question. Park does coordinate regularly on residential developments currently with transportation and parking --

>> Renteria: It's a small business.

>> We would in the future on commercial sites, but currently we do not because we don't review the commercial sites.

>> Renteria: Okay.

>> Mayor.

>> Mayor Adler: Yes.

>> Vela: So the situation, the complexity of the situation seems to be the exceptional case where there's a small business that is along a creek or is somewhere close to a location

[4:02:52 PM]

where we really want to add a little piece of park or make some kind of connection. Is that correct?

>> That is correct. For example, the one that I think off the top of my head is in your district on little walnut creek.

>> Vela: So, I know prices move, but what would eminent domaining a sliver of land on the back side of a property like that typically cost? Again, use the one you're thinking about in Walnut Creek. What would be the cost to condemn that to our park stock?

>> I believe we have an appraisal currently. We're texting trying to get the value exactly. But the fear about that is when we catch that in the process, because that's just one. But there's hundreds all over the city that we constantly have

[4:03:53 PM]

to, you know, make sure what's going on. We maybe contact that had owner owner -- contacted that owner in the past, they weren't willing sellers. Has the development comes in we have to make sure the development itself and their water quality requirements don't preclude us from making that connection as well, so we can't let that develop out. We have to secure that connection prior to the development going in. As soon as I get that value, I will --

>> Vela: I appreciate it. I know we're coming up with these questions pretty quick. My concern is -- I hate when the exception drives the rule. I support, kind of, cutting out the smaller businesses and trying not to burden small businesses with additional, but I do appreciate the need to get those critical connections.

[4:04:54 PM]

I just don't want to end up burdening every commercial redevelopment in town that's a little 3,000, 2,000 square foot shop with another \$4,000 in fees or something like that. That's just my concerns.

>> Mayor Adler: Councilmember Kitchen.

>> Kitchen: So I think if I'm understanding correctly what's in front of us is as you said and others have said the difficulty is how to address the situation where we want -- we may want access to land. Are we all in agreement that the other aspect of this in relation to the cost to a small business is something we're trying to avoid, right? And the issue is that the language -- so, let me ask staff. What -- is the impact of -- can

[4:05:55 PM]

you explain the impact of Councilmember Harper-Madison's amendment, then, with regard to those two aspects of impact on a small business?

>> The proposal would exempt all small businesses from dedicating land or paying fee in lieu.

>> Kitchen: It addresses both aspects.

>> Yes.

>> Kitchen: What I heard the mayor pro tem saying, I think, is she was interested in finding a solution for the aspect related to the actual land dedication itself, that correct?

>> Erica Lopez, assistant city attorney. I want to clarify the motion that is before the council. It is an exception. It would create an exemption not for a small business but for any commercial development that would produce less than one whole functional population. So it's structured -- the intent would be to capture small businesses if they produce less

[4:06:57 PM]

than one whole functional population. And then if there is less than 3,000 square feet they're not required to produce a site plan. So that's the motion before council.

>> Kitchen: Okay. Well, I'm clear that from my perspective I could see doing an amendment like this to address the potential financial impact, but I also would like to find a solution to still have access to the land. So I'd rather go -- if it's an either/or, if we can't split that with this amendment then I'd rather go with what the mayor pro tem is suggesting to figure that out in the work group process.

>> Mayor Adler: My sense is that's the issue, right. So we all would like to make sure the land can be acquired and we want to make sure the fee

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isn't charged when it doesn't need to be charged. I think that councilmember vela, you make a good point. In the overwhelming number of these cases it's not going to be an issue because it's not like most of our cases where a developer has an adjoining trail associated with them where there needs to be land. We're talking about do we preserve the ability in the small number of cases recognizing that we're going to be charging a fee in the large number of cases. The one good thing we have is that we have a stakeholder process that's going to start right away, and that gives everybody six months to try and figure out the answer to this. So hopefully we're trying to figure out what happens in the intervening seven-month period of time. I could vote either way on this. I'll probably support councilmember harper-madison on this so that we're driving the solution to the greater number of cases, but also this

[4:08:59 PM]

obviously needs to be something that is considered in that stakeholder process. When it comes up.

>> Vela: One further question, mayor. Briefly, the functional population, operation time, briefly describe what that calculation is to we have an idea of what -- there may not be a brief way to do that, sorry.

>> I think the chuckle is how fast you delivered the question, councilmember. Nobody understood you.

>> Tovo: You sounded like an auctioneer.

>> The most brief way is to say the population is the full-time equivalent promise of the new development. It's counting how many employees would occupy the new commercial space, then we discount by relative opportunity to access parkland compared to a full-time resident who's always able to

[4:09:59 PM]

experience parkland in the area. So there's discounts taken into account, that relative opportunity. That's what the functional population is trying to capture.

>> Vela: When we're saying that, basically there is not a functional population, that's when it would be less than one. And those are the kinds of situations that we're trying to say, that is not a situation where we need to impose the fee.

>> Yes. And for a retail establishment that would be 4,250 square feet. Anything below that would be exempted by this. That number would change year to year as those variables in the calculation change.

>> Vela: Okay. Thank you. That was very good, very brief.

>> Mayor Adler: I understand we're talking to councilmember tovo, on 29 and 30 which were pulled, the manager and councilmember tovo are okay with postponing that to our next meeting. Does anybody have any objection?

[4:11:00 PM]

Hearing none, items 29 and 30 are being postponed to our next meeting.

>> Tovo: Mayor, is there anything else one of us has pulled that can be postponed? We're -- we've got discussions ahead for license plate readers and the other items. And it may be time to evaluate other things.

>> Mayor Adler: Let's not interrupt our train of thought with respect to this case. Continuing on in this discussion, councilmember kitchen and then councilmember Ellis.

>> Kitchen: Okay. Just one last thought, and then we can just decide which way we want to go. Would it be possible to take councilmember harper-madison's amendment and have it apply just to the fee? And then we could deal with the question of requirements related to the land aspect of it in the stakeholder process. Or is that introducing too much

[4:12:03 PM]

complexity?

>> Mayor Adler: The question is, when we enter the stakeholder process could we say the small use tracts are exempt from the fee but not the dedication requirement.

>> Trish link with the law department. If council can decide that only land can be required and not the land or the fee.

>> Kitchen: In that instance, in that particular instance.

>> Mayor Adler: Can we say that, in this instance land can be required but not land and fee?

>> Yes.

>> Mayor Adler: Okay. Councilmember Ellis.

>> Ellis: Does any portion of this have discretion from the department director to say, for instance, if one is adjacent to a long-range plan trail that's expected that that one would be required, but if it's not -- is that something that the department director has the ability to waive or dictate?

[4:13:04 PM]

>> That would be a problem. Either everyone -- either all of the less than one functional population need to provide, or none. That would be our recommendation.

>> Ellis: Okay. Thank you.

>> Mayor, just to clarify, because that's where I ended up with my amendment, I have been trying to solve this and not finding a way yet to solve it, but finding more and more that these connections are critical. So we can't do that. We would have to require land of everyone, which we don't want to do for a whole variety of reasons. And again, I don't think it's trivial if we're expecting 12 cases a year where we need these critical connections. We're not randomly pulling where we want a critical connection. These are along determined routes where we have made a

[4:14:05 PM]

commitment in our long-range plan to say we want to build out these trails and connections. And so once you miss those you never get to go back unless Venn you have an owner who's willing to do it or you have the ability, which we don't give pard the resources to do eminent domain all over the city all the time. They're doing that for really targeted situations and it's usually for the last few pieces they need to put together, is my understanding. So there is a small cost to the business with respect to the fee but there is an enormous cost in terms of the connectivity that we lose. And we've talked a lot about the fees over the last several weeks, but it is ultimately the land and those connections in particular for commercial that this ordinance is really about. And it's not a huge amount of

[4:15:05 PM]

land that we would be taking. It's .0094 would be the maximum if they were at, almost at functional one. Mandy, did you want to add some . . . ?

>> I have not received the actual appraisal amount on the question that came in, but we do have in our budget \$500,000 for that acquisition. Just to compare the fee in lieu of is \$4,000 and the acquisition going through the process we have \$500,000.

>> Mayor Adler: It's a complicated issue. Part of the issue is if you make it just the land as opposed to fee you could run into the situation that councilmember Renteria's talking about where the small part of the land renders the tract unable to

[4:16:05 PM]

develop. And that's part of the issue in a condemnation case that the park department was compelling the sale of that. The property owner would be reimbursed for not only the taking of that but the impact on the developability of the balance of the property. And that could be why there's a difference between the two. But in the parks context, if it's just required of it, then they're just looking at land and the parks department could look at it and say we need this land without regard to necessarily what the impact was and it becomes something that's in their discretion, which is why this is something -- why this is the kind of thing that comes back to us as a council or property owner saying this isn't fair, this isn't right. And I think those two situations highlight the kinds of issues that we hear from property owners. It makes it hard. But as I sit here I'm not sure

[4:17:07 PM]

what the right answer is either. Councilmember harper-madison.

>> Harper-madison: I don't know that there's a right answer, necessarily. There's lots of things I'm taking into consideration, including implications beyond the city level. So with all due respect I appreciate the deliberation. I'd like to just take the vote and move on now. Thank you.

>> Mayor Adler: Any further discussion on this? Yes.

>> Thank you. Councilmember Renteria, I appreciate your example. It's an important one and I think that would be certainly something that the stakeholder process could look very carefully at, is whether

you need to have a relaxation of parking fee and option that can happen. And I think there would be a pretty easy way to fix that. And I would be happy to work with you on that for that kind of situation where we were balancing those things, because with the trail you'd be providing the mobility. And I think that could either be fixed in the stakeholder process

[4:18:08 PM]

or it could be something that we could simply write up an ifc that says to do that in that particular situation. It's a little hard with -- since they were already voluntarily doing it to figure out what the right answer is on the dais, but I think there's a solution for this. This wouldn't go into effect until January, so we would have time for that particular example, I think, to resolve that for a smaller lot situation. But again, that would be something that the parks department would know when they're figuring out whether to dedicate the land and where to dedicate the land as they go through the process.

>> Renteria: Mayor.

>> Mayor Adler: Yes.

>> Renteria: I don't have any problem going that way. I think that that could be the best way, because right now he's

[4:19:08 PM]

pretty much stuck where he's at because he doesn't want to build parking. He's more into the environment and building trails. That's his whole goal. But to give a piece of land like that and then be imposed that you have to put parking on there and you can't meet the requirements because now your - you don't have as much land there and you're taking all his commercial space away. So -- but I could really work with that -- with you on that, because I think that that's a better solution, because right now he's stuck, you know. He wants to put that land for a trail and not for parking.

>> Alter: Thank you. We could work on that as a specific example, but also within the broader stakeholder process I think that would be useful. Because we always want to encourage people who want to donate. If he was building we'd want him to get credit for that.

[4:20:10 PM]

>> Mayor Adler: Councilmember Ellis.

>> Ellis: I love this idea. If y'all are working on it, I want to help. I am also supportive of the stakeholder working group. I think there's some nuance here that could help us as we move forward to make sure we're identifying all these different aspects.

>> Mayor Adler: Okay. Let's take a vote. Those in favor of the amendment, please raise your hand. Councilmember harper-madison, councilmember vela, and councilmember Kelly. Those opposed, please raise your hand. It's the balance of the dais. I think that a really important issue needs to be resolved. Let's call that out when we do the direction that we want to make sure this is part of what's considered in the stakeholder process. Let's enlarge the language in that when we get to that direction. Do you have a second amendment?

>> Harper-madison: Are you asking me or the mayor pro tem?

>> Mayor Adler: Do you have one ready?

>> Harper-madison: I do.

>> Mayor Adler: Okay.

[4:21:10 PM]

>> Harper-madison: The second amendment is to section 251603. And that was the one with the "Not." That was the floodplain issue.

>> Mayor Adler: Is that one you want to move or do you want that to be considered in the stakeholder process?

>> Harper-madison: I'd like very much to move that one. I have some commentary on it.

>> Mayor Adler: It's been moved. This is amendment number 2. This strikes the word not be credited --

>> Harper-madison: Towards fulfilling --

>> Did you want it to just apply -- this is the one where it would need to be modified to apply to commercial or it could be considered --

>> Mayor Adler: We're going to consider this in item number 53. It could apply to both residential and commercial. We'll pick it up then. Any other amendments you want to bring?

>> Harper-madison: Yes, I have number 3. I would like to move the topic of addressing the affordability issues for mixed use developments expressed by housing and planning department

[4:22:10 PM]

to the stakeholder process and withdraw my amendment number 3.

>> Mayor Adler: Let's withdraw amendment number 3. When we come back and talk about the direction for the stakeholder process, let's bring that back up.

>> Harper-madison: The affordability component.

>> Mayor Adler: Okay.

>> Harper-madison: Number 4 is direction. The city manager is directed to consider potential future locations of bus and transit stops along transit corridors when requiring land dedication for commercial uses.

>> Mayor Adler: Anybody objecting to that amendment being added? Hearing none, that amendment is added to this item. Does anybody else have any other amendments to this? Mayor pro tem.

>> Alter: I have direction to the city manager to come back to us as the September 29th meeting with action necessary to add the two ftes and update the pard budget to implement commercial pld.

>> Mayor Adler: Any objection?

>> Alter: To clarify for everyone else, the pld funds pay

[4:23:12 PM]

for the positions as they do for other fees. So it's largely not a general fund amendment. I will let you decide about the \$12,000 or so that's needed for the computers, etc., how you want to handle that.

>> Mayor Adler: Okay. Anybody have any objection to that amendment being added? Hearing none, that amendment is added. While we're here, we have previously added the direction to this to engage in the stakeholder process and it was general language with respect to the stakeholder process. I think what we want to do is amend that language to say the stakeholder process should consider but not be

limited to the subject nature of what was harper-madison amendment 1 and harper-madison amendment 3.

[4:24:12 PM]

Also included in that should be Adler amendment 2, which was the one that was -- handed out previously, not today. We're not urging it. It said figure out how to make it so that obtainment might be later in the process. So just to make sure that the stakeholders consider that. Does anybody object to adding those specific directions to be considered, including those but not limited to those items? Hearing none, those items are also included. Any other amendments to this item on the commercial parking -- commercial parkland dedication? Let's take a vote. Those in favor, please raise your hand. Those opposed? It's unanimous on the dais. Good job. Let's stick with this one a little bit longer and see if we can get this, and then we'll see if we can take a quick break here. With respect to the next item, this is item number 53, which is

[4:25:18 PM]

listed as being an amendment to consider both residential and commercial parkland dedication ordinance, it's item number 53. It is version two in backup and listed as the amendment. If there's a second I'll walk us through the process on that. Councilmember harper-madison seconds that. Colleagues, I would first suggest that -- what 53 does is it has all the language that we had --

>> [Off mic]

>> Mayor Adler: Okay. Let's open -- we already -- let's close the public hearing on item 67, which was the parkland dedication on commercial. Is there any objection to closing the public hearing? Hearing no objection on the dais, the public hearing is closed. Okay. Now item 53 which has been moved and seconded.

[4:26:19 PM]

The first thing, colleagues, is I would suggest that we incorporate into this base motion which has both commercial and residential all the changes we made a second ago in commercial so we're not passing anything that differs from what we just passed. Is there any objection to that? Hearing none, those changes are made. Colleagues, with respect to the item that is in front of you as the base motion, this already includes the amendment with respect to exempting affordable dwelling units. This is line 75-79, so that's already in this motion. The language with respect to calculating the fee that we put into the commercial section is also here. It's lines 529 through 538.

[4:27:29 PM]

So that language is already in the base motion. I'd want to add now as concerns this the same direction we just did a moment ago, just in case -- to be clear the direction didn't relate to just commercial. It also relates to residential. ? Any objection to that? Hearing none, that?

>> I don't have any objection but there is a slight difference. One happens in January and wub one.

>> Mayor Adler: Haven't gotten to that change yet but we need to put in that change as well. No objection then to putting in the direction as we adopted earlier with those additions so the direction pertains to commercial and residential. The next change I would like to suggest to you is that we have left out an applicability date as concerns this, so we need to

[4:28:30 PM]

modify 25-1-6 -- to read that in commercial development except -- commercial development can comply -- hotel/motel use will comply for this. ... Any objection to including that?

>> Alter: I just want to clarify that as written that -- that part two only applies in the interim up until January 1st. For the motel/hotel. Is that correct.

>> Yes. We would suggest on or before December 31st.

>> Mayor Adler: Okay.

>> Yeah.

>> Mayor Adler: Do we say

[4:29:30 PM]

[indiscernible] Motel/hotel use up until December 31st, 2022? Up to and including December 31st, 2022.

>> On or before would work.

>> Mayor Adler: Any objection to that being included? Hearing none, that change is also included. Those were all the changes I felt we needed to make. Council member harper-madison do you want to bring up now your amendment number 2 that relates toll commercial and residential?

>> Harper-madison: You bet. I laid out the amendment. It changes the word "Not" and the rationale -- is that what you're asking me for.

>> Mayor Adler: Yes.

>> Harper-madison: The current code allows partial credit for 100 year floodplain. We've done digging and found out there are lots of great

[4:30:32 PM]

parks around the country that utilize land within the floodplain. Examples include almost park and golf course down in San Antonio and smell river front front park -- they provide flood mitigation strategies. Onion creek park is a great example of what can be done with floodplain prone land. This amendment would incentivize dedication over fee in lieu. It will still provide opportunities for dedication outside of the floodplain, protect equally sensitive -- it will provide solutions that the other cities have put in place. This amendment would improve the affordability of the oared so I really do see it as a win/win allnk you.

[4:31:32 PM]

That's a motion. Is there a second? Discussion? Mayor pro tem.

>> Alter: Thank you. I totally agree there are times when land in the floodplain can be used for parks. I want to offer a slight alternative way of getting to the same thing because we do in fact already allow

for credit in the 25 year floodplain. It's further down in the oared. It's in section D of 251-603, which is reproduced for you on my motion sheet where it says land identified on the parkland map maintained by the parks and recreation map that does not otherwise apply may be accepted as dedicated parkland [tapping sound]. 50 acreage

[4:32:33 PM]

maybe required. Unless it complies section 25-603-d because there are times when you don't want the flood plan. It can be dangerous, other types of things. I can -- I'm happy to have staff speak more to that if we need further explanation. I'm hoping that will be friendly if this does have an effect of adding more certainty and clarify for that being possible for the 25-year flood but the practice has been, you know, where it is floodplain that adds to the recreational environment that they would accept that for credit. >> Harper-madison: I have some concerns, and maybe staff generally can help me with this. My concern is that the alternate amendment makes the intent of my amendment

[4:33:35 PM]

inoperative. It would limit the ability for the 25 year floodplain to receive credit which is counter to the intent of my amendment.

>> Alter: Staff can speak to that.

>> So the alternate amendment, as I understand it, the way she just read it, would still allow us to provide credit in the 25-year floodplain. It would provide more certainty. So the crossing out "Not" creates an ambiguity -- how much credit can we give the 25 year floodplain. The way it's written, it refers down to D which lays out if there's educational and recreational value. I think the other concerns is that it could -- we don't want to be crediting land that could be dangerous or hazardous for the public. We want to make sure the land

[4:34:39 PM]

is accessible, Ada accessible, not prone to flooding, erosion -- not dangerous for people to be occupying. We want to make sure that in D it lays out if it's, you know, functionally parkland. We can provide credit to it. There's a way to do that.

>> Harper-madison: I appreciate that. I guess what I'm asking is can you say definitively that it won't severely impact the ability to collect the fees for 25 year floodplain.

>> It would not, no. It would provide more clarity to the applicant to say if your land provides these recreational values, these educational opportunities -- is not dangerous for the public to be occupying we could certainly give credit towards those. That's what --

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

>> Mayor Adler: We have an amendment that's been seconded.

[4:35:40 PM]

>> Alter: Do I need to make my motion? I'd like to make my motion as I passed out on a motion street called "Floodplain crediting."

>> Mayor Adler: Mayor pro tem makes an amendment to the amendment consistent with her motion sheet on floodplain crediting. Is there a second to the amendment to the amendment? Council member pool seconds that amendment to the amendment. You can address it first, if you want to. If you have other things you want to say?

>> I think I've said what I want to say. I think that this provides more certainty and more clarity. It refers to specific situation under the conditions under which we would provide the credit. I'm not -- I can't think of an example where you want to give credit that wouldn't fall under that, and I think very broadly

[4:36:41 PM]

credit has been provided for that land in every instance that I've seen where it's been safe and there's been some kind of recreational value, and I think they have recognized that. Obviously there's -- nature has value, et cetera, but there are times when it can be very, very unsafe as well. So it provides opportunity and certainty and the balance, and I think addresses the concern that was raised and reflects also practice while making it more certain and clear.

>> Mayor Adler: Further discussion on the amendment to the amendment? Council member Ellis?

>> Ellis: I have a question. It says the land will provide recreational opportunities for the surrounding community. Is that intended to specify a regional -- could it say recreational or educational

[4:37:41 PM]

opportunities?

>> Alter: That's what's in the oared.

-- That's what's in the ordinance. I didn't make that up. It's already in there.

>> Ellis: It could be?

>> That's the way it's stated.

>> Ellis: It doesn't say benefit the larger community and not the immediately surrounding community, like a neighborhood versus anyone in the city.

>> It could be.

>> Ellis: Sorry. The Mike turned off.

>> Sorry. Yes. The way it currently is stated in code is the way you read it out. There could be an educational -- probably one of the educational facilities you might see in the floodplain. Might be plant identification tags or something like that where you could educate people on types of trees along the way. That could benefit the larger community, but it is particular

[4:38:42 PM]

in -- the surrounding community that has direct access to it. So -- basis of parkland dedication.

>> Ellis: Wanted to clarify we're not exempting some people based on proximity.

>> That's correct.

>> Ellis: Thank you.

>> My read of the mayor pro tem's addition -- isn't it redundant? Saying C is refereneing D -- doesn't it maintain the status quo? Like, in other words, the way I'm reading it says 25 year plain within the 25

year floodplain may not be credited. That's how it reads right now. But D says it can be under these circumstances. C says -- clarifies that we can refer to D and allow it to credit. By my read this changes

[4:39:45 PM]

nothing.

>> I believe -- I think the goal of council member harper-madison's work session that I understood is she wanted in certain situations them to be able to credit the 25 year floodplain. They've been crediting in certain situations the 25 year floodplain since 1985. What we were trying to accomplish is a wording that directly referred -- instead of taking that language and changes it, making it more understanding for I guess the development community, that we could credit the 25-year floodplain, maybe bring incentive to developers to do plant identification or nature trails where it is feasible. Many times the 25-year floodplain is just the bed of a creek where you can't access it

[4:40:46 PM]

on a straight drop-off or something like that. Situation we couldn't credit the 25 year floodplain because you can't get there or access it. I think both amendments were trying to accomplish the same thing -- to bring credibility to the ability to credit the floodplain.

>> Vela: My sense of it is floodplain land is some of the most ecologically sensitive and really from a broader environmental point of view some of the most valuable land. My sense would be that I would want that to be city land so that it's under our care and control so that we can protect it so that we can clean it, maintain it, so that we can -- I guess -- I'm not really getting why we would want to exclude even like I said the bed of the creek. I understand you're not going to put a basketball court or

[4:41:48 PM]

something like that in the middle of a creek. But creeks have great value. Myself -- I can think -- Barton creek, for example, as where -- you know, everybody really kind of hangs out and plays in the middle of the creek. I've gone with, you know, my kids -- you know, go -- today poles and minnows and fire flies -- you know, I mean that to me is some ecologically sensitive but rich in educational opportunities. So to me I don't know why we wouldn't want that within our parks land. Again, knowing that we're not going to do anything with it in terms of development. I mean, why do we want to exclude it.

>> To be clear, we do not want to exclude that and I think those examples you gave are great examples where we would credit the 25-year floodplain. Maybe something -- example where we would not credit the floodplain would be in po's district -- it runs through his

[4:42:48 PM]

district and the 25-year floodplain consists of -- we wouldn't want the community to -- wouldn't want to have to accept that as parkland and look that neighborhood in the eye and say your park is at the bottom of the creek. There's a different in saying you have to accept that or may have to accept that.

>> Vela: I appreciate the comments and understand it's not developable land in where we can put amenities but the ecological value of the land to me really outweighs any other considerations and I

would want to bring it within city ownership and control so we can first and foremost protect it and ultimately, you know, potentially remediate it if it has been been mistreated in the past. I think -- I mean, I --

[4:43:49 PM]

honestly I have another amendment which, you know, moves it to "Shall." Because again, to me, this seems to be the most environmentally sensitive land and on the contrary, you know, I don't want to think about not accepting it. I want to accept it so we can care for it and protect it. I support the amendment. I strongly feel that we should even make it stronger to put a "Shall" in there, but it's -- I don't know the area enough. I mean, in terms of parkland dedication to really say what the draw-backs of that would be. I mean, could -- what would be -- again, I?

>> I do want to make clear that usually through the process water shed protection department does require a

[4:44:50 PM]

drainage easement over that entire 25 year hundred floodplain and majority of the time we do require - or code requires if we are accepting the 25 that the adjacent hundred be dedicated as well. 25 year floodplain while sensitive is limited in what you can do for recreational aspects. Usually one of the opportunities we may have is to design something that goes down to the creek and just have an overlook and turn back around and leave. What we didn't -- you know -- stuff like Barton creek green belt where there are trails throughout the floodplain and water shed is constantly worrying about erosion problems.

>> Harper-madison: You trailed off towards the end there.

[4:45:52 PM]

>> I'm sorry. I missed the question.

>> Harper-madison: You sort of trailed off. I didn't hear the last part of what you were saying. Like the last eight words.

>> Barton creek green belt -- yes. Barton creek green belt, the existing trails in the creek had severe erosion problems, due to them being in that sensitive area of the 25-year floodplain and controlling that -- taking a walk with water shed out there, they will let you know about the issues and that it's not a great example of recreational in that area. Very popular, though. >>

>> Mayor Adler: Okay. The amendment to the amendment is in front of us from the pro tem.

[4:46:52 PM]

Any discussion before we vote? Council member harper-madison.

>> Harper-madison: Thank you. I appreciate it. I'm trying to wrap my head around the details here. It feels like -- boggy creek is existing parkland. That's publicly held so nobody could use that for parkland dedication. I'm trying to picture an instance that is applicable. At the EPD of the day, I'm just -- I feel like floodplain land is really perfectly adequate parkland, and I don't want to miss the opportunity. So I --

what I'd like to ask, though -- is there anybody from water shed with us today? I'd like to know what their thoughts on the item are. And if they support sort of a robust approach to crediting floodplain land.

[4:47:52 PM]

You're not water shed.

>> I know. This is going to be a little interesting. Just moved over to housing as assistant director. She just happens to be here and she can speak to it.

[Tapping sound].

>> Mayor Adler: You all may have thought you moved on.

>> I'm interim assistant director speaking on behalf of water shed. They support the dedication when the adjacent 100 year floodplain is dedicated to bring all the floodplain land under more city control and allow additional options and protections for that area. We are neutral -- water shed would be neutral on whether dedicating the 25 year floodplain grants credit. It's my personal understanding that dedicating it is required

[4:48:53 PM]

when the 100 floodplain adjacent is dedicated but may not always receive credit, depending on the functionality of the floodplain for parkland purposes.

>> For park purposes and depending on the adjacent hundred year floodplain property? Those two considerations simultaneously.

>> I would defer to parks. I do not think it is required if the adjacent 100 year floodplain is not also dedicated. I think it's to avoid having a gap if the 100 year is dedicated.

>> Harper-madison: I understand. Thank you.

>> Mayor Adler: Mayor pro tem and council member tovo? Council member tovo, do you want to go first?

>> Tovo: Sure. I want to capture what I think I understand is the difference here. And I want to get back to

[4:49:54 PM]

something that Randy Scott said. So we have a program through water shed and through our land acquisition, through bond acquisition to buy lands that are environmentally sensitive we want to protect for water quality reasons or environmental reasons and those are happening through water shed protection and other functions. The land that we're talking about accepting as parkland dedication is land we expect to function as a park. So to me that's fundamentally what I heard you describing. I mean, you used the example of being able to look the community in the face and say this is -- this is -- this has the ability to be a park. It is -- or to serve as parkland. It's different from taking that land in to remediate it because it has concrete on the bottom. Is that the upshot of what you were saying with that example - that your function -- the function of the parkland dedication is to take

[4:50:55 PM]

in land we expect people to be able to reek yat on and enjoy on and run on and we're not taking it in for environmental or mitigation reasons.

>> Yes. That is correct. The community is very aware of the parkland dedication requirements. And they watch site plans and subdivision and zoning cases going into their neighborhood. Many times when they're upzoning a piece of property -- along creek and harper-madison's district, that benefit of getting that park is what encourages them to support the zoning case. So, yes, having quality park lands where we can develop a forward mirror of neighborhood park amenities, the play scape,

[4:51:58 PM]

pavilion, loop trail, open field play, fencing to keep kids from running out into the street are things that can't be done in the 25-year floodplain. That's --

>> Tovo: I'm sorry. I didn't mean to step on your words there.

>> I think I hit the Mike shut-off a little quick. Those are things that cannot be done in the 25-year floodplain, so that's the reason it has a -- you know, an option to credit it to when it rises above and beyond where we can or it's a critical environmental feature or offers, you know, exceptional fauna that we want to protect. I think that's an option when we give credit towards the 25-year floodplain

>> Tovo: I think that's important. We have different reasons for different programs, and this one is about creating usable space that people can enjoy,

[4:52:59 PM]

and we need to equip our staff with the tools they need through this policy action to be able to do that and to be able to make decisions about what is not a usable area of parkland. I think -- council member vela, you asked -- I'm not going to remember your wording but what the down side of this policy might be. One down side might be that you might end up with having to accept land incapable of functioning as parkland. Then we're required to maintain it and in addition to not having space that's usable we also may have costs associated with using the land or doing something better with it. I can't support that path.

>> Mayor Adler: The amendment to the amendment. Any further discussion.

>> I really appreciate where everyone is coming from on this. I think we have a couple of options on the table trying to balance the need for park space with land that may be usable.

[4:53:59 PM]

I like that council member harper-madison says may credit so it allows for the discretion to be able to figure out if and when that's appropriate. I'm likely to support that one if it's still on the table.

>> Mayor Adler: Okay. Any further discussion of the amendment to the amendment? Take a vote. Those in favor of mayor pro tem's amendment to the amendment? Go ahead.

>> Alter: I wanted to reiterate what I think is on the table. The motion before us -- yea on this is for my amendment, which still allows there to be credit in the 25-year floodplain. It's just providing actually more specificity to say when they can. So it's my understanding one of the clear things we were trying to

accomplish is to provide more certainty to developers. The way I've drafted this allows somebody reading this

[4:55:00 PM]

who's not seeped in our parkland dedication to see there are circumstances where they could get credit in the 25-year floodplain, so it is -- you know, harper-madison said you may do it. It doesn't tell you when or under what circumstances -- provide any of that guidance. This is a nuance but I think it does provide greater certainty for folks in that regard.

>> Mayor Adler: Council member Fuentes?

>> Fuentes: If we amend the mayor pro tem's amendment to the floodplain crediting amendment, how does that change what council member harper-madison has before us?

>> Mayor Adler: It would be -- I took that as an amendment to strike and replace, so it would strike the language offered by council member harper-madison and replace it with the language from the mayor pro

[4:56:02 PM]

tem.

>> Alter: I'm putting the "Not" back in and saying you can't do it unless you meet the criteria laid out in the next bullet. Again, this is a nuance and it's really providing -- again, I intended this as providing something that would provide the certainty and the information to the twop Eric -- developers in a clear way under what circumstances we would provide with partial credit. If we say "May" it leaves it open and makes it confusing. Because there seemed to be confusion over what we did and didn't do, I provided with the other code part so you can see where you can do it and this legally and grammatically and substantively, I think, provides what we were trying to accomplish in my view.

>> My next question is for our

[4:57:04 PM]

staff here. If you could weigh in -- I mean, I would want to know if you prefer a more clear -- I guess more specificity in the direction as to when to accept this type of crediting or would a more -- would -- I mean, not to make either/or but I would like your thoughts on what would be the best approach in this case.

>> I think the best approach is to provide more clarity so when an applicant comes in they know under what circumstances they may receive credit for the 25-year floodplain as outlined in D. Without that reference, it sort of leaves it open ended and there is no sort of clear path forward. It just kind of adds to the review time, adds to the time that they're fitting the development process. Further, if we're referring to D, it lays out the incentives for the applicant to provide this 25-year floodplain that does have those recreational values, such as the plant I.D.,

[4:58:06 PM]

maybe a trail -- you know, things that would actually provide recreational value in the 25-year floodplain.

>> Thank you.

>> Mayor Adler: Okay. Further discussion on the amendment to the amendment? Council member vela?

>> Vela: Have you ever not accepted 25-year floodplain? Without giving credit, I guess would be the question.

>> I might get you to repeat that. I believe we have always required the 25-year floodplain when requiring land.

>> Vela: But have you accepted it and not given the 50% credit?

>> Not the hundred-year floodplain. The 25-year floodplain we have accepted it and not given a credit, correct.

>> Vela: You have done that before?

>> Yes.

>> I think on the statesman,

[4:59:08 PM]

it's lake Austin, they're not giving credit for it.

>> No, yeah, the Austin American statesman, their parcel extends underneath town lake, or lady bird lake. And that's in the 25-year floodplain. For example, they're getting zero credit for that portion of property.

>> Mayor.

>> Mayor Adler: Yes.

>> Harper-madison: I'll close with this. It's almost 5:00. In large part, I see the amendment to the amendment amending it back to how it's already written. Is that a fair assessment?

>> It just expands it so there's not a prohibitive clause in the ordinance. It makes certain that the 25-year floodplain may receive

[5:00:09 PM]

credit.

>> Harper-madison: Both amendments?

>> Both amendments. But the amendment to the amendment provides --

>> Harper-madison: More clarity. Which I understand, but I also think it provides less flexibility, which concerns me some. And I know that I really, really appreciate the level of expertise that gets applied to these considerations, but I happen to be lucky enough to have friends who are these kind of wonks and there's some degree of real risk aversion, in which case we might be missing out on some opportunities for affordability. I think it builds in more affordability when we're not -- builds in for affordability for the parkland dedication component when we're not allowing -- by allowing, rather, property owners to receive the dedication for that 25 year

[5:01:10 PM]

floodplain and reducing those dedication requirements for some of the projects. At the end of that we get more affordability. I want more affordability and flexibility. So for what it's worth, I won't be voting for the amendment to the amendment, but fully prepared to move forward if my colleagues are.

>> Mayor Adler: Let's take a vote. Those in favor of the amendment to the amendment, please raise your hand. Councilmember pool, councilmember Fuentes, councilmember tovo, kitchen, Kelly, and the mayor pro tem. Those opposed, raise your hand. One, two -- those abstaining. On a 6-4-1 vote, the amendment to the amendment passes.

>> How did you vote, mayor?

>> Mayor Adler: I voted against. Councilmember Ellis abstained. 6-4-1 vote. It passes. Okay. Now let's vote on the amendment

[5:02:11 PM]

as amended. This is now the amendment as amended by the mayor pro tem. Those in favor, please raise your hand. Those opposed? I see it as being unanimous. Are there any other amendments to this combined parkland dedication? Yes.

>> Sir, sorry, mayor and council, do we have permission to resolve any discrepancies between item number 66 and item number 53 if they so exist between the provisions?

>> Mayor Adler: You do. Shouldn't be any because they're both the same base motion and the first thing we did was incorporate all the changes to the first to be brought into the second.

>> There was one provision to calculating the fee rate that would apply it to residential. That was included in number 53 and not included in number 63. So there's one additional provision change.

>> Mayor Adler: That's correct. Residential was something we

[5:03:14 PM]

didn't add on the commercial side because that was the one that talked about affordable housing, yes. That only relates to residential. Mayor pro tem.

>> Alter: I want to clarify that we're doing that on things that are not substantive, but to make the intention happen. If we miss something since we did this --

>> Mayor Adler: The only thing we're talking about is the residential change.

>> Alter: Okay. Thank you.

>> Mayor Adler: That's the only one that is the difference.

>> Alter: Thank you to the legal staff and pard staff who have been working closely with us on this process. And to my staff and to the mayor's staff, with of been working closely on this for many weeks now. Thank you.

>> Mayor Adler: Okay. All right. Moving forward, colleagues, thank you all very much. Colleagues, it is 5:05.

>> Alter: I think we have to vote.

>> You haven't voted on 53 and we need to do the fee ordinance.

>> Mayor Adler: That's right.

[5:04:14 PM]

Thank you. So now with all the amendments all in line, let's take a final vote on item number 53. Those in favor of closing the public hearing on item number 53, please raise your hand. 53 passes unanimously and the hearing is closed. Now let's take up the fee item. Sorry about that. I think that was 59. Is there a motion on 59? Councilmember Ellis.

>> Ellis: Is this the appropriate time to make a motion?

>> Mayor Adler: Yes.

>> Ellis: I move passage of item 59. I passed around an amendment that proposes a compromise of only a 10% increase over the fees that we passed during the budget cycle, which were extending last year's residential parkland dedication fees. I think this strikes an appropriate balance. If I get a second, I could speak more if people need me to.

>> Mayor Adler: Seconded by councilmember Fuentes.

[5:05:16 PM]

Discussion on the motion to set the fees? Let's take a vote. I'm sorry, councilmember pool.

>> Pool: I was going to say I was looking for a compromise that we all could vote for and it feels like the 10% could be that today.

>> Mayor Adler: Councilmember Ellis?

>> Ellis: Yes. I wanted to daylight I appreciate everyone working really hard on this conversation. I know none of us want to pit funds for park space against housing affordability in this community. There are folks who ideally wanted to stick to the numbers that they originally had proposed, but I hope we found a workable compromise knowing that it is our responsibility to make sure we have access to park space, but that we don't disproportionately create a situation where housing doesn't get built and, therefore, we also don't get the park space or the fee in lieu to go along with it. I hope we have struck this balance with 10%.

>> Mayor, council, before you

[5:06:17 PM]

make your motion on item number 59, would it be possible to amend exhibit number 2 to add a footnote to the commercial rate just to make it clear that it would be applicable starting January 1st since that's the effective date you adopted in item number 53?

>> Mayor Adler: Any objection to making that part of the motion?

>> January 1st, 2023.

>> Mayor Adler: Part of the motion. Thank you. Any further discussion? Yes, councilmember harper-madison.

>> Harper-madison: Thank you, mayor. I appreciate councilmember pool's commentary about trying to get close to some kind of a compromise here. So on this one, just in light of the steep increases in fees recently, hitting the pause button while the stakeholders process happens over the upcoming fiscal year is the right thing to do. However, I understand the majority of the dais does not support a wholesale freeze for an entire year. Given that, I'd like to offer my

[5:07:17 PM]

support for an increase that reflects the inflation accounted for in the consumer price index, which is roughly 10% for fy23, so I'll support this item.

>> Mayor Adler: Okay. Yes, mayor pro tem.

>> Alter: I'm going to support this proposal, but I will say I am disappointed. The cost of land is going up way more than 10%. That's what we're trying to purchase with these fees. It's not just going up for developers, it's going up for our community. And every time we want to purchase a park it's going to cost us more and we're going to have less resources to do that. When I proposed 25% that was already factoring in quite a long way and every 5% is a pocket park. It's a development of a park. So there are also on the parks side, there are also real

[5:08:17 PM]

consequences of not doing more. I understand this is where we have landed as a dais, and I am glad to see that we will have an increase in the resources. In the interim, as we go forward with the stakeholder process and for those who are remaining on council, I would invite you to take a look at the storyboard that the parks department has for the parkland dedication process and take a look at your district and see where this has contributed to access to parks in your district. And try to understand how some of those future projects will be impacted by the choices that we make through the stakeholder process. I know a number of you have talked about how important this is in your district and I just think that sort of concrete knowledge -- they've put together a lot of resources about where this is and how this

[5:09:19 PM]

is helping in equity where we're making these investments, etc. So I would ask that as we move forward that folks take the time to understand some of those things. It's complicated. There's a lot of tradeoffs. I believe we could have gone up to 25%, especially with the amendments we made with respect to affordable housing, but I am pleased that we are moving forward with an increase of 10% today.

>> Mayor Adler: Favor of the motion, please raise your hand. Those opposed? 10% is -- Ann, do you want to vote?

>> No. I don't like the fee increase.

>> Mayor Adler: Councilmember Kelly voting no, the others

[5:10:20 PM]

voting aye to the 10% increase with a footnote to have the effective date for the commercial fee. That now passes. I think that's all the parks stuff. Okay. I'll let you guys go a second time.

>> Thank you.

>> Mayor Adler: Thank you. A lot of work and a lot of time. All right, guys. I'm looking at this in terms of I think that we have the castleman-bull house and the convention center garage fee that we can take up. There's also been a request to let people make comments on the consent agenda. At 5:30 we're going to stop to do proclamations and to go to the restroom and try and grab dinner. My question, do you want to launch into castleman-bull house, or the consent agenda and then take a break? The second one appears to be what people want. So, we're going to let people make comments with respect to the consent agenda and then

[5:11:20 PM]

we'll take our dinner break. What I am showing for us still to do is the castleman-bull house 54, convention center garage fee which is 55. We have the police oversight act which is 86, 87, 91. We have the license plate item, 56. And then we have four other items -- item 26 is the legislative agenda, 29 is the il -- no, we postponed 29 and 30. So just two other items, item 26 and item 90, which the south central waterfront regulating plan. I think those are all the items we have. Did I miss something?

>> Tovo: Does the legislative agenda need to be done today, or is that going to be fast?

>> Mayor Adler: I think it will be fast.

>> Tovo: Okay.

>> Mayor Adler: And I think the regulating plan -- I don't know, I would assume that would be fast. Councilmember kitchen?

>> Kitchen: Well, I don't know

[5:12:21 PM]

what order you're planning on taking the remaining ones up after the dinner break, but I'm hoping that the alprs will not be the last item since it's something that we've been working on for quite some time.

>> Mayor Adler: I agree with that, too. We're going to get those done tonight. We're going to get the policing matters done tonight because we need to. We're going to get those done tonight. Does anybody want to make any comments on the consent agenda? Councilmember Kelly.

>> Kelly: Thank you. I want to briefly talk about the pang -- passage of item number 52, a resolution I authored related to human trafficking. I want to start about how this resolution came about. Months ago I rode out with the constable's office. I went into an encampment with a constable. I met many people living there, including a woman experiencing homelessness who I later learned was a victim of sex trafficking. It absolutely broke my heart as I learned more about her situation and what struggles

[5:13:22 PM]

she's gone through. As a council we've discussed at length the complex problems that people experiencing homelessness face and human trafficking is another vast challenge. I hope in passing this resolution, which we did, thank you all very much, colleagues, we're giving the whole community, all of Austin, tools to learn about and help support our most vulnerable populations. In passing the resolution, our council affirmed our policy statement that as a council we condemn the on-going exploitation and profit from human trafficking, and human trafficking comes in different forms. Council will be directing the city manager to provide appropriate resources to vendors who do business with the city and encourage training to ensure they have the skills to recognize indicators of individuals experiencing homelessness at risk of human trafficking. I will say that advantages who -- individuals experiencing homelessness are not the only one at risk of human trafficking. If you have time to read through the resolution, you'll learn

[5:14:22 PM]

quite a bit about this awful, awful thing that happens all around us. I am encouraged because the city will work with the chamber of commerce to encourage local business participation in educational programs and support victims of human trafficking through referrals to available support services. This resolution also requires that the city of Austin post indicators of exploitation and trafficking and permanent supportive housing, bridge shelters, or overnight shelters owned or operated in the city. I want to thank my cosponsors for their support, thank my staff for their support, the constable's office for their homeless outreach and bringing this to my attention, and to S.A.F.E. Austin for their support on this item. There is a letter in backup from them. I want to speak directly to the woman I met in the encampment. First, I want you to know you're not to blame for what happened to you and you didn't deserve it at all. I want you to know our city council is committed to ensuring

[5:15:22 PM]

their support for your healing process and that of others in your situation. Thank you.

[Applause]

>> Mayor Adler: Thank you for your leadership on this issue, councilmember. Further discussion and comments on the consent? Councilmember kitchen.

>> Kitchen: I just wanted to say that I appreciate the opportunity to cosponsor item 52 related to human trafficking, and I want to thank councilmember Kelly for her leadership bringing this forward, recognizing the need for this and something that we can do at a local level here at the city council to help address this situation. So, thank you.

>> Mayor Adler: Mayor pro tem.

>> Alter: Thank you. I'll just join my colleagues in thanking councilmember Kelly for her leadership on that resolution related to trafficking.

[5:16:22 PM]

I wanted to highlight item number 3, which relates to Austin water management. I'm chair of audit and finance, and this is refinancing that's going to save Austin ratepayers tens of millions of dollars. And that's going to strengthen the financial resilience of our utility, which needs to be strengthened. I appreciate that. They've won some national awards and I just want to applaud it so that we can continue to take these important steps. I also want to highlight item 18, our workforce development contracts funded by arpa dollars. I'd like to acknowledge my colleagues for their support of the framework. These are contracts that are estimated to enable over 1100 austinites to be trained for high-demand career paths that pay living wages with benefits and advancing manufacturing. I did want to call attention to the manager to something in the

[5:17:25 PM]

budget. I talked about additional workforce contracts and had a budget rider that said that we needed to have long-term workforce development for funding that was set aside. And the response that I got in the q&a with respect to this item for the timing of when those contracts would be let was for summer of 2023. This was unanimously approved by council in my budget rider and I'd like to see those more expeditiously let. They're contracts that we've long-managed to deploy effectively and it's not the first

time having these contracts out there, so I'm concerned about us not approving these until the summer of 2023. The arpa dollars are supposed to be additive, doing no additional things. They're not supposed to be substituting for other work. I would ask the manager and Ed

[5:18:28 PM]

to give me some more information about what that process is moving at such a slow pace. Thank you.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: Thank you, mayor. Item number 32 that we passed is a contract for Jane's due process, the \$150,000 line item that over the years councilmember pool has worked with me on that and councilmember Fuentes has been joining in the fight with the rest of us. And this is the \$150,000 line item that year over year has been used to help people access abortion services, other healthcare services. So as we know, the state of Texas continues to move the goal post and infringe on people's human rights when it comes to sex education and pregnancy. And we are not backing down. We are going to continue with sex Ed. We are going to continue with all of the resources that we can possibly use to educate the general public on what rights they have as individuals and to make sure that the city of Austin is a leader in standing up for what is overwhelmingly a

[5:19:30 PM]

Texas value. There is another item on our agenda I wanted to flag. On number 58, we were setting the public hearing for the environmental drainage landscape and site plan requirements -- I'm happy to put this on for a public hearing, but although the environmental commission is generally agreeable, they wanted more time to vet concerns that might be incorporated. I'll be watching to make sure if they make a recommendation, we should be good. But if it might need to be postponed, I want to be mindful of those dates.

>> Mayor Adler: Councilmember Ellis, I appreciate you raising that. I had some of the same issues. There was concern when that was initially in front of us. We didn't anticipate the landscaping requirements were going to be applied downtown. I'm not sure how some of those work downtown. We're looking to have all the buildings downtown with green roofs.

[5:20:30 PM]

So there's an issue that I thought might have been more appropriate to come in that second wave we're talking about where we asked to balance some of the affordability issues with the environmental protections that we're getting, akin to how we looked at that when we were doing the land development review process. That was one we didn't capture. We didn't think it was going to be part of what was coming back to us, but it is. It's going to leave us having to address that issue as well. I appreciate all the things that people have mentioned so far that we discussed. We have multiple items with contracts dealing with people experiencing homelessness in our city -- items 34, 36, 39, 40, 43, 48, 88, 89. Again, doing a good job of moving us from a place where we were not able to do really

[5:21:31 PM]

anything other than what -- the stream we were currently working on. And it's changing now, and we're building considerable capacity. I note the article that was in today's Austin American statesman or yesterday that pointed out that roughly a third of people that are getting the housing in the initiative are not staying in those temporary places. And I want to note that it tells me two things. The first is, is that until we actually have a place for everybody to be able to go, until we can move people into emergency and rapid response places and pull them out and really be able to make good on promises that we have places for everybody in our city to be, those shorter-term solutions or interim solutions are never going to be as effective as they can be. But we're living in a community now and investing money along with our other partners and the other donors to build out that

[5:22:33 PM]

infrastructure. But you can't snap your fingers and make it appear, so we need to keep building on that. And that will help with that success rate. I'd also point out that the other number that wasn't really pressed was the number of people who we've taken off the street and have gotten into housing. They stayed in housing, which is a bigger number of those people. And that's delivering on a commitment that we've made to them and the larger community. I appreciate everyone's work in helping us to realize those successes. Councilmember kitchen.

>> Kitchen: Thank you for bringing that up. I want to -- some of the news reports have not provided the complete picture on H.E.A.L. I want to specify. The numbers are that 28% have exited not to housing.

[5:23:34 PM]

I mean, there have been a number of -- I won't even say the numbers that have been thrown out that are not accurate, but it's 28%. To me, that still shows a very successful program. And as you point out, mayor, that doesn't, you know, the numbers that are discussed don't account for all the people that are no longer on the streets and inn campments. We closed ten encampments with H.E.A.L. To date and helped over 300 people so far. And your point, of course, is well-taken. We need to continue to -- continue our efforts to make sure that there is housing available for folks to go to, which will shorten the amount of time that folks need to stay in bridge shelter. So thanks for bringing that up. I wanted the opportunity to clarify that. I think that the reporting on the issue has not been completely accurate, so I wanted to just say that.

>> Mayor Adler: Thank you. I would conclude with while it's not an item on our agenda, my

[5:24:34 PM]

colleague is wearing his Austin fc shirt today. And remembering the very late night 4:00 in the morning vote we took not too long ago, Austin fc qualified for the playoffs last night in winning their game. And we're excited about that.

[Applause]

>> Mayor Adler: Anyone else have any comments on the consent agenda before we move on? All right. That being said, let's go into recess here at 5:24. Do we want to try and come back out at 6:30? Let's try that. 6:30 we'll try to come back. See you all then.

[5:35:20 PM]

>> I'm going to go ahead and read the proclamation. So, why don't we all gather over here and then when we're done, we'll take some photos. I am councilmember tovo, I have the great privilege of representing district 9. I'm here with mayor Adler and my colleagues councilmember Renteria and mayor pro tem alter to provide the following presentation and proclamation. This is a really good news story, and as I read the proclamation you'll hear some of the challenges that led to this really happy circumstance. So, sometime during the pandemic, Sarah Hickman alerted the community at large through her Facebook page and through lots of other means as well, and many of you know Sarah, a singer/song writer, well-known

[5:36:20 PM]

and a community leader in Austin. Unfortunately, she can't be with us today, but she'll have an opportunity to celebrate tomorrow at the opening at the opening. she alerted the community that these murals were in jeopardy. Thus, she launched a campaign that involved many of us here today that resulted in a really happy outcome. I'm going to read the following proclamation. Whereas the origins of medicine murals by Rafael Navarro Barajas were commissioned by a community leader, developer, and philanthropist for the tower at 1301 west 38th street and have been a part of Austin's history for more than 55 years, and whereas the murals depict the doctor's role of responsibility, commitment, and love of humanity, the family whose care and well-being are the principal concern of medicine and the

[5:37:21 PM]

compassion for the patients, and whereas hundreds of community members -- and I do mean hundreds of community members, stakeholders, musicians, artists, the media, local and county officials combined efforts and became involved in the advocacy to save the murals, and whereas the civic advocacy inspired the daughters of Hague, Jennifer Hague, Patricia Hague, Charlotte Hague, and robin Hage to preserve the murals, and whereas the museum is dedicated to enriching the community for the collection, preservation, and interpretation of Mexican, latinx, and -- Latin American culture, and whereas the daughters donated the murals by Rafael Navarro Barajas to the museum this summer, and whereas the preservation of these murals

[5:38:22 PM]

is of great importance and culture significance for the Mexican, mexican-american and general communities of Austin, and whereas the public may now view the murals at mexikarte museum, now, therefore, I, Kathi tovo, do hereby proclaim September 16th, tomorrow, 2022, as the origins of medicine murals day in Austin, Texas. Congratulations.

[Applause]

>> Tovo: And a very grateful thanks. We're honored to have here today member of the Hage family as well as the director who's going to say a few words about tomorrow's opening, where the public will have an opportunity to see these. So, director.

>> Thank you so much, councilmember tovo, mayor Adler, and all the other councilmembers that are here today,

[5:39:25 PM]

councilmember Adler and Renteria, and Madison. Yes. Thank you so much for having us here today. And I'm just so excited and thrilled to be here today, I'm losing all my words. But I'm so excited. This has been a journey over two years in worrying about the murals, thinking about the murals, what was going to happen to the murals. And finally one day I got a call saying -- by Jennifer Hage that they were thinking of donating the murals to the museum. And we were selected. And we are so thrilled that they're going to be at mexicarte permanently, because mexicarte is the anchor of the corridor and also because the significance of these murals, muralism is a basic and a dignified form of art from

[5:40:26 PM]

Mexico. Mexico is known for muralism. And so the art of muralism is so important to our culture. And these are a masterpiece created in 1967 by Rafael Navarro Barajas. And we are beyond words. We want to thank so much the mk Hage family for selecting mexicarte for this masterpiece. And now the public can view the murals that will be permanently exhibited at the mexicarte museum. Thank you so much.

[Applause]

>> We wanted to thank all of you so much for being here, and to Sylvia for taking our call. And we want to thank the city of

[5:41:26 PM]

Austin, because when the city of Austin gathered together and used their voices to make change happen that's when the Hage girls whipped into action. And we were able to make change happen. And we are so thrilled and so honored to be a part of this. Thank you.

[Applause]

>> Tovo: Why don't we take a few more photos of all of us.

>> Am I supposed --

>> You are.

[5:42:26 PM]

There you go.

[Applause]

>> Tovo: Oh gosh. Hand this to --

>> Yeah. I'm so glad.

[5:44:07 PM]

>> Thank you.

[Applause]

[5:46:07 PM]

>> We're going to try to do our next proclamation, so.

>> I think I will keep it.

[Laughing]

>> Harper-madison: There is a . . . Come on up. Stand back here. Make sure you're on camera. Backup dancers, background dancers, I like it.

[5:47:20 PM]

[Laughing]

>> Harper-madison: All right. I'm going to get started, mayor Adler.

[Laughing] Good evening, everybody. This proclamation is last but not least and I'm happy to be the one to present it. Back in 1981, the United Nations established the third Tuesday of September as the international day of peace. It's a time to commemorate and to strengthen the ideals of peace, both within and among all nations. We've got a lot of conflict in this world, and so much of it is unnecessary, so I'm proud to present this proclamation on behalf of our city council to Jim Crosby and Nonviolent Austin, the nonviolent Austin group doing good work to promote peace in our community and across the planet. So without further ado, be it

[5:48:26 PM]

known that whereas the United Nations observes September 21st as international day of peace, a day devoted to strengthening the ideals of peace and nonviolence; and whereas the 2022 theme of the international day of peace is "End racism -- build peace," a value mission that calls for a worldwide reckoning with racism, xenophobia, intolerance and discrimination; and whereas Austin aspires to be a city of peace and tolerance and is uniquely positioned as the Texas state capitol to be a beacon of influence for other communities across our nation and the world, now therefore, I, councilmember Natasha Harper-Madison along with the mayor and my council colleagues proclaim September 21st, 2022 as international day of peace.

[5:49:26 PM]

[Applause]

>> Thank you, councilmember and council, and mayor Adler. We started Nonviolent Austin about four years ago, and we're part of a national group called Campaign Nonviolence. And they have an annual event, or series of events they used to call the week of action. It expanded to nine days of action. This year, it's expanded to 12 days of action from next Wednesday the 21st, which is the U.N. Global Day of Peace all the way to October 2nd, which is Gandhi's birthday, the U.N. International Day of Nonviolence. So we hold a banner with some frequency on Friday afternoons at 11th and Congress from Campaign Nonviolence that -- nonviolence that says putting an end to war, poverty, racism, and environmental devastation.

[5:50:27 PM]

So, we're all about intersectionality, as campaign nonviolence says, building a culture of peace. Thanks for this and thanks, Austin. We'll do it together. Thank you.

[Applause]

[5:52:11 PM]

[6:01:30 PM]

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[6:48:38 PM]

>> Mayor Adler: Good to see everybody here. It's my recommendation that we begin with the convention center garage fee issue first, and then we pick up castleman-bull second. And at that point we go to the -- to police oversight matter. And the license plate reader. And then we have the legislative agenda, and the regulating plan. So it's my intent to call things in that order. Let's see how far we can get -- see if we can get through everything tonight. My guess would be that there's going to be at least some resistance going past 10:00. Certainly past 11:00 from the conversation that we had earlier but probably at 10:00 as well, so let's go ahead and get started. And let's call up the convention garage fee issue first. Councilmember tovo,.

[6:49:39 PM]

>> Tovo: I move passage of the amendment that I distributed on the dais amendment and now turned resolution. As you recall, colleagues, well, I will speak to it in one second.

>> Mayor Adler: Okay.

>> Tovo: Item 60.

>> Mayor Adler: Item 60. Is there a -- um, a second? Councilmember pool seconds that. Councilmember tovo?

>> Councilmember tovo, I think that it's 55, not 60.

>> Tovo: Entirely possible. Thank you. Item 55.

>> Is this posted somewhere, if we can't find it in our file?

>> Tovo: Um, I will need to check and I can also tell you which changes have -- you know what, I'm going to need the version that got distributed doesn't seem to have some of the

[6:50:40 PM]

edits. The version that got distributed I think is the one that was in the backup and I had some edits that I think that are not -- are not here. Just one minute. Let me double check. Yeah, I'm sorry, the version

that I distributed on the dais I think is the same one that is in the backup and I am going to need to hand out -- I'm going to need to work on that. So, mayor, if we could pass that for just a moment.

>> Mayor Adler: Okay.

>> Tovo: I can read the changes in, I don't think that there's substantial ones.

>> Mayor Adler: Castleman-bull house we're not quite ready to do that and I have an amendment on that that would get us to policing matter. Do you want to go to the policing matter or take a minute or two --

>> Tovo: We could do 90, I suppose, but that also involves

[6:51:41 PM]

my amendment that needs to be distributed.

>> Mayor Adler: Do you have an amendment on that? Have you passed --

>> Kitchen: Maybe we should do ldr before 90. If we're going -- can I make a suggestion?

>> Mayor Adler: You can.

>> Kitchen: If we're not ready for Castleman and parking and I suggest that we go to lpr.

>> Mayor Adler: I think that we'll get lost in that. We'll pick up lpr after we pick up police ballot and the other issue. We're going to get both of those done tonight. Kathie, do you want us to take a second and come back to that?

>> Tovo: I leave it to y'all, I apologize for distributing the wrong one. I'm going to attend to that in a minute.

>> Mayor Adler: Calling up items 86, 87 and 91. And the next we'll do is license plate readers 5, 6. Police oversight act, obviously, a big issue for us tonight.

[6:52:42 PM]

So we could take a motion on 86, we could take a motion on 87. We could take a motion -- well, probably not 91 because 91 is probably going to be dependent on what we take on 86 and 87.

>> Kitchen: So can I ask a question?

>> Mayor Adler: Yes.

>> Kitchen: So, mayor, 86 -- if we -- that is the, um, that is the petition ordinance that is in front of us, right, if --

>> Mayor Adler: That's correct.

>> Kitchen: If we want to move that then someone needs to make a motion.

>> Mayor Adler: Or we could just start talking about it first and then figure out what motion we want to make but there's --

>> Kitchen: I'm sorry, go ahead.

>> Mayor Adler: But we could pass 86 and we could adopt it and that moves out 87 and we could have a motion that says that I move to approve 87 on all three readings or just first reading or not. And we could make that motion.

[6:53:43 PM]

And if that would move out 86 and then we'd go to 91.

>> Kitchen: I will defer to councilmember harper-madison.

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: I would like to make the motion to pass item 86.

>> Mayor Adler: Okay, a motion to pass 86, is there a second to that --

[applause] Councilmember kitchen seconds that. And item 86 is in front of us.

>> Kitchen: So, mayor?

>> Mayor Adler: Yes? Hang on a second. I'm sorry, go ahead. She made the motion and I will give her a first chance to speak to it if she wants to.

>> Kitchen: Go ahead.

>> Mayor Adler: Councilmember harper-madison.

>> Harper-madison: Give me a second, I was on the wrong page. So, hi, everybody, thank you all for coming out this evening. I have to tell you that regardless of the issue I love seeing chamber this is full. I love seeing participation at the municipal level. This is what it's supposed to look like. I hope that we can keep it up. Let me just say -- well, start

[6:54:45 PM]

by saying that throughout the years the men and women of the Austin police department have done some of the hardest work in our city. They have saved lives. They've taken bad guys off the street. They've kept us safe at our city's major events and made community contacts that people across Austin will always remember. This is a unique job that is, um, in that it's the one role where we entrust people who wear the badge to be able to make a split-second decision with whether or not to use lethal force. That's great power and we all know the saying about what comes with great power. I deeply appreciate the men and women who wear the badge. But I also recognize that they are men and women, just like the rest of us -- human and fallible. And we have seen a lost of trust in our department by lots of

[6:55:45 PM]

residents in Austin. From the millions, we as a municipality have paid out in settlements -- millions -- over brutality during the summer of 2020. To the sudden resignation of an assistant chief who faced highly credible allegations of openly using racist words, it's clear to me that we can do more to help to rebuild that trust. Accountability and transparency are fundamental to good government. What's before us today is a proposal that would strengthen those two things at APD. It would provide an incentive for officers to uphold those oaths and to continue to serve their community with the highest standards as we all expect. At the same time, it would root out those bad apples that all too often harm the department's public standing. I honestly think that it's a very substantial step forward in the mission that we undertook in 2020 to intentionally and

[6:56:46 PM]

transformatively re-imagine public safety. So I'll be supporting this grassroots-led effort to adopt the ordinance today.

[Applause]

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: Thank you, councilmember harper-madison. That was very well said. I also would like to -- to add that I respect and appreciate and want to give a thank you to our officers. It is a thankless, difficult job that they do for us. And I appreciate this. The reason that I want to -- or the reason that I support moving forward with the opo ordinance is because I believe that it is fundamental. As councilmember harper-madison said, it is fundamental for transparency and accountability. To me it is not an item to consider in negotiation.

[6:57:47 PM]

What's appropriate for negotiation is wages and benefits, and I am one that supports, um -- supports good wages, good benefits for our officers. But the opo, police oversight, is fundamental and is something that we just need as a policy matter to say that we're going to do in our city. So that's why I support that. Mayor, there's a couple of folks that I wanted to call up, because I think that they may have something that they want to share with us from their organization. May I do that?

>> Mayor Adler: Um, yes, you can do that. Colleagues, I got asked this question earlier. We decided how we're going to do speakers. But we do have -- we do allow council members to call up just a couple, a few people. And we'll maintain that practice. And just like we have done earlier today already, but I think that we should -- should keep the numbers small, because this really is the time for us

[6:58:49 PM]

to be talking with each other.

>> Kitchen: Yes, just a few people if that's all right.

>> Mayor Adler: All right.

>> Kitchen: I would like to call up Chris Harris and Hannah Alexander and Meredith braithh.

[Applause]

>> Thank you so much for the opportunity to address you all today. Hi, everyone, my name is Chris Harris and I'm speaking to you today in my capacity as president of equity action atx. We are the organization that both bring the prep 8 campaign last November, 16832, and collected the signatures that have prompted this deliberation today on item 86/97, over the Austin police oversight act. And I appreciate an opportunity to say a few words why it is and

[6:59:51 PM]

why we're doing it but any questions that you have I am willing to address directly.

>> Kitchen: If you want to say a few words about it.

>> Sure, sure. So, firstly, just, you know, I think that it is really important -- this this ordinance is based off the 2018 ordinance that city council passed. It was a city manager ordinance that came forward and what we've done primarily in response to the arbitrator decision that was released last December, that weekend -- the office of police oversight is pursued a balance mez -- ballot measure approach with the goals that council member kitchen mentioned, which is both to make sure we have consistent oversight that's established going forward and to delink it from the paying benefits, to say that this is a thing that we need and should have and it shouldn't be controlled by the

[7:00:53 PM]

negotiations and it shouldn't ultimately be connected to the paying benefits which should be a separate matter of negotiation. We've affirmatively put in that this police oversight can gather evidence. In the 2018 ordinance it was possible they could do preliminary reviews. This was assumed they could gather evidence but the contract agreed to at the same time -- this proved part of the basis for the arbitration. This contract undermining the ordinance -- we wanted to specifically re-establish that power and opo report last December confirmed the preliminary reviews were useful. They made sure legitimate

[7:01:57 PM]

complaints moved forward. That report showed they weren't always followed up by internal affairs. Couple other really quick things. The ordinance also is really designed to improve the the transparency of policing by assuring the release of information about conduct isn't connected to a determination about discipline. The reason this is important is not because we want, you know, false allegations to be made public. What we want is that a decision about discipline not to have the incentive that if we don't discipline someone the information about it won't come out. That's the incentive structure built in to the current transparency model of the system. It says the police chief has a decision about discipline but if it's embarrassing information they don't want to come out, the best way is to

[7:02:58 PM]

not render discipline because it can't come out. It's secret forever. We've kept the decision making authority with the chief, kept the policy making with the chief. We've said that information can come out because it shouldn't be based on whether or not it's embarrassing or not. It should be because it's a public institution. These are some of the more fundamental things. It's designed to make sure the contract negotiations can't undermine it in some way, that they stay about wages and benefits and things there and not about the civil rights.

>> Kitchen: That's all I have for them. If others do -- no? Thank you.

>> Thank you.

[Applause].

>> Kitchen: Hannah and Meredith -- let's keep this short, guys.

[7:03:58 PM]

I was interested in hearing what you wanted to say but out of respect for my colleagues we do need to keep it?

>> Thank you for this opportunity. My name is Hannah Alexander. I primarily represent low wage workers in employment disputes. I'm here to testify on behalf of worker's defense. Vote against the items. I'm a new district four residence, which APD raided is also in district four. An atatched assault occurred in our parking lot. Grand jury subpoenaed foot J a. Rather than properly serve the subpoena, the search warrant was executed for the security device. During the investigation leading up to and including the raid, APD's officers' conduct

[7:04:59 PM]

ranged from concerning to unlawful. In the sworn probably cause affidavit for the search warrant the officer indicated he served the subpoena when that was not true. An officer claimed he saw a co-worker -- this accusation is both impossible but also completely false. Once officers forcibly entered the building staff members told them where we kept the device and unlocked the door for them. The officers forced their way through locked doors, including my office where I keep confidential materials protected by attorney/client privilege. We decided to file a complaint. We assumed it would be an effective process. Unfortunately the process was a waste of time and caused

[7:05:59 PM]

further harm. Internal affairs refused to focus on anything. Ignored other complaints. They only wanted to interview our outside council. The two nonprofit members -- our outside counsel was not the complainant. My coworkers were too traumatized. We offered other worker defense representatives as witnesses, including me as I was there for most of the raid. They didn't want to talk to any of us. We sent numerous e-mails but nothing happened. It was almost as though they didn't want to investigate because they might find violations of policy or loss. Ia was invited to attend the

[7:07:03 PM]

meeting. They refused. We found out that two officers were verbally reprimanded for writing reports after the events. That was it. The raid and the lack of accountability through opo affected worker's defense and me. I will never forget how scared I felt. I had to give important but horrific advice to my coworkers in case officers mistook phones or wallets for a weapon. I was terrified they were going to harm or kill my coworkers and there was nothing I could do to stop it. When officers falsely accused my coworker of tampering with evidence it became clear APD would do whatever they wanted and say whatever they wanted to justify their actions. I have no closure and no trust in APD at this moment.

[7:08:04 PM]

Opo could have restored some of that trust if it was functional. We have worked hard to create a space - after the raid -- it seems so illogical APD would raid your office in that instance. It seemed plausible it could happen again. Worker staff did not feel safe going to the office. We had to postpone and find a new -- as a reminder besides the false accusation against my coworker worker's defense was a potential witness to a crime and a community member -- we weren't accused of anything. If this is how APD treats community members and witnesses of crimes I cannot imagine how poorly they treat people who are accused of crimes. When the officers failed to comply with the rules that protect your civil liberties

[7:09:05 PM]

and rights, workers expect accountability. The current structure with ia leading investigation does not do that. Because the police contract negotiations time line and this one is different you must pass this together. APD's impunity will continue another four years. I can't stand the thought of people who have

experienced injustices far worse than I have experienced until may or four more years. You have the power to protect residents from harm. Please use it by voting for item 86 and against item 56, 87, and 91. If you have any questions I am here to answer them.

[7:10:07 PM]

>> Mayor Adler: Council member vela?

>> Vela: I'm so sorry. I'm familiar with (indiscernible). There's no justification for executing a subpoena in that matter absent very exigent circumstances, which did not sound like they existed at the time. Was the [indiscernible] Decision.

>> Yes, it was.

>> Vela: So opo had investigative powers at that time. Were they allowed to investigate that incident.

>> I don't want to comment on their internal powers at that time as I am a lawyer but not their lawyer and not a member of the city of Austin staff. There are people in this room who know the answer to that question, but I do not know and

[7:11:08 PM]

I don't think it would be appropriate for me to answer that.

>> Vela: I appreciate that. My question is -- and I would welcome anyone else to answer it, is will the changes here allow the opo to investigate -- in other words does it give them additional powers to investigate in a manner they did not have when that raid happened.

>> I want to clarify one thing. Do you know when the complaint was put in as relates to the raid.

>> Right. We filed a complaint on November 17th, which I believe is before the arbitration agreement. I think, you know -- even if -- I don't want to comment too much, but certainly to do any type of complaint will take time and it would be unrealistic that opo would have gone through the processes it needed to do between November 17th and the date of the

[7:12:10 PM]

arbitration agreement. I think even -- we deserve more, even if opo's arbitration agreement did not come out. I think we all deserve to live in a city where there is true accountability and oversight and at least --

[applause].

>> I want to quickly add to that. One, right, this happened a month before. So what powers the opo were soon to be stripped away. There might have been a little brief window where they could have done something but they had their power stripped of this process. Secondly there is another component that would help with this which is that it would give a longer period of time for an investigation to O you are -- occur. So I think both the fact that the opo would be granted some investigatory authority as well as the length of time, extension that would be granted

[7:13:11 PM]

by the ordinance would help to ensure that something like this could be addressed.

>> Vela: That's the extension of moving from 180 days limit to the 365. Is that what you're talking about.

>> That's correct. Yes.

>> Vela: I know it happened a while back. I didn't know when the complaint was filed and if it was within opo powers at the time. I didn't know what the context was for any potential investigation by the opo.

>> Mayor Adler: I don't know if you have anybody else you want to ask questions to.

>> Kitchen: It's not my intent to take time away from council. I appreciate the efforts folks were trying to give examples. I appreciate that. Unless there's something else that someone wants to say that's different in terms of your perspective of your organization, then -- or unless people want to ask questions.

[7:14:12 PM]

It was my intent to hear from the organizations and to hear an example, but I think that I know it's important and I'm hearing from my colleagues that they'd like the opportunity to talk with each other. So does anyone want to -- if you want to.

>> I don't think -- I think we've heard a lot of examples.

>> It's not that long and it's personal to me, very personal to me. This would have affected my life differently if it was around a couple of years ago.

>> Kitchen: I think what we're interested in hearing is examples that may speak to what's in front of us and short. I don't think we're interested in hearing something that's a repeat.

>> Mayor Adler: Okay. All right. That brings us back to the dais

[7:15:12 PM]

if someone has questions. Does someone want to ask a question. We're back to the dais. Thank you all. We have a motion in front of us. Motion and second. Any discussion?

>> Kitchen: I would say what I mentioned before. I think accountability is important and transparency is important and I appreciate all the efforts for those who have brought this to us and I also appreciate your efforts and I know it's difficult. I appreciate your efforts letting us know and giving us examples in all the work you have put in to bring forward this petition. I think the way it is written I support. I think it does a good job of addressing the different aspects in a very fair and balanced way, and I appreciate explaining to us the different aspects of us. I support it and I think we

[7:16:14 PM]

should go ahead and adopt it. As I mentioned before I think it's fundamental and I don't think it's -- I don't think what we're talking about is -- should be something that is part of negotiations or part of wage and benefits so --

>> Mayor Adler: Okay.

[Applause]. Council member Fuentes?

>> Fuentes: Thank you and thank you, council member kitchen. I want to echo your remarks and say I, too, support signing the Austin police oversight into law. I think the community has spoken loudly and clearly with over 33,000 signatures from across our city. That is a clear demand on us to do better by our

community and we have the opportunity today to take action and adopt this -- action and adopt this ordinance to make sure we have greater standards of transparency and

[7:17:14 PM]

accountability. I believe that should be separate and independent of the contract negotiations so I will be supporting in favor of this petition.

[Applause].

>> Mayor Adler: Council member pool.

>> Pool: I talked a little about this on Tuesday, that the ordinance has language in it that creates real challenges for us, and we acknowledged that and we are aware of that and it is for that reason that I won't be able to adopt this petition into ordinance as it is written. I would like to make progress toward having more authority and Independence for the office of police oversight. I also want to ensure that as we make progress on that goal we are on solid legal ground. Accountability and transparency are shared values in this community, and that is the

[7:18:15 PM]

standard for every single city employee, including and especially the police. I would like to work on measures this dais can adopt that bring us closer to our Independence goals for the office of police oversight that will help ensure that specific accountability. I also historically have preferred hearing from voters on big issue propositions. I see it as a clearer and more determinative way to ascertain the preferences of our residents. The voice of the electorate is important to me. And it is for these reasons that I support putting the proposal on the may ballot, that is item 87, and that is why I will be voting no on item 86. Thank you, mayor.

[7:19:17 PM]

[Applause].

>> Mayor Adler: Council member vela?

>> Vela: I support the policy. I completely agree with the other comments. I don't think that discipline is an appropriate part of the negotiating contract. I don't know how that started or how that got in there, but to me the disciplinary structure of the city and its dependents should be within the management and the council's per view and not part of a -- purview and not part of an agreement of the police association and the city. That doesn't make a lot of sense to me. I support opo. In policy I have no concerns whatsoever. Let me mention some of my concerns, though. I supported the lifting of the camping ban that this council did a few years back, and then I saw it quickly undone by the

[7:20:20 PM]

Texas legislature. I supported the changes to public safety -- the -- reimagining public safety, and I saw those undone again in short order and in both of those situations not only was the I thought positive changes that were made by the city of Austin undone but the entire state was put in potentially a more negative position because of the reaction of the Texas legislature. We're months away from a legislative

session and it does give me pause as to what the reaction of the Texas legislature will be in the coming months. I don't want to put police accountability via a negative reaction by the Texas

[7:21:20 PM]

legislature in a worse situation, in a worse condition than it was before we started on this process. I support the petition. I signed the petition. The idea also was that it would have been on the November ballot and I know that happened because of factors beyond anybody's control really, but the -- a vote by the public, especially a strong and overwhelming vote like we saw in the problem a campaign where 60 per cent came and stepped up and made their wishes felt with regard to, you know, just throwing a bunch of money at public safety without needed changes and reforms -- that was very powerful. I think that changed the

[7:22:23 PM]

conversation in local politics, in Austin politics for the better. I was hoping that something similar would happen in November, that, again, we would have the people of Austin come up and make a strong statement that they believe in police accountability, that they believe in oversight, but unfortunately that didn't happen and now we're looking at the prospect of moving it out to may. I still think that there is substantial value in having an election in may where the voters of Austin are allowed to speak, and in my opinion I think will speak with a strong voice in support of the contract. I think that embeds it with more strength and power within the city -- that it's not just something that a petition that was brought and then, you know, passed by council but a public

[7:23:23 PM]

campaign vetted by the voters, supported, passed by the voters -- to me that gives it more grav stronger pedigree. It also gets us out of the session of the Texas legislature. They will be unable to react to what we have done unless the governor called a special session to address it, which I think would be highly unlikely. Those are conflicting goals. I think it's a political strategy moving forward of not just how do we pass this -- we passed things before only to see them undone. The question is how do we pass them and make them endure in a situation where we are frequently locking horns with the state government over the

[7:24:24 PM]

policies we try to implement in Austin. Those are the ideas and thoughts that I'm grappling with as we approach this vote.

>> Mayor Adler: Council member Kelly?

>> Kelly: I believe in transparency, accountability, and oversight in many thoughts but I want to acknowledge that due to legal questions surrounding this item and the burden it would put on taxpayer I will not support the outright adoption of the item but I remain open to supporting a measure in the future that seeks to have more transparency but does not conflict with existing laws. Thank you.

>> Mayor Adler: Council member harper-madison? Council member Ellis?

>> Ellis: Thank you. Our standard precedent is if

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something is brought through a voter led petition we go through the process that the community is heard. That being said I have had a lot of good conversations with folks in my district that care about accountability and transparency and oversight. So I'm going to support adopting it outright today. If we don't have the votes to do that, I will absolutely support it going to the ballot because I think that's the strength of having the voter approval method and so I firmly believe in that for this today. Because of the timeline I support adopting it today.

>> Mayor Adler: Thank you. I'm also going to vote to put this on the ballot in may. I believe really strongly in police oversight. I signed this petition. I think it's a really important thing for our city to have. I'm most interested in making

[7:26:26 PM]

sure our city has it for the indefinite future for the long term. I'm in the sure there are many people in this room, although there are some perhaps, but not very many people in this room that don't support having real significant police oversight. Quite frankly I think we had more two years ago than it turned out that we had. We learned from each of those things so we can make sure we can effect the policy better. But we differ on the best strategy for helping to ensure we have those things for the long term. I'm really proud to be part of a council over the last eight years that has decriminalized homelessness. In the face of pretty significant disruption. I took the actions we took in

[7:27:27 PM]

taking public safety, funding, and spending and broadening our approach so that we recognize public safety was more than policing, more than how we thought of it. It also included mental health response, things to keep a community safe. I'm proud to be a part of council that while the police budget is more than it's been the percentage of the budget that goes to police, fire, and ems is down to 60 per cent and it was -- it had been rising. I'm part to be part of a council that dealt with curfews for kids and ended it so the kids didn't end up in the system. These are all really important things that we have done in this city and that we should celebrate.

[7:28:27 PM]

We should be celebrating the fact that so many people in our community signed a petition to put something on the ballot that really spoke to the oversight that we need in this community. I think we should celebrate honoring the people who gathered those petitions and did the work to get those petitions and the people who signed those petitions and celebrate that this is something that we can in fact take to the people for popular vote. I agree with council member veal la and council member pool in talking about what is the best strategy for us to be able to get this and to be able to hold on to this. I do not know believe that there will be another contract that is entered before the may vote that takes away from the people in the community the

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ability to vote on the issue of oversight. I have had my conversations with people running for office next year and to ask them if they would sneak in a contract for January, February, March, April that didn't contain a provision this entire community was about to vote on in may. Everyone that I have asked, including some of the candidates and folks that are probably the most likely to win for mayor that have said they would not take away from the people the ability to get that oversight because they support that level of oversight. I support this action because I think it is improper and just wrong that we enter into a negotiating process where dollars are being negotiated in exchange for oversight and vice versa. Because we should have

[7:30:30 PM]

absolutely the best oversight provision in this community and we should sit down and figure out what that is. We should enact the best oversight that our community deserves to have, regardless of anything else. And similarly I believe we should pay our police officers more than anybody pays police officers, as we do, because that's how you get the cream of the crop. That's how you get access to the best policing professionals. And that should happen without regard to anything else, either because that is the right thing to happen for the city. I am concerned, as I think many people in the community are, with the reports we have that the culture that we have worked so hard to be able to establish and while I feel good about a lot of the steps we have take nn the academy and otherwise, we're not there yet, as we got from our third-party consultant. We need to be working on that.

[7:31:32 PM]

That's also not going to happen oversight. We can't let up on that and we have to keep pushing for that because that will come so long as we are vigilant. I am also concerned that we don't have all the police officers right now that are force-strength number -- our force-strength numbers expect us to have in this city. We should be meeting the force-strength numbers we have adopted because there are vacancies both in police and in 9-1-1 call receivers, ems, and fire. We need to fill those roles. We'll get to item number 91 later, colleagues, but I think 91 helps us preserve the folks that we have on the force while there is a measure of uncertainty with respect to contracts. I -- we should be celebrating tonight that in this city an issue like oversight that has

[7:32:34 PM]

eluded us for so long is now going to be brought either adopted today if the votes are there but we should celebrate it as well if it's going to be put on the ballot. Our city is going to have a vote of the entire community to say really strongly that in our city there is not a connection between dollars and oversight, that in our city we're going to set certain oversight standards. And then we're all going to abide by them. I look forward to being able to -- if this is going to get set in may I look forward to being able to work for its passage because I think that's a really important thing. But I think doing it that way

for me is our best chance of making sure that we have oversight now and ten years from now. That's how I'm going to vote.

[7:33:36 PM]

Council member harper-madison.

>> Harper-madison: Thank you, chair. Can I ask an advocate to come up? Will you join us at the podium? Before I ask my question maybe I'll preface it with my rationale -- while I would -- if this does not pass -- I hope it does but if it doesn't I will support it going on the ballot in may. But a part of my strong commitment here, despite our reservations and, you know, aversion to state-level risk stuff, I read that article the other day about the first pass of an assessment of what racism has cost the city of Austin.

[7:34:38 PM]

You know, they said it could take a decade or more to really make the assessment of what the value of that is. And every since I read that I've been thinking a lot about reconciliation and atonement and how do we do that as a community where nobody feels like somebody took something from them in a way that we all recognize that the true harm and damage that racism, white supremacy and segregation have caused our city -- I say that to say in cases like this I feel a deep commitment and obligation for us as a body to even if just symbolically -- I tell you as a policy maker I sometimes don't love it when we do things that are just symbolic, but that debt that I was making reference to

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earlier, we owe. We have a debt. And I can't help but wonder if it's appropriate and even prudent for us to take available opportunities to show our support symbolically by way of the moves that we make from this dais. I wanted you to clarify for folks watching who don't understand the implications between the item going forward today and going forward on a may ballot and anything you would like to say to preface that. Obviously we're short on time, so I'll trust you to?

>> Yeah. I'll keep it quick. Yeah. You all -- you've seen me up here a lot over the last eight years. I made the moral arguments.

[7:36:40 PM]

I made the black arguments in defense of black lives, you know. So I think you know all those things. I'll just say this and I'll go watch football. Next year will be ten years of the movement for black lives. It started in 2013. And it's been an honor and headache and privilege to work with many of you that have been here since I started coming in this chamber, and it sure has been a hell of a privilege to work with all of you. And I can say in the last ten years irregardless of what happens today I will feel different ways if this goes one way or another. Irregardless I think we made tremendous strides. I hope that's a continuation of

[7:37:42 PM]

that, even though it doesn't feel like it. I'll say a couple things that -- yeah. Councilwoman harper-madison brought up a good point -- nooks, Charles bird ordinance that you're working on. And I would argue that this policy, this oversight policy is part of their restitution package. Like to hell of the ten years of black lives matter. Let's go back to the '90s and '80s with the Sofia kings and all these other people victims at the hands of police violence. I think there's a financial component with that but I think there are black and brown and poor white people that have been harmed by the institution of the Austin police department that is owed this policy. I would also submit -- I would submit this idea. Mayor, you know, no matter

[7:38:42 PM]

what -- like, you've been my guy. At least that's what the Twitter trolls say. It's memes about us doing all kinds of precarious things. No matter what you do tonight, you're still going to be my guy. I can be disappointed and we can still shake it off. Everybody up here will be my guy and gal or whatever you identify as. But I do think -- I do think over the past eight years -- and, you know, for what it's worth -- this is our last dance as this city council today, this is our last dance when it comes to a big police thing. Come January when that guy is gone, Greg is gone, some of you may be replaced. This is our last dance when it comes to a big police thing. Council member woman pool, I remember -- I think it was with the police contract stuff you and I had a very long zoom meeting. We talked through that because

[7:39:43 PM]

I understand that was difficult for you. And from my perspective you made the right decision, right? I think we learned from 2017 that this is never a we hate the cops issue. Think council member woman harper-madison and kitchen, you started your comments by acknowledging the good men and women in uniform. We can all agree with that. I just went to breakfast with the apoa -- the police association two or three days ago. I wanted them to go out of their way to thank the men and women that shut the street down on Sunday to make sure the community members could pay our due diligence to the -- a friend that we lost, Jerry -- the dj stabbed downtown. The police didn't come up. They didn't argue with anybody. They shut the street down and if I'm being honest we were doing some, I think, illegal things. They didn't say anything about

[7:40:43 PM]

that. They shut the street down. This is one message I have never been able to convey to you all. How long will the incredibly bad guys and girls in uniform get to hide behind the good ones? [Applause]. At some point, at some point, at some point, at some point, we have, like -- we have to understand and realize we're not talking about the vast majority of good men and women that bear the uniform that despite the men and women who hiss at them they do their job even with people like me trying to eliminate their existence. There are still police officers that shake my hand and have coffee with me. I commend that. This act is about the men and women that sit at 7th or 8th and 35th and shooting bean bags at innocent people, took lives

[7:41:44 PM]

of innocent people and broke all trust from the community they're supposed to trust and serve. That's what this is about. It's never about the good guys and gals. Even chief has done. He probably has the highest record of disciplining cops. It's not a high number but he has done more than a lot of people. However, it's just like things like today this political -- I don't want to say theater. I know you believe that you oar doing the right thing -- you're doing the right thing. To go back to my last dance analogy I'm asking you to be Phil Jackson one more time or Michael Jordon, depending on how you look at it. You look more like fill Jackson. I'm asking you to believe in the notion that Austin has and will continue to be the leader in how we address police reform, and I think if we don't

[7:42:45 PM]

do this tonight -- I think we take a step back because of this one example. One, I don't think it's our duty as the city to worry about the race of a guy who has lost three races. If he can't win that race. That's not on us. I don't agree with you, Mr. Mayor. I do not agree. Based on conversations with some folk ins the union I don't think we'll have a contract with oversight that is halfway decent. I don't believe that's true. I don't think that's true. Think about the people. I think we must think about the people that if we don't pass this and have to wait three to four to five years for another contract think of the potential of another black or brown or white -- whoever person being harmed by the police and on

[7:43:46 PM]

September 15, 2022 we didn't set up the thing -- we know it was the system to handle that issue. We tell that mother too, let's wait four to five years so we can get oversight? Unlike a lot of people behind me, some will boo and hiss and make other noise Z if it doesn't go their way. U'm not going to do that. I know you have to make terribly hard decisions all the time. I think this is one of those moments. I think this is a special moment. The legislature is going to do what they do anyway. They hate the city of Austin.

[Applause]. If we're going to -- I would just say this -- if you're going to vote no it can't be because of that. One thing I've loved about this city and one thing I continue to love about this city is that we always do the very difficult thing -- we push the envelope. I hear the legal argument. The law is meant to be

[7:44:48 PM]

challenged. There are laws that say I'm not quite human. # When we talk about law what are we talking about? You talk about thankless, this is more thankless than what they do. They have people thanking them for what they did to the protes testers in 2020. Let's not let the bad cops hide behind the good ones because that's what they've been doing since they inception.

[Applause].

>> Mayor Adler: Thank you. Council member kitchen?

>> Kitchen: I wanted to say one thing. I do -- I respect everyone's perspective but I want to share something that I didn't speak to before, and that is the legislature.

[7:45:48 PM]

I think that what is important for us to do and we've been doing it on a number of other issues because we've had to recently and we must continue to do it. We have to -- we have to take care of people in Austin. And --

[applause]. If we didn't do things because of the legislature, we wouldn't do anything. They are going to do what they are going to do regardless of how we vote. And I don't think that -- to me it just comes down to, as I said before, oversight, transparency, accountability is fundamental. It is not appropriate for it to be negotiated. So I think it's time to just say that and act on it and I

[7:46:49 PM]

think we risk the same thing. The legislature is going to do whatever they do whether we do this now or not. I think we have to continue to stand up for the people in Austin and stand up and not be afraid of what the legislature might do because they're going to do it anyway.

[Applause].

>> Mayor Adler: Council member vela.

>> Vela: Appreciate the comments about APD. I've been practicing criminal law in Travis county for 12 years now, and I've practiced -- I've defended people, maybe 25 counties, multiple jurisdictions, multiple police departments. I've watched -- I can't tell you how many videos, you know, from police cars and body cam

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videos and APD's folks have always been very well trained, have always, you know -- especially in comparison to a lot of the other jurisdictions where I've seen those police officers, I've seen the way they interact with people. Again, not to say APD is perfect. They're not. But I will say that they are much better than a lot of the other, you know E sheriff's departments and police departments than I have seen throughout my criminal defense career. And I do appreciate their work and despite, you know, pushing for oversight, pushing for accountability -- despite those things like that, I like the balance that Chaz struck. And I do want to reiterate the mayor's comments. I know he's not going to be with us with the contract comes

[7:48:51 PM]

up sometime in 2023, but I will not be voting to support a contract assuming that we push this to the may election. I will not be voting to support a contract that does not contain the protections that the in the petition right now and this body has rejected a police contract before, and if we do kick it to the election, I think we're prepared to reject a police contract that does not contain the protections written into the petition.

>> Mayor Adler: I want to say I -- to Chaz, you know, obviously we've talked about this for hours leading up tonight and we'll be talking about it for hours after tonight.

[7:49:51 PM]

And I have had no greater critic over the last eight years than you, but I have always appreciated the time you have given me. I want to talk for a second about something that you talked about in terms of the Apa and the contract because it goes to the heart of why I'm casting the vote the way that I'm casting the vote. I don't know whether Apa agrees to a contract or not. This fall or next spring or after that. Clearly my personal relationship with Apa has not been great. Every time I look at Apa's Twitter feeds I seem to star in them from time to time. I don't know. But I did say at the beginning of the negotiations that I doubted there would be a contract coming back to this council because I thought that the Apa and association would

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want to bring a contract back next year to the next council. I don't know if it's going to still play out that way. That will still be my guess. I don't know if they'll agree to a contract next spring. Because I don't know if the Apa will agree to a contract that has substantial oversight in it. And I do not believe that this city council even in its iteration next spring is going to pass a contract that does have substantial oversight in it. When I talk to officers in the street about the oversight issues at play here right now making sure that there is some greater oversight by the monitor, making sure the community can feel more involved in that oversight, that we need to make sure that the chief has enough time to be able to evaluate whether or not he's going to offer disciplinary -- most of the

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officers I talked to are fine with the positions that are taken in this petition. I can't speak to all officers and haven't done a scientific Pohl.

-- Poll. I don't believe there will be a contract that doesn't have -- if this passes in may, goes to election in may. I don't know whether the Apa agrees to a contract on the backside of that that has the provisions for oversight that that election would make the law in this city. I don't know whether they would or not. When that happens or if that happens and our city does not go into a formal contract because we can't make the Apa agree to a contract anymore than they can make us agree to

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a contract. But if -- two sides do not agree on a contract we move into something called a chapter 143 contract. The state tells us what our contract is. And that contract is not good for the city. And it is not good for the officers. And we can have an argument about whether it's worse for us or the officers. You know, I think in a lot of respects it's worse for the officers, and they say it's worse for the city. We could find ourselves in a situation where we don't have a contract and we move to a state that is not optimal for anybody. And what happens then? What happens then? This community is going to have to be wrestling with these issues in the context of a chapter one 143 contract, and I hope that if that situation

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were to happen that our city would have the resolve to stand by the principle that we shouldn't be negotiating for oversight, that we should have the best possible oversight just like we should have the best compensation issue. I hope we have the resolve to withstand that chapter 143 period of time. And I believe that our city will be best positioned to have that resolve and to force that issue and to stand by our principles and make sure we deliver to this community the oversight that it deserves and it needs if our community has voted to do that. That's where I think we have a really good chance of being, and I believe that by having an election in may, we're going to be best positioned for that --

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what I think is perhaps the most likely scenario. Anybody else want to speak up here?

>> Renteria: I agree with you. Last time that we didn't have a contract with the police officers and there was a lot of police officers that retired, resigned because we cut back on their sick leave carry-over and a lot of the benefits that we had to reduce and they didn't appreciate it. And they didn't sign a contract. They went to civil service, like the mayor was saying, the chapter, and we didn't have any voice -- any -- we didn't have any say of who got promoted. And we had a lot of captains, lieutenants, and sergeants that just left the -- retired and took their benefits with them and we didn't have a single say-so. We weren't able to evaluate

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them if they were qualified to be in there. All they did was go out there, whoever made the highest score on the civil service test got promoted, and not one minority got promoted during that time. You know, and that's what we're facing again. You know. And I don't want to see that happen again. You know, I believe that a lot of that happening -- that happened there in the riots and demonstrations and the -- happened because these officers that got in charge, we didn't -- we weren't able to evaluate them to see if there really was capable of running a department like that. And I think that was a big failure on our end, you know, and that's what we're going to be facing again. And I just pray that, you know, if we have the support of the city behind us, of the residents of Austin, that we be in a very stronger position.

[7:57:03 PM]

And I just hope that, you know, we don't have to go through that again. But it's up to our colleagues here deciding. I'd rather prefer to go to the voters in may.

>> Mayor Adler: There's a motion in front of us that has been seconded. Anybody want to say anything before we vote? Mayor pro tem?

>> Alter: Good evening, everyone. Thank you for being here and thank you for being involved, trying to make change takes time. It takes different forms and we can agree and disagree on the best mechanisms to do that. I think we all agree that we need consistent oversight, and we need transparency, and ideally we are delinking these from pay and benefits. For better or worse we have a contract process that is

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dictated by state law. And it's not an easy, straight-forward process, as I've learned having being deeply involved in the earlier processes. When that process works well, no matter which of the branches of public safety, it allows us to meet the needs of our employees and to address significant challenges that we have in our community. It is clear from listening to our community today and from many months and years passed

-- past that trust and accountability and oversight are challenges we need to meet, whether I want to promise that I will not vote for a contract without decent oversight, and I have a track record of doing that, having led the quorum that rejected the contract in 2017.

[7:59:09 PM]

We, as a city, um, as has been said by others, um, have to navigate a lot of things to get to the change. You know, we are still working on getting our academy reformed, and I think that when we started the process, I think that at times people thought, oh, well, we just passed this thing and with the snap of our fingers it will be done. It hasn't worked that way. This is a long arduous process to make change. It requires partners on all sides to get things done. It requires patience, and it requires thinking about how you actually move things forward. My colleagues have said a lot of things and there's, you know, very little that's been said tonight that I disagree with per se, but there's another piece that matters to me is that we are given -- when we make

[8:00:09 PM]

legislation by petition -- we are given the choice as a council to adopt what we've been handed as written, or to put it on the ballot. We don't get to change a word here or there that would make us comfortable. We don't get to change little pieces to make us, um, more comfortable. That is the choice that we have to make. I am very concerned that this petition as drafted, if we adopted it, would require us to have the office of police oversight in that contract. And I do not believe that we should be putting any of the oversight requirements, having to do with the office of police oversight, in the contract. It says that the -- we can only agree to an agreement that fulfills all of the chapters. It doesn't say that doesn't undermine, it says "Fulfills" and that to me is, um,

[8:01:09 PM]

concerning. There are also some of the most key parts in this we know are illegal under state law. And so that is concerning. All of that being said, I am committed to strong oversight. That's why I supported the proposal at the table that removed article G. Removes all of article 16, so the opo and the citizen review panel are not in the contract. Retaining anonymous complaints and the 365 discovery. Reasonable people can make different conclusions, and I know this disappoints you for not getting it done in your view today, but I don't think that it would accomplish the long-term goal that we're putting in the work for every single day. In addition, I want to invite Apa to be at the table and to help us to make the change that

[8:02:10 PM]

needs to be made for our community. We cannot keep going without that trust, without that accountability and oversight, and I'm hoping with the change of leadership at the Apa we will be able to move forward, um, in a way that can help our community lead and demonstrate that a city can make this kind of change. We've taken big steps. We've been there before, and I am willing to do that again. I just don't believe that adopting the ordinance today is that step, but I will support it for the election.

>> Mayor Adler: Colleagues, you ready to take a vote on this item? Let's go ahead and take a vote. We have a motion to adopt, um, item number 86. Those in favor please raise your hand. I have councilmember kitchen,

[8:03:12 PM]

Fuentes and Ellis and harper-madison. And it's a balance of the dais, 86 does not pass. Does anybody -- let's now consider item number 87. I want to make a motion on 87, councilmember vela?

>> Vela: To make the motion to pass it on first reading, at the moment, given laws review of ballot language, I don't want to pass it on all three readings at this point just out of an abundance of caution.

>> Mayor Adler: Do you remember to us --

>> To pass it today to call the election you can do it in all three readings with seven votes and I know that you had an opportunity to take a look at it. If you're comfortable with the ballot language that's on the petition and you can do that today.

>> Kitchen: I have a question.

>> Mayor Adler: Councilmember

[8:04:12 PM]

kitchen?

>> Kitchen: Has the public had a chance to look at the ballot language?

>> Yes, it's in the ordinance and been in backup --

>> Kitchen: It's exactly what was in --

>> It's exactly what was in the petition.

>> Mayor Adler: It's the language that is contained in the petition, which the courts have told us recently is the language that we have to use absent a reason that would be inappropriate.

>> And if I may, mayor. Just to be clear then, we are okay -- we're comfortable with the ballot language if we pass it on all three readings today. We're ready to set up for the may election?

>> That's correct, councilmember. If you pass the ordinance today

[broken audio] And calls the election it would be that language that is in there. We are comfortable that it is the language drafted in the petition by those who circulated the petition. It's been on the public site now for a long time.

>> Vela: Let's have the --

>> Mayor Adler: A motion to, um, to put this item on the ballot

[8:05:14 PM]

in may. Seconded by councilmember pool. Yes, councilmember harper-madison.

>> Harper-madison: I just wanted to be clear, so we went from first reading to all three readings, that's the motion?

>> Mayor Adler: That's correct.

>> Harper-madison: Thank you.

>> Mayor Adler: Any discussion? Councilmember kitchen?

>> Kitchen: I'm just a little uncomfortable. I hear this is the language -- well, I hear that this is the language in the petition. I haven't heard from anybody if that's exactly what they want. I don't want to call them up because I know that they're very disappointed. So, I don't know, I might just abstain on that. So, thank you.

>> Mayor Adler: Let's check everybody's comfort level on this. Mayor pro tem?

>> Alter: I had a question for legal, since the election wouldn't happen until may if we passed it on all three readings and then the council decided that something needed to be changed for whatever reason, um, in the ballot language, we do that all the time where we edit

[8:06:16 PM]

the language, don't we?

>> Once you actually call the election, you cannot change the ballot language. So the ballot language that is in there right now in the ordinance has been in backup, so to adopt an initiated ordinance to deter police brutality by strengthening the city's system of transparent police oversight.

>> Mayor Adler: Councilmember Kelly.

>> Kelly: Yeah, so if there are some questions about the ballot language that we're adopting, and correct me if I'm wrong, and do we have to, um, put this on the ballot today, or is our deadline February so that we could work out the ballot language?

>> The deadline is not until February. The deadline --

>> Mayor Adler: Hey, hey, shhh, listen to what she is saying.

>> There is plenty of time in times past the council has said that we know that we will call the election because we didn't adopt the ordinance outright but we will not actually call the

[8:07:17 PM]

election until later. You could do it that way if you want.

>> Kelly: Some additional time would give us time to work with the community members and the individuals who organized the petition to make sure that we're capturing the appropriate ballot language. That's all I wanted to hear, thank you.

>> Mayor Adler: Councilmember Ellis.

>> Ellis: I had a thought on that too. I know that there are at least four individuals who will be new to the dais when it is actually going on the ballot and I just wonder if it's helpful to make sure that we have the most current input. I like the ballot language, I'm just trying to preemptively thinking of having new members on the dais and trying to be fair to that process.

>> Mayor Adler: Hey, hey, please, councilmember pool.

>> Pool: I think we are limited by statute on what we can put on the ballot, and we are guided and have to stay within the specific guardrails of the petition language, which is why our city attorney is emphasizing that it is word-for-word as it's

[8:08:19 PM]

drawn from the petition. And when the petitioners put the petition together, they think in terms of if it has to be on a ballot, this is the language that we want to be on the ballot which is why I support going that direction. We have in past instances veered from adopting specifically and word-for-word what the -- what the petition caption has been in the past. And we have been advised -- because we have to submit it to the attorney general's office --

>> Not quite right.

>> Is that bonds only?

>> We have been sue in the past and so the supreme court has ruled on the issue and we know how to craft ballot language and this ballot I think is language that is the language that the petitioners wanted.

>> Ellis: Which is the point that I wanted to make. We are kind of bound, not only by what the petitioners have given us but also by the protocols and the statutes and the expectations and requirements at the state level

[8:09:20 PM]

and the various judicial and extrajudicial situations. And I thought that the language was thoughtfully written and I would support moving forward with that language tonight.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I would, um -- I'm comfortable with the language because I think that I'm hearing that that's what the folks are wanting, and I'm seeing some thumbs up. I just wanted to ask the question, so I'm seeing thumbs up, so I think that the language is fine.

>> Mayor Adler: A motion in front of us is to approve this item 87 to put it on the ballot. If there are seven votes it will be passed on third reading. Those in favor of putting it on the ballot, please raise your hand. Those opposed?

>> I'm abstaining, thank you.

>> Mayor Adler: Thank you. Councilmember Kelly is

[8:10:21 PM]

abstaining and the others vote aye which this matter is put on the ballot with the language proposed by the petitioners. I just want to say that I think that this is a really big police thing, for our city to put this on the ballot for the community to be able to say this is what we want, and we expect our council and our city and our leaders to stand by it. Next item is item number 91. Colleagues, because of the timing associated with this, our contract -- well let me say that I'm going to move passage of 91 and if there's a second I will speak to it briefly. Councilmember pool seconds that. Colleagues, because of the timing of this, our contract right now is in negotiations, and it could be that there's a contract brought to us as I have expressed earlier -- my personal belief is that we may not see that. And if we don't see that and we fall out of contract and the contract is automatically

[8:11:21 PM]

extended to the end of March or some time in March, I think that it's the end of March. If that happens at the end of March, we fall into the chapter 143 contract. We fall into chapter 143 contract where we're in a different world because now we're using the state's contract which means that the contract provisions fall off. I think that there's going to be a lot of police officers perhaps in our city that are looking at that event trying to figure out and plan for their futures. I think that it's real important, colleagues, that we get past may without any police officer on our force wondering for a moment about whether or not they would lose their benefits while this is playing out, especially and specifically the payout for sick leave accrual. I think that it's really important that we make sure that our officers know that that is not something that's going to

[8:12:21 PM]

happen to them, so that they're not looking at having to make decisions about their careers here with the city of Austin without having all of the information. So item number 91 is to extend those benefits through the end of may, getting past the election, and so that our officers have certainty in that eight-week period of time between March and the end of may. It's been moved and seconded. Is there any discussion? Let's take a vote. Those in favor, please raise your hand. Those opposed, it's unanimous from the dais.

[Broken audio] This is the policing matters. It gets us I think back to castleman-bull house -- no, I'm sorry, license plate reader we will call up next.

[8:13:22 PM]

Councilmember Kelly, you want to bring that up.

>> Kelly: We had a significant discussion on Tuesday where some amendments were proposed, and I had brought forward a new version of the license plate reader resolution with all of the feedback that collectively we have given to other colleagues and we've also gotten back from the community. And I want to thank councilmember vela for bringing forward a motion on this item. I was wondering if maybe he could talk us through it and we could ask questions as a way

[broken audio] Are you okay with that?

>> Mayor Adler: Do you want to make the base motion to his amendments.

>> Kelly: Okay, I would like to make a motion -- or I move to pass --

>> Mayor Adler: Item 56.

>> Kelly: Item 56, version three.

>> Mayor Adler: Okay. Is there a second to that motion? Councilmember kitchen seconds that motion. Okay.

[8:14:22 PM]

Councilmember vela.

>> Vela: Mayor, I have been working with Kelly's office -- I'm in support, and I will only support the three-minute retention period on the alprs. We have negotiated outside of that, there were other -- like the audit language, there were just other kind of details -- oversight, the other limitation that she agreed to with the -- where it would only use alprs for warrants for class-a misdemeanors and above. So it

would be for class-a misdemeanors and then felony it would not be used for class-b misdemeanors and not for class-c misdemeanors or any tickets or violations. And the other thing is that they would be able to be used for anything involving a hate crime.

[8:15:23 PM]

That -- so, the friendly amendment that I just passed out incorporates all of the changes that we agreed on, and then I have another amendment that I will distribute in just a second that will strictly limit the alprs to three minutes. That is not an amendment that she can accept, but I just wanted to kind of lay out the path forward for the dais.

>> Mayor Adler: Okay. So we're going to consider all of the amendments first, except for the three-minute -- it's a question that I was just asking. So you want to explain again.

>> Councilmember vela, I am trying to understand what you just said. Are you negotiating with councilmember Kelly's office and came to agreements on certain provisions with the exception of the timing?

>> Vela: That's correct. The one area that we could not

[8:16:24 PM]

agree is that she wants to keep the 30-day retention and I wanted it to be a three-minute retention, basically, my -- the only apr ordinance that I will support is one where there is no retention of data, and the only apr ordinance that I will support is one where, you know, you are putting, you know, your felony warrants and your stolen vehicles and it will alert you if there is a license plate where it is [broken audio] And I will not support any ordinance

-- okay.

>> I think that I understand your perspective on it because you have shared it in the past. What I'm trying to understand is that the most recent version that we got from councilmember Kelly incorporates amendments from you that she's agreed to, is that -- is that the situation? So that one -- so the most recent one from councilmember Kelly has your amendments, except for the three-minute --

>> Vela: So the most recent version that I distributed did go out on the -- on the -- from

[8:17:24 PM]

the city clerk's office right now. Also has a couple of tweaks that the law looked at the very end.

[Broken audio] And they were just like change this and change that.

>> I'm trying to get a sense for -- [broken audio] And almost every area on the agenda. And I wanted to understand what you are talking about. So you're talking that you distributed -- not the most recent one from councilmember Kelly? Okay, now I understand. Your point is about this one, and then you are going to distribute your own. A separate amendment about timing. Okay, thank you.

>> Mayor Adler: To be clear, councilmember Kelly's motion

[broken audio] Your motion is

[broken audio] And something

[8:18:26 PM]

called motion b3 to councilmember Kelly's resolution

[broken audio] So the document that we should have in front of us had in the upper right-hand corner motion [broken audio] And it contains a red line from the amendments that you want to make to Kelly.

>> To explain about what we were trying to accomplish and to be more descriptive, the chief had a chance to look at them and to talk -- [broken audio]

>> Mayor and council, can I get a copy of the --

>> Mayor Adler: So it's very important that we're all not

[8:19:31 PM]

yelling as it makes it hard to hear. And I want to make sure that everyone can stay in here and watch and listen to what is happening. Chief?

>> [Lapse in audio] As councilmember Kelly said, I had an opportunity to view this version and I don't have any major objections to it.

>> Mayor Adler: Okay. Councilmember vela moved to amend the motions [lapse in audio] To councilmember Kelly's version [lapse in audio] Or you are accepting...

>> I'll accept those.

>> Mayor Adler: Does anybody have objection to these going into the motions? Mayor pro tem?

>> Alter: So I have a question that I would like to read [lapse in audio] What the latest is. Councilmember vela, you said something about hate crimes and I'm not sure what you said. And that was changed with your amendment. So I want to understand that.

[8:20:32 PM]

>> Vela: My original version did not include any -- my original version only included felonies and class-a warrants. Councilmember Kelly, in discussing it with her, she also wanted to include hate crimes. And so if you look on page 5, line 102, 101-102 there it says --

>> Alter: Great.

>> Vela: So it explicitly mentions hate crimes in the list of crimes where the police are authorized to use alprs to search for the -- the license.

>> Alter: Thank you. I'd appreciate a couple of minutes to read it, but if the chief --

>> Mayor Adler: Can you walk us through the amendment that you have, please.

>> I'll try to focus on the more substantive ones.

>> Mayor Adler: And, chief, you don't have to sit up here.

>> For example, on page 4, where

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the -- the -- it has a list of basically the databases that the alprs would use, a specific list, where they will be drawing the license plate information, where, again, the information about these vehicles may be gathered from the department of motor vehicles and the state network and its alert programs. Those were not named and specified in the -- in the previous. So here we're saying, you know, again, that the Texas center for the missing and the national crime information center and the center for exploited

children and the kidnapping and missing persons list, it's, again, a more specific list of where the police department should be getting the license plates that would be going into the hot list. And, again, on the following that page at the top of page 5, you have what they are allowed -- again, unless otherwise required by state or federal law the vehicles on the hot list must be limited to, a,

[8:22:39 PM]

vehicles reported as stolen, B, the vehicles registered to an individual for whom there is a outstanding felony or a class-b warrant. And C, missing or endangered persons, or D, vehicles associated with [lapse in audio] To a class-a misdemeanor or a hate crime. And then below that there's just some cleanup language.

>> I have a question on that. So you listed the other agencies and the information may be gathered about. So if we walk through an example if a crime is committed, APD could then go and ask the department of public safety for license plate reader information from their list, from their apr data?

>> Yes.

>> And then they'd be taking that information and putting it into the --

>> The hot list basically. The list where those license plates will generate a hit if

[8:23:40 PM]

one of the apr readers scans that vehicle license plate. Where is -- I guess that the question would be where are they supposed to be getting the license plates from? And that would be one of, again, the -- let me just read a little bit of it. That the functioning shall be to obtain and inquiry historical data for the investigation of the crimes of exclusively the crimes and emergencies specified in a1d, and to scan vehicle license plates and cross-reference the license plate with information on the license plater reader hot list, containing information relating to certain vehicles. And then it says the information about these vehicles may be gathered from and that is where we do a laundry list, for example, for the F.B.I. Missing persons list, and the national center for missing and exploited children and F.B.I. Kidnappings,

[8:24:42 PM]

and it goes out and it lists the specific places where the Austin police department can get information -- can get license plate information to put --

>> So I guess that my question is then, if there are all of these other resources available or we can pull information from these other lists, then why do we need the tool of APD having its own lpr system,.

[Applause]

>> I think is a good question for the chief to answer.

>> So I think that what councilmember vela is referring to is that is where we generate the hot list information from. So the vehicles that might be associated with these felonies, with missing and endangered persons and so forth would be gathered from those databases. We're not talking about lpr databases that are maintained by those agencies, the lprs would be under the contract that APD have.

>> So this would be a more focused way of obtaining information to aid in the investigation, because you're

[8:25:42 PM]

looking for a very specific car at that point?

>> Correct, with regard to the hot list, that is correct.

>> All right. Okay. Thank you.

>> I'm sorry.

>> Mayor Adler: Were you going

--

>> Vela: And just to finish out this is, again, just on page 5, going down, just tightening up the language with regard to that the license plate reader data may not be retained or matched unless it's a vehicle on a hot list. And then also filling out in a little bit more detail the retention [lapse in audio] And what APD is supposed to do with regard to its retention policy. But, again, when do they destroy the information and when investigation does not result in criminal charges filed and the final disposition of criminal charges being filed, or the conclusion of a missing or endangered person investigation. And then again some more cleanup

[8:26:43 PM]

language saying that the data may also be preserved pursuant to a court order, and, again, it just kind of lays out some of the more procedural interactions between APD and other agencies when they receive a court order, a subpoena, something to that effect, with regard to what they have to do with -- with the data sharing with another government agency. Again, just the language is tightened up there. That it will only be shared with another government agency for APD as permitted under the prior paragraph, and that it -- just that APD will only supply the requested information for a specific case or investigation that it's under its custody or control, and only to the extent legally required. And, again, they may not share the information, as the requesting agency agrees to

[8:27:43 PM]

abide by the policies that APD has set with regard to the use of, say, [indiscernible] Or a jurisdiction requests info from APD, they have to agree to abide by essentially the same rules that APD follows with regard to the use of the data.

>> Can I pause you there for a second? Um, so, that seems like a really important positive change. And I just want to make sure that it's doing what I heard. So, if -- so another jurisdiction, even if they're asking for it for criminal activity, they are required to follow the same rules that will be set up in our procedures?

>> Vela: Yeah, and if you don't mind -- it says before receive anything license plate reader data, requesting agency must execute an agreement or memorandum of understanding to abide by the requirements of the Austin written administrative policy and procedures for license plate readers and the

[8:28:44 PM]

general orders in the use, handling and preservation of the data, including but not limited to sharing of the data and agree that all data will be promptly destroyed upon the missing or endangered persons case.

>> So that applies to any -- the feds, state -- like, nobody can compel us unless they have a memorandum?

>> Vela: Yes, that's the intent, if they "Information they have to sign a memorandum and agree to the terms in the memorandum, or else they can't get it.

>> Even if they are requesting for an individual criminal situation?

>> Vela: So, yes, the only -- the only exception to that would be a court order.

>> Okay. And then --

>> Kitchen: Mayor, can I speak to that --

>> Mayor Adler: Let him finish his answer.

>> And then in terms of the memorandum of understandings, is that something that comes to council? Because sometimes those come to us and sometimes they don't.

>> Vela: They're silent on that.

>> It's silent?

[8:29:44 PM]

Okay. Thank you. I think that if that does what I think that it does and what you just explained, I think that is a really important evolution for this, and I appreciate those of you who worked on getting that.

>> Kitchen: Before you go on I would like to speak.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Yeah, I just want to speak to that section. That is the amendment that I originally put in, and, um, it was always intended to do this, but I think that councilmember vela you have made it much clearer and so I appreciate that.

>> Vela: Thank you.

>> Kitchen: So that was the intent but I hadn't spelled out the actual agreement, thinking that was just something that would happen and so I think that it is much better spelled out and so that was my original intent.

>> I am fine with that.

>> Can we have legal weigh in? Because from my understanding, if another law enforcement agency is asking for this information, we are required to provide this information. So, I just want to have our

[8:30:47 PM]

legal team on record if that's not the case.

>> Yes, hello, councilmember Fuentes, I am speaking for the law department. I have reviewed this. I have ok'd it. In regards to -- so, in answer to your question, if I.C.E. Asked us for it, it would be within our policy that we would have to produce it, if it is related to a criminal case, and, you know, so we would be complying with the sanctuary city law as before.

>> Fuentes: So we would have to --

>> Does that answer your question?

>> Fuentes: Yes. To clarify, we would have to provide I.C.E. The information if they asked for it if it's related to a criminal investigation, correct?

>> Yes.

>> Fuentes: And to extend that to abortion care, if another agency asked us for information related to someone providing -- or helping someone obtain an abortion, knowing that would fall as a criminal offense,

[8:31:49 PM]

would we then have to provide the information?

>> That would follow within the direction that councilmember vela has placed within this resolution and we would have a memorandum of understanding with that agency. And so we can do that. And the abortion law is very different from the sanctuary city law. And the sanctuary city law is unique where it says that the police department cannot refuse to cooperate with I.C.E. Or federal agencies including the enforcement of immigration laws.

>> Fuentes: Has there -- go ahead, sorry about that.

>> So in answer to your question, abortions are different from I.C.E. Requests.

>> Fuentes: Gotcha. And has there been an example of another agency having a memorandum of understanding in

[8:32:51 PM]

place? Is that common practice?

>> The department of public safety, from what I have read on their websites, do have law enforcement agencies sign an agreement as to those law enforcement agencies complying with their directives. Their, um, rules for being able to use the information on their database. So it's not -- it's not something necessarily new.

>> Fuentes: Okay. And then councilmember vela, is your intention -- with the memorandum of understanding language, would that come back to council for us to take a look at it?

>> Vela: So it would not -- that's not -- that provision is not in there. I will say that the memorandum of understanding would essentially require them to abide by this policy, and the APD general orders that would then also govern the use of the data. So, it's a relatively -- I mean, it's pretty spelled out.

[8:33:52 PM]

I don't think that there would be a lot for council to review in terms of the memorandum of understanding. It's basically saying, hey, if we're going to share the data you've gotta follow our policies as set out in ordinance. And you have to follow the APD general orders, which are -- I guess the old ones, I'm not sure if they are still in effect, but I believe when APD does issue the new orders it will be similar to the prior general orders, can you confirm that, chief?

>> With regard to the sharing of the data? What part, councilmember?

>> Vela: No, just that APD -- are the old general orders with regard to APD still in effect?

>> No, they have been removed.

>> Vela: So as part of restarting this process I assume that you would issue a new general orders with regard?

>> That's correct. We would have to go in there and rewrite our general order, making sure that we're conforming obviously with this and then reinstall that general order.

>> Vela: So you either have to comply with this and then comply with the general orders that are to be issued by the Austin

[8:34:54 PM]

police department. Oops, I lost my place here.

>> Before you go on, so that doesn't apply to I.C.E. Though -- I mean --

>> Vela: That's correct.

>> So it doesn't apply to I.C.E. But we think that abortion is under a different --

>> Vela: And I will mention this also -- and, again, this is further debate on the other amendment that I have, which I think that will resolve a lot -- at least my concerns with regard to the sharing of the data, because we wouldn't be saving it so if we can't share, we don't save. So I believe that we are required to share the information with our partner law enforcement agencies in Aric.

>> Could the chief speak to that because that's not what I recall from Tuesday's work session?

>> So the partner agencies at Aric do have access to a lot of data and that's the whole

[8:35:55 PM]

purpose of the intelligence center is for all of those agencies to be effectively to share information with one another. You have to have an apr log on to get access to the system which I understood was one of the bigger concerns, was direct access to the database. We have ap personnel that are in the city and it is

[indiscernible] Managed and so all of those requests have to come in. That's how we -- how we manage it and make sure that -- because with the Aric, there is a stricter set of guidelines for either a criminal or a terrorism nexus for any information that is shared. And it is logged and it has to abide by the same rules, anything under the APD general orders.

>> Vela: And I don't know if law could also speak to any kind of sharing requirements or agreements with Aric?

[8:36:58 PM]

>> Regarding that, they know more about the operational aspect and the agreements that have been entered with those law enforcement agencies. So I would refer to APD on that.

>> Vela: Thank you, chief.

>> Mayor Adler: Did you want to say something?

>> Vela: And then that, honestly, we're close to the end of the substantive. And the last major difference -- again, there's some language about that tightening up language that there must be a criminal nexus and it's not to be used for investigating persons who are exercising their first amendment rights and assembly and association and religion and attending political rallies and organizational meetings. And then again APD will not use -- to use license plate reader data for its investigations with immigration

status or access to reproductive health services. And the timeline change is just a little bit just because in conversations with the chief, I mean, at first it was October

[8:38:00 PM]

1,2022, but realistically that it's just not going to get up and running that quick. So we changed that to promptly that the city council directs the city manager to take appropriate steps to implement the changes in our procedure and to restore the license plate reader program. And it said by October 1st, but this says upon the completion and adoption of the new policy and procedures, just to give more flexibility on that. And then last major change is the audit, again, just tightening up on page 10 and 11, just tightening up what the city auditor when they do their review after a year of running the program, it lists, again, the audit shall include but not be limited to the number of license plates, and the names of the lists [indiscernible] And the number of matches that result in arrest or prosecution or location of a missing or endangered person. And broken down by number of requests and the number of data share requests received and granted and denied, again, it just tightens up the language of

[8:39:00 PM]

the audit to get a substantial report from the city auditor a year after the program has been in effect. That's about it.

>> If I could just say something real quick. This was circulated today at 1:29 P.M., and a lot of the changes really, I believe, make the resolution stronger. I think that after reviewing them, a lot of them come from the substitute resolution that you had presented on the message board. And I -- I believe that we will have a resolution that other communities, if they choose to go in this direction, they can model this after. And so I'm thankful for the work that we've all done, everyone, including the feedback from previous council sessions. And the community members to get to where we are today. And thank you also, chief,

[lapse in audio] And I really feel confident that our community can be proud to bring back this program and to make it work.

[Lapse in audio]

[8:40:01 PM]

>> Vela: And I appreciate that and I appreciate councilmember Kelly being very flexible and working with the [lapse in audio] All of the ideas and changes. Again, we're going to talk about the time frame which I think that is critical to the whole thing, but with these changes, it's a good -- it's a good direction. Like I said, I'm not going to support it unless there's no data [lapse in audio] At all, but I think this is a good base to work from.

>> Mayor Adler: Okay. Questions about this amendment? Councilmember Tovo.

>> Tovo: Just a quick one. Councilmember, on line 66, it talks about -- to the extent that the 2021-2022 funding is not encumbered. I'm not sure that I am following it. So the lines before it talk about using funding from the 2021-2022 budget. I'm not sure that I understand what it means to the extent that it's not encumbered.

[8:41:02 PM]

Do we really mean sufficient?

>> Vela: That is a good question, councilmember tovo. And I am not sure. I can really explain that particular change.

>> So, mayor, we tried to change the language to make -- because originally it was drafted before the budget was adopted, so it was trying to capture how we can use the funds that have either not been expended yet or in the next budget.

>> Tovo: How does that -- what does that mean? To the extent -- so the lines before it say use the funding from 2021 to 2022. Then the next line says to the extent that the funding from that year is not encumbered. The city manager -- can use funding from the next year's budget.

>> Jackie, do you want to address it.

>> Tovo: It sort of sounds like

--

[8:42:03 PM]

>> Yes, originally, councilmember tovo, yes, originally we had the word "Sufficient." But it wasn't a matter of us not having enough funds, it's being able to -- what we call encumbered -- it's the language that we ask as the appropriate language because APD had a concern they would not be able to incur the amount sufficient -- you know, in time before the fiscal year 2023 started. So we vetted this language through a finance, and this was the appropriate language that everybody agreed upon. But, yes, you are correct. Originally it said "Sufficient" but I found that "Encumbered" was the appropriate word to use and I think that APD could explain what their concern was as -- they had the funding in the fy 2022, fiscal year 2022, but, um, there hasn't been a line item in their budget for

[8:43:06 PM]

fiscal year 2023, because this item [lapse in audio] Several times. So we wanted to make [lapse in audio] If we could [lapse in audio] In time [loss of audio] Fiscal year 2023.

[Lapse in audio] Correct me.

>> Tovo: So if it's not -- so 2021-2022 funding... Okay -- all right, thanks.

>> Mayor Adler: Okay. Mayor pro tem.

>> Alter: Thank you. I appreciate all of the work in here.

[Lapse in audio] I'm a little alarmed that I am not hearing anything about [lapse in audio] For eight months. And I don't have a specific amendment, but it does seem like

[8:44:06 PM]

sort of the -- unless I am missing something, this is long and we've had a lot of things -- but the new policy isn't going -- any committee? I mean, where is it? That's why I said that I may have [lapse in audio] Missed it.

>> Kitchen: It's in here.

>> Alter: What page are you on?

>> Kitchen: It's at the front, it says --

>> Alter: Or what line number.

>> Kitchen: Lines around 222, or where that is [lapse in audio]

>> Alter: [Lapse in audio] Yeah, that's what I am trying to understand.

>> Kitchen: So for the policy and procedures, that is in line 71 through 75. I had -- working with the office

[8:45:10 PM]

of [lapse in audio] Session

[lapse in audio] To go to the public safety commission.

[Lapse in audio] Minimum of two sessions... [Lapse in audio]

>> Alter: [Lapse in audio]

[8:46:21 PM]

>> Kitchen: [Lapse in audio]

>> Alter: [Lapse in audio] Available and [lapse in audio] To vote [lapse in audio] It should be [lapse in audio]

>> [Lapse in audio] Website.

>> Alter: Okay. And then I would like to suggest that we have some check-in, you know, three [lapse in audio] After that or whatever. Either at the safety committee

[8:47:22 PM]

or at the audit and finance committee. I am not on the public safety committee, but I will be on audit and finance. But it may be more appropriate at the public safety committee, I don't know if the -- you know, I don't know here where if there's some way to have some check on how this is going, you know, remind us of what the procedure is, what do we know three months in that we can tell you. You know, we have a lot of apprehension in the community and if there is a problem, I'd rather -- I'd rather, um -- I'd rather see that, rather than to wait a whole year if we could. It won't be a whole analysis --

>> Tovo: I think that is a good suggestion and I will let councilmember Kelly if there's a better place, but maybe after that section that we were just looking at and saying that three

[8:48:24 PM]

months after implementation, the city manager shall schedule a briefing at the council work session. This seems to me an important enough issue that it should probably come to the full council for conversation.

>> And I appreciate that, I mean, it looks like it would be perfect in it, be it further resolved. I am wondering if that is something that the chief would be able to do for us?

>> I have no issues with bringing back updates to public safety committee, or public safety commission on the progress that we've made with --

>> Mayor Adler: Or to a work session of the council, identified as a work session.

>> Not a problem.

>> Mayor Adler: Okay.

>> Thank you.

>> [Indiscernible].

>> I would sort of suggest, I personally would suggest one of the committees. We will have a new council and those work session times are going to be packed enough, I think, but I will defer to the author to determine what she prefers.

[8:49:25 PM]

>> Well, looking to be consistent with the rest of the resolution, if you look at line 224 when we talk about the auditor coming back to us, they also will review and share with the council's public safety committee, the office of police oversight and the public safety commission. I would believe that the place to start with this, three months into the project -- or the reinstatement if that is what the council chooses -- we would have a presentation before public safety and maybe just push it up to a work session, abbreviated, just a brief report, depending on the findings if there's any action that needs to be taken. I think that the best place for that might be public safety.

>> The public committee safety or commission?

>> I have the committee and the commission and it's three different times and it's in the public.

>> Okay, I'm -- I'm fine at having more -- more -- but it just --

>> Mayor Adler: So that we move forward, does anybody object to adding an amendment to it to be resolved that three months after

[8:50:27 PM]

the manager and the chief will report back to the public safety commission and the public safety committee? And to the council if requested? Anybody have an objection to that? That is included then in the base motion. Now back to where we were before. Any objection to councilmember vela's amendments be in the base amendment? Hearing none, those are all included in the base motion. And item 56 is in front of us as amended, is there anything else?

>> Yes, passing out a pair of amendments. One is -- the first one is just strikes the 30 days. And replaces it with three minutes. And if that one passes the second amendment is necessary just to clean up the language. But this amendment would just

[lapse in audio] Amendment. It would limit the retention of

[8:51:28 PM]

the data to three minutes. What that means is that this would not be a tool that is recording license plates, storing them in a database and then you can go back and search and say, oh, hey, I want to find out what is going on with and where license plate one, two, three has been and I want to check it out and I have 30 days of data search to find out what's going on and this limits the use of alprs strictly to a hot list, where if there's a vehicle that is associated with a felony warrant, you put in that license plate number, and if it hits, then, you know, you have identified where that vehicle is located. And if you are looking for a stolen vehicle and it hits, you have identified where the vehicle is. And when you get a hit

that data is going to be saved, but if you do not get a hit, then the license plate information that that scanner is capturing would

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be deleted essentially immediately. I mean, not immediately, three minutes, but it's not storing any data. And the reason that I am putting this in there is because, again, data that is not saved cannot be abused.

>> Mayor Adler: Let's see if we can get a second to -- I think what you have just hit here is vela sheet number two is what you have moved?

>> Vela: Yes, let me double check.

>> Mayor Adler: Is there a second to that? Councilmember Fuentes seconds that. Any discussion? Councilmember Fuentes.

>> Fuentes: Thank you. Thank you, councilmember vela. You know, this is -- I think that -- I'm still uncomfortable with the -- with the tool, but I think that this is an important step forward for us. Because one thing that I wanted to clarify going back to our previous conversation on given

[8:53:33 PM]

the show me your papers law and preemption that we have by the state, we would have to share data with I.C.E. On criminal offenses. And when we say criminal offenses, that could include things, for example, improper entry into the country, illegal re-entry to the country. I also have found that, you know, a failure to notify about a change of address is a class-b misdemeanor. And so these are the type of offenses that who knows with the different administration could be passed by our law enforcement. So I think this amendment is an important step in ensuring that we are not harboring surveillance data that could be used in a harmful way to an already disproportionately affected community.

>> Mayor Adler: Okay. Councilmember Kelly.

>> Kelly: Yeah, I can't support this as an amendment in the

[8:54:34 PM]

resolution for a lot of reasons, most that we have heard over the last several weeks in regard to data retention. So I was just going to have the chief remind us. Could you please tell us why the retention time set for 30 days currently is important? And maybe speak to the historical data that's used to solve crimes and maybe give us some examples.

>> Thank you, councilmember, I'm glad to. So we really see the tool as being important in two different ways. And I think that you have outlined them councilmember Kelly. They are both in my estimation very important. We need to be able to recover stolen vehicles. We need to be able to have a hot list to tell us about missing and endangered people and amber alerts and those sorts of things and all of that is very important. Equally important is our cases that we're working in homicide, in robbery and sexual assault, and human trafficking. And those type of

[8:55:35 PM]

investigations. We're having historical data is extremely important to be able to go back -- not only to figure out if a vehicle was in an area where one of those occurred, but equally if we are looking to remove someone from any suspicion or exonerate someone, the system can do that as well by confirming that a vehicle was not in the area. So, the data is just -- first of all, it's a tool. And, you know, as outlined and discussed over the last several sessions, um, there has to still be a manual verification of data by -- by personnel to make sure that we've got the right vehicle, that a hit in the system is not used solely for -- as a basis for an arrest warrant, or a search warrant. It still has to be verified and

[8:56:36 PM]

it still has to be confirmed. It is a tool that gives many times an investigator a lead, a clue, in cases that we might otherwise have no lead or clues. So, um, for that reason I think that it is important. As to some examples, I have cited several. It helped us with the rocker case that we had here several years ago to confirm his location on many of those instances. And as well as some pretty terrifying cases in the area of child exploitation, and active shooters. We had an active shooter that was terrorizing the city over several months that we used lprs to help us to solve. So it's just a very valuable tool.

>> Kelly: Thank you for reminding us of that. I would like to go back to June 16th when I first brought this resolution forward, and just, again, to remind you all I had

[8:57:38 PM]

utilized the previous [lapse in audio] Schedule this was one year and that was very uncomfortable for me. So in speaking with the chief and finding out how this technology could be best utilized we brought it down to 30 days. And that's about where I want to stay and feel comfortable currently. So, thank you.

>> Mayor Adler: I just want to say that I'm going to support the amendment at three minutes. The -- I recognize that -- that -- well, there are two basic uses for this tool. And one is the hot list. There's not a limitation to the cameras or the placement of cameras so they can be moved around, which is a compromise that I have tried to -- to work through. So it sounds like it serves the purpose that -- that we would want to have for that tool and in that context for that use. There's the other use and I

[8:58:39 PM]

recognize that in order for it to be valuable in that other use it had to accumulate data and keep data for a longer period of time, and I recognize that. I also recognize that -- that in something like this, we're building trust. And I think we talked about trust with respect to the last debate that we had. And given the magnitude of this, and the step that this is for our city, I think that it's appropriate to say we're going to fully enable you for that first use, and then we're going to report back, and we're going to see the audit and we're going to see how it's used and test the controls. Ask for more based on that experience. I know it's been hard to get the reports out from what we have been doing the past year. We thought we would get those back earlier, and I haven't

[8:59:41 PM]

seen those. So for me, I would join in saying that I would support the use of this tool but only in a situation that our first entree into it is something that supports one of the two uses. I think that's the important way that builds trust and enables a track record. Further comment. You had a question.

>> I did. I wanted to follow up on the last line of questioning. In case of an amber alert

[lapse in audio].

>> Having the [lapse in audio] Saying that vehicle just [lapse

[9:00:42 PM]

in audio] Location.

[Audio difficulties. Clsh dlsh based on issues with [audio did I have .

[Lapse in audio]

[9:03:00 PM]

. I do see the benefits of [lapse in audio]

>> Harper-madison: [Lapse in audio]. Abuse or discrimination if it doesn't have a really strict time limit for retention. Public safety is about protecting all our residents, and that includes people with different residency status, rim grants, anyone trying to seek

[9:04:02 PM]

medical care, so I am absolutely in full support of instating a three minute

[indiscernible].

>> Kitchen: I want to clarify, so I think I'm understanding the difference. The three-minute is real-time extension, essentially, right.

>> Correct.

>> Kitchen: In historical data because it's not stored at all, right.

>> That's correct.

>> Kitchen: Three minutes is the amount of time -- I don't know what's magic about three minutes but it's considered enough to check a license plate in real time, right.

>> I'm sorry. Could you repeat the question?

>> Kitchen: It's just rhetorical. I'm sorry. I don't know where three minutes came from as opposed to five minutes or six minutes or

[9:05:03 PM]

whatever. I think what I'm hearing from you is that if you're just going to be able to check in real time, then three minutes is sufficient to do that. The problem is you have no historical data and there's certain times of crimes or circumstances that you aren't able to address, right.

>> That's correct.

>> We've spent a lot of time on this. One thing I did learn from looking at other departments across the country and speaking with other officers who have utilized this equipment -- and that's why I was very

thoughtful with what I accepted and didn't accept because there's a difference in what's feasible and what's practical. One of the last things I want to do is approve a resolution that's not practical for your

[9:06:05 PM]

office. I believe that sets up a false hope they're getting a tool that they can utilize. My understanding of the balance of this council is that we want to give you a tool that you can utilize but three minutes is limiting and it will -- limiting and will limit your ability to utilize the technology.

>> That's correct. I cannot advocate for a three-minute restriction. It's a tool that is, you know -- it's obviously very powerful, and with the right auditing procedures, the right protocols in place, the right rules and regulations, I feel very confident that we will use it in the right way and be able to show council and the community that we're using it in the right way. I would hate that we wouldn't use it to solve some of the major crimes we have going on and really use technology to help keep this community safe.

[9:07:08 PM]

>> Thank you. There's other technology you utilize at the police department that has data retention schedules, correct? Such as halo cameras, for example.

>> That's correct.

>> What is that data retention like.

>> So we have -- most of the may low cameras -- halo cameras are in the downtown entertainment district. They retain that data for seven days.

>> Okay. Thank you very much for that.

>> Mayor Adler: To be clear, chief, while you would like to have it longer than three minutes and it enables you to investigate crimes -- it's still a valuable tool at three minutes. Is that true.

>> That's true.

>> Mayor Adler: Council member vela.

>> Vela: The three minutes came from a New Hampshire sa

[9:08:08 PM]

-- statute. It's what's model for a lot of what we were drawing from. Just right quick, I do want to say the audits were in the back-up in the Q and a. I hadn't caught them until I saw the Q and a. It looks like they're being vigilant in going back and making sure that they're, you know, being used for the purposes they're supposed to be used for.

>> Mayor Adler: The manager leaned over and said they were posted sometime this morning. I've been busy this morning so it was not accessible to me. Council member kitchen?

>> Kitchen: I have the audit summary from 2017 to 2021 in front of me. There were 12 officer errors across all those years and the errors were writing incorrect case numbers. So in 2021 two officers wrote

[9:09:13 PM]

incorrect case numbers, and that was in the second quarter. There were no issues in the first quarter of 2021, no issues in 2020 at all. First quarter -- so there was a total of 360 officers were audited with 12 officer error, three per cent error rate. It was incorrect case numbers, not accessing the data. If I'm reading this correctly -- not accessing the data inappropriately. Am I reading it correctly, chief.

>> You are.

>> Kitchen: Do you want to speak?

>> I think you've stated it pretty quickly, succinctly. Every quarter from 2017 until the program was halted in 2021, there were audits that were conducted by risk management unit. The errors located in there, what they always do is follow up directly with the officer

[9:10:15 PM]

and chain and command and were able to identify officers keyed in incorrectly a case number, usually transposing a number. So they were able to verify those and confirm that there was no misuse of the system.

>> Kitchen: So over five year 5 years, there were 12 times that officers keyed in the numbers incorrectly.

>> That's correct.

>> Kitchen: Okay.

>> Mayor Adler: Council member Kelly?

>> Kelly: One last thought. You know, the lack of historical data is troubling to me, knowing that we passed a human trafficking resolution today and victims of human trafficking could be kidnapped. We need that lead time to figure out where they might be. Three minutes to me is not enough. If my daughter were kidnapped I would want to use every tool to

[9:11:16 PM]

find her. Three minutes is not enough time for officers to be able to get out there and do that. Those are my closing remarks. Thank you.

>> Mayor Adler: Fuentes?

>> Fuentes: I want to be clear here. It's not that even if we have the data for three minutes, based on the resolution amendment as O posed, the police department has access to the department of public safety and their data so you could work with other agencies to see if they have that license plate on their hot list and obtain additional information, correct.

>> In order for us to check for -- looking at the example council member Kelly gave, if we have somebody who is kidnapped, we don't have that license plate to be able to run in any lpr database to see because we haven't identified the vehicle versus if we had lprs and we are able to look

[9:12:17 PM]

historically back in that area to be able to determine, you know, was it picked up by one of our lpr's, develop that information and then run it -- I hope I'm answering your question because we -- unless -- lpr's are good for vehicles that we have already identified and they're on the hot list. What they don't help -- if we don't have historical data, is Dr for instance, if I have a homicide or kidnapping that happens in this particular area, I want to be able to look for a very small period of time in a particular area at the

license plates that were there to see if I can develop a suspect out of those license plates. So it does not help me do that. It does not give me that investigatively.

>> Fuentes: And would you be able to look at commercially available data or another law enforcement agency data.

>> Yes, we could look at that type of thing as well.

[9:13:19 PM]

>> Fuentes: Okay. Thank you.

>> Mayor Adler: Are we ready to take a vote? Take a vote. Those in favor of this item -- sorry? The amendment. That's right. Thank you. In favor of council member vela's number two, raise your hand. What? It's listed as --

>> Vela: Sorry. You're correct. My bad.

>> Vela: Those in favor, raise your hand. It is council member vela, Fuentes, Renteria, harper-madison and me. Those opposed, please raise your hand. It is the remaining six. That amendment fails five to six. Are there -- do you want to bring your amendment number one?

[Tapping sound].

>> Vela: If that one didn't pass, the other is not relevant.

>> Mayor Adler: Any other

[9:14:19 PM]

amendments to the base motion 56? Let's take a vote on 56. Those in favor of item 56, please raise your hand. Council member kitchen, council member alter, kitche Kelly, tovo, Ellis, Renteria. Those opposed? Raise your hand. The remaining three. This passes eight to three. Let's go on to the next item.

Colleagues, we have 45 minutes, and we have four items left for us to consider. I don't know how quickly we can try to move them. The four items are the bull house, the convention center, the south central water front regulating plant, and the legislative agenda. With respect to item 54, 61 are

[9:15:20 PM]

you ready?

>> Tovo: I am, mayor.

>> Where are we with item 90?

>> Mayor Adler: Item 90 -- what? South central water front? Hopefully we'll do that -- I'm hoping we can do them in 10 or 15 minutes, so we could be 20 minutes away in the perfect world.

>> I'm hoping we can finish our work-up tonight.

>> Mayor Adler: I'm hoping too.

>> I'm not going to ask anymore questions

>> Tovo: I'd like to move approval of version three, which I distributed on the dais. If I get a second, I'll speak to it.

>> Mayor Adler: Okay. Council member tovo moves passage of this item.

>> 54, I believe.

>> Mayor Adler: Is there a second to that motion?

[Tapping sound]. Is there a second to item 54,

[9:16:21 PM]

the Castleman bull house item. Council member kitchen seconds.

>> Tovo: I've made -- this was as you probably remember a budget amendment. It got pushed to the agenda and I have filled it out with -- as a traditional ifc. I've incorporated, I think, all of what I would regard as a significant edit you provided me with with one exception. We have all received letter from preservation Austin supporting this path forward. I'm sure at this hour nobody wants to hear the history of it. This is something the city took possession of decades ago and has not at one point had an offer to - of more than a million dollars to restore it and that fell apart. I have more information about that if anybody wants to talk about that today. More recently in 2019 the convention center spent \$17

[9:17:24 PM]

-- 1.7 to restore the exterior. This would take the next step of reer -- restoring the interior. As you look at the resolution, the changes from the other day -- well, let me say, though, I do need to make one change and that is to change from 10 million -- the version you have says 10 million. It needs to say 8. That's what we're posted for. This reserves the funding. It doesn't allocate it. That would have to come back once the reporting is done and the community work is done. It would have to come back to council for consideration. You will see information in there now about the community process. It now spells out community engagement meetings to discuss possible uses, including for the black embassy, convention uses or other third party uses.

[9:18:25 PM]

It identifies stakeholders. I've used your language, council member harper-madison about culturally sensitive organizations. I have called out stakeholders who have been involved in the palm district planning initiative. It identifies boards and commissions that should be notified in advance. And it does involve more than just -- it does direct the manager to include more than just the convention center staff because this really should be a broader conversation that involves our historic preservation office, equity officer, the ga Washington carver museum. The memo would come back to council. The analysis of the costs and the estimate would come back to council. And then council would have an opportunity to discuss in parallel at perhaps the same meetings. The equity office is

[9:19:25 PM]

spearheading the names associated with the confederacy and that piece would happen at the same time.

>> Mayor Adler: Thank you. Council member tovo, I appreciate you working with me on this and discussing it and accepting the amendments. I have one last one I have happened out to everybody. I want to make sure it's okay with you as well. I made language changes to you that you suggested. It says item 54. It is mayor Adler motion, 1v-4. The one change I would suggest we make now that I read your

motion you allow R if different funding sources in the event it went somewhere else. I would recommend two changes to what's handed out. The 10 million should be 8 million, as you said. The list of city manager recommendations would say possible uses comma, and I would insert "Final funding

[9:20:27 PM]

sources comma" -- restoration and location.

>> Tovo: I think the funding sources is a piece that's already in mine.

>> Mayor Adler: No, no. I saw it there. You were allowing for that, so here I was saying that when it comes back to the council and the council is looking at the information --

>> Tovo: Oh, I see what you mean.

>> Mayor Adler: It added it. I was trying to be complete

>> Tovo: Most of that is fine. I want to vote on the location. I need to make a couple of edits. It says the - I think it says "Reserve." I think that was an error in my original.

>> Mayor Adler: It becomes plural

>> Tovo: I would say so money is available for an interior restoration consistent with.

>> Mayor Adler: Money is available for --

>> Tovo: An interior restoration consistent with -- I would cut to "Consistent with."

>> Mayor Adler: For an interior

[9:21:29 PM]

>> Tovo: Restoration and cut --

>> Mayor Adler: Consistent with. Okay.

>> Tovo: Then after "Historic properties," remove the comma. I'm fine with your language.

>> Mayor Adler: Okay

>> Tovo: And then I think we need to vote on location. I'm fine with all of it except the location.

>> Mayor Adler: Let's hold off with location for a second. Everybody okay with this? That's now incorporated into the final. Now let's talk about the inclusion. Possible uses comma final funding sources comma and restoration -- or restoration and location. Let's see which one of those two things it is. Colleagues, I had put "Location" in there because I heard there was discussion about perhaps moving it to a different park site, different park. I'm not familiar with this enough to know whether we

[9:22:29 PM]

should consider that or not. I don't want to limit that. In the conversation they're having I want them to take a look at location. I'm not ready to decide this is the location. It got moved there. I know that. It's been there a while. I know that too. I'm not ready to be prescriptive it is the location -- I would have invited them to take a look at whether or not this is the best place for this to be. And that's why I have that. Council member pool?

>> Pool: The question I would have about that is the structure sufficiently sturdy that it could be moved yet again.

>> Mayor Adler: I don't know. If it's not it will be an easy question for them to answer. If it is it might be something they want to look at.

>> Does the language preclude checking the structure status or does it assume it's movable.
>> Mayor Adler: Doesn't assume that at all. It may be this is the best possible place for it.

[9:23:29 PM]

This may be an easy question for them to answer. I don't know.

>> It's not connected to any utilities. It would need to be connected no matter where it would go. But I recognize it's expensive to move these structures and do it carefully. It could be as we look at how much it would cost to move it that that would need to be a consideration.

>> Mayor Adler: I'd hope we would take all those things into consideration. I would just like to have information before I make that decision. Council member Ellis?

>> Ellis: I have one question about the edits. Want to make sure I understand correctly. In the first "Be it resolved" -- it looks like it used to say the convention center and historic preservation office. It looks like it's been removed. I see it -- parks and recreation -- the idea is they would still be involved in this conversation, just kind of relocated how it was arranged.

[9:24:30 PM]

>> Tovo: Exactly. Part of the purpose there is I think the city of Austin historic preservation office is the right office to advise on preservation standards of the secretary of interior standards. That's kind of in there wheel -- in their wheel house. Thanks for the question. My phone is -- all my daughters are calling me from different parts of the house wondering why I'm not home.

>> Mayor Adler: We're trying to get you there.

>> Tovo: So, yes, I would -- so I think there are multiple problems with considering location. One, I think it is extremely expensive. I had an opportunity about a year ago to sit in a variety of conversations with various house movers talking about a different structure and it is, one, expensive. It is, two, very destructive to

[9:25:31 PM]

the structure itself and we've just invested 1.7 million dollars of public funding in the exterior renovation. It is not a best practice. Now it's been moved once but it's close to its historic context which is preferable to moving it. If it were to be moved out of downtown you're taking it out of historic context and you're looking at removing -- taking down all the utility lines and everything else. I think it is -- I think it is one, logistically complicated. I think it would be financially challenging, remove it from historic context, but after 20 years if we're moving forward with this project I want to see that engagement process coming together. How are we going to use it? How should it be appropriately named? How do we tell the complicated partly racist history of that

[9:26:33 PM]

site, of that structure, and how do we use it in a way that benefits the public? I think there are a lot of questions before the group and I would like them to stay focused on those rather than reopening the question of where it goes. To some extent I think that question was settled once we spent 1.7 million on

it. The palm district planning commission has concluded and I did ask one of the team whether they discussed moving it and this is what I received back. Based on our conversations with stakeholder, including convention center. . . That will move forward as part of the draft plan, will continue to show. . Its current location. For what it's worth I think this -- it sounds like this maven part of the conversations - - may have been part of the conversations that transpired within the palm district effort. I would like to focus on more

[9:27:36 PM]

fundment questions rather than reopening something that could be a rabbit hole. I want to see forward movement.

>> Mayor Adler: I think -- the report isn't even out yet. Hasn't been reacted to yet. I would give people the space to do that. Let's take a vote. Yes. By the way, I want to make sure -- I called out the vote. I'm not sure I called out the vote on license plate reader correctly. It was seven to four. The no votes -- how did you vote on that? Harper-madison voted no, Fuentes voted no, Adler voted no, vela voted no. The vote was seven to four and the record should reflect that. Okay. Back to the amendment. Should we include location? Does anyone want to comment on whether we should include location?

>> Renteria: Can you explain what we're going to be voting on.

>> Mayor Adler: When the manager comes back should he give his recommendation as to whether this is the best

[9:28:37 PM]

location or should we just say this is the location.

>> Renteria: Okay. That's all we're going to be voting on.

>> Mayor Adler: And it comes back to council.

>> Renteria: Thank you.

>> Mayor Adler: Those in favor of adding the location, which is the amendment, please raise your hand. Renteria, Fuentes, Ellis, me, and vela. Those opposed, please raise your hand. Pool, mayor pro tem, kitchen, tovo, and Kelly. Did you vote? Ive -- I have five to five.

>> [Microphone not turned on].

>> Mayor Adler: Six/five. That passes. It's going to say "And

[9:29:39 PM]

location." Let's take a vote on the motion.

>> Before you vote, mayor and council, I know that this is coming to have staff react to it quickly. We are looking at time frames attached to it. We will do our best to be responsive. I want to put on the record it's an aggressive time line. We will do our best to achieve the time lines.

>> Tovo: Understood.

>> Mayor Adler: Harper -- harper-madison.

>> Harper-madison: I appreciate that council member tovo acknowledged my concerns about the racist history and really acknowledged that in the resolution. I appreciate that. The other thing was one of the potential uses we listed -- the black embassy -- is there -- nook turner, Charles bird is

[9:30:41 PM]

here. I wonder if we have an opportunity --

>> Mayor Adler: We could if you wanted to. We have 30 minutes left and four things left.

>> Harper-madison: Mr. Bird, do you think you could speak briefly that this is a location for the black embassy? Are you comfortable with that?

[Child voice].

>> Mayor Adler: He's a star.

>> Appreciate the opportunity. My name is Charles bird. I go by nook turner. That's my identity. That's what I do is work in the community and fight for freedom for my people. I work for joy community outreach a nonprofit. We celebrated 25 years in the city this year in doing community work and I'm part of black Austin coalition that

[9:31:43 PM]

help bring forward the restitution you brought forward to rest tut black Austin to show a report to show damages and losses that blacks have suffered due to the 1928 master plan along with apologizing for systemic racism, slavery and putting us in a situation where blacks can get an equitable piece of the pie in the city. I want to thank council member harper-madison, mayor and everyone who voted. You voted yes on it. I thank y'all on that. It was pleasing to even hear that this building would be in consideration for the black embassy. So I appreciate that. And the opportunity. And I'm sure the community does. My question in speaking and looking at everything is -- and this is for the black embassy

[9:32:44 PM]

side. If this does not fit the black embassy, what's the next step for that? I'm glad that it's back up in conversations and thank you, councilwoman harper-madison, for having it in consideration. The question is what's the next step in case this doesn't fit the black embassy. One of the things in the resolution you voted for is for it to be a comprehensive study and that was supposed to be brought back within six months. We never heard anything from there. This is probably one of the first times we've even heard black embassy being talked about in the past year and a half, two years. There's a lot of unchecked boxes that you promised to the community y'all would have. That's pretty my question on that -- is if this site does not fit and work for that, what's the next step for the black embassy?

[9:33:45 PM]

>> Mayor Adler: Council member harper-madison.

>> Harper-madison: Thank you, Mr. Turner. Manager, I don't know if you picked up that too. It sounded like we owe a response. Two, it sounded like Mr. Turner was saying if we can't commit as a body to the dedication of this particular structure to the black embassy, then do we have some ideas for an alternate location, a city-held asset? I can think of a couple in district one but I'm certain given our resources maybe the direction is to look into what other assets could possibly be dedicated to the black embassy.

>> We'll follow up to give you status of the conversation and to update the entire council as well.
>> Okay. Thank you for the opportunity.
>> Mayor Adler: Okay. Thank you. Let's take a vote on the item here.

[9:34:47 PM]

>> Renteria: Mayor, is this -- I have two printouts and they all almost almost the same. It's version three, and it's 0915-2022? Is that what we're voting on?
>> Mayor Adler: Yes.
>> Renteria: Okay.
>> Mayor Adler: Okay. Take a vote. We ready? Those in favor, please raise your hand. Those opposed to the item? Harper-madison, Renteria, two no-votes. The other -- two no-votes. Council member Kelly abstain ING.
>> I'm for.
>> Mayor Adler: Council member vela, off the dais. Two no, one abstention, one off the dais. That means seven votes for. This passes seven, two to two.
>> Harper-madison: Can I ask a question about the final language. ? There was something you said in

[9:35:48 PM]

one of your amendments. I wonder if it made it to the final -- to council member Renteria's point there's a lot of paper here. The city manager is directed to conduct et cetera et cetera -- any recommendation use should include possible funding. That did make it -- thank you.
>> Mayor Adler: It did in two places. All right. Pass seven, two to two. We're now 9:36. And staff asked us to make sure we get the convention center done and the regulating plan.
>> Tovo: There's a budget ordinance amendment.
>> Mayor Adler: Legal reached out. Do we need to do the budget amendment if we're preserving the dollars.
>> No, you do not.
>> Mayor Adler: That's my understanding. Is that right? Is that a yes.
>> Sorry. I have checked in with finance

[9:36:49 PM]

and the way that the mayor has worded his item, you do not have to do the budget amendment.
>> Mayor Adler: Thank you. Is that okay?
>> Tovo: You've looked at -- I mean, the language --
>> Mayor Adler: I think your language --
>> Tovo: Okay.
>> Mayor Adler: Okay. Thank you. Council member tovo, on number 90, I think I can accept your motions as friendly. With that can we approve item 90? I move passage of item 90. Is there a second to that? Council member vela seconds that. Council member tovo moves her two amendments. Motion one and motion number two. I'm fine with those. Any objection to those two motions being added? Hearing none, those two motions are added. Let's take a vote on 90.

[9:37:50 PM]

Ready?

>> Tovo: There's one on the back.

>> Mayor Adler: On the back?

>> Tovo: Oh, actually -- wait a minute. I don't want to move --

>> Mayor Adler: Those first two on page one are part of the motion. Let's take a vote on 90. Those in favor, please raise your hand.

-- Raise your hand. Those opposed? Council member Kelly voting no. Anybody else voting no.

>> I'm abstaining.

>> Mayor Adler: Those in favor of 90, please raise your hand. I have council member pool, Renteria, Fuentes, Ellis, chito, kitchen, and me. That's seven. Those opposed raise your hand. Council member Kelly is voting no. Those abstaining, raise your hand. Mayor pro tem and council

[9:38:52 PM]

member tovo. How are you voting? Two abstentions. One no-vote, three abstentions. This passes seven, one, three. All right. Let's turn to the -- mayor pro tem?

>> Alter: I just want to say I'm abstaining because I feel like we've been asking for information for a long time and not getting it and I still don't understand what this item does, so I can't -- I don't think it harms it as long as we still get stuff back, but I'm not going to be able to support something without a regulating plan that I can at least view before we pass it.

>> Mayor Adler: Okay. Thank you. Let's go to the garage issue. Council member tovo, I think it's yours as well.

>> Tovo: It is. This also is a hold-over from the budget. It's the budget amendment. I'm going to move approval of whatever version this is.

[9:39:53 PM]

It feels like about 90, version number 90. Sorry. I don't have it marked here, but I think it's version three? Let me explain what it does. On item -- page two, it has underlined text that says "Whereas in 2016 and 2017 the downtown Austin alliance." That version that was distributed earlier today. The version two is really the same as what had been posted in the back-up. This is the one that has the items. Item 55. So I'm moving approval of the version that's been districted on the dais and distributed via kayty. The way you'll know it's the most recent is there's additional text that talks about in 2017 -- the main changes that are reflecting in

[9:40:53 PM]

this version are additional language that came from former council member ryely that provides useful history about the downtown -- about our various parking strategy documents. And I'm happy to answer any questions.

>> Mayor Adler: Okay. Council member tovo moves her version that was just described to us of the garage item. Is there a second to this? Council member pool seconds it. Council member tovo?
>> Tovo: We've talked about this a bunch. I think the question was raised the other day about why we're spending time on this. We passed Z multiple policies. This doesn't facilitate that. We have a responsibility to collect fair and reasonable rates for the use of our public

[9:42:02 PM]

facilities. We were able to use several hundred thousand dollars worth of general fund dollars. This doesn't do that quite but it does allow us to pay back debt. So, you know, having what the convention center in the Q and a described as the cheapest parking downtown is not the way we should use our public assets. There is language explicitly articulating that the current practice the convention center has of being able to validate, to set prices variable for event -- all that remain. You'll see language that makes it clear that none of those options are going away. All of those options will be available to the convention center staff -- convention center staff to do that. Just one other point I would make is I think this is consistent with parking strategies, with fiscal responsibility strategies and having extremely inexpensive

[9:43:03 PM]

parking adjacent to two nighttime entertainment areas is not -- potentially encouraging people to drive downtown. This resolution also makes the convention center part of the affordable parking program, which I think is a great addition. Those kinds of targeted strategies, one, allowing the convention center to continue its prices to do pricing for events that they think allows them to maintain their competitive edge -- that's going to remain and then encouraging -- or requiring them to participate in the affordable parking program allows them to really offer that cheaper parking to the people we want to target our service industry. There are other fee rates in the parking in what we have already passed in the budget for service -- hotel industry. All those rates would remain the same. They'll retain the flexibility of continuing to provide for

[9:44:04 PM]

those in the hotel industry.

>> Mayor Adler: Okay. There's a motion in front of us.

>> Renteria: Mayor? I would like staff to address what we're going to vote on. I'm very concerned about the convention center. The last time it came up before me -- for us they was talking about, you know, this is a big plan that they compete with other convention centers because of the expense of parking and they're able to keep it low. It makes them more competitive. So I just want to see the opinion of -- if that's still the case, if we pass this resolution.

>> I'm director of the Austin convention center. Staff does have concerns about the validation system. We are currently set up to bulk

[9:45:07 PM]

validate for small quantities. Moving and shifting are complete business model to a validation on a daily basis for thousands of attendees proves to be complex. We've looked at that previously and it would require significant changes to our operations, additional equipment, additional staffing and staff has concerns about the length of time it would take in order to get that up and running given the current event load that we have taking place. Additionally we would be discounting or doing special event rates on a daily basis, which could cause some confusion in the marketplace, and so for those reasons, we still believe that the current parking structure that we have in place is a more versatile option for us to be able to maximize the rates that we charge for the Kus -- for

[9:46:08 PM]

nonconvention center customers that come in in evenings to visit rainy and 6th street. We have a higher rate structure. Towards the end of the day we charge higher rates at night and on weekends to make sure we're charging at a higher cost of service. But the biggest concern we have is the bulk validation system, the length of time to set that up and we feel it could affect the customer service we're providing to our customers by trying to require our attendees to figure how do they bulk validate or do we post those rates at the garage which would be on a frequent basis.

>> Renteria: I have concerns. I think this has been rushed through. I don't think we have thought this through, and I'm not going to be able to support that on the convention center. I think that, you know, we have a business practice that is

[9:47:08 PM]

working for us. If we want to study that and get it ready for next year's budgets so that we can add more funding so we can get a validation system that's up to code and up to what the latest -- that they can do to operate this system smoothly and I'm just really concerned that this is being rushed through, and I don't see why we need to rush through it. I think we should study this and see if we can come up with a solution.

>> Mayor Adler: Council member Renteria, to that end, I've handed out an amendment. Mayor Adler motion one, motion sheet one on the convention center parking study. It had 48, 49 on the earlier version. It should Salines 80 -- say

[9:48:13 PM]

lines 80 to 87 -- directed to study parking rates for the Austin convention center. If there's a second, I'll address that. Council member vela seconds that. This might very well be the right thing to do. The truth is, again, it seems to be a significant issue. We have a conflict with staff that's recommending we do something different than that. I need more time and I would like someone to do a better analysis for me so I can make a more educated decision rather than just taking it down entirely. I recommend that we just don't make the fee changes right now but do include the other items that council member tovo had in the resolution. That's the purpose of the amendment. Discussion on the amendment which basically says we're not going to order rate changes now

[9:49:15 PM]

but we're going to ask for a study?

>> Vela: I appreciate the item. I agree with council member tovo that we need to sneak those rates up and encourage, you know, multimodal use, car pooling, things like that. I am concerned with the validation -- you know, the feasibility of that. So I completely there in spirit. I -- with mayor Adler in the sense of I'm -- the convention center staff did have some, you know, I feel legitimate concerns about kind of how they're going to execute a validation program. So I'll support the amendment.

>> Mayor Adler: Thank you. Further discussion on the amendment? Council member Fuentes?

>> Fuentes: Thank you. I want to thank council member tovo for identifying this is a potential resource for us and

[9:50:16 PM]

seeing the convention center does have some of the cheapest parking in the downtown area. I recently had a meeting at the airport hotel in southeast Austin where I paid -- well, it was \$10 for a little over an hour. So if we were charging \$10 in southeast Austin we should most certainly be charging more than \$10 for parking in our downtown area. I appreciate the spirit, mayor, that you've offered with your direction. I will be supporting your direction. I think having more time for staff to come through with a validation program system as well as having time for us to evaluate the specific amount that we want to increase our fees is the way to go, but for the record I do support increasing our parking fees at the convention center.

>> Mayor Adler: Any further discussion on the amendment? Council member tovo and then mayor pro tem

>> Tovo: I have a quick question for convention center staff. The fee schedule that was

[9:51:17 PM]

approved in this aerer year -- in this year's budget and -- list special event parking from 5 to \$25. How do you handle that when that's a variable rate? Also, I don't see in here different rates for the daytime. So I'm not sure how you communicate those two. How do you communicate special event fees? Is that a sign at the end of the door -- as you enter the garage.

>> Special event fees are geared towards events that are happening not at the convention center. This is mostly utilized to the palmer event center. When we have an event in the vicinity and nothing is taking place at palmer or the convention center we'll increase the rates. When we do that, we put the rates out on our website and additionally we'll put signs out on the street. Those are very few number of instances and it's cases where it will not conflict with

[9:52:18 PM]

convention center or palm event center business. Because we're one department --

>> Tovo: I see. You're not validating. It's assign as you go in. If you were doing -- I mean, that's the way I've experienced it at the palmer E sent center garage. You see what the rate is and pay on the way is.

>> That's correct. They operate differently than the convention center. There's entry pay. The convention center garages are exit pay so we can get cars as quickly as possible off the street and they

on exit. It operates differently. Posting a sign at additional -- at palmer for rates for events outside the palmer event center -- we were able to post those rates because it's pay on entry.

>> Tovo: I think without getting into better detail, I would ask that you accept my amendment to yours. If we're going to -- right now

[9:53:20 PM]

the rate is a little over a dollar for downtown parking. I think it is, you know -- again, we are way overdue for adjusting those. We've been way overdue in multiple parking garages, including this one we were able to fix in the budget process. This would in essence give some flesh to the study you've requested but it engages our parking enterprise staff in addition to the convention center we were working with the real data our parking enterprise work with that show the different parking rates. They can track it by area because it's a huge spread sheet. And that it come back to us -- that we ask our convention center staff to work with parking enterprise and come with back with a proposal. Every year we approved parking fees. We approved what was in the budget with no increase. I'm asking they take a look at it and come up with a

[9:54:21 PM]

reasonable rate to do that. I think it should reflect our responsibility to set reasonable rates that assist in paying debt and support existing policies related to parking and mobility. I think there are some bigger paths that some folks in the community would like to see us take in relationship to how we manage our parking. I've reflected those in whereases rather than directives because we're not posted for action on those. Council member riley provided me with useful amendments and you'll see information in there. I don't know I'll be the one to take up the overhaul of the parking management system but I think it is a path we should be on.

>> Mayor Adler: I appreciate the -- I appreciate this work and support the intent. Can we make this change to the second paragraph? You've identifies four considerations, which I think are important. And I appreciate you listing

[9:55:23 PM]

those. But I don't know that's the universe of the relevant considerations staff should consider. I don't want to limit what they should consider. Shall we say the proposal shall consider relevant considerations included but not limited to -- and have the ones you're calling out specifically? Is that okay with you? I'm okay with amending my amendment to be council member tovo's amendment with the change I just read into it. Anybody have any objections to that? My amendment now reads like Kathy's amendment with that additional change. Anybody have objection to that amendment as amendment being included in the base item.

>> Seeing this for the first time -- we will do our best

>> Tovo: Sure. It's a fast turn-around time.

[9:56:23 PM]

If it needs to be later that's fine too. My hope is that it will happen in the near term.

>> Mayor Adler: Okay. All right.

-- That is incorporated

>> Tovo: I will say, city manager, I learned today that your staff at the convention center provided an alternative proposal to one of my colleagues last week. I think they've done some thinking. My intent is they sit down and look at real numbers and then it be informed by my market data. I don't want to harp on it. It's late and whatnot. There are things that instructive from this that I would like my colleagues to think about. We want to make sure the city departments are providing information to all council members when they're doing that. If, you know -- I would like to ask my colleagues if you were bringing forward a resolution you probably wouldn't staff lobbying against it.

[9:57:24 PM]

You probably wouldn't want staff submitting alternative proposals to your colleagues. I think there are things that happened and I don't understand all the reasons but I just

>> Mayor Adler: Mayor pro tem.

>> Alter: Um, so I will support this with the early deadline that councilmember Tovo gave, but they did actually give us a proposal today. I don't know if it was -- it was posted today and it recommended parking that could go into effect in January. And I'm not sure why we're at the minimum not doing that, and if they come to us before then, maybe there's a different proposal, but otherwise it's that, which is at least a step in the right direction. I mean, am I missing -- that proposal is not just in our fee schedule, right, it's something different?

>> Mayor Adler: My understanding is that we'll deal with that when we call up item 60 in just a second.

[9:58:24 PM]

It's possible for us to pass this item 55, as we have drafted it, and we could also go to number 60 and adopt the fee schedule as proposed by staff this morning if we wanted to.

>> Okay. I'm happy to move that. It doesn't go into effect until January, but I would like there to be a trigger that they're doing something.

>> Mayor Adler: So let's consider item 60 in a second, to -- and item 55, let's take a vote on 55 as amended. Those in favor of 55 as amended, please raise your hand. Those opposed? Those abstaining. Councilmember Ellis abstains and the others and councilmember Kelly votes no. The others, nine voting yes. And that is 9-1-1. Item number 55 passes. That gets to us item number 60.

[9:59:26 PM]

Yes, councilmember Harper-Madison.

>> Harper-Madison: I'd like to make a motion that we go past 10:00.

>> Mayor Adler: You know, it's 9:59 and I thought that I was going to get there. Any objection to going past 10:00 so we can finish this up? It looks like just a few minutes. Anybody other than councilmember Alter and councilmember Kelly objecting to that?

>> I was wondering if I could make a motion to extend us to 10:30. How about 10:15.

[Laughter] 10:15.

>> Mayor Adler: I tell you what, let's go past 10:00 and we're so close and we'll finish this up and we could spend more time talking about it than it takes to get there. Item number 60 in front of us and the question is do we want to change the fee -- the parking rates now as proposed by staff or do we want to wait until the manager comes back to the recommendation pursuant to 55 that we just passed? I think that is the question in front of us.

[10:00:28 PM]

Councilmember harper-madison and then mayor pro tem.

>> Harper-madison: I was trying to squeeze this in before we move to the next item. I would like to request to take up item 90 again and I would like to change my vote and I had a question -- an outstanding question that has been answered now so I no longer want to abstain from 90 and I want to vote in the affirmative.

>> Mayor Adler: Any objection, colleagues to showing councilmember -- let's -- let's reconsider and retake the vote on number 90. What?

>> Can we just do this one and come back.

>> Mayor Adler: Let's come back back to 90, and then if people want to do that now, we could --
[multiple voices]

>> Harper-madison: Did we set a date [indiscernible].

>> Mayor Adler: Yes. All right. Mayor pro tem.

>> Alter: I will move item 60 with the staff recommendation for the fees which goes into effect in January, which gives them time if they make a responsible offer before then

[10:01:28 PM]

that we could adopt something different.

>> Mayor Adler: Okay. That's the motion. Is there a second to that motion? Councilmember pool seconds that. Any discussion? The motion is to adopt the rates and they go into effect in January. Certainly, if you come back with a different recommendation we could change it before January. I know that there are notices that you would need to do. Does the staff want to speak to that question? Does staff want to speak to this motion? Councilmember tovo.

>> Tovo: While they're coming up I want to clarify something that you just said. We just directed them to come back with a proposal.

>> Mayor Adler: Correct.

>> Tovo: I thought that you heard that staff could come back but we have directed them, so, okay, thank you.

>> I'm sorry, can you repeat the question, I'm unsure.

>> Mayor Adler: So the motion in front of the council right now is to go ahead and adopt the parking rate structure proposed by staff earlier today. Even while you are continuing on with the review and the study, the report back to council. It's effective in January. So certainly if you came back

[10:02:28 PM]

with a different schedule we could change it, but the question is in the meantime, should we be adopting the schedule that was proposed this morning?

>> Staff's recommendation would be to move forward with that study and to get that back to you just as quickly as possible, so we can make sure that we're adjusting rates based on what the downtown parking rates are, but in addition to comparing similar garages that operate as our convention center garage does in other cities. So staff's recommendation would be since, you know, the date -- that you all have proposed --

>> Mayor Adler: So your recommendation is not to adopt this morning's fee schedule on an interim basis?

>> Correct. Staff put forward this recommendation because we felt like it would be something that is still competitive with our market. Meaning that we're still competitive nationally in the market. And we feel as though we're raising the rates to be comparable to the garages that

[10:03:29 PM]

were in the area that -- that we reside in, but certainly it's the will of the dais.

>> Mayor Adler: Okay. Manager, do you want to speak to it?

>> More just for the record. I mean, this information is in the backup, but I don't know if it was clear, because it's not an amendment necessarily and I just want to make sure that it is in backup and that rate -- I don't think that we have to go through the rate specifically, but it is in there for clarification. If this were to move forward.

>> Mayor Adler: Ronnie?

>> Sure, mayor and council, the concern with the proposal is that as you know that we have customers that enter into long-term agreements with us. And if the concept is that we adopt this proposal for a few months, then it becomes confusing for our customers. And so if we come back to council with another proposal within three months, it just becomes more confusing and if this proposal were adopted, say, for a year, that would be really good for our customers.

[10:04:30 PM]

But if we're talking about a short time frame, we believe that it might actually engender confusion for our customers, only to come back within a short time frame with the change in the rates. So that's the reason why we can't -- even though this is our proposal, what we had envisioned was that this would be a long-term proposal of at least a year and not just a few months.

>> Mayor Adler: Okay. Councilmember tovo.

>> Tovo: You know, I was just reflecting back on some of the information that I had and it -- my staff reminded me that you sometimes have a flat rate for evenings. And so -- on the weekends, like a \$15 flat rate in the evening. So it seems like customers of your garage are used to the rates fluctuating, and so to me that's -- that's kind of the way that you operate your garage, that the rates fluctuate. As you said there are different rates during the day and different rates at night and it

[10:05:31 PM]

sounds like sometimes there are flat rates. So to me -- I agree with the mayor pro tem, I think we should go ahead and pass this. I'm not sure why we're waiting until January, but it does give them time to come back.

>> Mayor Adler: The motion --

>> Tovo: The increases it seems to me that are proposed are fairly small, so it certainly may be that the twohook we just authorized is going to result in higher rates.

>> Mayor Adler: Councilmember Renteria and then councilmember Kelly.

>> Renteria: I won't be able to support this at all and so I want to let my colleagues know that I'm voting no.

>> Mayor Adler: Okay. Councilmember Kelly.

>> Kelly: Thank you. I would like to do a local amendment, if that is possible to the rates. My staff took a look at some of the parking garages around the area and though there's an inconsistency with the rates that we proposed, versus the rates that added up and totaled with what I had and so I wonder if I might present that real

[10:06:33 PM]

quick to amend.

>> Mayor Adler: As to adopting this morning's rate structure?

>> Kelly: Correct.

>> Mayor Adler: Okay.

>> Kelly: So for zero to 30 minutes there's a grace period, and to one hour it's \$5, and one hour to two hours is \$10 and two hours to three hours is \$12, and three hours to four hours is \$15, and four hours to nine dollars is \$19, and nine hours to 24 hours is \$29.

>> Mayor Adler: Okay, is there a second to this motion? Councilmember Fuentes seconds that motion. You want to speak to it.

>> Kelly: I would. My staff just looked at all of the garages around the area and one of our concern is that if we raise our rates that other garages may raise their rates so I wonder if the staff had any feedback for that particular part or feedback in general about the rates that I proposed versus the rates that are in the proposal before us?

[10:07:40 PM]

>> Councilmember, I appreciate the thoughtfulness of your staff and to pull those numbers together. I think we would need some additional time to take a look at those numbers and to run the analysis to determine, you know, whether we thought that would be something that would be amenable.

>> Kelly: All right, thank you.

>> Mayor Adler: I'm going to vote against all of these, just because I don't have a basis to decide between councilmember Kelly's motion, the one that came from the staff this morning, and I'm comfortable -- since that's going to come back really quickly here with the numbers that I could actually have a better understanding for me of why I was voting for which numbers. So I'm going to vote no on this amendment and I'm going to vote no on passing anything on item number 60. Any further discussion on the amendment to the -- amendment to the motion, councilmember Ellis?

>> Ellis: Yes, thank you, mayor. I'm not able to support this,

[10:08:40 PM]

and I really want to make sure when we deal with the financial implications of an enterprise department that we're trusting the information that we have been given and that we have time to absorb it. I know that this started out of the budget process but we have had this conversation with things like entrance fees into our public park spaces as well. And I just think that if we are going to be deciding this, we need to make sure that the department who is going to have to deal with the financial impacts of that is onboard with what we're doing. And I just feel like this is -- I can't support this. Sorry. I'm out of words.

>> Mayor Adler: That's okay. Any further discussion on the -- councilmember Kelly's amendment? Let's take a vote. Those in favor of councilmember Kelly's amendment, please raise your hand.

Councilmember Kelly and tovo. Those opposed? It's the balance of the dais. That amendment fails.

There's the mayor in front of us, on number 60 -- what?

>> [Indiscernible].

>> Mayor Adler: I'm sorry.

[10:09:42 PM]

>> [Indiscernible].

>> Mayor Adler: No, no, but I need to slow down so I'm calling votes better and I apologize for that.

Councilmember pool abstained on that one and still did not pass. We are now looking at item number 60 in front of us from the motion from the mayor pro tem. Let's take a vote. Those in favor of that motion, please raise your hand. The mayor pro tem, councilmember tovo, councilmember pool. Those opposed, please raise your hand. How are you voting, councilmember -- okay. Is everyone else on the dais

--that does not pass. There's a motion to reconsider the vote on item number 90. On item number 90, the vote before was 7-1-3, and there were seven votes in favor councilmember Kelly voted against, councilmembers tovo, alter and harper-madison

[10:10:45 PM]

abstained. I make the motion to reconsider. Is there any objection to reconsidering? Hearing none from the dais, we're going to reconsider that item and re-take our vote. Item number 90, those in favor, please raise your hand. Those opposed? Councilmember Kelly. Those abstaining? Councilmember tovo and alter -- the mayor pro tem and councilmember tovo abstain. And councilmember Kelly votes no. The other eight voting yes. Item number 90 passes with eight affirmative votes. The only thing left in front of us, colleagues is the legislative agenda. Do we want to amend those today?

>> Yes.

>> Mayor Adler: Okay.

>> Mayor, point of order. Do we have to take a vote to go past 10:00?

>> Mayor Adler: We did.

>> Vela: We did? Okay, thank you.

>> Mayor Adler: We did. And I'm trying to get us there before we get to 10:15, if I can. All right, does someone want to

[10:11:46 PM]

make an amendment and an addition to the legislative agenda? Councilmember Kelly.

>> Kelly: This morning I did propose an amendment to our legislative agenda, would you like me to lay it out -- or say it before I explain why? I move to amend the city of Austin legislative agenda to support state-wide legislation to allow governments to redact the home addresses of residents that are in the possession of the municipality, when requested for a public information request.

>> Mayor Adler: Okay. Does anybody have an objection to that amendment? Okay. It's been moved. Is there a second to that amendment? It's to redact addresses in public record requests information. Seconded by councilmember Ellis. Discussion. Go ahead.

>> Tovo: So it was brought to my attention that there was a large request that went out with over 60,000 individuals' home addresses who had written to us

[10:12:47 PM]

in emails in favor or against an item. And so thinking about that and how some of us have experienced individuals visiting our homes, I just wanted to protect the people who live in our city and like to write to us about their opinion and not have their home address released. Thank you.

>> Mayor Adler: Okay, further discussion on this item. Councilmember pool?

>> Pool: Yeah, I think that we have some serious opposition to something like this with our open records, open government accountability transparency, um, advocates. And I'm guessing here, because I haven't spent any time but maybe the ACLU, for example, but this is a concern that I have. And I don't want to be shown as voting for this item to take it up to the legislature. I don't think that this would pass at the legislature. And so I wanted to register my opposition to this item, which is why I'm glad that we are

[10:13:48 PM]

bringing it up and not just having it on consent. Thank you.

>> Mayor Adler: Okay, further discussion on this item? Councilmember harper-madison.

>> Harper-madison: I support the item and I support, you know, folks not coming to our houses. I think that it's an anomaly that -- so, Tom Madison is a firefighter and qualifies for the tked home address anonymity clause, but councilmembers don't. So I think that it's awkward and bizarre, but I also think that it is intentional, and to councilmember pool's point, I think that it is intentional. I don't think that there's going to be any additional supports for Austin policymakers, but I'll support it, because I do think that there should be.

>> Mayor Adler: Okay. Yes?

>> I was just -- for clarification -- trying to protect the public but if you'd like to make an amendment to my amendment we could include ourselves as councilmembers.

>> Harper-madison: I'm sorry, I thought that you were making

[10:14:48 PM]

reference to us, but, thank you.

>> Mayor, I think this will pass, and I may be the only one that objects to it. I would ask that our legislative affairs office give us a briefing -- legislative briefing -- on the concerns that was registered with me specifically about this item. Is she here? Oh, brie, you are there.

>> Hi, good evening, everyone. You want to ask me the question again? I think that I have heard it.

>> And I was not expecting you to be on, but thank you for being here. If you could explain -- if you could just lay out the concerns that you had raised with me earlier today about this amendment to our legislative package.

>> Well, I just wanted to make you aware that there could be -- there definitely will be opposition, as many of you know, to these types of items from groups like you already mentioned like the aclu, the media and the press as well as

[10:15:51 PM]

watchdog advocates. For example, this is an issue that I believe that Paul robins has spoken to before with this council related to similar issues on the Austin water utility legislation that passed. But I don't have an objection to adding this to the -- that was the only issue that I wanted -- the only opposition. Those are the opposition that you will potentially face. But I'll leave it to the will of the dais.

>> Kitchen: So, mayor, may I ask a question?

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Brrch ree, thank you for joining us. So I want to make sure that we're talking about the same thing. So you're reacting to a question about legislation that would exempt the public, in other words, individuals that write their personal home addresses not being released to the public -- you think that there would be opposition to that?

>> Well, I mean, I know that you

[10:16:52 PM]

guys aren't surprised that groups like the acl and the media and the press take opposition to any further limitations on the public information act. That's part -- that's generally their stance is to not limit that further. And then I also only bring for this council's attention, because I have been asked for councilmembers when Mr. Robins raised issues what happened with the legislation about the Austin water utility data from last session. And this might be -- there might be similar watchdog advocates in addition to those groups that I already named who would have concerns.

>> Kitchen: Okay.

>> But generally those groups always oppose for limiting the public information act.

>> Kitchen: Okay. Thank you for clarifying. I just -- and you're not talking about redacting names, you're just about talking about redacting personal addresses?

>> I know when we get emails

[10:17:52 PM]

from constituents they put in their address and it auto populating in our email what district they are from and I'm just talking about the address itself, yeah, thank you.

>> Mayor Adler: The difficulty with this is that I'm just not familiar enough with this issue. You know, if we had a zoning case and there's a raft of emails all coming from a single neighborhood, I would imagine that the media is going to want to know that neighborhood came out on force on that item. And, you know, there could be a larger issue that we're dealing with city-wide, and people are going to want to know where the opposition or the support came from to check and see if there's a special interest there or something. I just don't know -- I mean, but what I would like to have with this is if it was a particular interest to councilmember Kelly is to set it for a work session briefing, or to ask the staff to research that issue, and then to give us a note or a memo on it.

[10:18:52 PM]

And armed with that, then I think we might have a better idea about whether to include it or not. I just don't know enough about it to know. So I would vote no, but on putting it on the agenda I would vote yes, with a direction to staff to research that question and report back to councilmembers.

>> Is that something that I could request now to have it at our next work session? Because some of the things, you know, that people could do with other people's addresses really scare me. And I don't want them to be able to utilize open records data to engage in that type of behavior. So I'd like to do everything that we can to protect it, but a work session would be --

>> Mayor Adler: A work session or even a written memo coming back. But within the next, you know, couple weeks, so two, three weeks, could you report back to the council on that issue?

>> Will do.

>> Mayor Adler: Okay. And then let's move on, if that is okay. Is there another amendment to be offered to the legislative

[10:19:53 PM]

package? Councilmember harper-madison.

>> Harper-madison: Thank you, thank you. The amendment reads, in the water wastewater environment and sustainability section, I would like to add "Support legislation that would support the development and increased usage of alternative building materials in both private and public construction."

>> Mayor Adler: Is there --

>> Harper-madison: I'm sorry.

>> Mayor Adler: No, is there a second to that being included in the legislative agenda? Any objection to that being included in the legislative agenda? Hearing none we have added that to the agenda.

>> Harper-madison: Awesome. And the last one is in health and prosperity section, "Support legislation and funding for programs that would increase access and resources for sobriety and recovery resources for youth."

>> Mayor Adler: Okay. Is there any objection to that being added to our legislative agenda? Hearing none, that is add as well. Thank you. Any further amendments to the

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legislative agenda? None? We ready to vote on the legislative agenda? Those in favor of the legislative agenda, please raise your hand. Those opposed?

>> [Indiscernible].

>> Mayor Adler: Councilmember Kelly is a no. The others voting aye. It passes 10-1. And with that at 10:22, this meeting is adjourned.