

## City Council Special Called Meeting Transcript – 01/20/2015

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Mayor Adler: Good morning, I'm Austin mayor Steve Adler and we're going to begin with the invocation from

[10:16:19 AM]

Rey Arellano with the city manager's office. If everyone will please rise. >>And thus concludes the invocation. Thank you. [ Laughter ] >> Mayor Adler: I had mentioned to rey when he actually got to the microphone if he felt moved he should. [Au-- he should go with it, but -- >>it's my pleasure today to help facilitate your mock council meeting, the purpose of which is to provide you an opportunity to see a council meeting in its current agenda form and the way we transgress, go through the actual agenda. Which you got a preview at during the orientation on the third day, as well as to provide you an overview of two new systems we'd like to give you a brief informational piece on, the electronic voting system as well as the speaker cue or the council's request to speak system, again in anticipating the 10-1, council configuration, we thought these tools might be helpful. If you'll allow, I'll ask Paul from the communications and technology department to give you a brief overview of the system before we get into the actual mock agenda. >> Mayor Adler: That would be great. Thank you. [No audio] >>Paul R., communications and technology management department, it services city hall, mayor, council, city

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managers, city attorney thank you for your time this morning. I've prepared a brief presentation for you

this morning. The information primarily focuses on the control panels located to the right of your microphone. First, let me briefly go through some of the physical buttons that appear on either side of the panel and how they relate to some of the items that are on the touch screen. Please note that the labels for each of the buttons are located above their respective buttons, starting at the top left of the control panel, the buttons are raise, this is a virtual hand raise, which when pressed provides a notification to the mayor that you would like to speak. The next two buttons are local PC and room, which control the 22-inch touch panel -- 22-inch monitor directly in front of you. Local PC will send your personal computer display to the monitor in front of you, and the room button will send the contents being displayed in the room to the monitor in front of you. For example, the presentation I'm giving, if you press the room button, you'll see that on your monitor. These monitors -- are these buttons are also represented in the lower left of the touch panel that you have. You'll see the current option that you have selected is highlighted in green. The touch panel buttons will activate or work the same way that the physical buttons on the left side of the touch panel work. The final two buttons on the left side of the control panel are mic on and mic off. They're associated with the. [Audio cut out] >>-- Top right mic on.

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On the right side of the control panel, you'll see at the top the assist button. This function is coming soon. It will allow you to note members of the ctm staff sitting at the av console to my left that you need technical assistance on the dais. The next button down is the vote button. If there's an active vote and you do not see voting options displayed in the center of your touch panel, press the vote button and the voting option should reappear. The bottom two buttons on the right side of the control panel are speaker up and speaker down. They will increase or decrease the volume on the speakers that located inside the dais just to your right. You'll see a little perforated section of the dais above. [Audio cut out] -- Of the control panel [indiscernible] For sound reinforcement, you can increase or decrease the volume using those buttons. And they're also associated with the volume bar at the top left section of the touch screen. It's in white, and directly to its right there's a plus-audio [audio cut out] >>-- The purpose of this system -- or the purpose of these features are to provide a score board for the votes being cast by council. As current designed, the mayor would call or request that the clerk initiate a vote. When a vote is initiated, you'll see the three options, yay,

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nay, and recuse on the such screen. Touching any of the options change the color of the option you select, indicating that option has been activated or selected. You have the ability to change your selection until the mayor calls for the vote to close. At which time the votes would be locked. If you are away from the dais or you wish to abstain, you don't need to enter any option. Recuse is a specific action. If you just want to obtain, you can simply not enter any of the provided options and you'll be registered as not voted or no vote received on the display when the vote is concluded. Once the vote closes, we'll display the voting results to the room. And atxn will broadcast those on the air. At this point I would like to hold a mock vote, if that's all right. And the item that we're going to vote on is

Thanksgiving your favorite holiday. If you have a conflict of interest with Thanksgiving and would like not to vote, you don't have to enter a vote. Just so you can see the functionality in the current system, I'm going to go ahead and ask the clerk if she will initiate a vote. Is the vote started? Okay. You should see the options to your right. And then, Gary, if you want to send us the atxn feed.

[10:24:32 AM]

And if you will. [Audio cut out] >>So this would be the display that would be available to the public and for you after the vote has been cast. There's a summary at the top that simply states the number of yays, nays, recused and not voted. It is color keyed so you can very quickly see the way that individuals voted. Want to go back to the presentation? My understanding is that -- well, let me say this. This is as the system is currently designed, without input from the existing council because we had to make preparations in advance. There was a lot of programming work that went in on the back side of this. So as we get feedback from the council and mayor, we can certainly make modifications to make that system work as you would like to see it, but as it stands, those are the current functions. >>The issue for me and kathyie when looking at this earlier was the concept of almost a secret vote as opposed to being able to see what's happening on the dais when people are raising hands. That was something that felt to us that it should be a little more open, little more transparent, but it's -- so we may not use that voting that way or using that voting method exclusive to raising hands or something but it was important for us today, with respect to people cuing for the opportunity to speak, the system is set up in a way where we have the capability to be able to put yourself in line to be recognized to talk. I'm not inclined to use it that

[10:26:33 AM]

way because I think that when we're having discussions and debates it might make more sense to be able to say, now, don, you need to speak or respond to that. We've heard two people of that spoken in favor of it, now let's hear someone against it. The system is not set up easily to be able to let the chair, whether it's me or whether it's Kathie, to be able to do that. So the purpose of this is not to tell us what we're doing because we'll decide what we're going to do, but it's for us to be able to see what the functionality of the system is and then we'll give feedback to Paul and to the staff to set it up how we want to use it. Today we're learning about functionality. Yes. >>I was concerned about the transparency of the vote as well, and I think as long -- I would be less concerned about it as long as we were able to see how our colleagues are voting on the before the vote is closed. >> Mayor Adler: Let's think through it. We are hearing it for the first time. I don't want to make people think they have to debate it now. Let's hear what it is. Ann. Councilmember kitchen. >> Kitchen: So I'm understanding, when will we have a chance to talk about it? Are we waiting for after this presentation and then get an opportunity to talk about what we'd like to see? >> Mayor Adler: I'd rather people have a chance to think about it first. >> Kitchen: Okay. >> Mayor Adler: Our default is that we're. [No audio] >> Mayor Adler: -- We have functionality, and to the degree that we can work out different things or we get comfortable with it, we'll move to something else. But that's our default. >> Kitchen: I'd just like to say I think it would be very helpful to -- both for the public and for us to see who is wanting to speak as well as to

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see how people are voting because it's -- I think it would be much better and conducive to us working together. So okay. Thank you. >> Mayor Adler: Paul, thank you. >>Yes, sir. So right on cue, the next item that I wanted to cover was the electronic hand raise. If you press the raise button at the top left of the control panel, it will bring up two options on the screen. Request to speak and cancel request. When you actually want to put in a request to speak, then you would need to tap the request to speak button and it would begin to blink blue, indicating that you have an active request to speak. To cancel a request at any point, all you have to do is hit cancel request, and the cancel request will light up for three or four seconds, and then both the request to speak will stop blinking and the cancel request will go back to the status that you currently see in the presentation. As currently designed, the cue that the mayor and mayor pro tem would be able to see will have a list of speakers in the order they have requested to speak. As they process through the requests, when you are -- the next person in line to speak, you will see text appear above these buttons that says you're next to speak. When you are then promoted to the have the floor, you will notice that the request to speak button goes solid blue and the next above the buttons goes to you have the floor. One thing that we are still working on as the system is currently designed would be to make the raise button a single press so that it would both

[10:30:34 AM]

bring the buttons to the front and activate the request to speak button. Again, you would see that the request do SP -- request to speak button would simply blink blue. Is there anything else I can provide? >> Mayor Adler: There's some pages that you gave to me and to Kathie this morning. >>Yes, sir. >> Mayor Adler: You're also going to post electronically. Can you get those out to the council members as well? >>Yes, sir. >> Mayor Adler: That would be great. In fact you may have already have them at your place. I see that now. Thank you, Paul. Anybody have anymore questions about this before we move on? >>[Indiscernible] >> Mayor Adler: I do not see. >>[Indiscernible] >> Mayor Adler: Do it again. Raise, right? Raise once. It comes up. >>Is there a vote open? >> Mayor Adler: There you are. I see you. You're number one. Okay. >>So the -- one quick point about that issue, again, as currently designed, when a vote is open, we removed the ability to request to speak. That is certainly something we can modify going forward. >> Mayor Adler: Okay. >>Thank you very much for your time. >> Mayor Adler: My guess is that one probably wouldn't need to be. Again, that's the ability that we have with the technology at this point we're not using that. All right, so we'll continue on then with the agenda. >>Yes, sir. Just to -- briefly, what you have before you in your packets are -- what you would normally see on your council meeting day. It concludes -- consists of the

[10:32:35 AM]

agenda, and in this case we have a Austin housing and financing agenda that will be attached. The changes and corrections letter. Again, these three things will be available to you on the city clerk's council meeting information center. And your staff will help you put together your packet in preparation

for the meeting. Each of you will have a different area that you'll be interested in and also as well you'll have a range of preference in terms of one I understand of the spectrum being a binder with all the paper material and so forth to perhaps having a laptop or iPad with all that material electronically. Your staffs will help put that information in for you in advance of the meeting. In addition to those three items you should have a script and hopefully you have a highlighted portion. So all of you. [No audio] >>Because all of you have -- handed over to you to conduct the session. >> Mayor Adler: Okay, thank you. And thank you, re, for pulling this together for us. >> Mayor Adler: If everyone is seated we have a quorum present. I'm going to call the meeting of the council to order on Tuesday, January 20, 2015. We're meeting in the council chambers, Austin city hall 301 west second. The time is 10:33 probably appears somewhere on my screen, there it is. I see it. 10:33. Thanks. We begin the meeting by identifying those that. [No audio] -- Things that are changes and corrections and see the changes with respect to the agenda today, we have some.

[10:34:37 AM]

It appears on the agenda page but to call them out, the following changes and corrections to today's agenda, item four is postponed to February 12. Item ten is withdrawn. 15, councilmember Ann kitchen is added as a sponsor and 25, there is going to be a postponement requested, but because that has been identified for a time certain at 4:00 P.M. We can't entertain that motion to postpone until that time. Our time certain items for today include the following at 12:00. [No audio] >> Mayor Adler: Austin housing finance corporation board, which we are also the board -- of the finance corporation board. At 4:00 P.M. We'll have the public hearings, and at 5:30 we'll have live music and proclamations. Pretty much guaranteed we're going to end this meeting early. [ Laughter ] >> Mayor Adler: Now the consent agenda consists of items 1 through 16. We're reading a script here so everybody gets a feel for how we go through this. Because we're reading the script does not mean that you can't raise your hand and say there's something happening here that doesn't make sense to me. This is perfectly allowed. [No audio] >> Mayor Adler: At the first however meetings we have. So don't -- because there's a script, don't hesitate to raise your hand and say something is not clear. So the consent agenda today in our mock meeting consists of items 1 through 16, with the exception of the items that were pulled off the agenda that I went through just a second ago in that list. And I'll go through those that

[10:36:38 AM]

have been pulled off in just a second. First I want to read our appointments to the boards and commissions, which is item number 13. And this item P remain on the consent agenda even though we're reading the names. In this case our constituents im interested is the mayor's appointment. [No audio] Appointment to the public safety,. [No audio] >> Mayor Adler: Number seven is pulled by breach presentation by law, item 12 is pulled by councilmember Garza. >>Mayor? >> Mayor Adler: Yes. >>I would like to poll item number 6 as well. >> Mayor Adler: Best I can tell there are two different ways we have for us to turn off and on the microphone. One are those gray and green buttons in the upper right-hand corner of the screen and then the two side buttons with the speaker on and off. All right. You have asked to pull number 6 off the agenda as well and we'll do that. So 6 is pulled, off consent. The following

items were pulled off the consent agenda because two or more speakers have signed up to speak on the item. So that item number 2 will be pulled for speakers and taken up after the consent agenda. Again, the consent agenda concerns items one through 16 about the items that have been pulled off by either council members or two or more speaks. I'll now entertain a motion to approve the consent agenda

[10:38:40 AM]

items, which is everything 1 through 16, except for the items that have been pulled. >>Marry mmayor. >>Marry move for approval. >>Mayor, I second that motion. >> Mayor Adler: Good. Councilmember southeast moves approval and councilmember Garza seconds. >> Mayor Adler: Yes. >>When we're moving for approval or second do you need to wait to be recognized first and then second or do we just second? >> Mayor Adler: I think I would -- formally I would ask for a motion, someone would make the motion, I would ask for a second, you'd raise your hand and I would raise you to second. I think as we start getting into this, it will happen more quickly. But that's the structure of that. Yes. >>Information on how things work, do I hit the request to speak button -- I wanted to make a motion that we hear for three minutes from staff how consent items are prepared on the agenda for -- a 3-minute explanation, how do items appear on the consent? Can we do that. >> Mayor Adler: Yeah, we can do that. >>How do items appear on the consent agenda. >> Mayor Adler: Let me make a stab at that and staff can fix that. So items can -- you know, we have the existing rules and then we have the rules that we're trying to move to. But there are two different ways that things get onto the agenda. Either the city manager puts something onto the agenda or we put something onto the agenda. How we put something onto the agenda may be following up from a committee or it may be a certain number of councilmembers that put it on. And then when the agenda is being prepared, as we've laid out in that schedule, it's something that the city manager does in conjunction with the mayor's office. Actually pull the agenda together. It gets posted for the ability -- a draft gets posted for comments to be made, and then there's the final posting of the agenda, at least 72 hours

[10:40:42 AM]

in advance. Those items that are believed to be ones that will not have a lot of conversation or that there won't be a lot of questions on get set in that process on the consent agenda, recognizing that any one of us can pull something off the consent agenda and ask about it. At our work sessions prior to the meeting we'll have the opportunity to be able to discuss those items as well. >>So the short answer is the consent agreement is the belief of I guess the mayor and the manager's office as to what their -- their best information at that time of what would not be contentious. >> Mayor Adler: That's right. The manager sets the agenda in consultation with our office. >>I need to jump in. The consent agenda are things that can go legally without having to have some other action. The nonconsent agenda, for example the eminent domain that council has to take a certain action before there can be a vote. So things that are nonconsent can't sixy be passed bay vote, you have to take further action. >> Mayor Adler: We ready? Okay. We have now -- we now have a Missouri motion to approve the consent agenda by councilmember coast, we have a second by councilmember Garza. All in favor of approving the consent agenda please indicate by saying aye. >>Aye. >> Mayor Adler: Opposed -- >>sorry, mayor, I

believe councilmember Renteria has an action and then I had a comment. >> Mayor Adler: Okay, cool. I have to go back to my script. [ Laughter ] All right, any discussion? It's been moved and seconded. Is there any discussion on that motion? Councilmember Renteria? >> Renteria: [Indiscernible] >> Mayor Adler: I didn't hear you. >> Renteria: Can you show --

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mayor, please show me voting no on item 11. >> Mayor Adler: Yes, done. >>Mayor, I'd like the record to show I'm recusing myself on item nine and I filed an affidavit with the city clerk. >> Mayor Adler: Very well. The city clerk will so indicate. Any further discussion? Seeing none, all in favor say aye. I'm sorry, councilmember. >>I would like to discuss how, for example, I saw that the mayor pro tem wanted to speak. How do we make sure that we don't -- how do we interrupt you best to make sure -- bring up items for discussion? >> Mayor Adler: I think you just interrupt me. >>Just the way that. [No audio] >>That I just did now? Okay, I just wanted to make sure. [No audio] >> Mayor Adler: All those in favor say aye. >>Aye. >> Houston: Any opposed say nay. All right the consent agenda passes unanimously. We'll move on. Now we're on those items that were pulled, that were turned into discussion items. Number 2 was pulled for speakers. So we'll hear from them now. The first speaker is Hayden [indiscernible] >>Good morning, mayor, members of city council, manager. I'm a long time resident of freona road. When I moved here 20 years ago there wasn't much traffic out here. Now because of the growth in the surrounding areas it takes me 25 minutes to get to the closest grocery store. Our neighborhood was excited to learn that a developer would like to put in a development that will include a grocery store and mall within ten minutes of where I live. I encourage you to extend waste water service to this area. Thank you. [No audio]

[10:44:59 AM]

>> Mayor Adler: I appreciate you keeping your comments to less than three minutes despite the fact that I didn't tell you ahead of time that you had three minutes to -- [no audio] >>Good morning, mayor, councilmembers, city manager, city attorney. My name is Roxanne Evans and I too have lived on the road for a very long time. Yes, the traffic makes it difficult to get to places quickly anymore, but providing waste water and other services to this developer will only add to the traffic and congestion. And where will it end some you extend service to this tract and when it's built out there will only be requests from another developer to build out even further. At some point it has to come to an end. You can end it today by voting no on this extension request. Thank you for your time. >> Mayor Adler: If there was a way for me to be able to put three minutes in this timer and start it, I don't see that ability. Go ahead, our next speaker is robin Otto. You have three minutes and we're kind of on the honor system here now. [ Laughter ] >>Okay. Good morning, mayor, councilmembers and city manager. I'm neither for nor against the service existence. I'm here today to remind you whether you vote this request up or down that Austin remains in a serious drought condition and I urge to you consider the long-term viability of Austin any time you make a decision related to water. Thank you.

[10:47:01 AM]

[Buzzer soundining] >>[Indiscernible] >> Mayor Adler: -- Would be overriding the clerk. The clerk is doing all that, where the clerk sits. If we add more time, the clerk would do that? That functionality is supposed to exist here and it just doesn't exist yet. All >>I would have asked her to explain her position vis-a-vis the zoning change, given the point she made. >> Mayor Adler: Then I understand when that's happening then the clerk will be watching that elapsed time so that -- does that get incorporated into that three minutes? How does that work? >>It's extra. >> Mayor Adler: Time gets added? >>I would have waited for her to conclude her comments and then I would have asked her hopefully before she had returned to her seat. >> Mayor Adler: Got you. >>[Indiscernible] To come back but sometimes it's necessary. >>Mayor, this might be a good time to ask, is there a particular order? Do you usually do for, then against and neutral? Is that something made up on a per case basis or how does that work? One for, one against or do y'all do all the fores and all the againts? >> Renteria: You're talking about debate? >>Yeah, protocol. Is there any tradition for that

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here? >> Mayor Adler: What's the convention? So that usually goes up in the order of sign in. >>Numerical order that they sign up. If there's a lot of speakers, you know, 50, we may group them by those that are for and do all the for and all of those that are against together. But if there's just a few speakers, we do them in numerical order. >> Mayor Adler: So I think the answer is there's no rule. >>Yeah, there's no rule. >> Mayor Adler: Okay. Any further discussion on number two? Hearing none, is there any motion on item number two? >>Move approval. >> Mayor Adler: Okay, thank you. Is there a second? >>Second. >> Mayor Adler: Councilmember troxclair moves approval, councilmember Kaiser seconds. Hearing none, all in favor say aye. >>Aye. >> Mayor Adler: Those opposed, nay. Item passes unanimously. We're now going to move to number six pulled from the agenda by councilmember Gallo. This item has no speakers. >>I would like to ask a question of staff, please. >>Rey Arellano, assistant city manager. >> Troxclair: Thank you. Would you tell me what departments are. [No audio] >>This particular item, there are no other pressure audio cut [audio cut out. >> Mayor Adler: I'll entertain a motion for approval. >>Second it. >> Mayor Adler: Councilmember Gallo moves for approval,

[10:51:03 AM]

councilmember Renteria seconds. All those in favor say aye. Those opposed M nay, passes unanimously. >>I said nay. >> Mayor Adler: I didn't hear you. >> Mayor Adler: I'll pay ever more diligence to that nay vote coming from my right. >>Thank you. I do appreciate that. [ Laughter ] >> Mayor Adler: Absolutely. >>Mayor, I have a question please. >> Mayor Adler: Yes. >>If we are looking at promoting transparency in our votes, it seems like when we just have a voice vote sometimes it's difficult for people to catch when. [Audio cut out] >>-- In the system. >> Mayor Adler: I'll use judgment in that. My script had voting unanimously, but it didn't go that way. Hopefully I'll have a feel for what that vote will be, but, obviously, in our record we want to note who is voting for and who is voting against. So if I hear a nay vote at the table I may then back up and say, okay, it's not going to be unanimous so let's have a show of hands and record who is voting aye and who is voting nay. I would imagine on a lot of consent I'm sorry



it's not going to be necessary for us to do this because people will be asking questions but my hope is I'll have a feel for it. But we want to be able to record for the record how people are voting. >>Okay, thank you. >> Mayor Adler: In a real meeting aisle look up from my script and look to see what people are actually doing. We ready? Item number seven was pulled for a brief presentation by the legal department. Megan Riley. >>Good morning, council. My name is Debra Thomas with the

[10:53:09 AM]

law department. I'm here today to recommend you approve payment to sell a. [Audio cut out] >>-- Personal injury lawsuit filed arising out of a car accident involving city of Austin employee and vehicle and the plaintiff's vehicle. The settlement agreement contains the following terms. The city [indiscernible] The plaintiffs a total of \$105,000 in exchange for the settlement plaintiff will dismiss her lawsuit against the city with prejudice and release the city from any claims that have been or could be asserted by the city. The law department recommends settlement pursuant to these terms. Are there any questions? >> Mayor Adler: Thank you. Any discussion? Then I'll entertain a motion for approval. >>Mayor, I'll move approval. >> Mayor Adler: Thank you. >>And I'll second. >> Mayor Adler: Great. Councilmember kitchen moves approval, councilmember pool seconds. Are there any objections to the - this consent item? >>Do I have to take a vote that way or so long as the record reflects the unanimous vote can you call for the vote that way? Okay. All in favor say aye. >>Aye. >> Mayor Adler: Those opposed say nay. Passes. Our last item pulled off the consent is item 12. Pulled by councilmember Garza. There are no speakers for this item. >>Mayor? >> Mayor Adler: Yes. >>I'd like to ask a question about item 12. Could you explain that just a little more, please?

[10:55:09 AM]

>>Certainly. So the code requires the issue wedissue -- issuance of a permit but council approval for a fee event, which 2015 the "I want to take a walk" event is paid therefore that was before you for approval. >> Mayor Adler: That was a real answer, by the way. Any further discussion? Is there a motion to approval? >>Mayor, I move approval. >>Second. >> Mayor Adler: Councilmember Garza moves approval seconded by councilmember Gallo. All in favor say aye. >>Aye. >> Mayor Adler: Those opposed say nay. >>Nay. >> Mayor Adler: Let's take a hand vote because there were nay votes. All in favor raise your hand, please. Those opposed say nay. So it passes with councilmember Houston, Zimmerman, and tovo voting no. The others voting aye. That is the extent of the consent agenda. So now we're going to move to those items that were set for the nonconsent agenda. That brings us to item number 17. Is there any discussion on item number 17? >>Are we -- >> Mayor Adler: Page 5 of the script. >>That's where I'm at. Is Mr. Gernzie actually here. >> Mayor Adler: Yes. >>Okay. >>I think we've jumped on the agenda. >> Mayor Adler: Did I jump? >>Mayor, I move approval. >>Second. >> Mayor >>can I raise a point of order. >> Mayor Adler: Yes. >>Is it permissible to have a presentation before we move for

[10:57:11 AM]

adoption or is that -- >> Mayor Adler: This is a nonconsent item so the floor is open for number 17 -- >>I

think councilmember Zimmerman jumped to item 18 and we were still on item 17. >>'m at the top of page 5, aren't I? Greg Gernzie makes a presentation. >>He's on item 18. >>Okay. >> Mayor Adler: All right. So on item number 17, councilmember Renteria moved approval. Is there a second? >>A second. >> Mayor Adler: Councilmember Houston seconds. All in favor say aye. >>Aye. >> Mayor Adler: Those opposed nay. Hearing no nays, the measure passes unanimously. Number 18 -- audio cut out] >>Good afternoon. I don't -- I can see a grand valley annexation case which is approximately 100 acres in southeast Travis county. Included in your backup is the ordinance and map designating the area to be annexed. In addition there is an annexation service plan. The service plan goes over the early action items that the city services that would be provided immediately, police, fire. We also provide solid waste services in this case, maintenance of parks and roadways. There are other. [Audio cut out] >>-- Also provided by the city. We provide for library services to those that are coming into the city. We also require building

[10:59:12 AM]

permits, in addition to zoning for those areas that are being brought into the city. And code enforcement is now available for those residents that are in that area. There's no capital improvements projects proposed for this area. You've conducted two public hearings, although your agenda only says one, state law does require two public hearings, which you held one on new year's day, January 1, and the second on January 8. Public hearing is closed. If you have any questions, I'll be happy to answer them at this time. Thank you. >> Mayor Adler: Thank you. And just in case anybody is tuned onto their TV in the spirit of the world of the worlds and or son wells, again this is a mock hearing so this is not a real case that we just heard the report on. Is there any discussion from council on this mock case? >>Mayor, I have a question if I could. I'm glad you pointed out so people don't 14 out they're being annexed. On the generally topic when the public hearings are made are the residents notified about their rights under the annexation code, specifically local code 43 provides disannexation remedies. Are those. [Audio cut out] >>-- Ever discussed with the public? >>Going in, before the annexation occurs, you may actually have citizens that are in support or in opposition to this, and they may be bringing those concerns forward at that time. Some tracts we also enter into agreements where we are -- we're working with the property owner to annex a tract that's maybe not contiguous and there may be other tracts of land in between that tract that we would like to annex and the owner would agree. And there's an agricultural land and we would defer annex technician a later date. That property would not be taxed but they would be our link to that distant piece. >> Mayor Adler: All right, thank you.

[11:01:12 AM]

Any further discussion? Yes, councilmember Houston. >> Houston: Mr. Gernzie, just a quick question regarding annexation in general. How does the city decide when and when not to annex property? >>We have an annexation plan, usually a three year plan that we would look at tracts that would be brought into the city. It's not uncommon for certain property owners that may actually request to be annexed in order to take advantage of certain city services. You may have a request that might be coming up in the coming months where we have someone who is trying to take advantage of affordable

tax credits from the state of Texas. But they would need to be inside our city limits. So those may be some of the examples. A lot of times when we have a tract of land that's going through development and there's what's called a preliminary plan, where you have the initial layout of lots and streets, and where that has been approved and annexation is basically desirous at that time because then we know that property will be developed in the near future. >> Houston: Thank you. I ask that question because there are parts of district 1 who the land has been annexed all around parts of it, but not where the -- I was curious as to why. >>We will annex property usually when there's -- right, right. There's a financial analysis that's done when we annex property to make sure that there is basically a revenue gain to the city of Austin, either through taxes or improvements based on those future improvements that are coming in. There are cases, though, that we will annex property into the city. I recall several years ago there was an area called you why bank acres where all their -- basically didn't have sewer, all their water lines were

[11:03:14 AM]

undersized. When we brought that property into the city limits we had completely surrounded that and at a point in time where the waste water utility, Austin water utility could upgrade and pay for the additional costs we actually annexed that property into the city of Austin to the cost of the city, however for providing emergency services and police, fire, ems to that area, actually, ems would already be provided, it ensured that area was brought in and contiguous with the rest of the city and it was for their benefit. It was something that this needed to be done. It was the right thing to do. >> Houston: Thank you. >> Mayor Adler: Any further discussion? Is there a motion? >>[Indiscernible] >> Mayor Adler: Mr. Mayor, I have a -- >>I move approval. Thank you. >> Mayor Adler: Yes. >>Point of inquire on the procedure. >> Mayor Adler: Yes. >>If someone seconds a motion or this motion for approval, if someone seconds it, they can still be voting against when the vote is made, correct? >> Mayor Adler: Yes. >>Okay. Thank you. I second the -- I'll second the motion. >> Mayor Adler: Okay. Councilmember pool moved approval, councilmember Zimmerman seconded. Any further discussion? Hearing none, all in favor say aye. >>Aye. >> Mayor Adler: Those opposed nay. >>Nay. >> Mayor Adler: Okay. Let the record reflect that. [Audio cut out] >> Mayor Adler: -- To citizen communications. There is one citizen signed up. A rey Arellano, you get the opportunity to speak on overview of citizen communications for us. You have three minutes. >>Thank you, mayor. I won't take three minutes.

[11:05:15 AM]

As you'll recall from the orientation, this is a time where citizens can come up and talk to you as a council on any topic base they choose and this process is managed through the city clerk's office where they sign up in advance. You will have ten speakers at any one time at a meeting and they all get three minutes each. And one person cannot speak any more than once in every two meetings -- out of three meetings. So to give an opportunity for other citizens to be able to come before you and have their conversation. So that concludes my remarks. >> Mayor Adler: So, rey, just so I know, sorry, people sign up ahead of time to be able to speak in this slot? >>Yes. >> Mayor Adler: If somebody signs up to speak on a consent item and they're only one person to speak on it, is this when they would speak? >>No.

During the course of the consent agenda, prior to you taking your vote, after you've identified all of the items to be pulled, as well as items that are pulled for two or more speakers, just prior to taking the vote there's an opportunity for you to call the speakers that are two or -- one or less, one, to then comment on the agenda and they still have only three minutes. >> Mayor Adler: So they would have the opportunity to speak before the consent item agenda was called. >>That's correct. >> Mayor Adler: Great, thank you. >>Mayor? >> Mayor Adler: Yes. >>I wonder if the city attorney could just -- I think we covered this a little bit the other day in citizens communications, but if somebody signs up without a specific topic, they just sign up for something like city issues, we're not supposed to engage in a dialogue and ask them any questions, but there is a provision if there are spontaneous questions that arise, there's some kind of allowable, there's some phrase that provides for some ability to ask questions, and I wondered if you could just describe that. Either now or at some other point for us, please. >>Sure. So if somebody signs up and doesn't have a topic you can do

[11:07:16 AM]

three things, you can answer a factual question, put it on the next agenda or say what the policy of the city is. But you can't engage in a dialogue on a particular topic because the public didn't know what was going to be discussed. >> Mayor Adler: What were the three things. >>You can see what the city policy is, you can give factual information or you can set it for a future agenda. Whatever the item -- subject matter of the item is. >> Mayor Adler: I guess the policy behind that is to ensure that members of the public that if there was going to be a conversation on a particular subject matter, they had notice of it so they could have been present, and you don't want to have a discussion about a subject item if they're not here and weren't given the opportunity to be here. >>That's correct. >>I have a question. So is there a reason that we don't require them to state what they want to talk about? >>It's certainly our preference since most do state what they're going to talk about. But they -- people have signed up to say city issues or something that broad, which would not give the public really much indication of what was going to be discussed. >>Seems like in an effort to be transparent that that would be an appropriate request, that we make sure that not only we know what they're signing up to talk about but the public knows as well. That would kind of solve the issue of us not being able to discuss the items with them. >>I think y'all are making a lot of changes to rules and that's something you could consider. >>Thank you. >>Mayor, I'd like to just add to what councilmember troxclair was saying. I think that that would be very helpful, especially since we could -- if I'm understanding correctly, we could then ask questions and so that person wouldn't be in a position of having come to talk and I'm sure they're not aware of the fact that we can't ask questions. So that way that person, when they came to talk, we could ask them questions and it would be a

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better use of their time. >> Mayor Adler: So maybe best place to have this might be in discussion that we're having on Thursday, when we have that. You know, as I think -- so that we have time to think about these things. If someone wanted to speak to the council and didn't want to tell anybody ahead of time but wanted to preserve their right to be able to speak to the council, and we said, well, what do

you want to talk about, and they say, well, I really don't want to tell anybody until I get there, we probably would want to preserve that person's right to do that too. But I certainly agree that they should know that by doing that, they're waiving the opportunity to engage. So maybe this is something to also talk about on Thursday, when we have a chance to think about it. >>Mayor? >> Mayor Adler: Yes. >>We do, when -- the clerk's office does make a habit, when someone calls in or comes in to register for the noon communication, if they don't want to give us a topic, we -- staff is instructed to remind them that without the topic, then the interaction between council and that individual is limited at that time. So they are aware by not giving a topic, there's not going to be interaction. >>One last question, and then I understand we'll be discussing this later. I would just like to understand if this is a policy of the old council or if it's based on a legal requirement somewhere. The policy related to what we can -- how we can engage that person. In other words was this a previous council's policy or does the law forbid us from asking questions? And if it's a legal matter, I'd like to know the citation. Thank you. >>It concerns the Texas open meetings act. When we have a posted meeting we have to give the public notice of what the council is going to talk about, including whatever the citizens want to talk about with you. >>Okay. Now is not the time to get into the discussion but I'd like to understand the citation to the open meetings act and whether

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that's an interpretation or if it's black letter. [Audio cut out] >>-- Law in the open act. Thank you. >>My question for somebody -- they're all gone -- is I've seen during citizens communications some of our citizens get very abusive, and I'm wondering what is the process to handle people who are abusive? >>Yes. It looked like Ann was going to provide some sort of legal context, but, generally speaking, the mayor. [Audio cut out] >>-- Judgment in that regard, in terms of the quorum and proper behavior in light of his responsibility to facilitate the proceedings at the council meeting. I mean, we've had everything from mild disruption to very significant disruption, not just during citizen communication, but actually, as y'all know, that can occur and has any time in the course of a council meeting, even to the extent that there have been those that have been asked to leave the chambers. Or escorted from the chambers. So, generally speaking, that has been left to the judgment of the mayor, as the pr pride presider, but there may be other legal elements associated with it. I do know that there are certain standards with respect to having someone leave or be requested to leave or removed from council chambers that we try to adhere to. I'll ask interim city attorney Ann Morgan to speak to that, if you're prepared to do that. >>Sure, the rules of the decore

[11:13:27 AM]

rum do require the presiding officer can make that judgment call. Of course we can't make any determination about the particular viewpoint the speaker is making, but we can require decorum and your rules do require that. >> Houston: I guess my question was not about abridging anybody's first amendment right to speak but some people have gotten extremely abusive, and I think it sets a tone that we perhaps need to just be aware of. I wasn't aware of what the process was. So thank you. >> Mayor Adler: I think it falls on me to make sure that the debate remains civil and I would point that out

and that the conduct -- if the conduct went beyond that we would ask for help. Those rules about civil it apply not only to the citizens speaking but to us at the dais ballly. >>Mr. Mayor, I'm glad you broad that up. I would say to protect from you accusations that you're censoring speak, we can take a vote from the council that we believe the testimony is abusive and out of order and the council can vote to have the speaker cease. >> Mayor Adler: We can do that but if I'm acting to a moment and somebody thinks it's being inappropriately. [Audio cut out] >> Mayor Adler: -- Used to muzzle, it would be in order for you to raise that by a point of parliamentary inquiry, if nothing else, to address that issue. >>Mayor, if I may, I know y'all are going to discuss this further but I'm certainly glad to hear the issue has been brought up. I certainly have had concerns, not as much conspirator myself, in regard to at times the lack ocivility. Very oftentimes I have found in the course of public discourse,

[11:15:29 AM]

that which is being said and directed at staff to be highly offensive and inappropriate. So I'm -- [audio cut out] >>-- >> Mayor Adler: Are we ready to proceed? All right. So the city council now will go into closed session to take up -- is that where we are? >>Yes. >> Mayor Adler: Closed session to take up one item. So pursuant to section 551.107 bun of the government code, the city council will consult with legal council regarding the following items, item number 19,related to open government matters there is there an objection to going into executive session on the item announced? Hearing none, council will now go into executive session. Ordinarily we would now leave at this point and go into the back room. But to save time, we're not going to do that. We're all going to pretend that we're in the back room for right now. Now having sat down at that table, I would say that we -- I would read for the record with the recording equipment on, we are in closed session, as earlier announced in open session, to take up one item. It is January 20, 2015. The time is 11:16, thank you, and we will take up that one item that concerns consultation with our legal council, item number 19. Legal issues related to open meetings matters, a quorum is present, and will be maintained. Because this discussion concerns consultation with legal council, the tape recorder will be turned off.

[11:17:29 AM]

When discussion of legal -- [audio cut out] >> Mayor Adler: -- January 20, 2015. The time is 11:17 now, and the recorder will be turned off. We'll now then come back to the chamber and I would read the following into the record once we were back into the room. While we were out of closed session, in closed session we took up and discussed item number 19. We're now back to the regular agenda. I noticed that it is 4:00. The time for item number 25 to be considered. Have I skipped a page? I'm sorry. See, I was moving us to an even earlier conclusion of this meeting. [ Laughter ] >> Mayor Adler: Skip zoning matters, these meetings will just go like that. This brings us to the 2:00 P.M. Zoning cases. Instead of hearing any cases today, the staff will be providing a presentation on zoning after the mock council meeting is concluded. So we're then going to move to the 3:00 P.M. Item on the agenda. We're now going to recess the meeting of the Austin city council and call to order a meeting of the Austin housing and finance corporation board of directors. We have two items to consider. And Rebecca gialo will give us a summary. >>Thank you, president Adler. Good afternoon board of directors -- [audio cut out] >>--

Both items today on consent, and summary, item one is approval the minutes from the January 1, item two authorizations an agreement between ahf:and the solid like rock foundation for the

[11:19:30 AM]

acquisition and preservation of affordable housing. And I will entertain a motion for approval. >> Mayor Adler: Does anyone want to move approval. >> Houston: Mayor, this is going to be very unusual for me, but I move approval. I approve the -- >> Mayor Adler: The consent. >> Houston: Consent agenda. >> Mayor Adler: Thank you. Is there a second. >>I'll second that. Board member Houston has moved approval, board member troxclair has seconded. Is there any discussion? Those in favor say aye. >>Aye. >> Mayor Adler: Those opposed say nay. >>Nay. >> Mayor Adler: The record will reflect that we have one dissenting vote, councilmember Zimmerman. The others present on the dais voted aye. That completes our agenda. Without objection, the meeting of the Austin housing and finance corporation board of directors is adjourned and I now call us back into order the meeting of the Austin city council. We're now beginning that. It is 4:00 P.M. Item none 25 is now before us. Do we have a staff presentation on item 25? >>Mr. Mayor, I have to move to postpone item 25 to the meeting of February 12 to allow more time for negotiating some issues. >>I second that motion. >> Mayor Adler: Councilmember Zimmerman has moved to postpone to February 12, 2015, consideration of item 25. Seconded by councilmember kitchen. Is there any discussion on this motion to postpone? Hearing -- >>mayor, I would like to. [Audio cut out]

[11:21:32 AM]

>>I remember Garza making note of that. Thank you. >> Mayor Adler: Before that practice gets out of hand I want to point out your comments to be directed toward me and your comments would be directed toward me too, les lest we ever have to deal with that kind of thing. Any further discussion on this item. >>Mayor, question, could I state we want to hear from a colleague and then you could -- >> Mayor Adler: Yes. >>Address that? >> Mayor Adler: It's a right and power I would anticipate never -- [audio cut out] >>Mr. Mayor, would it be appropriate -- [audio cut out] >> Mayor Adler: So we have discussion, at the end of the discussion somebody moves for approval. And I don't know exactly how that works with respect to a motion to cut off debate. Usually I've seen it where someone moves at the beginning for an action to take place. I move adoption of item 25, someone seconds it. Now that it's been moved or seconded, now we move into a discussion of it. We wouldn't have discussion of it unless we were demonstrating that there was in fact a mover and a person willing to second. We don't get that far, there's no discussion. >>That's my understanding too. Remember I moved we elect mayor pro tem by a lottery. [Audio cut out] >> Mayor Adler: Moving to that practice, where we move the motion and the second to the beginning to see if we have that. Assuming that we have that, we would begin. And then we would continue discussing until somebody moved to call the question. Somebody saying and I want to cut off debate so that we can vote. That motion to cut off debate is something that's voted on by the members of the dais.

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And if it passes, then debate is ended and we move forward. If it's not passed -- [audio cut out] >> Mayor Adler: -- It would be a variance from Robert's rules. Again, that's not something we have to decide now. I'm going to interject that as an item for people to think about. But I -- it would seem -- that's what Robert's rules were. >>That's Robert's rule. >> Mayor Adler: Ms. Houston. >> Houston: Mayor, one of the things that we haven't done in our mock session is that there always are opportunities for amendments to be offered to something. And so when in the process does that happen. >> Mayor Adler: We would have it where someone makes a motion, there's a second, and recognized to discuss. When you get recognized to discuss you can either just discuss or if you want to you can make a motion. You would raise your hand, as anyone else would be who is discussing, you would raise your hand to make a motion to amend something. It would require then a second before we could discuss it to see if people wanted to discuss it. Then we would be in discussion of that. During the course of that conversation, either everybody would talk who wanted to talk or somebody could move to amend the amendment, which is by the way, as far as you can go. You can't amend an amendment to an amendment. So then it would be handled that way. There would be a requirement for a second again. So it would be over the course of that debate. >>Could I ask another question? I've been through a lot of these, as you probably have. When you make an amendment is the clerk going to be able to type something on the screen so that everyone can see it? In other words if we have something written down and there's an amendment made by councilmember Houston, somebody would type it in so everybody could see what we're discussing?

[11:25:35 AM]

>> Mayor Adler: That leads to a broader question too, not only in terms of amendments at the dais with respect to us being able to see what the amendments were, but as I recall, Ms. Kitchen raised at our meeting on Thursday trying to increase our capacity so that anybody who is watching on TV might also be able to have that scanned or posted or somehow or another available to someone watching. January net, why don't you tell us what our current capabilities allow. >>That is easy because the current capabilities really are none. I have no place to type anything in to show the amendments. What we do like is if you know in advance, if you're going to have amendments that you're going to be making, if you have those already typed out so that we can distribute them on the dais and have some extra copies for the public as well. And then we'll have to figure out going forward how we hand that out on the web as quickly as possible during the meeting. That may be easier, depending how long your meetings go, during the business hours versus if they go into the evening, that gets a little trickier for me. But those are some discussions that I know councilmember kitchen is interested in having, and we'll have to figure out how we move forward with those options. >> Mayor Adler: Kathie. >> Troxclair: 1. >> Tovo: One option that occurs is if we bring down enough copies for the clerk and noun show her -- show here, we can do what members of the public here, put it there so it's put up on the screen. That would make it available in realtime for those watching TV as well those here to see. >>That is true. If you give us enough copies we have one, they can project it up on the overhead projector.

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>> Mayor Adler: Ann. >> Kitchen: We'll need a longer conversation to address work-arounds. We may also have options to take a picture of it as opposed to scanning it and posting it, you know, which would be good to do also. So I'm certain that we can work out some ways to do that. I think it's very important to do for the public. So. >> Mayor Adler: I think so too. Part of it is a judgment call. It's real easy if someone is changing the number 45 to 40 in something, but much beyond that, my personal bias will be to make sure that it's real clear what we're voting on. And if we have to pause for a second in order to be able to have that written and copied so we can hand them out so that it's real clear to people what they're voting on, I mean, that would be kind of my desire. And to the degree we have something in front of us that's requiring a lot of that, that might very well be an indication to me that we're not quite ready to do it yet. If we have a lot of things that are coming up like that on the dais, where people haven't been able to anticipate a policy conversation. So that question of capability we need to continue with. Thank you. Anything else? I think we were about to take a -- were we take August vote on this item, the motion to postpone? All in favor, say aye. Those opposed nay. Let the record reflect that it passed unanimously. That gets us to now our live music performance. The city manager's office quartet. >>I'm going to briefly tell you how we arrange the live music and proclamations. Before I do, I wanted to point out one other method of voting

[11:29:36 AM]

that you may -- well, you will use occasionally, at least, that is a roll call vote. We do those. [Audio cut out] >>-- That into the meeting. So occasionally that will also be an option for you. Live music is arranged by the music department. And they coordinate with the clerk's office so that we get it posted on the agenda, and it's local music. And they will come and usually play one or two songs, depending on their preference. And we'll have a proclamation for the mayor or the mayor pro tem, as well information about their band. They're usually given a couple minutes to kind of promote their band or group or themselves. Proclamations is coordinated through the clerk's office. And they can be either like a proclamation, distinguished service award, different varieties of some type of recognition for citizens, staff, organizations, or events that are occurring in the community. And they can be requested through the council offices. The public can also request them. They can do that through Gail Chavez in our office, and if she's not there, then give us a call on the first floor and we'll coordinate getting them for you. Past councils have set an informal limit on the number of proclamations given out during the council meetings, mainly just for timing for the council meetings. And they have set that maximum limit at six, but y'all can change that if you so wish. And my staff will prepare the proclamations and prepare the list and arrange who is going to

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give the proclamation out during the meeting. You can also request, if you know you're going to go out to an organization or something, you can request in advance that we prepare one for you to take out to a meeting that you're going to that you may want to recognize a group. And occasionally we'll actually have groups or citizens who just request them and they'll come pick them up from us and they take

them and read them themselves. And so that's what we will do. And if you need one created, you can talk to Gail on the second floor and she'll start working on them. Any questions? I'm told this is the fun part of your job during the council meetings. >> Mayor Adler: Before I end this -- thank you, Jannette. Thank you. I'm sorry. >> Houston: This is probably not a question for you, but for the council at some point. Perhaps we could talk about not having proclamations and live music on the Thursdays that we're having council meetings, move that to another day. I've been here where the room is packed with people waiting on agenda item and the people here for proclamations and live music don't get the kind of respect. I think if they had it -- and there's no parking. That may happen rarely, but it happens enough for me to pay attention to it. So maybe if we move those two events to another day, it may give the people who are being honored and the people who are playing, giving their gift of music the right kind of time and attention from us. >> Mayor Adler: Point well taken. Any other conversation? Conversation or questions about this? We kind of ease into a meeting on Thursday and we have our first formal meeting a week from Thursday.

[11:33:36 AM]

This Thursday, for anybody that's watching, we're asking for public engagement and assistance as we work through the proposed change in structure, which is designed to increase and enhance community involvement and the effectiveness of that involvement. So we have that meeting on Thursday, with anticipation that then a week from Thursday, on the 29th, we'll actually consider that. I just want to say with respect to the mock meeting, that this will be a safe place, which means that when we actually start these meetings, it will be okay just to raise your hand and say, I don't know where we are, or this is what I want to try to do. How do I do that? Or there's something happening that I don't understand. Always in order to do that. Always in order to do that. And it will be fine to do that. Anybody else want to say anything while we're all together before we -- >> just to lump into those, how about I have no idea what I'm voting on? That would work too? >> Mayor Adler: That would work too. That would be the priority one actually over everything else. Anybody have anything else? Hearing nothing else, then, without objection, this meeting is adjourned -- the mock meeting is adjourned. Thank you. [ 🎵 Music 🎵 ] >> Mayor Adler: Now we're going to go into our deeper dive on zoning. >> Mayor, I have a question. When would it be appropriate to ask questions about how the Thursday public hearing is going to be handled? Should I do that now or will we do that later? >> Mayor Adler: Why don't do you that now. >> Okay. My understanding from seeing an

[11:35:40 AM]

e-mail, I believe, is that is there -- [audio cut out] >> Mayor Adler: The public would be able to call in. >> Can you just explain how that's going to work? >> [Indiscernible] Something we've done here at the city of Austin before is to have a telephone town hall meeting, basically we would send out phone calls to about 50,000 residents into the community, but we typically experience in the past is that we get about 6,000 of those who will actually listen to the proceedings of the Thursday meeting and they can either listen to and they can either -- at the same time maybe text on their phone or maybe on a phone they could also have an option to literally poll or ask questions of the council during the proceedings. So

we'll have a a moderator who is going to be Larry schooler, he'll be interacting with you, the mayor, council, but at the same time with the people who are online, on the phone, as well as Twitter feeds and Facebook and whatever else. He'll be kind of moderating those questions so we can be getting questions from people online, on the phone, people texting, so you'll be getting all this different feedback from the people who are hearing the proceedings going on during your public input session. >>So does that occur simultaneously with the members of the public who are here speaking to us? >>That's correct, it. >> Kitchen: So it may be a matter of alternating between someone coming up and speaking to us and taking a question from the phone? Is that how it works generally? >>Exactly. Correct. You'll be hearing the comments from the people who are actually here in the council chamber and because he's done it very well and done it -- we've done about a dozen times already in this town hall that he'll be kind of interacting with both. With y'all, everybody here out in the council chamber and

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audience, hearing those comments but also people online, on the telephone as well. >> Kitchen: One last question. In terms of the folks that you telephone out to, I'm assuming that you'd be looking at hopefully a representative or group across our districts and reaching out across all the districts. >>'I'm not too sure about the demographics of the actual people who we'll be calling but we can certainly try to get that information to you. >> Kitchen: Okay. >> Mayor Adler: That would be great, if you get that information to everybody so they can answer that question. I've heard that come up before, that would be helpful. Remember the meeting on Thursday is our meeting. We have the expertise and experience of Mr. Schooler in helping work us through that but it's still our meeting. So as we're going over the course of that meeting, if we think that the balance should be different, people in the room, out of the room, whatever, still our meeting. So we just deep in mind. >>Okay. >>Mayor? >> Mayor Adler: All right,. >> Mayor Adler: Yes. >> Houston: I would like to piggyback to what councilmember kitchen says. It's really important now that we're in a district system to ensure that all districts are represented. And so 55,000 or 60 people doesn't tell me about the representation city-wide. So I would need to know that all districts are included in that. >> Mayor Adler: Let me also say that the speed with which you guys have jumped on this, the flyers that people were handing out all over the city this weekend, alerting them to the opportunity to participate is something that I don't recall seeing for a city council public engagement opportunity, and I for one am sure everyone here is real appreciative of the work that staff has done in that regard. >>Thank you. >> Mayor Adler: Okay? So we are now concluding --

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>>wait, one other question. >> Mayor Adler: No, no. Go ahead. [Audio cut out] >> Kitchen: Yes, I -- [audio cut out] >> Kitchen: How do you handle this for spanish-speaking folks that might want to participate? >>Excuse me, rey, I need y'all to be engaged up here, please. >> Mayor Adler: The question was how are we engaging spanish-speaking participants? >>We're doing that, for example we have the community engagement specialist in the public information office who is going to be -- during this week is going to be doing radio interviews as well as the TV uni vision affiliate. My understanding we're also getting out sort of a one pager at all of our city facilities that will be in English and Spanish as well,

recreation centers, libraries, any other city facility we'll be getting that out. I believe there are other channels, don't come to mind but we are reaching out. One of the things I should mention we're doing target media buys, so radio spots, on various radio stations. >>What other languages will you be doing this? Austin has a large Asian language which is a multitude of languages but I haven't heard anything addressed to that. >>At this point it's only Spanish and English. >>So what would we need to do to expand it to include being able to reach the Asian population. >>Let me talk to the. [Audio cutting out] >>There are probably things we can do but let me visit with them and see what we can do. >>Thank you. Thank you, mayor. >> Mayor Adler: Councilmember kitchen. >> Kitchen: As a follow-up, I'm curious what the mechanism is for actually during the public hearing for folks that may actually come here to speak or

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that we may be calling out on the telephone town hall. Is there a mechanism to work on translation for those folks? >>Yes, there is. In fact we are going to have translation services as well as -- I think sign language interpreter who will also be in the council chamber as well. Yes. >> Kitchen: Okay. >> Mayor Adler: January net, did you have something you wanted to add. >>I was going to say typically for sign language or an interpreter during the council meetings, someone can call the clerk's office 24 hours in advance and we would get -- make arrangements with them to have someone here for that meeting. But it sounds like the and I manager's office may already be planning to have those services here for the public -- for the public hearing portion at least. And I know your proposed structure, we've already had it translated into Spanish. And so we'll have copies available of that for the public as well on Thursday in the Lobb lobby. >> Mayor Adler: Ms. Dove and tovo and Ms. Tunes. >> Tovo: This has come up in the last couple years as part of council, how we communicate council business and city business to, you know, our very diverse community. And so I would need some help in finding some of the reports but it seems like we have gotten some reports from staff about their path forward in working with out kinds of translation services. I know it's been a discussion at the community action network as well and I think some of that -- one council resolution suggesting staff kind of participate in this community-wide discussion about how we made leverage our resources across the community to provide better translation services. I think it's a really good point you raise. Maybe we can get some staff help, sort of briefing us on

[11:43:53 AM]

where those efforts are. >> Mayor Adler: Okay, thank you. Ms. Houston. >> Houston: Thank you. And I also have a fairly large Asian community in district 1, and there's a very active community of activists who are concerned about city issues and I'd be happy to sit down with someone on the staff and give some names where we could start. Maybe they could do this initially and then help us figure out how to do it better the next time. The university of Texas might also be a resource to do some kind of free translation. Translation -- [ no audio ] >> Thank you. Any other questions about what we're fixing to do on Thursday, or the leadup to that? >> Thanks, mayor. I do have a question. I possibly have a proclamation. Our first one, I guess, that the city clerk's office is working on for a consti constituent group. Will I be able to make the proclamation on Thursday, or will it be a different day? I guess it would

be the 29th. >> Yes, the 29th. >> Thank you. >> Mayor Adler: Anything else? Okay. So, we are now done the mock meeting part. We're moving now to -- we actually have two items that were noticed for us to discuss as part of this call. The first one is the briefing on the fundamentals of zoning, the second is a discussion of future policy information sessions, the deep dives. So, we would now go to the second item, the briefing on zoning. >> Mr. Mayor, could I make a motion that we have a five-minute recess? We're about an hour and 45 minutes into this.

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>> Mayor Adler: Any objection to a five-minute recess? We'll come back in five minutes. >> Thank you.  
>> Mayor Adler: Miss Edwards, thank you. [ Break ]

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>> We have almost everybody here. Let's see where everybody else is.

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>> We'll figure out better how to recognize that we are all back in the room, and didn't know we were back so we can start more promptly when we take a break. Housecleaning matter, there are sandwiches that are going to be brought in for us. This has gone longer, surprise, than we thought this might. I suggest we grab the sandwiches and bring them here, so we don't stop again. Does anybody have an objection to that? That's what we're going to do then. We'll move, then, to the second matter on the agenda, which is the zoning briefing. [ No audio ] >> I'm sue Edwards, city manager. Before Greg begins his presentation, there are a few things I wanted to share with you. In the beginning of his presentation, he is going to speak to imagine Austin. He'll briefly touch on imagine Austin to relate those zoning items to what he's going to talk about in zoning. We have not yet had the deep dive on imagine Austin, so, this morning we uploaded to bloomfire the imagine Austin. If you want it -- I know some of you like it in hard copy. If you want it in hard copy, if you would just please call Marie in my office, and she will get you a copy of the imagine Austin. And in addition to that, after Greg finishes, I'm sure he's going to tell you that any one of you who would like to have -- [ no audio ] >> A zoning -- that, because I know that there's a lot of information that we're going to be giving you this morning. And if you would also just call Marie in my office, she will be happy to schedule that for you.

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And with that said, if you don't have any questions, I'm going to introduce Greg Guernsey, the director of planning and development review. Thank you. >> Good afternoon, I'm Greg Guernsey, you're director

of planning and review department. I'm going to be brief and tell you some things about my department. We're basically the department that coordinates most of the land use development in the city of Austin. That takes place under zoning, site division, site plan, building permit and related inspections. On bloomfire, I think you have hard copies, some handouts that you can look at later. One is basically a one-page sheet that explains our development process. But today I'm going to talk about zoning basics. And what I wanted to do is go through very quickly, on some of the imagine Austin items. If I can get my clicker to . . . The imagine Austin, is our city's comprehensive plan. It was adopted in June of 2012 on a unanimous vote of the city council. There were over 18,500 participants in the process, leading to adoption of the plan. They participated in community forums, neighborhood meetings. They had surveys they participated in, worked in working groups that kind of led up to that document. This document is part of our ourcity charter. I'll talk about some of the legal ramifications for that in a minute. Under-the compliance analysis,

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for zoning, on the comprehensive plan, there are four reasons, really, why we look at the comprehensive plan during our zoning process. First is the imagine Austin document itself. Within imagine Austin and chapter four of imagine Austin outlines city council's policies. There are seven building blocks we look at when we take a look at the zoning recommendations. Second, we have adopted small area plans that we also look at. These are smaller areas or our city where they have adopted plans that are more specific to a neighborhood, to a corridor, or a particular area of the city. Third is the growth concept map. And I'm going to cover that, in just a second you'll see that. And fourth is actually looking at the different land uses that are nearby, the zoning that's nearby, because zoning -- [ no audio ] >> Is based off the concept map. It promotes development, and looks at centers and activity corridors, and those are the activity centers and the corridors are outlined in yellow. It protects flood plains and preserves neighborhood character. It promotes a mixture of uses, and actually, over separate uses, promotes affordable housing. And looks at transportation as being growing in a comprehensive manner, basically, grow our transportation system, try to complete it. There are four parts of the comprehensive plan my staff looks at. Does the zoning case promote the zoning? Is it consistent with imagine Austin, those neighborhood plans. Is it not consistent, or, it could be neutral.

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Some cases, zoning cases are so small that there's not significantly a change that would change a neighborhood plan or the comprehensive plan, for or against those. This is more interesting. This is the district map, which represents all your areas. And these areas that are in blue or yellow or the brown or the little red area are all areas that have neighborhood plans that are adopted, pending, have been suspended, or are underway. So, each of you have the opportunity to be involved in a neighborhood plan process, because it's involved in every one of your districts. So, I wanted to point that out to you. So, what is zoning? Well, last year, we had 290 items, zoning items on your agenda, the council agenda. And of those, 145 were zoning cases that were brought to you for the first time for consideration. 88 of those went on consent. Basically, that the staff, the commission, the neighborhoods, the stakeholders,

everyone was in agreement, and cou counsel was in agreement. [ No audio ] >> Zoning only applies to the full purpose, and limited-purpose jurisdictions of the cities. Those areas that are taxed have limited-purpose jurisdiction, we have zoning control but there's not tax. In those areas, zoning does apply. When you look at those two areas, that comp priced 322 square miles the city of Austin

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has zoning authority. We have a jurisdiction that goes out another 303 miles. When you take a look at both of those together, that's the area that imagine Austin covered, but, in zoning, 322 acres. >>> So, it's a power granted by the state of Texas. If Texas didn't give us this ability, we wouldn't have zoning. Zoning divides our jurisdiction into districts. And it basically tells you where you can have certain types of uses, which I'll cover in a little while. It also establishes what the site development regulations are, how tall, how close can you build to your neighbor. More importantly, zoning is a tool that provides certainty to proproperty owners. [ No audio ] >> Whether you're the property owner nextdoor to you, zoning gives you that certainty. For a developer, a developer wants certainty, as well. They want to know they're going to be able to develop a property that neighbors may object, but the city gave consent to develop a property for some use, a shopping center, or for maybe a school or something along that line. It helps to direct growth in our city. We want to make sure that we have infrastructure that's available, that we want to develop roads -- [ no audio ] >> Environmental areas, maybe it's in a development zone, portions of our city where it's flatter and not as prone to flood plain areas. A little bit of history. 1916 was the first zoning ordinance, almost a hundred years of zoning.

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The federal enabling act empowered states to provisions under their laws to allow for zoning to occur in their states. The village of euclid -- [ no audio ] >> In Ohio, that occurred in 1926. They had a request for some industrial zoning -- [ no audio ] >> About, oh -- the courts came back, all the way up to the United States supreme court and said zoning is justified, provides for compatibility, that there are certain rights that must be respected by all. And allowed the zoning to remain in place. Texas, the following year, adopted the ability to allow cities to have zoning. And Austin adopted its first zoning ordinance in 1931. Our last big revision to our zoning ordinance occurred in 1984. It took about four years to revise the zoning ordinance. Dick was the planning director at the time. We had just adopted our comprehensive plan, and went into a rewrite to adopt new zoning. The authority for zoning comes to us from the local government code, section 211 of the local government code. And the major reasons for providing zoning is for public health, safety, morals, which might get to adult-oriented businesses and where those are located, general well Faire, historic preservation, for culture purposes, and historic structures. The local government code also states that your zoning will be in accordance with your comprehensive plan. That's in 2-11.004. There's also finding at the state level that zoning must be in compliance with your code. So, the participants are many.

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It could be a property owner. Because your property might be the property being zoned. It could be adjacent property, or -- [ no audio ] >> City staff as well. The landmark commission, if there's a house that's proposed for demolition, they may say that's of significant character that they may initiate a zoning change. We have many interested parties. In Austin, we're very inclusive. We have neighborhood organizations without criteria, can register with the city, declare their geographic boundaries -- they might have to annual designate those boundaries. They have the opportunity to let that be known, that they have a concern about that area. We notify them of any zoning change that comes in. You have the board of adjustment, which are appointed members by you that have the ability to waive certain requirements, they can grant greater height, greater setbacks than may normally be allowed. The board of adjustment does not have the authority to grant a variance for use. So, they can make something slightly taller, maybe have something slightly closer to the neighborhoods, maybe even reduce the parking. But, not change to allow a use that's not normally allowed in that district. >>> There are also agents for these owners. You had a mock agent come before you today. It could be attorneys, real estate agents, it could be just a land designer, an actor architect, an engineer, or, someone, because they're intimidated to ask for a zoning change, it might be a friend coming before you. But, all of these are participants. But, in the end, the 11 of you are the most important. Because you ultimately make the

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decision on whether or not to grant a zoning change or not. Unless there's an appeal to a court system, and that might get dedecided at that point, too, but, you are the final say. >>> So, in our code, there's a development process. Zoning is the first step. Zoning establishes uses and site development standards. But, there are other steps to go get something built. Subdivision, you divide the land into property pieces, which will contain a legal description, will create a lot that would be buildable that ensures it has access to a public street, and has utilities. There's a site plan for landscaping, how you access the property, where a pond maybe stores water during a flood event, or a water quality pond. [ No audio ] >> Which might filter the water. There's building permits. A building permit talks about the building itself, how the building is constructed. Then inspections follow up beyond that to make sure the building is put together appropriately in accordance with our codes. So, these might look at electrical, plumbing mechanical, solar, all these different things are looked at. Let me tell you a few things about use types. There are many uses in stet of Austin, and they fall into general classes. The first class is residential, detached single-family homes, duplexes, two-family, which might be known as granny plats, flats, or garage apartments. Condominiums could be attached, detached, could be high rise. Or not. Condominium is a use under a

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zoning regulation by state law. It's really looked at as a form of ownership. We have group residential, which, fraternities, sororities, cooperative. They are rental. Re-have commercial use types. They could be offices, any number of retail businesses. Food stores, pet stores, restaurants. Personal services which might include dry cleaning, tattoo parlors, service stations, numerous auto-related rental sales, repair,



those are all examples of commercial uses. Industrial. Heavy, light, could be things that might be like Samsung. We also have custom manufacturing, which would be a plaque and trophy shop where you might assemble different parts. Recycling centers, stockyards. Civic uses could take care of hospitals, schools, religious assembly uses, residential treatment facilities, telecommunications towers. And I'll note on civic uses, on public schools, the city doesn't necessarily have sovereign authority. Public schools have the right to locate where they want. They are protected by certain state laws, so I'll just point that out. Agriculture uses, animal and crop production, and urban farms. We spend a lot of time on urban farms sometimes, here. So, we talked about the uses. Where do they go? We have base districts throughout the city. I think there's about -- at least 64 different combinations you could probably get to on base districts. In 1931, we started with about six, so we've grown in

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complexity. Base district, if you're zoned, let's say, a single-family residential standard lot, we call that generically sf2, you're allowed to build a house, or you could have a church or religious assembly use. That's found throughout the city of Austin. We have overlay districts. And the overlay districts, an example might be behind me, we have Lady Bird Lake, and we have the waterfront overlay district. You might have a base district. And the waterfront district may allow additional uses. You can have residential, even in a commercial district in the waterfront overlay. You could have on the first floor, we call them cocktail lounges, might be known as bars, those are permitted in the waterfront overlay district generally. We also have combining districts. When we get to a Thursday council meeting and perhaps a neighborhood and planning commission and property owner have agreed to further limit the base district. So, the base district may allow buildings as high as 60 feet, for instance. And all the neighbors and planning commission, property owner, all agree to further restrict the base district through a combining district. You can make it more restrictive, but you can't make it less restrictive. If the zoning said 60 feet is the maximum, you couldn't say, we think it's worthy, 70 feet. You can't do that. There's some other things you can't do that might be out there. Some things, although the neighborhood might agree, property owner might agree, you can't require affordable housing. The state of Texas actually

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precludes that, it's inclusionary zoning, that's something that's prohibited. Nor could you actually prohibit a religious assembly use, that's also prohibited by counsel. >> If someone is looking for a variance at some point, can you make an affordable housing a condition of granting a variance? >> No. We have property owners that have worked out private agreements with foundations, community, or another nonprofit to take advantage of providing affordable housing, but that cannot be a condition of that approval as far as I know. And law, I can stand corrected. >> Mayor. May I ask a quick question? What about those housing increment credits, is there any leverage? >> The housing tax credits that come through Betsy Spencer's department, the neighborhood housing community development office works closely. If they can get state credits, they can also qualify for smart housing, which is affordable housing in Austin. Those aren't directly tied to zoning, they're separate. Sometimes they come before

you and ask for multifamily zoning in order to permit that use, which allows them to take advantage of the state credits at the tax level, or programs the city has at the local level. >> Thank you. >> So, what -- sure. >> I have a question. What happens, like, acres where the city or capital metro owns the land, and through your negotiation, you can require a certain amount of affordable

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housing? >> In tod's, there is a requirement under code that if you ask -- and this happens downtown, as well -- that if you ask for certain entitlements to a property, the codes already say if you want a particular type of zoning, development zoning, which is a type of zoning, that you can get additional housing, but you might need to make it affordable housing. The council can't require it, but you can opt into it. You, as a property owner, can freely come to council, say, I happened tud zoning, and take advantage of maybe the ordinance that might allow you heights or density in an area to take advantage to of zoning. You might come into that, and that's where affordable housing comes up. There is an exception, is Mueller, our old municipal airport. There was a contractual agreement, the city owned prospect and worked with the buyer to require 25% of that housing be affordable on that project. >> Mayor? >> Mayor Adler: Yes. >> Mr. Guernsey, you were doing so good, then you went right off into tod's. So, for the people who are watching this at home, that may not know what those acronyms, could you just help us? >> Transsit-oriented development are downtown, central business district mixed use. That's what's called a cbd, a central business district. >> Mayor. >> Mayor Adler: Yes. >> I just want to under score the point you just made. While we can't require it as a provision of zoning, we do have density bonus programs within the city that if a developer wants to avail himself or herself of those increased entitlements, in that setting, we can require it.

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And typically, it's been a fee and Lou, and we we've had a big discussion over the last couple of years over whether that's the right way to proceed, or whether we would also have the ability to require those be on-site units. So, that's -- I mean, am I act I accurate? When we have a density prom, if the developer is asking for increased development, they can be required to provide housing on-site, or, as a fee and loop. All the codes allow, except rainy. >> In the downtown district, affordable housing or another public benefit could be part of that, but, in order to get additional far, floor-to-air ratio, more height, the density bonus program, as mayor pro tem mentioned, THA that is a possibility. >> How is that different than requesting a variance, which you don't have to do, but, if someone requests a variance, why it is you can't . . . In what situations can you say, well, we'll give you that additional height or additional floor area ratio, but, you have to give us affordable housing, in lieu of? >> The city is preempted from enacted inclusionary zoning that would force a property owner to provide affordable housing if there is a provision in the ordinance already that allows for, as mentioned in downtown density bonus program, to get

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additional height, because there's a provision that allows for additional height or far, additional square footage, you can come back and get that. A variance can be granted simply by the board of adjustment just to seek additional height, or seek a variance from the floor to air ratio to get additional floor area within a building, but that is not something that comes before you. That comes before the board of adjustment and you have to show hardship that's unique to your property that would be one where the board would make the interpretation to grant the additional height. >> I understand, thank you. >> And I can, as I close, I can sit down and meet with you individually if you'd like to go into more deep questions on some of those items. >>> So, let me continue. When are uses allowed. We have uses, typically are allowed when they're permitted uses. This is a use that's allowed by right in a district. And so, if I'm zone, let's say, a commercial category, a general office category, a general office would allow, by right, you to build a medical office, a professional office, or administrative business office. But, you may not necessarily be able to put in a recycling center. That would not be a permitted use in that category. A conditional use -- >> Could you -- by right is a term of art, if I'm understanding correctly. Can you understand what that means? Can you define that for us? >> A use is one that's permitted in that zoning district. So, if it's listed as a permitted use, then the property owner, provided they can meet

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the other requirements of the city code -- [ no audio ] >> That use is allowed in that zoning district. Conversely, I'll talk about this in a minute, uses prohibited, if it's not listed as a permitted use. If in that general office category, it did not list recycling center as a permitted use, it's prohibited. >> Okay. Land development code, right? >> That's correct. >> If I understand correctly, it's by right if it's listed in the code as a permitted use? >> Yes. If it's listed as a permitted use, the property owner does not have to seek approval of city council, does not have to go before any board or commission to allow that use to occur, provided they can meet the other requirements of the code. >> In other words, that's kind of the exception for property rights. You actually get to do what you want with your property. >> That's right. And certainly, neighbors can come and talk to you and complain, but if that use is allowed, that use is allowed. >> Mr. Guernsey, I'm sorry. You're trying to get through your presentation. But, two issues. When you -- [ sneezing ] >> Bless you. When you have time, one is that, with the whole emphasis about workforce housing, and the lack of it in the city, and more so that going in the future, we're going to need to think about how to make that happen differently. So, that's one issue. The other issue is that when developers come in and buy a piece of property, and they see what the permitted uses are, and then six months later they come and ask the planning committee or the zoning, or board of adjustment to change that, are there any kinds of criteria O

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or -- I'm not sure I understand how, you know what it is when you bought it, and now you want to change the zoning. >> The property owner always has the right to seek a zoning change. They look at imagine Austin, or the plans for an indication of what the use that that propose, that it's going to be in accordance with the plan. And before they get rezoned. They also take a look at what's nextdoor. Not all -- even though it might have the appropriate zoning, there might be other requirements of our codes

that may say, for instance, we have a separation requirement from businesses that serve alcohol and a public school. And it may not be the most appropriate to have a cocktail lounge, a bar, right next to a high school, for instance. And so, we have zoning regulations and council will make that decision when that comes before you, whether or not that is appropriate or not, in accordance with our plans, is it compatible with the land uses. Even in addition, there are separate regulations the city has for alcoholic beverage codes that talk about a separation, and the count would have to probably consider another waiver under the alcoholic beverage code to say, yes, you can have this bar next to a high school. So, ultimately, the decision is the council's whether or not to grant or not. Simply filing a request is not a guarantee of that property owner that they will receive the requested zoning that they submitted. We also have what's called conditional uses. Conditional uses are not uses by right. These are uses where they deem -- they may be appropriate under certain uses. Cocktail uses or bars are many times found this way.

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Find, is a conditional use. You'll have on your agenda next week, the consideration of an appeal of a conditional use that came from the planning commission for an affordable multifamily housing project about 290 units, Mr. Wayne will bring it on your 4:00 agenda. You sit in the shoes of the planning commission in taking a look at. You could approve that or deny that. You could approve it with conditions. So, you'll have an opportunity to see one actually next week on a conditional use program. They have, in a case, about to approve with those conditions, if traffic is a concern, or setbacks from neighboring properties are things. Even though the commission may have approved, you can add additional conditions to that site plan. It's not a zoning, it's a site plan. Not conforming use is another category of uses that are out there. At one time, we allowed bed and breakfast throughout the city almost at will. In the 1990s, the city council said they have to be separated by a thousand feet. We have those in the city that are closer than a thousand feet. It doesn't mean the use goes away, it means it was approved at a time when it was permitted by right under the code. So, they lawfully established they use. And if that use were to cease, they went back to a regular home, after 90 days, the use would go away. Another one might be, where we annex a use that was originally -- the city that also be granted a nonconforming use status. You might have an office building annexed into the city,

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zoned single-family. The office building can remain. There might be constraints on how they can expand that might greatly diminish in the future, but, they're allowed to remain. If that use were to cease, as well, and the use stayed for more than 90 days, they've lost their right to that office. >>> So, I talked about uses, and we talked a little bit about site development regulations. Site development regulations in each of these base zoning districts, you have a chart up there for commercial and residential, some of the general districts of heights and setbacks. So, zoning regulates how tall you can build, how close you can build to your neighbor. There's other things that don't necessarily come to mind as easy, things like building coverage. How much of your land can you cover with a roof? Could be carport, the house itself, a breezeway, a shed. Those are all things that contribute to building coverage. We also have impervious

cover. In addition to the things with a roof, those things that might be paved with concrete or asphalt for a driveway or a sidewalk. It might be a basketball court. Those are forms that you might see of impervious cover, those are regulated. We have limitations on density. Density of units allowed by acre on your property. So, you have a limit of how many dwelling units, how many houses, how many apartment units that you could have on your property via zoning. It also could limit something called a floor-to-air ratio. Ratio. If you had a 10,000 square foot

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lot and you wanted to build a building, and the floor-to-air ratio was one to one, you could build a 10,000 square foot building, because that's the size of your lot. If the ratio was half that, like .5 to 1, you could only have 5,000 square feet of building. So, zoning regulates heights, setbacks, cover, building coverage, density. There are also other standards that we have in the city that may speak to something called compatibility standards, which if you haven't heard by now what that is, you probably will. These are a form of a zoning performance standard that when you have single family homes or schools or churches that might be nextdoor or within 540 feet of something that's more intense, like a shopping center or an industrial use, there may be additional conditions that might be imposed on your property as the owner or builder of that proposed shopping center or industrial use. They might have height limits that might be more restrictive. They might require screening of your dumpsters, screening of your lighting so the light source isn't shining on your property. Might require screening of all your parking from that use. We also have residential design standards which speak to mcmansion regulations. So, if you have a house in certain parts of our city, it limits the size of your house. You can have one that's about 2300 if you can meet setbacks and different codes, but, under the mcmansion regulation, you probably hear more than a residential design regulation, that can limit the size of a house. So, the property is homogeneous with what's nearby, to maintain

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the property values of the other properties, as well. Board of adjustment, as I said before, can alter those things dealing with setback height, cover, number of required parking spaces, but, they can't grant a use variance. >> Mayor. >> Also, those variances are not appealed to you. >> Question. >> Whoops. >> I have a question. You said earlier that you can make things -- what was it, less -- no, less restrictive? >> More restrictive. >> But not less. >> Right. You can't loosen the rules. >> I guess I thought -- I mean, this is a topic that I need to learn a lot about, but, the essence of zoning changes was, you're always -- the property owner is always asking for less restrictive -- but -- >> Not always. But, yes. If you were to grant a zoning change and now you have a new district, so I'm going from a residential to a commercial district, by council approving the zoning, you're entitled to the site development standards which will probably allow for greater heights and perhaps reduce setbacks and be able to cover more of land with pavement or buildings. That's true, it's not a variance. What I'm talking about is an individual request, someone comes and says, I want to keep my single-family zoning and be able to build a 100-foot tall house, you can't grant that. The board adjustment could grant that variance, but not make the zoning change. So, if that property owner wanted to zone the property in the central business district like

downtown where height is unlimited per Se, yes, the council could do that, but that's not granting a variance. I can meet with you and go through the details and help you get through that a little bit. >> Okay, thank you. >> We have sandwiches now that are in the back. Do we want to literally take a two minute break, grab

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something, and walk right back here? All right, two minutes. Let's see if we can do that. We indulge your patience, Greg. >> Who do I pay for the lunch that we're getting today, because we don't take free lunches. >> The staff -- this is like the chair, you don't have to pay for. It's supplied by the city. >> When my constituents do the same, I don't want the worry. >> Don, you can write the city a check. >> Can I write you a check? [ Break ] [ Music ]

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>> Are we ready for Greg to pick it back up? Why don't you go ahead, Greg? >> Thank you. So, I'll move on to the types of zoning ordinances. I mentioned earlier that our first zoning ordinance was April, 1931. That was cumulative zoning. Basically, cumulative zoning would look at a hierarchy of zoning where basically, a single-family home would be allowed everywhere, and as you get to a less -- a more intense use, let's say, like an industrial use, that would only be allowed in a very few districts, basically, the industrial districts. We moved away from that in 1984. Now we're at nine cumulative zoning, which started in 1985. And this zoning is really looking at the uses per each zoning district. I just want to point out, when we go into codenext, you'll probably see a blending. The codenext process, which followed the comprehensive plan, started in 2013 in the spring. And you will probably get to see a draft of the new codenext in the summer of 2016. So, I'll give you that little heads-up. So, let me talk about the zoning process. The zoning process, if it's a simple case, everybody's in agreement, matches the comprehensive plan, the commission loves it, you like it, too. Probably about 90 days. If it's a case that just, the commission doesn't like, neighbor's all upset, it could take months and months, even

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years sometimes to get through. But no two zonings are alike. When you have a rezoning of a property that comes in, they're property-unique, so that comes in. The zoning process usually starts in my office. The client development department submits a zoning application that requires a signature of the property owner. Not only that, it requires a fee that recovers our cost to provide that service. They fill it out. We provide a notice. And let me talk a little bit about notice. In state law for a zoning case, it requires the notice to be sent to property owners within 200 feet, and then only of the hearings before council or before commission. In Austin, we send out 500 feet. In Austin, we notify not only property owners, but utility customers. In addition, we also notify registered neighborhood organizations, which there are probably well over 350 of them in the city, and that's all if you're within 500 feet. So, we go above and beyond to provide notice. And that's just of the filing of the zoning case. We can still do the same with the commission hearing. And the city council hearing. Zoning change has a case number,

phone number on there. Those are posted on the property. After a zoning case comes in, there's a review by staff. Watershed staff, transportation staff, my staff. We take in comments that we receive from the property owners that are joining. The registered neighborhood

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organizations, those utility customers. We take a look at those, and then, also taking a look at the comprehensive neighborhood plans, we'll recommend -- we'll make a recommendation known before we take it to the commission. >> Mr. Guernsey. Does transportation look at these plans before you all make a recommendation? >> Yes, I have transportation staff that works with the Austin transportation department in doing those. Sometimes, if the proposed zoning change is to a district that actually generates enough traffic just based on the district -- remember, you're not zoning a particular use, you're just creating a zoning district that generates more than 2,000 vehicle trips per day. Our ordinance requires a transportation impact analysis, a report done by a traffic engineer to estimate the amount of traffic that's basically created by that zoning district, and may actually call for requirements to improve intersections or roadways adjacent to the project to make sure it can handle it. And maybe it doesn't work, and staff needs not recommend the zoning change, because the roadway system cannot handle that. >> Do staff ever look at the property that's being, like, boots on the ground to see the impact of -- >> Yes, my staff should be going out. Sometimes they rely on Google, because Google has been advantageous, but, they should go out every zoning case. A staff member goes out on every zoning case. And you'll become familiar with the zoning case managers, because they go out and have distinct areas that overlap the council districts. The person that you will be dealing with in your district most likely will be the same one. You won't get a random zoning case manager from month to

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month, because they're done by geographic areas. >> I'm sorry. I may have missed what you said. On the traffic impact analysis, is that done on every case, and if -- how is the decision made whether to do that? >> If the proposed zoning would actually trigger an additional number of vehicle trips more than 2,000 vehicle trips, then that analysis is required. There are some times when you're changing in zoning which it would not increase the number of trips. You could be down-zoning or going from a type of commercial zoning to another type of commercial zoning and there won't be an increase in the number of vehicle trips. You might -- more often would see that trip count generate more than 2,000 trips, because a single-family home may only generate ten vehicle trips per day, a restaurant may generate 2,500 per day. If I was zoning something from a residential to a commercial district that might allow a fast-food restaurant, that might be the reason for staff to ask for a transportation impact analysis. >> Okay. So if I'm understanding correctly then, you do a trip cocount. How do you determine whether something's going to result in more trips? >> There's a transportation engineer. They have published documents of trip rates. And we have translated those, I can give each of you a copy of where the threshold is. >> Okay, so you use that as basically a formula or a list, or that kind of thing. And you use that to determine, and then, if it triggers it, that's the criteria. The 2,000 more trips? >> That's correct.

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And once we have that triggered, then that's where the engineering report comes in, and my staff then reviews it. >> Okay. >> Did you say that -- there would be a case manager for every zoning case in our district? >> There's a zoning case manager that's assigned to every zoning case, and you will be working with the same group of zoning case managers, because they're assigned by a geographic area. >> Are the councilmembers alerted to zoning cases in their district? I mean, I know this is a new system here, but will they be alerted to . . .? >> In the backup you receive from my staff, in addition to the address, we're adding something a little different. A zoning case could straddle two districts, as well, depending on where it is in the city. But you'll be alerted on the staff report itself if it's in your district or not. >> She might be asking the question, when you send the notices to 500 people, will that go to a district councilmember? >> If they live within 500 feet of that zoning change. >> Okay. So one thing to consider would be, whether you want to have regular reporting for zoning cases that happen to be in your district. >> You said in the back, what does that mean? >> There's a staff report presented to the commission, and then will be committed to the city council. And that staff report, drafted by my staff, will have a map of the property being rezoned. It'll have a staff recommendation. It may have aerial photography, letters sent in by the owner or adjacent property owners, that will be put into a report. >> Thank you. >> You won't see that until it's on an agenda. If you want earlier notice of things in your districts, which I imagine people will -- why

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don't you just go ahead and add that to the notices that are given in addition to -- >> I can do that. >> Let people know. >> Mayor Adler: Hang on. Sorry? Go ahead. >> There are a lot of large land use issues in my district, and one of the things that I kept hearing over and over again was the concern with the traffic count analysis. So, would it be possible at some time -- and this may need to be a meeting we have in our office -- to better understand the process? Because the concern seems to be that the analysis that is done for the proposed new development doesn't really accurately reflect what the population's sense is that the impact will be. >> We can certainly -- I can bring staff that can assist in going over that. >> Okay. All right, thank you. >> Thank you, councilmember Gallo, because that's a segue to to, is there any way -- I don't know what the process is, because now we only look at the development, th trips a day created by the development. Is there a way to broaden it? That's the same issue in my district, is that there's a suggestion. If you only look at the development, it doesn't take into account the surrounding areas. >> When we do a traffic impact analysis, we take vehicle trip counts. I should say, the engineer would do vehicle trip counts of traffic that's going by. The property. And what impact it might have on adjacent intersections. When I said there might be improvements that might be necessary, with a zoning change, that traffic impact analysis may require then signalization improvements, or lanes of traffic to be winded, ramps, acceleration or deceleration, those things come into play. The traffic analysis is worked with my staff, the

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transportation department, and their engineer. The applicant's engineer about what the scope would be, how far would they need to go from their property to look at the impact of it. But I can bring staff, as I said, to the meeting. >> But I think the issue for me is that, what you just described is not triggered unless it hits the 2,000 trips a day. >> That's described. >> There are some things that are less than that that have an impact on traffic that it does not capture. >> What I didn't go into, which I can certainly go through with you, there's also a neighborhood traffic analysis where that threshold might drop to be much less than 2,000. If it's on a neighborhood street. But, I'm speaking broadly here, and want to go down to each. >> Mayor Adler: Okay. >> Kitchen: I don't know what would be the most efficient way to do this, because a number of us would like the additional information that councilmember Gallo requested. I know that that would be important for me, and I'd like to understand exactly when it is triggered, as councilmember Houston is asking, also. So -- >> We're going to touch base on the third agenda item after we're done with this, touch base on the deep dives. Let's hold that for just a second. >> Kitchen: Okay. >> I can work with our transportation department being part of that, to explain traffic impact analysis and traffic impacts across the city. >> Mayor Adler: Are we okay for Greg to continue? Thanks. >> In Austin, we have two commissions that you work with. You have the planning commission, and the zoning and planning commission. And one of your handouts that you have is a little map from earlier. And the areas that are denoted in the purple and the red and the brown and the yellow, the

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darker yellow, those are all areas where the planning commission has jurisdiction, which doesn't overlap the boundaries, called the zoning and planning commission. And they make zoning recommendations for those areas outside of those designated neighborhood planning areas. So you have two commissions. Both of them have standing under state law. Both require public hearings before them, and both of them require notices. But they both render recommendations to you. Now, the commission has choices that they make, in making their recommendations. They can recommend to grant, to grant with conditions, additional things to make things more restrictive. They could deny. And in some circumstances, like you will have next week on two properties known as the Garza tract, they might forward the item to you without a recommendation, because they could not achieve a quorum in their vote to bring that item before you. So, they make a recommendation, that's actually a requirement. They come forward with something, even if it's a non-recommendation, in order for you to act. >> When do those bodies issue a final ruling that's appealed to the council? >> There's no appeal, they're just forwarding you a recommendation, so you have the final decision on those zoning changes. >> Mayor Adler: Okay. >> Now we come to council. Now the excitement begins for you. >> Can I ask a question? >> Yes. >> Can you restate the difference between zoning and planning commission? >> Yes, the city of Austin has two land use commissions. The planning commission, their jurisdiction is in those areas that have an approved or pending

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or suspended neighborhood plan. >> Okay. >> That's what's on that map. The zoning and planning commission's jurisdiction is everywhere else beyond that. >> Thank you. >> So -- >> Just to clarify. So,

my question, I think, are there items that come before the planning commission, for example, that stop at the planning commission and don't go to the full council? >> There are. Subdivisions for approval of dividing the land into pieces, they are a so sovereign body. When you're approving the final plat by dividing the land up, they are sovereign. If there's a site plan and they're asking for some deviations in the environmental issues, having more cut digging into the land or fill, adding fill onto the land, they are sovereign. The only time this body might see a subdivision that might come before you, there's something called a preliminary plan, which is a general layout. And if there's an environmental variance, that can be appealed from the commission to you. But, generally, yes, they have sovereign authority. They are a sovereign board, but not when it comes to zoning. The city council is sovereign on zoning. >> Okay. Just one quick followup. So, that's set in which law? >> It's set in, basically, our land development code. >> Okay. >> The city code. Part of it is also set for -- in state law. There's a different chapter in that local government code that speaks to the subdivision process. >> Okay. So if I'm understanding correctly, whether something is sovereign and stops, for example, at the planning commission is set setfort in land

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development code or state law. >> Correct. >> Do we have a list of those, is it on this document? >> That's a reader's digest version, I'd say. We can probably make a list of those things you might typically see that would come to council or stop at commission. >> Yeah, I'd like to know a list of what would not come to council that would stop at the planning commission. Thank you. >> Very good. So, now we come to the exciting part, city council. As you recall, I told you that the city council, before your hearing, and state law and local ordinance require the city council, basically in entirety, to make a rezoning decision. Before it gets to you, we send out those notices, again, to property owners, utility customers, neighborhood organizations, within 500 feet. We have an added bonus that we also send notices, post notices in the local newspaper. So, in advance of the hearing, the day before, the 15th day before the hearing, that's in state law, we're required to provide the notice in the newspaper. And to notice within 200 feet by state law. Austin, as I said, goes beyond that. At the public hearing, those are scheduled. In the past, they've always been scheduled at 2:00. The zoning public hearing occurs. And council has a decision to make. You can approve. You can deny. You can approve with conditions. If you fail to take a vote to approve, it's automatically denied. So, in inaction of the city council, basically, a failure to approve, is taken as an action to deny. If the city council -- I said

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that the city council can approve a zoning change, deny a zoning change, approve a zoning change with conditions. If the city council fails to take an affirmative vote to approve, that constitutes a denial. If the city council were to deny a zoning change that the applicant brings forward, the applicant cannot file the same zoning change again the next day. So if they filed for an office zoning category for a general office, go district zoning and you deny it, or you don't approve it, the applicant cannot come back to my office and file that zoning change the very next day. Actually, they have to wait a year and a half to file that zoning change. That's not to say they can't refile the zoning change the next day to something more

restrictive, something that wouldn't be as intensive as go, they could file as no, a neighborhood office category the next day, but, they can't come back and ask the city for the exact same thing over again. >> Okay. But they do have a legal remedy, right? There have been lawsuits based on action or lack of action? >> They can appeal to district court that they feel that, for whatever -- they feel grieved on, that council didn't act appropriately, they can certainly file that. >> And how many such lawsuits are in place right now, if any? >> There's actually very few lawsuits that are based on zoning. Certainly, the city does go to court on many different items, but usually it's not on a zoning change. >> Okay. So you don't know of any cases where the zoning's being challenged in court right now, or a zoning decision is being challenged? >> No. One of the few cases that I'm

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aware of, where a property owner wanted to zone the property to a more intensive zoning category, it had a petition that was actually filed and signed by three prominent state officials. And got basically, that case was denied by the city of Austin. The city council. And it was up-held by the courts. That was one of the few cases I can think of that went to council where we denied the zoning on the property. Many times, property owners will seek a postponement at the commission level or even before council, and will try to work with the neighbors to find out what the adjacent property owner's concerns are. Sometimes it's literally only one or two uses the nextdoor neighbor would object to, as I mentioned. That they would not object to that zoning change in that property owner goes forward without objection. So, some amazing cases come forward where you wouldn't think -- it's never going to get through the city council, where people actually come to agreement. >> Thank you, mayor, I was going to say, I'd be happy to get a list of the pending cases as part of the followup here. >> Mayor Adler: Thank you. Sherry, do you have something? Okay, Greg, continue. >> I'm almost at the end. Council has a choice when you get to hear a public hearing. You're not obligated to take action right away, you can defer your action to another day. Most times, council will either approve or deny. If you do approve, and you change the conditions, many times it can only be approved at first reading. And all rezoning cases that come

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before you are -- take the form of an ordinance. It requires three readings of an ordinance to be approved. A simple majority of this council could approve the rezoning on a property. If an ordinance is prepared, you could take all three readings in that one day. If the commission has recommended it, the ordinance is prepared, you can act on that. So, key thing to remember, it takes three readings of any ordinance. There is a public hearing that requires this body to act, both under state law and our local ordinance. There is one caveat, and there is a right of protest. The right of protest can be made by a property owner or those adjoining property owners. There are three entities that -- actually H four. The property owner is by far the most common. The property owner comes in and files a zoning change with the city of Austin to rezone the property. The planning commission can initiate the rezoning of a property, as well as the city council. Can initiate a zoning case. That could with or without the property owner's agreement. The landmark commission can also initiate zoning for those properties that relate to

an historic zoning issue. So, you might have a situation on that. Councilmember Zimmerman, you had mentioned an objection. You might have that on certain zoning cases where the most -- [ no audio ] >> That might be the most common. If the city is rezoning an

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individual's property, that individual may file a protest, and that would constitute a valid petition which would be 100% of the property being rezoned. The planning commission doesn't initiate zoning on someone's property that Austin. You've had citizens come before city council and ask for zoning cases to be initiated on somebody else's property. It doesn't happen too often. By far, the most current petition is by property owners opposed to a rezoning case. Just bear with me and think about this. Think of a donut. And the center of the donut is being the area being rezoned. And somebody takes a bite, takes 1/5 of a bite of the donut, and that would represent the land area within 200 feet of the property being rezoned. If that one-fifth of a bite, that 20%, represents the land owners who are opposed to the rezoning within 200 feet, it triggers a valid petition. And a valid petition under our ordinance, and under state law, rises the zoning case up to a much higher level. To override the petition filed by the property owners who represent 20% of the land -- that could be one person, it could be a hundred people -- but if they represent the land within 200 feet, 20% of the land within 200 feet, it triggers what's called a valid petition, and requires on the third reading vote -- not the first reading, not the second reading, but on the third reading vote -- a supermajority of this council to override it. Under state law, it speaks to the three-quarters vote. That means nine of you must vote in favor of the rezoning to

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override that valid petition. If you fail to get nine, on that third reading vote, the zoning does not change. >> So how many times has that happened in prior years? Is that -- doesn't happen, or? >> That happens quite a bit, actually. >> Sometimes, council, you always have an out. Past councils, where they do not have a full council body sitting on the dais, maybe because a councilmember was off O or two were off, they've elected to postpone the case, defer action to try to make sure that there is a full council to consider that. >> Mayor, I have a question. >> Mayor Adler: Yes. >> So the requirements for notification are the 500, but of those 500 only really the 200, aside from maybe public testimony about the land for all 5500 people -- remedy? >> That's correct. In order to -- you may have people within 500 feet or even beyond that are opposed to rezoning, but to trigger the valid petition, it either has to be the property owner themselves objecting, which can happen, if council says I'm not going to approve this zoning, the property owner might say, I object, or, the surrounding property owners can trigger the valid petition, but only the property owners that represent 20% of the land within 200 feet. >> Garza: Thank you. >> And with that, I'm ending

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today. I -- as I said, offer my staff and myself to meet with your offices to kind of go into an individual deep dive, I guess you could talk about, zoning. We can do that if you have individual questions. We can

go through those. >> Let's have that conversation. My guess is that people are going to want you back not only to talk about zoning, but to talk about subdivision and site development plans so that they can put zoning in the larger context. >> Sure. And my staff can -- I can meet multiple times. You know, zoning is probably the biggest concern. >> Mayor Adler: And to that end, I think probably rather than having you have T 10 or 11 individual meetings, if you can talk to all of us at the same time so everybody can profit by the questions that are being asked to you, it seems like it makes sense. And to have this with a longer period of time available to us, and the ability to take a little bit deeper dive. We are now -- go ahead. >> And I'm assuming that we can use that kind of setting to get into some policy discussion, because I think what I'd like the opportunity to do is identify some key policies issues that come up as we deal with zoning. So, is that what we're thinking, that we would do that? >> Mayor Adler: That would be what I'm thinking. I think as a group, we were trying to hope we could identify some of those policy issues. I like the idea, I don't know who suggested it, last week of limiting the presentation component of it to ten-minute pieces in order to help frame the issue, but to have most of the conversation being -- the conversation that we're having as a group, or questions to respond to that. To that end, that gets us to the

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third item, just touching base with respect to the deep dives. Now, I recognize that everybody is now getting lots of requests from people to meet, and to come get briefed. I've asked the city staff if they would, to take a look at the calendar and start blocking days. On the weeks where we are already have two meetings, we can get days back, but, if they're identified on our calendars as blocked days, we know not to schedule things on those days, because we may be having a policy conversation. To tee these up as quickly as we can. Staff I think will be getting back to us first with the days to block, so that our staffs are blocking those days. And then second, with their suggested schedule. I have already, with some of the people that have come to me and asked me to come to them for a briefing, or to sit down with them, I've suggested to them in they could hold off in my office, to hold off just a second until we can see when the deep dive's going to be, because I'm going to recommend to them that they become part of that larger conversation so that they're presenting to us, they can also respond to the presentations that other people are making on that subject area, trying to steer people that way. It's going to be easier to steer people that way when we actually have a schedule to steer them to. So we're trying to work through that so that we can steer people that way. And the staff understands that what we're looking for is part of this, and just to talk about the policy issues that are present so that when we have the policy conversation, we feel confident that we have heard the spectrum of ideas that come to play. So, the two things I wanted to report to you was, getting back

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to the first blocked days. I would really appreciate everybody trying to accommodate that. So, if they give us a day to block and you already had something on that day, please see if you could move what's on your schedule so that the 11 of us can get together. Then second, right after that, we'll assign topics to those days so you can start pushing people. We've asked staff to look at what's happening on the

agenda so that we might be able to have that deep dive conversation prior to that item coming up to save us having to postpone something that we're not ready to discuss because we haven't had that deep-dive policy conversation. >> Mayor. >> Mayor Leffingwell: Yes. >> I'd also like to have the -- fee and lieu policy discussed when we have that discussion. >> Say that, again? >> Fee and lieu, you know, where they -- >> Yes >> In fact. The whole conversation about affordable housing and how we're accommodating that or what tools are available to us I think should be part of that conversation, as well. Miss Houston. >> Houston: I want to thank Mr. Guernsey and his staff for preparing this for us. I think it's important for me to say that one of the other zonings that happened was the 1928 comprehensive plan we never talk about, and how because of that zoning we're still having the vestiges of that now in parts of our city. So, light industrial, commercial, was all put east of I-35. And so, it's been very easy for people -- we did not have the opportunity to have deed restrictions on our homes or on our communities. So it's been fairly easy for people to come and begin to replace homes with other kinds of living arrangements, or businesses. And the other part of that that

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we have to always consider is that in the comprehensive plan, we talked about the dis--- we've had many groups of people talking about how we must disperse this affordable housing. It should not be in the crescent, and yet there seems to be an ongoing, very exciting wave of people wanting to create more affordable housing in the crescent rather than dispersing it throughout the city, where there are educational opportunities, where there are job opportunities, and where there may be opportunities for transit. So I want us to always consider all of the -- >> That's okay. Does anybody have anything else? Staff, I think will be getting back to us quickly with respect to blocking those days. And having a schedule so we can all plan. What's going to happen next is we'll reconvene then on Thursday for our public engagement. I would again urge everybody to look at the bulletin board, because that's a way that we've already begun to try to communicate with each other. Don posted something today, so everybody, if you're not already on there, I would, again, recommend you or somebody in your office look at that at least twice a day to be current with what's coming up. Does anybody have anything else before we adjourn? >> How about the emails that we, as individual councilmembers, are receiving? Should redistribute that or have the staff look at it? >> Mayor Adler: These are emails with respect to the ideas for the engagement issue? >> Yes. >> Mayor Adler: You know, I would recommend that we have like one depository between us that's cataloging those. I would send it to the staff so that the staff sees that, and

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Anne, I don't know if it would be okay if we burdened you with forwarding the comments. You took the laboring more on that. >> I'm happy to do that. To the extent that you have time, you can summarize what you're hearing. >> That's a better way. >> Kitchen: Because, I mean, if you can, if you can summarize those, you can post them on the message board. What I'm thinking would be useful for us, perhaps, if you all agree, is to have a list of ideas of how we might want to change what our proposal is. So, if you all are hearing things, either, you know, verbally or getting something in writing, if you want to

add to that list, I'm happy to make sure we have one list at the end of the day. >> I think so. That's going to run afoul of the rules, I misspoke. We have to post it to the message board, you and everyone else can monitor that. As you get an email, just post it to the message board. >> I will try to compile those and keep a running list through the message board, so that you all can see it and add to it. Does that work for everybody? Okay. >> Anything else? Greg. >> Casar: If I may, you had mentioned the 5:30 public hearing on Thursday. You also -- >> Mayor Adler: That's right, we're having our first deep dive on Thursday. At 10:00, we're convening to talk about the city as an employer. We're going to go into executive session to talk about, as posted in that notice, to discuss specifically some fire department issues. But then we'll come out and have a public conversation, city as

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an employer. My understanding is that some associations the city works with on behalf of employees have been alerted to that, and will be able to participate in that part of the meeting, to so that happens on Thursday. At 5:30, we're having a public hearing. There's also a resolution that is posted that you probably want to take a look at, it's a resolution so as to give us opportunities to be able to move money around within our budgets. So you want to take a look at that specifically to take less salary and be able to apply it to salary for employees. So take a look at that, that's also on the called agenda, at 5:30, the public hearing starts at 6:00 and goes until 9:00. What else? >> Mr. Mayor, just a question on the executive session that's been called. So, it's section 551.071, I have it on my computer here. But, I just wondered which part of that was being called. Is it section one or section two, if you want to take a look and get that information. The way I read this -- I used to be a president of the mud, and we would call these, but it was always the elected board members that would ask for the executive session. And so, we would do it under these terms. My question is, who's asking for the executive session, and is it a matter based on our city attorney, or is it something else? I'm asking more information for why that executive session is being called. >> Mayor Adler: I asked for it, because I wanted us to be able to discuss fully the related issues. If when we get there, counsel tells us there's nothing else to know, it'll be really short. But we'll go ahead and see. Anything else? All right, see you guys on the message board. We stand adjourned.

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>> Could someone from IT show us how to shut off or log out of our computers when we leave the dais, please?