

City Council Regular Meeting Transcript –01/29/2015

Title: ATXN2
Channel: 6 - ATXN
Recorded On: 1/29/2015 6:00:00 AM
Original Air Date: 1/29/2015
Transcript Generated by SnapStream
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[9:47:22 AM]

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>>> Test test this is a test, 1, 2, 3, 4, 5,. >>> >> Test test test test this is a test, abcd echt fg. >>> >>>

[9:52:58 AM]

Casar,. >>> >>> >>
[♪ Music playing ♪] Chuck free man. Free souls church. Nonresponsive freemen,. >>> >>

[10:06:08 AM]

>> Mayor Adler: Is everybody ready? Good morning.
>> Good morning.
>> Mayor Adler: I am Austin mayor Steve Adler and we're going to begin today with an invocation by reverend chuck Freeman from the free souls church. Please rise.
>> Good morning, everyone.
[Off mic].
>> Historic day here in Austin, Texas, I have a brief poem to read before my prayer from the sufi poet rumi. Solomon was busy judging others, when it was his personal thoughts that were disturbing the community. His crown slid crooked on his head. He put it straight, but the crown went awry again. Eight times this happened. Finally, he began to talk to the headpiece, why do you keep tilting over my eyes? I have to, when your power loses compassion. I have to show you what such a condition looks like. Immediately, Solomon recognized the truth. He knelt and asked for forgiveness. The crown centered itself on his crown. When something goes wrong, accuse yourself first. Even the wisdom of Plato or Solomon can wobble and go blind. Listen. When your crown reminds you of what makes you cold toward others. Pause with me now for a word of prayer. So I thank you, god, on this historic day in Austin, Texas.

[10:08:09 AM]

The crown jewel of our state. I thank you most for the inner life of each person on this council who has been duly elected by the people. I thank you for the inner light of every person gathered here today. And I ask that they will be accountable to their constituents, but even more than that, recognize that their accountability is a cosmic accountability. Is an eternal accountability. Is an accountability to the one who created the whole shebang. And so I ask that when their crowns go crooked, they will look in the mirror first, and what I pray most of all, god, is that the crowns of this council of the leadership that they have been granted, this gift of grace, I ask that their crowns will more times than not, stand straight and tall on the crowns of their heads. We pray now in all that is sacred and go and holy, amen.

>> Mayor Adler: A quorum is presents, I'm going to call this meeting of the Austin city council to order. On Thursday, we are meeting in Austin, city hall, 301 -- east second, 10:09 A.M. Before we begin, almost by way of point of personal privilege if the council will indulge me for just a second, I want to add an invocation.

[10:10:16 AM]

I come here newly prepared with my -- with my pristine hobby of the most recent version of Roberts rules.

[Laughter]. In case we -- in case we need it. Broken no but not yet really read. But I -- I also have brought a copy of Roberts rules from 25 years ago. So this was Robert's rules tthat my father gave to me when I was elected junior high school class president. Kind of like middle school I guess. Those of you that know me, my father passed away just a few years later. He gave me this book and I want to read the inscription that he put in the book to me. It says to my son Steve, for his first reigning year of 1970-71, this was junior high school president.

He said: With the thought that within the framework of order and discipline, men of goodwill and intent can always find conciliatory and harmonious answers to further the well-being and betterment of their fellow men. With love and my faith always, dad. We just need to -- we need to do that together as a group. We begin with changes and corrections. I want to read these into the record. Item no. 3, we're going to postpone to March 26th, 2015. Items 10, 17, and 18, were approved by the electric utility commission, by a vote of 6-0 on -- on January 26th. On January 27th, the ethics review commission on item 21, unanimously approved a -- a resolution 7-0 that's also in the record.

[10:12:25 AM]

On items 50 and 51, those are items that have a 4:00 P.M. Time certain. And a postponement of items 50 and 51, will be requested to -- to postpone to March 5th of 2015. And item 52 at the 4:00 time certain, a postponement of those items will be requested to -- to February 12th, 2015. And can I ask you a question, Anne? On item 3, which was the item that is indicated by being postponed, to March 26th, 2015, does the council have to take any action to postpone that? No? That's just in the announcement because it was administratively sent otherwise?

>> That's correct.

>> Mayor Adler: Okay. We have some time certain items on today's agenda. At 10:30, we have a morning briefing scheduled, but there is no briefing that's scheduled. We do have a -- a discussion related to land use issues. That can give rise to some questions that we asked the other day. This is not, you know, the deep dive that we have been talking about in terms of having a panel conversation, but it is an opportunity for the staff to share with us some information. So we'll pick that -- that part of our program up as we get into it a little bit and we see when is the most appropriate time to do that. Sooner than later because we have staff that are sitting here waiting to do that with us. At 12:00 we have citizens communication. At 2:00 we have zoning matters. My belief is that we're going to get to those zoning matters at 2:00, but the feel was is that we were going to postpone all of those items and I want to let the public know that it's anticipated that's going to happen.

[10:14:27 AM]

Does anyone expect anything else to happen on those zoning matters other than them being postponed? So in case anybody is watching that, I'll put you on notice that it -- don't come down at 2:00, we're going to postpone all of the zoning matters. That -- that then gets us to the public hearing at 4:00. And we can talk in a second about how we want to do those. Because all of the -- all of the -- most of the public hearing matters have also -- also going to be postponed at 4:00 time certain moved off. And then at 5:30 we have live music and proclamations. The live music is -- is dead things don't bleed. For all of their fans to know that that's the time to come down. And we have some items that have been pulled off of the consent agenda. My understanding, councilmember Zimmerman, is that of the items that are on consent, you want to pull item 17, but other than item 17, you're not going to pull them, but we will ask, before we take a vote on the consent agenda, if anyone has any objections or wants to be shown as voting no or voting abstaining or voting to -- or indicating recusal or anything like that. But councilmember Zimmerman?

>> Zimmerman: Thank you, you just answered my question. Even if something is on the consent agenda, the rules are that the individual members can still go on the record as yes for, against or abstaining; is that right?

>> That's correct.

>> Mayor Adler: That's correct. You do not need to pull something off concept in order to have the record show those things. Okay. My understanding, also, is that 25 has been pulled by councilmember Garza and 26 pulled by councilmember pool. I would also -- my suggestion would be, I'll -- also the affordability commission task force would be pulled so that we can talk about those items briefly as well as the committee appointments as well as the engagement task force.

[10:16:52 AM]

So we'll pull all of those off of the consent, so we'll have to add to those Numbers. I think that what -- what my records would then reflect different than the script that I'm just about to read here, so that I know. Is that we're going to be pulling items 21, 22, 23, 25 and 26. Is that right?

>> Tovo: Mayor, I think 17 as well?

>> Mayor Adler: I'm sorry, yes? Yeah, yeah. I was thinking just about the additional ones, but yes. So 17, and in addition to 17, the ones we're going to pull are 21, 22, 23, 25 and 26.

>> Mayor, on 21, was there a reason that we were pulling those? I know we pulled it and answered some questions in work session.

>> Mayor Adler: I want to talk about them for just a second.

>> Okay, fine.

>> Mayor Adler: I'm going to vote for it, but I just want to pull it to say something into the record.

>> That's fine.

>> Mayor Adler: Yes?

>> Can I also request that we pull number 20 for discussion as well?

>> Mayor Adler: Yes.

>> Thank you. All right. That said then, first I want to read our appointments and waivers to the boards and commissions. Let me also point out, before we do that, that there's late backup provided on certain items and I want to announce that so that people have that in case they want to look.

[10:18:57 AM]

Those would be items 19, 21, 22, 23, 25, 26, 38, 39, and 53. Some of those items we're postponing and pulling. Got it. Okay, got it. So the consent agenda is items 1 through 26,. We are pulling items 17, 20, 21, 22, 23, 25, and 26. Before we take the vote, are there any positions that people want to say with respect to any of those items be shown other than voting yes? This -- we're talking about the non-pulled items at this point. Councilmember Zimmerman?

>> Yes, thank you, Mr. Mayor. I would like to be reported as abstaining from item 1, approval of the minutes. I would like to abstain from that. I would like to be recorded as voting no on item 2. Item 14, item 15, item 9. I apologize for not being in order. And I would like to be on the record in favor of item 5 and item 16. And the remaining items also in abstention. Thank you.

>> Mayor Adler: That's fine. Councilmember tovo? No?

[10:20:58 AM]

Okay. All right, with that said, does -- is there a motion to approve the consent agenda? Subject to what's been pulled and subject to the announcement.

>> I so move.

>> Mayor Adler: Okay. Is there a second?

>> I second it.

>> Mayor Adler: Mr. Renteria seconds. All in favor say aye.

>> Aye.

>> Mayor Adler: Those opposed nay. Okay, unanimously on the dais with the exceptions that were noted in terms of being pulled. At this point, let's talk then about the items that were pulled ... No, because they got pulled so I was going to do it when it got pulled. Is that are the?

>> Yes.

>> Mayor Adler: Okay?

>> [Indiscernible].

>> Mayor Adler: No, no, no, I'll take help from both sides. Heck, I'll take help from the audience, too.

[Laughter]. You know, it's going to take us a while to all figure this out as a group. This is a safe place for everybody as we're working through this, including me. So that will be good. So now we're going to go through those items that were pulled on the consent agenda and that begins then with item no. 17.

>> Thank you, Mr. Mayor. I noted -- I've got a copy finally of the proposal, which is based on gal 0020. So I think that's the rfp behind item no. 17. I had a couple of questions, if somebody can answer questions about the procurement, how that purchasing works?

>> Mayor Adler: Okay.

>> Zimmerman: Let me just start with one of the first questions was I noticed that there were three women business enterprises, there were three wb'es listed, but I could only find two that were unique businesses. Looked like there was a duplication of an email address and that ended up counting as an extra business.

[10:23:01 AM]

Do I understand that correctly?

>> Good morning, mayor and council.

[Indiscernible] Acting purchasing officer. When we send out notices, we send them to all of the email addresses, so that is correct. One of the m.b.e./w.b.e. Had multiple email addresses.

>> Zimmerman: Okay. So counted as three instead of the two, so there were actually two.

>> That's correct.

>> Zimmerman: Thank you. I have other questions, I don't know if you're the right person to answer, but looks to me like the total package there, there's a collection of documents and there are some engineering specifications, it's really interesting because I'm an engineer and a geek, so I love all of this stuff. But it looks like it's about, I want to say, 60 -- about 60 pages to 70 pages in the total package. Is that right?

>> That's correct.

>> Zimmerman: About 60, 70. Okay. Just a couple of questions, the way the award goes -- let me back up. There's an ordinance in place that prohibits me as an elected representative from directly communicating, right, with the suppliers that answer these rfp's. There's an ordinance in place where I can't communicate with them.

>> Yes, sir, during the no contact period, that's correct.

>> Zimmerman: During the no-contact period and that no-contact period extends up until the time that we award a contract, is that correct.

>> Actually, sir, it extends from the time we issue the solicitation until the date that we execute a contract.

>> Zimmerman: So if we voted to approve what's on the agenda here, that -- that non-contact period would continue until documents are actually signed?

>> Yes, sir, that's correct.

>> Zimmerman: So it's longer even than the vote. Okay. And I guess I wanted to make it clear for the records, as an engineer, I do have understanding of some of this material. But there's a prohibition on

becommunicating with the -- on me communicating with the suppliers it appears. Okay. So another quick question. When -- on the matrix, I'm sorry that other people may not have this, but there's a matrix, right, that you use to score the proposals.

[10:25:04 AM]

And ... That's available on the website, it's publicly available, you can look it up, one of the items on there was -- was -- I think it was an Austin local contact.

>> Yes, sir.

>> Zimmerman: So there are 10 points awarded I guess if there's a business contact in Austin.

>> It's the local preference item. And they are assessed points if they either have a corporate headquarters office or a branch within the corporate city limits.

>> Zimmerman: That's right. So in other words you could have an agent or a distributor who represents a company that manufacturers in China or, say, in Mexico, but if they had a distributor representative in Austin that had an office and a phone, that would score the 10 points. So in other words that -- that local has -- that local category has nothing to do with where the product is manufactured.

>> That's correct.

>> Zimmerman: Okay. And so -- let me -- let me just say what my problem here on this is and I think this is important for us to have this brief discussion. I've been involved in rfps and approving, advising, I've made decisions myself. What happens typically, when you are talking about \$10 million, it's going to be something that I either have intimate knowledge in, something that I have worked on for decades, I'm qualified to make decisions, right, because I have expertise in the area, say, of steel utility poles, how high they are, what the wind loading is, how far you bury them under the ground, it's complicated, goes on and on. Lacking that visibility into this -- into this, you know, rfp, I can't communicate with the persons providing this, I can't get specific questions answered, in fact, for the \$10 million that we would be asked to vote on, I'm not sure how many units, how many poles that we're talking about for \$10 million.

[10:27:12 AM]

You know, how many units. It's not just one unit, right? It could be different heights, different sizes, different load ratings. So is there a place -- I'm looking at the last page here, page 5 of 5, it says cost proposal sheet for distribution section 0710, it has a description, here's a pole of 120 feet, 7,000 pounds, sounds about right. Estimated annual quantity, one. There's a couple of other columns, I see quantity 50-foot pole, quantity three, quantity three, quantity three. So -- so my aggie math says that adds up to 10 poles. Now, I know that we're not paying a million dollars per pole. I know that. That would be crazy. The point that I'm making is that even through an examination of the documentation, I can't tell what I'm voting on for ten million dollars. So that's why I'm going to have to abstain. Can you enlighten me? Is there anything wrong with my thinking on this or --

>> No. We are -- Austin energy is coming up to comment on the different variety of poles that we're buying. But it is, for evaluation purposes, we may specify a certain quantity.

>> Yeah, I'm Sheryl mealy, chief operating officer at Austin energy. I think ursha was correct in how we

go about getting solicitations in place for things that we're going to use an indefinite amount of equipment or material. So when we seek the actual cost estimates, we get representative samples of product that we might use and then we come up with what our annual consumption is. So I believe what's in the bid or in the rfp is really just representative of the types of units that we would use under that contract. It doesn't speak exactly to the volume. And then we multiply that by our historical usage to try to come up with what the spending authority is going to be that we need.

[10:29:15 AM]

>> Zimmerman: So if I heard correctly, then it's really not possible for me to know a cost per unit of what these poles are.

>> I believe that what you are looking at is -- we do have, ursha is going to get the bid sheets, I'm sure. We do get a cost per units of a specific specification, then we used estimated specification for them to come up with what their price per unit is. Our actual usage will vary by the types of products that actually come in over the term of the contract. We are trying to say what are all of the commonly used types of equipment that we might use in the next three years. And try to secure prices for those using our historical estimates we come up with what the volume is going to be, but what we actually go out and get, once that service contract is in place, is really driven by what we need. For example, mopac road widening is going to have a lot of different poles that might be used on an annual quantity basis because it's such a large project to go out and rebuild that distribution, than if we didn't have significant roadway projects going on in a different year.

>> It's great to have that kind of flexibility and the industry I've worked in it would be fantastic if I could just say give me \$10 million and then I can figure out what I need. But really poses a problem for me as an elected representative from district 6 that I can't be certain what it is I'm voting on.

>> We can get that --

>> Councilmember Zimmerman, my apologies, we can get that information for you. Another thing even though we are in the no contact period, if you have specific questions those questions can be funneled through the purchasing office as points of contact, we can ask questions or get answers from the contractors, the bidders, for you.

>> Zimmerman: I appreciate that a lot. I've been working as fast as I can to ramp up on this.

[10:31:17 AM]

I just got the rfp this morning, it's not because I've been lazy.

>> I understand.

>> Zimmerman: So I appreciate the help and the comments. I guess that's probably all of the questions that I have on this at this time. Thank you.

>> Mayor Adler: Councilmember Zimmerman, I personally appreciate the -- the questions that you have asked. And the items that you have pulled both here and at the -- at the work session. Because I think that it's enabled each of us to be able to learn more than we might have otherwise known and I think it's real important for us to have a familiarity with what those kinds of things, what those kinds of things are. I'm going to be really impressed if over the course of the term you're able to do a real significant

independent investigation of each one of those charges. My hope is that as we work more and more with the staff and as we learn more and more about how that works, that all of us will get to a place of confidence where we can delegate those kinds of determinations, except for those that as they come up on our agenda give us red flags or we hear from the community that there's an issue. But I just wanted to say for myself that I -- that I appreciate that you have picked some of these to -- to help all of us understand what's going on.

>> Zimmerman: I appreciate the -- I appreciate the affirmation, but let me say quickly, though, when I was on the campaign trail, I favored the city council and the elected officials not digging into and dealing with these kinds of issues because I don't think we have the technical expertise or the time to be able to dig into this. And so if your question was asking about going forward, I'm really concerned.

[10:33:19 AM]

I was in Houston around the time of the enron, anybody remember the enron scandal? And when the truth started to come out, the executives making the decisions would say "Well, I wasn't sure what was going on, I didn't have the information." Then we all said "That's no excuse. If you are voting on it, it implies you have a trust relationship and you are confident all of the information is good and your neck is on the line." So I want to maybe mention to my colleagues to think about us not being in the business of making these kind of multi-million dollar decisions. I would like to have a discussion on that later if he could.

>> Mayor Adler: In the intervening time, any questions that you would make in order to increase the amount of information or data that's available to any of us or the opportunity to be able to ask questions, I'll support. So that -- so that you have access to -- so any of us would have access to as much information as we each feel we need to get. Yes?

>> Mr. Mayor, thank you. I just wanted to make a comment that -- that if I do not ask questions of staff in this forum, it does not mean that I have not had questions or sought information before these meetings, so I don't want it to seem if we are not specifically pulling an item, questioning at the level that councilmember Zimmerman has done, that we are not exercising due diligence and fully supporting our understanding of our responsibilities as councilmembers. I just prefer to do that kind of digging outside of the council meeting so that I can come prepared to make an informed decision when I arrive. Thank you. Thank you, any further comments or discussion about item no. 17.

>> Mayor, I just wanted to add my support of providing information.

[10:35:19 AM]

There's -- there's multitude of ways we do that and I want to make sure that the public knows of that. Council has asked -- is asking us questions in a formal q&a report that we can give a lot of detail, as much detail as you want in that q&a. There's also -- we're trying to give, as you all acclimate we're trying to give much more detail in the backup items as well. Things that have been routine we are realizing is new to council. We are trying to give as much background reams of paper if you want it on each item. We are trying to under understand -- trying to provide, understanding this is new, provide information as much as we can, we will flex with that and try to give as much information as you all need to make

these educated decisions.

>> Great, thank you, we appreciate that. Any other further comments on item no. 17? Is there a motion to approve item no. 17?

>> So moved.

>> Mayor Adler: Mayor pro tem. Is there a second? Ms. Houston. All in favor say aye?

>> Aye.

>> Mayor Adler: Those opposed nay?

>> I would like to abstain.

>> Mayor Adler: The dais will show all voting aye with one abstention, councilmember Zimmerman. The next item is item no. 20. Item no. 20 are boards and commission nominations and waivers. Let me read into the record the nominations. Board nominations downtown commission, mark Gilbert nominated bethe urban transportation commission. Land development code advisory group, [indiscernible] Zaragosa, land development code advisory group, the community develop commission, Betty Taylor, the saint John's neighborhood association. There are no waivers scheduled for today. Is there a discussion? Who pulled this? Ms. Gallo? I did, I'm sorry, Ms. Troxclair pulled it.

[10:37:20 AM]

>> Troxclair: Yes, I know that the city clerk's office has been reaching out to all of us to go over the boards and commissions and appointment process, how all of this works. And I haven't been -- we haven't been provided with any background information about the people listed here and so just because of a lack of information, I was hoping to see if -- if it caused any issues to -- to put these appointments on the next agenda? So that we can be better informed. About the people being nominated. Seems like these are some pretty important commissions. And groups.

>> Mayor Adler: Okay. If there is staff here to answer that question, we can ...

>> Mayor and council, we did provide a little backup information in the q&a question. I checked would staff, there would be no, as far as we know, no impact to these boards by postponing this item until later, until after we've met with each of you to walk through the entire processes. As far as we know, we have not been notified they are not able to meet because they don't have a quorum. That would be the only impact that there would be.

>> Troxclair: Okay. That would be my preference just so that we're making an informed decision next time.

>> Mayor Adler: Ms. Gallo?

>> Gallo: Thank you, along this same line it appears almost all of the boards and commissions terms will expire in June, a lot of the boards and commissions are being expanded to a larger group of people to -- to compensate for the increased members of the council who will be doing appointments. So I will be posting on the message board an idea that we can go in and possibly start filling some of those vacancies

[10:47:22 AM]

>> Professor:.

>> Tovo: As I understand they decide when there's a vacancy and there's a vacancy when one of their members was hired to work in a council office they decide who they want to replace that person with, and Ms. Zaragoza currently serves on the planning commission. So I'm fully supportive of supporting those two, but I hope that we can get to them sooner than March because these are -- typically these aren't really -- these are appointees we have to affirm, but they need to be nominees coming from the bodies themselves until and unless we reshape all of those rules. But it does cause -- it means that urban transportation commission would not be represented on the downtown commission until we make that appointment. I really fully support moving forward with the community development commission appointment. It's been vacant for six months. It's taken some work to get that appointment coming forward and it means the St. John's community has not been represented on that board for half a year. So I think it's important that we recognize, again, and until and unless we reshape the way those appointments are happening, it's been set up to be their responsibility to suggest a name. So I'd like to see that one for sure go forward today. Adam Bennett okay. Councilmember Renteria.

>> Renteria: As someone who served on the development commission for over four years and I was a representative for my neighborhood and which is in 78702 in east Austin, we have a vacancy also. And the community development commission, we have a very difficult time finding volunteers to serve on that board. And if someone steps up, we should just grab them and -- [laughter]. So I'll be supporting Greg's motion.

[10:49:23 AM]

Adam Bennett Ms. Houston?

>> Houston: Thank you. I don't mind postponing the other two until an earlier date. But I don't want to take away the power of the neighborhoods to be able to choose their representative to the community development commission and I'm afraid that's what it would appear like. They've made this nomination of Bettie Jane Taylor and they have vetted her and I think she will do a good job and we need to honor that. Adam Bennett my sense on the dais is everybody is in favor of calling out or separating Ms. Taylor's nomination. Is there any objection to the amendment to the amendment from Mr. Casar to let -- to not include in the motion to postpone the nomination of -- positive postpone the nomination of Ms. Taylor?

>> My question had to go to the timing of it. I don't want to wait until March to approve the rest of the people on this list. Adam Bennett we're not taking any action on the overall motion. What we're talking about now is solely do we let Ms. Taylor's nomination make hers no longer subject to the motion to postpone. My sense is everyone supports that. The record support that. Now we're back to the motion to postpone on those two. Which is a motion to postpone. You didn't give a time certain on your motion, I didn't hear. Did you want to make one? To February 12th is our next scheduled meeting?

>> I think February 12th would be enough time for us to get the information that we need. Although these organizations -- I do understand the need for the community development commission to go ahead and make that appointment. But, you know, although these organizations are selecting these members, it's still incumbent upon this body to approve them.

[10:51:28 AM]

So I do think it's important that we are fully informed before we --

>> The motion on the floor is to postpone until February 12th the consideration of those first two nominations. That's the motion on the floor.

>> I'd like to make a statement. I would like to urge us not to postpone very long at all. The land development code advisory group is a very time sensitive process that they're working on now. They've been breaking into subcommittees and so it's very important that that kind of appointment be made very quickly. I don't know exactly how we have to do this, but if we do end up having a special called meeting before the 12th that we consider this before the 12th. Ad>> Tell me this, there is a background we can go to on on they can serve with this. The link is not attached to the backup item.

>> It is not. We couldn't attach the link because that link is to a system that's within the fire wall, the city's fire wall. But staff will send you the applications today. And then if you wanted to just postpone it to the next regular or special called council meeting, we can get it on the agenda for the next time that you actually have a meeting.

>> Mayor Adler: Okay. Is it possible -- on supporting materials -- to point the council to that link?

>> I will look into that.

>> Mayor Adler: If you can do that. That way at any point in the future, someone is in that, they pull up the backup material, the council can see that's where that personnel material would be located. Am I understanding then is that it's up and available for folks to take a look at.

[10:53:28 AM]

So I think the amendment coming from Ms. Kitchen is to say that we can postpone it to February 12th unless there's a called meeting before that in which case we'll have it on the agenda and brought up at that point. Maybe we'll have it on the fifth. It's looking likely that there will be one. Is that okay with you, that amendment?

>> Sure.

>> Mayor Adler: So the motion is to postpone these until the 12th. The first two until the 12th unless it's possible to -- unless there's a called meeting in the intervening period of time, in which case it will come up then. And if you can provide everybody with the links so they can go to it in the future on the backup just refer people to that location so they can find it. Is there any further discussion on that motion?

>> Zimmerman: May I call the question on the motion?

>> Mayor Adler: Question is called. Any question going on a vote? We'll go that way. All in favor of a motion to postpone say aye. Those opposed nay. It's unanimous on the dais.

>> Mayor Adler: We'll now go to item 21, which has been pulled. I pulled this so I'm going to vote in favor of this item. This is the recommendation concerning the ethics review commission. But I just wanted to talk about it just for one second because I have some measure of concern with respect to this in a more global approach to how we do ethics and ethics will have. So this is something that a clarification of employees with respect to ethics commission did not think was in their purview so they've never dealt with these. These are historically been handled within the civil service administrative process. Then it was determined wait a second that wasn't where these kind of things should go so this is in essence conforming the ordinance to current practice. And the reason that this is being recommended is because it conforms to regular practice and because the ethics commission doesn't

have the resources to be able to pick up these ethic issues.

[10:55:40 AM]

And my question dined of rhetorically -- and I don't need an answer to it -- is if this was the right place for these ethic charges to be handled, then the body should have the resources to be able to do it, whether that's the status quo or not manufacture what I don't have a feel for is whether ethics charges like this should best be handled by an independent entity who is reviewing ethics issues or by a civil service commission that's not the same kind of independent entity. And I think that that's something that as we look at ethics generally in this city -- and I hope that -- one of my hopes would be we do that as a body, that that's something that we come back to and revisit. I'm not asking to do it now because this conforms status quo and because we don't have the resources to do otherwise. But I'm just not sure that this is the best place for it to reside. So with that said, I would remove my -- well, with that said, is there any further discussion on -- well, someone moved to approve item 21.

>> He.

>> Mayor Adler: There's a second then. Any further discussion on this?

>> Mayor.

>> Mayor Adler: Yes.

>> I believe we have the charity ethics committee here and I wanted to see if he had anything he wanted to add before we voted.

>> Mayor Adler: Okay.

>> Good morning, Mr. Mayor, councilmembers, Austin Caplan, chair of the commission. Happy to be here today, first commissioner to address the 10-1 council and the first non-staff member and member of the community to address the first 10-1 council. I'm honored and privileged to do that. The ethics commission is the independent citizens body that deals with ethics and compliance issues. We are currently set to meet currently, seven appointed members, expect that we'll be 11 appointed members by the middle of the year.

[10:57:49 AM]

We -- this limited ordinance that's before council today is simply a fix to continue the system that has been in place up until now. That is that folks that are covered that have their due process rights covered under municipal civil service, even with respect to alleged violations of ethics and compliance issues, code of ethics compliance issues, those would go through the municipal civil service system. That system exists to protect those folks. They have already delineated rights in that system and that system has been handling those folks and is set up to handle those folks throughout. The ethics commission has a process that it runs for hearings and -- to run hearings and deal with sworn complaints against -- with respect to issues of ethics against other individuals. And so there's a larger process, and I believe that council has been briefed on this in work session. And there's some more information coming soon, 60 or 90 days down the line, about additional changes and cleanups to the ethics ordinance to draw clear lines as to where the jurisdiction lies, where folks go when complaints are alleged that have to do with ethics. In the meantime this would allow the ethics commission to continue the process that it has been doing

up until now.

>> Mayor Adler: Thank you. Any questions or further discussion on this issue?

>> Zimmerman: I do have one question. If you're not able to comment, no problem. I don't completely understand. But are you able to issue an opinion of which of these municipal civil service or ethics commission, which might be more independent some I'll put that in quotation marks, "Independent," if you can answer that.

[10:59:55 AM]

>> I can speak personal from my experience on the ethics commission, we're independent citizen appointees and we come together and here disputes and try to decide what's before us. The municipal civil service, I don't have a very detailed understanding of it but it's a whole system that's in place with due process rights for those individuals. We kind of deal with things differently. My understanding is that historically, management has referred complaints that have to do with potential code of ethic violations, for example misuse of city property if money is misusing -- using a computer for personal business, that's not something that the ethics review commission would normally hear so that's something that would potentially go through the municipal civil service instead and their process is better suited perhaps, I think, in my personal opinion, better suited to deal with those kind of complaints against the people who are covered by those systems. The ethics commission is better suited to deal with complaints against mayor, council, staff, assistant city manager and above high-level individuals that have ethics complaints brought against them so those are held in a public forum.

>> Zimmerman: Final question: Anybody from civil service that could briefly speak to this? Anybody here? I'm curious.

>> Mayor Adler: Okay.

>> Good afternoon, my people in is Jeff Burton, employee relations manager within corporate human resources. Really there's two different civil service systems as I think you heard about, one is for our sworn employees, and it's governed under 143 state law and then 2 is the more recently approved municipal civil service program for our civilian -- for the vast majority of our civilian employees.

[11:01:57 AM]

And there's a 5-member municipal civil service commission that is appointed by council, which would, one, establish municipal sufficiently service ruled approved by council and, two, would hear any appeals from civilian employees who are disciplined or otherwise denied a promotion and make a final binding decision associated with that decision that they bring before the commission.

>> Mayor Adler: Thank you.

>> Does that answer your question?

>> Zimmerman: It's useful additional information. I appreciate that.

>> Okay.

>> Mayor Adler: Any further questions on 21? Are there any objections to passage of number 21? Hearing none, it's unanimous on the dais, show councilmember Poole off the dais. Thank you very much. That gets us then to item 22. 22 is coming from us -- me Ms. Garza, what I'm thinking here is this. We

have several items that have come up from us that we're about to get to in in budget, affordability committee, community engagement issue, administrative process issue and the council meeting and procedure issue. We did not put a time certain on any of those for people to come down, and we've heard some people that they would have preferred in going forward we should probably look at that and we have issues that are going to be of concern to set them as best we can within a block of time. We have a public hearing that is scheduled at 4:00, gets us to later in the day.

[11:04:00 AM]

We're not going to have anything on that agenda at 4:00 because pretty much everything set on that agenda has been put off. One option we have is to introduce these now, raise these now, discuss these now, lay out the amendments that we have on these now, but not take a final vote on these until we're back at the public hearing at 4:00, in other words, postpone them to later in the day in case someone wanted to show up. I'm just laying that option out in terms of how do we want to proceed? I would still think we should call these up and work through them but then maybe not take final action. Mites Houston.

>> Houston: I'm reminded of our work session on Tuesday when we had staff sitting around, waiting to get to something that we needed to know about. And so I'm wondering, are there any items there that we could push up so that they could go back and be productive and east? Are they needed here for all of these items that we're going to take up from the council? That's just a question.

>> Mayor Adler: Okay.

>> Mr. Mayor, I thought what you had said we would go ahead and have discussion so if members are here we would speak on those and delay final action to a later time certain. Is that what you were proprocessing, just the final action would be delayed.

>> Mayor Adler: I think Ms. Houston's question was other these these are there other items on the agenda staff would be speaking to. As I look at the agenda, the only other thing staff is really responsive to on this agenda is the discussion, the briefing that we're going to have. Ms. Kitchen -- Ms. Garza.

>> My question is do we have any speakers signed up to speak on these items?

>> Yes.

>> They're probably expecting to speak now would be my guess if they're already signed up.

>> Mayor Adler: That I would call, anybody who was here to speak now I would call them up to speak.

>> Okay.

>> Mayor Adler: We have two people speaking on 22, two on 23 and three on 26.

[11:06:04 AM]

>> Okay.

>> Mayor Adler: Would I expect we would give them the opportunity to address us now.

>> Okay. And so then we would be postponing what would be the purpose for --

>> Mayor Adler: I would be calling it up, we would be handling, just before we take a vote we'd postpone that until 4:00 and call up the next one, have discussion here, have the speakers speak but before we take a vote postpone it until 4:00.

>> I'm not certain why we would postpone to to 4:00 to take action.

>> Mayor Adler: The thinking behind that was we didn't have these at a time certain O people yesterday or today didn't know when they should show up to speak unless they came bravely at the beginning of the meeting as some have to show up and it was just providing that additional opportunity.

>> Okay.

>> Garza: Mayor, do you mean if -- if we decided to open up a public hearing at 4:00, if speakers came at 4:00 they would have a chance to testify or are we taking the vote --

>> Mayor Adler: I would anticipate if someone showed up at 4:00 we would give them the opportunity to speak.

>> Mayor.

>> Mayor Adler: Yes.

>> I want to echo councilmember kitchen's questions, I had the same ones. Because I see a couple of the speakers that have signed up are sitting out there and just as my personal experience when I've come to speak, then I also want to see what the final outcome is too and I hate to ask them to come back at 4:00 for the outcome.

>> Mayor Adler: I would be fine either way. It was expressed that some people would like to have time during the day and there are good reasons to do it both ways. Ms. Kitchen.

>> Kitchen: I would be comfortable going forward because we -- people have had the opportunity and we'll be hearing some additional testimony now. We had a public hearing last Thursday. We've had input from folks in terms of, you know, the opportunity to hear from folks from our individual offices and if it was yesterday or the day before, I might say that, but, you know, it's almost noon and to tell people at noon that we're going to hear it at 4:00, I'm not sure there's a value of that.

[11:08:09 AM]

>> Mayor Adler: Let's go ahead and proceed. We don't have to decide that question now. Let's start then on number 22 and let's see how this looks and feels before we take the vote. So item 22 is the regional affordability committee about Ms. Garza do you want introduce that.

>> Houston: Sure I'm the sponsor, I think we have new leadership at the different entities and we have an unprecedented opportunity to improve the way we collaborate and talk to each other and so this committee originally started as -- the idea started as juts an austin-specific affordability committee but after speaking with many members of the community, they suggested a regional committee, where we could have different -- the Travis county different school districts. Because, you know, there's bonds that come up all the time and a lot of times a public -- the public is only -- it's hard for the public to attend different meetings of different entities and so this would allow an opportunity to have a conversation that addresses all of those bonds and have that public conversation, see if those bonds are viable. Also an opportunity to look at existing interlocal agreements and see if there's opportunities to strengthen those partnerships, if there's duplication we can try to work through that duplication so we're not D duplicating, basically. And address any other items that impact the cost of living for residents. And the entities that I am inviting to be part of this regional committee -- obviously if they don't want to be, that's fine, but I want them to have a seat at the table would be the Austin city council, Austin aisd, Travis county commissioner's court, Austin community length board of trees, capital metro, central

health, independent school districts, Williamson county commissioner's court, and those four ISDs were included, I know there's others that Austin children go to but those were the top four.

[11:10:37 AM]

So I don't know if I make the motion to --

>> Mayor Adler: Do you make that motion. Is there a second to this motion? Ms. Troxclair second so now we'll go into discussion. We have several people -- two people in the chamber that would like to speak. If you'd like to speak before them, could you or I can go to that.

>> Real quick while people are coming up I'd like to ask if flugerville could be included.

>> It is included.

>> Thank you.

>> Mayor Adler: You wanted to include the city of flugerville, is that what I understood?

>> ISD.

>> Mayor Adler: Got it.

>> Let's call up David king to testify. Good morning, Mr. King.

>> Good morning. Thank you, mayor, councilmembers. This is a new day, and a new way forward. I'm so happy to see the results of the 10-1 effort here that I see before me, and I look forward to working with y'all and giving you my suggestions on how we can make some changes to what's been going on. On the regional affordability task force, I think that one of the components of that task force should consider is the extreme income inequity that we have in Austin and that should -- we have to address that. I know that we don't have a magic wand we can wave to fix that but anyway we can address that should be discussed and we should start taking steps to help address that. Flat and falling incomes for moderate and middle income families combined with rapidly escalating housing costs, utilities and taxes are pushing families to the suburbs, out of Austin. 20% of the highest income-earning families in Austin earn almost 50% of the income. That's not sustainable for moderate and middle income families and we have to address that or what kind of city will we have?

[11:12:42 AM]

And this should not be used as a strategy, this task force on affordability should not be used as a strategy or tool to criticize or override neighborhood plans or weaken the neighborhoods ability to define the character of their own neighborhood and preserve that. And I mention that because every time we talk about affordability in Austin, the plans and the neighborhoods are criticized as being part of the problem. And we should not go there with this and respect neighborhoods. We can have both live and will affordable neighborhoods and I think we should consider that. The other thing the task force should consider is economic development incentives. We have goals for these incentives and those goals should be to help target income inequity and they should be coordinated across different entities so we can leverage the goals and the impact of those incentives. Thank you very much for listening to my comments.

>> Mayor Adler: Thank you, Mr. King. Mr. Pena. Good morning.

>> Good morning, mayor, councilmembers. My name is G, proud native east Austin Savala elementary,

proud United States marine core veteran. Mayor and councilmembers, my concerns are these: How many more studies do we need to know what the societal ills are occurring to the poor, needy and the have-nots. We're losing hope out there in the community. Mayor, I worked on your campaign. I know most of y'all. Ora, I know you very well. But this is, you know -- how many more studies will it take to improve the quality of life of the poor, needy.

[11:14:47 AM]

We have a lot of homeless people out there. We have single females. How many years have I said this? More than 15 years. Look at the tapes. Go way back to mayor Bruce Todd and Roy butler, may he rest in peace, the first elected mayor. How many more studies do we need to know what the people need out there? We're in a critical time issue right now. We're losing a lot of people to the streets. You go to the arts and salvation Army, single children with women are being turned away because of no space. Talk to people in the community. They'll give you input but they're tired of coming before an elected body and not seeing positive results. My first appearance was the school board meeting 1967, superintendent crew on the discrimination issue. I'm a former Depa department of treasury collateral of justice. How many more studies do we need to know the needs of the people, city of Austin. Poor are being shut out of the neighborhoods. Not enough affordable housing. If you lend money to Walter Monroe, foundation community, we need to make sure they're building more multifamily units instead of single occupancy for single people. Those are the first to things you need to look at. The quality of life, health conveyor needs. We've been discussing this many years. This is not a new one. I would I would hope from this regional committee positive outcome becomes available. I've worked on your campaign and a lot of you also. We need your help out there, but how much more? What price glory, was said in one movie. Redundancy is worse. I echo Mr. King's policy also. He's brilliant, articulate. Me, I tell you what, I've been homeless before.

[11:16:48 AM]

It is a shame. A lot of veterans out there. We gave our lives in Vietnam, samalia, we paid the price for glory. I hope something positive comes out. Thank you very much.

>> Thank you.

>> Mayor Adler: Those are all the speakers we had signed up. Ms. Garza.

>> Garza: I just want to thank them for their comments. Their comments are the exact reason that was the purpose behind creating this. In fact, it's in some of the findings, and the goal of this committee is not to -- to initiate more studies. It's -- we don't need any more studies to tell us that Austin is becoming less affordable and the goal is to finally have -- sit down, have these conversations, and create some real policy that decreases our working in and medical class families from leaving Austin.

>> Mayor pro tem, did you want to speak? Okay. Ms. Kitchen.

>> Kitchen: I just would like to add that this committee -- and thank you, council member Garza -- this provides the opportunity for us to speak with the other taxing bodies and the other governmental bodies in a more formal setting, to place -- to put a light on this subject. It's in addition to our discussions about affordability in each one of the council committees. As we have talked about, it is our

intent, and each of our council committees, as we address various subjects, to look at each of those through the lens of affordability. So I just wanted to make that statement, so people will understand that we will also be addressing affordability when we look at housing, when we look at land use, when we look at mobility, when we look at all the other things that we'll be addressing in the other council committees.

>> Mayor Adler: Mayor pro tem.

[11:18:50 AM]

>> Tovo: Thanks very much for bringing this forward. I think this will be a very valuable committee and I'm really delighted to see it. One thing I might suggest, the finance and audit committee in the past, the joint subcommittee of aid, the city of Austin and Travis county, has typically -- over the last couple of years has gotten together and done presentations from different taxing entities to look globally at what the costs are. And I think -- I believe the first year there were two identical presentations at those two groups, and last year I believe we had three, a full council, audit and finance, and the joint subcommittee. So I would just suggest since this happens in the spring, it sounds like this new committee will also be getting a similar kind of presentation from each taxing entity. And it does take some substantial work from the staff, and some coordination to make sure that the top financial people are there for those presentations. So it would be a great opportunity to make sure that's other committees are informed and so maybe there could be one joint committee so the staff could do that presentation to all of those groups at once, the joint subcommittee, this one, and the probably audit and finance would be an appropriate one, too, or audit or finance, I guess, depending on how that vote goes later in the day. But thank you very much to the sponsors for bringing it forward.

>> Mayor Adler: Ms. Houston and then Mr. Zimmerman.

>> Houston: Yes. I thank council member Garza for bringing this forward. As I've said before, the use of the term "Affordability" is wide and varied and not understood by many. So somehow in the resolution, could we talk about cost of living? I think more people understand what that means, and it's not just housing, it's also child care, it's also utilities, it's a lot of things, and people have tended to think about affordability as a housing issue. And it's much more than that. But I think people do understand it's a cost of living.

[11:20:53 AM]

People cannot afford to live in this city. And if people feel that that's clear, then that's fine, but just a suggestion.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. So point of order, I think the ordinance has been -- the motion was made to accept and seconded so I'd like to be recognized, speaking in opposition to the ordinance.

>> Mayor Adler: You can speak.

>> Okay. Thank you. A couple things, one housekeeping, I paid to ask my colleagues if this was put on the council message board because I haven't been able to see this. I've been trying to keep up with the message, council message board so that we could have some public comments, and I didn't see an

opportunity. Is it on the message board and I missed it?

>> It's not on the message board.

>> Zimmerman: Okay. Thank you. I'd like to see it on, that's all. The reason I'm mainly in opposition is that I note in part 2, sections a through K, so these are the entities allowed to make appointments. And I'd like to observe that all 11 of these would benefit in one way or another by the increase in taxes. So all of these entities, right, in my viewing, are basically tax-supported. So all of these entities, if taxes are raised, it results in increased revenue. And everyone likes increased revenue. Right? We'd all like to be paid more in our businesses and -- so I just see a tremendous conflict that there's not even one member, much less 11 members, that represent the best interests of the taxpayers. So the taxpayers here feel they're being overtaxed, yet the only representatives are appointed by entities profiting from increased taxes. So I don't see any balance on the committee. Right? Because every entity has an incentive to increase taxes because that increases their revenue. So the whole thing doesn't make sense to me, I guess; that's why I'm voting against.

[11:22:57 AM]

>> Mayor Adler: Ms. Garza.

>> Garza: Speaking of council member Houston's -- if I can point you to G, and please let me know if that includes all the items that you wanted included because it does say that included but not limited to housing, food, health care, education, transportation, and utilities. And let me know if we can add more to that as far as cost of living and speaking to council member Zimmerman's comments, I'm hoping to be on this board, and I'm certain that every member of one of these taxing entities considers themselves a representative of the taxpayers. I certainly do. And that was the purpose of this committee, was to represent those taxpayers and make sure they have an opportunity to -- to have committees to sit in front of and express their concerns about different varying bond measures. And with regard to them, your request for the message board, if anybody had any questions about this agenda item, they were welcome to put questions on that message board.

>> Houston: And thank you for that, council member Garza. Child care is a big issue and big front that's not there. And I'm not sure how much else might be missing, but that's one of the large issues for parents with children.

>> Garza: Okay. And I'm happy to add that.

>> Mayor Adler: Okay. There's been a motion to amend, add child care. Is there any objection to that? Accept that? We'll add child care to them. We're continuing debate on this item. Anyone else further?

>> I just wanted to speak to council member Zimmerman's point. I talked about affordability all throughout the campaign. I know people in my district are extremely concerned about a wide range of cost of living issues that include, you know, property taxes and electric rates and on and on and on.

[11:24:58 AM]

And so this was just a way for us to coordinate with all of the other entities in the -- in the county. And I certainly consider myself as a representative of the taxpayers. So I hope we can work together and would welcome your input.

>> Mayor Adler: Okay. Mr. Casar, did you want to talk? Okay. Mr. Zimmerman?

>> Zimmerman: This is, I guess, a final comment. Many people know that I was founder of the Travis county taxpayers union, which is an organization that we tried to establish to represent the taxpayers' best interest. And looking at the list down here, I'm in the Round Rock independent school district, and I think I would be probably the last person in Austin that they would appoint to represent them because I want taxes to go down. And that would not be in the best interest of the district. The district wants more revenue. They want to issue more bonds. They want to grow. And so their -- the interest of my Round Rock school district is to increase taxes because they want to grow and get more money. So it will be virtually impossible for me to be appointed to one of these as a taxpayer advocate because I've been fighting against Round Rock school bonds. So I want to emphasize again that I think there's just a conflict in the way the thing has been set up, that there aren't expressly taxpayer advocacy groups included on the committee. That's my comment.

>> Mayor Adler: Any further discussion on this item?

>> Mayor, as a council member that is not nominated to participate on the committee, I just want to express my confidence in the three people that are listed here as having diverse viewpoints and also being congenial enough to hear my criticisms if I have any. So I feel comfortable not sitting out, but, you know, I will still be able to express the needs of those folks in my district to these three committee members and then hopefully take any final votes as a full council.

[11:26:59 AM]

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: Okay. One more comment. On part 5, we -- the resolution discusses holding public meetings, and I would hope that taxpayer advocacy groups would participate through those pickup meetings.

>> Mayor Adler: Okay. Any further discussion? In the absence of any motion to put this off, the vote off till 4 o'clock, we'll then move to a vote. All in favor of this resolution, which is number 23, the task force on community engagement, say aye.

>> We're on 22.

>> Mayor Adler: I'm sorry, 22 rather. Apologize. Item 22. All in favor, say aye. Those opposed, nay. Okay. The dais votes unanimously with Mr. Zimmerman voting no. We'll then move on to item 23, which is the task force on community engagement. Ms. Pool.

>> Pool: Thank you, Mr. Mayor. I just want to say a few things at the outset about this particular resolution. The task force is a key element of our new committee structure and our new system of governance, and the success of this new system is really going to depend on how well we engage every segment of our community. So this is the first step, creating a task force that will identify and catalog the many ways people already communicate with the city, identifying those populations that are disenfranchised or simply don't communicate with the city, but we still have an effect on their lives. We'll be looking for best practices in other cities, not just what these cities are doing, but how they are organized to meet the needs, and what are the gaps. And from there, we can create a structure to enhance and expand our existing capacity for two-way information flow. And I've mentioned that this effort will require the work of specific city departments, but I did not list them out in the resolution.

[11:29:05 AM]

There are a number of them that I'd like to name, though, because our success will depend on understanding how these different departments work independently and together as a whole for the city, and that is the innovation officer, our information technology folks, I.T. Folks, city auditor, who is already doing some research on best practices in support of this resolution, and the communications and public information office, which has done a lot of very good work in the past, is looking for new ways to expand, and I will point to our town hall last Thursday was seen as a success generally by the people who talked with me, and that had a lot to do with the -- the resources that our cpio staff brought to bear in support of what we were trying to do. Basically this is an all hands-on deck effort. It's an enormous undertaking and it's an important one that will benefit the city as a whole now and the into the future. Thank you.

>> Mayor Adler: Ms. Gallo? Ms. Gallo, do you want to talk?

>> Gallo: I do. I really appreciated council member pool bringing this forward because over the last year, one of the common threads I found out between all of the different campaigns and council members here was our constituents' frustration in being able to communicate with the city council and city government. So this is -- this is a really great step in the right direction to not only increase the communication from us to our community, but from the community to us, but it is a partnership, so we look to the community and the constituents in all the districts to step up and testimony us come up with some really good solutions and innovative ideas to be able to increase the communications going both directions.

[11:31:14 AM]

So I look forward to being on this task force and having some really good, effective results in increasing that communication. Thank you.

>> Mayor Adler: Ms. Houston.

>> Houston: I'll be voting in favor of this, and I wanted to commend the team that worked on it. I think that the part that's most important to me is the effort to have an independent outside facilitator. Although we have great staff here at the city of Austin who have many stil skills and gives, sometimes when you're in a culture, you tend to take on the trappings of that culture. Having a facilitator who's from outside, who has a broader spectrum of how things can be done, how different communities can be messaged to and included I think is a plus. And so I applaud the committee.

>> Mayor Adler: Further comment? Ms. Kitchen?

>> Kitchen: I would just like to add that -- thank you to all the council members who have worked on this and to council member pool. And I'd also like to say that I'm excited about this task force because I expect it'll work hand in hand with the new approach that we're proposing to take with regard to council committees and our agenda because I expect this task force will help us understand and make improvements to how we -- how we move forward on that proposal. So I think that the public engagement task force can help keep us on task and help make sure that we are effective with our changes and help us adjust along the way to make sure we get to the place that we're shooting for.

>> Mayor Adler: Okay. I would also point out that I think that the Pio, the public information office of the city of Austin has set the bar pretty high for advancements, with the meeting that we had last Thursday, which people are still e-mailing me and talking to me about, so thank you specifically for that.

[11:33:15 AM]

We have two people to speak in the chamber. Mr. Zimmerman, do you want to speak before they do?

>> Zimmerman: No, thank you.

>> Mayor Adler: Okay. Mr. King.

>> Testing -- oh, there we go. Thank you, mayor, mayor pro tem, council members. And thank you, mayor, for your consideration to members of the public who came this morning to speak for these items, speak on these items, and allow us to do that, but also consider that maybe other folks would want to speak later on who did not have the opportunity. I think that that -- that perspective is important, and it shows a difference in this council compared to the previous councils. And to me, that is listening to the community and respecting these improvements to our public engagement process, so thank you, mayor. And the resolution that we just -- you just passed on affordability and the one that's after this one, council meeting procedures, are clear indication, this new 10 to 1 council is serious about making changes based on public input. So I applaud you and I thank you for bringing these resolutions forward. I hope that this task force will include some representatives from the Austin neighborhoods council. We passed a resolution which we've discussed improvements to the public engagement process, and I believe I forwarded those to you all to consider. And let me give you an example of public engagement on processes that are already underway. I'm hopeful that we will apply some of these improvements to these processes that are already underway, like the south Lamar corridor study, and the code next process, the south Lamar study first meeting on that, major goals had already been defined. To me, it should be the public that's defining what those major goals should be. It shouldn't be a consultant defining what those goals should be. It should be the public -- the public should have input into what those major goals should be.

[11:35:16 AM]

So we need to make some changes in that process. And regarding the code next code advisory group, and we'll call it the caag, the caag meetings are not video recorded for public review or future reference. Audio recordings of the caag meetings are often inaudible and essentially useless and public input is not generally allowed during the caag meetings except at the very end when citizens are typically allowed only one minute to speak. This dives the caag of important input and forces citizens to provide input after the caag has already made a decision. To me, that's backwards. And caag is one of the most important committees we have. It's one of the most important advisory groups. They're impacting zoning matters for the entire city, multibillion impact on this city. That committee should be held to the standards that you're setting here. And I hope that you will make those changes as soon as possible to improve that process. Thank you for listening to my comments and for your consideration.

>> Mayor Adler: Thank you, Mr. King. Mr. Peña.

>> Mayor? Mayor? After Mr. Peña, could we ask Mr. King to tell us what caag is? Because I was -- to

come back up and tell us what cag is at some point?

>> Mayor Adler: Yes, we'll do that. Mr. Peña.

>> Good morning, mayor and council members. This seems like the king and peña campaign over here, but it's very important, and I echo Mr. King's comments, open involvement, transparency, and give the citizens an opportunity to serve, but also public input is very important.

[11:37:23 AM]

Not just mine, not just Mr. King's, but everybody's that cannot come to the meetings, cannot participate, cannot give input for some other reasons. It's resolution number 20150129 whereas the city council has committed to deliberate meaningful, transparent, and open government. It hasn't happened before. You know, I'm a former discrimination complaints investigator. That's discriminatory practice against the citizens, the taxpayers. And I hope this new elected body will be more transparent, be open and engaging the community, allowing the community to be engaged. Those that are not typically engaged, go out to the community and get input. That's all I have to say, but I echo Mr. King's comments and I really pray for y'all, each and every one of you all, former state representative kitchen, I know you very well. I love you. I forgot to mention I worked on Greg's campaign also. But we have a good opportunity here. We have a good city to help us with all of that. I'm a strong supporter of Mr. Marcot, city manager. Thank you, Mr. Mayor. Really get it engaged, get it going positively, with strong purpose and strong output. Thank you very much.

>> Mayor Adler: Thank you. Mr. King. By way of background, we've all been admonished by Ms. Houston on many occasions, and each one of us have been brought to the dais on numerous occasions to not use acronyms, so welcome to the club.

[Laughter].

>> Thank you. Thank you. And I apologize for using an acronym there. Cag stands for code advisory group. Thank you.

>> Mayor Adler: Thank you very much. Those were all the public speakers that we have. Mr. Zimmerman?

>> Zimmerman: Can I comment I've heard cag used as citizen advisory group in other context. That's why the need to know.

>> Mayor Adler: Mr. Similarman, did you have comments on this item 23?

[11:39:24 AM]

>> Zimmerman: I do. I want to point out that I have been in quite a few multibillion corporations, IBM, compact, schlumberger, general motors. I want to commend the staff. They've been responsive, they have a lot of programs in place, and I just want to ask this committee to please focus on what's already existing with Austin's I.T. Department, city id department is extensive and there's a lot of tools available so look at those hard before you think of anything new.

>> Mayor Adler: Is there any further discussion on this item 23? Seeing none, we'll move to a vote. All in favor of item 23 say aye. Those opposed, nay. It's unanimous on the dais. All right. That gets us to item 25. This is an item that Ms. Houston and I put on the agenda. It was an attempt to give council people

and the mayor more ability to control their individual budgets without increasing the total budgets, but to be able to move money around within that -- within those budget areas. Ms. Houston and I made this motion. Is there a second to this motion? Or I made this motion. Is there a second?

>> Houston: Second.

>> Mayor Adler: Ms. Houston seconds. We would now open that up for discussion. Ms. Houston, do you want to talk about it?

>> Houston: Well, I just want to say that because of some of the concerns of some of our fellow colleagues, you have before you an amendment that shifts some of the language, and so that would be the language we would be voting on. And so it should be in your backup.

>> Mayor Adler: So the changes, just so the record will reflect it, in the third whereas clause, the current process does not give mayor and council members the option without a budget amendment, which would read to shift funds, including salaries, set in the budget to other areas of their office budgets.

[11:41:39 AM]

Those are just a little bit broader in terms of the ability to control the budget, and then in the resolve section, administrative process, city manager is directed to prepare the appropriate action items to provide an administrative process, allowing the mayor and any council member to shift funds in their budgets, including their annual salaries, to other areas of their office budgets. And the manager is directed to present to city council this authority to allow for the administrative process on February 12th. Any further discussion of this item?

>> Garza: Mayor?

>> Mayor Adler: Ms. Garza.

>> Garza: I absolutely believe that the mayor and council member Houston have the best intentions with this proposal, and simply wanting flexibility in their budgets. But I thought it was important to have a little bit of a public conversation about the potential precedent that this would set. I really appreciate the change in the language, but I'm still concerned about the possible slippery slope that this could create when we talk about optionally taking our salaries, or council members taking salaries or not. My concern is that future council members might feel some kind of political pressure to not accept their salary, and there's -- I think it would -- it could prohibit middle class families or middle class people from seeking public office if they had to make the decision between that political pressure and being able to support their families, those without supplemental incomes. And I used this example before, but we have a legislature that is not paid. I think they're paid 7200 a year, and they have to supplement their income working for lobbying firms.

[11:43:40 AM]

And as I said before in a previous meeting, I think we all can agree that that's a conflict. And so I just -- I understand that this resolution is just initiating the process and I'm supportive of it, but I would continue to talk to my constituents and weigh their feedback and decide how to go forward when this comes back to the council.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston?

>> Houston: May I speak to that? I can certainly understand council member Garza's concerns. However, I think that, for me, I cannot speak for the mayor, it gives people options. It does not require anyone to take a reduce in their salary, or no salary, but it does provide options for people who have the need to do something different within their budget limitations for the people of the city of Austin and for their district. And so that's why I thought that the optional option is a good one to do. I'm a middle class person so I'm one of those people that you reference. And having gone through seven months of campaigning, I'm not sure that anybody will make it if they feel anywhere oppressed or feel like they're being forced into doing something that they -- is not in the best interest of their family. And I have to depend on the fact that people who run for elected office have the ability to say, for my family, I have to take the whole salary. And it gives other people an opportunity to say, for my district, for my family, I can take less than and redistribute that within the budget. So I'm going to move and accept -- I've already moved, so I will be supporting this process to go forward.

>> I also have concern because, you know, I'm a -- I'm not even middle class but lower middle class, you know, guy that actually, you know, campaigned, but there was no way that I could survive being on the dais here without that income.

[11:45:52 AM]

Because I'm also retired and my pension is very low, so, you know, my biggest concern is that it will become an issue and a campaign in the future. That's my only concern. I'm going to be supporting it because I believe that, you know, if a person does have access -- is well enough -- well off enough to, you know, use -- desire to use this money to hire additional staff, but my biggest concern is that it might become an issue in future campaigns. But I will be supporting it.

>> Mayor Adler: I have three quick thoughts. My first thought is, is that everybody on this dais I can already tell is working so hard and investing so much time and already has, so, you know, the people on the dais are earning salaries in excess of what's being paid, less there be any question. I'd also say, for whatever it's worth, that to the degree that I would ever see someone in any race in the city that was attempting to use this issue as one to buttress to use that issue, I would denounce that and take positions that was an inappropriate thing to do because we have to be able to maintain the ability for people to be able to be on and serve on the council. From a broad policy perspective, I just believe that we've each been elected by certain constituencies. We come from different places and we think about things in different ways, and I believe that our constituents would expect us to be able to manage our budgets in a way that is in the best interest of our constituencies, and I believe that, as elected officials, we should be given as much control as possible over our offices.

[11:47:59 AM]

Further debate or discussion? Mayor pro tem.

>> Tovo: Thank you. So I think my question really is for city legal. As I referenced in the work session on Tuesday, I thought I recalled some instances where council members had, for example, foregone pay increases, and it had happened, and I asked the question of how it had happened. It's my understanding

that our city financial staff have gone back and have verified that that was the case. I assume at that point that city legal did not feel that an ordinance change was necessary to accomplish that, and so I'm - I would like to ask the question of why it's been determined that it is now necessary, given that earlier situation. We already know that council members have had the opportunity to shift areas of their budget outside of salary because our financial staff affirmed that on Tuesday. It was the matter of the salary that was in question.

>> Lela fireside, assistant city attorney. I'm afraid I don't know when those things happened, whether they happened before the 2006 ordinance where council established their salaries, or after, but I also know that since I've been here, I haven't been asked to review anything like that. I was asked to review this, and in order to change something that's in an ordinance, you need another ordinance.

>> Mayor Adler: Mayor pro tem.

>> Tovo: May I ask Mr. Vannino to address this issue? I think he has specific information about when it did happen.

>> Yeah. I'm familiar with mayor Wynn choosing one year not to accept a salary increase. That's one instance that I have been able to determine did indeed occur.

>> Tovo: Do you happen to know whether it was before or after 2006?

>> I don't have -- I don't know the date that, you know -- he was mayor for many years so I don't recall which year it was.

>> Tovo: And I'm sorry, I should have done the research on that quickly.

[11:50:01 AM]

But I guess I would say as -- you know, certainly what we've got before us is a broad statement of intent, and the staff are being directed to come back to us with an ordinance. If they based based on past practice, an ordinance change isn't necessary, that's something we can discuss at that time. We know it's happened in the past. There was an ordinance change to allow the mayor to forgo his salary increase, and perhaps there have been other examples. So I think it's worth looking at, whether that was before or after the ordinance change.

>> Mayor Adler: Mr. Zimmerman and then Ms. Kitchen.

>> Zimmerman: Yes. Thank you, Mr. Mayor. We recently got a letter, I think, from legal that talked about a state obligation for our office to contribute to a pension or retirement fund. Can you speak to that? I think we have a line item of \$28,000 that was designated for, I guess, retirement account, pension contributions, and we were told that that money was set aside by say the law, and we could not reallocate that. Could somebody speak to that?

>> I believe that that was a memo that came from Mr. Crawford, who's our -- the division director for our employment law section, and it's my understanding from him that state law does require those contributions. But if you need to speak with him, he would have to come down and discuss that further.

>> Zimmerman: But that would mean -- in other words, if we had the salaried employee, if the employee were on our staff, we couldn't reallocate that money. But if the employee -- well, I guess the employee can't opt out. Is that what I'm hearing, too? In the employee has the salary and says I'd like to have this reallocated, they don't have the freedom, flexibility to do that?

>> That's my understanding from Mr. Crawford.

>> Mayor Adler: Ms. Kitchen first, then whose Houston. Ms. Kitchen.

>> Kitchen: I would just like to clarify, the ordinance -- the resolution before us does not require -- if I'm reading it correctly, does not ask -- does not require the city manager to return an ordinance to us.

[11:52:07 AM]

What it says is an administrative process, which I'm perfectly comfortable with. And so I just wanted to make sure people understood that what we're talking about is the city manager coming back to us with an administrative process.

>> Mayor Adler: You know, if the city staff determines that in order to effect an administrative process, it's required to have an ordinance, then I would hope they would bring back an ordinance to us if that was necessary, to effect the process. If it's possible to do an administrative process without an ordinance, then let's do that. But let's do what we need to do. This resolution would have staff doing what it needs to do in order to effect that. Mr. Casar and then Ms. Pool.

>> And, mayor, I just wanted to speak to the possibility of the slippery slope in campaigns. I have similar concerns as voiced by council member Renteria and council member Garza, but a citizen mentioned to me that right now that could actually still be used as a campaign point, if one were to take one's salary then rethen donate to the city or to a non-profit. So considering that, I would be supportive of whichever direction this council wants to take to create that sort of budget flexibility, and also put myself in the mayor's camp as somebody, who for some time, would be able to hopefully point to examples of council member Houston or council member Garza's -- council members who did and didn't take their full salary but did a great job. And so I will -- I would push back against that, whether or not this passes because I think there's the possibility to use it as a campaign issue either way.

>> I'd just like to speak to the point that council member Zimmerman raised about retirement funds. We do not as council members receive retirement. Retirement monies are for staff only, so my expectation - - and actually, I did check into this between Tuesday and today, that the benefits factor, those monies are part of your office's allocation, and you would indeed need to fund those if you were to add another fte, but you, specifically, do not receive any retirement from your service here with the city of Austin as a council member.

[11:54:28 AM]

>> Thank you. I am aware of that, but thank you.

>> Mayor Adler: Any other further discussion on asking staff to come back with a way to effect this control over budgets? Hearing no further debate, all in favor, say aye. Those opposed, nay. Unanimous on the dais. Thank you. That gets us to the next item. This would be tull number 26. It this council member procedures and committee structure. We have a time certain at noon with the citizens communication. We have about six minutes or so. Why don't you lay out where we are so that it's laid out, and then we can break for the citizens communication. Ms. Kitchen.

>> Kitchen: Okay. I will lay out the ordinance, and as has been the case with some of the other items we've considered, there is revised backup, which includes the ordinance -- the ordinance version that reflects the conversations that we had at the work session on Tuesday, and I understand there may be

some other amendments, but I'll just speak to the -- to the backup that's laid out, and then we'll get to the other amendments later. So let me just say to recap for everyone, that without going over all of the details, but as we all know through the conversations we've had amongst ourselves and also with the community, our purpose here, our primary purpose here is to provide the opportunity for transparency and more meaningful public engagement earlier in the process so that the community has the -- has the potential and the opportunity to talk to us earlier when we are talking about how we're shaping an item.

[11:56:33 AM]

So that's the fundamental purpose of what we're trying to do here, as well as to increase the transparency and the availability of information and the opportunity to provide input. To recap for everyone, because I know there's been some -- you know, there's some complication to this, and there's perhaps been some lack of clarity about how the public hearing and public input process will work under the new -- under the proposed ordinance, LE -- proposed ordinance, let me just recap that. To recap for everyone, there's four basic ways that people will be able to continue to speak to the full council and to council members. First, citizen communication remains as it is today, with the opportunity to address the full council on any item with the parameters that are in place today for citizen communication. Second, we're preserving the opportunity to address the full council for any item that doesn't go through a committee. So we've acknowledged that there may be some items that don't go through the committee process and go directly to the council, and we've acknowledged and preserved the opportunity to speak to the full council on those items. Third, we've preserved the opportunity to address the full council on items at the request of full council members. We recognize that there may be circumstances where an item is heard in front of a committee, but also should be heard in front of the full council because of the nature of the item. And that can be done at the request of four council members. We're also adding hearings in front of the council committees, again, to provide the opportunity to contribute ideas and effect items earlier in the process. And we are talking about committee hearings that will be held at times, places, and with transparency of information that really makes it truly possible for people to participate in the decision making process on items. So that's where we're at today with the document that's in the backup. And of course we'll have further discussion if any of the council would like to add to that.

[11:58:35 AM]

But that's the list that we have currently in the backup. So, mayor, I don't know if it would be beneficial to run through in any more detail. I could quickly run through the backup if you think that would be --
>> Mayor Adler: Why don't you quickly run through it so people see it. I think everyone has it in issues we discussed, but --

>> I raised a point of order so I'll make a motion that we --

>> Mayor Adler: So moved. Does anyone second is this.

>> Pool: Second.

>> Mayor Adler: Seconded by Ms. Pool.

>> All right. I'll run quickly through it. For those folks that are not as familiar with reviewing ordinances,

you'll notice that there are parts of this that is new information, new language in the ordinance, and there are parts of it where it was necessary to amend existing language, so I'll point that out as I go through. First is part 1 of the ordinance, and this is a new section, it's a new ordinance to add about the committee. It's part of the ordinance and runs from page 1 through page -- let's see -- through page 7. So all of this is new information. You'll see some underline and the underline is the difference between the original posted ordinance and the changes we made from the work session. So just real quickly, this section applies to standing committees. These are council committees that this applies to. 2-5-1023 talks about the process for appointing four council members to the committees. Section 2-5-103 lays out the committees that we're talking about, and the subject matter of each committee. I'd like to just point out the fact that these subject matters are designed to be illustrating subject matters, and it is our intent that policy matters will -- all policy matters will have a council committee that they can go through.

[12:00:41 PM]

There's also language that allows council committees to create subcommittees, and you'll notice also that these -- all of these committees have four council members with the exception of number 5, which is the Austin energy utility oversight committee, which remains a committee of the whole as it is today. So there is also language on page 4 where we specifically point out the intention that we've all talked about, which is rerecognize these council committees will need to work jointly. We talk about the fact they may work cooperatively with each other and will do so. 2-5-104 on page 4 talks about how we will work with staff and city manager and his staff, who are very critical partners in this process. And how we will work with them through committee work. 2-5-105 is information about committee meetings. We have reflected and addressed community input that we've received and made improvements to the original ordinance manufacture we've talked about the fact that the agenda and backup materials for council committee must be posted and open to the public so you'll notice that there's language there. Posted and open to the public and we receive live public comment, when we meet as a committee with another person. So you'll see that language is there also. We've also put language in here about a final committee report. Again, that goes back do transparency and the importance of making sure that the information follows the item from a city board and commission, which is the citizens' commission, if there's something that happens there to the council committee all the way to the full council. We're trying to track throughout this process transparency and complete and accessible information for people. So then if you go over onto page 6, there's information in 2-5-106 about the committee agenda, and you can see how people are -- various people can place items on a committee's agenda, including assignment by the mayor and the process for that.

[12:03:00 PM]

Some of those items may come from a citizens' board and commission, as well as at the request of the mayor, at the request of any member of the committee, at the request of two councilmembers who may not be members of the committee, and at the request of city manager. So there's multiple ways that an item can be placed on a council committee agenda. Under 2-5-107 we talk about citizen participation at a council committee, and you'll note this information is the same process that is under --

that is in place right now for a citizen to speak to the full council. So we are taking all of those opportunities and the parameters and saying that a citizen can speak to a council committee the same way they might speak now to the full council. If you go on to 2-5-108, page 7, there's information about committee actions, and you'll note that committees act are advisory to the full council. The decisions on an item, passing of an ordinance, resolution, the final decisions remain with the full council. We have clarified in this section, we wanted to make some improvements based on concerns from minority and women-owned businesses reward to contracting roles so we have specified the economic committee will review monthly our progress towards those goals and provide an update to the full council on a quarterly basis. We've also put some parameters or actually explained what we anticipate will happen reward to zoning matters, and the role of the planning and neighborhoods committee in attempting to determine disputed facts and identifying policy issues at the committee level. As well allowing for mediation, should that become appropriate.

[12:05:02 PM]

So now if you go on to part two, part two we're starting to take some of existing language and adding some amendments to it. So under part two, we talk about the consent agenda. And make the point that on the top of page 8 that an item that has been considered by a committee cannot be placed on consent. So, again, that's to make it clear that there's an opportunity for it to be heard in front of the full council. 2-5-26, page 8, talks about the agenda for council meetings. And, again, speaks to items related to transparency, so, for example, including the final committee report, the backup information on an agenda item. Again, working towards making information more readily available to people about what happens in a council committee. So let's see. There's language in this section 2 that speaks to, as I talked about before, that -- that four councilmembers may by pass the committee process and place an item directly on the council agenda. So let's see. If we go over to page 11, 2-5-29, this is the section that deals with speaking in front of the full council. And the option that we talked about earlier where public comment can be taken at the request of four councilmembers so there's language in there. And then the last part, which I'm not going to go into in detail that starts on page 12. There's amendments in here to ordinance that's addressed some of these committees that were changing so page 12, for example, there's amendments to the council audit and finance committee, there's amendments to public safety committee, and then at the end on page 15 there's language that explains that this ordinance will supersede any other previous ordinances that may address some of these committees that we're replacing.

[12:07:23 PM]

>> Mayor Adler: Ms. Kitchen, you've done a lot of work greatly appreciated for everyone here. Did you have something.

>> Point of privilege would it be possible to put the overhead so as you're reading through these we could see them on the monitor.

>> Kitchen: That would have been much better laving except that I just went through them. I don't know if I can repeat it.

>> Zimmerman: No need to repeat it. As we move forward in discussion if we could put the pages up.

>> Kitchen: I see what you're saying, yes, that would be a good idea, if possible. I know that we have some amendments to discuss in addition to this, and so that might be a good way to address those amendments.

>> Mayor Adler: For people watching at home this is all posted, both the document set out and as a red line so it's easy to see what the changes are. Okay, if it's okay with the council, we'll stop where we are right now. And we'll move to citizen communication. The first speaker that we have is Susana Almanza. Is Susanna here? Is Susanna here? Okay, let's go on to the second one, Raul Alvarez. Please.

>> Good afternoon and thank you for this community. My name is Raul Alvarez with the east audits conservancy, known as the east side guardians and I'm here to share a little information about the work we've done in east Austin to address the issue of gentrification, the development occurring that is affecting a lot of things that we love about the east side. First congratulations to you all to be the first members of our community to be able to serve in this new form of government.

[12:09:26 PM]

It's an exciting time for our city, not just because of the new system of representation, but also because of the growth we're very lucky to be experiencing but that also had a impacts on places like east Austin and east Austin is no less cherished that the springs or the balconesian I don't know lands or our trail system but it's slowly eroding. What we love about east Austin is slowly eroding and dying a slow death and we would never let that happen to Bartle springs so I challenge and you ask for your help in helping to preserve what we love about the east side. We can bring healing. That's what I wanted to talk about to show you can make a difference. And the issue of gentrification and we have created a vehicle to help folks to create hope where a lot of hope -- a lot of people have lost their hope that something can be done. We ask for help in making sure we keep hope alive. I want to thank mayor pro tem tovo and others who have donated every year to this case and helped us really with our tax payment assistance progress. This is our third year for long time homeowners and this year we've helped 24 families with their tax situation and that's courtesy of no tax dollars. It's just from private citizens trying to make a difference for their neighbors and in the letter I passed out, I lay out a three-point agenda where y'all can help us to make sure that we can help the long time homeowners and help keep the community strong in the face of the new development and first of which is, you know, not allowing new development or additional development density without showing some kind of impact or benefit to the community. The second is to pass a tax freeze for disabled homeowners and homeowners 65 and over and I provided the tax code language that allows the city and county to do that but neither has that in place.

[12:11:35 PM]

And, finally, that you help us raise some funds to support the families, you know, for \$100,000 we've raised over three years we've helped 24 families so that's not even enough to build one home. For that amount of money we've been able to basically preserve 24 units. We think that's a lot bigger bang for your buc and that's dollars that make real sense and real difference and we ask for your support and I

thank you for your time. Good luck with all your work.

>> Mayor Adler: Thank you, Mr. Alvarez.

[Applause]

>> Mayor Adler: Pablo Avina. Next speaker is Sandra Hyland. Sandra Hyland? Gus Pena.

>> Mr. Mayor, point of privilege here, my speaker signup sheet software is not reading the same thing as yours and I believe the city manager has the same problem. Just a point of information, if somebody could look at that. Some it. Thank you.

>> Mayor Adler: I don't see where speaker signup for citizens communications is found on here. I think citizen communication is a different queuing list. Mr. Pena, please.

>> Thank you, Mr. Mayor, councilmembers, city manager, Gus Pena, proud east audit knight.

[12:13:41 PM]

Knightite. Start the social services funding conversely. Lot of people losing their homes, need help with their rent. We need real affordable housing especially for families. Single women with child and single female veterans, more sros, not enough affordable abundance for families. Our children need top quality education to succeed in life. A society's life is measured by less fortunate. Mayor and councilmembers I'd like to show our support for Mr. Alvarez and the east Austin program it does help and keeps those from losing their homes. I have been saying this for many years I am a strong supporter of women's rights. My sister said you will support it used to be called women's lib, now it's something else. I tell you what I love my positions on supporting women's rights and women's rights with children. I also want to support our officers also because of some action of some few, they've gotten negative connotation but we support our police officers. And we don't want any more quick draw mcgraws. I also want to say we strongly support our female officers, officer Barton over here on detail and she's a good officer, we want to recognize her, and our female officers because they do do their part and they're strong, don't mess with them. They're strong. But.

[Applause]

>> Anyway, wanted to saw this, mayor and councilmembers, and Mr. City manager, I would like to respectfully disagree with Mr. Zimmerman. We need our city manager here and we need our city attorney here. Not off the dais. And that's my personal privilege here.

[Applause]

>> And I would like to see them kept on the dais also. They're good friends of mine and good friends of the community. We have a lot of support up there for them. Anyway, mayor, councilmembers let's work together heavily on all these issues to help the people, they're drowning out there, hurting, they need help, senior citizens need our help.

[12:15:50 PM]

We need to help the two most precious gifted segments of our population, senior citizens and youth. Support them, give them your help, continue to take your vitamins because this budget is going to be tough but we're there to help y'all out in any way we can and Gus Pena is there to help you all out if you want it, immediate it. Thank you very much. Have a good day.

>> Mayor Adler: Thank you, shiploads.

>> ,Sir, sir, Valerie Romness.

>> Hello. I'm hopeful to see what looks like a more transparent city council. I live in district 2, deal yeah Garza's area and I volunteer in district 3, Mr. Renteria's area. I know in all the districts we're allies on homelessness because it's everywhere in our city. We want it ended. I want them to be independent again inside and the businesses want them out of their doorways. I want to outline my opinion of how to end homelessness. I've been doing outreach for 25 years. Low wages, unaffordable housing and lack of prevalent healthcare creates poverty. South sunbelt gives great rest respid, the shelters are full, well-used, operate quite well, but there's not enough. So we're working on supportive housing. I want us to pay attention to the tissues, community first village and foundation communities buildings.

[12:17:50 PM]

They have about 16 of them. And I want us to continue more of the affordable housing. I just drove past the capital terrace there on east 11th street and it's right there downtown and I saw some of my friends out on the front and I gave them one of the copies of our new February issue, and there's a little blush in there announcing the opening of that building. On a long-term basis, we might consider moving our shelter system, but not to the edge of town. We might want to move it away from the entertainment district, but not so far that they can't reach it. We need to work on mental health issues, just a few nights of interrupted sleep can make a big difference. And the safe sleep for women's shelter, they have a limited number of people and I know more would go in. We're grateful they opened, it's turned out really well but they only have so much space there. And the short-term solution is the challenger street newspaper. We are lifting people up out of poverty, their self-esteem is coming back from writing and they have a job where they can supply themselves every day with the money they need and some go home and stay with their family, get to get on with what they're doing. So I'd like everybody to recommend the challenger street newspaper because it works. It really works. We've been open four years. I used to work with the other up in, the Austin advocate, and the TV show in the '90s, so I know we can all be allies. The hope says that helping is not communism but it's the gospel.

[12:19:54 PM]

I appreciate your attention. Thanks for listening.

[Applause]

>> Thank you.

>> Mayor Adler: Susana Almanza I think is back with us.

>> Good afternoon, mayor and city council members, I'm Susana Almanza. I'm here to welcome all of you, as everyone knows Austin is in an affordable housing crisis, especially those living from zero to 65% medium family. It opened the doors to generateification, it displaced numerous indigenous people from east Austin and that gentrification process that the plan opened then led to the generateification and displacement in the holly neighborhood, the go valley Johnston understood and has reached what was once known as the poverty island. The past city council members made Austin one of the most unaffordable cities live in. You now have the opportunity to change that. So we're here to request that

you establish a process where public land can be donated to non-profits housing development organizations and groups and also private developers to begin the process of developing affordable housing. And we ask that that affordable housing should be rental and also single family ownership and rental and that that process makes sure that it includes one, two, three, and four bedrooms so that we're addressing the issue of individuals and families.

[12:22:10 PM]

And so we know that that has been done in the past, where public land has been donated for \$1 and they paid certain interest. Whatever the process; we need to begin that process. We have a shortage of 40,000 affordable units. And here is the way that the city can begin. It doesn't have to study all those properties or -- and document and file and we need to begin the process. The other thing that we want to bring forward is the whole issue of the living wage. You know, the city council -- I've put together, it's 84th legislative session program of issues to address. Unfortunately, the living wage, which was supposed to be a priority issue, became a support item. So we're urging that the city council put that back in order to gain the authority to give the city of Austin the authority to set the living wage for all residents, that that legislative item become a priority issue. Because beyond that, we have a 19 -- we all know we have a 19% poverty expropriate we know one way to address the poverty and affordability in Austin is to raise that living wage. So we ask you to look at those two things. In the packet that Paul let has provided we have included testimony before the human rights commission shall our smart growth historic zoning and generateification of east Austin and we thank you very much for your time.

[Applause]

>> Mayor Adler: Thank you. Michael elder?

[12:24:10 PM]

>> Good afternoon, my name is Michael elder, the issue I'm focused on is public transportation. There's a lot of work to be done on this issue, since I've only got three minutes I want to call your attention to a very small change that will make a very big difference. Straight to the point. I'm proposing a change in the city ground transportation pertaining services code regarding tax cab dispatch. The reason I propose these changes is this section is currently not being forced and as written enforcement would be difficult at best. The objective of this revision and subsequent enforcement is to improve overall cab services to customers by eliminating ghost call. A ghost call is a request for service that is still active on a cab company's dispatch system long after the caller no longer needs a cab. With all three cab companies now using computer dispatch systems this happens quite frequently during peak periods. The result of a ghost call is a driver is sent on a goose chase, not only a waste of time and money but keeps the cab out of service for other calls. When these ghost calls stack up, calls at the end of the queue will not be serviced in a timely manner and will not -- also will become ghost calls. When this happens seasoned drivers will find business elsewhere and not accept dispatch calls. The net effect is a real life denial of on drivers and cab customers. Cab permit utilization is one of the issues specifically cited in city council resolution 201405-025. This is a glaring example of misuse of the permit by the cab company, not to mention the extra exhaust put in the atmosphere needlessly. Since it will cost the cab companies to call

customers back while it costs them nothing send a cab, there's no enassistant testify for the companies to resolve this problem without being required to do so by the and I.

[12:26:14 PM]

This has been a problem for 20 years at yellow cab and was a problem at American cab before they became yellow cab. The cab companies will not resolve this problem voluntarily. To me and probably to you, calling the customer back seems like a no-brainer. When I brought this up in a tax cab task force meeting it was a non-starter. This points to a bigger problem, the current taxie cab is not addressing assigned directives. Nothing will come out of it that the cab companies don't like. If the city is going to use committees there has to be oversite to make sure they're doing the work assigned to them and citizen feedback is getting through to city council. I believe it is incumbent upon city council to ensure committees are not hijacked by special interest groups. Thank you for your time and consideration.

>> Mayor Adler: Thank you, sir, .

>> Thank you.

[Applause]

>> Mayor Adler: Edward sledge.

>> Mayor Adler and city council members, my name is Edward sledge, I'm an Austin resident and I live in district 7. My concern is the new distracted driving ordinance that went into effect this year. I was a member of the study group that met from April to August last year to make recommendations for this new ordinance. The study group looked at state laws and municipal ordinances in Texas and other U.S. Cities to determine best policies and practices. Our recommendations were forwarded to the city council on August 1. Now, listen to this. There were no public hearings held by the city council or any other public body to consider the passage of this new ordinance.

[12:28:18 PM]

You heard me right. No public hearings. The new ordinance allows drivers unlimited use of cell phones and other devices while stopped in traffic. This was not recommended by the study group, public safety commission or any other advisory body. The idea to use while stopped was introduced two days prior to the final vote at a work session on August 26. This policy allows drivers to become distracted at intersection where's most accidents occur, including auto-ped. Consider some of the possible scenarios of use while stopped in traffic other than talking and texting while waiting at a traffic light, which I'm sure we've seen. Consider stop and waiting on a side street or driveway to enter a busy thoroughfare, like in my neighborhood breaker lane. Consider stopping to make an unprotected left turn. Consider stopping behind a school bus. Consider any of these in bad weather on slick roads, in darkness. I think you can readily see this policy is not safe. This has a potentially huge negative effect on traffic flow, creating greater traffic congestion, those words were wanted about greatly this last time, do the math. If one driver delays for one second at each traffic light for one cycle -- and there are approximately 1,000 traffic lights in town -- that creates 16-plus minutes of delay or not only that driver, but everybody behind him, and also 16-plus minutes more carbon emissions. I urge you -- we need to take distracted driving seriously. Our policy should not consist of half measures and mixed messages.

[12:30:22 PM]

I urge you to hold public hearings and make this ordinance sensible, consistent, enforceable and effective. That way it can help make Austin safer.

>> Mayor Adler: Thank you, shiploads.

>> Mayor Adler: Ms. Tovo.

>> Tovo: I wanted to thank Mr. Sledge for his continued work on this issue. He's one of the reason why the city moved forward and adopted an ordinance. I want to be really clear I would have to go back to the agenda to see how it was listed but the past practice has been to have public comment on any item on the agenda other than briefings. So we certainly have the ability for public comment on the distracted driving ordinance.

>> No audio.

>> Tovo: The past practice was particular items that were required by state law to have public hearings. The other items were posted with the ability for citizens to sign up and provide public comment. It's really a language difference, but the public has always had an opportunity to sign -- for the last few years since I've been watching or serving on council, the public has always had an opportunity to sign up on any item on the agenda other than whatever I just mentioned.

>> Mayor Adler: Briefings.

>> Tovo: Thank you. Maybe city legal can speak to that. There are always certain items identified for public hearings because they're required.

>> Mayor Adler: Right. Thank you.

>> Tovo: Thank you.

>> Mayor Adler: Jim Jim Mikel.

>> Can't see in my old age. Before I even start I'm going to run over my five minutes, I'm going to try to talk as fast as I can.

[12:32:22 PM]

>> Mayor Adler: Three minutes.

>> Three minutes, okay. So city council members, I've met y'all, the mayor, city manager, other guesses, auditsites, I'll say a little about myself. I moved to Austin in 1984 out of high school and claimed this my home. I love this city P. I work with navsi, both on the east and west coast and spent five years of my life enforcing energy efficiency in conjunction with a program that vice president Biden announced in 2010. I've also worked in Lawrence Berkeley national laboratory, pacific northwest national laboratory and U.S. Department of energy for a program called home energy score which you see on the screen there. I spent the last three years -- sent to Missouri for three years and as you can see, if you go back one, please, I'm sorry, in Missouri there were 46th in the nation in energy efficiency, I spent three years creating energy east progresses up there. When last year they were rated 26 in the nation. We know the program we're working on works and it involves communities and other people to make it happen. Missouri as a matter of fact this last week announced that the home energy score is the first state in the nation to make it a state-wide program and we're rolling it out with police force, Navy, community

action agencies, energy auditors, Missouri department of economic development all across the state in the coming weeks all hear about it. Today I'd like to propose a committee to approve the ecad ordinance, Austin energy knows very well about it. I want to tell but the problems and a resolution to create a net zero city by 2030 is not going to happen unless we resolve this. I know it's important to all of us, creates jobs, manufacturing jobs in each district it will create jobs. And that's kind of what I'd like to do is move that to committee.

[12:34:22 PM]

Before I go that way, I'd like to propose a home energy score qualified assessor in each district based on home sales provided by the Austin board of realtors. I'm going to start talking about my thing here, the presentation, you can see that's what we're doing, informing the city about home energy score and ecad ordinance. Item a chairman and we're partners with an led manufacturer and we support veterans and support energy efficiency. In this area alone 250 veterans are returning home from fort hood every month and there's not enough jobs so our program employs veterans and gets them jobs. And how many veterans do we have in this room? If you'd raise your hand? Look around, it's a pretty substantial number in our community. Next, please. I'm sorry, back one. The ecad ordinance is energy conservation Austin -- if I can continue with two more minutes.

>> Mayor Adler: The problem is everybody else that spoke was held to the three minutes. Is there a way for you to provide that powerpoint to each of us.

>> Yes, sir, Steven Stanley has done 1500 audits and I'd like him to speak to the council individually with us and let you know about the problems they're facing. 52%.

>> Mayor Adler: That would be great, if you could do that.

>> The home energy score resolves those issues we'd love to help you.

>> Mayor Adler: To get that powerpoint to all of us, that would be helpful as well. Thank you very much for bringing that issue to our attention. One last speaker, Joseph bassi.

>> Thank you, Mr. Mayor.

[12:36:24 PM]

>> Mayor Adler: Yes.

>> And city council members for the time to speak. I was doing my due diligence and when I was looking everybody up I realized if I looked at all your accomplishments I would run out of nerve and not be able to speak. I have six words I'd like to talk about most of it brings it into perspective and I was trying to think about how to bring this up in a summary when what happened to me on Tuesday night kind of drives it home. I was walking back about 9:10 shortly outside the city, walking home from a challenger meeting, discussing what distribution in the city, and articles, problems, I was walking home, it was a dark night and only two cars passed in total of this so the only thing I could hear was the footsteps of the person who was pursuing me. I know how to maintain my composure in that situation, public speaking is a little different. So I got really calm and I listened and I judged that after changing my steps a few times and we were the only two footsteps there and since he hadn't said anything that Ta T was probably a male in good shape, he didn't stutter or stumble his footsteps. And he's probably ten years younger than

me. He moved like a gazelle and he got about two steps from behind me and I turned and with a genuine smile I said hello. And I count on my vision and normally people take back and I turn around, oh, I have to deal with a pirate now. He didn't flinch, looked me right in the eye which make my stomach sink a little bit and I'll never forget what he said, I was ready for anything, maybe I was wrong about everything, but he said "If you care." I had time to transport in my mind five times, if not a thousand, before he continued right on. He said "If you care, both of the big zippers on your backpack wide open, sir." Being homeless in Austin is difficult, but it is a friendly town and I don't wish to diminish anybody's need but there are six words I really think that needs to be said about something that is going on in Austin, something that's said on the street and around people who communicate with the homeless and who are in social work who know it and I kind of don't appreciate how light it's been taken, it is in a historic sense of cities who have probably done this before and probably in the future, we're on a short list, of a place to live where you can say you cannot starve in Austin.

[12:39:04 PM]

That comes with all the back wash of humor error and people having bad experiences. It's an organic thing, not a success of necessarily government or single church or anything. There's a lot of help that is needed, and I hear a lot of need that is asked for that is warranted, and I completely wholeheartedly support. But I have yet to hear someone say "I've seen the good that's going on." I like it here. Thank you.

>> Mayor Adler: Thank you. Thank you, Mr. Bassi. It is now 20 until 1:00, we have lunch in back. Do we want to take a recess for 30 minutes and then convene, pick back up with the committee item? We have that and then we also have the briefing that staff is going to give us. Would you want to revert that spored start with the briefing or finish with the committee? Let's finish with the committee and then we'll pick up the briefing. That's okay? >>

>> Mayor Adler: The question is do we pick back up with the briefing or with the committee deal?

>> Can I make a motion that we start with the briefings when we come back from recess.

>> Mayor Adler: It's been moved we start with the briefings. Anybody want to comment on that?

>> I have another comment that doesn't have to do with that but I wanted to make it before we recess.

>> Mayor Adler: Okay.

>> Did you want to finish the briefing first?

>> Mayor Adler: You know, I think -- let's go ahead and finish with the committee just because we started with that, if that's okay. Is that okay, Ms. Houston?

[No mic]

>> Could I make a suggestion?

[12:41:04 PM]

Perhaps the folks -- is this the folks with the briefing that are waiting? Is that the concern? Perhaps they could, you know, go back to their offices and then come for the briefing?

>> Mayor Adler: I think there's just three of them. Is that right?

>> I believe so. We're going to hear from Mr. Guernsey, we're going to hear from -- I'm drawing a blank

on his name, and we're going to hear from Rob Spillar, as I recollect. So there are three. They don't have a bunch of slides, each one. So at the presentation -- the presentation won't be that long. Obviously it's designed for y'all to have a conversation.

>> Let me just --

>> Mayor Adler: Is it okay 23 we start the briefing then with the item on the agenda that we know we have to through? I'm concerned about rushing that at the end and I don't want to. There are several other amendments that have come out. Since that's the business that has to happen today, is it possible for us just to call to staff so they come adown, so they don't have to be waiting here?

>> They would probably abide their time in what we call the bullpen until council is ready.

>> Mayor Adler: Okay. Ann.

>> Kitchen: Another point, we do have a few speakers for item 26, and, you know, so we're balancing who has to wait here, and I think it might be more appropriate if we go through with item 26 and let those speakers speak and finish our process with that.

>> Mayor Adler: We have four citizens waiting to speak on that agenda item.

>> I'd like to prioritize the citizens of course.

>> Sure.

>> Mayor Adler: Okay. Ms. Pool.

>> Pool: I have an administrative item when you're done with this item.

>> Mayor Adler: Ms. Houston, are you okay with us doing the public speaking? We'll do it that way. There were two people who wanted to bring something up before we take a break for lunch.

[12:43:10 PM]

Ms. Gallo, did you have something you wanted to say?

>> Gallo: Do you want me to wait after the -- I can do this now. I just didn't want this to get lost in the shuffle today because this is our historic first meeting, and I really feel blessed to be here and I want to make sure that I am thanking a group of people that have been to helpful to us. One is the city staff that has spent absolutely remarkable in their ability to take ten of the 11 of us are brand-new and along with our staffs that's an incredibly large group of people to bring up to speed, get our offices working, get our technology working, and if we haven't said thank you enough, I wanted to publicly say thank you again and again for what you've done.

[Applause]

>> Gallo: The second group of people that I wanted to say thank you to -- and I know everyone on this dais feels the same way -- is we are finally in district 10 council office up to speed and fully staffed and I wanted to say thank you to my wonderful staff who has put this incredibly huge binder together for today, Tina Cannon and Susie Chase Bound and Taylor Smith. They've been great and I'm happen to have them. A third thank you to the citizens of Austin and constituents of district 10 who have been so patient and understanding that as councilmember Houston says we hdrowned yet but we're all wet. I love that statement. Thank you to everyone who has been patient and understanding that it's taken time for us to get up to speed. I didn't want that thank you to get lost in the day and wanted to make sure that I had the opportunity to do that.

>> Mayor Adler: Any other comments before we break for lunch?

[Applause]

>> Mayor Adler: Ms. Pool.

>> Pool: On item 21 I think I was reflected as off the dais which I was but I did intend to vote yes on item 21, if you wouldn't mind amending the record, please, to show me as a yes vote.

[12:45:18 PM]

>> Mayor Adler: With that objection, Ms. Pool is shown as voting yes. Done. We'll break then for 30 minutes. It is a quarter till. At 1:15 we'll reconvene. Thank you.

[Break] Is he.

[12:56:28 PM]

[♪ Music ♪] Br.[music]

[1:07:39 PM]

.

[1:25:14 PM]

[Music]

[1:35:14 PM]

>> Mayor Adler: We ready to gear up? So the public information office has pointed out that some of the conversations that we've had on the dais have been real quick exchanges. Sometimes without people having pushed their microphone on. And some people watching us have missed some of the comments. So I don't know if you feel comfortable just keeping your mic on or at the very least let's try to be more cognizant of that so people aren't missing out. So we're back from the recess. A quorum is present.

We're going to continue consideration of item 26. Ms. Kitchen, you just walked us through the main bill.

>> Kitchen: Before we begins aa begin Asa point of privy would like to thank Carolyn for these lovely roses, I don't see her out here. It's very sweet of her to provide these for all of us and I want to thank her.

[Applause]

>> Mayor Adler: All right. So we have laid out the amendments in red line, which is posted in our record and I think the clerk has a copy, hard copy of the red line, which we can put on the screen and post so people can see it. Do you have a feel, Ms. Kitchen, for what -- at this point what the universe is of anticipated amendments?

>> Kitchen: I think there's about four, if I'm counting correctly. Four or five amendments. We could go through and just have everyone lay out their amendment and then discuss them after that, if that would be your preference, rather than doing them sequentially, that way people could see the universe of

amendments.

[1:37:17 PM]

If you'd like to do it that way.

>> Mayor Adler: I think I would, just so that people can kind of see what the furniture looks like with the lights turned on in the room.

>> Kitchen: Would we want to take the speakers first or lay out the amendments first.

>> Mayor Adler: Let's take the speakers first, great idea, and thanks for the reminder.

>> Kitchen: Okay.

>> Mayor Adler: So the first speaker we would have would be David king. Mr. King.

>> Thank you, mayor. Testing, there we go. Thank you, mayor, mayor pro tem and councilmembers. And before I start, I'd just refer back to the previous comments about using acronyms and -- for councilmember Houston, I thank you for that, and she's also cordially encouraged me to be nice to the new council. So I will definitely do that. So thank you for your great advice. I appreciate that. And I really appreciate, mayor, I want to say one more time your earlier proposal to let the speakers who R here this morning go ahead and speak on the items even though the council's intention would be to potentially postpone the decision until later on in the meeting or -- and to postpone the decision on the meeting -- on the item to a later -- until later on so other folks would have the opportunity to provide input. I want to re-emphasize to me that demonstrates a true change in the perspective on public input. That to me is a true commitment. So I appreciate where you're going with this, and I'm very fortunate to live in the district of councilmember kitchen, who is really a driving force behind this proposal and I really appreciate it, councilmember kitchen, thank you for all your work you've done on this so far.

[1:39:23 PM]

Just so suggestions I think would help out with the resolution here. I think that one of the things that should be considered as a policy should be established to prohibit the approval of my councilmember agenda on all three readings in one meeting. That is the way things used to be done in some cases. So I think that's a mistake. I think that if you really value public input, you will allow public input through all three readings of a resolution. And because what happens is after the first reading there can be amendments from the dais. After the second reading there can be more amendments and usually public -- in the past public input has been closed down on the first and sometimes on the second, but never -- usually by the third reading, there's no public input allowed. So I think that's a really mistake, and I think that that would be another indication that you really value public input if you allow input, if the -- if there had been substantive amendments to a proposal, then you should allow input on those changes before you close public input. And I think also, when you vote to close a public input, you should -- it should be unanimous vote so that if there is one member who says, wait, we need some more input, that they have that opportunity. To me that's what 10-1 is all about, so we don't leave any district or any person behind, any councilmember's, you know, constituents behind. A citizen -- and I really believe that every citizen should be allowed their time to speak and present to you their own words about how they feel. We shouldn't group things together and say, well, that's similar to that other person's comment so,

no, you don't get your chance. I really believe in every citizen having a right to speak to you about these issues. Backup material should be posted for the council committee meetings just like for the council meetings. Okay. And just one other quick thing, if you don't mind. I think that it would be important that all the council committee meetings be televised and provided to the public in 24 hours or less and one last comment, Spanish language translation head sets for each council district should be provided for you all, for your constituents.

[1:41:46 PM]

Thank you.

>> I'm David, it's very exciting to be here before the new city council. Thank you very much for your time.

>> Mayor Adler: [Off mic] -- I'm excited after ten months with you on the campaign trail I can properly pronounce your last name.

>> Thank you for that, but I'll answer to almost anything.

>> Mayor Adler: And you have someone that's donating time to you? So you have a total of six minutes.

>> Thank you. I want to start by applauding your efforts to pass this ordinance. Your wish to have transparency, public engagement, and availability of information is hardwarming but I want to point out that it's ironic that you scheduled this public hearing at this time, where it was not available to the rest of the public who is working right now, to actually address this particular item on the agenda. I also want to point out -- this is why I'm against this ordinance as written -- that it falls far short of your stated goals. Far short. There is not adequate transparency. There is an opportunity for abuse and manipulation by both councilmembers and especially city staff. There is inadequate provision for public debate and there also is an incomplete list of committees as exemplified by some of the things some of you said on the campaign trail. I'll go over each one of these things. So I passed out -- I actually e-mailed to each of you a copy of the handout you should have in front of you, three pages. You see projected on the screen above you is the core of that proposal is the briefing table.

[1:43:51 PM]

I don't particularly care what mechanism is used for total public transparency. This is just one idea that I came up with. You can do anything you want to. My point is this, though: Unless we use a committee structure to get at all the arguments for and against an issue, as well as any controversies there might be about some of those arguments and any alternative solutions, we don't have true transparency. If we don't have a way for the public to see what all the arguments pro and con are, we don't have true transparency. My recommendation in this paper is that we use the city staff that are on your side of the firewall, not the city manager's side of the firewall. The city manager has proven in the past that city staff will manipulate the public, manipulate the council, they are biased and sometimes they actually lie. I have examples of that if anyone wants to ask me what those are. So the people to use, the people who are unbiased, who are impartial, who have proven time and again how professional they are and how rationale and logical they are, how impartial they are is the office of the and I clerk and the office of the city auditor. So I'm recommending that all public-facing pages on the website be controlled by those two

offices, that all attempts at public engagement be controlled by those two offices. I'm also suggesting, if you look at the very bottom of this briefing table, that all the arguments, all the information in a briefing table be certified by a staff member of the office of the city auditor.

[1:45:55 PM]

So some city auditor has to put on their thinking cap and look at what's been entered into the table and say, yes, that is reasonable, that is rational, that is logical, and those don't -- those arguments do not represent something that is untrue or biased. Of course there is some bias. You're arguing for or against something. So the purpose of the committee is to produce a complete briefing table because imagine, if you will, that you have a briefing table like this in front of you for any item you have to vote on. You get to make a decision with all of the information. In the past, city council members didn't have all the information and the public certainly didn't see all of the we also need additional committees on the committee structure. If you turn on the first page at the very bottom of the page you will see that there are suggestions for a cost of living committee, as councilmember Houston pointed out before, that's a more accurate term than affordability. And that committee should not be for all the taxing authorities in this area. It should start with the city of Austin. It should start with the council. We're missing a strategic planning and business processes committee. If we had a 20 year planning horizon for strategic planning, we wouldn't have things like water R. Water problems -- water problems and other infrastructure problems sneak up on us. We need an equity committee. We still have institutional racism in the taxing and governing authorities in this city and in this county. We need a quality of life committee. I can't believe that that wasn't proposed. I mean, it's all about quality of life. That's why we choose to live in Austin, Texas. Then the last thing is a sunset committee.

[1:47:56 PM]

There are plenty of areas in city staff on commissions and boards and even sometimes council committees that don't need to be there anymore. They're costing us too much money. They're unnecessary. I understand your desire to streamline the speaking process at council, but to limit public debate in front of council is a mistake. In this paper you will see a scheme whereby only people that contribute to the briefing table at the committee level --

[buzzer sounds]

-- Get to speak. And then the last thing is specific cases for bypassing the committee process. They should be individual pieces. We should have a super majority to declare something is a -- an emergency. And we should have at least just one or two councilmembers say who can speak before the city council. Thank you.

>> Mayor Adler: Thank you. A lot of ideas in there to consider. Some I think that we're addressing. I do want to just call out, there are a lot of people here that come to this council table with differing views and opinions about lots of different things, but I think in particular the staff -- we have mentioned to staff that I think we have a brilliant staff here and I think that while there are maybe disagreements, I think that a crackization of staff being less than honest when they're coming and talking isn't accurate. I think that we're all in pursuit of the same goal, which is to make the city the best possible city it can be

in. And I think that generally speaking, as we debate things and discuss things, all of us, we should try best to talk about the issues that are addressed without suggesting ill motives on anyone's part.

[1:49:57 PM]

So I just mention that, we're a new council, we're starting off, and just to try to establish those rules.

Anyone else have any questions? Okay. Then we'll proceed. The next speaker is Carol bezinki.

>> Good evening, mayors, councilmember, my name is girl begzinky. Don't try to look at it whenever you say it. You will be just fine. I am executive of Texas rose, which stands for ratepayers of central Texas for energy. I was here on Thursday at your special called meeting and I spoke about this item then. And I was -- expressed my concern about the lack of opportunity for citizens to address the full council, and I spoke more or less against having the committee process replace this. And I am here today to speak to you about why other item, but before I do that I want to say I'm very disappointed that the proposal that was laid out has done absolutely nothing to change the ability of ordinances to be spoken on by members of the community at city council meetings. You have restrictions in there. You have to get four councilmembers to request it and I just think that's wrong. And I didn't hear anybody at the hearing say that they thought that that was a good idea. So I am wondering if coming here and expressing ours opinions really does make a difference or not. Number two, I was a member of the generation planning taskforce. I am a member of the resource management commission. And I am the chair of the low income customer advisory taskforce.

[1:51:59 PM]

And in looking at your list of committees, I see that you have public utilities and then you have Austin energy. And actually, Austin energy is a public utility. And my experiences in examining different programs and issues, you know, that arise at Austin energy requires us to bring in the water utility and the solid waste utility. Austin energy does the billing for like all of these services. Energy efficiency programs, we're looking at those, the water utility contributes, the electric utility, the gas company contributes. So I am thinking that there may be economy in having one economy for public utilities and looking at them as a group. And this is important because there's a lot of consumer issues that arise from the interaction of the billing and how amounts are credited to their bills. And I think that is something that you should look at as an option for reducing the number of committees you have before you because some people have some great ideas for some new ones. That concludes my remarks.

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

>> Zimmerman: Yes, is it bezinki? Thank you, Carol, for coming to talk. I applied a little bit of Texas aggie on this before you. The way it was you had two out of seven and that represents 26.6% of the voting strength to have two members bring something to the council. If we went to three members it would be 27.7% so you would need a little less voting strength to bring something directly to the council. And I supported that originally, but I think most of my colleagues wanted to move to four members.

[1:53:59 PM]

And I think four members is 36.4%. So I hear what you're saying about raising it to four members to bring something directly to the council, that does mean we have to bring more voting strength. I understand your point.

>> And it's incumbent on people to know that this is a procedure that they need to go through, and a lot of them won't even have the knowledge to carry the process out themselves.

>> Mayor Adler: Thank you. Sharon Blythe. Is Ms. Blythe in the room? All right. That's the public testimony that we had identified. Ms. Kitchen, would you walk us through the amendments that are generally here? To identify them.

>> Kitchen: I think what I'll do is identify them and turn to the councilmembers who are going to make them to explain them. And I think what we're planning on doing is laying them out and then -- and then discussing them after we lay them all out. Okay. So the first one that's up on the screen is a proposal from myself, so I'll mention what that's about first. And this relates to the agenda for council -- this relates to the process for bringing an item in front of the committee structure. We do have a process in place that allows citizen boards to bring ideas as well as a councilmember to bring ideas. And we go through a process whereby the mayor will assign those to a committee. So this amends that process and just recognizes that we may have ideas from the entities that work directly for the council, and that being the city clerk and the city auditor, the clerk of the municipal court or a municipal judge.

[1:56:02 PM]

So this just adds them, and they would be part of the process where they could make a recommendation for an item that would go through the process whereby the mayor considers that -- whereby the mayor assigns that to a committee.

>> Mayor Adler: Okay. Another amendment we have? I think we have one from pool and troxclair that seem to be doing the same thing?

>> Kitchen: Yeah. Why don't we put those up next.

>> Mayor Adler: And just generally speaking, those would be combining the audit and finance committees.

>> Kitchen: Councilmember troxclair, do you want to --

>> Kitchen: Just explain it.

>> Troxclair: Sure. The one that is on the screen is actually combining the open space, environment and sustainability -- putting it with the planning and neighborhoods committee. From a broad perspective of general planning and making sure that we're all sharing information, and that we're approaching -- that we're not in silos when we're talking about these issues. That was just one suggestion that was mentioned the other day at our work session. There's actually three amendments so this is the first one of ideas of where we could kind of share that information. So this is just the first one. The second one -- oh, economic opportunity. So another suggestion that was mentioned the other day at the work session was the technology innovation and creative industries as intrinsically a part of economic opportunity in Austin, so that would also be -- seem to make sense to make sure that when we're considering economic opportunity that we're also considering technology, innovation and creative industries.

[1:58:09 PM]

And then the last one was combining the audit and finance committees. And so just again, based on our suggestion the other day, those were the three suggestions that were made, so I went ahead and got these drafted and wanted to open them all up for discussion among councilmembers.

>> Mayor Adler: I don't have a copy of the first two. If you have extra copies over there, I would take one. And councilmember pool?

>> Pool: So the amendment that I am offering follows on the conversation, Mr. Mayor, that we had during a work session about the intergovernmental affairs committee where the conversation circled around having this activity be considered at hock. That you would chair the committee and I would leave it to your discretion on how you wanted to address these issues. It's not that they would not be covered, but they wouldn't be a council standing committee that would be chaired by one of the 10 of us. That this would be handled separately and differently. Thank you.

>> Mayor Adler: Thank you. Ms. Kitchen?

>> Kitchen: Yes. I think that councilmember Casar had an amendment and then councilmember Garza had an amendment.

>> Casar: Sure. I don't think you have a copy of this. Sorry that I'm the one who doesn't have it printed out, but it's probably the most simple. In 2-25-26, which on the -- which is -- excuse me.

>> I have a copy of it.

>> Casar: You have a copy? Great. It would be on page nine of 15 of your draft. It's very simple. It would just be -- page nine of 15 and it would be on line five under 15.

[2:00:15 PM]

Very simple. I can read it out and I think people would understand. It's just that we would include a specific notice on items if they weren't reviewed by a committee, noting the fact that they were not reviewed by a committee. Such that citizens or council offices or anybody else when you're looking through the agenda would be able to note if something was recommended by a committee or if it did not go to committee. And then you could go check the backup to see why it didn't go through committee if it's something routine, brought on through the management's office or if four councilmembers chose to bypass the committee structure, it would tag on to the agenda to more easily identify what did not go through committee. And considering that, we would then -- that was -- I think there's already in reline an attempt of making that happen on 11 of 15, which is listed as G under -- I guess that's 2-25-26-g, and we could just strike G, which is a more long-winded version of the very simple amendment that I've already -- that Ms. Kitchen already has copies of.

>> Okay.

>> Mayor Adler: Did you understand that?

>> Casar: I can read it out if you would like. It's just on 2-25-26, agenda for council meetings, we would add number 5, include a specific notice for items that were not reviewed by council committee that they were not reviewed by a committee.

>> Mayor Adler: The concept is to have a notice that says what's reviewed and -- what's gone through a committee and that's not. It was already addressed in the draft in section G that was being added to -- later on in this same section. And the proposal -- you could take a look at it while we move on. The

proposal is to strike the added G and in essence replace it with what you see this new subsection 5.

[2:02:22 PM]

And you don't have to comment on it. I just want to make sure you're following what the proposal is and you can look at it while we move on.

>> I understand the proposal.

>> Mayor Adler: Thank you. Ms. Kitchen?

>> Kitchen: Councilmember Garza had a --

>> Garza: My amendment speaks to Ms. Bezini's comment and what I believe were the overwhelming public input. That would be to eliminate any prohibition to come before the full council. And so it would be part 4, 2-5-29, and it would add up to 20 speakers will be allowed to speak for two minutes each. And that's even if it went through a committee, not requiring the four councilmembers, with 10 speaking slots allotted for speakers in favor and 10 speaking slots allotted for speakers against the item to be assigned on a first come, first serve basis. And do you want me to read the whole thing?

>> Mayor Adler: No, we're just --

>> Kitchen: We're just laying it right out now.

>> Basically no prohibition for addressing the full council.

>> Kitchen: I believe that's all the amendments. Does anyone else have any amendments?

>> Casar: Ms. Kitchen, one came up during lunch. And so that is in section 2-5-26-c, which is on page nine of 15 of the ordinance. Where it says provide electronic mail notification of the electronic posting of the draft agenda. I would like to propose an amendment that says electronic posting of the draft agenda or council committee agendas to any citizen who requests notification. There's currently a system where you can sign up to get the agendas when they are being posted. And I think it would be proper to have the transparency of the committees for you to be able to sign up for the committees you're interested in.

>> Kitchen: Okay.

>> Mayor Adler: Okay.

>> Mr. Mayor, could I make a motion that we close amendments and consider the amendments on the table?

[2:04:31 PM]

>> Kitchen: I second that -- I think everybody has laid out their -- okay.

>> Mayor Adler: There's been a motion to limit -- I'm not familiar with that motion. To close further amendments. Can we just -- rather than closing them, let's go ahead and start discussing the ones that we have and see where we end up. So what I would propose to do is start at the beginning of this red lined document that we all have in front of us, and as we get to the sections where amendments are made, then we'll call up those amendments and discuss them. And certainly people can make amendments to amendments as we go through the section. But we've now heard generally the state of mind of people, things they want to raise. Do you want to say something?

>> Tovo: I do, thank you. I have a question that I don't think will necessity an amendment, but I just

want to ask for clarification. On page 11 of 15 on our red line version, there's been some text added about how a councilmember may place an item on a work session agenda. And F talks about the circumstances under which an item can be placed on a work session agenda to identify three other councilmembers who wish to put it on the council agenda and also to open a comment about identifying three other councilmembers. But I want to be sure that we're preserving our right to pull items for -- as individual councilmembers we're preserving our right to pull items from the work session -- pull items for the work session discussion that are appearing on our agenda for Thursday. This is specifically about -- I just want to make sure that we're stating our intent to each other and also to the public that this is really about identifying the other councilmembers who would be supportive of opening up an item for public testimony, but we're not changing the ability of an individual councilmember to be able to pull items for discussion at the work session among ourselves.

>> Kitchen: Do you want me to speak to that? That is what this -- that's what this states.

[2:06:32 PM]

This does not state -- this does not take away councilmembers' ability to pull items from work session. It says nothing about that. All this is is reflecting the amendment that councilmember Casar had proposed to just make it clear that we can use the work session process to identify three other councilmembers that may want to join us in putting something directly on a council agenda.

>> Mayor Adler: Okay. Mr. Renteria.

>> Renteria: I have a question, just for clarification, on 2-5-26. Item B. Are we saying that if a councilmember created by chapter 2-1, wishes to place an item on the council agenda or the councilmember or board should follow the procedure. That means that I could just place an item on the council agenda?

>> Mayor Adler: You could, but only if four -- three other people join you. So you and three others could put something on to the council agenda.

>> Renteria: Okay. So --

>> Mayor Adler: That's as it's written.

>> Renteria: On this?

>> Mayor Adler: Yes, sir.

>> Casar: Mayor, as a point of clarification, the city boards created by chapter 2-1 does not refer to things like the Austin housing finance corporation board that we sit on. You don't mean the boards and commissions here, correct?

>> Kitchen: The 2-1 are the boards and commissions.

>> Mayor Adler: Okay? So we can start in -- go ahead.

>> Kitchen: I might suggest, depending on how people want to do this, that we just go through the list of amendments and pull up that section.

[2:08:35 PM]

I can't follow directly from the amendment to this, so if we page through the ordinance I'm not sure that's the best way to do it. So I would propose that, like, we just laid out amendments. I propose that

we take up each amendment and then show the page in the ordinance. Would that be okay as opposed to paging through the ordinance?

>> Mayor Adler: We could do that. I don't understand what you -- why you're not following that.

>> Kitchen: As we page through the ordinance I will have to remember which page these amendments are on, but it's okay.

>> Mayor Adler: I have them marked so we won't miss them.

>> Kitchen: All right. Then go ahead then.

>> Mayor Adler: But in the event we do miss something, point it out to me.

>> Kitchen: Okay.

>> Mayor Adler: This way we're keeping substantively moving forward rather than changing topics.

>> Kitchen: That's fine.

>> Mayor Adler: What I would suggest everybody have in front of them is the redlined document, which I think we have hard copies of. It is also posted on the internet is the backup, so anyone watching this can pull up that document. And councilmember kitchen has proposed and moved that we adopt this matter. Ms. Houston?

>> Houston: First of all, I want to apologize. I've been told that nobody can hear me. I'll try to speak louder and into the mic. I just need a clarification on page 9 of 15, line 16 D. And if the city attorney can explain to me, are you talking about the boards that are created, are we talking about council committees?

>> Would you like me to speak to that?

>> Mayor Adler: Yes.

>> Kitchen: That section D, I assume you mean where it says a councilmember or a board?

>> Houston: Bus because we mu board from then on rather than committee.

[2:10:38 PM]

>> Kitchen: We're talking about the city boards and commissions, so this is the section where we talk about how the assignment process works. And by placing city board there, we're reflecting the fact that a citizen commission, like a board and commission, might make a recommendation for an item that they would like to see on a council committee agenda. So this is the process that they follow. So the reference to board in this section D is a reference to a city board or commission.

>> Houston: Thank you.

>> Mayor Adler: Okay. We wanted to make it clear there was an avenue for them to follow as well to work something through the process. We have lots of different ways people can get in to this system, to put things on an agenda, to have the opportunity to talk. Okay? So what we're going to do is we're going to try to go through this sequentially as we work through it because I think it would be the easiest way than skipping around. If I skip something let me know. If we're in a section on something you want to address or you have questions about, raise them. So there is a motion made by Ms. Kitchen to adopt this as a new ordinance that changes structure. I want to begin with is there a second to this motion? Ms. Pool seconds this motion. So now we're in debate. And the way that we're going to move through debate is to walk through this. On the redline that we have, the first change is to make part 1, part 1 instead of beginning with part 2. And then we have the -- changing the subsection where it was

capitalized, it's no longer capitalized. And then we have the change made at line 23, which was the change we had discussed about making sure that a quorum could act in committee. The next section gets us then to the council committees. So at this point there was some suggestion that we combine the audit and finance committees.

[2:12:45 PM]

There was a suggestion that the last committee, the intergovernmental affairs committee, come off. There was a suggestion that we combine planning neighborhoods and open space. I think that was eight and nine. And also that we would combine 11 and 12. I think that those are the suggestions that are on the floor. Ann, do you want to start us off?

>> Kitchen: Yes. Just speaking for myself -- I think that this comes from the work session discussion. And we had concerns about perhaps having too many committees. And so during work session we talked about options for combining those and I appreciate councilmember troxclair and councilmember pool for bringing these forward so we could discuss them. My suggestion would be that we combine audit and finance and that we -- and that we also delete the intergovernmental committee, which would leave us with 10 committees, which from my perspective, I would consider that to be manageable for us. So that would be my suggestion. I would also suggest that we not combine planning and neighborhoods and open space, environment and sustainability because from my perspective I view those two areas -- I think that would be too much in one committee. And I see them as separate. And we also have options for how they might work together for items that might overlap. With regard to combining the economic opportunity committee and the technology, innovations committee, we received testimony from members of the technology community that were concerned about maintaining a separate committee. So I just wanted to remind folks that we did receive that testimony. So --

>> Mayor Adler: Okay.

[2:14:45 PM]

Any general discussion before I put an amendment on the floor, which I'll do in just a moment?

>> Zimmerman: Maybe I could make a suggestion if there are suggestions to eliminate committees maybe that should be discussed first because it dispenses with the idea if some are eliminated.

>> Mayor Adler: Well, I think D we'll do that, and I did want her to generally describe and then take away people's ability to do that. We're talking about committees. There's a suggestion to drop 13 altogether which I think we'll take up in a second because I don't think anybody objects to that. That doesn't mean the function goes away. It would still be something that we handle. It won't be going away, it just won't be a committee. Then we have the suggestion to combine three pairs. Before I call up the individual components of that, does someone want to talk about committees generally? What do you want I don't want to do is create an artificial situation, we're talking about one pair, because it's all in the same context. So let's talk about committees for a second. Ms. Houston?

>> Houston: Yes. And I think that planning and neighborhood and open spice environment are inextricably connected because that's what our neighborhoods are about. When we're doing planning

that's what we should be thinking about. Not just the land development code, not just the development process, but how those things relate and make it real for people who have to live in the neighborhoods and communities. How do we have climate protection, how do we have parks and open spaces, how do we have all of the things that are part of a neighborhood that if you only look at zoning and development and eminent domain, the issues are left out. So I agree that eight and nine should be combined.

>> Mayor Adler: Any other general conversation? Ms. Pool?

>> Pool: On combining Numbers eight and nine, let me suggest that we did talk about joint meetings of committees where the issues were -- where there was a connection between them.

[2:16:58 PM]

The open space and sustainability committee speaks to larger issues, for example, watershed protection, which I suppose a person could make a good case for putting under public utilities because it has to do with water quality. In my mind the reason to keep this committee separate, the environmental open space and sustainability committee separate from neighborhoods is in order to shine a careful light on those policy areas specifically, and it does not take away the opportunity to speak on a parks issue in the context of neighborhood development. But because of Austin's -- the fragility of our environment in Austin, it is I think paramount that these areas remain separate.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: While we're on the subject of the functions of these committees, I have to agree with councilmember Houston. I think the overlap of these is so close from a functional basis that I concur with her. I would like to see those contracted. I guess generally I've heard a lot of comments from constituents about the overhead of all the committees because each committee, right, generates some overhead. You have to do an agenda, got to do a final report. And we have a number of activists who routinely testify. And they're expressing concern that maybe there will be two concurrent committees somehow that will conflict. They need to be at both of them and they can't be at both of them. That's another reason I think to shrink the number of committees generally.

>> Mayor Adler: Mayor pro tem, did you want to talk?

>> Tovo: I want to thank all of my colleagues for thinking creatively about how we might combine the committees. I know we had this discussion on Tuesday and I really am supportive of moving forward in this way, but we are going to have to do some serious thinking about scheduling and how we might -- how we might schedule in a way that doesn't unduly impact channel 6's operations and their ability to cover boards and commissions, and also our own scheduling we'll have to make sure that we're not conflicting with a board and commission that is relevant in subject matter so we're not in a position of pulling people away from another meeting that they feel they need to attend as community members.

[2:19:33 PM]

I see this as the beginning of that discussion about how we schedule those committees and when we schedule those committees because we have such a premium on Monday through Thursday evenings. And so as I consider this issue generally, we have a schedule -- a regular schedule of a Thursday evening.

And if we're looking at adding on average each of us an additional night that we're scheduling, that is a hard schedule because the hearings are going to be taking place Monday through Thursday in the evenings. If that committee meets weekly we're looking at on average two evenings a week that cannot be scheduled around. And so I would say at an outset as I mentioned on Tuesday that I hope we can begin thinking about them meeting on a monthly basis rather than two times a month basis because I think we might soon get into some problems meeting quorum because we all have so many obligations on that Monday through Thursday time. And again, we need to evaluate it in terms of channel 6's capacity. So that's a long way of saying I appreciate -- I think we do have more work to do in thinking about scheduling, how we schedule, how we make that work financially, how we make that work with our staff with the demands on our city staff. So I appreciate the creativity and thinking about which committees we combine. Audit and finance I think makes good sense to combine. I would agree with my colleagues that to me sustainability has such a range of its own discrete topics that that should remain subject. All of these issues are connected. Mobility is certainly connected to planning and development, but needs to be separate. I will support keeping sustainability as a separate committee. I am really intrigued and look forward to the discussion about combining technology under economic opportunity. I understand we've heard from many voices in the community who want to see that remain separate.

[2:21:36 PM]

And I understand the reasons why. But I'm measuring that against our need to consolidate some of the - what I perceive as a real value, frankly, in consolidating some of the discussions under general umbrellas. And I will also say we have made a decision or are contemplating a decision that would remove the wmbe committee and replace it and we did hear from stakeholders in that process that they would prefer we not do that. One option would be to consider some of what we've done in terms of carving out a particular space on that committee's agenda to talk about mbe, WBE issues, that we could talk about that within the economic opportunities committee, understanding that yes, that committee has a very broad range of topics, but that might be a way to begin. We begin there, we can always add another committee if that -- if that element of that committee becomes really demanding and has a lot going on. We can always add -- break off that section. So I think that's all I had to say about that. Thank you for these creative ideas.

>> Mayor Adler: Ms. Gallo?

>> Gallo: As we talk about the number of committees, I think the priority to me is the transparency that we have as we conduct these committee meetings. And the issue of having them televised to me is a priority. So I would say in order to accomplish that if we need to combine the committees to allow that to happen, that that's the process that we should use in determining whether or not to do that. I think we can always -- this is a process in motion, I believe. And so if we get into the committee structure and we find that there are certain committees that are overloaded because they have been combined, and there's nothing to keep us from taking a step back and saying, well, maybe we do need to split these out once we figure out the scheduling and the televising. Thank you.

>> Mayor Adler: Further debate generally?

[2:23:41 PM]

Ms. Tovo?

>> Tovo: I apologize I didn't integrate this into my earlier comments. We have had some very good feedback about the Austin energy committee being separate from the public utility committee. And I just want to explain to those of you who are -- who have offered that feedback why the proposal has moved forward as it has. And initially I think some of the discussion involved having Austin energy be within the public utility committee because certainly it is a public utility, but the issues to Austin energy are so specific and in the previous couple of years have been so complex that it really does, I believe, have -- will generate a work load that needs its own committee. So that was one of the reasons that I personally supported having it as its own committee rather than being combined under the public utility committee. So I think that's, again, just for the members of the public who have spoken on that today and also on Thursday, that was my rationale for supporting keeping those two things separate.

>> Mayor Adler: Okay.

>> Mayor?

>> Casar: I want to double-check with the drafting of this under the Austin energy utility oversight committee, we have a similar issue that we had with other committees around a quorum and how many votes are necessary to take action. Here it says it's six members of the committee are a quorum. And six favorable votes are necessary for the committee to take action. Do we -- is it intended in this draft for it to be six votes or is it intended to be a majority of whatever the quorum is?

>> Since it's a committee of the whole, that's 11 members. And so six would be a quorum.

>> Mayor Adler: But he's saying if there were nine people there, that would also be a quorum. Could those nine people act with five votes is the question?

>> Kitchen: We certainly haven't talked about that in detail. The way it's written right now, it would require the full quorum. But that's up for discussion.

>> Mayor Adler: I think the point is well taken. You made the suggestion with respect to another committee that a majority of the quorum act, and we should probably make this conform.

[2:25:45 PM]

So let's call that amendment up. In fact, is there any further discussion on -- Greg moves that the language in -- okay. So we are on page 3 of 15 on the redline. We are in section 2-5-103 that concerns committees. The subsection on the Austin energy is subsection 5. Subsection 5 says that six favorable votes are necessary for the committee to take action. And what that -- Mr. Casar is moving that that language be changed to say that a majority of the quorum present may take action.

>> Kitchen: Okay. Mayor is there a second to that amendment?

>> Kitchen: I'll second it.

>> Mayor Adler: Okay. Ms. Kitchen seconds it. Is there any discussion or debate?

>> Zimmerman: Mr. Mayor, I would like to speak in opposition to the amendment because I think the Austin energy -- it's a billion dollar enterprise and I think six favorable votes is a relatively small number of people that could make very, very large policy decisions. And if that's shrunk even lower, I don't think that would have a good effect. So I would vote against that amendment. I'd like to keep it at six.

>> Mayor Adler: Okay. Further discussion. Mr. Casar?

>> Casar: Mayor, my comment on that is it's my understanding that six -- a majority vote of the quorum of the council would be able to make decisions -- it is not? That's helpful to know.

>> Councilmember, John steiner, law department. The general pattern for both the council and for all of our boards and commissions is that the number of votes necessary to take action is equal to quorum. So for the council to take action, it takes six votes. For a board or commission that has seven members it takes four votes.

[2:27:47 PM]

A board or commission that had 11 members it would take six votes. That's the uniform pattern. So at your request, the draft was changed to deviate from that pattern for the general rule for council committees to make it the majority of a quorum present. I did not make that conforming change to the Austin energy commission. I easily could. It's whatever the council's pleasure is.

>> Mayor Adler: I would also point out that -- also point out we're talking about a committee. So the recommendations of this committee then can't take action. They make recommendation to the full council. And then the full council then would act. So our ordinance requires six members of the council to act as a separate question from the advisory or review that happens in this committee like other committees. So the amendment is to suggest that a quorum of those -- majority of the quorum present would all -- would be all that's necessary to pass a recommendation on a matter to the full council for its deliberation. Any Kurth discussion? Then we'll take a vote. All in favor of Mr. Casar's amendment to say that this committee needs to act with a majority of the quorum present in order to pass something to the full council say aye?

>> Aye.

>> Mayor Adler: Those opposed nay.

>> Nay.

>> Mayor Adler: May it reflect that the dais all voted yes with the exception of Mr. Zimmerman voting no. The next one we'll take up is the one that --

>> Mr. Mayor, could I just -- for the record, make sure that I have the amendment? So in the current provision are in five creating the Austin energy utility oversight committee where it says, and six favorable votes are necessary for the committee to take action, we'll replace that with, and the favorable votes of a majority of the quorum present at the meeting are required for the committee to take action.

[2:30:05 PM]

>> Mayor Adler: It would be present at the time the vote is taken. Right?

>> Yes, sir. I'm just using the same language that we use in 2-5-105.

>> Mayor Adler: But probably shouldn't say to take action because they really don't take action.

>> Well, recommendation is an action.

>> Mayor Adler: Okay. All right. Then yes, you're correct.

>> Thank you, sir.

>> Mayor Adler: Are we okay to move on? The next amendment on the floor is the one that would move

to strike subsection 13 in that same section, which is to strike the intergovernmental affairs committee with the conversation we had a moment ago about it doesn't mean that the function goes away, it's just not going to be a committee. And that was an amendment by councilmember pool. Is there a second to that amendment? Ms. Houston? Is there any discussion or debate on that?

>> Zimmerman: It doesn't have to be order. I'd like to speak I guess against the amendment because I would like to keep the intergovernmental affairs committee. Would that be appropriate?

>> Mayor Adler: Yes. Now would be the time to discuss it.

>> Zimmerman: I think what's here is there's been a suggestion to make this maybe a taskforce or a temporary committee instead of a standing committee, but you never know when some kind of issue may come up that requires pretty immediate action. Congress can take pretty strange votes. Our Texas legislature fortunately only meets once every two years, but there are other actions, and I guess Travis county commissioners' court, there are other things that can happen at any time. And I'd like to have this as a standing committee with the mayor chairing that. I think that gives him a good position to debate and make recommendations from.

[2:32:06 PM]

So I'm against the amendment to strike 13.

>> Mayor Adler: Ms. Kitchen, was there language that indicated that we could create a taskforce or an ad hoc committee?

>> Kitchen: Yes, there is language.

>> Mayor Adler: Where is that?

>> Mr. Mayor, that's in section 2-5-101 B on the first page.

>> Kitchen: Do you see that? Would you like me to read it?

>> Mayor Adler: I see that. Would it work for you if it said the mayor? Or the council by resolution may create a temporary taskforce?

>> Zimmerman: Me?

>> Mayor Adler: Yes.

>> Zimmerman: Well, the advantage of having a standing committee is you're already ready to take action. So if it has to be a temporary taskforce or something -- temporary committee, then you would have to wait for, I guess, the council to convene and take action and set it up.

>> Mayor Adler: What if it said the council may by resolution or the mayor may create? My thought, don, is that if there was a need for an interim -- quick committee to be impaneled, then that would give me the ability to do it outside of a resolution or it would give the council the ability to do that by resolution. Ms. Pool?

>> Pool: I also wanted to mention I was trying to remove it being a council disappearing committee. I was -- a council standing committee. I was seeing the mayor different from the 10 district reps. That was specifically something we were looking at. Because you would lead -- be it ad hoc, whatever form it took.

Mayor >> Mayor Adler: So I'm going to read Mr. Zimmerman's suggestion.

[2:34:12 PM]

Mr. Zimmerman, would you feel comfortable moving to add to the motion to strike number 13, an amendment to 2-5-101 subsection B on page 1 that says the council may by resolution or the mayor may create temporary taskforces of councilmembers, and then reading on.

>> Zimmerman: Yes, I would like to make that motion as the amendment.

>> Mayor Adler: Is there a second?

>> I second the motion.

>> Mayor Adler: Mr. Renteria. Is there any discussion on that before we vote? Seeing none, all in favor say aye? Those opposed nay? The dais votes unanimously. That gets us now then -- I'm sorry.

>> So it will read the council by resolution, or the mayor, may create?

>> Mayor Adler: Yes. Okay? That gets us now then to the last issue in committees, which is combining. There have been three suggestions -- go ahead.

>> Kitchen: Didn't our previous motion also delete the intergovernmental committee?

>> Mayor Adler: Yes. It also deleted number 13, subsection 13.

>> Thank you for that.

>> Mayor Adler: Okay. That gets us now that the combination of committees. As this point as it sits, we have 11 committees and one committee as a whole. 11 committees and one committee of the whole, which is energy. We have 10 committees, one committee of the whole. No. We have 11 committees and one committee of the whole. So now we're going to talk about combining that. Let's lay on the table the first one, which is the suggestion to combine audit and finance. Which is Numbers 1 and 2.

[2:36:19 PM]

Does anyone want to move that amendment? Ms. Middle school, do you move that?

>> Pool: I would be happy to move that.

>> Mayor Adler: Is there a motion to second to combine? Mr. Casar. Any further discussion on combining audit and finance?

>> I guess I have a clarifying question. It's my amendment that I put forward, but I did want to go back and maybe ask if anybody -- because in our original proposal we did have them separated, although the current council committee is together. So is there anything that I'm missing in combining them again? Was there a reason that we separated them in our original committee structure proposal?

>> Sure. I can answer that.

>> Mayor Adler: Ms. Pool.

>> Pool: It was a thought I had at the very beginning of looking at the current council structure and knowing that we wanted to have council oversight of all areas of the city work, but not to overload any one committee. So at the earliest stages that was one where audit and finance are, frankly, very different. Like with many of the other topics that we're dealing with, there's a lot of overlap, but they are specifically different kinds of activities. So as a starting place that was one of the current committees that we wanted to continue, but separate into two separate -- two separate bodies. I don't have any objections to putting them back together. That does get us to 10 committees, if that's an issue. And so that's why I would move to approve the amendment that you put forward.

>> Okay. I guess my request would be to maybe consider the other two committee amendments first

because there seems to be a little bit more discussion around them.

[2:38:21 PM]

Then we would have a better idea of the number that we're looking at when it comes to audit and finance because there seems to be less strong members about whether those committees are combined or separate.

>> Mayor Adler: Okay. My sense is probably that the way that we are doing it right now, people on the dais, my read would be that we would probably combine one and two. I think that would probably be the easiest lift of the suggested combinations. With that said, I'm fine with moving past that and talking about the wisdom of combining others. The next two that would be numerically following would be the combining of eight and nine. So let me tentatively move us past one and two to see how this conversation goes, that way see if it makes sense. Does anybody want to talk about combining eight and nine? Who made that combination? Do you want to discuss it first?

>> Yeah, it was me. I think already in the couple of zoning cases that we've discussed there have been times where there are environmental issues that weren't taken into account with planning issues, and as councilmember Houston suggested, it seems like these two areas are kind of innately connected because sustainability and the environment and open spaces are a part of our neighborhoods and it is a part of our overall plan for our city. Sue that's why I originally proposed it.

>> Mayor Adler: Okay. Ms. Houston?

>> Houston: I'm going to knock over something up here in just a minute.

>> Mayor Adler: Don't put your water anywhere near there.

>> Houston: One of the other issues that is a concern of mine is that not only do we as people live in silos, but in my dealings with the city we tend to live in silos. So it seems like we're doing that same thing. There are watershed issues all over the city, not just in the Edward's aquifer area.

[2:40:23 PM]

And sometimes those get forgotten when we're talking about cemeteries that have erosion on their creeks or out in university hills where neighborhood backyards are falling into little walnut creek. So I think it's helpful for us as a city to have that cross-conversation about our neighborhoods and our environment and our sustainability. And that's why I'll be supporting the merging of the two.

>> Mayor Adler: Ms. Pool -- I'm sorry, Ms. Kitchen.

>> Kitchen: I have a suggestion that --

>> Mayor Adler: Could you put your speaker on?

>> Kitchen: Sorry. I have a thought to see if this addresses the very valid points that you all are making. There's -- let me just say there's a lot of overlap between these committees. And there's overlap between mobility, there's overlap with, you know, planning and neighborhoods, there's overlap with housing. And one of the things that we did that's in here now that reflects that overlap, if you look under item number three, for example, we stated the mobility committee may review land use as it concerns mobility. We also placed language under number 10, the housing and community development committee may review mobility as it concerns housing. It may review land use as it

concerns housing. So we're specifically recognizing the overlap between those committees. Perhaps we could do the same thing between eight and nine and keep them as separate committees because you guys are -- you're absolutely right, that there is a connection, but there is so much work under eight and nine, putting those two together because we've got the land development code, we've got development processes, we've got zoning alone under number 8. And we've got watershed issues, we've got waterfront issues.

[2:42:25 PM]

We have a lot of issues under number nine. My concern about putting the two of them together and expecting that committee to meet once a month is I just don't see it happening. So I don't think we've gained anything in that regard. And I think that we do have a lot of overlap. We also have in the ordinance the ability for items to be assigned to two committees and we've also put in the ability for items to be -- for committees to meet together and to address items either jointly or sequentially. So I see a number of mechanisms in here to make sure that the conversations are happening in a way that we make the connections. And I think that we would be better off relying on that approach and perhaps just specifically recognizing the relationship between eight and nine in the language, but keeping them separate. So that would be my suggestion.

>> Mayor Adler: The language that you're referring to is on page nine of 15, in case you wanted to see that. It's? Subsection three that relates to referring to more than one committee. Ms. Houston? Houston Mr. Mayor and members of council, one of the reason that I am really concerned about the number of committees we have is because some people have suggested some committees that we don't have. So if we could combine some of the committees that we do have, we probably could take up something like the equity committee because we hear about equity all over and economic development, in housing, it's in wages or lack thereof. It's in education. So there's a committee I would like to have a conversation about, but we won't have any space to have that conversation. The quality of life committee for all sorts of people. We have quality of life initiatives that are not being moved forward in a way that some of the people think that is positive and beneficial. So there are a lot of things that we don't have that we need to be talking about as a city as we become more prosperous and include more people in the prosperity, but if we take up the same committees that we already have, then we leave the opportunity to have new conversations about new opportunities.

[2:44:42 PM]

>> Mayor Adler: Further debate? Ms. Troxclair and then Mr. Zimmerman and then mayor pro tem.

>> Troxclair: Councilmember kitchen, I really appreciate you bringing up the work load, but I think we've had conversations over the past several weeks that the -- that we are going to have the same work load regardless of how -- as far as the number of proposals that we're considering, regardless of how many committees we have. It's just how we group and structure that work load. So my interest in having feature committees and therefore having more overlap between the issues is, first of all, it would streamline our time so that instead of having two committees that are meeting twice a month or once a month or whatever the schedule is, we can have one committee that then meets half of that time, but

still accomplishes the same work load. And I think just from a scheduling perspective, it's easier for the public to keep track. I think it's easier for the public who comes and attends the meetings and gives testimony on kind of interrelated issues. But I do understand your concern about the environment and the -- it a big issue and it is one that's very complicated. But we do have the ability to create subcommittees within a committee, right in the so if there's a specific issue that is time consuming or especially complicated, there would always be that option too. So I just wanted to address some of those concerns.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: I want to concur with councilmember troxclair and Houston. If I look at item number nine in the context of item number eight of these committees, zoning, for instance, this one word of zoning pulls in most of what's in item nine. I almost think it's misleading to people to break these out into two pieces a if they could be addressed separately.

[2:46:49 PM]

Because to me planning and zoning and the eminent domain landmark review, all the items in nine could already be said to be in eight. They're implicitly in item eight already. I think by creating these two committees what it does, it communicates that we want to put even more emphasis on one of the committees by creating two. I would like to see them combined.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I appreciate the discussion --

>> Mayor Adler: You need to --

>> Tovo: My mic is not turning on. I promise I'm doing it right. Maybe I --

>> Mayor Adler: I think you just came on.

>> Tovo: No? I did, but it still says off. So that's an interesting little glitch. So the other way I'm thinking about the committees involves the boards and commissions. I'm trying to look at the departments that will feed proposals forward to these committees and also the boards and commissions that will feed proposals forward. And you know within land use we've got the planning commission, the zoning and platting. We've got the group that was discussed earlier, the land development code advisory group. So over the course of a month they meet a lot. I think that gives us some sense of how demanding zoning and land use issues are. They are really demanding. And if the committee is looking at individual zoning cases as well as larger planning issues related to comprehensive planning and implementation of the imagine Austin plan as well as the codenext rewrite, I think they will really have their hands full. I think that will be one of our more active council committees. As I look at the open space, environment, sustainability committee, I would agree with just about everything that's been said.

[2:48:53 PM]

Clearly those relate to -- and often when we're talking about a zone change we're talking about environmental issues as well as other land use planning principles, but there are a whole other body of issues contained within the open space environment, sustainability committee that are going to also demand time and attention and the committees that feed into those are things like the parks and

recreation board, the urban forestry committee which may be going away, the solid waste advisory, the now disbanded, but I think a lot of work the council will take forward, the lake Austin advisory work. There's a lot of citizen work and citizen boards that will be feeding into that open -- that number nine, that open space, environment, sustainability committee. So they -- moving forward to the council committees as different and also the boards and commissions as moving forward, and there are a lot of them for eight and for nine. So I would say that's one of the reasons I support keeping those separate, though the proposal that councilmember kitchen made of adding in language that acknowledges their interrelationship I think makes good sense.

>> Kitchen: Another option perhaps that may address some of the concerns that councilmembers are raising is there was mention of the fact that these could be combined and create subcommittees. My concern is if we combine them and we have four councilmembers who then create subcommittees with the range and volume of this work. So perhaps what we could do to provide some more flexibility as we go along and as we learn through this process, perhaps we could add language to 2-5-103-a, which is where we have language that acknowledges that committees may create subcommittees.

[2:50:54 PM]

Perhaps we could add language that says that committees may create subcommittees which may include councilmembers who are not on that committee. So that would give you the option, if you combine -- if we combine those two committees eight and nine, to have a broader range than just four people to create subcommittees for the -- for this range of subject matter. So that's just another route to go to consider.

>> Mayor Adler: Is there any further discussion on this issue combining eight and nine?

>> Zimmerman: Just maybe one final comment. I've gotten a lot of remarks from people in the development world that are complaining about the complexity of the code that we already have. It's huge. It's massive. I think we have a codenext rewrite because it's so complicated. And I think the contributing factors to that complication is, as councilmember Houston says, when you have these separate silos, they're all doing stuff that makes sense to each separate committee, but when you combine them you start to notice these conflicts. And I do like your idea, councilmember kitchen, about the subcommittees under here to break the work out. I think that's a great idea. So I -- if we're maybe moving to resolution, I like combining them and maybe calling out those separate subcommittees as you pointed out.

>> Mayor Adler: Any further discussion on this issue?

>> Mayor, may I ask if when you're ready to if I can clarify what's being voted on.

>> Mayor Adler: I should have done that. The amendment has been made to combine the planning and neighborhoods committee subsection 8 with the open space environment committee subsection 9.

>> Does the proposal include councilmember kitchen's suggestion about subcommittees?

>> Mayor Adler: I don't think it would be an alternative to that.

[2:52:55 PM]

>> Kitchen: Let's wait and vote and if we need to we can go to that.

>> One other thing is that I assume that the change would be as according to councilmember troxclair's motion sheet. And I believe that -- and this is probably my cut and paste error that there is -- that cemeteries -- is it your intent that cemeteries -- if the committees are collapsed in this way that the -- that cemeteries be included in the subject matter of the resulting committee. So before related -- before and related matters, I would include cemeteries there.

>> Mayor Adler: That's correct. Can you put up to the screen the amendment from troxclair? Collapsed eight and nine, create a committee called the sustainability. It it would read that except for the word cemeteries would be added between sustainability. And related matters.

>> Zimmerman: Can I call the question on the amendment?

>> Mayor Adler: It I think if there's no further debate. Seeing no further debate, all in favor of collapsing eight and nine with the amendment by troxclair indicate by raising outhand.

-- Your hand. Those opposed? Five to six, it has not passed. We'll go on to the next amendment, which is to combine 10 and 11. I think that is your resolution as well. So this committee or this amendment would integrate the technology, innovation and creative industries committee with the economic opportunity committee.

[2:55:06 PM]

Because technology and innovation I think is innately a part of economic opportunity, including, you know, economic business development, economic incentives. All of the things that are mentioned in the economic opportunity committee can also apply to technology, innovation and creative industries. It seems like that committee can be more productive if those things were allowed to collaborate together.

>> Mayor Adler: For purposes of the record, do you know who was five and who was six on that last vote? I didn't call it out.

>> I have voting no mayor pro tem tovo, councilmember pool, Garza, kitchen, and I believe Zimmerman.

>> Mayor Adler: Let's retake the vote so the record is -- I should have called it out. Those in favor of the amendment please raise your hands. This is the motion to combine. Ms. Troxclair, Houston, Renteria, Zimmerman and Gallo. Those opposed raise your hand. Which is the balance of the panel. Okay. I'm sorry. Now to the combining of 10-11. Troxclair, do you have anything further? The motion has been made to combine 10 and 11? Is there a second to that motion? Seconded by Mr. Zimmerman. Is there discussion on this? Ms. Pool?

>> Pool: I had a meeting yesterday with a member of the public who has long been involved in emerging technology issues. And from that meeting took away a very clear understanding that Austin technology community, including the technology council, originally hoped that the committee that was standalone for emerging technology would continue in the future.

[2:57:19 PM]

After our conversation explaining how we were trying to combine similar, but not precisely the same activities and in order to cover all the departments of the community -- of the city where we touch on the community, folks in the tech community that I heard from and talked with agreed that putting technology in the title of innovation and creative industries committee would be a good move. And also

continuing to keep it separate because of the key nature of and fairly complex technical aspects of the work that they do, the fact that these issues are very different from many of the ones that are listed under economic opportunity, not that there is not economic opportunity innate in understanding tech and knowing that we need the skill sets for the 21st century and beyond, but that in order to get us there, there's a lot of different kind of language used. So I agreed that I would do my very best to try to keep these two committees separate. The community did respond and send in emails showing their support. That was in answer to my specific request that they weigh in. So I'm just very strong in hoping that we can keep emerging technology separate from economic opportunity. Again, understanding that many of these issues are woven together. It's also a part of affordability. It's also part of quality of life. It's also where we're talking about issues of digital divide and inclusion and it goes to communities that have been underserved in the past. The work that I did on the telecommunications commission 15 years ago dealt with ensuring that -- or trying to lay the predicate for computer access for underserved communities.

[2:59:23 PM]

We are still working on that. And I think with that as the hallmark of the technology, innovation and creative industries committee that we can keep shining a light on the digital issues that are so key on prosperity, affordability, quality of life and moving our community forward. Thank you.

>> Mayor Adler: So I'm going to talk, because I didn't talk on that last one and I want to explain my Voigt. I think a very good argument could be made for combining many of these committees. And in fact, I think the arguments are so good that it wouldn't surprise me as we talk about this being an iterative process, if I'm not joining with a group of people to combine committees in a matter of weeks as opposed to six months. I don't know yet which one of these need to be combined. It could be when we try to actually schedule these committee meetings I'm joining with a group of people to combine these committees in two weeks time if it looks like the calendar doesn't work otherwise. But I'll tell you that there are two other reasons I did this that probably would be unique to me and where I'm sitting here right now. And that is that when I talked about this over the course of the campaign I talked about there being 10 committees so that everybody chaired a committee. So the that everybody got the experience of being chair of a committee. And so that everybody had a city-wide responsibility in addition to their district responsibility. And part of me wants to try that and give people that platform for them to be chair of something so that they can demonstrate and have experience with building community coalitions beyond their districts. And because this council looks like it is graciously giving me the ability to send things to more than one committee and to urge committees to work together, so I know where we have those overlaps, which there will be, and they look to be important, and I would want you guys to come to me to say this one is too important to be in that committee.

[3:01:38 PM]

We need to put these six heads together or these eight heads together with that, that's something that I would do. I'm fine with the will of the council on all of these combinations because I think that in any event it will be better than what we have now and it will give us an opportunity to move forward and try

something new, but I felt I needed to explain the vote I had taken. Further conversation? And I misspoke before, this is combining paragraphs 11 and 12, the economic opportunity committee with the technology, innovation and creative committees. Is there further debate? Ms. Garza?

>> Garza: My concern with those is we've heard loud and clear from the M.B.E., W.B.E. People very concerned about that being diluted into this larger committee. And my fear would be combining those two would -- I know we've taken some measures to help that with the quarterly reports to council and the monthly reports to the economic opportunities. But my concern with combining the two would maybe further dilute that. So I'm going to vote against the amendment to combine them.

>> Houston: Mayor and councilmembers, what I see here is yet again a precedent of saying my group is more important than another group because they absolutely fit together with economic development. So it's hard for me to be able to vote not to combine because there are so many other options where people could say ours is important so we need a special committee. We need to keep it the way it is.

[3:03:40 PM]

This is the way we've always done business. Rather than seeing if they would fit into this combined 11 and 12. And 73 it would work. Because tourism -- that's what we say is our bread and butter in this city and yet we're saying it's not part of economic development. And for many of us who live here, that just doesn't even make a whole lot of sense. When we have formula 1 and south by southwest and yet we have carved that out of economic development, which is where I think they would rightfully belong. So I would have to vote for combining and against keeping them separate.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: I would like to also speak in favor of combining those committees. I don't think I have anything to add, but I want to second those comments.

>> Mayor Adler: Ms. Troxclair? Any further debate on this issue? The matter before -- mayor pro tem?

>> Tovo: I just had one thing I wanted to offer. I know that we are potentially going to get below the number of committees that would allow each one of us to chair a committee. And though I haven't chaired a committee in the past, I will as mayor pro tem have an opportunity to do some things, you know, to lead the meeting from time to time, and I've also had the opportunity to work in an at-large system. So I'm happy to volunteer were we to get below 10 to be the councilmember who doesn't have an opportunity to chair a committee. I'm not trying to shirk on the responsibilities of doing so, but if that makes it easier move below that number, I'm happy to -- happy for that to be the case.

>> Thank you, mayor pro tem. But I think if we get below 10 then maybe we could have some that we missed out on and we still have an opportunity to have each person chair a committee and have those experiences.

[3:05:43 PM]

I'm not saying they have to stop at 10 or nine or eight, but we don't have any opportunities if we lock in on 11, we have no opportunities to talk about an equity committee. It cuts across a lot of issues and a lot of geographical errors. I'm just saying let's think about that.

>> Mayor Adler: Mr. Renteria.

>> Renteria: I'm also going to vote to support combining these. I hope that we don't decide to be taking votes -- because everybody has to be a chair. I think that we need to just look at these committees and make the smart decision about, you know, we all can -- I just hope that we don't start assigning committees and somebody saying it's going to be too much work for you. I mean, we haven't even been assigned. We haven't even worked on a committee. And for someone to be coming and saying, it's just too much for you, I just don't appreciate that. Thank you.

>> Mayor Adler: Further debate and discussion? Hearing none, we'll move to a vote on the -- I think the troxclair -- can you put that up on the screen? It is to combine subparagraphs 11 and 12 to create the economic opportunity committee and to bring elements of the technology into that committee. All in favor of the amendment to combine, please raise your hand? Troxclair, Houston, Renteria, Zimmerman, Gallo and the mayor pro tem. Those opposed are the balance. It passes. Those two committees are combined. That gets us then to the next committee combination, which was audit and finance. Is there a second to the amendment to combine audit and finance?

[3:07:46 PM]

>> Second.

>> Mayor Adler: Mr. Casar. Is there any debate or discussion on this one? Hearing none we'll move to a vote. All of those in favor of combining committees one and two, audit and finance, as shown on the troxclair amendment please raise your hand. It's unanimous on the dais.

>> Mr. Mayor, that includes the conforming amendments to parts five and six of the draft ordinance, I assume.

>> Mayor Adler: That is correct.

>> Thank you, sir.

>> Mayor Adler: Yes, Ms. Gallo?

>> Gallo: This is an example of public engagement at work already. I have been receiving emails from district 10 constituents as we've been having this discussion. And the grammar police have e-mailed me and said there's a few corrections we need to make. So if I may, on page 6, lines 2 and 3, the comment was that that first sentence was repetitive. And the suggestion was that it read: The chair shall place an item on the committee's agenda because the chair would also be part of the committee. And number three would cover any items that the chair may want to put on the committee agenda.

>> Mayor Adler: It's been moved to on line two -- do you see this on page six of 15, to delete the words may place an item on the committee's agenda. Any objection? So it would now read the chair shall place an item on the committee's agenda.

>> Mayor, my question is can the chair unilaterally place an item on the committee's agenda with this change?

>> Mayor Adler: The committee chair can unilaterally place an item on that person's -- on his committee's agenda.

[3:09:52 PM]

>> Casar: Because the chair is a member of the committee. Thank you, sorry.

>> Mayor Adler: Any objection -- to that grammatical correction.

>> I think as a legislative drafting measure, the language as is is preferred because it makes it clear that the chair has discretion to act on its own. It could be implied in the other way that he had to wait for a request from another member of the committee because he's in that paragraph being referred to as the chair, which is distinguishable from another member. So I think as a legislating drafting convention it's preferable as is. The may imparts that he has discretion on his own. The shall imparts a duty to him on the other conditions stated. So a lot of times legislative drafting is not literature, but it's meant to reduce all possibility of ambiguity, not to be beautiful.

>> I would have to agree with that.

>> Mayor Adler: Point well taken. Do you withdraw the --

>> Gallo: I do. There is one other grammar comment, if I may, please. On page 11, line 9, towards the end of that line it says, when an item is that has been reviewed. The suggestion is that is is removed.

>> Where is this?

>> Gallo: Page 11.

>> Casar: If I may, we've made an amendment to strike that entire section.

>> Gallo: Did you already?

>> I'm not following where this is.

>> Casar: Sorry. On page 11 of 15, section G, we have -- we have a pretty -- it seemed to me that everybody was going agree to an amendment to strike that entire section. Page 11 of 15.

>> Mayor Adler: Let's fix the typo and then we'll come back. So can we fix the typo in G?

[3:11:55 PM]

>> So which of the sentences is it in?

>> Gallo: It's line nine towards the end of the line.

>> Posting for the item should state that the item has not been reviewed when the item -- ah. So the word is comes out.

>> Gallo: Thank you.

>> Thanks. Always good to have people spot typos.

>> Gallo: Thank you for the grammar police from district 10.

>> Mayor Adler: No objections to that change, that change is made. So that gets us back then to we've now gone through the committee section. The next change is 2-5-105, committee meetings. It talks about posting, it talks about meeting, it talks about the quorum majority being able to act, it and talks about staff liaison notifying councilmember about matters in their property, it talks about the assistance of staff, the final committee report, letting the board or board chairs designee participate. Are there any --

>> There weren't any amendments to this.

>> Mayor Adler: There weren't any further amendments to this section 105.

>> No.

>> Mayor Adler: There's been a move to the changes in 105. Does anybody second those, the redline changes? In discussion? No discussion. Any opposed? No opposed?

>> Kitchen: We don't need to move for each one of these individual ones because they're part of the ordinance before us.

>> Mayor Adler: Thank you.

>> I'm not clear on what we're voting on, I'm sorry.

>> Mayor Adler: That was my mistake. We weren't voting on anything. That's the base motion and I started picking the base motion in pieces and I shouldn't have done that. So the next change to the base motion that we want to discuss I think comes about in 2-5-26 -- this is page nine of 15.

[3:14:14 PM]

>> Shall I go forward with mine then. >>

>> Mayor Adler: The first one I get to is Mr. Casar in subsection c-2 Mr. Casar was moving that that language be amended to read provide tricycle mail notification, electronic mail notice of the draft agenda or council committee agenda to any citizen. So the concept here was to provide for electronic notification of agendas for people who have asked for that notice for committees. I'm on page nine of 15, line sticks.

-- Line six.

>> So on C 2.

>> Mayor Adler: C 2.

>> And the proposed change is?

>> Mayor Adler: To provide electronic mail notifications not only to draft council agendas, but also to council committee agendas.

>> This part of the code I

[3:37:31 PM]

>> Mr. Zimmerman, I concur with councilmember's Houston comments she just made. The idea you want to get a balance of opinions, the way it is written, I could come up with 20 people, all in one position, sign up as neutral, you hear 20 opinions all -- all in one direction. Yaw unless we do something to maybe fix the neutral speaker provision.

>> This may be a wordsmithing thing. Unlimited public comments should be taken before councilmembers, that's not consistent with the rest of the language and the concept throughout the ordinance. The concept was that the four -- if you had a request from four councilmembers, for allowing public comment, rather than unlimited it would be -- they would design it. Basically the next sentence, the method in which it will be taken discretion of the council, more the concept that the ordinance is written around. I think in a perfect world we have unlimited debate at every stage of the process. As we go through this campaign, there were a lot of people that were reacting to the way council meetings have been held in the past. A strong desire I know from the constituents that elected me to make real fundamental change, but how government deliberated.

[3:39:41 PM]

Auto lot of people expressed frustration about giving the forum, opportunity to participate in a council meeting and almost seemed disingenuous many times, while they were being given the opportunity to speak, they weren't given the opportunity to impact what is happening. Some occasions, yes. Most of the times made in earlier conversations with councilmembers or as they read through the proposals. There's no perfect solution to this. There's no the a way to give everyone the opportunity to debate fully at every stage of the process. As we begin this, we're starting to make tradeoffs and suggestions and ways to make the process better. As we began this process in talking about what we were doing and quite frankly I see this section as being at the core or the heart of what it is that we're doing, is that we said we were going to give the public the opportunity as -- as it is today, in front of the council, but to move that to council committees, because that's where the work would be more meaningful. That's where their input would be more meaningful. And just like if someone wants to speak once, I sure hope we're steering them to the council committee to speak because I don't want to deal with the frustration and anger from people who show up at a council meeting and express frustration the way they have in the past about participating at that level. So I think the message that we need to send needs to be very strong and very clear and very unambiguous that the real opportunity to impact what's happening in this community occurs at the committee level. Not at the council level. I think there are exceptions to that rule. There will be times when we want to have a debate in front of the entire council, regardless of whether people have established their positions or not.

[3:41:42 PM]

Because it's important to make a record. Or because it's important to have that last hearing in front of the community. There will be times when we will do that. So it was important for us to allow for this council to be able to do that. To be able to say this is the exception, this is this other opportunity when we need to do that. We could have set the bar to do that, that is a super majority, something over the majority, because it runs counter to the kind of mandate and suggestion that we are making, but we decided we wouldn't do that. We could have said it at -- we could have set it at a simple majority to do that, even though it runs counter to what we are intended to do at our core. But we said, you know what? If a third of the council, less than the super majority,
>> What's appropriate and what's not appropriate to do.

[3:43:42 PM]

I think a lot of the people are weighing in, saying I have to speak to the council, that's what we know, that's the experience, that's always been the opportunity to people to address the full council. I understand that. But would he moving to something different than that. Again, I sure hope for the -- for the benefit of the city, that we get that public input and participation that -- at the committee level, because that's where we're going to find the real common ground, that's where these things are going to be forged, that's where we're going to move this community forward. And I don't want to make it ambiguous. Now, I have heard a lot, as have you, from the community this week, from those folks, but I have also heard from many, many, many people that say I applaud what you are doing and I like what you are doing in terms of sending people to the committees to debate. So we have a community that is

equally verbal, although different communities in different places, but community in this city that are equally verbal to me with respect to how that happens and ultimately, we're going to -- you know, succeed or fail based on the calls that we make. I hope that we are judicious and wise when we are deciding with respect to the council when we have debate and what kind of debate that is so that we meet the needs of the community. I pray for us that -- that wisdom. I said, recognizing where we are. If Ms. Garza's proposal wanted to go forward and we said we wanted to have some measure of discussion or debate as a matter of form, then I would support that, even though it runs counter. I would probably support that, but I would want it to be limited. And I would not want it to be 20 minutes to 40 minutes because then if we have multiple things on the agenda, we're back to where we are right now and that's exactly what we were asked to deal with and address.

[3:45:55 PM]

So if we were going to do that, one, I would want the word unlimited to come out the change that you make, because I want us still to never have that. We don't have that now. I would want this to be significantly more limited in terms of what that immediate debate is than what's being shown because I think that's what we were asked to do. Sorry to talk so long. Mayor, as someone who probably wouldn't be on this dais, change the way that council is thinking about an issue, this debate has been churning sort of in my mind when I go to bed and wake up, ever since Thursday and even before that. At the workers defense project I would sometimes pull 70 hours a week, the week of the council meeting, to bring citizens that of on February times that wouldn't come to council to come speak before council and that was the way we got a really good things done. Got things done for working people. I will be the first to admit that it wasn't the perfect way to get things done and that there could be a better way. And I'm willing to -- to try something new and I know that it's -- it can be scary for folks, but I'm willing to try it out. One thing that I wouldn't be willing to try out is -- is a change that would reduce the ability for public input because there's more of us, so we should be able to take in more public input from more different parts of town. I don't think that this proposal as a whole reduces it. I think it greatly enhances it and you can see it by the mock calendars that were created at work session of how much extra time we're going to be meeting with the public, taking public input and the idea being that if we work in smaller groups, we can engage the public more, even if it's not all of us at once, but if there's more of us then hopefully we can get more work done.

[3:47:59 PM]

So I think that I take this -- this whole issue as an earnest attempt to increase that public input. The issue at hand if we add committees, if we add that time we're taking public testimony, we also made so many promises to work on so many other issues, where is the time for us as people, I think it was someone from I forget her name Jennifer, I forget her last name who came and spoke to us near the end of last Thursday's public input session who says you guys are still humans, where's the time it's going to come from. I appreciate that councilmember Garza -- I think that I am inclined and would want to vote to allow some time for people to come and speak in fronts of the whole council, whether that is to make a statement or if there's last minute information coming forth for them to be able to make that move and

I don't think that we need to set the limits as broad as they've currently been set. And so I would -- I would offer up an amendment to -- to let an item be considered by the full council, or let people speak in front of the full council, but that it be 8 speakers, four on either side, for two minutes and of course council retains the prerogative of calling up any additional speaker, making any motion to increase that amount of time. We could perhaps announce councilmember Zimmerman's concern by gaining, neutral

[indiscernible], I think if that is happening, I think it would be apparent and the council will address it. I think from my feeling of the council, I do not know if this amendment as written now would pass but I hope that perhaps if my change is seen as friendly, I hope this whole council would consider it with those changes, I also want to restate we have talked about consistently within six months doing a hard stop and looking at whether this whole process and this whole change worked.

[3:50:07 PM]

I will be the first to hope that we make things worse instead of better. I don't know if things are going to get better or we could try. If this method does not work, whether this amendment passes with 20 or with eight or doesn't pass at all, I know many of my colleagues will be looking really hard whether these changes work and what tinkering and if we scrap the whole thing. This is a sincere attempt to increase public engagement while still being able to function as a council. My best guess is eight speakers at two minutes is a good compromise.

>> Point of order?

>> Was that considering a motion? The -- to amend to change it to -- to 8 instead of 10? 8-4 against, would you make that motion?

>> I would make the motion to change it up to eight speakers for two minutes each with four speaking slots allotted and speakers in favor on either side. So, yes, eight. Whether it's 20 and 4 where it states 10.

>> I'll second that.

>> Mayor Adler: Okay, offered as a friendly amendment. Is that something that you accept, representative Garza, it's been accepted.

>> Quick question. Does that then make the word unlimited extraneous? It the last word that's underlined. I would like to leave that up to councilmember kitchen, I think this second section has something more to do with something we discussed earlier, so I'll leave it up to you.

>> Mayor Adler: So --

>> Should I go ahead?

>> Mayor Adler: Hang on a second. Ms. Garza, he's changed the 20 down to eight and then the 10 down to four, in those places. You heard earlier the conversation about the word unlimited. Does it meet your intent for it to not have unlimited but to say beginning with public comment shall be taken at the further public comment?

[3:52:14 PM]

Shall be taken at the request of four council members and then continuing on the method in which this

comment shall be taken will be at the discretion of the council.

>> Yes. My mic is not working, but yes.

>> Mayor Adler: Okay. So the language on the floor, let me see if I get this right is for an item that is being considered by council committee up to eight speakers shall be allowed to speak for two minutes each, with four speaking slots allotted for speakers in favor and four speaking slots allotted for speakers against items assigned on a first come-first serve basis, a speaker signed up as neutral counts towards the total of eight speakers allowed. Each neutral speaker is counted oning a alternate basis with the four speakers in favor and the four speakers allowed against.

>> Mr. Mayor?

>> Mayor Adler: Public comment -- let me finish. Public comment shall be taken at the -- at the further -- I'm sorry, further public comment shall be taken at the request of four councilmembers. The method in which this comment will be taken is at the discretion of the council. Then the remainder of this section only applies to an agenda item that has not been considered by council committee. Is that your understanding?

>> Yes.

>> Okay.

>> Mayor Adler: That is the motion. The amendment that is on the floor as we sit. Mr. Zimmerman?

>> Zimmerman: Sorry, I was going to ask if we could divide out the number of people and -- you have captured it all at once, so too late.

>> Mayor Adler: Any further discussion on this section?

>> Mayor, I have a point of clarification.

[3:54:17 PM]

The -- where it says further public comment shall be taken at the request of four, is this in conference -- [multiple voices] -- To the opening of a public hearing with a time certain? Or --

>> Mayor Adler: It would be whatever rules we --

[multiple voices] Your earlier amendment that you put in at the work session, yes, it would relate back to that.

>> Because my concern is putting it here in the same paragraph, I'm not a lawyer. Makes it sounds like further public comments beyond those eight speakers would require four council votes. Seems to me to be in reference to the sentences beforehand rather than being sort of a separate procedure that we would take before the council meeting to set up its own public session. Its own public hearing. Does my question make sense?

>> I hear it. If we begin that sentence by saying -- separately -- any further comment shall be taken? Does that get to your deal? Okay. So it would be then separately any further public comment. It might be language not needed but it would certainly Claire for someone that was reading. Okay? Ms. Troxclair.

>> Troxclair: I'm just thinking about because councilmember Casar did such a good job laying out the struggle that we're faced with this new structure, and I have heard so much positive feedback on the proposed structure from my district from people who aren't able to be here at midnight.

[3:56:19 PM]

And who really embraced if committee structure because it gave them a more predictable time to participate in city council discussions. But I also understand the -- the scaryness of trying something new and the feedback we've gotten in regards to giving public testimony in front of the full council. I just -- so the proposal that we're looking at I guess right now would be up to 16 minutes per item in front of the whole council. When I think about the city council agendas that frequently exceed 150 items on an agenda while 16 minutes does sound like a long time on its own, I am wondering if we will find ourselves here at midnight.

>> Mayor Adler: Do you want to make an amendment to change the time for speakers?

>> Garza: I'm stick thinking about it.

-- Still thinking about it.

>> Mayor Adler: Ms. Houston.

>> Houston: I see this as a fail safe that is the rule but the exception to the rule and I think that's what people are asking for what is the exception to the rule. I think most people will go to the committees because that's what they have complained about giving input early in the process but there needs to be a fallback position. There may be a time when this happens, but it won't be every time, I would suspect.

>> Mayor? Can I comment?

>> Mayor Adler: Yes, Ms. Garza.

>> Garza: I don't disagree with anything the mayor said or councilmember troxclair has said, I think it's a new system, we need to try it, but I think it's best to err on the side of allowing more opportunity for more rather than less, and I think that if this works the way we want it to work, then we will see that they went to the committee level, which I too hope that -- and I agree that the -- possibly the meaningful discussion will always happen at that level and I'm so glad that we're giving that opportunity to happen at that level.

[3:58:47 PM]

And if this works the way we're hoping it will work, there won't be that need for people to feel they have to come before the council. They will feel heard. And at the same time if we look back at this in six months and we all recognize that the people that came before council, there was obvious duplication in the comments, it didn't really change anything, then we have the opportunity to change it six months from now. But I just -- after hearing people come and speak to us and it's hard for me to decide what's best for them, I really want to take their feedback into account when -- and that's what led my motivation to make this amendment.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I agree with what everyone has said. The bottom line will be I will be supporting this and that's because I see it as a fail safe, as councilmember Houston described it. I share the mayor's hope that we will be able to demonstrate that the committees is the place where the meaningful input takes place. I think this might give a little measure of comfort to those that are used to doing it the other way. I mean, I have also received a lot of comments from members of my district that don't participate in council meetings because they are concerned about the fact that decisions are already made at that level or because they can't get here. But I think that this kind of approach does -- does recognize the

concerns of those who feel like it's important to have that kind of fail safe. So I think, you know, I think going forward it's all right. I think we should make that available to the public and recognize that it's not the only way that people have to speak in front of the full council.

[4:00:49 PM]

We are still maintaining citizen communication, we have not changed that. We are preserving the opportunity for even a longer, more complete public hearing at the request of four councilmembers, and then we're putting in place this hearing process in front of council committees. So I think we've allowed for and provided for and preserved multiple ways for people to speak to all the councilmembers. And so I think that's important, but I do feel like I can support this.

>> Mayor Adler: It's almost 4:00. Mr. Zimmerman.

>> Zimmerman: Is there anyway way we could put the amended motion up, type that and put it up?

>> Mayor Adler: Let me read through it one more time. For an item that has been considered by a council committee, up to eight speakers shall be allowed to speak for two minutes each with four speaking slots allotted for speakers in favor and four speaking slots allotted for speakers against the item to be assigned on a first come, first served basis. A speaker signed up as neutral counts towards the total of eight speakers allowed. Each neutral speaker is counted on an alternating basis toward the four speakers allowed in favor and the four speakers allowed against. Separately, any further public comment shall be taken at the request of four councilmembers. The method in which this comment will be taken is at the discretion of the council. The remainder of this section applies only to an agenda item that has not been considered by a council committee.

>> Mr. Mayor, I would like to call the question.

>> Mayor Adler: Is there any further debate? Seeing none, let's move to a vote.

[4:02:51 PM]

All in favor -- all in favor raise your hands. It's unanimous on the dais. Any further debate on any further amendments -- I'm sorry, any further amendments to Ms. Kitchen's motion? Ms. Gallo.

>> Gallo: There seems to be a little bit of confusion with the committees we've left unattached and the ones we've combined. Could we -- could we just verify that list?

>> Mayor Adler: Okay. We have combined the audit and finance committees. We have combined the planning and --

>> No, no, we didn't combine.

>> Mayor Adler: No, we combined the economic opportunity committee and the technology committee.

>> And we deleted --

>> Mayor Adler: And we deleted 13. We deleted 13, combined 11 and 12 and combined 1 and 2. That leaves us with nine committees and one standing committee, uncommittee of the whole.

-- One committee of the whole. Okay? Is everyone prepared to vote on this?

>> So the motion that's already motioned and seconded we're voting it as amended.

>> Mayor Adler: We're voting on the bill as amended. All in favor please raise your hands. Those opposed? It's unanimous on the dais. You know, and with that vote, let's vote now, we have a

unanimous vote so we can actually make the committees. Let's vote now on third reading. I think that seven votes would have got even us there, but just to do that in favor of passing this so I can now begin to make appointments. Those in favor raise your hand. Unanimous on the dais again so we're done third reading.

[4:04:54 PM]

You know, congratulations. Congratulations. We went through this campaign all of us over the last year, and again, there were a lot of people that were not sure whether we could ever agree, that we could ever agree on something that was as significant as this. And the fact that we were able to do it in the first month is something that I'm proud of and I thank you all for -- we should all be thanking each other. I'm just really proud to be here. We're now done with that. 4:00, we move to some items on the agenda that were set at this time. We have several zoning cases that are set. Greg, how should we handle the motion in terms of setting things for time certain or what do we need to -- what would you advise us to do.

>> Greg Guernsey. Planning and redevelopment. I suggest I read through all the 2:00 items. They are all proposed for postponement. I'll read into the record the case number and the address. And the date that we would suggest for postponement. It would appear then on the agenda that day. If you make a motion and approve the postponement on those items.

>> Mayor Adler: Okay. Does that mean we have to go through each one, one at a time?

>> Yes, I can go through them fairly quick.

>> Mayor Adler: Why don't you go ahead.

>> Mayor and council, our 2:00 zoning ordinances, restrictive covenant, that's are items closed. First item for consent, 28, C 14-2014-0153, 10301 to 10317 Saldana man drive. Staff is requesting postponement to February 12 agenda.

[4:06:58 PM]

Item 29, C 14-2014-0158 for the property at 5601 durango pass. Staff is requesting postponement of this item to February 12 agenda. 2:00 P.M. Zoning and neighborhood plan amendments, where the public hearings are open and possible action, item number 30, C 14-75-042 rct 1, this is for the property at 5001 durango pass, staff is requesting postponement to February 12 agenda. Item 31, C 14-75-042 rca 1, request postponement to February 12 agenda. Item 32, case C 14-75-042 rca 3, this is for the property at 5601 durango pass. Staff is requesting postponement of this item to your February 12 agenda. Item 33, case C 14-76-083 rca for the property at 5601 durango pass. Staff is requesting postponement until February 12 agenda. C 1484-346 rca 1, staff is requesting postponement of this item at 5601 durango pass to February 12. Item 35, C 14-84-346 rca 2 for the property staff is requesting postponement to February 12. Item 36, npa-2014-0016.01, this is in the govalle neighborhood planning area for the property at 203 Broadway and 2901 east third street, staff is requesting postponement of this item to your February 26 agenda.

[4:09:05 PM]

Item number 37, related zoning case, C 14-2014-0115 for the property located at 203 Broadway and 2901 east third street, staff is requesting a postponement of this case to your February 26th agenda. Item number 38, C 14-2014-0011 a at 3800 Ben Garza lane otherwise known as Garza ranch, there is an agreement for postponement of this item to your February 12th agenda. By the property owner and the-posing neighborhood association. Item number 39 is related also, the Garza ranch, C 14-2014-0011 B for the property at 3510 and 4003 Ben Garza lane, postponement request to February 12th. Item 40, for the property at 801 west wells branch parkway, the applicant in this particular case has requested an indefinite postponement. In cases where there's an indefinite postponement, we do not have a particular date set when this would come back and would require the applicant to pay a renotification fee. There would be notice posted in the local newspaper and notices sent to those property owners, registered neighborhood organizations and utility customers within 500 feet of this property. So staff would offer this for an indefinite postponement of item number 40.

>> Mayor Adler: Why does that one get -- why does that the one not have a suggested date?

>> Because the applicant does does not wish to have this postponed to a particular date. Many times they may be working with a neighborhood, there may be some financial issues that have arisen.

[4:11:08 PM]

Forward for this to come back at a later date we will have to renotify. Item 41, C 14-2014-0041, 10300 Anderson mill road, staff is requesting postponement to your February 12th agenda. Item 42, C 14-2014, 0114, property at 11712 north Lamar boulevard. Staff is requesting postponement to your February 12th agenda. Item 43, C 14-2014-0157 for the property at 8528 burn through 8600 burnet road. Staff is requesting a postponement of this case to your February 12th agenda. Item number 44, C 14-2014-0170, for the property located at 3411 bluejay lane and 13918 hummingbird lane, staff is requesting postponement to February 12th agenda. Item 45, C 14-2014-0175 a for the property located at 2426 cardinal loop, staff is requesting a postponement of this item to your February 12th agenda. Item number 46, C 14-2014-0175 B for the property located at 2411 and 2419 cardinal loom and 2525 east state highway 71 westbound, staff is requesting a postponement of this case to your February 12th agenda. Item number 47, C 14-2014-0178 for the property at 4920 spicewood springs road, staff is requesting postponement of this case to your February 12th agenda. Item number 48 is case C 14-2014-0179 for the property at 1312 and one-half east Parmer lane, staff is requesting postponement of this item to your February 12th agenda.

[4:13:20 PM]

Finally item 49, C 14-2014- 0189, staff is requesting a postponement of this item to your February 12th agenda. And those are the items that I can offer you for consent postponement at this time.

>> Mayor Adler: Does anyone move to postpone the zoning cases as recommended.

>> So moved.

>> Mayor Adler: Ms. Houston. Seconded by Mr. Zimmerman. Any discussion? Is there any objection? Then it passes unanimously on the dais. What about the public hearing and possible action?

>> Mayor, I can offer three of these for consent postponement as well. Item number 50 is to conduct a public hearing and consider an ordinance to title 25 of the city code regarding redevelopment of small or better known as substandard lots. Staff is requesting a postponement of this item to your March 5th agenda. Item number 51 is conducting a public hearing and consider an ordinance amending title 25 regarding secondary dwellings, also maybe known as adus, so that would be a postponement of this item to your March 5th agenda. Item number 52 is conduct a public hearing and consider an ordinance amending title 25 regarding residential uses in the downtown mixed use or D.M.U. District and the central business district in the cbd and staff is requesting postponement of this item to your March 12th agenda. And then I understand we are going to conduct a public hearing in item number 53.

>> Mayor Adler: Okay. With respect to those first three, 50, 51, 52, it's been recommended to postpone to the dates indicated. Is there any objection to those postponements?

[4:15:24 PM]

No objection. They will be postponed.

>> Mayor, the clerk has corrected me. In item 52, that's supposed to be February 12th. Excuse me. Item 52 is February 12th.

>> Mayor Adler: Everybody still okay with the postponements with those dates? Okay. That gets us to item number 53. Ms. Houston, did you want to move to postpone that one as well?

>> Houston: Mayor, what I would like to have is the -- the persons bringing the appeal to have an opportunity to speak before the public, have a public hearing and then I'll make a motion.

>> Mayor Adler: Is there a motion to consider the appeal by Duane Lofton. Ms. Zimmerman moves that seconded by Ms. Houston. We'll now have debate on this issue and is Mr. Lofton here to speak?

>> Houston: Yes.

>> Mayor and council, I see assistant city attorney Brent Lloyd coming up to the dais, and with respect -- normally there is a request for anyone requesting an appeal an item -- maybe not. Normally we would -- staff would then present the case and then you would hear from the appellant and those in favor of the appeal.

>> Mayor Adler: So let's go ahead and do it that way. So the first person -- Ms. Kitchen.

>> Kitchen: I'm sorry. I just wanted to ask a question. So is it my understanding that we're going to hear public comment and then postpone the item?

[4:17:24 PM]

>> Mayor Adler: We're going to close the public hearing on this and then we'll --

>> Propose a motion.

>> Mayor Adler: Is that right, Ms. Houston? All right. Before we begin discussion of this item, are there there any requests the way we handle that. Is there a report from city staff on that issue?

>> Yes, mayor.

>> Mayor Adler: Okay.

>> Item number 53 is to consider an appeal of the planning commission's decision regarding conditional use permit. The case number is spc-2014-0086 C for a project known as the spring dale multi-family

project located at 56015 Springdale road in district area number 1. The property itself is approximately 21 acres and 11.9 acres of the property would be developed for this multi-family project. It consists of approximately four buildings, three buildings would be three-story, the other two would be four to five-story. It is a project that would contain approximately 209 units. There would also be surface parking, water quality ponds, detention ponds, sidewalk improvement and common open space. The existing zoning on the property currently is gr-mu-comn, community and commercial mixed use and a multi-family medium density conditional overlay neighborhood planned district. When this zoning was originally established, it made this use a conditional use. It's not automatically allowed by right and would require the planning commission's action for approval before they could go forward to introduce this use on the property.

[4:19:24 PM]

100% of the units are proposed to be affordable units and they would be for those of the income of 60% median family income in Austin, might be referred to as mfi on that property. The property itself currently is undeveloped. To the north there's an aisd office building and additional green -- greenbelt and parkland. To the south is vacant green land and parkland. To the east is parkland and to the west are single-family residences and a vacant office building. In order to grant the conditional use permit in this case, you are actually standing in the same shoes as the planning commission would in making this decision. There is an evaluation which is on page 3 of the staff report that you would take a look at in order to grant the proposed conditional use. The commission would have to make the determination that the project complies with the title of our code. That's basically the land development requirements. It requires with objectives and purposes of the zoning district. That they would have the building height, bulk, scale, setback, open space, landscape and drainage access and traffic circulation and the uses compatible of the use of an abutting site, that it provides adequate and convenient off sight parking and loading, protects persons and property from erosion, flood, fire, glare, noise and similar adverse effects. And in addition, the conditional use permit may not create an adverse effect on the adjoining site plan that would permit a use that -- that would adversely affect the safety or convenience or vehicular or pedestrian situation including reasonably anticipated traffic or uses in the area or adversely affect adjacent to the location or type lighting or sign.

[4:21:43 PM]

As we talked a little about last week during my zoning primer, you do have the ability to approve, deny or approve with conditions. The land use commission, in this case the city council, since you are arcticking on the behalf on the appeal, you could add to your approval requirements for special yards or open space or buffers, additional landscaping, erosion controls, certain street improvements, vehicular ingress or he agrees, basically driveways -- egress, modify through this approval, addressing signs, the characteristics of operation which would include hours, multi-family family, normally that wouldn't apply, but if you had certainly conditional uses, bars or day cares, sometimes hours might be limited in those cases. A development schedule or other measures to ensure compatibility with the surrounding uses or the preservation for the public health, safety and general welfare. Mr. Dewayne Lofton is

bringing the appeal before you today and he would follow me and my presentation normally. If there are any questions of myself or my staff. We also have transportation staff here. You could ask them now or you could ask them after you hear testimony from the public and the appellant.

>> Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: I would like to ask a question of Mr. Against I.

-- Against I. You said -- against I. You said 290 units.

>> 290 dwelling units.

>> Houston: And the other part you said 21 acres. How much of that is parkland?

>> There is -- the site is 21 acres. They are planning to develop 11.9 acres of that and the remainder would be left as green area.

[4:23:45 PM]

There's a site plan that's an exhibit to your backup that shows basically the development on properties on the front, on Springdale, and with that would be left green.

>> Houston: So on the site plan, the P is park and dash neighborhood plan?

>> The area that is zoned P, np, which stands for public neighborhood plan, that is the parkland area. Or it could be land also occupied by the aid.

>> Houston: Okay. Thank you.

>> Mayor Adler: Okay. No questions or discussions at this point, we'll go ahead and have the appealing party come forward. Mr. Lofton. Mr. Lofton, how much time do you think that you want? Would five minutes be sufficient or do you want more time?

>> Five minutes should be sufficient.

>> Mayor Adler: Okay.

>> For me to walk you through this.

>> Mayor Adler: Please proceed. Great.

>> Good evening or afternoon, mayor, council. Having spent the last six months in the community with you guys, it's an honor to be here speaking before you. And I'm very proud of what you all achieved and I'm looking forward to you all doing some great things here in Austin. This appeal was filed on behalf of our neighborhood association. I'm -- well, backing up, I'm Duane Lofton, president of the pecan springs neighborhood and this was filed on behalf of the neighborhood association. And it's over a zoning case, but really the issue before you is -- is pretty simple. And that is do you have the discretion to honor our appeal request or is it something that the planning commission indicated was an automatic approval?

[4:25:49 PM]

Our position is you do have the discretion to honor our appeal and the reason that's so is typically under the base zoning for this particular piece of property, this zoning case would be an administrative review. So as long as they met all the requirements, they could have built this apartment complex without any involvement from the neighborhood or even our agreement. But back in 2007, we upzoned this

property and during that upzoning, we -- there was a similar proposal being proposed for this specific parcel of land. And at that time we wanted to retain the ability to -- to go back and weigh in on what got ultimately built. And so we pulled the mf-3 out of the base zoning and added it as a conditional overlay to give us that flexibility to, you know, kind of weigh in at a later date. And so because we did that, that's kind of how we got here today but the applicant will lead you to believe that, you know, we don't have that discretion and, you know, this is all kind of a rubber stamping and there's really no need for discussion. But you know, I just wanted to kind of walk you through the land development code and I think if you follow along, you know, my interpretation of what we have here, you will see that you do have the discretion and we would ask that you employ that discretion and support our zoning request. Essentially the land development code, section 25-1-21, that is the section where conditional uses are defined. And within that it says conditional uses are discretionary on a conditional basis. And so if you go back and look at chapter 25-5 where it refers to site plans, you know it talks about -- it actually gives you definitions for those -- discretionary and conditional use.

[4:28:04 PM]

And in there it defines conditional use, but it doesn't define discretionary. And so -- and actually, nowhere in the development code does it define the word "Discretionary." So in absence of a definition within the actual code itself, then common sense would say you fall back on the dictionary and how does the dictionary define discretionary. And the dictionary defines discretion as exercising its own right to choose what should be done in a particular situation. So with that understanding of what discretion is in the development code, you all have the discretion to choose what happens on this piece of property. And we're asking that you use your discretion and make an open decision about whether or not this development should be built. And just kind of back it up a little bit. You know, we've been meeting with this developer now for probably the last six, maybe eight months. And the hope was that we could work out something that was mutually beneficial to them as well as us. Our neighborhood as a stated goal promotes homeownership, and we've made that clear to those guys from day one. That, you know, we really don't support multi-family development, but, you know, if you give us something that we consider to be a community benefit, then we will consider a multi-family development. And on this particular property what we consider to be that community benefit was retail space. And we've pushed them very hard to build retail space into our -- or into this development. Because if you've been out in our neighborhood --

[4:30:04 PM]

[buzzer sounding]

>> Mayor Adler: Why don't you go ahead and complete your

[buzzer sounds]

>> Mayor Adler: Why don't you go ahead and complete your thoughts and there are people behind you who have a kind six months. Why don't you take another minute.

>> You know that there is absolutely nothing out there. There are no sandwich shops, no dry cleaners, nothing. It's a desert from a retail standpoint. And if we are going to allow some property currently

zoned retail to be converted to multi-family, we just feel like we should be able to get some of that retail built into the site because we're giving up a greater use than we stand to gain, especially when you look at the fact that our stated goal is home ownership. And because we couldn't work out an agreement with the developer to build in some retail, that's kind of how the communication bogged down and that's why -- why we found ourselves before the planning commission in disagreement and then here tonight before you guys in disagreement. And I'll be glad to answer any questions.

>> Mayor Adler: Any questions? Mayor pro tem?

>> Tovo: I guess I really just want you to clarify your concerns about it. As I understand what you're saying your concerns are, you -- it is zoned for commercial development. You pulled out the conditional - you pulled out multi-family for -- as a conditional use in the neighborhood plan. So you talked about this intentionally during the neighborhood planning process and there was a real interest in having -- in seeing retail develop on this site.

>> Multi-family was pulled out of this site during a previous zoning request. So it was previously zoned -- when we did our neighborhood plan, this particular piece, parcel, accidentally got labeled public.

[4:32:07 PM]

And so once that was discovered, we worked with the buyer, the owner -- the previous buyer and the owner to correct that. And through the process of us correcting that zoning mistake, then we allowed or we pulled out multi-family from the base zoning that the buyer at that time was requesting. And that's why when you look at how this piece of property is zoned it looks a little funky in terms of how you normally see stuff. You may know better than the rest of your colleagues, but that's the reason that it looks a little weird is because we pulled multi-family out of that base zoning because typically multi-family is allowed as part of that base zoning.

>> Tovo: So do you know what it was zoned before it was is zoned P accidentally?

>> I don't. That was before my involvement.

>> Tovo: But as I understand it -- let me say, are you open to considering -- it sounds like home ownership was the goal. Your association is open to rental on this site if it includes some substantial retail as well because retail is really a goal for -- as expressed in your neighborhood plan.

>> Correct.

>> Tovo: Okay. Thank you very much. Do you have a sense of what that would look like? In terms of the amount of space devoted to it? Or you're just interested in starting a more deliberate dialogue with the owner?

>> We've asked them for, you know, a fair amount of dedicated retail space that we could use to attract like a coffee shop or sandwich shop or some type of establishment that would provide us like a place to gather and socialize.

[4:34:13 PM]

And we provided them some information that we got. Our neighborhood in conjunction with Mueller provided -- conducted a retail survey a couple of years back and we provided them with that retail data that shows the interest in particular retail establishments in that area. But it's their belief that retail is a

non-starter. Like they don't believe that there's enough development -- not development, but enough residents in that area to support retail development. But we have the capability opposite opinion. I mean, there's nothing there. So if you put something that people want, that thing will be overutilized instead of underutilized and that's the point that we've tried to make with them is if you're out in the middle of the desert and you open up an ozarka water store, that place is going to be just packed. And that's exactly what we have here is -- we have a desert where we have no retail. So anything you put in there that's worthwhile will work. But these guys don't believe that because some consultant has told them that retail won't work in that area.

>> Tovo: I appreciate the additional background. Thanks very much.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: Just a follow-up so that I can be sure that I'm understanding. So with regard to the type of retail, is there -- do the neighbors have some specifics in mind? In other words, you mentioned type of retail that the neighbors would want. Can you give me an understanding of what is that range? In other words, what type of retail do the neighbors want?

>> We've provided them with a number of different options, you know, like coffee shops, like a Starbucks or --

>> Kitchen: Does that mean it's a food type of -- is that what the neighbors are looking for, some type of source of food?

[4:36:17 PM]

Just give me an idea.

>> It's a little bit of both. We would like to see some type of food establishment, like a sandwich shop, coffee shop, but then we would also like to see some services. So whether that be like a dry cleaners or some other office space that we feel that the neighborhood could utilize, but without that dedicated space for us to be able to go out and talk to retailers and move them in there. Certainly we don't want to see like a cricket or a pawn shop or anything like that. There are some essential services that we think would work well in that neighborhood.

>> Kitchen: Thank you.

>> Mayor Adler: Ms. Gallo.

>> Gallo: Thank you for being here. I have a question because it seems like over and over and over again we hear the dialogue of the need for more affordable housing units, both rental and for purchase. And so I guess my question is that you have someone that is willing to provide that on this property. And is that less important than providing the retail for this neighborhood, from a neighborhood standpoint? And if it needs to be a blend, then what is the amount of affordable housing units that would be rentals that would be blended into what you're looking for. We keep hearing over and over again that affordable housing is at a shortage so I'm trying to understand the concept of the neighbor and where that fits in your wish list.

>> And I agree affordability is a need throughout this community, not just in this particular neighborhood. And we had actually in the early stages of our discussions talked to them about having some of these low income units that they're proposing kind of coupled with some home ownership.

[4:38:26 PM]

So kind of a condo regime, if you will, where some of the units were owned and some of them were rented. But because of their financing they told us it's not an option. So that's another, I guess, part of point of contention on this project is this particular project is being funded by haca, the housing authority of the city of Austin. And the housing authority has a very tenuous relationship with our neighborhood. There is an apartment complex, a low income apartment complex called Rio liota in our neighborhood and actually very close to this development. And that apartment complex was a blight on our neighborhood. There was a lot of open air drugs, prostitution, crime. You name it, it went on in that apartment complex. And thankfully to the federal government, about seven years ago they redid the floodplain and when they did that there's a creek next to that apartment complex, so a lot of that apartment complex became part of the floodplain. So they had to move all those folks out. So that was kind of a blessing in disguise for us is we were able to address a crime problem and get that particular complex moved out of our neighborhood. And because the housing authority is going to be a major player in this particular development, in the back of our mind we're thinking to some extent that the same thing is going to happen with this complex over time. And so that's why we feel a greater need to - like if there's going to be some degradation of our neighborhood through this low income apartment that we feel like the neighborhood should get some kind of benefit out of it so that as we go forward we can hopefully -- because you have that kind of cross-mixture of easy residents and apartment dwellers, that there's I guess the desire to keep it looking nice.

[4:40:49 PM]

And we had even asked that this apartment complex like have some type of community panel. And we had asked that half of those panel members residents from the apartment complex and the other half from the neighborhood, and the reason that we asked for that was so that when we start seeing issues with crime or them not upkeeping the property, the neighborhood actually has a mechanism to go in there and work with the manager to say hey, we need to address these issues. But that would be very hard for us as a neighborhood association having no formal relationship with the apartment complex to go in and kind of demand that they do certain things on their property. So from the very start we've been, like, very out of the box type thinkers trying to figure out how can we create something that is, you know, inviting to our neighborhood something that is going to blend well with our neighborhood, something that is going to be good for the residents that live there. And we've tried to look as far down the road as we could to make sure that we covered every single base to give that development, like, the absolute best opportunity to work. Because we're not saying it, and I even put it in my appeal. We're not saying this is a bad project. And in fact, if we trust what the developer says, I mean, this project could go in any neighborhood throughout this city. So we're not saying it's a bad project. We're just saying we think we can make it better and we think that in exchange for our consideration that they could work with us, provide us a community benefit and we've defined that community benefit as retail development.

[4:42:49 PM]

>> Mayor Adler: Okay. Mr. Zimmerman.

>> Zimmerman: A couple of things. Mr. Lofton, thank you for coming down. I have one quick question and comment. First I'd like to acknowledge that we are joined from district 6 today by the boy scout troop number 162. Could our young men please stand up and we could recognize you? And thank you guys very much for coming.

[Applause]. I'm going to speculate we have some leaders there, so I thank you for coming. Some of what you've talked about is traffic. We've talked about traffic. So the building project that's going to go in, of course it's going to make the congestion worse. And the congestion generally is terrible for the people living in homes, but it's great for retailers. The busier the street the better, all that storefront gets the traffic. The way I understand it is you lose some of your property value because of the increased traffic. So what you're asking do to make up for some of that loss to your property value because of the congestion, you're asking for retail space in the project that's under discussion, right?

>> Well, we're just asking -- simply asking for retail in exchange for us agreeing with the multi-family use of that property. Because I've stated our number one stated goal in our neighborhood plan is home ownership. I mean, there are already -- I mean, they're taking out ryeio lioto, which was closed several years ago, but there are several low income apartment complexes within our neighborhood. And we don't have anything against low income apartments, and please don't think that we're a bunch of nimby's because we're not, but there comes a point where there's a critical mass. And we think we are, if not already there, pretty close to being there.

[4:44:54 PM]

And so that is why we promote home ownership because -- and again, not a knock against renters because I was a renter at one time. When I first moved out of my house I lived in an apartment for five years. But what you find is whenever you have people that own property, they generally are more respectful to the neighborhood in terms of the upkeep of their individual properties as well as, you know, the general neighborhood. So the more that we can promote home ownership, I think the stronger we make the integrity of our neighborhood overall. And that is what we're striving for. We are literally across the street from the Mueller development. And a lot of the folks that can't move into Mueller are moving into our neighborhood and those folks have very different desires in terms of how they want that neighborhood to look. So we're trying to be very mindful of the changing demographics of not only, you know, this city, but our neighborhood in particular.

>> Mayor?

>> Mayor Adler: Ms. Houston?

>> Houston: Mr. Lofton, just so I'm fair, could you tell people what nimby is?

>> Okay. Nimby -- I don't know who coined the acronym, but nimby -- is not in my backyard.

>> Houston: Thank you.

>> Renteria: Mr. Lofton, if it wasn't to get built, this low income housing wasn't to get built, what would you want there? Because it's not zoned single-family housing. So it's --

>> Yeah. It is my understanding from this developer that if they don't develop this particular project there is 10 other developers standing behind them ready to develop.

[4:46:58 PM]

And I don't know what those guys would propose, but we would be -- whatever it is, we would be having this same exercise with them, going through, looking at what they're proposing, evaluating that against our neighborhood plan, seeing how it meshes, but, you know, that particular tract, it's kind of a gunshot type of tract. So whatever you do there is going to have to -- you're going to have to be very thoughtful in how you develop that tract because it slopes off pretty bad, and that's why this particular developer is not developing over half of the tract because the slope of the land is just so steep that it just makes it almost, you know, not economical to develop. But if we could get some multi-family on that site, like, say, condos or something like that, and they were willing to build in some retail, I think that is something that the neighborhood would support. But we -- it's currently zoned retail and so we just -- we struggle with giving up that retail opportunity in exchange for something that doesn't include retail because we know that there's only a finite amount of space in our neighborhood for development. And if we allow all of that space to be developed out in a way that is inconsistent with our goals and objectives, then we've more or less shot ourselves in the foot. And we're trying to be thoughtful about, you know, how we develop out, especially considering that Springdale and east 51st street are our only two opportunities to really provide for retail because outside of that it's all infill, but Springdale and 51st there's still quite a bit of open land and we think that we can get some of these developers to build in some retail, something that we want -- not like a dollar general, but something that we want, you know, we will be very willing and gracious partners.

[4:49:24 PM]

And we've done that. If you go back and ask the previous council, you know, their opinion of this neighborhood, they will tell you that we have always been very fair in our interactions with developers. And I would assume that that would be a practice that we continue into the future.

>> Mayor Adler: Thank you. Any further questions? Thank you, Mr. Lofton.

>> Thank you for your time.

>> Mayor Adler: Are there any other speakers speaking in favor of the appeal? Okay. Do we have a representative speaking against the appeal? Mr. Suttle, I gave Mr. Lofton six minutes. Is that okay for you?

>> It should be. Under the rules we signed up and folks gave time and I have no idea how much time I have. Personal privilege, right quick. Nico, do you want to say hi to your folks or are you okay?

>> Mayor Adler: Come up and say hi.

>> I've been sitting on the boy scouts talking to them about how this goes. Nico said he would love to say hi to his family. You will be on TV.

>> Um, I'd just say my name is Nico Harris. I'm from troop 162. And I'm just going to say hi.

[Laughter].

>> Mayor Adler: Hi

>> Mayor Adler: Hi , Nico. Hey, you and the guys will remember this because this was the very first meeting of the Austin city council when there were representatives elected from all over the city,

including your representative from district 6. So you should remember this. This was an historic day that you happened into today. Thanks for coming.

>> No problem.

>> Mayor Adler: All right. Thank you.

[4:51:25 PM]

>>

>> Zimmerman: If I could add to that, I hope we get done in time so I can get a photo.

>> I'll speak fast. Mayor and council, I'm here on behalf of the developer of this affordable housing project. And we are against the appeal tonight. There were several things that Mr. Lofton said that we need to clarify. One, this is not a zoning case. It's a conditional use permit. You do have discretion. You can on appeal if he meets the burden that is clearly described in your code and shows that we don't meet a particular code, then you can grant his appeal. We don't make the argument that you don't have the discretion. But he must meet a burden. First of all, thank you for hearing our case. Everybody else seemed to either chicken out or got cut off, and to be honest, we were a little nervous to be up here tonight as the first land use case that you're having. But after watching you deliberate on your other issues, the nervousness now is gone away because you guys are obviously being very thoughtful and measured and I don't have to worry about just something blowing up because there hasn't been any thought given. So thank you. This is a conditional use site plan. What all that means in the code is that under the zoning code that the site plan that would normally be reviewed by the city staff to see if it meets the objective criteria, it gets an additional review by the planning commission. The review by the planning commission is to review those same objective criteria as to whether this site plan meets the code or not. It's objective. I think if you were to quiz your city attorney he will say the only measure that he gets nervous about is you don't get arbitrary when you start looking at different shades of things. And there are criteria. The criteria, does it comply with the code, does it comply with the purposes of the zoning district? Mr. Lofton will tell you it's a gr zoned track.

[4:53:25 PM]

It's not zoned gr. It's gr/mu, and the mu allowed mixed use, which under mixed use allows for multi-family. So we comply with the purposes of the zoning code. The building height bulk scale set back, drainage access, traffic circulation, et cetera, are compatible with the abutting site and the staff has looked at it and we meet the design standards of the city and we meet those code provisions. And that we provide adequate and convenient off street parking and loading and we do that too. So staff reviews it, they make initially their determination and then they send it to the planning commission. The planning commission reviewed it and in the appeal documents, Mr. Lofton says well, we really didn't get much time and we didn't get a whole lot of attention, but in fact the very issues that the neighborhood raised were carefully looked at. It was late at night, but they were looked at. And on an unusual vote of 8-0, the planning commission said it meets the criteria, it meets the code and it should be approved. The appellant raises the issue of more retail. This project started out with no retail in it to start out with. In conversations with the neighborhood, in addition to all the other things that we talked about and

agreed to, one of the things was they wanted the appellant says, a coffee shop. There is a cafe/coffee shop included in this as a result of the neighborhood talks. In addition to that, there's meeting space that we have made available to the neighborhood as part of this space. And finally, as far as having a representative on the board or the governing body of this, we don't have a tenant's council yet, but we intend to and we've offered a seat to the appellant's neighborhood, a seat on that board. So addressing that very issue. Because of the -- it's -- we're not a home ownership project.

[4:55:26 PM]

We are a project that is partnering with the housing authority providing workforce affordable housing to 60% median family income families. The planning commission discussed fully the affordable housing issue. This case did not come with a condition to the planning commission that it be an affordable housing project. It came as a straight multi-family and we talked a lot about affordable housing. The housing commission put a condition on it that we agreed to and that is 100% of the units have to be made available to those making 60% of mfi. And that is a condition that was added by the planning commission as part of their deliberation. It's now been appealed, but from the documents I've seen the appellant has not raised an issue that falls within the criteria for the approval of the -- approval or disapproval of the case. The appellant raises the issue, that well, it's just not what we wanted, but again, it's not a zoning case. It a conditional use site plan. There were other things in the appeal that were raised that the appellant didn't raise in here, but he says in the east Austin overlay it is not -- one thing that is raised is that we -- by code we were not required to do a traffic impact analysis. And people will throw out the term tia. You will hear it forever, traffic impact analysis. If you don't generate more than 2,000 trips, city staff does not want to see a tia or traffic impact analysis. And so we didn't. We don't generate 2,000 trips. However, in talks with some of you, including councilmember Houston, there is a concern that maybe 2,000 trips may be too high. I can tell you we've contacted a traffic engineer. There's not really a traffic impact study that you can do on this, but we can do counts and we will commit to doing counts.

[4:57:27 PM]

As I understand it, if you don't take action today, I hope you don't just -- it would be great if you just said no, we're going to approve this today, but as I understand it, you are going to postpone action on this. If you postpone us for a couple of weeks we're going to have a traffic engineer study the traffic issues.

[Buzzer sounds] We have a letter from the school superintendent in support of this. We have our team here to talk about any issue you want to. We have things loaded up on the computer if you want to look at. I hope we can have a full discussion of this. And I'll sit down. Thank you.

>> Mayor Adler: Thank you. Questions? Mayor pro tem.

>> Go ahead.

>> Tovo: I have a couple of questions, Mr. Shuttle.

>> Mayor Adler: Then Ms. Houston and Mr. Renteria.

>> Tovo: Okay. I'm sorry, I think I've asked you this question at least once before, but could you remind me about -- one of the things I note in the superintendent's letter is that they talk about that it will serve

families and individuals. And as I recall from my meeting back in December with your team, there were very few units that were -- that had more than one or two bedrooms. Could you speak to the bedroom count, please?

>> I can. And I'll get the exact number if they will come up here and help me with it. Generally speaking you end up with mostly two bedroom, right? Dave Noelle is here and he can give you the exact number.

>> Thank you, good afternoon. The exact number that we have is 292 apartments, councilmember. We have 97 one bedroom, 159 two bedroom. And 36 three-bedroom. So I think it's been adjusted slightly since we met in December.

>> Tovo: Would you mind did giving me those Numbers again.

>> Of course. 97 one bedroom, 159 two bedroom, and 36 three-bedroom.

[4:59:30 PM]

>> Tovo: So the preponderance of units are still in the one to two bedroom range.

>> That's correct. That's come out of the market study that we did for the area and the demand that there would be for multi-family units.

>> Tovo: Okay. And when we met just by way of context I'll say that I shared with the representative from the housing authority and with the consultant that we are -- we have a goal in the city of being the most family friendly city in the nation and there's an increasing friend of families with children moving out of the central city. And part of that is because the multi-family housing that's coming online tends to be largely one bedrooms, efficiencies, some two bedrooms, far feature three-bedrooms. So it's just an issue that we're having in the city of having housing that is really appealing to families and children within our central city. And by central city I don't mean just district 9, I mean as it was defined by a previous taskforce. The boundaries were quite large, up to 183, down to I've forgotten where. But in any case, I appreciate the updated Numbers. I'll say that still is a little bit after concern. As we continue to talk about this case. I do want to ask also -- I probably asked you this question when we met earlier. Does this trigger an educational impact statement? And if so, I don't see it in our backup. And if not, could staff remind me why it didn't? Was it because it was a conditional use permit or did the number of units not meet the threshold?

>> To my understanding it did not.

>> Mayor Adler: Would you talk about just for a second what a state educational impact study would require or why -- what is that?

>> I'll defer to staff for details on that.

>> Tovo: I'll offer my take on it. So this is an idea really that came from the community as part of the discussion about keeping -- looking toward how land use decisions impacts schools.

[5:01:38 PM]

And so when there are -- when a project or a code change -- when a project hits a certain threshold of units, the process now would ask the staff, the city staff and the school district staff to provide some information to the planning commission and to the city council, looking at what the impact of that change would be. So if it's a certain number of units, what are the -- it would just provide some pretty

basic information that looks at the schools in the area, what the attendance -- I'm sorry, what the enrollment looks like, are those schools underenrolled, are they overenrolled. So that decision makers can really have the information available that helps assess what that change could do in terms of the schools in that area. Sometimes there are changes that will significantly -- could significantly decrease enrollment in a neighborhood school, sometimes the changes could increase enrollment. But it's really been a great tool. It's a very recent one, but been a great tool in having a dialogue about how the decisions we make here could or might impact our school system and their needs.

>> Mayor pro tem, as I recall, we did not hit the threshold, but also contained in the letter from the superintendent is he's concerned about teachers being able to afford to live in our city. And having a teacher live in the community and teach is important and I recall when my wife before we were married was a teacher, it was very difficult to find a one bedroom that you could afford to be in. So while it's great to say we need a lot of three-bedrooms, some people do, but what will show in the market is most people need two and one's are important for the police, the firemen, the teachers, those types of folks.

>> Tovo: Thanks.

>> What I will commit in the interim, we will look to see if there is information or data out there with the school district, even though we don't meet the threshold of an impact study, we will see if there is data out there that we can address that issue.

[5:03:41 PM]

>> Tovo: That would be helpful. Again, there's not a whole lot of information that comes forward as part of those, but it does provide us with some information about the kind of amenities that will be in the project, which would tell like pools and things that would assess who the occupants might be if this change happens and the project gets built. Thank you.

>> Mayor Adler: Ms. Houston.

>> Houston: Can you tell me, Mr. Suttle, the price points of the units.

>> I'll let Dave do it again, but I believe it was between 800 and 1200: Between 800 and 1200 a month. Which when you think about it is pretty astounding that that's between 60 percent. It sounds like a lot of money.

>> Houston: Okay. Thank you.

>> Mayor Adler: Further questions. Mr. Renteria?

>> Renteria: Yes, Mr. Suttle. I guess I have a different executive summary of the cost. It must have been changed. This one said 88 units, one bedroom at 762. And --

>> I'm having difficulty hearing you. >>

>> Renteria: I have this printout that says you will have 88 units, one bedroom, at \$762. Is that -- is that close?

>> Is that an earlier version? That must be an earlier version.

>> Renteria: So now it's 1200?

>> 1200 is the upper end. So we would have -- and the rents may be 762, 800? It's 800 to 1200 is the rough range.

>> Renteria: Are these going to be qualified for section 8?

>> Section 8? Yes.

>> Renteria: Thank you.

>> Mayor Adler: Ms. Gallo.

>> Gallo: Would you help us a little bit with the occupancy standards for this property?

[5:05:42 PM]

And what I'm wondering is on your two bedroom units, I would assume a family could live in a two bedroom, but I'm not clear if they have two children that are opposite sex if that would qualify or they would be forced into a three-bedroom.

>> Now I'm going to get somebody up here that knows as much as you do about this.

[Laughter]. Is there somebody that can -- from the housing authority that can talk about this? Nobody is volunteering.

>> I will volunteer. I was taking some notes on section 8, but if I can hear your question again.

>> Gallo: I'm trying to understand -- I've got two parts to the question. One is we're talking about rental units for families. Just trying to understand the family makeup that would be allowed to go in the different units. In your two bedroom units would your occupancy standards allow a family of four if the children were of different sexes or would they have to go into the three-bedroom units?

>> I don't have an answer for that. I'm happy to take a look at that, but it I'm not sure.

>> Gallo: The other thing that I think would be very helpful is for us to know the income levels that would qualify for the units. Because I think a lot of times we think of affordable housing units as being low income, where it's actually our workforce income. And so if you could help us with those Numbers too for one person family, two person family, three and four person families.

>> Yes. I'll give you that range that we talked about before, a one person household would be earning approximately \$31,000 a year. That works out to about \$15 an hour. And a four person household would be in excess of \$45,000 a year and I think that's above \$21 an hour.

>> Gallo: Thank you.

>> Mayor Adler: Any other questions? Mr. Suttle?

[5:07:43 PM]

Casar?

>> Casar: This isn't a question for Mr. Suttle, but just a comment. In my district there's a lot of market housing and some subsidized housing that have families with three or four children, including 'cuz cousins or uncles living in two bedroom apartments. So that's the level of need I've experienced at least in my district.

>> Mayor Adler: Ms. Houston?

>> Houston: I'm sorry, I would like to make a motion to close the public hearing.

>> Mayor Adler: Okay. So that you would know -- can you see what the public hearing? Does everyone have that on their --

>> Houston: Is there more people signed up?

>> Mayor Adler: There were three more speakers.

>> Houston: Then I withdraw that motion.

>> Mayor Adler: So let's recognize Ashley Kegley.

>> [Off mic].

>> Mayor Adler: Okay. And then hunter barrier.

>> Also donating time.

>> Mayor Adler: David Noelle.

>> Thank you.

>> Mayor Adler: How many people donated you time?

>> I'm not going to nearly take up that much time that I'm allotted. I'll work on three minutes. I've got some notes. I'd like for potentially this exhibit, sir, to be presented. The exhibit that will come up shortly is the 11 by 17 flyer that we had with the neighborhood at our final meeting with them in October 11th in 2014. So basically a culmination of the work that we've done together. Good afternoon. I'm very glad to be with you here today and I share Mr. Lofton's excitement. As you begin your first term, so thank you. I'm David Noelle, director of development with Ryan companies and the lead on the reserve at Springdale. Ryan companies is a 75-year-old family owned commercial development and construction company.

[5:09:45 PM]

I'm a planner by trade and a graduate of the community regional planning program at U.T. Through our meetings in the neighborhood over six months as Dewayne said which we started in may of 2014, we had various meetings with the development committee and at least two meetings with the overall neighborhood on a Saturday morning. This is the final meeting, presentation meeting, the culmination of all that work. I would agree with Dewayne that really the main issue is retail. I think our interests are aligned. I wouldn't quite use the term bogged down, but what I would say is that retail improves obviously the overall neighborhood. It improves the desirability for future residents, but where we diverge is the market does not support retail at this specific site. We do believe there are four compelling reasons that the reserve is beneficial to the housing community. Workforce housing as you've heard the reserve at Springdale will serve residents in 60% of median family income. For a personal context to this affordability level these residents could be a bank teller at a frost bank, a nursing assistant at Dell children's hospital or potentially an administrative assistant at U.T. The central Austin location, the reserve at Springdale is diplomacy to many amenities, to pecan springs elementary school, to a variety of transportation and transit options and provides proximity to various employers. The quality of development the reserve at Springdale is new construction, follows the commercial design standards, has been permit around smart housing and Austin green building. It includes extensive landscaping at the street frontage and the interior of the development and as Mr. Guernsey mentioned, it does maintain a large green space, a little less than 50% to the rear of the development effectively increasing the overall size of little walnut creek park.

[5:11:46 PM]

The community connection is provided for our residents and neighbors. We are able to incorporate the cafe as a reasonable start to retail and I would say that's a discussion -- as a result of our discussions

with the neighborhood. A multipurpose room will be available for the community to use for group meetings, pta, the neighborhood association and other civic associations. It will have a separate keypad entrance so it can be used after hours. We've provided to include as Mr. Suttle mentioned, a neighborhood representative on the tenant council and distribute neighborhood welcome packets to all new residents. We've agreed to work with the neighborhood and the education service center region 13 on signalization for potentially a crosswalk north of this site at Rogge lane. A lot of this you will see is on the page left. We felt that after our negotiations with the neighborhood, which we true triad our best to document with some type of manifestation of our discussions what we could get to, what we really couldn't. I'll agree with Mr. Lofton, we didn't get all the way there, but we tried our hardest over those six months. Additionally we've just received confirmation that car to go with provide service on state and we're hope hopeful that the reserve at Springdale will be included in future Google fiber connectivity under their agreement with the city of Austin housing authority. In closing I would say that the reserve at Springdale is an exciting opportunity to provide an outstanding development that will create quality, affordable workforce housing in the city of Austin. Thank you. I appreciate your time. As I've said before. And I'm really glad to answer any questions.

>> Mayor Adler: Okay. Any questions for Mr. Noelle? Mr. Casar?

>> Casar: Maybe I didn't catch this. How long would it be maintained at that level of -- rents be maintained at that level of affordability under your professional?

>> So the level of affordability would be maintained for a 30-year period.

>> Mayor Adler: Do you know where the disconnect is? Mr. Lofton was saying that there wasn't a cafe or restaurant or Starbucks or something like that.

[5:13:49 PM]

And you're saying there is a cafe. I'm confused as to whether there is or there isn't. Do you know where the disconnect is?

>> I don't. That was part of our presentation. You can see it on this document right here.

>> Mayor Adler: Okay. Mr. Lofton will be back up in a second and we'll ask him then.

>> Okay. I know that I'll give Mr. Lofton this as well, that the cafe as we've contemplated it, was not acceptable or the level of retail that they would have liked at that specific location. What we've proposed is to provide the cafe as a separate entrance and amenity that's within the welcome center, but having a separate entrance with communal space in the welcome center and outdoor space as well. Hopefully I'm not speaking out of turn for Mr. Lofton. I don't think it was enough retail or enough amenity to be considered a benefit for the community.

>> Mayor Adler: Gotcha, thank you. Any further questions of Mr. Noelle? Thank you very much, Mr. Noelle. What about Nathaniel Bradford? Is Nathaniel Bradford in the room?

>> Yes.

>> Mayor Adler: Do you want to speak?

>> No.

>> Mayor Adler: You don't have to. >>

[Off mic].

>> Mayor Adler: Yes, sir, thank you. Mr. Lofton, would you like to close?

>> Sure. And I'll start by answering your question. So the question was, you know, we're asking for retail and they're saying that this site will have retail. And I guess the disconnect there is we don't consider this to be retail. This space that they've offered us is inside of the leasing office that would be subject to the hours of the leasing office. And to the whim of the manager or management.

[5:15:50 PM]

And what we're asking for is dedicated retail space that has nothing to do with the hours of operation of this particular complex as well as subject to management decisions. If we accept this offer of retail space, it's not actual retail space. It's subject to the hours of the apartment complex, which they've defined to us to be nine A.M. To six P.M. Well, if I live in the neighborhood and I want to grab a cup of coffee on the way to work, I could be at work at 8:00. So a coffee shop opening up at 9:00 does nothing for me. That is true for most of the people in the area. Many of us work traditional jobs so our office hours are 8:00 to 5:00. And if this cafe doesn't open up until 9:00, we're already sitting at work and an hour deep into our workday before this thing even opens up. So it's not a viable solution in our opinion. In addition to the fact that there is the potential that this could be disruptive to the office itself because as I envision it if it's done right, you will have a lot of people coming in and out and there's a limited amount of space in that lobby of this rental office. And so if all the seats are taken up by people coming in there grabbing coffee or a donut, then when a potential resident comes in there's nowhere for them to sit. And the manager says do you know what, this isn't working out for us because my future tenants don't have a place to sit or, you know, there's people in here that are using the internet and we don't have anywhere for our future tenants to sit.

[5:17:57 PM]

So we're just going to discontinue this cafe. And so we wanted something that was dedicated, that was a separate and apart from the retail office -- I mean the management office so that we weren't subject to the whims of management.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: Just a quick question so I can understand the scope of the discussions that y'all have had. You have all had opportunities -- it sounds like you've had some opportunities to sit down and talk. It just doesn't seem like you're that far apart. So I'm just curious about your take on whether you think an agreement could be reached if you all had more opportunity to sit down and discuss it.

>> I filed this appeal on October 22nd. And at the time I served them a copy of the appeal, I said we are open to continued discussions in the hope that we could reach some type of agreement and have obviated the need to go to the planning commission and then now here. They failed to communicate with us at all. Our first communication with them since our October 27th filing was this Monday. So January 26th. So they went several months of not communicating with us and I assumed that was the case because they felt like they didn't need to further engage us because they feel like they have an absolute right to this particular development. And I know that several of them met with several of you guys this past Friday and kind of talked about the project and I'm assuming that because of some of the discussions they had with some of y'all, they decided that hey, it's kind of in our best interest to go back

and start talking to these guys and see if we can work something out.

[5:20:03 PM]

But what they're talking about now isn't kind of moving more toward what we're asking for, what they're saying is they're not going to do retail, but they're saying we'll offer you or allow you the opportunity to conduct a market study on your behalf. So we'll pay for a market study so we can explore the idea of whether retail will work in this area because our consultants are telling us retail won't. But we want to answer that question. And we'll pay for the study so that that question gets answered for y'all. And our position is that question has already been answered. That was answered through the Mueller study. And if anything is true that need has gotten greater, not less.

>> Kitchen: One quick follow-up, if that's all right. And this is again just to understand the scope of the discussions. So it sounds like it might be a retail space that you might be interested or the neighbors might be interested in a small business occupying or some other business occupying. Has there been any conversations with businesses to determine if there is any business that would be interested or available to do that?

>> I mean, we have not gone out and secured any businesses that could immediately occupy this space. Our thinking was we need to carve out the space. I mean, essentially what we're asking for is a mixed use development. Similar to what's going on all over town. I mean, you see it at the stuff at the triangle, there at crestview. I mean, there's example after example of what we're asking for all over town. So that's why I'm just kind of perplexed as to why they're so resistant to what we're asking for when this is being done all over the city.

[5:22:05 PM]

And in fact, it's almost a requirement in many areas. And so we feel like our request is reasonable and I guess that's why we've not kind of abandoned that request because we think it's reasonable. We're willing to continue renegotiating with them, but being mindful of the fact that if we don't get anything close to dedicated retail where it's street front, it's carved out just for retail, not part of the leasing office, if we can't get there, I don't know if we can't talk that it will be beneficial to you. So they seem steadfast in their resolve that they're not going to provide dedicated retail. They think this -- inner office cafe is more than reasonable and we just simply don't see it that way.

>> Mayor Adler: And my understanding, Ms. Houston, is you're going to have some time here and they're going to talk and then it will come back to us for further conversation?

>> Houston: Well, I just -- is it time now? Because I don't have a script. Is it time now for me to close the public hearing so that I can have a few words and then we can vote?

>> Mayor Adler: Did you have anything else, Mr. Lofton?

>> Well, just in closing, I mean, like I said, we're more than willing to work with these guys. We've always made that clear. But I think we're pretty solid in what we're asking for. We think our ask is reasonable. And we would just ask that you support the neighborhood in helping us to bring some retail to an area of Austin that is in desperate need of retail.

[5:24:14 PM]

So they're saying that we haven't pled our appeal in a legal manner. Obviously I'm not an attorney. I wrote the appeal in a period of time in my life when I was very busy with other things and so I didn't have just all the time in the world to sit there and make a true legal argument from a non-attorney standpoint. But I think I put enough information in there, sufficient enough to make the case that we're trying to bring forward today. And I would just ask that y'all support the neighborhood in rejecting this project.

>> Mayor Adler: Do you have a question on whether or not there could be retail from the respondent to the appeal before we close the hearing?

>> Houston: Hopefully my motion will address all of that.

>> Mayor Adler: Okay. Then if there's no objection we'll close the public hearing. Ms. Houston?

>> Houston: I want to thank everyone for coming and listening to this very interesting and complicated case. They have said they will accept the 225 units for people in the moderate income range for something retail and home ownership is another. Both of those things have been summarily said no, that can't happen. We have no data on the retail, but it's an assumption. One of the things that was not being talked about-- because this is the wonders of 10-1 because I know the area. Number 8 on page 4, the adverse effect of safety or convenience, vehicular traffic, once again this is a policy issue that we're going to have to have about the cumulative effect of traffic and traffic patterns on a development.

[5:26:26 PM]

This is one of those places where Springdale is already crowded, Rogge lane is crowded. 51st is going to be crowded. It's gone down from four lanes to two lanes because of the bicycle lanes. So this is one of those cumulative effects of traffic patterns that we're not taking into consideration. And so I want to thank mayor pro tem tovo for talking about the educational impact. And so my motion, Mr. Mayor, is that we postpone a decision on this appeal until March the 5th. That will give everybody a time to, first of all, do a traffic count, not just of the property, but of the surrounding area, 51st past Rogge lane. That we get some information on the educational impact and we also have an opportunity to get some hard data on the possibility of retail space. That's my motion.

>> Mayor Adler: Is there a second to the motion? Ms. Garza? Any discussion on that motion?

>> Renteria: You know, we're really just -- I really support this project because, you know, to me, you know, we complain about not having affordable housing and then we turn around and make this project go through all kinds of loops. And you know, that's what is driving the cost of affordable housing up. We're not really focusing on who we're trying to help. We're trying to help families here. These are families that are struggling out there in the -- in Austin. They don't have anyplace else to go to. We're driving them out of town and we keep delaying that and putting unreasonable -- I mean, come on, public housing and low income housing is not into the retail business.

[5:28:26 PM]

We're not out there creating businesses. I mean, you're asking them to take a big chunk of their

property and turn it into retail? I mean, through the whole history that we have done affordability in east Austin, we end up coming up with these schemes where retail is going to -- we want retail. The millennium center is a prime example of what we went through. We went through this whole process of building a whole rec center in an area where retail -- where the income was so low that it could not support retail and ended up having to pay that loan back over -- every year it was either four hundred to \$800,000 that the government just took the money right out of our pocket and kept it and we couldn't reinvest it into housing, affordable housing. So we really need to -- we really need to take a deep dive on this and we need to do it quickly because we're going to have a lot of other tax credit projects coming up before us and if we're going to be demanding all these added on features, you never know, there's not a market study. You don't have anybody really to be the anchor there at that retail store. So we really need to look at this. But I'm going to vote to postpone it. I'm going to support the postponement.

>> Mayor Adler: Okay. Ms. Gallo?

>> Gallo: In deference to councilmember Houston, it sounds like a postponement probably is in order, but I would question the length of time we would need for the postponement. That would be over a month and it seems like the retail issue is one that probably can be talked out fairly quickly. Would you consider a shorter time period for the postponement?

>> Houston: I think we have the 27th of February is the one that's not -- Mr. Guernsey, am I correct there are only a few cases on the 27th of February?

[5:30:42 PM]

Photography a lot of them on the 12th?

>> There will be continually zoning cases coming to you and public hearing items. I could not say how many are actually going to be on that agenda off the top of my head.

>> Houston: What I'm trying to do is give them time to have a conversation because there's some information that I know because I drive up and down Springdale that's not there. And so I want to give them the time. So if the 26th -- the following is fine, then I'm willing to go with that. But not the 12th.

>> I was nervous about the March date because we have site plans that expire, but we can make the 26th work.

>> Mayor Adler:

>> So your motion to postpone whenever the Thursday is that of week. 26th?

>> I think so.

>> Mayor Adler: Ms. Gallo is that ok with you? Ms. Kitchen.

>> I think I'm understand understanding what you're saying, I want to confirm. Part of the intention is that we urge there be a conversation, I mean, it just appears to me this is something that should be worked out. So I would just urge the folks involved to have a conversation. I think that's what you're saying. If I'm understanding correctly.

>> Houston: That's exactly what I'm saying. The people at region 13 service center are already complaining about the traffic. The rocky lane and the neighborhood has been there for 40 years and they're concerned about the impact of traffic on their neighborhood. And they are willing to have the affordable housing units there, but they need some kind of assistance in doing some community benefit.

>> Mayor Adler: What would happen with this kind of motion, it would be postponed. There's a

expectation that the parties would talk with each other to seek to resolve them. We've closed the public hearing so on the 26th, we would reconvene if there was no resolution, the staff at that point would come back as a resource and at your request cross traffic education, as well as the market study for retail.

[5:33:02 PM]

The public would not be able to sign up to speak, but any one of us could ask members of the public to come up to speak. But otherwise, it would be a discussion for us and then a vote.

>> I have one more comment. You know, Springdale is being used right now because 183 is backed up. Traffic is going to get even worse -- I mean, they're going to start the toll roads where it bottlenecks, but Springdale, I'm guilty of using that because I used to take 290 to my house, when I was working at IBM and it's gotten to the point it backs up to 290 from top of the ridge, so I take Springdale and when I was taking Springdale, it backs up and the airport backs up. You're going to have traffic -- I complain about getting out of this building here at 5:00. But -- I just wanted to let everybody know that that's what we're facing here in Austin.

>> Mayor Adler: Any more discussion about postponing this until February 26th? Mr. Zimmerman.

>> Zimmerman: I wanted to call a question on that motion.

>> Mayor Adler: There's a motion to close debate. Any objection to close the debate on the motion to postpone.

>> I wanted to --

>> Mayor Adler: Sorry.

>> I wanted to add to the discussion before we close.

>> Mayor Adler: You wanted more discussion before we close.

>> Yes.

>> Mayor Adler: Let's put it to a vote, that's a two-thirds vote. It takes eight on the dais to end debate. All in favor of ending debate please raise your hand. Ok. We're going to continue -- we're going to continue discussion. Ms. Gallo and then Ms. Ga Garza.

[5:35:05 PM]

>> Garza: I have a question for staff. What traffic improvements are being done to that area already and what is proposed. The same question I had at the work session about looking at the overall picture of traffic improvements as they are to that area.

>> We can get with our transportation department and get you that information.

>> Garza: Thank you.

>> Mayor Adler: Ms. Garza.

>> I have a question for the people involved in the development. If we're asking for a traffic study, is it -- I don't know if it's a staff question or a Mr. Subtle question, is the traffic study different, we're assuming there's retail and realize or just realize. My guess is if we're saying it's retail, traffic will be higher, is that right?

>> Yes, and I was unclear, I'm -- I did not hear a request for a traffic impact analysis because if that's the

request, that cannot be done in the amount of time we're doing. We'd offer up study in answer to your question, I believe the standard of review would be the difference in retail traffic versus the multifamily traffic and then in addition, we'll do some counts out there to show how both may impact the various intersections.

>> Mayor Adler: My understanding there was not a request and I'm not sure we can make a request for a formal traffic analysis as much as it was that staff was asked to come back to address the traffic concerns and prior to that time, we would have had a deep dive of this issue of traffic, because it's come up yet again and I think there are basic questions we should go through together. My hope is we can schedule that conversation.

>> There's no question that retail has more impact on traffic than realize does.

[5:37:08 PM]

>> Also, Mr. Subtle, people can walk to the retail from across the street.

>> They sure can, but I'll tell you retail traffic is more than realize.

>> Thank you very much. I do call the question, mayor.

>> Another motion to end debate.

>> Second.

>> Mayor Adler: Is there a second. Anyone favoring ending debate raise your hand. It's ended. All in favor of postponing the case until February 26th say aye.

[Chorus of ayes]

>> Mayor Adler: It passes unanimously on the dais and at 5:30, we get music and then after music we're going to have proclamation. And then my suggestion would be that while we're here and have the time blocked out, we go ahead and have the land use conversation that we were going to have. That staff has been wait doing. It's now 5:30, do we want to pick a time certain when we would come back to do that. 6:30 or 7:00? 7:00 to come back? Ok, so we're going to then do live music and proclamation and -- yes? It's ok. Too fast. There are three things left on the agenda to do. Music, live music, and we have the group here for that. We have then proclamations. And we have some folks for that, and then we have the policy -- it's the briefing question on the five questions dealing with land use issues. That we'd ask for and staff is here do that. My suggestion, we're going to -- we kind of had this day set and we can keep backing things up or since they're here and ready to goshes we could reconvene at 7:00 and go through this process. Somebody doesn't want do that, they should speak up.

>> How -- how long are we anticipating the -- the briefing, basically, right?

[5:39:10 PM]

>> Mayor Adler: Right and we have the powerpoint on that, how long do you think this would take?

>> Mayor and council, our presentation may only take about 20, 25 minutes at the most, but this really is a discussion for you. This would tee up a lot of the topics that might be coming in the weeks for your deep dive and we were more of a resource for you for you to have your discussion.

>> So this is not our deep dive. This is our briefing?

>> It's kind of a briefing. If you look at page 8 of the powerpoint, you can see the kinds of questions that

are given -- given rise to by virtue of this presentation, the question is do we want to begin to approach those issues?

>> I think there's some interest at this end of the dais for us to read the briefing and then talk about it next week.

>> Mayor Adler: To do what?

>> To read the briefing and then talk about it next week. We haven't had a time to look at the briefing.

>> Mayor Adler: Ok. Seems to be the general consensus, everybody nodded to me pleadingly and so let's roll this into one of the deep dives we have. We put on the message board calendars to look at that, if we're going to get through the topics we want to get through on the time frame we do as a group, we're really going to have to -- to extend ourselves this next month. Or we're never going to be able to get through these things in a timely way. So if that's the group's desire, then we'll not extend past music and proclamations tonight. And we'll celebrate not being here until 3:00. But everybody should take a look at that and would you look at the days you're willing to sign up for, I would urge you to extend and push yourself with respect to the days you make available for those conversations.

[5:41:18 PM]

Is that ok?

>> Uh-huh.

>> Mayor Adler: At that point, there's not a reason for us to come back, we don't have to come back. So I'm going to adjourn this meeting and invite everyone to stay for music and proclamations if you want to. But without objection -- then this, our first meeting of the 10:00 10-one city council stands adjourned.

[Applause] 🎵🎵

[5:52:21 PM]

>> This four-piece country rock group has been playing playing for enthusiastic audiences at venues likes red eye fly and the red shed and dirty dog and stardust. In 2013, the band released "Hungry ghosts." Please help me welcome dead things don't bleed.

[Applause] 🎵🎵

🎵 [singing] 🎵 🎵 🎵

[5:57:09 PM]

>> Thank you and good night. Say no to fluoride.

>> Hey, guys! Great! Thank you.

>> Thank you. You played great. Let me first begin by reading this proclamation from the city. And then - do you have like a website or where are you appearing next and where can folks buy your music. Here on on TV.

>> Unfortunately, we don't have any gigs coming up, but we'll be coming to festivals in the near future.

>> Mayor Adler: A website.

>> You can look up dead things don't bleed and find us on the web.

>> Mayor Adler: Be it known that whereas, the city of Austin is blessed with many creative musicians whose talents extend to virtually every musical genre and our musical scene thrive because we support good music produced by legends and local favorites and newcomers and we're pleased to support our local artists, I, Steve Adler, mayor of the live music capital -- that's right -- January 29th, 2015 as dead things don't bleed day in Austin, Texas.

[Applause]

>> Yeah!

[6:00:14 PM]

>> Mayor Adler: We also have the opportunity today to recognize some pretty distinguished service from maria shepherd. Marilla, sorry. I apologize. Marilla. Is there other people who are with you today that we want to bring on up?

>> Yes.

>> Mayor Adler: Supervisors or other folks? Let's bring them up. Let me go ahead -- come on up.

>> Jose?

>> Mayor Adler: That way when we have photographs everybody is here. Let me read this and you may want to say something too. All right, so marilla, let me read this.

>> Ok.

>> Mayor Adler: This is the city of Austin, distinguished service award. For 28 years of extraordinary service to the citizens of Austin as a dedicated city employee, marilla shepherd is deserving of public acclaim and recognition. During her tenure, marilla has worked with financial services, obvious energy and obvious water utility and in the past 10 years in the watershed protection department as an administrative assistant to the city's environmental office. And in that capacity she was also the stay liaison to the environmental board, where she was most effective in helping new members learn the board process as well as assisting with agendas, and facilitating meetings. Marilla gave her organizational talents to WPD's diversity committee inspiring others to join, and was a charter member of the watershed's toastmaster's club.

[6:02:22 PM]

One Texas toast and also participated in and promoted the city's P.E. Program and served as a class captain. You've been pretty busy.

>> Yes, I have!

[Laughter]

>> Mayor Adler: You have! This certificate is presented in appreciation of marilla shepherd's years of multifaceted public service, this 29th day of January, in the year 2015. The city council of Austin, Texas signed by mayor Steve Adler.

>> Thank you.

>> Mayor Adler: Let's step on out.

[Applause]

>> Do I get to say something.

>> Mayor Adler: Yes, you get to say something. Let's take a picture real quick.

>> Oh, my goodness.

>> Marilla, we're going to have you speak last. Who would like to speak first?

>> I'd be happy to speak first, mayor. Good evening, everyone. I'm Joe, I'm the deputy director for watershed protection and, you know, retirements are bittersweet. I'm sure marilla is ecstatic to start the next phase of her life, but this is hard.

[6:04:26 PM]

She's a terrific employee and worked for the city for 28 years, we got her for the last 10, but she's such a great friend to so many people. To know marilla is to love her. Her smile -- where is she? There she is. Look at that smile. Her warmth, and really, her inner strength. Marilla was a victim of the onion creek floods and works in watershed protection and we are, among other things, the flood control department for the city and we have a lot of passionate people who want to protect our citizens from flooded and protect our creeks and when the onion creek flood happened, the largest flood on record for onion creek, it was a reminder about why we do our work. And it -- just having marilla in the office, it was really again, just an incredible reminder of the value of the work our department does, but even more so I'd like to say it was a reminder for marilla how we should do our work. Because as -- just the week after, we were amazed, as she was struggling to get on her feet, she was coming to work and you could tell in her interactions with the citizens or the environmental board, that anyone had happened and you're just an incredible person, marilla and we love you and miss you and fair well.

[Applause]

>> I'm going to say a few words, I'm chuck, the city's environmental officer and marilla has been doing this work for about three years and she's the coordinator for the environmental board and my direct assistant and when I got this job, one of the things she told me she said, my job is to help you to succeed and to the extent that I have succeeded in my job and I hope I have, she's within a huge part and we're going to miss her and I'll say more at her retirement party, but I wanted to introduce Dr. Mary gay maxwell.

[6:06:42 PM]

The chair of the environmental board.

[Applause]

>> Well, I can just ditto what chuck said, because she's kept me together and organized and prepared for meetings and I couldn't have done it without her. So marilla, you've been a huge help to me. And I'm going to miss you a whole lot! And the other thing is that it really hit my heart when marilla called me from the pickup truck next morning and they were sitting in the flooded waters and she called me and I said, call 9-1-1, call -- I've already done all of that, and I started really worrying about her because I could just see the truck floating away, but it gave me a real personal connection to that flood and I think you did a lot to raise the awareness of all of us who really thought we were aware, but then when you call from the pickup truck, that really drove it home. So congratulations and I wish you well in the next

phase of your life. And you helped us tremendously. So thank you.

[Applause]

>> Good evening, mayor, councilmembers. Chair of the environmental board, Joe, and chief director, watershed protection. Jose, assistant director, watershed protection. Chuck, environmental officer, Mary Ann, environmental board. My watershed protection family. And all of my friends, I would like to say that my contributions for making Austin the most liveable city for 28 years is one of the most rewarding things I've done in my life, I've helped a lot of customers for so many years and this makes me feel great to retire.

[6:09:00 PM]

[Laughter] I would like to say a little bit about my flood experience with my watershed protection family. We flooded and the drilling starting pumping and the very next day, our sustainable officer called me when my drill was pumping and asked me how I would like a few employees to come and help me. And I went and asked my husband, Steve, he said sure, because we were like needing help. And when they got there, it was so many people in my house, I never had that many people in my house and I was so happy that I shared all my love and passion and good heart to everybody because they truly helped me and supported my family during that flood and I want to thank you again and Tom, Robbie, Tom Frankie, Greg Guernsey, was very helpful and thank everybody and I will truly miss you all. I have about 20 years I can give. I'll do public service and volunteer service and keep sharing my love and heart with the community. Thank you.

[Applause]

[6:11:10 PM]

This proclamation is for national stalking awareness month. And this will be accepted by Gretta Gardner and members of the Austin Travis county family violence taskforce. And some of these folks are my colleagues that I just recently left from my office at Travis county, constable Lopez and there's Gretta and the sheriff's office, and some other folks, officer Mccloud and I don't know you.

>> [Inaudible]

>> And sergeant del Santo. Be it that stalking is a crime and causes victims to lose time from work and experience serious psychological stress and lost productivity at a higher rate than general population and whereas, many stalks victims are forced to protect themselves by relocating and changing their identities and changing jobs and obtaining protection ordered and there's a need for greater public awareness about the nature and criminality of stalking and for the criminal justice system to enhance their responses to stalking by regular training, aggressive investigation and prosecution of the crime. And whereas, the Austin Travis county violence taskforce is joining with concerned citizens throughout the area to promote awareness about stalking, now, therefore, mayor Steve Adler, mayor of the city of Austin, Texas, and I Leslie pool declare February 15 as stalking awareness month. Thank you.

[Applause]

[6:13:12 PM]

>> Thank you, mayor Adler and councilmember pool and the others of the city council. We're here to honor stalking awareness month. We're wearing silver and we offer you silver ribbon pins as stalking is considered the invisible crime. Because stalking behaviors are often misunderstood, and often the behavior may not meet the required elements of criminal statute, and often cooccurs with domestic violence and sexual assault. Technology is rapidly outpacing laws and law enforcement's ability to be equipped to handle these types of crimes. What we could know about this invisible crime, one in four women and one in 13 men reported being a victim of stalking in their live lifetime. 76% of intimate partners have been stalked by their intimate partners. One in eight employed stalking victims L time from work as a result of their victimization and more than half lose five days of work or more. The taskforce is committed to education and outreach and training, so that we can respond effectively and swiftly to stalking in Austin and we thank you for helping us spread awareness here today.

[Applause]

[6:15:43 PM]

>> Good evening, I'm mayor pro tem Cathy tovo and I would like to invite our advocates and staff from the American heart association up to the podium. If you were in the council chambers, you may have noticed a sea of red on the dais and that's in honor of wear red day and it's my pleasure to present this on behalf of all of the women of the city council and I'll be presenting it to Mrs. P.k. Washington. It's my honor to present this proclamation. February 6th is national wear red day and the American heart association sponsors this to raise awareness about heart disease to women and about their risks and to adopt healthy behavior habits and we're fortunate in Austin to have the southwest affiliate of the American heart association working on behalf of our community and encouraging women to get educated about heart disease and adopt these healthy practices. Again, on behalf of the entire Austin city council it's my pleasure to present to proclamation. 90% of women have one or more risk factors for developing heart disease yet only one in five believe heart disease is her greatest health risk and since 1984 more women than men have died each year from heart disease and women involved with the American heart association go red for women movement live healthier lives and nearly 90% made at least one healthy behavior change and women can go red by wearing red and speaking red. The heart association recommends women get their Numbers and own their lifestyle, raise their voices and educate their families and don't be silent. Now, therefore, I Cathy tovo on behalf of Steve Adler, mayor of the city of Austin Texas urge austinitiss to join the fight against heart disease and stroke and February 6th, 2015 as national wear red day in Austin.

[6:18:00 PM]

Thank you to all of you who are here from the American heart association and my colleagues on the city council and without further ado, I'd like to turn it over to Ms. Washington.

[Applause]

>> Hello, I'm P.K. Washington, the Texas classic of the American beauty pageant and I chose to work with the go red campaign and the American heart association because I'm a heart survivor. On behalf of

the American heart association we would like to thank everyone who came out in support and a big thanks to mayor pro tem Cathy tovo and mayor Adler and the rest of the city council council by helping to remote wear red -- February 6th as national wear red day in Austin. Heart disease claims the lives of women every day, that's more women dying every year than any other form of cancers combined. Heart disease is the number one killer and it affects an estimated 43 million women in the U.S. But 80% of the cardiac events can be prevented with education and lifestyle changes. Women involved with the go red for women movement live healthier lives, nearly 90% have made at least one healthy behavior change a third have talked with their doctors about developing heart-healthy plans. Heart disease related deaths in women has decreased by more than 30% over the past 10 years. That's nearly 300 fewer women who died from heart disease and stroke each day. National red day and go red for women movement is not about talking about driving awareness change in individual women and their families. We strive to impact the community as a whole by enlightening, highlighting health disparities and the need for heart research and by advocating for heart-healthy legislation on the local, state and national level.

[6:20:11 PM]

So thank you for going red with you on this particular day by wearing red on February the 6th, the national wear red day and you'll show support for every women. We're help can the Austin American heart association continue its critical work in Austin and across the country. Thank you very much.

[Applause]

>> We're last, but not least. All right.

[6:22:26 PM]

I'm proud to be concluding this historic evening by granting the distinguish service awarded to the restore rundberg initial and those who made it possible over the years and continue to make it a successful it's been an enormous honor for me to get to know the folks involved in the initiative from volunteers to staff to the officers that have been involved in dedicating their time to this work. Just yesterday I had a chance to sit in on the rundberg educational advancement district meeting where we had over a dozen students from local elementary schools and middle schools up and down rundberg lane, talk can about the changes they wanted to see in their community and dedicating their time to work side the city leaderred to making that change happen and not to just point out the issues we have in north Austin, but also to show off the promise and great talent we need to harness to make the area great -- the kind of place those student who's like to see for their futures and I'm honored to grant the distinguished service award for over three years of work to revitalize to the restore rundberg initiative. They're deserving of public acclaim and their dedicated service to the families in the area. And incorporates the efforts of neighbors the community, public service researchers and stakeholder groups for the purpose of developing innovative crime solutions to ensure long-term sustainable solutions and in partnership with several healthcare organizations and working with our police department, mobile walking beats to connect with business owners and residents and children, giving increased assistance to high-need areas. We're pleased to recognizes team for the work they've done and that they will

continue to do for their community and our city as a whole.

[6:24:29 PM]

And I councilmember Greg Casar present this on the 29th day of January, in the year of 2015. Thank you very much and I'm proud to hand the mic over to Erica and commander baker unless the commander wants to appoint one of his other officer to just say a few words. Thank you.

[Applause]

>> Thank you, very, very much councilmember Casar of it's an honor working for you, before you even serving in your current position as part of this initiative. I'm honored to be the chair of the restore rundberg team and I'm on my second team thanks to commander baker's urging for me to continue my service and who says no to a man with a gun? Not me. The university of Texas is proud to partner with initiatives such as these. We're happy to be able to connect to our community in this very significant way. We appreciate the city's recognition of this initiative and we've been working diligently with the Austin police department on this initiative and with all of the community members in the area. I want to thank and recognize in particular, of course, the chief at the obvious police department and say a few words about their good work, but our research partner, the university of Texas, sociology and social work have been great supporters of this initiative and our neighborhood associations in the area have been wonderful to participate on the rundberg team and I hope want forget or restore rundberg revitalization team members and representing higher ed and row berto and my co-chair is with us and the team members who are serving in some cases also a second team and volunteers and staff at the Austin police department who also support this initiative.

[6:26:34 PM]

Thank you very much for this recognition. We very much appreciate it. I'll hand it over to say a few words on behalf of the Austin police department.

>> Thank you, Erica. Councilmembers, thank you very much. We thank you for your participation that you have been with the restore rundberg project, making it continue on. Mayor, I would like to say thank you for the opportunity. We were fortunate the department of justice awarded us with the grant and the team behind me is just a small representation of what we have had involved for the past two years, we're going to go into another -- you have part of U.T. There. Of course, my sworn staff, the district representatives behind there and then community members that -- it's about them. And the success we've had is because stakeholders living in the community and working in the community have come together and said, "We want to make a difference. We're going to make a difference." And they have. And they've stuck through the growing periods. Any time you have a group together you have the dynamics and it's been great because we're now a city in progress. We talked about the rundberg education advancement district, that's to bring pride and we had the kid that's I could have put some of those kids up here on the dais. They were so eloquent. They brought the issues in front of us and did it just like their parent do it and identified. Prostitution, drugs. But really it was about graffiti. It was about trees that are dead and how do we get those taken out and how do we replace them with growing and vibrant trees and how do we get artwork? And I want to say thank you. This has been a collaborative

effort. The city behind us and other departments -- there's so many different departments in the city of Austin that have been a part of restore rundberg, but it's really about the community and their support with us.

[6:28:34 PM]

So thank you very much. Thank you for recognizing us and U.T., the partnership we have and the research, eye going to hope they're going to stay with us, not just for the three years, but continue pushing us along. Thank you very much.

[Applause]

