

City Council Regular Meeting Transcript –3/5/2015

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[1:49:47 PM]

>> Mayor Adler: The room has gotten quiet, which I sense to be the urge for us to begin. So let's do that. We'll begin with the invocation. Today's invocation is going to be given by mark Washington, the pastor of the vision of hope ame church.

>> Thank you, mayor and council. Let us pray.

>> Please rise.

>> Gracious god, we thank you for your heavenly eye that watched over our city last night and again this morning. We thank you for the grace and the mercy of your provision for good weather. We pray now that you will give us a collective agenda that is greater than any individual agenda. We pray, god, that you will help us to see your Devine purpose and your divine love as we serve each other by ultimately serving you. We pray for wisdom among our leaders. We thank you for the public servants who have risked their lives last night to provide safety for our community and we ask that you will ever keep us us -- mindful of your divine purpose and will to love you. We think this and offer this in your name. Amen.

>> Amen.

>> Mayor Adler: Thank you, mark. A quorum is present so I will call this meeting of the Austin city council to order. It is Thursday, March 5th. We are meeting in the council chambers, Austin city hall, 301 west second street, Austin, Texas. The time is 1:51 P.M. We have moved the calendar around, given the day that we -- that we have.

[1:51:52 PM]

We have some folks that have shown up for citizen communication. We have that at a time certain, usually at noon. Some folks have stayed here to participate. Due to the delay in the meeting start, we're going to start with citizen communication. And for those that were unable to attend citizen communication now with the meeting that was put off, they will be moved to an upcoming council meeting so they won't have lost their place in line. So let's begin with citizen communication. Let's see

who's here. Paul Avina. Is Paul here? Monica Hernandez. Monica? Ms. Hernandez, would you like to come and speak to the council? The next speaker will be mark edgette. Ms. Hernandez. You have three minutes.

>> Okay. Hi. Thank you. First I just wanted to say thank you for, you know, giving me this time to speak. I liked how we did the prayer. This is my first time that I'm actually, you know, starting the -- coming to start at the beginning, and I like the prayer. I appreciate that, and -- because I am a follower of god. Okay. First and foremost, I would just like to say I'm here to speak about a lot of things, but I know I only have three minutes so I'll cut it short and I'll come back and speak more. But right now I just would like to say that it's time for a change, and that is the -- that is why I'm here.

[1:54:00 PM]

I have this, and I'll start with this, and this is my -- one of my speeches, one of many that I have, and I'll just share it with you. I have a dream. I believe that we can get along -- I'm sorry -- I believe we can get -- we can all get what we want, coexist, without hurting each other or tearing each other down. I have a dream that one day we can let good overcome evil. Let the light drive out that darkness. That one day love will overcome evil and we'll all be happy, in god's name I pray. Okay. I also have this, and this is a longer speech, and I probably won't be able to finish all of it so I'll just start with it. Okay. My name is Monica Hernandez Mota, and that's -- I guess it could be corrected on there. I come in the name of the lord. Let my people go. Let them be free from suffering and pain they go through seeing their loved ones sick or dying from cancer or any other disease. Let my people go. Let them be free to eat fresh fruits and vegetables without being modified, man-made, or having chemicals sprayed on them. Let's get rid of modifying our food and/or animals unless it is actually helping us or our Earth. Not sure if there's any use in modification, but I know genetically modifying our food is harming our bodies and immune systems, and I don't think releasing mosquitoes into our Earth's atmosphere is the right thing to do without extensive research, not paid for by the entities wanting them made, of course. Let my people go, feel free safe from driving in the streets with their friends and family, free to do as they please, as long as no one is being hurt. Let my people go. Give our children the guidance and opportunity to go to school debt free, doing whatever they feel happy about, as long as it doesn't affect anyone negatively. Let my people go.

[1:56:00 PM]

Show our children at an early age what drugs will do to them and how it will destroy their lives, maybe take them to a rehab and let them see the destruction drugs will do to one's life. Let my people go. Pay our teachers a descent wage, maybe the same as a politician -- maybe the same as a politician, so that they can have the funds to buy the materials needed to teach our children properly. Let my people go. Build more roads, toll free, I might add, to fix I-35, mopac, and other congested streets so we don't have to be in traffic for one hour or more, rushing home to make our family's dinner and work on homework with our kids. Let my people go.

>> Mayor Adler: That was your three minutes.

>> Okay. I will conclude by saying I have more to say. And this isn't -- this is the first but this isn't the last

you'll hear from me. Thank you.

>> Mayor Adler: Thank you very much. Edward sledge, Carol Ann rose Kennedy. Mr. Sledge, I'm sorry. Thank you, Mr. Sledge. You also have three minutes.

>> Mayor Adler, my name is Edward sledge, I'm a citizen of Austin in district 5 -- 7, sorry. I've got some handouts you're getting on the top is this unofficial sort of, maybe, casual-type of poll taken by one of the community newspapers.

[1:58:07 PM]

Which shows that people generally are about five times more interested in traffic than they are anything else. And I think what they mean by that is traffic congestion, I don't think they mean they want more traffic. I think they want less. So, so much for that. I'm here today to mainly talk to you about 2-5-13 in the city code, and it's on the back of this page. I have, it's three parts, the ordinance itself, and an explanation I received from the legal department, from law. And my comments on the bottom. 2-5-13 is a measure to waive -- be able to waive the requirement of three readings of a new ordinance on separate days if there are at least seven or more votes in the affirmative. The measure 2-5-13 was used on August 28th, 2014 when the former city council passed the -- excuse me. The distracted driving ordinance that took effect this year. The distracted driving ordinance effects every person in this community, directly or indirectly, whether they are drivers, passengers, cyclists, or anyone else near the roadway. This was an important safety measure, but was not an emergency by any stretch of the imagination. It was studied from April 9, 2014 to August 9, 2014 and I was on that study group, and was not to take effect until January 1, 2015. No way is that an emergency. The use of 2-5-13 to approve the distracted driving ordinance closed any further discussion by the council and closed any further public input.

[2:00:10 PM]

And there had been very little up to that point. Result, a flawed ordinance which allows people to use while stopped and virtually no public input, no official public hearings, as I said before. 2-5-13 has a legitimate purpose, to enable the city to quickly pass ordinances or other legislation to fund vital services such a police, fire, ems, and other emergency actions that cannot be delayed.

[Beeping]

>> Mayor Adler: You can conclude if you want to.

>> Things that can't be delayed without significant negative impact. And to misuse this ordinance is to violate the democratic process. It's that, in a word. It's to shut the public out of the process.

>> Mayor Adler: Thank you for your time.

>> I hope you'll do something about this and make a better ordinance.

>> Mayor Adler: Mr. Sledge, thank you.

>> Thank you.

>> Mayor Adler: Carol Ann rose Kennedy.

>> Can I go next?

>> Mayor Adler: Yes.

>> Thanks.

>> Mayor Adler: Lisa Whitted.

>> Good afternoon, I'm here to ask the council to include autism benefits for city employees. My name is Lisa, the wife of APD officer Jonathan Whitted, involved in a fatal shooting incident. I'm the mother of two children, two and four, diagnosed with autism. It is difficult to explain how deeply a lack of benefits affected us, especially while in crisis. It's hard to explain what it was like to be home alone with an infant and toddler the day my husband called to tell me he was involved in a shooting. How I strained to listen to the news reports to learn what had happened, and how he came home that day, broken. But I was unable to care for him, because we had a child losing skills and words every day, raging and crying nonstop.

[2:02:16 PM]

Four months later, I was alone at the doctor's office receiving the news our son was autistic and needed intensive therapy. It's hard to explain how we discovered the city my husband had just risked his life to defend was not covering this therapy. We were told to consider a flexible spending account. When I explained the therapy was expensive, I was told he was not there to help me manage my money. My husband, before being cleared for active duty, was pleading to go back and work overtime. He was averaging over 90 hours a month in overtime, never home. I was left alone to care for our children, work with the therapist, try to teach my husband how to deal with the 27th meltdown of the day, relate, and bond with his son. It's hard to explain that even with all the overtime money, we spent our entire savings and maxed out two credit cards over nine months trying to cover the costs ourselves. We felt justified to consider divorce. We waited 18 months for him to be cleared of wrongdoing. Meanwhile, we watched as my daughter began to digress just as my son had, and was given the diagnosis. We found out last week from the media John and the city are being sued. There were times when suicide seemed less painful, but, it's just as hard to explain how the police department rallied around our family, providing funds to continue therapy for a short time. How a local organization, imagine away, agreed to pay for my children's therapy until they are seven because they understand how necessary it is. My 4-year-old son is on track to be in a regular kindergarten now. We were angry and hurt for so long, but through god, our marriage has been strengthened. I recognize his glory in this situation and and my children. We have found a way to give back. Please consider taking care of the families that take care of you by adding this benefit for children with autism.

[2:04:19 PM]

Thank you.

>> Mayor Adler: Thank you, Ms. Whitted, and more your family's service to the city.

>> Thank you.

>> Mayor Adler: Thank you. I would hope and trust, Ms. Kitchen, that that's something that we'll be picking up. Thank you. Carol Ann rose Kennedy. And you also have three minutes.

>> Thank you. Welcome back, council. And thank you all for serving. I'm sick as a dog, but please bear with me, and I'll try to squeeze it into three minutes. When we are successful in collapsing the internal

revenue service, we need to prepare for and expect a great rise in sales tax. Which is monumentally more manipulatable. I wish y'all would relax.

[Laughing] I mean, this is too early in your career. Just relax, please. I have a song that I hope will make you laugh. Here goes.

♪♪ I used to work at irs, among the best who served and then my boss are getting on my nerves in 1991 I looked through trucks of mail that came into the Texas shop through wind and fire and hail by bird, by plane, by Superman or on foot so joyfully by goat, by road, or on bicycle and across the shining sea I earmarked red marcked tax returns with dog bytes, pee, and wine, but the ones from the popes and the presidents felt very bad of swine I wore my hair the latest style, and I walked real fine, talked real straight, and plastered on my smile then I moved downtown on the hill near the capitol how proud I was but humbled when I faced the albino bull through the ok bomb and 911 I lived without a scratch but soon I found the one to fear was right behind my ass she criticized my messy desk, my overloaded voice mail box, my un-road email chore and then it was my tone of voice, the color of my eyes and then my respiration rate could be I'm twice her size the moral to her story is don't give your time in life to federal shenanigans unless you have a wife I gave my time and life to y'all my money and my fun and now I have great news for y'all from your uncle Sam I run thank you.

[2:07:48 PM]

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

>> Houston: The first meeting you gave us flowers and bubbles, and I want to thank you for that.

>> It is totally my pleasure. I brought some more today, but they're not for y'all. I want y'all to give them to your favorite helper.

>> Mayor Adler: Okay.

>> Back behind the scenes.

>> Mayor Adler: All right, thank you.

>> One of them goes to Teresa Cruz, city clerk. Thanks.

>> Mayor Adler: Thank you. Tina Wilburn, Ms. Wilburn. Susan, is -- Ms. Wilburn? Okay. Followed by Susan Granata.

>> Good afternoon, thank you for having me. I'm here to talk about some situations with Austin energy. And I know from speaking with the customer service representatives from them and from with their supervisors that they tell me I'm not the only one, which is, of course, I'm sure common for everyone to hear. I moved into my residence three to four years ago.

>> Mayor Adler: Can you hold the microphone pointed at you?

>> Okay. So, basically, just to try to keep it all short, I'm behind on my bill. And I've been on payment programs. And when they tell you if you're a day late, or a minute late, or a dollar short, then you violated the program, and then you get, like, four chances. My suggestion is, is that if anybody is in a situation like I am -- I am a veteran, I served in the army ten years and worked in the post-office two years and injured my lower back. I'm not able to work as much as I used to.

[2:09:49 PM]

And so anybody in my situation, you have to be very humble, even to speak in front of all of you. But it's also, like I said, not just for me. There's many others in my situation. When you're dealing with Austin energy, they have no compassion, you're just a number. And it's like as soon as you, you know, violate the agreement, even if you make the payment the next day, they don't care. You know. So if there's any way that y'all have any influence with them to let them understand that, you know, they should give you some more flexibility, in that payment program, it would help a great deal of people. I know my lights have already been cut off. They're saying if I don't pay at least half, they're going to be cut off again like tomorrow. And I wouldn't want anybody to be in in that situation. Some people, even if -- they said right now the policy is, it has to be paid, like, half. But if anybody could pay half, why wouldn't they just pay it? I told them the amount I could pay, and they are like this is what it is, speak to city council, and if they change it, let me know.

[Chuckling] Hopefully if you guys can help them to be flexible, work with people on what their incomes are based on, and help them make decisions, you know, based on those matters, not just, you know, this is what it says and this is what we have to do. The other situation, also, I was kind of involved with this, as well. They have a program that provides some assistance for people based on income, but I was on the waitlist just to be in the program for several years. And I finally got on the program. And I don't know if y'all are familiar specifically with what that is, but it's basically where --

[beeping]

>> Can I finish really fast?

>> Mayor Adler: Yes.

>> It's basically where they take a little bit off your water and electricity, and it's equivalent to \$50 a month, maybe.

[2:11:53 PM]

All the years that I've been on the waitlist, even having that taken off of what the bill could've been, the amount I owe would be significantly less. Being a veteran, I would appreciate, and I'm sure a lot of veterans would, people that are lower-income veterans, if there is a way to have a program for them, maybe, that would help them either maybe get into that program more quickly, or to have some of that. If while they're waiting, amounts aren't coming off, maybe it could be backdated for them, so they can more realistically pay what they're owing. Basically, that's the main things.

>> Mayor Adler: Ms. Granata, thank you.

>> Mayor.

>> Mayor Adler: Yes.

>> May I ask the speaker a quick question? I appreciate you sharing this information with us. I think I heard you say that you're being told by Austin energy that you need to come up with 50% of your balance?

>> Yes, ma'am.

>> That was the payment arrangement before the council did make a change. And it was -- so I'm not clear on why you're being asked to pay 50% rather than an equal installment. I see that we have some Austin energy staff here who may be able to assist. I've asked my policy aide to talk with you.

>> Thank you. I appreciate it.

>> Tovo: Thanks.

>> Mayor Adler: Okay, thank you. Jacqueline Perez. Susan Granata, sorry. And then Jacqueline Perez. Sara cook.

>> Jacqueline Perez?

>> Mayor Adler: Yes. Take your time.

>> Good afternoon, thank you for having me here once again. I'd like to express a huge thank you for getting the buyout process started.

[2:13:56 PM]

We're excited and we're very, very thankful. I'm here today to talk to you about the urgency of the buyout. As you know, we're approaching the spring season, and it will possibly bring more flooding, just as well as as it happens in October. And we're still in danger. We're still in harm's way. So, I would like to mention that since we're approaching from a real estate perspective, the high season on the market, the homes that usually -- well, homes usually go on sale around may, they become active listings. Then they continue throughout June and August, and then the season starts to slow down in September. So, if we look at a timeframe as to how this buyout process could potentially get rolling, we would start with appraisals, which would take around 30 to 45 days, pushing us into may. And we could start looking at homes. And possibly move in in June, July, maybe August. And it's very important that we get started -- excuse me -- because there's a lot of people wanting to move here to Austin. So, the residents are trying to look for homes in Austin, as well as the rest of the country. And if we move along as quickly as possible, the people who live and work here in Austin, that currently live in the onion creek neighborhood, could stay here instead of moving to Kyle, and a lot of people lost their vehicles in that flood. So, many of us depend on public transportation. And that is a big reason why we should start looking at the buyout process to begin now, so that way we can begin to be able to take advantage, because time is of the essence during the summer. Another thing is just, please, keep in mind that every day that we live there, many residents, adults and children, suffer from a lot of trauma.

[2:16:00 PM]

Some people died there. Others were trapped in water. I was under debris for a long time, myself. And I was having to save people at the same time, I don't know how I was even above water. But, it's very traumatic. And every time we hear a little bit of rain, it's coming, we look at atx floods, or we look at our weather radios, but it's still not enough to keep us at peace every night that we go to bed. So, if we can still continue with the same momentum that we're going right now, I know that I speak for all of us when I say we greatly appreciate it. And we hope to be out of there as soon as possible, because we really want a place to call home like I mentioned last time. So, thank you so much for your time and your continued support, and --

[beeping]

>> Thank you.

>> Mayor Adler: I'm sorry. Ms. Cook. I'm sorry, it was Ms. Perez. This is something the city -- Ms. Perez, this is something the city is moving forward on. Right now. In fact, item number 14 on today's agenda is

the authorization for the city to move forward. We've been able to make sure the program is going to continue as it did for the folks in the past. And for people that are listening, I anticipate that this is going to be set for a time certain for us to discuss at 6:30 this evening. And I think there'll be translators that are here, present, as well, in case other people in the community want to participate. So, thank you for your comments.

>> Thank you so much.

>> Mayor Adler: I'm sorry, Ms. Gallo.

>> Gallo: I have a couple of questions.

>> Mayor Adler: Ms. Perez.

>> Gallo: Sorry to keep you coming back and forth.

>> I'm so sorry.

>> Gallo: No, thank you for being here, and thank you for your comments. My daughter is a news reporter. She covered those floods, and it was such a tragic, very traumatic for her to see the damage and everything that happened to the population that lived there.

[2:18:01 PM]

My background is in residential real estate. One of the things I'm trying to understand, as we take what we're doing with this particular situation and understand that there has to be equity throughout Austin, is to really understand a little bit about the homeowners that live there. So I have a couple of questions for you, if you don't mind. How long had you been in the house, when did you buy your home?

>> I bought my house actually one year to the date of the flood.

>> Gallo: Okay, all right. When you purchased it, did you get a mortgage loan?

>> I did.

>> Gallo: As part of the process of buying, were you made aware of the fact it was in the flood zone?

>> Yes, I was.

>> Gallo: All right. So I guess my question is, is, as buyers look at potential properties, at the point in time that you determined that that was the house that you were interested in, did you evaluate the risk for you and your family to purchase a home that was in the flood plain?

>> I evaluated the risk based on the limited knowledge that I had of that area. Where I come from, it's a lot of flood zones, as well, but not to the degree of the onion creek area. It's my understanding that everything flows right to it, and it basically becomes a fish bowl and holds water, that's the end point of the water. Where I'm from, floods occur and they recede because maybe little rivers or creeks, it's just lower level. Not to the degree. Some people had 12 feet of water, I had three feet of water. And I bought the home simply because the apartments that I was renting, they were increasing in how much I had to pay, and it was cheaper to own a home. So, the insurance told me, it's okay, we'll cover you. And it was a picture that was painted quite nicely. Not anything -- I would never have imagined what I went through, never. If I would've known that it was like that, I would never have moved there.

[2:20:03 PM]

>> Gallo: So it's a balancing act we have to do. You want to allow people to have the freedom of choice

to choose where they want to live and make those decisions independently. At the same time, it would be helpful, maybe we can do this at some point to know perhaps what the city could help with as people make those decisions so that when you were evaluating that risk, and it's your free choice to choose to accept that risk, that you have the information that you need to be able to look at that situation, because as we know, there's people all over the city that have chosen to buy in the hundred-year flood Zones, and we just want to use this certainly as a teaching example.

>> Yes, definitely.

>> Gallo: Okay, thank you.

>> Thank you.

>> Mayor Adler: Thank you.

>> Oh, thank you.

>> Mayor Adler: Thank you. And now, Ms. Cook. Is she here? Sarah cook? All right, we have now moved through the citizens communication. We have some changes and corrections to our agenda that I need to read into the record. Items 20 and 21 have been postponed to March 26th, 2015. Item number 28 reviewed by the park and recreation board on February 24, 2015. Motion to recommend approval failed on a vote 3-3-1, with board members Roth, osgoode, and glover supporting vice chair fran-sell and board members cassias and Abel against, chair chair abstaining. On the nonconsent agenda, I and councilmember Houston canned requested this be set for 2:00 P.M. Time certain.

[2:22:05 PM]

Since we are now past 2:00 P.M., we'll pick this up at the end of the consent vote so that we can move forward on that. Other time certain items, at 5:30 we'll break for live music and proclamations. At 6:30, time certain, we'll take up the onion creek item number 14. Ms. Tovo.

>> Tovo: I just have a couple comments. I know we're postponed item 21, but I wanted to make a couple comments.

>> Mayor Adler: Go ahead.

>> Tovo: If that's -- we received communication, I think we all did, about lonestar riverboats, and the extent to which they're in compliance with our rules governing sewage disposal and waste removal for marine toilets. If our staff does not have a copy of that, I'd like to share mine. It's very important that we -- that they see the questions that have been raised by two members of our lake Austin task force, which were brought this as an item forward, a recommendation forward that the city increase its enforcement of its regulations regarding marine toilets. And so, that's just something I'd like to see. When this comes back to council on March 26th, I'd like to either see some enhancements in that agreement to make it consistent with our regulations, or some explanation of why those aren't part of that agreement.

>> Mayor Adler: Okay.

>> I met with member of the lake Austin task force, as well, and I share mayor pro tem tovo's concerns. I had pulled this item before was postponed to ask some questions about the waste disposal, and toilets on the lone star riverboat, hopefully we will get that answered before it comes back to council on the 26th.

[2:24:10 PM]

Thank you.

>> Mayor Adler: Thank you. All right, I'm now going to read into the record the appointments and waivers to boards and commissions, which is item number 24, which will remain on the consent agenda. Board nominee for the Austin integrated water resource planning community task force, Perry Lorenz, nominated by councilmember Renteria. For that same board, the nominee Charlene Iurig, nominated by councilmember Casar.

>>> Three waivers, the attendance requirement in the city code, for the service of Brian Rourke on the downtown commission. The waiver includes absences through today's date. Approval waiver the attendance requirement in section 2-1-26 of the city code for the service of Edward Reyes, on the community commission, absences through today's date. Approval waiver the attendance requirement section 2-1-26 of the city code for the service of Alfonso Hernandez, absences through today's date.

>>> The consent agenda today is items 1-27.

>> Mr. Mayor, I do have a question on the waivers for attendance. I'd like to know over what period of time, and how many absences, if there could be some information provided to us before we vote on approving those waivers for absences.

>> Mayor Adler: Okay, do we have an answer to that question? It's on the consent agenda.

>> I understand.

>> Mayor Adler: Can you tell us, do we have that information?

>> I don't have the individual attendance, but it's basically, if they miss three in a row, or one-fourth of a rolling calendar year.

[2:26:12 PM]

>> Mmhmm.

>> So, I'm just getting the information to tell you. So, Mr. Rourke has missed four out of the last 12. Edward Reyes has missed the last three out of 12. And Alfonso Hernandez, seven out of the last 21.

>> That's great. Thank you so much.

>> Mayor Adler: Okay.

>> Houston: I am so sorry, I apologize. I see the promised zone is on the consent agenda. Is it too late for me to pull that?

>> Mayor Adler: No, you can pull it now. Which number is that?

>> Houston: 12.

>> Mayor Adler: Okay. So the items that I see as being pulled -- and people can check me on this. I see items 12, 14, 20, 21, and 26. Not 26. No longer pulled. Sorry. Items 12, 14, 20, 21, 28?

>> 20 and 21 are being postponed, I believe.

>> Mayor Adler: Okay, got it.

>> I think.

>> Mayor Adler: So the consent agenda, 1 through 27 -- so, the the consent agenda, either because they're pulled, or have been postponed, are items 12, 14, 20 -- I'm sorry. 12, 13, 14, 20, 21, 26.

>> 20 and 21 are postponed, so they stay on consent, because you're voting on the postponement.

[2:28:13 PM]

>> Mayor Adler: Okay, the vote is effectively to postpone 20 and 21. Did I say 26 again? Sorry. All right. Let's try this again. The items that are pulled from the consent agenda are 12 and 14. The items that are being postponed and remaining on the consent agenda are 13, 20, and 21. Is that right?

>> Yes.

>> Mayor Adler: I got it that time.

[Chuckling]

>> Mayor Adler: All right, before we take a vote on the consent agenda, we have some speakers that want to speak to some of the items that are on the consent agenda. We're going to begin with Gus Pena, who wants to speak to items 12 and 27. Is Mr. Pena here? So, Mr. Pena has been here three times, and I've messed up each time in not giving him the right to talk at the proper time. And today I've nailed it, and he's not here.

>> Murphy's law.

>> Mayor Adler: Juan, is he here? Okay. That, then, gets us, then, to a vote on the consent agenda.

>> I just need to go on record as abstaining for number three, please. I'm a member of the settlement club. Happily. And we run the settlement home. It's a great organization. It does a great purpose in this community, but I, unfortunately, as a result, need to abstain from that vote, please.

>> Mayor Adler: Okay. Mr. Zimmerman should be shown voting for item number 1, but against items 2 through 8, abstaining on items 9 through 11.

[2:30:23 PM]

12 and 14 are pulled. Showing voting four on 13, abstaining on 17 through 21. And voting for items 22 through 27.

>> Zimmerman: Corrects, thank you, Mr. Mayor.

>> Mayor.

>> Mayor Adler: Ms. Tovo.

>> Tovo: I'm going to abstain on item three. I serve on the settlement home advisory board.

>> Mayor Adler: Ms. Garza.

>> Garza: I'm going to abstain on 26.

>> Mayor.

>> Mayor Adler: Yes.

>> Casar: The same. I'll also be abstaining on 26.

>> Mayor Adler: Okay, anything else? Ms. Troxclair.

>> Troxclair: Is that an appropriate time to comment on items 2-8?

>> Mayor Adler: Yes.

>> Troxclair: Okay. I am going to support these items today because of the conversation we had in work session about the fact that these customers have already installed solar energy-efficient upgrades to their businesses. However, I did want to just let the council know some of the data that I got back so far. So, in the fiscal year 2014 budget -- I guess, first of all, these programs are funded through the

community benefit charge, which is a specific fee on everybody's Austin energy budget, specific line item. And this community benefit charge goes to three areas, energy efficiency rebate, the citizens' assistance program or cap program, and street lighting. And of the money that was collected through that line item, nine -- almost ten million was spent on the cap program. A little over 9 million was spent on street lighting. And over 37 million was spent on solar and energy efficiency rebates.

[2:32:24 PM]

I understand the staff is moving forward with current council practices, but under the current practice, we only get to approve these rebates after the customer as already gone through with the installation. And I, of course, want to make good on the city's promise to those customers, but moving forward, if there is a way for us to send these items to committee earlier, or commit to having a discussion as it gets closer to budget time, or as soon as possible, about how this money is being spent. You know, because it occurs to me that there has been a lot of conversation about the cap program, and the fact that we are really not serving all of the citizens in Austin who need help paying their electric bills, and yet we're spending more than four times that amount on the energy efficiency program. So, I think that there's a balance somewhere in there, and I think it's a conversation the new council needs to have. So I'm going to support them today in hopes that we will willreaddress this issue in the future.

>> Houston: Item 26, show me abstaining.

>> Mayor.

>> Can we call the question?

>> Mayor. I'm sorry, I was busy signing a card. I want to discuss and pull 26 for discussion.

>> Mayor Adler: You want to pull 26?

>> I move approval. I'm sorry, I said call to question, because we were having debate, I thought we had a motion on the floor. I'll now move that we --

>> Mayor Adler: Okay.

>> Approve the consent items with all of the changes that have accumulated to this point.

>> Mayor Adler: I think the changes are, we're pulling 12, 14, and 26 now. And the 20, 21, and 13 are being postponed as part of the consent agenda.

>> I'll second the motion to call the question.

>> Mayor Adler: Is there any further debate?

[2:34:25 PM]

Hearing none, let's vote on the consent agenda. All in favor, please raise your hand. Those opposed. It is unanimous on the dais.

>> 13 is just being pulled by staff.

>> Mayor Adler: The record should reflect 13 is being pulled, not postponed. We're going to discuss that. 12, 13, 14, and 26 are being pulled. Okay, action on discussion items. Before we get to these items, Ms. Houston, do you want to take up at this point the . . . I guess it's item 28 that was originally set for 2:00 P.M. That we said we would pick up after we hit the consent vote?

>> Houston: Thank you, mayor. Item 28, as we all know, is a recommendation from the city staff to talk

about and execute an agreement with the golf course to provide economic benefit to colony park, and to help use that golf course to become an economic driver for the city. And first of all, let me thank everyone who has emailed me or telephoned me about this, and our councilmembers. Because this is a very emotional issue, and it's a very important issue for many people, both inside the community as well as outside of the Austin area. I appreciate your engagement in this process.

[2:36:28 PM]

And before we have the discussion, and I'm sure there will be some discussion, I want people to know that at the end of that conversation, I have a statement that I will read into the record. It's been passed out to my colleagues so that they have information regarding it. But mayor, I'd like to go ahead and have that discussion now so that we have it in a public place. So, do you want me to make a motion to . . .?

>> Mayor Adler: Yes, why don't you make the motion on item number 28.

>> Houston: I see people reaching for their mics.

>> Mayor Adler: Read the motion first. So --

>> Houston: I move that -- I want people to know that I'm going to vote for this resolution, and I ask my colleagues to do the same. So I move acceptance of this resolution.

>> Mayor Adler: It's been moved to approve item 28. Is there a second to that motion? I'll second that motion. Any discussion on item number 28?

>> A point of order, Mr. Mayor. It would probably be a good time to go ahead and lay out councilmember Houston, maybe make the comments and get the discussion started.

>> Mayor Adler: If we can. Do you want -- I'll recognize the speaker now if I can. Does anyone want to address this issue? Ms. Tovo, do you want to start us you have a? Off?

>> Tovo: Not necessarily. I have questions.

>> Mayor Adler: That would be good, are there questions for staff?

>> Tovo: It makes no difference to me. If councilmember Houston, it's not clear if you want to read it now or at the conclusion.

>> Houston: My preference, mayor, is that the questions that councilmembers have are out in the open, and then at that point then I'll read my statement.

[2:38:30 PM]

>> Mayor Adler: That's fine. As we discussed, I'll recognize you later. Does anyone want to start us off? Ms. Tovo, you have questions?

>> Tovo: Mayor --

>> Zimmerman: Thank you, and thank you councilmember Houston. We have spent a little bit more time on this, as well. And I think during the work session there was some interest in moving this to committee. Because when I look through the contract and noticed on page 38 that there was article 18.2 talking about the ability for the city to revoke the license or the concession, or whatever it is, at any time for no reason, it really got me -- maybe the right word is being suspicious, because no investor in their right mind comes up with 20 to \$30 million puts it into improvements that can be lost for no reason. And that's in the context of the contract. I guess the spirit of the contract, which talks about a

50-year lease with some optional extensions of ten years each, such that if the contract went to its entirety, we could be talking 90 years. So, when I put together 90 years, which was kind of the spirit of the agreement, tens of millions of dollars of infrastructure improvements put in by private investors that could be recovered by the city, you know, that could be revoked and lost with no cause, my cognitive dissonance set in and said, "I can't understand this." So, I would favor moving this to committee for some more scrutiny to try to help wrap my head around this. So that would be my first favor. I guess if the motion is here and seconded to vote in favor, I would be -- to pass it, I would be opposed to that, because I'd like to support an amendment later, or a motion later to move it into committee, so hopefully I could get some more of these questions answered.

[2:40:43 PM]

And one of the other things as a councilmember, sometimes you don't know what questions to ask. And so, I've had a lot of people come to me and say, what are your questions? I'm like, I just mentioned my concerns. I don't know what question to ask that would give me the additional information I need to understand the agreement. I just can't understand the agreement, and that's why I'd like to ask this to go to committee for a little bit more scrutiny. Thank you.

>> Mr. Mayor, I can go next, if there's no one else. I have a couple of questions, and a statement toward the end, but not after councilmember Houston, I'll let her go last. I have some questions on the community development and the concession agreement. Maybe staff can answer.

>> Assistant director for the parks department, and Kevin, our manager for our golf.

>> Pool: Great, nice to see y'all. On the concession agreement, if the city desires to catalyze community development, has economic development, neighborhood housing and community development, and other relevant staff partners such as the school district and others completed a thorough analysis to ensure that a high-end golf course would be the best way to leverage decker lake, and this parkland?

>> I'll take a first stab at that.

>> Pool: Thanks.

>> We are talking about the Walter E. Long metropolitan park. We have a master plan in place, last revised in 1978. And with that, we know that one of the visions for the community was for a golf course.

[2:42:44 PM]

At that time, the vision was for a golf course. We're now in a position to enter a license agreement that will not only bring forward a golf course, but all of the associated amenities. You've mentioned some of them. We've done some repositioning for this agreement. Today, we're asking for an authorization to further negotiate the agreement and come to the details of the agreement. And so, when your question concerning the concessions, we'd like to continue that conversation with a partner so that we could get some sense of the full scope and expectations of that concession, as well as really be able to offer you more details about what level of participation any other entity might participate in that. So, I hope that begins to answer your question. Much of the details that I think we may be hearing about, and questions that are coming forward from council today, are ones that we will definitely be able to drill down and get very detailed about once we get authorization to complete the negotiation process. I'll

defer to Kevin and see if he has anything else to say.

>> Pool: Okay. That's an interesting answer. The desired development zone, do we have goals for that?

>> This particular agreement is purely about the park, and an opportunity to develop the park for a golf course.

>> Pool: Colony park did community development visioning process last year with a hud grant.

>> That's correct.

>> Pool: Did that plan anticipate or embrace this golf course?

>> That is a separate plan, and it did not anticipate the golf course, however, the Walter E. Long golf course anticipated it. They're two different plans.

[2:44:46 PM]

>> Pool: Would staff be interested in a comprehensive part of look at this part of town, that would include economic development for colony park and for the city's park?

>> The department is interested in both furthering the discussions on the golf course, and also recognizes that there is a greater community development need for the entire northeast quadrant of the community. We talked a little bit about that in the work session. This is dedicated parkland, and so our focus has been recreation in orientation. And the benefit that it brings in partnering with the Decker Lake Golf Partner would mean that this particular golf course could serve as an initial anchor for spurring economic development in the area. But it's not intended to be the total and be-all for the northeast quadrant of the community. The parks department has participated and is in support of the grant master plan that you mentioned, and we see that they both can coexist. Because it meets the goals of the master plan for the park, as well as development in the colony park area. They would not at all conflict.

>> Pool: Great, thank you so much. I have some questions on water. And then one additional question about economic development. So, on the water? Thanks. I found out in a meeting -- I'm sorry, go ahead.

>> Greg, Austin water utility director.

>> Pool: On Monday I attended a meeting with staff from economic development and watershed protection, environmental officers. And parks folks. And I found out at that meeting that the pump -- there is a discussion about the source of water that would drill down 3,000 feet into the Trinity aquifer and be pumped up.

[2:46:52 PM]

It's pretty hot. Could you talk a little bit, quickly, about how that water -- the water element is proposed to be brought over to the parkland to the golf course? Out of the aquifer.

>> How it would be distributed?

>> Pool: Yeah.

>> Ultimately you'd have to design a system to pump it from the ground, have a transfer pipe, and then get it into the irrigation system that would be constructed with the golf course, it would be a simple matter of designing and constructing those features. I don't know if that's your question, particularly.

>> Pool: There's some details I just wanted to talk about and get into the record. We've heard that the

water that's brackish is 3,000 feet down. My understanding, and what I learned on Monday was that the pump itself, the well, itself would be on private land. Are you aware of that?

>> That's my understanding, too, is that they would drill this well on land adjacent to the golf course area, and then pump the water from the well, system over to the golf course.

>> Pool: How hot is that water when it comes up from underground?

>> 150°, I believe, was the temperature.

>> Pool: How would that hot water have to be managed before it could be used on a golf course?

>> My understanding is they have plans to extract the heat and use the heat for useful purposes. Some kind of geothermal heat extraction system, and then the leftover water would then be used for golf course irrigation.

>> Pool: I also understand there's a certain level of salinity in the water?

>> It's termed brackish water. It would have a certain amount of salt content.

>> Pool: One last question on this portion. I understand there's a portion of the Edwards aquifer, as well. I think councilmember troclair was talking about that on Tuesday.

[2:48:58 PM]

The saline segment of the Edwards is in this area?

>> I believe so, getting into watershed protection, I'm not as familiar with the layers of the aquifer.

>> Pool: I think I see Mr. Lesniak.

>> It is over the Edwards aquifer, the saline portion. It's on the side of what they call the bad water line. It's -- the Edwards there is very saline. They would be going through that layer to a much lower, much deeper aquifer. There's -- between the layers, there's what our geologists describe as an aquaclude, preventing communication between the layers. There's not recharge in that area. In terms of what we are normally concerned about in Austin when we talk about the Edwards aquifer, this is not a portion that we have concerns about, and they would not be using that water. That water, in that area is more saline than the water they would be using.

>> Pool: It wasn't a question, actually, in my mind about protecting the Edwards aquifer, but I'm interested in explaining that our water table and the different aquifers underneath the ground in Austin are many, varied, and in places you don't expect.

>> That's corrects. Correct.

>> Pool: Let's see. I did have one other question for -- you guys can tell me who it will be for, and that is, we are talking about the agreement it can be a walkaway by either party. And we have a well and a pump for the main source of the water on private land. I think it's owned -- and I was curious if he walked away from the golf course, and source of the water, the maintenance water, how does that work with an agreement such as we have here?

[2:51:12 PM]

The city would not have any rights to that pump, or that source.

>> The developer has indicated that would be in presenter duty in the agreement. We're still -- that part of continuing to negotiate and execute would be part of that agreement.

>> Pool: Okay. I remembered the other question I had for you. I understand that this portion of the aquifer is a place where we can store water in the aquifers. Can you talk about that?

>> You may be referring to aquifer storage and recovery. It has a technique where you take a potable water and store it in an aquifer to create a strategic reserve over time of water that you would extract at a later date, say, during drought periods. We did commission a study, approximately 15 years ago that indicated this region would be a likely area where the aquifer structures would be conducive to aquifer storage and recovery, because you can't do it everywhere. There's certain areas that the aquifer needs to be appropriate for that. As a part of our long-term drought and water supply planning, we did revisit aquifer storage and recovery applications. That was discussed last summer at a water resource task force that was assembled, and the utility still has that as an option that it wants to pursue additional feasibility and evaluation work in the future as a part of our water supply planning and diversification steps. But it's all just in a kind of a conceptual feasibility area. It's certainly possible that aquifer storage and recovery applications would one day develop in this region. And just given the amount of city-controlled land in and around Decker Lake.

[2:53:13 PM]

Aquifer storage and recovery has several advantages. One is the water stored there is available as a reserve. That's also not subject to evaporation and other issues. You create this high-pressure bubble deep underground. We identified aquifer storage and recovery as a potential, and included it in an amendment to this agreement on water issues where the developer commits to working with the utility and not in any way inhibiting activities that we would do for water supply planning, both at the surface level in terms of how we may use Decker Lake in the future as an off-channel reservoir.

>> Pool: It's listed for being able to drop 25 feet when the city needs to make use of the water in Decker Lake?

>> Yes. Again, as a part of our drought planning and a more immediate project that could be done in a relatively short period of time, we did identify an application where we would use the water in Decker as an off-channel reservoir during times of drought for either emergency water supply purposes, or for downstream uses that would keep the water in the Highland Lakes. The lake level could drain and move up and down as needed. There's a lot of work to do there before we're ready for that application, including a lot of coordination with Austin Energy, because as currently configured, Decker Power Plant cannot have the lake drop that much. Decker would have to change substantially in order for that to happen. But we do see it as a high potential, maybe upwards of 25 to 30,000-acre feet of additional yield could come out of Decker. We did identify that, had extensive discussions last fall with the developer, and that was included in the amendment that we put together from the council discussions of last fall where they understand that that is the type of activities that could occur at Decker in the future, and they have agreed to take steps to de-emphasize the lake as a part of the golf course.

[2:55:19 PM]

They've agreed to move, for example, their clubhouse back from the lake, to have buffers from the lake. So, I think we're pretty clear contractually about the potential for Decker to be used as an off-channel

reservoir.

>> Pool: Thank you. I would point out to my colleagues on the council, the lake levels out at lake Travis, our major source of drinking water, are at 24%. They're kind of holding their own, because since January, we have had rainfall, but not the event we need to fill lake Travis back up to anywhere really meaningful. And I have it on very good authority that we have essentially two years' worth of drinking water left at this rate out at lake Travis. And if we only have two years out there, and we can't really make rain, I think it is highly of a great concern that we would be doing anything at our secondary source of water, such as decker lake, that we would be doing anything to jeopardize our ability to use that water. And I understand staff is saying that it would be coming from a different level of the aquifer, but I'm not convince that had that would not have an impact on our sources of drinking water.

>>> I have one other question, and this one goes to formula 1, and economic development.

>> Rodney Gonzalez, economic development department.

>> Pool: How're you?

>> Doing well, thank you.

>> Pool: We all know about the debate and conversation that circled around the circuit of Americas coming to Austin and f1, there were a lot of promises for economic development that spun off of that conversation. Austin played a role in that conversation, and the community was well-split between supporting it and not supporting it. I would say the vast majority of folks in the Austin area were against f1.

[2:57:21 PM]

But it was built. And we are dealing with the results of that. Is there anybody here on city staff who can really talk in some meaningful terms as to the level of economic development, such as jobs, the type of jobs, that have come to Austin from f1?

>> I can certainly talk about that. We've got direct jobs that are there at formula 1 during the events that they have. It's my understanding that they hire upwards of 3,000 temporary employees, primarily through goodwill. And they hire temporary employees for each major event, such as X games, formula one, and moto-gp, so, those are the direct jobs at the track. Then, jobs related to tourism. We have examples of small businesses and companies in Austin that ramp up employment during those time periods. So we have a lot of other temporary employment during those time periods, as well. I don't have to tell you this. The hotel occupancy taxes shoot up tremendously during that time period. For the first year, it was estimate that had we received in excess of \$3 million of hotel occupancy tax revenue. The sales tax revenue from formula one is in excess of \$1 million, as well. The circuit track is, so far, they are the fourth-largest taxpayer to the city of Austin, right behind Samsung, St. David's, and parkway properties, estimated at \$250 million. So, the economic impact is there that we have received from f1. I think your question is probably the economic impact surrounding the track. And we haven't seen much development surrounding the track. However, there's a lot of activity, of course, that surrounds the track during the major event.

>> Pool: Mostly people in cars. I understand from people who own property out there, they have not -- there have not been a lot of people coming asking to buy their land, or to build hotels.

[2:59:24 PM]

That's entirely possible that if there were to go through, that we would begin to see the level of activity out there that would have the additional rooftops being built, and then I would be concerned, very concerned about property taxes increasing for the people who live in places like the hills and colony park, and agave. I don't think that aspect happen well-developed at all, you can't walk away from your home because the property taxes went up, you have to be able to sell it if you want to move if you can't afford to pay the increased taxes. That's all I have at this time, but I may have additional questions later, Mr. Mayor. Thank you.

>> Mayor Adler: Thank you. Ms. Tovo.

>> Tovo: Yeah, I have quite a few questions, but I'll start with a couple. A couple times I heard Ms. Wright, and Mr. Mezaros talk about details that would be resolved later. Am I understanding you correctly that today, we're being asked to negotiate and execute a contract, rather than just -- I mean, there are other options there of just negotiating, directing the staff to negotiate. But, I --

>> Cora Wright. We are posted and requesting council grant us the authority to negotiate and execute the license agreement with decker lake. And what we've done up to date is what we consider really as prepositioning. We've been working with the most qualified respondent to our solicitation who has made an offer that is consistent with the parks admission, with the master plan, and it is consistent with the recreational needs to the area. But, we do need to get council authorization to continue those discussions, and ultimately bring back a finished, or a final draft of the agreement for execution.

[3:01:29 PM]

So, if you grant the agreement for us, or the approval for us to negotiate and execute, we can move forward. You do have the option of allowing us to negotiate and come back.

>> Tovo: Yeah. I think that was the heart of my question. And this -- and let me just say, I'm not . . . Well. Let me just begin by saying, I think I heard you respond in answer to some questions raised by my colleagues there were details that still needed to be worked out, but could be if council authorizes you to negotiate and execute. And that simply could happen under other means. If you were authorized to go forward and negotiate, you could work out those details and bring them back for a council affirmation. I heard him answer a similar thing, that those were questions that could still be answered. I don't mean to be misstating your position. If I have, I hope you'll clarify clarify. We are being asked to allow them to execute an agreement. We've been told by two different staff members that those are remaining pieces that would need to be worked out. Let me just say, that's of concern. I don't think if we have issues that need to be worked out, they should be worked out before the council is asked to give you authorization to execute a license agreement.

>> We're posted for a negotiation and execution because decker lake golf would like to move forward with the feasibility study. As a result of that, they will be able to nail down all additional details of this particular project. So I offer that. There's a time sensitivity with the need to proceed with the feasibility study.

>> Tovo: I haven't had an opportunity to go through all of it, but a few community members had concerns about the process under-which this had evolved. In particular, they raised questions about

whether there had been a violation last spring of the no-contact period, and whether the developers were in contact with staff members during that period.

[3:03:39 PM]

And that may have been resolved, I'm not sure. That's really not the substance of my comments right now. But, they did a very extensive public information request and referred to it in one of the letters that they sent to council. So I went back, my office went back and asked to see some of those materials. And I have not had an opportunity to read all of them carefully. There are a lot of them. But I saw emails back and forth that gave me a sense of the chronology here, I want to repeat it and see if it's accurate. It looked to me like back in about January-ish, there was correspondence between staff and the developer who brought the proposal to the city. And it was after a fair amount of discussion that the city went forward and issued an rfq for a golf course on this property. So, in essence, we had a developer interested in developing it who approached the city, had some -- what looked like a fair number of conversations, and then the city went forward and issued an rfq for a golf course on the site. Is that about the chronology?

>> That is. And I will ask Yolanda Miller to come forward to give additional information.

>> Tovo: Thank you.

>> Hi, deputy purchasing officer Yolanda Miller. If you could restate your question.

>> Tovo: I just wanted to be sure the chronology -- you know, it's a little tough when I'm reading emails to make sure I understand it. But, as it looked like it unfolded, the city was approached. And I don't know if the first contact came through Kevin or others, but, the city was approached by an individual who wants to develop a golf course on -- at Walter E. Long park. After some conversations, I won't characterize them, but, some conversations with various city staff members, the city went forward and issued a question for qualifications for a golf course developer for that site.

[3:05:45 PM]

Is that accurate?

>> Well, there were many conversations before the request for qualifications were posted. There were conversations from people interested in providing a proposal or response for the rfq, and we also did a lot of public meetings before the request for qualifications was sent out. What we wanted to do was to do what we called a pre-solicitation period, where we really received a lot of information about what people wanted in the solicitation, as well as people who were very bed interested in the solicitation. It wasn't just what one party. We had it open to the community before the solicitation was actually went out.

>> Tovo: I think I'm going it need to see a little more documentation of that. The documents I have, I'll not disputed that's what occurred, but, they didn't unfold that way. In fact, we have a letter dated from colony park neighborhood association, I believe as late as October. I will say there was correspondence between a councilmember last spring, because of community concerns. And then I see that the discussions began with colony park at some point last spring, I think around April 21st. But I believe -- and I may be able to find it in the papers I have in front of me, but, I believe I have a letter from colony

park neighborhood association dated in the fall. So, there were -- I didn't really see that there was a lot of community conversations before the request for proposal was issued.

>> I apologize if I've mis-tateed. I didn't have it right in front of me. I recall there were lots of meetings. They weren't just meetings with a developer, but, with other interested parties. We wanted to make sure the solicitation went out properly.

[3:07:45 PM]

>> Tovo: Is it pretty common to meet with potential applicants before the request for qualification -- I mean, I know the city -- it was my understanding that there were requirements prohibiting potential applicants from being involved in the drafting or development of a request for qualifications.

>> Mmhmm.

>> Tovo: And so, could you address that, and assure us that that didn't happen in this case? Since the documents suggested there was conversations first with somebody who was interested, and then the city issued a request for qualifications.

>> I can verify there was no one that was interested in the request for qualifications that was actually involved in creating the scope of work for the request for qualifications. But, we did meet with -- didn't we meet with -- we met with colony park. We met with other agencies. We met with other interested people before the solicitation went out.

>> Tovo: Okay, thank you.

>> I just had that verified. Unfortunately, I don't have the calendar of everything we did right away, but I was very much involved. So, if my memory serves me correctly, we did a very good job at pre-solicitation meetings before it went out. Now there were some concerns, but we made sure we had meetings with everyone. In addition, when we created the scope of work, we wanted it to be open so that if someone wanted to propose something other than a golf course, that they were open to do that, also. So, you know, we didn't just want just one thing. We wanted other -- I think it went out as golf course and other amenities. So, we wanted to make sure that if there was something else that a person could be creative, that that information was in the proposal also.

>> Tovo: But they had to have a golf course?

>> That was the intent, yes.

[3:09:47 PM]

>> Tovo: So, you know, I have specific questions about the agreement itself. But I think I want to jump into what I see as a critical issue here. We have a city charter. We also have some state regulations, but, we also have a city charter prohibiting the lease, sale, mortgage, conveyance, or alienation of parkland. I know that was a conversation that happened. I had a fact sheet that was part of this document that I think circulated internally, and it talked -- under the section of current reality, it says, city staff continues to work through the challenges of utilizing private funds for the development, including obstacles like the alienation of parkland and the revocable license agreement, given the investment required for such a development. So, I know that was a piece of the puzzle that you were confronting throughout this discussion. And then in a memo that went to council in September 8th, there's a line about the city

charter I've just read, prohibiting the lease, etc. It says Decker Lake Golf, LLC has requested a term in which the city would provide remedy in the case the license was revoked by the city without cause, thus eliminating the risk for investors. This course of action changes the license agreement to a lease which is in conflict with the city charter. In other words, when the discussions began, Decker Lake wanted to have the ability -- wanted to have some remedies contained within the agreement in case the city eliminated their -- or revoked their license agreement, kind of getting to the point that councilmember Zimmerman made earlier. But that would have -- providing for some remedies, if city revokes it without cause, would've changed it from a license agreement to a lease. Is that correct?

>> Excuse me, Gregory Miller, law department. That's correct.

>> Tovo: You know, we have gotten lots of questions, including from the media about why this has proceeded as a license agreement rather than a lease, and it -- a lease would require a vote of a voter approval.

[3:11:59 PM]

A license agreement doesn't. It sounds like the developers wanted to proceed with something that the staff felt would've been a lease rather than a license agreement. And that was one reason I asked for the definitions. But these are all really in the context of this agreement, not sort of city-wide standard definitions. I mean, we do license agreements for all kinds of things, like if you want to put a sign on a sidewalk, or if your building goes over a little bit. License agreements have a standard definition that doesn't have anything to or not, but to give you a tenor of the kind of conversations we're having with the developer, it exactly does go to what the charter say, you know, lyrics sale, convey, mortgage, alienate. And they asked for some sort of compensable interest, should we terminate early. And that was the kind of loggerheads we were at. We had to explain that, by charter, we can't give away or cede that sort of authority or right, and so that's exactly what we were talking about, and it took a while to explain that and get on the same page. But that was the tenor of the conversation.

>> Tovo: So one of the discussions that the parks board has had in, say, the last year was about our license agreements and making sure that the terms are shorter. And I know that some people have raised the question of, for example, what's the difference between the Butler pitch and putt did she golf course and this agreement. I would say there are several, one of which is it's been a golf course for 30 years or so, we're not talking about converting it into one. But the other is, it's a very short term, run more like a concession, as are tennis centers, pro shops at golf courses, where it's a short-term agreement where the city hires a private party to provide a service that the city does not want to provide.

[3:14:02 PM]

They hire an outside operator to run that operation. This really is a very different -- I would say a very different agreement, a very complicated, complex agreement. However, if it's proceeding under a license agreement, why isn't it the same kind of terms as our more recent license agreements? You know, again, the parks board had a conversation about that. That's the reason why, when it was renewed, the Butler pitch and putt is a five-year license agreement. The Lone Star, which was on our

agenda and got postponed, is a five-year. Would that -- I would say if this proceeds forward, that we ought to be consistent and have a five-year term.

>> Sure. Kevin again, division manager for golf. We had lots of conversations with the developer. The main difference between butler pitch and putt as a comparison, the capital investment is significantly smaller. We're talking 20 to 25 million on the low end, and the developer felt like they needed time to certainly recover that. They've been up to negotiate that period. We sort of sat at 50 years. I talked to the developer as well, and he's not locked in to 50 years. He thinks that that is a reasonable amount of time, but if it was reduced to 40 years, more in line with -- we have a tejas golf contract for a driving range that's a 30-year contract. It's almost the exact same situation. They actually put in all the capital investment. We put in zero. And they continue to pay commissions to the city of Austin. It's on parkland. So it's a similar type agreement that was for 30 years. So we came to 40 years, notebook that there was a significant larger investment based on this particular project, versus that contract itself.

>> Tovo: Though again, I think some of what the parks board was noticing is that some of those license agreements had been in place for a -- had been for longer periods of time and they didn't want to -- they recommended that the council not continue that practice of extending license agreements. I have one more question about revenue, and then I'll -- then I'll pause for a moment in my questions. But we also have been looking at the percent revenue that is -- that is achieved through these kinds of arrangements, and this one is set at three percent.

[3:16:10 PM]

Is that right?

>> Starts at three percent as the low end. The minimum is \$90,000 commissions, so it grows with their revenue generation.

>> I believe from looking at the lone star -- the answers we got back in the Q and a through lone star that the percentages started a little higher, and I wondered if you can't speak to how you all landed at three percent.

>> I'll start by one of our contract folks walks up, we started with knowing that any operation that you start with is going to start slow and build you mean. Knowing that the second golf course would come in within the five- to seven-year window of the first golf course being open, that's when it really ramped up and maxed out at 12%, but I'll let max scanland come talk about the other things.

>> To your question, Kevin answered how we were negotiating the percentage for the decker lake golf. All the other percentages are either going to be a fixed monthly fee that's paid and a percentage of the gross revenue on top. So over the lone star, they would pay a fixed fee on a monthly basis, and at the end of the year, they paid a lump sum based on percentage of gross revenues.

>> Tovo: Right. I guess I'm asking you how you landed at three percent when we have, I think, butler park pitch and putt is 15 percent, if memory serves me correctly. How did you arrive at three percent rather than a higher number?

>> Again, I think that's looking at the capital investment on the front end and then looking at how their business operations are going to proceed over the next ten years. So for decker lake, how much could they afford to pay over that period of time. So we start off slow so that they could essentially continue their business operations through those first ten years. With but per pitch and putt, they have a much

lore expenditures so they could afford more in revenue to the city.

>> Tovo: Though I'll just point out that one of the things in renegotiating that contract that was at issue were the capital expenditures, so the city's renewal of that license agreement both increased the capital invest -- capital expenditure they needed to make in the next years, as well as increase the revenue percentage to bring it in line with more recent license agreements.

[3:18:28 PM]

So -- but I understand -- it sounds like it was based on a decision about the extent of the capital investment, the arrive at developers would have to make.

>> That's correct.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Further comments?

>> Today I would hope that we postpone this item for continued discussion or send to the committee.

On Tuesday before on our work session, I thought that I would not be able to support this item because I thought it violated the spirit of the charter, if not the letter of it, but I realized during work session after getting briefed by our staff that this deal truly is something different than what I expected, so I knew that I was not alone and I was glad to find out when council member Zimmerman honestly stated that we were surprised to hear the terms of this deal and exactly how it works. So I think that the council and the public needs additional time and that there's several important questions that haven't been answered yet. I know that oftentimes when folks on this dais say that there's important questions they haven't seen answered yet, it might mean that we are just concerned in voting no anyway, but I want to be honest that I am open minded about this proposal and truly do want to learn more. I don't want to postpone items just to postpone them. I want to -- I really do want to make a habit for myself to postpone them or send them to committee when I really do think they need more discussion. Some of the important questions for me are going to be that if this doesn't violate the letter of our charter, could it or does it violate its spirit, and why or why not? I really think that's an important question that this new council was elected to answer. This was kicked and postponed to the new council to decide, and I think that's something we really need to discuss. I want to really understand how much the land is really worth, and is the amount that the city has projected to receive in revenue sufficient for the value of that land.

[3:20:30 PM]

It sounds like the developer is willing to take on a substantial amount of risk, and I want to understand how that risk calculates into the amount of revenue that's being generated for the city and for the parks department, in particular. And that's really important for me because I'm -- you know, I was elected from a district where we have hundreds of kids that are very far away from any well-maintained park, and I saw so often when I was walking the streets, and still when I walk the streets, kids playing in the street because they don't have green space nearby. And so revenue for our parks department and for our city is something that's very attractive and important for me, but I want to know how to balance that and make sure that we are actually getting a good deal, and I don't see a rush to move forward but

once I really understand that balance. Before we send our staff to negotiate, I would want to make sure that we're sending them in with the true blessing of this council to negotiate well on behalf of the people, and regarding environmental concerns, I don't think there's been a full community discussion on the brackish water proposal. We weren't able to open the public hearing today. I would have been supportive of that at work session, but it seems the way we posted the language made it that difficult, and I understand that, and I think that it makes sense for us to have a community discussion as the proposal has changed since it was first moved forward and the public hearing was closed. So I would urge my colleagues to postpone the item or send it to committee or committees so we can talk about those questions, but I'm also open to some sort of compromise solution where it could be sent to committee for discussion, but in the interim, the developer could be authorized to work on whatever feasibility studies that they so copies. I know we probably couldn't direct them to conduct to say studies, but as council member Houston alluded to during work session, they could go and be doing some of that groundwork. So if those questions were answered and a majority of the council did feel like they could move forward, the community could feel that this proposal -- we aren't just -- they didn't come here and we just didn't do anything, but that we did, you know, authorize the developer to go and conduct feasibility studies at their own will while we continue discussion.

[3:22:40 PM]

So I'd be open to that as well.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I just wanted to state that I, too, am hopeful that we can send this to committee. I think that there remains some additional questions that we need to wade through. And to me, I would really like to find a way to address the concerns of the neighborhood so that -- I'll hearing concerns about economic development, which I think is critical, while trying to balance that against concerns about the water and the use of parkland. So I just think we need more time to work through it because I'm hopeful that we can work through a solution that is -- that works better for all the parties involved.

>> Mayor.

>> Mayor Adler: Okay. Mr. Renteria.

>> Renteria: I'm also going to recommend that we send it to committee because if we don't, I -- the person who has used the park over the years growing up here in Austin, I have a lot of concerns about development -- developing a golf course there. I understand that there needs to be something done in that area for economic reasons, but, you know, giving up our parkland like that, you know, I have just too many questions. So I would like to go and send it to committee, and if it's not, I'm going to have to vote no.

>> Mayor Adler: Ms. Gallo.

>> Gallo: I have a whole list of questions, and fortunately they've been asked by the other council members, so thank you. I appreciate hearing the information about the water question. I think the idea of approving a golf course in a drought, I'm struggling with a bit. The concerns about lease versus licensing agreements, the concerns about the contract that we're negotiating on, I think all of those have been addressed.

[3:24:44 PM]

I think every one of us up here understands and agrees that this part of Austin has been very underserved with economic development potential ideas, and I think all of us would say very clearly that we hope that city staff would work with us to move in direction and I think from work session we heard a lot of good proposals out there that would begin this process directed to this area. So what I struggle with is, this is 735 acres of one of our parks. It's 30% of that parkland, and we're looking at -- I'm taking the water acreage out. This is 30% of the land of that park, and we are talking about giving it to someone else for a 90-year period of time. And I've just not been convinced and I have a lot of questions about some of the details. For example, if we're talking about that amount of land and we're giving it to someone to use for that time, one of the questions we had that I had on Tuesday was, what is the value? You know, I don't think we would be negotiating a contract to sell a piece of property if we didn't understand, as the council, what the value of that land was. And it's my understanding, and staff, thank you for answering some of those questions on Tuesday -- that there has not been an appraisal done of the value. So I think, certainly, before we move forward, one of the steps would be to find out what the value of that property is because it does belong to the citizens of Austin, and I think that's a -- that's the appropriate question to ask. I also struggle with the idea of using this much of a percentage of park land for something that could be perceived as public use. I know it's talked about being a public golf course, not a private golf course. So as I look through the notes -- and thank you, staff, for being here so patiently and answering a lot of our questions. But I look at a lot of the other golfing facilities the city has currently, it looks like, and this has been some discussion, is where golf is as a sport in the nation.

[3:26:51 PM]

It looks like if I look at the rounds by customer that staff provided to us, that the figures for 2012 and 2013 were at 209,000 rounds. At 2013 to 2014, it actually dropped to 193,000. Now, I know some of that may have been for maintenance and of course being closed for certain numbers of times, but what that indicates is that it hasn't increased substantially and it actually has decreased. I know this city just brought gray rock. That's not included in these numbers. So I guess my question to the staff would be what determines that this is a public -- and one of the other things I wanted to mention, and also in your information, is the cost. It was indicated to us by the developers of this that the green fees would be 150 to \$200, with discount to the citizens of Austin of 40%. That means the citizens would be paying 90 to \$120. And if I look at the current green fees which you gave us in the information, it looks like currently for citizens the green fees range from \$14.50 to \$34. So help me understand why this is considered a public course for the citizens of Austin, at affordable rates, compared to a private course.

>> Well, so private versus public means access, number one. And -- excuse me -- I think what we've worked towards in the golf enterprise fund is try to work -- and that's why gray rock to us made good sense. It was a successful property, and it was over the aquifer. And it worked out that we were saving land that would have been commercially developed. So it was coincidental that the city really was interested in that land because we wanted to protect it, but it also had a revenue stream associated with it and a successful revenue stream. And it was a higher priced facility with a significant amount of members. They have over 200 members, and it recognizes about a million and a half dollars in revenue

just because of the memberships that are there.

[3:28:56 PM]

So there's a higher fee structure at that facility, and I think affordable depends who you ask, what affordable is. We wanted to make sure there's a mechanism for affordable golf. I made a point to say in the work session also, what we really don't need is more \$20 golf courses. I've never said we don't need more golf courses. I think golf has been a cyclical economy for the last 25 years. National golf foundation has written all kinds of articles and they're all over the place, but I will say it has leveled off, since really 2011. Round participation is only up about one percent, but it's not diving like one would say. Golf has 25 million golfers in America and there's another 38 million who have expressed interest in playing golf. So when we say it's not necessarily a healthy economy, golf for a long time has been very healthy. It's just -- it's gone through a stage where, you know, like anything, tennis, lots of other activities where there are ups and downs and peaks and valleys. But from affordable, we have three other golf courses that have what we consider to be the lowest fee structures in the city of Austin or even in this metropolitan area for golf. You can find a low cost golf opportunity if you want to they don't all need to be \$20 golf courses, in my opinion. And our golf advisory that's supported that, to say that while we want to have golf specials, and where anybody could go play this -- and I will tell you and I've told the developer this as well, you may advertise your fee of \$150, where you have a non-resident -- or a resident come in and pay for \$90, but there will be times when you're discounting golf. Just up the road at the height golf course, they have a \$200 advertised fee and you can look on golf now today and find a fee for \$55. So it's the way the golf market works, you may advertise high and you always discount based on knee and you want to fill the tea times. Once the tea time is gone, it's gone forever. We do that today and we don't necessarily need more golf courses to charge \$20. We have an elevated fee schedule where we have lots of different opportunities.

[3:31:00 PM]

>> Kitchen: I guess my question to that would be, why do you feel the need to have more expensive rounds? I'm not a golfer. I'm married to a golfer. I have a lot of friends that are golfers. But I see that part of the population as already playing at courses that are perhaps private courses, so I just want to make sure that the logical conclusion to this is that there really is a market, not that -- it would make a difference to the city because what we are getting paid for giving this 75 acres away for 90 years is going to be based on the income that comes in.

>> Well, my answer to that would be we're not giving the land away. They're providing an economics to us to construct that for us. We're going to -- it's a public golf course that's still open to the public, and if the council so -- down the decides to take that back, it's our infrastructure. It remains ours forever. But what I will say is, do I think 150 to \$200 green fees are high? Absolutely. I think they're high. But there is a market for that. And actually, the pro Forma that they put together is based on 22000 rounds of golf. 11000 of those are non-resident fees. I don't think that's an unreasonable number. I think it's probably low, which would mean our commissions would be high temperature I think it's reasonable to say that 11,000 of those rounds will come from outside of Austin and pay that fee. There are examples all across

the country where you have a higher end municipal type facility that charges \$200, but they charge 50 to \$75 for their residents. So those are successful facilities.

>> Kitchen: Uh-huh. I just -- you know, that's my concern, is that what the city and the taxpayers would gain out of this -- this relationship is going to be based on the fees that the golf -- the golf course pulls in. And I just -- you know, once again, I kind of agree, I think we -- there's lots of questions that we need to talk about and ask and perhaps more information that we need to get. I know that one of the things that we've heard over and over again would be, this would be a quality course that would attract possibly a PGA tournament.

[3:33:04 PM]

Well, the reality of this right now is that we already have an agreement, or it looks like pretty close to an agreement, to do the PGA match play tournament in Austin beginning next year, and that would be for a multiyear length of time. And the question would be, if that's the case, and that is actually finalized, would PGA really look at another course in Austin to do another tournament? You know, perhaps seeing how this goes next year and seeing the outcome of that, seeing what those negotiations on would make a little more sense for kind of delaying our conversation a little bit, and getting a little bit more information.

>> And I can tell you that there have been discussions, slow, and that they have come it'd to come -- they have committed to come to the city of Austin. I think they're working on an agreement for a short-term site and have have been to the city of Austin and met with the developer, and are committed to the city of Austin for a long term. And they're looking for a long-term site and are very interested in how this negotiation take place. They would like to come here. This is where they would like to spend the next ten years.

>> Kitchen: Uh-huh. Well, it looks like they are probably coming here beginning next year, at another facility.

>> Yes.

>> Kitchen: For a multiyear contract, and you know, like I said, it just would make sense to see how that goes to see whether there would be a continued interest in coming to Austin. I mean, I think everything that we can do to tout Austin -- my concern, once again, as we go back through all of this, is, is this really the right decision? You know, I know the rfp went out, but it was specifically for golf use. You know, maybe there is a better use if -- if the city decides that they want to give up 30% of this park, is there a different use that could be more profitable and be a better advantage to the neighborhood? You know, the facility -- the golf facility will only provide, from what I understand, from what you all said, 35 jobs. That's not much in economic development. I know the side ventures and hotel and resort would provide more, but what actually this 735 acres -- so once again, I think that we have so many questions, and staff, you have been wonderful about addressing all of those.

[3:35:13 PM]

And you've got a council that's new that's not been part of this discussion over the last couple of years, so thank you for being patient and answering. I think we all just have so many questions, so thank you.

>> Mayor Adler: I'm not going to cut off the debate -- I'm not going to cut off debate, but I am going to move that this matter be sent to committee so that that's the issue that is in front of us. Is there a second to that motion? Second from Mr. Zimmerman. Let me talk, and then, Ms. Houston, then we can turn the floor over to you. This is about a golf course, but it is about so much more than just a golf course. There are a lot of questions that seem to be unanswered that people are raising on the dais that I think we need to have answered before this can be decided, which is why I support sending this to a committee. And I'll tell the council that it would be my intent upon referral, if the council so desired to do that, that I would probably send this to two committees. I would send this to the open space committee. I would also send it to the economic opportunity committee because I think that we need to look at this from both those sets of eyes. We just -- there are so many wonderful things that are happening in this city. We have one of the hottest economies in the country. We're doing so many things incredibly well. We were, what, on two number one lists last week. We were the top tech firm -- tech city in the country, passing San Francisco. But we were also -- we reached number one on the list of most segregated -- geographically segregated cities -- economically, cities in the country. And therein lies, I think, the challenge that this city has. And I think a lot of us ran for this office to change the course that the city was on, and I think that this discussion plays into that for me.

[3:37:22 PM]

We have an incredible jewel of a park that is fenced in at this point and not being used. We have an asset that potentially could be used to drive economic development in a part of this city that hasn't seen it. And, you know, there's no solution proposal that we will consider on this dais, I think, that will be perfect, ever be perfect, and I think that we can't not do things because they're not perfect when the cause is so great. So I -- I question whether this is the best economic development tool, whether this is the best use of that asset. I have the same environmental concerns that people have expressed on this dais with respect to the use of the brackish water. I have concerns about Decker Lake being used -- or property being used near Decker Lake that might impact Decker Lake as a supply source in our supply system over the years. And I think that we need to have those questions answered and looked at by the open space committee. But I also have a real fundamental concern about economic development, and we need to do something. We need to actually focus and take what I believe to be the existing community will to change the course, the economic course of the east side of this town. And I welcome and am real appreciative that this issue has come before us so early in our term because I think this is the bell, this is the call to action in looking at this part of the town. And if this is the right opportunity or contributor to that opportunity, then -- then there's going to be a large part of me that's going to want to participate in that because doing something on the east side of our city is long, long overdue.

[3:39:40 PM]

We have someone who's coming in and willing to spend a huge sum of money to generate activity in an area that doesn't have it, and I just have to believe that there has got to be a way for a city like Austin, Texas, there has got to be a way for us to drive that or some other kind of investment in that community that will change the course of history for that part of town. So it's for that reason that I would urge us to

send this to a committee. I would ask that the committees come back to us before the end of April, which would give two months for the committees to come back and talk to us on that measure of timing so that the committees came back. I think the committees might want to take a look at forming a parallel task force to potentially get other community voice, if they wanted to, in terms of, you know, an economic empowerment task force that would look at this part of town, or a large park -- you know, open space committee. You know, I hear the debate, you know, raging about whose park is this, anyhow? Is it the neighbors' park or is it the city's park? Which is the same conversation I hear about zilker park. I think that all these issues have been bottled up into this element, and it's because it brings in so many of those issues that I would prefer to have us be a little bit more deliberate and thoughtful and come back on this issue. Let me give a chance to people who spoke that have not had a chance yet. Ms. Garza, are you raising that -- are you -- I couldn't tell. You don't have to.

[3:41:42 PM]

Ms. Pool? Who hasn't had a chance to speak yet in you want to speak, Ms. Houston?

>> Houston: I think so.

>> Mayor Adler: Okay.

>> Houston: I want to thank everyone for coming out this afternoon. And as I said earlier, because this is a very complex and emotional issue, I have some prepared statements that I'd like to read into the record. And I want to start my comments by saying that this one issue has brought more attention to the Walter E. Long metropolitan park and the surrounding community than has ever been had before in the history of this community. And so I don't want us to lose that momentum. Austin is an extremely interesting place to live. We place high value on the environment, the conservation of natural resources, local fauna and flora, we value small businesses and large industries. We have wonderful and weird people, and yet no one can deny that there is a marked difference in the way assets are treated in parts of our community compared to the far reaches of north, northeast, and southeast Austin. Our park land has been afflicted. Our neighborhood has been neglected. And neither industry nor small businesses have been offered incentives to locate here. Item number 28 is not really about the environment, natural resources, flora or fauna. Item 28 is about people, economic development opportunity and hope. From the point of view of a member of this community, homeowners and renters have lived east of highway 183 since the '70s, faithfully paying their property taxes directly or through increases in rent, and living their lives with limited or no services or amenities. Whether real or perceived, the growth industry in this city has encouraged migration to the east.

[3:43:50 PM]

Policies, production and practices have been designed and codified to benefit a few people in the detriment of others, people whose voices are heard, and people whose voices are not heard. People with high resources and people with resources, people with power and access and people who have no power and no access. We have all read recent articles in industry publications in the newspaper about the state of gentrification in Austin and although people are migrating further east, there has been a lack of planning for infrastructure as the population grows in our direction. And I'm referring to basic

structural and community benefits, such as jobs, full service groceries, reliable transportation, and health care, entertainment. These things we take for granted in our own neighborhoods. In addition to people and park land, a valuable asset in district 1 is the availability of commercial property waiting for someone to develop. There have been and continue to be real opportunities to recruit businesses and claim industries into the district. The innovation zone could have been placed in district 1 outside of the central business district, because innovation is organic, and there's an organic process that can be located anywhere within the corporate city limits. And the first innovation project could have been to identify companies and industries with job opportunities for locals, entities willing to work with the unemployed, the underemployed, people returning from the criminal justice system, veterans and young people, people who are not able to find employment that pays living wages. That would have been helpful to the people in our district and the districts on either side.

[3:45:51 PM]

Adult seniors and children who live east of highway 183 have been waiting patiently for this city to get serious about opportunities, employment opportunities, and now we find ourselves in a situation where many people see this public/private partnership to create golf courses as a way to finally get jobs, financial resources, and community benefits that are needed before another 15 years passes. 15 years ago, another council member, Willie Lewis, supported another golf course on this same park land. The courses were not constructed, and the city of Austin and her partners returned to a familiar position in relationship to my community: Out of sight, out of mind; nothing changes. This time, the park land remains park land. 500 to 700 acres is minuscule when we're talking about 1800 acres of park land. The issue of water has been neutralized. The developer will provide and treat water from his resources. The developer will comply with the city's pesticide management plan. There will be access for the public to this part of the park for the first time in 35 years. Jobs will be created at the golf course and at the hotel conference center on adjacent land. The city already has long-term leases. For example, Zachry Scott is 70-plus years. Funds will be collected from non-resident golfers to underfunded parks in the area, and we will be mindful of the water, fish, birds, and wildlife. The central appraisal district, which I contacted, cannot tell us whether or not any increase in property taxes because there's so many variables associated with this development. Now, whether item number 28 passes or fails, my expectation of the city of Austin and all of her partners is to craft a strategic program with timelines and measures in coordination with community members to build the required infrastructure and attract additional employment opportunities to the area.

[3:48:16 PM]

Item 28 is a risk-free opportunity to jump-start the development of employment and amenities in the area. Many people in this area have been working non-stop with parks -- with the parks department and the developer to codify the community benefits the developer has agreed to. They are aware of the possible risks and they stand ready to take those chances to improve the quality of their lives and the lives of their community. My last comment to my colleagues is that if not now, when? When will this part of town get the economic development that is so needed in -- to maintain a quality of life that the rest

of us experience, but nobody else does, east of 183?

[Applause]

>> Mayor Adler: City manager.

>> Thank you, mayor, council members. Obviously, item 28 is on council's agenda today because the staff and I recommend it, and having listened to all of the conversation, both on Tuesday and today, and in between, and before, let me simply say that we continue to stand by our recommendation with respect to item 28. For all of the reasons that the staff, the professional staff has expressed. But I stand by it for reasons even beyond that, and they have been most eloquently articulated by council member Houston. I agree with her. And given our recommendation, and the reasons behind them, and given what council member Houston has said, we stand by our recommendation in regard to item 28.

[3:50:19 PM]

>> Mayor Adler: Any further discussion? The motion on the -- is the motion to move this to committee. Do you have further debate, Ms. Troxclair?

>> Troxclair: I guess I would just mention if we are going to move this to committee in light of your comments, that it would go to the parks and open space committee as well as the open opportunity committee, I just wanted to commit to council member Houston that, as chair of economic opportunity, I would be working to make sure that we take public input or consider -- get answers to all of the questions that we have as soon as possible, and treat it in the same manner that we have treated the staffing proposal and committee to the public that we would come back sooner rather than later with -- with a decision.

>> Mayor Adler: I'd like my motion to refer to committee to ask the committees to refer back by the end of April, I think was the date I mentioned, and I'd like to keep it to that. Ms. Houston?

>> Houston: One more question. One more question, mayor. Is there any way we can bifurcate this agreement and let the developer begin a feasibility study? Because we don't even know what we're talking about at this point. We're asking questions of the developer. They've never set foot on the property. Is there any way we can bifurcate that so that they can go ahead and do their feasibility study without delay, and then we can do whatever the council decides to do regarding the other parts of that?

>> Mayor Adler: I think so. I think it goes back to the initial questions that Ms. Tovo was asking and Ms. Pool were asking of the staff when they came up, as well as Mr. Casar's comment earlier. We can't force the developer to do that, but it sure would be helpful if the developer would participate with both of those committees and to help refine the proposal as those committees are considering -- considering them. And I would hope and would ask that the developer do that.

[3:52:21 PM]

>> And I have a question about the psychoof the proposal, of the motion. I want to be clear that the charge to the two committees are that we're developing a plan for the property and not how to -- figuring out how to build a golf course.

>> Mayor Adler: I think probably what gets referred to the committees --

>> Pool: And the reason I say that -- excuse me, sir -- is that this body has not agreed to building a golf

course on that site. And I don't want to go forward, frankly, in any way, including -- I'm thinking, this is a new wrinkle, to allow the feasibility study. I did not come here this morning willing to agree to that. I was prepared to -- council member Houston had asked for an up or down vote on Tuesday in the work session, and I had decided which way I was going to vote. I had hoped on Tuesday we could put it in committee because I thought that a comprehensive community and economic development review of the entire area would be -- would be a good idea, but that does not include, in my mind, trying to figure out how a golf course would fit there. It may be that that is something that is an amenity, but I don't see that as the primary focus of the work that would be happening in my committee, at least.

>> Mayor Adler: Well, I don't see -- I don't see that as being mutually exclusive.

>> Pool: All right.

>> Mayor Adler: The question before us is a question to allow the city to negotiate and execute a contract. They are not getting the authority to do that if this matter gets put to -- sent to a committee. What gets sent to the committee is the question of this matter. I would hope that, and I couldn't imagine either the open space committee or the economic opportunity committee being able to consider that absent the larger context question that you raised.

[3:54:22 PM]

And I think it would be perfectly appropriate for you, as open space, to come back to this council and say not only are we recommending or in the only did we take a look at this particular proposal, but we looked at the park in general, because I think a lot of the questions that are being asked here today go beyond the golf course. The golf course has sparked the question of what happens to that park? We're doing a feasibility study with the county on the expo center, which is also part of that park. And I, for one, am not sure how you really do that effectively without looking at the park generally, and from an economic development standpoint, the charge would not be -- I would hope that the committee would not look at it as saying we're looking at this tool as an economic development tool, but would look just at that, but would look at the issues that arise because of this and look at economic development and opportunity in the east side of town, to address some of the questions and concerns that Ms. Houston raised. So, Ms. Pool, as chair of that committee, you can make your investigation as broad as you and the committee deem to make it. And it would certainly for me be of much greater help if youth, in fact, do that.

>> Pool: Thank you so much.

>> Mayor Adler: Most tovo.

>> Tovo: -- Ms. Tovo.

>> Tovo: Yeah. I'm glad that issue came up. You know, we have attractive land in dove springs and there was a council resolution by council member Morrison to look at how that could be used to meet some of the needs of the community. And that process began very differently. It began with a council resolution asking staff after some -- I will say, after some initial feasibility of -- from the staff and from the council members who were sponsoring that resolution. It started as a resolution from council directing the staff to have some community engagement meetings with community members, looking at what the needs in that community were, and they are -- there is some overlap in terms of interest in seeing a grocery store, economic development opportunities, and some other community needs.

[3:56:35 PM]

And so it began with community engagement meetings and it's still sort of in that process. But, you know, that's another approach, and so I -- I am glad to hear that the approach could be broader. It's very clear, I completely concur with the community members and with my colleague, council member Houston, it is long half the time for Walter E. Long park to benefit from the resources of the city and the attention of the city council. And I am a hundred percent committed to doing what I can do to support those efforts. But I do think it may be appropriate to start with looking at the park, looking at the park, looking at the needs that the community would like to see realized, not just in the park but in that area, and then moving from there to talk about what solutions might best address that. It seems to me, we started with a proposal from a private developer to build a golf course and kind of went from there, rather than starting with a more open question about what the community want to achieve and what the needs were and how all of these pieces could come together. And, again, I know that many members of the community really wanted to see us pass this, and you have my hundred percent commitment that I will help council member Houston and others identify ways to make -- to make changes at that park. I'll throw out there, when we were considering as a council buying the bull creek tract, staff came forward and, I believe, said that we could find as much as four million dollars in bond funding to support that effort. I would say another -- another tract we might consider is asking the staff -- giving direction to the staff to see whether there are any existing bond funds out there that would -- could provide amenities within Walter E. Long park in the year -- the near future.

>> Mayor Adler: Those are all great ideas.

>> Mr. Mayor I move to close debate and call the question.

[3:58:36 PM]

>> Mayor Adler: Is there any further debate on the motion to send this item to committee? Ms. --

>> Yeah, I just have a couple comments. I, too, along with my colleague --

>> Mayor Adler: Well with, hang on just a second. Because he's moved to end debate, to close debate. Is there a second to the motion to close debate? Fails for lack of a second. Ms. Garza, you want to talk?

>> Garza: Thanks. I, too, like my colleagues and I'll keep this short, am struggling with this, because there's so many variables to it, the water, the economic development, the use of public park land. I, too, was prepared to vote today, and since this is a discussion on whether we're going to send it to committee, I'm going to have to abstain from that because I really believe it's not going to change the outcome of this because it's so complex, because to some council members, it's a water issue, to some council members it's a -- it's a -- should this be a golf course, to some council members -- for me, it's an economic development and my concern is with whether there are guarantees there that is going to bring these jobs and all this infrastructure that we would hope would -- we could bring to this area. So I will have to abstain from a vote to send it to committee.

>> Mayor Adler: Any further debate on the motion to send to a committee? All in favor of sending this to the committee, asking the committees to report back before the end of April with some -- some message to the council, please indicate by raising your hand.

>> Aye.

>> Mayor Adler: Those opposed? And abstaining? All voted in favor sending it to the committee, reporting back in April. Ms. Houston voted no, and Ms. Garza abstained.

>> [Inaudible] I have a complaint about [inaudible].

>> Mayor Adler: Well, you can't make it right now, sir, but there is an opportunity for citizen communication, and we'll have --

[4:00:42 PM]

>> I am here and I'm about to leave, and I've complained about committees that do not [inaudible] I have 55 years of experience and I have gone before committees and been limited. And my neighborhood association inaudible.

>> Mayor Adler: Let me -- and, sir -- let me -- let us get with you, find an appropriate way for you to be able to be heard. Right now, we're going to move to the balance of the consent agenda that was not approved. The first item that was pulled on the consent agenda item 12. Is there staff that can speak to item 12? Thank you.

>> Senovia, assistant director for economic development.

>> Mayor Adler: Can you pull that closer so we can hear you?

>> Yes. Associate director of economic development.

>> Mayor Adler: Okay. Would you lay out for us, what is 12?

>> 12 is the approved and negotiation of interlocal agreement with Austin independent school district for the promise zone application.

>> Mayor Adler: Okay. We have two -- I'm sorry? Take your time.

[4:02:42 PM]

Ms. Houston, we have brought up the promise zone, item 12. We have two speakers. I don't know if they're here. Do you want me to recognize them to speak first? Okay. We have Gus Peña. Has he come back? And then we have Ken Koym -- k-o-y-m? You can come and speak to us if you'd like on the promised land -- promise zone.

>> Can I take a minute --

>> Mayor Adler: Yes. Ms. Houston, do you want to address this issue?

>> Houston: Thank you, mayor. This item was pulled at the work session, and we had some conversation about it, but there was not enough information for me to get a real depth of feeling about what the intent was supposed to be. At that meeting, a member of the Austin independent school district was there to help fill in the gaps. Subsequent to the work session, I had an opportunity to meet with the superintendent and the president of the board of trustees, and I am still confused about where this originated. Where did it come from? Who -- who was the driving force to get this promise zone designation? They're going to try to go back and figure out for me where that came from because they're not really sure, either. And so I will either have to vote no or vote to postpone this until we can get additional information on this item.

>> Mayor Adler: Okay. Speak to those, please.

>> On October 28, 2014, there was a committee that met to discuss the promise zone application.

[4:04:44 PM]

This would be our second time applying, and at that committee meeting between aid, the county, the city, it was decided that Austin independent school district would take the lead for the application. And, again, the application is just a designation based on hud criteria that you can apply for. Once -- if the designation is received, which is highly competitive, there are only five designations currently set for this year, then the committee would go back to engage stakeholder input to determine the best use or grant opportunities for each area that's within the promise zone.

>> Sure. And I -- oh, I guess to discuss the item, we'd have to have a motion --

>> Mayor Adler: Yes. Does someone move approval of item 12?

>> I was going to move that we refer it to committee at your discretion. I guess either way we could discuss it but I'd like to make the motion to revert to committee.

>> Mayor Adler: Motion to move to committee and second. We're now on debating the issue of sending this matter to committee. Anyone want to talk about whether we should send this matter to committee? Ms. Tovo?

>> Tovo: Yeah. I sure could support a postponement. I wonder, though, given the uncertain schedule of our committees and the fact that, you know, it may -- I guess I would prefer just to postpone it to another council agenda. But I wanted to ask our staff whether they can tell us about the time frame. Is there a deadline under which we're operating to submit this designation?

>> The application has been submitted by Austin independent school district. This would just put in place the mechanism for us to officially work with aid once the designation is received, and the designations are currently scheduled to be announced early part of April 2015.

>> Tovo: I see. So if aid receives the designation, the city couldn't begin working with aid until the council affirms the issue that you have before us.

[4:06:54 PM]

>> Yes.

>> Tovo: I guess I would ask my colleagues whether they believe they can get the information on this within the next couple weeks and just postpone it to another council agenda.

>> Mayor, as of the conversation with the superintendent and the president of the board of trustees, they're trying to see if they've even adopted it. So I think there's a lot of unknowingness about where this came from, what their position is on it. I mean, they understand all that you have said, and thank you for your discussion. But they're still trying to find out if their board has adopted this -- this grant that's already been submitted already, to see if they're going to participate, so --

>> Mayor Adler: Is there any prejudice to the city in delaying action on this?

>> You could delay action, and once it's determined if, or if the designation has been received, we can always come back.

>> Mayor Adler: Is there any prejudice to the city in delaying action?

>> Prejudice such as ...

>> Mayor Adler: Do we hurt the application? Do we make it more difficult for us to participate or costly to participate? Is there any downside in --

>> Right. There's no funding associated with the application. It's only a designation. And so we're already working in conjunction in those areas that have been identified that the city can take a better lead in.

So, no, there's no prejudice.

>> Mayor Adler: Okay. Ms. Kitchen.

>> Kitchen: I'm somewhat familiar with the promise neighborhood grants process and stuff. So I just want to make sure I'm understanding. So the application for designation has already been submitted.

>> Exactly, by aid as the lead.

>> Kitchen: And so they don't need us in -- you know, it's a very highly competitive application.

[4:08:54 PM]

>> Very.

>> Kitchen: So what you're telling us is that they're not scoring based on us approving.

>> The score criteria is based on -- based on the census information, such as unemployment, poverty, et cetera. So the mere score based on the map that has been submitted, that has been designated. So there are certain criteria per the hud grant that tell score on.

>> Kitchen: Okay. Because in the past the scoring has depended upon a showing from the community on collaboration across entities.

>> Right. And within the application, it did speak to the entities working together from the beginning on the goals.

>> Kitchen: Okay. Thank you.

>> Thank you.

>> Mayor Adler: So do you want this -- Ms. Houston, do you want this -- Mr. Zimmerman, do you want this sent to a committee or do you want this delayed?

>> Houston: I would like it sent to the joint subcommittee on education because I think if we don't understand clearly what it is, I'm not sure, and if aid isn't sure what it is, I think it needs to be sent to a committee.

>> Mayor Adler: Okay. I'm not sure we can refer things to that joint committee because I'm not sure it's under our purview. We can certainly ask our representatives on the joint committee to raise that -- to raise that issue. I don't have a problem with us sending this to a committee, as opposed to just holding it in abeyance, and make sure it shows up on somebody else's agenda. So it has been moved and seconded for us to send this to a committee, and that's what we're discussing now. Ms. Garza.

>> Garza: I, too, would agree more to a postponement than a move to a committee because there's no fiscal impact here. It's -- I understand concerns of what exactly this is, but this seems like a really -- an opportunity, and especially seeing that it's, you know, a hud program, and some was might have the ear of a former mayor that works at hud.

[4:11:06 PM]

So I think it's a great opportunity, and I would support a postponement rather than refer to a committee

and delay anything that could possibly hurt us.

>> Mayor Adler: The joint committee, by the way, meets quarterly, and the next meeting of the joint committee is the last week in March. Mr. Casar, and then Ms. Tovo.

>> Casar: Yeah. I would -- I've heard Ms. Houston's concerns that, you know, obviously we would want to make sure that this is something that the aid administration is in favor of, and also concerns about community engagements, and I -- in just a cursory review of the promise zone designation, there aren't a lot of pieces about steering committees and making sure that there's really robust public participation. And so, you know, I think that this is contemplated within sort of what promise zone designations are, to make sure this is something owned by the community and does some of the economic development and affordable housing and job creation that we discussed around the item on the Decker Lake golf course within this designation to be able to draw down federal help to be able to do that work. So I'm reluctant to slow that down because I know how important it is for the city and aid and the federal government to work together. So I would be -- I guess I would make a substitute motion that we review this again at our next council meeting agenda, which is on March the 12th? Is that right, mayor? We have a meeting a week from today?

>> Mayor Adler: I think we do. I don't know if this is a zoning meeting or -- and again, we could pull things up on an ad hoc basis.

>> Casar: Sure. So I would substitute that we review it again then, and I would hope that those conversations between aid and our council offices could be cleared up by then since this is just a designation. Of course if it's not cleared up, we could continue to move it down, but I think that since we're just signaling that we're willing to work with the school district if they do, indeed, get a competitive designation, to eventually drive down some funds, I think that it makes -- it makes sense that -- these seem like questions we should be able to get cleared up very quickly.

[4:13:26 PM]

So I move that, instead, we have this item back on our March 12th agenda.

>> Mayor Adler: I'm going to be a little bit stricter here just because we confused the world out of the reporters and everybody last time. So there's a motion to refer to committee, which has been seconded. I'm going to take -- you can't amend a motion to refer to committee by --

>> Casar: I so -- I'm --

>> Mayor Adler: But it's not a proper substitution.

>> Casar: Okay. How would I make it?

>> Mayor Adler: But what you can say is, is that upon defeat of the motion to send to committee, you're going to move to postpone this to the next session. Is there any further discussion on the motion to refer to committee?

>> I was going to second Greg's motion --

>> Mayor Adler: Just a second, you'll have the opportunity to do that. Is there any further debate on the motion to send to committee?

>> One more point to make if I could, Mr. Mayor.

>> Mayor Adler: Okay.

>> I'm looking at the information here, the preliminary memorandum of understanding, for Austin

promise zone. So page 2 in the section C, resources at the top of the page, there is some expectation that there's going to be resources. It says here, subject to approval entities of each partner, partners will collaborate to make available facilities and/or other resources to support activities. So there is an expectation that there could be commitments of people and funds. If you look down to section 4 at the bottom of the page, it spells out section a, very last paragraph on page 2, assign a staff member from the city of Austin economic development department. There are other did understand on page 3, assign a staff member from the city of Austin police department. Assign a staff member from the city of Austin department of housing and community development. So there are some specific call-outs for resources. Maybe it's not that big a deal, but that's why I want this to go into committee to we could quantify what that commitment could be. So that's why I'd like it to go to committee.

[4:15:28 PM]

Because there are some resources called out in the agreement that we're asked to vote on.

>> Mayor Adler: Any further debate on the motion to send to committee?

>> Tovo: Mayor?

>> Mayor Adler: Ms. Tovo.

>> Tovo: Yeah, I think I'd like to -- I'm also supportive of taking it up again next week. I do have an additional question for our staff, but I also -- I don't necessarily want to get into a very complex discussion of Robert's rules of orders -- Robert's rules of order, but it was my understanding that it is appropriate to make a substitute motion if council member Casar motions to strike out the original motion and substitute x,-y and Z.

>> Mayor Adler: It can be a substitute motion but it has to be a substitute motion that relates to the motion to refer to committee. So he could change it by changing the date of the committee, he could change it by changing the committee he went to, but it's not germane to change by moving to postpone it. That's how -- I'll check the rules of Robert's and confirm, but I think that's -- that's my understanding. But after the meeting, I'll go back and check that again.

>> Tovo: Super. Because probably this will come up again and again, and maybe our legal staff can help as they have in the past offered some Robert's rules, and there were looser rules on substitute motions. And what I have in front of me then about Robert's rules may not be entirely accurate. But could you help us understand maybe between now and next week to what the implications are? Just to go back to what council member kitchen said, you know, we did have a situation in this community where there were a couple different promise zone applications, and I don't remember if that was for funding or just for designations. But the city's participation, I thought I remembered, was critical to the success, or a really part of it. So this is entirely different, it sounds like, from your discussion on Tuesday, and it may be that the city's passage of this doesn't matter at all, but I just want to be sure of that.

>> Well, no, it is critical that for success of any project of this nature, that agencies work together for the best use within each district.

[4:17:35 PM]

So -- I'm sorry if that was confusing, but the first application the city took the lead. This is our second

application for the designation, and so based on the committee meeting in October, it was felt that aid would be a better lead for the second round of application. And to the point of staff being assigned, economic development is already working in the field of creating jobs, et cetera. So the staff resources to identify are things we're already doing within our various purviews of the department.

>> Tovo: Sure. And actually, we're very clear, you know, about the success. It depends on collaborations. It's just this formality, "Not clear to -- it's not clear to me whether it's critical or necessary or whether we'd be impairing it, if, for example, next week we decide to send it to committee. Maybe between now and then --

>> I will reach out to the aid coordinator to confirm that.

>> Tovo: That would be great. Thanks so much.

>> Mayor Adler: The motion is a motion to send to committee. It's been seconded. Any further debate on that? All in favor of sending to committee, please raise your hand. I'm sorry. All those in favor sending to committee, please raise your hand. One, two, three, four, five. Those opposed, raise your hand. One, two, three, four, five, six. So the votes opposed to it were tovo, pool, kitchen, Garza, and Casar, and Renteria. It is not sent to a committee. Do you want to make your motion to postpone for a week?

>> Yes, I would like to make a motion to review this item for next week, if you confirm to me that is, in your judgment, not going to be harming our ability to get the designation.

>> No, we still have another meeting.

>> So motion for next week.

[4:19:37 PM]

>> Mayor Adler: Move to next week, seconded by Mr. Renteria.

>> Renteria: Mayor, I -- I really would like to make the substitute motion on passing this today. I move to pass it today.

>> Mayor Adler: Okay. So what you would need -- we have a motion to refer to committee -- I mean motion to postpone now, for one week. I think the appropriate thing for you to do would be to vote against the motion to postpone. Do we have a second to the motion to postpone? No second. The motion dies for lack of a second. We are now considering the main motion, which is the item that's on the floor, which is item 12.

>> Renteria: I'd like to make a motion to park land it.

>> I'll second.

>> Mayor Adler: All right. There's been a call for the end of debate. It's been seconded.

>> I'm sorry, is that a call for end of debate or call for the motion to pass?

>> Mayor Adler: It's the same thing in this context. The motion was already made and seconded so the motion is before us. So it's now time for us to vote on it unless someone wants to debate. I interpreted what he said as a motion to cut off debate and to go ahead and vote. So is there a second to the motion to cut off debate? Okay. Ms. Kitchen seconds the motion to cut off debate. All in favor, raise your hand. All opposed? It's not debatable. Those wanting to keep debate open, raise your hand. Debate is closed. All in favor of passing item number 12, signify by raising your hand. Those opposed? The -- all in favor, the votes are Troxclair, Houston, and Zimmerman. Item 12 passes. Next item we have is item -- I think it's

13. Is that right?

>> Yes.

>> Mayor Adler: 13 was something that I think the staff wanted to address?

>> Yes, mayor.

[4:21:38 PM]

Assistant city manager. I appreciate your indulgence on this calendar as we're continuing to flex it. As you recall on Tuesday, we talked about April 9th being a zoning only meeting and there was some conflict with training, so we took that back off of the list, but failed to put the 23rd back on the list then. So Janet, the city clerk, is handing out a revision to that that puts the 23rd back on the list as a council meeting, instead of canceling that. That's one edit we did in April. There are four. We're going to have April 21st, a work session, so that's back on your calendar, then the finance folks wanted to make sure on April 22nd that we reserved all day for that financial forecast or that financial date. The timing has changed from 9:30 to 12:00, to 9:30 to 4:30, so we want to block off that entire day. One more edit, in December, council member kitchen suggested that to continue the regulator of three council meetings a month, we put back on the calendar December 3rd, so that is on your late backup, but we would suggest there was a lot of staff that came up, including your offices that came up and reminded me after that, December 3rd is right after Thanksgiving, so it's difficult to post, it's difficult for your staff to review, so again, we would suggest taking that back off the calendar and not have a meeting on December 3rd. So the edits are -- that I talked about are -- have been passed out and we would recommend approving that calendar instead of the one that of the in late.

>> I make a motion the approve the calendar with the changes Mr. Good has given us including the December 3rd date.

>> Mayor Adler: Is there a second to that motion? Seconded by Ms. Houston. Is there any discussion in all in favor, raise your hand. Those opposed? I think all voted yes, with Mr. Casar off the dais.

>> Thank you, mayor.

>> Mayor Adler: Thank you. I think that then gets us to item -- yes, Mr. Zimmerman.

[4:23:45 PM]

>> Zimmerman: Which question for Mr. Good, sorry you were just sitting down, but what happened to the calendar you were working on for the council committee meetings? We had some preliminary calendars for those. I haven't seen any update on those.

>> Thank you for bringing that up. We just concluded the last -- setting the last committee, so now that is concluded so I'll get that out to you all. It is looking like everything shaped up, so I can get out the final version.

>> Zimmerman: So we can look forward to that sometime today?

>> Sure.

>> Zimmerman: Thank you very much.

>> Mayor Adler: Related to that matter, I'll just mention as an aside, one of the last meetings we talked about getting a few staff members from staffs that would handle some of the logistics associated with

the implementation of the committee. I asked who was interested in that, and Ms. Tovo, Ms. Pool, Ms. Kinks and -- Ms. Kitchen and my office said we would throw some staff against that and I think that group is going to need to convene here shortly to start handling some logistics, so we have a vehicle to help process that. The next item we have is item 14, but that has been moved to 6:30 time certain. The next item that we have is item 26.

>> Mr. Mayor, can I lay out the item and explain it, and then I think there may be some speakers also.

>> Mayor Adler: There are, in fact, five speakers.

>> Okay. Well, let me just explain the -- we had some conversation about this at our work session, but there may -- sounds like there's still some questions about it, which is fine. But I want to go -- explain it again, and then we'll have the benefit of hearing from the speakers. So first off, I'd just like to say that this is a very, very narrow solution to a unique issue in a neighborhood. It is not designed to set a precedent, doesn't address all parts of town.

[4:25:48 PM]

It's very narrow and very unique to the neighborhood. What we're talking about is simply a traffic control device in a neighborhood that's concerned about issues of safety, where the infrastructure does not exist for sidewalks to handle cut-through traffic, and there's no road now. So we don't have neighbors that are -- have an expectation of a use of the road. And, again, the road is going to be built. This is simply a traffic control device to handle the concerns of the neighbors while keeping connectivity. And basically I also want to point out that this is a solution that's been crafted and agreed upon by all the neighborhood associations involved, by the developer, and the by the city. It is -- it does promote connectivity. It still allows for bicycle and pedestrian connectivity. It allows for emergency vehicles and service vehicles. It is simply a traffic control device. And again, it is a traffic issue, not a development issue. The road is being built but this is a traffic control device to handle the concerns of the neighborhood. So I'll just lay that out right now, and I guess we can hear from folks and I'd like the opportunity to answer any questions that people may have.

>> Mayor Adler: Okay. We'll go to the public testimony at this point. Let me back up. Ms. Kitchen moves item 26. Is there a second to 26?

>> Pool: I'll second.

>> Mayor Adler: Ms. Pool. Let's have the public debate at this point. David king, and then Steven wood.

>> Good

>> Mayor Adler: Good afternoon.

>> Good afternoon, thank you. This neighborhood is in district five where I live, and so, you know, it's relevant to me to speak out in support of my fellow neighborhoods here, who have a problem.

[4:27:49 PM]

And I think this is a very good step. It's really a different way of looking at issues. It's being proactive instead of waiting until there's a problem and then we have issues and we have to fix the problem. We're trying to fix the problem to avoid a problem in the first place. So, I think this is a good proactive strategy. And so -- and you know, I would like to just, you know, encourage you to take this same

approach when we're looking at development projects, and to consider some changes to be more proactive in the way we look at transportation issues in new development. And that is to lower the daily trip threshold for requiring a transportation impact analysis to that it's more consistent with best practices in peer cities. Enhance the transportation impact analysis to include the aggregate impact of things within the area. Look at the aggregation of the development projects in an area that have been approved. When you're looking at the next one, look in the context of the next ones, so you can see the impact when the developments come to fruition. Pass a transportation impact fee so that existing residents aren't burdened with the cost for new development. That's part of affordable affordability. Implement a new policy that development projects will not be approved in areas with insufficient infrastructure. And I think that this proactive approach we're talking about on this small case should be an example when we look at other, bigger development projects, as well. And thank you for considering my comments, and thanks to councilmember kitchen for sponsoring this, and councilmember troclair for cosponsoring it. Mayor pro my name is Steve wood, I'm here on behalf of the neighborhood association.

[4:30:07 PM]

I don't plan to give a speech. I'm here. I have a few remarks, but I'm basically here to answer questions, if there are questions I can help with. The background on this is really pretty simple. This development is a situation that has been before the planning commission. It was also directed over to the environmental board. And in both of these situations, the neighborhood association and the developer - neighborhood associations, I should say, because south of Lamar neighborhood association is involved, were directed to find a win-win solution. We think that's been done. And what you're being asked to approve -- is endorsed by Barton oaks, south Lamar, the transportation department of the city, and the developer. By the way, I want to throw out a compliment to the developer. That's psw, for being creative here and being willing to listen to safety concerns of this neighborhood, and being willing to cooperate and participate in a solution we think benefits everybody. We urge that the council approve this resolution, and if there are questions that I can help with, I'm here to answer them.

>> Mayor.

>> Mayor Adler: Mr. Renteria.

>> Renteria: The reason I pulled this, I was concerned. What is the traffic control device? Is it a --

>> Okay. I think I -- well. I have, actually, a drawing of it. But it's basically a gate. A gate on each end, folds into the middle, and there's a control there that can be cut if necessary in an emergency by emergency vehicles. On either side of it there's what they call a baller on either side that prevents people from cutting around it. There is sidewalks on either side for pedestrian traffic, for bikes to get through, etc.

[4:32:16 PM]

>> Renteria: So emergency personnel would have to cut the gate?

>> Now, actually, the transportation people may need to get more specific with you on that particular question. I believe they can get through without that. I believe that that's the fail safe in case there's

difficulty to prevent delay on an emergency vehicle.

>> If I could speak to that, you may want to ask if the transportation could speak. I understand that's the standard practice that emergency vehicles use in other parts of town, also.

>> Renteria: I would like to hear that from transportation.

>> Mayor Adler: We'll pull up staff after the public comment.

>> Renteria: Sure.

>> Mayor Adler: Any further questions for this witness? Thank you, sir. Vick Ramirez, and then Brad Rockwell.

>> Good afternoon, Mr. Mayor, councilmembers. For the record, my name is Vick, I represent the south Lamar neighborhood association. A long-time citizen, first-time commenter. We support the resolution before you today. I'd like to echo Mr. Wood's comments, and those made by councilmember Kitchen. I'd like to applaud her efforts and those of her staff in getting two neighborhoods together along with a developer to find what we believe is a fantastic solution to a specific set of facts and circumstances. And I think that's important, because I think there may be some concerns that this may somehow set a precedent. But I think the circumstances that we are dealing with are unique. So, please support or approve this resolution. We think it addresses the concerns of all those involved, and I'm available for any questions that you may have.

>> Mayor Adler: Any questions for Mr. Ramirez? Thank you, sir. Brad Rockwell. Is Brad in the room?

[4:34:17 PM]

>> He donated his time.

>> Mayor Adler: Okay. All right, that ends the public comments. Does staff want to come on up? Mr. Renteria, do you want to ask your question again?

>> Renteria: Why is this device necessary?

>> Councilmember, Robert Spiller, director of transportation. We have been asked to consider managing the access along this future street to limit it to bicycle and pedestrian access, primarily, as well as emergency vehicles and service vehicles. And so, it is not unlike when we are asked in other areas to limit large vehicles. And so, in that case, the appropriate traffic control device is sometimes a sign that says, "No large trucks," and then that can then be enforced. In this case, in order to limit the accessibility by automobiles, a gate of this sort would be appropriate. They're sometimes called crash gates. You know, imagine Austin calls for compact and connected. And so, the definition of that connectivity between neighborhoods is being interpreted here as looking to just provide pedestrian and bicycle access. The other question that I think you had is about emergency vehicles. And so, emergency vehicles, we know, depending on where they are within the network, may come from either direction here and find themselves on one side of this traffic control device. And so, the EMS, or the emergency vehicles, typically carry bolt-cutters, and they would simply cut the chain that would hold this gate together.

[4:36:22 PM]

For arr, or Austin resource recovery vehicles, garbage trucks, they would have access to a combination

lock that would keep this gate shut so that they could go through on a regular basis. Similarly, large vehicles, say, moving trucks that might be moving people in on either side of this traffic control device, it would be easier for them to travel through, could be allowed to move through the device in a controlled environment.

>> Renteria: So are you telling me that if we have a project going into other district's neighborhood, that we can just request that we put common devices like these in all the development that's going to be coming into Austin?

>> Sir, I would not recommend that. I think that you have to look at the specific situations just like any traffic control device. There are areas where the devices would work to their optimum conditions, and other areas that it wouldn't. That's not geographic, I'm talking about specific situations. As councilmember kitchen pointed out, one of the unique conditions here is this is a new street being built by a developer and being conveyed to the city. And so there are not currently users of this new street that would be blocked from using it.

>> Renteria: Well, you know, I could also see the reverse, where people want to build a development right in the middle of your neighborhood and say, we want to just make sure that no one can get in, so we're going to put a common gate on there, a device.

>> And that is something we have typically discouraged from a traffic perspective. There are communities around this -- within our city, sir, that own their own streets. They're private streets. And they will put Gates up on those private streets, but those are not city streets, or owned by the city.

[4:38:30 PM]

>> Renteria: Well, I can see through the map here that I'm looking at that, you know, it's right in the middle. A bunch of streets are not connected. And, you know, you've got sea road, and it just seems like it's a vacant piece of land there that's going to get developed, I'm assuming that's what's going on. They're developing multi-housing, or whatever. But then you're saying that if we don't want that traffic to come through our neighborhood, we can just come and say, "Hey, we want to pass a resolution like they're doing here, and we can just put a gate right on the street."

>> Well, sir, it's an item from council, not from staff, so.

>> Renteria: Okay, I'm sorry.

>> I can't answer that.

>> Mayor Adler: Ms. Kitchen, and then Ms. Garza.

>> Kitchen: I . . . Well, you know, I would just like to say -- I would just like to emphasize, I respect and I understand the concerns that councilmember Renteria is raising, but, I would like to say that, you know, we do traffic control devices all over the city. And we do them uniquely tailored to what the needs are in the particular neighborhood. And I would certainly support, if you had some needs in the neighborhood for a traffic control device, I would certainly respect that and understand that that neighborhood is uniquely situated to understand what might work in that neighborhood, in conjunction with the city. So, this is not any attempt to be exclusive. It's not any attempt to wall off existing neighborhoods from other neighborhoods. That's not the geography of the situation in this neighborhood.

>> Mayor Adler: Ms. Garza.

>> Garza: I have a few questions for staff.

[4:40:34 PM]

So, once this road is built, it's going to be maintained by the city? So it's a city road once it's built?

>> Yes, ma'am. My understanding is that after the development is complete, it will be turned over to the city for maintenance, yes.

>> Garza: Okay. And one -- your response to the emergency vehicles kind of raised some concerns for me, because I was thinking as a former firefighter, we didn't carry a ring of keys for different Gates. And I guess I'm concerned if the neighbors would feel the same way if this potentially stops a fire truck from coming to your house, or potentially stops an ambulance, they have to stop, jump out in their scva gear and cut a gate open. And who's going to maintain the gate itself, is that maintained by anybody?

>> The traffic control device once it's constructed and turned over to the city, yes, the city will maintain that, just as we do other traffic control devices that are potentially built by developers. For instance, signals that are built by developers, once they are turned over to the city. So the traffic control device is constructed under our guidance, and we accept it when that turns over. With regards to the emergency vehicles, again, because the emergency vehicles are often traveling in the network when they get a call. And so, it's not always predictable as to which side of the traffic control device they may come to. And so, we work with them to make sure that they have the ability to get through that device when they need to. I would believe that they would be dispatched to the correct side of the gate, 99% of the time. But given that 1% chance that they end up on the wrong side, they have the ability to get through it.

>> Garza: Okay, thanks.

>> Mayor Adler: Ms. Houston, and then Ms. Pool.

[4:42:37 PM]

>> Houston: Mr. Spillar, thank you so much. It's a lot of us up here, huh?

>> With the echoes, I don't know, you never know which way it's coming from.

>> Houston: You answered one of my questions.

>> Mayor Adler: Welcome to my world.

[Laughing]

>> Mayor Adler: I'm sorry, Ms. Houston.

>> Houston: The developer will build the device?

>> Yes. That's my understanding, yes.

>> Houston: Okay, and it's a city road with limited city access after the device is constructed?

>> The street in its totality would be turned over to the city. And so, we would have public access through there, pedestrians would be able to walk through, obviously. Bicycles would be able to move through.

>> Houston: But no vehicles?

>> Typical auto vehicles would not be able to move through.

>> Houston: Okay. Let me ask you a collection. Have you been collecting data to see how much cut-through traffic is predicted to go through that area?

>> We -- I don't know how to answer that, councilmember. The answer is no. I have not collected data.

Anytime we connect a network grid link, if you will, we would expect use. And so, this street would be expected to carry demand that would be similar to any other neighborhood street that would be in this area. So, I don't know how to answer that.

>> Houston: What might that be?

>> I couldn't tell you you have a the top of my head.

>> Houston: We're putting in place something we don't have much data about the demand for the gate?

>> We are putting it in based on engineering assumption that there will be additional traffic that's not experienced now.

>> Houston: The only reason I'm asking is, I don't live in that area, so I don't know what all is going on. Because, you know, we have cut-through traffic all over the city. We're using other kinds of devices to mitigate that, so, why did we go to this extreme, I guess?

[4:44:40 PM]

>> Well, this is a part of the network where there are particularly few existing streets, and so it is a network that is -- or a neighborhood that I guess I could describe as a more rural neighborhood converting to a more urban, or urban neighborhood. So, there is a significant lack of streets. Most of the traffic control devices that we put in for neighborhood traffic calming are actually for speed control to slow traffic down. Yes, if you put enough speed control devices into neighborhoods, it will discourage cut-through traffic. But, it does not by the design deal with some of that cut-through traffic. Most of those devices are being placed on existing city streets where there's already a public interest been established, because people have already been traveling there. We're trying to manage that existing travel. This is a new street. It's not yet the city street. And so, we have the ability to designate traffic control devices that are more restrictive than the ones, perhaps, you've seen on streets, speed humps, and speed cushions.

>> Houston: Thank you.

>> Yes, ma'am.

>> Mayor Adler: Yes, Ms. Pool.

>> No, I have --

>> Mayor Adler: I'm sorry.

>> Pool: I think --

>> Okay, go ahead.

>> Pool: Mr. Spillar, thanks for being here this afternoon. It's later than I thought, I guess because we started at 1:30, and here it is like 5:00 or something.

>> Yeah.

>> Pool: I wanted to thank you, specifically. And I've talked about this a little bit on the work session on Tuesday. I sat in on some of the early meetings to try to find a good resolution for the concerns of the neighbors on both sides of this new area that will be developed, Barton oaks, and south Lamar neighborhood association. Councilmember kitchen invited me to sit in, and we met with psw and their agent, and with you and the city manager, and some other folks from planning review and development.

[4:46:48 PM]

And we had come to -- I just wanted to let my colleagues know, we had come to an impasse on how to move forward to find the sweet spot in this situation, but we all felt like it was out there if we just sort of persisted and maintained. And it was Mr. Spillar who very adroitly looked at it from a traffic engineer's perspective and came up with the idea of installing this gate at the specific location that I think is clearly defined in the resolution. And he found the way forward for us on this one. This is a rural area of town. There are no gutters or berms or sidewalks along it. There's what's called -- one of many, dead-man's curve, right before the new stretch of Aldwyche will be put in, and these are narrow country roads that we probably don't have very many of them anymore. And then the neighborhood that this will be newly cutting into, this cul-de-sac, and it is a cul-de-sac, where kids play basketball. I think there's a basketball hoop up there? Is the end of a neighborhood that was put in in the 1960s, and probably the price point back then was about \$45,000. These are not high-end homes at all. They're very definitely middle-class homes, and I think the appraisal on the homes -- a lot for some parts of town, but not a lot for a lot of others. I just wanted to point out it was Mr. Spillar who came up with this very accommodating resolution for everybody. Staff and the neighborhoods are amenable to this. Councilmember Kitchen helped to bring it together, and if the developer, and the staff, and the neighbors are good with it, I feel very comfortable voting in favor of item 26.

[4:48:49 PM]

>> Mayor Adler: I'm also going to vote in favor of this measure. Some of these, I think as we get them, are going to be difficult. And this one is. My guiding principle is letting the neighborhood decide. I think that this is an atypical-enough situation, and I look at the fact that this council can change this. So, there's no vested right that's being given to a neighborhood. There's no vested right that's being given to the builder of the neighborhood. So, the staff on its own motion or otherwise, if a citizen in that community was looking at it and this neighborhood developed or grew or matured to a different place where this different work, then it would just take coming back to the council to change it.

>> Mayor, you know -- mayor. You know, my concern is that, you know, we went through all this comprehensive plan about connect, and compact and connect. And now we're going right against what we've been working so hard for, is to have a compact, and have a connection where -- and now, we're telling the citizens in Austin that, you know, that next code is just -- well, it's okay, but we're going to adopt it for certain areas of the city, but we're going to force the rest of the city to connect and be compact. So, that's my big concern. I understand. I'm really -- would support this, if, you know, if that's the way we were going to go. If that's the direction that city wants to go, then it's fine with me. You know. I have no problem with it. You know. We can always change the code next to allow these kind of things.

>> Could I speak to that, please?

>> Mayor Adler: Has anyone not had a chance to speak yet? Let me go back to the people that haven't, Mr. Casar, Zimmerman.

>> I wanted to speak specifically to this question.

>> Mayor Adler: There may be more things you can speak to, as well.

[4:50:53 PM]

Mr. Casar.

>> Casar: I'm inclined to abstain from this vote, as I made clear during the consent agenda vote because as the mayor mentioned, we may see a vote to remove the gate and that very same issue is happening near my district, where neighborhoods and a developer agreed to putting up a gate and also limiting access on morrow street. Now many people in district 4, who were not as well-represented at the time on the council now have trouble gaining access to many of the places they want to go. However, I feel like with this specific case, it is a unique case. It has similarities to that case, but I don't have enough information, I think, on this case to vote no. And it does seem to me that there is the will of the council to pass this case. I won't vote no, I will abstain. But, I think that Gates, while being a traffic, clearly a traffic mitigate -- a traffic-stopping device, I'm very much in favor of traffic calming. I have a large incident of pedestrian accidents and deaths in my district. I understanden and want to fight for traffic calming, but, this getting rid of access on the street, I'm comfortable to abstain and have conversations moving forward about these sorts of Gates. We may see ourselves here in two or three years voting to remove a gate we spent money putting in.

>> Mayor Adler: For what it's worth, I would advise the council that a vote when there are abstentions still requires six votes for approval. Mr. Zimmerman, it's your turn to debate.

>> Zimmerman: Thank you. I want to concur with your remarks, Mr. Mayor, about the uniqueness of the situation, and the preference we should show to the local community. So, I'll be voting with councilmember kitchen on this issue. Thank you.

>> Mayor Adler: Further debate on this issue? Ms. Kitchen.

>> Kitchen: I just wanted to speak to the concern about imagine Austin.

[4:52:54 PM]

And I respect and understand that concern. But I'd like to also point out that imagine Austin is much broader than a definition of connected that only talks about automotive traffic connecting on the street. And I do welcome further conversation about that issue at some point in the future. I don't think it's impacted by this case. And I'd also just like to give you some examples. Page 107 of imagine Austin talks about connection by sidewalks and bicycle lanes, as well as transit. There's also page 98, talks more about bicycle and pedestrian networks. There's also language in imagine Austin that talks about the importance of understanding neighborhoods. There's language about trails, parks, and open space. So I don't see this action as changing imagine Austin. And I don't see it as in conflict with imagine Austin. And I do think that the question you're raising, councilmember Renteria, is something that we can certainly -- it certainly deserves more discussion as we move forward, but that's not this case. So, I just wanted to say that. And I would just urge my colleagues to vote for this. It is a win-win solution that the neighborhoods and the developer went back and, with the help of city staff, crafted. And this is also a neighborhood to speak to what councilmember Casar had said, this is a neighborhood that has already been impacted very negatively by lots of development in a situation where there was a lack of infrastructure. So, we don't need to make it any worse. This is a neighborhood that has experienced flooding, that has experienced other safety and traffic issues on del curdo, there's a lot of building going

on in a neighborhood that's primarily rural infrastructure.

[4:55:02 PM]

And we're going forward without even considering the fact that the infrastructure's not there. So, I think that this is a good solution, and a good win-win solution for now.

>> Mayor Adler: Mr. Renteria.

>> Renteria: I just hope that in the future, that these items will be referred to committees. You know, because there's a lot of, you know, questions. And, you know, about these kind of -- how are they going to impact the safety of the neighborhood there. You know, are ambulances going to have to stop and cut a bolt? You know, losing precious seconds to response to an emergency. So, those are the kind of things that -- has a manager done a traffic study to see how it was really going to impact that street? So, those are the kind of things that I hope in the future, that when these kind of situations come up, that they get referred to the committee. That's why we set up the committee structure. So.

>> Mayor Adler: Any further debate on this item, 26? Ms. Pool, is that a yes?

>> Pool: I just wanted to say that we can talk about the policy issues, certainly, but this one specific case, I feel really good about moving forward with it, and I would very much ask for your vote, Mr. Renteria. Thank you.

>> Mayor Adler: All right. Any further debate on number 26? All in favor of number 26, please raise your hand. Those opposed? Those abstaining. So, the abstentions are Garza, Casar, Houston, and Renteria. And I think the others voted yes. So, that was 7-4. Item passes. The next item that we have are the zoning cases, now.

[4:57:08 PM]

And would you present to us, then, the consent zoning cases.

>> Mayor, planning development review department. Your 2:00 P.M. Zoning items for which the public hearing are closed are items 30 and 31, the Garza ranch items, for second and third reading, discussion. For your 2:00 P.M. Items which the public hearing is open, item 32, case c14-2014-0165, for the property located at del Curto drive. Zoning to townhouse and condominium. The recommendation is to grant the fs6 townhouse and bond minimum zoning with conditions, in this case, ready for consent approval on first reading.

>>> Second case, c14-2014-006, sweet hill, 807 east 16th street, and waller street. Staff is requesting a postponement of this item to your April 16th agenda, and that concludes the consent zoning agenda.

>> Mayor Adler: Yes.

>> So move.

>> Mayor Adler: Ms. Pool moves approval of the two zoning items on consent. 32 and 33. Is there a second? Ms. Houston seconds. Any debate? Hearing none, all in favor of the zoning consent, please raise your hand. Those opposed? Did you raise your hand on that, Ms. Tovo? Okay. I'm sorry. Happened too fast for me. So, everyone voted for it with Ms. Kitchen and Mr. Zimmerman off the dais. That then gets us to the zoning item that is not on consent. It's items 30 and 31. The Garza.

>> Those items, item 30, case car14-2014-011a, located at Garza lane, requested zoning from mixed-use

zoning and grmuc to the same zoning to change the condition of zoning, specifically the number of trips that are allowed on the property.

[4:59:25 PM]

Item 31, c14-2014-011b, for the Garza ranch. Also a request from community commercial mixed use conditional overlay and neighborhood planned zoning to change the condition, again, to change the trips. As a reminder on first reading, the city council approved this item with a limit of 13,000 adjusted trips per day. I'd like to clarify that included the revisions to the tia that were made that included no am exiting traffic onto the mopac frontage road, and we'll update the restricted covenant to make sure that is reflected in the document. So, with that, I'm available for any questions.

>> Mayor Adler: Does anyone have any questions? Is there a motion? Ms. Tovo.

>> Tovo: I have a couple questions. Last time we talked about the restrictive covenant and the line in it that talks about administrative approvals of the tia. I suggest that had staff come up with some language that makes it extremely clear that it could not be for more than what will eventually be approved by council, if something is approved to change that trip limit. Have staff presented the changed language?

>> No, we need to redraft the cover than the because of the change regarding the gate. So, we'll tighten up the language. The language we had is what we've always used. Basically the idea is that they can alter the uses, the square footage of the uses, but ultimately, their trips cannot go above the trips approved by the city council.

>> Tovo: Right. But, where is the restrictive covenant in this stage? Are you suggesting, then, that the staff would redraft that, and that it's being offered, this is being offered on second reading today?

>> It depends on the will of the council. If the council directs us to go and -- basically, I need to change the restrictive covenant because it reflects the old tia without the gate.

[5:01:37 PM]

If the council wishes to, I believe we can mange that simple change to the restricted covenant without needing to come back for third reading. Or we can pass on second reading, and have the language done and bring it back.

>> Tovo: Thanks. I had another question. We talked earlier. I had asked staff to help us determine which uses . . . Let me think about how to begin this point. So, I believe the applicant has asserted that the prior council approval, the 2013 approval to allow the applicant to increase the impervious cover to 43% . . . There was a decision in 2013 that allowed the applicant to increase the impervious cover to 43%. The applicant has asserted that to achieve that, they should be able to -- they will need to increase the trip limits, and that there's a certain amount of expectation that they would be able to build out the site to 43%, and the existing trip limit would be insufficient to do that. I know my staff has been looking at some of the Numbers, and I did ask our planning and development review staff a little earlier in the week if they could help us with that task. I don't think we've -- we're quite there yet. So I would ask the council to -- if there's a will to pass this, to really pass it on second reading, and see if we can get a little closer to the Numbers. You know, we had a lot of discussion last time about what the trip limit would allow, and it would look to me, based upon the preliminary Numbers I've seen, if the applicant chose a

lower -- chose uses that generated fewer trips, he could achieve the build-out with a trip limit that is far lower than the 16,000 that he requested.

[5:03:45 PM]

And even the 13,000 that was approved on first reading. I don't know if that made any sense, because it was such a long sentence. But basically, I think, you know, the previous agreement allowed the applicant to go to 43% impervious cover. There is now an assertion that to achieve that, they would need to increase their trips. We had a lot of discussion last week about what that increase should look like. And I think if we get some more data from the staff, about what the lowest trip generators could be, building out to 43%, then we will have a better understanding of what that trip limit should be. I don't think 13,000 is where it needs to be, in essence. I think we could increase the trip limit, or consider an increase to the trip limit, but I would like to see some information suggesting that to achieve 43% using lower trip generators like hotel/motel, or multifamily, that that's really necessary. I'm happy to answer questions.

>> Mayor Adler: Any further debate, discussion on this issue? Ms. Garza.

>> Garza: I would be supportive of mayor pro tem tovo's proposal there. I'm not comfortable with the high trip count, but I also -- it seems if there could be a way to build out to the entire 43% impervious cover, but have lower trip count, which is what I am supportive of, I think that that would be a great win-win for many of us who were struggling with this decision. So, I don't know if you need a motion? Okay.

>> Point of order.

>> Mayor Adler: Yes.

>> Is there a motion on the floor yet?

>> Mayor Adler: There is not.

>> Okay, so is it the intention here to --

[5:05:45 PM]

>> Mayor Adler: Someone needs to make a motion if we're going to do something.

>> Zimmerman: I'd like to make a motion that we approve on second reading increasing the count to 16,200 per the engineer's traffic study that we heard on the 1st.

>> Mayor Adler: Okay, there's a motion to pass 30 and 31 on second reading only at 16,200 gross trips. It's been seconded by Ms. Houston. Yes, Ms. Troxclair.

>> Troxclair: This is a complicated issue, and I've spent a lot of time over the past several months listening to the many voices who have a stake in this tract. Many in support, many in opposition. I've reviewed all the past correspondence, testimony, debate, and legal history at length. And at this point, I think it is important that we reach a decision and provide closure for the city, as well as the property owner, as well as the neighborhoods surrounding this tract and move forward. I guess to address councilmember Zimmerman's motion to approve the 16,000 plus trip count that's in the T I a, I think that that motion is probably partly due to a review of how tias have been treated in the past by this council, historically, the approval of tias has served as an administrative function, not as an opportunity

to limit or readdress zoning and land use issues. And I believe that this is the first time that the city council has ever made any amendment to the number of trips in a tia as we did in our last meeting, which speaks to the importance of the traffic issue and the seriousness with which myself and the rest of the council has viewed the traffic increase.

[5:07:56 PM]

However, the current city processes dictate that any limits on the use of the property are addressed through zoning changes, which is already been decided. For more background information, in my research, I have found two previous references to a trip estimates in the 16,000s. In 2007, a zoning change request approved by a 9-0 vote by the planning commission, and nearly unanimous vote by the city council stated the trip generation under the requested zoning is estimated to be 16,795 trips a day. Then, in 2012, the property owner submitted a pud with 16,000 trips. Speaking from a historical standpoint, it's in line with what has been granted on this property. But, with all of that said, I have to balance that information with the concerns about the increased traffic in an already-congested area. The tia identifies traffic improvements that can be made to mitigate traffic. The property owner will pay a portion of the cost, accordance with city practices. Moving forward, I hope I can ensure the money that is set aside for traffic improvements across the city is spent on making those improvements. I think it's unanimous that we need to take a focused approach when it comes to addressing our traffic issues in this city, and that would be a good way to start. As I've stated before, I will be working with my colleagues in the city staff to ensure that the traffic issues that are specified in this particular case are addressed with the money that has been set aside for those improvements. Knowing that the potential developer will have to return to the city for approval, I will expect them to engage with the community as they have committed to me that they will do for input on what the ultimate development will look like.

[5:10:03 PM]

I'm getting to the end, just stay with me here. So, balancing all the issues I've just mentioned, in addition to the environmental, zoning, land use, and history, I would like to make a motion to approve an amendment with a lower trip count. For reference purposes, the original trip count in the tia was 16,204 unadjusted or gross trips. And the adjusted trips, or net trips, was 13,906. On first reading last week, the council approved a resolution to move the number to 13,000 adjusted trips, or about what I understand is equivalent to about 14,500 unadjusted trips. I understand that it's more consistent to return to dealing with the unadjusted trip number, and therefore, I would like to make a motion to reduce the unadjusted trip limit from what was originally 16,200 currently stands at about 14,500 to 13,000 trips a day, knowing that the net or adjusted trips that are eventually generated from any future development will be even less than that number. I just wanted to say thank you to everybody who engaged in respectful discussion on this issue. And thank you to listening -- for listening to me, and for understanding my own struggle in trying to balance all of the very complicated aspects of this case.

>> Mayor Adler: On second and third reading, or just second reading?

>> Troxclair: My opinion is that with the history of this case, and with the continual postponements, I do

not believe that we will have any -- that anything will change between now and a postponement.

[5:12:04 PM]

>> Mayor, I would support that motion.

>> Mayor Adler: So that I have it, right, there was a motion to approve 16,200 on second reading, is that right? And there was an amendment offered to go to 13 gross. And I'm unclear, a second and third, or second?

>> Troxclair: I think second and third reading would be appropriate.

>> Mayor Adler: We have an amendment to go to 13 gross trips, all the other conditions that were previously said, on second and third reading. That is the amendment. Is there a second?

>> Renteria: I'll second.

>> Mayor Adler: Mr. Renteria seconds that. We are now in discussion of the amendment. Ms. Pool. Then Ms. Gallo, then Ms. Kitchen.

>> I'm very troubled that we have no guarantees that any traffic improvements will ever occur, despite the fact that there is a share of money coming in based on the tia. We've had a lot of conversation about the fact that we seem to be promising the community that with the tia there's a certain amount of negative effect to existing, failing traffic conditions, and that this seems to hold out a promise that we would do anything to fix them so that they wouldn't be any worse than they already are, is failing. I understand that at a 9% pay into that account that that's not ever going to happen. And I would note that txdot is involved. These are state highways that we're -- that the traffic flow will go onto, and txdot isn't here. I haven't heard that they've been at all involved in any of these conversations. I was ready to say that I would agree to second reading only, but that 16,000 was too high. And then it shifted and now we've got second and third reading. I wasn't sure if this was 13,000 adjusted or gross --

[5:14:11 PM]

>> Mayor Adler: 13 gross.

>> Pool: Gross, the adjust the number is something below that? I could almost be persuaded. I hear you, councilmember troxclair. I hear you.

>> Mayor.

>> Pool: But I'm not sure yet. Can you answer the thing about the txdot question?

>> Sure, they have been involved in the project all along. They've reviewed and approved the tia, and they've also been involved in the driveway location, and the issue of the gate. So, we've been talking about that.

>> Pool: Are they willing to make any improvements to that intersection, based on our pain here?

>> [Chuckling] The fiscal -- we have \$44,000 of fiscal from this project that would go towards improvements in the intersection. I don't know about their commitment to do those improvements sooner rather than later. We'd have to follow up with them on that.

>> Pool: Would you do that for us, please?

>> Yes.

>> Pool: Thank you.

>> Mayor Adler: Ms. Gallo and then Ms. Kitchen, then Mr. Zimmerman. Then Ms. Houston.

>> Gallo: You know this has really been an interesting case. I think what we've heard over and over again is the citizens of Austin have complained about and asked for more predictability in our city government decisions. And it appears to me, although I wasn't part of the process over the last many, many years that this has been discussed, but, it seems like in good faith both the property owner and the city have negotiated and agreed to zoning, water quality, and density. And we have a process, a perceived process within our zoning that says a placeholder will be put in for traffic. And at some point when the owner of that property is ready to come back and talk about how they're going to use that within the allowable uses you should under the zoning they had been approved for, then a traffic impact analysis would be done.

[5:16:11 PM]

And I probably, at this point, would've supported the full trafficker count of the full traffic analysis, because I think that for any of us -- and I don't want to speak for other councilmembers that talked about this before, but I think when you approve a zoning, you have to know that the traffic is going to increase. And that the owner does have the ability and the right to develop that property to the maximum. Now, there are environmental features that come out of that. There's setbacks that come out of that. But any increase in a zoning category, and increase in use is going to have traffic that goes with that. And for us to come back and not approve what an engineer has provided in a tia, and to negotiate on the amounts, I think just brings up a process that I'm not comfortable with. I think that if we have a concern with the policy, then this council needs to address that policy. I look forward to doing that in the appropriate committees. But, I think we owe the citizens of Austin a predictability, and I will support the motion that is on the floor at this point. But I would've supported what the traffic analysis showed. Thanks.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I'm not going to be supporting this because it's on second and third reading. I was much more comfortable with the approach that councilmember tovo had put forward. And reason for that is, is I -- to me, the tia doesn't bear any relationship to what our roads can bear, and what will happen with those roads. And so, I just am uncomfortable with that level. And I appreciate councilmember troclair's efforts to bring this to a more -- what I would consider to be reasonable level. And I appreciate that.

[5:18:11 PM]

But I'm uncomfortable with the second and third, because I would want more time to think about what she had proposed. And I'd be interested in understanding what 13,000 gross ends up with, from a net perspective. But in any case, I just feel like I do agree with councilmember Gallo that we really need to be talking about the process, and the policy behind tias and how we're going to deal with that and traffic in our city, because right now, I don't see any relationship between the tias and what we're doing with our roads, so, thank you.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. So, it's my understanding from the conversations and especially

what councilmember troxclair was discussing, and what councilmember Gallo referred to that there is a process in place now. And I agree with my colleagues, absolutely. This council has a right to look at that again. And if the council votes for a policy to use tia as a way to limit development options, I think we certainly have the right to do that. The reason I brought up the 16,200 is because it's not an arbitrary number. Some of the other Numbers I hear really are arbitrary. The number of 16,200 came from a registered professional engineer, using nationally recognized simulation models for making those calculations. So, the 16,200 is the only number that I have before me that is not arbitrary in the way that I see that. So, with that said, to maybe -- and hopefully end decades of debate, hopefully, I wouldn't be opposed to councilmember troxclair's amendment to get it down for second and third reading. But I would support that only if we could do second and third reading. Thank you.

>> Mayor Adler: Mr. Casar.

>> Casar: So, let me be clear.

[5:20:11 PM]

From my comments at the last council meeting, I think this case is an example of, at least for me, how business should not be done here at city hall. It's my understanding that the trip count was set prior to the sos amendment, and that that trip count reassured those contemplating the amendment that the intensity of usage would be moderated because the trip count was in place. It's my understanding we were pushed to a majority on the sos amendment because of continued legal and legislative threats. And that kind of posture against the values that austinities put in place by their votes it the kind I voted against, and that's not acceptable to me. I'm pretty sure if the vote had taken place on the sos amendment along with the 16,000 trip count, a majority would have never been achieved in the first place and we never would've been here in the first place dealing with this very vote. But, that being said, we're stuck in the position that we're now in. And at the last hearing, I supported a trip count of 10,000. I saw it go down on a 5-6 vote. I'm pretty sure we're not going to get 10,000 trips. I'm going to support the higher trip count, because we need to move on. And I hope, and will do what's in my power in the future to make sure this isn't the way business is done, especially in environmentally or socially vulnerable areas. I'm being realistic. I supported a reduction to 10,000, there's not the will to do that, I will support this motion.

>> Mayor Adler: Is there further debate? Ms. Houston.

>> Houston: Yes. I'm not sure whether -- am I on?

>> Mayor Adler: Yes.

>> Houston: I'm not sure whether it was councilmember Gallo that said people want predictability. As a councilmember, I would like some predictability, as well. This is a -- as I'm sure the family would. In my opinion, and after reading all the information, the owners have been more than accommodating to the city's requests or demands, as some might call it.

[5:22:18 PM]

It then becomes a property rights issue to me. When are we going to allow the Garza family to sell the land and go about their business and get on with their lives? So I will be supporting this on second and

third reading.

>> Mayor Adler: Is there further debate? Ms. Tovo.

>> Tovo: Let me just ask staff. If this passes on second and third reading, where does that get us in terms of the restrictive covenant changes you said would be necessary? Anyway, that's my question.

>> Specifically, we're going to reference the new tia memo including the gate. The new tia data that includes the gate. That's a cleanup item we have to do. I can also look -- work with the law department on tightening the language we have. It's intended to allow them to alter the land uses, you know, right now they're making a presumption of certain uses, that's how they get to the trip number they proposed. The talk in the tia restricted covenant about administrative changes is specifically with regard to allowing them to tweak those land uses as long as they stay under the cap. If you'd like, I can work with law to find tighter language, but, we need to do a new restricted covenant either way to account for the gate.

>> Tovo: And so, for this to pass on second and third reading, the restrictive covenant does not come back to council?

>> That's correct.

>> Tovo: So, we would be making a decision that --

>> You'd be taking my word.

>> Tovo: On a restrictive covenant that's not finished, but, you have the direction you need to tighten the language.

>> Yes. We have the standard language we've always used. I'll work on tightening that up and incorporating the new conditions of the new trip count and the gate.

>> Tovo: Okay, thank you. You know, as I said before, I think it would be reasonable to pass this on second reading, and ask staff to come back and provide some information about that.

[5:24:19 PM]

You know, we have a tia that was based on some uses that are high trip generators. I think we have talked and have agreed that 43% impervious cover is what this applicant has been granted, but they make choices about which uses to put on that site. Some are high traffic generators, some are -- generate fewer trips. So I think it's very reasonable that we could get to some very concrete information about what those trip limits need to be for different uses. So, I can't support this as it is. And I would strongly urge that we ask the staff to help us figure out how many trips would be necessary for uses that generate fewer trips, and then use that to figure out what is a reasonable increase, because they are here asking for an increase.

>> Mayor Adler: So, I have environmental concerns with the development of this tract. There was an agreement that prior council made concerning the environmental issues associated with this tract. I wish that question was before this council. I don't know that the decision would be the same. But the council prior to us already made that decision, and then passed it along with that decision having already been made. I'm going to vote in favor of the amendment, as well. But I want to add -- and I'm not going to explain the reasons why. For this reason. It's my understanding, from the amendment, that the applicant in this case has agreed to or will abide by the 13,000 trips gross. If this matter ever comes back to me on this dais, I'm going to hold to that.

[5:26:28 PM]

I'm going to hold to that. Is there further debate on this issue? Further debate? Ms. Troxclair.

>> Troxclair: It is very important to me that I clarify that the gate will be included, and that the trip limit that I am amending will be included.

>> The form that that will take, the gate is not going to be in the restrictive covenant. We have an updated tia that shows no exiting trips. We reference that tia with the restrictive covenant, that makes it so there's no trips on the mopac in the morning, but, it's not a public covenant, when you show no trips going out, that's the way.

>> Troxclair: And a reduction in the trip count to 13,000 unadjusted will be incorporated?

>> Yes, we can do that.

>> Troxclair: Thank you.

>> Can I call a question?

>> Mayor Adler: There's been a motion to cut off debate. A second by Ms. Houston. Those in favor of items -- I'm sorry, there's an amendment on the floor to change the motion to be 13,000 gross trips. Second and third reading. Together with the restrictive covenant issues. All in favor of that amendment, please raise your hand. Those opposed, raise your hand. 7-4. The four no votes are tovo, Garza, kitchen, and pool. We are now to the main motion, which is to seek approval of items 30 and 31, consistent with the amendment just passed. Any further debate? Hearing none, all in favor, raise your hands. Those opposed, raise your hand. 7-4, same vote.

>> Thank you, mayor.

[5:28:29 PM]

I have a postponement for 34 and 35. Item 34 is to conduct a public hearing and consider ordinance to limit the redevelopment of existing small lots that are developed on a single building site. Staff is requesting a postponement of this item to may 7th. Item 35 is conduct a public hearing, amending city code, changing regulations for city dwellings. Staff is also requesting a postponement of this item to may 7th.

>> Mayor Adler: Okay, those items have been postponed. Do we need to vote?

>> Yes.

>> Mayor Adler: Is there a movement to postpone? Mr. Zimmerman, second by Mr. Renteria. Any debate? All in favor of postponing, raise your hands. Ms. Kitchen, are you voting? We're postponing 34 and 35. All in favor, raise your hands. Those opposed? It's unanimous on the dais. That gets us to almost 5:30. We get to have some . . . Okay.

[Chuckling]

>> Mayor Adler: Let me -- I want to say that first, there was a funeral today for bob Armstrong. I know that there were some of us on the dais that wish we could've been there, and with the family. And I just want to mention, and remember him. He was a great leader in this state. An assistant secretary of interior, ran the national parks, land commissioner in this state. Just an incredible guy. I want to mention that. And then, before we leave, I also want to mention on the dais that today is councilmember pool's

birthday.

[Applause]

>> Mayor Adler: My next item is live music.

[5:30:30 PM]

Should being happy birthday? I think we should.

[Singing happy birthday]

[🎵 Music 🎵]

[Applause]

>> Mayor Adler: We have live music and proclamations and then we are back here, 6:30 time certain for item 14. So we'll stand at recess for live music and proclamations.

[Recess for live music and proclamations]

[5:35:31 PM]

[🎵 Music 🎵] .

>> Mayor Adler: So joining us today is fog & bone. Fog & bone is a collaboration of American musicians, Matt Bradshaw on the harmonica and manned Lynn and ed Dickerson on the middle and the guitar.

[5:37:32 PM]

The paver grew up in the hills of Virginia with an upbringing rich in bluegrass and americana. Drawing influence from music of the past and the present, fog & bone's sound often transcends tradition, playing with new configurations of blue glass, blues, folk and soul. Fog & bone made Austin their home base in 2013. Their first release is entitled "The way it was" and it's a collection of traditional bluegrass songs and their follow-up release entitled "The way it is" features the group's original song writing. Please join me in welcoming fog & bone.

[Applause]

[🎵 Music 🎵]

[5:43:26 PM]

[Applause]

>> Mayor Adler: That was wonderful. Thank you. All right. So in case people are watching or the people that are here, give us your website.

>> It's fogandbon Kansas webcamp addendum.

>> Mayor Adler: With where will you be appearing next.

>> Tonight at a brand-new Austin venue, stay gold, 11:00 P.M. Tonight.

>> Mayor Adler: Well, great. Do you have a booking after that one, after tonight?

>> I have to check the Wednesday.

>> Mayor Adler: Okay. We'll all go do that. How do you like Austin? You're kind of a recent -- although

people coming here so fast, you've been here for a year, you've been here longer than a lot of people.
>> I've been here a year, three months, Matt has actually been here about five now. We were friends in college back in Virginia, played a lot of music together there. Once I moved down here we reunited, recreated offending following and gave it a new name. I love it. This is an amazing city to play music in.
>> Things like this are a reremind of how great the city is.
>> Mayor Adler: It is so core to our spirit and soul here. Thank you. Treat for us. I now have a proclamation that I would like to read. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our musical scene thrives because Austin audiences support good music, produced by legends, our local favorites and newcomers alike and where is we are pleased to showcase and support our local artists, now, therefore, I Steve Adler, mayor of the live music capital, do here by proclaim March 5 of the year 2015 as fog & bone day.

[5:45:37 PM]

Congratulations applauds.

[Applause]

>> Thank you.

>> Thank you. Appreciate that.

>> That's amazing. Wow. You've got to sing one with us.

>> Mayor Adler: I like this mic.

>> Mayor Adler: Somebody watching you on TV?

>> Probably. Hopefully.

>> Mayor Adler: We now have a proclamation for women in construction week. Cindy, let me go ahead and read the proclamation that we have. Be it known that whereas the national association of women in construction, the nawic, has distinguished itself as the voice of women in construction for 61 years, and its Austin affiliate has benefited our city through community development and educational programs, and whereas the Austin nawic region seven, chapter 7 has unceasingly advanced propose of women in the construction industry and whereas the construction community represented by Austin nawic region seven, chapter 7, has been a driving force in fostering community development, the renovation and beautification projects, promotion of skilled trade careers and its positive vision for the future, and whereas we are pleased to recognize Austin nawic and its many dedicated volunteers for their steadfast work in support of women in construction, now there for I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim March 1 through 7 of the year 2015 as women in construction week.

[5:48:21 PM]

Ms. Richter, would you like to have a chance to talk?

>> Yes, thank you.

[Applause]

>> Thank you for this important honor. Nawic or the national association of women in construction, is an international nonprofit organization of over 5500 women in 160 chapters worldwide. Our purpose is to

enhance the success of women in construction by providing education, legislative awareness, industry and community involvement and personal growth and development for our members. Nawic is the voice of women in construction. This week, the Austin chapter has many activities planned. It started with a take a girl to engineering day at UT, our members volunteered on Saturday. We had a blood drive, happy hour, and today we intended to have a job site tour of the new Austin city library but the winter storm had other plans and it was canceled and hopefully rescheduled. And then our fellow members are not here tonight either for this honor. They're all volunteering at capital area food bank so that's how we're wrapping up the week. On behalf of the Austin chapter of Nawic we'd like to thank Mayor Steve Adler and the Austin city council for this honor. Thank you.

>> Mayor Adler: Let's get some pictures.

[5:50:41 PM]

[Applause]

>> Mayor Adler: We have a proclamation. Be it known that whereas the city of Austin is proud to recognize the men and women who belong to the ICMA Austin, one of 13 local affiliates of the supply management chain in Austin during this special month. Whereas they're individuals that are employed at diverse entities that include purchasing and supply management and logistic professionals whose actions play a contributing role in the economic development of our city and whereas we also recognize ICMA Austin for its work in establishing, sustaining, promoting, maintaining a framework to support the personal growth, employment and professional growth of its members, now therefore, I, Steve Adler, Mayor of the city of Austin, Texas, do hereby proclaim March of the year 2015 as supply management month.

[Applause]

>> Mayor Adler: Jerry Binder is going to address us.

>> Thank you very much, Mayor, and it's proud and an honor to be here and recognized by the city. With me today is our secretary, Yolanda Miller, our treasure, Dorothy Binder, related, and very proud to meet our new friend and that is -- it's Steve Scarborough. Thank you for joining me. The national association of purchasing is proud to have this entire month dedicated to supply chain management professionals. Again, our advocate is for education as well as certification, employment, and networking.

[5:52:44 PM]

We are a public, as well private venue for these purchasing-related people. We have 160 members here in Austin, and we are celebrating our 45th year of anniversary and the national association is celebrating its 100th year of anniversary. So we are very happy to be associated with that. And, again, we thank the city for recognizing our proclamation. Thank you.

>> Mayor Adler: Let's go over here and take a picture.

[5:54:58 PM]

>> Mayor Adler: As we honor women's history month, I want to thank the women who have served in

the military as well as those that are currently serving here at home and around the world. I'd like to start off with a short video from the department of veterans affairs.

[Video playing]

>> Mayor Adler: Wow.

[Applause]

>> Mayor Adler: Throughout history, women veterans have taken on a variety of roles and ranks. They have served their country with the same commitment, honor, distinction and leadership as their male counterparts. Our female veterans has sacrificed so much in the service of their country. They deserve our unwavering support from national and state and local agencies. Not only this month, but as an ongoing effort, let's not forget about the women who served our country with pride and distinction.

[5:57:09 PM]

Their history and involvement in keeping our country and our families safe is cause for us to celebrate and to serve the women who have proudly served us. The city of Austin has approximately 130 women veterans within its workforce. We currently have seven that are serving in the National Guard and reserves. Several with multiple deployments to Iraq and Afghanistan. And I offer special thank you to you our city employees that have served and are serving. I'm now going to read and present the womens veterans month proclamation to Ms. Anna G., a local hero, who proudly served in the Navy during world War II.

And the proclamation reads: Be it known that whereas women have served in and alongside the units armed forces to defend our nation in all our wars and conflicts since the 1700s and whereas the number of women veterans is increasing and is expected to reach 20% of the military by 2020, Texas surpasses all other states with 177,000 of the 2 million women veterans reporting in this country. And whereas the city of Austin, with the department of veterans affairs Texas, veterans commission, and veterans service organizations across our city recognize the courage, honor, strength that women veterans exemplify through their honorable service to a very grateful nation. And whereas we are encourage all austinites to recognize women veterans from every era who took took the oath to make a difference in our lives by playing an integral role in defend our nation against enemies foreign and dom he is Mick and in preserving liberty for people around the world.

[5:59:33 PM]

Now there for I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim March of the year 2015 as women veterans month. Congratulations.

[Applause]

>> Mayor Adler: Do you want to say something?

>> I was one of thousands in World War II and we were the beginning of the women's veterans. And we put up with a lot, believe me, because the regular people in the -- regular men in the service, be it Navy, marine, army, real did not look kindly. They didn't want women invading their territory and we put up with a lot. But by the same token, women today in the service put up with a lot, just remember that. And they deserve all the help and honor you can offer them. They're a wonderful bunch. Thank you.

[Applause]

>> Mayor Adler: We'll step over here and take a picture in a second. Before we do I want to give a special thanks associated with this to the department of veterans affairs, to the Texas veterans commission, to the Travis county veterans service office, and to our own city of Austin veterans program. Thank you.

[Applause]

[6:02:11 PM]

[Taking photo]

>> Mayor Adler: Come on up.

[6:04:39 PM]

We have a proclamation. Be it known that whereas in honor of the 25th anniversary of the passage of the Americans with disabilities act, the Ada legacy bus tour seeks to engage the nation in the story of the Ada and to educate the public about the need for amendments to further the laws impact. And whereas the vision and leadership for passage of the Ada came straight from the heart of Texas, trailblazers like Texas answer just continue, tex, worked tirelessly to make the dream a reality and whereas assessability for and inclusion of citizens with disabilities is a core value of all city programs and services, thus offering more opportunities and an enhanced quality of life for everyone in Austin, and whereas we join the Austin mayor's committee for people with disabilities in honoring trailblazers of today and tomorrow who protect and defend the Ada, and we encourage citizens to support continued empowerment for all. Now, therefore, I, Steve Adler, mayor of the city of Austin Texas, do by hereby proclaim the week of March 3, 2015, as the Ada legacy bus tour. Congratulations.

[Applause]

>> Mayor Adler: Mr. Kafka, do you want to address folks?

>> I want to thank the mayor and city council for the proclamation. The bus is on its way north. It was supposed to go to Plano yesterday, but the weather sort of detoured their plans so they're heading around, be in Denver at the end of the week.

[6:06:50 PM]

But its main destination is Washington, where there will be a celebration on July 26. The actual birthday of the signing of the Americans with disabilities act. The foundation of the Ada is community integration, and Austin really represents a good example of integrating people with disabilities of all ages, people with all types of disabilities into the community. Though myself and many of the people who are up here are in wheelchairs, the Ada actually protects against discrimination to people who are deaf, blind, people who have cognitive, mental health, learning disabilities. It really is a civil rights act for people with disabilities. It's frequently not seen in the same civil rights venue as, you know, people of color, gay, lesbian, womens rights, but the fight for the Ada took very similar paths. People protested. Many got arrested fighting for their civil rights. You know, today we've come, as they say, a long way, back, but we

still have a long way to go. And I know working with the city and with other folks in Austin that Austin will continue to be the shining star of community integration and will attract people with disabilities of all types and all ages. Thank you very much for the proclamation.

[Applause]

>> Mayor Adler: What's the best way for us to get our pictures taken?

[6:08:53 PM]

[Taking photo]

>> Houston: Good evening. It is a pleasure to present this next proclamation on behalf of mayor Adler because rodeo Austin is in district 1 and because I, except for this year, this will be the only year that I miss a cowboy breakfast. That's something I always go to. My daughter received a scholarship and this is like welcoming people home.

[6:10:56 PM]

And the proclamation reads, be it known that, whereas rodeo Austin's rich history of preserving western heritage began in 1938 and has grown from a stock show featuring 16 animals into one of Austin's premiere events and whereas rodeo Austin offers a top 10 proroдео, daily concerts, a family-friendly carnival, world class live stock show, free annual cowboy breakfast, youth auction and many more and whereas last year's auction raved to \$.4 million and since the inception of the scholarship program in 1981 rodeo Austin has awarded more than \$6.5 million in college scholarships to students and whereas in 2014 more than 250,000 people visited the fairgrounds and 70,000 attended the rodeo, the estimated economic impact to our area is \$77 million with 87 cents of every dollar spent at rodeo Austin going toward promoting youth education and preserving western heritage. Now, therefore, Steve Adler, mayor of the city of Austin, Texas, does hereby proclaim March 14 through 28, 2015, as rodeo Austin 2015.

[Applause]

>> Good evening, mayor Adler, councilmember Houston, and honorable members of the Austin city council. I'm bucky lamb, chief executive officer of rodeo Austin and I'm joined by our president, hap feurbacher and many of our select leaders representing over 1500 volunteers that make up the rodeo Austin family.

[6:13:06 PM]

Tomorrow, as councilmember Houston stated, we welcome everyone to come out to the long center and take part in the free cowboy breakfast from 6:00 to 9:00 A.M. We'll kick it off with dress western day in Austin, and we're excited about that. Rodeo Austin is ready to open the chutes, March 14 through the 28 at the Travis county expo center. And we invite the Austin city council and all citizens of this great land to attend rodeo Austin. As councilmember Houston said, rodeo Austin is one of America's top 10 prorodeos. This year we'll have over 100 live concerts featuring great acts such as Willie Nelson, the beach boys, Martina Mcbride, panic at the disco and more. We have a saying out at rodeo Austin, rodeo

Austin, it's where weird meets western. As a charity this year, rodeo Austin will award over \$2.5 million back to the youth of this great state. Together, with this community, we are proud to advance our commission of promoting youth education and preserving western heritage. Thank you to the city of Austin.

[Applause]

>> Houston: He never stops.

[Laughter]

[Taking photo]

[6:17:20 PM]

>> It is my pleasure to introduce and read a proclamation for Ramsey park, one of the wonderful neighborhood parks in district 1 in the rosedale neighborhood that I share about councilmember pool, so we are both up here to present the proclamation. And if I may read and these are the representatives from Ramsey park who are both here in spirit because of the spirit that is taken the spa word and also for the manual labor that I'm sure has been involved also in the park. So thank you for being here. Here's the proclamation, be it known that whereas we are pleased to celebrate the successful restoration of Ramsey park, which was made possible by the unprecedented partnership between rosedale neighborhood and the city of Austin, and whereas we applaud the cooperative spirit that prevailed to create a multigenerational space for community gatherings and recollectional activities in one of Austin's oldest and most beloved neighborhood sparks and whereas we recognize that many rosedale residents, business and neighborhood association leaders for their concerted efforts and long-range vision in setting Ramsey park on a successful course for future generations and whereas we also acknowledge the valuable contributions of the public works department, the parks and recreation department and the Austin parks foundation, now, therefore, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim March 7, 2015, as Ramsey park day in Austin. That's presented by councilmember pool and myself, councilmember Gallo, and it is a pleasure to present this proclamation. Thank you.

[Applause]

>> Thank you very much, councilmembers pool and Gallo. We really appreciate being honored today. Joining me up here are several people who made this happen. Karen M. Is another flav the committee that helped make it happen.

[6:19:24 PM]

And then Dan Williams from parks and recreation department, who is our landscape architect and without whom this could not happen. We also have representative just Justin G. From neighborhood works, the program that helped to fund this, as well as Jordan who represents some of the businesses that helped us. Then my inspirations, Natalie and Zachary, my children. This is the culmination and not even the culmination, we're still working on this project. We've been working three years and this started with a vision that we had of building a park that would transform or neighborhood so we could all play, gather and grow there together. We worked together with the city, with pard and public works

in particular but also the Austin parks foundation and over 400 individuals and businesses and the rosedale neighborhood association to make this happen. We hope that you'll all out to Ramsey and see what can be done when a committee group of individuals a public private partnership come together to make things happen. We hope this initiative will be an example for the rest of the city, an example for council, for the city of Austin of what we can make happen. We need to put our thinking caps on, be creative and work together. If we do that, not only can we upgrade our public infrastructure, create great places for everyone to play, but we can also come together as a community. And it has been a real privilege throughout this journey to work with so many people who have helped to make that happen, and I do hope that you'll join us on March 7, Ramsey ark day, for a celebration we're having in the park, the weather -- whatever the weather; we'll be out there. And you'll really see how much of a difference these partnerships can make in our city, and I hope you'll be inspired to take one on yourself. So thank you.

[6:21:29 PM]

[Applause]

[Taking photo] Music. Photo]

[♪ Music ♪]

[Recess]

[6:29:41 PM]

>> Mayor Adler: We have a

[6:55:23 PM]

quorum. We're coming back out of proclamation and live music. We have one item left on our agenda, I think. It's item 14. I will point out that item 29, which was the executive session item, has been withdrawn. That is why we're down just to item 14. Councilmember Casar, would you explain some of the resources available.

[Speaking Spanish]

>> Mayor Adler: So I think what he said was that there's translation materials available at the front desk. I'll translate for you on the council, happy to do that.

>> Cesar: One thing.

[Speaking Spanish]

>> Cesar: I was letting folks know about that. Sorry.

>> Mayor Adler: Okay. Thank you. Item 14, we have eight people -- let me see here. Sorry. Eight people that are wishing to speak. But before we do, on this item number 14, I want to give people on the dais a chance to address it first. Ms. Garza, do you want to start us off?

>> Garza: Sure. Thank you, mayor. I just want to -- I'm going to ask staff to come up here in a second to make some clarifications from my understanding of what's being brought forth is slightly different than what I understood it to be on Tuesday, but it's -- I'm still in favor of pushing this forward.

[6:57:30 PM]

I want to thank staff for all their work on this. I also want to let my colleagues know, emphasize, that the funding for this buyout has already been approved. That this policy is starting the process to get the 100 year -- nose the 100-year floodplain bought out. This is starting that process to get that going because a lot of families are -- have put their lives on hold, waiting for this to finally go forward. I do hope that we can -- I know that there was some dialogue in work session, some dialogue earlier during citizen communication. And I want to make sure that we concentrate -- I understand we have to have a broader conversation about floodplains and how we're going to -- how there's floodplains all over the city and how we're going to approach that, but I really hope we can concentrate this conversation on this issue and moving forward, especially with all -- everything these families have been through who we're going to hear from. I would like this to be more concentrated on getting them out of harm's way and getting this process done as opposed to inferring possibly that they should have known what they were getting themselves into. A lot of these homes were plated before the floodplain was even a floodplain. People bought their homes not knowing there was a floodplain, in addition to lot of families in this area there's a language barrier, some might not have known the extent of the dangers they were possibly getting into in purchasing those homes. So I do -- if I could ask Lorraine, as far as -- this policy is to simply start the process and is the same relocation benefits that those in the

[6:59:36 PM]

>> Mayor, council members, Lorraine wiser, officer of real estate services. Council members, the item before you today is to speak to seek permission to acquire the homes in the hundred-year floodplain. Whoo staff is proposing is for voluntary buyout at this time. If we determine at a future date we want to use eminent domain, we will bring another item back to council. And to further clarify, the benefits are going to be similar as to those benefits that the other participants have received in the buyout area. So the only difference is that we are not going to be using -- recommending using eminent domain at this time.

>> Okay. For clarification you said the benefits are similar. Are they similar --

>> The benefits are the same.

>> Okay.

>> Mayor Adler: I'm going to stop for just one second. I'm going to take a short recess and then ask you to reask that question but we have headphones I think we can hand people who are not understanding maybe what's happening thus far.

>> Okay.

>> Mayor Adler: So if you would. We're going to hand out headsets so that everyone who's here is able to participate. It's going to take us a few minutes. Does that mean we're going to get more?

[7:02:42 PM]

[Speaking in Spanish]

>> One, two, three. We need three more.

>> Mayor Adler: Thank you. Thank you. We're going to wait just a second. We're one shy.

[7:04:45 PM]

>> I think we're ready.

>> Mayor Adler: We're ready? Okay. Would you repeat the last question you asked, please?

>> Sure. I just want to get clarity on what exactly this -- what we're putting forward today is -- and that is, is it the same relocation benefits that the families that got offers for the 25-year floodplain received, the same benefits?

>> Council member, the item before you today is to request authorization to move forward to purchase the properties on a voluntary basis. If, in the future, it's determined that we want to use or need to use eminent domain, we will bring a separate item back to the council for consideration. The benefits for this relocation program are exactly the same as the benefits that have been previously offered to the other tenants and homeowners in the area.

>> Garza: Okay. Because there was a lot of confusion in the community that mandatory was tied to these benefits, but that's not the case. Correct? You get the same benefits and it not be mandatory.

>> That is correct.

>> Garza: Okay. And how soon, if we approve this tonight, how soon -- what's the timeline on people getting their letter and starting the process of relocation?

>> We're estimating it's in about two weeks, the first group of people will start receiving notices for us to meet. We're going to try to have a neighborhood meeting to talk about the process and have people sign up to volunteer to -- you know, to participate in the program.

>> Garza: Okay. Because that was a follow-up question, if there's going to be -- thank you for answering that. There's going to be a community meeting similar to the one that was for the 25-year floodplain families.

[7:06:47 PM]

Is that correct?

>> Yes, ma'am.

>> Garza: Okay. Thank you. Those are all my questions.

>> Mayor Adler: Any further comment on the dais or questions before we go to the public portion? My sense from the work session that we had earlier this week is that this is going to be an item that is approved by the council, and it seemed pretty clear to me that an overwhelming number of the council would be voting that way. So I just wanted people to -- I don't know if other people on the dais want to mention anything before I start recognizing people from the public, but for what it's worth, I wanted you to know that I will be voting to approve this. Anyone else on the dais want to say anything? Mr. Renteria?

>> Renteria: I just want to let you know that I'm going to be supporting it also, so just so that you all know.

>> Mayor Adler: Okay. Ms. Kitchen?

>> Kitchen: And I would like to echo that also, and I'm really glad that we now have the opportunity to move forward with this and I'll be voting for it also.

>> Mayor Adler: Ms. Gallo?

>> Gallo: I will be supporting this also, but supporting it because it has been brought to us from previous council, with agreement and understanding and cooperation with the neighborhood. I mean, this was such a tragic event and our heart goes out to everyone that was involved. As I mentioned earlier, my daughter is a news reporter, and she covered this event, and it really did affect her to see the trauma that the families went through. But I hope as we move forward -- I have a couple of concerns with this. Once again, I'll be voting for it because I think it's a previous commitment, but I do have some concerns about it. There are 5700 homes in Austin that are in the hundred-year flood zone, 57 other -- 5700 homes, and I'm concerned with what we do here sets a precedent for other people that have purchased homes in the hundred-year floodplain.

[7:09:05 PM]

You know, we don't want to keep people from doing that. We don't want to say as a city you can't buy a home that's in a hundred-year floodplain because that removes the choice, freedom of choice. And people, I think, are free to choose and determine where they want to live and understand the risks involved with that decision, and I don't know that it's the city's purpose to do something when a person's free choice has chosen to live in a more risky property in a risky area, on a -- in a risky area. And the other thing is, I want us to really understand the scope of this. We're talking about \$60 million. I asked for some information on staff and staff has been wonderful on getting us a lot of details on this from the questions that were asked on Tuesday. The Travis county appraisal district value of the homes that we're talking about is \$18 million, so the city is spending \$60 million for \$18 million worth of property value. And these were value -- the value that we asked for was value prior to the flood, so it's not the value of the properties after the flood. And this averages about \$250,000 a property. And the breakdown on that is 120,000 of the 250,000 is going to be actually for purchasing the property. We're also paying 71,000 to the occupants of that property to relocate somewhere else. And then there's about \$30,000 per property in administration, demolition, asbestos abatement, et cetera, et cetera. So as we talk about this, once again, I'm going to support it. I think it was a commitment made by previous countless to this

--councils of families and people traumatized in their lives and I'm so sorry about that. But I definitely hope that we as a council will look at policy in the future and address this because I believe what we do for one area of the city is something that we have to be willing to do for other areas of the city.

[7:11:06 PM]

And I think the cost of this per property would not be feasible for the city to do for the other 5700 properties that are in the flood zone. Thank you.

>> Mayor Adler: Further discussion from the dais? Mr. Casar.

>> Casar: I'm going to be supporting this measure as well and I just want to thank everyone for your patience and your time. I know many of you have had to come before council and work with the city,

and that that's a very difficult thing considering the situation that people have been put through. So thank you so much.

[Speaking in Spanish]

>> Mayor Adler: Ms. Pool then Ms. Tovo.

>> Pool: I'll be supporting this buyout proposal and the illusion in front of us this evening, too, and I want to thank everyone for working really hard to achieve this resolution. And I'd be interested in talking with staff about if there were any -- what plans there are for the land in the floodplain, if this would be an area for development as a park or just what the plans are for it going forward. Thank you.

>> Mayor Adler: Ms. Tovo.

>> Tovo: Like my colleagues have spoken before me, I also intend to support this, and I wanted to just express my sorrow for what you've been through, and also my thanks as I look around, I see so many of you who have been to talk to council and have worked with your neighbors and been advocates for your neighbors and have worked together to come to this solution, so thank you for all the leadership that you've shown on this in I don't know confronting this issue.

>> Mayor Adler: Anyone else to speak? Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. Usually we heard from -- heard testimony prior to making these remarks, so I'd like to have a few words after the testimony is done.

[7:13:14 PM]

Thank you.

>> Mayor Adler: Everyone will get that opportunity. Okay. We're going to then call up people that have signed up to speak. Paloma Guerrero. You have three minutes.

>> Thank you.

>> Mayor Adler: Yes.

>> I have something I wanted to queue up. Is it ready? I'm sorry, can you all hear me? Okay. Great. I want to thank you all so much for allowing us this opportunity to speak with you, and I want to thank you for the positive responses that we heard from you regarding our community and what we've been through. Thank you very, very much. Council member Gallo, I'm so happy to have heard your concerns, and I'm glad I signed up to speak because I think that what I'm going to show you actually speaks directly to why it's such a good idea to do this. My name is Paloma Guerrero and I've lived in the neighborhood, in the house there on dragon court for 25 years. When we bought our home, it was not in a designated floodplain. The FEMA maps were soon to change thereafter. I did knock on doors and things like that to try to see, you know, has the neighborhood ever flooded? No, it had not. So you're right about that. Thank you, council member Garza, for bringing that up. I wanted to, obviously, speak here in terms of the mandatory buyout, which we've already talked about. I don't need to do that, but I wanted to show you this. I've never seen in any of the things I looked at about this floodplain issue. I was president of the neighborhood association. We used to have a neighborhood association called the south creek neighborhood association and it handled -- it covered the onion creek forest in the late 1990s and early 2000s. So I was president during one of the floods that happened at that time. I don't know if I can do this. I've never seen -- how does this work?

[7:15:15 PM]

Okay. I've never actually seen the flood data charted. This is all of the available flood data through the usgs and also the lcra. This starts out in 1850 and goes forward through 2014. Now, I will admit that there are times when the collection of data on onion creek was irregular. The usgs advised me of that; so did the lcra. However, these other points, all of the points before that in 1869, in, I think, 1921, the one in 1940, all of those still made the data collection, so they must have been unusual events, in that anything that was not significant did not get reported. That's how I'm interpreting that. Then in the '70s, the lcra instituted a mechanical data collection, and then you start seeing what's going on. And I can only guess that this is mirroring the development in the upper part of the watershed, happening in oak hill and dripping springs and Buda and other places. So, indeed, the council member in September -- I'm so sorry, I don't recall her name from that meeting, who said, I don't know why, but they're saying it's flooding more often. This is why. And this is why the buyout makes sense. In other parts, also the army corps of engineers has already said that there's nothing that can be done with the creek to mitigate the flooding. Am I out of time?

>> Mayor Adler: Yes. You want to conclude?

>> I'm sorry?

>> Mayor Adler: Would you like to conclude?

>> I would. Thank you.

>> Mayor Adler: By that I mean --

>> In conclusion, I support the buyout. Thank you very much for having me here today. Goodbye.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Would you hold on one moment, please? Ms. Gallo?

>> Gallo: I just wanted to say thank you for those comments, and I hope that you will be part of the dialogue when we start talking about policy because situations like this where someone purchases a property, it's not in the floodplain at the time they purchase it, and then it becomes as the map's redrawn --

[7:17:28 PM]

>> I would be delighted. In fact, I already have a lot of ideas to recommend, and it starts with forethought. I don't really mean necessarily by the council members when I saw forethought, I mean in terms of the hydrology of the whole watershed and cooperative planning with the other cities. There are cities that say that if you build -- and I think Austin is doing it now, but we didn't used to do it at the time our neighborhood was built. There are cities that say, if you're going to build, then you have to make plans for your runoff. And that would have been helpful 20 and 30 years ago, but, you know, it's too late for our neighborhood now, but thank you so much.

>> Gallo: You're welcome. Thank you for bringing that up. We look forward to you being part of that discussion.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Sorry, one more thing before you go, quickly, I thought I heard you talk about the

source of the data.

>> Yes.

>> Zimmerman: You touched on something that kind of cast some suspicion. We're not exactly sure that the data collection in the 18 60s and 1870s --

>> I'm sure somebody went down and said this is what I think.

>> Zimmerman: So, in other words, we didn't have the manpower, we didn't have the technology, we didn't have the recording. So I guess what I'm saying is, some of these peaks that you see down here in recent years --

>> Well, in 1924, actually usgs did designate -- did designate a policy of collecting data on onion creek. And then apparently somewhere around probably the great depression in 1930, data collection kind of dropped off. And that's why when the data point in the 1940s pops up, that tells me that, okay, well, they may not be monitoring it all the time, about UT when a significant event happens, it makes it into the record. And at length because I did inquire about the gap in the data, and I did speak with people at the usgs to get an understanding of that and also with the Icra. And I do definitely encourage you to get your own answers from them, but I can send you the contacts that I spoke with if you'd like.

[7:19:33 PM]

>> That's terrific. I appreciate that, but the point being sometimes the data is just not available and it's impossible to determine what's going on. I've also looked to some other meteorological data that has to do with satellites. So it's all recent data. There's no way to look at satellite data in the context of generations past, right, or a century past because the technology is new. So I just want to underscore the difficulty in trying to interpret some of the data.

>> Very good, sir.

>> Zimmerman: Yeah.

>> Mayor Adler: Okay. Ms. Garza.

>> Garza: I just want to clarify something because I know that the families here have gotten so much information and have been told so many things, and there's a lot of misunderstanding. And I know that council member Gallo's comments were kind of speaking to the -- the math involved, in the point she was trying to make. But I want to make sure, it's clear, correct me if I'm wrong, Lorraine, that we're not allotting 250,000 to each home. Everybody's buyout is going to be a different amount. Everyone's buyout is going to vary. Correct?

>> Yes, council member, that is correct. There will be independent appraiser come out and appraise each property independently, and then we will research and find what a replacement house would look like, and then they will receive a payment for the differential. But every situation is different.

>> Garza: Yeah. Okay. I know you were trying to allot the difference but I didn't want to confuse families and them thinking there was a cap on their relocation benefits.

>> Mayor Adler: Okay. Yvette corrego. Is Tom Herrera here? Is Gloria Cantu here?

>> I'm here.

>> Mayor Adler: Okay. What about Janice butler and max butler? You have 15 minutes.

>> Thank you very much. I have -- this is very old-fashioned, so home made, but I have a packet that I would like to use as I give my presentation, that I would like to refer to, and I hope it helps you to see

things a little differently.

[7:21:46 PM]

Good evening, mayor, and honorable council members. My name is Yvette, and I am an AISD teacher and reliever in Lower Onion Creek. When I left the council chamber in September of last year, I left believing that our buyout was inevitable and eminent and that I could begin to plan. The last city council understood the danger in which we live and acted accordingly on a 6 to 1 vote to fund the Lower Onion Creek hundred-year floodplain buyout. Although I regret that our buyout has been stalled, I also feel some satisfaction at being able to present the facts of our situation to a new council who I believe will again vote in our favor. The first question to address

is: Why buy out the residents in this hundred-year floodplain and not the thousands of Austinites in a similar situation? We know in the hundred-year floodplain that we're in good company with folks all over this city. The answer has two parts.

Number one: The hundred-year floodplain is a designation that refers to frequency of flooding, not magnitude. In other words, thousands of Austinites like us also have one percent chance every year of flooding, which is why you in the watershed department want to group us together. I also group myself in this way when I purchased my home. I know people that live partially or completely in a 100-year floodplain, but I had my home inspected, it had never received any water damage, and there were no flood claims on my property. So, like them, I thought, hey, I pay my flood insurance. I can do this. But the second part of the equation is the watershed in which other hundred-year floodplains are located. A watershed is an area of land where all of the water that is under it or drains off of it goes to the same place. So, the size of a watershed determines how massive a flood can get.

[7:23:46 PM]

Shoal Creek's watershed is 13 square miles. Bull Creek's watershed is 25 square miles. And Williamson Creek's watershed is 30 square miles. Onion Creek's watershed is 282 square miles, roughly the equivalent of the entire city of Austin. So the difference between my watershed and your watershed, which I learned from the Halloween flood, is that mine can create a larger flood by a factor of 10, and that mine is a killer. Some of you on the council walked through this process with us last year, but many of you did not. I want you to be able to explain to your constituents why this buyout, above all others, is necessary. So I'd like to begin by taking you back with me and sharing just a small sample of Halloween flood -- of images of the Halloween flood and its aftermath from my neighborhood. These images do not come from any other part of the city. So, number one, it's the front page, if you can take a look at page 1, I give you the Halloween flood. Those are trees, not bushes. If you would open to pages 2 and just take a look at 2, page 3 and 4, you will have an inkling of what we were left with after the water disappeared. Now, please turn to page 5. That morning in the dark, one of my dear neighbors, Ms. Viola Brown, age 70, clung to a stop sign for three hours before she was rescued. On page 5, you can see how lucky we are that she is still alive, since most of our stop signs looked like this afterward. On pages 6 and 7, you can see how our neighborhood filled up immediately with Earth movers and tow trucks and trash trucks, as the city worked to clean up some of the worst debris.

[7:25:50 PM]

If there are any heroes in this story, it is our sanitation workers who came day after day for weeks clearing the neighborhood of trash.

[Applause] And they were dressed like any regular workday, no mask, no real protection. Even though they were picking up objects steeped in river silt, sewage, medical waste, and toxic chemicals. I can tell you that the entire neighborhood smelled of diesel after the water receded. Our lawns were soaked in it. After a few days came the smell of mildew from hundreds of water-logged homes. Then if you could turn the page to page 8, please. The smell of death started wafting from the greenbelt behind my street because there were so many animal carcasses in the park. The photos you're looking at of a dead horse hanging in a tree and another decomposing on the ground were taken on January 14th, 2014, 75 days after the flood. The city was quite overwhelmed by the disaster cleanup and they couldn't figure out how to get those remains out. On page 9, you'll have to turn the booklet around to view this photo. The police roadblocks at the two entrances to our neighborhood were set up for our safety, but they also served to keep family, friends, insurance adjusters, repairmen, and the media out of our neighborhood in the immediate days after the flood, while the trash and tow trucks did their magic. Our disaster happened two days before formula one weekend, and the Kansas jay hawks versus UT home game. There were a lot of tourists in Austin at that time. And I believe containing what happened in lower onion creek was important to protecting the Austin brand as a successful, Progressive, and idyllic destination, which may be why, although you are all aware of the Halloween flood, you are not quite as aware of its magnitude.

[7:27:52 PM]

So to address that on page 10, I've included a portion of the hydrology report presented before the Austin public safety commission last year, which says, a: The flood peak stage of the Halloween flood was equivalent to a category 3 hurricane storm surge on the gulf coast -- gulf coast.

And B: The magnitude of the Halloween flood is within the range of what could have been anticipated. It is not off the charts. And those were their quotes. In other words, although it has repeatedly been referred to in the media as historic, implying that the Halloween flood was somehow the upper limit of what could happen, the truth is that next time it could be much, much worse. And I'm going to break from my text for a moment to say I've spoken with the hydrologist who did this report and he made it quite clear if the rain that evening had fallen a little further north, the water would have been much higher and if it had fallen further south, it could have been affected by the impervious cover of all of the development in our area. That is why there have been funds set aside to buy out my neighbors and me. Please use the information in the packet you have before you to establish a standard of when an Austin neighborhood should be bought out, and when it shouldn't, as I know this is a concern. For me, that standard is determined by the safety of the people who live there. Now, if you could please look at the map on page 11, I'd like you to be aware that all of the properties within the black circle line -- and I use the word circle very loosely -- are what's left of my neighborhood. The people marked with a red dot

lack certificates of occupancy because the code enforcement department was instructed by watershed not to close out a remodeling permits even if we passed our final inspection. We have been told that we must begin to elevate our homes above the floodplain by November 1st, 2015, if we wish to maintain the right to live in our homes.

[7:29:54 PM]

Now, I will start by telling you that the cost of elevating each home is prohibitively expensive, between 60 and \$100,000. Important, my house and most of the houses in our neighborhood have about 15 feet between us on each side, which is not enough room for the heavy equipment to trench around our homes, gradually lift them and build peers underneath, so it simply can't be done for most of us. Most importantly, even if we could all elevate our homes, that would not make my neighborhood any safer. It would protect some properties from water damage, but not our lives, because a truck moving with thousands of pounds of force can knock over a peer as easily as it can destroy a wall. Our homes aren't unsafe. Our neighborhood is. Yet, we have been given our deadline, and on November 2nd of this year, the city code enforcement department can, if they wish, begin barring us from living in our homes, or begin that process. Now, imagine for a moment that 240 homes in your district, an entire neighborhood of structurally sound homes, had been red-tagged by the city and were facing eviction. My neighborhood is in a cynical catch-22. Any buyout offer deemed voluntary is a hypocrisy, which is why we need to call this what it is, a mandatory buyout, and we need to make sure that that buyout is fair. I've included in your packet a copy of an e-mail I sent the city manager's office with the exact wording from the relevant resolutions and transcripts from last year's council meetings, so that you can read for yourself that the intent of issuing these monies was specifically to fund a mandatory buyout of lower onion creek and to move us all to safety. On June 26th, last year, our council authorized \$12 million to HDR engineering to, and I quote, have a team in place, already working on a buyout program, so that as soon as they finish the 25-year, immediately begin on the hundred-year, should the council vote to approve that, end quote.

[7:32:06 PM]

And three months later, on September 8th, the council did indeed approve on a 6 to 1 vote, \$60 million to fund a buyout of lower onion creek neighborhoods in the hundred-year floodplain. These allocations provide enough money to relocate residents to comparable housing within the city of Austin even in the current real estate market. There are two pots of money, and they're both already in the bank. So, since that money is already in the bank, I respectfully propose that you guide the watershed department and HDR engineering to use the allocated money in the following ways, and I understand we are just voting on these issues today, but I ask that you take these suggestions, proposals, into consideration. Number one, that they begin immediately to complete the buyout of lower onion creek, that they do so by a specific and published deadline, based upon the pace of the hundreds of buyouts before us. Please, set this deadline so we are not here again in six months having same discussion, or worse, discussing the consequences of another catastrophic flood. That the standard by which market value is established is based on comparable housing in a comparable neighborhood within the city of Austin, not in

neighboring communities. That the per square foot costs associated with the demolition of these homes be transparent and public. I've included a copy of the expense detail for HDR engineering in your packet because it lists exactly what services, such as asbestos removal and demolition, are included in the \$12 million authorized for them last June. You and we deserve to know how our money is being spent, and which pot of money it's coming from. And number 5, that the homeowners who are replacing their homesteads be made a priority group and that within that group, the elderly, the disabled, families with children under five, and pregnant women go first because they are the most vulnerable, and the rest of us after, with the final group being investors who will not be replacing their homesteads.

[7:34:12 PM]

I thank you for link, and I'd like to invite you with whatever remaining time I have to ask me any questions you may have.

>> Mayor Adler: Are there any questions? Mr. Zimmerman.

>> Zimmerman: Thank you. You're very articulate and your data is presented very well. Could you go back and talk about the code enforcement actions that could be brought against you? I'm having trouble following that. Could you just talk a little more about that.

>> Absolutely. So there is a -- this has to do with common sense definition of wording versus legal definitions of wording. So there is a determination called substantial damage, and you would think that would refer to the structural integrity of the home, but it does not. In fact, what it -- structural damage on a home after a flood is decided based on whether you spent more than 50% of the cost of your home, the building, not the property, to rebuild. So, if you have a \$40,000 house and you spend \$21,000 to repair the drywall in your kitchen, then you are considered substantially damaged. All of the red dots on that map are considered substantially damaged. And we didn't have our permits closed out. We've got to raise our houses, by November 1st, or begin the process.

>> Zimmerman: Okay. I'm sorry. So the homes were repaired. Is that what we're saying?

>> Yes.

>> Zimmerman: And after they're repaired, then the city is saying, oh, well, they need to be moved up out of the floodplain?

>> Correct.

>> Zimmerman: Okay. And where did that brilliant idea come from? I mean, if you're -- if the property is going to be condemned or has to be raised up, as you said, it's not economically feasible to do that, so don't bother spending money on it if it's not feasible to raise it up out of the floodplain.

>> Correct.

[7:36:12 PM]

>> Mayor Adler: Further from the dais? Thank you very much.

>> Thank you.

>> Mayor Adler: Next speaker is Stewart Hirsch. And then viola Mary brown. Mr. Hirsch, you have three minutes.

>> Thank you, mayor and members of the council. My name is Stewart Hirsch and in Austin I rent. I do

not live in this neighborhood but I've been assisting homeowners and renters who have experienced [inaudible] Since the memorial day flood along shoal creek in 1981, either at a city employee or an unpaid volunteer. I support approval of item 14 that will assist 240 households in lower onion creek, relocate out of harm's way through the use of \$60 million, approved by the city council on September 8th, 2014. This action will not set a precedent, as some suggested, but will merely continue the fair buyout practices established by both the federal government and the state of Texas. We achieve buyouts along shoal creek in 1981 without having to use the eminent domain tool that was available. The parking lots near the northwest park playground area continue to serve as structures to mitigate downstream flooding. The residents who live in lower onion creek are not asking for special treatment. My brothers and sisters in this part of southeast Austin are merely asking that they receive the same type of floodplain buyout treatment 16 months after the flood and six months after the council approved the funding for the 240 buyouts. As a part of the renter majority in Austin, I ask that you allow renters who have remained in their house since the Halloween floods to receive relocation assistance, even if their property owners decline a voluntary buyout.

[7:38:15 PM]

Current policy is only to assist renters from renters agree to the buyouts. Renters need a chance to move out of harm's way just like homeowners do. As a manager of code inspections and code enforcement for more than a decade, I welcome a robust policy conversation on the many causes of flooding in Austin for more than three decades. Number one, homes built before there were floodplain roof drainage and site drainage standards, number two, and perhaps one of the most important, homes built that did not comply with adopted floodplain roof drainage and site drainage standards. Three, the strategic use of roof gutters, rain water harvesting and drainage piping to achieve flood water and conservation goals. Four, flat roof additions to homes that leak. Five, fences that are too tight and create home flooding from the backyard. And number six, the most effective way to address all these issues through drainage fund annual budget decisions. Please pass item 14 tonight, with the renter amendment, and then continue policy discussions before the appropriate council committees. I am here as a resource for you. I've been doing this since '81. These are hard conversations with people who are damaged, and they expect fairness, and they expect candidness, and I think when we deliver that, people feel they're treated fairly by their city. Thank you very much.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Viola Mary brown, did you -- Mr. Zimmerman? Hold on.

>> Zimmerman: Sorry. I tried to get your attention before you ran off, but a quick question or an addition to the list you put here. Are any of these areas or were any of these areas annexed by the city of Austin after they were already built, say, outside the city limits, or would you know that? Maybe that's --

>> Yes. I've seen reports that indicate that some parts of the neighborhood were all built up inside the city limits and some were built outside the city limits, and the county was regulating floodplain, but didn't have its systems any better together than the city did at the same time.

[7:40:28 PM]

Sips so the reason I bring that up is because, you know, taxes are being collected for watershed protection. Right?

>> No, I understand watershed protection is funded by the drainage fee.

>> Zimmerman: Okay. It's by the drainage fee for the Austin water utility drainage fee?

>> No, it's a drainage fee that goes to the watershed protection department.

>> Zimmerman: Okay. But there are people -- there were people right outside the Austin city limits that weren't paying any drainage fee to Austin because they weren't in Austin.

>> That's correct.

>> Zimmerman: Then they're annexed by Austin. They start paying the fee. Then they would have some annexation -- or some expectation that they would get flood protection or some watershed protection. Right? Does that make sense? The point I'm getting at is, if the city goes and annexes properties that are at risk of flooding, they assume a liability. Right? Don't they?

>> I think there are two answers to that question. In the last century, for most of the last century we didn't have a drainage fee so when you mitigated flood damage, it was through one of three resources, federal dollars, bond dollars, or property taxes. By the last part of the 20th century, we shifted away from the money being spent out of property taxes and we shifted the burden to drainage fees, which create -- which created the lawsuit that you might have heard about last year about the appropriateness. What's significant about that is that the drainage fee as you suggested was intended, in part, to do structural mitigation for those places that were at risk. So your logic is sound if we annex somebody, they could access those resources just like the people in the city limits could. But because we shifted from property taxes to more regressive way of paying for all of that, in low income neighborhoods, the mitigation never occurred at the level that was necessary to take people out of harm's way.

[7:42:30 PM]

The money was spent for other purposes. And so we find ourselves where we find ourselves today.

>> Zimmerman: Okay. That's great. And you answered my question. But the point of this I want to say going forward, I'm not a fan of annexation, and this is part of the reason. So if the city wants to go and annex a place that's anywhere close to a floodplain, I'm not just going to say no, but, you know, no, no, no. No, stop annexing places that are in low-lying areas because then you incur a risk, and all the rest of the city now, right, could be responsible for a buyout somewhere else when there's another big flood.

>> It's part of the compensation that occurs in terms of annexation. Yes.

>> Zimmerman: Thank you.

>> Mayor Adler: Thank you. Council, we have an estimated 96 minutes of public testimony. Our next speaker is viola Mary brown. Ms. Brown -- is Joaquin here? Okay. You have six minutes, Ms. Brown.

>> Thank you. Mayor and council persons, I want to thank you for the openness and the energy that you bring, given your new election to this particular body. I am impressed by it, and I am thankful that I have the opportunity to address you today. You have already addressed some of my concerns, and that was the language of the buyout program. I understand in the past there was a [inaudible] And mandatory,

and I felt there was some in equity, but I understand from the previous remarks from you today that you have combined those two programs and you're going to make them -- you've already equalized them. And I would suggest that we change the language. It does not need to be mandatory or voluntary, it can be the okay being/williamson creek buyout program. That way, we can move forward with one less obstacle into resolving these issues.

[7:44:31 PM]

Council person Gallo mentioned something. She said this might set a precedent. Well, if I understood one of the council person candidates for place 2 in the previous campaign, I understand that there have been buyouts in the city of Austin before. And there was no -- from what I understand, if that person stated this information correctly, there was no eminent domain, there was no mandatory buyout attached to it. I'm not a native austinite. I've been here since 1988 and I bought my home in onion creek in 1995. So I don't know if this is a fact, but he said that, you know, buyouts have occurred before, and there was no mandatory buyout, and these residents were allowed to upgrade, move, renovate, support their properties, with no eminent domain codicil. Now, I don't know if this -- these procedures were federally funded or not. But this is why we need the city council to look into these past practices for precedents, and for what has happened in the past, so we can determine whether or not these particular procedures are feasible in the future, particularly in our own scenario right here. Now, there was another question that I had for the watershed protection department. They say that they're going to move forward with the buyout plans as they have already been put in place previously. Does that mean that we, who are homeowners, will be asked to declare whether or not we have received insurance proceeds, and have those proceeds deducted from the buyout price? That's a question that I would like to have answered before this night is over, because if, in fact, we have to tell you how much money we received from our insurance companies, I'm not so sure that I'm going to be in favor of this particular plan going forward.

[7:46:34 PM]

There's another thing. Fair market value. Does fair market value include the cost of the land, or just the structural property? What does fair market value mean? How is it calculated? This is something that we need to know before we move forward. Now, let's be clear. We, in this particular area that's been flooded, we know that we buttress up against what is called the onion creek metro park district, and there are dubs and plans for developing this metro park district. And in a previous council meeting, councilman Zimmerman mentioned that when land surrounding property are purchased, that that increases the land that buttresses up against that purchased property. So does fair market value include the fact that this land on which our substantially damaged homes reside -- is that being considered? That it's on prime real estate. I'd like to have that cleared up before the council takes any action. Also, it is my hope that this new council and mayor will bring a fresh perspective to this -- these buyout procedures. We voted for a new council and a new government so that that can happen. And I would hope that you would exercise oversight and overview into what department people do. I heard a previous council person say -- and I was just cooking and really not paying attention to the item that he

was referring to, but when he said, in a city council meeting that was televised, he said, I have no option other than to accept the recommendation of my department heads and of the people in that department, so I must vote for what they say.

[7:48:40 PM]

When I saw that, I said, oh, no. You have a choice. I have a choice. We voted for you to make these decisions, and we voted for you to bring oversight and mentoring in these decisions. And I might add that that council person did not make the cut in this last election. So it is my perspective, and it is my real, genuine hope, that this city council will bring some overview and some wisdom into what departments do. And I thank you so very much for your time.

>> Mayor Adler: Thank you, Ms. Brown.

[Applause]

>> Mayor Adler: Can we get Ms. Mary brown answers to those questions right now?

>> Yes, sir. I can answer those questions.

>> Mayor Adler: I think the first question was insurance. Will that be deducted from the payments that are made?

>> No, that will not be deducted. The insurance will be under no consideration.

>> Thank you very much.

>> Mayor Adler: Second question from Ms. Mary brown, was the fair market value, are you paying for land and improvements?

>> Yes, sir.

>> Thank you.

>> Mayor Adler: And the last one is when you're valuing the land, will you value it as it, in fact, sits with the surrounding attributes of the neighborhood?

>> Yes, sir. We will.

>> Mayor Adler: Okay.

>> Thank you very much.

>> Mayor Adler: Thank you. Thank you, Ms. Brown.

>> Mayor, if I could ask a question, were your answers contingent on whether it was for this policy, the hundred-year floodplain, does it change if it was the 25-year floodplain, the answers to those questions?

>> The appraiser takes into account and looks at comps of properties in a floodplain when we're buying the house, and so it will be based -- appraised as if it's in the floodplain, but that's why they get the relocation benefit so they can afford to move on property that's not in a floodplain.

[7:50:49 PM]

>> Okay. I just want -- because I think Ms. Brown lives in the 25-year floodplain.

>> [Inaudible]. I don't know where I live. When I bought the property I was told it was a 50-year floodplain. The title company waited until I had sat at the table and signed about 10 pages out of a 25-page packet before they mentioned it was in a floodplain. I didn't have an idea that a floodplain --

>> Okay. If someone from watershed could speak to Ms. Bronx, I'd appreciate that because I know she

has some detailed questions.

>> Mayor Adler: I think the important thing for the answer and the question is that the final package of compensation will include compensation sufficient to be able to buy a replacement home that is not in a floodplain area.

>> That is correct.

>> Mayor Adler: Okay. We'll continue then. Thank you, Ms. Riser. The next speaker is Isabel Rios. Is Teresa here? Teresa here? Thank you. Is Socorro Zamarripa thank you. Is Gilka here? Thank you. You have 15 minutes.

>> Thank you. Council members, mayor, thank you for having me here today. I'm probably not going to use much of the time. I know a lot of people have expressed a lot of the things that I've had in mind to say, especially not being sure whether this was going to pass or not. Now I have counted the votes, and it seems like it's a go, so I want to thank the people that are supporting this. I am very passionate about my neighborhood. I'm very passionate about this issue. I was one of the people that was alarmed that Thursday when I learned my neighborhood had flooded, once again.

[7:52:52 PM]

I was at work. As soon as I got off work, I ran to the [inaudible] Center. I asked my family to come and donate everything they could, we stayed till 2:00 in the morning helping our neighbors. I was surprised not to see many of my neighbors in that place and I started wondering what was going on. The next day as I was at work, I realized there must be something wrong going on because they weren't [inaudible]. I decided to do a little research, needed 500 copies, called a few of my friends, the health promoters from the community, we started walking the streets. The water was still receding, and we found most of our neighbors had spent the night in muddied, wet homes. They had no way out. That was the reason they never went to the shelter. I saw the balls going by. Nobody knew where it was going. Lack of communication by the city department. I was very surprised. Needless to say, we finished around 2:00. Then I went back home, got another set of flyers. This time I got my whole family and we walked till 2:00 in the morning, knocking on doors. It was heart breaking to see my community in that shape, to see my neighbors, to see people I knew, to see the elderly, the children, to see everyone in that sad shape. I wish none of them had gone through what they went through. And that's why I'm very passionate about coming here and advocating as much as I can for this not to happen again. I know that in 1976 the city of Austin paid a study to the army corps of engineers, and they suggested for the city of Austin not to permit building in this floodplain, specifically the onion creek floodplain. In 1980, the city of Austin stamped the permits that permitted these, ignoring the suggestions, all of the recommendations from the army corps of engineers.

[7:54:59 PM]

So I guess these are just the consequences of that policy. And I wish that this council takes that into consideration for next time when they are doing all this planning for the future of our city. Because this is the story that is going to be repeating itself. If we don't learn from history, it repeats itself. The other thing that I actually mentioned to previous -- the previous council is that I sat a couple of times with the

water board, the Texas water board. I was looking for answers. I was looking for resources. And I suggested for the city to go ahead and work with them. We sit in flash flood alley, register K. I called the Texas water board a couple of weeks ago. They have not heard anything from the city of Austin. There is a lot of resources besides FEMA. The water board can actually go and seek funding from the federal government for mitigation, prevention, and remediation in floodplains. Now, this is not the only area that is in a floodplain. As we know, we live in flash flood alley. I think this municipality needs to start thinking outside the box and seeking the resources that are needed anywhere they can to relocate other areas to prevent this from happening again. Another thing that I found out a couple weeks ago as I was doing research is that in 1996 the city of Austin conducted another study, and they suggested that by spending \$19 million and building a dam, this would mitigate the kind of damage that happened. It's a Texas monthly article. And it seems like the municipality did not agree, and there's a reason that they didn't build that dam. So I'm thinking, okay, if this is like a municipality issue and there's a lot of impervious covers in Williamson county, why don't we take it up a notch and take it to the state, or, you know, another entity that can, you know, proceed and do some kind of mitigation, you know, for our city.

[7:57:00 PM]

We still have an elementary school sitting at the very bottom of the floodplain. My kids attend that school, Perez elementary. This past flood, the water was at the doors. We were receiving notices from aisd saying, yes, you need to take your kids to school. We were receiving notices from our elementary school saying, you need to take your kids to school. I sent my kids to school with my husband. He starts calling me saying, Isabel, there is water six blocks from the school. We can't go in. I started seeing boats go by. I called my principal and I said, David, there's something really wrong going on. It wasn't until 9:00 in the morning when they told us not to go to school. I can only imagine if more people were to drive by, it would have been a bitter tragedy. So those are the kind of considerations that we need to do, that we need to think about when we think about how we are going to make this city grow. You know? So I was alarmed when I walked, you know, the streets in my neighborhood that day. I was heartbroken when I started driving by and seeing devastation in my community. But I was completely devastated when I heard the proposed -- the proposals and the changes that the staff wanted to do to this buyout policy for my neighbors. I hope -- I hope that no one in this city can go through what they went through, and I hope that, you know, you vote yes, will set a precedence but a good precedence of not allowing this kind of development in our city and basically forcing people to face these kind of situations. I was going to say much more, but I think that there's enough been said. I just hope that this council starts moving forward and doing policy that makes sense and stop playing politics.

[7:59:04 PM]

The lives of many are at risk right now. We are leaving the tale of two cities. There are all these articles that talk about all the things that are going wrong with the city. There's a lot of studies. And I would like to see some action instead of picketing and forming little teams and playing politics. I mean, I was here when you started the committee so I hope you move forward in making policy that makes sense for this

city. I have two letters here from my friends, from [inaudible], and one.

>> Mayor Adler: Thank you.

>> Renteria: Mayor.

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: I just want to make a comment, you know, in the 1980s, we -- Austin decided it wasn't going to grow and decided -- especially in the onion creek area, and they passed a resolution not to issue any more taps to our wet water system and the state came in, overrode us, yes, you are going to give it to them and you can't stop them from issuing checks. And that later on after that, raw sewage was going on onion creek. The state can come in and tell us what to do, and we have so say so, but I just wanted to let you know that, yes, we have done in the past -- tried to stop growth in that area, but, you know, the state had another say -- overrode us so I just wanted to let y'all know that it's not always the city's fault. We try to do the best and what's better for our citizens and the state comes in and says, no, you're not going to do that, do it that way.

>> Mayor Adler: Thank you. Next speaker is maria shepherd.

[8:01:08 PM]

Is Steven shepherd here?

>> Yes.

>> Mayor Adler: Okay. The next speaker after Ms. Shepherd will be Anna Perez. ." Ms. Shepherd, you have six minutes.

>> Thank you. Good even, mayor Adler, mayor pro tem, and district councilmembers. My name is marella shepherd and I too are live in the 100 year onion creek floodplain and we flooded and I just want to thank you for moving forward with agenda item 14 and also on behalf of the previous residents that participated in the buyout, I want you to hear from them. So I have a video that I want to show so you can hear about the people that are happy with the city's program and my neighbors can see this video as well as and see how well it works. Thank you, again, for moving forward with this item. Thank you.

['

[Applause]

[Video playing]

>> I don't see bad as the bad. I just see it as a blessing.

>> I had actually thought about what if we flooded.

>> And I saw that it was, you know, lightning pretty harsh.

>> Watched the news, she said we was imposing to get some rain. I said that's great.

>> It was rainy.

[8:03:09 PM]

I didn't think anything of it. It rained at my house every year since I had moved in.

>> I didn't feel real threatened. Maybe I was naive in thinking it would never happen.

>> We went to bed like Normal and my daughter woke me up because the neighbors were knocking on

the door. And she goes, mom, we're getting flooded.

>> When you're talking about a flood there's two different types of flood, the Normal type of flood, oh, the creek is swelling. Oh, it's up in my yard now, okay, now we can grab the garden gnomes, they may get swept away in 20 minutes and then there's the, oh, wow, there's a wave of water, you know, half mile wide coming down your street.

>> I read somewhere that the water was 41 feet above its creek bed.

>> We were like 41 feet? I can't imagine 41 feet.

>> At a doggy door in my backyard, my dog ran up and woke up Mary, my fiancée, and, you know, Mary woke me up, said the dog's paws are wet, I of course immediately run directly to the toilet because obviously it's overflowing. It was not coming from the toilet. I walked out into the living room to watch aye -- I had a small lake or river in my backyard going by and the water of course gushing in the doggy door. Mary had called nine 911 and they of course told us to stay inside, help was going to come. We're flooding inside. They said can you get across the street? We looked out the front door, the front door had a glass screen door, essentially, and for whatever reason Mary came out in the living room and decided to open the front door. And I, you know, kind of, oh, no.

[8:05:10 PM]

And it had -- it was really kind of cool, the water pressure was so high outside of the door it was actually turning it into an aquarium.

>> This is what 10 inches of rain does.

>> Was scared and my grandson and my daughter and we got the dog and people in the canoe helped us, we got out of there. Was scared for it to happen again. Because I said to myself, why fix it and live there and every time a flood is going to happen I'm going to lose everything? There's not -- it's not really about things. It's about the lives. Why would you put your kids in danger? Why would you put informal in danger of getting drowned? You know, it's about safety.

>> I had a note on my door. As long as you were patient, you didn't, you know, base all of your needs and desires on next Tuesday we're going to sign this paperwork, then you're going to be fine. Without the buyout, I would have never been able to at this stage in my life get the type of home that I'm in now.

>> This is the kids' room, this will be for Joe Joseph, but Toby want it for his room two, having two granddaughters, they can all take turns here. This is another room, nursery room. I don't want nothing fancy, I told him. That's what I told him. And he remembers to this day. I remember what you told me P you wanted something simple, not fancy, just that it was just good and convenient for you. Here it is. This is what they call simple. It's fair. I think the swap was okay. I'm in a better place, it's not flood zone.

>> I feel like the city did right by us, they [lapse in audio] And I'm real grateful for that. And I'm hoping that as time goes by and the city is able to come up with more funds, that more of my neighbors will be able to get out of the situation.

[8:07:21 PM]

If it happens in 20 years or five years, you know, I wouldn't want to take that risk.

[Applause]

>> Mayor Adler: Ms. Perez? Dom.

>> , Amandoza. Thank you. Jose Ramos, thank you. You have 12 minutes.

>> Yeah, I don't think I need that much time. My name is Anna per Lees, and an Anna perez.thank you for having me. I've heard you've all agreed to accept item 14, so I'm just going to read off what I wrote because I had it written before I knew you were going to vote for and it's a little bit about everything. It talks about our onion creek issues plus the people who live in areas similar. As an onion creek resident our lives have been put on hold. Had the city acted in a timely manner, all this could have been prevented. A flood does not need to be historical for it to cause destruction or even death. Onion creek has flooded prior to the 1970s. Before the homes were built. And less than 15 years onion creek has flooded four times. It's flooded in 1998, 2001, 2006, and 2013. People are still in harm's way. Previous councilmembers and mayors decision have led to the consequences we are living in today. Our community has been neglected.

[8:09:23 PM]

We deserve a fair buyout. This was not an act of nature because nature didn't construct the homes there. Our community members aren't finding affordable housing in Austin. They are moving to Dell valley, people live in Austin for a reason. College, school, work, doctors, or just because they wish to live here. Austin is losing the knee agree, African-American race. They are pushing the Latino hispanic communities out as well. This will make Austin look very bad as a city. There's been lack of communication between city and general public. You're using organizations to inform an important issues like safety and buyouts, you're using the organization tag. They reserve the privilege to exclude or add who they wish from their list. I've got the e-mail here that was sent to me, is saying that I would be excluded from the list if anyone wishes to look at it. All organizations big or small should comply with city's guidelines and by laws, 501c3 and turn in financial reports. Texas did not qualify for state of disaster or emergency funding or individual assistance. Organizations were all that our community people had. And even then people were being turned away. There has been a lack of communication between cities and counties. These flood waters came from canyon lake or at least that's what I was informed. Why were we not informed about the trouble that was headed our way y'all relied on gauges that were 2 miles away from region residents to take any action. Onion creek is the largest creek in Texas, has many dams and low wear crossings and sensors for informational purposes. The huge lot locate with 137,000 acres belongs to the city is monitored with gauges and with those reporting plus the San Antonio national weather service which every county has to report to should have been enough for the city to take action.

[8:11:32 PM]

Perez elementary school was built in 2006. The school sits in the 25-year floodplain. Who allowed the construction of that school? If canyon lake dam was open and this is for Ann kitchen and Mr. Renteria, I don't know if you're aware of the danger the dams are to your communities, they are in such bad shapes. And I think that Ms. Gallo stated that she was afraid that this would sort of add people into the buyout system. I think it's necessary if the dams are not going to be either rebuilt or tended to. If canyon

lake was open and Tom Miller dam was open but longhorn was closed, which was also the contribution of the flooding,

[indiscernible] Engineering been held libel for part of the damage is this part of the board walk ended up at longhorn dam, which meant that had to be closed and the water was being kept. That was what made it run off into y'all's district. They are in part responsible for some of the flooding. The after action report which I have here is very long. There's 171 issues that went wrong that day. I think the wording is wrong because they stated as -- it shows 171 issues and they stated as needing improvement. The wording is wrong. It either didn't work or worked. People lost their lives and no one has been libel for that. And people will continue to lose their lives if immediate action isn't taken.

[8:13:32 PM]

The emergency plan in effect that all of us at onion creek have is to attach a ladder to your home so you can rescue yourselves. What our community needs is the fair buyout, not as-is. No insurance deduction, relocation fees and affordable housing. I would also like to add to this that any documentation procedures and policies presented by watershed should be supervised. And I would like to ask you since you've already voted yes on item 14 and just to say that, yes, I think future purchases for anyone that lives near a creek, lake, a dam, that is not in working -- or could present a danger to people's lives should be able to qualify for some kind of funding and be able to move out. Thank you.

[Applause]

>> Mayor Adler: Edward tierny. Is he here.

>> He came do volunteer. He [indiscernible]

>> Mayor Adler: Odeliaz. Is and then Ms. Roy. Ms. Zipada, you have three minutes.

>> Thank you, mayor, council. My name is [indiscernible], I am a member of San Jose catholic search.

During this whole Halloween flood issue I also as a representative of the Texas legal aid worked with our lawyer that just happened to be hired that year, that week.

[8:15:41 PM]

And was able to help a lot of our residents with all the legal paperwork that was necessary for them to move on. And, also, I'm on the -- I'm the chair of the southeast neighborhood contact team. So this has been an issue we talk about monthly since that event happened so that we can come as one community to improve the lives of our families. So I am happy to hear that y'all have -- are in favor of item 14. But today, as we are currently in our many of our faith traditions in the lent season, which means for me it's reflecting and discerning on more Christian living. What are the choices we are making that are the right thing to do, [lapse in audio] And I hear -- I've heard tonight about the \$18 million verse versus the 60 million and peoples lives there is no dollar amount. We as a community need to be there for the families and our behaviors are reflecting on how we think morally. The budget process for many -- for many families has been great, as you saw on video. But we also recognize that many are still -- have been on hold and so I urge you -- I did hear a whole -- the whole council say that they approve it, but I ask that all of you stand in solidarity on this issue, item 14, so that our families can move on and rebuild their lives.

[8:17:45 PM]

Thank you.

[Applause]

>> Mayor Adler: Lou will be coming after.

>> I'm real excited to hear that most of y'all are in favor of item 14. You've heard all the testimonies, you saw the video, and my hope is that each and every one of you will vote on this item. I also want to commend all of y'all on some of the -- I've listened to your work sessions, your council meetings, and the different panels that y'all have. I'm excited that you're asking questions about the 775 contract employees for Austin energy. I'm excited that you're asking the questions, you know, how much they make, do they have health care, and so -- and, Al also, there are the living wage concerns are being brought up again. So, once again, thank you very much for this vote -- voting for this item and for all these things that y'all brought up that will help take care of the families that live here in Austin and make sure that we all have a living wage. Thank you again.

[Applause]

>> Mayor Adler: Lou U. And then

[indiscernible] Reyes.

>> Hi, thank you, mayor, and -- whoo, councilmembers for moving item 14 and approving it.

[8:19:49 PM]

Last time -- I'm not going to cry, right? Well, I live with -- my husband and I moved into our house in 1979. We were 22 years old. And now we've been there 35 years. We've seen all the changes from the previous flood, and I was just asking my neighbor Paloma here from the last flood, it was the morning, knocking on our doors, and said the water was riding. Rides rising. So I called my husband, got my husband out of bed, said get up
[lapse in audio] The previous flood we had, the water was coming, but we opened our Gates and debris were coming. Our neighbors in the backyard
[indiscernible], the water was really, really high and the house burned down because the fire trucks could not take the fire. The fire, because the fire hydrants were covered with water. So we lost that house. So this last flood really scared us. We did not realize it was going to be knee high. It scared my husband and I. We just don't want to go through it again. This was our dream house. Our kids grew up in the house. My grandkids grew up in this house. And all they said was what's going to happen to you, grandma and grandpa? Where are you going to go? And I said wherever god decides for us, we'll find the house that you all are going to approve tonight to help everyone in that neighborhood that went through the 25-year flood or the 100-year flood. So all I'm asking you guys to approve us and treat us equally as a 100-year flood, as a 25-year flood, as Ms. Delia Garza is helping us and promised to help us through this, that we -- we will be treated equally on the moving the buyout package, relocation package.

[8:22:14 PM]

Because the neighborhood that we've been there is going to be new for us because we've never had hoa. Will we get the same size house? Our land? It's going to be totally different. My cul-de-sac is like a family, we stick and bond together as one. So just a fact that we are going to be lifted and relocated and we're not going to be together again. So I ask you, please.

[Buzzer sounding]

>> Mayor Adler: You can finish.

>> Okay. I ask you, please, think about it and approve, and whatever you do, just, you know, buy us out before the next flood comes in because my husband and I are very scared. Thank you.

>> Mayor Adler: Thank you.

>> For your time.

[Applause]

>> Mayor Adler: Reyes. Is she here? Thank you. Thank you. Benjamin Garcia. Thank you. You have 12 minutes.

>> I don't know how to have a lot of people vote tore me to speak, but that's good.

[Lapse in audio] Like you said, I've got this one -- now hear when I hear everything, because I don't have time now. I have to keep working to keep my family going on. And you, the mayor, you've been to my house. You remember how we have to live after six months, and we live in a house where you can see from

[indiscernible] All the way to the other one.

[8:24:14 PM]

Now, after the last vote, the last council said we're going to vote to buy all those houses, and say, well, now it's time to start working again to keep my family going on. Now why we have to come over here again? I mean, something for you the children -- you don't have to listen to all this stuff again? Because it passed from the last council, we don't have to bring all this again over here. And when you can attend so many other things, I don't say this is more important, but this passed already. Why they have to vote again on these things? I mean, I know you're going to vote yes, but why do you have to waste the time and something happens again? Why we have to pay the people from the city, watershed protection, a lot of people, pay overtime, wasting more money on it, when they say we're going to vote on it? Why they have to be -- just do the things where they're speaking on it, why does there have to be another meeting for eminent domain. They made decisions. Is it going to be eminent owe main or is not why they have to wait for it on that things. I understand some people want to stay there, want to live there. I'm being told there's no life live like that. You're going to be out, all those people there. But I respect them. They want to stay there, that's fine. They want to [indiscernible] That's fine. They will have to raise their house against [indiscernible], they're asking for about the city has to implement. They have to raise their houses a foot above whatever got flood, according with FEMA, that's watershed protection saying. So my house was 5 feet on it. So I have to raise my house 6 feet. That's crazy. How am I going to live like that? What about my cars?

[8:26:17 PM]

How am I going to come out? Also they don't say it, but because I guess they don't like to say it, they have to raise all those streets. That way we can walk out from the flood, walk the way to the safest point. Are you going to approve that? Who is going to raise? Who is going to pay for that? The city? Why are they going to waste money on that, when they can save some money for another floodplains. You can save some more people. I mean, that's ridiculous, what they're trying to say. That's not right, I think. Now the prices -- they say about the \$250,000 for each house, they put \$120,000 for house. I mean, that's the value they give you in advance for all those houses? I mean, that's not right also. They say 71,000 relocation plus 3,000 mri administration. They add 220,000. So where is the other 30,000? Where do they go with that money? I mean, probably on one house is going to pay 110,000, the other house 150,000, so they save money. But nothing is going to be more than 250,000. Where did the other money goes? We need to know where all the money -- or at least y'all, they're going to vote for it, they've got to give you all the information. That way they know this house we paid this, this house we paid that, that house we paid that. We spend all this money and the less of the money is here. Where are we going to use it? I don't want that money to get -- disappear like happened on the old donations. All the [indiscernible] It happened when we got flood, a lot of concerts, a lot of donations coming in, but all that money disappeared. I've been asking those people where is all that money?

[8:28:21 PM]

Nobody gave me an answer. They say it's privacy. How is it going to be privacy to keep your money in your pocket when you're supposed to give it to all those people. We need to know before all that money is. Still we need to know. Even when they spend it, about when disappear that money, we need to know that money. We've got to make it

[indiscernible] To all that money to see where it goes because that's not right. Some people take advantage from the people lost all their belongings, some people lost their life and they just go over there and take advantage from those people. That's not right, I think. So we've got to find out where all that money goes goes, at least -- a -- I have faith all of you can go asks them where did that money go, that way we can put in in the paper, newspaper, where all the neighbors can can read it, we can say, okay, they spent that money over here. All this data that's not available for -- so when are they going to put all that snuff on the -- they say the satellite now, it's available to see where all the flood Zones are and in my case, they say my house is in a 25-year floodplain. 100-year floodplain. The house before me it's in a 100-year floodplain. They bought the house before me when the water come from the other direction. And I keep explaining to people from watershed protection, they never give me an answer. I want to know their answer. I stopped asking the answer when they say they're going to buy all those houses, 25 and 100 years, I stopped doing that. Now they come with a new plan. Who is the guy behind all these new plans? Who is the guy who's going to go with them, the lawyer and sue those guys?

[8:30:21 PM]

And then we're not going to sue just those guys, not just me, I told all my neighbors, it's not going to be just me, it's going to be the whole neighborhood, the whole people lost anything over there. Why the city has to go with all this? Why they got to waste money on lawyers and this and stuff and that? I mean,

it's been -- people calling me on the last two or three rains that happened, I got to leave, those people got to go outside to the school and way over there until the rain passes on the night, on 2:00, 3:00 in the morning, they got to leave over there, leave those houses. That's not life for nobody to stay over there waiting for it. For me, all those people is going to move out from there. A lot of those neighbors, they have a complaints about the way they've been bought those houses. They say that's the right way. They do the whole right way. Then the -- then the last meeting we have it on Perez elementary, it's a neighbor, I guess, that's not here, don't got time, I guess, he's too busy, I understand those neighbors, I just come to the work, walk in on it, because I don't got a parking space to go, after this I got to go back and work again on it. I mean, why? You're working here. You get paid for it. I'm not getting paid for staying here when something is supposed to be doing a long time ago but we're still waiting for it. That is not right. Also one of those neighbors say they only pay for the structure. They don't pay for the land. They don't pay for the -- big storage they build that cost a lot of money to him. They say no, we're not going to pay that because it's not part of the house. Part of the structure. Whenever you go and buy a house, they sell you the whole thing. I mean, if they're going to buy my structure, just my structures, I'm still owner from the land, I come over there, I can go back over there and make parties with my people over there because it's my land?

[8:32:27 PM]

You pay for my house, not for the land. Not for the storage over there. You know what costs my storage? I leave my storage over there and come back and it stores my stuff over there. I owned the land. You paid for the house you can keep the house but not that bun. Who is going to pay for all that? I mean, we lost our stuff. We lost our cars, life, belongings, everything. And they still try to take advantage from us. I mean, what kind of people is this? What kind of people has to live like that, take advantage from the poor people, wasting all the money and something else, something they got to go in there for those people. And get out. Get a safe life and happy. Be happy over there, that way make a better life. They don't get scared -- some of the neighbors that are here, they get scared, the little kids, when it starts raining. They say we got to go because we're going to get flood on my street. Just me and my other neighbor get out from that. That flood. All the other neighbors went on the roof. Why we have to live again like that? They get scared. I mean, that's not the kind of life we need. So we need a place where we can get a complaint about the new buyouts, about the buyouts, the rest of the buyouts. All the rest of the buyouts happen, we got to put a complaint to get answers. Don't say, sorry, you signed up, that's it. Take it or leave it. Next house. That's not right. We got to finish this. That's your time. You got to finish this house. Pay whatever it is that the -- the real cost, not something you try to take advantage of and move to the next house. Don't jump over to the next house. That's not right.

[8:34:29 PM]

How and who changed these policies? Who or -- how are -- where regoing got to ask who made those changes? Why they make those changes? Whether they got other money, why they got to take more advantage from these people? I want some answers from watershed protection. They don't even speak yet. Why they got to come up with a new proposal on it? I got a letter from -- I don't bring it, like I said, I

was working all this day. And they been asking me to inform those people but I don't have time. Yesterday until 2:00 in the morning. That's not good to send text to my people 2:00 in the morning, saying are you crazy or what? So I'm trying to help the people and see what they can do on it. How they make those changes? Why they make those changes? I mean, not understand why they do all this stuff. Like my neighbors say, this is just political, political to take advantage from the people, take advantage from -- keep the money and then disappear with that. That's not right. I mean, I guess I hear the other day that, I guess, hear on the news and the TV.

[Buzzer sounding]

>> Sorry. You pray every time you start and I guess you represent here and god and some power of the people, I guess, some power on the bible, I guess that's the humble for you to say you're here, you're elected to serve for people, not to take advantage for us. So thank you. I'm going to thank you for --

[applause]

>> I want to thank you all the people that help us over here, especially [indiscernible] Even show don't live in that area, she's been helping us. I got to thank her, Luke, and a lot of people behind the scenes. And, also, my neighbors. Because if they're not here, you're not going to listen, you're not going to make a decision because nobody is here.

[8:36:30 PM]

All my neighbors.

>> Mayor Adler: Thank you. Thank you. And also thank you for inviting me into your home and the other neighbors that also invited me into their homes as well. Real quickly, some of the things that you raised, we need here to get a vote that was going to award the money and start the program because that was going to happen.

>> That's what I --

>> Mayor Adler: But I really appreciate everyone coming for two reasons. One is I think it's good for all of us to hear from the neighbors. This is a lot of money that the community is spending for our neighbors because we are a community and it's important for the people who are voting on this to be able to hear and to be able to speak with the neighbors. The other reason it was important for you to come was because there's a lot of information about what's happening here, what's not happening with the program and this gives us the opportunity and the city the opportunity to say, this is actually what is going to be happening. This is what is, what is true. You've raised some questions and some concerns. And I want to make sure, we all want to make sure, that you get answers to those questions so that you and everyone leaving here knows the answers to those questions. So Ms. Riser, again, I would ask you to come up here again if you would, please. I want to ask the city some of the questions that you asked.

>> Thank you.

>> Mayor Adler: I want to know is every house going to be paid the same thing? Are you going to do an individual determination on each house?

>> We will be doing an individual determination on every house.

>> Mayor Adler: Okay. So when you're compensating for homes, will you be compensating just for the land or just for the building or will you be compensating for both?

>> The residents will be compensated for both the land and the building.

>> Mayor Adler: And for buildings? Sorry.
>> Sorry to interrupt but that's my way, I guess.

[8:38:33 PM]

What about the storage? Some people got storage? I've been hearing about the meeting --

>> Mayor Adler: So if there's another building on the property that's part of the improvements to the property, are those also valued as part of the property?

>> Yes, they are.

>> Mayor Adler: Ongoing.

>> You say it.

>> Mayor Adler: Okay. And will there be a place for people to complain? Or to raise concerns? Will there be a place for them to go while this process is going -- in addition to being able to contact your council, will there also be a designated person in the city they can go to, the community can go to to ask for -- to complain or to raise concerns?

>> So if you have any complaints I'd be glad to meet with you. We also have an appeals process. If somebody wants to appeal, there's several avenues and hopefully when we're meeting in the neighborhoods [lapse in audio]

>> So you're going to be -- to inform us about all those complaints we have, but the same way we get informed on orders that we're going to have this meeting, public city, I don't want to waste more money from the city, but send that information to all the rest of the neighbors, here's the number, here's the people you've got to contact in case that's not the way -- the right way to buy your house.

>> Mayor Adler: Okay.

>> So we need that information.

>> We will do that.

>> Mayor Adler: Good. Nine last question, because other neighbors have asked this question: Is -- there were people that were already compensated in the program before. And now we have a new group of people. There was some conversation or question about whether the rules were going to change, whether houses would be valued differently than they had been valued before, or whether there would be limits on location that were not existing before.

[8:40:38 PM]

Are we changing the rules or are we using the same rules used for the earlier acquisitions.

>> We're reusing the same rules for the acquisitions that have come before you.

>> So where do they come, those 31,000, they say, before 50,000 relocation, now you say 71,000 relocation?

>> Mayor Adler: I would say, Mr. Reyes if there was ever a plan to do something different or a conversation about doing something different, it is not -- it does not -- it is not happening now.

[Applause]

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Thank you. All right our next speaker is maria Z. Is maria here?

>> Good evening, councilmembers. My name is maria exactly Z. I live at the honey bee address in the onion creek area. My us and I have been there 30 years and we've raised our children and we raised our two grandchildren there also. My question is we're not really notified by -- we don't get letters as to what's happening with our property. We got a letter back in November from the watershed that there would be a surveyor coming out to see our property, we would be contacted in a couple of months that was in November. Now it's March so couple of months have come if&gone. Nothing. All we see is the destruction of houses around us. All the neighborhood in front of us has been torn down. We're the last street left that is full of houses. Us and onion creek behind us. So all we want is to know when, when do we know what's going to happen to us?

[8:42:38 PM]

Can we plan something in a couple of months? Are we going to be here? When is it going to happen to us? So I don't know who is going to be in contact with us. So my question is when do we hear? When is it going to happen? The last e-mail my daughter-in-law got a couple of weeks ago, sent a copy to my husband, it had a map, a map of the streets -- the ones in red were gone, blue were going to go, ones in gray stay, and our block stayed. So I'm, like, why are they leaving us out there when the people in front of us have gone? So we live like -- you drive into the neighborhood and we drive five, six streets to get to our street, and even having family -- they can't find you anymore because everybody is gone. We're the last street on this understood, come to onion creek behind us, before us, we're honey bee. So I'm wondering when we're going to hear from, when are we going to know? So we can start planning our lives and going forward. We need to know whether we're okay to plant a tree or plant some roses because they say, you know, you're not going to be here, why bother plant something so it would be good to know what we can do, who we're going to hear from.

>> Mayor Adler: Why don't you touch base with misriser right now and let her tell you where you are on that program.

>> That you, that's my answer. Everything else has been answered. The buyouts, what's going to happen, when it's going to happen. I know when we speak to neighbors who have gone, other neighbors tell us no it's not going to work like that. We're in between about we don't know who to contact. I told my daughter-in-law, call the watershed and see what they tell you. She called and says she told me we're not in this buyout. Coming here tonight it sounds like it's sooner than five years so I'm needing to find some something so I can plan my retired years.

[8:44:44 PM]

>> Mayor Adler: He, yes, ma'am.

>> Thank you.

>> Mayor Adler: Thank you. The next speaker is Patricia Jackson. Ms. Jackson.

>> Good evening, mayor, council, councilmembers. My name is Patricia Jackson, and I was a 20-year plus resident of onion creek drive. And I just came to say tonight when my husband and I left that morning because the neighbors had woke us up, I didn't know there was -- that was going to be the last time that

I saw him and it seems like that I know we're talking about moving on and things and we need all of that, but don't forget about us who are still grieving for loved ones. My husband was the reverend ed Jackson. He passed away that morning. And so -- and I wanted to also say, I'm thankful that y'all are going to approve this because I am terrified about going back to even think about living in that neighborhood just for the fact that every time it rains, I wonder. Even when I see it on the news. So I hope y'all approve this and approve it fast because I for one really want to move on with my life and put this behind me. I don't want to have to have go back to that neighborhood unless I just want to go back, and I thank y'all very much.

[Applause]

>> Mayor Adler: Susan Willard. And then it will be Michael Espinoza.

[8:46:45 PM]

Ms. Willard.

>> Hi, council, Mr. Mayor, councilmembers, thank you for having us tonight, for giving up your evening for us. My name is Susan Willard. I am hear on behalf of myself and boyfriend who is a homeowner. We live on fire fly drive and we support the buyout, we're one of the confuse there's a handful of us, not everyone wants to get bought out. So I was grateful to see the language being voluntary and that's important that we know. Whether this is going to be a voluntary or whether sooner or later you're going to come after our house or not. We're about done with our remodel, had some custom things we've put off doing because we don't know if y'all are going to buy -- if we have a choice or not. If we have a choice we want to stay. After y'all buy everybody out throughout the neighborhood, those of us, handful that do, we may change our mind, yeah, maybe not. As it stands many of us have done upgrades preparing for future foods. I grew up on the coast, used to hurricanes, those things happen, those who choose to live in a flood zone need to be prepared and aware. I would strongly suggest if y'all keep the language of it to be voluntary, allow it to be voluntary that y'all require the rental property owners have a duty to inform their tenants that they're living in a flood zone because safety is very important and since the flood there have been homeowners, property owners renting their properties and not telling the perspective lease sea see of the property this is a flood zone and you may or may not be flooded and you need to be prepared and need to have a plan, like they do down in galveston and along the coast. My boyfriend has been with me since 1988. We do want to stay. There's five or six other properties that I know of, I hear there are others that I don't know of, that given achoice, yeah we'd prefer to stay but we need city council to tell us and I'd like to hear it tonight, are we going to be table to stay?

[8:48:52 PM]

As of right now, I'm so glad that y'all are going to buy identity my friends and neighbors who are scared, and that's understandable, having grown up in a flood zone area, I am perhaps not as scared as others would be. I'm also one of the few properties -- I did not have substantial damage. I had minimal damage. All we have to do, rebuild our house, get inspections, certificate of occupancy, although I understand technically the department says you don't need a Co because you already had one in the house -- when the house was built. That's the explanation I got from them. My big question is are those few of us who

want to stay going to be allowed to stay? And that's an answer that I would love to really know tonight because I'd like to put my gentleman jacuzzi in that's sitting in my garage or cheap 5-foot tub because the city is going to buy out the property and tear down the house. And that's pretty much it. We appreciate all the work for everyone that has done for all of y'all, please keep it voluntary and give please give thought to safety of the renters who those owners may want to hang on to it for the wrong reasons. Thank you.

>> Zimmerman: Hang on, before you go, I'm interested in the -- exactly the same question that you asked, so maybe somebody from staff could answer that. It is a voluntary buyout? What are the consequences for people who choose to stay behind? If any.

>> Mayor Adler: Ms. Riser can you address this question?

>> Mayor Adler: We've said this is a voluntary program, no one is going to be required to participate. The question from councilmember Zimmerman is what happens to people who decide that they want to stay?

>> At this point in time we want to focus on the people that really want and need to move out, and at some point we'll do an analysis and determine do we want to just leave the families there or do we want to do something differently but we haven't done that analysis at this time.

[8:51:10 PM]

>> Zimmerman: So the short answer is the policy hasn't yet been determined what's going to happen to the people that stay? Is that what I'm hearing from staff?

>> Right now it's voluntary, except for the cores of engineers, the 25 year floodplain. The 100 year floodplain is voluntary.

>> The next question on that is you're making it voluntary, we choose to stay, those who -- the majority of the neighborhood wants to be bought out, trust me. People want to go. Don't you think there may be some minor mitigation things we can do to lessen -- we're not going to have this wall quite as -- the built thaws we had that did so much of the damage. I had a wall on onion creek where -- between fire fly where all the fences are and that wall was there for a while and fence went down and it was bam, bam, bam. That's kind of how my street flooded.

>> Zimmerman: Somewhere there is a hydrology question on that, right? The water flow is going to be modified, a bunch of properties are torn down, right? The water is going to move through there more quickly and the level may not be as high but you need some technical foreign answer that question.

>> That's correct.

>> Zimmerman: Is that in the plan for somebody to evaluate -- reevaluate the flow after the houses are demolished the people that move out?

>> I've been asking this question for a while.

>> Zimmerman: Oh, good. Here he comes. All right.

>> Yes, Steve [indiscernible], watershed protection department. As the area changes, the coefficients, forces of water stopped by existing structures, there will be a change and that will be evaluated and is part of our new study we're doing is also part of the upper onion creek study.

>> Zimmerman: Terrific, okay, so unfortunately there may not be an answer to your question tonight because we have to see what happens.

[8:53:11 PM]

>> How long before a determination -- I guess there will be finished with the buyout and come back and look at it? Because my --

>> Mayor Adler: Sounds like --

>> As have the others who want to say, we've all realized, if you haven't been down in the neighborhood in the evenings, especially at night it's looking a lot different. It may -- as much as I love it down there, I love the deer, it may truly be once everybody is gone we realize this is a little more isolated than we want, we city dwellers want to be, although some of us may decide, hey, this is cool, we want to stay here. And then we just have to do with the FEMA things and, you know, how long a year, year afterwards or after the last house is done?

>> Mayor Adler: I don't know. We'll try to find the answer to that question. Sounds like they're not going to know until they know who decides they want to stay and who wants to leave.

>> Okay.

>> Mayor Adler: We'll fop up on that with you. Next speaker -- thank you, Ms. Riser. The next speaker is Michael Espinoza. And then Doug white.

>> Hello, mayor. Hello. Councilman and women.

>> Mayor Adler: Can you pull the microphone up a little closer to you, point it up.

>> Hello.

>> Mayor Adler: Thank you.

>> First of all, I have to say thank you to the city of Austin for helping us because, you know, I love this city. You know, like possibly you, ora, ora Houston, you love the city like we love our neighborhood. You know, all of us here, neighbors, it's funny because you see everybody in here and you see -- you know, I see Steve and his wife and I see Yvette and Ms. Primos, Ms. And just all our neighbors are here, our whole community is here, you know, and one thing, Mr. Sabino Renteria, is that our neighborhood is slowly dying, you know? It's just going away.

[8:55:15 PM]

That kind of just hits you right here, Delia, because, I mean, what else do you have? You know? You live in a cul-de-sac, some of -- who in here from council has lived in a cul-de-sac or lives in a cul-de-sac now? Ever lived in one? Okay. You can kind of see how it's a protected community. You know who is pulling in there, who is leaving, and that's like our neighborhood. Whoever was in there, we knew from the get-go, they're not supposed to be in there or maybe, you know, it's a stranger and we would call each other up, hey, there's somebody over there that's not supposed to be there, you know? And now it's all going away, you know? But my main point to being up here, Ms. Sherry G., is that our houses are being demolished, you know, and what's interesting is that we were given money by the insurance companies, Mr. Zimmerman, we were given a lot of money. I mean, you get these checks and you're thinking, who you, you know, I got all this money and now I'm going to go buy me some rims or something. You can't do that, Greg. You kind of knee. You have to put it back into your house. You see all this money that, you know, a lot of us didn't have, and we're putting it into these houses and they're getting demolished. It

just doesn't make any setback to me. Sense do me. It's frustrating. Ellen, I see you're working hard here, staying late, I appreciate everybody being here for us. But you're here, you know, you're working hard and stuff, you know, and you're putting it into these houses and they're just going away. They're just being demolished. I understand that the city is buying us out, Ms. Leslie pool, I know that I have to do this, and I'm all for it. Thank you for buying us out. You know, it's not right to live in fear, Ms. Kathie tovo, and in conclusion,.

[8:57:28 PM]

[Buzzer sounding]

>> In conclusion, every time it rains, you've got to pack up and you start moving, you know? But you have to always realize that you're in that constant danger, you know? But one thing that really frustrates me out of mostly everything, is that the city of Austin has canceled my permits when I was rebuilding to use this money to build my house up. They didn't tell -- been telling me for weeks, I was living in what smells like a swamp, Jorge, horses in the trees, you saw the pictures, you know, it's just -- it was a nightmare. And the city didn't tell me or call me or write me a letter and say, hey, Mike, you know, this stuff ain't going to fly. It's canceled. And I was just sitting there, in limbo and what's been happening is a lot of us feel like that right now. It just feels like there's -- we don't know what's going to happen next.

>> Mayor Adler: Hopefully with this new program people will be able to move forward. Thank you for your time.

>> Thank you. Appreciate y'all. Thank you very much.

[Applause]

>> Mayor Adler: Doug white and then Alfredo a.

>> Thank you for being here tonight. My name is Doug white. I live in onion creek since 1979. Me and my family bought a brand-new house there, I raised three kids and one grandchild. It was a beautiful neighborhood, included, really nice. We were hoping to use this house as a retirement income because I'm self-employed, which I find now I won't be able to do. I have come here to ask y'all to vote on this, to make sure it passes this, we do get the money. And I wanted you to keep it consistent with the 25-year floodplain. Thank you for listening to me.

>> Mayor Adler: Thank you for your time.

[Applause] >> Mayor Adler: Alfredo asario.

[8:59:37 PM]

Ada king. Oh.

>> I'm going to interpret for hemorrhages try to do my best.

>> Mayor Adler: You have six minutes.

>> [Speaking in Spanish]

>> Mayor Adler: Thank you. Six minutes.

[Speaking in Spanish]

>> I want to tell you a brief story I have. I immigrated with a home, a family, and I had it. But it was [inaudible]. On October 31st, during that flood. I have two beautiful children. One of them is 13, and a

little daughter that is seven. My 13-year-old child is autistic. And now every time he sees that it's going to rain or he feels a storm keeping up, both of them ask. It's necessary to climb up to not roof of the house again to save their lives. I don't have words how to explain to them that this time it's not necessary. It's also representing some of my neighbors. Those of us that are ready, that want to actually move away from there so that our life has a future will return to be what it was in the past.

[9:01:38 PM]

Because as long as we find ourselves still living in that place, our lives will be as if they were two years ago when we suffered through the flood. It's on account of that that I support item 14, for the purchase of our houses so that our lives, the lives of our children, of our parents will again be as they were in the past, and we will be able to have the life we deserve, that I think we all deserve. Ladies and gentlemen, tonight when you head home to sleep, when you are there, when you see your children there, give them a hug. Because maybe tomorrow we may not have them with us. Thank you for listening to me. And I will thank you from the bottom of my heart to all of you that give us your support for us to move away from the flooding in onion creek where we're currently living. Thank you very much, and good evening. [Applause]

>> Mayor Adler: Mr. King, David king, and then Annie Harton.

>> Thank you, mayor, mayor pro tem, and council members, and I really appreciate the respect that you're showing to our citizens tonight to ensure that they can fully participate in this discussion. And I thank you for supporting this buyout program. We're all in this community together. And what we do in one part of our community affects people in the other parts of our community.

[9:03:39 PM]

I find it very -- I don't know what the word is, I kind of got angry for a second there when I heard, buyer beware, you should have known better. You knew what you were doing. How many of these 5700 homes are occupied by moderate income families because that's what they can afford to live in? And then here we have the audacity to say, you knew what you were doing. And then we have all this development in our watersheds that increases flooding for our downstream people. It's you, on the dais, you have this opportunity and this obligation, its responsibility, to make sure we have fairness and equity in our community. And I cannot believe that we're going to blame it on these people who have lived their lives in this community, that it's their fault, and that we don't want to step up and help them out. And, yes, property owners have a right to develop their property to the fullest extent of the law, but when that development affects downstream property owners, then they should have the responsibility to use their tax dollars to help not people out. And I have -- I just can't believe some of the things I've heard tonight. Freedom of choice is good. But when you -- your choices are limited by your income, and in this community, we have a big income and equity problem. And we have to acknowledge that and do something about that instead of saying, it's your fault, buyer beware. And, yes, I'm mad because that's unfair. And I'm sorry to be facing this tonight, but when are we going to step up and do right by our community, by everyone in our community? Not just by 20% of our population that earns 50% of the income in Austin, but by everyone who's struggling to live here.

[9:05:39 PM]

And maybe that's the only place they can afford to live. And then we complain that we have to chip in some Dallas in some tax dollarsto help them out? Let's not forget about the people who died in this flood. And let's not forget about the people that are still struggling today and wondering where they're going to live and having to fight every step of the way to get the right thing to happen for them. So I applaud you for bringing this forward tonight. I hope that you offer unanimous vote for this buyout. Thank you.

[Applause]

>> Mayor Adler: We have one last speaker, Annie Harton. Thanks.

>> Good evening. I'm Annie Harton.

>> Ma'am, can you talk closer to the mic?

>> Oh, I'm sorry. Thank you. I'm Annie Harton. I'm a member of a lutheran church. I'm a board member of

[inaudible], which is the Austin recovery group formed to the long-term recovery of the 2013 Halloween flood. For this past year, tard with the support of Austin interfaith has worked very hard to communicate with the community and bring their wishes to the attention of the council watershed protection department, real estate office, code compliance, and others. So this is a big achievement. Last year, as part of the 2015 budget, council approved funding for the remaining 240 properties in the 100-year floodplain of lower onion creek [inaudible]

[9:07:55 PM]

Funds of the federal uniform relocation policy will allow the buyout process to continue with the same equitable treatment to all displaced persons as was provided in the previous buyout properties along onion creek. We thank you, council members and mayor, for this opportunity to speak before you in support of item 14. Please approve this resolution from the watershed protection real estate department to go forward with this buyout process. Relocation will allow this group of at-risk residents to be safe and not fear future floodings. Thank you.

[Applause]

>> Mayor Adler: Those are all the public community speakers. We're now back to the dais on this item number 14. Would anyone like to address Mr. Zimmerman, then Ms. Pool, then Ms. Garza.

>> Zimmerman: Thank you. Thank you, Mr. Mayor. There's a couple of really important issues here. I think that someone had mentioned the watershed -- onion creek is one of the bigger ones in our city. I think we have over 40, 40 watersheds in the city. So to speak to someone who mentioned how building in a watershed can affect others and cause flooding in a watershed, but the fact is, we -- most of our watersheds, when people develop and build there, they're not contributing to the flooding problem in onion creek, and yet all of those people in all of the over 40 watersheds, they're all going to be required to pay part of the \$60 million. And I guess I also -- I'm not clear what the policy is going forward. I think we could come up with something.

[9:09:57 PM]

I think the safety issue is brought up. People are terrified of being in their homes, seeing the creek turn into something that looks like the Mississippi river, only moving a lot faster. So it's my hope that we can come up with some engineering guidelines and watershed that would have something to do with the speed of the water and the fact that there could be some areas where, when you're in the hundred-year floodplain, you could be completely surrounded by water, as opposed to, you know, maybe you could have emergency access out your back yard. We had a case in front of the council of someone wanting to build in the floodplain, which is also an interesting question. So I'm not going to -- there's no way I could vote against this issue because I think the city has some responsibility, but at the same time, I can't vote in favor of this because I think the policy is clear and there are hundreds of thousands of taxpayers that are going to be obligated to pay for this, and they're not here this evening. I don't think anyone wants to show up from the other 40 watershed districts and say, you know, I'm paying my tax bill, I sympathize with people in onion creek but I don't want to be forced to pay. Those people aren't here tonight, and you can understand why, they're not worried about a flood in the next rain. They're in different watersheds and different areas, flooding is not a problem for them, but they're still obligated to pay. So I'm going to abstain from this vote and I would like to use some of my engineering background to help come up with a policy and solution going forward, for the rest of the 5700 homes that are in the floodplain. And I appreciate council member Gallo's comments. Thank you.

>> Mayor Adler: Ms. Pool.

>> Pool: Thanks, mayor, and thanks to everybody who came out tonight and spent the evening with us. I really appreciate your eloquence and your concern and your tenacity.

[9:12:01 PM]

I had mentioned earlier in the evening that I am absolutely in support of this buyout proposal [inaudible] For the city. I think that's what the city does, when a segment of the city population is harmed or hurt or in pain, or there's something not going right, we come together, and we help bring everybody back. I think that's our responsibility as a city. We are here as primary responsibility to ensure the health and safety of everyone who lives in our town, and you all live in our town. And so I'm here to help you with -- to restore the health and safety of your homes, and I'm glad to have the privilege to be doing that for you. Thanks.

[Applause]

>> Mayor Adler: Ms. Garza, then Ms. Tovo.

>> Garza: I just want to echo what council member pool just said, and I thank the families for sharing their stories with us. I know it's not been easy. I know this has been really hard. This has been really hard for you in all kinds of ways, so thank you for sharing your stories with us. I want to thank the previous council for funding this.

[Applause] I want to thank this council. It looks like we will be approving it, so I want to thank this council. I want to thank my staff and particularly Laura Williamson, who has worked really hard on this.

[Applause] So please continue to reach out to my office with questions as we finish this process.

[Applause]

>> Mayor Adler: Tovo.

>> Tovo: Yeah. I just had a quick question. I know that some individuals [inaudible] And I just want to ask our staff if they could provide a little information about what people can do if they do have questions after the discussion tonight.

[9:14:09 PM]

I know council member Garza just offered that people can contact her office as well.

>> Council members, we're hoping to have a letter go out in the next few days to the residents that has some contact information and information about the next town hall meeting that we're going to have down there, and we'll include the contact Numbers for there. And then we'll be around after the meeting if anybody has any questions, and I'll provide business cards to anybody who wants any further questions answered.

>> Tovo: Thank you. Community member said you had made that offer, but I thought it would be great to have it made publicly. Thanks so very much.

>> Mayor Adler: Further conversation from the dais? Ms. Houston?

>> Houston: Mayor, is there a motion on the floor?

>> Mayor Adler: I think there is.

>> Houston: Okay. I move to close the debate.

>> Mayor Adler: Is there a motion to approve item number 14?

[Inaudible] Makes that motion had Mr. Casar seconds it. All in favor of approving item 14, please raise your hand. Opposed? Abstaining? 10 in favor, zero against, one abstention.

[Applause]

>> Mayor Adler: I just parenthetically note that the city manager has sent an e-mail posting the -- posting the Zucker report. We had been told that would happen. This concludes our meeting today. This meeting judicious at 9:15.