

## City Council Regular Meeting Transcript –03/12/2015

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>> Mayor Adler: Good morning. Ms. Gallo is out of town, will not be joining us today. Good morning. I am mayor Steve Adler. We're going to begin today with the invocation by father ed London of the mobile loaves and fishes. Sir, thank you. Please stand. >> I feel a little like Burt lance before the senate finance committee, remember when he brought the budget up to the -- [laughter]. >> Mayor Adler: You're in a much better place right now. [Laughter]. >> I have two quotes. One that pertains to the people's business. And it's from our esteemed Louis Carroll. Where is the exhibit? Is it at ransom or Blanton? Ransom? Thank you. But his quote is one of the deep secrets of life is that all that is really worth doing is what we do for others. And I thought that was true for all of us. And the second quote as a form of preamble is what St. Paul wrote in phillipians, whatever is true, whatever is honorable, whatever is just, whatever is pure, whatever is lovely, whatever is gracious, if there is any excellence, if there is anything worthy of praise,

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think about these things and the god of Pease will be with you. And the third note is about our dear pope. I'm an episcopal priest, but our pope Francis, who is the only pope to have named himself after a layperson, I thought that was incredible. And therefore I ask us all to join in on the prayer of St. Francis, which is on your card. Lord, make me an instrument of your peace. Where there is hatred, let me so love. Where there is injury, pardon. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light. Where there is sadness, joy. Oh, divine master, grant that I may not so much seek to be consoled as to console. To be understood as to understand. To be loved as to love. For it is in giving that we receive. It is in pardoning that we are pardoned. And it is in dying that we are born to eternal life. Amen. God bless you for the work you do for the city of Austin. Thank you. >> Mayor Adler: Thank you, sir. A quorum is present so I will call this meeting of the Austin city council to order. It is Thursday, March 12th. We're meeting in the council chambers in Austin city hall, 301 west second street, Austin, Texas. And the time is telephone 20:00 A.M. Before we begin I'm going to read into the record the

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changes and corrections. We have items that -- we have the time certain items this morning, nothing scheduled at 10:30. At 12 noon we have general citizens communication. At 2:00 we have zoning matters, at 4:00 public hearings and at 5:50 the live music and proclamations. Annie and Kate is the

performer this evening. We have three items that have been pulled off the consent agenda by councilmembers. Items 3, 4 and # are 6. They have been pulled by councilmember Zimmerman. We have two citizens signed up to speak on item number 10 on that item will be pulled as well. And I think those are all the changes and corrections. We have some late backup on items 5, 6, 13, 14 and item 15. I want to read the appointments and waivers to board and commissions, which is item number 24. This will remain on the consent agenda. To the Austin integrated water resource planning and community taskforce, bill Moriarty, appointed, nominated by me. The Austin integrated water resource planning community taskforce Ruthie red Monday nominated by councilmember Garza. There are no waivers scheduled for today. Do you need a motion? >> Mayor Adler: I said item 24 a second ago, but it is actually item number 14. So the consent agenda is items 1 through 8. We are pulling items 3, 4, 6

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and 10. Before we vote on the consent agenda we need to invite speakers to speak on the agenda. One through 18 on consent. We're pulling items 3, 4, 6 and 10 -- >> Do you want a motion? >> Mayor Adler: Before we have a motion we're going to have first Mr. Pena has the opportunity to come speak, signed up on two items, 15, which is not pulled, as well as item 10, which has been pulled. And Mr. Pena, so today I successfully did this correctly, I think, for you. >> Thank god for that. >> Mayor Adler: Yes, sir. I'm a slow learner, but I'll get there. >> Your learning curve was good, outstanding. Mr. Mayor, councilmembers, Gus Pena. I'll just speak to you on item number 10 specifically. It's having to do with funding for a counselor. It says here -- it says the police services for victims of domestic violence. We know that domestic violence is -- it's increasing. I would request also specifically and respectfully, I've spoken before the school board meeting also, to teach the students about the incorrectness, if I might use that word maybe incorrectly, the wrong of domestic violence. Economic violence as a whole is not tolerated, it is not good. And I want to say I'm in support of item number 10, but we should be able to look beyond this position of a couple to have funding for direct services for the victims of domestic violence. Thank you very much. That's all I have to say. Thank you. >> Mayor Adler: Thank you, sir. The chair will entertain a motion to approve the

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consent agenda, which is items 1 through 18. Not including 3, 4, 6 and 10. Ms. Pool makes that motion. Is there a second? Mr. Renteria seconds that motion. All in favor -- >> Zimmerman: Mr. Mayor, I wanted to note I had some abstentions and some objections that I've given to the clerk. >> Mayor Adler: I'll go ahead and read those into the mayor. >> Zimmerman: Thank you. >> Mayor Adler: The motion to approve the consent agenda, all in favor raise your hand? Those opposed? We are voting all for with the following exceptions: Councilmember Zimmerman is abstaining on items 5 and 7, 12 and 13 and 17. On the others he joins the rest of the council in voting aye. That gets us then to the pulled items. The first one of those items is item 3. This was pulled by councilmember Zimmerman. >> Zimmerman: Thank you, Mr. Mayor. We had some discussions, I thought some very useful discussions on this item, and if anybody from staff was here to give us some more clarification, that would be terrific. I thought councilmember troxclair had originally pulled this and she had some very good questions, but you would love to hear if we have any more information. >> Mayor Adler: That would be good. I think it had been pulled at the work session by councilmember Gallo. >> Zimmerman: You're right, it was councilmember Gallo. >> Mayor Adler: Yes. >> I was just asking is there a specific question or is there -- I can give an overview of the item. >> Mayor Adler: Mr. Zimmerman, what's your pleasure? , You pulled this.

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>> Zimmerman: I would like to get an overview on how this relates to purchasing in general, maybe some general comments would be best to start with. >> Sure. This is a rotation list for -- I'm sorry, Rosie Truelove. This is a rotation list for roofing and waterproofing services for the city of Austin. It's to hire seven firms for a period of approximately three years for a total contract amount of 1.4 million at approximately \$200,000 per firm. >> Zimmerman: Sing the -- I think the question here has been on how a lot of companies and businesses do these kinds of projects. And I guess there is some benefit to the flexibility when you -- what did you say about rotating? Could you explain some more about that, what that means? >> Sure. This is a rotation list. This is a contracting mechanism that we use for a lot of our engineering services at the city of Austin where we advise I had via a general scope of services to select a group of firms that will be under contract with the city of Austin and then we make assignments to them on a rotating basis. Those assignments are made based on first their rank order of the selection matrix and then after that we look at their percent remaining authorization to ensure that work is spread amongst all the firms. We use this kind of contracting mechanism to allow us to have ready access to firms that are qualified to do work so that we don't have to go through a lengthy procurement process for these smaller assignments to come up for this particular contract. >> Zimmerman: Okay. Can you make just a few remarks about this rotation in the context of the minority and women owned businesses? >> Sure. This contract, as all of our contracts are, was reviewed as we were creating the solicitation documents, was reviewed by the small

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business minority department. They said there weren't sufficient contracting to require goals. You will see that a number of the firms on the list are certified firms themselves -- one of the firms is a certified firm and that's engineered exteriors pllc. They're a certified WBE firm. But all of the firms that are listed are in compliance with the mwbe program. >> Zimmerman: Okay. This may be my last question. I grew up in the home building business, my dad was a home builder. I've done a lot of roofing work myself. And I was on construction crews that were predominantly minority owned, minority run. In fact, I was the minority guy working on some roofing projects. And we've been looking at these for quite some time and I continue to be surprised that we can't identify minority owned opportunities on these. It seems to be a pattern. So I I guess it's just a comment. I still don't understand how it works. I know there are minority owned businesses that specialize in things like this, and yet there never seems to be an opportunity or there's no bid or no award. And I'm struggling a little bit to understand that. >> Good morning, council, Veronica late, director of minority businesses department. We did review the scope of work for subcontracting opportunities and I understand what you're saying in respect to the construction of roofing. My understanding is this particular solicitation is for the consultant services. So this is the first step in that process where the city is contracting with a consultant to go out, assess the situation and determine if roofing it needed at that point. When the construction part of the solicitation comes upon us he will certainly look at that for opportunities and I suspect there will be goals on that

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part. I also wanted to add to what Ms. Truelove said, in addition to reviewing this, we sat down as a team and looked at the scope together and looked for opportunities as well. >> Mayor Adler: Any further discussion? Ms. Houston? >> Houston: Thank you so much for your information and for doing cross-collaboration on this particular scope of work. The concern for many of us is that professional rotation list and how women minorities and small businesses are able to get on it in. Community it's called friends and family because they're used over and over and over again. So maybe it would be

helpful if we could have someone talk with people in the community, the black contractors, hispanic contractors, Asian contractors about how one gets on that professional rotation list so that they can be included in the rotation schedule. >> Sure. And if I might just make a few comments with respect to that in case there are folks listening and that might want to reach out to us, we do regularly hold training sessions and information sessions about how to get -- how to do business with the city and how to respond to our professional services solicitations. I would also encourage anyone who is interested in learning more about how to be successful at professional services contracting with the city to contact my department and we will sit down with any firm that expresses an interest to go over our procurement process in detail, to talk about our selection criteria, to give them any kind of information that would be helpful for them to be able to prepare a successful solicitation. So we're more than happy to do that. And if there's any direct contacts you would like may me to reach out to I would be more than happy to do that well. >> And since we're on the radio, could you give them a number? >> Sure. You can actually just call me at 512-974-3064.

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>> Mayor Adler: Mr. Zimmerman? >> Zimmerman: Thank you for am cog and one final question. Would there be any objection, any problem, any financial difficulty if this issue were referred to a committee for some more deliberation and it would come back say a month later? >> There's no issue with that. We can certainly factor that into the schedule if we need to. >> Mayor Adler: The question would be would it be better for us to refer this item or refer the question or the rotation, how we do rotation contracting to the committee and let this item proceed? >> Zimmerman: That's a fair question. I guess if we could separate those out, would that be in order to go ahead and make a motion on approving the item %-@and then another motion to review the process? Is that in order? >> Mayor Adler: We can do that. I think I have the ability to refer that to committee. If we want to approve that I'll refer it to committee and if it requires an additional member with that I'll join with you in referring that question, that policy question to the committee. >> Zimmerman: Okay. If you will repeat that motion, I will make it. Does everyone understand what we're doing? >> Mayor Adler: We'll just do the second, but the motion would be to approve item number 3. Following this meeting I'll refer the question, the policy question of the rotation contracting to a committee to take a look at for us. And if a second member is necessary for me to do that then I'll join with you in getting that done. >> Zimmerman: So moved. >> Mayor Adler: Motion to approve item 3. Any objections? All in favor say aye? Those opposed no. All on the dais vote aye, number 3 is approved. That gets us to the next pulled item, which I think is item number 4. Is that right? Mr. Zimmerman, I think you pulled also item number 4. >> Zimmerman: That's correct, Mr. Mayor. And this also falls in that category of trying to better understand how purchasing

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does these contracts. And this was brought up in I believe the work session as well. So I think our concern is this is it sounded like there was some agreement that had been made to settle, I guess, an overrun or a change order, and it was brought to council for an affirmation of a decision that was already made. And thank you, Mr. Lazarus. Maybe you can review briefly what we talked about on Tuesday. >> Howard Lazarus, public works director. The item before council is a change order to address a couple of items that occurred during the conduct of work, one of which is the adjustment in changes and quantities that were different than what the contractor bid on. The second is to address some unforeseen site conditions. And the third was to address some design changes that the city requested. Those all impacted the fixed price that the contractor provided and this change order addresses those conditions. I want to be clear that this is not a claim, this is an adjustment for additional work to change

quantities. >> Zimmerman: But I think the comment was made that -- in other words, if we wanted to scrutinize this closer and understand it better, if we were to refer it to committee, would that cause us some potential problems if a committee were to look at this a little more closely? >> The change order has been negotiated in good faith with the contractor. The city has agreed with the changed amounts. Should the council decide to defer this, the contractor would have an option of filing a claim and proceeding with this as a legal matter. That's up to the council's discretion, but I would remind you that the adjustments that have been presented to you have been agreed to in good faith between the city and the contractor. >> Mayor Adler: Mr. Zimmerman, do you want

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to do this the same way so that there would be a conversation -- before I get to the question it's something to throw out for the council to consider taking the issue of how we handle change orders and having the committee take a look at that. Is there further conversation on the dais? >> That's what I was going to suggest and I just appreciate y'all for answering our questions earlier this week. From your answers we all learned that there is a state cap of 25% of going over budget, but I think it's incumbent upon us as a council to take a look at this issue, especially with the affordability and cost of living crisis that our city is facing, that that's inevitably tied to spending. And although I appreciate the low bid process and the way that y'all handle purchasing currently, I think 25% is a really big -- a really big cushion. And if we don't -- this work has already been done and I'm going to support it because we owe this contractor this money, but in the future the council is never going to get the opportunity to approve projects that are, you know, more than 10, 15, up to 25% over budget unless we change the process of how these overruns or reviews work. So I do -- I will be working on this issue going forward and I'm happy to talk to any councilmembers who are interested in working with me on it. But thank you for understanding. >> Mr. Mayor? I just have one thing to add. I think that these cases happen fairly infrequently, so along with the information that we'll be looking at on affordability issues, it would be helpful to know how often it happens so that we can properly scope the amount of our time that we spend on a policy that actually I think comes from the state legislature,

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is that correct? >> That's correct, councilmember. I think just to maybe clarify a point I wasn't as clear as I could have been at work session. We include contingency amounts within the authorization that we typically ask council to approve and those generally run between five and 10 percent. The vast majority of variations in the contract be settled within that amount. There are also occasions where the variation in quantities benefit the city and the final amount results in the deductive change order. We come to council when a change exceeds that approved and authorized amount and under state law for municipal governments and this type of contracting, we can only go up to 25% of the original bid price. Beyond that the options are to reduce scope, go to council and rebid T I think in talking to Ms. Truelove it would be -- there would be ways in which we procure construction services because fixed price contracting is one of many that you will see in the coming weeks and it may be beneficial to have that discussion in general and not related to a specific item. >> Mayor Adler: Ms. Troxclair. >> Troxclair: I just want to clarify that when you say the item comes to council if it goes over the five to 10% budget overrun that you have negotiated in the contracts, as is in this case, does it come to council before any money is spent in excess of that 10% or in this case we're not seeing it until after? >> I would characterize the five to 10 percent as contingency and not an overrun, but the vast majority of changes come to council before the authorized amount would be exceeded. There are occasions where we do have to protect the value

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of work that's in the field and that's in the city's interest, but those are very few and far between. >> As we talked about on Tuesday, we will commit to you to bring them forward as quickly as possible and to make sure that we're working with the agenda office to expedite getting those change orders to the council agenda so that we don't see any -- any impact to the project and we can also get it before the governing body as quickly as possible. >> Zimmerman: So one final question and then a comment. We're still pretty new here and there's a lot of inertia and a lot of things that have happened in the past that now come up before us. So I think some of these overruns are related to the flooding, the Halloween flooding, is that correct? >> That is correct. >> Zimmerman: Yeah. And so have these overruns been brought to prior councils before? Did they already approve something that we're reaffirming? >> The additional costs that have been incurred due to the flooding really is a longer conversation, but when you put a contract together and you design it, you make certain assumptions on things that could happen. In this case there were flood control measures that were part of the contract, that were in effect designed to meet a certain storm. This storm exceeded what was designed. That was never part of the contractor's risk, so therefore it's our opinion they were entitled to an adjustment. >> Zimmerman: Go ahead. >> To answer your specific question, this is the first time a change order is being considered by the city council on this particular contract. >> Zimmerman: So I think I'm probably agreeable with my colleagues that we will get this one processed, but again, where there's been maybe a pattern that we're trying to avoid where stuff comes to us for affirmation and it's kind of too late, decisions have been made, negotiations happened and we're just here to affirm expenditures. And I think the issues when we ran for city council we were going to come in and do

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things differently. But when I'm here in a position of just having to affirm decisions that are already made and I don't really have a choice and we might face litigation if we don't act quickly, we're trying to get out of that mode of operating. I'm sure that makes sense to you. >> It does. And councilmember, there are occasions where we will come to you with safety and health exclusions, other things that under state statute we'd ask for ratification. As I said before, there are a host of means of contracting, not only with private entities, but agreements with other local government organizations. And I think as Ms. Truelove says, it's been beneficial to explore that entire universe with the councilmembers. >> Mayor Adler: Ms. Tovo? >> Tovo: I just wanted to comment on something. We had an opportunity to talk about this pretty extensively on Tuesday and I thought what we were hearing from Mr. Lazarus and Ms. Truelove is that this is pretty unusual. So I concur with my colleague, councilmember pool, that it would be helpful to get some sense of how frequently this happens before there's an extensive amount of time directed toward finding a policy solution for a problem that mayor main exist, though I think it's a great plan to talk about the different R. Different options for contracting and how that might impact the way and the timing of decisions on council. But this is a pretty unusual circumstances, as you've indicated. So I think we should keep that in mind. >> I've made note of that and we'll do research on that and get back to the council. >> Tovo: I appreciate that. Mayor, I would like to move approval. >> Mayor Adler: Okay. Is there any further debate? >> Troxclair: I just have one more question. >> Mayor Adler: And only because -- the best practice is if you're going to debate you can debate. If you want to make a motion, you can make a motion. But to did he date or ask questions and then make a motion precludes somebody that opportunity. You can't debate and then close the door behind you. Is there any further discussion on this item? Ms. Troxclair?

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>> Troxclair: When we're saying that this circumstance is unusual, what specifically about this is unusual, the change order or the amount or getting close to the 25%? What about this specific item is unusual? >> I think all of those are unusual. It's highly unusual for us to come back to council to essentially ratify an action that was already taken. So I think that is unusual. The amount of this change order as a percentage of the contract is also very unusual. And then the circumstances that led to some of the changes were also unusual. So this is a trifecta that hits all three of your points. >> Troxclair: If you're going to be collecting information and getting back to us with how frequently this happens, I would be really interested in seeing how frequently we go over 10%, between the 10% and 25%. That's the data that I would be interested in, if you don't mind providing that. >> Absolutely. We'll give a breakdown of the range and give some perspective for the last couple of years. >> Thank you. >> Mayor Adler: Maybe one way would be for us to approve item number 4 and then refer to the committee the question of how change orders are handled and their frequency and how that relates to the state law and the city ordinances and to the type of contract involved and how and where there might be an appropriate or meaningful opportunity for oversight discretion on the part of the council. If there's a motion to approve this item 4 and move forward, I'll make that referral as well. >> Zimmerman: I wanted to make the motion you just made, I think to approve in referring to committee -- >> Mayor Adler: There's a motion to approve item number 4. Is there a second to that motion? Ms. Garza. Any further debate? All in favor say aye? Those opposed no. That passes unanimously. I'll go ahead and also refer the question that I articulated a second ago to the committee. I think that gets us to the next pulled item, which is item number 6. Mr. Zimmerman, that's your item as well. >> Zimmerman: Thank you, Mr. Mayor.

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My question that came up that I brought up in the work session that I was hoping to get an answer to is to find out where we are today on city expenditures to aid and other expenditures that may be going to other school districts. We have, what, six or seven school districts. And I think it was revealed there in a meeting that aid probably had the largest student population of any of the district in Austin. So there's some interesting statistics maybe to discuss there briefly. Item 6 was regarding I believe an amount not to exceed \$90,000 to aid for I believe it was a software system to track and reduce chronic absenteeism. >> Carlos Rivera, director of health and human services. Yes. The software is called efforts to outcome, better known as etl. And it's to track chronic truancy. As you said. And it's a joint project between aid, health and human services or actually the city and the county. It's \$15,000 contribution from each of the entities, and we have a vested interest in knowing the truancy rates of our children so that we can have adequate resources to make sure that they don't get into further issues as we go further down the road. Our department has contracts with aid totaling \$2.8 million. We're not aware of what the

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total of our sister departments are. >> Zimmerman: I'm sorry, could you repeat that? For fiscal year 2014 and 2015 for the current year, it's estimated that the city is spending 2.8 million on aid? Or aid related programs? >> For our department, hhsd. >> Zimmerman: So that's 81 department. You're in the -- one department. You're not sure about the rest of the city, other things. >> Yes, that is true. >> Zimmerman: Okay. Are you aware of is there any other money going to del valle, Round Rock ISD, any of the -- manor ISD, any of the other school districts? Are there any funds going there? >> Not from us. But again the money has the same intent. It's again to make sure that our children are staying -- are properly

resourced, especially during the after school settings. The \$15,000 is to track truancy, but the rest of the money is for after school programming to make sure that they have adequate resources during the time that -- from roughly 2:30 to 6:00, which is often times when they get in trouble, when they're arrested and when -- when children get arrested. >> Zimmerman: Sure. I kind of got that about truancy question. But my question is we are a city of, what, six or seven school districts. That's why I pulled this out is to say Austin is a lot more than aid. We have these other school districts. And I'm very concerned that if the other school districts come in and say I want 2.8 million or 1.5 million and we could have a serious issue here. We already have the highest school taxes and people are complaining. So when they find out that millions of dollars of city money is also going to the school, there's -- this is a

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big concern about affordability. >> Mr. Mayor? Councilmember Zimmerman, I would like to make a suggestion. I think that you're raising an issue about the relationship between the city and school districts and what the city's responsibilities are because, you know, these services are not going to educate the children. They're support types of services. So I think this is a great item to consider in committee. So I'd like to move forward with this particular item, but have the issue be addressed by the health and human services committee. And then they could also look at the other school districts in the city of Austin. >> And Mr. Mayor, I would call the question. >> Mayor Adler: Hold on a second. So this is what we're going to do. You get called, you can make a motion. And if the floor wants -- the panel wants to hear the motion being made, there can be a second to the motion made and then we can debate it. What we can't do, because we'll lose track of it here, is to get recognized to make debate and make debate or argument and then conclude your argument with a motion that you want to make. You can't do that. So you are recognized to debate on the motion. You've made a debate. We'll now continue. It would be in order for someone at this point to move to send it to committee. Ms. Pool recommends sending this to the health and human services committee. That would send this item to committee as opposed to this topic of committee. What motion would you like to make? >> It would be to move the policy discussion to a committee and allow this action item to continue to move forward. >> Mayor Adler: Okay. So it's been moved to send the question of city funding of aid related items to the the committee, but to pass item number six. Mr. Renteria seconds that motion. Is there any debate on that motion? Mr. Zimmerman? >> Zimmerman: Thank you, Mr. Mayor. I'd like to speak against

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the motion. And I think we've already -- we already have some evidence here that there are millions of dollars of Austin city tax money that I don't think our taxpayers know is already being diverted to aid. And this could open the door for millions more to be going to other school districts in our taxpayers and my taxpayers and constituents are pretty upset with the school taxes they're already paying. So that's why I'm going to be voting against. I would like to see the issue in committee, but I'll be voting against this. >> Mayor Adler: Okay. Ms. Houston and then Ms. Kitchen and then Ms. Tovo. >> Houston: Yes, mayor, thank you. I will be voting for the motion and I want to remind everybody that although there are other districts in the Austin corporate limits, they pay property taxes to other districts. They do not pay property taxes to Austin independent school district. So if they live in del valle or manor or pflugerville independent school districts, which some of my people do, then they pay property taxes to those school districts and not to Austin. So I think there's a disconnect in that analogy. I will be supporting the motion. >> Mayor Adler: Ms. Kitchen and then Ms. Tovo. >> Kitchen: I will also be supporting the motion. And I want to remind everyone that this item is for \$15,000. And that the remaining amounts are used -- are not -- we're not talking about giving aid dollars. We are talking about

the city's responsibility for providing certain services to children and that those services may be best done in coordination with aid. That's what we're talking about when we're talking about the other million dollars or whatever. So that's certainly worth a

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policy discussion, but I don't want it to come across as we're writing a check to aid because that's not what the city is doing. So anyway, I'll be voting for this. >> Mayor Adler: Ms. Tovo. >> Tovo: I have a question and then I wanted to make a comment. But Mr. Rivera, I thought that through our health and human services contracts that we also support organizations that are working in the del valle schools and others through our communities in schools grants, through our grants to theater action project, aka creative action and other organizations that are very active in some of those other area school districts. But can you confirm my remembering of that? >> I'm glad that you gave me the opportunity to add additional context to my response because my initial response was to the 15,000 and then I commented on the 2.8 million -- which councilmember kitchen accurately described. I'll ask Stephanie Heyden, the executive director of community services to respond. >> Tovo: Thank you. >> So to answer your question, the funding that you are speaking to will be effective September 1. And so that was through our last rfa process. We will have funds for after school programming that will occur in del valle. >> Tovo: Thank you. And I just want to say this has been an ongoing conversation really as long as I followed the issue back in 2006. I started hearing a lot of calls out in the community for the city of Austin to work more closely together with aid and to leverage its resources better. And so this -- I see what we have today on our agenda, but also the larger question about how we can partner with our local area school districts, especially and primarily aid as really responding to a community need that the city be supportive of families and children generally in this community and that we work

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to make sure that the children in this community and their families can be successful. And again, I think leveraging our resources makes good financial sense as well. >> Mayor Adler: Any further discussion on the motion? The motion is to pass item number 6 and to refer to committee the issue of city support of and collaborations with independent school districts. No further debate, all in favor say aye? Those opposed no. Mr. Zimmerman is the only no vote. The item passes. That gets us to the next pulled item. Which is item number 10. I believe we have a speaker on that issue. This would be John lake. Why don't you go ahead first. >> Good morning, everybody. We were called to speak on this. This is for a grant for domestic violence and sexual assault to have two counselors. What this is going to be is have one full-time counselor with benefits and then one part-time counselor -- I'm sorry, one temporary counselor without benefits. So that's two 40-hour employees. Basically they help with the outreach, they help with tracking the victims, they make sure that they get the resources they need from sexual violence -- sexual assault and family violence. So these positions are already in effect and were in effect September 1st. They're filled and they're going to go to august2015. So we're just asking that the resolution be approved so we can obtain the grant. >> Renteria: Could you introduce yourself? >> I'm assistant chief Jason dusterhoff. >> Mayor Adler: Any

[10:59:01 AM]

discussion from the dais before we go to the person signed up publicly? Is John lake here? Further conversation or discussion from the dais. >> Casar: I have two questions for the assistant chief. Thanks for coming down and speaking to us about this. I'm absolutely supportive of the item and us getting as

much funding as we can for these sorts of issues. And I know in my day domestic violence is the number one call that our police force is responding to and I want to be supportive about that. Can you speak to us about the backup here. It says the position is going to serve 500 to 700 clients, which is a lot. I know from folks that work in social work, counselors are often working with maximum 50 R. 50 clients. Can you talk to us a little bit about that caseload and if A.P.D. Is considering -- what options A.P.D. May be considering for us to make sure that those that are working with clients are working with a base of client closer to what I understand to be the standard? >> Right. Just to give you a little bit of background on this, in -- since 2000 we've basically lost ten victim service personnel, so we've been short. Having these temporary employees paid for by the grant assist domestic violence investigators and the actually victim services is part of that. They have the highest caseload for all of the council councils, the victim services for domestic violence. These these people is integral to making sure we get people the assistance they need on a timely basis and making sure we do the linkage farther up to make sure they get services afterwards. While they're having five to 700 clients this team obviously handles the whole part of it but adding to these two grant positions just takes a little bit of pressure off the full-time employees and I think everyone can attest to their

[11:01:03 AM]

shortage, obviously, since we lost those ten people in -- since 2000. So I think it's very critical that we get the grant. >> Great. I'll be very supportive of the item and I will be discussing at our public safety committee for us to get an update on that lack of counselors because, you know, this caseload is very, very high so thank you for bringing it to our attention thank y'all so much for working on this. I'm really supportive of. >> Thank you. >> Cesar: I can't I can't debate and move. >> Mayor Adler: Is there a motion to approve "Ms. Pool moves. Second from Ms. Houston. >> Cesar: Can we debate the second. >> Mayor Adler: No. [Laughter] Any further guilt or discussion? Hearing none, let's vote on item 10. All in favor say aye. Those opposed no. It's unanimous on the dais. That gets us I think through the entire consent agenda. Good job. The next thing we have, now we have time-certain items so we cannot go any earlier than noon for citizen communication. That's when people know to come here and talk. If you look at the agenda, we also have three items that are set for 2:00. We can't take those earlier than 2:00. Two of those are going to be on the consent postponement requested, items 20 and 21. That means that 22 would be the only item that we would have at 2:00. One option this council has rather than convening at 2:00 and then come back and convening at 4:00 for the item set there would be just to come back at 4:00 and handle item 22 at that time. And then 23. Because we can do it any time after that. That does mean that someone who looked at this agenda and wanted to speak on item 22 could show up at 2:00 and wouldn't know that we weren't convening until

[11:03:05 AM]

4:00 but I'm willing to do this at the pleasure of the council, however the council would like to do that. Ms. Kitchen. >> Kitchen: I think I heard what you said. We're not allowed to hear it earlier than the time set. >> Mayor Adler: That's correct. We can hear it at any time later than that. Ms. Tovo. >> Tovo: I know that our zoning staff won't be here until later but I guess I would ask if anyone has the ability to reach out to individuals who might be coming down at -- for 22, if we make the decision to hear it at 4:00 I would ask that our staff and perhaps, councilmember Zimmerman, if you know of any constituents who might be coming down to talk if we make an effort to let those folks know, again, he depending on what the council decides on that issue. I'm agnostic, I'll be here anyway. >> Mayor Adler: There are no citizens signed up to speak on that item. I was thinking if we were going to move it -- if we weren't going to take it up at 2:00 and move it to 4:00 it might be better to make that decision now so that people knew. Do

you want to go ahead and do that? So Ms. Houston. >> Houston: I'm sorry, mayor. I need some clarification. Is there any way that we can recess? Come back at 2:00, see who shows up and recess until 4:00? I would hate for us to move something to 4:00, people not get that notice, they come and we're not here and they have to sit until 4:00. >> Mayor Adler: That is the question in front of us. >> Houston: That's what I'd like -- oh, I can't. >> Zimmerman: Same thing, take advantage here as we are pretty close to the dais and our office just takes a few minutes to get down here. So, you know -- well, we have to come back at 12:00 for the citizen communications, right? >> Mayor Adler: We have to come back at 12:00. >> Zimmerman: So we could postpone the decision until then and I could make phone calls and see if anybody is planning to come at 2:00. I haven't heard anything yet, but I kind of like councilmember Houston's idea because we're so close to the dais to come down and see.

[11:05:07 AM]

>> Mayor Adler: Okay, Ms. Pool, you moved first to move it to 4:00, do you want to stand by that motion? There's been a motion to consider, then, item 22, postpone it to a time certain to 4:00 is there a second to that motion from Ms. Pool? No second. So it looks like we'll be it at 2:00 let's stand in recess until noon. We have public communications. [Recess]

[12:11:21 PM]

>> Mayor Adler: I think that we have a quorum present to come back for citizen communications. We have six speakers that have signed up and will begin with librado Almanza. You have three minutes. Thank you. >> Thank you, mayor and city council. My name is librado Almanza. I would like to invite everyone to celebrate the life of Cesar E. Chavez by attending the social justice March. The March will take place Saturday, March 28th, 2015. We will assemble at 10:00 A.M. At the library at 1105 east Cesar Chavez. The March begins at 10:00 and end at 3:00 at city plaza. Special guest speaker will be Paul Chavez, son of Cesar E. Chavez. We will have music and entertainment from 11:00 A.M. Till 1:00 P.M. Cesar Chavez was born in yuma Arizona. He was a Latino farm worker, labor leader, and crusader for social change. Chavez was co-founders of the you're not farm workers which advocates for better wages and safer working conditions on American farmlands. Chavez was more than a symbol and role model for farm workers in the chicano community. He demonstrated the need to support people who are distressed and deployed, increasing democratic rights of working people, challenging defense of the powerless. March 28, 2015 marks the Cesar E. Chavez March here in Austin, Texas. Austin has celebrated the life of Cesar Chavez and his dedication for farm workers rights, economic justice, civil rights, environmental justice, peace, non-violence, and empowerment of the poor and

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dissen franchised. As Cesar Chavez once said, we have the power that comes from the justice of our cause. So long as we are willing to sacrifice for that cause, so long as we persist in non-violence, and to work -- and work to spread the message of our struggle, then millions of people around the world will respond from their heart, and in the end, we will overcome. [Speaking in Spanish] Thank you. >> Tovo: Mayor? >> Mayor Adler: Yes, Ms. Tovo. >> Tovo: May I ask a quick question? Would you just remind us again, March 28th leaving from the library at what time? >> We will leave at 10:30 but we ask anyone to assemble at 10:00 A.M. At the library on Cesar Chavez. >> Mayor Adler: Our next speaker is Paul Robbins. And then Rae Nadler Olenick. Mr. Robbins. >> In the last years in participating in Austin's affairs, I've noticed the unfortunate diminishment of citizens' rights. [Inaudible] Bigger, the abuse,s of local government have less time and patience with process. I will speak to two of these today, the city

charter provision to vote on revenue bonds and city charter provision to vote on sale or lease parkland. Article 7, section 11, reads that all utility revenue bonds must be approved by the electorate. However, since 1998, voter approval has been abandoned. While I can give you quite literally a historical lecture on how this right has been eroded and the justification for this, the underlying motive was

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and is intolerance of process by past countless and city managers. Currently, the issue of the day is whether Austin will build a new gas plant. I have yet to decide on this, but I know I want to vote on it when the time comes to spend the money. Historically, the right to vote on utility bonds has not always turned out well. Voter approved projects such as the south Texas nuclear plant, which turned out to be a financial boondoggle. However, in another case, Austin rejected buying a third coal plant and had the charter extended to power purchases, as well as capital expenditures, Austin would probably have rejected the [inaudible] Plant as well. Regarding parkland, article 2, section 7 of the charter states that the sale or lease of parkland is a voter decision. The current issue of the day is whether decker should be used as a golf course. I am not questioning the motivations of most of the advocates, but this is a voter decision, not a council one. It is a slippery slope when you start ignoring the charter because I favor a particular proposal. If you ignore the voters this time, what's to stop a future council from approving Barton springs pud or fiesta beach condominiums, or a future destiny land at Emma long park? Maybe you would not do it, but your precedent might embolden a future course based on expediency rather than democracy. Thank you for your time. >> Mr. Robbins, thank you very much for that. Could you go back to the ordinance again? I didn't get to write that down. You said there was an ordinance about voting on the utility -- >> It's a charter provision as I

[12:17:32 PM]

>> Zimmerman: A charter provision? >> Article 7, section 7. >> Zimmerman: I want to look that up. >> I'd be glad to hand this off to you. >> Zimmerman: I appreciate that, but when was the last time that there was an election such that you're referring to that are not happening now? >> It was 1998. >> Zimmerman: '98? >> The city -- some of you know this, the city has an election history website, and it goes back to some elections in the 19th century. So you can see the history. You all have a lot to do so I'm just going to interject this, and if you have further questions, you can ask them. But basically, what happened was that between 1928 and 1983, the city council pretty much had elections every time there was a big capital expenditure. And then came the south Texas nuclear project overruns. And the council, in a rather bizarre move, divide the city charter because they figured no voter in their right mind would approve the overruns, but then they couldn't -- they couldn't support paying the money with cash because it would just raise rates to astronomically. They felt they were in a no-situation. The decision they made in 1983 was so controversial that they didn't do it again. They voted on everything else except stnp bonds up until 1998. And then it magically went away. >> Okay. So I would -- on the issue of

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the biomass plant, I'd love to see that come back before the voters. You got me thinking about this now. This is a great idea. Let's get more of these big expenditures in front of the voters. Thanks for bringing that back up. >> I wish we could put that one back in the bottle. >> Mayor Adler: Thank you. Rae nadler-olenick, and then Monika hernandez-mota. >> Good afternoon, mayor Adler and council members. Today I'm going to let a member of Austin's medical community speak through a video clip. Dr. Jeremy Wiseman, who earned his M.D. From UT galveston medical branch and practices family medicine, spoke

before your predecessors last August, and I believe all of you should hear what he had to say. Would you roll that, please? [Video playing.] >> Thank you, mayor and council members. My name is Jeremy Wiseman, the family practitioner at Wiseman family practice. I want to discuss today the fluoridation of water. I know its topic and potential health effects have been discussed in the past but I would like to cover a few other issues of concern to me. I would first need to establish that floor fluoride is a drug. It's a are used for diagnoses, extremity, and prevention of disease. Of course in this case it's the prevention of dental worries. Two big bedrocks in my opinion would have to be informed consent of medical treatment and dosage control of medications. Informed consent is defined as the consent to medical procedures and treatments given to a patient, after, the key word there, after the potential risks, hazards, and benefits of treatments have been explained. Now, this principle has been

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completely ignored with the fluoridation of our public water in an attempt to be public health, and I believe it needs to be reconsidered. The second issue is dosage control. Presently, fluoride is added to water, depends where in the nation you live, this means everyone from infants to adults get the same concentration. Depending how much water a person drinks, this dosage is highly variable, especially for infants who bottle feed on a water based diet. If we can't consider taking fluoride out of our public water supply, which I believe is the ultimate solution, then I propose that we have some sort of labeling or education preprance about the dangers of dosing in infants and children. I want to emphasize I'm not against fluoride. I believe topical fluoride has its place in toothpaste, for example, I believe, but the systemic absorption of water is an altogether different issue, I think one that has proven and potential health risks that I think are unnecessary and I think are unsafe for public health. Thank you for your time. >> Thank you, Jeremy. >> Okay. Council, please take Dr. Wiseman's words to heart. There's no possible way to know, much less control, the dosage of fluoride any individual receives through water fluoridation. No other drug is distributed in this way without regard to age, size, or health status. And there are realistic alternatives for supporting the general health of our children. Our fluoride free Austin has a number of local dentists, doctors, and otherwise qualified professionals who stand ready to meet with the mayor and our council members with the view to getting a serious discussion going, and that's what we'd like to see. >> Mayor Adler: Thank you very much. >> Thank you for your time. [Applause] >> Mayor Adler: Monika

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hernandez-mota. Ms. Hernandez-mota? Next speaker is Carlos Leon. >> Thanks, mayor Adler. Public servants, city council should follow your lead and be ready for time certain citizen communication at 12:00 P.M. Sharp. I'm Carlos Leon. I came to Austin, Texas, in 2015 to speak what's right. First and foremost, [speaking in Spanish] For letting me see and speak. Document on screen. At a 2007 Selma speech for the 1965 Selma March, Obama said there was something stirring across the country because of what happened in Selma, Alabama. So they got together and Barack Obama, Jr. Was born. However, his fake birth certificate says Obama was born four years earlier in 1961. Tayloring his revisionist lies to emotionally may want and brainwash his confused, controlled followers is a deception technique Muslim marxist consult poster child Obama still uses today. Camera on me. At last week's 2015 summer rally, Obama said we're the slaves who built the white house, although he's never built anything. He used women for reverse gender, saying we are so gender truth and fanny lieu Hamer, women who could do as much as any man, and then some, all lies. Truth is truth, like Hillary

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Clinton concealing business. Obama uses the pronoun we to leach prime movers lack truth, because they lack individual identities, competencies, and self-sufficiency. True American values Obama tries to smother to longly change America from a strong, masculine, independent, project generating leader to a weak, feminine, negative, tired, dependent, process-consuming follower like him. He also falsely claimed he's a holocaust survivor, a Rio grande crosser, and a lost boy of Sudan, though he's Kenyon. To keep fully jewish, hispanic, and black Americans into believing he's one of them and helping them, when really he's none of them, and is hurting them by using them for his own ends. Let's stay in god's word and pray for god's help to defeat evil like him, destroy its works, and righteously rebuild our republic. In Jesus' name I pray, amen. Thank you, lord, and god bless Texas. >> Mayor Adler: Mr. Zimmerman. >> Zimmerman: Mr. Leon, I want to apologize for being late because I have the's I was about ten minutes late here, and I want to apologize. I'm sorry to keep you waiting. >> Apology accepted. Thank you, Mr. Zimmerman. >> Mayor Adler: Our last speaker is carolannerose Kennedy. >> Thanks so much for waiting for me. I really appreciate it. It's a good thing I didn't win, and you are doing a wonderful job. I mean, I'd be late for

[12:27:44 PM]

everything, because I take the bus. That's one of the reasons. Okay. Okay. Top of the morning, Texas, and the afternoon, too, and thank you all for all you do. And thank -- everybody's here. Sheri's missing. >> Mayor Adler: She's out of town. >> Oh. Well, I hope she's watching. [Laughter] All-righty. For the purpose of this speech, I'm going to use my Indian name, carolannerose running water Kennedy. I am here today to offer to you all my time and expertise to orchestrate a citywide pilot program for volunteer residential rationing of city water. Clean water is not a human right, but it is a civil right. Dirty water is a mortal sin, deliberately executed by elected and paid city leaders. No offense to you all. I blame it on your ancestors. The problem, Houston, is that we refuse to pay, forever, for the sins of our fathers and mothers. I can and I will commit today to a temporary water rationing of 2000 gallons of city water per month per humanimal living in my household. I'm confident I can convince at least a one of my neighbors to do the same and I challenge the 13 of you all to do the same. Water rationing will seem to some like submitting to sacrifices which will only hurt until we change our wasteful waterways. To me, clean water is as precious as catholic holy water and I am eternally grateful for every drop I drink. And frankly, my dears, I don't give a crap if I pea or shave or bathe in your nasty fluoride

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infested soup. We the people need incentives and bribes in order to patiently endure this noble endeavor. May I suggest city rebates for rain tanks and a home and office water filtration system. B: Monthly coupons for water which has a ph of 9.5 and costs five dollars a gallon. I have their phone number. In lieu of public bathroom toilet paper, stock the stalls and deck the halls with copy filters, antimicrobial spray, and trash cans for safe disposal. We have a lot to learn from our Latina friends and neighbors. And 4d -- oh, lord -- tell your Austin water podis to include code enforcement to back off with their incestant, unsolicited drive byes. Let's use our 2000 gallons anytime or how we see fit to hydrate our property. I could talk for an hour for this. >> Mayor Adler: Thank you for that and thank you for joining us today. >> Thank you so much for waiting. >> Mayor Adler: Yes, ma'am. That was our last -- [applause] >> Mayor Adler: That was our last community speaker. We're going to stand in recess until 2 o'clock when we have the zoning case. We're in

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[2:06:47 PM]

>> Mayor Adler: We are setting all kinds of records today. We are -- >> Zimmerman: Quorum. >> Mayor Adler: We are back from recess. It is 2:06 we're calling the zoning cases at 2:00. Are there consent items. >> Sure, mayor, jerry rusthoven, zoning agenda is as simple as it comes today. First item is item 20, c14-2014-0096, wild house commercial tract, staff is requesting a postponement until app 16. Item 21 is c14-2014-0136, staff is withdrawing this item from your agenda but just as an FYI the case has been renotified and will likely be coming back to you app 16, but we have sent out a due notice so for that reason we're requesting it be withdrawn from this agenda. So no action is required on item 21. Item 22 is c14-2014-0199, lakeline plaza, total line and more for the located at 11066 pecan boulevard, cs districted to commercial liquor sales, the case was recommended by the zoning and planning commission for cs-1, Co zoning, ready for consent reading on first reading only and that concludes your consent agenda. >> Mayor Adler: With respect to first item was that to postpone. >> First one is postpone to app 16 to ten Amy, which I believe is the time you want to start doing zoning on app 16. >> Mayor Adler: Then no action taken on the next item. >> No action on 21 and consent first reading on item 22. >> Mayor Adler: Any discussion on any of those items? Mr. Zimmerman. >> Zimmerman: Mr. Mayor, I would like to make a motion to

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approve on first reading agenda item 22. And I'm sorry I'll make that motion. >> Mayor Adler: It's been moved and seconded by Ms. Houston to approve on first reading, item number 22. Any discussion? All in favor say aye. Those opposed say nay, the eyes have it with coupling and Renteria off the dais. We have a postponement on item 20. >> Postponed to April 16 at 10:00 A.M. >> Mayor Adler: Most motion to so move Ms. Houston moves, Mr. Zimmerman seconds. All in favor say aye, those opposed say nay, same as the last vote we just had, all in favor with the exception of Renteria, kitchen and Gallo off the dais and the other matter has just been withdrawn. >> That's right. >> Mayor Adler: So those were all the items we had on our zoning. We will now reconvene at 4:00 for the scheduled public hearing on item 23. We stand in recess. [City council in recess until 4:00]

[4:03:02 PM]

>> Mayor Adler: We are coming -- we have a quorum. We're going to come back in from recess. The time is 4:02 P.M. Ms. Kitchen now on the dais. , Wants the record to reflect that had she been on the dais for the last vote, she would have voted with the council to postpone item 20 and to vote -- she would have voted in favor of voting for item 22. So if you'd note that in the minutes, that would be helpful. Thanks. Our next item at 4:00 P.M., we have item number 23, which is the public hearing. We have no citizens that are signed up for number 23. Is there someone here, staff, to present this? Thank you. >> I'll go ahead and -- good afternoon, mayor and council. I'm Daniel word with the planning and development review department for the city of Austin, also the staff liaison to the residential design and compatibility commission. The item before you today is an appeal by the homeowner at 905 Columbus street of a final vote of no action by the rdcc in February of 2015. The rdcc is tasked with hearing

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waiver requests to certain aspects of the mansion ordinance. In this particular case, the waiver request was to increase the maximum allowed square footage permitted by the ordinance. The mcmansion ordinance itself was adopted in October of 2006 and then was revised in June of 2008. The ordinance did many things, but one of the major things it did was institute a limit of the size of the structure based on the size of the lot on which it's located, through a mechanism called floor to area ratio. Abbreviated we often say F F. A. R., or far. Far includes all the space of a structure. It includes parking areas and some porches, dependent upon the design of that feature. As originally constructed, the area that was a carport on this house did not count towards the gross floor area calculation of the structure since the carport was open on two sides and there was no habitable space above it. Once the owner added the overhead garage door and closed the other open side, the area is now considered an attached garage. And as an attached garage, it's not eligible for the same level of square footage exemption as it is as a carport. As a result, the current structure now exceeds its maximum allowed floor to area ratio. The property owner was cited for work without permit and for

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exceeding the maximum far. In August the owner submitted an application to request a waiver from the rdcc and the application was taken to a hearing in October it was a request of the applicant to allow the neighborhood association additional time to review the case. It was postponed at that point with a suggestion that the applicant approached a board of adjustment to seek a variance rather than a waiver through the adcc. The case came back in January, was postponed again. In that instance, it was postponed primarily to have some questions directed to the legal department regarding the jurisdiction of the rdcc. That was resolved and the case came back in February. Two motions were actually taken at the February hearing. The first -- the first motion was to deny the waiver request. That motion failed on a 3-2 vote. There is a seven-member committee and it requires a majority vote in order to -- for a motion to take effect. So that motion failed on a 3-2 vote. A second motion was offered to take no action, and that one passed on a 4 to 1 vote. And that's the vote that is being appealed before you today. The mcmansion ordinance provides interested parties the right to appeal a decision to the city council. On such appeal, the council is effectively serving in the same seat as the rdcc. When considering the case, you should refer to the criteria provided in article 2.8.2b of subchapter F as it reads: The rdcc may after a public hearing approve a modification if it determines that the proposed development is compatible in

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scale and bulk with the structures in the vicinity of the development. In making that determination, the commission should consider the recommendation of the neighborhood plan team, if there's any, and the development's compliance with neighborhood design guidelines, the consistency with the streetscape of the properties in the vicinity, consistency of massing scale and proximity of structures on either side or behind the development, the impact on privacy of adjacent rear yards, and the topography and lot shape. Thank you for your attention and time to this matter. I'll be available if you have any questions. I do have a printout of that code section I just read off. I'll pass that along to the dais if you all would be interested am that, and there is one additional letter of objection that came in after I could get it on to back up on the website so I'll pass that around as well. Thank you. >> Mayor Adler: Any discussion on this item? >> Sure. Is there somebody here that has a photograph of what this is about? More information on what's going on here? I'm looking through the notes here. >> The homeowners are here actually with a presentation to provide you. Then we'll have pictures. >> So will that be the right time, Mr. Mayor, to have them -- >> Mayor Adler: Could be. I mean, I'd like at some point to have the

staff walk UT through that criteria and tell us how they assess this relative to the criteria for appeal. Do you want to do that before or after they have their -- >> Something to make the council aware of, the rdcc functions similar in nature to the board of adjustment in that staff does not provide a recommendation on the case. I can certainly read over the

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criteria, and to the best of my ability, try to describe what that means. But ultimately it's a matter of personal opinion in terms of how you perceive that to affect this particular case. >> Mayor Adler: Okay. >> Mr. Mayor? I have a question. >> Mayor Adler: Ms. Kitchen. >> Kitchen: I just wanted to clarify the item in front of us. Maybe -- I apologize if I'm just reading it incorrectly. But it seems to say that the rdcc voted to increase the maximum allowable floor to area ratio? >> No, that is not correct. >> Mayor Adler: They voted not to -- not to act, which is this tantamount to saying no? >> In essence, yes. >> Kitchen: That's not what our item says. The item says -- maybe I'm just reading it wrong -- conduct a public hearing and consider appeal of a decision by the rdcc to increase the maximum floor to area ratio. Am I reading that wrong? >> I would agree that could be worded better. >> Mayor Adler: What was the vote at the rdcc? >> For the February hearing, again there were two motions made. There were two motions made. The first motion was to deny the waiver request. That failed to take effect because four votes were needed and it was a 3-2 vote, so a second motion was offered, and that motion was to take no action on the case, and that one passed 4 to 1. >> Kitchen: So I'm just trying to clarify what we're voting on. If we vote yes, what happens, if we vote no, what happens. >> So the council is, in effect, sitting in the shoes of the rdcc today. You'll hear the case from the applicant. I don't know if there's anyone here to speak in opposition or

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not. And then you can close the public hearing, discuss the case. You're certainly welcome to ask questions of the homeowner, of staff. >> Mayor Adler: I have two questions. The action that was taken below was to deny the exception or the variance from the rule. Was to take no action, which is tantamount to a denial of the variance, and now there's been an appeal taken to the city council. But I agree with you, that the language that was presented in the item doesn't say that. >> Kitchen: No, it says the exact opposite. >> Mayor Adler: So what happens if what was publicly noticed for us is different than -- does that take away our ability to act? >> We'll defer to law. >> Brett Lloyd, assistant city attorney. The posting is inaccurate, but we think in terms of the case law in open meetings, it gives reasonable notice of the matter that's before you, and you would be acting within the scope of a proper posting, albeit one that is technically incorrect, and we apologize for that. But you definitely are properly posted for purposes of acting, and you can act to -- I would start from the position that it is a denial. It's a denial because of, as the mayor indicated, lack of action. But you can affirm, reverse, or modify the rdcc's decision, and you sit in the shoes of the rdcc, so essentially your action I would recommend would be either to affirm or reverse in terms of the floor to area ratio. And Daniel can further elaborate on that. >> Kitchen: Okay. So, in other words, if we vote yes, then we -- because we have to vote "Yes" or "No." So if we vote yes, we're saying we're denying the request to allow more -- whatever call it.

[4:15:06 PM]

If vote know, then we're allowing it? I'm sorry -- it's after lunch confusion. >> Mayor Adler: Someone could make a motion to -- how you vote will depend on how the motion is made. >> Kitchen: Got you. Okay. All right. >> Mayor Adler: All right. Can you put back on the screen the criteria for the rdc to

decide this, which becomes then our criteria? >> Yes, sir. Bear with us just a second. We'll get that up. Page 7. >> Would you pass this around? >> Mayor Adler: Okay. Okay. >> The language we're throwing up on the screen will be the same as the handout we just passed out. >> Mayor Adler: Okay. Great. So I would suggest that we hear the presentation as made from the applicant that's here, and while you're sitting down, when their presentation is done, if you could walk us through these criteria and how you see the case relate to that, that would be helpful. >> I'll do my best. >> Mayor Adler: All right. We have the applicant with us. Come on up. >> Thank you. Before we start, just clarify how many minutes we have to present. >> Mayor Adler: It's usually about three but you can take five -- its usually five, but take what you need. >> Okay. Thanks for your time. My name is Greg bow. This is my wife simmi Mehta. We live at 905 Columbus. First, as we said, to rdcc and neighborhood association, we apologize that we're here asking for permission to keep our

[4:17:09 PM]

existing garage instead of enclosing an existing carport. Back when we -- our contractor did not retain the correct permits and we were misinformed about the responsibility in working with the city, our neighborhood association, rdcc, and neighbors since then. >> Thanks. So just before diving into some of the details that are provided in the supplemental presentation, which is also what's on the screen, we just wanted to present to you some of the factors that we hope you'll consider as you consider your vote. Some of the factors that we've read for the rdcc to consider, you know, if this is a permissible structure in terms of approving the waiver, is the support of the neighborhood. And so we have gone to our neighborhood association, the Bouldin creek neighborhood association and we received a vote again of no position. They did try to approve a denial or a negative position, but that did not pass, so we ended up with a no-position there. We've also spoken with many of our neighbors. We have letters of support from 55 -- 52 of our neighbors in the Bouldin creek neighborhood, spanning the entire neighborhood from the south most important to the north most point, really. And we have confirmation from all 22 of our neighbors who directly adjoin our property that they prefer the standing structure as is, with the garage, instead of as an open carport. The other couple factors that have gone into the past couple months here have been that there are some other cases of this nature, and our case is quite different than those cases in our perspective because many of those cases were homes in which they tried to maximize far when they built the home, then tried to kind of skirt around the issue after the fact. When we built our home, we didn't actually maximize far, floor to area ratio.

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We could have built a whole other bedroom to our home and made it larger by 100 square feet at the time of construction. We didn't maximize the building and close it in and try to somehow get around that. So if we go to some of the details around exactly what we're asking for, that's on supplemental page 2. It's also up here now. So there are some Numbers here, I apologize, a lot of Numbers, but basically this is the permit application that we were asked to submit to the city, and you can see that our original gross floor area ratio -- or gross floor area was 20200, which was 40% of our 5,500-square-foot lot. Since we built the home and enclosed the structure, there's actually a new code that was added to the mcmansion ordinance that ceilings over 15 feet had to be counted twice. So that was not in effect when we built the home, nor when we enclosed the structure, so now that we're, you know, delayed several months, we need to count this in per the suggestion of the rdcc. So that added 158 square feet of space under the new law. So our original structure under the new law is 2,358 square feet, which is 42.8% of far, which is permissible under the rule, a little bit over by 58, but it's grandfathered in. So the new structure actually adds 2.6 percentage points to our structure. Our original carport was 440 square

feet, which did not max amusement we didn't make the biggest carport we could. We could have had a 450-square-foot garage or carport. So when we convert that, it adds 200 square feet -- 200 more square feet to our lot, rough -- sorry -- 240 more square feet, so we are here asking for a 2.6% increase as a result of closing in the side wall, which is not visible from the street, but the front, which is now enclosed by

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an operational garage door. So if we go to the next supplemental page, this provides photos of our house, and I can show you some photos of the ones nearby us as well. One of the primary reasons that we actually wanted to enclose our garage from a carport was that as you can see from the photos on the right-hand side which has a gate in front of it right now, there was no gate there, there was no side wall, so people can kind of come and go into the garage without us really seeing. And several of our neighbors have had things stolen from their carports. You know, our car was hit-and-run, sideswiped, that was parked in front of the street. There is a little bit of crime in our neighborhood, not a terrible amount, but it has been increasing. We've also been informed by our neighborhood association that the police presence at event times will be reduced significantly in the upcoming months and will be replaced by signs. We live in an area of town by Parmer event center and long, there's a lot of traffic that comes in outside of our neighborhood. [Buzzer sounds] >> Mayor Adler: That's all right. Keep going. >> So that is the reason that we enclosed our carport, just as a result of the crime. One of the alternatives we have explored with the city is, it would be permissible for us to remove the side wall, as well as remove the garage door, but put fences in lieu of those structures. So per the code, we would be able to erect an organ meningitis fence up to six feet in the front, as well as a side forensic, which you couldn't see from the street regardless, which we are actually concerned creates a worse anesthetic not neighborhood, and that's kind of the illustration on the right-hand side. It would basically be a gait that you could see through, as opposed to an operational garage door. And we have worked with the city to look into the permitting process for that, and it would be permissible. So those are kind of the factors that we wanted you to consider, as you consider our case. You know, most important, that 52 of our neighbors, as well as

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all 22 adjacent properties, actually prefer, you know, this design. And with respect to the neighborhood plan, we have consulted the neighborhood plan, and we can get into some of the details, but it would have been very challenging for us to have a detached carport or detached garage on our lot because it is a substandard lot for our zoning. It's 5500 square feet, and also we have 10 feet in the back in which we can't build on that at all because it is an alleyway. So we were actually, as a result, we had about a hundred square feet -- a hundred feet by 55 feet that -- by 50 feet that we could have built on. So it was very challenging in any sort of model to not have a bunch of concrete in the front, to have a detached garage. Furthermore, none of the homes in our neighborhood, nine of the 13 homes in our area have a double garage structure, so I think those are the reasons we'd like you to consider for us too to prove this. I have some photos of the nearby properties if you want to see those. Can you flash them? Okay. >> Quick question. >> Mayor Adler: Yes. Mr. Zimmerman. >> Zimmerman: Yes. I have a quick question. I've been going through some of the e-mails. It looks like you have quite a few of your neighbors that are in support of what you're doing. >> Correct. >> Zimmerman: How many total are in here? How many e-mails did you include or letters from neighbors? >> Mayor Adler: So just to clarify for everybody, this he is are neighbors that we met with face-to-face and discussed this and also made aware of what the ordinance was and what bulk this added to our structure. So we want to make sure that everybody

understood clearly and invited people to come look at it if they wanted to before they signed any of these documents here. Here. >> Zimmerman: So these are informed opinions, the neighbors are sending? >> Correct. I stood on the corner and captured everyone walking their dog and showed them the house and showed them pictures.

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We have 52 letters of support in there. 22 of those are actually houses behind ours, in front of ours, and adjacent to yourself, so everyone who touches our property. >> Mayor Adler: Okay. We have two other speakers. Okay. Thank you very much. >> Okay. Do you want to see those photos or should I just -- okay. Yeah. This is the house immediately in front of ours. You can see that there's a double garage door, and there's actually a separate house as well attached to this, but it's on the other street. This is the house directly next to us. This is the house that's catty cornered to us, so again, double garage door. That's kind of the second part of that house. This is a house right next to us on the right-hand side which is currently under construction. It's also a two-story house. This is the house next to that one, which is a brand new construction. And then this is the house next to that one. So these are the houses kind of in our immediate area. And then this is our house in case it's helpful. >> And just to clarify, this house was built on a vacant lot. It wasn't a tear-down. >> It wasn't a tear-down. So that's the original structure with the carport that you can see there. So you can see it's all kind of open, then this is kind of how it looks now with the garage door. So those are the kind of comparisons. Sorry, we didn't have landscaping, so ... Anyway. >> Mayor Adler: Got you. Thank you. Karen Mcgraw. >> That's not turned on. >> Mayor, mayor pro tem, council members, I'm Karen Mcgraw. I am a member of the rdcc. I'm the vice chairman. I was on the residential design and compatibility task force otherwise known as the mcmansion task force in 2006, and later that year was appointed to the commission, so

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I've been involved in this for nine years. What I wanted to do is give you some understanding of why a carport is exempt from being part of the floor to area ratio and why a garage is not. Back in 2006, people were starting to sort of fill up the whole allowable envelope in residential zoning, and all of a sudden we were seeing houses 35 feet tall right up to five feet from the next property. And there were a lot of people concerned about this, and the council appointed a task force and said, see if you can find? Solutions. Basically, we came up with two things. One is a tent that simply creates a form so that you can't build that 35-foot tall wall five feet from your neighbor. That is the first concept. The second is just the overall bulk. Let's just control the overall bulk as a percentage of how much lot you have. So that's what we're in to here, called the gross floor area. As we deliberated about this, we considered that a garage adds bulk to a building. So we tried to incentivize taking that two-car garage away from the house. And you'll see there's a code that says if that garage is ten feet away, it doesn't count. It's exempted. We further finally decided that a one-car garage, 200 square feet, could be part of the house and could be exempted. And then the third piece was a carport, which is an open structure, carport is completely open and has no dwelling space above it, even when attached to the house, could be exempted. Well, what has happened in the last year, what we've seen is, sometimes homes are built where the house is completely maxed out and then this exempt carport

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is put on the front. Then when the builder leaves, the front wall is sized perfectly for a double garage door. And the homeowner has not been told, or may have been told, we don't know, that, oh, you can

go ahead and enclose that and make a garage after we leave. But that's what seems to be happening. So all of a sudden this open structure that is exempt from being calculated is now enclosed. And it adds bulk to the struck. Because we've seen several of these occurring, it's very important at the rdcc that we say no. You can't come back and get more floor area to enclose that building because that means we may get a whole lineup of people wanting the same thing, who decided to enclose their carport. And if it's easy to get that waiver, why wouldn't you do so that's where we're coming from and because this has become an issue and we wanted to find a solution,, our chairman will share it with you, to take out that carport exemption because it's just not working and it's creating a situation of end runs. So I hope I've -- anyway, I'm concerned about the precedent that this would mean because you might start getting more of these or we might. So I'm happy to answer any questions and I hoped I helped a little bit. >> Mayor Adler: I think you helped a lot. I have a question. Ms. Kitchen, you go first. >> Kitchen: I wanted to clarify. This is a recommendation that the commission is going to bring forward to us about getting rid of that exemption? Is that what you meant? >> Yes. >> Kitchen: So that should come to council for a vote at some point? >> I believe William Burkhart has our letter for you. >> Kitchen: That's an action we might take in the future to address this particular issue. >> It needs to go through

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the regular code process, but yeah, we are trying to find an answer. So it's not a whole parade. >> Mayor Adler: Thank you. Ms. Pool? >> Pool: My, Ms. McGraw, thanks for coming today. I have a question. It sounded like from the owners that they are not maxing out the floor to area ratio. So if it were -- if that had been completely enclosed from the beginning would it have maxed out the F.A.R.? Or maybe this is a question for the applicant. >> I think it would have. I mean, they are entitled to half of it, 200 feet, but they must have been pretty close. And the other thing they mentioned about the 15-foot height, that is a piece of the code that was there since 2006, it says if it's 15 feet or taller in the space you have to count it twice. That was in the code and in a revision it was inadvertently dropped out. And finally got put back in. That wasn't something new. That did add -- when they had to recalculate this time it added some footage, but I believe that regardless of that that this closing of the garage would send them over. >> Pool: Thank you. >> Mayor Adler: Ms. McGraw, how about a policy question? I understand planning by exception and variance and we shouldn'ting doing that. And when we have a rule we have a rule. I'm also taken by the fact that 22 immediate neighbors are saying let them have this. How do you weigh that in when the people that are most impacted, or are they the most impacted, are saying do this? >> One thing I noticed about the letter, it's saying we would rather see a garage door than an open carport.

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Maybe they don't like that it's on the front and open and there's stuff in there. But you know, a lot of times what I see happening with cases is if you go to your neighbor and knock on the door and say oh, I have a terrible problem, will you help me, they will want to help you. And that's not to say they're not fully informed, but many people are not fully informed on all the building codes and everything. People want to help their neighbor. It's a Normal reaction. I think when you see it get into a neighborhood association or a group with more conversation and understanding, you're going to see just like even though all these people said yes, the neighborhood association, part of it said no and part of it didn't take action. So I think that gets into the question of deliberation and information. >> Mayor Adler: Okay. Thank you. Further comment? Ms. McGraw, thank you. I'm sorry, Ms. Kitchen. >> Kitchen: So if I'm understanding correctly, one of the things behind bringing forward a recommendation to deal with this is the fact that there's been some lack of clarity. So at least in some circumstances we have

homeowners that maybe took an action and didn't understand or didn't realize for whatever reason that the action that they were taking violated the code. Is that an accurate -- did I hear you right when you said that? >> When that happens, whoever is taking out permits -- I'm an architect, I do this too -- you have to have all those calculations. So if that is an exempt structure it's known in the permitting. And so the question is is this -- especially on a new house this is what we're seeing on a new house. Somebody knew this was exempt, so what happened after that did -- somebody didn't tell somebody this is

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an exempt carport and it seems like the information should come from the whole house if you're buying it. >> Kitchen: That's what I mean, somebody didn't tell somebody and then we end up with a situation like this. >> It's unfortunate and those spaces exactly sized for a double garage door, but I think we really would do well to simply get rid of the exemption. Let me say one more thing on that exemption. What we're doing is getting rid of the carport exemption, but they could still except 200 square feet, it's not a giant loss. >> Kitchen: We have two problems here. We have what's going on with the circumstance for these individual homeowners and then we've got the policy. Thank you. >> Mayor Adler: Thank you, Ms. McGraw. I'm sorry, Ms. Houston? >> Houston: Could somebody talk to me about the lack of having a permit to do the work? Is that staff? >> Maybe somebody from staff would like to talk about that. Thank you. >> To answer your question, yes, the work that was done would require a permit. One was not applied for. I believe in June the code department cited the homeowners for work without permit. >> Houston: So this work was done after the house was built? >> Yes. >> Houston: And that's when the permit was not -- >> Yeah. The certificate of occupancy had been issued, the inspections were done. It was occupied. And then the work was done without permit. >> Houston: Okay, thank you. >> Mayor Adler: Mr. Casar? >> Casar: The work being the addition of the double garage door? >> The installation of the overhead door and the sealing in of the open wall on the carport. >> Mayor Adler: Ms. Troxclair? No? >> Troxclair: Well, I think that would also be an appropriate question for the homeowners. As to why they didn't apply for the permit? They didn't know or -- I just feel like they should have the opportunity to

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answer that question. >> So we actually -- when you get work done on your home you're assuming that the contractor -- I mean, we shouldn't assume that the contractor had gotten the correct permits, so we had hired a contractor to close in the garage, the side of the garage and add the garage door zoom assuming he had the permits. Minute he got tagged we've been work with city code compliance to resolve this issue. >> Mayor Adler: Mr. Casar? >> Casar: And the last speaker mentioned she had seen across the city that contractors built the space perfectly for a garage door. Were you under the impression that you were going to be able to do once the home was built out? >> Yes. >> Yeah. So ours actually wasn't perfectly to size. So we had to lower the front just a little bit and actually bring in the sides with some beams. Like it wasn't actually built perfectly to size, but no, we weren't aware of that upon the design. >> It was also a situation where we had confidence in the contractor to get the permits because the same contractor that built our house, and he was also finishing up some punch list items on the house in addition to that. So it was something that we overlooked and we take responsibility for that. >> Kitchen: Could I make one other comment? I just wanted to comment it sounds to me like you operated under the thinking that your contractor had pulled the correct permits. I've seen that happen just as a comment to folks, I've seen that happen many times that the homeowner -- because there's not -- as far as policy goes, I don't know how the homeowner makes sure that the correct permits are pulled. Anyway, thank you. >> Mayor Adler: Ms. Tovo? >> Tovo: I want to clarify something you just said.

So the same contractor who worked on your house enclosed the garage.

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Now, that contractor I would assume would have been real familiar for how close you were to the impervious cover permits, having done that original construction and you're pretty close to the F.A.R. With the existing house before you enclosed the carport. So help me here -- >> That's why we would have assumed that we would have been within code compliance. So that's why we were comprised. We can't speak for him as to what he was doing, but we definitely didn't build it perfectly to fit a garage door and the wall was actually very large that we had to enclose. We really did think we had all the right permits to do the work. I can't speak for his motivation or what he was doing. >> Tovo: But it was the same contractor who did the house, would have prepared the F.A.R. Calculations for the existing house. >> Correct. >> Tovo: Pulled permits the first time. Went back and didn't pull a permit for a piece that ended up being outside the -- >> Correct. >> Tovo: Okay, thanks. >> Mayor Adler: Ms. Garza? >> Garza: So when it was built the first time -- are you saying you weren't aware of the mcmansion ordinance and the limitations of it? >> So when we designed it the first time we didn't actually know what mcmansion was to be honest with you. We just learned it through this process. We were informed that we could build a house up to 2300 square feet by our contractor. We didn't ask why, that's the maximum. So we designed a home that was actually smaller than that. And it was per -- per conversations with our architect, how we ended up designing the home. We designed it actually in 2012 and it wasn't until 2013 -- late in 2013 that we decided that we wanted to enclose this and started that process. So it was about a year and a after a after we finalized doesn't that we decided to close it in. >> Garza: Did that 2300 -- it didn't include the carport? >> So the way that it works -- you know, chronic correct me if I'm wrong, but if you have a core port you're provided a 200 square

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foot exemption, up to a 450 square foot exemption when you have a carport. Meaning that 450 square feet of the carport doesn't count towards the number, towards that 2300. But when you have an enclosed garage, which is more bulk, you only get 200 square feet. And so theoretically we would 250 square feet over the maximum allowable. However our carport is actually not 450, it's only 440. And also we didn't maximize the F.A.R. At the time. So we had -- we would have had 240 over, but we only have -- we only had 140 over because we hadn't maximized the size of our home. So because of the exemptions we would have been 140 square feet over and then we have to add the extra 15-foot ceilings twice. >> Garza: You're saying you learned all these Numbers and process after you were ticketed the violation? >> Yes. It's been a very laborious process. >> We've done it ourselves. The contractor was not interested in working with us on this. >> Mayor Adler: Mr. Zimmerman? >> Zimmerman: Can I be recognized for the purpose of making a motion -- >> Mayor Adler: We have another person. >> Zimmerman: I'm sorry. Go ahead. >> Mayor Adler: Thank you very much. >> Renteria: I have one question. So when y'all built the -- you enclosed the garage, did y'all pull a permit? >> I think that was asked. We didn't pull any permits for our home ever. We were relying on our contractors to pull the permits so we had the original permits pulled by the contractor. And then to enclose the garage we assumed our contractor had pulled the right permits. >> Renteria: He didn't show you the permit? Normally it's posted on the wall there. He didn't staple anything there? >> No. I don't think I've even seen the permits for our home. We've since now applied for the permit. We went through the permitting process. We submitted and it got

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rejected and that's why we're going through this whole process. >> Mayor Adler: Okay. Ms. Tovo? >> Tovo: Mayor, I have a question for staff if now is a good time. There was a case last fall that came before, also an rdcc case, that came before council for review, and it was also a carport that gotten closed. Can you -- got enclosed. I believe it was very similar except that that was an existing structure. This is new construction. I think it was on ethyl. >> Yes, 903 Ethel is the address of that particular case. Its scenario is very, very, very similar to this case. It was a new construction of a home -- >> Tovo: It was new. >> Built with a carport that once the owner moved in the garage door went in, cause the the same problem that once you lose part of the carport exemption now the F.A.R. Is over. So they went to rdcc to request a waiver. They were denied there and they appealed that to this body. Of course, it was the prior council, but that was -- the rdcc decision was upheld on a 4-3 case. >> The council didn't up hold the waiver? >> Yes. >> Tovo: Are you aware of other cases in the pipeline of this sort? >> In the pipeline right now not directly. There are several other cases out there that have this same type of issue. There are none scheduled to go before the rdcc as of right now. But there are a couple of cases that are cited by code department and they're trying to work their way through the process to figure out how they're going to resolve the problem. >> Tovo: They can resolve it by removing the doors. >> Deconstructing is always an on option or they can get a variance from or request a variance from the rdcc.

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>> Tovo: Thanks. >> Mayor Adler: Do you know in that other case were there the same kind of immediate adjacent neighbor support? Do you know? >> I don't recall anyone showing up to speak -- well, no, I take that back. That was in the zilker neighborhood association and the neighborhood association did oppose that case. >> Mayor Adler: They opposed it. Thank you. Ms. Garza? Ms. Troxclair? >> Troxclair: I was going to ask what responsibility the contractor plays in roles like this? Because it seems like the homeowners were clearly unaware that they were doing anything that's against current code, whereas the contractor may have or probably should have been aware. It but it seems like we're putting all of the -- once the work is done we put all the responsibility on the homeowner. So where is the responsibility of the contractor in these kinds of cases? >> I mean, when the code department cites a property for a violation, the violation is written to the owner of that property. So at the end of the day the responsibility to resolve the situation ultimately falls on the owner. I'm not sure whether the code department tries to seek out the contractor. I'm not sure whether they pursue some action against the contractor as well. But the notice of violation itself is written against the owner of the property. >> Troxclair: There are people in this room who are much better experts in this particular policy area than I am, but it seems like that may be the missing piece of the equation going forward. Because, you know, I'm a realtor and I work with home buyers all the time and they're inundated with information, especially first-time home buyers, especially ones that are building. And it's hard -- they have to sign hundreds and hundreds of pieces of paper. And I can see where it's overwhelming to try to -- I

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can see where it would be easy for a homeowner to think oh, I want to enclose my garage and not realize that's a code violation. So maybe going forward we should think about if there's a responsibility of the contractor in these situations. >> Mayor Adler: Okay, thank you. Ms. Kitchen? >> Kitchen: My understanding -- and actually I would have to verify this and it might be someone else who could speak to this. Is that the licensure process for contractors doesn't take into account any issues like this. And so that may be -- I don't know if that's something we want to consider at some point, but as far as I understand there isn't a mechanism to hold the contractors accountable other than a private contract

action between the homeowners and the contractor. >> Mayor Adler: Okay. Thank you very much. William Burkhart? >> Mayor, mayor pro tem, councilmembers, William Burkhart, chair of the rdcc. I'm going to give you a quick sense of the rdcc on this case and then hit a couple more points, and then try to get to that letter that commissioner McGraw mentioned. The rdcc in this case we heard this case -- it came before us four times. Originally we offered the applicant to go before the board of adjustment because it was the opinion of the rdcc at that time that there was no reasonable grounds to grant a waiver in this case. The applicants did not go to the boa and I think that's telling by itself. When they came back it was also of the opinion again that the rdcc could not take action on this. But we offered them another postponement again to go back to the neighborhood association one more time. Excuse me, that flip-flopped. The neighborhood

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association -- the first postponement the neighborhood association, second the board of adjustment. Finally they came back -- in the interim period the neighborhood association's zoning committee actually -- the general association then took a vote and that's when that vote occurred that did not -- they gave a no position vote similar to the vote that the rdcc had on its last -- on the applicant's last appearance. The applicant's last appearance as it was mentioned earlier, there were five commissioners present. It was not possible to get a majority in any case. So the only reasonable position would be to take -- the only reasonable motion to help the applicants along in some way would be to take a no position vote. And that's exactly what the commission did. The other point that I wanted to make, with respect to the neighborhood support and neighborhood opposition, commissioner McGraw made this as well. That has to do with the idea that it's one thing for your neighbors to go and talk to you, but the commission and presumably the officials here are charged with up holding the law or the code itself. And so we have to distance ourselves from emotion in this case and in any case. And see if this is appropriate to be given -- a waiver to be given for an application. And in this case and in cases like this, the important point to remember is that the applicants are asking for something that would not be given to any other citizen or any other individual coming to the permit department at this time. The applicants would be get

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be a benefit that is not commensurate with the -- >> Mayor Adler: Go ahead and finish. >> That's not commensurate with the opportunities afforded to any other citizen. >> Mayor Adler: Thank you. Mr. Zimmerman? >> Zimmerman: Thank you for taking the time to come down and explain your thoughts and decisions. My heart goes out for the property owners on this, and I'm reading through the law here, the letter of the law and the decision making criteria we have. With regards to the strict, you know, letter of the law and the square footage and what have you, I guess -- and I think they're saying they may be 150, 200 square foot over, some relatively small percentage that they're exceeding the rule. But when I look at these other remarks, consistency with streetscape of the properties, consistency with massing scale and proximity of structures, impact to adjacent year regards, topography and lot shape, I cannot see any reason not to approve their request when I look at this list here. And so I'm afraid what's happening here is the letter of this law, which in my view was to protect the property rights of the adjacent property owners. You don't want something huge and ugly next to your house because it could diminish the value of your property. If you're a next-door neighbor and somebody puts some massive thing next to you it could diminish your property. To me that's what mcmanion is about, protecting the rights of other people in your immediate neighborhood. It's protecting their property rights. So the fact that the adjacent neighbors come and say, hey, this is okay with us, we don't have a problem with that, I think that should outweigh my personal

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opinion and your personal opinion and I think they should be granted this waiver. That's my feeling. I think the rights and the opinions of the adjacent neighbors count for more than the homeowners association zoning committee. I think it counts for me. I think it counts more than my vote, frankly. >> Mayor Adler: Ms. Houston. >> Houston: Yes. Thank everybody for being here today. I'm struck by first of all how complicated all of this is. And the other thing is that we've put -- put ordinances in place and we hope everybody will play by the rules. And we have many situations where people don't play by the rules. But to me this is one of personal responsibility that as a homeowner, whether you buy the home - it's the same kind of conversation we had -- I had a couple of weeks ago. If you don't know, then you should know. And if your contractor is the one that also has done this garage attachment, then he should know and you should ask, is there anything else we should do? I mean, all of us have added on or done something and, I say, is there something else that I need to do? Have we done everything legally by the books? So to me it's a personal responsibility action so I will not be able to support it. Or whatever the correct term is when we figure that out. >> Mayor Adler: This is a hard one for me. It seems like the choice is between having an open garage -- you can sit down now. You don't have to stand up there. Thank you. We have an open garage which can be an eyesore as people put things in a garage that's not screened versus mass. We have an ordinance which is addressing that in terms

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of mass. I would wait to see the ordinance that comes from the committee, but as of now I would be inclined to support the change in the ordinance, which kind of invites an eyesore that then might need a massing cure for it and that's an awkward position to be in. But looking not so much as the applicant but the people living in the rubber proximity of this home, they seem to have expressed a desire to have the garage closed in their immediate neighborhood rather than -- even with a massing issue. Rather than having the impact or eyesore associated with having an open garage. And in this situation like this I'll probably vote to let the immediate landowners decide what they want to have immediately around them, especially in the face of a neighborhood association that decided not to act in this instance. Ms. Kitchen? >> Kitchen: I am going to support the request, and the reason being is become I think that the code is complicated right now and it's not entirely clear and I am going to look forward to supporting changes that make the policy clearer. In this particular circumstance I agree with responsibility for individuals, but I also know that that can be pretty difficult in these kinds of circumstances and it's easy to be in a situation where you feel like you're being responsible and you're not in a position to know everything that must be done. So you think you're holding -- think you're holding your contractor accountable and you've missed something. So I can see where that might happen. So in this individual's circumstance I am going to support the request for additional F.A.R. And then I'm going to be looking for

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greater clarification through our codenext process as well as to our code in general so that we can have greater clarity as well as to this particular section. >> Renteria: Mayor, I'm not going to be able to support it because I belong to a contact team that have gone through this process and that have made people that have built homes close to either the street or the neighbors, and they would -- we've had cases where people had to not only tear down the house down but saw down their foundation to meet the code that we follow in this city. So it would be hypocritical for me to support this one. We have voted to enforce the code on our neighbors there at the people that have moved in and built these

structures that didn't comply with the rules. Even though my heart goes for them, goes out to them because I hate to see a young couple that would have to go through all that expense and then would have to tear it down. But if the rule changes then I will have to go against this. Thank you. >> Mayor Adler: Was there a recommendation of the neighborhood plan team in this case? >> No. >> Mayor Adler: Thank you. Any further discussion? Ms. Tovo? >> Tovo: Yeah, I would also -- I will also not be able to support this increased impervious cover. I think there have been -- we talked about one case that came before the council relatively recently and in this case I think there might have also been a staff error early on in the process that maybe steered that applicant in a

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different direction about impervious cover. But in this case there were no real ex-10 waiting circumstances and I agree with my colleagues. I think we have an ordinance in place for a reason and I am real sorry that if this doesn't pass you will have to make changes, but it was relatively recent construction, same contractor, and it concerns me that we've seen one case within the last six months. There are other cases out there that now will probably come before, instead of resolving the issue, will probably apply for a waiver as well. And I agree with Mr. Burkhardt that we need to be consistent in our practices and hold all property owners to a similar standard. >> Mayor Adler: I've been pointed out that in an appeal process like this the property owners are entitled to a rebuttal opportunity. Do you want to take the opportunity to speak? >> >> Sure. Thank you. So just a couple clarifications. With regards to the other property that had come before the council, we watched all the videos and have followed that case closely. They actually didn't have very much support from their neighbors. They didn't have support letters at the time of the hearing we went to. And they also had strong opposition from the zilker neighborhood association, which is all quite different from our case. In addition, those other cases have all been maxed out to the fullest. They also built structures that were purpose built to add a garage door, which ours was not purpose built. Like I said, we had to add some features to it. I would also like to clarify a little bit of the process that we've gone through. So we actually requested an initial postponement for the rdcc at their request that we get feedback from the neighborhood and we hadn't had time to meet with the neighborhood association. So we requested that. Immediately after in November we then met with

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the rdcc again when we had that feedback and it was their recommendation that it wasn't within their jurisdiction and they asked to postpone it to find out whether or not it was in their jurisdiction and asked us to apply to the boa. We actually in that time met with the boa liaison as well as the rdcc liaisons with the city in which we were informed it was an rdcc case and that the boa didn't want to hear the case. We went back to the rdcc again to inform them it was within their jurisdiction. Their next action was to postpone again and ask some legal questions. Sorry, that was the same postponement. Ask some legal questions as well with their jurisdiction. So the final result was that despite it being within the rdcc's jurisdiction and that was the process we were told to follow from the city, their vote was no position and again suggested we go to the boa despite having -- we've been informed by the city that the boa would not want to hear this case either. So we're sort of in limbo. We've been ping ponging back and forth between different committees. Anything else? Thanks. >> Mayor Adler: Thank you. Further discussion on the dais. Mr. Zimmerman? >> I want to make a motion. I would like to be recognized for a motion that we approve the modification request. >> Second. >> Mayor Adler: Motion made to grant the appeal, which would result in allowing the building to stand as currently constructed. We have a second from Ms. Kitchen. Any further debate or discussion? Those in favor please raise your

hand? Troxclair, Casar, Zimmerman, Adler, Garza and kitchen. That's six. Those opposed? The four remaining on the dais. This passes 6-4 with Ms. Gallo not present. At this point then that's our last item.

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We will be in recess until music and proclamations, which I think is at 5:30.

[5:33:09 PM]

>> Thank you so much. That was beautiful. >> Thank you. >> Mayor Adler: Annie and Kate, who you all have already met, are 15-year-old acoustic rock duo on the rise, born and raised in the live music capital of the world, Austin, Texas. The indie rock star sisters are multiinstrumentalists with an extensive music history and two record recording projects already under their belt, with their signature plenty of harmonies, they've been named in the top five under 18 bands by the Austin music awards and are members of both ascap, and the national academy of recording arts and sciences. Now please join me in welcoming Annie and Kate. [Applause] >> Mayor Adler: So now you have to do another one because there's some people that actually turn on their TVs at 5:30 so that they make sure they get to hear the live music that we have at our meetings. So if you do another one for us, that would be great. >> Of course. >> Mayor Adler: Thank you. [Applause] >> Those of you who got here earlier, once again, we are thrilled to be here. It's really been an incredible journey so far. I mean, when we were little we didn't expect things to go this far. We just expected piano lessons and maybe a couple other instruments, and that's about it. So to be where we are now is truly incredible. So the song we're going to do today is probably our favorite song off of our latest album, running out of time. It was recorded by valajo who recently got named number one

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studio engineer this year. The song is called "Man in the mask." [♪ Music playing ♪] >> Today, waiting for you. I'm standing on a ferris wheel, so let's go around. Remember when we first met. >> When we first met. >> You almost filled your ego and I almost drowned. I'll never forget the man in the mask. >> The man in the mask. >> Who saved me from you, and I'm not coming back. >> Not coming back. >> Tonight, you came to see me. >> You came to see me. >> And that was really meaningful, and ... [

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[♪ Music playing ♪] >> I'll never forget the man in the mask. >> The man in the mask. >> Who saved me from you, and I'm not coming back. >> Not coming back. >> When you're running out of time, there's still time to rewind. Because it's not too late. To make our escape. >> Today, I saw the light. >> I saw the light. I finally found the way to go, won't let it pass me by. >> I'll never forget the man in the mask. >> The man in the mask. >> Who saved me from you, and I'm not coming back. >> Not coming back. >> I'll never forget the man in the mask. >> Man in the mask.

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>> He saved me from you, and I'm not coming back. >> Thank you. [Applause] >> So in case people here or people who are watching on the live stream or on TV want to find you, what's your website? >> Annie and kate.com. >> Mayor Adler: And where can we buy your iTunes? >> iTunes. >> Mayor Adler: You have two releases? What are they called? >> Lost and found and running out of time. >> Mayor Adler:

Okay. Where are you appearing next? >> We have a couple gigs coming up south by southwest. We're going to be at the beacon fire south by southwest ceremony Sunday. Mostly if you go on the website, it has links to our schedules and we have a lot of stuff coming up the next couple weeks. >> Mayor Adler: Really? Do you have time for school? >> Sure. Sure. >> Mayor Adler: Well, we have a proclamation for you that I'd like to be able to read. Be it known that whereas the city of Austin, blessed with many creative musicians whose talent extends to virtually every musical genre, and whereas our music scene thrives because Austin audiences support good music produced by legends, our local favorites, and newcomers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capital, do hereby proclaim March 12th of the year 2015 as Annie and Kate day. Congratulations. [Applause] >> Thank you so much. >> Thank you, guys.

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[Applause] [Applause] >> Mayor Adler: Do you want to say something? Okay. All right. Thank you. We have a proclamation. Be it known -- we have more honorees. Thank you. Be it known that whereas the vitality and sustainability of our region is greatly dependent on the educational attainment of our children, and even one young person dropping out of school is unacceptable, and whereas, since its founding by civic leaders in

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March of 1985, communities and schools have surrounded more than 500,000 students with a community of support, successfully employing them, and empowering them to stay in school and achieve in life; and whereas the city of Austin was instrumental in starting communities in school 30 years ago, and has continued to support this evidence-based program so that our schools and our students thrive; whereas we congratulate communities in schools on their 30th anniversary, and we wish them continued success with their programs benefiting our young citizens and residents, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim March 26th, 2015, as communities in school day. Congratulations. [Applause] And then, do you want to say a few words? >> I got a couple of whereas's in there, I think. >> Mayor Adler: Okay. >> Thank you. I'm suki steinhouser. I'm with the communities in schools of central Texas. We are some of the communities in schools and on behalf of thousands of board, staff, and volunteers who have been part of our mission for over 30 years, thank you, mayor Adler, for this honor. We are communities in schools, and we are rightfully concerned about the economic divide in our city. We are communities in schools, and we are rightfully concerned about differences in academic achievement from one neighborhood to the next. We're rightfully committed to putting in place effective evidence-based supports to interrupt the cycle of generational poverty. And that's exactly what we've been doing for over 30 years in

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public schools in this city. The city of Austin has been our partner from the very beginning of our existence, 1985, when community leaders came together to decrease the dropout rate with a program that addresses the root causes of children's struggles in school and in life. Our over -- over our 30 years, over 550,000 young people have benefited from their relationship with communities in schools, and this honor is really for all of them. Thank you. [Applause]

[5:48:16 PM]

>> Mayor Adler: We have a distinguished service award, kind of with a heavy heart here, but excited for your next stage. Distinguished service award, city of Austin, for her 36-year career in government public service, the last 15 as director of the Austin municipal court, Rebecca Stark is deserving of public acclaim and recognition. Under her leadership, Austin municipal court was one of the first in the state to go paperless, both for citations and with an online portal for attorneys, officers, and citizens to access their case documents. In 2000, she started the great Texas warrant roundup and has had more than 300 entities participating this year. In 2008, Rebecca was awarded the Texas court clerk's association's highest honor, and was named clerk of the year by the Texas municipal courts. The first person to receive both awards in the same year, in recognition of her professionalism and pursuit of excellence. Rebecca was also -- also sponsored, planned, and implemented the 2004 tcca statewide conference that was held in Austin, and in addition to her extensive service to our city and professional organizations, Ms. Stark also answered Fort Hood's call to assist them in preparing for the management of the day-to-day operations in the city of Baghdad. This certificate is presented in acknowledgment and appreciation of Rebecca Stark's outstanding career. This 12th day of March, in the

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year 2015, the city council of Austin, Texas, Steve Adler, mayor. Congratulations and thank you so much. You deserve it, truly. [Applause] >> Mayor Adler: You want to say something? [Applause] >> If my name -- if my name wouldn't have been in there, I wouldn't have recognized that. There have been numerous times in my career that I never thought I would get to this day, so for those of you that still work for the city and have worked there and chosen one of the highest callings I think there is for public service, hang in there. It is rewarding. I want to thank a few people. I want to thank Senator Lawson, who was Mayor Lawson who hired me for the position, alone the city council, and for the mayors, which you go Leffingwell, for allowing me to stay for these years. I'm sorry I won't be able to work for the new council, but not sorry enough to withdraw my retirement. It's been too long, sir. >> Mayor Adler: I asked, by the way. >> I want to say -- I want to thank you, in particular, to the court staff. There are a number of people here. I wish you'd stand up. And then come down here so we can have a picture. But stand up, court staff. Our court -- [applause] >> Our court is recognized throughout the state as being one of the most efficient and friendly courts. We get lots of accolades from the people who visit us, and you wouldn't think we would, but we do. And we have lots of people that come and tell us how wonderful it is to come to a place where they were scared to come, and everyone made it almost pleasant enough to come back. Almost. And we're pleased that they didn't come back. I want to thank my daughter and my husband for the many hours that they spent not with me,

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because I was doing this, and to the citizens of Austin, I want to say it's been an honor and a privilege, and thank you very much for the opportunity, and goodbye. [Applause] >> Thank you again. >> Thank you. >> Thank you very much. [Applause] >> Mayor Adler: We have a proclamation: Be it known that

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whereas American Red Cross Month is a special time to recognize and thank our everyday heroes, those who reach out to people in need, and whereas Red Cross heroes help disaster victims recover, give blood to help a hospital patient, they brighten the day of an injured service member, they step forward to help someone having a heart attack; and whereas this special month is dedicated to all those who support the American Red Cross in its mission to prevent and alleviate human suffering in the face of

emergencies, serving those in the hospital, those in military, families at the pool or victims of natural disasters; and whereas we remind austinites that our local red cross relies on donations of their time and money and blood to fill their humanitarian mission, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim March 2015 as American red cross month. [Applause] And let me introduce Marty Mckellips who will give a couple words. >> Thank you. I am the original CEO for the American red cross of central Texas, and it is my honor and privilege so tan here representing tens of thousands of volunteers who have served central Texas for 99 years now, supported by the generous financial gifts of our community. They respond and are available to respond to every home and apartment fire within the ten-county chapter area. They also serve thousands of military families each year and teach tens of thousands of people the live-saving skills of first time aid and cpr. It is such a privilege to serve with them and work with them and

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to be here in the center of the universe. I want you to know that 99 years from now, we'll still be here when the Austin population is about one billion people. So thank you. [Applause] >> Mayor Adler: We have a proclamation, proclamation: Be it known that whereas Mary Serano Chapa was born in Lockhart in 1933, married gavino Fernandez in 1948, and became the mother of eight children, she married Charlie Salinas in 1974, and whereas Mary Salinas worked with the gsa after retiring in 1974, where president and Mrs. Lyndon Johnson were among those she

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served; and whereas Ms. Salinas has volunteered for more than 30 years with the Austin parks & recreation department, including teaching arts and craft classes to seniors at several senior centers; and whereas Ms. Salinas also is a valued member of the league of united Latin American citizens, lulac council 4861; and last, Guadalupe last christus catholic church and is known for her generous spirit, and whereas we join her extended family in honoring Ms. Salinas for her contributions to our city, and in congratulating her on her 82nd birthday; now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do I hereby proclaim March 25th, 2015, as Mary Serano Chapa Salinas day. Congratulations. [Applause] You want to say hello and show people the picture? >> Yeah. I worked with president Johnson and lady bird for about 12 years. I was very proud to be there. I was just a maid, but they were beautiful people, especially her. I was very, very proud to be working with them. I work with senior citizens on nursing homes, senior citizen centers, and if somebody needs me, somebody that is dying, I'm there for them. I stay with them until they die. I belong to Christo ray catholic church, but I'm there for everybody, not only catholics, but everybody. But in anybody needs my help, just give me a call and I'll be there. I've been there like from 1 o'clock in the morning to the next day in the morning, and I

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feel real proud to serve my city and -- >> Mayor Adler: Thank you very much. >> And my -- my only son. I have seven girls and one boy. >> Mayor Adler: Thank you. [Applause] >> Good evening. I'm mayor pro tem Kathie tovo and it's my pleasure to present this next distinguished service award to Leslie Libby. I'd like to invite her up as well. I know you have many colleagues and friends here today so I'd like to invite you all up to honor Ms. Libby. You know, Austin's solar program is really the envy of the

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nation. We are carving a path here that is setting an example to the rest of the country, and we have Ms. Libby to thank for that. She was the solar energy services project manager and she's retiring after 23 years of service. So I would love to present this proclamation, this distinguished service award on behalf of the city of Austin. And you all are welcome to come behind and stand behind her if you'd like. For 23 years of extraordinary service to the citizens of Austin, as Austin energy's solar energy services project manager, Leslie Libby is deserving of public acclaim and recognition. In 2003, Ms. Libby was assigned the task of developing a solar rebate program. Under her leadership, from 2003 to 2013, Austin energy provided customers with \$32.5 million in solar incentives that allowed 2100 participants to install 8.7 megawatts of solar on their rooftops. A study in 2012 found that Austin energy had the lowest cost residential solar projects in the country. In addition, with the assistance of department of energy and state energy grants, she developed and implemented Austin energy's solar rooftop program. Solar explorer program, and the award-winning solar for schools program. This certificate is presented in appreciation of Leslie Libby's dedicated and innovative public service, this 12th day of March in the year 2015, on behalf of the entire city council of Austin, and it's signed by mayor Steve Adler. Congratulations. [Applause] And we'll hear from Ms. Libby in a minute, but right now I'd like to invite Michael Osborne, also a retired employee of Austin

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energy, up to say a few words. >> Thank you. What a great crowd we have. I'm glad to see everybody here. You know, I'm Michael Osborne, chairman of the electric utility commission, but Leslie came into the beginning of the solar industry. Maybe she didn't get there a day old 0, but she was there by day one, I think. She got a masters degree in mechanical engineering -- did you get that from glee? Professor glee. Started in 1991. John hofner is who she first worked for. Of course he's gone and done a lot of great things in the solar business, but just to roll this off, she was instrumental in monitoring the 300 kw plant out at decker, she did the Austin convention center, the first one. She's the one who did the cool solar trailer that people have been using for musicians and certainly will probably be used here in the next few days in south by southwest. She actually started one of the first community solar projects to the solar explorer, did the solar rooftop program where actually at one time Austin energy actually owned panels that we put on people's roofs, and we may end up going back there some day. She's been in charge of developing the solar rebate, and as you heard, in the things, she's been responsible for close to ten megawatts of solar in a very successful solar program. She did the solar school thing, we did that through the solar city grant. As special assistant to the general manager for energy development of Austin energy, through several managers. Leslie was my go-to person [lapse in audio] By saying something that was either wrong or just dim-witted, I would always call Leslie and make sure that I had my statistics right and that I understood the

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programs. Leslie is not just an Austin person. She -- she is a national person. She has worked with the national organizations and she's well-known nationally. She's worked on the sun shop program, which is the program that Obama started to bring down the balance of energy costs for solar, and that's been a very successful program. Leslie is the flower in the solar bread that rose in this community, creating an industry that we can all be proud of, and it's my pleasure and honor to be part of this recognition, Leslie. It's great. >> Thank you. [Applause] >> I just want to say how incredibly grateful and honored I am to be here today receiving this award and this recognition for the work that I've performed for the city of Austin. And this is not farewell for me. It's welcome! Hello! I will continue working on solar in Austin, and so if anybody is looking for help on auto solar problem or a project, or anything, I'm still really

committed to solar being much, much bigger than it is today in Austin. We have to find ways to integrate it much more easily and completely into our grid. Everybody who wants solar on their roof should have it. And we're up for the task, and I want to say also thank you, Austin city council, thank you Austin energy, thank you to my colleagues at Austin energy, thank you to the solar contractor community. There's several here today. Thank you to solar Austin, and all the citizens in Austin who have really made their voice heard in Austin that we believe in solar, we want solar, and we

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will have solar. And we will continue this work. So thank you very much, and I just wanted to say hello! Thanks. [Applause]

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>> Well, hello, everyone. My name is don Zimmerman. I'm the Austin city councilmember from nest Austin district 6. It's my pleasure to introduce to you Mr. Steven Wilkinson and Paul snow. Paul snow, incidentally, is one of my constituents in district 6. He was just a few blocks away from our campaign office on Anderson mill road. It was my pleasure to get acquainted with these gentlemen during the campaign. I'm going to let Mr. Snow talk about bip coin. Bip coin is a fascinating technology and it could be that bip is to current what the internet was to information technology. We could be on a verge of a resolution in currency. A lot of you have heard of the federal reserve. Imagine, if you could have money that was not controlled by a handful of powerful bankers or individuals. Imagine if you had a currency that was not controlled by anyone. That's really what bit coin was about. I'm going to let Mr. Paul snow talk for a couple minutes about bit coin, then I will read the proclamation. >> Thank you very much, don. You all, I really appreciate the effort to recognize new being knowledge technology, a new way of thinking about something as basic as money. I'd hope that you would look at bit coin as being something that's new and refreshing as Annie and Kate earlier. What great singers those were. I'm very, very proud to be here and share part of a day and a month with a proclamation that includes Annie and Kate. I also appreciate the fact that you are giving me an opportunity to educate you. Just like the school people earlier, they're in the job of making sure information gets imparted to our young. And unfortunately, when you get older, your education doesn't stop, it keeps going. And I have to admit I've been

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educated in this new crypto currency space. It was not something I expected. And part of the reason I'm here is I'm going to be running a conference just across the street, over here at the -- what is it? The moody? Acl live? That little thing that's done just across the street? Maybe some of you have heard of it. And I hope to do as well with my conference as Rebecca stark apparently has done with the conferences that she did, and I'm very proud to share a month and a day with her. Now, one of the things we'll be emphasizing with bit coin is the fact that bit coin is a force for good. There is nothing like bit coin for mobilizing resources to respond to disasters and to respond to emergency. And hopefully, bit coin will be able to aid groups like the red cross that are doing things to help and respond to disasters. Also, I have to admit, when I listened to Mary Salinas talk about how she would come to your home and spend the night with you if you so needed it, it reminded me, she's, what, 82? Is that what I heard? My mother is 83, and she's been known to go rake the yards of widows because they didn't have somebody to help with the work around the house. That spirit of going and helping people, that's amazing, and I am so proud to be sharing a moment with Mary Salinas. And as far solar energy and lizzy Libby, solar energy is another way of doing power. Does anybody here doubt the fact that we need another way to generate

power in this world? We need sustainable energy. And one of the things about bit coin is, it's just another way to solve some of these problems. It's not about the currency, it's about honesty. It's about having a ledger that everyone can look at, everyone

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can audit, and everyone can see, the people that tell you that bit coin is bad because it's going to cost money laundering, let me point out that in the bit coin space, we've been able to catch crooks. Unfortunately, we haven't done so good with the banking and financial sector lately. So I am -- I am here to be -- I am so grateful that you guys would find it in your hearts to give some recognition to a little conference and a little venue across the street over at the acl live moody theater, and a little technology like bit coin that might just bring a ton of jobs and a ton of technology into Austin, Texas, the most bit coin friendly city in the most friendly bit coin state. Thank you very much. [Applause] >> All right. Thank you, Paul. Let me read this proclamation. Be it known whereas bit coin is an online currency and payment system based to crypto graphic science, providing fast, low cost, and secure transfer of funds, across a peer peer-to-peer network, without the need for a trusted intermediary, such as a bank or payments processor; and whereas, while the currency is still in experimental phase, interest is building. Dell has a bit coin pilot program, and a handful of Austin atms handle exchanges of bit coins for cash. And whereas the city of Austin is pleased to be the host sitting for the second annual Texas bit coin conference, which will showcase how bit coin will impact tomorrow's ultra connected and decentralized world of business and society, changing the way we do everything according to the conference theme; now, therefore, we proclaim March 27th through 29th, 2015, as the Texas bit coin conference days.

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