

## City Council Regular Meeting Transcript –03/26/2015

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 3/26/2015 6:00:00 AM

Original Air Date: 3/26/2015

Transcript Generated by SnapStream

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[12:09:33 PM]

Good afternoon. I'm Kathie tovo and it's my pleasure to welcome you to city hall. We're going to begin today in an unusual way. Our invocation speaker because of the time delay did have to leave. I'm going to call this meeting of the city council -- actually, we're going to begin with our minute of silence and reflection, and then we'll move toward calling the meeting to order and our citizens communications. Thank you. So without further adieu, I would like to call this meeting of the Austin city council to order. Today is Thursday, March 26. We're meeting in the council chambers and time is 12:10. And we will begin with our citizens communications. Our first speaker for today is William Mckinney and the subject is dog walking at Austin animal center. Next up after Mr. Mckinney will be Jacquie benastante.

Welcome, Mr. Mckinney.

>> Thank you, council members. My name is bill Mckinney, I've been walking dogs at Austin animal center since August of 2014. Before then I was volunteer dog walking and fostering for other rescue organizations in the area for over two years. Since opening in 2011, Austin animal center has relied totally on volunteers to give medium and large dogs breaks from their kennels always. Getting regular breaks is crucial to a dog's physical and mental health. Unfortunately, medium and large dogs are not being walked all at all by staff. This results in dogs waiting too long to get kennel breaks.

[12:11:36 PM]

Monday there were 32 dogs that had Orange tags on their kennels. The Orange tags indicates the dog has been in its kennel for 24 to 36 hours straight. They're only hung on kennels of dogs that have little or no behavior issues. Many. These dogs I mention have been in homes before and are potty trained. They hold their bladder, painfully waiting for someone to come by and let them out so they can relieve themselves. Even worse, this can sometimes result in painful urinary tract infections. My current foster was an Austin animal center dog. Last September she had a documented urinary tract N infection that was being treated by be be be antibiotics. She had this for weeks, yet she had to wait 24 to 26 hours to be let out of her kennel to relieve herself. Many days dogs are controlled in a climate controlled area but they're not given potty breaks and often have to lay in their own feces and urine. The animal care staff are hard workers but there are so few that they often only get around to cleaning the dogs' kennels once a day. They get off work at 6:00 P.M. After that there's nobody to clean up the feces and urine in the kennels. I've often seen pools of urine and feces in the beds that keep dogs off the cold concrete. Even worse is the fact that some dogs do go kennel crazy at the shelter. The combination of nearby dogs barking and being in a small enclosed kennel without breaks, exercise, and human

interaction stresses the dogs to the point of severe anxiety. This anxiety can often lead to behavior, including pacing around the kennel, jumping on kennel walls and being difficult to walk on leash. When shown kinds of kennel stress they're given a behavior code by staff. Once again the code the dogs are scheduled to be put down. I respectfully request that the council implement the proposed items from the animal advisory commission, hiring two full-time dog walkers will go far to help the quality of life for many dogs.

[12:13:44 PM]

Given dogs the care and attention they deserve will go far in increasing adoption rates. Thank you for your time and for caring about Austin's shelter dogs.

[Applause]

>> Mayor pro tem, I had a question for Mr. McKinney. Mr. McKinney, thank you for what you do. As you might know, we still have one of the shelter dogs, Shelby.

[Applause] My life loves if dog, me not so much. We're still trying to get her adopted. She is a good dog. But I had heard that there were some volunteers like a running organization that was willing to come in and help volunteer to get the dogs out and have them run. Whatever happened with that program? I heard there was some objections about insurance, liability insurance or something. Have we resolved that and gotten the volunteers in?

>> There are 20 that are signed up for the next orientation, which is, I believe, the first week of April. 20 people is not a lot. It's definitely helpful, any volunteer help we can get is always great, but 20 is -- we still need -- we still need a lot of help. And, you know, as far as -- I didn't really have time to mention the strain on volunteers, but, you know, leaving their day-to-day and seeing how many dogs haven't gotten out of kennels is very stressful, so it's very hard to keep up a good retention rate without staff also helping walk the dogs.

>> Okay. The other thing is, I'm going to do everything I can to get more people in because that's how you get the dogs adopted. Right? The more people that come in and run the dogs, they have friends and that's how you get them adopted, I think, is by getting more volunteers in.

>> It helps.

[12:15:44 PM]

Thank you.

>> Tovo: Thank you. Ms. Benastante, and -- Ms. Benastante will be speaking about adding aba benefits for individuals with autism to the city of Austin health plan. Welcome. Welcome back.

>> Thanks. Hello. My name is Jacquie benastante, and a month ago I was here asking that the most effective and evidence-based autism treatment apply behavior analysis be included in the city of Austin health plan beginning in 2016. My spouse is an Austin firefighter and we have a ten-year-old son on the autism spectrum. We pay out of pocket for his therapy as our requests for coverage have been denied human resources for the last four years. I've lost count how many times I've appealed. Two weeks ago you also heard from fellow hall of fame mom and spouse of a police officer Lisa Whitted about financial struggles her familiar endured due to lack of benefits provided in the current plan for children with autism. We are pleased to say we now have support not only of council member Edwards, but council member kitchen, Renteria, and tovo, who are sponsor benefits. We thank you for this important need to add this critical benefit. In coming weeks this will be brought to health and human resources committee and then can council for vote. We want to be sure we have a chance to answer your questions and concerns. We've lined up an expert, as well as a couple of local experts, to explain the importance of early intervention and how the aba works. They will be speaking at an upcoming health and human

resources committee soon we believe. We would like to make you aware that there's a state law in Texas, sb 1484, that mandates aba be covered by state regulated insurance plans. Therefore, approximately 50% of companies in Texas pay for aba therapy for children with autism. Unfortunately there's an exemption for plans like ours so the other 50% of insurance companies are allowed to opt out of paying for this critical coverage and it's up to each employer to do the right thing and provide this vital therapy that drastically improves the lives of those with autism and for their families.

[12:17:54 PM]

We recently found out that not only Austin ISD but also Travis county voluntarily pays for aba therapy for their employees. What does aba therapy do for individuals on the autism spectrum? ABA is a methodical way to teach people with autism every aspect of functioning in life. It is used to address global delays and challenges. Skills are broken down into small, manageable chunks and taught slowly so each child masters every step. They learn skills such as emotional regulation, dealing with sensory issues and overstimulation, calming down, cope with change, what is expected of them in regards to behavior in public and social settings. It's also used to teach kids to speak and communicate and is used to teach non-verbal individuals to communicate with iPads and other electronic devices so that every person with autism can be as highly functional as they can possibly be. In the upcoming weeks, we hope you'll be asked to vote on adding applied behavior analysis therapy to our health care plan. Please support us when this comes to a vote. No family should be denied getting their child the help they need to reach their full potential. Thank you.

[Applause]

>> Tovo: Thank you, Ms. Benastante. Mr. Walter Olenick, you are next, speaking about water fluoridation and after Mr. Olenick will be Angelica.

>> Good afternoon. Three of us are here today and each will play a clip by a qualified authority, two dentists and a nationally recognized environmentalist. All three experts live locally and are available to meet with the members of this council to explain in greater detail than three minutes allows, why they oppose the fluoridation of drinking water. They're more than willing to participate in public forums, debates, presentations or any other activities that will shed light on this complex subject. First up is Dr. Griffin Cole who practices non-toxic dentistry?

[12:20:02 PM]

Austin.

[Video playing.]

>> I've been practicing in Austin, Texas, for 22 years and studying [inaudible] For about 25. I'm going to make this real simple. I feel there are three inherent problems with water fluoridation. There's a lot of scientific terms and statistics you should know but I'm going to make this real simple for you. Number one, it's not

[inaudible]. Number 2, it is not due to continued function. Continued function as we're told is to prevent decay, lessen

[inaudible]. There's not been a scientific study to show in fact. In fact [inaudible]. There was no difference between fluoridated areas and non-fluoridated areas.

[Inaudible]. It has no leverage whatsoever.

[Inaudible]. Sorry beneficial effects. Number three, probably the most important, there's no control. If you go to a pharmacist to get medication, your doctor prescribes an exact dosage, it's based on age and weight. Well, this is the one medication in America that's prescribed without [inaudible]. So much more fluoride based on this way. So, again, three things, number one, [inaudible]. Number didn't, doesn't do

its function.

[12:22:06 PM]

Three [inaudible].

>> Thank you.

[Applause]

>> Tovo: Thank you, Mr. Olenick. Ms. Noyola. After Ms. Noyola --

>> Excuse me, I'm going to be working this clicker and I'm not sure exactly how it works. Hi. My name is Angelica Noyola. I'm here to just let you know that [inaudible] Invites everyone to celebrate the life. We invite everyone to celebrate the life of Cesar Chavez by attending the social justice March. Which one am I on? Okay. Do you want to run this? The March will take place Saturday, March 28th, assemble at 10:00 A.M. At the library at 1105 east Cesar Chavez. The March begins at 10:30 A.M. And ends at city hall plaza, with speakers, music, and dance from 11:00 A.M. To 1:00 P.M. On September 30th, 1962, 200 farm workers from a handful of small towns held a convention and dared to call themselves the national farm workers association. The 1962 convention passed ten motions. One, to elect Cesar Chavez as their own president and officers. Two, establish monthly dues of \$3.50.

Three: Establish a credit union for farm workers.

Four: A \$1.50 minimum wage for workers. Unemployment insurance for farm workers, collective bargaining, and establish a newspaper called [speaking in Spanish] To educate the farm workers. The black eagle became the official symbol of the movement.

[12:24:10 PM]

Death benefits for farm workers was also added. One hour per week radio program in Spanish, [speaking in Spanish]. Everyone is invited to honor Cesar Chavez's legacy. Our special guest speaker is Paul Chavez, the son of Cesar Chavez. And on Cesar Chavez day and every day, let's continue to remind ourselves that

[speaking in Spanish]. Thank you.

[Applause]

>> Tovo: Thank you, Ms. Noyola. Mr. Carlos Leon, you are next, speaking on god, Jesus," and the holy spirit, get the glory, to chemtrails, no mas, and three. After that, Linda green will be speaking.

>> Thank you, mayor pro tem tovo. Thanks to council members Houston, Zimmerman, pool, and tovo, for being ready at 12:00 P.M. For today's citizen communication. So I'm Carlos Leon. I'm in Austin, Texas, March 25th, 2015 to speak what's right. First and foremost,

[speaking in Spanish] For letting me be here and speak today. Last week, Austin lawyer Adam roposa allegedly placed exclusively for white people stickers on several east Austin businesses to highlight Austin racism and economic disparity and segregation. However, instead of using others to communicate and bear below back, roposa should be here, speaking for himself, being accountable for his actions, and proposing viable solutions. For three days later, a black man approached me at a bus stop, repeatedly and aggressively asked if I was a racist, for regularly food shopping at a white store, and threatened physical violence against me to retaliate.

[12:26:17 PM]

He also repeatedly swore at me and threatened physical violence when I didn't allow him to verbally bully me. The next day, a black woman blocked my crosswalk with her car and told me to watch out for my foot so she didn't run over it, and told me to walk around her. When I rightly refused, she got so

ankle -- angry she rolled up her windows, blasted her music, and blocked all of my crosswalk. Boss brothers and the sister wrongly attempted to incite hate and transfer their anger onto others and try to control and hurt them. None of that belongs in Austin. Rich versus poor, black versus non-black, new neighbors versus old residents, males versus females are all divided in conquer strategies evil uses to separate and defeat us. These battles are not really flesh and blood, but spiritual warfare attacks from palties of evil, using us destroy ours. Thankfully, each of us has flee well. Therefore, let's unite to defeat evil, our true enemy, by fearing and following god, staying in god's word, and moving forward by realizing our individual and collective potential. Our true destiny. In Jesus' name I pray, amen, thank you, lord, and god bless Texas.

[Applause]

>> Tovo: Welcome, Ms. Greene. Next is gavino Fernandez, Jr. Speaking about a requested plan for Cesar Chavez street.

>> Thank you, city council. This is my first time to come to speak before you, although I'm going seven years to speak about the fluoride issue, and today I'm going to leave you a copy of local free magazine called natural awakenings.

[12:28:25 PM]

Inside you'll find an article by our local dentist, Joan sefsik, myths about water fluoridation and we hope you'll take a look at some of these facts. One is this beautiful purple rock is actually natural calcium fluoride, not, in fact, what our city adds to our water, which is hexaflew fluero salicic acid. The mosaic agra company is a big company, it says nutrition, phosphate fertilizer waste is actually used to add to our water and it's mixed with as you will will -- sulfuric acid. I'd like to play a clip right now, and this is a dentist who's practiced for 30 years.

(Video playing.)

>> Floored is not natural anywhere on the body. There are no recommended requirements fluoride. It is not necessary for life. In fact, it's considered

[inaudible] Ingested certainly such as in drinking water. It's also toxic to your body. So when you take it internally, especially if your teeth are developing, in reaction to forming your teeth, can cause dental [inaudible]. Make them more brittle, make them more susceptible to fractures and cancer. It harms other ordinance, especially kidneys and brain cells.

[12:30:28 PM]

[Inaudible]. It's chemically similar to iodine. It can replace iodine in your thyroid making it inactive, even though [inaudible]. It also inactivates 62

[inaudible] Reactions to your body. As you can see, ingesting floored only does harm.

>> So Dr. Joan Sefcik indicates that fluoride is a toxic waste product and the fda has never approved fluoride as a nutrient and it's not approved for a minimum daily requirement. It is not safe. Thank you.

>> Tovo: Thank you, Ms. Greene.

[Applause] Mr. Fernandez, welcome. You have three minutes. Next, Ms. Carolannerose Kennedy, you are scheduled next unless you'd like to wait a few minutes, and then we'll --

>> Good afternoon, my name is gavino Fernandez. I'm speaking you as lulac, which is a coalition of Mexican neighborhood associations. I get tired of listening to people, especially elected official whine and grown about about gentrification. They call this the element zone, in order to protect the aquifer, the salamander, birds and bees, I ain't going to say the word, with the people down here. What this ended up being was a -- development zone is what they called it but it ended up being the desire displacement zone.

[12:32:33 PM]

So when I hear city officials talking about the whining, it didn't happen all of a sudden. This was something that was premeditated, prescribed, planned, we spent many years going to planning commission meetings trying to stop what's happening today. I said, on we'll join the game. Let's join the game and be part of this desired development -- development zone. So we went to staff and said we want to do a neighborhood plan called el Pueblo. I wish [inaudible] Was here. That's too big. It doesn't give me enough power. So we need to cut it up. So then we went to Cesar Chavez, holly, [inaudible]. This was a plan that had we all sat at the table and this government would accept it, we would have been able to work together as a community. We need Cesar Chavez. We need a comprehensive planning for Cesar Chavez, just like we did at Lamar, just like we did at Riverside. We cannot continue to address zoning issues on Cesar Chavez, piece by piece by piece. Cesar Chavez, the way it's going, thanks to [inaudible], turned rainy into an entertainment center. Now Cesar Chavez is a strong candidate for that. So I'm testifying to you, that make decisions, so ten years later you won't come up and say, oh, my god, I didn't know that was going to happen to you. I want to thank god first, but in order for you to believe in [speaking in Spanish], you have to believe in god because she has helped us maintain and live in this. And there's a saying in Spanish: [Speaking in Spanish]. We're not going anywhere. And I'm speaking as landowner because when these came about, our landowners in east Austin, we weren't at the table.

[12:34:38 PM]

Jackie Goodman was, Gerald Slescher was. All the liberal democrats were. So when all of you say you don't know what's going on, I'm going to remind you. Thank you.

[Applause]

>> Tovo: Welcome, Ms. Carolannerose Kennedy, speaking about cowboys and Indians. Thank you for being here today. And then after Ms. Kennedy will be Paul Avina.

>> Thank you. Okay. Hi. Okay. I didn't have time or energy this morning. This is just a draft. Okay. Oh. (Crying) Does this have to be so close? Okay. I'm [inaudible] Triple pneumonia and three heart attacks in the past weeks. Okay. Cowboys and Indians.

[Inaudible].

>> Tovo: Ms. Kennedy, I'm sorry to interrupt but I don't believe your microphone is on.

>> It's too close to me. I can't see my paper.

>> Tovo: I see.

>> Will somebody adjust it? I don't know how to do that.

>> Tovo: If we could get some assistance for Ms. Kennedy.

[12:36:40 PM]

>> Thank you. I'm here today to expose to the world the gross, inept competence -- I'm sorry, I'll pick it up -- and abuse of the Austin wanna be cops, the Austin wanna be firefighters, the Austin wanna be technicians, the emergency medical boys in grill gorillas. The world has a license to assassinate the Kennedys, but so far nobody in the world has found the balls to assassinate a Kennedy woman. The whole wide world likes to kill Kennedy women with -- women with potty mouths and smart-asses, softly and slowly. And here we are just trying to do our part to carry on the Kennedy name. I prefer assassination. Just shoot me. I'll even turn around. When a Kennedy talks, nobody listens. I have become deathly ill over the past two weeks. I strongly believe there are numerous chemical toxins in the water

fed to my mouth. I began exposing this two weeks ago to Austin city council. Then I went through all the channels by requesting the water laboratory, city Austin department laboratory to test my water at my house. I called poison control Texas, I called the centers for disease control in Atlanta, I called the Texas department of health. Oh, my goodness, I forgot to call the Travis county medical examiner.

[12:38:45 PM]

Then, as a last resort, I called you people Monday, spent hours and hours on the phone, incessantly arguing with baloney sandwiches and getting nowhere. I feel like city council, you people are passing the buck or dismissing me. You all have not taken me seriously. What are you waiting for? A dead body?

>> Tovo: Ms. Kennedy, we appreciate you being here today and we will see if we have some staff who can address the question that you raised.

>> Who was that?

>> Tovo: Kathie. Over here.

>> [Inaudible] Please let me finish. This might be my last speech.

>> Tovo: If you could take maybe 15 to 30 seconds, Ms. Kennedy.

>> Okay. Okay. I got discharged from St. David's hospital at 5 o'clock Saturday morning. I had no ride home. The buses weren't running. My husband and our gorilla were home sleeping. I have no friends or neighbors or relatives that I would call for a ride at that ungodly hour. I had to hire a taxi at \$50. It all began 80 years ago when Joseph and rose Kennedy put their 17-year-old rebellious daughter rosemary Kennedy in a looney bin and authorized a lobotomy. She lived her whole life in that looney bin, never to be a mother, lover, church player, shopper at H-E-B. She did. This situation is getting out of control, and we, we, council and me, need to arrest it before I die because of it. I've died many times in my short 60 years, but this time I'm going to make, like Jesus Christ, and rise from the dead, kennedys, just in time for Easter. Okay. One more, please. The result of all this is ridiculous.

[12:40:48 PM]

The price -- the result of all this, the price of chickens has gone up three cents a pound. The Austin city council

[inaudible] All the glory of a well run city, but how many of you all, show of hands, have shown their appreciation for the salt of the Earth, the city clerk's office, which rarely gets acknowledgment for all their blood, sweat, and tears over the many, many years. They far outnumber you all.

>> Tovo: Ms. Kennedy, thank you --

>> There's 24.

>> Tovo: I know they appreciate that.

>> [Inaudible]. Make sure that gets to Teresa Cruz.

>> Tovo: Thank you foraging our clerk staff. They work very, very hard and we look forward to seeing you again here.

>> If you're lucky.

>> Tovo: Mr. Avina, you are next. And then after Mr. Avina will be may nadler-olenick, speaking about water fluoridation. Mr. Avina. Mr. Avina, you're welcome to come up to either podium and address the council. And let's just make sure the microphone at the table is off, please.

>> You guys -- [preyful blowing.] You guys have been very effective in providing for people from other cities and countries of the experience of the local population. Austin doesn't know that outsiders get their city drives through [inaudible]. Taxes pay for new commerce amenities that they see as magnet programs and rival, immigrant wealth is passed to them by force.

[12:42:49 PM]

[Inaudible] Today from strangers and blacks to sleep in the streets. You have appropriated the right to steal and kill with impunity. The Spanish got that far but we had [inaudible] Because they fight [inaudible]. You rely on lies, deception, and cover-up, and it starts when you arrive wearing your robes, [inaudible] Hit men and ethnic

[inaudible], and go after blacks, chicanos, and immigrants, your primary victims. Latinos don't speak Spanish. They speak a dialect. They come to smother the immigrants Ou they're in every school district in Texas. Having been expelled from entire countries for their actions, second only to caucasians.

Obsessed with power and misery, you guys soon come back.

[Inaudible] Political ads on a radio station. Judges rendered courtrooms to insure lawyers. Safe [inaudible] Protection. Scene tar Barrientos refused to address a fraud case inside the county jail, and Jose Montemayor

[inaudible] Welcomed people to their religious ceremonies. Blacks are new at these games but suspects have been slammed to the floor, their fingerprints taken of their backs on confessions [inaudible]. That's a black sheriff working on behalf of two black judges. Our black city manager is aware of this, but for 20000 a month, he won't do anything. Who are the victims now? Should you use the power of your job to protect criminals in your ranks? I'm calling for a court of your victims and I pledge one hundred dollars to build a [speaking in Spanish] That can be placed outside these chambers, the county commissioners court, the capital, and the jewish community center.

[12:44:53 PM]

Once [inaudible] Police chiefs for conducting blood rituals in public, our black sheriff for extracting confessions by force, and [inaudible] In his role in the demise of schools, crime among the locals will drop by more than 50% and those who sleep in the streets now will get water and sanitation, and maybe a bed of their own. Thanks.

[Applause]

>> Tovo: Ms. Nadler-olenick speaking on water fluoridation. Welcome.

>> Good afternoon. Our last expert is Dr. Neil Carmen, whose many years of experience with the Texas commission on environmental quality and the Sierra club have earned him a nationwide reputation as a go-to authority on biohazards. Here he is writing in the new York times. And now let's listen to what he has to say about water fluoridation.

[Video playing.] My name is Neil Carmen. I have a ph.d. In biological sciences [inaudible] In chemistry and molecular biology. I'm speaking about my concerns about adding floor I'd to the water supply. Austin city council should be very concerned. Number one, this chemical has not been subjected to a single double blind study in the United States or worldwide. Double blind studies are the gold standard used by the fda and drug industry to approve the efficacy of allowing drugs to be prescribed in the united States. This chemical has not been subjected to adequate safety testing. He can a second reason is because this is a highly toxic form of industrial fluoride that's completely different from the naturally occurring calcium fluoride in the water supply naturally.

[12:46:56 PM]

But calcium in the calcium fluoride is a buffering agent, which is completely lacking in the hydrochloric salicic acid. It is highly you're and contaminated with toxic metals such as arsenic, [inaudible] Chromium, led, America refresh my recollection and other toxic substances. Arsenic and [inaudible] Chromium are both known human cancer causing agents and there's no intelligent idea to be



adding these kinds of cancer causing chemicals into the drinking water. Lead and Mercury are well-known neurological toxins and they are very harmful to children, and so there's no good reason to add Mercury and lead to the drinking water as well.

[End of video.]

>> As you can see, this is not our personal opinion, but solid information from credentialed professor -- professionals with lots of experience. We hope you'll take advantage of their expertise, and especially those on the health and human resources committee, to mount a long overdue, open discussion of an issue that widely impacts both health and economics in Austin. Thank you.

[Applause]

>> Tovo: Thank you. Council, before we begin, I'm going to read the changes and corrections into the record. Item 4 was unanimously recommended by the audit and finance committee on March 25th, 2015. Item 5 has been withdrawn, and item 25 has been postponed to April second. I'm now going to read the board and commission nominations and waivers.

[12:48:57 PM]

This is item 30. The first several appointments are temporary appointments that have been made by mayor Adler in accordance with the ordinance passed by the previous council. These will be appointments of individuals who will serve June 30th. On the hispanic Latino quality of life advisory commission, Isabel Rios. James Valdez, nominated by mayor Adler, on the be student advisory board, Adrian H has she Ka, on the small business enterprise and procurement, Elisa anyway, nominated by mayor Adler. The following appointments will take effect beginning July 1. On the early childhood council, roscoe overto know, Sr., nominated by council member Houston. To the telecommunication commission, Mr. Gosh has been nominated by council member Houston. Gilbert Rivera has been nominated by council member Houston. To the African American research advisory commission, Darrell Horton, nominated by council member Houston. Valerie has been nominated by council member Houston. To the library commission, Chad Williams has been nominated by council member pool. To the parks & recreation board, Jane Rivera has been nominated by council member Houston. Parks & rec board, roofy red man, Carol majetski. Council member pool, to the commission for women, to the environmental commission, council member pool has nominated Peggy macio. To the commission on Vern affairs, Pete Salazar. To the public safety commission, Rebecca weber has been nominated by council member pool. For the mayor's committee for people with disabilities, council member pool has nominated Tonya winters.

[12:50:59 PM]

To the water and wastewater commission, Annie Kellogg has been nominated by council member pool. To the animal advisory commission, Craig nasar has been nominated to council member pool. To the animal advisory commission, David nominated by council member Garza. To the electric board, John lambert has been nominated. The electric utility board. Is that the electric utility commission or the -- electric board. Thank you. John lambert has been nominated by council member Zimmerman. Council member pool, the following are task force nominees. Council member pool has nominated Patrick brewer to the parkland events task force. I have nominated Ingrid Weigand, and Sarah torres to the task force on community engagement, council member Casar has nominated Christopher Ladesma to the task force on community engagement, with apologies to all of our nominees whose names I may have mispronounced. Council, are there other nominations from the floor? Council member Zimmerman.

>> Zimmerman: I was going to move approval of those appointments if there's no others. Can I make that motion?

>> Tovo: , No, thank you for that on. I will call on you for a motion to approve the consent agenda if that's okay because we usually take them up as part of the consent agenda. Council member Garza.

>> Garza: If I could take a point of personal privilege, I noticed one of my members, Sarah, she attends every community meeting and contact meeting -- Sarah, if you could stand up, I'm sorry, I hope I don't embarrass you, but I just appreciate her public service to our community in district 2 and thank you for agreeing to be on this public engagement task force.

>> Tovo: Thank you, council member, and thank you so much for being here, and all of the service that you're willing to provide to our community.

[12:53:04 PM]

Today we have no waivers scheduled for today, so if we have no more nominations, we'll move forward with the consent agenda.

>> Mayor pro tem? I just want to be recognized for -- I gave a list of abstentions and votes for consented items, and I gave that to the clerk already. So maybe you could --

>> Tovo: Super. I'll try to summarize those as I read into the agenda and maybe you can pipe in if I miss something. Today the consent agenda consists of items 1 through 38. We've just talked about item 30.

The following are going to be pulled from the consent

agenda: Item 7, 10, and 34 have been pulled by council member Zimmerman. Item 9 has been pulled for a brief presentation by law. Items 11 and 12 have been pulled by council member pool. Item 13 has been pulled for a brief presentation by staff. Council membersaurus pulled item 18 and council member Gallo has pulled 22, 26, 27, 39, 40, 41, and 42. 8 has been pulled for speakers and at last check we had one citizen signed up to speak on the consent agenda. Are there any other items that council members would like to pull for discussion?

>> I don't have an item to pull. Do you also pull the ones postponed? I'm not sure what the process is.

>> Tovo: Yes. I think I did that at the beginning but just so there's not any confusion, item 5 has been withdrawn and item 25 will be postponed until April 2nd, 2015. So those are the items that are pulled and those are the items on consent. Council, is there a motion to approve the consent agenda with the exceptions noted?

>> I make that motion that we approve the consent agenda as noted.

[12:55:07 PM]

>> Tovo: And is there a second? Council member Casar second it. Council member Zimmerman has provided me with a list. He will be abstaining on items 2, 3, 6, 8, 16, 17, 18, 19, 20, 21, 23, and 24. He has pulled some items and is voting for the others. Thank you. All in favor of the consent agenda as discussed.

>> Aye.

>> Aye.

>> Tovo: Thank you. One exception. I would like to pull item 13. So item 13 has been pulled by council member tovo, and sorry about that. All in favor of the consent agenda as pulled and amended and whatnot? All in favor?

>> Aye.

>> Tovo: All opposed? Motion carries. Our first item up would be 7, but we have a request to wait until our fire -- our fire chief is back, so we will move on to item 8, which has been pulled for speakers. We do have two citizens signed up to speak. I would suggest we hear from them first. Council, I apologize, we did have one speaker who had signed up to speak on the consent agenda, and that is rich -- rich skessy. Mr. Skessy, I do apologize, if you would come address the council. Rich sczesi. He's not here. I don't see

him in the chambers. Okay. Number 8. Mr. Peña, you are signed up as our first speaker and second speaker will be Jessica Robles.

[12:57:27 PM]

>> Good afternoon, council. My name is gust peña, proud United States veteran. I don't know what notification process was proffered by the city council or whatever to notify the citizens that there was going to be a deviation on the agenda, to have a committee before, and as such, I did not notice a notification process on channel 6, so a word to the wise. You know, I don't like to campout out here in the audience. I don't know what process was used. I don't think it's proper process. Okay? To deviate. Now, there's no notification on the agenda of the change. I'm not an attorney, although I ran for justice of the peace, but it's just not a proper deviation. If it is, correct me. Please don't allow that again if it is not correct. I'm here to speak on item number 8. It's a proven ordinance authorizing acceptance of \$2,175 in grant funds from the Texas department of health services. This is regarding for the lactation resource and training center, strategic expansion program. I am a co-founder of a veterans group called veterans for progress. We were born because of the the grievous issues at the veterans hospital and clinics. We firmly and strongly support these items. We have stated at our meetings, we are strong supporter of women's rights and I'm proud to see that at a Mexicano Americano. One of the things I wanted to make sure on this agenda item, I question the notification process, to inform the low socioeconomic status moms, single moms with children, let in them know that there is a process to, you know, preserve the meal for the babies. So having said that I'll cut to the chase and I'll end it by saying, please, if there is any other deviation of the agenda items, make a proper notification process in advance for the people here toe speak at that time.

[12:59:44 PM]

I don't want to camp on it here, I have other things to do. One last thing, it's not germane to the issue, since you deviated, permit me, please, just once. I spoke to senator Fraser on the Austin energy issue. We had a good meeting on both of them. The reason I state this is because this affects women and children, especially low ses. And you have to do a better job of notification process on the presentation of Austin energy. It was not a good presentation for the people out in the community who don't have television. Might put it out in the newspaper. That would be appropriate, or in the chronicle, that would be appropriate, both in English and in Spanish. I will leave it at that, but we have a meeting next week with both elected officials on this issue. Thank you. Appreciate it.

>> Tovo: Thank you, Mr. Peña, for being here and we apologize that you had to wait. We will be doing -- repeating this pattern again of having the Austin energy committee meeting begin -- begin our council day, and so we will look forward to hearing some additional feedback from you about how we could communicate some of those changes out to our members.

>> Proper notification on that.

>> Tovo: And that will be happening on the third Thursday of every month. That will be an Austin energy meeting. And we have provided that information of start times on our -- on our website to note that the council meeting will know begin at 11:00, at it did today, at 11 o'clock, but as you noted, we were moving behind today.

>> Not too many people have computers.

>> Tovo: Again, I appreciate and look forward to your suggestions. Very good idea to get that word out as well through channel 6.

>> If I may, you just indicated that we'll use our multiple media sources, not only computers and so forth, to better advertise the change in the schedule as we get used to the process, the schedule that

you put in place, so we'll take a look at that.

>> Tovo: Thank you. And thanks again for those suggestions.

[1:01:45 PM]

Ms. Robles. Jessica Robles has signed up to speak on item 8. Council, I don't see Ms. Robles in our chambers and that is our last speaker on this item. Is there any interest in -- do we have a motion?

>> My only discussion is mom's place is district 4. I'm so excited that we've received this grant funding and look forward to approving the item.

>> Tovo: Thank you. Council member Casar, would you like to move approval?

>> Casar: The mayor doesn't usually let me move approval after I talk but I will do that since I have the mayor pro tem here.

>> Tovo: Thank you for that. Do we have a second to that motion? Council member Houston seconds it. Thank you. All in favor?

>> I'm sorry, what item is this again?

>> Tovo: Item 8.

>> Oh, number 8. Okay.

>> Tovo: All in favor? Aye. Any opposed? And noting one abstention from council member Zimmerman, council member Renteria, mayor Adler, and council member Gallo are off the dais.

>> Mayor pro tem, you might note for the audience that the notation is wrong on the screen. It's -- I guess maybe they're fixing it now, so -- they were referencing item 9 as item 8.

>> Tovo: I appreciate that. Thank you. Item 9 has been pulled by our staff for a legal presentation.

>> Good afternoon, council. My name is Chris Edwards. I'm an assist city attorney in the law department. I'm here today to recommend that you approve an agreement to settle a civil rights lawsuit filed against the city, and it's styled Reynaldo Sanchez versus city of Austin. As we discussed Tuesday, March 24th, this is a civil rights lawsuit arising out of the Austin protest at city hall in 2011.

[1:03:52 PM]

The settlement agreement generally contains the following terms. The city will pay the plaintiffs' attorneys' fees, costs, and expenses of \$192,485, in exchange for this payment, the plaintiffs will is in their lawsuit against the city with prejudice, and release the city from any claims that have been or could be asserted against the city. The law department recommends settlement pursuant to these terms.

>> Tovo: Any questions by our legal staff? Is there a motion?

>> I make the motion.

>> Tovo: Council member Garza moves approval. Council member pool seconds it. All in favor?

>> Mayor pro tem, may I make a brief remark?

>> Tovo: Council member Casar.

>> Casar: We are likely going to vote from what I can tell on the dais to except the settlement, which I support, but I will be requesting by the chair, Mr. Zimmerman, that we receive an update from APD and also the building operators here at city hall on how we are handling demonstrations, policywise, moving forward and in the future. Clearly, the way that we handled this is resulting in almost \$200,000 in expense to the city and I just want to make sure that we have a strong policy moving forward, being somebody that has both organized and participated in first amendment protected demonstration here in Austin, I can say that from what I've seen, APD has generally done a great job and I just want to understand the policy to make sure that we're protecting people's constitutional rights while protecting public safety. So we'll hopefully have a brief presentation or discussion from the public safety committee, and I'm supportive of the settlement at this amount.

[Applause]

>> Tovo: Council member Zimmerman.

>> Zimmerman: Thank you, mayor pro tem, I've spent some considerable time kind of chewing on this as well, and I can't come up with -- certainly I can't come up with a rationale to vote against but I'm also struggling to vote in favor so I'm going to have to abstain from a vote on item 9.

[1:06:03 PM]

I can't see a clear direction either way so I'm going to abstain.

>> Tovo: Thank you. Any other discussion? All in favor, say aye.

>> Aye.

>> Tovo: And that is council member Casar, council member Houston, council member Garza, a council member kitchen, council member pool, mayor pro tem tovo, abstaining is council member Zimmerman and off the dais is council member troxclair, Renteria, mayor Adler, and council member -- my time is up.

[Laughter]

>> Tovo: Council member Gallo. Thank you. Our next items -- our next items are 11 and 12. And, council, I am recusing myself from these items. I've filed the appropriate affidavit with the city clerk, so I will be turning over the chair to council member Garza for this period.

>> Garza: So 11? Yeah. 11. I believe we have some speakers signed up for 11, so let me get to that really quick. First we have Glenn Coleman, and then Wes Wilson will be after Mr. Coleman, and then Kevin Lewis.

>> Ross Wilson will be the presenter here from psw real estate, and I'm donating my time to him, as is the other speaker. Thank you.

>> Garza: Okay. So let me make sure all these people are here. So Mr. Coleman is here.

[1:08:06 PM]

Is Casey Giles here? And Jared Carbell? Mr. Wilson, you have 12 minutes.

>> I've got a presentation. While he pulls that up, my name is Ross Wilson. I work for psw real estate and I'm here today to seek approval of two right of way vacation applications. While these are historically have been rather straightforward, once they got to council, I understand there are questions that council members have and concerns from the neighborhood, so I've put together a presentation to address those, that I know of. Let me -- there's a lot of information here. I'm going to move fast. I'm happy to answer as many questions as necessary. I want to finish the presentation here. So the -- the tracks that are in the two vacation requests are a tract A, which is an unnamed street, .1 acres. Tract B, .13 acres. Tract C, which is Christopher street at .19, and tract D, .05 acres as center block alley for a total of just under a half an acre of vacation request. And before I get into the details and concerns of those vacation requests, I would like to start by walking through some of the benefits the project -- public benefits the project has to offer, so that those can be taken into consideration as we discuss the right of way vacations and concerns that will follow. As a public benefit that we're offering, there is -- we are providing a pedestrian bicycle connectivity between south first and south second street. This will be done with a 15-foot pedestrian access easement to not only maintain the connectivity between the two streets but actually to improve it, offering a safe off-street connection between first and second streets.

[1:10:18 PM]

We're also providing new sidewalks around the new subdivision to provide, again, off-street walking

areas for pedestrians and bicycles. In addition to that, we are going to be building a trail with the parks department, for the parks department, along east Bouldin creek and dedicating a public recreation easement along the creek as well so that they can realize their long-term goal of a trail -- agreeability trail all the way up east Bouldin creek. As a final benefit from a public access standpoint, this plan that we've put together also allows for the potential connection to south third street on the west side of the creek that would allow for a much improved pedestrian connection between the majority of Bouldin creek neighborhood and this more isolated pocket located on the east side of Bouldin creek. In addition to those, we're building an extensive stream bank stabilization wall, this will be a limestone block wall that will keep the erosion of a critical environmental feature, a rim rock feature, will keep that from continuing, will help the water flow on the creek, and be an overall benefit to the environment and habitat of that creek. As part of that, there will be a zone restoration to include vegetation, restabilization, and habitat along those areas once the wall is built. We're dedicating a critical environmental feature setback lot that will be purely to protect that feature moving forward. In addition to those, we have some improvements that we'll be doing to a piece of property dedicated by our neighbors, Bouldin creek condominiums, and they were developed I believe in the early '80s. That property has been owned by the parks department for a long time, has not been improved, so we'll be adding some improvements including bringing the trail through and some other cleanup and beverages and refuse bag stands, et cetera.

[1:12:27 PM]

In addition to that, we are preserving all heritage trees along the site, there are 13. Of note is one 36-inch tree just west of south second street. This heritage tree is close to the roadway. We've worked extensively with Michael Ambrose and Keith Mars to work through a detail to allow us to extend that street to a proper width to allow for fire access and proper vehicular mobility while maintaining that tree. So we've looked at specific structural details that will be finalized in the construction drawings. These -- you know, in addition to these, we feel like we're bringing what I would term as right-sized homes to the project. We've got -- on the single family side, 22 homes that will range between 1700 and 2200 square feet. They'll be three and four bedrooms. And the could understand oh oh condo project, 30 units, will be between 1100 square feet and 1700 square feet. Real quickly on the condo side, we're proposing a 10000-square-foot office building, which will be one and a half levels of office above parking. So back to the vacation requests at hand, and the concerns that follow. I want to hit the concerns that I've been made aware of and encourage you to ask questions when I'm done with presentation if I have missed any -- any concerns or questions you have. The first is an existing unnamed street, it's highlighted there in red, it's on the northed of our condo property. This street exists as an 18-foot right of way. The paving is about 12 feet wide. And currently it is creating somewhat of an unsafe traffic configuration. You've got that exit onto south first street immediately adjacent, the condo driveway to the north, which serves 50 to 60 units.

[1:14:27 PM]

This creates an encourage conflict and a little bit of a visibility conflict. Beeping] In addition to that, the right of way, as I said, is 18 feet wide.

>> I'm going to interrupt here. I don't think he was given 12. Go ahead. You have six more minutes.

>> As I mentioned, the right of way there is 18 feet wide. It is currently not a conforming street for two-way traffic, which is currently allowing for. And in addition to that, there's a 28-inch heritage tree that's located just about the corner of that right of way and south first street that does not allow for the widening of that street that would allow for increased traffic volume. As the right of way exists today, it

is not capable of handling additional volume, and that volume would only stand to exacerbate the dangerous conditions of the adjacent driveways and limited visibility due to those two driveways a adjacencies. In addition, we've been with a -- a traffic distribution concern has been brought up. I want to point out that while we are able to reduce the number of curb cuts on south first street, we are still distributing vehicular traffic with the projects, the two projects, really. So the condo will access south first street there between the private drive as you see between the two large trees on the right-hand screen. The 22 homes on the back side of the property will access south first street via south second and Copeland. This is an overview of the area map, so the area encircled in red is the -- is the pocket, the isolated pocket of Bouldin creek that is serviced by Copeland. It is our opinion that a traffic signal at Copeland street is an appropriate -- the most appropriate place to have a traffic signal, and this would allow for a better traffic flow and safer access for this area to south first street, not only for the existing homeowners.

[1:16:45 PM]

Our proposed 22 homes. But also future development that would happen on the north and the southside of Copeland, as our city continues to grow. This would also serve as a safe pedestrian crossing of south first street and a stretch of south first street, a very long stretch, thousands of feet, that does not have a crossing. The crossings are at Barton springs and the next crossing is at Elizabeth street, so this lands right in the middle of that and would be a great addition to the pedestrian connectivity. In addition to those concerns, we have -- the fire and emergency mobility concern has been raised. The -- we have been through an extensive review process with the Austin fire department. The reviewer has been raffle Castillo. We've had many meetings with him, three separate reviews, as council asked that -- or the previous council asked that this case be rereviewed. We've looked into a turning radius, the hose length, proper road access, all elements of getting people and equipment to all structures on site in a safe manner. We have -- the improvements that will allow better fire emergency mobility include increasing the existing road width of south second street restricting parking to ensure that there's a safe route for the Austin fire department's largest fire apparatus, to ensure all apparatus can get to all portions of the site. We'll be maintaining a secondary access point, which is a crash gate at the end of south second street, between south second street and the condos to the north of our property, via access -- a public access easement there where the existing second street currently is. And we'll be providing improvements on kobe land and south second intersection. We have discussed these details with raffle Castillo and what they need certainly is attainable and we'll finalizing those details as we move through our construction drawings.

[1:18:54 PM]

Another concern was that we were harming pedestrian connectivity by removing the unnamed street. I think we've shown that quite the opposite is true. I believe our projects here are a great improvement on connectivity from the pedestrian bicycle standpoint. To highlight again the 15-foot easement just south of our condo project connects south first street to south second street. Our new sidewalks around the subdivision provide that mobility. We are including building a new trail along the park with access to the cul-de-sac, and then along the side of the creek that will provide a walkway for residents and city of Austin residents in general. And then lastly, the potential for a pedestrian connection to the west side of the creek and south third and Christopher street, which would connect this isolated park of Bouldin creek with the rest of the neighborhood. In addition, we've heard some concerns with the configuration of the subdivision. You know, understand that, you know, when widely used, cul-de-sacs are not a great urban planning tool, but each site needs to be evaluated individually. And in this case with a site that

does not connect with a city grid to the west side of the creek, and the configuration it's in, the extreme amount of topography along the west side of second street, and the heritage trees, the cul-de-sac is really an optimal circulation tool for this portion of the site. In addition, it's the most efficient way to serve these homes with vehicular access. Any alternate configuration, anything else like that is going to increase impervious cover, which would potentially impact -- have a greater water quality impact on the creek with minimal to no improvement in mobility because both would be back to second street.

[1:21:09 PM]

[Beeping]. We are questioning a public recreation eliminate, cf lot set back, restoration, dedicated right of way of .36, easements of .21 for an overall public benefit in our minds of 1.15 acres. Thank you very much for your time.

>> Garza: Does anybody have any questions for Mr. Wilson? Thank you. Sure.

>> I'll have some questions but I'd like to hear from the rest of the speakers.

>> Garza: Thank you, Mr. Wilson. Our next speaker is Kevin Lewis. Is Katherine Mohen? Robert McIlwin? David King. You have 12 minutes.

>> Thank you. Good afternoon. I'm Kevin Lewis. I'm the president of the Bouldin Creek Neighborhood Association. I'm here to speak in opposition of those two requests. Do we have the presentation? If you don't mind, please -- I don't know if my time has started. I was hoping to have the presentation up when I begin. Thank you. And the right arrow advances? Right arrow advances. Right. Here's Bouldin Creek's position on this we're not opposing the developer's opportunity to develop this property, these properties. I believe they should develop it profitably and bring in more new residents to our neighborhood. We want an appropriate, well-designed development that densifies approximately the same unit count and the same number of residents as what they're proposing. But what we're concerned about is the design of their proposal. These right of way vacations enable a poorly designed -- and I say that with all due respect. I told the engineer outside the chambers, I'm not insulting you; I just disagree with the priorities.

[1:23:12 PM]

We disagree with the priorities that are -- that are placed in your design. And we think that equivalent to some of the other priorities is maintaining a connected transportation network. That's exactly what they're not doing. We're talking, especially in this case, about vehicular connectivity because, obviously, we're increasing the density very significantly in this area, and we're reducing by half the vehicular transportation connection between South First Street and South Second Street. Secondly, on pedestrian connection, we have to look at the Christopher Street right of way as a great opportunity to make a great connection between South Second Street and South Third, or South Second and the street, instead of a route no one is ever going to use. I need to note over 40 nearby neighbors have signed on opposed to these vacations. I'm going to show you where those folks live. I know some of you are quite concerned about what the nearby neighbors think, and I'm glad you are. And just please bear in mind that the city has no obligation to grant right of way vacations. We believe they should only do so when it would actually improve public benefit, and improve the transportation situation, which clearly this does not. We would like to see an alternative plan, a superior future development, that we think is likely to happen, but only if the council denies these vacation requests. I think you've been oriented by the earlier development discussions, but just so you're seeing, these facing north towards downtown, obviously it's approximately .6 of a mile from Elizabeth Street, which is the traffic signal to the south of this property, to Barton Springs Road, which is the traffic signal to the north. The street is approximately in the bottom corner of this -- this picture here, and Barton Springs Road is near the north edge. The



subject property is circled. Obviously, those are the two cases. You've heard about that. Before I get to some of the problems of the proposed development, what the developer is proposing, I want to talk about a conceptual plan that would be an improvement.

[1:25:16 PM]

We propose that a better plan would rather than use the substandard Copeland street that depends on substandard south second street, a combined new unnamed street that connects south first to south second could be created, designed intentionally and well built, right there at the southern edge of the psr properties and the northern edge of the neighbors' properties. It would take may have contributions from both, assuming that the old unnamed street was vacated at the north end, but it would allow for a traffic signal that's in a better place, a little further north than Copeland, agency you see on the map there, where the green circle says proposed -- that is dead center in the -- making a good walk shed coverage between the Elizabeth street walk shed and the Barton springs road walk shed. Those are each extending a quarter mile, obviously, and the quarter mile circle right there is better than a quarter mile circle to the south. I'll show you in a minute why Copeland street is not a good solution. In maintaining Christopher street right of way, across the creek, to the creek from second street, and across the creek is an improvement. West of south second street, that grid work that we've described fits in with the rest of our neighborhood. If you look back and look at the shape of the streets in our neighborhood, they tend -- never mind the Texas school for the deaf in the middle, but the shape of the streets in our neighborhood is a classic grid. That's what we're proposing for here. But frankly, the streets to the west of south second street could be a number of different configurations. They don't have to be that. That's just a conceptual subscription. They could be a C shape, a D shape, other options. Note that to the north of what's on this map as new unnamed street, the property zoned gr, that's a legacy of the appropriate owner at the time that it was in the neighborhood planning process, 12 years ago, but that gives you a little more density to work with than what they're proposing at sf 4a. I wanted to show you a conceptual drawing, again. This is conceptual, but it's actually based on reality.

[1:27:17 PM]

This is a zoom in from what we talked about before. This is south second on the right. On the left, south first on the right. New unnamed street that I just described is on the north of this property, north of this drawing. The psr properties are off the drawing to the -- where the lettering is. This would be a way to reuse the existing space between Copeland street at the bottom here and the new unnamed street. Most of those trees are real trees, actually. And the idea is -- and this is coming from the people that have lived there for over 30 years and own multiple properties right there that are described here -- is to redevelop with duplexes and condos so you get more dense development, but it's built in so you maintain the maximum number of trees possible. This would allow one way circulation, so your alley driveway would be where all the vehicles come, but it could be one way. That means that you don't have to take out as many trees because you don't have to have a two-way alley. There could be a then entrance on Copeland and exit on the new unnamed street, and that works very well. This is a map. I e-mailed in to the case file a letter of opposition, explaining a lot of things I've been talking about today. 43 people are signed onto that map. Approximately -- that letter of opposition. 40 of them are in the immediate vicinity signed on, represented by where they live here. Many of them are also property owners, not all of them. Some are renters. We care what they think, too. Problems with design, psr's design. As you can see, Copeland street is a single point of ingress and egress from the neighborhood. That's a problem. Copeland is substandard width and it's going to stay that way. This is Copeland street looking east. That's the Texas school from the deaf, south first street. That big heritage oak is going to

stay there. That's in the right of way. Look to your left. That's a very small amount of pavement. I'm very concerned, we're very concerned about that being a substandard street that's going to stay that way and being the only way in and out of that neighborhood on a daily basis, as well as in emergency.

[1:29:21 PM]

If you go further north on south second street, looking back to where we just were at south second and Copeland, looking down and to the right, that house is in the right of way; therefore, this is just south of the psu properties. So even if they were to widen, as they propose, south second street, north of this spot, this is not going to get widened, so it stays a substandard width. That's a problem. This is the view from Copeland today. If you're in a driver -- if you're driving, obviously facing south first street, you'd be right there at that stop sign. You notice the cabbie tie, but that's not the big problem. There's dirt behind those cabbie tie and there's an embankment, a retaining wall that obstructs your view out to the oncoming traffic on south first street. You have to pull out into traffic before you can see if there's traffic coming. It's a death wish to try to turn left there. And you can see regular morning traffic is backed up all the way from south first street, so you really can't -- from Barton springs road, so you obviously can't get in very well. So why not just put a traffic signal at Copeland? This is a view to the southeast from Copeland and south first street. You see the new traffic information sign, it's an electronic sign that Austin transportation has put in right south of that intersection. That would visually obstruct a hypothetical traffic signal at south first and Copeland. So that's a significant problem. Copeland has the other problems that we mentioned as well. I have to speak to a note on process. As I understand it, from the folks in the real estate department, I've had multiple conversations with them about this, there's no legal requirement for a notification when these cases, right of way cases are coming to the boards and commissions. So this past -- these two cases passed the planning commission on consent with zero discussion on March 25th, 2014, as you see. We didn't even know about the case from this notification as you can see, the date is April 11th, 2014, two weeks later. So whatever the legal requirements, you can't say that we had an opportunity to have any conversation at planning commission. We didn't. And so that's why we only can have this conversation.

[1:31:22 PM]

We've talked to the developer. We've not had a chance to vet this in public. We think that's a real defect in the plan, and it's also -- gives you a false impression, and the same case for urban transportation commission, it gives you a false impression that those commissions endorsed this plan with a thorough discussion. You would assume that logically, but there was no discussion because there was no notification. As far as I know, the neighborhood is never notified about right of way cases. The neighbors are notified by this instrument of the existence of the cases, but not of the commission hearings. So you to guess or figure out when the commission hearings are, and we didn't, and there was no discussion. So some final thoughts. The city has no obligation to grant right of way vacation. They should only do it when there's a public benefit. These are public assets. They're held in a public trust. We want them to serve the public good. They're functioning today, most of them, as transportation assets. We would like them to continue to function, or for there to be a superior replacement plan, were some of them to be vacated in the future. And if they were going to be used as pedestrian assets in the future, we would like them to have direct connection back to the other public assets. I'm going to go back to the map to speak to Christopher real quickly. If you recall the developer's presentation, when you looked at Christopher street -- so Christopher street is the green area right in the middle of the area to the left of south second street. If you imagine their cul-de-sac there, the connection to the creekside trail, you had to walk down -- from south second street, you had to walk down the cul-de-sac, then north to the park, then along the

creekside, and then you had an opportunity to find the connection that could come through to south third -- to south third to the west. But nobody's ever going to walk that way. That's a bizarre route. That would be good to have, but in addition to have -- for recreational purposes, so your kid, like mine does, love to play in the creek, follow it down along the creek.

[1:33:27 PM]

But that's not serving the purpose of east-west connectivity. The far more obvious and opportune thing to do with a public easement -- a public right of way, is to connect a pedestrian trail between south third street and south second street, directly across the creek where the Christopher street right of way is. I mean, it seems obvious to me. I think you'll mostly agree that there's an opportunity there. And all we get in exchange for giving up that right of way is one or two more units of housing. I'm not devaluing that more units is appropriate. We're going to put a lot more housing here. But doesn't it have to be those one or two units. We think that the connection is more important in that instance. So in sum, we think the most important thing is that we not let commercial convenience be the guiding force behind urban planning. This is a huge opportunity. We have to aim higher, we have to plan well, and we can do better than the plan that's then being offered. That's what we're looking to preserve and make better. Thank you very much.

[Beeping.] I'd be glad to answer any questions.

>> Garza: There might be some questions but the mayor is back so we're relinquishing the chair back to him.

>> I can answer questions after the questions of the developer or I can answer questions now.

>> Mayor Adler: Any questions?

>> I indicated earlier I'll have some questions since I pulled the item but I was going to wait until everybody had had their say.

>> Mayor Adler: Okay. That's fine. Don't leave, apparently. The next speaker? The next speaker at this point is --

>> Leslie Moore. My name is Leslie Moore.

[1:35:28 PM]

>> Mayor Adler: Yes, sir.

>> Good afternoon. I'd like to -- like to describe myself as one of the early settlers of this neighborhood, the 04 zip code. My wife and I moved there in 1980, back when no one really wanted to be in this neighborhood. So we took a chance on it because we could see downtown. As soon as we got onto south first street. So, anyway, we participated in the neighborhood plan, and basically agreed to what the neighborhood described as their wishes for the neighborhood. Since then, I think Austin has changed quite a bit. There's things like Mueller -- the Mueller development has become sort of an ideal, in my mind, of how core urban planning should be when you have these small streets. And we're in a unique area. You know, this is an area where, many years ago, nomadic Indians came through, nomadic native Americans, I should say, came through and settled. The city commissioned a report from sb Houston that discovered exactly where this retaining wall they're talking about putting up on the creek - we found cooking sites from nomadic peoples down there. It's a very special area. We have lots of wildlife, foxes, and Normal stuff, hawks. So I'm a proponent of change. I'm not going to stand up here and say I don't want to see change in our neighborhood because I know that change is inevitable. But responsible development, I believe, can be a wonderful thing. This neighborhood is so unique, it could be a wonderful example of what could be done in some of these inner city areas. And in this situation, we have tried to cooperate and tried to come up with compromised positions. We've offered to donate

some of our land to create a street that would lead straight from that cul-de-sac that you saw in that photograph.

[1:37:37 PM]

We offered to donate a portion of our land to just be able to take those residents, rather than taking them down two substandard streets, one that has the heritage oak tree, the other that bottles down, it's a tricky corner and we thought it was smaller, rather than trying to bring all the new cars down the two streets, to take them straight out onto south first street, put a light there. It's a safer -- then we've also talked about removing all of the curb cuts along south street because that's another dangerous situation down there. But one of the most important things, and they say they've addressed it, but I don't see it, and that's if we need to get an emergency vehicle down that street. And I'm at an age where I think, you know, things start happening and that could happen. It's going to be, I feel, trapped when you're cutting off my other access to my house. Anyway, thank you very much.

>> Mayor Adler: Thank you. Any questions? Thank you, sir. Magdalenareud?

>> Council, my name is magdalena reud, and he has said everything I wanted to say about our street. We moved there in 1981. That substandard street has been a substandard street the whole time. There used to be other people that lived on our streets. They had to move because we have new developers. But that street has always worked. It is a grid. It comes in a substandard street, you go down a substandard street, you come out on a substandard street. It works. Over the years, Leslie and I have purchased some property around us because people moved, people died, unfortunately, and we had opportunity to buy some of the property around us.

[1:39:48 PM]

Currently we own most of the north side of the street that psd does not own, and we own the southside of Copeland street. I feel very strongly in the terminology of psd, who operates on the mental language of feeling and opinion. I feel very strongly that cutting off our access to our neighborhood where both sides of our property have to enter onto the same street is going to be our loss. Our material loss, our money loss, our opportunity loss, and the city's loss as well, because we do feel very strongly that this neighborhood that is within walking distance of this building right here could be a jewel of urban development. Thank you. That's all I have to say.

>> Mayor Adler: Thank you. William burkehart.

>> I'm donating my time

[inaudible].

>> Mayor Adler: Okay. That was the last speaker that we -- that we have at this point. That gets us then back to the dais for questions from the dais. Ams pool?

>> Pool: Thanks, Mr. Mayor. I had pulled this item. It is in district 9, but with mayor pro tem tovo's recusal, representation for the neighbors in this -- in this area is kind of limited, so I thought I would step up. I have some concerns about the vacation of the streets, and I think we're looking at both items 11 and 12 kind of simultaneously. We're talking about Christopher street and then -- what's the name of the other street there?

[1:41:56 PM]

Copeland. Right. So I'll just speak to both of them. Basically, there's information not in our backup that's missing, and I was going to request that this issue be sent for additional vetting to answer questions to the mobility committee on the access and the right of way questions, and possibly also to the

committee that I chair, open space environment and sustainability, due to the effects on the park and the park trail connectivity. I have insufficient information from the parks & rec department as to whether the trail changes here are supported in our urban trails master plan, and I've got concerns about the risk for flooding. There's some rim rock here that's delicate and the way the retaining walls are being constructed by -- proposed to be constructed by psd would contribute to flooding concerns. So I want to make sure that any development that results isn't at risk for flood. We are looking at a hundred-year floodplain there, but I don't have any backup provided. There's some concern about the heritage trees. I don't have any information about whether that had been vetted by the -- our heritage tree folks and how that -- how this comports with our ordinance. And, basically, I'd just like to ensure that the entire area's mobility and connectivity interests are best served beyond the singular interest of this one development. I'd like to do so a more comprehensive look. So I think if we were given a little bit more time and see the neighborhoods have some good ideas for some changes to the development. It's been demonstrated very well by folks here that they are not opposed to having a dense development, it's the manner in which this has been configured that of concern. It's an interesting connectivity, a creation of a cul-de-sac where we don't have one now.

[1:44:00 PM]

So that would be my request for items 11 and 12 that we allow our committees to meet and have a look at this and give the neighbors more time to work with the developers on possibly coming up with a better solution so that development can occur, but that would fit better given the very hilly terrain and the proximity to an creek and neighborhoods.

>> Mayor Adler: It's within the council's prerogative to send this back to the planning submission, as well.

>> Pool: Frankly, I would also like to raise the concern that I have that there's a lack of notice in any vacation cases that the existence of them may be noted, but no hearing opportunity provided, which was pointed out by the neighborhood representative. So, I would also be proposing an ordinance change to have a conversation about that to support an ordinance change, possibly. Yes, I would include planning commission on this.

>> Mayor Adler: Mr. Renteria, Ms. Houston, Mr. Zimmerman.

>> Renteria: I want to second that, so we can discuss it.

>> Mayor Adler: Okay. So, as a point of order --

>> I want to be recognized to make a motion to approve the variance.

>> Mayor Adler: There's not a motion on the floor as I understand it. And at least theoretically, it can't be recognized to speak if at the end of the debate, they make the motion. Do you want to make that motion?

>> I was just going to second that for discussion. I'll wait.

>> Mayor Adler: Okay. And as I recognize someone, they can --

>> At the beginning of my remarks, I said I would like to have this sent to the committees. I didn't make a motion to have it sent.

>> Mayor Adler: We'll do it that way. Your motion is to send it to a committee?

>> Pool: Yes, we can determine which ones. I've spoken to two. A third one was mentioned.

[1:46:00 PM]

>> Mayor Adler: It's been moved to send it to a committee, and seconded by Mr. Renteria. Do you want further discussion?

>> Yes, please.

>> Mayor Adler: Okay. Mr. Renteria, do you have further debate?

>> Renteria: I just wanted to second.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you so much. We're going to get this done at some point.

[ Laughing ]

>> Houston: But it shows we're human, so it's a good thing. So, I would like to hear from the staff about notification, and whether or not there is notification of vacation. And then, are the neighbors allowed to know when the appropriate hearings are being held.

>> Mayor, councilmembers, officer of real estate. The current process requires us to send out a notice. Typically, we try to send out the notice once the plans have been finalized so we can send that information out to the neighborhoods. There's no -- nothing in the code that tells us when we have to send out the notice. Sending it out earlier could be appropriate at this time, and we'd be willing to do that.

>> Houston: And does that notice include when there will be hearings before the planning commission and the other bodies?

>> It does not. In this particular case, we sent the notice out after it went to boards and commissions. A lot of times, when it goes to boards and commissions there's changes in what's being planned, so typically, we send the notice once we know what's going to happen, but we'd be more than willing to send the notices out before the boards and commissions, if that would be helpful.

>> Houston: I think it would. One more thing, just for conversation, is that I have many planned units in district 1 with one way in and one way out.

[1:48:10 PM]

So, I would be very uncomfortable voting for this because of that issue. Also, I know that area. And I think they need two two ways to come in and out of the project. And so, I would be supportive of referring it to a committee for further discussion.

>> Mayor Adler: Okay. Mr. Zimmerman.

>> Zimmerman: Thank you. I wanted to be recognized speaking against the motion to delay. I'd like to bring up information. Is there somebody from psd who could speak to the planning cost? I asked for some information about the utilities, the infrastructure. And how the additional development would impact water and wastewater, and what those fees were. And maybe first I could ask, how long is this project planning been going on for psd?

>> The project planning has been going on since spring of 2012. We put the property under contract and began at that point. The right of way vacation process has been underway for 26 or 27 months now.

>> Zimmerman: Okay. So I want to maybe emphasize the fact that this is part of our supply problem in Austin. We can't get housing on the market because it takes years and years to get even a small, relatively small project like this done. So, how much would you estimate has been engineering and planning resources? I see an estimate in front of me. I don't know if everybody has it. It calls out about \$910,000 of utility improvements that would have to be paid for by development. Does that sound about right, about 910,000?

>> Yeah, that includes improvements to service extension request, water quality and drainage improvements, all of those associated --

>> Zimmerman: I think there was an eight-inch gravity feed sewer line, there's all that. \$400,000 for the bank stabilization on the creek.

[1:50:11 PM]

>> Yes.

>> Zimmerman: Included in here, as well.

>> Yes.

>> Zimmerman: So, you know, typically I like moving things to committee, right, so we can deliberate on them. But this thing's been going on for years already. And I'm a little bit concerned about the cost. If this went to committee, how many potentially, how many months delay could be tolerated without -- at some point the project goes away. People can't stay in a holding pattern indefinitely. Three months, six months until somebody says, forget it and go look for somewhere else to develop?

>> We don't want to say forget it. We like this neighborhood. We think there's a lot of potential for this project. It would be a great project for central Austin, bringing increased density. I couldn't put a number on exactly how many months. I do want to say, while we are okay with the decision to go to committee, and go through that process, I would ask that council add a timeline to that for getting back to council so we have a good estimation of how that process will work. We have been trying to work with the neighborhood. In fact, I hope Mr. Lewis will back me up on this, trying to get meetings with the neighborhood to work through this exact discussion starting in October. And four or five emails, just as many phone calls, and they've been unwilling to meet. So, we certainly are happy to sit down with the neighborhood, work through committees. I wish it didn't require wasting your time here today, and the five months that's gone by.

>> Mayor Adler: Okay, thank you. Ms. Kitchen.

>> Kitchen: Well, I would support it going to committee for a couple of reasons. You know, with the neighborhoods having concerns at this point in the lack of notice and that. But, I would also strongly support a timeline on it. I think that that would be necessary.

[1:52:12 PM]

I also just have a question. And this may be for our transportation department. Just to educate me. You know, this is raising a right of way question, having to do the streets, there's a lot of concern about that. I'm not familiar about that, whether they're involved in that.

>> The transportation department certainly is.

>> Kitchen: If you could educate us a little bit.

>> Good day, Gordon, we have been involved with the discussions with the developer for the development of the process. And the engineer for the area level. And we're looking to find solutions to whatever the final configuration ends up as. Up as.

>> Kitchen: Okay, thank you.

>> Renteria: Mayor.

>> Mayor Adler: Quick, before you leave the dais, and then Ms. Gallo. Mr. Renteria.

>> Renteria: Yes. Looking at this plan, I notice that the second street -- are there substandard streets?

>> Those -- the areas don't meet our current standards.

>> Renteria: So --

>> At the time they were developed, they may have met the standards, but at this point, they don't.

>> Renteria: I notice they're a little small, one driveway going east and west there on the north side of that project. And it's called 2nd street, it just curves around. The way it looks like, there's only 1 1/2 vehicle can go through there at the time. So, if this development goes through and we keep 2nd street, are we going to have to go in there and rebuild the whole street?

>> I'm not familiar with the exact development plan, but since they front on the street, they would be required to bridge it up -- bring it up to standards.

[1:54:16 PM]

It would be nice if we didn't have a north-south and an east-west 2nd street. Something that happened a long time ago. We have those in our city. But, they would be required to bring them town standards.

>> Renteria: The city is going to be required, or the developer in that area there will be required?

>> Principally, the developer would be responsible for those improvements.

>> Renteria: Okay, thank you.

>> Mayor Adler: Ms. Gallo.

>> Gallo: Along the same lines, one of the concerns I heard from the neighborhood was the lack of safety in Copeland and south 1st intersection. One of the questions we asked that we got a response back on was, are there any planned traffic improvements on south 1st street in this area, is there any potential traffic light at the intersection of south 1st and Copeland street. The answer was, it looks like a traffic signal in Copeland was previously discussed with the previous assistant director, and the signal was to be considered if the development took its primary access is there. The developer paid for it. I would encourage, as we continue this discussion, that this appears to be of interest to the neighborhood from a safety standpoint, so I would like, as the developer talks to the neighborhood and brings city staff into it, if we could address that intersection specifically.

>> Certainly.

>> Gallo: That would be my request before it comes to the council committee. And then, addressing the one way in and out, it's my understanding, if I'm seeing this correctly or understanding it, the multifamily would access 1st street. And it would only be the units on the cul-de-sac that would be the one way out and in for that area. And I'm looking, and it looks like there's only, actually, seven, eight on the cul-de-sac, and the others are on the south second. To me, it seems similar to a cul-de-sac community in any neighborhood that has that traffic from those houses on that cul-de-sac going out to another street.

[1:56:26 PM]

So, those were my only two comments. Thank you.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Any further conversation or a motion to send to committee? Mr. Casar.

>> Casar: My support in moving to a committee structure was that we could discuss issues before they came to council. We could be proactive about talking about issues. We could work through really big, long, difficult items that might take multiple meetings for us to work through in a smaller group, and not take up time in the full council. It seems to me like this is a case where we have most of the facts present, and so, I would much prefer a motion for postponement than a motion to send to committee. And if what we need is time for the developers and neighbors to discuss, I imagine we can achieve that through a postponement. But, considering that I imagine it would be going to the planning and neighborhoods committee or some portion of it might, I'm really going to be working with my committee to work on proactive issues or untangling very complicated ones. Staff has provided a lot of backup. I think the case is pretty well laid out here. I would much prefer a motion to postpone. If it's sent to my committee, very likely, I would push my committee members to not take recommendation, and to send it back to council, which would be equivalent to a postponement, unless there was a lot of new facts we needed to discuss. I would love to hear from folks what we think would be achieved in committee that hasn't been achieved with a pretty thorough hearing already in front of all of us.

>> Mayor Adler: All right, just as an aside, because we can treat this as a motion to postpone. The reason that Robert's rule says that when someone makes a motion they should make the motion before they debate it is so that when someone says -- I would move to postpone -- then there's an opportunity



for someone to second. Absent having a second, it's not discussed.

[1:58:28 PM]

When someone makes the motion, and then discusses it, then it presumes a second. Which in this case, may be true. That said, I'm going to treat this as a motion to postpone, because I hadn't said it out loud yet. I'll ask if there's a second to the motion to postpone this matter. Ms. Troxclair a second. Now, the question on the floor is whether or not to postpone this matter. You would have the first opportunity to debate, but you've already taken your chance to debate, which is okay. We're now on that motion. Ms. Kitchen.

>> Kitchen: The only thing, just to speak to what you were stating, it seems to me there may still be some information that we don't have from a traffic standpoint. The questions that councilmember Gallo asked, you know, in terms of the placement of the traffic light. I'm not certain that that information's been developed or not. You know, because I do believe that the opportunity for the neighbors and the developer to sit down and talk some more is a major part of what we're concerned about, but I'm not entirely clear there wouldn't be some more development of information that would be necessary from the transportation department.

>> Mayor Adler: Further debate on the question to postpone? Ms. Gallo, and then Ms. Pool.

>> Gallo: I think as we talk about affordability and the issue of affordability as the length of time it takes for anything to get through our city process, for us to participant participate in the length of time it takes is sending a mixed message. I do think that there are some items that I would love to see the developer and neighborhood talk about, particularly the traffic signal and ability to get that there.

[2:00:29 PM]

That can be done. If we postpone this to the next available council meeting or whatever amount of time you feel is reasonable, we can get the answers to any other questions and keep this moving forward. And I think if we are trying to help keep development costs down and provide more housing in Austin, and be sensitive to neighborhood concerns, but we also have to do that in a timely manner. So, I would support a postponement to a time certain that's a comfortable amount of time that still moves this forward as quickly as we can.

>> Mayor Adler: Okay, Ms. Kitchen.

>> Kitchen: I would support that.

>> Mayor Adler: I'm sorry. Ms. Pool. I recognized her and skipped her. Thank you.

>> Pool: Thank you. I'm concerned on the vacation issue because there are some effects on our trails, and I do not have any information relating to what negotiations psw may have had with the parks and rec department. The information is not in our backup. There's a considerable amount of information missing. The impact regarding the flooding concerns is missing. And, again, I want to make sure that any development that is built is not at risk for flooding. And I would like to have some time to review this. I agree that we need to move with deliberate speed, but if I see a group of neighbors here specifically opposing aspects of the development, but not the development itself, that tells me that there's room for negotiation. And I would like to provide sufficient amount of time and goodwill and good faith for that to occur. Sending it to a committee or postponing it to a time certain, I think, is similar in that we will allow more time for the neighbors to work with psw.

[2:02:33 PM]

I would like my staff to be involved and talk with psw and the parks department, have a conversation

about the connectivity of the trail. What it look like to me is the trail would be truncated, and interrupted. And an actual straight line or uninterrupted trail would be interrupted. And I want to understand that more specifically. And just the very fact that I don't have answers to an array of questions, and I don't even have all the questions in front of me, argues for, at the very least, a postponement, if not a referral to my committee for the questions relating to parks, open space, and environment. Thank you.

>> Mayor Adler: Okay. Any further discussion on the motion to postpone? Ms. Kitchen.

>> Kitchen: I just wanted to verify that if we do postpone, there is a process by which our transportation department can participate in the discussions. I'm seeing a yes. Okay.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Well, I had a point of inquiry. Can the postponement be amended for some time that it would come back to council?

>> Mayor Adler: Yes.

>> Zimmerman: Okay. ,.

>> Casar: How does the 16th of April sound?

>> Zimmerman: I'd like to make a motion that we amend, the postponement would be April 16th.

>> Mayor Adler: If we're going to postpone -- we're not deciding whether to postpone, it's been suggested that it be by the 16th.

>> Zimmerman: I'd make that as an amendment to the motion.

>> Mayor Adler: Any objection?

>> I would like to take up the trail and connectivity issue. I don't know if that's going to be possible by then, but I would like to confer with staff on that.

>> Mayor Adler: Okay.

[2:04:36 PM]

Do you want staff to come over, or you're going to check and see? The motion is to not send it to a committee, but to postpone it and have it come back to council. It's been suggested it come back on the 16th of April.

>> I think the parks and rec director is here. She may be able to answer the question.

>> Mayor Adler: Okay.

>> Director, parks and recreation. I'm not aware of this project. I wouldn't be -- not necessarily, but I'd like to find out more, quite frankly. I would like to be engaged a little bit more and find out what we have talked about with the community on this, and sensitivity of the comments I'm hearing from the community.

>> Thank you, Ms. Hensley.

>> Mayor Adler: Okay. Mr. Casar, then Mr. Renteria.

>> Casar: Councilmember pool, I think that it's entirely appropriate to take it over to the parks, the parks and open space committee to discuss some of those issues. I'd be interested in hearing about that right away, and the possibility of connectivity over that creek, because it seems like we can create more access to that park space. I'd like to understand whether us giving up that right of way would limit that, or if the developer would put in bridge facilities if the city were to retain. It seems like we could put a nice pedestrian connectivity there. But, if the right of way is given up, is there a possibility the developer would include a bridge there. So, in your committee, I think that would be entirely appropriate. To make the distinction, I think it's important to set precedent that when we send things to committee, it's not to delay. We have the tool of postponement to delay something. But, if there's a new discussion to be had, it's entirely appropriate to have it in that committee.

>> Mayor Adler: Would you want to withdraw your motion to postpone? Oh, I guess it was -- was your

motion postponed?

[2:06:37 PM]

>> Casar: In that context, I am -- I guess this is a tricky new layer here. I'm interested in having the open space committee meeting.

>> Mayor Adler: If this gets referred to a committee, the open space committee.

>> Casar: That we hear it sometime in April, in the council, within a month. You'll have a meeting before the end of the --

>> Mayor Adler: It's my understanding, the maker of the motion to postpone would like to withdraw. It's been seconded, he can't do that unless no one objects to him doing that. Does anybody object to the postponement being withdrawn?

>> May I ask a question?

>> Mayor Adler: Yes.

>> If it were postponed to a council meeting that was after open spaces met, then it could go to open spaces and it would be already scheduled to be on the council agenda, and we would keep the process going, but allow open spaces to discuss it and have the information that they need. But then, the parties involved would understand that it would come back to council at a date certain. So, could we accomplish both?

>> Mayor Adler: We could accomplish both of those. There could be a motion to post upon to a time certain, and also to refer the matter to committee. Ms. Pool.

>> Pool: I made the original motion to send a committee. I think councilmember Casar did the one to postpone. Do I have standing to make an amendment to his substitute motion to mine, or would that come from the intrepid councilmember Gallo?

[ Laughing ]

>> Mayor Adler: What?

>> Zimmerman: Point of order.

>> Mayor Adler: He can't withdraw his postponement if there's an objection. Is there any objection to the most to postpone? Hearing none, that is withdrawn. We're on the motion to send this to committee.

>> I would entertain, I could actually --

>> Mayor Adler: Go ahead and make it.

>> A substitute motion to send the issue to the open space environment and sustainability committee, and to return as quickly thereafter as possible for council deliberation.

[2:08:45 PM]

Is that working?

>> Mayor Adler: I think she was looking for a time certain.

>> The open space committee will meet on April 29.

>> Mayor Adler: Okay. So, we could set it for the first meeting in may after the meeting on the 29th? Okay. So, then, does anybody have an objection on the motion to send it to committee to add that requirement?

>> Troxclair: I need to recuse myself from this vote.

>> Mayor Adler: Okay. Noted. And I think that when you recuse yourself from a vote, you might want to check, I think there might be an affidavit you need to sign and get to the clerk. You might want to check on that. Hearing no objection, then, what is on the floor is the motion to send this to a committee and put it on the agenda for the first week in may. Mr. Renteria.

>> Renteria: I just wanted to mention that -- committee --

>> Mayor Adler: Yes, it will be sent at least to open space committee. Regardless of whether they met or didn't meet, or made a recommendation or not, it will be back to this council at our meeting in the first week of may.

>> Renteria: Thank you.

>> Mayor Adler: Okay? Any further discussion? Hearing none, let's take a vote. All in favor of the motion as just stated to send this to committee and also to put it on our agenda for our first meeting in may, please raise your hand. Those opposed? So, everyone votes aye with the exception of councilmember tovo, who has recused herself, and councilmember troxclair, who has also recused herself. We have now dispensed with items 11 and 12. I think that we passed item number 10, and it would be appropriate for us to pick that up at this point.

[2:10:45 PM]

>> We also have 7.

>> Mayor Adler: Okay.

>> And I need to reconsider.

>> Mayor Adler: Okay. Before we call item number 10, item 7 I think was earlier on the agenda. Is the chief here? Do we want to handle that? Item number 7, I think, was pulled by councilmember Zimmerman.

>> Yes.

>> Mayor Adler: Item number 7.

>> Zimmerman: Thank you, Mr. Mayor. Maybe some of this will be repetitive from Tuesday's meeting, but the general public was not there. So, I guess I still have the same objections. What we brought up on Tuesday was, it appears that there was a lot of opinion out here that not enough attention has been put into the wildfire mitigation team. There's been a lot of meetings and a lot of plans, but we have thousands of acres of wildfire risk area that hasn't been mitigated. My opinion has been, and it's been backed up by some people I've talked to that we could be a little bit management-heavy right now. And if we take a couple of positions out for this fiscal year to pay for another upper-level management position, it's just not a good direction to go. I guess you can lay out your rationale again, and we'll take it from there.

>> I'd be glad to. Austin fire chief. I think that there's a couple things. One, I really, from the very beginning, like to say it is an urgent matter. And it is much broader than just wildfire. These positions that we're asking to be reclassified cover special operations.

[2:12:45 PM]

It covers wildfire. It covers recruiting. It covers community outreach. It's part of our medical operations. And it also includes our fleet support. So, it's not just wildfire that we're asking for in these reclassifications. In regard to the answer about management being top-heavy, technically, we are not changing the top-heavy management of the organization, or the upper management of the organization. There was a civilian that was an executive position that was over the wildfire division previously. That person has resigned, and I am asking that we put a division chief into the oversight of the wildfire division. We are asking that you give us the additional division chief to oversee the special operations part of the Austin fire department. That includes things like hazmat response, it includes the airport. It includes safety, which covers all of the operations. It includes water rescue, all of our special operations. So, we are asking that you help us split the responsibility from one assistant chief overseeing 888 people of the Austin fire department and allow me to put the extra division chief in there to oversee that special operations. The other part, I think, that maybe answer some of your question is, people may be

asking, why now? Well, right now we're going into the wildfire division. And wildfire season, rather. And even though we've had some rain, that doesn't always mean we'll have a slow or low wildfire risk, and it's very important that we continue with our efforts.

[2:14:46 PM]

Part of our efforts -- and we have been successful -- I think that in regard to wildfire, it's not only about fuel mitigation, but it's about proactive and having preventative measures. And that's including firewise communities, that's including fire-adapted communities. I think the other day, that councilmember Gallo mentioned that her neighbors want to do fuel mitigation, but they don't know how or where to put that. That's what this individual will do. They'll be working with our partners in enacting fuel mitigation projects. How do you become a fire-wise community, a fire-adapted community. So, it's important that the individual that's doing that is actually at the executive level. We recently signed, a few months ago, a committee wildfire protection plan, commonly known as the cw perpetual. Perpetual.pp. And that is an agreement between state, local governments and agencies to help with making our community safe. We can't just do fuel mitigation in the city of Austin and ignore what's on our borders of the county. So, it's important to me that we act on this now, and the reason that I want it now is for some of those reasons. On the wildfire side. But the other part of it is, recruiting needs to be active right now for our fall hiring process. So, it's important that we are doing those things, and we are actually obligated by the consent decree to do our recruiting. And this ask was vetted through our department of justice partners, and it was vetted and it was asked for by our chief of recruiting.

>> Mayor Adler: Okay.

>> Zimmerman: On a quick note, I would definitely like to have a chance to look at this at our next public safety committee hearing, and hear from all sides.

[2:16:51 PM]

I'm still hearing from the rank and file that they think that this reorganization is going to take us in exactly the wrong direction. They're calling for less management and more people on the ground to get work done. I went to the fire-wise event that was last Sunday, for santa canyon right across the street from where I live. I saw the presentations. It still impresses on me we keep talking about planning, planning, planning. We're not doing enough actual work. And so, I wanted to ask my colleagues if they would let us go ahead and have a public hearing. Again, we would bring it back in one month, but I'd like to have a hearing, listen to the firefighters and other people, and see what they have to say. Again, I think the people that are at risk for the wildfires, like me, I live on the green belt adjacent to the bcp. I think it's taking us in the wrong direction. I could be wrong, I'd like to get it in front of the public safety committee and bring it back next month.

>> By delaying it for a month, several of those --

>> Mayor Adler: Hang on just one second. Let me see -- are you making that motion? You do not --

>> Zimmerman: If I could be recognized to make a motion to refer this item to public safety committee, I'd like to do that.

>> Mayor Adler: Okay. As we transition to this practice, I'm going to do this liberally here for a little bit. It's been moved to send this to the committee. Is there a second to this motion? Ms. Troxclair seconds. You've debated. Now we're continuing a debate. Ms. Houston.

>> Houston: Thank you. Chief, would you like to finish your answer to --

>> Yes, I would. Thank you. So, by delaying it, a number of our promotional lists will expire, and there will not be an opportunity to promote folks from the current lists.

[2:18:55 PM]

And then it takes us time. We do have promotional processes scheduled, but those lists -- and I do have all of the expiration dates. The fire specialist list expires on may 5th, lieutenants exam expiring on the 28th of April. The captains list expires on the 14th. And the division chief list will expire on the 19th of may. We have tests scheduled for fire specialists may 5th, for lieutenant April 30th, and for captain April 16th. Those still take time, even after the written test is administered. It's usually several months before the list gets certified before civil service. And I would also like to answer the fact that - about fuel treatments and what has happened in the wildfire division, and what is happening with boots on the ground, so to say. Approximately 400 acres of fuel treatments in total. 15 acres of mechanical fuel projects primarily shaded fuel banks. 377 acres of prescribed burn projects, provided 84 AFD fire line assignments. Afd wildfire division has facilitated over 2600 hours of public wildfire training in fiscal year '14. I'd also like to remind council that two years ago we went through training, wildfire training, for every single firefighter in this department, all almost 1200 of them in wildfire training. So, every single one of those is trained in wildfire, and how to work in that division.

[2:20:59 PM]

>> Houston: Thank you. And so, my concern, again, is that for two years, you had a non-firefighter person who was doing wildfire management. And now we're going to up that to an executive level. And I'm concerned about why we need to do that if they did a good job. And I'm assume that they did a good job for two years. Just because they resigned, why do we need to bump that up to the division level?

>> Okay, yes, ma'am. They did do a great job. Hay did a terrific job in standing up a brand new wildfire division in the Austin fire department, and establishing those community relationships, and partnerships. That individual actually resigned, and we've had a lot of challenge from the labor side of the organization that did not want a civilian oversight of that division. And that individual -- we knew that came in was not a long-term. Got us through phase one. And phase two of our wildfire project. We are now moving into what we call our sustainability phase, and I'm trying to address what some of the labor concerns were, and have some sustainability in regard to an individual that will be there long term, and that would be that division chief position.

>> Houston: And perhaps you answered this on Tuesday. I don't remember. How does the number of division chiefs that we have compare to peer cities of the same size?

>> I would say that our number of division chiefs to peer cities is quite comparable.

>> Houston: What does that mean, exactly? More, less?

>> I think we might have more than some and less than others. If we took departments like our peer cities are usually fort Worth, San Antonio, some of those other, you know, peer cities in Texas. So, we are comparable to them. You know, about the same, maybe a little more, a little less in some cases.

[2:23:03 PM]

>> Houston: I'm still very concerned about taking the firefighter positions, as we are under consent decree. I'm concerned about the lack of fiscal accountability. I'm not -- you say it's going to be cost neutral, but in the next fiscal year, how much is that going to cost us to make these changes now? I still have some concerns, and I would support moving it to a committee.

>> Can I respond to the fiscal concern issue that you had? In this current fiscal year, those changes are actually cost negative in regard to our budget. In next fiscal year the additional cost would be about \$42,000.

>> Mayor Adler: Okay, Mr. Renteria.

>> Renteria: You mentioned it's going to delay some testings for the lieutenants and captains. Can you explain what kind of test you're facing, coming up?

>> I'd be happy to. I didn't say that it would delay the testing. What I did say is that it will delay promotions at this time. So, the lists that are currently in place, by law we have to promote off the list and go from whoever's number one down through the list in order to promote. We currently have lists in place, but they expire and they're time sensitive. They will be expiring, I think I mentioned the earliest one will expire on the 14th of April. So, when those lists are no longer in existence, we are in the process of establishing new lists. And that's done right now, by law, only through a written test. Through collective bargaining, it's possible the exams or processes will be just that. They may be a written test in combination with some type of assessment center.

[2:25:03 PM]

So we wouldn't be delaying our test.

>> Mayor Adler: Okay. Ms. Houston -- Mr. Renteria or Ms. Houston?

>> Go ahead.

>> Houston: I just have a question. Because we're under a consent decree, are the tests that you're referencing the same kinds of tests we're taking for firefighters, and does that create an unnecessary bias against minorities and women? I mean, are we doing the same thing over again in the test that we've already given to rank the people who are going to be elevated to the next level?

>> You know, I would -- I'm not sure that I can answer that question with any amount of expertise, but I would say that if the department of justice found that the written test that we gave to entry-level firefighters and the constructs that were required from that had adverse impact upon certain minority groups, then I would say that a written test that is pure written test, that ranks people from number one to however many people take that written test probably has the same disparity impact. That is the reason why, during negotiations, that we strive to find alternate ways of testing people for promotions, so that we don't have the disparity impact that a straight written test would have. Unfortunately, the state law right now, absent a collective bargaining agreement, requires us to give those promotional exams. We have a certain timeframe, 60 days, I believe, from the time the position becomes vacant, if you have a list to promote somebody into it. If you don't have a list, when we have a list established we have to promote the first one on the list to that position, and pay them the back pay from the time the position was vacant.

[2:27:04 PM]

And that's the state law. That's not a department rule or policy. So, we're really in a catch-22 position where the only way we can do a promotional process right now is by a straight written test.

>> Mayor Adler: Mr. Renteria. Okay, Mr. Casar. I'm sorry. Did you --

>> Renteria: I was going to make a motion to approve this amendment.

>> Mayor Adler: The motion to send it to a committee. There's been a motion to cut off the date, is that right? There's been a motion to send it to a committee. It's been seconded. That's what's in front of us right now.

>> Renteria: It's been seconded?

>> Mayor Adler: Yes.

>> Casar: Seconded by somebody else.

>> Renteria: I would like to make a substitute motion to go ahead and approve this item.

>> Mayor Adler: The thing to be would be to vote against the motion to send it to a committee. What we're discussing is whether we should send it to a committee.

>> Casar: I'm trying to recall the rules on substitutes or friendly amendments to the motion-maker's motion. My hope was that if, considering it would be pretty tight to get a public safety committee meeting in before the lists expire, perhaps, if what Mr. Zimmerman desires is more public input in a longer public hearing with other perspectives, I would make a substitute that we just hear it at the council meeting scheduled for the 9th, which would be before any of the lists expired.

>> Mayor Adler: Okay.

>> Casar: So, I don't know if I can make a friendly amendment to move to committee to instead postpone, or if that's a substitute, or how that works.

>> Mayor Adler: The problem with a friendly amendment is, at this point, it belongs to all of us as much as any one of us.

[2:29:05 PM]

It's not like one person can take it. I believe you should say you would prefer to have this matter postponed until the April 9th meeting. You can move to post upon it until the April 9th meeting. A motion to postpone would be in order. It's been moved to send -- postpone this matter, to come back to the council on April 9th, as opposed to sending it to a committee. Is there a second for the motion to postpone? Ms. Pool seconds that motion. Now we're discussing whether or not to call this back to the council on April 9th.

>> Okay.

>> Mayor Adler: Debate on that issue?

>> Houston: I would be willing to have it come back to the council in April, but I want to be really clear that the same problems we're having with entry-level firefighters are legacy in the list that you're going to be presenting to us, and because of that, I would feel like I won't be able to vote for it because of the historical issues that we're facing. And we'll just be continue that in this process. But I don't have a problem with it coming back in April.

>> Mayor Adler: So right now our council meetings are set on the 2nd and the 16th. We don't have one set right now on April 9th.

>> Casar: Oh, it says that on the website.

[ Laughing ]

>> Mayor Adler: On April 9th we have the open meeting symposium scheduled that day.

>> Casar: Right.

>> Mayor Adler: If we wanted to, we could convene the council for that purpose. It would create, obviously, logistic issues, but that would be available. Mr. Zimmerman.

>> Zimmerman: Thank you. I want to be recognized for one more question about the promotional list. I did an inquiry. Don't they routinely expire and have to be rebuilt?

[2:31:06 PM]

When you said it expires, the impression is, we have to do something right away, there'll never be another list. But the promotion lists, don't they routinely expire and then you recreate them again, and they last for a term, they expire, then you create another?

>> That's correct. I think I tried to explain they're expiring at a certain date, then the test is for another time certain date. But, it takes about -- once the test is taken, it takes about two months usually to establish that next list. The list expires one year from the date of the test.

>> Zimmerman: Terrific. Yeah. Terrific. The point being, the timing is pretty much perfect to have this discussion go into the budget cycle for the next fiscal year. That would line up perfectly. It would give us more time for the department of justice and the collective bargaining that's going on, we have the next



fiscal year discussion coming up when you bring in new people. The timing doesn't make any sense.

>> Mr. Mayor.

>> Mayor Adler: Hold on, Mr. Casar, your motion was to send it to April 9th, so we can stay focused for a second. Your question would be to send it to the 16th, or stay on the 9th.

>> Casar: I'm going to set a record-breaking two withdrawals of motions.

[ Laughing ]

>> Casar: I'll withdraw that.

>> Mayor Adler: Okay. There's been -- he wants to withdraw, is there any objection to him withdrawing the motion that was made and seconded?

>> I was just going to urge -- I'd be happy to second if you amend to April 16.

>> What's today?

>> Mayor Adler: The problem is -- what would be the logistical issue associated with us convening on the 9th? I know we have a meeting here. Could we move that to the board and commission room to handle, would we want to do that or no?

>> As a logistical matter, I apologize for butting in, the symposium is to capacity, we have this room and the board and commission room taken.

[2:33:14 PM]

Of course, you can meet at other city facilities if you look. If -- you like.

>> Casar: I had not heard the argument until Ms. Houston brought it up. I feel convinced we could have a more racially equitable promotional process. I would be interested in hearing it again, but also, perhaps -- so, if we had it on the 16th, the list would expire.

>> Mayor Adler: I think that's what it is. The cost associated with not having this timely is we have some firefighters that would have to retake a test they've already taken and passed, and it would be delayed by two months. Is that the gist?

>> I mean, primarily, that's correct. And we're going to administer those written tests anyway. So, councilmember Houston, I agree with you about the process that we are obligated by law to do it that way. Even if a collective bargaining agreement is reached in regard to our promotions, we will still have to go forward, by law, with the process that is currently scheduled to take place. So, we will still have to do those lists. I will still have to hire and promote from those lists, whether we come to a collective bargaining agreement on an alternate process or not. So, that won't change how those lists are established until the next process, the following year. So, it would be -- if the test is scheduled for, say, the fire specialist on may 1st, then may 1st of 2016 will the new process take place.

>> Mayor Adler: Am I correct that if this committee -- council wanted more time to look at this, because they're not ready to act, the impact would be that people would have to retake tests that they've already taken, and you'd be delayed two months?

[2:35:24 PM]

Are those the two impacts?

>> That's correct. We would have to redo tests. In regard to the two division chief positions, those would not take place. So subsequent trickle-down promotions wouldn't take place, either. And that division chief would have to have at least 90 days to establish a source list, which is a reading list, and post when the test would be. And then we'd give the -- administer the test, and then it take about two months to get through all of the process of after the written test.

>> Mayor Adler: On Wednesday the 8th? I'm asking if we could reconvene the council on Wednesday the 8th. Wednesday, April 8th.

>> Mayor.  
>> Mayor Adler: Yes.  
>> May I ask the chief a question?  
>> Mayor Adler: Yes.  
>> Chief, could you tell us, is there an issue with considering this on April 16th? I lost track of the different dates of deadlines, but I thought they were all outside of that date.  
>> I understand. I get confused. I have to keep looking at my list. And yes, the captain's list expires on the 14th of April, so I would not have a list to promote somebody from that captain's list to. If I don't have a captain to promote, I can't promote the lieutenant, and I can't promote the fire specialist.  
>> I see, so that date really is outside. I guess I would suggest to the council that we look towards some of the days where we already have policy work sessions between thousand and then, and -- now and then and see if we can craft some time and attach it to one of those days where we know we've already blocked out a significant portion of the day.

[2:37:26 PM]

I'm looking at my calendar now, and --  
>> Mr. Mayor.  
>> Mayor Adler: Yes.  
>> If we send it to the public safety committee, we would commit to have a meeting -- we could have a 72-hour notice of a public meeting whenever it fits with -- with the pse committee members.  
>> Mayor Adler: You could convene your committee, and call it to do that on your own. The question is, and it would be good to hear you would intend to do that, but, let's figure out if there's a date it can come back prior to the 16th. Do we have any more public policy? We have one on Monday the 30th, which I guess is next Monday. And after the 30th, when is the next one that we have? I'm sorry, I just don't have a calendar here.  
>> Mayor.  
>> Mayor Adler: Yes.  
>> Is there a reason why this can't come back next week, April 2nd?  
>> Mayor Adler: I'm sorry?  
>> I was just wondering if there was a reason why -- if there's an interest and will in postponing, why it couldn't come back next Thursday, April 2nd.  
>> Casar: Mayor, I don't remember if Ms. Pool had objected to my withdrawal, but I think she did. So, then I guess I can just amend the postponement in text Thursday.  
>> Mayor Adler: Next Thursday the 2nd. You could do that. We identified the 2nd and the 16th as the next two days. Any objection to putting it on the 2nd? I don't know that you're going to have time between now and next Thursday the 2nd to post a public hearing to consider this matter in committee.

[2:39:32 PM]

Because you need 72-hour posting for that, is that right? So, if you were going to try to do something on Wednesday, you could probably post it tomorrow and still hold something on Wednesday. But you're going to have to move almost that fast to get that done. Okay. So, the motion to postpone this to April 2nd is now pending. It's seconded. Any further discussion on the motion to postpone?  
>> Zimmerman: A question, Mr. Mayor.  
>> Mayor Adler: There was no further debate. All in favor, say aye.  
>> Aye.  
>> Mayor Adler: It's unanimous on the dais. We'll do that. We're postponed now until the 2nd.

>> Thank you.

>> Mayor Adler: Thank you.

>> And I'm very happy to work with the committee, the public safety committee, in any further clarification, any further information that you need. So, if you'll let us know as soon as possible, we'll get what you need. Thank you.

>> Zimmerman: Thank you very much. I would hope that pse, public safety committee, I hope we can do this Wednesday. But we'll look for a time that works.

>> Okay, thank you very much.

>> Mayor Adler: Thank you. That was item seven, is that right? No.

>> Yes.

>> Mayor Adler: That was seven? So, that then gets us to item number 10. I'm sorry?

[ Off mic ]

>> Mayor Adler: Okay, the computer is down. Why don't you come on up and talk? This matter has been postponed until --

>> Okay. Firefighter Campbell, with the Austin fire department. I enjoy working with my chief. Look forward to working with her every day. I'm here to speak against these two positions. It came -- the same issue came up in 2005, and the same set of circumstances were being dealt with then. One of them was the fiscal burden that this would put on the city.

[2:41:36 PM]

Right now, we're paying overtime all the time, and we're going to continue that with these two positions that they're adding. That's going to be two more positions they're going to pay overtime for. And these two positions were created. They're what the chief felt were necessary, and I don't disagree with her. But one of the things I do question is, if you're going to create those two positions, why not create three? If you create the third position, you're going to promote chief Lamon, another minority in the upper ranks of the fire department. In 2005, I sent you guys an email earlier. I sent you an article from 2005. One of the chiefs who is about to be promoted was against this very move you're about to make, or they were wanting to make. It is only -- it's not going to have any impact this year, but next year it's going to be \$40,000. A big deal. If you create that third person, it's going to be a bigger budget. But in 2005, what chef Kerr said was, it's important to have the right people in the right position. And the cost is a secondary item. So, if it was secondary then, if you're going to make the two, make the three. Don't leave chief Lamon to die at number one. Promote him, also. Diversify the upper ranks of the fire department. This is what we're having a problem with. When I came down here and I spoke in support of the consent decree, my thing I said to you all was, when these kids walk up to their fire department truck, they should see somebody that they can say, hey, I can do this job. I can be like them. The same thing when they walk into our command staff.

[2:43:40 PM]

Hey, there's somebody represented here from all over. I can do this job. And so, to really diversify the department, you're going to have to start at the bottom and bring more minorities into the department. And those positions will always be there for them to be promoted into, but even if you make those positions now and the lists expire, there's nothing preventing the guys from working a higher class, which means they get paid a larger amount for working the position at a higher rank. So, she may have a legitimate point. Look into it. Get all your facts. And consider promoting, if you're going to make two, make three so that you will have more diversity in the fire department. Those are my concerns there. Thank you.

>> Mayor Adler: Thank you. We have two other speakers that had signed up. Let's have them speak, as well. Mr. Peña, Gus Peña, is he here? And then also signed up is Larry, looks like, Larry Perez. Is anyone else? The computer is down. Is anyone else signed up for this item, number 7? Okay, thank you. This matter was referred to committee. That gets us, then, to item number 10. Item number 10 was pulled by Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. As I had kind of stated in the work session, I wanted the chance to look at the origin of this -- I guess it's kind of a used book store. I refer to it as potentially another -- a competitor for half price books. And so we tried to do some research into what got this thing started. So I wonder if there's anybody here from the library who can speak to it.

[2:45:43 PM]

It looked like the program, the market, the store, really was never established by council. What happened was there was a lease, right, that was approved. The city council approved a lease for some space. I don't think the issue of the city being in the business of being a book reseller or a book processor, I don't think that's come before council, correct?

>> That's correct. It was on the advice of the law department that it transition from being a volunteer mission, right, to sell our leftover and unused and weeded books, and at one point we were advised that we should probably tack that under staff administration. And you're correct, the council has weighed in on it twice previously, both in the way of approving the lease agreement and then approving of an extension. I believe the first was in 2007, and the extension was approved in 2012.

>> Zimmerman: Mr. Mayor, I wanted to make a motion that this item be referred to the audit and finance committee. I wanted to make that motion.

>> Mayor Adler: Is there a second on the motion to refer to committee? Ms. Gallo. Discussion? Ms. Gallo.

>> Gallo: I appreciate --

>> Mayor Adler: You need to turn --

>> Gallo: Thank you for -- we ask lots of questions on this. The issue of neighborhood libraries and their maintenance, and their operation hours, and the fact that a lot of the libraries are not open every day during the week days seems to be a concern to a lot of the neighborhoods.

[2:47:43 PM]

So when I first saw this -- and I am a big proponent of recycling and reuse of library materials, but I also know we have a lot of nonprofits in this community that do this already. And so what I was really interested in looking at is the Numbers on this particular project. And thank you for providing those. And what it looks like is each year, this particular program costs the citizens of Austin \$220,000 in loss, expenses over income. And my preference at this point, because we have other entities within the city of Austin that can do this function without a cost to the citizens of Austin, that we do send it to committee. And committee look at this. And this is not to say that you have not been doing a very worthwhile function, but I think we have other nonprofits that can do this. And I would prefer to use this money to address the issues of libraries in our neighborhoods and what we can do to make them better.

>> Mr. Mayor.

>> Mayor Adler: Yes, Ms. Pool.

>> Pool: I appreciate what my colleagues are saying, but I will not vote to support sending this to the audit and finance committee. I am on the audit and finance committee. I think that there are intrinsic benefits to this effort that the city has been engaged in for how many years, please?

>> Well, we have -- the book program has been officially in existence since 2005, I think. It goes back in

history. We've been trying to keep our book out of the landfill and getting them into the hands of the citizens for a very long time. It was just -- we were a much smaller city back then. And we did it with volunteers, and we had annual book sales. And like the rest of Austin, it's become a bigger operation. And so we've been doing this as a program since 2005.

[2:49:46 PM]

>> Pool: It may be that we are, in fact, saving money that would overwhelm the negative \$220,000 you're looking at because we have not factored into the savings with regard to hauling off and to the landfill, because there are tremendous costs involved in our expanding landfills. And we've been trying to reduce. It's a city-wide policy to try to reduce and re-purpose and reuse materials where we can. I think this is a really exceptional model for -- and a creative way to reuse materials. Is this, in fact, an award-winning program?

>> It is. It's interesting to be here today answering these questions, because we were just recognized by the library journal magazine as, in particular, our -- the person who operates the bookstore was recognized as one of the profession's movers and shakers. And what we've set up is not only an award-winning program, but one that's being copied by municipal libraries across the country. It is an incredible program. It shouldn't just be looked at as, I suppose, a used bookstore operation. It's much more than that. It fulfills a lot of community desires. I think sustainability is -- appealing to the majority of our community, and in keeping 14 times the material out of the landfill every year is a colossal effort which resource recovery would be glad to comment and second that motion for you. They consider us an important tangent to what their program is doing with recycling. It's probably one of the biggest things the city of Austin can brag about as far as our efforts to be green and our efforts towards sustainability.

[2:51:59 PM]

>> Pool: Mr. Mayor, I would just point out, and to the rest of my colleagues, as well, that when you have a program that is unlike anything else in most of the cities in the country, when you have a model program, it's easy to say, "Well, I've never heard of that before, and, therefore, it must not be a good program." But I would rather look at it the other way, the fact that our staff exercised innovation and creative thinking and looked at very real needs in our community and found a way to knit together a number of different policies of the city that we've supported for a very long time, and come one a program that is now a national model and has received national recognition. I think that our recycled reads and Mindy Reid and John and the rest of the city staff and the council for their foresight should be recognized rather than have this program be put under questioning that seems to have as its basis a question for its very existence. I strongly support this program, and would strongly oppose sending this to the audit and finance committee.

>> Troxclair: My original question was a question of real estate, and the cost-benefit analysis that goes into leasing versus buying project. We've been leasing this property since 2008, the lease renewal was a significant amount, \$1.2 million. So, my question was to city staff about what is -- at what point do we do a cost-benefit analysis, at what point do we make real estate decisions that lead us to a point of evaluating whether it's more beneficial to purchase property rather than lease property. That was what originally kind of got us here. It was indicated by staff that they were preparing a report to us on that topic that would be here within a month or so. So, I think it would be appropriate for us to have that conversation in the audit and finance committee and reconsider this in council after that.

[2:54:08 PM]

>> Mayor Adler: Ms. Tovo.

>> Tovo: Am I correct in understanding that the lease expires within a matter of several days?

>> It does. It expires at the end of the month.

>> Tovo: And, you know, we have audit and finance meeting on Wednesday, so it will be several weeks until we hear this again -- meet again, but, I would concur with my colleague, councilmember pool.

Yeah, I think recycled reads performs a great service to our community. I think it supplements the work of our library. It supplements the work of our Austin resource recovery. And I'll point out, it also does programming for the community, just as our libraries do. You know, next week there's a program on up-cycle. Next Saturday there's an all-ages story time. We have programming throughout the month, and it looks to me like there is a program at least every week. So, it is, like our library, serving a really important community function. I certainly don't want to do anything in terms of delaying the renewal to have that lease that might take away what is already a valuable community asset. There are lots of articles about recycled reads, and, you know, again one of the things that community impact talked about in their article, in 2013 was not just the value it brings in terms of diverting waste from our landfill, but also the programming, puppet shows, and crafting workshops and various other things. I am not going to support the motion to send it to a committee or to postpone. If it's appropriate to make a substitute motion, I'd be glad to do so. Otherwise, I'll vote against this one and make one at the appropriate time.

>> Mayor Adler: I think -- vote against it. There's been a motion to send this to committee, which is pending. Further discussion? I'm sorry.

>> Renteria: Can you explain the -- your lease policies here?

[2:56:12 PM]

I think I heard that you all have the option to get out of the lease every year. After a year. Is that correct?

>> Yes, that's true. Every year when you approve of our operating budget, you have the option to not approve the money for a lease agreement that we have in place. And we write that into our lease agreements that, should council take that action, the lease is null and void, essentially.

>> Renteria: So, mayor, I'm going to be supporting the lease agreement. I don't agree with sending it to a subcommittee.

>> Mayor Adler: Okay. The motion is pending. The motion to send to a committee. Ms. Houston.

>> Houston: Thank you for being here again. I've got a couple of concerns, and it's not about the value of what you all are doing. And it's -- I think you're doing a great job in trying to keep reading materials out of the landfill, and also reuse those so that people are able to purchase for reduced cost, or get for free. My concern is the seven-year lease, but I understand now that you can cancel that lease a year. And then I wonder why we're not looking for city-owned land where we could collocate with some other city development so that it would be less costly for us to lease. And I'm thinking, for example, that I learned at city council meeting a couple of weeks ago that the water resources commission is going to be moving out off of Johnny Morris road, and whether some of the campuses that are located on Rutherford lane are going -- administrative campuses will be moving out there. Have we ever thought about using some of that space that's already city land to house this program?

[2:58:19 PM]

>> Councilmember Houston, assistant city manager. I think those are excellent questions. And I think even with councilmember troxclair bringing up, in terms of the cost-benefit analysis of the lease, those

are all very much issues we want to address through our work that real estate, Elaine riser mentioned on Tuesday. This work that's going to come up in the next month or so, we're going to be employing some individuals that can help us assess, you know, these type of situations. The predicament from the library standpoint is we have money for a lease every year. What we don't have is the capital. So, in the case as you described, in those specific examples, when you entertain properties that are in enterprise funds, it's not a free piece of property to the general fund department like a library department. We have to acquire it, like anybody else would. So, it would necessitate acquisition costs, and then it would necessitate capital costs for building, if a building were not available or suitable. Which presents a challenge. And I think Mr. Gillam indicated, a source we look at is bond dollars. Those come up periodically, not every year. But, it is worthy of assessing that, and determining, because you're exactly right. If it's better for us to move into a city-owned building and not have to continue to pay the lease, but, that's the purpose of the work coming forward to better give us a situation. I think we're poised in such a way, if the council were to choose to approve the lease, we could move forward with the lease. Once the assessment is made, we can come back and not fulfill the full seven years and do it in a shorter period of time once we come up with a solution. If it's a piece of property that is already owned by the city, and we can identify the source of funds to be able to either retrofit or build a building, and I think those are certainly do-able solutions.

[3:00:27 PM]

But I think we have to work through that. But, even at that, it would take some time over a period of a few years for us to get there, even if you have all the pieces in place, you have a property, funding, it would still take time to get a building up to par to be able to do the service that is valuable to the community.

>> Houston: Just a quick question. Does -- do you come back to the council every year to renew the lease? Because otherwise, I'd make a motion to support it for a year. That would give people time to do the cost-benefit analysis, look at the property on Johnny Morris rode to see if you all could begin to share space, or how does that work?

>> Well, that would be up to the council's prerogative, but, I can commit to the record right now we would be happy to bring this lease to you back before the year is up, once that assessment is done within the next month or two. And we can identify some possibly options. I think we heard loud and clear on Tuesday that you want a specific focus on this particular issue, and we intend to follow through with that. We can commit to bringing this to council before the first year is up.

>> Houston: Okay, thank you.

>> Mayor Adler: Mr. Zimmerman, and then --

>> Zimmerman: Thank you, Mr. Mayor. Just a few hours ago, there was -- or should've been -- a lot of hand-wringing up here about people not being able to pay their electric bills. We are transferring somewhere in the ballpark of \$140 million from electricity pairs who can't afford their bills, and are falling into default. We have tens of millions of dollars of unpaid electric bills. Part of is, subsidized \$200,000 per year loss, coming from electricity, people who can't afford to pay their bills. And the reason I want the audit and finance committee to take a hard look at this is, we have private businesses right now.

[3:02:31 PM]

They are providing this service of taking books back in, recycling them, and reselling them. And they do it at a small profit and employ people. I can't understand why we're in this business at \$200,000 a year losses, getting piled on top of electric bills. I'm trying to connect some dots here and say, this is part of

the affordability problem. We have to subsidize the business, losing money on the back of people who can't pay their bills.

>> Mayor Adler: Ms. Gallo, then Ms. Pool.

>> Gallo: I wanted to make very clear that my comments were not to say that I disagree with the purpose. I think the purpose of what you have been doing is wonderful. I think you've done it amazingly well. But, in keeping this out of our landfill, obviously, that's a priority, also. The purpose of bringing this forward and wanting to look at more discussion is, I think at some point we need to look at collaboration with other entities in the city of Austin and other nonprofits that can help us do these functions, and help us do it at a savings, because we don't have an unlimited bucket to pay for everything we need to do in the city. We have more needs than money. So, I look at this as not that this purpose wasn't wonderful and you weren't doing a great job, but, could this money be better used somewhere else, and could we find nonprofits to step in and help complete this function that you've been doing? Over and over, we've all heard our neighborhood libraries need help. They need more money, they need more hours. And so, it doesn't -- it becomes a compromise of, we can't fund everything, so what are our priorities? And what I've been hearing is that people want to have neighborhood facilities that it doesn't take them getting on the road to travel across town to participate in something like this.

[3:04:33 PM]

But they want to do it locally. So I just wanted to be very clear in saying that it's not that I am opposed to what you're doing. I think it's wonderful, we need to keep it out of the landfill. But, it becomes a case of, do we do it at a single location, or spread out among the libraries.

>> Pool: I think what we're looking at here, and the reason why I oppose committee is the lease is expiring in a couple days. And then I would also mention the libraries have now been funded to be open seven days a week. Council was able to find \$500,000, I believe, last year, in order to return the libraries to that schedule. And I -- as I have mentioned on a number of occasions, I will be working to continue that to return to the scheduling that our libraries had entertained up until the last great recession, which was a few years ago. So -- and I chime in with councilmember Gallo on the -- on my interest in supporting the libraries being open, and intend to work on that. So -- and the last thing I would say is, I don't know what nonprofits we could partner with, but, maybe there are some. I think the point about the other groups that are out there is, they are profitable enterprises. It's a business that they have. And I think Mr. Gillam had spoke on to the fact that the city used volunteers for many years. This allows us to have some savings to the program if we're able to have staff there who can follow it.

>> Mayor Adler: So, this is what makes this vote difficult for me. I recognize that this council is doing things differently than councils have done in the past. There are questions that are coming up, and inquiries being made that haven't been made in the past. This item, like the item that we just had, came to a council where the timing is such that by asking additional questions or wanting additional information, we're effectively making a decision.

[3:06:41 PM]

And we don't want to make a decision, we want to have more information so that we can properly make the decision. It may very well be that everybody, or most of the people on this panel, ultimately decide, after the investigation, this is a great thing to do and go ahead and the lease is the right thing to do and enter into it, and we're committed to the seven years and no one looks back. What makes this hard is that because of the timing, we don't really have the opportunity to be able to do that without effectively making a pocket decision. I mean, do we know this landlord? Would this landlord, even though the lease



expires at the end of the month, would they give us two months? Do you think if we don't renew this by the end of the month, we're effectively closing down the library without having had the analysis as to whether or not we want to close down the service? Do you know at all?

>> I will attempt to answer some of those questions. And I understand the mayor's point of view about how this council is trying to conduct business. We have a very favorable relationship with the landlord. I think it's fair to say he considers us an anchor on this -- in this little shoppingcenter we're in. It's not owned by a corporation. It's owned by an individual. He probably inherited it from his parents and considers what we do to be in keeping with what he's trying to do with his little shopping center. We seem to be a good fit for the landlord. He seems to take very good care of us. We -- he takes very good care of his property. We are in an area of town that's known for what we do right now. I think you're probably aware of the area of Lamar and north loop.

[3:08:42 PM]

It's become, you know, a thriving area of small shops and reuse shops. And we're a good fit for the area. This is where our customers expect to find us. Unlike some of our branch libraries, there's adequate parking. And it's been a good partnership. They -- we sought the seven-year lease agreement because, I think as you're all aware, cost for retail space is skyrocketing because our city is the mostsuccessful city I can think of right now for growth, and so many people here want to open up businesses. We are a little nervous looking around us in the neighborhood and watching how things are growing, will we be able to stay there. Yes, this owner looks at us favorably right now. We thought it would be prudent to try to get a favorable rate of rent, as we have now, for an extended period of time. And that was our intention, and that's why we're here today asking for a seven-year lease agreement. The city council can negate this at any time during the annual budget process. At any time, you can vote specifically not to support this program. And we and the owner will resolve our accounting and we will close this store.

>> Mr. Mayor, I have a quick question with a technical answer. Most of the commercial leases -- I've signed some for commercial space. When the lease term expires, then it goes to month to month, unless one or other of the parties gives notice of moving. So I'm going to presume that you have not given them notice you're moving.

[3:10:47 PM]

Has the landlord said that you're going to be kicked out? What is the situation? What does the lease say right now?

>> I believe we shared that information with you. We will be on a day-to-day basis on the rent as soon as the current lease agreement expires. And essentially, it does become a month-to-month situation until the situation is resolved. I think the owner would look favorably upon us staying there, and staying in business until a new lease agreement could be agreed upon.

>> Zimmerman: In other words there is no urgency to get it done within a few days?

>> Safe to say, councilmember, that is not a problem. What is a problem is, if we're going to entertain anything beyond the expiration date, we have to come back because of the spending authority. Staff does not have the authority to go beyond what we were allowed to, or what is budgeted, which is through the end of the month. If it's two months, we need to come back for something to cover the two months as far as spending authority.

>> Mayor.

>> Mayor Adler: Ms. Houston.

>> Houston: I could go for a year. That gives the land owner some certainty about us being there. That gives staff time to figure out, get answers back to the questions that we posed, and look to see if there

are other resources that may be available, including nonprofits that may be able to help out. So, I think a year's lease would help give us all some time to breathe.

>> Mayor Adler: Okay. You would then vote against the motion to postpone to committee at this point? What's pending on the -- no, that's okay. I mean, it's good debate and discussion. You would then vote against the postponement. Is there any further debate on this?

[3:12:47 PM]

Ms. Gallo.

>> Gallo: I'm going to get lost in the rules here. I would support a term of a year, but I would hope that within that term it could go to committee for further review.

>> Mayor Adler: So, my understanding is that if the lease -- if we approve this, then we could back out of it at the end of the first year, so it would effectively be that. We could change the terms of the lease and say, don't even enter into a lease that says eight years, even though we could back out after one year. My understanding is what's being proposed is effectively a one-year lease, because we can back out. And if there was a decision to move forward with this lease, then I would refer the matter to the audit and finance committee to take a look, or whatever the appropriate committee is to take a look at this program and to see whether we should continue, as well as taking a look at the lease itself, as to whether or not there were better locations or collocations, or we should be buying a location, or that issue, as well. What's on the floor is the motion to send this matter to committee. Is there any further debate on that?

>> I called a question on that motion.

>> Mayor Adler: You do that every time. There's no further debate, you don't need to do it. Hear no further debate, a vote. All in favor of sending this to a committee, raise your hand. Those opposed, raise your hand. The vote is 6-3. The six people are tovo, pool, me, Renteria, Houston and Casar. The votes to the committee, remaining on the dais with the exception of Ms. Kitchen, who is off the dais. We are now debating the motion to approve the lease. Any further or further further discussion on that?ms. Pool.

>> Pool: Move to approve.

>> Mayor Adler: Is there a second?

[3:14:48 PM]

>> Houston: Second.

>> Mayor Adler: Any debate on approving the lease? Ms. Houston.

>> Houston: Yes, again, I move to approve the lease. Councilmember pool, with the caveat that it be reviewed in a year, and that we look for other options that will be able to house Austin library recycling.

>> Mayor Adler: Okay. The motion is to approve it with the understanding that we review it within the year. And during the course of that time, both the committee as well as staff would take a look at the questions that have been raised on the

[3:17:31 PM]

>> Pool: I would reiterate, the longer-term rates may be better. He indicated we will have a date certain to re- convene the discussion. I would not support that amendment.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I have a point of information. I see we originally entered into the agreement in 2008 and renewed in 2012. Can you tell us the cost of the lease during those years? It seems -- this is an amount of up to 1.15 million for 84 month, seven years, coming out to \$14,000 a month. I'm trying to

understand if our rent has significantly increased.

>> I don't have all the information on the past lease agreements with me. We don't have an agreement on the table right now for a one-year lease agreement with the owners. So, that's something we will have to go back and debate, negotiate, and it's rational to believe that the rental rate for a one-year lease agreement is going to be higher than for a long-term lease agreement. I have some information. This is on the -- I think the previous lease agreement. We started out with a cost of \$8,007.58 per month, and at the end of year five, we are at \$8,647.17 per month. So, there's incremental increases to the monthly rate, typical of what everybody expects in our city today. It does

[3:19:33 PM]

>> So you said 8,007 a month and after five years it was 8,600 and now we're at 14,000?

>> I believe that's a 4% increase each year. Yes. And I'm not a real estate expert. I'm a library expert. If you really want to get into the nitty-gritty of the lease agreement I may have to ask our real estate records speak to you.

>> Troxclair: Can I ask you to repeat the information you just said? I think the said the first one was for \$8,700 a month?

>> Yes, \$7,716.50 was our first rental rate for the first year we were there.

>> Troxclair: By year five you said it was.

>> Troxclair: So now we're jump to go \$14,000 a month?

>> Yes.

>> Troxclair: Okay.

>> Mayor Adler: Mr. Renter.

>> Renteria: I call the question, mayor.

>> Mayor Adler: Any further debate? There's been a motion to cut debate. All those in favor raise your hands. Those opposed. Debate is ended. We'll now vote on the amendment which is to change the lease duration from seven years to one year. All in favor of the amendment change from seven years to one year raise your hand. Those opposed? I think that was five to five so I think the vote was tovo, pool, Adler, renter and Casar, the others voting yet with Ann kitchen off the dais so the motion fails. The amendment fails. We are now considering still entering into the seven-year lease. Further debate, Ms. Tovo.

>> Tovo: I just wanted to suggest if there is an interest in referring this to the audit and finance committee we could put it on a relatively soon agenda while this issue is kind of fresh in our heads and remember the range of questions about it and that -- so that would ensure that it gets discussed within this term.

[3:21:51 PM]

>> Mayor Adler: Okay. Any further discussion on the motion to approve the lease? Hearing none, all in favor of approving the lease raise your hand. Those -- so the ayes are tovo, Poole, Garza, me, Renteria and Casar. Those opposed? Remaining on the dais with the exception of Ms. Kitchen, who is not on the dais. So we've approved the lease. We'll now move to the next item. We're also going to send to the audit and finance committee this question to take a look at whether or not there are other service providers that might be able to provide this service, whether we can assist nonprofits in taking over the effort, and also including whether there's different or better opportunities for the location, colocations buying another property or other such opportunities. We'll now continue with the next item after number 10, which is item number 14. Item number 14, was that -- was that the presentation by staff? Was that --

>> Tovo: Mayor, I'm sorry. I'm having difficulty hearing you. I believe item 13 was pulled as well, the sky bridge.

>> 13 was pulled as well?

>> Mayor Adler: 13 was pulled? Okay. Just wasn't on my list. I'm sorry.

>> Tovo: I'm sorry.

>> Mayor Adler: That's okay. Then item number 13.

>> Thank you.

>> Tovo: I pulled this item because I did have some questions for staff.

>> Mayor Adler: You pulled it got you. Thank you.

>> Mayor Adler: We also have three speakers for this as well.

[3:23:58 PM]

So you want to start with the speakers first before we introduce it? Okay, the first speaker is, on number 13, Richard Dugan. Is Steven Hill here? Steven Hill here? Thank you. Is David here? Thank you, David. Is Joseph L. There? All right, you have 12 minutes, Mr. Dugan.

>> I'll start the visual. Mayor, members of the council my name is Rick Dugan at 405 North Lamar. I've been working on Shoal Creek walk for approximately 15 years. During that time we've worked extensively with staff. We've submitted for and received the following entitlements. Two site development permits, one in 2000, one in 2007, both of which have expired, an additional site development permit in 2013, currently in place, the two latter site permits have both included the pedestrian bridge that we're talking about now as part of the encroachment agreement. We've also been granted two floodplain variances one by council action in 2007 and one administratively in 2013, both of which have expired, and both of which had pedestrian bridge as part of the approval. We also have a third administrative floodplain issued in 2013 currently valid, in place, it too includes the pedestrian bridge.

[3:26:04 PM]

The first floodplain variance was granted in 2006 by council action because we were rechannelizing the creek and had some technical compliance on compensation for loss of floodplain storage. Until late 2013 or early 2014 a license agreement would have all that was required for the pedestrian bridge that we're now looking at. We would not have to have come before council for that. However, at this time, due to a change in city policy, we are required to obtain an encroachment agreement which requires council action because although the encroachment agreement is effectively like a license agreement, it is irrevocable where a license agreement is revocable. Our project is completely surrounded by flood waters. It is a uniform building code requirement that we have a means of safe access and egress in the event of both a 100-year flood event and an on-site medical or fire emergency. The requirement for the pedestrian bridge is a life-safety issue. In order to provide this code required access for the protection of occupants, we are fortunate in that we are able to connect across Buoy Street to a property that we also own. The principal will terminate at the plaza level of the existing Whole Foods store. The sole purpose of the bridge is for first responder access and emergency exiting from the site if the site should be surrounded by flood waters. We understand that elevated walkways may conflict with ideal urban design. With the primary concern being the typical elevated pedestrian connections between buildings diminish the pedestrian network at the sidewalk level. However, in this case, with the use is strictly for emergency access, it will not detract from normal pedestrian traffic between the buildings.

[3:28:17 PM]

We believe that the light weight streamline character of the bridge will have a minimal impact on the sight lines and overall great street environment. As you're aware from the packet of information we have we appeared before planning commission several weeks ago, had a unanimous vote of approval do recommend approval to council and the commission was fully aware of the bridge as part of this encroachment agreement. At the time we were asked what would happen if the encroachment agreement were not approved. The short answer is we don't know. Frankly, it never occurred to us that a life-safety issue would be denied by any authority having jurisdiction in this matter. We're not sure it would be allowed or recommended by city legal either. It is before council now because it involves the irrevocable right to a volume of space an an air right over a city right-of-way. It has been in our entitlements, included in our entitlements, for over eight years. The first site plan permit did not have this bridge, the one in 2000, which expired. It covered the entirety of buoy street from fifth to sixth street. This bridge is a nominal 8-foot wide crossing from the whole foods building building to our proposed project. To make this brief, inclusion of the bridge in our project was not our decision. It is mandated by code for the protection of individuals on the site in the unlikely confluence of both a 100-year flood event at the same moment as a life-threatening emergency. It is a minimal intrusion into the design fabric of the market district.

[3:30:21 PM]

It will not diminish the great streets environment. It is important to our project in order for us to obtain a building permit, which in its current state of second response having been submitted in late September, is now, we believe, due to be issued within the next 30 days. We have explored alternatives with the building officials and with fire department personnel, and we have concluded that this \$400,000 bridge is the only answer that satisfies the code requirement. Additionally, we have already paid a \$23,000 appraised value for the air rights. There's no cost to the city for this bridge. It has been approved by planning. It has been our entitlements since 2006. We respectfully request that approval be granted for this volume of space by you via an encroachment agreement above the right-of-way and we are hopeful that such approval will not be subject to issues other than fire and light safety. We stand ready to answer further questions. I have a lot more to go over but in the interest of economy, I thought I would leave it at that. Thank you.

>> Mayor Adler: Thank you. Ms. Tovo. You pulled it. She defers to you, Mr. Renteria, you want to go?

>> Renteria: I just want to move to approve --

>> Mayor Adler: It's been moved to approved. It's been seconded. We're now in debate. Discussion? Ms. Tovo.

>> Tovo: Now I have to ask my questions. I'd like to get back to a couple of the things you talked about. You said it was in your entitlements since 2006 but I thought I also understood those site plans had expired.

>> The 2006 site plan did expire. We have another one now in 2013. It has the bridge. Similarly, we had two prior floodplain variances which also included the bridge after working extensively with staff.

[3:32:28 PM]

They both expired. We now have a new 2014ish floodplain variance. It too includes the bridge. So it has been in entitlements -- entitlements regrettably expire, all the entitlements save and accept for the one in 2000, which had a much broader bridge, we've had the bridge in there after working with staff to get it there.

>> Tovo: But you did not have the entitlement for the bridge in any -- if you had the entitlement for the

bridge you wouldn't be here today. So that's -- I'm not sure that -- I understand the point you're making, but if you had the entitlement for a bridge we wouldn't be deliberating on it here.

>> I would agree that at this moment in time that's absolutely correct. A little over a year ago we would have been working with city legal department for a license agreement instead of an encroachment agreement. The irrevocable nature of the license agreement, as I understand it, the irrevocable nature of that encroachment agreement requires council action.

>> Tovo: Right, the reason for moving from license agreements to encroachment agreements because if we're doing a license agreement for something that we'll never be able to ask you to take down, then it really isn't a license agreement. So you talked about exploring other options and asserted there are no other options other than the sky bridge. I wonder if you can tell us a little bit about some of the other options you explored.

>> We worked with Carl Reenmenard when Carl was the head for the fire department and we looked at could you bring a hook and ladder style truck into the water, extend the ladder to a dry platform and use that as the access. We looked at a catwalk like draw bridge that would drop off the side of the building, cross buoy street and land on the whole foods exterior sidewalk, and while both of those might physically accomplish the distance, in the first instance it put the truck in 3-foot of water and they determined they couldn't drive it.

[3:34:37 PM]

In the second instance the catwalk landed in a foot and a half of water, which is unacceptable. Since 2000, the level of the floodplain has risen by approximately 4 feet, and every site plan, every floodplain variance we've adjusted the building pad elevation, that odd-shaped piece in the center of this plan, to lift it out of the floodplain by, in this instance, 2.1 feet -- 2.07 feet. That shape is uniquely defined by flood waters, both expanding around the building and contracting around our building. We looked at those two. You can see that the water goes both up sixth street and up fifth street, into the loading dock at the whole foods building. So we discarded those options. We also looked at an amphibious fire fighting truck, \$400,000 piece of equipment available only in South Korea, not anywhere in the United States at the moment, and it was deemed at that while that conceptually might be a workable answer, because of the lack of experience, lack of ability to maintain service, that it too would not be a good answer here. So we believe that -- we have no other -- looking at a bridge in another direction, we can't go anywhere else. We can't go across to huts, can't go across to city lofts. If you look at the monarch building they have a bridge with the new floodplain elevation, both points of that bridge are currently in water. The answer is to lift it up 30 feet above the street.

>> Tovo: Tell me who deemed the amphibious vehicle was not appropriate? Was that staff or was that the developers.

>> It was staff.

[3:36:38 PM]

Work with Carl Reenard and Ron Menard.

>> Tovo: I appreciate that additional information. I would like to ask our staff a similar question. And that's our staff from our floodplain. Mr. S.

>> Thank you, Kevin Shunk, watershed protection department. So your question was whether the amphibious building would be appropriate.

>> Tovo: No, do you feel this applicant -- are there other options out there to provide safe access that have not yet been explored that could be considered?

>> With the property completely being surrounded by the floodplain, we see this quite often, it makes it

extremely difficult to find options for safe access and this option that is presented as part of the site plan meets the safe access. And so I can't think of any other solution that they could do to meet the safe access rule.

>> Tovo: I appreciate that. But since you -- since we discussed it, why don't you tell us why the amphibious vehicle was ruled out.

>> The safe access rule in the floodplain regulations state you have to build a walk from the building to a point on the right-of-way all at an elevation 1 foot above the floodplain. While the building is 2.2 feet above the floodplain, the vehicle wouldn't provide a access designated access that's all elevated.

>> Tovo: Got it. So as I understand it and as Mr. Dugan explained, this will not be -- this bridge will not be accessible to pedestrians, only accessible to emergency personnel; is that correct?

>> I would have to defer.

>> Tovo: Thanks. I'll ask that question of --

>> The intent is --

>> Tovo: Mr. Dugan.

>> The intent of the bridge is that it will solely be used in the event of an emergency where the locking mechanisms will be had a fail-safe, if it goes into an alarm it will open or there will be a no Xbox, you may be fax with them, the size of an iPhone 6 in which fire department personnel have access to the keys inside which open the gate.

[3:39:01 PM]

>> Tovo: Thank you. I appreciate that additional information. You know there certainly have been concerns in the past about sky bridges and it is not something that's encouraged by, as you mentioned, some of our principals of urban design. It's been a concern and that was succeed in constructing the downtown plan. It does impact our pedestrian experience. I understand pedestrians won't be taking it so we're not going to be seeing people walking on the bridge rather than on our streetscape but there are aesthetic conditions that give me pause. I'm persuaded that there aren't other options and of course we want to provide safe access. So I will be supporting the motion. I appreciate the additional information.

>> Mayor Adler: Any further debate on item 13? All in favor of item 13 please raise your hand. Those opposed. It's unanimous on the dais, exception of Ms. Kitchen, who is off the dais. Thank you. That then takes us to the next pulled item, which I think is number 14.

>> Thank you, mayor. Sara Hensley, director of parks and recreation, very quick one, not a presentation. Just wanted to share with you city code section 14-1-34 speaks to the procedure for the naming or renaming of a city facility. This process allows for a 90-day period where the public could send in names to recommend or rename a facility or a building. The parks and recreation department did receive two recommendations in the naming of the onion creek greenbelt which would be the renaming. Following receipt and review of these applications the department in accordance with city code presented this to the parks and recreation board, first it went through the land facilities and programs committee and then on to the parks and recreation board, both voted unanimously to recommend that city council not rename this park. Staff recommendation is also in concurrence with that.

[3:41:02 PM]

If council prefers to rename this park then a motion to approve the resolution, included in your backup material, along with the name you'd like to provide, would be approved by council. If you agree with the parks and recreation board not to rename this park, then a motion to either not rename it or action to rename or to remain as the onion creek greenbelt would be sufficient. Thank you.

>> Mayor Adler: Is there a motion related to the naming of this park?

>> Sure.

>> Mayor Adler: If there's no motion we would just move on and it wouldn't be renamed? Would that be the effect of no motion? Do we have to have a motion to act?

>> No action would retain it. No action will retain the current name or you could choose to rename.

>> Mayor Adler: No action would retain the current name. Is there a motion to change the name of the park?

>> Zimmerman: I was going to make a motion to table the item that effectively makes it go away too, right, motion to table.

>> Mayor Adler: That would also do that. There's been a motion to table. Is there a second? No second can be there's a second. Any debate? Motion to table, all in favor -- Ms. Garza.

>> Garza: I was going to make the motion to leave it as is.

>> Mayor Adler: I think all these are effectively doing the same thing.

>> Garza: Okay tabling it means it stays as is.

>> Mayor Adler: Effectively not renaming or -- not renaming the park.

>> Garza: Sure as a matter of discussion can I discuss that first motion?

>> Mayor Adler: Right. What's pending now is the motion to table it, which means we're not going to deal with it, we're going to set it aside.

>> Garza: All right I think that's the right course to take. This is in district 2. I haven't heard from any community members about this. I think there's currently a cemetery named after one of the recommendations so that's why I wouldn't want that. I haven't heard anything from district 2 about the desire to rename this so I would support that motion.

[3:43:04 PM]

>> Mayor Adler: Okay. Any further debate? Hearing none, all in favor of tabling, raise your hand. Those opposed. All voted yes with the exception of councilmember kitchen is off the dais. The motion is tabled. The park is not renamed at this time. This gets us to now item 15. Item number 15 was something approved on the consent agenda so one of the folks voting in favor of it, Ms. Tovo, has offered a motion to reconsider the vote on item number 15. Is there a second to the motion to reconsider the vote -- approval of item number 15? There's a second. Mispool, you want to discuss it?

>> Pool: Thank you very much. Did we pass this on consent? This is the ordinance extending our hours for concrete pouring? Because the ordinance expires on March 31 the provisions that are in it will expire as well and there will be a gap until what we pass today taking effect. So we have the option of passing it so it takes effect immediately so if the vote to reconsider is supported, then I would follow that up with a motion to pass this on emergency passage so that it takes effect immediately and then there won't be a gap with those hours. What would happen is that basically it will convert back to a much more permissive concrete pouring schedule and, as I understand it, the stakeholders who have been working on this issue are all in agreement, that what is in place should stay in place until that stakeholder process has been concluded.

>> Mayor Adler: By virtue of the action that was already earlier taken [lapse in audio] Take place ten days. By coming back and amending it, saying it's an emergency situation, it would be effective immediately and there wouldn't be that gap of the five days as we entered at the end of March until April 5.

[3:45:11 PM]

There's been a motion -- Ms. Houston?



>> Houston: Yes. Mayor pro tem tovo, I must have been reading this wrong because it says the proposed ordinance would extend the expiration of the existing ordinance until June 30. So that's why I voted for it, because that meant there was no gap. It would be extended.

>> Mayor Adler: The gap comes between April 1 and ten days from today. But you voted on approve the extension.

>> Houston: Right.

>> Mayor Adler: Doesn't take place for ten days because ordinances that we pass have a ten-day waiting period. What Ms. Tovo is doing is saying let's not wait the ten days, let's make it effective now so there's no gap in the first week of April when we would actually retreat back to yet another set of rules. There's been a motion to reconsider. Is there any objection to that? Hearing none, that's granted. We'll now revote on item number 15, if there's no debate, also declaring an emergency item so it can take place immediately. All those in favor raise your hand. Those opposed. It passes unanimously to extend that. We now move to the next --

>> Houston: Mayor? May I ask a question?

>> Mayor Adler: Me, Ms. Houston.

>> Houston: On the backup, on the agenda, shouldn't it have said this should be passed on an emergency? So it could be clear?

>> Mayor Adler: Yes. And we'll take that kind of guidance if you can give that to us, that would be helpful. Okay? We're now passed item 15 and that gets us to item number 18. 18 was pulled by Mr. Casar.

>> Casar: Yes, mayor, it was, I believe, just yesterday I received answers to some questions that were important to my office, and I know to others, about this contract.

[3:47:16 PM]

Staff estimated it would require about 50 full-time employees to do this work in house and then those employees would be treated with the same level of respective benefits as the rest of the folks that clean and maintain our buildings. We were assured that the contractor would provide healthcare and a decent wage to their full-time employees and so we asked how many of the workers would be full-time. And staff has come back with the answer, the contractor would only have five full-time employees, with the other 50 being weekend and part-time employees. So I am very interested in fixing this on a policy level. I want to make sure that our in-house employees are competitive and that full-time employment is competitive at the city rather than encourage part-timing of workers, which results in the loss of healthcare and other benefits for the people that do such hard work to keep the city going. And so I don't want to get in trouble by making a motion now after I've talked so I imagine others will do so. But I am -- I don't want to hold up the process, but this is a very long-term contract with offers of extensions, and so I'm interested in not passing this contract until we have to and then perhaps in economic opportunity taking up the issue of perhaps shortening this contract to -- you know, to maybe a year so that we can then deal with the greater policy issue, still, you know, not interfere with the operations of the water utility but hopefully deal with this on a policy level so that by the time this contract expires shortly we can hopefully address the fact that essentially what we're doing under current policy it seems is encouraging, instead of having 50 full-time workers, you know, dozens and dozens of part-time workers with healthcare and the kind of benefits we think are a minimum standard here at the city.

[3:49:19 PM]

>> Mayor Adler: Is there someone from staff that can talk to us about the impact of shortening this contract or having a committee look at it before we enter.

>> Houston: It?

>> Mayor, councilmembers, James G., purchasing. The solicitation was conducted an an ifb so the innovation for bids. So under that procurement process, the terms and conditions of the contemplated contract were included with the documents that went out to the offers. So the pricing that was received from the business community or from the offers was with the understanding that the initial term of the contract would be for two years. So we would be in a position to have to examine whether or not we could change that term of the contract from a one year -- from a two year to a one year to accommodate the recommendation. We have, as a matter of Normal course, fiscal funding provisions in our contract so that if the contract is not authorized in terms of the funding, then we can depart the contract if necessary, but just so you're aware, the contract did -- excuse me, the terms of the contract that went out with the solicitation did include for a 2-year initial term.

>> Mayor Adler: You unlike the real estate contracts there's not a provision in our contracts that give us the right to end it after a year?

>> There is a provision. Just so you're aware the offers may have made the assumption that if the contract is awarded, that they would have a 2-year term but there is a provision in the contract that will allow for a conclusion if the city wished to depart it, yes.

>> Mayor Adler: Is there a penalty associated with the city?

>> Not to my knowledge.

>> Mayor Adler: Further discussion? Miss kitchen?

>> Kitchen: You may have said this and I didn't quite hear it. What are the consequences of delaying any action on it? What's your time line for having to have this approved?

[3:51:20 PM]

>> Mayor, councilmembers, the current contract expires April 30. We do actually have extensions available in the current contract. One of the rationale for going back to the market was when we attempted to extend the contract, the contract proposed a significant price increase. So staff determined it best to go back out to the market to see if we could secure more favorable pricing. As a result, we did secure more favorable pricing with the proposed contract. Although it is an increase, it's less than what would be contemplated under the extension of the current contract. So if we needed to extend, we could. It would just be with additional cost.

>> Kitchen: And I also want to confirm, I think you already confirmed this, councilmember Casar, but just so I understand, on this contract the only workers that would have health insurance coverage would be the, was it five permanent workers and the rest of them would not? And our request forbid did not require them to have health coverage is that correct?

>> It's correct that the invitation forbid did not stipulate healthcare benefits to the employees, no.

>> Kitchen: Okay.

>> To our understanding from the offer, that was correct with regard to the number of full-time employees and their eligibility for benefits.

>> Kitchen: Okay.

>> I have a question for you as well.

>> Sure.

>> Tovo: With regard to the answer that you provided on -- through the q&a process, it talks about the benefits being available to full-time employees. Are those made available at a cost or are those provided as part of their benefits?

>> Mayor, councilmembers, I'm not -- I would have to research that for you. I'm not aware of it at this time.

>> Tovo: Okay. Thank you.

[3:53:21 PM]

>> Sure. I'll just say, though, I have the floor and should turn it over so I can make this point. You know, this is an on going question for the city and we encountered this with a custodial contract for Austin energy as well so I'm very supportive of looking at it more closely. I believe as a city we should be a model employer and should make sure that the people staffing -- who are working to support the city's functions are paid and compensated fairly. My question -- my last question would be have you talked with the electric utility about joining -- about whether there's an opportunity to hire full-time staff instead of doing contracts? And since they're in a similar situation of using -- of outsourcing that rather than having full-time staff?

>> Mayor, councilmembers, to my knowledge, that conversation has not happened, not as -- in association with this particular procurement. I know that that was contemplated a couple years ago, when there was a larger review of all of our service contracts and the extent to which those could be end sourced but for this particular one I'm not aware that that had happened.

>> Tovo: Thank you.

>> Casar: I'd like to make a motion that we postpone this until our meeting on the 23rd.

>> Renteria: I'll second it. Delete was a motion by councilmember Casar, seconded by councilmember kitchen to postpone this until the April 23 council meeting. Is there a discussion about the motion? Okay, all those in favor, please signal by raising your hand. And that is unanimous on the dais with mayor Adler off the dais.

[3:55:28 PM]

Okay. I believe the next item we have is item 22. And I believe my speaker system is down still. Do we have any citizens signed up to speak on item 22? Okay. Councilmembers Gallo, this was an item pulled by you for questions.

>> Gallo: Yes, I did have some questions. Also, just to have a little bit of dialogue with audit and finance to determine the preference of the committee as far as getting some items like this going through the committee process first before it comes to us. And the questions that I had was, number one, what is the fleet fuel support program? And then, second, I think there was some discussion in one of the answers, and thank you for your answers, about when we have something like this, why our audit department doesn't assist us in formulating the type of information you're looking for. So thank you.

>> Hi. I'm Jennifer walls, deputy fleet officer. Good afternoon. Our fleet fuel program is responsible for the management of 40 different city-owned fuel sites. We dispense approximately -- little bit over 5 million gallons of fuel a year. This contract is -- the current infrastructure that we do have, over 50% of the sites are 30-plus years old. So this assessment is designed to have a subject matter expert come in and look at those sites that have aged where -- because the estimated life on that type of equipment is anywhere between 30 and 50 years. So we're kind of creeping into an area where we may have structural integrity problems. So I guess audit could speak to why they don't address these kind of issues, but from an operational standpoint, this is where our fire trucks, our police, our ems fuel their vehicles, from an operational standpoint, we are being proactive about taking care of any issues that might arise out of that situation.

[3:57:39 PM]

>> Gallo: Thank you. I was trying to understand the process here. So the question, too, would be are they inspected on an annual basis? Do you have the expertise in-house? I think that was the bottom line

question, do you have the expertise in-house to be able to do this verse versus looking for outside consult absolutes to do it.

>> As for the structural integrity of the tanks that have aged, no, window not have it in-house. I don't believe any city department does. The expertise that we do have in-house is on the operational side. We do regular maintenance of the fuel site but it's kind of more a level of just looking at the equipment, making sure it's operating correctly, but no, deep, deep dive into the asset itself.

>> Gallo: All right. Thank you.

>> Tovo: Council, other questions on this item or a motion? Councilmember troxclair.

>> Troxclair: To councilmember Gallo's point, I do think it would be good for us to have a conversation at some point about what kinds of purchasing items will go through the audit and finance committee so that we can do that first before they come to council and then we don't have to have the conversation about referring it to committee and having them come back. I know there are numerous, numerous items and I don't know that all of them need to go there, but I hope that we can have a discussion about that at some point.

>> Tovo: Thank you. Other questions discussion? A motion? Councilmember Casar moves approval, councilmember Renteria seconds it. All in favor? That is everyone -- everyone is --

>> Zimmerman: I'm opposed.

>> Tovo: All opposed. Councilmember Zimmerman is opposed, mayor Adler is off the dais.

[3:59:39 PM]

Everyone else voted in favor.

>> Thank you.

>> Tovo: Our next item is item 26. This also was pulled by councilmember Gallo. And we do not have any speakers signed up. Councilmember Gallo.

>> Gallo: We can look at 26 and 27 together because I think they're somewhat related. That really is the sameway question. This is a huge dollar amount we're being asked to consider and I would certainly make the recommendation, I'd be happy to make the motion, that this go to the audit and finance committee for review before a contract of this dollar amount comes banning to the full council.

>> Zimmerman: I'll second that motion, mayor pro tem, send it to committee.

>> Tovo: Councilmember Gallo moves -- I think we need to take these up one at a time. So you move that item 26 be sent to committee? Councilmember Zimmerman seconded that item. Any discussion? I have a question for the relevant staff member. If we could hear something about the impact of a delay, it would depend on -- I assume it would probably go to audit and finance but we would need to ascertain that. And I believe audit and finance will not meet again until the end of app. April. Could you help us understand what a delay would mean in terms of this contract and why don't you speak to 27 as well.

>> 27 as well? Mayor pro tem, the current industrial supplies contract with grainger expires March 31. So we do have other industrial supplies contracts, but the majority of the operational reliance that the major infrastructure departments consume against the grainger contract. So we'll have to investigate the possibility of going ton a short term contract, if that's possible.

[4:01:45 PM]

Item 26 is actually an interlocal agreement between the city of Austin and national joint powers purchasing alliance, which is not an expenditure agreement between us and another cooperative association. That agreement simply allows us to access their contracts, which is the item 27. While there may be some consequences as a result of extending the item and us having to find a way to create a

bridge contract between April 1 and whenever the item is authorized at some point, there are no consequences associated with delaying authorization of item 26.

>> Tovo: I'm sorry, I'm not sure I understand that answer. I thought I saw in the q&a that there were concerns about delaying authorization of 26. Anyway, could you help me summarize? One is an interlocal that allows us to purchase together and those are relatively routine and we can certainly talk about it, why we do that, at audit and finance. If it does go to audit and finance I would need help from my colleagues knowing exactly what questions they'd like to us hone in on.

>> Sure.

>> Tovo: With regard to the first one, though, that actually it sounds like our authorization -- the city's authorization will expire and you'll need to cast about for other kinds of authorization to allow you to purchase the items we need to keep the city functioning.

>> Right.

>> Tovo: Could you help me understand the delay there?

>> We don't currently have an agreement with national joint powers alliance. So we just need that interlocal agreement in place so that we can then enter into a commercial contract with one of their contractors, which is grainger. So there are no consequences, necessarily, of not having the contract in place with the association under item 26. However, we do need it so that we can access the commercial contract that will be available under item 27.

[4:03:47 PM]

So they're inherently related. We couldn't do one without the other.

>> Tovo: Can I ask a subsequent question? So are you saying that with item 27 there would be an impact of a delay?

>> Correct.

>> Tovo: And while there wouldn't be a direct impact of item 26, you need 26 to be able to do 27?

>> Correct.

>> Tovo: But if we wait a month to make a decision about 27, you would be --

>> Correct.

>> Tovo: -- Hampered in your ability to purchase the items you need?

>> Yes, ma'am.

>> Tovo: Okay. I appreciate that. Thank you. That concerns me.

>> Further discussion?

>> Zimmerman: For point of order, I think there was a motion to send item 26 to committee so do we want to withdraw that or change that? Trying to figure out where we are?

>> Gallo: I would agree to withdraw that.

>> Zimmerman: I would too withdraw the motion.

>> Gallo: 26.

>> Zimmerman: Send it to committee for item 26.

>> Mayor Adler: So there's no motion on the floor?

>> Zimmerman: That's right.

>> Mayor Adler: Is there a motion to approve item 26?

>> Gallo: Moved.

>> Mayor Adler: Administrator, second by Ms. Gallo. Any discussion? All in favor of approving 26 raise your hand. Those opposed. Unanimous on the dais. That gets us -- thank you, sir, that gets us to item 27 pulled. Is there a motion to approve 27? Mr. Renteria. Is there a second? Ms. Tovo. Any discussion? Those in favor approving -- sorry, Ms. Gallo.

>> Gallo: Yes, once again, my concern is we're talking about approving an item for up to \$21 million and

I just think it's appropriate for it to go to the council committee first. As we all work through this process, I would encourage staff date of birth sensitive to trying to get items that you know are coming up with time sensitive inquiries to the council committees in a timely manner so that we're not impacting you in a negative way.

[4:05:59 PM]

But this is a huge dollar amount, and if the purpose of the committees is to vet items that are on our agenda, I think this is a perfect example of one that needs to go to the council committee. So.

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

>> Zimmerman: I'd like to move that item 27 go to committee.

>> Mayor Adler: It's been moved 27 goes to committee. Is there a second? Ms. Kitchen seconds. Mr. Zimmerman, you want to debate?

>> Zimmerman: Well, I guess it's just -- it's back to this thing of just you don't know -- I don't know what I'm paying for. This may be a great deal. I've ordered things from Grainger myself, good outfit, but I have no idea what I'm voting on here. So I'd love to get to scrutinize and better understand this. That's why I would vote in favor of sending it to the committee.

>> Mayor Adler: Further discussion on the motion to send it to committee? Ms. Kitchen.

>> Kitchen: I also have a question too about the time frame for the contract. It's a long time frame, and this just may be me not, in y'all's thinking but my understanding is it's longer and a much bigger contract than it may have been in the past. So that's -- that's my reasoning for thinking it deserves some further conversation.

>> Mayor Adler: And I was a little confused in the earlier answers to the questions from Ms. Tovo. What is the impact, perhaps, of delaying 27?

>> Mayor, the current contract is also sourced through a cooperative. So it expires at the end of the month, May 31. So we would have to explore if there were any possibility of continuing our access to that contract because it's the contract of another government, we may not have the same ability to extend the contract for short periods of time to seek further authorization. The way we could do it under the contracts that we source ourselves. So we will examine to see if that is available to us.

[4:08:03 PM]

>> Mayor Adler: But it expires on March 31?

>> Yes, sir.

>> Mayor Adler: What happens if they come back and say no? Since we won't be meeting again before --

>> We have other industrial supplies contracts. We may be in a position where we have to engage in spot buying, where we have to go and seek competition on a purchase by purchase basis. This could be a significant encumbrance participation for the various structure offices, departments. So it would be an operational impact if we were not able to authorize the contract.

>> Mayor Adler: Okay. Ms. Kitchen will fop up and then Ms. Pool.

>> Kitchen: So now I'm understanding the time frame that you're talking about, but I also -- I still have a question about the 43-month contract. Would there be an option for shortening that time frame in order to give the council time to think about it further or maybe a year or two or something like that?

>> Mayor, councilmembers, absolutely. Cooperative contracts by definition are permissive so we would have the ability to exit them on our time line. The term of the contract is consistent with the term that's available through njpa. If we determined that we no longer wish to continue we absolutely can depart that contract with an amount of notice that would be set forth in the contract.

>> Kitchen: Am I correct in that this is longer than -- than the previous contract?

>> I would have to look into that. Depends on which we joined the contract. So when you are joining the contract of another government, that contract may have started a year or two years yearly. So you may join it in the last two or three years so it's not necessarily how long the contract was. It's more when we joined the contract.

>> Kitchen: Okay.

[4:10:03 PM]

>> Mayor Adler: Ms. Pool.

>> Pool: By any chance, are these coming to us so close to their contract expiration because staff was -- we couldn't get it on the agenda because there's been so much backlog?

>> I believe that contributed to the timing, yes, ma'am.

>> Pool: I'm happy with approving this. I recognize that we have placed the responsibility and authority in our purchasing staff, our professional staff, to vet these really closely, and in those instances where the timing is such, even with a large contract dollar amount, I am okay with saying yes to approving these contracts so that we don't unnecessarily interrupt the flow of our work and recognizing that we stand to lose -- lose money by delaying things and not being -- having supplies at hand in order to proceed in the Normal course of business. So I am fine with approving this contract, recognizing that one of the reasons that these are coming us so late is because of the number of meetings we've already had and the jammed nature of our meeting agendas so that we don't further impede the Normal and regular course of the city's business.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I wanted to ask about the term of the contract and the price of the contract. Is this a situation where the longer term of the contract, the long -- the better price you receive? Error we going to end up paying about 40 -- I think it comes out 0 to about \$500,000 a month, regardless of whether we entered into a 1-year contract or a 43-month contract?

>> Mayor, councilmembers, the contract pricing in a cooperative contracts are generally volume sensitive.

[4:12:04 PM]

That's one of the reasons why we target cooperative contracts for certain commodities, this being one of them. Because the participation under a cooperative contract is permissive, we generally have less rhythm rigidity with regard to the price so we won't necessarily suffer by departing the contract earlier as we would if we were committing to a set period of time. This would provide us with authorization for the entire period of time, but if, perhaps, in a year or two we found another cooperative contract vehicle more advantageous for the city, perhaps had better terms and conditions, we would be able to move on to it.

>> Troxclair: So you're saying that it would -- the point of entering into a longer term contract is we're getting a better overall deal, if it were a 12 month contract -- I don't know if it works on a monthly basis but we'd be paying more on a monthly basis is this.

>> Right, correct.

>> Troxclair: Okay.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I'm also understanding the total dollar amount has to do with what really sounds like an option to me, like, you know, an option to participate for this longer amount of time, which would result in higher dollar amount. Is that true as opposed to you're expect you to go spend more on these types of services than you did in the past?

>> Mayor, councilmembers, typically that will be true of most of our contracts. It's going to be less apparent in our cooperative contracts. While when we bring our volume to the contractor, they establish what that might impact on their pricing so they will give us more favorable pricing, that's correct. But it's not going to be as obligatory as it would be our own contract where we were committing to a period of time because we could join them in the second year of their base contract or the third year. So it kind of depends. There's a lot of variables that would determine how advantageous the pricing would be.

[4:14:07 PM]

>> Kitchen: I guess I'm getting 59 something a little bit different.

>> Okay.

>> Kitchen: I'm look NBC terms of the total dollar amount, the 21 million, the not to exceed. My question really is -- my understanding was the 21 million was a higher amount, significantly higher amount than we may have used before.

>> Correct.

>> Kitchen: So is it that it's a higher amount authorized or we know we're going to need a higher amount?

>> It's a higher amount authorized but it's based on a trend that we've observed over the last couple of years.

>> Kitchen: Okay.

>> Where because the pricing is more advantageous than these cooperative contracts given the volume that more of our spend is occurring in that space. Historically when we looked at the last year on average, our spend was right around 3.2 million. So over five years, just over 21 million, that's about 5 million per year. So we are anticipating an increase.

>> Kitchen: Okay.

>> Mayor Adler: And the motion on the floor is to send this to committee.

>> Zimmerman: One more question.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Yes. You know it looks to me like there may be some big advantages to what we're doing here, but the way it's structured, I just have no way to tell really what's going here because a lot of things have been lumped in together. When I read the description, we're talking about, you know, repair and maintenance equipment, plumbing, hvac, testing tools, janitorial equipment and cleaning supplies. Can you help me tie this back in with the budgets. Whenever we do budgets for organizations, right, we have a maintain budget as part of our annual cycle don't we? In other words it's going to take a certain amount of money to run the water utility. They're going to be operations and maintain expenses and that's in the budget for the water utility, say.

>> Correct.

>> Zimmerman: So if that money was already budgeted and approved, why do I have this in front of me? I guess I'm confused. Can you tie those together for me?

[4:16:07 PM]

Are they tied together?

>> Councilmember, I believe that they are related but they're not necessarily tied together. The budget authorization and the contract authorization are two separate contract -- two separate authorizations, from my understanding.

>> Zimmerman: So that's my problem. Why aren't they tied together? So that it would be common



sense. If the prior council approved, right, a budget for operations, then would you tie this agenda item and say, all right, you approved a budget to spend this much, here's where it's going to be spent. Then a discussion would be over.

>> Correct.

>> We've approved it now we're approving a contract that supplies what was in the budget.

>> Correct.

>> Zimmerman: But they're divorced, right? They're separated?

>> Correct. In part that's due to the form of contract. These are what we refer to as city-wide contracts, used by multiple departments, coming from many different department, department budgets. If we split it up it wouldn't have the advantage of the quantities by aggregating it, we take advantage of better pricing, better contract terms. So while it makes it more difficult to answer that question, it does avail us to better contracts, better pricing.

>> Zimmerman: Okay. Again, if you had these budgets set out, of course you would pool them together. Right? To increase your bargaining power, right? And you get a better deal. But you're bringing this to us, staff, right, is bringing this to us in a way that I can't make sense of it. You could bring it to me in a way I could make sense of it, right? Each section of these expenditures was approved maybe last year as part of their budget and then here's where the money is going. You could do that. I'm asking you to do that so I can make sense of this.

>> I understand, councilmember.

>> Mr. Mayor I'd like to cut off debate.

>> Mayor Adler: There's been a motion to cut off debate is there a second? We're going to continue in debate -- oops, second from Mr. Casar. All those in favor of ending debate raise your hand. Those opposed. One, two, three, four -- I think debate is closed off.

[4:18:11 PM]

All those in favor of cutting off debate raise your hand again, please. We're voting to end debate on the motion to refer this to a committee. The people who are interested in ending debate are pool, Gallo -- what? We're taking the motion to end debate. It's been seconded. All those in favor of ending debate raise your hand. Pool, Garza, Renteria, Casar. Those opposed to ending debate raise your hand. It's the one, two, three, four -- six those remaining on the dais with the exception of Ms. Houston, who is off the dais. Debate is not ended. We're continuing good point. Ms. Tovo. Debate.

>> Tovo: Just about ready to end debate but I did want to answer the question councilmember Gallo asked. I'll also say I am supportive of moving forward with this today because I do acknowledge what councilmember pool said, that, you know, we had a very abbreviated agenda last week and I think what -- I don't know this for certain, though your answer to her question suggests that it's true, that I think the staff have hope -- have been holding back on some of these things to try make sure our meetings in the first couple months were balanced, we didn't have a meeting for a while. That has put some pressure on some of the things coming forward to us, very short turn around times compared to what we might usually see. So I agree that it would be great to really spend some time digging into some of these contracts in the future, but I understand why it didn't hit us at a committee level first, because it -- there simply hasn't been that kind of time. I do think the question that councilmember Gallo asked is a very important one for our audit and finance committee to tackle very soon, which items we want coming to committee first and which ones are appropriate to just proceed on to full council. So I appreciate you raising that question. It's been on my mind but not one that any of us have really articulated so I think it's incumbent to have discussion.

[4:20:19 PM]

I would look forward to comments and questions from my colleague on the message board, as I'm sure vice chair troxclair would as well. If you have ideas about what you think should come directly to council or preferences for that, I certainly hear that the size of the contract is of issue, that if it is of a -- if it's a substantial expenditure you would like to see audit and finance committee review. So we will be thinking and putting our heads together so we can provide better direction to staff about which items we would like to see go through the council committee first.

>> Mayor Adler: I think as part of that conversation -- and I like that too because I think it's a conversation we need to have and I think we might also talk about in that forum the work sessions and the number of items that we're pulling for the work sessions and whether there's opportunity to ask those questions in the question and answer board so the amount of time we're meeting on Tuesday may also be controlled. We're now debating still the motion to send this to committee. Ms. Gallo.

>> Gallo: My whole purpose in pulling this was to have the discussion of what gets sent to committees and what doesn't, certainly not to address the particular issue. But with your comments and the mayor's comments, I would like to withdraw my second of the motion to send to committee.

>> Mayor Adler: You can only do that if there's no objection. And the maker of the motion might -- does anybody object to the withdrawal of the second, which effectively would then take us away from the motion to stoned a committee.

>> Zimmerman: I'll withdraw the second if you want to withdraw your motion.

>> Mayor Adler: Okay. We are now back then to just a vote on item 27. Any further discussion? Those in favor of 27 raise your hand. Those opposed to 27 raise your hand. Okay. It was nine in favor, Zimmerman voting no and Houston abstaining. We'll now go to the next item pulled, item number 34, by Mr. Zimmerman.

[4:22:25 PM]

>> Zimmerman: Thank you, Mr. Mayor. I believe -- did we have somebody from staff that wanted to briefly talk with us or should we just go into the discussion --

>> Mayor Adler: We can go into discussion. There could be a motion. I think it would require you to fill in the blank.

>> Zimmerman: Well, okay. I'd like to make a motion that we approve the item. I guess it's on the second page here, item 35, ordinance number blank to approve Yolanda knight as the acting municipal court clerk at an acting salary of \$120,000.

>> Mayor Adler: There's been a motion at \$120,000. Is there a second to that motion? Second from Ms. Houston. Was that -- is that a 10% increase over her existing salary?

>> Zimmerman: No. 4.7%.

>> Mayor Adler: Is there any discussion at this time on this motion Mr. Casar? Do you know what the number was? Was it the 10% number? Do you remember what that was?

>> Kitchen: 125679.

>> Mayor Adler: 679. Mr. Casar, your debate?

>> Kitchen: So I make a motion is the appropriate way to do this if I disagree?

>> Mayor Adler: You can amend his motion to change the number if you want to.

>> Kitchen: I would like to amend to the 10% increase.

>> Mayor Adler: There's been a motion to amend the number to the 125679. Is there a second to the amendment? Ms. Tovo seconds that. Discussion on the amendment?

>> Kitchen: My reasoning here, just for the public, is that Ms. Mcknight would be covering this work through June and so the 10% increase would only apply now through June and is essentially giving her the responsibility of the clerk of the municipal court from deputy clerk, which would result in just -- it's

just a \$2,000,700 or so increase.

[4:24:53 PM]

\$2,700 increase, this is not an \$11,000 investment, it's just compensating here adequately for taking up these serious responsibilities for a short period of time while we look for a permanent replacement. This is not in my view, you know, anything outside of the Normal nor is it anything that is very expensive for the citizens and it helps -- we'll make sure that we do not wind up in the situation where we don't have a municipal court clerk and just compensating her at quality for taking on that charge for us.

>> Mayor Adler: Further it was our understanding that it is a general custom and practice within the city when someone takes over an acting position like this, the acting pay associated with that is usually a 10% increase over existing salary, as the standard and prior practice. Further debate on this amendment? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I'd like to speak against the amendment to increase. Part of the rationale here, as you said, a new way forward would -- may be to have a more affordable, from the taxpayers' point of view, yes it has been the custom people be bumped by 10% but I think this is a good time for us to revisit that and consider four to 5%, something a little less. More importantly, Ms. Mcknight was recommended by the outgoing clerk but she's only been on the job since 2013, about a year and a half, and one of our concerns is this is public information, and when we do the search for permanent clerk, this could be considered, you know -- would be considered a baseline in negotiations and somebody would like at this and say while you've got a clerk with only a year and a half of experience making this particular salary, so if somebody came in with ten years of experience, right, they would use that as a negotiating point to bump themselves way up and we might be out of range. So that's why I recommended the 4.7% bump.

[4:26:57 PM]

>> Mayor Adler: Ms. Pool.

>> Pool: I'm comfortable with the 10% standard increase in the short term interim assignment if the council is interested in revisiting the policy, which I think it would be a good idea to do it. I would like to do that, but I don't want to do it from the dais. And in this particular case, it just doesn't feel fair to the staff. I would also point out that Ms. Mcknight worked for the city of Austin for a considerable period. It sounds like she's only worked here a year and a half. With her particular current assignment has been that length of time, but she has worked for the city for-- someone can tell me how long, but it's been a significant number of years.

>> Zimmerman: 17 years in a library but only a year and a half as municipal clerk.

>> Pool: She has worked here for 17 years. She is not new to our particular culture here at the city. Yes, ma'am.

>> Garza: Joiya haze, hours department, her total time in service is 24 years. She's here today as well I think that speaks well to her long longevity, her interest working in the city's structure, and I would support the 10% temporary increase in her salary. Thank you.

>> Mayor Adler: Further discussion on the amendment to take the number up to the 10% number? Ms. Houston.

>> Houston: Mayor, I'd like to close debate.

>> Mayor Adler: Any further debate? Hearing none, all those in favor of the amendment raising it to 10%, please raise your hand. Those opposed. All in favor except for Mr. Zimmerman voting no. Is there any further discussion on this item 34?

>> Houston: Yes, mayor. I support councilmember pool's suggestion that we revisit the automatic 10%

policy that has been the history and the culture of this department -- of this city.

[4:28:59 PM]

>> Mayor Adler: I'll go ahead and refer that to a committee. Any further debate on 34? All those in favor raise your hand. Those opposed? It's unanimous on the dais. Thank you very much for your service and for filling in in this job. It is greatly appreciated. Thank you. Thanks for being here. The next item that we have on the agenda is item number 39. 39 is an eminent domain action. With respect to item 39, each of these items have been pulled. So I don't know if -- and we have a speaker speaking to one of them but not to all of them. So we're going to continue -- we're going to consider these consecutively rather than as a group. With respect to item 39 being nonconsent condemnation item, I entertain a motion to the effect that the city council of city of Austin authorizes use of eminent domain to acquire the properties set forth described in the agenda for the current meeting, item number 39, and for the public use as described therein. Is there such a motion?

>> Houston: So moved.

>> Mayor Adler: It's been moved, item 39. Is there a second to move to debate? Ms. Pool seconds it. Let's have now discussion. This was pulled I think by Ms. Gallo. Do you want to start us off.

>> Gallo: I know we're hearing this separately, but 39, 40, 41, 42 were all pulled, they're all imminent domain items and I'm sure the staff handles them very well, but this is the first time we've discussed eminent domain and the chair of our planning and neighborhood committee is off the dais, I see, but this was pulled just to ask if he would like to see these go to his committee first for discussion.

[4:31:16 PM]

We did ask the question whether these were time sensitive. It's my understanding on most, if not all four of them, that if it could come back to council by may 7th that that might be agreeable. So he's back on the dais. These were pulled, these four items were pulled by me just to give you the opportunity to say whether or not -- since this is the first time we've dealt with eminent domain, that you would like them to come before planning and neighborhood committee first, just to hear the discussion, become educated, probably our mayor could give that education lesson, but that was the reason for pulling these.

>> Sure. My staff and I reviewed these eminent domain items and I felt comfortable with them for now, but if we want to do these reviews anyway I would be happy to do it in the committee. After reviewing these particular cases I felt -- I personally felt comfortable, but I'm happy to hear from the dais.

>> Mayor Adler: Yes, Ms. Houston?

>> Houston: I just have a question of staff regarding the chimneyhill planned unit development. Is chimneyhill in the corporate city limits?

>> Do you know which number are you speaking of?

>> Houston: 39. Right. >>

>> It's in our service area, the water utility service area. I don't know if it's in the city limits. We don't believe it is in the city limits, but it is in the water service area.

>> Houston: The only reason I asked is because they cannot vote for city council. So that's in district 1 and they're not voting, so I just wanted to know what that relationship is between -- it's in your water service district, which is further out than corporate city limits so we can -- help me understand how the planned unit development that's outside of the corporate city limits works.

[4:33:34 PM]

>> It would be in the E.T.J. Area. And also our water service area extends beyond the corporate limits. We have what's called a ccn, a certificate for choice and necessity. It's kind of our service area boundaries. And this would fall within it.

>> Okay.

>> Mayor Adler: This is all pending a motion to approve item number 39. Any further debate? Those in favor of approving 39 raise your hand. Those opposed?

>> Zimmerman: Abstention.

>> Mayor Adler: It was everyone on the dais voting yes with pool and tovo off the dais and with Zimmerman abstaining. The next item is item number 40. I need someone to take the chair on this. I'm going to recuse myself on this matter. And since Kathie is not here, Ms. Kitchen, do you want to take the helm for this item?

>> Kitchen: Okay. What's the item? This is item number 40. So staff have a presentation on item 40?

>> I just was going to ask if you could take the mayor's script when you're entertaining a motion for this one? Mayor you just need to read the -- sorry.

>> I just wanted to remind you of that. But other than that I do not have a presentation.

>> Kitchen: All right. So with respect to item 40, being a non-consent condemnation item, I'll entertain a motion to the effect that the city council of Austin authorizes the use of the power of eminent domain to acquire the property set forth and described in the agenda for the current meeting for the public uses described therein. Okay. Councilmember Gallo moves. Do I have a second? Councilmember Casar seconds. Okay.

[4:35:37 PM]

Do we have an explanation from staff or any discussion? >>

>> Zimmerman: Could I have an explanation from staff?

>> A simple real estate acquisition for a water line capital improvement in this area connected to item 39.

>> Kitchen: The total dollar amount is the 539?

>> The total dollar amount of the prom or this particular real estate acquisition?

>> Kitchen: This particular real estate acquisition.

>> 539. \$539.

>> Do we have any discussion? All in favor? Okay. Any opposed? So I think I saw that everyone was in favor. Councilmember Zimmerman?

>> Zimmerman: Abstention.

>> Kitchen: With one abstention, councilmember Zimmerman.

>> Mayor Adler: And I recused myself.

>> Kitchen: And the mayor recuses himself. Okay. I'll hand it back --

>> Mayor Adler: Okay. You have the script. We're now calling up item number 41. And I'm also going to recuse myself on 42. Item number 41, is there a motion to approve item number 41? Moved by pool. Seconded by Houston. With respect to this item number 41 being a non-consent condemnation item, I have now entertained a motion to the effect that the city of Austin authorizes the use of the power of eminent domain to acquire the property set forth and described in the agenda for this current meeting for this item number 41 for the public uses described therein. Ms. Pool was that your motion?

>> Pool: It is.

>> Mayor Adler: Ms. Troxclair, would you like a description?

>> Troxclair: Could we have a description.

>> Mayor Adler: How much is this item and what is the acquisition process?

>> Would you like a description of the process? What we have is a public safety hazard basically. All the

libraries that we built in the mid 80's, branch libraries such as the pleasant hill branch library in south Austin, the space wood springs branch library in northwest Austin and university hills in east Austin were built with a certain template for the parking lot.

[4:37:53 PM]

It's proved to be quite inadequate for the usage that libraries have. We have in previous years don back and doubled the size of the parking lot at pleasant hill. The parking lot at spicewood springs and university hills is seeing a heavy increase in usage. The area of town that this district -- that this library is in is growing, it's expected to grow at an accelerated rate. We're seeing far more usage. It's become a daily traffic hazard trying to get the number of people who want to use the library and access our programs in and out. I don't know if you're familiar with the Loyola -- I know councilmember Houston is, the Loyola, manor road, 183 intersections, but these are -- Loyola, the street we're on, is -- should be considered a major arterial these days. The traffic is heavy. This is our opportunity to make it safe for people to -- especially our youngest customers to actually get to the site and use the library and then get away safely without being involved in a traffic accident.

>> Troxclair: So unlike the two that we just approved, this one is a much higher property value. It's a much bigger piece of property. And the owner has signaled that he wants to develop the property in the future.

>> That's generally the case with owners. They usually have long range plans to develop them at some point.

>> Troxclair: I didn't see that objection in either of the two cases that we just approved. It looked like that was -- as far as the cases that are on our agenda today that deal with eminent domain, this was the one that it looked like had an owner that was pretty adamant about his disapproval.

[4:40:06 PM]

>> I've been doing this job a long time and I have never talked to an owner that did not have a plan to develop his property at some date in some way. It natural. It's natural.

>> Troxclair: But I guess this property is worth significantly more than the two previous cases.

>> It's true. Did you want to speak to this? I think we are prepared to -- our offer is -- exceeds the value of the property. The city generally when we get in these situations, we tend to err on the side of generosity.

>> Excuse me, council, for interrupting. This is permission for litigation, so if we're going to be discussing any detail about this other than the process itself, then it would become an executive session item.

>> Zimmerman: I have a question. Yes, thank you, Mr. Mayor. I notice on the chip budget fiscal note, at the bottom it says city of Austin attempted to purchase the property. The city and the property owner were unable to agree on the value of the needed acquisition. So what happened with that? Was that mediated or was there a professional consultant brought in to appraise the value? Was there any mediation? And where did the impasse come? What was the owner willing to sell for, in if anything? What was the difference.

>> Mayor Adler:

[Inaudible]. It would probably be best if we're going to talk about this eminent domain matter to this degree that we hold off in executive session.

>> Zimmerman: So that information is not public, the discussions that were made is not public?

>> Mayor Adler: No, because the nature of that. Its offer is in a condemnation case and they're at this point protected. If there's a conversation like that, then I would recommend -- I would entertain a motion to postpone this or we could stop at this point and go into executive session.

[4:42:16 PM]

If we wanted.

>> Zimmerman: Can I make a motion that we postpone the item so we can discuss it in executive session?

>> Mayor Adler: Do you want to go into executive session right now and consider it or wait until we're next in executive session?

>> Zimmerman: I would like to wait until the next executive session.

>> Houston: What is the time constraint? What kind of time constraint do we have on this item?

>> The time constraints we have are that this is a public safety hazard. I think our community counts on us to rectify these situations as soon as may prove possible. As a public entity that's usually ponderous, if I may say so. That's how it appears to our community. It takes a very long time to acquire the funding, to make the land acquisitions and pay for the design, to correct a situation like this.

--

>> Mayor Adler: Does it work if we were to call this up in executive session next Tuesday and postpone consideration of this matter until next Thursday, April 2nd? Does that work? Timewise?

>> I think that's the pleasure of the council.

>> Mayor Adler: Okay. Ms. Garza?

>> Garza: Yeah. I did have concerns about this eminent domain one. It seems like there's a justice who wants to speak on this. I don't know if the system is still down. My concerns were I don't know a lot about condemnation, eminent domain, but what stuck out with this one is that we're turning it into a parking lot, which I don't see the connection of public safety, but I understand I'm not supposed to talk about the details.

>> Mayor Adler: If we have questions about this, which I think are fair, let's go ahead -- since it's the first eminent domain case we've had, that way we can have a conversation about what we can talk about, not talk about in eminent domain cases and we can have a general primer.

[4:44:17 PM]

You have the misfortune of being the first eminent domain case series that we've had. So I'd entertain a motion at this point to postpone this item for executive session next Tuesday in a consideration before the council next Thursday.

>> Zimmerman: So moved.

>> Mayor Adler: I have a motion from Mr. Zimmerman and a second from Ms. Houston. You're here. You want to speak to the council on this issue?

>> Good evening, ladies and gentlemen of the council. Yes, on this project I don't see how it's going to be a safety hazard, yes, it's going to be a parking lot due to be shared between the library to the south and also to a project that is going to be taking place on that property. And it's being professionally designed by an engineer. I'm here on behalf of Perales engineering. Yeah, if we can postpone it to discuss further details until Tuesday, that will -- that sounds like something that we could do.

>> Mayor Adler: Thank you. There's a pending motion to postpone this to executive session on Tuesday, consideration on Thursday. Any further debate on that motion? Ms. .

>> Tovo: Tovo sir, I didn't completely understand your connection to the issue.

>> I work for Mr. Perales at Perales engineering. We do water, whether it is doing a tap plan and providing water utility. We also do water erosion plans and stuff. So what we're designing is to so that we don't have no floods on the parking lot that is going to be there to the south or southeast -- southwest. I'm sorry. We are professionally designing a water plan.

>> Tovo: Super. I appreciate that. Thank you.  
>> Just to clarify, he's representing the property owner.

[4:46:17 PM]

>> Tovo: Thank you.  
>> Mayor Adler: New further discussion? All in favor of postponing to executive session on Tuesday and back to council next Thursday, raise your hand? Those opposed? Passes unanimously. Mayor pro tem, would you please handle item number 42? I'm recusing myself.  
>> Tovo: Yes, I'd like to call up item 42. Item 42 is also an eminent domain item. With respect to item 42 being a non-consent condemnation item, I will entertain a motion to the effect that the city council of Austin authorizes the use of the power of eminent domain to acquire the property set forth and described in the agenda for this meeting for the current meeting for the public use as described therein.  
>> Greg Lazarus, city of Austin water. This is an easement for a wastewater relief line, and the amount is \$3,124.  
>> Tovo: Thank you, Mr. Mazarus. Councilmember Gallo.  
>> Gallo: I had a couple of questions. Once again, this was pulled to give the chair of our planning and neighborhood committee the opportunity to be able to take some of these to his committee first if he wanted to. But in the description of when you talk about that the city and the property owner were unable to agree on the value of the needed acquisition, does -- could we be more specific in the future? I mean, either it could be that the values were different and you couldn't agree on the value, or that the owner was unwilling to sell? Because I was talking a little bit to legal and said, you know, part of my concern with these small dollar amounts on some of these eminent domain cases is what it costs the city to pursue the legal action to go through eminent domain. And would that be more than the difference if there's just a difference in value between what the owner wants and what the city's appraisal is showing.

[4:48:22 PM]

So I think it would be helpful in some of the background information to know what situation that was, a refusal to sell or just a difference in the value calculations.  
>> I'll have our real estate leaders here.  
>> Gallo: Thank you.  
>> Councilmember, in the past we've been under the constraints in our negotiations that we couldn't offer more than fair market value for the property. That it was a public gift of funds so we couldn't just settle on a dollar amount. So what we try to do in any negotiation is to meet with the property owner and find out what their issues are. We look at that in potential redesign. But also we try to get with the property owner to show us any comparables, any reason why his property or her property may be more than what we're offering. And we do have an extensive discussion with the property owners on these, but in the past it is more expensive to go to eminent domain. We're at about -- under three percent of our cases actually go to hearing at any point in time. In fact, even before I came here last week I called the property owners and asked them and let them know I'm coming today and is there any way we can work out something. We do go through a lot of work to try to make sure that you never see this and that we're able to settle on a number that's fair.  
>> Gallo: Thank you for that explanation because that helps us understand this process. So your inability to offer more than the fair market value, what law is that? Is that state, federal? What legislation, what entity is it that gives us that boundary.  
>> I think what Ms. Riser is referring to is we as a public entity don't give a gift and that's where that



derives.

>> Thank you.

[4:50:23 PM]

>> Tovo: Council, further questions? Councilmember Zimmerman.

>> Zimmerman: You're talking fair market value, there is some subjectivity in that, right? Typically you can get professional appraisers. It's not an exact science. Are you saying that the fair market value from the city's point of view, that's not public information.

>> It is not. It is part of a negotiation that especially when we're under litigation, so we hold our negotiations confidential until either we close or until commissioner -- until it goes to eminent domain. And let me just say this, that the commissioners decide what market value is. So if it goes to commissioners and they say the city -- we think the value is this, sometimes they come on our number, sometimes they grant more. You know, so they decide what market value is.

>> Zimmerman: I'm trying to decide what public visibility there should be on these cases. I'm trying to understand that.

>> Tovo: Any further discussion? Would anyone like to make a motion?

>> Zimmerman: Like to make a motion that this item be postponed until next Thursday with an executive session review on Tuesday.

>> Tovo: Councilmember Zimmerman motions to postpone this item. Is there a second? The motion -- councilmember troxclair, are you seconding that? Councilmember troxclair seconds the motion. Is there a discussion about the motion to postpone? All in favor -- councilmember Houston.

>> Houston: Again, thank you so much. I just wanted to know if there's a time specific that we need to make this decision.

[4:52:25 PM]

>> This project does have some time issues. The project intention is to relieve a sewer that is approaching its design capacity. And so we want to stay on our construction schedule, and this real estate is critical to being ultimately able to be done by the project. I don't think a week's delay would be overly impactful, but we encourage the council to keep this moving along.

>> Tovo: Councilmember pool?

>> Pool: I notice this is in district 7. I hadn't heard anything from the neighbors or people in the area opposed to having this work done and the improvements done. And if our postponing is to that we can have a better understanding of eminent domain proceedings, then that's okay with me, but I don't have any objections with this particular work going forward. And if this is the process that we need to do it, to improve services to the community, then I'm fine with supporting this.

>> Tovo: Councilmember Casar, did you have a question?

>> Casar: Just a quick comment. I do appreciate councilmember Gallo's pulling of the items to give our committee a chance to take a look at them. But on this particular item I feel comfortable enough with it that I'm -- I'm not going to support postponing.

>> Tovo: Other questions or discussion? Okay. All in favor of a postponement, please signal by raising your hand. Councilmember Zimmerman votes in favor. All opposed? Signal by raising your hand? And that is the remainder of the dais with the exception of mayor Adler, who is recused on this item. So the motion fails. Is there another motion on this item?

>> I'll make a motion to approve item number 42?

[4:54:26 PM]

>> Tovo: Councilmember Renteria, did you second that? Councilmember pool moves -- makes a motion to the effect that the city council of Austin authorizes the use of the power of eminent domain to acquire the property set forth in the agenda for the current meeting for the public uses described therein. Any further discussion? All in favor raise your hand? All are in favor with the exception -- and mayor Adler is recused -- I'm sorry.

>> Zimmerman: I'd like to abstain from the vote.

>> Tovo: Councilmember Zimmerman abstains and mayor Adler is recused.

>> Houston: Mayor? Excuse me? As we get ready for our meeting in executive committee, I know that you can only park 12 cars in that parking lot, but it would help if we got a visual of what the parking lot currently looks like and how it's shaped and the traffic on Loyola, because there's one light on manor road and the next light is on 183. And people use that as a speedway. So if you could get visuals so people understand what the parking lot currently looks like.

>> Mayor Adler: All right. I'll pick up the balance of the agenda. That gets us to the executive session items.

[4:56:32 PM]

Actually -- so the executive session items we had three, they were withdrawn, they were all handled in executive session on Tuesday. That gets us up to the zoning ordinance, the closed hearings on item 46. Have we handled everything up to 46? I would point out for the record that item number 14 was tabled in the event that that was not clear in the record earlier. That gets us to item number 46, the public hearing in this matter has been closed. Do you want to talk to us about item 46.

>> Thank you, mayor and council, Gregorio Greg Casar, plan -- Greg Guernsey, this is case c-14-2010-0038 for the property located at 801 west wells branch parkway. This is a zoning change request to single family residence small lot conditional overlay combining zoning for tract one and rural residence conditional overlay or rr-co combining district zoning for tract 2. This was recommended by the zoning and platting commission on a vote of #0 on consent. Mayor, if I may go through the rest of the items as consent items.

>> Mayor Adler: There is a speaker to speak for item 51.

>> I believe Mr. King has left the room.

>> Mayor Adler: Is Mr. King here? You can go ahead and consider them all on consent.

>> The remaining two P.M. Zoning and neighborhood plan amendment items, these are where public hearings are open, item number 47 is case c-14-2014-0037 for the property located at 801 west wells branch parkway to zone the property to community commercial or gr district zoning in the zoning and platting commission was to grant the gr district zoning. This is ready for consent approval on all three readings. Item number 48 is case c-14-2014-0171 for the property located at 2927 east martin Luther king boulevard. Staff is requesting a postponement much this item to your zoning day of April 16th.

[4:58:36 PM]

Item number 49 is case c-14-2014-0182. This is for the property located at 7400 mcangus road. This is a zoning change request to single-family residence small lot or sf-4-a district zoning. It is ready for consent approval on all three readings and was recommended to you by the pornographic.

-- By the planning commission. Item number 50, c-14--2014-0187 for the property at 7012 Elroy road is to zone property to multi-family residence low density district zoning, the planning commission's recommendation was to grant the recommendation and this is ready for consent approval on all 3D readings. Finally item 51, case c-14-2015-007 at survive hundred Alice may lane. This is to zone the

property to community commercial conditional overlay combining district zoning. The zoning and platting commission was to grant the gr-mu-combined district zoning. This is ready for consent approval on first reading only. The applicant is working with the neighborhood to take care of some additional conditions. And that's why we're only offering for first reading today. This concludes what I can offer on your consent agenda for zoning.

>> Mayor Adler: Is there a motion to approve the zoning consent items as indicated? Those would be items 46 through 51. Ms. Pool makes the motion. Is there a second? Mr. Renteria? Is there any discussion? Ms. Tovo?

>> Tovo: I have a couple of quick questions about 49 and 50 and I would like to pull that from the consent agenda.

>> Mayor Adler: Okay.

>> Mayor, I would just note that 47, 48 and 51 we would also be closing the public hearing and then taking action on those particular items.

>> Mayor Adler: Okay.

[5:00:38 PM]

So we are -- the consent agenda is items 46 through 51 with items 48 and 49 pulled so they're not part of that. And items 47, 48 and 51, -- 47, 48 and 51 we're closing the public hearing. Any discussion? All in favor raise your hand. Those opposed? It's unanimous on the dais. That gets us then to the pulled items. Items 48 and 49. Ms. Tovo, you pulled 48.

>> Tovo: I hope I pulled 49 and 50. Those are the ones I had questions about. I think 48 is postponed.

>> Mayor Adler: Okay. Then I read that wrong into the record. Story about that. The last motion I took for consent was items 46 through 51 with items 49 and 50 pulled. 47, 48 and 51 we were closing the public hearings.

>> Houston: Mayor, I think 48 has been postponed to April 16th.

>> Mayor Adler: Right. And the ones we've pulled now are Numbers 49 and 50. So they were not approved -- what we approved on 48 was not the item itself. What we approved on 48 was the recommendation to postpone it until April 16th.

>> Houston: Was to postpone it --

>> The public hearing will remain open.

>> Mayor Adler: The public hearing remains open.

>> On 48. We're just postponing the case until your zoning agenda of April 16th.

>> Mayor Adler: On which ones were the public hearings closed?

>> They were the ones that -- on 2:00, it would be item number 47, which would be consent approval on all three readings and the public hearing closed. Item number 48 being postponed. Item number 51 would be approval on first reading only with a public hearing closed.

>> Mayor Adler: Okay. Thank you. Ms. Houston, thank you for that correction. Now I think the record reads correctly.

[5:02:38 PM]

We're now discussing the two pulled items, which were items 49 and 50. Is there a presentation on 59?

>> If you would like a presentation I can certainly do that.

>> Mayor Adler: Ms. Tovo, do you want to ask your question?

>> Tovo: I just have a couple of quick questions and maybe we can dispense with them pretty quickly. 49 I understand will create 34 single-family homes.

>> Yes.

>> Tovo: Number 50 -- let me ask my question first about that one. Do you have a sense of what the price point will be for those homes?

>> No, but I believe there's a representative agent, representative for bill gerstach, Carlson, he's the agent and can probably address that question.

>> Thank you for being hire.

>> The price point for the item number 49, which is the sf-4-a housing, is going to be approximately about 200,000 starting.

>> Tovo: Will there be any units that are specifically designated as affordable within any --

>> On this project, no, this isn't a candidate for affordable housing.

>> Tovo: I see. Could be a candidate, but that's not your intent.

>> That's correct, yes.

>> Tovo: And with regard to gift, I guess I have the -- to 50 I guess I have the same question and a question for staff. I'm having trouble pulling up the staff report on this one, and I've forgotten, how many units do you intend to create?

>> I was going to say, I'm understanding it's 48 duplex units or 96 units overall, but 48 duplexes.

>> Tovo: And then my question would be the same, what is the in-- are these for sale or for rental?

>> These would be for sale and a price point of 170,000.

>> Tovo: Is that a firm commitment to price it at that? Again, there's no affordability component within this project.

>> Correct, yes. Same with this one as well, yes.

[5:04:39 PM]

>> Tovo: Well, I wish there were. My question to staff about 50 is this not -- can you explain why we don't have an educational impact statement? Did this not hit the trigger for providing one?

>> I don't believe there's enough units to actually hit that threshold. I think we're going about 200 units is the threshold for that.

>> Tovo: Thank you for reminding me of that. We've had discussions and conversations about maybe lowering that threshold and I would like to see that happen. I'm interested in what the schools in this area are in this area. Do you happen to know what the capacity of the schools in this area are?

>> I do not. I don't have that information. Actually, I think the Eis threshold is 100 units, I think, something like that.

>> Tovo: So you're just under it. I thought it was in the 100, 150 range. In any case it sounded like you didn't trigger it. You may have missed triggering it by about four. Is that your understanding?

>> Correct.

>> Tovo: Can you tell us a little bit about the units that you're proposing? The duplex units? What the bedroom count would be?

>> At this point I believe it's either going to be a two bedroom or three-bedroom, depending upon the particular unit. At this point I don't have much on the actual design. We're -- as the engineer, we're doing more of the site layout at this point. That would be more of a builder discussion.

>> Tovo: Do you have a sense of what the intent might be in terms of the audience, whether there will be more three-bedroom units to try to attract families with children or two bedrooms.

>> At this point, no, I don't.

>> Tovo: All right, thanks. I guess that's always information that's useful to know because as -- it's important as we consider using our discretionary zoning ability, I'm always interested to know how this matches our vision for the kind of development we want to see in the city, whether it's helping fill our need for affordable units, which is a huge need, whether it's helping attract and retain families with children and caregivers within our city as well, which is another identified council priority.

[5:06:46 PM]

So anyway, thanks for the additional information. I appreciate it.

>> Thank you.

>> Mayor Adler: Any further discussion on item 49? Is there a motion to approve item 49? Mr. Renteria, is there a second? Mr. Zimmerman? All in favor of approving item 49, raise your hand? Any opposed? It's unanimous on the dais approval. Item number 50, is there a motion to approve item number 50? Ms. Garza. Second by Mr. Zimmerman. Any discussion? All in favor approving item number 50 raise your hand? Those opposed? It also is unanimous on the dais. That gets us to everything that we have on our agenda,. We're going to do proclamations at 5:30 -- I'm sorry, music at 5:30 and then proclamations following that. The proclamations, the first proclamation will be the one to million mile month as opposed to being the last one so that folks know. And then we'll continue back in order. So we'll stand recessed until 5:30 music and proclamations.

[5:30:36 PM]

>> Mayor Adler: All right. My favorite part of city council meetings. You know, it's -- I was in Boston this past weekend and I was with mayors of other cities. I was with the mayor of New York and Boston and Seattle, and a couple dozen others. Some of those mayors know about this part of our city council meeting and that, you know, we're the live music capital of the world. But the fact that we do this is part of who we are and just great. So thanks. Joining us today is Brandon caleese. Caleese along with his band they recorded an lp in 2007. After a few years of performing in Dallas, Brandon relocated the band do Austin, made a great choice, where they recorded their debut full length album in 2011, "The gunner." In 2013 they were assigned to hand drawn records and released an EP titled "Life is still good." Finding pain in the inspiration in what seems to be hopeless situations. Caleese is currently touring nationally with his band and continuing to work on new music. Please join me in welcoming Brandon caleese. Thank you so much.

[ Applause ]

[5:32:47 PM]

[ 🎵 Music 🎵 ]

[ Music ]

[5:36:14 PM]

[ Applause ]

>> Mayor Adler: That was great. Thank you. So for folks here and folks at home watching on TV or live stream, what's your website? Where with we purchase your music?

>> From there, Facebook, all the social media sites.

>> Mayor Adler: Where with we see you perform?

>> Some I show you something real quick?

>> We're going to be at stubs on April 9 with have a lay Joe, I promised the guys I would show it.

>> Mayor Adler: Looks good. Hold it up. Great, I have a proclamation. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our musical 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 26 of the year 2015 as Brandon caleese day congratulations.

>> Thank you.

[ Applause ]

[5:38:22 PM]

>> Tovo: Good evening. I'm mayor pro tem Kathie tovo representing district 9 and it's my pleasure today to introduce to you Steve Amos and to talk a little bit about million mile month, which is slated for April, an initiative throughout the state of Texas to encourage people to log more than a million miles of exercise and to raise a million dollars worth of funding for organizations and for programs that promote healthy exercise. So on behalf of the entire city council and the mayor of Austin, I would like to present this proclamation to the founder of what is now a global initiative, million mile month, to Steve Amos. It be known that whereas sitting is the new smoking with one in three children being overweight or obese and 80% of the American workforce having sedentary job, now is the time to take a stand, literally, and get active. Whereas million mile month is a one month challenge that encourages people to come together as one virtual community with a goal of walking, running, walking or skateboarding 1 million miles and whereas million mile month will educate on the dangers of obesity and the importance of a lifestyle focused around good mental and physical health. Whereas the city of Austin is among the many corporate, nonprofit groups statewide recruiting an estimated 20,000 participants for the million mile month, I there, Kathie tovo on behalf of Steve Adler do encourage all austinites to register and participate and hereby proclaim April 2015 as million mile month in Austin. Congratulations. Mr. Amos. >> Thank you, Kathie, you this, mayor. I think what's special about this proclamation is what it represents. It represents a vision for Austin as a healthy model community for the rest of Texas, the United States and the world.

[5:40:26 PM]

We have some work to do. Do you know the percentage of adults in Austin, Travis county, that are obese or overweight? Do you want to guess? Six out of ten. Almost. 58% of us. We have some work to do. The thought behind the million mile month is to have some town address this cause of our health to, rally us together around a huge goal of a million miles of walk, run, swim, jump, whatever you want to do, let's get active, reach out to a pal, family, have some fun in the month of April, go to the -- I know that's a tongue twister, isn't it, go to the website, register, there's not a fee unless you want a cool t-shirt and then just join in for the month of April. By the way, Houston and Dallas and other ones said we're going to do it so it's a million miles just for Austin. If you can please join us April 1, Wednesday, 10:00 we'll be launching million mile month with the mayor and also with judge Sarah Eckhardt will be joining us and the American heart association because it's their national walk for your heart day. So we thank you very much for this recognition.

[ Applause ]

[5:42:32 PM]

>> Mayor Adler: I have a proclamation. This is distinguished service awards. Distinguished service awards. First Olga delgado happen. Hi.

[ Applause ]

>> Mayor Adler: Hi, hi.

>> How you doing? Thank you, mayor.

>> Mayor Adler: Very exciting. Proclamation. We have a distinguished service award in the city of Austin. For more than 33 years of extraordinary public service to the citizens of Austin and the customers of the municipal court as an outstanding city employee, Olga delgado is deserving of public claim and recognition. Before coming to municipal court, Ms. Delgado worked for 13 years at the Brackenridge hospital and since 1995 she's been earning the admiration and affection of her peers by moving forward through obstacles, providing gracious customer service, navigating constantly changing dockets and judicial schedules and performing her duties while always maintaining a positive attitude. Olga has been steadfast, a good example to all with her work ethic and her kind nature. She's also a graduate of the city's leadership education and public service program. Olga delgado has made noteworthy contributions to the success of the judiciary and the Austin municipal court during her career. Certificate is presented in acknowledgment and appreciation of her public service. This 26th day of March in the year 2015, signed the city council of Austin, Texas, mayor Steve Adler.

[5:44:33 PM]

Congratulations.

>> Thank you.

[ Applause ]

>> Mayor Adler: Do you want to say something to everybody that's here? Say something for people who are here.

>> I just want to say thank you to the city of Austin, Brackenridge hospital. That was my starting. I have some Brackenridge coworkers still here, still around. Also to the judges at the municipal court. I say they're my jugs because I've been with them for almost 20 years. And I want to thank you y'all very much for giving me the pleasure and the honor of working for y'all. And of course my family, putting up with me. Again, thank you.

>> Mayor Adler: Thank you.

[ Applause ]

>> Mayor Adler: Which.

>> Mayor Adler: And Cheryl Bonhomme. Cheryl.

[Taking photograph]

>> Mayor Adler: Let's bring up the family and friends.

>> Mayor Adler: Do it twice? Cheryl, did you so much. Congratulations. This is exciting. All right, we have another city of Austin distinguished service award. For 26 years of extraordinary public service to the people of Austin, as an outstanding city employee, Cheryl Bonhomme is deserving of public acclaim and recognition.

[5:46:42 PM]

Cheryl has exhibited wisdom, ability, and effectiveness and her duties as a lead for customer services at the Austin municipal court. She is admired for being thorough and conscientious while dealing with multiple and diverse projects and customers. This certificate is issued in acknowledgment and appreciation of her many contributions to our citizens, city, and municipal court. She will truly be missed. Presented this 26th day of March in the year 2015, the city council of Austin, Texas, mayor Steve Adler. Congratulations.

[ Applause ]

>> Thank you.

>> Mayor Adler: Do you want to say hi to everybody?

>> I do. I'd like to say thank you. 26 years ago I started with the municipal court, and during the 26 years,

I was there the whole time. Municipal court is just like a family to me. I went there knowing hardly nothing, but leaving knowing a whole lot. All the training, the education that the city gave to me, all the knowledge that I have, I thank you all for that. I thank city of Austin for all the training they've been given to me. I thank my family and my friends. Again, thank you, all. I do appreciate it. I'm going to miss you all. Thank you.

[ Applause ]

[5:53:23 PM]

>> Mayor Adler: We have a proclamation. Be it known that whereas thousands of times each year the underground infrastructure in Texas is damaged by those that do not have underground lines located prior to digging, resulting in service interruption, environmental damage, and threat to public safety, and whereas in 2005, the fcc designated 811 to provide excavators and homeowners a simple number for contracting -- utility operators to request the location of underground lines and the intended dig sites, 811. And whereas the central Texas damage prevention council dedicated to the prevention of damage to underground utilities in 12 central Texas counties promotes the national 811 notification system, and whereas we encourage excavators and homeowners throughout Austin to call 811 before digging to save time and money and to help keep our infrastructure safe and connected, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim April of the year 2015 as safe digging month. Congratulations.

[ Applause ]

>> Thank you to the mayor, city of Austin, for giving us the opportunity to declare this day safe digging day month. Ty name is Mike zamora with Atmos energy, and I'm chair for 811 damage prevention council. We encourage everyone to call 811 and just want to say thank you again.

[5:55:44 PM]

>> Mayor Adler: Let's get a picture over here.

>> Mayor Adler: We have another proclamation. Be it known that whereas dear stands for drop everything and read Texas day, a national celebration of reading designed to remind folks of all ages to make reading a priority in their lives. And whereas dear programs are held on April 12 in honor of Beverly cleari's birthday is since she first rote about dear in Ramona age eight, whereas they're coordinated by the Texas association of authors an organization of Texas writers actively taking part in doing book reads and book signs on April 12 in cities across the state, and whereas we are pleased to join Texas authors in their efforts to encourage people of all ages to enjoy a great book by a great author, especially a Texas author. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim April 12 of the year 2015 as dear Texas day.

[5:57:58 PM]

Congratulations.

>> Thank you, mayor Adler. It is exciting to have some of our authors here that are local with me. We represent over 160 Texas authors. We know there's over 3,000 published Texas authors. And we are excited to be able to present them to you during the course of dear Texas. There are -- I think we're up to 28 cities with 30 different bookstores and close to 100 authors participating. So as you heard earlier, once you've exercised, take a few minutes out and sit down and enjoy a great Texas book and to help that each of us are honoring you with a book of our own that we have all written. So that way we know you have something to read on that day.



[Laughter]

>> Thank you, mayor Adler. We appreciate that.

[5:59:58 PM]

>> Mayor Adler: Another proclamation. Be it known that whereas April one marks the ground breaking of the new capital area food bank of Austin distribution facility at 6500 met metropolis drive, and whereas it delivers much needed food to families throughout central Texas and whereas the new food bank facility will make it possible for many more people in need to receive fresh, nutritious foods while providing invaluable programs, services and advocacy to combat hunger across our area, and whereas the food banks' board, staff, donors, volunteers, represent the highest standard of what it means to be a mission-driven organization in service of others, and whereas we are pleased to recognize and support the capital area food bank in its tireless efforts to make Austin a hunger-free community, therefore, now be it known, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim April 1, 2015, as April food day. Congratulations.

>> Thank you, mayor Adler, very much. We've been working diligently for four years to get to the point where we can do this ground breaking for a new facility next Wednesday. Last year the food bank distributed 31 million pounds of food, equivalent of 26 million meals to central texans who are food insecure and sadly we're falling well short of the mark. One in six central texans and one in four central Texas children are food insecure, not sample.

[6:02:00 PM]

The new facility will allow us to more than double what we did last year and be able to help those in immediate in our Jennifer growing community. I thank you very much for proclaiming April 1 as April food day and you're all welcome to coming to the ground breaking at 6500 metropolis.

[ Applause ]

>> Gallo: Good evening. I am delighted to say a few things and introduce Matt swinney.

>> Swinney.

>> Gallo: I knew I was going to get that wrong. I apologize. The founder of Austin fashion week, we go from south by southwest to Austin fashion week, fun transition, I'm sure. This week has been going on for about seven years now, and I'm going to ask Matt to say a few words, but in case he doesn't brag on himself while he's doing that, last year they had over 18,000 attendees to the different projects and things that were going on during the week, and it has both a national and international reputation. So we encourage all of you that would be interested in this. I think the festivities are at Austin city musical Matt is going to say a little more about what is going on but, Matt, thank you so much for being part of all the fun and interesting and great things we have going on in Austin.

[6:04:10 PM]

>> Thank you, councilmember Gallo. And Mr. Mayor for having us today. You know, Austin is well known as a music town and a film town, but very quietly we've been growing a really amazing fashion industry here off the backs of some amazingly talented, creative clothing, jewelry and accessory designers, many of which have big names, but most of which most people wouldn't know their names. So it's been really fun over the last seven years to work with my team to help create that and make fashion a large part of what the city is. I hope you'll join us April 10 through 18 at various events, everything is open to the public. You can Google Austin fashion week and we'll be number one up there to check out what events are going on. So thank you very much.

[ Applause ]

>> Mayor Adler: And we have a proclamation. Be it known that whereas Austin fashion week began in the year 2009 to bring visibility and sustainability to the city's local fashion designers and whereas since then Austin fashion week has become one of the most respected independent designer fashion weeks in the United States and it's helped to launch the careers of labels like Isabelle la rose Taylor, Daniel, rose moss Bennett and whereas last year more than 18,000 people attended fashion week events and more than 70 local national and international designers showed collections, and whereas more than 750 local apparel, jewelry, and accessory designers makeup artists, hair, models, photographers, writers, bloggers and other industry professionals take part in fashion week, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim April 10-15 of the year 2015 as Austin fashion week 2 2 20 2015.

[6:06:34 PM]

Congratulations.

[ Applause ] .

>> Pool: I think for the very last item on the list we're going to do something a little different. Rather than receiving or presenting a proclamation, the city of Austin on behalf of the residents of the city will receive an official plaque recognizing the city of Austin's participation and status with the national wildlife federation. So today we have Marya fowler, senior educator with national wildlife federation and pat and dale buela and ed lawane and I'm going to let Marya fowler say a few words and here we go.

>> Good evening, everyone. It is our absolute honor and pleasure to recognize the city of Austin for their tremendous efforts in helping create and restore habitat for wildlife in this wonderful city of ours. About a week or so ago, we actually deemed Austin as the top wildlife city in the nation, or the top city for wildlife in the nation.

[6:08:46 PM]

We had a top ten list, and Austin was number one. So congratulations to you all.

[ Applause ]

>> So what were some of the things that we looked at when we thought about Austin as the number one city for wildlife? Well, first of all, in 2009, the city of Austin became our largest community wildlife habitat. That means that the city of Austin had the largest number of certified wildlife habitats per capita. And to date that number is 2,154 habitats, and that means citizens in Austin are creating spaces for wildlife on a regular basis, in their own backyards, in their communities, places of worship, work, et cetera. We also looked at the number of school yard habitats that all these -- the various cities had, and, again, Austin came in number one, with 67 certified school yard habitats. School yard habitats are dedicated spaces for learning through gardening for wildlife and wildlife habitat. And then we also looked at the percentage of parkland per capita, and, once again, Austin came in first. I want to dig just a little deeper, though, and think of some of the other tremendous things this city has that made us say, hey, Austin is number one. And that are some of the incredible venues that the city has, such as the horns by Ben bird conservatory, a 1200-acre site in southeast Austin where thousands of birds come -- thousands of birders come annually to watch birds and on any given day a birder could be guaranteed to see as many as 50 different species of birds out at Hornsby Ben right here in our city.

[6:10:54 PM]

We also are home to the congress avenue bat bridge and 1.5 million Mexican free tail bats that call this place their home during kind of the summer months and into the early fall. We also have the venues such as the lady bird Johnson wildflower center, whose very mission is conserving, restoring and creating healthy landscapes which provide habitat for so many pollen aters, small mammals, count wills other critters. We have I've 35, which for those of you do not know serves as an incredibly important making migratey route for the monarch butterfly, actually the funnel for the monarch butterflies and Austin is uniquely situated to play a really important and unique role in helping the monarch butterfly, which is in serious decline. We also have a parks and recreation department that is dedicated in part to actively training volunteers to be habitat stewards, to help educate all Austin citizens about the importance of wildlife habitat. And we have lawane tucker here actively engaged in helping train citizens on an annual basis how to be wonderful volunteers. And then we have a school system, the Austin ISD school district, that understands the importance of creating outdoor classrooms and school yard habitats that help students connect to nature and provide opportunities for learning that is both meaningful and relevant. So congratulations to Austin for keeping it both weird and wild. Thank you very much.

[ Applause ]

>> Pool: Thank you, Marya.

[6:12:55 PM]

I just wanted to say a couple of things Marya didn't know that Austin beat out Portland for this award, and, you know, that we've had a long running rivalry with Portland, so as she said, we're keeping things wild and weird and this is great. I'd like to note if you saw this morning's statesman Austin rates as the fastest growing metro area in the nation and the fact that our wildlife habitats have grown with the city is a testament to Austin's commitment to protecting our wildlife as we grow and doing our part do reverse the decline of key polleninaters like the monarch butterfly, planting in our front yards, open sparks, I'm hoping to plant milk weed here at city hall if we can manage that. Another thing she may not have mentioned is we have a grand total of 200155 certified habitats, 67 of them here in Austin are school yard habitats, and I want to give a shout out to Blackshear elementary, Mcneil high school, gust Garcia, west wood high school, Hawthorne Mont sorery school, wish I could name them all you but you get the idea. This success would not be possible without the leadership of the national wildlife federation, a former employer of mine, I might say, and I am very proud of the work they do and their active collaboration with the city of Austin's parks and rec department, the terrific wildlife Austin program, Texas parks and wildlife, and the audubon society. I thank you all very much.

[ Applause ]

[6:15:17 PM]

[ 🎵 Music 🎵 ]