

Health and Human Service Committee Meeting Transcript –6/1/2015

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>> Houston: Good evening, again, everybody about councilmember Garza, who is a member of this committee is on maternity leave, and so I'm ora Houston and I'm calling the meeting of the health and human services committee of the Austin city council to order on Monday, June 1, 4:06 P.M., 2015. We're meeting in the council chambers at Austin city hall, 301, west second street, Austin, Texas. I talked to you about the parking. So please remember to get your parking ticket validated. The first item on the agenda is the approval of the minutes. Please take a moment to review the minutes. I'll entertain a motion. >> Troxclair: I'll make a motion. >> Tovo: Chair, I move approval. >> Houston: Thank you. >> Tovo: Or I second it. >> Troxclair: I'll second. >> Houston: It's been moved and seconded that the minutes be accepted as distributed, and I want to note that we have councilmember Renteria has joined us. You can come a little closer. [Laughter] >> Houston: You don't have to sit way down there. >> Renteria: That's my desk though. >> Houston: Yeah, that's your desk. I want to review the agenda for everyone's sake. First we'll have citizens communication, and those are for things that are not posted on the agenda. You will have three minutes to make your comments. Please come to the microphone here, state your name, and at

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the end of three minutes you'll hear a buzzer and I'll ask everybody to please be respectful of the time because we have a lot of things to go on today. So please try to wrap up within the three-minute time line. Yes, ma'am. Could you come up to the front so I can hear you. >> Sorry to disrupt. Where can I sign up for citizens communication? I can't seem to find the list. >> Houston: See the gentleman right back there in the blue shirt. >> Thank you. >> Houston: Okay. Then we'll have items for consideration, the Betty Dunkerley campus improvement plan. We'll talk about the smoke emissions. We'll have a public hearing regarding circus animal control devices and training. Then we'll have sobriety center working

group, briefing from the health department on health disparities and a presentation on children's mental health and then we'll discuss future items for our next committee meeting. So I would like to start with citizens communication. The general ones. I'd like for people to kind of move forward as you are called. Elizabeth colevan is first, following is Florence Wong and then Cindy Williams. Welcome. >> Thank you. I'm Elizabeth coalvan, work for foundation communities and direct their ensure central Texas program. We help people get enrolled in health insurance through the health insurance marketplace. We launched this program back in October 2013 with a launch of the affordable care act. And people have sought our help. We knew they would need it based on helping people prepare taxes and health insurance is complicated and all that tax information is now intertwined with our health insurance. So since our launch in 2013, we've served over 25,000 households, helped close to 12,000 individuals enroll in health insurance, and we've

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claimed 30 million in federal dollars that are helping to subsidize the cost of insurance for people hear in central Texas. The households and individuals we serve have very little experience with health insurance. For this year, the second year of the affordable care act, 69% of the households we enrolled in health insurance had at least one uninsured adult in the howled and of those almost half have been uninsured for almost five years. 64% of the households we serve speak a language other than English and 55% speak Spanish. For us enroll S the first step. We help find primary care physicians. In their network, we help people understand bills, the many letters they get from an insurance company and the marketplace. Our goal is not just to get people to meet their medical needs and be healthier citizens. This year we received \$100,000 from the city, and I'm here today to thank you for that funding. The return on your investment in our program is \$14 million that we claim between November and December -- November and January that is subsidizing the cost of insurance for people who are largely formerly uninsured in our community. So we thank you for your investment, and there's plenty of work still to be done with the uninsured in our community and helping them maintain this insurance so that they can address their medical needs when they do come up. Thank you. >> Houston: Thank you. Ms. Wong. >> Hi, I'm Florence Wong and I'm here to tell you my experience with insurance central Texas, which has been really vital for me to get insurance and keep insurance since the marketplace opened in 2013. During the recent economy, I

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am like many austinities, have multiple and nontraditional sources of income that I depend on, and so pursuing my own health insurance has been really vital. And since 2013, when I've worked with central

Texas -- insurance central Texas, they've -- every contact has been really helpful in navigating a very non-[indiscernible], and just to make sure I can, you know, keep and choose from the many, many options available. A recent example is that I received a letter from the marketplace saying that my tax credit had been significantly this was with no change in my income situation. When I talked to them, it's, you know, difficult to, you know, assess, like, how this happened or receive any guidance from them. And so I really counted on -- was really happy to be able to turn insure central Texas to, you know, kind of -- to address the pretty overwhelming and stressful kind of situation. And so working with the counselor they were able to help determine that the estimate for my 2015 income was kind of at the -- was a cause of the change, and they worked really closely with me to do a month to month analysis of my projected income and lay it out and create a visual aid that I could submit as detailed documentation for the marketplace to continue and actually successfully get the tax credits that I had received before. So I was able to keep my

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insurance, which was at [indiscernible], more than twice the amount that they originally calculated with the -- with the income that I had, and so I was really, really happy to be able to keep my ppo insurance plan at the cost that I could truly afford. And I really -- yeah, also, it made a big difference that they were available and very flexible as far as -- and having access, whether I needed to make an appointment or could just walk in, and they were available to have -- to have them available by phone or even Google chat -- [buzzer sounding] >> -- Was really vital and I thank the city of Austin for helping make that available. Thank you. >> Houston: Thank you so much. Ms. Williams, Walter Monroe and Jill. >> Yes, good afternoon. I'd like to thank the councilmembers for this opportunity to speak about this group that I just met. Let me start by telling you about myself. My name is Cindy Williams pip moved to Texas last year to be closer to my son. Over 35 years I worked as a licensed practical nurse in the state of Florida -- >> Houston: Could you move the mic down? That's good. >> All right. Better? Okay, then. So I retired a year ago, moved to be closer to my family members, and I'm still -- I newt importance of being able to afford income living on a fixed income -- I am being able to afford the insurance, living on a fixed income I was counting on affordable healthcare. So when I moved to Texas I was very happy to find a place with the marketplace for only \$30 a month. In January I moved up to

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Travis county, and my insurance went from \$30 a month to \$110 a month. I had called the insurance company several times from the time I moved. I wrote down everything so that I would have all the information that I needed to make sure I had my correspondence going. And, you know, I had to speak

to an elder care person. Once I spoke to someone at the marketplace, the supervisor, I was told that there was no way for them to change my insurance that I had to continue to pay my insurance fee or I would be considered uninsured and that I could not go to a doctor, I could not get my medications because at \$110, which was 10% of my household income, I could not afford to pay the insurance. So, therefore, when I met with the insure central Texas person, she was very, very helpful. They got on the phone. She spoke to the proper people at the marketplace to try to help me get this information. She did a very good job. She helped me find insurance that I can afford. The money that I'm saving I'll be able to get my prescriptions, and I would like to just thank you for having this program available to me because everything I did was over the telephone, and I did not know that I could actually speak to someone who could navigate the system for me. I'm sure there are other people who don't know that, and they end up with no insurance and no medications and no doctor. I thank you once again. >> Houston: Thank you so much. >> Hi multiply I'm Walter Monroe, the director of foundation communities. We are the home for insure central Texas. I also want to say thank you not city for investing in the

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program. We helped over 6,000 folks figure out their health insurance this season, and that really matters to the whole city, to our neighbors that coverage is extended. I also want to point out what a partnership this is. We receive funding from St. David's healthcare foundation, from Seton and from central health, as well a national grant from community catalyst, the Robert wood Johnson foundation, we were able to build a really robust program. We had 102 volunteers, really dedicated folks that went through all the training and worked with Elizabeth and her team. So when -- this is really complicated. When folks would come in, you know, taxes -- we can do a tax return in an hour, but to get through the health insurance enrollment it's not just filling out the forms on the computer. It usually takes three, four hours, multiple visits and calls and problem solving. And as Elizabeth pointed out, the majority of our clients were Spanish speakers so we're really working with the whole community. Thank you for supporting our program and effort. I hope you're really proud of the return on investment. We hope we can do this again next year. If folks need help in the interim because of an eligible health insurance event, our flagship location is on airport boulevard across from highland small folks can call, make an appointment or stop in. Thank you. >> Houston: And thank you so much. And after Ms. Are a my. >> My name is Jo Ramirez, CEO of the Latino healthcare reform. On January 2015, the city health and human services department and St. David's foundation hired us to conduct a community-based health assessment of the rundberg area, including zip codes

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78743 and 7878 inspect was done at the request of the restore rundberg committee. The reason they asked we conduct the assessment is because they were aware of we had conducted a similar assessment in the southwest health and wellness center in southeast Austin and they actually liked the way we engaged the community during the assessment so they wanted us to try to help them out. Now, rundberg is a very diverse area with over 30 languages spoken. Spanish is the most spoken. Rundberg is also a place where one out of four children live in poverty, where one in three people are uninsured, and where one in two children, that's 50%, are on food stamps. During our assessment, residents reported high levels of stress due to economic reasons and the inability to communicate with providers the most basic of needs, such as my child is sick and I am in pain. Also, we found many needs. We also found many wonderful, amazing, and resilient individuals who love and care about their community. And they want and are willing to work hard to transform their community into a healthier one. They just need some help. So we are here because we have colluded our assessment and we need to fully report to you our results and recommendations. So I am formally requesting to be placed on the agenda before the end of July as recommendations have budget implications. Thank you. >> Houston: Thank you so much. And do you have a copy of your report that you could send to the members of the committee? >> I will do that. I don't have it with me right now, but I will do that. >> Houston: Thank you. >> Thank you.

[4:22:44 PM]

>> Houston: And after Mr. Torres, Ann Tish. >> Hello, my name is Chelsea, I'm the chief strategy officer for the Latino healthcare forum and responsible for the quantitative portion of this project, as well as the proposal for the next phase of the rundberg -- for this rundberg proposal, and I'm also a neighbor in the rundberg area. So this is home for me. We identified in our quantitative data we identified chronic conditions, mental health, specialty care and reproductive health as high needs for the area. In our qualitative research as Jill spoke of we had stress and access as frequently cited barriers to good health. Access presented itself as barriers such as foreign language, a lack of health literacy, substandard housing conditions, and long specialist wait times and physically broken sidewalks. These are cited barriers. As Jill said we also have documented several sources of strength in this community. The diversity presents opportunity for a community to form their own bridges for these gaps and we hope to help them do that. We have -- this is a reflection, the items that have -- we have in the proposal are a reflection of the needs of the community. It's also a reflection of the data that we have gathered that we would be happy to share with you. And we have a -- the proposal specifically is a place-based initiative. As opposed to focusing on one condition such as diabetes, this is actually looking at a specific place to give resources to improve a whole community. We're excited to say we have one of our first recommendations passed. We spoke to capital metro last week about the need for

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increased bus access on Rundberg Lane. There's one route that runs twice an hour so people have to wait half hour for a bus. We spoke to them and we gave some of our rationale and our data, and they came back and they said that they will double access on Rundberg Lane and that people will be able to have a bus come 15 to 18 minutes now effective June 7 so we thank Capital Metro for that. We also have community health workers that are a part of this proposal. Community health workers are an important part of bridging the healthcare system and helping them with health literacy, with translation services, being an advocate in the doctor's office, as well as a driver of community engagement. So we hope to employ the use of community health workers, which is a big part of our proposal. So we ask you to have us on your agenda before [indiscernible] The proposal. Thank you. >> Houston: Thank you. And after Mr. Torres, we've got Ms. Ray [indiscernible]. >> Good afternoon, my name is Hector Torres, chief technology officer for the Latino health care forum, the new center for healthy communities. I wanted to add some comments to support what my colleagues just shared with all but from a technology perspective. So from a technology perspective we're working to support these initiatives by developing mobile, web, kiosk applications. These applications will provide a variety of tools and resources such as language translation, as she mentioned via text to speech, speech to text, natural language and document translation, appointment scheduling assistance and transportation coordination. So we'll seek to offer these tools and resources in as many languages as possible and deliver these technologies

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through coordination with the support of community health care workers. These applications will be geared towards empowering individuals, families, and the community as a whole. We want to enhance the user experience for them from a mobile perspective, for example, to improve population health and help reduce healthcare costs. We're actively working with global technology partner to deliver things like personal health information management tools, all the way to helping those with chronic illnesses to manage and coordinate their care. So, again, we would appreciate if y'all would add us to the agenda and we thank you very much. >> Houston: And thank you, again. For those that are making that request for July, the committee is not meeting, it's my understanding, in July. Some members of the committee have already taken time away to have -- have planned to be away for that first meeting, but we'll put it on the agenda for August. Okay? >> Good afternoon, councilmembers Houston, Tovo, Troxclair. My name is Ann Ti, and I am a member of the Restore Rundberg Revitalization team. I am also chair of the housing affordability work group for that organization and I'm a member of the healthcare work group and I'm here to add my support to the Latino healthcare reform's request for -- hopefully soon. We have been thrilled to be partnered with Latino healthcare forum and are excited about the results of the report. I just want to emphasize it's about the connections that are emphasized in the report, the training of people who can actually go into our community and work with our citizens door to door, if necessary, because that's the best way to access our citizens. I have a letter here from

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Erica signs, co-chair of the restore rundberg team. I wanted to highlight a few statements from the letter and I unfortunately just have one copy but I'll leave it and we can make sure you have extra copies later. Rather than focus slowly on the challenges in the rundberg area, the Latino healthcare forum has mapped out community assets and focused a proposal on bridging these gaps. Physical, linguistic and educational gaps for neighbors to achieve better healthcare outcomes and approve well-being. Specifically the forum proposes a bridging workforce of interpreters and advocates to address the unique challenges of this area with cost-effective, culturally competent and workforce that resembles the residents. We would hopefully employ in the course of making all these connections and creating a better health -- better -- healthier community, we would actually employ members of the rundberg community in doing that. Instead of one doctor attempting to change one person, the Latino healthcare forum is looking at a community initiative and a workforce to move a whole community forward. They will need the city's help and our economic institutions, healthcare providers, transportation planners and more. So the restore rundberg revitalization team is asking for your support of this community-based proposal and to provide leadership so we can bring together the broadest group of stakeholders to ensure recommendations are realized. This is a portion of the letter submitted on behalf of the entire team and we would appreciate your consideration of the Latino healthcare forum recommendations, and look forward to having this longer presentation on your next agenda. Thank you. >> Houston: And after Ms. Nadler [indiscernible], it will be Christina, and I can't read the last name, hot -- hotop and Janet St. Paul.

[4:30:54 PM]

>> I'm ray of free Austin. The question often comes up fluoride and mineral, the question is yes and no. The question follows fluoridation -- I'll illustrate in the simplest possible manner. We've all seen the diamond diagram wherever hazardous materials are stored. The three colored diamonds represent the type of threat. Blue, the one that concerns us here, stands for health, and it's the -- the threat is assessed on a level of zero to 40 being harm specialist 4 being as bad as it -- [indiscernible] Display this diagram on their product safety sheets. I've found that company science labs that sells natural fluoride and industrial type used for water floor ridation. Let's spare. This is calcium fluoride, a mineral farmed by natural processes within the Earth. However, it is not used for water floor ridation. It's crushed, solid and powdered form as an industrial raw material. The render assigns it a health threat level of two. This is acid, the fluoride Austin uses. It comes from the smoke stack -- it comes from smoke stack scrubbers san unpurified waste product of those same industries that

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consume calcium fluoride as a raw material. It's solid in liquid form. It assigns it a health threat of 3. They're clearly not the same product, and, finally, here's a fluoride storage tank at our own water treatment plant. Note that the health threat level here is 4. It seems like the Austin water utility folk consider their acid even more dangerous than the supplier admits to. Now it happens that Austin gets acid from a different supplier, and the choice is based on lowest bid. Nothing else. It's you'll get the same stuff. And there's nothing natural about it. Thank you for your attention. >> Houston: Thank you so much. >> Houston: After Ms. St. Paul we have Cynthia Valdez. >> Hello, my name is Kristin Hotop. Thank you for allowing me to address you today. I'm a resident of district 3, councilmember Renteria. Consensus tract ten. I've lived on my block for 20 years, have many years invested in my neighborhood as a resident there. I have owned my home since 1999. I'm here to speak to you today about a public health issue affecting quality of life for not only myself, but other residents in the immediate vicinity on Garden Street and specifically that is a type two short-term rental property and type two meaning the owner does not live at the property. The owner is actually an investor named Jason Martin who owns several properties in our neighborhood. One of those properties, the permit for which is expired but he continues to operate pretty much with impunity.

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This is a nuisance property as I mentioned that affecting quality of life. We deal every weekend with noise, trash, harassment from the tenants, it's affected since we've had prolonged exposure, it's now affecting our physical as well as, you know, mental health, look at my hair, it's frizzed. [Laughter] >> For example, there's a lot of unsafe activity that occurs on the property, particularly after the bars close at roughly 3:00 A.M. to 4:00 A.M. in the morning. As an example a few weekends back I saw -- I was woken late at night, called 311 and saw one of the tenants pick up a bottle of bug spray, light it on fire and spray it in front of the yard. I have a picture of the occupancy, I don't know if the proposal allows to share these with you today. The maximum occupancy at this property is four unrelated adults, however we routinely see 20-25 every weekend. The business model requires that he rent at maximum occupancy since he charges \$1,200 a night, pretty much the tenants are here to party. And they do. The code office has told us they are unable to enforce the four to six unrelated adult occupancy limit, that it is unenforceable that they cannot approve the adults are unrelated, number 1. Number 2, they cannot prove that people are actually staying there versus just hanging out. So not only is the occupancy an issue, but these kind of have become party event centers for bachelor parties, et cetera, and it's really not illegal for as many people to congregate there and get wild as they can squeeze in. We've been

working with the code office since January. We've been requesting admin hearings with director smart to no avail. They've told us there's

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absolutely nothing they can do and the code is so poorly written it is unenforceable. [Buzzer sounding]
>> Houston: May I ask you to take your pictures over to our excellent computer people and they'll put it up on the screen for us so that we can see what you brought to share? If you'll come to this mic so you can tell us what it is we're seeing. It will be on. Just a minute. >> In any case, this property is operating near a school -- >> Houston: Hold on. Let's get the picture up? >> Okay. Here I took this photo yesterday morning at 9:33 A.M. The trash -- as you can see the trash consists of primarily alcohol or beer bottles, conditions. These are not nice families coming to visit, and, you know, renting out a home for a weekend. We witnessed -- requests but, again, are told there's nothing that can be done. May I -- here's an example -- this is an example of what we will walk outside and see on weekends, in the yard. This is pretty earlier in the day so before things get

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crazy, before the aerosol fires come out, you know, that kind of thing, but you can certainly see there are far more than four people. The maximum he's supposed to have are four people. There are far more than four people standing there. In fact the next photo -- this was for a bachelorette party back in either January or February. So even though we're trying to document all we can as neighbors, you know, we're not always home when these folks roll in. We take the photos we can take. Code has told us they can't use our photos and videos as documentation. The only thing they will accept is a statement from the tenants acknowledging that they have more than four people in the house. Even then they say because they cannot fly them back in to be cross-examined, that -- or even admin hearing. This photo was taken next to one of Mr. Martin's other properties at 12:01 by another neighbor of mine. He has a 2-floor balcony that enables him to see. So this is what's taking place at these properties. This is not safe for single family residential neighborhoods. This is a commercial business that employs staff, attorneys, lobbyists, cleaning -- janitorial staff, not check-in staff, et cetera. Yet it's not held to the same standard as a hotel. It's not licensed. It's not inspected. There is no kind of -- what if a fire happens? You know, there's only one entrance to the house. So the threshold, the standard is far too low.

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This is the last photo that shows that there are far more than four people at this property and his other properties every single week expend, you know, these guys look like nice guys but let me tell you that when they wake you up at 3:00 A.M. Or harass you or make comments to either you, your children -- I have a neighbor who lives with hurry girlfriend, they were making nasty kind of statements about them being a lesbian couple. You know, this is our life now, and we urge you guys to please revisit the issue soon. They will bring out their supporters but this is what's really happening. And -- >> Houston: Thank you. >> It's not an isolated issue. >> Houston: Thank you so much. Thank you for sharing those photos with us. Ms. St. Paul? And then last Ms. Valdez. >> Thank you so much for your time. I'm here to back up Kristin as well. I live in the east Cesar Chavez neighborhood and it has become a huge issue on our block. This particular person, Jason martin, owns multiple properties. Trash is left out nap was kind of -- that was kind of a mild picture of the trash. It can be left out for a couple of days, and this is operating as a business. And the health concern for our neighborhood is not just our own well-being, but it is also that these properties are not being taken care of in a way that a hotel would take care of for bedbugs or sanitation, things -- I mean, we are talking large groups people every single weekend. This is a huge issue for us, and we please ask city council to revisit this and put it on the docket for a future date because it's getting out of

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control in small very single family home neighborhoods. For east Austin, I feel that we are kind of under fire right now, especially in east Cesar Chavez. We are close to Rainey and we are very appealing for people coming in from out of town who are looking to party. Backing up what Kristin said, this is not for families who are looking for a get away, that are coming in from other areas, just looking for some time off and visiting another area. These are specific properties that are advertised as party houses, bachelor parties, bachelorette parties, large groups, 14, 15, 20 or more in a basically two-bedroom house. >> Houston: Thank you. >> Thank you. >> Houston: Mayor pro tem tovo. >> Tovo: I wanted to thank the speakers who came down to speak about this particular issue and thank you also for the e-mails you've been forwarding. I have certainly been reading them, as have my staff, and I think it is appropriate to revisit it now that's it's been in place for a while. I'll also mention that a few days ago I got a similar body of information from another neighborhood that's also experiencing issues. So while some of the short-term rentals are operating in harmony with their surrounding neighbors we do have some that are causing challenges and I think looking at the ordinance and considering ways in which we can aid our code compliance staff in enforcing the ordinances we have on the books is really appropriate. So thank you for that suggestion. >> Renteria: Chair, may I say something? >> Houston: Sure. Councilmember Renteria. >> Renteria: I really want to thank my neighbors for showing up. I've been getting bam barred

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with calls from not only them but a whole bunch of other neighbors saying the same thing, that these parties are -- I don't know, these -- they're really nice young men but under the influence of alcohol, partying late night, they keep you up all weekend and you're supposed to be able to try to get rest after a long week at work. So I'm also going to be supporting my colleagues on -- tovo on this issue. >> Houston: Ms. Valdez? >> Hi, how are you. Good afternoon. Briefly I want to add my support to councilmember Renteria. We have been complaining about this type of activity. I live in that neighborhood, just down the street on Cesar Chavez, and we're seeing more and more of that occur. As we see more and more bars open along Cesar Chavez. That's one of the reasons we're so concerned about the hotel being located at Waller. And then another one at 183. We're watching people walking up and down in varying degrees of alcoholic or drug-induced states making all kinds of noise and waking up everyone, you know, who lives in the neighborhood so I thank you all for that. All of those who have worked on making sure that we have insurance provider, access to insurance and to medical services for our Austin community and Travis county. I congratulate Latino healthcare forum for the work that they've done in the past which continue to do with Dove Springs and now with the Rundberg neighborhood. But first and foremost I'm here because I'm a new member of the Travis county central health board of managers, and as we look to addressing the medical needs and the -- of

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our indigent, of our working poor and of those that have no insurance in the city of Austin, in Travis county, one of the things we like to do is make sure that the community is engaged and participates in the process of developing not only our budgets, but in the services that need to be provided so that they can have a higher quality of life, so they can have access to the medical -- not only primary care but specialty care that they were mandated to provide by the proposition that called for an increase of 5 cents to the -- towards the development of the medical school by the University of Texas and the teaching hospital by Seton. We can't do that unless the citizenry comes and engages us as a central health board. The city council appoints 4.5 members of that committee. Travis county commissioners appoints the other 4.5 of that nine -- members of the nine member committee. We would like to make sure we have a healthy robust discussion with our population. We'd like to make sure they begin to engage us and talk to us about the services they would like to see happen and be included in the new teaching hospital and what kind of engagement, what kind of services we would like to see come from the University of Texas and how we're going to see their graduates and their residents provide services in the community care clinic, in the people's care clinic, Lone Star Circle of Care so they can learn to meet the needs of our community, they can meet our people, they can -- [buzzer sounding] >> -- Commute with them. So just quickly, I'd like to announce that our Wednesday board meeting will occur this

Wednesday, January 3, 5:30 P.M. At 1111 east Cesar Chavez. That's the old -- for those of you who are old timers, the old HEB building located next to the library.

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It will begin at five 30:00 in the afternoon, this Wednesday. We are beginning the discussion with respect to services services and our budget. So we welcome everyone who is within the listening audience. Thank you. >> Houston: Thank you so much. That end our citizens communications. We will now go to item number 3, which is the Betty Dunkerley campus improvement plan. >> Good afternoon, councilmembers. Kimberly Maddox, chief administrative officer for health and human services. I think we're working on getting the presentation up for you. >> Houston: Okay. >> We're here to talk today about the combined project of the animal customer kennel expansion as well as the Betty Dunkerley campus infrastructure project so the existing site plan includes the current animal center as well as the health and human services and most of its administrative offices, a picture of the current site as it stands. Right now we have, obviously, a very large need for expansion of the kennels at the animal center, as well significant flooding, drainage issues along the whole ring road that affect Ada parking, staff parking, it affects the road and able to pass through the road. So we have significant issues in drainage which have been very evident in the last couple of weeks that we need to be addressed and will be addressed in this project. So our scope for the project is to construct two new stray kennels, to construct new parking lots, including a large parking lot for animal services staff, which is very much needed. Reconstruct the ring road and the parking along the ring road that goes around the

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property. We'll demonstrate all the drainage and flood issues, redesign the entrance for better visibility, add gutters and downspouts do existing buildings to also help with the drainage, add new signage at the entrance and new way finding signage around the campus to improve direction and focussability to find what building folks are needing to be at, add new landscape and irrigation systems as required by permitting. So this diagram gives you an idea of the vision we have for the campus. Down in the bottom right corner are the pink. That's the proposed new kennel locations. So there would be two kennels added next to the existing animal center. Also at the top the blue road, that is a future secondary entrance and exit on to Gardner road. We're current -- the current entrance is off of la vander loop and also right on the edge of the green to the far left of the large green space is a future building for -- as well parking allotment for that staff. Those two projects, the road and future buildings, are not funded at this time. >> Houston: Excuse me. For the benefit of the people who may not know, could you tell us what hh -- >> Health and human services department. >> Houston: Thank you. >> So project

funding. Funding for the Betty Dunkerley campus infrastructure, which is the ring road, the drainage, the additional parking, is funded through 2012 bond funds at approximately \$1.7 million. And the animal center kennel addition was funded in fiscal year '15, and that is general fund dollars for capital improvement at \$5.4 million. So the combined project is \$7.1 million. We combined them in order to gain efficiencies in the whole

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process since we were already doing a project on campus when the kennels were funded. I'm going to turn it over now to -- sorry -- to Mr. Fernandez from contract management department. >> Thank you. Good afternoon, councilmembers. Mr. Fernandez are the contract management department. I serve as assistant director. I want to take a few minutes to walk you through our part of the process. We've been partnering with the public works department and health and human services department to deliver this much needed project. I want to talk to you about the contract, procurement and the contracting process. As you know, most of our construction projects in the city of Austin we use our information for -- excuse me, low bid process, which is, you know, competitive proposal where we look at the lowest price. However, we do have other alternatives we can use based on the uniqueness of the project. In this case we're going to use the design build process. With the -- what the process does is allows us to procure the professional services along with the construction services at the same time. We're going to hire one entity to serve as the architect engineer firm and oversee the construction process for us. That entity can perform the services themselves or subcontract some of the scope of work. It provides a lot of benefits for the city of Austin. Number 1, it serves as the ability to have one person to go to for all the services and gain efficiencies as we're moving along with construction -- the professional services process, the engineering, architect services. They can find efficiencies they can gain while they start the construction project. In addition, it allows for the city of Austin to begin the process of construction after design documents are approved. So this mechanism will allow us to have one entity in place, again, as we move forward with the design phase to go into -- right into the

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construction project once council authorizes us the ability to do so. I want to recap for y'all how we derive this method and how we got to where we're at today. December 11, 2014, we came to council and asked for authorization to use this methodology. So before we start the procurement process we come to y'all and asked for permission to use this specific process. We did that and then we gain the solicitation process. The process consisted of two specific steps in terms of requesting the information from folks interested in contracting for this service. And step number 1 was the request for

qualifications. We're looking at how the individuals are going to participate in the city's minority business enterprise or the woman enterprise program, their financial and safety capacity, we look at previous experience and being able to deliver such similar projects we're undertaking, the experience, have they done these type of projects and this methodology, their approach for doing the work. Then we also look at their way of the outreach efforts, their business outreach efforts and practices and reputation. How do they go out and recruit folks for other smaller businesses to join them in part of their team to deliver this work. Once we narrow the field down in terms of competitors we move into the step two, and that allows to us kind of dig in a little deeper in terms of how are they going to do their work in terms of delivering the project within budget. You know, lower the cost for the services they're going to provide. So we look at the construction cost methodologies, we look at the budget constraint methodologies, how, again, they're going to stay in budget and deliver all the services needed on-site. We're going to look at their project schedule, how they propose to start their project and work through their project and finish on time, and then we have what we call interviews, where we invite those two competitors, the competitors, excuse me, to answer questions in person.

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So we really focus on, again, recognizing what we need in terms of the project scope and trying to find the best firm to do that work for us. That process is also collided. On June 18 we'll be coming to council asking for approval of the staff recommendation, which is bob glass contractors. I want to take time now to talk to you about the community entertainment process that is allowed as we proceed with this process. Number 1, as we begin the -- with council's approval we can begin work on the programming, the schematic design phase. That allows us to, you know, start moving forward, understanding the needs that we have, the design firm will receive that information from us and they can go ahead and start initiating the preliminary phases of the project. Once we're done with that we'll have a chance to invite the community to see where we're going, what the project is going to be looking like as we move into design phase. This also provides an opportunity to take a time-out. If we start seeing perhaps costs are too great we can decide to continue with that or we can decide to take -- stop and look at another delivery method for this project. So the advantage of the delivery method is dove that ability to stop and either decide to proceed or not to proceed with the contracting services. Once we're done with step one we'll move into the preliminary and full design phase. This, again, allows us to really prepare, you know, rough estimate in terms what have we're looking for in terms of construction costs. We're going to have a full set of documents of, you know, materials, design documents, what it's going to look like. Again, when we finish this process, we'll have the ability to invite the community back and share with the community what that design, what that campus is going to look like. This also provides us another opportunity to stop and determine whether or not, you know, the cost for this -- you

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know, this project is within our budget. If it is we want to move forward. If not we can decide to do other alternatives. Again, it's pretty important to the department, the health and human services department, public works, to have a protests in place that allows for those time-outs to discuss the project with the community. This is a very important project and we want to have that in place. So this is all going to happen after council allows us to move forward on June 18. When this happens and we're complete with this phase we'll come back do council, ask council to authorize to us move forward into construction. You'll be able to come back and see the results of these efforts and allow us to proceed into the construction phase. Something that's important to the community and councilmembers as well is our minority women-owned business program so I want to specify that the approach that we're taking, number 1, is the request for council action on the June 18 agenda shows that we're meeting the goals for the initial first phase, you know, the preliminary and design phase. Once we're ready to move into construction, the small minority and business resource department will work with staff to set some goals for the construction phase. So I want to be really clear that we're only asking as we move forward with the request for council aioon 18th, right, we're only going to be showing minority participation for that specific scope of work. As we begin to move forward with the construction phase we're going to work really hard with the design build firm in setting up those goals, right, and they can either meet the goals or demonstrate good-faith in trying to meet the goals. We'll working really hard with them to ensure that we do that. I want to close with a project schedule. Again, on June 18, we're going

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to be coming to you with a request for council action to approve the awarding of the staff recommendation, smile glass contractors. December 2015, January 2016 we're going to amend the contract and have them move into the design phase of the project. June 2016 we're going to come back to council, if all goes well, and ask for permission to move into the construction phase. At that time, again, we'll have the Numbers for the minority participation and then we'll also have a guaranteed maximum price for the construction phase. This is where we pass the risk back -- asked for under that price. Then October 2017, construction completion. To end, you know, we're seek your approval as we go to council on the 18th in awarding this contract for design build services to smile glass certificates. >> Houston: Thank you so much. Members of the council, do you have any questions? Councilmember troxclair. >> Troxclair: Hello? Okay. So the time line between, I guess, December 2015 and June 2016, that six months, it just takes six months to design, to put together design plans for something like this? >> Correct. So what we're going to do is, as council approves this item on the 18th, we'll negotiate the contract, sit down with the certificates, negotiate the contract, get a contract in place and have them start on the preliminary design work, schematic design work. We're hoping that gets done December 2015, January 2016. Once we get that we're able to move to the next phase. So it is a phase by phase

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approach. It's just a matter of sitting down with them, getting the contract executed and having them start off with the first phase that works. So it is a matter of months before we can move into one phase to the next phase. >> Troxclair: But it's a matter of -- it's an entire year before construction can begin? That's the earliest? >> Yes, ma'am. >> Troxclair: Possible? >> Correct. Again, one of the benefits of using this methodology is it allows us to have that contract and as things are designed and approved by the city they can begin some of that work. So it's not like we have to -- you start and -- the preliminary design work and then the design phase and then before we go out and bid those sources out, then we start construction, this allows us to compress some of that and as we start getting some documents approved we can initiate that construction work, recognizing the fact we want to do this as timely as possible. So this methodology allows us to kind of compress things together and move forward as we get design documents approved. So. >> Troxclair: Okay. >> Houston: I have a couple questions. On your community-engagement process it looks very passive. Are there any opportunities for you to go into the community and talk to the surrounding neighborhoods about what you're doing? There's one to the north of you. There's a mobile home park across the airport. So this is all very passive. What are the active ways you're imposing to entertain the community? >> Councilmember, yes. We have contacts with the neighborhood associations for the neighborhoods that surround the campus so we'll reach out directly to those neighborhoods, requesting their feedback during the community engagement phases as we move through each phase. >> Houston: The other question is how many employees? We said parking for employees. How many employees do we have now? >> On campus, animal services has upwards of 100 on campus and health and human services about the same, 100 to 125 on

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campus. >> Houston: So we're talking about 200 in some parking spaces? >> Yes, ma'am. >> Houston: Okay. Speaker2: We have quite a few visitors on the campus. Our office of vital records where citizens come and get copies of death and birth certificates, we have quite a bit of traffic there, visitor traffic there, as well of course the animal center has a high volume of visitor traffic. >> Houston: So will the parking that we're anticipating be new parking for staff of the development or will it be visitors and staff? >> It will be a little bit of both. One of the largest parking lots would be behind the animal center, dedicated to staff, which will free up the current visitor parking that is now partially taken up with staff. >> Houston: Okay. Now, in the design part of this, is this building going to be lead certified as well as the other one? >> It's a standard requirement from the city of Austin but I'll ask the project manager to speak directly to that question. >> Yes. We are planning to pursue everything that is required in the resolution, which is the lead resolution. And the main animal center is a lead goal facility. Now, kennels offer fewer opportunities but we are going to pursue every avenue that we can to make it lead certified. >> Houston: So I'd like to know at some point what's the cost associated with having it become lead

certified? >> Sure. We can do that. >> Houston: Okay. Any other questions? Thank you so much. >> Appreciate it. Thank you. >> Houston: Members, what -- this is on the agenda because we need to make a recommendation to move it to the June 18 agenda for consideration by the full

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council. >> Tovo: Chair, I'm happy to move that we forward this on to the full council with our recommendation for approval. >> Troxclair: Second that. >> Houston: It's been moved and seconded that we refer this -- move this forward to the city council, full city council, with the recommendation that this be adopted, the plan as stated. All in favor let it be known by saying aye. Opposed, no. It's unanimous on the dais with councilmember Garza absent. We're now here to talk about smoke emissions. Let's see. That's item number 4. Let me just say before we have -- we've got some people signed up to speak for -- three people signed up. The resolution that we're referencing was introduced regarding two specific businesses, and just for an update, the mobile business relocated to provide relief to the neighborhood and the fixed location that was brought to our attention is in litigation. So we've heard three times about the smoke in this committee, and so tonight we'll be making a recommendation to the full council. We've got three people signed up to speak. Mr. Hobbs, Jennifer echos, and -- no, I'm sorry Hoover alexer and skeeter Miller. Is Carter Hobbs in the chambers. If Mr. Alexander will start

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coming this way and Mr. Miller after that. >> Madam chair, councilmembers, briefly you've already touched on my first point, which is the two acute business that's were an issue have now resolved in one way or are well on their way to being resolved in another. And as was noted in your notes outside, the research has led us to believe that the tceq, Texas commission on environmental quality, is actually the organization under -- neither the city staff nor the health department really has the personnel or the resources to enforce an ordinance related to wood smoke and that targeted businesses would be facing an undue burden if such an ordinance were brought to bear. You know, compliance and great cost being the major reasons for that. Given all that, I would like to urge the council to not move forward with any new regulation to restaurants smoke of any nature and instead allow the code compliance along with the tceq to regulate this issue. Thank you. >> Houston: Thank you, sir. Mayor pro tem. >> Tovo: Sir, I think I understood your first point, was that both situations have been resolved, but I'm not sure that going -- having -- ending up in litigation is really a solution. >> Well, it's not the solution

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I would personally choose, no, but that seems to be the path they've gone. And I said -- the first one has been resolved and the second one is on its way to resolution, but, yeah, obviously that's not a good way to do it. But if you have two parties that are, you know, for whatever reason diametrically popped, at some point -- opposed at some point that seems to to be thousand frequently winds up. >> Tovo: I continue to be interested in solutions that those of you in the industry might offer. I know we had a discussion at our last meeting about the concerns that adopting -- adopting an ordinance that would apply to every restaurant would be overbroad and we should just target those that have been found to be problems. But I think we're still not quite at a solution of how we would -- you know, what would be the mechanism for targeting those particular restaurants that are causing problems. And so, you know, I think this is something where those of you in the industry might assist us with some particular -- particular provisions we might adopt in our code that would allow our staff to be able to -- [buzzer sounding] >> Tovo: I guess that's my time. You see where I'm going with that. I really think we -- it would be helpful to hear some kind of specific options about how we might set a path toward being able to enforce. >> The -- >> Tovo: Quality of life issues for those restaurants where there are issues. >> Okay. I do see what you're saying, and, obviously, the tceq has some jurisdiction over that currently, and maybe there would be a way to put a -- for lack of better term, complaint mechanism in place to help kick that process into action. >> Tovo: Okay. Thanks. >> You bet.

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>> Houston: Mr. Alexander. >> Thank you, councilmembers. And just to continue, mayor pro tem tovo, your point, I do want to reiterate that the restaurant association absolutely wants to be part of the solution and fully cooperative to figure out what we need to do. We don't have any answers as we speak to you today. We did want to just reiterate, you know, the one size is not a workable solution, but -- and instead looking at what we need to do case by case. We do want to continue to work and we have that conversation and we'll continue with the health department, et cetera, to finally come up with an answer we can address problems and we can all agree to, you know, quantifying what those problems are. I just want to thank y'all and also the other committee, the economic opportunity committee, to allow us to have a chance to input and have conversations with you. Councilmember Renteria, look forward to visiting with you a little bit further and I think after all is said and done we'll get these things worked out, you know, together. Thank you, everybody. >> Houston: Excuse me. Mr. Alexander, councilmember Renteria. >> Renteria: And I really want to thank you. You know, when I brought this -- brought this ordinance up it really wasn't meant to go out and affect all the businesses in Austin. And I -- you know, but I -- you know, I also knew that, you know, smoke is a real health issue when it -- when your neighbors have to breathe it in every day and there were some poor players that were doing that. And, you know, I'm glad that we're going to try to resolve those, but it would -- just meant -- as we're

having problems with all these other issues like short-term rentals and all these poor players that come in and they try to make a quick buck at the expense of other businesses that have been here and established and no one has

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ever had any complaints about them and the way they operated their business until we have, you know, these poor players that come in and have no regard for our -- or respect for the neighborhoods that, you know, they try to move in just because some rezoning that happened in the past puts business at cs-1, which is best of my recollection right next to a single family house that -- you know, that's -- then they're having to breathe all that smoke every day, and that was the hope -- I mean, they were calling me and asking me if I could do something about it, and, yes, I probably did jump the gun a little without realizing that it's going to affect -- it would affect everyone here in Austin. But, yeah, we need to really get together and work and find a solution because I think we can, and then that will make everybody happy and we can eat all the barbecue we want. [Laughter] >> Thank you for listening. It is about quality of life and we want to be part of that solution because, you know, we're part of the city, part of the fabric. Thank you for listening, everyone, we're looking forward to talking with you further about that. >> Houston: Mr. Miller. >> Madam chair, and honorable council members. Skeeter Miller, owner of the county line restaurants and have been for 40 years and also the president of the greater Austin restaurant association. I've spoken before your committee before and the council, and I think one of the things that our association really wanted to do was go scout find some solutions, find out what other cities have done to try to help y'all understand what we can do here. We called the Texas restaurant association, who reached out to the national restaurant association. We came up empty handed. We could not find another ordinance in another city that dealt with smoke mitigation. I did speak to you about the fact of other restaurants and their experiences with the costs of scrubbers.

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However, I didn't have anything but what they told me it cost so I did reach out to one of our suppliers, who really gave me some great information and I did pass that out before but I know there's some members, if you don't mind, chair, if I bring this information back. >> Houston: That's fine. >> Y'all don't have to worry. I'm not going to read all that, but I will just mention to you that I tried to highlight some of the most important things, and the first, I believe, three to four bids that they gave me on smoke mitigation had to do with nonsolid fuel sources, which means that's gas or whatever, it's not wood fired. And I think the most important one, and y'all can read this at your convenience, but is the very last one, which shows that the cost to put in a smoke scrubber for a solid fuel source would be estimated at

about \$56,000. The scary part is that the maintenance of it would be \$100,000 a year or more. These costs, as you read through it, don't include other -- the installation. It doesn't include if you have a hood that doesn't have a certain type core system, you have to remove that hood and put the proper kind of hood in before you can do that. As president of the association, I think you understand that what we're saying when we say that that -- you know, this ordinance being all-income passing would be devastating to our industry and future growth. People would lose their jobs and I think everybody realizes that and it's unfortunate that a couple of people that are

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not good stewards of this city came in here and caused a problem for everybody. Our association, as I mentioned before, will work with you in any way that we can. We want to make sure that we have a solution. We come up with some solutions that help you. I think that Mr. Delisi with the health department will explain further about tceq and their ordinance on where it kind of puts it on their shoulders to deal with this situation, and I think that that's a good way for it to be. Obviously, y'all have enough to do without going out and policing the barbecue restaurants, and I do, Mr. Renteria, I do want to tell you that I appreciate you wanting to go out and eat more barbecue. I do. [Laughter] >> Do y'all have any questions for me? >> Houston: Councilmember Renteria. >> Renteria: We did -- the neighbors did reach out to Texas air quality, and they basically told them that they don't regulate those kind of issues, especially barbecue or any kind of wood-burning smoke that's coming out. So they really didn't have any power to come in and tell someone that they couldn't do that. So that was one of the other reasons why -- we thought there was a way out there and -- through the state to regulate that, then we would have just dropped it right there. But there was no way that we could do anything about it. >> I understand. I think that, you know, since this is such a new issue for me personally, and this is certainly my opinion, that maybe the restaurant association can be more forthcoming in putting some pressure on tceq to try to come up with some additions to their nuance ordinance that could take care of this. >> Renteria: We would really appreciate that. Thank you. >> Houston: Thank you so much, sir. >> Thank you. >> Houston: Staff? Any staff here to help us? With this issue?

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I -- >> Shannon Jones with health and human services department. We have a couple of staff persons here who can speak specifically to tceq's efforts in terms of addressing this issue. And we stand available to answer any questions. From our own perspective, as we said in our initial conversation, we're interested in a balance here. And from a public health perspective we feel that a balance is important. We've identified two vendors this has created a problem, but for the most part there does not seem to

be a problem in terms of the community as a whole. We encourage, certainly as you -- Ms. Janet [indiscernible], she's our chief epidemiologist for the city. >> So I'm going to speak on behalf of this rather than Vince Delisi. What I can tell you is that as far as tceq goes, this particular type of industry is regulated by what they call a air permits by rule under title 30 of the Texas administrative code, section 106, subchapter J, which refers to food preparations. Specifically it's related to smoke houses and there's one section related to smoke houses and one related to barbecue pits. What that means is there's considered to be a small source of air pollution so they're exempt from the clean air act standards or any kind of permits that are regulated under the clean air act. However, that doesn't make them exempt from any kind of notice of violation that might be related to catching any sense of air emotion -- when I mean nuisance air emission whether it's a visible emotion that comes from a Zack that

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might impact a entity or if they cause any sense of odor emotion. If anybody has -- emission. If any resident has a complaint related to those specific things, whether it's visible emissions or nuisance order they need to call tceq eats regional office, and I have the Numbers here if you need them -- so this they can issue a complaint, which would then implement an investigation by the regional office. To me that's the best way to mitigate it. The more complaints they get, the more they're going to be out there to investigate that complaint and follow up accordingly with -- whether they issue a notice of violation or not. In some cases in the past we have worked with tceq in the past when we've had air quality issues in the city of Austin. They have done some air monitoring for us. In east Austin, they were very responsive to that. But initiation of the process altogether starts with complaint investigation. >> Houston: Any oxygens councilmember Renteria. >> Renteria: You know a case where -- that you -- that they pointed out to you that they came and investigated when it that is do with smoke? >> When it's had to do with smoke? >> Renteria: Yes. >> Do I specifically know? No, I do not. I know if you do do a complaint and -- >> Renteria: Because we did file complaints, two, we did. We went through that process. >> I would just say that they have a 24-hour complaint line that you can call. If there's an issue, you know, a resident needs to make that complaint. They're supposed to follow up. >> Renteria: If I can get -- >> I would make sure they're held account. Speaker8: If you can give me the number. >> Sure. The regional office number is (512)339-2929 and their toll-free number that indicates 24 hours is

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1-188-777-3186. So, just a reminder, for example, with pure castings, where I know they actually investigated. >> Houston: Could you give -- >> Renteria: That wasn't smoke. I'm sorry, but that was chemicals. >> But it was related to -- >> Renteria: And that was after three years of complaints. >>

Houston: Councilmember Renteria, hold on just a minute. Go ahead and say. We need the number again. >> The 24-hour number, again, 1-888, 777-3186. I did invite tceq to be here tonight. They are a little bit busy, I think probably with the flooding, so were not able to make it. >> Houston: Okay. Is there any way to check with them regarding councilmember Renteria's statement that they did go through the complaint process and they did file a complaint -- >> Like on any entity, or specific to these facilities? >> Houston: On which one, councilmember? >> Renteria: I'll get back with you on that. >> I'll be glad to follow up on anything you'd like me to. >> Renteria: Sure. >> Houston: Mayor pro tem tovo. >> Tovo: I appreciate you asking that question. That was my question, councilmember Renteria. We know we have two restaurants that have generated significant concerns for their neighbors. I understand one has moved, one has not. I would be very interested to know if tceq, if they have received complaints, including the one that councilmember Renteria is referring to, if they followed up, and if not, why not. If they're not able to follow up, we have a need for some sort of local provisions. >> Usually, they typically do follow up. They have to document a notice

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or visible emission. They have certain opacity limits from a vent that would come from a stack like that. They have to -- and this can be hard to document, where they have 30% visible emissions for a six-minute period. That's one of the criteria that they have to follow as far as documenting a nuisance. >> Tovo: Maybe there was an opportunity for more followup. In a couple of the instances that we're referring to, I wouldn't think that would be a challenge to document that, just based on the evidence that our neighbors have provided to us. >> It's very technical in the sense that some of these things, whether it be odor or visible emissions, can be somewhat subjective. There is actually folks that actually go out there and do the opacity readings have to be train and certified to do them. In this particular instance, you know, whether they met that right opacity limit, I have no idea. But they would be the ones that would have to address that. >> Tovo: I appreciate that additional information. >> I'll be happy to follow up with you. >> Houston: We would like that. Thank you so much. Any other questions from the council? So, let's have a discussion about -- for staff, there was a question that I'd like to ask about, is there any way in the city structure to have some mediation between neighbors and businesses before we go to Co court? >> Well, we as a department would be more than happy to meet and talk with the neighbors, as well as the department in terms of the expectations and see if we can work out an arrangement. I don't want to get into the legal aspect, but we as a department would be happy to meet and talk with the neighbors and get a sense, and get back with council in terms of what we may or may not have been able to work out or mediate.

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>> Houston: And these are the two -- I think the data we have from the last several meetings indicated the calls to 311 were negligible on the issue of smoke. I'm pretty sure code gave us. Do you remember?
>> I think they said they had one complaint in the past -- in the recent past. And I think it was actually about -- it wasn't about either of the businesses that were -- >> Our department did get that presentation. And it was negligible. The Numbers were. >> Houston: Okay. But you would be willing, if something like this came up in the future, you would be able -- >> Certainly. Part of our role in public health is not only to inform and educate, but also to work with community to try and address and where possible, to mediate situations like this. So, yes, we'd be happy to. >> Houston: Okay, okay. >> It doesn't guarantee we'll resolve it. >> Houston: This is an opportunity to have the conversation before we go to the -- before the neighbors would go to the next step. >> Yes. >> Houston: And then you could also talk to them about how to file a complaint with the Texas department of environment. >> That is correct. >> Houston: Any other conversations from the members of the committee before we make a recommendation to move this forward? >> I -- >> Houston: Councilmember Renteria. >> Renteria: I would like to have it where it's complaint-driven, where -- you know. And not have it like the -- if they get numerous complaints, not just one or twice. But if they're constantly complaining week after week that the smoke is coming in and they

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can't breathe, then there should be something done about it. And, you know, I don't know about your staff, but I guess they weren't hear to see the video, or haven't gone by Barton springs and seen. They would've seen a lot of smoke coming out of those stacks. If they had gone to the top of the hill where the residents were, you would've seen the smoke there. You would've seen some other there off of 2nd street on Cesar Chavez. But, people -- I would never have written up a resolution like that against smokers if people hadn't called my office constantly. I mean, the phone was just ringing and ringing. So, I hope that you can really come up with a real strong recommendation where, you know, you can enforce it. That's all I care. If this can get enforced, and be complaint-driven. And they say okay, we're out here, let's cut that smoke down. Give these people a break. Move it away or put a bigger stack. If you can't afford a scrubber, put a 30-foot stack so the smoke goes over everybody's home. But something, because if not, I mean, we have Cesar Chavez, the city has owned it from both sides, from here until cs1 commercial, and we have a lot of single-family houses next to them. Now we're getting complaints about bars. We're getting complaints about barbecue. Everybody wants to get into the barbecue business. Everybody that had a little trailer with a smoker on it is out there trying to compete with the big boys now. And they think they're the next franklin, you know. But they can't do it there right next to people's single-family house, because it is a health issue. I mean, I would dare to say

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anybody that would like -- I bet my friend -- the people that live on that hill would more than welcome you to share their house with you and they can get a week off at your place and see how would you like to live there for a whole week. >> Councilmember, we're not saying that there's not a nuisance there. And I think that what we're talking about here is the opportunity to utilize the current system that's in place to try and address those issues. And so providing the information -- hopefully that's one step. The second step is to engage, as the chair indicated, with the community themselves. The individuals themselves, to see how we might be able to work with them. And vendors, in particular, if there are mechanisms there. That's what we've agreed to do. Obviously council has the authority to make any decision it makes. At this point in time, we'd like the opportunity to see what we can work out in lieu of having to come up with a one-size-fits-all-type of recommendation. >> Houston: Councilmember Renteria, I think it can be complaint-driven. When you get those kinds of calls from folks in the neighborhood, then you contact Mr. Jones. And then you all set up a time to go out and have the conversation with the vendor and the family. That's, I think, is the way I would like to see this move forward, rather than creating an ordinance that is super-imposing over all the city regulations that we may or may not have the authority to enforce. We have many ordinances on the books that are unenforceable now, like short-term rentals, as you mentioned. And so when you put those things in place, it puts a lot of work on people. And they know they can't do anything about it. So I think we need to be really careful. But I think that the complaint system that we just described is

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one. At least give it a try and see how many times. Because if I get a call, I'm going to call Mr. Jones and say, I'm willing to go with you. >> Per mayor pro tem's recommendation, we will follow up with tceq to see what came of the two complaints that have already been provided to them. >> Houston: Councilmember troxclair. >> Troxclair: Thank you for being willing to see what you can do to address the issue on a case-by-case basis. I tend to agree with chair Houston on the fact that although this is a very serious issue for the neighborhoods who are experiencing problems, they do seem to be very isolated -- support anything that's going to enact a blanketwide policy with implications for all businesses in Austin for the benefit of the other committee members and the public, just to give you an update on the action we took in the economic opportunity committee. We considered this same issue from the aspect of how it affected small businesses and economic development. And because of the serious cost implications and enforcement issues of enacting a blanket policy that would've required installing scrubbers or other smoke mitigation devices on businesses that aren't having any problems, who have been good neighbors, who have been good members of this community, we decided to make no recommendation. Or actually, we made a recommendation that we did not think a citywide policy would be the best way to move forward. But on the whole, I know that is a very different issue than the health-related issues. I reached out to tceq as well on my own and got the same feedback

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that this would be an instance where they would have the authority to regulate the smoke in the problem areas. So it seems to me like this is a new issue, as we heard from the gentleman who testified about the restaurant association, about reaching out to other cities. Really, there aren't any other cities that have experienced these kind of problems who have implemented citywide policies. And so, I think from -- there clearly was miscommunication that happened, maybe between the communities who have had issues and tceq. Because they did confirm to me that they have some regulations already in place, and would be able to successfully ensure that people do have the ability -- people who live near businesses who are emitting a lot of barbecue smoke have the right to breathe clean air. And I hope that this is one of the good things that has come out of this in one system. That the community and councilmember Renteria's district got -- really had an advocate and got a voice on this issue that may have been overlooked in a citywide system. And I think that helped to bring a lot of attention to the issue. And I think that now that tceq knows that it's something that we have had problems with in Austin, they will be a little bit more motivated to make sure that this is on the top of their radar and they are responsive to any concerns that you or other councilmembers, or neighborhoods bring to their attention. But, I do -- I want to make sure that we do have something in place for the communities that are severely affected. But I am not going to be able to support a citywide policy at this time. >> Houston: May I ask you one other question? Is it possible for you all to keep data regarding how many complaints come in regarding smoke emission so that, say, in a year, we'll know what the impact has been? >> Well, we can certainly see what resources we have available

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to try and track that. >> Houston: I'm talking about ones that come to your attention. >> Yeah. Yes, certainly. We'll be able to. Those that come to our attention, we do track other kinds of complaints that relate to health. So we'll see how we can do to capture that. Do you have a timeframe, do you want to start from now, or from . . .? >> Houston: From the -- this is the 1st of June, isn't it? The 1st of June through next June would be a good indicator. And I think the co-department had talked with 311 system so that we could make sure that we go the information from them, as well. >> Well, I think that would be a coordination between us and code to try and get a report from 311, as well as what we might get individually. >> Houston: Okay. Mayor pro tem. >> Tovo: So, I appreciate all the discussion from members of the public, as well as my colleagues. I have a question first, and that is, is it accurate that you are going to be bringing forward some recommendations from stakeholders based on the stakeholder input to us in July? Or is this the substance of the stakeholder input that we're going to receive? Because the resolution directed the stakeholder conversations. And I'm just trying to be clear.

Are there other conversations going on outside of these committees? >> Councilmember, health and human services, madam chair. We considered the three public meetings, the health and services, and the economic opportunity committee to be, in effect, the stakeholder meetings. We invited all who had called your offices that we knew of to testify, and we invited the restaurant association to come and testify. >> Tovo: Okay. I appreciate that approach. I guess my concern is this. While one of the two establishments has moved, so that's not an impact, the one in my district is still having an

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impact on neighboring residents. I'm scheduled to talk with the owner in the next couple weeks. I haven't asked the neighbors directly whether they've made a complaint to tceq, and if so, what response they've gotten. But, they were availing themselves of options. And so I would be surprised if that's not an option that they availed themselves of. So, we do still have a situation. And I agree a citywide ordinance is not the best way to go. But we haven't yet addressed the challenge for one of those two communities that are impacted. And so I would just ask my colleagues if we can, maybe, hold this in abeyance for another month and get some information about whether tceq received complaints, and if so, how that followed up. We know they received complaints. I think the question really is, why those complaints didn't result in any kind of action. And what that means about a provision that we might need to enact. And, again, I take the point -- and I think it's well-made and I agree with it -- that we don't need a city policy that is going to create a lot of economic burden and financial burden, and aggravation generally for the 99% of the restaurants in town that are not causing issues. But, we apparently do have a potential need to look at our nuisance ordinance and see whether it needs tweaking so code compliance and others have an opportunity to respond to businesses who are creating issues. And again, I have had a challenging schedule lately. I know the proprietor has tried to schedule a meeting. I'm very much looking forward to that. Perhaps someone from the health and human services would like to accompany me to that. As a community, we need to make some recommendations where smoke is an issue. We haven't gotten to the point

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where we have any recommendations of what we might do differently when we have those situations arise. >> Well, first -- >> Mayor pro tem. I think we have gotten to a place of recommendation. It's just after the fact on the ones that you and councilmember Renteria are working on is that when we get complaints personally from our council offices, we will refer them to health and human services. And then we will all together sit down and have a conversation with the vendor and the neighborhood about what can be done. They will provide information regarding the Texas commission on environmental

quality so that they can make a complaint. So I think we have begun to develop a relationship. If you can hold on just a minute, I'd like to ask legal, what is our position? I see some people here with the current situation of the property on Barton springs road, if I'm remembering correctly. Nobody's here? Okay. The issue was going to be about entering -- having the conversation if they're already in litigation with the owner. >> Afternoon, councilmembers, Lee Crawford, city law department. I don't have that information for you at this time, but we'll have it for you tomorrow and we'll send it to all the committee members. >> Houston: Thank you so much. Mr. Jones, you were going to respond to mayor pro tem tovo. >> Well, I think what we've agreed to do, I'll make sure we're clear on this. One, we'll be happy to get complaints from your offices should anyone have any and provide the correct information to them in terms of how they might proceed. We'd be willing to, as available, to meet and work with the community when we have those complaints. We'd prefer to do a group as opposed to each individual

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resident. Because our resources don't allow us to do everyone. And we'd be willing to report back to you in a month or whatever the time frame in terms of results of finding from code and our own department in terms of complaints and calls that we've received. >> Houston: Councilmember troxclair. >> Troxclair: I guess when you meet, if -- you're meeting with the proprietor of the business. I'm just thinking back to the original hearing that we had on this issue. And I seem to remember -- but maybe you can provide me with the additional information after the committee meeting is over -- that one of the residents who was most impacted, who lives in that neighborhood, happened to be an attorney and was willing to take on the issue in a legal fashion. So they may not -- you know. If you have that resource readily available to you, they may've chosen that route rather than trying to pursue tceq. If you were able to find that out, that would be helpful information to have. >> Tovo: Yeah, councilmember troxclair, I agree. And that may've been why they elected to take that route. The discussion started by working with the owner directly. I suggest we forward this without recommendation, or that we table this and allow for a little bit more information-gathering. One, I will ask them if they filed a complaint with tceq and secondly we'll get the information back about why tceq didn't respond to the other circumstance, or if they did, how they expand -- responded and why there was no further action taken. That will let us know if we need to look at our nuisance ordinance, if it's not something tceq -- I understand what you're saying. Tceq indicated they are willing

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to investigate them, but if we had an example and they didn't, that may not offer our residents enough protection. >> Houston: So what I'd like to suggest that we do is put this back on the agenda for August

the 1st. There will be no public testimony, because I think we've heard a bunch. Put it back for August the 1st, or the first Monday in August, right? That's when we come back. The first Monday in August. Hopefully we will have information from mayor pro tem tovo. We'll have information from the law department about where we stand. And then we will make a recommendation. I think it would be imperative that we all look at the nuisance ordinance, because that's very different from the ordinance about smoke and scrubbers. So I think during that ensuing time we need to look at the nuisance ordinance to see what additional protections could be added to that. But we also need to find out what the enforcement issues are with that nuisance ordinance, because we've heard testimony today that that's not working. So, I think that's something that's a different path that we start on. So, is it all right if we put this back on the agenda for August? Is that okay? That's consensus. We will add this back on to the meeting in August, no public comment, just for action only. Mayor pro tem. >> Tovo: Thank you. I think that's a great solution. I appreciate it. And I would just, again, thank those of you who have been involved in this conversation who are in this industry. And if you've got ideas -- one, I want to thank you for doing the research about other cities and providing us with information that, you know, in effect there aren't any models we can copy. But if you have suggestions for what we might think about with regard to this particular situation, that would really be

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helpful. >> Houston: And I also appreciate your willingness to talk with the people at the Texas commission on environmental quality to work -- begin to have that conversation with them on a statewide level. All right. So let's move to item number 5. There is a resolution that has been forwarded. And I think, mayor pro tem, is this an ordinance that you've put forward? >> Tovo: So it began as a recommendation from our animal advisory commission, and it was -- the ordinance that staff have been developing is in response to a council -- two council resolutions, I guess, both of which I sponsored. But, again, I was doing so based on recommendations from our animal advisory commission. >> Houston: Thank you. And this started in 2013, if I'm -- >> Councilmembers, David, chair of the animal advisory commission. The animal advisory commission took this issue up in June of 2013. Our recommendation to council was to craft such an ordinance as mayor pro tem tovo related, that led to resolutions. The first was to address whether the city had the legal right to draft an ordinance. That came back in the affirmative last August. The second resolution was in December of 2014 directing the city manager to draft the ordinance that you have in front of you today. That ordinance came back to the animal advisory commission at our March meeting, and we again took it up, took public testimony, and again passed it

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out at that time. So now it's here before you today. >> Houston: Thank you so much for giving us some context. Are there any questions? Mayor pro tem. >> Tovo: I wonder -- because I think both resolutions - I believe both resolutions were passed by the previous council, I wondered if you might just provide us with a little bit of context why the animal advisory commission thought this was an action that the city council should move forward, and just a little bit about the -- really the rationale. >> Well, I will say that several other cities have passed this same legislation. I know that Los Angeles and Oakland. I believe the entire state of California have. We thought it was important. And I believe council thought it was important to come back to the animal advisory commission again once it was drafted so the new council could address it. As you know, Austin enjoys a reputation nationally -- maybe worldwide -- as being a compassionate, Progressive city when it comes to animals. I strongly believe that our reputation should also be based on how we treat all animals that reside or visit our city, not just dogs and cats in the shelter. My commission, along with the previous council, were successful in drafting humane conflict policies regarding deer and coyotes, and think this is the next logical step to cement our status as a most animal-friendly city in the United States. I think that it's not unreasonable that animals that are shipped in to entertain us in circuses be afforded the same compassion and consideration that we do for our dogs and our

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cats. >> Houston: Thank you so much. We've got some speakers who signed up. So, is it -- and then Trista Adams is next. >> Good afternoon, councilmembers. My name is Bobbie, I have a company called the wild bunch. I have been in the animal business for 45 years. Actually, a very small world. I provide animals for television shows and movies. And I'm getting to the age where I'm probably going to retire, but I'm very passionate about animals. And all the -- every animal, not just dogs and cats, but you name it. And what is happening is a lot of these animal rights people are well-intentioned, but I believe uninformed about exactly what we do and how we do it. As far as training methods, in the old days -- and I will say, when I first started in this business, it was pretty rough. I've never been in the circus. I know a lot of circus people. But all the animal trainers that I know, this is how we make our living. We would do absolutely nothing to harm our animals, whether it be food deprivation, having them be too tired, using electric shock, any kind of baseball bats, I think was in this. If anybody I know -- over the United States to work in film

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here in Austin. In fact, I'm the go-to person for dogs, cats, and you name it, what kind of animal. I would not bring an animal into this city of Austin if I thought they were being harmed in any way. There's a few

bad apples in every single business. There's a few -- you know, there's bad parents out there. But I guarantee you, our animals eat before we do. We give up vacations if an animal is sick. Parties. When I was younger, I can remember I didn't go to a lot of things because I had an animal that needed help. We provide the best animal care and veterinary services. We are regulated by the United States government. We get checked whenever they feel like coming over. They come over to see how our animals look, how we feed them, how they're housed, etc., etc. I have to have all my veterinary papers ready. So, I would like to tell you that if you decide to pass something like this, you are, first of all, taking away the way people make their living, but also, in my 45 years, I have watched zoos transform -- [beeping] >> And I have to stop? [Chuckling] >> Houston: You can finish that sentence. >> We have educated millions and millions of people. If it wasn't for people like us, people wouldn't know about animals and how to save them in the wild, which they're being destroyed by the gazillions. So, thank you for listening, and if you have any questions, I'd be delighted to answer them. >> Houston: Councilmember Troxclair. >> Troxclair: So it sounds like -- have you had a chance to review the resolution? >> Not much. But -- >> Troxclair: Okay. Because -- >> I'm here to support.

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>> Troxclair: You're here to support it? >> To support the people that have the animals. >> Troxclair: Support the people -- >> And they're training methods. >> Troxclair: It seems like you are in agreement with a lot of -- I mean, that you would have no problems with a lot of the things that are outlined with the resolution -- in the resolution. You know. >> It said that the elephant trainers use bull hooks. Well, horse trainers use bridles. Dog trainers use leashes. Elephants have a very thick hide. We have to be able to maneuver them. They're not on a leash. And it's not an instrument to hurt. It's an instrument to guide. >> Troxclair: Okay. So the mention of the bull hook is the main part of the resolution that you may have a problem with. But do you agree with at the rest of the resolution that says a person can't deprive the animal of food, water, rest, or use electricity or physical punishment, resulting in damage, scarring, or breakage of skin? Do you agree with those parts of the resolution? >> The people that have these animals don't do that. >> Troxclair: I'm sorry? >> The people that have these animals do none of these things. >> Troxclair: Right. So you don't have any opposition to that part of the resolution? I'm trying to find points of agreement and disagreement. But you have no problems with supporting those portions of the resolution, just the portion that mentions the bull hook that you have a problem with? >> I have a problem with anything that takes away from the animals. And people seeing animals, being educated. Like, I have a parrot show that's performed all over the world. I've educated a gazillion people about them. >> Troxclair: Okay. >> So the people that are here, and the people -- I mean, I've worked with the two people that

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are here right now. I would -- and I know their training methods. I know how they about towards their animals. They are beloved and well-cared-for. >> Troxclair: Can I give you a copy of the resolution so that you can review it, and maybe -- >> Do you think I'm not coming to the right point? >> Troxclair: It seems like a lot of the points that you made in your testimony are consistent with the purpose of the resolution. So, again -- >> These are things that are already done for the animals. We don't need another regulatory agency over us. We've already got enough. >> Troxclair: So you're saying that there are federal regulations that already prohibit some of these things? >> Oh, of course. >> Troxclair: Do you mind just reviewing this, and then being -- then just letting me know if there are specific things that you would agree with, or not agree with? That would be helpful. Thank you. >> Thank you so much. >> Houston: Thank you. The next person is Ms. Adams, and then Ernest. >> Good afternoon. I'm here on behalf of Feld entertainment, the circus, Disney on ice, and other live family entertainment. In August, the circus is scheduled to come to Austin. We are strongly opposed to the ordinance, which would unnecessarily prohibit the use of a widely accepted elephant tool referred to as a bull hook or guide, and prevent the circus from performing in Austin for the next three years. There are a multitude of laws and regulations in place that allow for the prosecution of those who neglect or mistreat

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animals, meaning the abuse of an elephant with any instrument is prohibited already. Texas penal code prohibits any person from knowingly torturing or causing serious bodily injury to an animal. This includes any act with any instruct that causes unjustifiable pain or suffering to an animal. Thus, all this ordinance does is ban the use of a legitimate, humane animal husbandry and safety tool. Wringling brothers, like all other circuses and many zoos, uses a method called free contact where the elephant and handler share the same space without barriers. The guide or bull hook protects the handler and others, and thus is fundamentally necessary to free contact handling. The guide resembles the show stick, used for cattle. Its purpose is to communicate and maintain control of the animal, not to inflict pain or injury. It is incorrect to presume its use results in pain or injury. It is also wrong to presume that anyone who uses a bull hook will hurt an elephant, or there is actually an alternative -- effect of any bull hook ban is to ban elephants rather than to protect them. Ringling brothers has been a leader for over 145 years. We care for 43 Asian elephants, the largest herd outside of Asia. There are less than 35,000 Asian elephants left on the planet. Our company has made a commitment to saving this endangered species. As part of that commitment, we announced plans to move the elpants from the traveling shows to the center for elephant conservation over the next three years. Before the end of 2018, all of our elephants will be at our

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center in Florida. This decision was not easy, but ultimately, we believe devoting more resources to conservation is in the best interest of the company. The reality is that banning the bull hook will do nothing to ensure the proper care of elephants. Its only effect is to significantly limit the opportunity for many people to see elephants first-hand. [Beeping] >> We urge you to consider all the facts on this issue, and oppose this measure, which would deprive the citizens of Austin from the right to attend the circus. >> Houston: Thank you so much. >> Thank you. >> Houston: That was a quick wrap-up. Councilmember troxclair. >> Troxclair: It seems like the crux of your testimony, too, was focused on the bull hook rather than the rest of the resolution. Do you agree with the rest of the resolution? Is it just that, this specific reference to prohibiting at the use of the bull causing an issue, because you see it as a necessary management tool? >> It's the only management tool for elephant. There is no other option. There's two kinds of ways you can have elephants in protected contact, or the free contact. When you're in the same physical space as an elephant, you have to have the bull hook or guide. So it would be that. >> Troxclair: If this resolution did not reference the bull hook, would your organization be in support of the resolution? >> I think that. And then the section about the employer being an agent. So, I guess if somebody used or deprived an elephant of food or water and we didn't, you know, didn't know about it, then -- >> Troxclair: Okay. >> Problem with that. You can have bad apples.

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>> Troxclair: Okay, thank you. >> Houston: Mayor pro tem. >> Tovo: Thank you for being here. And I want to also thank you. The last time the circus was in town, they invited me. I had recently sponsored the resolution. I toured back stage and met with some of the trainers, as well as one of the professionals who works with the elephants. I received a lot of information. It was very useful. I thank you for that opportunity. I do know that several -- as you heard from one of the previous speakers, and we may hear from some subsequent ones, other cities have banned the use of the bull hook within their boundaries. And some credit the decision not to continue using elephants within the circus, or travel with them, to those very ordinances. So I wondered if you might speak to that, but also give us some sense of what you do in those cities where the bull hook has been prohibited. And, to councilmember troxclair's point, that was the intent of the ordinance change. Removing that from the ordinance that staff have brought forward would substantially change the action that the animal advisory commission had asked that we take. >> Troxclair: Okay. Just before you answer, I want to make clear, I wasn't suggesting that change. >> Tovo: I know. I just want to clarify. >> Troxclair: This is a new issue for me. I was trying to understand. I thought, it sounded like the first speaker was in favor. I was trying to understand the issue. I wasn't suggesting we make that change. >> Tovo: I appreciate that clarification and your question, because it's helpful to hear where each speaker agrees and doesn't agree with the change. >> It is true. Los Angeles and Oakland, and Richmond, Virginia, passed this. No city has passed it that will affect us, because -- L.A.

And Oakland and an effective date of 2017, Richmond has 2018. There's no city has passed one that would affect our shows.

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We plan them two years out, so, I mean, we can't exactly leave the elephants outside of city limits. So for our business purposes, we made the decision to retire -- animal to Florida, focus our resources on the conservation and leaving them -- skipping cities, you know. [Chuckling] So. >> Houston: Councilmember troxclair. >> Troxclair: Okay. So after -- in the current plan, you're retiring the elephants within three years. So the circus does not plan on using elephants in any of its shows after three years? >> No. The elephants will be removed from the traveling shows over the next three years. So they'll all be in the conservation center in Florida. >> Houston: Thank you so much for your comments. >> Thank you. >> Houston: I've been looking for you. >> Thank you for the chance to speak. I'm with a group in Austin called Austin for cruelty-free entertainment. Over the last three years, we rounded up 5,000 names on a petition, austinites and -- I'm sorry, my name is Ernest, how are you doing? 5,000 people asking the city council to protect animals in circuses that come to Austin. So, you know, the reason we want to get rid of bull hooks is because those who use it, it's a painful device used on animals, in particular elephants. Here's what -- a notarized declaration, a former ringling brothers trainer, Sammy, said. He explained how ringling elephants are trained to perform in circuses. He said, quoting, "The bull hook is designed for one purpose

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only, to inflict pain and punishment. I should know, I used to make them." According to him, ringling training requires "Brute force, Elick tracety, and a savage disposition." He said it was like "Raising a kid in jail." He added, "During the course of my career, I've seen elephants being beaten with no idea why or what was expected of them. They randomly lift one leg, then another, lifting their trunk, hoping some trick will make the beating stop." So this is life for elephants in circuses. You won't see this, councilmember tovo, or any other councilmember, or any city official who's invited to the circus by ringling brothers to go behind the scenes when the circus comes to Austin, because you're watching. You know? But what happens during transportation, what happens during training? The young lady from Feld entertainment talked about the elephant conservation facility in Florida where the elephants are being "Retired." Health inspectors, usda federal inspectors, can't go there. It's a closed facility. So, you don't see baby elephants being taken away from their centers at a year age and never return. You don't see bull hooks and ropes and electric prods being used on them. So, this is something that's not going on in Austin, but this is something that we would be able to take away from ringling brothers whenever

they come to Austin. So, this issue has wide community support like I said, 5,000 names. They don't have 5,000 names on a petition. We do. We have the support of, for instance, a recent Gallup poll

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asked in general, how concerned are you about -- [beeping] >> How animals in circuses are treated. 31 replied very concerned, 69% replied very or somewhat concerned. So, this is gaining steam across the United States. Thank you for your time. I appreciate it. >> Houston: Thank you so much. >> Yes. >> Houston: The next person is Jennifer. I'm sorry? [Off mic] >> Houston: Oh, okay. And Tammy, and then Bucky. It says you. Okay. And Mr. Lam? >> Good evening. Madam chair, honorable councilmembers, I'm Bucky Lam, chief executive officer with Rodeo Austin. I come before you to speak in opposition to item five on the basis that the proposed ordinance is unwarranted and poorly written. Let me begin in stating that Rodeo Austin is definitely for the humane treatment of animals. Each year, over 8,000 animals are exhibited and compete at Rodeo Austin. We take great care of our animals. Rodeo Austin employs the world's leading veterinarians to ensure our animals receive exemplary, 24-hour a day care. Our exhibitors love their animals, and our rodeo athletes love their horses. Today, we learned the health and human services committee would be considering this ordinance relating to animal regulation. And on the surface, the proposed ordinance definitely looks appealing. We all want to ensure the safe,

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humane handling of animals at our events. But part one, number 3 of the proposed ordinance, Rodeo Austin is concerned with that in that as written, the ordinance broadly defines circus as "An organization that exhibits animals for the purpose of entertainment." Since Rodeo Austin could be considered an organization that exhibits animals for the purpose of entertaining, if this ordinance is adopted, might Rodeo Austin then be defined as a circus? We do not believe this was the intent. Yet, you can see our concern. Livestock shows and rodeos do not utilize the instruments mentioned in the proposed ordinance. Part one, number 4, furthermore states the proposed ordinance defines circus animals as "Any animal owned by, transported by, or in the custody of a circus, including but not limited to elephants, big cats, bears, primates, camels, horses, and dogs." Very broad definition, I would say. This year, young 4H and FFA students exhibited thousands of horses and cattle at our event. Rodeo Austin showcases rescued dogs. We have had primates and other species participate in our event. Rodeo Austin believes the proposed ordinance is unwarranted and flawed, and we ask that the committee vote against this proposal in its entirety. Should the committee wish to adopt an ordinance of this nature, Rodeo Austin respectfully requests the amendment be redrafted to better define circuses, circus animals -- [beeping] >> The issue at hand, and

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exclude Faires, livestock shows, and rodeos. Thank you for your service to the citizens of Austin. >> Houston: Thank you. Mayor pro tem. >> Tovo: Thank you, Mr. Lam. I appreciate your point that circus would seem to include rodeo. And I'll be sure to visit with our legal staff about whether they share that concern after hearing your testimony. My main question is, since what really the focus of this ordinance change would be is on the treatment of circus animals -- and I think I heard you say that you don't support the use of deprivation of food, water, rest, use of electricity, physical punishment -- I think I heard you say at the beginning that the provisions in here are ones that would not present an issue for you -- >> I'll reiterate. The humane treatment of animals of all types, that's for sure. However, we do have a concern with the definitions of bull hook, circus, and circus animals. As Ms. Adams referenced, in our industry, the livestock and rodeo industry, young 4h exhibitors use a show stick. Stick. They have for over 50 years. The device helps present the animal. It causes no harm whatsoever to the animal. I think we've got to be careful when we -- because they could be applied across various industries. >> Tovo: So your specific concern with regard to part two, 3.2.7 would be that the show hook would be defined as a bull hook, or be assessed as too similar to be allowed? >> Yes, ma'am. I would go as far as saying, I believe she also referred to halters on horses, halters on

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cattle, other types of restraining devices that are used simply for exhibiting the animals and cause no harm to the animals. >> Tovo: Okay, but none of the things you've just mentioned, halters, etc., are referred to in the ordinance. It does not seek to prohibit the use of halters, just so we're clear. >> Correct. >> Tovo: Thank you. >> Yes, ma'am. >> Houston: Councilmember troxclair. >> Troxclair: So, what I'm hearing you saying is that you would be okay with the ordinance, and the wording that is included in part two, as long as the definitions in part one were more clearly defined? >> Well, I'll say we believe it's unwarranted to have the ordinance at all. >> Troxclair: Okay. But -- I mean -- so, in the definition of bull hook, it does say -- I mean, I can see, having been to the rodeo, and -- it's a great event. It's a wonderful economic driver for the city. And I know a lot of our young kids here in Austin are involved in 4h, and helping to raise animals and instill certain values in children. So, I don't think the intent of the resolution is to impact the rodeo. The the the the rodeo, but, if you could come up with language that would make you feel more comfortable the resolution would not impact the the rodeo. >> Houston: Thank you so much, sir. We had one person who signed up late, Larry tucker. Is he in chambers? >> Thank you, madam chair, mayor pro tem, and councilmember troxclair. I did not get to sign up in

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time. The sheet was gone. My apologies. Thanks for hearing me. The speaker who previously spoke, this does not impact rodeo Austin as long as rodeo Austin does not use baseball bats, a bull hook, withhold food and water, and be cruel to animals. It has no bearing on them. The three-year retirement of the elephants to a sanctuary in Florida is because of extreme public outcry that they head down that path. And I would love Austin to be the city that does impact them, and send a clear message to ringling brothers that it is very important to do so immediately. Not within a three-year period of time, but that they do so immediately. Because the public has spoken, and it's not a practice of using these cruel devices on elephants. And we just send that clear message. And to send our children to see elephants being cruelly treated is really a shame. It really is. And I think that we need to really send a message here, and say that Austin is not going to tolerate any type of cruelty to animals, whether it's withholding food and water, using a bull hook, or beating an animal with a baseball bat. It's not acceptable. Let's send a message. Thank you. >> Houston: Thank you, sir. Ms. Colorado, have you had a chance to look at the resolution, and did you want to come and address councilmember troxclair's question about do you support it or no?

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>> Okay. It says if a person is engaging in aforementioned behaviors within the scope of their employment duties, as an agent of the business, a charge under this section may be filed against the employer. So, I think what you're asking me is the same thing that you asked the lady that was from ringling. Do we -- are we against using physical harm to an animal. Is that the question you're asking me? >> I was trying to understand if there were any points of agreement within the resolution, or if there were specific points that you had issues with. If those terms or issues were not addressed in the resolution, if you could otherwise support it. I think after hearing the conversation, I think I better understand the term bull hook was essential in the purpose -- was an essential driver in bringing the resolution forward in the first place, so it doesn't sound like there is a whole lot of room for agreement. >> Well, the bull hook is -- sorry. The bull hook is used just to guide. If you can imagine this huge animal, we don't have him on a lead. We don't have him -- you know, there's nothing. The only thing we use to guide the elephant, it's called a bull hook, which I do not like that term. But, I don't know one person in our business that uses a bull hook to hurt an animal. They don't use baseball bats. They don't use electricity. They don't use sleep or food or water deprivation. It just doesn't happen. And like I said, I've been doing this for 45 years. I know just about everybody in the business. >> Troxclair: Okay. >> There are a few bad apples. Did I answer your question? I feel like --

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>> Troxclair: Yeah no. I think I understand where you're coming from. I did give you the only copy of the resolution that I have. >> I'll give it back to you. Can I do that after we're done with this? I wanted to hear everybody speak. >> Troxclair: Oh, okay. Sure. >> Is that okay, or do you need it? >> Houston: I just have a question. Can you tell me how much an elephant costs? >> Gosh. No, I can't. >> Houston: I'll ask the young lady from ringling brothers. Three pages of speakers, so I've got them here now. >> Thank you. >> Troxclair: I may want to make a couple notes on the resolution. So, I'll be happy to give you a copy after. >> And I think that when you're making these decisions that you also should have some animal experts. I am considered an animal behaviorist, an animal rescuer, an animal trainer. And you should have some of those people advising you. To help you. >> Houston: Thank you, ma'am. >> It costs our company \$65,000 a year to maintain one elephant, and we have 43 of them, so it's quite a bit of money a year. >> Houston: Okay, thank you, ma'am. I am so sorry. I missed a couple of people here. Bill swain, then crystal ING, and then, I cannot read the first name. It starts with a D. Okay. [Chuckling] [Off mic] >> Houston: Thank you. What is it, Doug? Thank you so much. And the last name? Terra nova, thank you. >> Good afternoon, my name is bill swain. I live in Texas. I am the proud owner of the only three privately owned elephants in Texas that do go on exhibit.

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We come to Austin possibly three to four times a year, no more than that. Mainly we come to Austin for a hindu wedding. I've got a couple of private schools where the elephants give rides. They use it as a fundraiser for their school. I also do hindu weddings at the temple. I used to give rides on the festival, but the space got so expensive, I haven't done that for quite a number of years. My bone of contention with this ordinance is obviously the ankus. Everybody else calls it a guide stick. It's been in use. It's etched in stone on temples in Cambodia, so it's been around a while. We haven't invented it. I do not abuse my animals in any way. I'm inspected very frequently by the usda traveling elephants team, composed of veterinarians specifically trained to look at elephants. I've never, ever been in noncompliance for any kind of cruelty to my animals. And if you wish, I brought an ankus with me, I can bring it in. It's with the young man at the check-in station. It's not sharp. It's not an instrument of destruction. It's not a weapon. It's just simply there to help you guide the elephants. Say, come here, get over. Most of it I can do with verbal command, but, if you're in poor lighting or there's a lot of noise, you want to have it there. That's what it's for, all right? The other parts on this proposal are ridiculous. I don't know of anybody that inserts anything in their animals. That is so absurd. I can't imagine anybody hitting one with a baseball bat. I've been followed around for a period of a year by a group called animal

defenders. They filmed me every chance they could. They put cameras in the trees next to my property. I can guarantee you, if I had

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done something wrong, you would see me on YouTube. So I'm asking that you strike bull hook from the ordinance. It's ridiculous. It's not a weapon, and it's not there to inflict pain on an elephant. That's pretty much it. I'm trying to stay under three minutes. I could be longer if you wish, but that's pretty much it. As they stated, a lot of these elephants are going to be off the road in a period of three years. The only guy left in town is going to be me. If I come here for a school function or a hindu wedding, or some other reason, to shoot a film -- I shot some commercial work here. I did a music video on 6th street some years ago. All these things will be taken out of my source of income. And we sure do like to have those things. We work -- [beeping] >> We work our elephants about 65 days out of a year. That's all they perform. The rest of the time, they're at my house. Any questions? >> Houston: Thank you so much for driving all the way here. >> That's downtown Cutten shoe. >> Houston: Thank you for coming. >> No questions? Did I do that good a job, or am I just -- thanks for your time, ladies. >> Houston: Thank you so much. >> Hi. Thank you very much for giving me time to speak. I'm a doctor, a veterinarian from Dallas. For eight years off and on, the majority I've spent doing exotic animals. Currently, all my income comes from energy medicine, because you make a ton more. I love elephants and the circus, and zoos. So, I worked for approximately 20 plus facilities across the United States with elephants. My master's work is in pre-productive endocrinology, elephants, and some rhinos. I'm here to discuss the guide as

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an integral tool for veterinary medicine. Without it, I could not perform any sort of medical treatments on these animals. I weigh very, very little. I weigh approximately 1% to 1.5% of an average adult elephant weight. I feel very safe working around an elephant being managed by a trainer I trust with a guide or bull hook, as they call it in the literature. And at that point in time, there are animals, say, in the wild, who aren't trained. They're wild. They've been hurt. They will go suffering. They will not be able to be treated. They will not be able to have any medical care at all. And they will suffer painfully a death oftentimes, because we can't manage them. And the elephant guide is actually approved by a variety of professional organizations. It's approved by the federal usda as a tool for elephant care. It's approved by the American veterinary medical association. The overlying umbrella organization for veterinarians. It's approved by the elephant managers association, the professional organization for elephant administrators and managers. People who work elephants. Veterinarians. And it's also approved by the association of zoos and aquariums. Most large professional zoos like Walt Disney world and the San

Diego zoo are part of the aza. It is an approved tool. It's great. It's the most integral tool we have for veterinary medicine. It's like an extension of the arm. It's to move and hold the animal still so we can do whatever we need to do. On a personal note, I have known Mr. Swain for almost the entire time I have worked with elephants. And have trusted him and worked with his elephants without feeling threatened by the animal, who weighs a ton -- or more than a ton more than I do. Speaking not on behalf of ringling, but on a personal

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experience, when working for Feld, I was allowed everywhere and have never seen any animal cruelty in any of the circuses, zoos, or private institutions that I have worked at. Ringling brothers, Mr. Ernest said no one is allowed at the private facility in Florida. Usda can show up any time, anywhere, at any of the traveling units or that facility and inspect it. [Beeping] >> Based on personal experience, it can last all day long from sunrise to sunset. I think that these animals are huge animal ambassadors and do a great wealth for the education and conservation. They will be extinct most likely before 2050. Plus rhinos. So, it's kind of a big deal for me. >> Houston: Thank you so much for joining us today. Uh-huh. Any questions? >> Sorry. >> Houston: No, but nobody had a question. The last speaker is Doug. And I can't remember the last name. Terranova. Pretty much. [Chuckling] [Off mic] >> Good afternoon, ladies. I appreciate the time to speak to you here today. Most of my testimony has been given to you already. So what I'd like to do, if you don't mind, is go over your ordinance. I'm the president of the united States zoological organization. I inspect animal keepers, trainers. I inspect zoos. And I also consult with zoos on the care and management of animals. If we just go down the ordinance right now, and look at your description of bull hook, would you classify this as a bull hook? Can I approach? >> Houston: Sure. >> Houston: Oh, just up there. [Chuckling]

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>> Does that meet the description of a bull hook in your definition? >> I would -- >> In your opinion? >> In my opinion, yes. >> In your opinion, yes? This is the show stick he was talking about from rodeo Austin. It's a plastic hook. It's used on cattle. It's used on pigs. You can buy it at any feed store in Austin. You can buy it at a tractor supply company. This is not a bull hook. But it fits your description. So right now, you're outlawing 4h shows. Because you're saying elephants are more important than pigs and cattle if you don't. So you're outlawing the 4h shows, the ffa shows, rodeos. Many of them use an electrical prod. It gives them a short, quick little electric shock. So now you're going to say the circus can't do it, but everybody else can do it. I think that opens you up for a lawsuit. I'm not legal, but you can buy this locally right here in Austin. Your description, this bill is way off. I have no problem with

deprivation of food, water, or rest. I don't know circus people that use electricity. It has been used in the past. I know this is a very emotional issue. I heard speaking back here about an affidavit from a circus trainer. I'm not going to remind you, I'm sure you already know, the animals rights organization just paid Feld for fabricating testimony. They lost a \$25.9 million suit for making up affidavits and accusations and paying a plaintiff \$190,000 over two years to testify. So, there's not anybody here

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backing up the affidavit. I don't know how you can even consider that kind of a testimony. You know. Insertion of any instrument in a bodily orifice, we have no problem with that, we don't do that. You talk about other cities, they have banned. Let's talk about other cities, like Atlanta. They have an ordinance very similar to this. They don't say you can't use the bull hook, they say you can't do all the other stuff. They put an animal control officer at each circus to monitor the treatment of the animals. They considered a bull hook ban and they took it out. [Beeping] >> I'm sorry. I have just a little bit more to go. >> Houston: Let me ask you a question. Do you have any examples of other cities that have implemented safety, humane treatment for circus animals that didn't? >> It has been considered in many cities around the country. If you look -- and Austin has this. Your animal control laws and prohibitions against animal cruelty, these are already written into the statement. You cannot physically abuse an animal, Texas penal code doesn't allow that. In my opinion and that of the United States zoological association, this is an unneeded ordinance that's going to cost the city thousands of dollars. >> Houston: Anybody else have a question? No? Thank you so much. >> Thank you for hearing my testimony. >> Houston: And all of our animal control people have gone, right? Or is there one here? [Chuckling] . >> Good evening, Chris noble, on the -- team. Animal control, our animal control officers have always been invited to participate and

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to observe the arrival of the ringling brothers show. And the off loading of the animals as they pass through our jurisdiction from the rail head to the university campus at the center. And we've never had any issues. >> Houston: And do you watch them on their return trip back to the train? >> Yes, we do. >> Houston: So you do both ways. >> Yes. >> Houston: What happens while they're at the university of Texas? >> That is not our jurisdiction. We do not have enforcement capability. That is a state reservation, so, therefore, it is up to the university police department to enforce any of their own rules, state laws, etc. >> Houston: Something else, and then -- anybody else? >> Okay. [Off mic] >> The only thing I could suggest is we have folks here from the law department that may be able to weigh in with regards to the ordinance and how it can be enforced or otherwise viewed. >> Houston: I think what I

was trying to think about asking, is there any state agency, animals traveling through the state of Texas? >> Yes, they are subject to the interstate commerce and also by the U.S. Department of agriculture. And there's some other federal groups in there that, there again, I can't remember all the -- >> Houston: Acronyms. >> Acronyms, yes. But it is well-regulated. >> Houston: Okay, thank you. Mayor pro tem tovo. >> Tovo: I had a followup question for the chair of our animal advisory board, if I may. Is that all right with you, chair Houston? >> Houston: Sure. >> Tovo: You heard some testimony from the director of the rodeo, has that come up?

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The advisory commission made the recommendation for the prohibition of bull hooks. I assumed that was a focused interest. Could you address some of what we talked about today? >> As a native austinite, the last organization I want to mess with is rodeo Austin. Our intent was not to go after any rodeo activity at all. I think our intent was very clear on elephants and circuses. We didn't -- you know. If the ordinance needs to be tweaked because of that, that's fine with me, but it was not our intent to go after the rodeo, for sure. There are no elephants in the city limits. I don't think any elephant will be deprived of veterinary care, if it's a crucial medical procedure, they can go right outside the city limits and be tended to. The intention is not going to affect any veterinary care of any animal. The last thing I'd like to see -- that's a -- circus. >> Houston: Sir, I have a question for you. It seems to me, when I read the ordinance, the ordinance is focused on the training instruments and not the people that use them. So, why didn't we focus on people misusing training rather than just the instruments? Because I hold the people responsible for their behavior. >> Madam chair, the animal advisory commission just makes recommendations to council. >> Houston: Did you all even discuss having an ordinance that talked about people harming animals rather than just the instrumentation? >> Our recommendation was to pass an ordinance prohibiting the use of bull hooks and other implements of pain. And that ordinance was written

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by staff. That would probably be a question for staff. >> Houston: Okay. I'll do that in just a minute. And the other question I have, not only is horses in there, but dogs. That was not in the original resolution. Didn't talk about dogs. And so -- >> Our original -- >> Houston: Hold on just a minute. Let me finish my question. What is the problem with dogs in the circus? >> Again, our original recommendation focused on elephants in circuses. And horses and dogs were inserted somewhere in the process. That was an item of contention at our last meeting and caused one commissioner to vote no. But it's in the ordinance and we support it, so we didn't take issue with those two animals being in there. >> Houston:

Thank you so much, sir. Is there someone here from legal that could help us understand where we are?
>> Good evening, city of Austin law department, kaylani. >> Houston: I thought you were going to give us some enlightenment here. >> Is there anything in particular? >> Houston: In particular, why the ordinance was drafted based upon the instrumentation rather than the people doing the abuse. >> The legislation -- >> Houston: I mean the resolution. >> Right, it's written in such a way as to target specific behaviors by people, the behaviors being the use of animal control devices. That's the instruction we got for the desire for the ordinance itself. I may not be understanding your question. The look on your face -
- >> Houston: It's confusing, because I don't have at the the history of it. Having been a child welfare worker, we could've talked about all of this for children.

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Deprivation of food, water, use of electricity, but we talked about people. The person who is inflicting damage on a child based upon these of this. So our focus was on people's behavior, not the instruments they used to harm children or be cruel to children. So this just seems to be different than focusing on the people's behavior, which we could then arrest them for being cruel to an animal, or treating animals inhumanely. >> There may be a different method of writing the legislation. If that is the directive from council, it could be drafted in a different way. It's drafted in this way because that's the directive we were following at the time. A different manner might be appropriate. >> Houston: Someone said they didn't add horses and dogs to this. How did we get horses and dogs in the circus? >> Our understanding was that the will of the previous council, when they passed it, was to make it encompassing of a larger group of animals. If that's no longer the case, we can change that. >> Houston: Okay. Mayor pro tem. >> Tovo: Though I would say I'm not sure that it's inconsistent with the recommendations of the animal advisory committee, I don't think we want horses. I would say the critical portion of this ordinance change is really part two, where it talks about the methods and the instruments that we would not -- that we would like not to see used here in Austin. And I appreciate someone clarifying the bull hooks and the circus are much larger. I saw that myself in my own backstage tour. So, that was -- and, thank you

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for responding to why you drafted it the way you did, because it was an attempt to prohibit the use of that instrument, the bull hook that is used in circuses. Not plastic ones sold and widely available. And also, the other items. And I think some of the speakers have rightly said there are certainly other laws that overlap with this one that would prohibit individuals from mistreating animals. But I believe that the provisions within this ordinance are -- you know, that it's right to acknowledge, you know, depriving

food, water, etc., is also a practice we want to discourage. Even if it's covered elsewhere in the state law, I think it's helpful to reiterate it in this particular ordinance. >> Houston: And my other question is, how is this going to be enforced? What's the enforcement mechanism? >> To follow up on the last speaker who talked about enforcement on the university of Texas campus, any ordinance we pass is enforceable on that property. There's an agreement between the city of Austin and the state of Texas that the law-making -- I'm sorry, the law enforcement groups for the state of Texas, the university of Texas has its own police force. And they are the groups that go out, site inspect, do anything on the university of Texas campus but they can enforce ordinances we pass on that property. >> Houston: So, who would enforce, if enacted, this ordinance? >> It would depend on where the violation occurred. If it were in city of Austin broadly, the APD. On the university of Texas campus, the UT police. >> Houston: Have we had conversations with the university of Texas police regarding this ordinance? Because the length of time that the circus is going to be here, they're primarily going to be on the UT campus.

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So, what has been our communication with the university of Texas regarding the possibility of this ordinance being passed? >> I have not had any communication to them. The law department has not. I don't know if anyone from the animal services department may have had those conversations. >> Houston: He's coming up. >> To answer that question, yes, in the past as part of our due diligence with observing the transport, we have asked for permission to come onto the property, or at their invitation. And, again, we participate in the backstage observations and training, as mayor pro tem tovo has said. We engaged in the same activities. With regard to enforcement, we, as a city, department, we cannot enforce our laws. He said it much better than I can. >> Houston: So the question was, what conversation have you had with the police department at the university of Texas about them enforcing the laws that the city will pass? Not allowing you to come and observe on campus, but actually them having the enforcement power? >> That specific conversation about enforcing a city ordinance on their property has not been had. We have not gotten to that point yet. However, the discussions have been, in the event that any animal cruelty is observed, then they, in turn, would enforce it. Because it is a state crime. And, you know, as a misdemeanor or a felony to engage in that activity. >> Houston: Okay, thank you. Any other questions? So, I'm not -- I need to have a conversation now about where I am with this ordinance.

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I think it's fairly general. I think what we're attempting to do is to stop circus animals from coming to Austin. That's my own personal opinion. Because we've gone from elephants to big cats, bears,

primates, camels, horses, and dogs. And all of us agree that part two is offensive, to treat anybody's animal with deprivation of food, water, rest, use of electricity, all of that is offensive to anybody that cares about animals. But I think this needs to be redrafted in a way that we're clear about what we're trying to do and whose responsibility it is to do it. If the city is going to enact an ordinance, and the city staff can't enforce it, then we have to have a conversation with the university of Texas police so that if we do enforce the ordinance, then they will be able to -- and willing to, in fact, enact the ordinance. I have said this before, that the people in my district, the children in my district, will never see an elephant, a camel, a horse, a bear, a primate. They see dogs all the time. Or a camel, if the circus doesn't come to town. The only time they get to see them live is in a book. And so by supporting, this is the way it's written, I will be depriving the children in my district from having the opportunity to see a zebra up close. And I'm not willing to do that. So, if we can make it -- if we can use guide sticks on our bulls and cows and pigs and horses, then how is it that we can't use guide sticks on other

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animals? So, that's just where I am today. And I'm willing to listen to everybody else. >> Troxclair: It sounds like this is a conversation that we're going to continue to have. It doesn't sound like we're going to be voting on anything today. But I would certainly -- it seems like the initial intent -- bull hooks. And so I would feel more -- I think that it would be probably beneficial if we kind of refocused on what the original intent was in light of some of the concerns that rodeo Austin brought up, and the inclusion of dogs, which I don't think that the Normal austinite really associates as being a circus animal. I would feel more comfortable if we took some time to maybe refocus on the original intent and narrow the language a little bit so that it actually addresses the issue that the animal advisory commission has brought forward. And I'm going to continue to listen and learn. And elephants certainly have a special place in my heart. And I was lucky enough to visit Asia and to go to an elephant rescue sanctuary where I fed and bathed and hung out with elephants for a day. But I know that not everybody gets that opportunity. And they did not use bull hooks at the facility that I went to. But I know that it is a common tool among other organizations who manage animals. So, I appreciate the healthy discussion that we had today. I think it was good for us to all learn more about the background and purpose of the issue. And I don't know where we go from here. You've heard my comments about-the language of the ordinance. I hope that we can talk more about how we can do that. >> Tovo: So I think this has been an issue that's been out

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there for quite a long time, and that the animal advisory -- one, I would say we've had citizens come down to citizens communication to talk about this long before I was on council. And it is an issue of concern among animal advocates in our community. And so I think it's appropriate that we address it. And I hate to -- while I would like to take the appropriate amount of time, it's been, gosh, just getting to the point where we have an ordinance before us has taken, I believe, two years, at least. So, I would -- I guess I would prefer to forward this to council without a recommendation at this point, and request that we have some time in executive session to talk about it so we can hear from our attorneys about why they may have chosen to define -- why they may have part 1.4, with the discussion of circus animals generally, and why they included another description in part two. I don't think anything in this ordinance really prohibits big cats, bears, primates, etc., being here. As I understand it, the only animals on which a bull hook is used are elephants. All we would be doing with this ordinance would be to prohibit bull hooks, the ones that are used on elephants, and making sure that the other animals within a circus are not inhumanely treated. And I believe that we've had a lot of testimony here today from all parties indicating that that's their intent, too. Nobody wants to see the other animals inhumanely treated. That would be my suggestion. We also have at least two memos I can think of, attorney-client privilege. One of them deals with the relationship with the university of Texas and the city of Austin and having a discussion in executive session would allow us

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to talk about that relationship, and how an enforcement plan might look, were we to pass this ordinance. If there's a will, I would be happy to make a motion to forward this without a recommendation to the full council for further discussion which would allow us the opportunity to do it in executive session, as well. >> Houston: >> Houston: And my opinion is we need to have some more information build we forward it because then it -- we can do it in executive session. The legal issues. But although you've had -- since 2013, I think, to have this conversation, in district 1 there's been no conversation. And so the issues that come up in district 1 are very different than what is presented here today and the fact that we've had large conversations with the community. That may be a specific community, but I can tell you that the people in district 1 do not feel they've been collided in the conversation. So if we're going to have a broader conversation now that we have a 10-1 system I'd like to be able to open that up so more can participate rather than the people in 2013, who have been working on this for a while. I understand they've been doing it, but, you know, my suggestion is to let's keep it on the agenda and let's continue to try to work with having people who have different expressions to be able to come forward and contribute and having legal talk to us about the relationship with the university of Texas so that we know what that can be before we craft something, at the same time trying to narrowly focus what we're talking about so we excollide some of -- if we're just talking about elephants, then let's just talk about elephants. And so that -- that's my recommendation, is that we put it in -- on hold until we can get back to it in August. But it's --

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>> Tovo: Again, if that's the will of this committee that's where it would have to stop. I would need another vote to forward it anyway. I would say one of our passionate advocates does live in district 1. >> Houston: I know does he it we talked before. >> Tovo: Would you like to see broader community. >> Houston: Broader communication. >> Tovo: I will say the timing, that will mean that it is yet another circus season where the council has declined to take action on this issue. This has been in progress a long time. It has taken us a long time with the transition to get this before the current council, and so that just gives me pause. I know it was an issue that some members of our community have asked us and are own city-run commission has asked us to address on multiple occasions. And so I would like to -- >> Houston: According to the memo I got, this was voted on by the animal advisory committee in April and it's now June. So that's fairly quickly for it to come to council committee. >> Tovo: That's the ordinance. They've taken -- they've made recommendations in previous years, and so it took a while for council to actually initiate the first getting a signal -- I'm getting a signal that it may have been -- >> Houston: Five years. >> Tovo: Five years just to initiate and allow us to take action. So it's been a long time. But I will -- >> Houston: I'm willing to have somebody make a motion because, again, when these things come to the council and there's been a limited focus and the people who are crafting the resolution have not gone outside of a very large expansive community engagement, then that causes me concern. So whatever motion you want to make is fine. I'm the chair. I'll carry it.

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[Laughter] >> Houston: There's three of us here. >> Troxclair: I guess my -- so this is our June meeting. We don't meet in July. August is -- would be the next time we're meeting. When is the circus here? This summer? >> August 19. >> Troxclair: August 19. So we will have another meeting by -- we'll have a meeting the first week of August? >> Houston: Right and we could have the executive committee -- I mean, the executive session regarding the legal implications and the relationship with the university of Texas during the time, if we're off or they can draft us a legal memo to tell us what those options are. But I would feel uncomfortable passing anything until we know what UT's response is to our ordinance. >> Troxclair: Okay. And I've already stated my interest in making sure that we're just focusing on the issue at hand and making sure that the language is not broad enough to have unintended consequences so that would be my preference, is to be able to see that language before we make a -- take a vote. >> Houston: Okay. So we're going to put this back on the agenda for the first meeting in August. Legal is here and has heard our desires to have an executive session on the legal issues surrounding this, our legal markets so we know what we're -- legal memo so we know what we're dealing with before we come back in August. Thank you all for coming, everyone, that's for or against. Those are passionate

people and we respect you -- all of you for your care about animals and the concerns that you have brought forward. So thank you so much. I've been told that the -- item 6, sobriety working group, is still working on some programs and information. Is that correct? And so they won't be presenting at this council meeting. We'll be putting them on the

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next one. So now we're at item number 7, staff presentation on health disparities. And then the -- after that the children's mental health plan. >> Houston: Did the health department leave us? >> We're here. >> Houston: Oh,. [Laughter] >> Houston: Okay. Let me ask, I know you all have -- this is what happens when you put so much on one agenda. And I know y'all have, like, a 20 -- how long -- what is the length of the presentation. >> We do have an extensive presentation that we could delay if that's what your choice is, to make this another time? >> Houston: Health disparity is a real concern to this committee. We didn't do a very good job of managing all the stuff that we had to do. >> We can curtail it and go lie it quickly, within about ten minutes. >> Houston: Would that be all right? >> Troxclair: Sure. >> Houston: Mayor pro tem? If you do that and then if you send us that information, then we'll bring you back and put you first on the agenda in August. How about that? >> Okay. So you'd like to us do a highlight here and then -- >> Houston: Yeah, if you'd do a highlight here so we can at least get the ball rolling on some of the issues that relate to health disparities. Who is here from -- oh, Ms. Richards? Okay. So how long is your

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presentation? >> I think it's, max, ten minutes. But I can -- at your discretion, I think, pass and come back. >> Houston: Let us huddle just a minute. >> Houston: Okay. Thank you. We've huddled, and so if you'll go ahead into your presentation, and then, Ms. Richards, we'll get to you. >> Okay. Thank you. >> Houston: All right. >> We were going to offer to allow her to do the ten minutes. We'll be happy to do it in August. The disparities have been here for quite sometime. >> Houston: At least ten years, I know. >> I don't think they're going to change in the next couple months. >> Houston: That's very -- >> In order to give you the whole view of the presentation if we could go first or early in that time, we'd be happy to do that. >> Houston: That's very gracious of you. We will put you on the agenda first, staff briefing. You've got that time to go over the health disparities that have been in the city a long time. So you're right. And thank you so much. >> Lou you? >> Houston: Fine, thank you. And yourself? >> Good. [Off mic] >> I'll try to do the speed version of the presentation. I'm Ellen Richards with austin/travis county and triple care and I want to come visit with you about the Travis county plan for

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children and mental health. We recently released the plan and we're entering into the implementation period and wanted to give you some information. I'm just going to skip through some of this. We had a lengthy planning process, involved 20 child-focused agencies and planning, partnerships to develop this plan for Travis county. We incorporated surveys from parents and youth that we solicited through all the participating agencies and the school districts, and we host aid summit in February and shared results. The vision for our plan is that children and their families will live in a community that promotes optimal social, emotional development, behavioral support and recovery and offers access and inclusion without stigma to appropriate service that's support those goals. This plan is rooted in a framework that we use for the community around behavioral health issues. This pyramid represents the continuum of care and its characteristics we'd like to see in the community where we spend the vast majority of our resources in supporting people in recovery and wellness rather than in crisis care. That's the overarching point of this pyramid. This plan did incorporate a multisystem approach. We know that all of these types of agencies, such as schools, criminal juvenile justice system, behavioral health entities, child welfare entities all interact with children and weigh wanted to ensure we were working with all as we developed a comprehensive approach to addressing children's mental health. The key themes in this plan, multisystem approach, as I mentioned, integration of physical and behavioral healthcare and early intervention all stem from national perspectives that we are trying to make sure or --

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efforts here locally. There are four goal areas of the plan. The the first is to promote wellness and support resilience for all Travis county children and youth. Second goal focuses on early and effective intervention. The third goal area has to do with responding to individuals in crisis, and the final goal area focuses on system improvements, including outcomes and accountability. In the first goal area, prevention and wellness, this is a really key area because half of all mental illness is diagnosable by the age of 14. So you have an opportunity to intervene early and to create and change life outcomes for individuals if you're able to intervene early on. Initial priorities in this area focus on increasing community education and training to reduce stigma and increase early identification of issues. Additionally, there's a call for ensuring that schools employ evidence-based strategies that support wellness, such as social/emotional explaining differentiated instruction. In goal two, effective intervention, in the past couple years resulting from the adverse childhood experiences study, new information is available on the significant impact early trauma has on overall health, including physical and mental health. The plan prioritizes expanding the ability to identify and address impact of early trauma through better screening and referral. Additionally we want to expand ability to deliver services in locations convenient to families. In the area of crisis, the priorities focus on expanding mobile crisis

outreach teams, reduce response times and conducting additional analysis on the adequacy of crisis service delivery system, as well as training key personnel. And, finally, in the system-level changes, the

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priorities focus on improving our work-around data collection and analysis initially so we can more specifically analyze the current capacity of our system and the gaps that exist. Held on June 16. The ongoing planning team will incorporate the agency that's were represented in the report-development process, with agreement with from the planning team we would like to focus first on the priority areas that I just reviewed. And that's the fast and speedy version of my presentation. If you have any comments or questions, I'm happy to answer them. We did provide a copy of the full report to Mr. Corona for your information. It's a lot to digest so -- >> Houston: So my question, very quickly, is, we can diagnosis children that are having behavioral health issues at a fairly early age. >> Right. >> Houston: Do we have the professional staff in place now to start working with them at 13, fortune, once the behaviors are diagnosed. >> Or earlier than that. >> Houston: Sure, earlier but you said four. >> My understanding of the work in this plan was -- is that prevention and early intervention is our lowest-hanging fruit, so to speak and there are opportunities to expand current programming that we have in various sectors. So we would need to be looking at the school system and what are they doing and how do we make sure that we're doing as much there as we can do. How do we look at the juvenile justice system and make sure we're doing everything we can do there? How do we look at our system, the mental health system and do everything we can?

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What's the role of primary care providers and their ability to identify and intervene early and refer for services? So I wouldn't -- I would say that we have personnel available. I think the issue, as I understand it, is making sure that everyone is fully trained in screening and identification and that we have sufficient places to refer for care. >> Houston: So I guess that's my concern. >> Mm-hmm. >> Houston: If we're able to go out and identify and make it -- >> Do we have sufficient -- >> Houston: Who do we refer them to? >> Right. And I would say that we are probably -- we're probably one of the key agencies. For some of these issues. And I think we always need additional resources and could do better by children. However, children are covered better through insurance programs than other groups of people. So they have better access. So it's really making sure that we have providers available who take the types of insurance that kids are covered by, such as chip and things like that. >> Houston: So that's part of the study that y'all will be doing? >> Yeah. >> Houston: Not only that they're covered by insurance, but that the providers are there to be able to take that. >> Right, yep. If they need to come into our system, we

would make sure we have the providers available. >> Houston: You'll be able to give a report back when you finish about the number of providers in the city who -- >> We can do that. >> Houston: -- Accept chip? I think that's important. >> It is. >> Houston: If we don't have the providers out there, we're just -- >> Exactly. >> Houston: -- Identifying youth and giving families hope and no place to send them to, no place to refer them to. >> Exactly, exactly. >> Houston: Then they get there and they don't take whatever insurance you have. >> Right. Right. But I will say one of the good things about Texas is that kids are covered more often than adults. So that's a positive thing about our system. And they do have better access

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in some ways because they do have more coverage. >> Houston: Good, good. Any other questions? We're so sorry that you had to rush through that. >> No worries. >> Houston: We'll call you back. >> Absolutely. And if you -- >> Houston: For some updates periodically as you go through this process. >> Yeah. So I've met with two of you. Your staff know how to find me. We're meeting with you in a couple weeks so don't hesitate to reach out if you have further questions. >> Houston: Thank you. Thank you. >> Thank you. >> Houston: I want to thank, again, the staff of health and human services for being so gracious to allow Ms. Richards to go and we'll postpone you until the first of August and the -- the first -- okay? And the other question that I was going to have for staff, just briefly, and it was gone. Just that quickly. It happens all the time. [Laughter] >> Houston: It was about mental health, behavioral health. Oh, I was going to ask if -- in the presentation do you talk about food deserts? Because that's something that councilmember Garza is -- has had on the list and councilmember Troxclair for a while. So we need to have that conversation, and that would be one of the things that I would suggest that we put on the agenda. But I didn't know if the presentation that y'all were going to present talked about those. >> One second, one second. Our disparities presentation doesn't cover food deserts but since y'all had asked for that a couple months ago staff has a full presentation ready to go to present to the health and human services committee at your discretion. We can add that to the August agenda if you'd like. >> Houston: Good. I think we would like to go ahead and hear that. >> It's ready to go.

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We can queue that up for you. >> Houston: Very good. I like it when we don't have to ask you to hurry up and do something, that you've already done it and all we have to do is see it. >> Absolutely. >> Houston: Are there any other things we need to add to the August agenda? Mayor pro tem? >> Tovo: Chair, I really should have brought this up when we were talking about item 6. But when we discuss the sobriety center, I guess it was at our last meeting, I believe our committee forwarded a

recommendation to council. I'm not sure it's actually arrived on the council agenda, but it is in support of the sobriety center, and I committed at that point to draft a resolution that nails down some more of the specifics, and I just wanted my colleagues to know my staff has been working on that and I believe we have something ready to go, and I will share it with your offices with the -- and I know we probably don't want to get into the specifics of it right now, but I -- some pieces of it are, I believe, things we should consider as a council moving forward sort of soon. So I wanted to give my committee members a heads-up I make bring this in advance of the update that we would receive in August because there would be a potential budgetary impact. >> Houston: Are you looking at -- bringing it to the full council in June? >> Tovo: Yes. >> Houston: Okay. >> Tovo: I just wanted to let y'all know that and, again, I have been working on a draft and would be happy to talk about those specifics. >> Houston: Thank you so much. So we've got those items. Can you read them back to -- six items on the agenda for August? >> Right, madam chair. It says on. Right, madam chair, I have disparities, food deserts, smoke emissions, circus animals, sobriety center, and there was an item from the -- at the beginning of the meeting but I can look back at the video and see what that

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is, when we had about eight speakers. >> Houston: Short-term rentals. >> Right. We can do that too. >> Houston: The rundberg Latino healthcare. >> Right. >> Houston: Latino healthcare. >> We'll get that on there. That's six items for the August 3 meeting. >> Houston: Sevenish. >> Yeah. >> Houston: We'll work on it, work on it. But health disparities is going to have their time. Okay? Any other things that we need to add to the agenda for the following meeting since we're working ahead, august/september? Nothing that you can think of? Okay. We'll go through the list that we started in the beginning and see what we can pull from that. As far as I can tell, this completes our agenda. And without objection, the meeting of the health and human services council committee is adjourned at 7:19. Thank you so much for y'all being here all this time. Thank you. [Meeting adjourned]