

City Council Regular Meeting Transcript –6/18/2015

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[9:53:38 AM]

June 18, 2015 Austin city council meeting

[10:13:03 AM]

>> Mayor Adler: Are we ready to go ahead and get started? Good morning. I am Austin mayor Steve Adler. We're going to begin today with an invocation from reverend Melvin manor of St. Paul Baptist church. Would everyone please rise.

>> Let us pray.

>> Mayor Adler: Thank you, sir.

>> God, our father, we beseech you, on behalf of the city of Austin. God, we ask that you would lend an ear to everything that's going to transpire on today. As we begin to make decisions about this city, we ask, O god, that you would give us guidance. We pray, O god, that you would protect our city and allow us to be the best-lived city on planet Earth. God, we take out a moment to lift up the tragedy that happened in South Carolina. We pray, O god, for those lives that has been lost. But, O god, even in the midst of that tragedy, we ask that you would build a fence of protection around us. Thank you, dear god, for the rain, but then, O god, thank you for keeping us safe. God, we can't do anything without you. Austin, we claim it as ours, but we know that Austin belongs to you. So, help us, O god, as we make laws and as we make decisions that affects lives and communities, that we keep you in mind.

[10:15:17 AM]

O god, we lift up Jesus even now, because the government of his people is upon his shoulders. So, O god, we ask now in the precious name of Jesus that you would forgive us from all of our sins and cleanse us, and wash us. God, we come from different walks of life, but thank you for allowing us to sojourn with one another. And bless everything that's going to happen today. Let us start with you, and let us end with you. This we ask, in the precious and powerful name of Jesus Christ our lord, we pray. Amen.

>> Amen.

>> Mayor Adler: If we could say stay standing for just a moment, I want to take a moment to reiterate

the reverend's message with respect to what happened last night in Charleston, South Carolina. Our prayers go to the town and to the families as we participate in mourning what was a horrific hate crime and tragedy that occurred. And it serves as a reminder that in any community, in any city, we are only a moment away from experiencing that kind of action. And that as a city, we have to renew efforts in the community to communicate and to talk to deal with the challenges that we have, because we are, again, only a moment away. I also want to mark the passing of an American icon, Virgil Reynolds, also known as former world west champion dusty Rhodes, also known as "The American dream." Dusty meant a lot to so many people in our community even before he became a celebrity.

[10:17:27 AM]

He grew up in district 3. He was a beloved friend and father, and wrestling great who will be missed by many. Go ahead and please be seated. I'm going to call to order this meeting. A quorum is present. The Austin city council is called to order in the city council chambers, Austin city hall, 301 west 2nd street, Austin, Texas. And the time is 10:17 A.M. Before we begin, I want to read changes and corrections into the agenda -- into the record.

>> Mayor Adler: The electric utility commission made no recommendation. The motion to approve failed on a 3-3-1 vote with commissioners Hayden, major, and Osborne voting against, and commissioner rey absent. That's authorize negotiation. The words "And execution" are being stricken. Item number 16, on June 10th, this item was approved by the water and wastewater commission on a 5-0-2 vote. Commissioners Casselberry and Lee were off the dais. Item number 30, the word "Authorize" is stricken, and it should read "Approve an ordinance authorizing a lifetime swim pass." Item number 33, on June 15th, it was recommended by the electric utility commission on a 4-two vote with commissioners Hayden and major against, and commissioner rey absent.

[10:19:39 AM]

Item 51, 56, 57, and 58, on June 15th, were recommended by the utility commission, with commissioner rey absent. Item number 51, the amount to exceed was incorrectly written. The amount to exceed should read 1,915,979. On item 59, on June 15th, on a 6-0 vote with commissioner rey absent, the electric utility commission -- recommended council to select one of the three offerers. Number 60 has been withdrawn. Number 64 and 107, it's being recommended that they get postponed to 2015. But we're going to have to talk about that. We have a briefing from the living wage tax force that we're going to get to here momentarily. Let's see what we have to do here this morning. On the consent agenda, councilmembers, this is what I show as being pulled.

>> Mayor Adler: And let me check and see if there's anything that had to be into the record on 75.

>> Mayor Adler: So everything on 75, which were nominations, was posted. So there's nothing that's not posted. So that document with its waivers stand. So this is what I see being pulled. I see item number 2 being pulled for speakers.

[10:21:43 AM]

This is the deferred payment plan with Austin energy. Auc made no recommendation. I don't know if we want to consider postponing that to the Austin energy meeting next Thursday, but we should probably consider that.

>> Kitchen: Should we consider it now? Did you want to consider that now? I was going to make a motion. Or does that come later?

>> Mayor Adler: We could do that now. Item number 2 was the deferred payment plan. The teams have been trying to work something out. It's not something that we have seen at this point.

>> Kitchen: Right.

>> Mayor Adler: And I'd like to see that before we act on it. I would recommend we postpone that until next Thursday.

>> Kitchen: I move that we postpone it until next Thursday.

>> Mayor Adler: Seconded by Ms. Houston. Does staff want to comment on a problem? Ms. Tovo.

>> Tovo: I know that we have some individuals who have been working with staff pretty closely on that. And they're here today, too. And I've been working hard on talking about it. So, I guess my point would just be that at least we hear the testimony of the four people who have come down today to speak with us about the work. That would give us an opportunity to think about it and reflect on it over the next week. If that's agreeable to the body, I would ask we allow the speakers who have come and our staff to talk about it today, with the understanding we might take action next week.

>> Mayor.

>> Mayor Adler: Ms. Houston.

>> Houston: My seconding was to have the speakers speak. That would allow us to have some time to think about it and come back with something that's more appropriate.

>> Tovo: That sounds great to me.

>> Mayor Adler: I'd like to give those people the opportunity to speak with the understanding that when it comes back on Thursday, it's also going to be open for speaking as well. We have an agenda with 110 items today. So, the people -- we're going to invite people to speak. If people want to give time back to the dais, I would appreciate that.

[10:23:45 AM]

And if someone's here for an item like this that's been pulled, I want to give them the opportunity to speak, but I don't want them to feel they have the obligation to speak. This will also be set next week, as well.

>> Casar: Mr. Mayor, is the intent to postpone but to place it on the committee agenda, but also post it for action by the full council so the ordinance could take effect next Thursday if we chose to pass it on three readings?

>> Mayor Adler: Yes, call it up for the vote next Thursday. Yes. I'm sorry, what? So we're going to take number 2 off the consent. And we're going to postpone that for action until next week. Now, are we posted next week? We have the committee meeting next week, are we also -- we're posted for council action, so we can bring that up.

>> The agenda for next week, so we can definitely add it. It will get posted on Friday.

>> Mayor Adler: Yes. Okay. So let's postpone that -- both to the committee meeting. Of Austin energy,

as well as on the council agenda for next Thursday. The next item that I have being pulled is item 18, which is the way-finding issue pulled by Mr. Zimmerman. 29 is pulled by staff. 35 is pulled by Mr. Zimmerman. 39 is pulled by Mr. Zimmerman, the hay issue. 43 has been pulled by speakers.

[10:25:45 AM]

59 is the gap study. I'm pulling that. 60 has been withdrawn. 62 has been pulled by speakers. 64 is being pulled. There's a suggestion that it get postponed until August, but I want to talk about that. I'm sorry?

[Off mic]

>> Mayor Adler: I pulled that. Well, staff pulled that by recommending that it be postponed until August 6th. But rather than just approving the postponement, I want to talk about that. 78, there's been a suggestion by two members that that be set for time certain at 6:30. Any issue with that?

>> Mayor Adler: Then we'll set that time certain. Am I missing anything that's being pulled?

>> Yes.

>> Mayor Adler: Okay.

>> Mr. Mayor, there's another one.

>> Mayor Adler: Hang on a second. We have some additional here that have been pulled by Ms. Gallo. Ms. Gallo is pulling number 10. Number 14. Number 16. Number 18 has already been pulled by Zimmerman, but also by Gallo.

[10:27:47 AM]

Number 19. By Gallo. I'm sorry?

[Off mic]

>> Mayor Adler: 19 does not need to be pulled. Item 39, it was pulled by Gallo -- I mean Zimmerman, also now Gallo. Item number 40. Item 51.

>> Mayor Adler: And is the last one item 89?

>> Mr. Mayor, when you're ready.

>> Mayor Adler: Which is the number that is the alcohol, restaurant? No, alcohol restaurant --

>> That's 109. That's 109.

>> Mayor Adler: Okay. So that doesn't need to be on the list, right, Ms. Gallo? Okay. What other ones need to be pulled?

[10:29:47 AM]

>> Kitchen: Mr. Mayor, at the appropriate time -- well, this is not a pulled item, but I'd like to address it before we get started on the list, and that's a postponement for number 97 related to the drainage fee, so.

>> Mayor Adler: Okay. Okay. We'll get back to that in just a second. Anything else that needs to be pulled?

>> Troxclair: Number 7, please.

>> Mayor Adler: Number 7? Okay. Anything else to be pulled?

>> Casar: Mr. Mayor.

>> Mayor Adler: Yes.

>> Casar: A quick question for the mobility committee. Somebody mentioned to me they thought item 71 had been heard in mobility. Was it heard, or was it not?

>> Kitchen: 71 is the one related to the --

>> Casar: To campo.

>> Kitchen: I'm sorry. I don't recall that one coming through our committee.

>> Casar: That's all right, then. Mayor, the reason I asked the question is, if it was heard through committee, I know it couldn't go on consent. Someone thought the committee discussed it. I feel no need to pull it, I just wanted to make sure.

>> Mayor Adler: Thank you. Anything else to be pulled? Okay. The items, then, that I have being pulled are item 2, 7, 10, 12, 14, 16, 18, 29, 35, 39, 40, 43, 51, 59, 60, 62, 64, 78, 83, 84.

>> Just withdrawn.

>> Mayor Adler: I'm sorry, 60 was withdrawn, not pulled. Anything else?

[10:31:53 AM]

We have some speakers

>> I have a question. I have two sort of housekeeping items. If you want to wait, or should I bring them up now?

>> Mayor Adler: Let's dispense with consent.

>> Casar: Mr. Mayor, I have one.

>> Mayor Adler: Yes.

>> Casar: I don't know if we can make this kind of change or correction, but on items 80 and 81, councilmember pool was kind enough to agree to be a cosponsor, but the change wasn't submitted in time. Would she still like to -- I think she says yes -- make sure she's listed as a cosponsor on 80 and 81.

>> Mayor Adler: Okay. Will the record please reflect that? First speaker is David king.

>> Zilker neighborhood, regarding the challenge petition for the appraisal review board. I'm very glad this is coming forward. I hope you will proceed with the challenge. You all know that the property tax appraisal system has facilitated a shift in the property tax burden from commercial to residential property owners over the past 10 to 15 years. This will ensure they pay taxes based on market value just like residential owners. You know the analysis that you found, that you requested, found that commercial properties are significantly undervalued, 27% for developed commercial property, and 76% for undeveloped commercial properties.

[10:34:01 AM]

And, you know, our school, our city, and our county find that they need to operate -- it could be used if they paid their fair share to reduce our property taxes and make them more fair and equitable. You know, some of these commercial property owners that use these loopholes to reduce their property tax appraisals then also get tax incentives from the city. And they get density bonuses that allow them to have their development be more profitable to them. And then they use these unfair commercial

property tax laws to reduce the property tax value on those same properties that they've received incentives on. I hope you will address that equity issue as well as you consider these requests for variances and entitlements, and for economic development incentives. And regarding -- there are a couple companies that do this, that play all of these angles. F1, Samsung, and Hyatt, to name a few. Regarding the flood variance in item 87, I hope this council will put a line in the sand and say we're not going to approve any more variances in the flood plain. Can we really afford to do that? Can we afford more lives being lost? And can we afford for taxpayers to have to come bail out people who are in the flood plains? I'm for helping our citizens who have been affected. I'm all for that. But need to be proactive and try to avoid that situation to begin with. There should be no variances approved in flood plains. And I hope that you will put a line in the sand and not approve anymore flood plain variances. Thank you very much.

>> Mayor Adler: Since your comments went to item number 25, I want to address that for just a second. We're proceeding with this challenge because we believe that there is an imbalance between the burden on property taxes between residential and commercial properties.

[10:36:05 AM]

It used to be, I understand, that the residential burden was 45%. It's gone up to 55% with the change in property values, and we're trying to recalibrate that. With respect to prosecuting, there has been a lot of questions about whether or not bringing that challenge necessarily means that we are going to be delaying the certification of the tax roll. Which would cause a ripple effect, and make it difficult for the hundred and 13 or 15 taxing jurisdictions that exist in Travis county from being able to timely do their budgets and set their tax rates. And the answer to that is no. So what we have done is we have filed the challenge. The challenge is going to be heard by the appraisal review board, I think on June 22nd. At the June 22nd hearing, there's going to be, as I understand it, an agreed order submitted for the board that asks the board to disallow the challenge so that the parties can then go to district court, which will be a much better forum for the parties to exchange information and data, to explore whether the data results in changes in values, and for us to work with the appraisal district on potentially refining or working with the model so that it most accurately represents the actual market value. I am real pleased that it appears as if we're all doing this in a cooperative manner. The attorneys for the city, working with the attorneys for the chief appraiser, and for the appraisal district. I think everybody is joining in the effort to make sure that, one, to take a look and see if, with additional data, the Numbers would be impacted.

[10:38:11 AM]

And working together to make sure that -- to see if there are changes that should be made in the model. Of importance, though, is that because the anticipated order coming from the board, as will be requested by all of the parties, will be for the challenge from the city to be denied, on that day there is, then, no pending challenge by the city while we are waiting to file it in district court. In the absence of a pending challenge at that point, will enable the appraiser to go ahead and certify the tax roll with the 2015 values. After the roll is certified and given to all the taxing entities, then the city would file its

challenge or its appeal in the district. As I've said before, exchanging the data and the like. The question of at what point those values would be impacted or what year would be something that would be decided in the district court. But this enables us to proceed, and I would want anyone listening to this to see that the parties are working cooperatively to ensure both that the challenge can be prosecuted and heard and evaluated and decided, and that the appraisal roll will be validated with the 2015 values in a timely way for all of the taxing entities. Ms. Tovo.

>> Tovo: I appreciate you laying out the strategy, mayor Adler. And I just want to thank our legal staff, and the legal staff of the other relevant entities for working together on this issue. In my mind, this is really the best path forward and I want to assure those of you who have been watching this and are interested in seeing the city move forward with a challenge to commercial valuations that what you've just heard doesn't in any means mean that we are not moving forward.

[10:40:16 AM]

It is, for me, a high priority to see the city move forward in challenging the commercial property valuations. We're doing so through a slightly different strategy than we initially discussed, but I think it is, as the mayor said, really the right decision -- within the Travis county central appraisal district. I believe the data that our consultants pulled together will inform this discussion, and I feel confident that we may see some -- for residential property owners. Of course, that will be determined in the court, but I'm very pleased to see the city moving forward in this direction. My thanks to the legal staff.

>> Kitchen: I would simply add that -- reiterate what the mayor and mayor pro tem tovo have said. Also, just to ensure that there's no misunderstanding, proceeding with this approach also will allow us to continue our efforts to impact the current taxing year. We have not, by taking this action, given up our approach to consider to attempt to impact this year. We do not know if we'll be able to, but we will continue that effort.

>> Mayor Adler: Ms. Pool.

>> Pool: I just wanted to underscore the words collaboration and cooperation. I had a couple of conversations informally with other elected officials after we filed this challenge. It was expressed to me they didn't believe we could have -- being adversarial. And I assured by colleagues in a different entity that we were going to do our level best not to be adversarial.

[10:42:22 AM]

So, I think a lot of the -- to work together, and the authenticity and the genuineness of the desire to work together. So, I just want to underscore that and thank the staff in all of the different entities for all the work they're doing to forward this really important initiative. Thank you.

>> Mayor Adler: People from -- different taxes districts, and we were sitting around the table. I think I heard two messages. The first one was, godspeed on trying to raise this issue, because no other city that I was aware of had actually gotten to this point and was willing to proceed. But at the same time, the other message was, try to figure out a way to do it without messing up the certification of the tax roll. When we were sitting around that table, while we knew that was our charge, I'm not sure we had figured out yet how it was that we could achieve both of those things. So my compliments also to not

only our legal staff, but the legal staff for the others in being able to move this forward. And council, I'm proud to be part of the council that, I think, is the first one to get to this place and actually push past this point. So, the next speaker on the agenda would be John Peña. Is John here? Michael Fassen. Is Michael here? Those would be, then, all of the speakers on the consent agenda. I'm sorry?

>> Mayor Adler: And Sara Lore.

[10:44:24 AM]

Hmm? Sara? Okay.

>> I decided not to speak today. Thank you.

>> Mayor Adler: Thank you for being here. Those would be, then, all the speakers that we would have speaking on the consent agenda. Is there a motion to approve the consent agenda? Mr. Zimmerman. Is there a second? Ms. Pool. Those in favor --

>> Zimmerman: Mr. Mayor --

>> Mayor Adler: Let me read in those.

>> Zimmerman: Thanks.

>> Mayor Adler: Ms. Houston should be shown as voting against item -- should be abstaining on items 45 and 46, and be shown voting against item 54, 57 -- 54 and 57. Mr. Zimmerman should be shown as voting against item 3. I don't show item 5 as being pulled. So you need to tell me if you want the record to reflect a vote on that.

>> Zimmerman: Sorry.

>> Mayor Adler: That's okay.

>> Zimmerman: I thought that had been pulled. I'm going to abstain.

>> Mayor Adler: He's abstaining from item 5. Also abstaining on item 9, 11, 13, 15, 17, 19, 20, 21, 22 -- I'm sorry.

[10:46:25 AM]

Abstaining from 21, but against 22. Against 23, against 24, abstaining on 26, and 27, and 28. Voting against item 30. Abstaining on items 33 and 34. Abstaining on 36, 37, and 38. Abstaining on item 41. Abstaining on items 44, 45, 46, 47, 49, 50, 52, 53, 54, 55, 56, 57, and 58. Abstaining on 61. Abstaining on 71. Against item 73 and -- and 81.

>> Zimmerman: That's correct, Mr. Mayor. Thank you.

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

>> Troxclair: Mayor, I'd like to be shown as abstaining from items number 5, 19, and 57.

>> Mayor Adler: Okay.

>> Mayor Adler: Okay. With those said, all in favor of the consent agenda, except as otherwise noted, please raise your hand.

[10:48:29 AM]

Those opposed? It's unanimous with Ms. Houston off the dais.

>> Casar: And I promise, she would have raised her hand if she was around.

>> Mayor Adler: Mr. Renteria.

>> Renteria: I just want to add some clarification on the item 108. Are we going to have a public hearing today on the ads? On 108?

>> Mayor Adler: This is something we discussed in work session. Let's take care of housecleaning matters and work our way through the agenda and see what people want to do. Let me start with Ms. Kitchen first. We'll get back to item number 108. Ms. Kitchen. I can't hear you.

>> Kitchen: I'm sorry. Item number 97 relates to the drainage fee. We had talked about it at the work session on Tuesday, about postponing until next Thursday. I'd like to let people know, if that's our intention. Can I move to do that right now, or . . .?

>> Mayor Adler: Yes.

>> Kitchen: Okay. I move that we postpone item number 7 to next Thursday's full council agenda.

>> Zimmerman: I'll second that, mayor.

>> Mayor Adler: Okay. Does staff have any problem with this item being put off by a week? Is staff here? Take your time.

>> Joe, watershed protection, we don't have a problem with the postponement.

>> Mayor Adler: Do not. This takes this item and puts it on the Austin energy day agenda, which we were loathe to do, and not something that we will easily do. But we had talked in work session about this being a pretty -- exigent circumstances.

>> Kitchen: It allows time for discussion at work session prior.

[10:50:33 AM]

And since we just had our committee meeting on it yesterday, it allows some time to bring a better thought-through proposal back to the full council.

>> Mayor Adler: Okay. There's been a motion to postpone until next week, and a second. Any discussion, further discussion? Those in favor of the postponement, please raise your hand. Those opposed? It's unanimous on the dais, again, with -- Ms. Houston off.

>> Kitchen: I have two other items, but I'll let other people talk first.

>> Mayor Adler: That was 97.

>> Kitchen: Mr. Mayor, I have two other items, but I'll let others go first, and then you can come back to me.

>> Mayor Adler: That would be fine. Mr. Renteria, you had raised a question of the Adu?

>> Renteria: Yes. I just want to clarify whether we're going to have a public hearing today so people out there, they can leave if we're not going to have one.

>> Mayor Adler: Okay. Mr. Casar, you weren't here when we were discussing this item at work session. This is coming out of your committee. Do you want to tell -- this is item 108. I think, is that right? It's set for public hearing at 4:00 P.M. Mr. Casar, do you want to talk to us about this?

>> Casar: Yes. My committee heard this and took several hours' worth of testimony. We understand that there is a lot of work left to do on this item to really get to where, I think, a majority will of the council would arrive at the best conclusion. My recommendation at committee was that we move on first reading today, that we hopefully move on second reading in August, and a third reading.

[10:52:37 AM]

And so this item is -- preference would be for us to do the public hearing today, and to move on first reading. However, I'm not as familiar with the actual formal public hearing and when it must be taken on an ordinance change like this. If we could move on first reading today, because we have a tight schedule, but then have the public hearing in August, I would be fine with that. I think that we will most likely be having questions and answers, and some testimony as each intervening reading, because we will have discussed and had different recommendations coming out of the committee on each intervening topic. So, I think that we'll likely be having speakers whether they are signing up as public comment or whether we're calling them up for questions on this item as we develop it, sort of like on the taxi franchise issue. So I guess legal can advise as to when the public hearing has to happen.

>> Mayor Adler: First reading.

>> Casar: My preference is that we have it today, but, since we took multiple hours of testimony at the committee level, we would still have a maximum of four speakers on each side at two minutes.

>> Mayor Adler: There are, by the way, on this item, which is, what, 108? And also item 96, we have four speakers signed up at this point. Given that that's the -- first reading and let those four people speak, with the understanding that if more people show up, we're going to keep debate limited at this point. Okay?

>> I wanted to raise two things. I'm not sure what order to raise them in. But, let me start with, I am counting 11 items that were pulled that relate to contracting types of items.

[10:54:41 AM]

And I would like to -- and I can read those off in a minute. I would like to move that these be -- that are time sensitive. But the reason I'm suggesting this is because I think that we have an agenda today that's not workable. And after we talk about this, I'm going to -- we have a time stop at midnight. So I think that we can contribute to that by taking these 11 items and postponing them. Again, assuming that they're not time-sensitive for the staff.

>> Zimmerman: I'd like to second that motion, Mr. Mayor.

>> Mayor Adler: Okay.

>> Kitchen: Do you want me to read those off?

>> Mayor Adler: Let's get staff to comment on those real fast.

>> Kitchen: It appears to me that we have pulled contract-related items ten, 12 --

>> Mayor Adler: Hold on, you're going too fast. Ten. 12 --

>> Kitchen: 14, 16, 18, 29, 35, 39, 40, 51 --

>> Mayor Adler: I'm sorry, please, 40?

>> Kitchen: Yes.

>> Mayor Adler: 51?

>> Kitchen: 51 and 59. I'm not suggesting 43 because that has speakers. So I'm just suggesting the ones -

-

>> Mayor Adler: And your recommendation with respect to those is that they be --

>> Kitchen: My recommendation would be to postpone them until August, but I'd be okay if we postponed them until next week. My recommendation would be to postpone until August so we don't fill up the Austin energy day with too much.

[10:56:42 AM]

>> Mayor Adler: We have set, by the way, a special meeting for next Tuesday?

>> Mmhmm.

>> Mayor Adler: So we have flexibility to have able to handle items that might not be carried here, if that was something that was in the will of the council. So we have two opportunities next week. My understanding is that staff is leery of us having a meeting on Tuesday of next week because they have their work schedule that they're trying to do. So I think it would be helpful, then, to have staff comment and talk to us about these contract items as to whether they can wait until August, whether there's a need on these. But apparently, there were some questions that were asked on these items that the councilmember asking those questions feels that they weren't answered, or were insufficiently answered.

>> Kitchen: I would just like to add that I think that the agenda was too long both for staff and for us. And so this is not a reflection on staff taking too long. I think that they did the best they could to answer our questions, so.

>> Mayor Adler: Ms. Pool. %-@>> Pool: I would be willing to delay these on condition that they appear on -- that the questions are sufficiently answered and unless there are lingering questions that need to be discussed in open meeting, I would highly recommend that these come back on consent, because that's what the consent agenda is for, so that the city can move forward on its expected and designated business. A lot of these items were approved in previous councils and previous budgets, and now we're looking at the actual expenditures of initiatives that were at the direction of council, and I would highly recommend that we not slow this down. So my suggestion is -- to my colleagues is to do the best you can with the time that we all have, which is short.

[10:58:44 AM]

And work with staff to get questions answered so that these can, indeed, return as consent items. Thank you.

>> Mayor

>> Mayor Adler: As soon as we can we'll get to staff to comment on their view this. Ms. Tovo.

>> Tovo: I think 59 is appropriate to move to the Austin energy agenda, and I've heard from at least one PUC member who would request that we postpone this item today and move it to the council -- to the Austin energy agenda next week. And I would support -- I would support a slight delay on some of these items to next Thursday, but I have to say, I mean, the agendas -- this is a big city with a big budget. We have a lot of purchasing items, we're going to have them come forward on every council agenda. Some of the agendas we saw a couple months ago were unusually short. I had all kinds of people comment on the unusualness of having a 30-item agenda because it just is unusual. So now I think what we're seeing is an attempt to get some of these purchasing items done. We also take off the month of July and that

makes the June meetings longer agendas. We still have to conduct busy of the city. I appreciate there still may be questions but I assume those could be resolved between here and next Thursday so that would be the longest delay I would support on these purchasing items.

>> Mayor Adler: While we're talking about item 59, this is the gap study issue, we have the Austin energy committee that meets Thursday, and then we have the meeting after that. Ms. Tovo moves that this item be postponed for this week and put on to that -- both committee agenda and then the council agenda with respect to that study. Is there a second to that motion? Ms. Kitchen seconds that. Any objection to that? Any discussion?

>> Renteria: Not on this issue, but I do have a lot of concern that we're just piling on to next week and we're also going to have Austin energy meeting in the morning.

[11:00:47 AM]

>> Mayor Adler: Right. And this is an Austin energy item. Which is the reason why I was bringing it up.

>> Renteria: I don't have any problem with this one. It's just I have concerns about the other ones.

>> Mayor Adler: Right. On this item 59, it's been moved and seconded we move it to Austin energy agenda both committee and the meeting. Ms. Gallo, is that okay with you?

>> Gallo: That is fee. We have now added two things, I think, from our discussion so far to an agenda that already has four or five items on it and we're also doing a council special equal meeting. So just as long as everyone is conscious of the fact we are going to have a lengthy day that day also, that's fine.

>> Mayor Adler: Okay. Those in favor of moving 59 to next week, both committee and to the regular agenda, please raise your hand. Those opposed? Unanimous on the dais, Houston off. That will go next week. Now we're back to the conversation about all of these contract items. Do you want to address those, staff? I'm sorry? Yes? Ms. Gallo.

>> Gallo: Because I was the person -- my office pulled a lot of these, my -- here's my concern, is that we start -- you know, the council is trying to do the best they can in a very thoughtful way of looking at these agenda items, particularly on our major costs and major expenses that we're being asked to approve because we've heard very clearly from the citizens of this community that we need to get control of spending down at city hall and that implies they want us to look thoughtfully at what is being proposed to us. The process is more of an issue to me than the individual items because what happens is the council is given a draft agenda that comes out sometime between Monday and Wednesday of last week and then on Friday there were -- particularly this agenda, there were over 30 items that were added on Friday. And so that means our time to look and ask questions and do our research and look at these items continues to get diminished and I'm just really uncomfortable making decisions where we don't have a lot of -- to be able to address those.

[11:02:59 AM]

We do the question and answers and we do it as quickly as we can on Monday when we get the final draft, but that also does not give staff a lot of time to address the questions. And so my concern is that this process that we're rolling into, where things get presented to us very much at the last minute on Monday, on the final draft for our our tugs work session and Thursday council meeting just really pushes

us into a corner. So I don't know if it's appropriate for budget and finance to take up this particular issue, if it is the transition committee, but it seems like that purchasing items or items need to get put on the initial draft to give us that extra amount of -- to be able to look at the item; our questions of staff, give staff the appropriate amount of time to answer back. Because we're just getting answers back today on some of the questions we asked. So, again, my concern is not as much the particular items. It's just we've got to fix this process because I'm very uncomfortable with the limited amount of time that staff is giving us to look into these items.

>> Casar: Mr. Mayor.

>> Mayor Adler: Mr. Casar.

>> Casar: If the concerns are not with any of the particular items, then I would call -- I can no longer move since I started debating. I would support my colleagues in moving that we approve -- you'll call the question on all these items, approve all these items, and I'd be very interested in a discussion about how we can have more time and look through them. But if there's not questions about a particular item, would I certainly support a motion to call the question on all the items and to pass them.

>> Mayor Adler: Yes, Mr. Zimmerman.

>> Zimmerman: I want to echo councilmember Gallo's concerns. It almost gave me the impression, the fact these were not put on earlier in the year, that there's a rush -- budgeted money for positions that haven't been filled.

[11:05:10 AM]

Our desire is to move that money to the next fiscal year. The city staff's position is to spend it know, reallocate it and have it spent now. I'm really concerned there's been a rush to spend money that's remaining in the budget, and if at all possible I'm going to support moving that money that hasn't been spent into next year's budget instead of spending it all this year.

>> Mayor Adler: I want to drill down a little here to see what we're dealing with. Ms. Gallo, you said some of these you might be okay that you had pulled but answers had come in. If we can run down this list Ms. Kitchen gave to us, see if there's some that can move forward. Staff, don't go too far away. Item number 10?

>> Gallo: I'm going through --

>> Mayor Adler: That's okay.

>> Gallo: I'm going through my records at the same time. So ten would be fine to take on consent.

>> Mayor Adler: Okay.

>> Gallo: 12 would be fine. 14. And I'm saying this because our questions have been answered, but, once again, I really want to address the issue of timeliness and getting us all this information.

>> Mayor Adler: Right.

>> Zimmerman: Did I say 16.

>> Mayor Adler: What about 14.

>> Zimmerman: 14 is fine. 16 is fine. I would like to have a discussion on 18 and I think councilmember Zimmerman had also pulled that so I'd like to pull that off the consent.

>> Mayor Adler: Yes. Okay.

>> Gallo: Was 29 listed.

>> Mayor Adler: Next one is 29, pulled for staff providing. Staff wanted to talk to us that. Next one I have is 35. You still want that debated, Mr. Zimmerman?

>> Zimmerman: Yes.

>> Mayor Adler: Okay. 39 is both of you. 40, Ms. Gallo?

>> Gallo: Did you ask councilmember Zimmerman about 35? Was that one of the ones also?

>> Mayor Adler: Yes, 35 we're going to keep pulled.

[11:07:14 AM]

What about 39?

>> Gallo: I'm fine with leaving that on consent.

>> Mayor Adler: Mr. Zimmerman, do you want to discuss 39?

>> Zimmerman: Yes, I do. I want that pulled please.

>> Mayor Adler: Okay. What about 40, Ms. Gallo?

>> Gallo: 40 was answered.

>> Mayor Adler: And 51.

>> Gallo: I would like that pulled.

>> Mayor Adler: Okay. What about -- and then 59 we postponed until next week. Okay. Is there a motion to approve items ten, 12, 14, 16, and 40. Moved by Ms. Pool, seconded by Ms. Kitchen. Any discussion? Those in -- okay.

>> Tovo: I just wanted to be clear what we're voting on. We had a motion on the table I thought with a second to postpone these items. We're now voting to pass these on consent, the ones that you just read?

>> Mayor Adler: That's correct.

>> Tovo: Okay.

>> Mayor Adler: Those in favor of allowing those items to be approved, please indicate by raising your hand. Those opposed?

>> Zimmerman: I'm abstaining from all these.

>> Mayor Adler: Mr. Zimmerman abstains. Ms. Houston off the dais. Otherwise, yes. So we've taken care of those items now. So the contract items that we have left, it appears, are items 18, 29, 35, 39 -- I'm sorry, 51, 51.

>> Kitchen: I have 18, 29, 35, 39, 51. Right?

>> Mayor Adler: 18, 29, 35, 39, and 51.

[11:09:20 AM]

Those are the ones we have. Staff, do you want to come talk to us about time constraints with respect to those items.

>> Mr. Mayor, while wire coming up, if I may, I did want to address councilmember Gallo's concerns around of timing of these items coming forward. As you know what we try to do is get all items, not only just the purchasing ones, roughly two weeks in advance of the meeting, some of what you might be seeing is last-minute items trying to be brought before your consideration in time -- prior to your recess.

None the less we'll take a look and see what issues are occurring in this regard but, again, our intent is to try to get you enough time so that you can do the research on these items. Thank you.

>> Mayor Adler: So here I think is the first question. We have set a working session for the council to be able to talk about the drainage issue next Tuesday. And while -- it might be possible for us to approve some of these purchasing items, IFS you're able to answer those questions in the meantime, assuming that they wouldn't be able to -- it wouldn't take a long time. We might be able to handle them on consent on Tuesday. I want to know first if there's a problem with delaying these to that point and then I'll check and see if the will of the council would be to do that.

>> Mayor, James Scarborough, purchasing. Of the items that were identified that could be moved to a future council agenda date, they're all fine to be pushed to a future agenda. Item 35, because it is associated with a growing season or a limited period of time in which this could be performed, we would just ask to make sure that that does go on to an agenda for next week. The other items are a little bit more flexible but that particular item can't wait until August.

>> Mayor Adler: Okay. So here's my question. My question is should we take these items, these contracting items, and have them considered on Tuesday, anticipating that maybe the questions could be answered before then?

[11:11:23 AM]

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: If I heard you correctly, the only one that was [lapse in audio]

>> Councilmember kitchen, we had some rationale for timing on item 51. All of these items would be beneficial to go next week, if possible.

>> Kitchen: Okay.

>> But if there was a contemplation of August, that would get complicated and we'd have to --

>> Kitchen: Understood. Next week is fine with me. Whether that's Thursday or Tuesday.

>> Mayor Adler: Ms. Tovo?

>> Tovo: I guess I would just urge us to see if we can resolve our questions here today. I mean, we're going to have to make a decision about these items at some point, and, as I said before, if we need to delay it until next Thursday, based on the questions, then I could probably support that. It would be my preference not to deal with them on Tuesday since we don't typically have a council meeting on Tuesday and we have one scheduled on Thursday. I'm not sure why we wouldn't have any items moved to the council meeting we already have scheduled rather than schedule a new one. But I do want to just point out 35 we spoke about at the work session and I believe there were other questions submitted through the q&a process. 18 we also spoke about at the council work session. And we do have speakers here today to speak to. So I'd ask they be afforded an opportunity to do so, even if --, again, I think it would be helpful for me, before I vote on whether or not to postpone them I'd like to get a sense what have remaining questions there are since at least a couple of these we have spoken about. You know, we could move it to next week, the council meeting, and, you know, if there are not thorny issues that we really need -- we just plow through.

[11:13:39 AM]

>> Mayor Adler: You know, my sense from looking at the speakers that we have signed up on the agenda, is that I know that we have a lot of items on this agenda and we have some that are going to require some conversation. But I think we're going to -- famous last words. I think we're going to be fine, given the items that we have coming up and the things that we've put off now that we've put those off and the speakers that are limited. Ms. Pool?

>> Pool: Mayor, I'd just like to say that to the extent that the voices on the dais feel like they want to make a policy statement about different issues on these contracts, I would say that our vote is our indication of support or opposition to a particular item. That is our policy statement. And rehearsing the questions that have already been raised and answered in different forums does not move that decision any closer to closure, but the vote does. So I would urge us you will to be mindful of the amount of time that we keep staff in this chamber has had a negative effect of having them able to answer all the questions we've submitted to them. I would just urge my colleagues to remember that our vote is our policy position and -- way that we vote, not necessarily by our -- like what I'm doing right now or the questions that we ask.

>> Kitchen: Can I call the question.

>> Mayor Adler: What's your motion.

>> Kitchen: My motion is to move these items, 18, 29, 35, 39, 51 until next Thursday's agenda with the intention questions will be answered by then and we'll vote on them then.

>> Zimmerman: I'll second that motion, Mr. Mayor.

>> Mayor Adler: Move to push it off to the Austin energy next Thursday, Austin energy day.

>> Kitchen: My reasoning --

[11:15:39 AM]

>> Mayor Adler: My preference would be to have it heard on Tuesday because we're already meeting on Tuesday on the drainage fee. I'm real conscious of the fact that every time we get to Austin energy we're just --

>> Kitchen: I thought that Tuesday's meeting -- the purpose of Tuesday's meeting on the drainage fee is not to vote on the drainage fee, but for work session.

>> Mayor Adler: Correct, it is.

>> Kitchen: I thought all we had on Tuesday is work session.

>> Mayor Adler: That is all -- well, it's called in a way that lets us do both if we wanted to.

>> Kitchen: Okay.

>> Mayor Adler: We don't have to do both, but the council has that flexibility if it wanted to do that.

>> Kitchen: Okay. I'll revise my motion to say 18, 29, 35, 39, 51 on next Tuesday's council agenda.

>> Mayor Adler: I'll tell you -- my only thought is that if we actually are running through the agenda the way that I think we're going to be able to handle those. So I would propose that we postpone these items for now, put them aside, and then come back to them later today if we're able to do that.

>> Kitchen: Here's my concern with that, that then we're asking staff to stick around. We don't know if we'll get to it or not. My other concern can -- my purpose for bringing this forward, and I apologize to

everyone for taking so much time, I thought we'd go through this sooner, but we made a commitment to the public that we would have meetings that were reasonable hours and I think we need to stick to that. My next motion is going to be that we end this meeting at midnight. I've gone through the agenda and looked through it all and counted it in a very conservative way, I think we have a tight day.

>> Mayor Adler: Okay.

>> Kitchen: That's what I'm trying to do.

>> Zimmerman: Mr. Mayor?

>> Mayor Adler: The motion is to take those items that&move them to next Tuesday's agenda for action. Is there a second.

>> Zimmerman: I'll second that.

>> Mayor Adler: Mr. Zimmerman seconded that. Any discussion? Those in favor of pushing these items until next Tuesday, please raise your hand.

[11:17:42 AM]

I have kitchen, Garza, Gallo, Zimmerman and troxclair. That's five. Those -- I'm sorry? And pool. One, two, three, four -- six. Those opposed? The remaining people on the dais, with Casar and Houston off. It passes. We'll move those items until Tuesday. Ms. Tovo.

>> Tovo: So could we clarify for members of the public who came down to talk about 18 they would have an opportunity to speak at what would typically be our work session on Tuesday?

>> Mayor Adler: Before they leave, because we were also calling people who had shown up earlier and giving them the right to be able to talk while they're here, we have someone who is here to speak on item 14, councilmember we approved just a moment ago, and I failed to give her the opportunity to speak. So I'm going to call her on that. But on the other items that we have, item number 18, we have two people wanting to speak, on item 29, no citizens have signed up. 35, no citizens have signed up. 39, no citizens have signed up. And on 51, no citizens have signed up. I'd suggest we take those speakers now since they're here. Let's go 14 real fast. Jennifer Sandifer. I apologize for not calling you before we took the vote on number 14. But I'll give the council a chance to reconsider that vote when you're done speaking if the council wants to do that.

>> Thank you. I hope you guys can understand me. I have what everybody else has in Austin right now. I'm Jennifer, with mechanical process systems. We were one of the four bidders on item 14 and we'd like to does ask that you deny Austin energy's request to consist bilfinger tepsco.

[11:19:50 AM]

The bids submitted were based on incomplete solicitation. On past bids and projects of Austin energy they have required a very specific brand of heat exchanger called tranter. On this bid a different brand was submitted. And when we asked for clarification, we were pointed to addendum two -- addendum two, which does not exist. There's an addendum one not related to heat exchangers. Addendum two doesn't exist. Still doesn't exist. If you take the heat exchangers out of their bid proposal, they are not the low bidder. If you look at the bids without those heat exchanger costs in there, that heat exchanger cost is over 30% of the bid. So if Austin energy were to issue a change order to use the heat exchange

tears they typically use, then you guys would be selecting a contractor who is actually more expensive. If they're going to -- well, it's our stance that this should be put out to bid, that all of the contractors should receive the same information, that if an addendum is referenced, it should be available. Thank you.

>> Mayor Adler: I have a -- thank you.

>> Zimmerman: Very quick question for you. Could you give us, the council, a little more detail on what the significance is of switching those vendors? I mean, how many vendors are there that make these expensive heat exchangers?

>> I don't know how many of those vendors exist. Tranter is the brand usually used. I actually have the bid tabs if you'd like to see them. There were four bidders on this project. And if we take out the heat exchangers, tepsco is the second lowest bidder. And ps is the first. Porter becomes the third and Peabody becomes the fourth. Would you like to see that?

[11:21:50 AM]

>> Zimmerman: I guess I really appreciate you testifying on this because I've expressed some concerns that these kinds of details would just completely escape the attention of the council and these are crucial details that we have 100 something items to go through. This is virtually impossible for us to give this the attention that we need to give it. So I want to thank you for bringing this information up. And, again, your recommendation to us as a council would be to -- just to deny this and have another bid with more complete information or --

>> Yes, especially since something was referenced that doesn't even exist.

>> Zimmerman: Okay.

>> It's not like there was just a lack of clarification. We did go through the proper channels and submitted a bid protest. Unfortunately we got back a boilerplate response that actually referenced the addendum that we called into question that didn't exist, saying, look at this addendum for clarification on what's permissible. To give you an example -- I'm sorry.

>> Zimmerman: Could you please send all that information to our office? Because we'll definitely follow up on that.

>> Okay.

>> Zimmerman: Yeah. Thank you.

>> Mayor Adler: How did you vote on 14?

>> Zimmerman: I abstained from it but I'd like to reconsider.

>> Mayor Adler: You can't. You have to be on the prevailing side. Is there a motion to reconsider 14 and then also bring this back up for consideration on Tuesday? Ms. Kitchen so moves. Is there a second? Ms. Gallo. Any discussion? Those -- Mrs. Garza.

>> Garza: Can staff give a response to her comments? An explanation maybe so we get an understanding?

>> Good morning, council. Contract management department. Appreciate the opportunity to provide perspective from the staff. She's submit in terminates of them submitting a protest. We reviewed the bid process and talked to Austin energy in terms of the items that was of concern and what they were concerned about was a condenser used as part of this project.

[11:24:08 AM]

And previously Austin energy procures that through the purchasing office. And they procured it -- an item on there for these type of devices. There was a difference between a low bidder that we're recommending today to you and mechanical and process systems of about \$2 million. But what we arrived at the decision, that was a bid item that was correct. We were requesting those from these projects, so when you take into consideration bidding from Tesco is the lowest bidder. We are wanting to do these. We need these as part of the bid process. It's a line item. When you calculate that, the staff's recommendation tore Tesco is the lowest bidder.

>> Mayor Adler: Ms. Pool.

>> Pool: Is there an appeal foreclosure a bidder who does not succeed in winning a bid?

>> The process we have, the bidder has the ability to protest the process. What we ask of them is to provide information in regards to the cause for protesting. At that time when we receive that letter it's an intent to protest and then after that they have about four days to submit their actual protest with the backup information. What we do, our process as a department is to review that, work with the sponsor department, in this case Austin energy, to review the concern submitted by the protester. And then provide a response that says you're correct, you know, we want to sit down and talk to you as part of a protest hearing or, no, we stand firm in our position and here is why. And then we provide that response back to the lowest bidder. And we did that in this case.

>> May I speak to that?

>> Pool: And what was the result of that?

>> We found no grounds to hold that protest. The request for the protest hearing. We believe that our process was, you know, met all the requirements, our procedures, and in working with the Austin energy staff, we determined that our information was correct in terms what have we were requesting and that the lowest bidder's information was appropriate to our request.

[11:26:15 AM]

>> Pool: And the information that the party here provided to you, it you find anything about her claims that gave pause to the decisions that she had made?

>> We obviously -- you know, talked about that and -- with staff. What we found, again, was -- we -- that the document that is -- specify specific condenser. It wasn't looking for -- it needs to be a condenser or condenser B. It just needed to be a condenser we can use Thor these projects as they come up. So with that the lowest bidder provided that information as part of their bid and so we deemed that to be the lowest bidder. So it doesn't really specify that it needs fob material a or B. It specified it has to be this type of material. And so what we saw to be the protest about was you're not using material a and so, therefore, you don't have the lowest bid price.

>> Pool: All right, thank you. I'm not interested in changing my vote on this one, mayor. Thank you.

>> Zimmerman: She's entitled to. The city said look at addendum two. She said addendum two doesn't exist. That's a pretty specific objection. I appreciate all the words that you put out about I never heard an answer to her question or objection, where is that addendum? So there was supposed to be

information an addendum and it doesn't exist. Instead of answering that I heard a bunch of words.

>> Mayor Adler: Let's ask -- what about addendum two?

>> Correct. So as part of our process when we put out bid documents we use vendor connection and everybody has certified in those skill sets, right, or those commodities gets -- bidders that we're only looking for this -- only looking for these items.

[11:28:15 AM]

So that did go out, did provide clarification that we're just wanting some condensers as part of the bidding price.

>> That is absolutely incorrect.

>> Mayor Adler: We'll let you go ahead and rebut what he said. You have two minutes.

>> Okay. That's incorrect and I actually brought the printout from vendor connection that was up this morning on this closed solicitation on what attachments were provided. Addendum two does not exist. That's the big issue here, is that we keep being referred to addendum 2 and it's not on here. There's a bid tab, addendum one, clarification, there's the, there's the bid solicitation. That's it.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: If it's appropriate, I'd like to see -- that gives time for this to be worked out. I don't think it's appropriate for us to try to work it out on the dais.

>> Mayor Adler: That would be my preference as well. There's been a motion and second to postpone -- reconsider and postpone until next Tuesday. Any further discussion? Those in favor please raise your hand. Those opposed? Okay. Three against, mayor pro tem, pool, and Renteria. Can I see the hands of the votes in favor of the reconsideration and the postponement? Remaining people on the dais with Ms. Houston off. This will come up next Tuesday. If you could take a look at that and give us a better understanding, including what is the impact of not having an addendum 2, if there wasn't an addendum 2.

>> We'll look at that again, sir.

>> Gallo: Just a quick comment just so the public understands, this is a contract not to exceed \$6 million, with 33 12 month extensions for a total contract amount not to exceed \$12 million.

[11:30:20 AM]

Once again I appreciate the fact you've come and addressed concerns multiply what we want to do is Tony work towards finding the most cost efficient way to save taxpayers money and I think the discussion being dilated for a week will allow y'all to give us information that will help with that decision. But.

>> Mayor Adler: Thank you. The next --

>> Thank you.

>> Mayor Adler: Thank you. The next speaker, excuse me, we're going to have here is two speakers on 18. Thomas and Dan cashette.

>> Thank you for the opportunity to speak to you this morning. My name is Thomas butler, with the

downtown Austin alliance and a member of the city of Austin's project steering committee. I'm here to speak in favor of -- began in 2011 and involved input from many community stakeholders and was vetted through public meetings, reviews by boards and commissions and city council. Stakeholders supported the creation of a wayfinding system for a number of reasons. Among those is the wayfinding system that downtown plays for the entire city. People from all parts of the city use downtown for a variety of reasons. In addition to the 123,000 people who come from every council district to downtown every weekday to work, your constituents also visit downtown to conduct business, for recreational opportunities, cultural and special events, to shop, and simply to enjoy the historic heart of downtown. It is critical that citizens of Austin are able to find their way around downtown and easily reach their destinations, whether driving, walking, in transit or on bicycle.

[11:32:21 AM]

This is what a wayfinding system does. The wayfinding system is being paid for with parking meter revenue. A large part of why the downtown community supported parking meters during the evening hours was the city's commitment to reinvest a portion of the money generated into downtown initiatives, such as the implementation of a wayfinding system. This is similar to parking benefit districts in other parts of the city, where parking revenue is reinvested in sidewalk and other infrastructure improvement. Significant investment in both money and time of city staff and community volunteers has already been made to this project. We ask that you honor the city's commitment to seeing this through to implementation. Thank you.

>> Mayor Adler: We have another speaker on this issue, sir.

>> Thank you, mayor, mayor pro tem, councilmembers. My name is Dan Keshet, speaking on behalf of the downtown Austin neighborhood association in favor -- I repeat what Thomas said, but we -- you're welcome. But we -- I want to add a few other details, which is that I think that it needs to be known that this project is a quality of life project but it's also very much a project aimed at making more efficient and effective use of our existing downtown assets in terms of mobility. We have -- as part of this project, the city-owned garages are going -- are being equipped with equipment to know how many spaces are available because right now we have a situation where a lot of people literally have trouble finding parking downtown. The issue isn't that there isn't parking downtown, but they literally have trouble finding it because they don't know what garages are available, including the city-owned assets, the city-owned garages.

[11:34:24 AM]

And this will include an electronic system to show drivers how many spaces are left and direct them to the city-owned garages. So I think that as, you know, part of the -- as part of -- as was part of the whole downtown Austin plan, as well as it was highlighted in the traffic congestion action plan I created in March in order to show as one of the ways that we can relieve congestion downtown. I think that it's really a fantastic -- it's a really fantastic way we've gone about it to fund this out of parking meter revenues. Parking, traffic, downtown are things that people have had complaints about for a long time, and, you know, this is part of the plan in order to fix it. And I hope that we continue to move forward

with it.

>> Mayor Adler: Thank you very much. When this comes up on Tuesday, since we had identified this as an item asking the public to speak and the public had a chance to speak, I'll probably support not having additional public comment on this item on Tuesday so that we can just consider it and vote. I think that was the only one of the items that we had. Let me check here real fast. 35, 39 -- I think those were the only ones we had speakers on that we had postponed. Anyone here to speak on an item that's been postponed that I'm overlooking? Okay. Thank you. Before we go to the briefing, we have three items, 87, 18, nine, items to set public hearings.

[11:36:26 AM]

There are no people that have signed up to discuss 87, 88, and 89. Is there a motion to approve the speakers -- approve the setting of the public hearings on those items? Is that right, Mr. King? You okay? Cool. 87, 88, 89 are motion to set public hearing. Is there a motion to set those hearings? Ms. Tovo, is there a second? Mr. Casar? Any discussion? Those in fir of setting 87, 88, 89 public hearing as posted please raise your hand. Those opposed. Unanimous on the dais with Ms. Houston off. It's unanimous. Those items are set for public hearing. We have a briefing on living wage, I think.

>> Casar: Mr. Mayor, before we kick that off.

>> Mayor Adler: Yes.

>> Casar: I had one quick question, I wanted to bring up I know there are a lot of people very interested in item 94. My sense from the committee on this item, but we did not pass a formal recommendation so I won't speak for the committee, but my sense was that since staff brought back a recommendation the day of the committee hearing, we did not have the ability to really thoroughly vet that and my preference would be to extend the interim ordinance for another 90 days while the stakeholders talk about staff's new and I think more thoughtful recommendation that seems to be headed in the right direction so that people are -- I know we have speakers signed up and I heard there's more speakers coming down for this item. If we intend to postpone it and kick the can 90 days I would like to do so now so that we can get these folks out of here.

>> Mayor Adler: I think that would be good. And it's my understanding, the staff is okay with a 90-day continuation.

>> Casar: I think we have to move to.

>> Mayor Adler: I think so too. My understanding is the staff is okay with us extending that ordinance for an additional 90 days, the current ordinance. Is that correct?

[11:38:27 AM]

>> Greg Guernsey, planning and zoning department. We met are representatives of the concrete industry yesterday and working with economic development office, music office, Tom pits we agreed we'd tried try to do a demonstration project on the concrete pure and have that information, share that with stakeholders. We need time to do that so staff would also be in agreement to the postponement for 90 days, which I think is in your ordinance -- backup materials ordinance.

>> Mayor Adler: Thank you. We have people that are here to speak on that issue. I think it would be our

request that they would wait to speaker until there's actually something in front of us to speak on. This is the concrete pour issue. At some point there will be actually something that will be in front of us but it's been moved that we agree to a 90-day extension, the ordinance be, I think, in the packet, the 90-day existence of the existing ordinance to give time to develop that. Mr. Casar makes that motion, Ms. Gallo seconds that motion. We have speakers. Do we want to call them to speak or do we want to just move past that item? Is there anyone here to speak on that item that needs to speak now as opposed to waiting until there's something in front of us?

>> I would like to speak.

>> Mayor Adler: Okay. We'll give you two minutes.

>> Everybody knows who I am at this point. I live at the spring. I've been fighting this since July. I understand the extension. However, the city work -- the people who are working on this ordinance have had this information pretty much since January of this year. We have had people, our own citizens have taken noise meter readings. We know that the decibel level is 95 for pouring concrete.

[11:40:30 AM]

This has been delayed so many times. We are still not sleeping. I am okay with the extension but I just want to protest this, that this should have been done and over with a long time ago. So thank you. Thank you for your attention.

>> Mayor Adler: Thank you. Any further conversation on the dais with respect to the approving ordinance B, which is the 90-day extension? Those in favor --

>> Casar: Mr. Mayor, one last comment.

>> Mayor Adler: Yes.

>> Casar: My committee did take up a public hearing open this issue and it was difficult when we got the new staff recommendation the day of, we've been receiving a lot of different versions of the real story of what's going on in Austin. So I know that people downtown and those that are pouring concrete on both ends of the stakeholders are feeling frustrated but when we are getting testimony that the spring was poured all during the day but then the spring developers are saying they actually poured that concrete at night themselves, it just -- we're just getting a lot of conflicting information, and I think the July break will be a very good time for the members of the community to hopefully participate with staff on this and come to the best conclusion on what's been a tricky but important issue.

>> Mayor Adler: I agree. And the motion to extend 90 days is not a recognition -- is not overlooking the frustration that exists with this issue. We would hope that with this now focused attention it can actually be resolved. Ms. Kitchen. You need to turn on your microphone.

>> Kitchen: Councilmember Casar, I guess if I'm hearing correctly, it would be your intention take up at your -- intention to take it up at your August committee meeting. If I'm hearing correctly extending it 90 days doesn't mean it will be 90 days perfect we have a resolution is that correct?

>> Casar: Correct.

>> Kitchen: Thank you.

>> Mayor Adler: Those in favor of the 90-day extension, please raise your hand. Those opposed? Unanimous on the dais with Ms. Houston off. That takes care of that item.

[11:42:31 AM]

We have a briefing that was set. Which could take us then into citizen communication. Do I have that right? Maybe I was wrong. Where's the briefing? Living wage task force, is the living wage task force here? Bob?

>> We really appreciate this briefing. This was the one that would not exceed 20 minutes.

>> Right.

>> Mayor Adler: Okay.

>> And it's the living wage one -- my name is bob batlan. I was from the living wage stakeholder group. I represented Austin interfaith on that group. Mayor Adler, I just want to say thanks for having a system that allowed to us petition to be on the agenda. The system worked, helped a -- with the work of a lot of councilmembers who also seemed interested. We'll try to make it worth your while. A significant change to the living wage impacts more than the salaries of the particular workers who are paid below the new standard. In our brief time with you today, we will summarize our recommendations and explain why they should inform the budget analysis being performed this summer. And that's why we're here today, is we think that understanding all of the pieces is important in informing staff.

[11:44:43 AM]

Previous work concluded that the city of Austin was competitive with other public institutions. But we were asked what did it take for someone who worked for the city to be able to meet basic needs. Very different charge. They're both altruistic motives and important community benefits that result in workers aren't able to meet basic needs. I list a bunch of them on the slide, potential benefits, and personally I'd love it if somebody from UT working on a ph.d. Would study Austin. The work group was big, and we had a whole raft of organizations working on this. Some were directed as a part of an ordinance that was passed last year. Some were invited by those people that were assigned. And the city of Austin gave us a lot of staff help over the whole period. And the period lasted from November through may. Staff worked on a whole raft of scenarios that we worked through and we really pushed them to have various alternatives. And the data is instructive, but it is not necessarily the exact same data that you'll need to look at for the budget process. So you're going to need to refresh the data as you go forward through the budget data, budget process. Going back in history, the living wage was set at \$11 in 2008. Again, the rationale was for people that worked for the city to make -- meet their basic needs, we weren't able to find out how the \$11 an hour number was ascertained, but we do know that in 2005, the number was \$10.90.

[11:46:56 AM]

So it hasn't moved much at all for ten years. That is of course until last fall, when it was increased to \$11.39. The \$11.39 moved from \$11 to \$11.39 reflected wages given more generally to staff and was not in any way designed to catch up with the escalating cost of living. The way -- and the fact that it was \$11.39 meant that so few workers were impacted that the budget people declared that there was no budget impact at all. Carol?

>> Okay, one of the -- good afternoon, Carol with asmi, local 1624, we were one of the participants in this endeavor on looking at the living wage for city of Austin employees. And one of the items that we had to pay particular attention to was the item of compression. And what that is is when you raise the employees at the bottom and you -- and the rest of the employees don't come up, you end up with a compression that these people are making the same amount as someone in a higher skill set. So the recommendation that we're bringing forward does take that into account. In addition, we found out that there were a couple of loopholes in the current living wage, and that had to do with that it did not address any temporary employees. So while the city of Austin was saying they paid a living wage, they did not extend that living wage to any temporary workers who were working at the city of Austin, as well as part-time.

[11:49:08 AM]

Now, contractors that come before you are supposed to pay the living wage. However, if they sub-- sub out that work then they do not have to pay the living wage. That was something that came to our owning and we really need to close the loopholes on that, which is providing a living wage for temporary part-time work, for subcontractors, including construction contractors and their subs. This does not include the summer youth hires that come to the city and work under a particular grant. Okay? Thank you.

>> My name is Emily Tim. Good morning, council, thank you. Just echo bob's sentiment. Thank you for allowing us to present on this topic. As a member, I'm with workers defense project, director of research and policy. I wanted to explain part of the stakeholder group some of the approaches we considered in order to fulfill our charge. We looked at a wide variety of ways to define and to develop an understanding of what a living wage is in Austin. We looked at assessments using sort of a variety of what we call bottom-up assessments that were looking at all of the different expenses and costs that people face, including the cost of housing, the cost of food and other goods. And we also spoke with national experts on this issue, including Dr. Paul Osterman from mit and one of the points that came across, very clear, when you really get into all of the costs of living in a city like Austin you're talking \$20 to \$30 an hour. We know that's a real number, based on real costs of living but we also know there's an impact to the city budget and so we recognize some of the limitations around that sort of true cost of living and dropped that number from consideration, but just to sort of put this in context at what it really costs to live in the city of Austin, based on experts from across the country and looking at all of the goods and expenses that would go into actually making it here in the city.

[11:51:23 AM]

So we also looked at Numbers based on federal poverty guidelines. This is very frequently a metric used to establish a living angle. That is how we settled on the 13.03 rate dollars recommended for fiscal year 2016 by the committee. That is defined by 250% of the poverty rate, federal poverty rate. And that's estimated at having a \$1.8 million cost for the city budget. So that is something that this committee is recommending for fiscal year 2016. We also looked at what other entities, government entities, in this area are defining as a living wage. Austin community college has recently adopted a living wage of

\$13.38, also based on a slightly different federal poverty guideline, and that is their wage for 2015. In terms of the city of Austin being on par with other government entities, we did consider that number. We also are looking at what's happening across the country. Austin is a large, growing city and not just in Texas, but on the national sphere. And we see cities across the country adopting and moving towards living wages of \$15 an hour and so we also did look at in a number as a possible wage rate to adopt for the city. And then of course we looked at the city's own internal data, which the neighborhood housing and community development department has actually calculated based on the cost of housing in Austin, which we all know has gone up considerably in the last few years, that the cost of living would be 16.83 for this year, for 2014. And we -- city staff was very helpful in helping us to develop estimates of what that would actually expose we took that into account when making our remittances and is he saw that would cost an additional \$20 million to the city budget and so while we would like to be able to aspire to the actual cost of living in Austin, we also realize that there were some practical realities that would be challenging.

[11:53:27 AM]

And so our recommendation for fiscal year 2016 was to make an initial jump to \$13.03 but then set our goal for getting to that cost that is used by the city's housing department for -- to set a goal to get there by 2020. This chart demonstrates what we're trying to achieve and sort of the bottom line is what our current living wage is right now and what it would be if we indexed it at an estimated 4% based on cpi. And you can see the star at the top indicates where we would like to be based on that housing number of what the real cost of living is. You can see the gap, how far below we would be if we just stayed at the current living wage rate and just indexed that. With our -- our recommendation of \$13.03 is the red line and you can see we get that much closer if we just pass it and then index it. So our recommendation is we start at 13.03 but we take a look at what we can do over the coming fiscal years to get to us that goal of actually making sure that a living wage in the city of Austin covers the cost of housing and other expenses. One other item that became apparent in our conversations and working with city staff on the stakeholder group was that we need to be thinking about how contracts -- how this applies to contracts and how the purchasing department is actually enforcing the requirement for contractors. She mentioned the issue around subcontractors sort of closing the loophole where contractors are already required to pay a living wage but subcontractors can sort of be a way to get around that. And we know that purchasing looks to departments to do this enforcement on their own contracts so once they -- the contract is formed, they are no longer involved in making sure that those rules are followed.

[11:55:30 AM]

And we think that it would be worthwhile to look at city purchasing and to work with them on adopting processes similar to those compliance processes used on city construction projects. So that means just to make sure that when we're actually achieving the intended goal that city contracts -- that purchasing is requiring a living wage in order to meet the goals of that living wage and, also, of making sure the city gets the high quality product and services that a living wage would result in. So that's one suggestion, to look at that compliance piece, and then another recommendation is to actually allow workers to -- who

are supposed to be benefiting from the living wage requirement to be able to act as third-party beneficiaries on living wage contracts. That would help protect workers and minimize the city's expense by being able to have workers come forward rather than it falling on the burden of city enforcement.

>> Coming back, I'll say this wasn't easy. As we said, the 13.03 number is a nice step forward, but does not allow the workers to meet -- we recognize that there's a lot of work that needs to be done relative to the budget. We gave some Numbers that helped us calibrate as to what rate we should choose, but, obviously, the budgeting people have to go through and count the actual number of employees they're expecting and all those things to -- so there's -- I'll make a plug for -- I think it's item 91, which is one of the things that we're going to need to ask the staff to do, is to evaluate the impact of contracting and subcontracting, but as you do, you should look at whatever additional cost of compliance.

[11:57:47 AM]

Because compliance, if you're paying the wage inside the city, is pretty easy. When you get into contractors and subcontractors, that is breaking a little bit of new ground. I said it a few weeks ago, when we introduced this topic, 16.83 is daunting and when you look at what it's going to take to get there, even by fy '20, but that number assumes a housing cost that exists today, and so it's -- we're going to be chasing living wage well passed fy20 even if we're able to meet the 16.83. So in summary, we recommend that you adopt 13.03. You apply the work to benefit anyone that does work for the city, not necessarily employees of the city. And eliminate any chance someone might have within the city to try and skirt the rules by finding a subcontractor or something like that to do work that city employees could be doing or someone could be doing to -- the a living wage. Work towards 16.83 and, as I said, adjust the enforcement processes. And I hope we beat the 20-minute mark.

>> We did.

>> We have about five more minutes.

>> Mayor Adler: A lot of work went into this. We greatly appreciate it. Ms. Garza.

>> Garza: I just want to make a comment. We're constantly talking about affordability and affordability, and we seem to be finding ways to cut our budget. I just want to emphasize to my colleagues that this is an issue that really affects affordability, that if we -- if we help our families that build or buildings and work for the city and come to the city hall to work for us, we allow them the opportunity to be able to afford to stay in this city.

[11:59:58 AM]

So I hope we can all remember that during budget discussions, when we trying to cut the budget, this will add to the budget but this will directly affect affordability for people who work for the city.

>> I would echo that. I think our discussions about the budget have included what I think of as just moving items around, you know, so affordability is a key part of our budget, which covers both cutting some cost to people, as well as recognizing the revenue side. So I really appreciate -- and we have to do both. There's no one thing that's going to help affordability in our city, so I really appreciate you bringing this forward, and I appreciate you bringing it forward and being frank with us on a realistic approach, understanding that we need to really think through how we can get to affordability, even if that takes a

little while. So thank you very much for doing that.

>> Thank you very much. Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. Interesting exercise. I don't think living wage is something that can be accurately defined. I don't even think basic needs can be defined across the board. It's almost as if you have to sit in judgment on and say, well, this is a basic need, that's not a basic need. I think we have as many definitions of basic need as we have people. There are some people that have expensive drugs that are essential to their basic survival. So basic needs for them would include expensive pharmaceutical drugs. For other people, the definitions vary so much. I just think it's a frustrating exercise to take, and I don't think it's going to get us where we need to go because I don't think it can be defined.

>> I'd like to comment on that. One of the things that I harp on, and I've been working on living wage stuff for -- with the city for a couple years now, is, I really hate the term "Living wage." This is a wage floor, what will pay people who do work for the city.

[12:02:20 PM]

It's important to put it in the context of what it takes to live here, but we're not going to get there. I believe that the items you brought up would tend to push it up if we were actually trying to do a living wage. I was told not to fight the wording thing because it's embedded in so many places in the in city documents that it would cost more money to change the thing from "Living wage" to wage floor, than it would be to giving a higher wage. So I'm off the kick of changing the word, but I appreciate the fact that this isn't going to be a living wage. But I believe councilmember Garza and councilmember kitchen are right, that we're going to have some net community benefit by doing this, and it should be taken in context. And I sure hope that we don't get [lapse in audio]

>> I think the affordability for those workers is whether or not, but also I think we all know the labor market is much more complicated than it just costs us money, and the money goes away. There are lots of positive incentives related to having a higher minimum wage that were listed in the slides, and so I think we also need to be thinking about the fact that we will be creating a set of positive incentives around the city to train and retain employees and if you're paying an employee \$13 an hour or \$14 an hour, then you have more of an investment in that employee, and that employee will have more of an investment in the city. So we have that set of positive incentives that I know was highlighted by the -- by the presentation, but I think that that's a critical component of this. It's not just charity, it's actually a good business practice. But then of course we've also addressed some of the other incentives that could be created. If we have a higher wage floor, we may inadvertently start having more temporary employees or start stretching out the amount of time we have a temporary employee in a temporary position.

[12:04:28 PM]

So those are the sorts of things that we need to be looking through in the budget, and also closing the loophole so that we're not incentivizing contractors to sub out labor, and that is part of what item number 91 addresses, is kicking or a pose to close loopholes so that we are -- when we try toed the right

thing, that he with actually get the result that we want.

>> Mayor Adler: Thank you very much. And we'll get to 91 later. We're not going to do that now because Ms. Troxclair wants to be back for that. Before we go into citizen communication, I just want to figure out where we are on the agenda so we can touch base and make sure we're all in the same place. My record reflects that what is still pending before the council today is item number 2, which is the deferred payment issue, which I think we're going to postpone till next week as part of Austin energy. There are some speakers here to speak on that. And while they'll have the opportunity to speak next week, if they really want to speak today, we're going to give them an opportunity to do that. The next item I have is item number 7, that is the re- --reappropriation of fund issue. The next item I have open is item number 43, and then the next open item I have is 62, 62, which is going to be postponed. I think the question is just till when.

[Lapse in audio] 78 has been pulled. Those were all the consent items. And then I have us on the balance of the agenda, which is items 90 through 110, having handled item number 94 and item number 97.

[12:06:37 PM]

The executive sessions were items 99 through 105, and I think we're not going to do executive session today on any of those issues, unless I'm wrong. We're going to, instead, call the mercer item for next Tuesday or Thursday if someone still needs that issue, but that would be items 99 through 105 also being handled. Okay? We'll then get into citizen communication at this point. We'll begin with Chris strand.

>> Tovo: Mayor? While Mr. Strand is on his way up and the other speakers are preparing, could we just get some clarity on whether or not after citizen communications we might be breaking for a lunch break or not?

>> Mayor Adler: I think that that appears to be the will of the dais, to break for lunch. I would like for us, over time, to at least consider the prospect of being able to work through, so long as votes aren't taken while people aren't on the dais, but I would ask the transition committee to take a look at that and then come back to our committee.

>> Tovo: , So mayor, that would mean we have about 30 minutes of citizen communications, then what were you envisioning, about 30 minutes of lunch break?

>> Mayor Adler: 30 minutes.

>> Tovo: So folks who are not involved in those things have a sense of when they might want to come back to the council if they want to take a break.

>> Mayor Adler: I don't want to make that decision. 30 minutes we're going to do. That takes us to 12:30. Is the will of the dais to break for 30 minutes? Mr. Zimmerman?

>> Zimmerman: Could we have 45 minutes and actually make it 45 minutes?

>> Mayor Adler: We could do that.

>> Zimmerman: Because usually 30 minutes turns into 1a minutes.

>> Kitchen: I would support that.

[12:08:40 PM]

>> Mayor Adler: Okay.

>> Mayor Adler: Again, I'd rather work through lunch than cut off the agenda and not get things get postponed, at the back of the agenda. In the Houston?

>> Houston: I agree if it's something I don't mind eating as long as the vote is not taken and I'm off the dais. So if there was some way to have the conversation, I could listen to it and then at least give me some notice to come back so that I can then vote.

>> Mayor Adler: And I would do that and I haven't done that well, but I think that I could do it so that anybody off the dais would have the opportunity to get back by giving notice for that or holding the vote until the group was back to be able to do that.

>> Mr. Mayor, we can talk about this in the transition committee. My position has been we're up here to do the best decision making we can do, and that includes not eating on the fly. So --

>> Mayor Adler: I just think -- I just think we could do it and people could take a half hour to do that if they wanted to. It's not a question of denying lunch, I think we could do it and let business continue.

>> Kitchen: I know. But if we want to participate in business, that means we're having to choose between eating and participate in business.

>> Mayor Adler: All right. So we'll have to go to the transition committee. Is it the will of this council to break for lunch today?

[Lapse in audio] So we'll break for lunch after citizen communication. All right. Chris strand, please. Mr. Strand. The next speaker is Rae nadler-olenick. Take your time.

>> Good afternoon, mayor and council. I want to take this opportunity in particular to thank the members of the public utilities committee who heard our fluoridation issue last night.

[12:10:42 PM]

We had an opportunity to present a lot of good scientific information in a respectful atmosphere, something that rarely happened under previous council, and we do appreciate that. One thing the discussion did not really get to, to the heart of, was the extremely political nature of the entire fluoridation issue, how much it has to do with politics and how little to do with a concern for children's health. We're going to be -- I would say it was tabled, although I didn't hear that exact word, but in any event, the subject will be resumed at the August meeting. And toward the end, I thought I heard the word "Debate" mentioned, and I think that is exactly what we need. We need a debate on a level playing field where, for the first time, ever, the -- basically, officials are the people who are responsible for holding this in place, will be required to answer questions such as, okay, with ten percent of people diabetic today, what about all those people who are drinking three times the amount of water that would see, so-called, optimal fluoridation amount was based? What about that? And those questions have never been answered before in anything except cut and paste talking points from the CDC website. So we look forward to that and to being back in August, and thank you very much for your attention.

[12:12:49 PM]

[Applause]

>> Mayor Adler: Mr. Strand.

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: I wanted just to tell the members of the public utilities commission, I didn't realize this was on your agenda yesterday, but there was at least, I believe, a -- maybe one entire health and human services committee meeting on the subject of fluoridation and there were several invited speakers come in so that might be of interest to go back and watch that testimony. I believe there were speakers invited by those who would like for fluoridation to be removed from the water, as well as other perspectives, and so that might provide some good background as well.

>> Mayor Adler: Okay. Thank you. Al d'andrea. Yes, sir. you have three minutes.

>> Good afternoon, mayor, councilmembers. My name is Al d'andrea. I'm the owner of Mccullough heating and air conditioning. Mccullough has been a leading contractor and served the city as a free weatherization programmer contractor [lapse in audio]. As a citizen yesterday I submitted a letter to you outlining the serious concerns I have about the proceedings of the task force. The council resolution that created the low income task force required it to perform a broad and deep analysis of the city's low income weatherization program and make recommendations to improve the program's effectiveness. In my view, the task force has failed to do this, and as a result, an opportunity to make recommendation to say rein have

-- invigoratethat are much the test of my letter was a single page containing four midgets questions I would ask you to consider review of recommendations the task force has submitted to you.

[12:14:51 PM]

In my view these questions are foundational and the fact that the task force has not addressed them should concern you. One question involves budget. As a program contractor, I'm sure you think I'm going to say it needs to be higher. But exactly the opposite is true. The weatherization program budget has skyrocketed from around \$600,000 in 2008 to more than two million dollars today. It's recently been reported that more than 2000 projects conduct under this higher budget level are now showing pay-backs of around 60 years. Pretty dismal. Even so, the only conversations the task force has had about budget center on how to enlarge it and make it bigger. Another question centers on what are the most cost effective program measures? The task force chair has pushed hard over the course of several meetings to reestablish costly and completely unjustifiable hvac replacement as a core measure, if the task force is completely ignored [lapse in audio] Low income weatherization programs. Led used 85% less electricity and produced 85% less heat than regular plus. They cost as little as \$2.50 a bulb. It's entirely possible 100 to \$200 worth of led's could say as much energy in a home that a \$3,500 project under the current program saves. Why is the task force chair pushing for uneconomical hvac replacement while ignoring game changing technology such as led's? It's my opinion the task force chair's contempt for Austin energy and its staff and preconceived and unrelenting agenda to remove funds from Austin energy to the neighborhood housing repair coalition has overshadowed and undermined the low income task force mission. Public funds need to be spent to help low income residents, and they should be spent cost effectively.

[12:16:52 PM]

Thank you.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you. I just wanted to say I greatly appreciate those remarks. They're very -- they're analytical, they're thoughtful, and they're appreciated very much. Thank you.

>> Thank you.

>> Zimmerman: If you'll contact me offline, I'd like to contact you some more.

>> Be happy to.

>> Mayor Adler: Thank you. Next speaker is Joseph Michael Mccarthy, and Cheryl Bradley is on deck.

>> Good afternoon, mayor and councilmembers. Joseph Michael Mccarthy.

>> Mayor Adler: You have three minutes.

>> I'm coming before the council to see if your housing committee or the whole council can work with [inaudible] Who is the director or CEO of foundation communities. Over a year ago, one of my case managers told me that if one applied to one of the properties which do receive cdbc city funds and other types of grants and everything, one could apply and if one was denied, there was an appeals board to go before the board, and it was made up of several members from different agencies, and they looked at each applicant and decided whether one could live there in one of their communities or not. Though six months ago or more, the board was -- it was abolished, so now, there's a situation where capital attitudes, which opened up recently last October, when one -- when several members applied to live there, they were told no because they had misdemeanors and other types of crimes which former other residents in other communities were able to [lapse in audio] Looked at each case individually. I'm here today to ask the council to study the issue or to at least inform Mr. Marrou that there is a housing shortage here.

[12:19:04 PM]

There are several individuals like myself who are at a point where I wanted to live at capital studios, but I was told because I had a misdemeanor over 20 years ago, she didn't even take my application, yet she took the \$15 application fee. I strongly feel that it's wrong and that one should look into -- that the committee should look into each individual on a case-by-case basis. I, myself, moved back to Austin back in 2008. I lived on east 51st street. I've been very active in my community, and I want to thank the two capmetro board members who took me two years to lobby the board to get the 37 bus to go up to Mueller park which opened two years ago and that's on track now. And I also was able to get traffic lights at Mueller and east 51st by working through the traffic department. But getting back to this housing issue, I strongly feel, and even other members who worked at Trinity center, the arch, that if this appeals committee is reestablished, then more people will be able to get into housing because, right now, according to Richard truxel, he was telling me that there were some individuals within there that were ex-federal offenders.

>> Mayor Adler: Okay. Thank you very much. Thank you, sir.

>> Casar: Mr. Mayor, could city legal advise whether I could comment on some of this since the posting just says housing?

>> The rules are that you can make a statement of specific factual information, or you can recite existing

policy or you can propose setting it for agenda in the future.

[12:21:04 PM]

>> Casar: Right. Well, I appreciate Mr. Mccarthy bringing up those questions, and I will have my staff look into the appeals committee question and then, second, in the housing committee, we have discussed reasonable look-back periods, whether it be in the housing that we provide funding to or just citywide and private housing, making sure -- just considering the number of people we have in the city and in this country at this point with criminal records because of the criminal justice system we've set up, not giving them housing does seem like a problem, so we'll continue discussing that in the housing committee.

>> Mayor Adler: Thank you. The next speaker we have is Cheryl Bradley. Allen Roddy is on deck.

>> Good afternoon. I am here this afternoon to speak on behalf of the African American youth harvest foundation and funding that was lost during the application process. I just needed to state just how critical it is that the foundation could receive the funding that was lost. And I'm here to ask if you could identify funding for the work development program that the foundation has been implementing over the past year and a half. It is a program that is very critical to the community that it serves, and if we're in the northeast Austin corridor, and we serve our young people with summer jobs and jobs that they may need throughout the school year to help them in various ways. We help their families identify employment so that we can become self-sufficiency, and it is a program that believes in self-sufficiency. It is a program that also helps our males and our females who come out of the penal system, incarcerated, at a second chance of being self-sufficient and helping themselves.

[12:23:15 PM]

If we lose the present funding, which right now stands about 180k, I can see some negative impacts to our community. It was interesting to watch the presentation on the livable wage. Well, we know that housing in Austin has skyrocketed. We know that just about [lapse in audio] African American quality of life, and it was, it saw is a need of Michael often, who was the executive director, saw a need in education when we -- when data was pretend that we had a high dropout rate for our African American and Latino male. We had a disproportionality with them being in special ed and disciplinary referrals, and he answered the call on that, and he created different meetings and mentoring programs that could address that need

[lapse in audio] Issues in our community that we need to solve and we need to be a part of, and this organization stepped up to that. If we look at the history of African Americans in Austin, we will see that we are probably one of the only races in this city that could be considered nomad. If you look at the gentrification of Clarksville,

[inaudible], wheatsville, 78702 and 21 -- I'll wrap up quickly because I know that sound -- we know that we have to address issues that are systemic. And that's a livable wage. And, yes, you can identify basic needs. That's identifiable. And then it is restoring the funds so that we can keep this program and continue to help our families be self-sufficient with employment.

[12:25:22 PM]

Thank you very much.

[Applause]

>> Mayor Adler: Allen Roddy, then Daryl Horton is on deck.

>> Good afternoon. I'm Allen Roddy. The letter I provided to you is Mr. Richardson's response to Mr. Douglass public statement that the lower Colorado river authority does enforce a zone rule. Mr. Richardson was diplomatic in saying the lower Colorado river authority takes the responsibility to protect our public safety very seriously and does enforce all of their highland lake rules. This two-minute video is from a public safety commission meeting. It started in August of 2013 as a city council resolution to create a public safety ordinance has now, 22 months later, become an issue that concerns the integrity of our city council and the foundation of our city government. Our city council members are the elected representatives of Austin's [lapse in audio] On our issues and ordinances, not city staff. As a former city employee, I know that 99.9% of our city employees are good, hard-working people, doing a good job for the citizens of Austin. I don't believe any city employee should be so arrogant to think they could manipulate and receive our city council. Not only did he insult Mr. Richardson, but the entire Icra organization. I apologize, the video I brought down from that meeting is not working. So at some point, Mr. Mayor, former members of the task force would like to have a meeting with you and other councilmembers to discuss what's going on with our task force and how you all are being misled.

[12:27:34 PM]

>> Mayor Adler: Please contact the office.

>> Okay. Thank you.

>> Mayor Adler: Thank you very much.

>> Gallo: Mayor? There's a gentleman on the front row. Could we ask to make sure he's okay? In the front row?

>> Mayor Adler: He's the next speaker pat Johnson? No, no, I'm sorry, Daryl Horton and pat Johnston.

>> Good afternoon, Maryland, mayor pro tem, members of the Austin city council. I stand before you as an austinite, engaged citizen and the African American advisory commission. I thank you for this opportunity to address you. Let me begin by thanking you for your service to our service and distinct privilege I have shared with the amazing individuals over the last years as a member of the African American resource advisory commission. I believe this is a unique time to stand before you and discuss the quality of life of African Americans in our city. It was ten years ago in 2005 when the city council heard a joint presentation from community leaders and staff concerning the African American quality of life blueprint for success. The council would later approve staff's proposal to address the original 56 recommendations that derive from this great work. In June of 2006 the African American resource advisory commission was created by the council in order to give formal oversight of these original 56 initiatives and billed up to the African American quality of life initiative. This time is also technique as we stand on the eve of juneteenthth celebrations around our city and state, which 2015 will commemorate 150 years of freedom for African Americans in Texas. It is the distinctiveness of this moment that I come to you in the words of mayor Wynn in 2005 asking is that we do not drop the ball and lose momentum.

[12:29:38 PM]

We must not lose momentum in addressing the inequalities experienced daily by African Americans in our city. The commission was created to monitor these original 56 initiatives to ensure their prolonged existence, and programs for African Americans. I'm here to remind you this commission continues to work hard and still desires the full support of this council, especially during this time of transition into a 17-member commission. Over the past 18 months, our commission has submitted at least eight recommendations, some which are still pending action or response, that address current issues in our city such as funding for the parental empowerment education project, for cardia and the Texas black women's health initiative, the African American youth harvest foundation, males, an education and awareness campaign concerning self-medicating behavioral and mental health, a recommendation of the human rights commission and the cultural heritage district. With each recommendation comes an expectation of a response, collaboration with the council and appropriate city governments. I am grateful for the success of previous collaborations and ask for your continued support in the issues that affect the quality of life for African Americans in our city. Thank you for your time and thank you for your support.

>> Mayor Adler: Thank you, sir.

[Applause] Any questions? Carlos.

>> Carlos Leon. I came to Austin, Texas, June 17, 2015, to speak what's right.

[12:31:44 PM]

First and foremost, [speaking in Spanish] For Austin Austin's clean air. Per a wash the times article, America has become the land of make-believe. Rachel dolozol is a white woman who self-identifies as black. Bruce genre is a man self-identifying as a woman, and millionaire hill country self-identified as broke. Per [inaudible], Barack hussein Obama is a Muslim, self-identifying as Christian with a jewish soul. Per his literary agent, Obama was born in Kenya, making him constitutionally ineligible to be president per article 2, section 1, meaning Obama illegally acts like a president, so vp Biden can legally act as president per amendment 20, section 3. Per page 326 of the 9-11 commission report and the federal register. Continuity of government measures have been implemented in our country for almost 14 years running. Possibly suspending our constitutional government and replacing it with a shadow government, per constitutionally.blog spot.com. Our recovery has put 46 million Americans on food stamps, removed 93 million Americans from the labor force, and created the worst financial disparity between us haves and have notes in our lifetimes. Solution, reward truth, integrity, and righteousness, and punish lies, fraud, and criminality.

[12:33:47 PM]

Action, legally impeach and imprison Obama and Biden for their crimes. Finally, my brethren, be strong in the lord and in the power of his might. Put on the whole armor of god that he may be able to stand against the wiles of the devil. Stand, therefore, having your loans girt about with truth and having on the

breast plate of righteousness ephesians versus 10, 11, and 14. In Jesus' name I pray, amen, thank you, lord, god bless Texas, and also thank you councilwoman Garza for coming over and helping to attend to this gentleman. You've got your eyes on the ball. Have a good day.

>> Mayor Adler: Paul robins.

>> Do we want to pause for a second? Okay. We'll take a break.

[12:36:00 PM]

[City council is in recess.]

[12:38:49 PM]

>> Mayor Adler: Staff.

>> Thanks to Austin's first responders.

>> Mayor Adler: Obviously our thoughts are with him. Mr. Robbins.

>> Council. At the last meeting, I urged you to repair the customer assistance program so that it was not giving a 10% discount to high volume electric users. I pointed out that about 40% of cap participants used more than the average Austin customer, that cap would need more money because of an eventual shortage of funds, and that a good place to get this shortage was to stop giving discounts to high consumers. After I left chambers, a councilmember said that this higher usage might be due to situations where cap customers had larger family sizes or lived in older homes. While there are probably cases where [lapse in audio], it's more likely influenced by income and the size of dwellings. Here's a chart that I created during the last electric rate case, I matched Austin electric assumption data by zip code by data with census. What I found was that, on average, income and electric use had a strong correlation. Here is a chart comparing electricity used by a single family home in zip code 78752, compared to a wealthy zip code, 78746.

[12:40:49 PM]

You can see the energy use is considerably higher in the wealthy part of town. Here is data from the southern United States taken from the latest residential energy consumption survey, issued by the U.S. Energy information administration in 2009. The metric is energy between a three-person household and a household over six people, the increment is small. This is not proportional. Here is another metric, energy use by age of the home varies a little bit by decade, but not by a huge percentage. While it's true that older homes use more energy per square foot, they are typically much smaller than new homes. So, I conclude with two comments. First, I again reiterate that you need to stop giving cap discounts to high use customers. This is not going to be popular with your constituents. Second, while nothing that I say in these chambers is above question or challenge, I have good reasons to make the statements that I make, and I could have answered some concerns expressed at the last meeting if they had been directed to me. And thank you for your attention.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Those were all the speakers that we have. We're going to recess until 1:15. We have a heavy schedule today, so I'd urge everybody to be back here timely. We stand in recess.

[1:29:56 PM]

>> Mayor Adler: All right. I think we have a quorum. We're going to go ahead and -- what does that say?

>> He needs to officially tell you what that says.

>> Mayor Adler: What does that say?

>> [Inaudible].

>> We have a quorum. We're going to go ahead and reconvene. It is 1:29. Let's see what items on this we can handle quickly, and then move past. Item number 1 is the measure of the study with respect to the living wage. Ms. Troxclair, are you ready to handle that?

>> Troxclair: What item?

>> Mayor Adler: 91.

>> Oh.

>> Mayor Adler: Would the record please reflect that Ms. Houston, had she been here, would have voted yes on items 10, 12, 14

[lapse in audio], 16, 18, 19, 35, 39, 40, 51, 59, and 94. Yes. Item number 91 had two well, that wanted to speak in favor of this.

[1:32:04 PM]

David king, you want to talk about this? And then Caesar.

>> My name's David king. I live in the zilker neighborhood. When I was growing up as a child, I know how it is to barely make it, and every penny counts. And when we talk about basic needs, I think it's pretty straightforward, we're talking about a roof over your head, utilities, food, medicine. Those are basic needs. There should be no doubt about that. And when you can't even make enough, even though you work two jobs sometimes, 40, 50, 60, 70 hours a week, on the weekends, and you still can't make enough to confer the basic cost, man, that's a problem. We know we have that problem. There is no doubt about that problem. And when we talk about having tools in our tool kit to directly impact that problem, there is no better tool than to go forward with this tool. You can directly affect families by moving with all due haste on this resolution.

[Lapse in audio] What are we going to give up in terms of basic needs just to make it? That's what we're talking about. And when we talk about \$13 an hour -- I appreciate the previous speakers' comments -- it's not a livable wage. That's not even a livable wage, but it's better than where we are now. So let's look at this in the context, if we really want to affect these families, the families that built this city who can't even afford to live in this city, if we want to affect them, now is the time. No more delays. And let's make it impactful to them. Let's not nickel and dime this.

[1:34:05 PM]

Massachusetts institute of technologies, they have a livable calculator for every city and every county in

the U.S. And \$13 is a poverty wage for Travis county. So let's look at it for what it is. And I'm not critical of this resolution. I'm supportive of it, but I want -- it needs to be known that the context is -- that even \$13 an hour is poverty wage. So I urge you to go beyond a poverty wage. When our system is not helping everybody, it's not lifting all boats, isn't that what government is here to help us? When the system is out of kilter, we depend on you to bring some equity and justice to that, and not wait on the magic market to come to our rescue. So I ask you to go beyond the poverty wage and let's do a real livable wage for our city. Thank you very much.

>> Mayor Adler: Thank you. The records reflect that there's seven other speakers who are for this, wanted us to know that, but are [inaudible] For the opportunity to speak. Cesar. That ends then the speaker speaking. Ms. Troxclair, you want to --

>> Troxclair: Sure. This was an item that we considered at the last economic opportunity hearing. We did have conversation and speakers about it, about the general idea, written language or resolution in front of us to vote on, so I appreciate councilmember Cesar coming up with something that would provide basically a report back to the committee so that we have a little bit more time to really understand the impact of the issue. We took a vote, I think it passed 2-4, and one abstaining and off the dais.

[1:36:15 PM]

I abstained because I was uncomfortable voting on something that I didn't have language for, and councilmember Houston had to leave early but did express some concerns that she maybe wasn't ready to vote on something, either, since it was just brought to us that day. But now seeing the language in front of us, it looks like it's providing basically a report back to the economic opportunity committee, and for us -- and allows us to take into account fiscal impacts during the budget deliberations.

>> Mayor Adler: Any move to approve the backup by Ms. Patrol cars, Mr. Cesar seconds. Any further discussion on this? Yes.

>> Just one more comment. I guess if we -- the resolution [inaudible] The current wage of \$11.39, and we've had conversations as a council about a number that's over \$13, so we're going to look at the fiscal impact of anything, it seemed like -- seems like it would be helpful for the city manager to also provide fiscal impact of the \$13 number so that if that change is made, we're all on the same page.

>> Mayor Adler: Would you please look at that as well? Thank you. Mr. Zimmerman.

>> Zimmerman: Thank you, Ms. . I'm going to be voting against this for some of the reasons I already mentioned. I don't think living wage is something [lapse in audio]. I liked one of the comments, it was a wage floor, not a livable wage, but a wage floor. I think that would help, certainly, but -- and I think there's some other unintended consequences of this that will come out. I understand that this is just talking about getting a fiscal impact study done, so I look forward to that, but I'm not optimistic this is something we're going to be able to make sense of.

>> Mayor Adler: It's been moved and seconded. Any further debate? Those in favor, please raise your hand.

[1:38:15 PM]

Those opposed? 10-1, Mr. Zimmerman voting no. That's 90. Thank you. While we're here, from the mobility committee, we have 92, which is Neenah Avenue. Approve fees for development and construction of Neenah. You want to lay this out for us, Ms. Kitchen?

>> Kitchen: We heard this in our committee meeting, and we -- I think we voted it out to recommend it. Basically, it's just a widening of a street. If we need any more details from anyone -- I don't know if Steph is here or not, but -- oh, the other aspect of it -- I'm sorry, let me just explain. It's coming back to me. The other aspect of it was, there were some waivers involved, but that had to do with the fact that Williamson County was asking -- was offering to pay for this, and in exchange, we were waiving some of the fees. So it was a net gain to the city. This is a street that the city is responsible for, and it was a net gain to us because Williamson County is picking up the cost, and so it was a net gain and we were allowing waivers.

>> Mayor Adler: Okay. Ms. Kitchen moves adoption of 90.

>> Zimmerman: Second.

>> Mayor Adler: Second by Mr. Zimmerman. Any further discussion?

>> Zimmerman: One other note, I think the project cost was in the millions of dollars and Austin is contributing thousands of dollars so we thought it was a pretty good deal for us.

>> Mayor Adler: Okay. Ms. Gallo?

>> Gallo: I was going to say the same thing, when we ask a question because we have a concern with granting fee waivers and we're going to be addressing that on a more intense process, and when we ask the question about the total cost of the project that Williamson County was doing, it was several million dollars and the fee waivers were as a result.

[1:40:16 PM]

The county will take on the improvement and maintenance of this road, it seems like that was a really smart decision on our part to do.

>> Mayor Adler: Great. Any further debate on 92? All those in favor of 92, please raise your hand. Those opposed? That's unanimous now and handled. Okay? Let's go ahead and move now to

[lapse in audio] The deferral -- deferred payments issue, has that been -- item number 2. Was that moved to -- we've taken that action then, formally. Okay? We had five speakers that were here that we wanted to invite to of a chance to speak. This has been sent to council to work on on Tuesday, then come back for a vote on Thursday. Citizens would have the opportunity to be able to speak next week. But we're putting this off and people have shown up, so we wanted to give them the opportunity to speak today if they wanted to do that. We have five speakers. Gus [inaudible]. Do you want to speak on this issue today?

>> [Inaudible].

>> Mayor Adler: Yes, sir.

>> Mr. Mayor, good afternoon. Gus Peña. I'm used to going to commissioners court saying judge. Sorry for demoting you.

>> Mayor Adler: That's okay. Some people say we look alike.

[Laughter]

>> I ain't gonna say nothing, mayor. You're a good guy. You're a darn good mayor.

[1:42:17 PM]

I will say that much.

>> Mayor Adler: Thank you.

>> I do respect you.

>> Mayor Adler: Thank you.

>> Mayor and councilmembers, item number 2 is very important because a year ago, two years ago, four years ago, [lapse in audio]

[Laughter]

>> Mayor Adler: She is much more beautiful than I am.

>> I'm defending you, Mr. Mayor, no problem.

>> Mayor Adler: Thank you.

>> Here's a rental agreement. I think I brought this over because the deferred payment program is very important and very key, crucial to keep it. Number one, there's a clause in the lease that states if you don't keep your utilities current or on, if they're disconnected, you are going to be evicted, so it's very important to remember that we get some good support for the -- the rate payers are not able to pay it. Times are tough now, as we speak. I just came to reiterate, strongly, respectfully, in a courteous manner, we need to help the rate payers. I know a lot of them have been delinquent, but you have to understand when you have kids, you have other relatives in your household to help out, it gets tough. Food is very important. You have to live. So anyway, I haven't said that, I'm going to keep it short, Mr. Mayor.

>> Mayor Adler: Thank you.

>> I just wanted to make sure that these rates are -- the ability to have the payment is good. Thank you very much.

>> Mayor Adler: Thank you, sir. John Peña.

>> He's my cousin. He didn't make it.

>> Okay. Ruby?

>> Thank you, mayor, mayor and council. My name is Ruby Roa, and I'm a member of the ladies charity of Austin, a catholic organization that serves the poor in the Austin community.

[1:44:18 PM]

I support the payment agreement procedures, and I'm happy that we, the advocates in Austin energy staff, finally came to an agreement. These procedures will help in reducing their debt. The Austin energy representative will be serving people that are victims of poverty in many forms, loss of jobs, illnesses, and the representatives must be mindful of those who suffer. We us in listen to them carefully, with compassion, respect, and treat them with dignity. I suggest training for customer service representatives, not only in the procedures, but also in human relations. This may require outside experts and adequate time for employee training. I urge you to direct city staff to assure this is done. Therefore, I suggest adding the

following sentence: City shall establish performance standards and develop protocols for the interactions of customer service staff with customers in order to help customers stay current on issues that represent a barrier in a timely manner. And thank you, mayor, and mayor pro tem, councilmember kitchen, and all the other councilmembers that have allowed your staff to attend our meetings because I think that has been very helpful, and I'm very grateful for that. Thank you.

>> Mayor Adler: Thank you very much. Thank you for your work. Bob, do you want to speak on this? Okay.

>> Testimony council committee on Austin energy, it was pretty clear nobody was satisfied with the payment plan arrangements as they were.

[1:46:21 PM]

There was great differences on why, and no real solutions were brought forward. But anyway, it was clear that something had to be done, and I believe that you all, councilmembers and the mayor, made it clear that something had to get done quickly. And I really want to thank all of you for your pulpit in getting us together. And we worked well together. And as ruby said, we had help from staff, from your staffs, in addition to great help from executives from Austin energy. So it wasn't an advocate session, it wasn't an Austin energy session, it wasn't a council session, it was a collaborative effort. We left that meeting with a commitment to fix things, and I think we did. The one thing that we kind of agreed on is that with the current plan for payment plans, all non-cap customers are a one-size-fits-all process. And we decided that we couldn't look at it that way. There are some customers that have small balances and may have good -- a good history, but have a glitch, and that needs very light touch. We have some customers that are starting to still be able to pay their current obligations but can't handle the obligations that's building up. And we want to get to them and work with them so they don't get too much debt. And then if all else fails, we have to be firm, and for those customers that cannot or will not, at least in the payment plan process, we have to have a plan to cut them off.

[1:48:21 PM]

To that end, there was a lot of stuff we didn't do. We didn't look at cap customers at all. We didn't look at how to

[inaudible] If a customer was in need with a large balance to figure out how to help them. We didn't talk about a lot of things, but what we did talk about was what should the base process be. And we divided it into three chunks. And the reason I wanted to speak today is, I know this is too much detail for you to go over today, but I wanted you to have it and have the opportunity to send [lapse in audio] Have something that everybody agrees with. And we believe that this is a good balanced plan. We allow customers in good standing not to be hassled. When they start having some problem, help them stay on track, and then we have tough love for people that fall off the bottom. Be happy to answer any questions.

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

>> Houston: Will we be getting a copy of this or --

>> I can certainly make it available.

>> Houston: Would you please?

>> Yes.

>> Houston: Thank you.

>> Mayor Adler: Okay. Continuing on --

>> Tovo: Mayor, I do have a question on that last -- on one of the elements of that last sheet, if we could bring it back up. I understand your -- you did have the opportunity to discuss this point, but I wonder if you could talk just a little bit about that last item, about the 50% down payment. We started off with the 50 percent down payment, and the ordinance started off the down payment possible the first of equal statements.

[1:50:27 PM]

If you could speak to why move back to a 50% down payment.

>> The times when you do that, when you fall into that category, would only be if you amassed the debt of over a thousand dollars.

>> Tovo: Okay.

>> So if you have a debt of less than a thousand dollars, the other two processes work, and the exact process that was voted on in November of 2013 still applies to everybody until they cross over that \$1,000 mark.

>> Tovo: Okay. That seems a good balance of where we were, where we got to and where we need to go. I want to thank you and the other times who have been involved in this over the last couple days, for a long period of time, but very intensely over the last few days, everyone feels comfortable. And, you know, we had an opportunity to talk about this at our last Austin energy meeting, and at that point I had said it looked like we needed to reactivate your task force after the meeting, and I indicated my intent to do that after the meeting. We looked at the recommendations and it seemed really that we were ready to move forward with a resolution to adopt some of those recommendations. And so I just want to acknowledge that in the advocacy community on council at Austin energy, I think everyone acknowledged that there was a need [lapse in audio] That made those changes. Knowing all of this other work was going on. And I think everybody, all the parties involved knew this other work was going on, and that there were discussions between the individuals who are here today and Austin energy to come up with -- come up with a really balanced solution [lapse in audio] What was presented to our staff this week to get us there, and thanks to the Austin energy staff for your willingness to do that as well.

[1:52:34 PM]

>> And going back to that prior task force, I would want to highlight that special [inaudible] Hasn't been addressed but needs to be.

>> Tovo: I appreciate that. We still intend to bring forward the resolution that we've been talking about, raising the ombudsmen and some of the recommendations that won't be captured in the ordinance change. I agree those are really important procedures to put in place for all of Austin energy's customers.

>> Mayor Adler: Ms. Pachinsky, next speaker.

>> Good afternoon, Maryland, councilmembers. My name is Carol vagitsky. I'm the Texas road pairs organization to save energy. I have spent a good time this week working on a solution to the issues that have come up over deferred payment plans. I started out this week at the -- I didn't start out the week, but Monday night I was at the euc meeting and realized that this ordinance you had before you was on the agenda and you heard from me late that night because I was very concerned that so many of the protections that we had in place for customers were going to go away completely. A couple of weeks ago, after the last Austin energy council committee meeting, we started to meet with Austin energy, and we were recognizing the fact that, you know, all customers do not necessarily deserve the same treatment, especially when they are extended a helping hand and refuse to take it. So I think that the proposal that Mr. Bat Lin just outlined briefly, we think -- I think it's a good one because it keeps the protections in place for people who are making a good effort at paying their current

[1:54:41 PM]

[inaudible] On some of their debt. That is [inaudible] To make sure that the people who need extra time to pay and are working in good faith with the utility get it. But then we are recognizing the fact that there were some people that are taking advantage, abusing the system, have high debt, owe too much money, an that the utility should be able to use more stringent collection procedures under these circumstances. So I am encouraging -- so I take away my request to delay this until August. That was my point in telling you I'm glad that this will be taken up next week because I think it is a good step forward for Austin energy addressing the debt and Ms. Tovo and councilmember kitchen for having their staff available for these meetings because their participation was very helpful. And I appreciate it and do believe that without their participation, that we may not be where we are today. We wouldn't have gotten there as quickly as we did. So I thank you all very much, and that concludes my comments.

>> Mayor Adler: Okay. Mr. King.

>> Yes. Thank you, mayor, mayor pro tem, councilmembers. I'll be real brief. I think that what I wanted to suggest is that, you know, some of these folks that are behind on their utility payments, they'll never be able to catch up, given the situations they're in. So why put them through this process? Why don't we write the debt off, just write the debt off, and get them out of this, get this albatross from around their neck, relieve them from this. I think we should look at that as a serious strategy from some of these that will never be able to pay this off.

[1:56:43 PM]

And so we could maybe offset some of that debt right off by the excess revenues, the excess savings in our reserve account. There's an access of \$26 million I've read about for one-time expenses that could be used potentially for one-time expenses.

>> Mayor Adler: The unfortunate thing here is that state law doesn't let us write off these debts.

>> Well, then let's offset it by using some of our excess reserve funds to pay that debt down. I think let's just not put them through this. And I'm not saying everybody that's behind, but those who will never really have a chance to get this paid off. Thank you.

>> Mayor Adler: Thank you very much. I'm told that there's not -- we have yet to have a formal vote that

pushes this till next week so we can look at the compromise solution. Is there a motion to postpone action on this item till next tuesday-thursday? We'll put it on both agendas, that we can cover it hopefully Tuesday, and if not -- moved by Ms. Houston, seconded by Mr. Zimmerman. Any further discussion? Those in favor of listed it on both agendas, raise your hand. Those opposed? It's postponed. Thank you. Thank you all. That has us handled item 2. Item 7 is the reapportion issue, that is yours, Ms. Troxclair?

>> Mr. Mayor?

>> Mayor Adler: Yes.

>> I'd like to be recognized for amended motion, item 7, we should have a copy of what we'll call troxclair amended here, on this theme colored paper that's been handed out. If you can dig that up, I'd like to move passage of this amendment, amended ordinance.

[1:58:47 PM]

>> Mayor Adler: So we have -- just so that I'm catching up, we have a -- we have an ordinance. In backup, there's a cream-colored substitute, and you're moving what's called the troxclair number 7.

>> Yes.

>> Mayor Adler: Okay. Are you okay with that -- I'll let you make that motion if you wanted to.

>> Troxclair: Okay. Sure. I'll make the motion.

>> Mayor Adler: Mr. Zimmerman seconded it. Okay. You want to explain that?

>> Troxclair: Sure. Yeah. So this is basically to bring back a list of the staff positions that have been vacant over 12 months and make recommendations as far as addressing those vacancies and hopefully seeing some savings that we can attribute to next year's budget, so the staff sent us a list of those vacancies, and they recommended one position to be cut, and just after taking a look at the rest of the list -- so number one is the staff recommendation to cut the building services department project manager position that's been vacant since 2008. And I'm adding two, three, four, and five to that list. I'll go through them really quickly. Number two, office of real estate services, assistant manager, this position has been open also since 2008, so I think that it's worth having a discussion about whether that needs to be continued right now or whether we can realize some savings from cutting that position currently and moving any money to next year's budget.

[2:00:51 PM]

What I understand [inaudible] Are positions that will be transferred into the transportation department. We've talked about them during the -- our budget discussions, so we -- because we're at the end of a bond cycle and some other things, the city doesn't have any intention of filling these positions. They're just kind of staying vacant until we can transfer them during -- to the transportation department during the next budget cycle from a transparency perspective, I don't see why we don't just go ahead and make that change now so that we can realize any savings. And of course the transportation department would then ask for new positions come budget cycle. So these were -- like I said, of the ones -- of the list that they provided, those were the ones that stood out to me, so I just ask for your support.

>> Mayor Adler: We'll have staff come in and speak to these five. Did you sigh these in time to be able to

Speak to these?

>> I'm not going to speak to them directly, Mayor. But we have staff from real estate services and public works to speak to these and maybe we could have Lorraine Riser from real estate services come down first and explain where she was going with this assistant director position that would be cut here.

>> Mayor Adler: Okay. We have one speaker, by the way, David King, who has signed up on this, but -- are you okay? Okay. Continue.

>> Mayor, Councilmembers, my name is Lorraine Riser, I'm the director of real estate. And I want to -- I'm glad to have a chance to talk to you today. First of all, I'd like to mention that real estate is the only department in the city that does not have an assistant director position. In the last few months you have been aware of some projects like the flood mitigation buyouts for 400 additional homes.

[2:03:01 PM]

We also have the Bergstrom expressway where that's an additional 100 parcels. We have a wastewater grade line that's another hundred parcels to be purchased this year. We have the convention center expansion. You've all asked for a map inventory which we're working very hard on. We have many capital improvement projects, special projects that each Councilmember has such as [inaudible]. We took over the license agreement process, which had four years backlog with no additional help. We've reduced it down to a two-year backlog, but we're still working hard. I have nine direct reports and it's becoming increasingly hard. People are retiring and basically the position is set up to be [lapse in audio]. I've worked for the city 28 and a half years and I'm trying to do an exit strategy by having somebody in place to learn what I know before I go. Thank you for listening today and I hope you support me keeping the position. Thank you. You.

>> Mayor Adler: There's bad news in that too. I won't even go there.

[Laughter]. What is the impact of this resolution? What does it mean -- ed, I think it might be for you. What does it mean to reappropriate these funds in this context this far into the fiscal year?

>> Elaine Hart CFO and Ed may want to add to what I'm going to say, but to the extent that these funds are

[lapse in audio]. Instead of using the appropriation that's already there for personnel, you change what you appropriate the money for, say you move it to contractuals so you can have more consulting services or something like that.

[2:05:15 PM]

The impact of this really, because you're not identifying where you want so reappropriate the money in next year's budget.

>> Mayor Adler: So that I understand, Ms. Troxclair. Is the intent to say you don't want these five positions filled the balance of this fiscal year. And if they are to be filled they should be filled as part of the budget process for next fiscal year? Is that the intent? I'm trying to figure out what this does?

>> Troxclair: Sure. As you know all of these positions have been vacant over 12 months. The position we're talking about, and I hope I get a chance to add on to Ms. Riser's comments. Thank you for your service to the city and for the background, but some of these -- two of these have been vacant since

2008. So instead of continuing the position and continuing that money to be spent within whatever department it's currently under, this would from what I understand take the remaining money and put it into the support services fund and allow us to basically transfer it to the next budget cycle.

>> Mayor Adler: So if the intent was to say there are five positions here that could be filled this fiscal year because they're in this fiscal year budget, if the intent was to not have these monies spent this fiscal year, what would the appropriate word be? Is it to reappropriate funds?

>> If you wanted to gain the savings for the remainder of the year for these five positions, I would recommend you use the language, freeze the vacant position through the end of the fiscal year and not use the word reappropriate.

>> Mayor Adler: Does that fit with you, Ms. Troxclair.

>> Troxclair: Yes, I've been talking with Mr. Van eenoo, so I just want to make sure that we're on the same page.

[2:07:20 PM]

From what I understand it has the same intent. I was told previously that the word reappropriate was the connect word to use. If it's just a matter of terminology I have no problem with that change.

>> I think the term, we've talked about some in committee about de-appropriating the funds. I think the committee preferred this term, reappropriate. From my perspective it's funds that had been appropriated and we're he were going to deappropriate those and they'll go back to fund balance or we reappropriate [lapse in audio]. Or potentially council might have wanted to reappropriate them to a different function. I guess from my perspective, whether we say in the ordinance we're reappropriating the funds or deappropriating the funds to me gets us to the same place.

>> Mayor Adler: So if we're reappropriating these positions, but we're not talking about another place it goes to, it will be treated as a freeze for those positions for the balance of the fiscal year. Is that your understanding?

>> If that's council's intent.

>> Mayor Adler: I wanted to make sure those words will get us there.

>> The intent is to not cut the positions out of the budget. In other words, there's actually -- there's two aspects here. That's a position control number, the authority for a department to fill a position, and then there's a funding that's tied to that PCN. So we could leave the position, like an unfunded position and just deappropriate the funds, or we could cut the positions and deappropriate the funds.

>> Mayor Adler: I'm trying to get to the intent. Mr. Zimmerman?

>> My understanding was that we were eliminating these positions because they had been open for seven years.

[2:09:22 PM]

>> Mayor Adler: I'm still trying to figure out what it is that we're doing.

>> Zimmerman: I thought we were eliminating the positions.

>> Troxclair: The amendment says council dissolves and reappropriates. I think the word dissolves -- the recommendation from the city manager was to dissolve the building services position. So I just going off

of that.

>> Mayor Adler: When you say reappropriate the funds, but you're reappropriating them to the ending fund balance.

>> Troxclair: Right.

>> Mayor Adler: Okay. That helped with me. So the motion is to dissolve these five positions and the money then just falls to the end of the budget. Now we'll have debate. Ms. Kitchen?

>> Kitchen: I have a question. My understanding of 3, 4 and 5 is from the budget discussions we had or the discussions we had of the -- the discussions we had in the budget work sessions was that these three positions were not intended to be filled, that they were going to be reclassified and moved to the transportation department. In other words, when we got the proposed budget what we were going to see was that these three, 3, 4, 5, would be -- are being proposed to be moved to transportation department so there's no intention to fill them this year. Is that correct?

>> I think that's what I said. I'm a bit off on that. Numbers 4 and 5 are positions in the public works capital project management fund. That is a fund where positions have been being held vacant as the work load has been coming down in that division. So there are actually 10 positions, of which these are two, staff is part of our fy budget proposal and we're planning on proposing to transfer to the Austin transportation department. These two are two of those. Number three is a position that's funded out of our transportation user fee.

[2:11:23 PM]

And that's a position that the department has been working with the human resources department to reclassify down to a lower position. So that is a position that the department's been working on, that reclassification. And would a like to fill. This is not one that is going to be transferred. Number four and five were going to be transferred as part of the fy16 budget to the transportation department.

>> Kitchen: Thank you for that explanation. It sounds like I'm understanding correctly that three, four, five were not intended to be filled in this budget cycle.

>> Number four and five would definitely not be filled during this budget cycle. Position number three, as soon as that reclassification is timelized, the department would post and try to fill that position.

>> Kitchen: And one last question, I'm sorry. So with regard to four and five, since those were not intended to be filled, what would happen with those dollars?

>> Those dollars would not be expended and they would just come to the ending balance of that fund. That's an internal service fund so they charge, they have charges to the different charges that they support through their capital projects, management activities. So that would -- those positions not being filled, whether they're cut or not cut, they're not going to be filled and those savings would help the ending balance of that fund, which would then flow into whatever charges they have to make to the departments next year.

>> Kitchen: So that's about \$500,000 between the departments four and five because they haven't been used all year and have not been intended to be used. So that's 200,000 that would just sit there, correct? It couldn't be used for anything else?

>> It could be used for anything else within that appropriate funding source?

>> Okay.

>> Mayor Adler: Ms. Tovo?

>> Tovo: I would like to talk for a few minutes with some follow-up questions to that. So were these to not be filled they would stay -- the funding stays within internal services and that reduces what each of the departments is responsible for next year when we begin the budget.

[2:13:33 PM]

>> Yeah, that's correct. And again, these are not the only two positions being held vacant right now in that fund, as their work load has been shifting and they've been intentionally holding positions vacant in response to that change in work load.

>> Tovo: Which is great. I'm glad to hear there's been that kind of physical prudence on the part of the staff. Were we to pass this, those positions would be cut and the funding is not going to stay -- the unused funding will not stay within internal services, it will just be moved to support services.

>> Yeah. You have to look at it, kind of think of it in your mind as two columns. There's the budget expenditure columns. This action of cutting four and five would reduce that fund, but the expenditures won't change.

>> Because you aren't going to spend the money. It's not going to change what spend and it's not going to much change the ending balance of any of our funds because that money would have been available in one place or another within internal services or within the support services fund. One way or the other it was going to make it back into support services or at least change the contributions that's necessary from the department departments.

-- Different departments.

>> Right.

>> Tovo: It seems like six of one half, a dozen of another, but are there any concerns that the staff or management have about eliminating those two positions?

>> No. And that goes for number one too. Position one is something that, quite frankly, probably should have been cleaned up in a past budget cycle and we'd want a cleanup in the upcoming budget cycle.

This is that three-tenths of a position that's been vacant for a long time and positions number four and five I've talked about the public works director and there's no concern with those two positions.

Positions two and three that the departments would like to move forward with filling those positions.

>> I wanted to spend a little time talking about those for a minute. Three, as I understand your explanation, is a manager position. That department is reclassifying it as a lower level position which again I think is -- a move we would applaud if it's not necessary to have a manager, and that's great that you're reclassifying that position.

[2:15:44 PM]

Can you give us some information about what that position will do and why there might be a need to fill it now or whether it could wait if we decided not to eliminate the position, but just to freeze the funding, what would be the impact on program?

-- Programmatic impact.

>> That position is a division manager position within our transportation funded part of the department.

So that group is our operation and maintenance staff. That particular position will be over managing the public works fleet so that position has been vacant for awhile. When that position became vacant we decided that we could fill it or should fill it at a lower level. That involves creating actually a new title, which does take a long time. And so that's what we've been working with human resources to do. The new title will be called public works program manager, rather than division manager. It's more appropriate for the scope of work that that person will be responsible for. It is managing the public works fleet of vehicles, so that work is being performed by someone else within the department now. We would like to fill the position so that those responsibilities can be transferred. However, holding that for the next several months and filling it in the next budget year I don't think would have a huge impact, but we would like to retain the position.

>> Tovo: Thank you.

[Lapse in audio]. ... On that funding and freeze that position, you could still go along with your reclassification of it, would you be able to hire for it or no?

>> I believe we could advertise for it and start our process, but we couldn't actually fill it until the start of the new fiscal year.

[2:17:50 PM]

>> And given that the employment hiring process takes a few months anyway, what's the likelihood that you would have somebody on board before the next fiscal year?

>> That would be an aggressive hiring process so that's why I think it would be fine to say that we won't fill it until the next fiscal year as long as we can retain the position and keep going through the reclassification process.

>> Tovo: Thank you. And were we to -- were we to cut that position, the funds there would actually stay within the transportation user fee fund. Those would not become available for any other uses outside of that fund.

>> That's correct.

>> Tovo: Okay. Thank you. And then I want to get back just for a minute to the office of real estate services, assistant manager position, Ms. Riser, maybe you're the best person to answer this question. I see the posting closes on the 26th of June. Could you give us some sense of how long this position has been conceptualized and what has been the lead time getting to this stage of the process?

>> First let me make a correct. It's not an assistant manager, it's a city manager manager -- it's an assistant director. I was able to get the reclassification approved in April and it's advertised now, closes at the end of the month and we're hoping to have somebody in the position by August. So we spent a lot of time and money to do an executive recruitment for the city.

>> Mark Washington. If I could add, Ms. Riser has identified the need to have a successor some years ago and there were some earlier efforts a few years back to hire the position at a level lower than a manager, and I believe the department was unsuccessful. And as part of her succession plan she had proposed a few years ago to create an executive in her department.

[2:20:00 PM]

But because of the amount of evaluation that was being done by executives that were in the city, there was a pause and that pause has been ongoing for a couple of years. So that's the reason why until recently when she more recently indicated some of her plans that want department really made a compelling argument, the need to create an executive level position for a successor, but that gives some clarification as to the reason why the position has been somewhat vacant for as long as it has been. Not the entire time, but at least two to three years of that vacancy has been because of us taking a pause as an organization, evaluating the growth of management within the workplace. >>

>> Casar: Mr. Washington, can you give us a little bit more detail about you said they were intermittent moment of vacancy. The reason that I think that clarification will be helpful is because in the spreadsheet we have it says the position has been vacant since 2008, but it sounds like that may not be the case.

>> It absolutely has been. The position has not been assigned to Ms. Riser the entire time. It has been repicked up to different -- repurposed to different departments and I don't have all the iterations, but I believe she received it approximately three years ago it was assigned. Three years ago it was assigned to her. And during that time there was a lot of scrutiny in the budget process about it. So her preference was to do what she's doing right now, fill it as an assistant director, but there was a management review that provided more caution in proceeding forward until as I mentioned real recently she made a real compelling argument giving her future plans that we need to move forward in doing something.

>> Casar: So this has not been assigned to Ms. Riser for the last seven years and it's -- there was that pause you described and now it's been -- the posting is closing and you are actively looking for someone to fill the position.

[2:22:11 PM]

>> That's correct.

>> Casar: Thank you. And one other question on the transportation -- on the public works transportation division manager number 3. And I know that Mr. Mayor, you were trying to get to the guts of this and maybe I just haven't caught on yet. If we are not going to -- if we're not planning on filling the position because even if at an accelerated pace between reclassification, posting, interviews, if we weren't planning on filling the position until the next fiscal year, what would be the material difference to freezing the position --

[lapse in audio].

>> We probably couldn't fill it prior to the next fiscal year anyway.

>> Casar: If we were to freeze the position for the remainder of this fiscal year that we plan on not filling until the next fiscal year is there any -- does anything really happen based on such a council action?

>> Given the intent is to not fill the position during the year anyhow, on the ending balance, the bottom line of that fund is not going to be any different regardless of the action that's taken today. What would change, though, is there would be a budget amendment so the amended budget of that fund, of the transportation user fee public works transportation fund would be whatever the dollar value of that position is, say \$100,000. The budget amount for that fund would be a little bit lower, but the actual expenditures would be no different. So the bottom line of the fund wouldn't be any different.

>> The paperwork would be different, but the end result would be --

>> Given that what Kerry is saying is that the position is going to be vacant till the end of the year anyhow.

>> Troxclair: Mr. Van eenoo, if we do not freeze the budget, following up on councilmember Casar's line of questioning, right now they do have the ability, even though they don't plan on filling that position, we have the ability to spend the money.

[2:24:23 PM]

>> They do.

>> Troxclair: On something other than salary or hiring.

>> That's correct.

>> Troxclair: It seems to me like there would be a difference between continuing the position as is and freezing the position because freezing the position would ensure that the the money would be available for the next year. Right now the money could be spent by the time we get to the next fiscal year.

>> I think that's a fair comment and what the ending fund will ultimately be. I think that's a fair comment, they do have the ability to spend it on other items, but it is not a fund that's projecting to in the year right at budget there will be some savings at the end of the year I think regardless of this action.

>> Mayor Adler: Is there a motion to amend this so as to take out number two, the real estate services position?

>> Troxclair: I will make a motion to strike number two?

>> Mayor Adler: Is there any objection to number two being stricken.

>> Pool: And I think number three --

>> Mayor Adler: Let's take them one at a time. If there's no objection to number two, number two is now out. And that leaves one, four and five, which I think staff agreed with. And that leaves then three.

>> Pool: Three is the one, if I may, that the transportation department has shifted to a lower level director program manager and they lowered the classification to be in charge of the fleet. Then I have a question for Mr. Van eenoo when we finish with this.

>> Troxclair: Can I make another motion? We've stricken this be two. I think based on the discussion we could leave number one, four and five as is and in regards to number three, instead of saying council dissolves and freeze, just say freezes -- or reappropriates the fund.

[2:26:27 PM]

[Lapse in audio].

>> Mayor Adler: I don't have a problem with that. That makes sense to me. Is there any objection to making that change. So one, four and five would say dissolve and number three would say that the money for that position is just frozen.

>> Zimmerman: Question.

>> Mayor Adler: Is there any objection?

>> Zimmerman: I have an objection to that if I could speak to it. Mayor Adler I'm going to take that as an amendment to her motion S there a second to that amendment? Mr. Renteria? Mr. Zimmerman, you want to speak against it?

>> Zimmerman: Thank you, Mr. Mayor. We've been through some budget sessions. We're already going to be confronted with some requests for increased head counts in some of the departments. I can't fathom why we can't just strike this and dissolve it because already the departments are coming back with renewed head counts. Some of them are very significant head count additions. I can't understand why we have to hang on to this when in a few months we'll have another budget and the head counts will already be adjusted, there will be people adding personnel. I don't understand why it's so important to carry this over. Can somebody explain that? We'll just eliminate it and there will be a request for the head count in the category it needs to be in the next budget request.

>> Pool: Mayor, if I may, the questions I wanted to ask may address that question. There are two procedures I would like staff to describe that include the number of steps and time are two different things. One is to justify a new position, in other words, if we eliminate positions how much time and what are the steps in order to bring a new position back? And the second thing has to do with the spending of monies that may not be on a salary, but remain in a department's budget that may be spent on something else.

[2:28:40 PM]

Explain the process and the amount of time it takes in order to be able to spend that money on something else. And my quick jump to the end is my guess is both of them take a considerable amount of time and staff effort so that staff is not going to go out tomorrow and spend whatever the salary savings is on a vacant position on something else. But I could be wrong. If you could explicate those two procedures and maybe enlighten us. Thanks.

>> I'll be glad to answer the question. During the budget process, which budget development which we're in right now, they identified needs as councilmember Zimmerman has said. They are not met. They are called unmet needs on the front end. As the manager and his management team and the director work through the final decisions and budget debate, -- budget development [lapse in audio] New consulting dollars or new materials of some kind and make individual decisions about those. At the same time we're doing that, there is an analysis of the vacant positions, whether they're long-term or other vacant positions. Staffing levels are examined to determine whether we can reallocate fte's or the authorization to hire a new position. If we can reallocate those fte's, to meet other needs and other program requirements, just as ed said, the public works capital projects are seeing a decline in work load and we've already been planning for a couple of months [lapse in audio]. If during the middle of the year we eliminate an fte, the staff has to go through that process of writing up the forms to request a new fte.

[2:30:52 PM]

Those forms require justification, they require acm approval and then they individually come up to the management team that mark leads, Marc Ott, city manager leads, and we talk about each of those. So there is a lengthy process. They are if approved put into the proposed budget. At that point the council may choose to approve or deny the new fte. Once the budget is approved if there are no new fte's included there is paperwork that human resources department has to complete to input those new

banner Numbers or new control Numbers, we call them position control Numbers, into the system because that's another check. We had the position control number and we have the budget that matches that. So I think that answers the first question. The second question is when we have personnel that's budgeted, the department controls their budget at the department level. They get their personnel, but if they don't fill the position they may backfill the position to do the work load with a temporary, with contract employees or with over time. And so they are constantly on a regular basis, their financial managers are monitoring their vacancy savings, their over time, temps to match the dollars they had for the fte with what the overtime is for that's offsetting that and/or the temp. And in some cases we may find that we have a retiree that can come back with the skill set that we really need so we hire a retiree and consciously make the decision to hire a retiree instead of bringing on a full-time person because the work load we have at the time is specialized and we need that person.

[2:32:54 PM]

So there may be cases where you have a full fte but you don't spend all that money. You spend it on a limited 29-hour a week retiree just to get the work done. So you then gain those savings that fall to the ending balance. In addition to that we have planned vacancy savings budgets so we target savings. So in some cases at the beginning of the year you may keep positions open to meet your budgeted vacancy savings target. So all those things working together are how we manage our personnel budgets, but the ultimate is the department cannot overspend its bottom line department budget. It can rearrange the dollars among different categories, but that is the limit, the system prevents it. We monitor it, we provide monthly reports to council, we have quarterly meetings with the financial managers throughout the city and there are lots of eyes on the work load to make sure that we stay within those budgets. I hope I answered all your questions.

>> Pool: If you could give us how much time it takes to justify a position from start to finish?

>> Well, it would be difficult to give hours. I don't know, eight to 16

[lapse in audio]. I would say anywhere from two to four hours to do the initial write-up, present it to your department director, present to the assistant city manager and then it gets packaged by my staff to go to the cmo meeting. So it's quite a bit of hours.

>> Pool: I think you may be underestimating the number of hours.

[2:34:56 PM]

>> Probably am.

>> Pool: So where I'm going with this is that staff has systems in place to monitor and be efficient and effective on the spending of these dollars. It is a sizeable effort in order to justify a new position. And there are guidelines and sanctions in place in order to ensure that the spending in each of these departments is not done on a whim and that it's also carefully tracked and monitored. Would you agree?

>> That is accurate. And we do start the process for forecasting new fte's long in advance of the forecast that was delivered to council on April 22nd and the new fte requests and the unmet needs are imaged in with that. So it starts months before now.

>> Pool: And the time you would have to justify for some positions that woulding eliminated later on is taking time from doing other work that might also be of importance.

>> Mayor Adler: Mr. Zimmerman S.

>> Zimmerman: I want to mention a word -- interesting discussion here. I want to make a comment about the unmet needs of tens of thousands of constituents that I have that can't be here today. None of them are in front of the microphones and it's been an interesting discussion but everything has been about we need to keep the positions, it costs money to create positions. It's not easy to create positions. I want to emphasize we have constituents with unmet needs to bring the cost of Austin government down. We're spending too much money. I would think it would be easy to get rid of positions that haven't been filled in seven years, but we're at 30, 40 years and it's all testimony that we have to have these positions, it's hard to create positions.

[2:37:08 PM]

And again we have unmet needs in this community to get the cost of government down. That's my position. I'd like to see cost savings. And we need tens of millions in cost savings. We're only talking a few hundred thousand dollars year. We need to find tens of millions in savings, but this could be a good start.

>> Councilmember, we do hear you and we'll take that into account with our budget deliberations and I'll share that with the manager as well. I did want to point out that number two up here has been vacant since 2008. It has not been in that unit the entire time T has been reprogrammed. And reprogramming fte's throughout the budget process is something that we do as a matter of practice. So it may appear that it's been in that unit the entire time. It has not. I had another position open since 2005. I frankly have had a retiree in that position for 10 years. That's almost a second retirement for them. And they've decided to quit and we filled the position with a full-time person, so it's gone. But it and that it had been vacant for 10 years and I was quite embarrassed when it got to council that way, but it was because I had a retiree in the position that had the skill sets we needed. And the savings accrued to the ending balance at the end of each year.

>> Mayor Adler: What is pending in front of the council right now is changing the original motion so that one, four and five -- changing the original motion to make number three a freeze of funds. So what's in front of us right now is and amendment to three to make it just to a freeze of funds. Further conversation on the freeze of fund question for number three? Any further discussion on that?

>> Tovo: I'd like to one last time [lapse in audio] Will not impede your progress to freeze the funds given your time frame?

[2:39:09 PM]

>> It will not impede the progress.

>> Tovo: Thank you. 10 on the strength of that I will support the amendment. I especially don't want to create impediments to our staff conducting a hiring process when they've taken the initiative to reclassify a position from a higher level to a lower level. I think that we need to make sure we're not impeding the work that really benefits the taxpayers.

>> Mayor Adler: Continuing on with us is number three, moving from dissolved to freeze. Did you want to speak to that issue?

>> No, sir, not with that issue.

>> Mayor Adler: Okay. Is there any further discussion on that? All in favor of that language change raise your hand? Those opposed? I think it's all in favor of Zimmerman voting no. And abstaining Ms. Garza. So now we're at one, four and five dissolving and number three freezing. Did you want to speak to the overall motion?

>> I do. I would like to make a friendly amendment.

[Laughter].

>> Mayor Adler: What would your amendment be? >>

>> That was a joke.

>> Mayor Adler: What would be your suggestion on what to do from the dais.

>> We were reviewing the ordinance language and we think the language is a bit off where it talks about reappropriating [lapse in audio]. Reappropriating funds from the fy14-15 operating budget to the fiscal year 14-15 ending balance. I think that's the action that you would [inaudible].

>> Mayor Adler: Any objection to that change being made? No objection, then that change is made.

[2:41:13 PM]

Now, on one, four and five being resolved. Three being frozen. Any further discussion on this?

>> Casar: Mr. Mayor, I had one last question for public works. So I know the mayor pro tem asked you if freezing these funds would inhibit the hiring process and I understand the answer to that is no, but freezing the funds means the funds can't be used for another purpose. So the if you had another employee who you are planning to use with

[inaudible]. It would not allow you to do that.

[Inaudible].

>> No, we're not.

>> Casar: Thank you. With this answer I'll be able to support it.

>> Mayor Adler: Ms. Garza?

>> Garza:, I want to make some general comments. I supported the initial motion and the vacancies. I supported the general goal of us wanting to cut -- to trim the fat where we can. And I'm just concerned about going down this road of this council spending. We've already spent about 45 minutes in this -- nitpicking these positions of our staff. And I can't -- I just can't support that. After we had the initial discussion, I had this vision in my mind of having staff come up here and having to defend time and time again these positions. And I don't know, I'm a game of thrones fans and it reminded me of them having to go before the royalty there and begging, please let us keep this position. And I just don't want to go down that road.

[2:43:13 PM]

And that's exactly what just happened with Ms. Riser. And justify this position. And I don't think that that's our role and I'm wondering where it's going to -- that's going to stop. Maybe this is a discussion

that needs to be happening more in the budget. I want to says Ms. Riser I almost changed my vote because I don't want you to leave.

[Laughter] Because you've been such a great help during the flood buyouts and stuff. I hate to see you go. Thank you for your service. But I can't support cutting these positions. I don't think it's my job to decide what's best for each department at this level. I don't think it's best.

>> Mayor Adler: Ms. Kitchen, Ms. Troxclair, Ms. Pool.

>> Kitchen: I mayor the kinds of concerns that councilmember Garza is talking about. I think that's happening to us here is we're sort of in -- we're sort of between processes because what we passed to do was to consider these -- consider positions as part of the budget process, which is a Normal thing to do as part of the budget process and part of our responsibility and our accountability to the taxpayers is to consider the whole budget a large portion of which is positions. So the other portion of what we passed previously is that we would look at that at the six-month time period. So what's happened to us now is -- just getting started, so we've got this coming before us a few months before the end of the year. That's not going to happen again in the future. I think that the -- I think that the process we set forth in the previous resolution that we passed will address the kinds of concerns that are being raised here. And I think that we'll be okay in the future and not be in a position where we're nitpicking, but I do think it's a healthy exercise because it is a responsibility for the council. The council is responsible for the budget so we have a responsibility to work with our staff on that.

[2:45:17 PM]

>> Any further debate on this issue before we vote? Those in favor of this resolution, please raise your hand? Those opposed? He said I wanted to wait and I forgot. Mr. King, you're entitled to speak.

>> [Inaudible].

>> Thank you, mayor, mayor pro tem and councilmembers. Sorry about the interruption there. I do think it's important that we do look into these vacancies and why they are open so long. Because again, they're there and they've been justified, so I understand about nitpicking. I agree with that point. But it is worthwhile to look at why do we have these vacancies existing for so long because the council has authorized these for a reason, to deliver services to our citizens. And if they're not being filled and they're not delivering those services, so I do think it's worth looking into this and seeing if we can get the vacant I have levels down so the services that you intend the citizens to receive can be provided. So I do applaud your efforts here. What I would ask is that vacancy rate of just over seven percent seems high to me. I'm not an expert, but I wonder what our peer cities are. I think it would be worthwhile to look at. And I think it would be helpful in looking at, you know, our number of employees that we have because I assume that's the biggest cost in our budget. Very much probably that's true for all governments. But when is the last time there's been an independent third party review of all the positions and all the job full purpose annexions to see if we could find opportunities for -- to improve deficiencies, deliver redundancy and deliver services more effectively. I think that's what this question reminds me of is when is the last time we've done something like that and it should be on a department by department basis and what we can learn from that.

[2:47:20 PM]

I hope we can look at that strategy as well. Thank you very much.

>> Mayor Adler: Mr. Pena.

>> Mr. Mayor, councilmembers, Gus Pena, I was appointed an eeo discrimination events investigator and by the department of justice to investigate alleged acts of discrimination. We say alleged. That is the key word. I am supportive of councilmember Garza's statement, but do y'all know a lot about hr issues? It's about time the experts, you know, continue to do their job and see what can be or shouldn't be kept open. I don't care who says what. It is a a high unemployment rate here in Austin, Travis county. I don't know what y'all think because there's a lot of people out there that can benefit from some of these positions. They've been kept open or vacant for 12 months. We in the community don't know how or with what for? We just care about being employed. Get out of being homeless, get out of being on the streets. So a word to the wise. A word to the wise, and I know you have hr here available to council you or whatever. We don't. We only have whatever backup y'all provide or the city provides at the city clerk's office, but having been a former eeo investigator, I'm going to tell you something, be very careful. Be very careful. I just would like for you to take -- listen to what councilmember Garza stated is very important, but we need some of those positions if possible kept open for the public to be able to be employed. Thank you very much.

>> Mayor Adler: Thank you. Those in favor of item number 7 please raise your hand. Those opposed?

[2:49:23 PM]

It's 10-1 with councilmember Garza voting no. The next item we have after item number 7 is 43. 43. Mr. Pena, did you want to talk to us about item number 43?

>> Mr. Mayor, again, afternoon good afternoon, Gus Pena, president of veterans for progress. Item number 43 is to authorize execution and execution of 12 month social service county with it's called carry, council on at risk youth. We have seven cartels here in Austin, seven. Seven. I'm not scared to speak at an open mic. They want to cap me, they're going to cap me. But that's okay. We have law enforcement taken care of. The issue is this, we need to keep kids out of bad initiatives, bad issues and keep 'em in positive, organized activities. And this is one organization that does a darn good job. I know the executive director. I know the founder. And there's some police officers that also work on this issue and continue to March on this. Please continue to fund it. It's a darn good initiative for keeping kids out of trouble. Thank you.

>> Mayor Adler: Thank you. Is John Pena here?

>> He's my cousin. He left.

>> Mayor Adler: I wanted to ask in case he snuck back in. Those are all the speakers. Does someone move passage of item number 43? Ms. Pool. Is there a second? Ms. Garza? Any conversation, discussion? Ms. Tovo?

[2:51:24 PM]

>> Tovo: I have a couple of questions about this item. I concur with Mr. Pena. I think Cary does great work, but I want to talk with the staff about what other programs they may have considered funding

with that grant.

>> Is Lisa Heinely here? I'm going to give you a chance to speak as well.

>> Tovo: If she wants to come up I'm happy to defer any question.

>> Mayor pro tem, James Scarborough, purchasing. I can address any of the procurement issues associated with the item as it pertains to the program. I will have to defer to the department in that regard.

>> Tovo: Okay. I think I see some representatives from the police department who came in and maybe they can talk about it. We've had some conversations in recent years about making sure that our police department is working closely with our parks department and library department about particularly around youth programs and thinking about all of our programs for youth as assets in helping our public safety goals. So again I think the work that Cary does is specific, but I wonder when we have money coming into the city that could fund a variety of programs my juvenile justice was the only option considered unless there were others considered. Were -- was it a viable topic of consideration, for example, to provide additional funding for youth programs at the rec centers that serve that area? Or roving leaders is a program that in large part because of council initiative and some additional funding was implemented a few years back through the parks department and that is in past years this proven successful particularly in at risk communities and they don't have -- it's a great program.

[2:53:25 PM]

There was tremendous success a decade or so ago from our parks staff that worked well with it. That would have been another place to use additional funding. If somebody could help talk me through the rationale of why this program or any others were considered and where are we with regard to that?

>> The university of Texas at Austin school of social work -- can you hear me?

>> Mayor Adler: Please identify yourself.

>> I'm sorry.

>> Mayor Adler: Please identify yourself for the record.

>> Karen Fitzgerald, Austin police department. The university of Texas school of social work conducted an assessment of the area and brought in community members and held public meetings. And they developed the recommendations for juvenile justice focus. And they recommended that the scope include the school district and that the work be located within the community. Then when we worked with hhsd and purchasing department and fully developed the scope we recommended that the programming take place at the schools or at a location within the rundberg community. It was a bit limiting, but it's where we came out.

>> Tovo: Thank you for that additional detail. I see that in the backup too. Within the school could be any number of programs that take place in the school and certainly within the community is pretty brought too. I guess what I'm really questioning then is why was the scope identified to just be about juvenile justice and was that from the consultants and from the stakeholders in the community. Is that what they thought was the best use of the money, focusing on juvenile justice rather than a myriad of other issues that could have been addressed?

[2:55:29 PM]

>> They considered a lot of options and that is where they came out after the community meetings, yes.

>> Tovo: So that was a recommendation of that community board that is restore rundberg?

>> Well, the revitalization team did play a part in the recommendations but we meet with quite a few different groups. I don't have the list with me, but as part of the implementation plan, they show on page five the different groups that they actually met with.

>> Tovo: Thank you. I appreciate that. It does sound like those groups were consulted and had an opportunity to provide feedback, but this was not a recommendation that was voted on and recommended by any of those groups. It was fundamentally one that either staff or the consultants made after all the community meetings?

>> Correct.

>> Okay. Thank you for that clarification. I guess I will just say I probably will support this today, but I really think that we need in this city to continue to think about other ways to -- to look toward our public safety goals as not -- look [lapse in audio]. And too, I guess I would wonder whether there's an opportunity for funding within the police department for Cary. I know we fund Cary through various city sources. But this will be [inaudible].

>> Mayor Adler: We have one more speaker. Is Ms. Heinely here?

>> Hi. I'm Lisa heinely, the past chair of the north Lamar neighborhood team. We're the neighborhood at the center of the restore rundberg grant area. Our neighborhood has had four murders in the past seven months as well as two traffic fatalities and a death in a house fire.

[2:57:30 PM]

Professionally I provide services to foundations and non-profits related to housing and neighborhood development including managing granting programs. I also sear rollback serve as a peer reviewer for housing and home will not security. I'm here for you to postpone the juvenile contracting item which is to be paid out of restore rundberg grant. The proposed activities and contract term exhaust the approved end of the grant, September of this year. We should wait until the request is approved by the department of justice before moving forward on the contract. While violent crime in hot spots [inaudible] It does affect your young people. Who have to catch the school bus where someone was murdered the evening before or look out everyday their classroom window at the dumpster where a body was left. Even the youngest children feel their children's stress at not being able to financially able to provide a better environment for them. It is likely the D.O.J. Will approve the grant extension. In the interim fleas support A.P.D. And other staff to make the adjustments that the grant resources are focused in accordance with the grant's purpose, a data driven placed based intervention in very specific hot spots, not spread out in an array of societal issues. Last council approved what we've been calling the coordination resolution. Direct to staff to identify all the projects and programs under way or planned in the north Lamar rundberg area. To share their coordination and engage stakeholders and incorporate feedback. Please support A.P.D. And other departments in firmly positioning any extension of restore rundberg activity and resource in this. Allow A.P.D. To best apply their skills to the hot spots. At the should also allow other groups in the area to proceed with confidence that their available work

will not be duplicated or their resources displaced by a well intended, but uncoordinated and less knowledgeable effort from another city department.

[2:59:34 PM]

Thank you.

>> Mayor Adler: Further discussion on this item 43. Ms. Houston?

>> Houston: Thank you, mayor, and I want to thank the speaker for that very compelling information. I don't have the coordination resolution in front of me, so I'm not sure what that resolve is. But I'll certainly try to find it. I had a question to segue on something that mayor pro tem tovo talked about, but now -- I was talking about augmenting programs that we already have, but I now understand specifically that there were hot spots that you were trying to address. So I will probably be voting to postpone that so that we can get some additional information. But my other concern is -- I know I've talked to the people from Cary before and I know they're a fine organization, but I was wondering if anybody knows what the demographic makeup of the people who provide the supports to our young people might look like. The reason I ask is it's a question of cultural competence for me. Sometimes we have best intentions, but the people that we place in hot spots don't necessarily have a direct relationship to the culture of the people we're trying to help.

[Lapse in audio].

>> Houston: If you're going to violate something, please don't. I can wait.

>> While cease finding that answer, I'm commander Donald baker, the A.P.D. Project.

[3:01:37 PM]

And to address some of the questions, we are doing other activities in the area for the restore rundberg project. This is not [inaudible]. We're at gustavo Gus Garcia rec center. We're at on dobie middle school with the launch pad and there's a demographics break down that is very similar to the residents and the students in the school that work in partnership with our officers, with our district representatives and other community members. So this is just another component that we believe is important and also that we heard back from the community in our revitalization team members as a priority to focus on the kids not only for at school activities, but after school activities.

>> Mayor Adler: Would one of you also talk to the issue of the benefit or not of postponing this? For being asked to support your efforts so I'm a little confused right now as to how all that fits together.

>> I want to be very careful so I don't go into the purchasing part of it. But I can say from a project manager we need this to proceed because we know that the school year is starting up and we need this to be able to get into place so we can be prepared and ready to go at the beginning of the school year and we want it to run through next year.

>> Timelinewise we're looking at July for negotiating, executing a contract. Then for the vendor to make their hiring and finish planning and meeting with project staff August 1. It would go through fall and then spring and then summer of next year.

>> Mayor Adler: Any further conversation?

>> Zimmerman: Point of inquiry. If we were assign this to committee, what committee do you think this

would go to especially in relation to the question of funding, which may or may not be available coming up here in September.

[3:03:39 PM]

Which committee would you maybe think --

>> Mayor Adler: I don't know. Either public safety or audit, but I also sense that they need this to move forward in order to get to the school year. Mr. Casar?

>> Casar: Mr. Mayor, I'd like to move that we postpone this to our Tuesday meeting. With the contracts -- let me make that motion.

>> Zimmerman: I'll second that.

>> Mayor Adler: It's been moved to postpone item 42 to Tuesday with the other contract items that have been postponed. Mr. Zimmerman seconds it.

>> Casar: My hope is we can get some of these questions answered between now and Tuesday so it can move on consent with many of our other contract items. I have some concerns that if we're paying for this with grant funds, and if we want to make a yearly commitment to this, how would we continue to do so if we are paying for it with grant funds that we haven't gotten renewed? Perhaps we can quickly get an answer for it. But because we have so much on the agenda, I think that these questions can be answered quickly, internally and we can hopefully move on with this on Tuesday, considering that I think passing this on Tuesday wouldn't impede negotiation and execution in July as long as people's questions are answered so that we don't take up more of the council's time, we can just get this done hopefully on Tuesday.

>> Mayor Adler: It's been moved and seconded to push this until Tuesday. Any further conversation on that issue? Ms. Gallo?

>> Gallo: The university of Texas school of social work that's working on this?

>> Yes, ma'am.

>> Gallo: I chair the advisory council and we've had a lot of good presentations on this project and the faculty working on it, so thank you. I'm trying to understand the opposition to moving this forward. Could somebody speak to that a little more clearly so I make sure I get the questions answered that need to be answered for next week?

[3:05:40 PM]

>> Zimmerman: There's a question of funding is the one big one, the money. This depends on department of justice. Remember the federal government is \$18 trillion in debt. So they need to be looking to cut cost.

>> Mayor Adler: Just ask the question. I think we were trying to speak to that a minute ago.

>> The project period was extended by D.O.J. Until September 30 of 2016 and we have the funding. It's released.

>> Gallo: To so the funding for this-- I'm trying to wrap my hands around where the issue is of not moving forward with this right now. Do you have funding through 2016. The amount you're asking us for is paid for through the punished F underring that you do have.

>> Yes, ma'am.

>> Gallo: I'm trying to understand what the concern is with not moving forward on this because the funding is there and I know we had somebody that addressed that. So it sounds like it's not a funding issue because the grant has been extended to fund it.

>> Yes, ma'am.

>> Renteria: Mayor, that's my big concern too. I can't see we're going to delay this project that's so greatly needed, especially in that area. Rundberg area has been a problem and that's one of the reasons why we're willing to -- where the community development commission is going to -- [lapse in audio]. Are we going to be looking at it and saying oh, we want to put it somewhere else? I just -- while this project has been working so good in that area, so I'm like my colleague, councilmember Gallo. Why are we delaying this project?

>> Mayor Adler: Any further conversation on the motion to postpone this?

[3:07:46 PM]

Ms. Houston? Go ahead.

>> Houston: It's because in the backup it wasn't clear that the grant money had been received for the next year, so that's why I was asking those questions.

>> Mayor Adler: Ms. Pool?

>> Pool: I'm not willing to delay. I'm willing to move forward on this.

>> Mayor Adler: Ms. Tovo?

>> Tovo: Since I asked questions I'll just restate what I said earlier. I said I was likely to support it anyway, but I do want to understand better why this program out of the various other options that you might have considered rose to the level of the highest priority. That being said I'm happy to vote on it today or Tuesday. Today would probably be my preference, but I would like to have further discussion about what other kinds of -- I hear and understand from the previous presentations we've received there are clearly other activities going on in the rundberg area supporting the restore rundberg initiative. And I'd like to understand kind of what your priorities are if other grant funds become available. Are we likely to see requests to supplement, say, some of our parks programs or some of the other -- the other various options. That was the heart of my question was really understanding we have grant funds available. Why this program rather than others? But I want to be clear because I'm going to hear from various people as soon as this item is over. I'm very familiar with Cary, they do great works, I support support their efforts. I just wanted an explanation of why this grant versus others. But I'm happy to vote on it today.

>> Mayor Adler: So I wanted to try to keep this moving forward. Are you asking for something broader on rundberg lane railroad out asking for now -- do you want them to respond --

>> Tovo: I'm happy to continue this conversation after today.

>> Mayor Adler: Continue the conversation. That gets you can back to the motion to postpone this item to next week.

[3:09:47 PM]

>> Houston: I had one thing to say. I didn't know there was a coordination resolution and I would like time to look at that to see what that coordination resolution says and how -- it may have all to do with this and some of mayor pro tem tovo's questions may be answered, but I didn't know about that until sitting here right now. But I'm willing to go ahead and vote today if that's the will of the today body.

>> Mayor Adler: My sense is there are a lot of questions that might be related to rundberg lane. Certainly it's an area of focus and it certainly involves lots of issues and it may be good for us to have a broader conversation about rundberg generally and I would probably wait for that opportunity to have that conversation. Probably vote to move this forward. We're now on a motion to postpone this item until next Tuesday. Any further conversation on that? Ms. Gallo?

>> Gallo: I wanted to restate councilmember Houston's comment, which it's helpful to us the more backup information we had. Obviously it was not clear that this was funded by a current grant and I think as we try to process information and try to conserve our time in these meetings the more backup information we can have the better. We hate to postpone, but we will postpone in order to get more information.

>> Mayor Adler: The motion is to postpone until next week. Those in favor of postponing please raise your hand? Gallo, Garza, Zimmerman, Houston, Casar and troxclair. Those opposed to, raise your hand. I miscounted. I think it was probably six in favor of postponing and five against. So the motion is postponed until next Tuesday. Thank you. The next item that we have is item number 62. We have three speakers. Gus Pena?

>> [Inaudible].

[3:11:47 PM]

>> Mayor Adler: John Pena is not here. And xenobia Joseph? This is item 62.

>> Thank you, mayor, councilmembers. I'll preface by saying that my position is neutral, primarily. And it actually dove tails off of what -- [lapse in audio]. The backup materials are very important. It would also help if the citizens had that information. I'm specifically speaking about August 28, 2014, item 67 is referenced in the backup materials, but if you go to the archived website for the city of Austin, that particular agenda item is not there so I really don't know what the conversation was when this particular item came up. I do support obviously temporary housing and so that's why I'm neutral. There are just a few things I would like to ask you to consider, however. I wanted to know specifically whether or not this particular item is related maybe tangentially to [lapse in audio] Or his commitment to end homelessness. And the reason is when you look at new entry incorporated's homepage, they actually have information about veterans and there's also a civilian attire and a sleeve of a military uniform. So it appears that veterans in particular [inaudible]. However as I stated before, it's a little difficult to know what that conversation was before. The other thing I would want to know is specifically how much of the funding is going to be used for direct services to the homeless. I understand from the backup materials it appeared that 12% of the funds were used to create some type of contract position. I'm not certain whether or not 12% is the only amount of money that is used for that position.

[3:13:50 PM]

The other thing I would ask you to consider is often times and in this particular item there's a caveat that says that there were no opportunities specifically for minorities, if you will, or the women owned businesses. And I know you had that on the agenda for item 100, which was supposed to be taken up in executive session today. I would ask you to consider that there needs to be greater transparency as it relates to consultancy, as it relates specifically to the no bid contracts. The one thing I would ask you even with the previous item and with this one in particular is if there are opportunities for consultants to actually put forth the solutions to some of the problems, then please make that process more transparent. Lastly, I would just say that specifically as it relates to the homeless issue, I did go to councilmember ora Houston's office and I spoke with a gentleman named Christopher Hutchinson on June 15th and June 15th, but unfortunately he was not able to answer any questions specifically and he said that because this item as it relates to the veterans in particular and ending veteran homelessness by 2015 is not on the agenda, that he could not answer those questions. So mayor, I would ask you to please consider putting this on the agenda so that we can speak more transparently about what it is that you plan to do to end veteran homelessness. If you have any questions, I'll gladly answer them at this time.

>> Mayor Adler: Mick Mick in the office no and my staff will find you here in just a second, bring you up to speed on what we're Glock I also put in a public information act request for the strategic planner, written documentation. So if you Oregon your staff could provide that information to me, I would appreciate it as well.

>> Mayor Adler: Don't have that yet. They can tell you exactly where we are in that process.

>> Yes, thank you so much.

>> Mayor Adler: Okay.

>> Mr. Mayor, excuse me. I should have spoken on this issue.

>> Mayor Adler: Come on down.

[3:15:50 PM]

>> I'm coming as fast as this old man can.

>> Mayor Adler: Go ahead.

>> I'm sorry. Mayor, gust pen yeah, united States Marine Corps veteran. Two things about this front steps organization. I've had some complaints from some veterans at the VA clinic because we had a good showing of support from the electronic media, worldwide news. The issues that I want to educate y'all about is this. It says to provide temporary housing services. I'm growing to be honest with you, mayor, councilmembers. We had great concerns with even carrot toss and salvation Army and other entities that claim to provide housing services for people. It is fragmented. A lot of veterans don't get the full, broad spectrum of services to educate them on how to go about re-entering housing or applying for housing, et cetera. I'm going to be honest with you, again, I'm a former investigator so I do my work before I come over here and voice anything. I have some grievous issues about front steps, salvation Army, et cetera. They don't provide the services they're being paid for. Having said that, ie, I will not support item 62 partially because we just don't feel that the veterans are getting due diligence on this issue and we have a lot of homeless veterans, [indiscernible] Veterans with children that are homeless and -- I don't care what Ann Howard or anybody else says, it's more than 1600 veterans -- people that

are homeless here in Austin, Travis county. Mayor, thank you very much for allowing me to speak but we need to do a better job of helping the homeless re-enter housing and society. Thank you.

>> Mayor Adler: Thank you. Further conversation on item number 62? Is there a motion to approve item 62?

[3:17:52 PM]

>> Mayor, if I may, staff needs to come forward and inform you of some information we've become aware of.

>> Mayor Adler: Okay.

>> Mayor, councilmembers, James Scarborough, purchasing. First I wanted to bring to your attention, it came to my attention this morning -- attention this morning in preparation for council this is an unresolved technical issue with regard to this particular procurement. We did receive a protest. The nature of the protest is not substantive to the approach proposed by the offers but rather it's technical in nature. But none the less it has not been resolved so I wanted to make sure that city leadership and yourself were aware this needed to be resolved before we proceeded. So I apologize on behalf of the purchasing office and would like to request your consideration of this item being forwarded to next week's agenda so we can resolve any technical issues with it before we proceed.

>> Mayor Adler: Someone move to postpone this item until Tuesday? Mr. Zimmerman moves, Ms. Houston seconds. Any conversation? Those in favor of pushing this to tuts, please raise your hand. Those opposed. All in favor.

>> Thank you.

>> Mayor Adler: Please take care of that. Postponement to next Tuesday. Okay. That gets us then to item number 64. Only one public speaker, John Pena, not here. This was an item where staff was recommending postponing this until August. The question has arisen as to whether or not this is something that should be postponed to August, whether it's something that should be handled next week.

>> Mr. Mayor, if I may.

>> Mayor Adler: Yes.

>> Initially, when we received information that there was a protest on this particular item and Mr. Scarborough can talk to that, we believed that it can be resolved by next week's meeting.

[3:19:59 PM]

So if I can allow Mr. Scarborough to explain the details of the protest, I would ask for your consideration, council's consideration of this item on the 25th, which is when we anticipate being able to resolve the protest.

>> Mayor Adler: 25th would be next Thursday as opposed to next Tuesday?

[Lapse in audio] Pretty hard not to load up an Austin energy agenda with things that are going to be -- take up time but you're just resolving this technical issue so that we can move forward with what would be, like, a consent adoption, your anticipation?

>> Maybe, members of council, this particular item we received an intent to protest. We haven't actually

received a protest yet. They are within the protest period and so if we wait until the June 25 agenda, we will have received the protest and we will be able to determine whether or not we can resolve it at that time or request your equation of going on to the August 6 agenda. We feel very confident about the solicitation but in the interest of complying with the department of justice time line associated with cadet hiring there is some urgency with regard to the required contract.

>> Mayor Adler: I'd be inclined then to support postponing this until the 25th. With the assumption that you'll be able to resolve it. If it turns into something that may take time I may very well support postponing it until August.

>> Very good.

>> Mayor Adler: Is there a motion to postpone this to the 25age.

>> Gallo: I just have a question. Could we make the motion to postpone it to Tuesday and if Tuesday didn't work we could move it to Thursday. At least it would be Tuesday first.

>> Mayor Adler: Does it have to be the 25th --

>> For everything else, Tuesday the 23rd was fine except for this particular item.

>> Gallo: Okay.

>> Where the protest period would end on Wednesday, the 24th.

[3:22:00 PM]

>> Gallo: Okay.

>> Mayor Adler: Is there a motion to postpone to the 25th? Mr. Casar. Second, Mr. Zimmerman. Any discussion. Those in favor of postponing raise your hand. Those opposed? Unanimous for postponing until the [lapse in audio] Item number 78, which is a short-term rental. That's set for 6:30. That gets us then to item 83, which is the west Austin youth association item. We have four speakers. David king?

>> Thank you, mayor.

>> Mayor Adler: Parks is here on staff. I'm going to have questions to ask. Mr. King, go ahead.

>> Thank you, mayor, mayor pro tem, councilmembers. My name is David king. And I'm supporting -- I support this item. I think this is a -- you know, an appropriate use for our parkland and it's a -- you know, it's a, you know, we're talking with baseball fields, soft ball fields, supportable to families. So I think it's consistent with how we should be using our parkland, providing low cost services to our citizens here. And this entity, the west Austin youth association, has been around for decades and has, you know, been investing in these fields and providing this service for decades so I think it's very appropriate, should be continued -- small amount of parkland relatively speaking.

[3:24:00 PM]

In my opinion and I think we should, you know, implement the parks board -- parks and recreation board recommendation, which is to extend the agreement for six to ten years and allow for the completion of the Lamar beach town lake master plan process and the extension of Presler road. I think that should happen first. I also follow the board's recommendation to not approve the ten to 25 year extension option or an extension of the term from 25 to 50 years. Parkland generally speaking should not be locked into long-term license agreements or long-term agreements period. Without voter

approval. And I agree with other comments from the councilmembers regarding policy on long-term agreements for parkland. What is our policy? You know, it needs to be fair and equitable. Whatever the proposal is, we need to treat all parkland fair and equitably, no matter where it's located in our city. And also the discussion about using parkland as a profit center. I think that's important. What is our policy? How -- are we going to turn them all into profit centers as a way to fund them? And then commercialize them at the expense of regular park users? So I do think this council should weigh in on policies on long-term agreements for parkland and on using parkland to generate revenues. Thank you very much.

>> Mayor Adler: Thank you. Melissa tomorrow.

>> Thank you, mayor and councilmembers. It's already apparent that all of you really care about all of the kids and all of the citizens in Austin, and for 30 years the west Austin youth association has been a strong and loyal partner with the city of Austin on Lamar beach ball fields providing multiple generations with the opportunity for recreation, sports and fitness.

[3:26:10 PM]

During that time, thousands of kids from every zip code in Austin have learned many life lessons about winning and losing, the importance of responsibility and perseverance, what it means to work together as a team, building trust and more. Waya spends over \$200,000 a year for over 1500 kids from over 25 Austin zip codes at that location as well as 5,000 kids in you include the exposition location as well. No kid is ever turned away from our programs for cost or any other reason. The city recognized our efforts and the quality of our programming and our scholarships and good stewardship of the program and in August 2013 the city entered into a 25-year agreement with. Where aya. We agreed to committing millions of dollars to improve the park with improving the field, restrooms. A month after signing the agreement the city's transportation department made public a proposal for the extension of Presler street to go through the improvement plans that had been outlined in the original agreement. In June 2014 the city approved a Lamar beach master plan. We fully support the master plan and the opportunity it gives the city and stakeholders to make this a world-class park. We understand that in order to accomplish big things, we must be patient, work together, and use our resources wisely. Count us in. Does this council support youth sports the alarm for all kids? Can we count new? Your vote will show your support. The city asked us to delay for three years without giving a written adjustment to the improvement time line. We originally had six years to plan, get city approval and build improvements. If the master plan is complete in spring 2016 we will only have three years left to councilwoman publish the improvements under completely different conditions.

[3:28:16 PM]

The city's legal department acknowledges writing what the city has requested of us and provides us with the appropriate time to make the improvements for the all of all Lamar beach stakeholders. After the -- abandoned. Thereafter we'll have 25 years, two phases, ten years to design, fundraise, build with city approval and if built 25 years to use. We are committed to making this a world-class park through the master planning process and working with all of the stakeholders the Lamar beach. This gives the city -- I'm almost finished.

>> On behalf of youth, future leaders and citizens who gained so much through youth sports opportunities please support this resolution that honors the original commitment we and the city entered into for the benefit of the community. Thank you. Ms. Houston?

>> Houston: Thank you so much for coming down. I have a question. I've heard several times about the number of zip codes that the west Austin youth association serves. Do you have a listing of those somewhere?

>> I do. I can send it over to you.

>> Houston: Thank you.

>> You bet.

>> Mayor Adler: As the debate goes through and as we have a chance to debate, I'm not sure there's a bigger fan of way in the city than me and the programs and I think that that's a really appropriate place for it. The questions that I'll have for the parks people as we go through this is whether this is the right timing to be moving forward with it. I'm concerned that the city would sit down and tell waya this is what it's going to be only to find out a month later a different arm of the city was proposing something different with the same amount of property and that makes me nervous when I see that kind of thing happening. When there's a master plan coming out for the park to make sure everybody is on the same page, I'm leery of putting the city in the position where it compounds that earlier error by agreeing and creating an expectation that might be impacted by a master plan that is coming up.

[3:30:29 PM]

And I would join in pushing the parks people to resolve those questions even faster than they think that they can or they want to do so that it can move forward. And I understand, you know, keeping a donor base available and certainly would offer to do anything I could as mayor to keep the voter -- the donors engaged. It's that concern number 1. Then, number 2, I'm concerned about entering into a long-term lease with a park without having the kind of general. So we were asked to do that same thing in other parks, and I just want to make sure that the same rules apply for fear that if we don't have that conversation out loud we might apply a different rule somewhere else and then face repercussions from that and I want us to be consistent. That's why I'm waiting for the rest of the discussion. Thank you, ma'am.

>> Thank you, mayor.

>> Mayor Adler: Ms. Pool.

>> Pool: Two questions. One, do we need to have a motion yet on this or are we just hearing from speakers.

>> Mayor Adler: We were just hearing from speakers.

>> Pool: Very good. Then I have a question about the existing contract. Ms. Morrow, does way currently have a contract for use of the land the alarm.

>> Lamar beach.

>> Yes we currently -- in 2013 we signed an agreement for 25 years for the use of this land.

>> Pool: So you currently have use of the land starting in 2014 --

>> 2013.

>> Pool: 2013 through 2027, 28?

>> 28, that's right.

>> Pool: So you already have permitted and licensed and the city has an agreement with you to be there during this time.

>> Right.

>> Pool: Okay. So the question is whether to augment that 25 year beyond 2028 to another date.

>> Honestly, it began with part of that 25-year agreement, we got it because we said we would give millions of dollars to improve the parkland and we were given six years to do those improvements.

[3:32:38 PM]

And we responding to the city's transportation department and the parks wanting to do a master plan, we said absolutely, we'll wait until you know what that road and that master plan is going to say and we can wait and configure the park and do those improvements differently. But if [lapse in audio] You all have said that verbally, we waited for three years, first you said wait for the road, then the master plan, which was supposed to be done already by now. Now you're asking for another year. We're fine, we're patient, hope to be here for another 50 years but we want to make sure in writing you have acknowledged that we're waiting at your request and then we'll make those improvements.

>> Pool: And the improvements time line, the reason why you'd like to add four years to the agreement that you currently have from six years to ten years is in order to account for the amount of time that you have not been able to do the improvements on the site because of the delay based on the Presler extension and the master plan or other things that have concept way from making the improvements that you had promised.

>> That's true. Also, it looks like if Presler street does come through there it will be a more significant reconfiguration of the fields. Originally it was going to be kind of moving them slightly where they were and if this means that we actually have to move them completely and do a complete reconfiguration we may be adding costs, which will take longer to fundraise and plan for.

>> Pool: Do you agree is that doing a master plan is a good idea for this site?

>> Absolutely. In fact we were one of the ones when Presler street was proposed that said, hey, if you're going to build your day, why don't design your whole house and park before you put the street through it. That way the mitigation funds coming from traps will be used wisely in the parkland.

>> Pool: Thanks.

>> Mayor Adler: Thank you.

[3:34:43 PM]

Ms. Gallo?

>> Gallo: I'm going challenge you on being the biggest supporter of way.

>> Mayor Adler: Okay.

>> Gallo: But it's probably

[lapse in audio]

>> Gallo: As we follow through on this discussion I want to make it very clear I support what way does and will do what I can to make sure that it will be able to continue to provide that benefit to the

community. So thank you for being here.

>> Mayor Adler: Wane Brumley. Thank you. Wayne Brumley. Mr. Brumley, you have three minutes as well.

>> Thank you. Mr. Mayor, councilmembers, my name is Wayne Brumley, current president of the west Austin youth association. As you may know we've executed a 25 year lease for the ball fields and improvements the alarm currently. In this agreement way has six years to complete from the date of the execution of the lease in August 2013. This also then -- in 2019, just so everybody understands, that is also when the lease, current lease, expires with the university of Texas on the Brackenridge tract. 2019 is a critical year for way. After the lease was signed, Presler road was brought to our attention. The uncertainty of Presler road has been the center

[lapse in audio] As we now have a master plan in propose, as well as ass we are with -- several others have ktrma with talks and discussion with mopac. This too could have an effect on Lamar beach.

[3:36:46 PM]

We have recommended to the transportation department that this -- that Presler slow down as well and work with the master plan and ctrma together. It is our fear that they don't work together and at the end of the day that we have problems down there with how the master plan is laid out and access to and from downtown. The requested changes that we have, the main one being the ten years from the date of the master plan approval as well as Presler road either be abandoned or built, that's critical to us for our fund-raising. And I realize that there's some concerns y'all may have on that time frame, but for us, that's a critical amount of time. Three years is a big deal for us. This is a lot of money we're talking about raising. Some of the estimates have been anywhere from six to \$10 million. For us to raise that kind of money it's going to take time for us. And it's a -- the way it's currently written right now, at the end we could only have three years to do so, and that's just -- it's not enough time. We can't make that commitment. There's no way, I don't think, that we can -- we can raise the funds and build it at that time.

>> Mayor Adler: Thank you. Would I just add that as I talk through the process, even if we were to put this off in order to have time with the master plan, would I want to make sure that as we were moving forward and executing, way was given sufficient time in order to be able to do everything that's required of way at that time.

>> I think that's critical for us. We want reassurance there's from the city that we have that time in place and no matter how long the master plan takes, I am a developer by trade and work with the city and engineers and land planners, and the timing never works out the way we always think it will.

[3:38:53 PM]

So we want to make sure that we have that time in place, please.

>> Mayor Adler: Thank you Mr. Wayland.

>> Thank you, mayor, mayor pro tem, Michael waylan on behalf of way. As you know this item has been a topic of discussion for well over a year. Frankly, uncertainty has a way of deteriorating support for projects and organizations. I think all of you know that time kills all deals. It's important that the

proposed revised amendment attached as part of your backup was carefully drafted by city legal and I say that because it takes into account all interests, Apa, ymca, participate in the master plan. The difference between this one and goes to your question, mayor, is why now? Specifically, the current contract does not take into account the master plan at all. And so it's not mentioned, Presler is not mentioned. It does have a provision about us having to build and design based on a plan that's attached to the current amendment, but that doesn't reflect the current reality. I think what the amendment does is take into account the current reality and gives the city more control by mentioning specifically Presler and the master plan, councilmember it does not do right now. The current agreement also specifically allowed time to fundraise and build so all we're doing is putting into the contract the specific reference to Presler and the master plan so that it can be taken into account when we are doing the fund-raising afterward. It basically abates activity until the city's process is undertaken. We just can't ask people to contribute money after the master plan if there's not a defined term. That is, there's a phase one, the ten years to fundraise and build it and then the phase two, give us money because the city has made a written commitment to give us 25 years if we build whatever the city has approved.

[3:41:02 PM]

It's on an approved time line and approved construction by the city following the -- a master plan. You know, after more than three decades of demonstrated service to the community, waya wants to continue its stewardship of Lamar beach, I think it's fair to acknowledge waya's stewardship and give us some predictability just like you want some predictability with a master plan and with some resolution of Presler, so too does waya want a little predictability that they are going to be given a commitment to say that. Today, we don't just need your vote. They need your support. And so we need both. Words are great. Having your vote for this so that we have in writing that there will be a process, the master plan first, which gives the city and stakeholders control, and then thereafter capital improvements. Thank you very much. Again, we look forward to continuing our stewardship of the property.

>> Mayor Adler: Thank you. Mr. Waylan in terms of the contract there was an original agreement between the city and way that identified and attached a park layout. Is that correct.

>> Correct.

>> Mayor Adler: But we know that park layout isn't going to be at this point, right? Because we have a Presler road -- we don't know what it's going to look like because it's in a master plan but at some point in the future there's going to be something that says this is what the waya space -- where the waya space could be. Is that right?

>> That is the intent of doing this amendment now, to incorporate the master plan, which is not mentioned in the -- I think it's that first paragraph a.

>> Mayor Adler: Right. And does this amendment strip off that old plan from the agreement?

>> It does not strip off the plan, but by -- but it puts everything on hold so the plan doesn't take effect because we now have the match plan and the Presler issue to resolve first.

[3:43:04 PM]

>> Mayor Adler: In part that reflects my concern. Because we would be entering into -- we would be we

endorsing, reiterating, we would be ratifying a contract with this amendment that had a plan attached to it that at this point we recognize isn't going to work. And my concern is that at some point the city sat down with way and agreed to a plan attached as an exhibit without a master plan only to find out a month later that what was attached really probably shouldn't have been attached that way. I've gotten a lot of e-mails from citizens understandably complaining that the city had moved forward and made promises that it really shouldn't have made because the transportation department was working on something else. But it's my understanding that what you're saying is that the existing agreement, as it exists right now with the city, doesn't lock the city into that plan is that correct?

>> Well, I think there's an -- we could have an argument, but, you know --

>> Mayor Adler: I'm just asking.

>> No, no, no. I think that it is -- it identifies that property as property that's being leased to -- by agreement we're to manage, maintain, make improvements to. It is attached to the area where the improvements are to be done. What it specifically says is that the -- if the improvements aren't done as reflected on that exhibit by 2019, then waya would no longer have a right to remain there. So I think that's kind of --

>> Mayor Adler: What you're saying is even under the existing agreement it's a unilateral agreement ability of the city to be able to do a master plan and I trust it would work out in a way that supported the fields but if it didn't waya's relief in that instance would not be to insist the agreement gave it rights to have the ball fields there or any particular place arbitration their only relief at that point would be to walk away and say you can't hold us to building fields because we don't like the field options that are given to us?

[3:45:05 PM]

>> Well, I hear what you're saying. I haven't looked at it from a holding somebody accountable, responsible for -- I haven't looked at it, even though I'm a litigator, I haven't looked at it from a litigation perspective, whether there's a right to enforce against the city. That hasn't been the instruction. The instruction has been to try to collaborate with the city and figure out a way to make this work, that acknowledges 30 years of -- and also takes into account the master plan.

>> Mayor Adler: I understand that too. So that's -- one additional reservation, I don't want to -- until you and will the city has had a chance to take a look at that issue I wouldn't want to ratify an agreement that would have kind of an uncertain at this point legal implication to it. Absolutely, I want to work collaboratively and I hope the city does and I hope they find the place for that and I trust that the city is going to be able to find a place. When the city has that place for it, I trust that the city council will give to waya the ability to be able to have the time in order to be able to make it work. I'm just nervous about doing a piece in front of a process. That was just my concern.

>> I agree that we should have this done in a staged way. Right now it's not. And by adding this amendment so there's a specific preservation order to -- reference and order, I think you pose a structure and process. You have the master plan and Presler resolution done. Then you have a construction schedule and timetable with improvements all being approved by the city parks department. They have to approve where and how and when. And once there's a completion deadline we have 25 years from that deadline to stay there and, you know, raise the money and stay there. So, I

mean, I think you don't have that right now. I think the pump of doing this now -- purpose of doing this now ahead of the master plan is to impose some rigger, impose some steps is that don't exist in the current amendment, current contract.

[3:47:10 PM]

>> Mayor Adler: I hear you. Ultimately I would want to have all those steps to be in the agreement. In other words if it takes six years to do it, then I would want waya to have six years to be able to do it. If it takes ten years, as I see -- I would want to see that -- I would want to see way -- [lapse in audio]

>> We promise to have a master plan done in the spring. It will happen in the spring of 2017 and then there will be a different dynamic in the city, fund-raising might be more difficult because whatever the economy is, it is. The economy is done now. Getting this done today gives us a chance to start a silent fund-raising campaign and acknowledges support for somebodies that been a good steward and is providing something you'll never be able to provide for kids.

>> Mayor Adler: Let's raise some of those issues with the parks people when we get there. Any other questions for Mr. Waylan? Okay, thank you. Account parks folks come up? Sarah? Maybe you can help me here. I'm trying to put two things into context that I think arises. One is the orderly planning process of this item. How does it fit with the master plan? Is there a chance that this -- I think everybody wants the master plan to be done even sooner than the spring, much less carrying over to 2017. How.

>> This fall -- the proper planning for us to be agreeing to, contracts or extension of contracts for parks before we've done the Martinez?

[3:49:14 PM]

Master plan and then address generally speaking the use of park question because this is -- we're getting now more requests. This is now the second request since we've been here for a long-term use agreement for parks. So address both those, please.

>> Sara Hensley, director of parks and recreation and Kimberly Mcneely, assistant director, will also be able to address questions. I'll address the issue of the master plan. It is true at times, we get behind in things, buttic assure new this case I've heard from you on two separate occasions in front of this body but also face-to-face that you want us to expedite this process. And we will do such. We will not allow this to go to 2017 and quite frankly I've just e-mailed the staff saying you understand we need to expedite this process and get through it, which means we will be setting up stakeholder meetings and making sure it's an inclusive process. This master plan process does not involve having to put things in the ground. It's really about public meetings, public engagement, trying to come to resolution on how we'd lay things out and then the hard work comes after that, which is then raising the money to do those things. So you have my assurance that we are going to take every measure possible to expedite this process and be completed in the spring of 2016. And then I'm going let Kimberly talk to you a little about the fact that we already had aye an agreement in place with way. Then we did extend this. I need to share with you, we did not have the money to master plan Lamar beach until late last year. While I would have loved to have master planned this land years ago there was no funding to do that. And so -- and we don't typically get a lot of money from master planning so a lot of times, quite frankly, even

though not the desired situation, we do a lot of community engagement and planning for things that we have to do ourselves because we don't have the money for a consultant engage in a master planning process.

[3:51:22 PM]

In this case we were fortunate enough to work out something with the transportation department that we were able to master plan this and quite frankly they gave us the funding to be able to do this. And funded the money. So from that standpoint that's where we are on that. From the agreement standpoint I'll let Kimberly address that.

>> Kimberly Mcneely, assistant director, parks and recreation. If I could add to what Sarah also said about the master plan, is that when -- conceptually when this agreement was put into place there was no idea or funding available for us to be able to do a master plan. And so with the help of the law department, our department attachment of attempted to negotiate an agreement we thought in the best interests of the city and also in the best interests of youth sports. And what our rationale was is that there's a piece of property there that is being used right now to serve a lot of children and give them some opportunity to have sports and we know we're not going to have an opportunity to master plan this for a while. So why not use that piece of property to its highest and best use at this point? And that a master plan would, you know, eventually come. Usually when a master plan happens, you master plan, it takes a certain amount of time for us to do the community engagement. We determine what that space will look like and then it comes -- comes the process of determining how much money we need to build the different amenities that will be in that space. So that requires us to go through the process of the bond program, to have -- engage other private entities to help us through public-private partnerships, another period of time. Usually when you complete all the phases of that it goes over a period of time. So the rationale from the department's perspective is that we have a 25-year agreement in place. We know the master plan is going to take a certain amount of time. Then we'll have to figure out where the money is going to come through through the bond process, another ten years. By the time we get money for a particular phase we can choose a portion of that property -- we can choose a portion of that property and begin phase 1 while waya is able to still continue to operate and execute their programs on behalf of the city, which we also believe to be fully needed and absolutely needed.

[3:53:42 PM]

We also knew that way would be a large stakeholder in the master a master planning process. So the question, I think, that the mayor bringing forward is it the chicken or egg, the master plan or the agreement, the agreement or the master plan. But I wanted to give you a little bit of rationale behind why we thought a 25-year agreement in the beginning with the construction time frame of six years made sense for the city and made sense for way. And at the time both entities agreed with that. And then of course things things began to change, Presler came forward, stakeholders came forward about the master plan and there became a perception without the master plan we can't move forward. I wanted to give you a little bit of rationale. And with all of that pontificating I forgot the second half of the question, mayor. So if you would be so kind as to help me understand operationally what it was that

the second part of your question was about the agreement.

>> Mayor Adler: Related to a long-term use agreement for the use of the park. This is the second one of those that we've had now. The first one was Decker, which you had also recommended. Are you recommending both of these the same way?

>> So the department has a basic policy that says when we're going to enter into a public-private partnership, certain criteria -- [lapse in audio] Upon the partner and what the partner can bring to the table for that piece of land. It also depends upon the location of the land, what the land was intended for to begin with, how the land is currently being used, whether it's a piece of property that's undeveloped, will be -- whether it's currently developed, what's the amount of funding willing to be invested, what will be the outcomes of their investment? Is the outcome financial gain for the city? Is there an economic growth or an economic development that will happen because of the use of that land?

[3:55:47 PM]

It's difficult for us to monetize what an investment in a piece of property that then provides programming for children. We can talk about the fact that for every child that participates in an out of school time program or in sports they're less likely to engage in risky behaviors that would then have them -- give them less of a chance in life. But that's hard to monetize. I can't tell you what the amount of money is for each benefit that a child has, which is a completely different set of criteria and a completely different set of considerations than something out at Decker Lake. To answer your question very shortly is every single partner that comes forward with an idea has to be considered differently. The actual terms -- actual terms of the agreement have to come out differently as to what's the best interest of the city, best interests of that piece of land but it's based on a policy that we have with a given set of criteria for why we would even consider entering into a partnership to begin with. And I know that's very philosophical but it's the best answer that I can give to you today.

>> Mayor Adler: Okay. One of the questions that we had was whether or not the use agreement for Decker had to go before the voters. It was your position that that was not something that had to go before the voters or the position of legal -- as it was briefed to us. Do you also believe that this is something here that does not have to go before the voters?

>> Yes, this is a use agreement, and it wouldn't go in front of the voters.

>> Mayor Adler: And when we say "Use agreement," the agreement, the vehicle, is it the same here as in Decker Lake?

>> No. Decker Lake is a license agreement, as I understand.

>> Mayor Adler: What's the difference between a license agreement and a use agreement?

>> I think a use agreement is more a particular ability to use the land to reserve it. The license agreement was actually changing something, building something on it.

[3:57:47 PM]

But I'm I'm not completely familiar with this project.

>> Mayor Adler: I'm trying to figure out the distinction of the difference. They're going to have to build

something on here too. In fact the whole purpose is to build something on this.

>> Go ahead.

>> If I could just interject. What way is saying they would like to do is to refurbish or renovate what's already existing. So the fields already exist. The concession stand -- in a very primitive format already exist. So what they're saying to us is we want to develop this land a little bit better than it already is. We want to refurbish it, renovate it, make amenities more consistent with what is expected by the community. We're not changing the use in any way. We're just asking to be able to continue to use this space and we want to make it better for the community. And I might add that in the agreement for the use, there is an ordinance out there that talks about youth sports and how we enter into partnerships youth sports organizations. Waya's use of this land is consistent with the ordinance that's in existence. So they're not working outside of what every other youth sports agreement has already entered into with us, the template agreement, the ordinance-based agreement. They're just asking can we improve the land, and if we improve land and follow the rules that everybody else has to follow as far as an organization, as a youth sports organization, may we have an extended term because we're going to be investing significantly more money than any of the other entities to improve this piece of space.

>> Mayor Adler: What I'm trying to figure out, maybe it's part you and part legal, as we're looking at decker, I have people that want to go out and they want to also spend their money to improve a piece of property. They said that they'll make it available for youth as well. And I'm trying to figure out if there's anything in our charter where it relates to whether or not we can use a piece of property for a long period of time.

[3:59:49 PM]

Is there anything in our charter that differentiates between someone using a piece of property for refurbishing an existing use versus taking a fallow piece of land and putting it photo a use?

>> Nick may have something to add but I think there's anything in the charter that distinguishes that. The charter talks about not being able to lease the parkland and that's the distinction we've always used.

>> Mayor Adler: Right. And we're not talking about either leasing this land and the claim was that we weren't trying to lease anything out at decker, whether a use agreement or license agreement. Is there anything about the charter language that differentiates between what's proposed here and proposed out at deck center.

>> Pool: Mayor, can I ask a real quick question while nick comes up to the mic and it goes to the fact that -- what both Ms. Mcneely and Ms. Hensley are saying, way is offering to refurbish or improve existing facilities. The difference here, my understanding, is these things exist on the site and have for how many years?

>> Overview 50.

>> Pool: Did the city put them there originally?

>> Yes.

>> Pool: Okay. So what waya has date of birth is come in and essentially in the public-private partnership offered to do the maintenance and operations of some land the city had originally created as ball fields in this site. The difference with the decker lake agreement, there's no existing golf course out there. So

the --

>> Correct.

>> Pool: -- Proposal to go out to decker and create a golf course is very different from this proposal to continue maintenance and operation of an existing use on public parkland. That would be a real specific difference between -- in answer to your question.

>> Mayor Adler: Right. The question, because I see lots of differences, begin with one is golf and one is baseball.

[4:01:50 PM]

But my --

>> Pool: I wasn't going there.

>> Mayor Adler: What my question is, are any of the differences that have been identified right now relevant as to the charter language? Does the charter make any of those differences relevant to the alienation of use question contained in the charter?

>> I can answer that, mayor, nick, assistant city attorney, land use and real estate division. The charter provision we're talking about is article 2, section 7 of the charter specifically speaks to dedicated parkland and it prohibits the city from selling, mortgage, encumbering or otherwise conveying parkland without a vote. There is an exception that we saw a couple weeks ago for a -- ISDs to lease parkland to them, but, no, to answer your specific question, mayor, the use agreement versus the license agreement, they both fall within an exception under the charter.

>> Mayor Adler: That's what I'm saying. So while there are differences, while one is continuing a use and one would be a new excuse one is a group that's been there 30 years and one is a group that hasn't been there, there are a lot of differences, but of all the differences that you heard, are any of those legally relevant as to the charter language that says what we can or can't do with parkland?

>> No, they're not.

>> Mayor Adler: They're the same?

>> Right.

>> Mayor Adler: Okay. Does anybody have any other questions with respect to? Thank you for coming.

Ms. Tovo?

>> Tovo: I have some other questions for staff that don't necessarily relate to that particular item.

>> Mayor Adler: Yes.

>> Tovo: Is is now appropriate?

>> Mayor Adler: I'm sorry to have monopolized the questioning so far and I may be the only one that has these concerns so I want to throw open for everybody.

>> Tovo: So I have received some concerns from people who are very supportive of the Presler extension project and they're concerned that the action we may take today would in some ways jeopardize that project, and so I want to talk a little bit about that.

[4:03:56 PM]

I feel it's also necessary for me to say that some of those parties are not here and they believe that it

was maybe going to be postponed and so I'm a little concerned about that. We'll see if we can get them word that it's moving forward. But if you could help me understand whether this could impact the Presler project, which I understand is about 50% -- nearing the 50% design mark. And it would, I assume, depend -- would depend on council action, which would then influence the master plan and so is there an opportunity for the lease with way to be modified based on the outcome both of the Presler extension decision as well as the master plan? And let me say I really appreciate the work that way does. I believe we benefit from the programs they do. That's why I was willing to sponsor this -- cosponsor this resolution to come forward for discussion today but I do not want to get out in front of the decision on the Presler extension and so can you help me understand whether what we -- if we take action today, whether that would impact it?

>> Mayor Adler: And you don't mean lease, you mean use agreement?

>> Tovo: Yes.

>> Use agreement. Sara Hensley, director of parks and recreation. I think -- I cannot speak as to how the Presler extension is going to end up because I believe it has to come before this body for approval. And so I will tell you this -- I serve on a committee as a matter of fact we meet tomorrow morning with transportation, Austin independent school district to talk about transportation and proximity of schools and parks and things to hopefully encourage more people to walk, bike and other things. Presler is on the top of the list because of the issues with Austin high and that. As we do the master planning, that's why when I stood before you the other time I was hesitant about saying, we can expedite this and make it all happen because, again, I see this process as a master plan being a -- an opportunity for everyone to give their two and three don't make sure we are not cutting our friends at way a short, not leaving our friends with Austin pets alive out, not hurting the Y, not affect our neighborhoods there.

[4:06:26 PM]

And that we also engage our school district to talk about better access and so forth. So I see that as a process to help -- hopefully bring things together. I will tell you that the director of transportation has been working diligently to answer the questions with Austin independent school district and trying to help solve some of the concerns that they have. But for know stand up here and say it's going to impact it one way or another I can't because ultimately this body before me is the one who will approve that. And I think what we'll do is do our best work to bring you the best master plan we possibly request that I think will have recommendations in regards to the layout of the way complex, the Apa situation, ymca, and general park use. The Presler extension is -- will be a part of that and we'll talk about their final layout, but, again, they're tweaking it right now. And so that's all I can say. I hate not being able to give you a better answer but that's all I know.

>> Tovo: Mayor, I appreciate that, director Hensley I. I think what I really need to have a very clear answer on, though, is whether the -- were we to take action today on the extension regarding this use agreement, whether we are foreclosing opportunities neither our master plan discussions or with regard to the Presler extension project. And if you want to get back to me on that.

>> I'll have to.

>> Tovo: I think I need to know the answer on that before I would vote.

>> There's going to be some lively discussions that we're going to have in regards to how all of this

comes together and how we lay all this out. And I think we all have talked at the table, even with our friends with Austin pets alive. How are we going to make this all work? So I think at the end of the day there's going to be give and take from everybody. And that may very well be how the Presler extension is ultimately aligned, whether council approves it or not, meaning the least impact to the way waya fields, safety issues, close proximity to fields,.

[4:08:41 PM]

>> Tovo: I think we hope for a solution that works well for everybody. But if the -- would we have an opportunity or would we have a need to make modifications to the use agreement with way if there are choices identified within the master planning process or within the Presler extension process that require modifications?

>> The answer to that is yes. Council has the opportunity, the -- I believe in any contract we write -- wrong, city attorney, that is the council has at any time the opportunity to bring back a contract and make changes that they have previously approved.

>> Tovo: Okay and I see mitsy cotton standing up as well. I'll acknowledge, I saw you nodding your head no, Mr. Yea waylan.

-- That was the rest of what I was going to say. Would I like to hear that from our globe city attorney's office. Because in the agreement if it were amended according to this resolution, no construction would begin until after the Presler project was complete or abandoned. So this agreement couldn't impact the roadway project. The opposite could be the effect, although the exhibits of the improvements in here are conceptual only. They're very broadly stated so I'm not sure that if the master plan -- because this was an earlier question, the master plan or the roadway project impacted some of those improvements, I do not believe that would require this agreement to come back to council. I think that the exhibits could be amended administratively but they're also very broadly laid out conceptual only because at the time of the agreement, there was no site plan there, was no definite development decided as to exactly what they would be, other than there's going to be some fields, there's going to be this, that, and the other but its actual placement, all of that was conceptual so I don't believe that be if the roadway or master plan changed something that it would require this agreement to come back to council or not be able to be performed.

[4:10:56 PM]

>> Tovo: But even if it did, we have an opportunity to make those changes?

>> We always have an opportunity to make changes, sure.

>> Tovo: Okay, thank you.

>> Zimmerman: Is there a motion on the floor.

>> Mayor Adler: Ms. Houston?

>> Houston: Before we go to a motion, councilmember Zimmerman, can I say something?

>> Zimmerman: Sure, sure. Point of order, is there a motion?

>> Houston: Okay.

>> Zimmerman: Where are we?

>> Houston: Again, I don't know anything about the west Austin youth association. I hear that everybody does a great job and they've been doing a great job for over 50 years. You know, my son is 50, and when we were looking for places to play soccer and other youth sports back when he was that age, we had to go to the ywca, ymca. So I'm not sure the Austin youth association was open for my son at that point. That's why I'm asking when did the west Austin youth association become inclusive? But there's a larger concern for me, and that's about the equity issue. This is parkland. It's in a floodplain. We keep talking about the flooding. We've seen it. For the last couple weeks now. And so I listened to the -- how you weigh -- how you use parkland and it was very interesting to me because there's a systemic kind of thing in the city where if you were able to get in 50 years ago, it's okay to use it. But if you're trying to get in now, it's not okay to use it. So something shifted -- or maybe it's where it is located.

[4:12:58 PM]

Because we're not in a floodplain at Decker Lake. You know, there's so many things about this. We -- the people who are trying to do this public-private partnership, they have stuff bring to the table to help -- stuff to bring to the table to help the city. The city cannot afford to maintain all the parks they have now so that public-private partnership has the revenue to bring to the table. They want to make this land better. Although we don't have anything there now because it's nothing there now, although it's been in the master plan for 40 years. We're trying to make that land better. We're trying to improve that land. So I'm having a difficult time understanding how it's okay if you've been there a long time and -- but it's not okay if you've just come in and said we can make this better. So it's an equity issue for me, and until we get some -- something that we can kind of hold our feet to the fire on and say when we use parkland this is the way it will be done across the board and when they come for renewal, if they've been done another way in the past, we will bring them up to the current standard of how we use. I have a problem with it being in a floodplain. Because it's flooded in the past, and I'm sure it will flood again. Once we put -- even though it's the west Austin youth association's money, once you put it in there -- and pets alive will have some part of that. Once it gets flooded again, then we have to redo it all the time. I'm just saying that, Mayor, so that you understand that I don't see that much difference, except one was built 50 years ago and the other one is trying to get built now.

>> Mayor Adler: Ms. Gallo.

>> Gallo: I confuse easily so thank you for helping us to understand this process. And way, thank you for being here to also participate in this.

[4:15:01 PM]

So you mentioned an ordinance that is a city ordinance that deals with youth sports on athletic fields. And I had never heard of that before so I didn't even know we had that ordinance. This is a learning experience I think for all of us. So staff pulled it and it looks like it's from February 2010. It's kind of a blanket agreement that talks to that. So in looking at it, I'm just trying to understand that -- and once again, it's confusing to me that we have this ordinance and then we have all these others that layer on top of it, and I just want to make sure that when we deal with organizations like Waya that provide such a good benefit and other organizations too, that we make sure everyone has a transparency and there's

a predictability in how we handle things. When I look at this, it -- this ordinance back from 2010, it talks about athletic field use agreement on public fields and it talks about the field use agreement is for one fiscal year. So I'm curious if that's what we use for everything. And then how did we get to the agreement -- how did we get to the point that we're doing agreements that are much longer term? Because I think that's one of the issues that we're trying to resolve, is that longer-term commitment by the city when we have ordinances floating around that say something differently multiply, I mean, I wasn't here then and I just kind of want to understand the concept of how we got from that ordinance in 2010 to all of the other agreements that are coming before us now.

>> Okay. So in 2010 that particular ordinance that we're speaking of was adopted through council, and I think it was actually a council resolution that asked us to please put together that particular ordinance. And full transparency, I wasn't here when that was adopted but that ordinance did say that we had to have administrative rules that were go--- go through a public process.

[4:17:04 PM]

So another part of our municipal code, which you're looking at, tells you what the public process is he for administrative rules and will we completed that process in 2013, which set the criteria for how it is that we will enter into agreements with youth sports organizations. It says they have to meet certain criteria, be a 501c3, do background checks, serve primarily predominantly Austin residents, 75%. You won't see all of that necessarily in that ordinance because you have to go to the administrative rules to see the criteria. Again went through a public process. That 1-year agreement that annual agreement, renewal agreement, means that individuals have to meet a certain set of criteria and on an annual basis we will northeastern an agreement with them. It also gives anyone who has a youth sports organization an opportunity in may to come to the department and say, hey, I'm a youth sports organization. I meet all of the criteria. I would like to partner with you in awordance with this ordinance. What resources do you have to help me? It's our department's responsibility to take a look at what our inventory is for fields and do the best that we can to provide for all of the needs of all the youth sports organizations. And at this particular point in time we've been doing a pretty good job, but we will soon come to a place where we're going to run out of field inventory. That's a whole other discussion. The reason why we would enter into -- the reason why the Austin -- sorry, the west Austin youth association came to us with a proposal as a public-private partnership saying we like the agreement that you've given us, but we're willing to invest up to \$10 million or whatever the amount is into this field, into this space, and improve it and for our \$10 million investment it will be hard for us to get donors for just an annual agreement that could be pulled from us at any given year. So we're asking for consideration of -- for our investment an increased number of years.

[4:19:09 PM]

So that's how it came to -- from going from the ordinance directed agreement. And would I like to say that youth sports organizations get a pipe end from the city for -- stipend for electricity and they're required to do the maintenance. In that annual agreement you're looking at we pay electricity stipend, they maintain the field. In the way with a agreement you're obviously going to see that there is

significant improvement, parkland improvement, plus the maintenance of the fields. And all the other things that are associated with that. So I hope that that answers your question.

>> Gallo: That's very helpful, thank you. It's trying to put all the pieces pieces in puzzle together. It sounds like you have the ordinance from 2010 and then when organizations come in like way that would like to prop a public-private partnership and want to bring in funds to develop the property, improve the property, that your department evaluates the benefit to the city and then adjusts a time line use agreement based on that?

>> Right. And prior to 2013, way was on the -- was using the annual agreement. Then we bring that proposal to you to say, council, can you direct -- to the parks board first and then to council to say can you support the negotiation and execution of this agreement.

>> Gallo: Thank you for explaining that because I didn't understand how the two fit together. Thank you.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I'd like to move approval of item 83, the way resolution.

>> Mayor Adler: There's been a motion to approve item 83. Is there a second?

>> Tovo: Although I would have liked to have moved it but I'll second it.

[Laughter]

>> Zimmerman: Would be okay if we switched that, Mr. Mayor.

>> Mayor Adler: Ms. Pool makes the motion.

>> Zimmerman: I'll second. That's fine. Thank you.

>> Mayor Adler: Discussion on this item?

[4:21:15 PM]

Mr. Casar?

>> Casar: Mr. Mayor, I'm going to be supporting the item and while I do understand councilmember Houston's concerns and some of your questions also about the difference between this and the decker lake golf proposal, for me the difference between a limited liability company offering to do a public-private partnership with the explicit purpose of economic development but in particular real estate development and tourism I think has given the community much more pause than a public-private partnership between a nonprofit entity for local youth sports programming, and so I feel comfortable [lapse in audio]

>> Mayor Adler: My question went to the charter question. And whether one was any more or less legal under the charter. And I understand council telling us they're both under the charter consideration the same. Furthercuion on the moti? >>Lo: E again, just trying to clarify information. So one of the questions you asked was a question that if a certain amount of space is implied with this original agreement, and the master plan comes in and Presler comes in and it alters that perceived use, how that handled? And I think something else was concerned about that question too.

>> I think, correct me if I'm wrong, you said we can amend that. I mean, we'll sort of change that as we move. I think we all understand that as we go through this process, it's a matter of working with the consultant to lay this out. There's been what we call bubble diagrams that are drafts. That is sort of -- here's what we think might work.

[4:23:15 PM]

We've done a lot of preliminary work in advance to look at where are the buildable areas. We definitely take into consideration and to heart what councilmember Houston is saying. It is in a floodplain. However, I will tell all of you, believe it or not, parks and recreation puts ball fields in floodplains all over the place, in cities. We're not the only one. All over the country. That's why we get a lot of public parkland is through some floodplains. That's one of some of our best places. And so we'll do our best to be careful about where we put those amenities, though, that would flood, like the restroom facilities and things and try to keep that stuff on higher ground. But the whole idea here is we all understand, because I've had preliminary discussions with all of the stakeholders, the key stakeholders, and I've kept up with them through e-mail on a regular basis, that when we sit down at that table, we'll all be having to look at how we give and take to make it work. So ultimately [lapse in audio] That's there now, but it will -- it will go through that discussion of where everything goes, how we build those fields, how we tweak them, how we -- that's where the experts come in ."

>> Mayor Adler: I think the question is a little different than that. What happens -- you're going to have a stakeholder process and you know who the major stakeholders are. That therefore may be stakeholders that come up in the process that you're not aware of yet.

>> Sure.

>> Mayor Adler: Paws you'll be talking about the general use of the park. And you have all those stakeholders. It could be at the end of the day that you come back to way and say this is the fields. And way says, we can't do our fields that way. And we say, hey, sorry, that's just the way that it is. And you're okay with that?

>> Well, I think we'll all have to be at the table to talk about that, yes. I mean, it will -- go ahead, please make a statement.

>> Mayor Adler: And we won't have created an expectation, public relations or legal expectation or any one of the stakeholders would come in. It may not be we've only done this with this group, there may be other groups in a believe they have expectations as to where they're going to be in that park.

[4:25:22 PM]

>> True.

>> Mayor Adler: And but what we're saying here today is that as we sit here today, knock, including waya, has any real claim to any use or space in that park that they could either go into court on or stand up in public and say we have an assurance that we'll be there too. And then we have to deal with both the legal issue of that and the practical implication of having created an impression otherwise.

>> I can make a suggestion. I think that in order to allay these fears it would not be a bad idea to add to the resolution direction that we add to our amendment clarification that any change in the conceptual plan necessitated by the Presler road addition or the master plan will be amended or, you know, to clarify that that's -- that that conceptual plan will change in accordance with the master plan or Presler road.

>> Mayor Adler: Even to the degree of rendering the intended use no longer practical.

>> Sure.

>> Mayor Adler: Is that what we're saying?

>> I believe that is what we're saying, that the -- that the -- I don't think anybody anticipates that the master plan or Presler would negate the entire conceptual plan? Presler is over to one side --

>> Mayor Adler: So we're not saying that or --

>> We're not expecting that but I think we could add language that making clear because they will not have started their work until the -- their ten years doesn't begin until the conclusion, if a mend it, until the inclusion of the master plan and Presler roadway, either completion or abandonment of the Presler project.

>> Mayor Adler: Then the problem I have --

>> They won't have invested anything at that point in a plan because their time doesn't start to run.

>> Mayor Adler: And I understand that. But there's a practical issue with that too. These folks need to be able to get out so they can start raising funding, right? They're going to want to have something to a funder and say please give us money because we're going to be able to put ball fields there, three ball field, four, one, whatever it is, and this is what it's going to look like.

[4:27:28 PM]

We're going to have parking and we're going to have a concession stand, but none of those things can they say until the park stakeholder process goes through and it's determined whether or not that's feasible given the Austin pets alive people, given the stakeholders that you don't even know about yet, that are going to want to come and be part of this process. And I'm scared that we're putting these folks in a position where they're going to be out selling a concept and getting donors to be a concept that could conceivably not happen. Part of my problem with that is I think this process for the master planning has to happen fast. And I think that so long as nobody can really move forward until that process is done, then we have everybody on the same page pushing that going forward. I'm concerned that even though we say here nothing is decided, the reason we're being asked to do this today is because people want to be able to say something has been decided so that they can go out and raise money against it. That's the part that makes me a little bit nervous. But I might be the only one.

>> Pool: Mayor, if I may.

>> Mayor Adler: Yes.

>> Pool: I would be happy to make sure that that additional language is added to my motion, to the resolution. And make sure that it's okay with the parties involved.

>> Mayor Adler: What about putting this off until Tuesday? Let's get that he language circulated and take a look at it and then see?

>> Pool: I'd also like to mention that I have seen the drawings with the Presler extension. And it has been drawn pretty well by our transportation folks. So that it doesn't in fact get in the way of the ball fields or where Austin pets live is hoping to be. I'm sure they can bring the drawings to show as well.

[4:29:29 PM]

I think I would like to call the question and move forward.

>> Mayor Adler: Are you making any amendments?

>> Pool: I would be willing to have that language, and have that happen this afternoon, and vote this later today to give staff time to put it together. I think mayor pro tem tovo may have had language on ensuring the Pressler extension issue was addressed in the master plan.

>> Could the mayor repeat the proposed amendment that you talked about?

>> Mayor Adler: I'm not sure that I could. I mean, I think if we put it off for a few days, we can play with the language and see. I don't know that I could sit here now and do that.

>> I mean, the entire time you were talking about that, I noticed the way of representatives nodding, kind of -- in agreement, I think. And we would want to bring them into the conversation. But I do think that that's -- the concern isn't way, the concern is what will happen to the area once the master plan and Pressler is decided and designed. And so, I think that the suggestion you made addresses that. That it says all the parties still have to come together and come up with some kind of agreement. It sounds like it good solution. But I think it would be important to leave us enough time to write it correctly.

>> Pool: I'd like to propose that staff work on that. We can move to another item, possibly. Table it and staff can give us an indication when they've reached agreement on what the language would be, and can run it past you as well. And I also note that item 47 is the Lamar beach master plan. And maybe we could vote on that to move that forward. We have that in our packet today, as well. And the two are intimately connected.

[4:31:29 PM]

>> Mayor Adler: Ms. Pool proposes to lay on the table her motion at this point subject to recall. Does anybody object to that?

>> Zimmerman: No.

>> Mayor Adler: We're going to do that. 47 is the master plan for the park.

>> Pool: So what this is, staff will, of course, speak to it. But this is the master plan.

>> Mayor Adler: That's already been approved.

>> Pool: Okay.

>> Mayor Adler: We're fine on that.

>> Pool: We passed that on consent. Excellent.

>> Mayor Adler: Let's go back to our agenda. Thank you, everyone. 78 is at 6:30. We just were dealing with 83. Is that right? I'm sorry?

>> We had public hearings scheduled at 4:00, I think.

>> Mayor Adler: I think 3:30 for the housing issue.

>> There were four items. 108, 109, and 110 I thought were at those times. Oh. No, I'm sorry. I thought we had --

>> Mayor Adler: I think the only thing that's set is the 3:00 P.M. -- Well, the public hearing action, 107, 108, 109, 110, and the 3:00 Austin housing issue. Let's take up the Austin housing corporation issue. So, I'm going to recess the city council meeting. I'm going to call to order the council sitting at the board for the Austin housing and finance corporation meeting. It's item 106 on the agenda. Call to order the Austin housing finance corporation meeting, Thursday, June 18th, 2015. Council chambers at city hall, 301 west 2nd street, Austin, Texas. We have a quorum present. We have two items on the agenda. One is to approve the minutes from the last meeting.

[4:33:32 PM]

Is there a motion to approve the minutes?

>> So move.

>> Mayor Adler: Ms. Kitchen, Mr. Renteria seconds. Any objection? Hearing none, minutes are approved. With Ms. Pool off the dais. No objections. That gets us to item number 2. Do you want to lay that out?

>> This is Rebecca, representing the Austin housing finance corporation. We do offer number 2 on consent. This is to approve an inducement resolution allocation of up to 25 million in private activity volume cap multifamily non-recourse bonds for the development of apartments. You did receive late backup regarding this item. This item was previously approved by the board on April 2nd, 2015, for up to 20 million. Those actions are identified on your request for board action in your backup. At this time, a public hearing was set for April 23rd. This public hearing was, indeed, conducted. Following these actions to the board, the developer has since requested an increased allocation for up to 25 million, rather than the initial 20 million. We were advised by our bond council that this does require taking this item back through the entire process. This process would begin today requesting the approval of the inducement resolution for up to 25 million. Today's action would also set that public hearing for August 6th, and would follow through with the process. Again, all of those actions are noted in your -- the request for board action, which is in the backup.

>> Mayor Adler: Is this a motion to approve this item number 2 on the agenda? For housing? Mr. Casar, second? Ms. Tovo. Any discussion on this item?

[4:35:33 PM]

Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I'll be voting against this for the same reasons I've already put on the record for the last time it was discussed, so, thank you.

>> Mayor Adler: Okay. Any further discussion on this item? Ms. Houston.

>> Houston: Yes, yes, I'd like to know why the need for the increase.

>> That was specified for increased construction costs. We did ask the developer to be -- on additional details on that, ma'am.

>> Houston: I would like that, yes. I am I'm going to defer to Diana.

>> Mayor, council, I'm Diana, president of dma development company. And we are the prospective owner of Aldrich 51. As many of you know, there's been construction increases in pricing over the past year. We had hoped that they would get a little more stable by now, but they have not. And so, we found it necessary to come back in and request a higher amount.

>> Houston: And Ms. Mgyver, the prices have increased since April? We just voted on this in April. From April to June they went up 5 million?

>> They haven't necessarily gone up 5 million, but what happens with this particular program is that under the private activity bond program, if we were to have closed before the end of July, we would be limited to \$20 million of bond cap under the state rules. On August 15th, there's a collapse of all the

private activity bonds.

[4:37:35 PM]

These are not just housing bonds, but they're used for sewer plants and airports and all sorts of things. And so effective August 15th, we are allowed to request an additional map beyond 20. So, the 20 was very, very tight in April. But knowing that we weren't going to be able to close before the end of July on our development, we decided to go for the higher amount. And the exact amount that we need is probably 22 million. But we wanted to leave enough cushion. And if we don't need them, we won't use them, and then they go back into the state pool.

>> Mayor Adler: Thank you. What's the financial implication to the city?

>> There is no financial implication to the city. Tees are private activity bonds. The city is the issuer of the bonds. But they are actually private bonds and they'll be purchased most likely by a bank.

>> Mayor Adler: Okay.

>> Renteria: Mayor.

>> Charges fees, though.

>> Mayor Adler: Mr. Renteria.

>> Renteria: Is that going to affect any of the rates that the low-income -- what you're going to charge? Is that going to increase, also?

>> No, it will not impact the rents at all. It simply will be the total project costs are more. We'll be getting more -- the bonds are our permanent financing. And we'll be getting equity from a private investor. But the rents for the residents are capped at the annual, you know, 60% area median income rent. So.

>> Mayor Adler: Further discussion on this item? Hearing none, those in favor of this item, please raise your hand. Those opposed. All in favor, Mr. Zimmerman voting no, and pool, Casar voting yes, and troxclair off the dais.

[4:39:43 PM]

Thank you. That concludes the business of the fair housing matter. Is pat Johnson here? Is he in the building? Mr. Johnson. He has come back and has asked to have the opportunity to speak to us.

>> Mayor Adler: While he's coming back,

>> Mayor Adler: Item 84 -- the sobering center. Do you want to pick that up?

>> Mr. Mayor, don't we have the 4:00 public hearings?

>> Mayor Adler: We do. I was trying to get something short while Mr. Johnson was coming here.

>> Oh, I'm sorry. Okay.

>> Mayor Adler: I was trying to pick something off that might be easy for us to do quickly.

>> He's not in the lobby.

>> Mayor Adler: He's not here? Okay. If he comes back, then . . .

>> Fair housing.

>> Mayor Adler: I'm sorry. The ahfc has been closed. That meeting is over. We're now back to the council meeting. Let's go ahead, since Mr. Johnson is not here, and do the public hearings.

>> Pool: Am I able to add my vote?

[4:41:45 PM]

>> Mayor Adler: No, we can identify, had Ms. Pool been here, she would've voted yes on that last vote.

>> Pool: Thank you.

>> Mayor Adler: All right. Let's do the public hearings that were supposed to be called at 4:00. The first one of these items was 107. But is 107 being postponed?

>> Yes.

>> Greg Guernsey, planing and zoning department. Staff is requesting a postponement. This item has yet to be considered by the planning commission. We would suggest a date of August 6th. This is the item relating to existing small or substandard lots.

>> Mayor Adler: Okay. Any objection to postponing this item 107?

>> Casar: I would prefer to postpone it for a little bit longer so that our committee could take it up. If we postpone it to August 20th meeting.

>> Mayor Adler: Okay. That sounds good to me. August 20th postponement. Any objection to that?

>> Casar: Thank you.

>> Mayor Adler: That's postponed, then, until August 20th. This gets us, next, to the Adu issue, which I think came back to us by committee. It's item number 96. Also, it will serve as the public hearing. I'm asking legal, can -- if this comes back to us from a committee, we would have four people speaking for it and four people speaking against it. Are we allowed to hold a public hearing in accord with that rule?

>> I believe so, but we can verify that.

>> Mayor and council, this is an amendment to our zoning regulations.

[4:43:46 PM]

And not unlike where you have a map change, it would require a public hearing to be held.

>> Mayor Adler: Ordinarily, we limit them to three minutes. We impose restrictions --

>> You could reduce the amount of time.

>> Mayor Adler: That's what we've done. We're going to call four people for and four people against.

>> Tovo: I did have a question from someone earlier today as to whether in a required public hearing, whether we can limit the number of speakers. And I know we did touch on this at one of our work sessions, but there was a question about whether, while the council had the ability to limit the amount of time for each speaker, whether we could limit the number of speakers on a required public hearing under state law.

>> Mayor Adler: I'm going to call nine speakers instead of eight. Everyone will get two minutes in order to be able to speak, recognizing that this is a matter that we're going to handle on first reading only today, because we really want the committee to go back and consider this more in depth.

>> Casar: Mr. Mayor, I would emphasize that we will be -- it's my intention, if the committee members agree, to allow for the -- to be -- that we're discussing in each of those committee members. We'll go over it later. But the next committee meeting in August, there will be particular pieces of ads we go over and take public comment on. Public voices will be most effective, I think, on those -- in those committee

hearings, and that we won't be shutting those out to public comment in August or September. That'll be my recommendation.

>> Mayor Adler: As I recall, the model you're following is what we did with the taxicabs. Those were exhaustive, long hearings. When they came back to the council, they were the more limited discussion.

[4:45:49 PM]

We would urge everybody to do work at the committee level, as Ms. Kitchen and the mobility committee did on that issue. So, let me call, then, the people to speak. Is Stuart Hirsch here?

>> Mr. Mayor, may I ask a quick question as we proceed?

>> Mayor Adler: Yes.

>> Just for clarification purposes, we have 96 and 108. For those of us who are not as deeply involved, could you explain? They're both on ads. We're having a hearing on 108, not on 96, is that correct?

>> Mayor Adler: I called both items.

>> Kitchen: Okay.

>> Mayor Adler: I think they're both items. It's the same item. But it requires a public hearing for one, and then there's the issue itself. So, we're calling both those up at the same time.

>> Kitchen: Okay, thank you.

>> Mayor Adler: Yes. First speaker is Stuart Hirsch. You have two minutes.

>> Mayor, members of the city council, like most in Austin, I rent. Out of respect for not using acronyms, I will refer to these as two homes on one lot, because that's what they are. I'm asking you to take nine actions that are now part of the backup. I know this is first reading only, and you're seeing this for the first time. There's a lot of things our neighbors have said that we need to listen to. A lot of things that those of us who may rent who are part of the majority need to have happen to make accessory dwelling units, or two homes on one lot, more accessible for us. I've given you a copy of an ordinance that currently allows increased impervious cover and perhaps flooding in the name of housing affordability, and I'm asking you to repeal that. I'm asking the new two homes on one lot comply with applicable ordinances and subdivision plat notes, private deed restrictions, and restrictive covenants that never be allowed on former landfill sites during the flood plain, that they never be allowed to be short-term rental because we're trying to increase supply and it makes no sense to take the supply out of the marketplace.

[4:48:10 PM]

I'm asking you to expand the zoning categories in which this is allowed to include single family two, three, five, six, multifamily, mixed use, and transit development. I'm asking you -- water sub-meter issue, which is part of the recommendation, because I believe that the current policy is in violation of ordinance 200071129-100 which requires an affordability impact statement before any change to rule or ordinance occurs that impacts affordability housing and I cannot find any evidence that one was done when they stopped allowing people to tie in --

[beeping]

>> And you can see the square footage requirements there. I know we'll take this up later in committee,

and the full council. I'm happy to answer any questions about my proposal. Thank you very much.

>> Mayor Adler: Thank you. I hope you'll engage in the committee level. It will be important.

>> Yes, sir.

>> Mayor Adler: Thank you. Next speaker is Mary Engel.

>> Good afternoon, mayor, and councilmembers. And mayor pro tem. I'm here to speak in favor -- I'm Mary Engel, here to speak in favor of the planning commission's recommendation for accessory dwelling units, or a disaster unfolding, if you want to do the acronym another way. This planning commission's recommendation is reasonable and sensible. And there's nothing wrong with reasonable and sensible. There have been regulations that have been loosened so that these can actually give property owners other options, and they might be able to build them more accessibly. The real reason that ads have not been built, it's about money.

[4:50:11 PM]

The funding isn't available. So, as with all things, this is something that an ordinance or an amendment from the city council can't correct. We have to be creative as a community to find funding resources for people to be able to build accessory dwelling units. Before any lot smaller than 7,000 square feet can be eligible for secondary units, the city's neighborhood planning department needs to revisit with the existing neighborhood plans about this tool. Because these were prearranged agreements with neighbors, and neighborhood contact areas, contact teams. And this is a way of actually promoting trust with city processes, if we go back and have the planning department contact these neighborhood plans to see if they want to opt into this in-fill tool for small loans. I just will reiterate, I think that the planning commission's recommendation is very sensible and reasonable, ask and I -- and I encourage you to support it. Thank you.

>> Mayor Adler: Thank you. Good timing.

[Beeping]

>> Mayor Adler: Joyce. David king is on deck.

>> Good afternoon, mayor Adler and councilmembers. My name is Joyce. The planning commission recommendations for accessory dwelling units on single family zoned lots and in lots on neighborhoods that adopted that particular planning tool are reasonable, and very sensible. These recommendations leave the other provisions of 25-2-774, the two-family residential use, and the other one, secondary apartment dwellings unchanged, which is also reasonable.

[4:52:18 PM]

The last city council was criticized for approving ad hoc approveds to the land development code. In fact, optics listed ad hoc amendments as one of the problems that has led to the code rewrite. Before expanding -- the implications for the community. That's what the public understands the codenext process is for. Please consider further changes to the Adu ordinance in the context of all the changes to the code as a part of the codenext process. Thank you.

>> Mayor Adler: Thank you. Laura on deck.

>> Thank you. I'm here to speak in support -- my name is David king. I'm here to speak in support of the

planning commission recommendations for accessory dwelling units. I think that's a good balance between loosening some of the rules in a way that does not really create a lot of negative side effects that are unintended. It's a reasonable balance. And I support them, particularly in my neighborhood. I have one Adu that I've seen listed as a short-term rental for \$1,500 a night. I'm very concerned that they will be used not for affordable housing, but for these very expensive short-term rental purposes. I think that's a problem. You know, I do think that more work needs to be done, but we should move forward with these recommendations. I think we do need to address the second water tap requirement. That seems onerous and unnecessary. And there are other less-expensive ways to deal with that. I agree that, you know, I think it's important that we do not allow an increase in the impervious cover for any purpose in our urban neighborhoods, particularly. We already know that we have flooding problems that have been exacerbated by the impervious cover over the last decade.

[4:54:26 PM]

Not only that, but, they cause a heating effect. In Dallas and Houston, they're already implementing strategies to address heat in their urban core. And they're having to backtrack now and try to come back in and deal with that through green infrastructure strategies after the fact. We should not be going the other direction. We should be dealing with that right now by not increasing the impervious cover limit. And they should not be allowed to be built in flood plains. That's a very good point. I don't think we should expand them to allow them in substandard lots. One size fits all concerns me --

[beeping]

>> The neighborhood should be allowed to have input on how these ads, accessory dwelling units, are allowed in their own neighborhoods. Thank you very much.

>> Mayor Adler: On deck, Eric on deck. Laura speaking.

>> Good afternoon, mayor, city councilmembers, I'm ward Tisdale, this thing keeps moving. President of real estate council of Austin. I am here to represent our main platform, which is affordability in this community. Mayor, I think you share many of our goals in that, which is to create 100,000 units in the next ten years. We have a housing supply crisis. It's pretty clear. We have a lot of demand, a lot of people moving here, but we also have a lot of regulations in opposition to growth that has created this situation in the first place, and which is why we are here today. This, to me, is low-hanging fruit. This was a right most residents had in this community years ago. Years and years of regulations have been added on to make the building of ads not only not possible, but expensive and just not do-able. Therefore, we've not had the supply meet the demand. Is this going to fix our housing crisis?

[4:56:27 PM]

Absolutely not. But as a piece of the puzzle, it's a simple thing. The regulations have been layered on, they were not your fault. Those were previous city councils. But you thousand have the opportunity to -- now have the opportunity to change that and come up with solutions that will benefit the citizens of this community. As a homeowner, I should have the right to do this. And we need to make those regulations reasonable. I'm glad Eric is coming up next. He's got a more detailed analysis of what we need. I ask that you come up with a reasonable solution, and that you do it in a timely manner. I will note that this was --

I think a year ago, the council was supposed to come up with a way to make this citywide. And it's now a year later. Time is not on our side. Every minute that we wait, rents and home prices go up.

[Beeping]

>> I would encourage you to act quickly. I thank you for your time.

>> Mayor Adler: Thank you. I understand, Mr. Tisdale, this gets considered on first reading. Two tranches, two different levels of issues to be resolved, with the goal to having up and down, all issues here, in basically the next two meetings of the planning.

>> Okay. Thank you, mayor.

>> Mayor Adler: Sir.

>> Hi. I'm Eric, Austin for everyone. We stand with more than 900 900 austinites who said they want to loosen restrictions on back yard cottages, and more than 70% of Austin business owners who support the call to action in an online pool. The item before you today is working its way through the city's legislative process for more than a year.

[4:58:37 PM]

It's not sufficient. To quote my friend Dan, "This milk toast PC recommendation is fiddling while Austin's rents burn." We have a housing crisis in Austin. Today, this council can take a first step towards addressing it. As outlined in our recent report, we have the potential to get 500 new units a year if this council is bold enough to adopt a comprehensive ordinance, one that entitles all lots to build a backyard cottage and lets homeowners place the cottage anywhere permitted by codes, offers financing assistance for low-income homeowners to build a cottage, offers incentives to build new below-market-rate units, and creates a preservation bonus to let homeowners make use of their back yards without tearing down the main house. The existing granny flats are at 80% unaffordable. Housing needs to embrace tackling the housing crisis. Our report highlights families like people who raise six children, who built an Adu to allow one of his daughters to move back home. Our report shows how to build thousands of new affordability homes that can fight traffic, build a better local economy, and help people afford to live in Austin. The biggest topic of the 10-1 election was affordability. This item is your chance to make a big difference for our city's future. Thank you.

[Beeping]

>> Mayor Adler: Thank you. Ricky Hennessy.

>> He's not here.

>> Mayor Adler: Okay. Susan Moffat, and then Ross Smith. Take your time.

>> Whoops. I see the problem with this mic. I'm Susan Moffat, six key points, I'm speaking in favor of the planning commission recommendation. When you loosen development regs, you expand rights for some. That's why the resulting rental adus must provide housing for residents, not be taken off the market as type 2 short-term rentals.

[5:00:45 PM]

If you ban type 2s, the code would allow any or all of the new units to become permanent short-term rentals. We need to fix this, or we could wind up with no new housing. Two, the financial realities are

that virtually all new ads will rent at -- of its own, making under 50% mfi or below 26,300 per year. So, reality check, the new units we're talking about will not be affordability to these employees or to musicians, hospitality workers, or other low-wage earners. Studies show slightly lower rents for ads, existing older units, not ones built under current market conditions. If we are banking on increased supply to bring down rents, it it could, we can move the ball faster by phasing out existing type 2strs. Three, please develop preapproved plans to allow sub-metering, which could potentially save \$20,000 or more per unit in construction costs. Four, please support planning commission's recommendation to keep one on-site parking spot for ads in urban core, especially in congested areas near schools or businesses. You might be able to reduce parking on a more targeting basis, but, if this is a blanket ordinance, we must err on the side of public safety. Five, tie further relaxation to the creation of permanent, deeply affordable housing for residents, 50 to 60% mfi or below. There are experienced affordability nonprofit housing --

[beeping]

>> Housing nonprofits who can help. Please reach out. Finally, initiate a citywide study on flooding, looking at current and projected impervious cover and number of units to ensure safe planning as we grow. Thank you.

[Applause]

>> Mayor Adler: Thank you very much. Ross Smith.

>> Good afternoon, mayor and council.

[5:02:46 PM]

I'm in favor of more accessory units. I've lived in a garage apartment when I was a baby. I don't remember it, but I did. And they were the affordable housing of my youth. This all comes down to parking. Parking on the street, parking on the lot. Parking is bad in our neighborhoods, and it's getting worse. But it's going to keep getting worse whether you allow more affordable accessory units or not. So, I would like to suggest a work-around, which is a variance where the owner of the lot would be allowed to build a secondary unit as long as they accept a requirement that they are not allowed to rent to someone who owns a car. We have a lot -- we keep hearing about young people who are moving into our downtown area who don't have cars, don't want cars. They use Uber, they use car to go, they just know how to live without using cars. And we are getting to be a big enough city that that is possible. A variance that would allow a homeowner to add the secondary unit as long as they didn't rent to someone with a car would take care of the parking problem. And it would be the homeowner's option to accept that restriction or not. That's something that city legal department and the planning department, I think, should take a look at. Because it might be a way to deal with the parking issue going forward, because no matter what you do, it's going to keep coming up and coming back to you. Thank you.

>> Mayor Adler: Thank you. Further discussion on this issue?

>> Mayor.

>> Mayor Adler: Yes.

>> Casar: I'd like to move on first reading the planning commission's recommendation.

>> Mayor Adler: It's been moved on first reading. We approve. Do we want to close public hearing subject to being reopened?

>> Casar: Yes, sir.

>> Mayor Adler: And public hearing is closed subject to being reopened.

[5:04:48 PM]

Is there a second to that motion? Mr. Renteria. Ms. Tovo.

>> Tovo: So if we close the public hearing subject to being reopened, then it appears in the agenda as closed, and I'm concerned that we'll get back into the problem with had a little earlier a few months ago when we had an agenda with a closed public hearing that had been broadcast to the public. So I guess I would just wonder whether we want to actually close the public hearing or just keep it open.

>> Mayor Adler: We want it identified somehow it's limited, so people knew we would be doing the same thing. There was a lot of work Ms. Kitchen did so that people arrived not having an expectation that there would be a full-blown open meeting. So I'm concerned about not creating an expectation either way. I don't want people not to show up, but I don't want them to show up thinking it's a wide-open hearing, either. So maybe it just needs to be -- as it comes back from the committee, assuming the committee has made changes. If the committee hasn't made changes, we don't need to do it any more. Ms. Kitchen.

>> Kitchen: I do think -- one of the things that we've talked about, adding to agenda, is to make it clear on the agenda when something's coming back from the committee that it's limited to eight speakers. So, perhaps we can work with the agenda office to make sure that language gets on the agenda. The specific agenda language that, you know, that clarifies that because it's been heard in a committee, that it's limited to eight.

>> Mayor Adler: We can ask the agenda clerk to do just that. Yes.

>> Robert with the law department. If you remember from the work session, Ms. Morgan discussed public hearings and some of those that are required.

[5:06:52 PM]

This is one of those required hearings. You can close this public hearing and still allow public comment at some point in the future on this other item that comes up. But if we're resetting it as a public hearing later, it has to be posted to set the public hearing. And then have the public hearing set at another time.

>> Mayor Adler: Okay. I think the intent is to close the public hearing. But when we -- it will be limited public content consistent with our rules. And we'll have Jannette do that for us. Ms. Houston.

>> Houston: And I have a question, mayor, for the committee. When you heard this in committee, was it posted as a public hearing?

>> Mayor Adler: Public hearing or public comment?

>> Houston: I'm asking because, you know, some of our citizens are just getting used to the committee structure. So if it wasn't posted -- I'm getting emails just now about issues concerning the accessory dwelling units. I'm wondering how it was posted on the committee so that people knew they could come and talk at that point. Or was it just said, public comment?

>> Mayor Adler: I think it was posted like any other item on the agenda, that people are entitled to speak on any item on the agenda. But the chair might address that.

>> Casar: Yes. It was posted just like all of the other items on our agenda. But what I will ask to make clear is that for our committee meeting in August, that it be very clear that public comment will be taken at that meeting. That public comment will be taken at the meeting in September. And that any recommendation that we send back, there will be an item posted from committee. And we can make sure that it says we'll be taking public comment on any recommendation that's taken from the item.

>> Houston: I don't know what the language was for the prior committee meeting so that people knew that they could come and give testimony about this.

[5:08:57 PM]

>> Casar: It was listed under the regular section for action items for consideration, just like all the other items on that committee agenda.

>> Mayor Adler: Similar to how we post council items that people talk to.

>> Casar: And we had a couple of people comment that there were some items in there that we had heard in a committee meeting beforehand where we didn't have public comment. And as you heard, probably, in the work session, on the transition committee, we're working to clarify that. But the fact of the matter is, if they missed that chance, there will still be a chance in August to talk through about half of the Adu issues, and another chance in September, and two more council meetings. If they miss that one chance, there are still, as far as I can count them, up to four. We will be, of course, limiting those so that we don't take another two hours those four times, but we did have about two hours' worth of public comment on ads at the committee hearing.

>> Mr. Mayor.

>> Mayor Adler: Yes.

>> I think that the concern that councilmember Houston is raising, I think we're hearing that concern. And we will work on getting standard language on agendas to make it clear for people when they can come and speak.

>> Mayor Adler: Okay. Mr. Zimmerman.

>> Zimmerman: If I get a second, or if I need a second, I'd like to divide this question. I'm not comfortable about the first reading and the hearing being closed at the same time. Can I divide that question and have us vote on that separately, closing the hearing being one thing and approving --

>> Mayor Adler: I'm going to let you go ahead. The motion was made to approve on first reading and close the public hearing. You want to amend that to take out closing the public hearing?

>> Zimmerman: Or divide the question. Either way.

>> Mayor Adler: It's been moved to change the resolution so as to not close the public hearing. Is there a second to that?

>> Houston: I second that motion.

>> Mayor Adler: Ms. Houston seconds. Any discussion on that item?

>> Houston: The reason I'm seconding that motion is because I'm not sure that everybody was clear for the first public -- I mean, for the first committee meeting.

[5:11:02 PM]

And so I just want to make sure that if we're going to change something between now and then, the next time, that people have an opportunity to speak. Because it sounds like the committee will be bringing back another section of something that we are already passing on first reading without having the opportunity to have public hearing on that first option that we're getting tonight.

[Applause]

>> Houston: So I'll be voting for that.

>> Mayor Adler: Mr. Casar.

>> Casar: To clarify, I'll lay out briefly the topics I want discussed in August and September. I don't think any will be left out. And so, here, let me see where I put that piece of paper. I'll try to do it from memory, since I have too much paper in front of me. In the August committee meeting, right now we have -- we are intending to talk about preapproved design plans for ads, the possibility of financing for lower-income homeowners for an Adu, UT utilizing ads and those regulations around adus to prevent tear-downs, the water sub-meter issue will likely be heard at the August committee meeting, coordinating with the public utilities committee, and strs regulation on adus. And then in September, we will talk about parking and driveway requirements, lot size requirements, neighborhood opt-in and opt out, and affordability requirement ins in September. As far as I can tell, that pretty much touches on the entirety of the Adu question, split into two meetings. Anybody who didn't come and talk at our last committee meeting about ads, I'm pretty sure that almost any topic that they're interested in could be addressed either in the August or in the September meeting. But, if we want to move to keep the public hearing open, that's fine. I just think that it's a state -- you know, the public hearing as a specific definition.

[5:13:05 PM]

But, we are certainly taking a lot more public comment on this issue. So, it's up to the pleasure of the council, but I think we are going to have lots of opportunity for people to speak.

>> Mayor Adler: I'm going to vote against the team, because I think the model that we used with the taxi cabs worked well. As you recall, there were several times here -- we worked out a solution that was -- that seemed to work well. I had some concern about Mr. Casar bringing this issue up this way in pieces. Because I was concerned that we would have that opportunity -- rather than saying to the committee, go away and do all of the work and then come back, and then we could do it all at once, I agreed to move forward with Mr. Casar arguing that this gave greater visibility to the issue to people because it would be coming back and leaving and coming back and leaving, and people would know when different parts of it were going to be discussed. So, I would want the public hearing closed, recognizing that as a group, we can take public comment. It looks like it's coming back to us on two more occasions, and I trust our ability to be able to fashion a comment period that's appropriate for the moment, taking into account the number of people, and taking into account what it is that -- what changes, if any, have been made. Further debate on the amendment from Mr. Zimmerman? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I was part of that mobility committee discussion on the taxi cab franchises. I think the difference here is, this is zoning. This affects everyone in the city, whereas the taxi franchises, that was a more limited issue only affecting taxi franchises. This affects zoning, really, in the whole city. So I would look forward to closing the public hearing on the second reading, after the second

reading.

[5:15:11 PM]

I think there's going to be some significant changes to what we're going to do on the first reading. There's going to be more debate, more changes added. Because it's a zoning issue, I would recommend to keep the hearing open and after the second reading, close it at that point.

>> Mayor Adler: Further debate on the amendment? Hearing none, those in favor of the amendment to keep the public hearing open, please raise your hand. Four, Houston, Zimmerman, Garza, and Tovo.

Those opposed to the amendment? The balance on the dais. It's not passed. We are now discussing the motion to approve on first reading, close the public hearing. Is there further discussion? Ms. Pool.

>> Pool: I just wanted to say that I support item 96, and that it is permissive in areas of town that already welcome adus. And the planning commission notes in this resolution, acknowledge -- and I want to acknowledge that while we're moving in other transit-oriented directions which I support, the reality is that people in Austin still drive cars, which is why we have the requirement for at least one spot for a car to park. I do support accessory dwelling units as a path to affordability, but not as vacation rentals. It's a complex issue for neighborhoods. I believe the additional conversation we'll have over time will be useful to inform the topic, and that any additional changes to the ordinance, such as where it applies or the size of lots should be handled really carefully to allow additional neighborhood feedback. Thanks.

>> Tovo: Mayor, thank you. This has been a source of a lot of lively conversations over the last year or so, and I believe it took this long to come back to us because the planning commission really wrestled with some of the more controversial elements of the proposal that had been working its way through the process.

[5:17:22 PM]

And so I believe the planning commission recommendations that are before us represent a really good balance, I would say. They do need a bit more work, and I concur with the comment that was made earlier by Susan Moffat that we really need to look at ways to discourage -- and I believe Stuart brought this up, as well -- we need to really look at accessory dwelling units and make sure they will not be used as short-term rentals. And just prohibiting type 2 doesn't get to that. I look forward to the committee discussions and other considerations, whether there can be an affordability component. But at a minimum, if we're going to loosen restrictions to allow for the creation of granny flats and accessory dwelling units on more tracts, we need to insure that they're going to be used for the purpose to create housing for people, not mini hotels in people's backyards.

>> Renteria: Mayor, if it's a neighborhood that has already adapted secondary units, we call them granny flats. I know that parking is a big concern, but, all of our granny flats, we had no problem doing a driveway with a car port for one vehicle. So, I'm going to be supporting this. It helped me out, you know. I was able to survive in my neighborhood because I was able to, you know, do a little -- sometimes, you know, I was very careful. I'm one of those careful people about vacation rentals. And I don't rent my house. But, you know, I try to keep it under 14 days, because, you know, federal law allows you to rent your house for up to 14 days and you don't have to pay income tax. South by southwest is when most

people in my neighborhood would rent it out. But there is a lot of people that have brought in their mothers or their children, and they have two separate units.

[5:19:28 PM]

And it's really helped those families out a great deal to be able to survive and live in the neighborhood where they grew up and want their children to live there, too. So, you know, it's a real positive thing and I hope the people really look at that. You know, it's a positive thing for Austin, especially for a lot of low-income families that live in east Austin that they are able to stay there and survive, and are doing, you know, keeping our schools open. You know, I have a family right across the street that built a granny flat in the back for their grandparents. And they're staying with the small kids going to our schools. We have another one across the street that's doing the same thing. And they have five children. So it's a real positive thing to have. These kind of families that are staying there and are surviving in our community. And it's a neighborhood. So, I'll be supporting it.

>> Mayor Adler: Any further discussion on the motion? Mr. Casar.

>> Casar: I'm really pleased that we're able to move on planning commission's recommendation on first reading. It sounds like of the variety of stakeholders we had -- we had so many speakers sign up in favor with so many different opinions. But it was important to see that at least this was an important starting point of where everyone agreed, but we do have some ways to go. You know, the short-term rental issue being brought up. The water sub-metering issue being brought up. And I know I gave a bit of a litany of the issues we'll be addressing. I'll post that on the message board. If anyone else has another issue they'd like to see addressed in those two committee hearings, we'll be happy to take it. I do think that the lot size issue is an important one.

[5:21:29 PM]

I understand that there are neighborhood plans that opt in and opt out on that provision, but it's also important for this council to consider that many neighborhoods in high-opportunity areas have opted out of having adus on smaller lot sizes. And in our own report we commissioned on fair housing choice, experts did say that some of our lot size requirements and restrictions on adus are impediments towards fair housing. And I just want to make sure that as we make these sorts of change, that we are creating the sort of benefit not only for homeowners and increased rental income stream, but for the renters that could have the opportunity to live in those ads. So I look forward to working on the easy parts and the hard parts in the months coming forward, but I'm glad we have agreement on the planning recommendation as a first step.

>> Zimmerman: Can I call the question?

>> Mayor Adler: Yes. Any further debate or discussion? Let's just go ahead and take the vote. Those in favor of the motion to approve on first reading, close public hearing, please raise your hands. Those opposed. It is 10-1, Ms. Houston voting no. That gets us to the next item on public hearing. The next item on public hearing is tiny boxwood.

>> Mayor.

>> Mayor Adler: Yes.

>> You did get my vote as in favor of?

>> Mayor Adler: It was all in favor of with only one voting no.

>> Okay. Thanks.

>> Mayor Adler: Doubly now. Staff is coming in, I think, to talk to us about tiny boxwood. Take your time.

[5:23:31 PM]

>> Mayor Adler: All right sir.

>> Good evening mayor, commissioners, my name is Johnson with the departmental services department. This case is an alcoholic beverage waiver for a proposed restaurant called tiny boxwood. The reason for the waiver is they are less than 300 feet from the property line of a public school, breakerwoods elementary school, approximately 211 feet as the crow flies. And the code requires a 300-foot separation. We have received -- opposition. The applicant is here to give a presentation, as well.

>> Mayor Adler: Thank you. Let me look and see if there was a . . . We have two citizens here to speak. David king.

>> Thank you. Thank you, mayor, mayor pro tem, councilmembers. I just wanted to speak just briefly that I think it's -- that we should not be approving any variances to allow alcohol sales within 300 feet of our school districts, our schools. So, you know, I don't know. I think that should be one of those lines in the sand that we draw and we don't cross it. Why do we have that policy in the first place if we're going to go and grant variances to it? I can't understand why it would be okay in one area to be within 300 feet of that school, but it's not okay in another area.

[5:25:35 PM]

To me, what could possibly mitigate that? I can't think of anything that would justify that. Money? They can make more money by selling alcohol than they would otherwise make without that variance? That should not be a justification. This is one of the things that we should not be approving variances, just like in flood plains, we should not be approving variances there. We should not be approving variances to sell alcohol within 300 feet of our schools. Thank you very much.

>> Mayor Adler: Thank you. Craig Thompson.

>> Good afternoon, mayor. I'm the applicant, so I did not sign up, but I'd like to speak if I could.

>> Mayor Adler: You can. I was going to call you next. But please go ahead.

>> Good afternoon, councilmembers, mayor. I'm sorry, I'm having a problem with this. I just want to briefly give you some background on the -- okay, I'm going to switch. I just want to briefly give you some background on this project and this particular waive. As you see here, the site in red is the old hamburger's, 211 feet as the crow flies, measuring property line to property line from the elementary school, where the actual restaurant tiny boxwood would be located. In blue, the adjacent property has a collection of businesses that our client also owns and would like to fill with local businesses. This would be a joint project with both properties together. This proposed business is a quality restaurant that is a garden-style setting. The brothers that run the restaurant and own it in Houston had a landscaping

business that evolved into a restaurant. The local uses proposed on the tract I mentioned have limited hours. Monday they close 10:00 P.M., every other night except for Sundays at 3:00 P.M.

[5:27:35 PM]

It is a family oriented business focused on the community. They have minimal alcohol sales. So, if you measure according to the state code, as the crow flies, it's 211 feet. If you all walked there from door to door, it would be a lot further. And almost not as far as some other businesses in the area that you can see on the map that sell alcohol, including liquor, that you could walk more closely to. So, as staff mentioned, the request was to waive the distance requirement of 300 feet. The Texas alcoholic beverage code does cite regulations. As Mr. King mentioned, these are the state regulations, they state 300 feet. They give cities the opportunity to decide if they want to adopt those. This city did. They give the opportunity for cities to adopt a 1,000-foot if the school district petitions, which they have not. You have not adopted that. They allow for variances with specific criteria, which you adopted into your code. So, these are those criteria, which are stated in the state code as well. You can see, I won't read through them, they're in your packet. We meet items three, five, and six. You're only required to meet one of these items. More specifically, it creates an undue hardship on the applicant. This is their business model. They only sell beer and wine. It's ancillary to their business, but, it is part of their business model, including brunch. It's not effective or necessary because there are other nearby restaurants also serving alcohol. In some cases, liquor. You have the right after consideration of all these other factors with health, safety, and the welfare of the public to decide if this is in the best interest of the community. Looking at that, you're looking at items such as selling smaller amounts of alcohol for 20% with beer and wine. Out of that, 1.5% of those are the only sales within technical school hours. Not including Monday. The neighborhood and community desire this type of quality restaurant.

[5:29:36 PM]

And it is family friendly, and the stakeholder concerns were mitigated as indicated in the neighborhood >> This is not a precedent-setting item. You have approved items in the past, also in your packet, with an aid objection. Those were based on independent factors, specific criteria, for that waiver. There were some that were where drawn and those items were likely because they did not meet those criteria. Specifically they were a type of use that did not fit with the type of school, be it a convenience store near a high school or selling liquor or closer. Some of these are 50 feet away. There was interaction with the neighborhood and the pta. We met several times. Our client actually catered their 70th anniversary party. He's working on them with one of their landscape plants. We have a number of residents and parents supportive, you've seen some of the e-mails come through, the neighborhood association is supportive. I know there were questions about the pta in work session and they usually do refer to an aid regardless if they had a differing opinion. The city policy, which is unwritten, but does have a track record has been established. A 26 out of 32 waivers have been approved by council and most of those that were either denied or waived had concerns with distance, type of business, type of school, opposition from aisd and from the neighborhood. If you look at us, distance, we're only 89 feet short. Business. We're a good family-friendly best, low percentage of alcohol sales, good track record with

other communities as well. We have across from an elementary school rather than high school or middle school. Aisd has a blanket policy which we acknowledge and we don't have opposition from neighborhood or residents. In summary the reason why this waiver standing independently should be supported is it meets three of the criteria when only one is required. We do have a low percentage of alcohol sales.

[5:31:38 PM]

It is a family-oriented business. One of the things and components they have in their Houston restaurants an ice cream and cookie station the kids, moms, dads with walk to after school. Again not a precedent because you have looked at past view, the council collectively, have looked at past waivers and decided on those own merits that those should have been approved. Again, the practical walking distance is further --

[buzzer sounding]

>> Not transferable, only with this business so you are literally granting this business owner this right only. And if anything is a perfect case for a study for future policy, I think this would be the candidate. Thank you. Happy to answer any questions.

>> Kitchen: Mr. Mayor.

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

>> Kitchen: Could I see the map again? I think -- the one with the distance.

>> Yeah.

>> Kitchen: There you go. So actually it's not 211 feet because you can't walk there essentially. You'd have to walk through those properties. There's a --

>> There's a fence, yes, so you could not physically walk that way. I measured the green distance because if this were I church would you measure door to door, walking along public streets and crosswalks.

>> Kitchen: All right, thank you.

>> Mayor Adler: I'd point out to the council that we're referring to larger policy issue to the committee. Ms. Pool.

>> Pool: Mayor, I just wanted to point out as the crow flies was the item during work session that I highlighted as something we should take up in the larger policy discussion of this because I think it unnecessarily biases a case against.

>> Mayor Adler: Mr. Renteria?

>> Renteria: Yes. I'm going to be supporting this variance because, you know, even when waste looking through their menu it's not kind of a place where you sit and drink too much because I'm sure that you won't be able to afford your dinner bill there.

[Laughter]

>> Mayor Adler: Thank you.

>> It's a nice restaurant.

[5:33:40 PM]

>> Pool: Do we need a motion?

>> There's one more speaker, the owner, if you'd like to hear from the owner.

>> Mayor Adler: We were -- we're past 5:30, the time we're supposed to call music. My guess is this is going to pass.

>> Zimmerman: Make a motion.

>> Mayor Adler: Is there a motion to adopt this item 108?

>> Pool: I'd like to move it.

>> Mayor Adler: Ms. Pool makes the motion.

>> Zimmerman: Second.

>> Mayor Adler: Mr. Zimmerman. Is there -- Ms. Gallo?

>> Gallo: Were --

>> Mayor Adler: I was going to ask for discussion.

>> Gallo: Thank you for your presentation it it was really a great presentation. The property is in district 10 but the school affected, fortunately we have mayor pro tem whose children go there so we've had some communication back and forth and discussion because I really wanted to make sure that she felt like that the parents of that school were fully aware of what was going on and had had an opportunity to chime in. So that we didn't hear from them after the fact once we made a decision on this. And so I would like to kind of listen to what she says about that. But the second thing is, is it -- I appreciate the fact that the alcohol consumption -- alcohol sales will be a very low percentage, and my question would be is could we tie this waiver to the fact that it's been represented to us that the alcohol sales would be 20% or less? And if at any point in time they went above that we would have the option of the waiver being pulled back or not continuing. That does make a difference to me, in the format of the restaurant that's there. And I'm a foody and it sounds like a great restaurant, great model, but the alcohol sales would be a concern to me if they got above the 20%.

>> Seeing that in their other restaurants they've never been above 20%.

>> Mayor Adler: Ms. Tovo.

>> Tovo: Thank. I appreciate the question. And I also appreciate that last point because to me the 20% is also important and remaining below it would be.

[5:35:47 PM]

So I did reach out to some of the individuals in the pta who I know, including I had a brief discussion the pta president, and here's what I can say about that. They did meet with the applicant, as did, I think, the community advisory council at the school but the pta decided not to get involved and weigh in on this issue. We also had -- but they did indicate that they had had good communication -- partnering. It's my conclusion, though, based on that discussion that there was not widespread discussion among the parents. I am a parent, as councilmember Gallo mentioned, and I learned about this through my job, not through -- not as a parent. And so I can't tell you -- I can't give you a sense of how parents in that school feel about it because I don't think it was a subject of broad discussion. And I think that's unfortunate and I think if we are in this circumstance again we do need to figure out how to tap that community and make sure that they're aware of and have app opportunity to weigh in, either through their pta or community advisory council or directly or are elicited for that feedback directly. Having said that, I spent

a lot of time on that block, and so that's -- I'm real familiar with it, and they are a strange -- strange little parcels and you can walk across them but I take your point about the distance. I would say inn this is a very good policy and I'm glad that it requires a waiver. It gives us an opportunity to look at each one of these individually. And I believe after both meeting with the applicant but doing independent research and looking at information about the establishments in Houston, I felt pretty comfortable that the -- that this is a model I can see in that location and that I can support a waiver.

[5:38:03 PM]

[Lapse in audio]

>> Family friendly establishment, focus of activities -- [lapse in audio] So I believe this will be an asset to the community and I'm willing to support this in -- probably wouldn't be able to support, you know, a different looking establishment in that location. But, again, that's really my position as a councilmember and as just one parent I certainly don't have the sense of how other parents in that community feel.

>> Mayor Adler: There's been a motion to approve 109. Any further discussion those in favor -- I'm sorry, Ms. Gallo?

>> Gallo: I'd like to make an amendment. I'm trying to think of how to phrase it. My amendment would be that the waiver would be good as long as the alcohol sales remain below 20%, but if at the point the alcohol sales raised above 20% than the waiver would sees toxist.

>> Mayor Adler: Legal, is that appropriate -- an appropriate thing for us to do?

>> Pool: Before I agree to that I'd also, after hearing from legal, I'd like to find out from the parties, make sure that that is a promise that can be made. And kept.

>> Yes, it's acceptable to place the limitation on it with respect to the waiver.

>> Mayor Adler: Can we hear from the applicant or the applicant's representative on that issue.

>> Would you repeat the question?

>> Mayor Adler: The question is, there's a potential amendment, proposed amendment, to grant the waiver, but condition the waiver on alcohol sales never exceeding 20% of total volume, sales volume.

>> I'd be comfortable with that. I'm trying to think through administratively how we would manage that. I've looked at both of our restaurants and they're both right at 18.5% currently, and I think to administrate it we would have to track it maybe on a monthly basis.

[5:40:15 PM]

I'm just thinking this through. Stop selling alcohol at some -- it ever got to that point, we would have to stop selling it for the rest of the month? I guess would I need more specifics on how we could administrate it. Would it be annually, monthly?

>> Gallo: I guess my concern is not micromanaging, but this -- I am comfortable with this based on the fact that it's being presented as a family friendly restaurant.

>> Yes.

>> Gallo: In which alcohol sales are not a vast portion of the sales. So it's really more the concept that the restaurant abides by that.

>> Sure.

>> Gallo: I don't intend it to be a micromanaged situation and it certainly could be done however, city staff would recommend to monitor it. But I think it's the concept that the business model of the restaurant is such that alcohol sales is not a large portion of the --

>> That's correct.

>> Gallo: -- Business model of the restaurant and that's how I'm willing to support this. Because it sounds like a great restaurant. It's a good business model. The community looks like they want to have it, but it's being presented to them as family friendly and even as part of the presentation you've shown the alcohol sales being below 20%.

>> Yeah.

>> Mayor Adler: I'm trying to figure out now what your amendment could be. Because it's hard to do something that's just question tute like that. So I think -- conceptually like that. I think what he was asking in part was how would we do that? What I heard him say was he probably could do something if it was a percent over any given month.

>> If I know how I need to track it, if it's monthly or quarterly --

>> Zimmerman: Mr. Mayor? Could I?

>> Mayor Adler: So we're trying to figure out what that amendment could be. Mr. Zimmerman --

>> Zimmerman: I was going to say it could be just to make it a comfortable margin, a one-third based annually, annual calculation. Make it one-third of sales on an annual basis, not month to month, but annual.

>> Mayor Adler: Ms. Tovo?

>> Tovo: Yeah, or if councilmember Gallo wants to stick with the 20% or in that range, perhaps -- maybe legal can help us with this, maybe it could be an every six month review and two consecutive 6-month periods would trigger revocation or something like that.

[5:42:30 PM]

>> Mayor Adler: Let's do this. Let's give the parties a chance to work out language and we'll nick up after proclamations and music and hopefully wording can be worked out.

>> Pool: Can I just say that hold on because if we're doing this now, where we said we didn't want to make any big -- we're making a change on this one restaurant when there are half a dozen other restaurants I go to, I eat in this area all the time closer to the school and that have liquor as part of their sales as opposed to simply beer and wine, which is what this restaurant has. So I appreciate where the inspiration for the amendment. I really do. But I feel like we are focusing on this one restaurant here and not looking at anybody else and that's hardly fair. And, also, I don't know who would they report to? And if they ever went over the 20% or whatever percentage we happen to -- whatever the metric was, then what would we do? Say you have to close your doors? We don't have any enforcement, sufficient enforcement ability in our code department currently for strsr&for the noise experience now we would be asking them to go and run this one restaurant for a -- liquor sales that will might go over 20% at some metric we arbitrarily pulled out of the either center I really oppose that so I do not accept that amendment as friendly at all. I have real trouble trying to imagine the administration of it.

>> Mayor Adler: Ms. Garza and Ms. Houston.

>> Gallo: I have to degree with councilmember pool. I like the idea and I think the general purpose of the

amendment is a good purpose, but I don't know whether the enforcability of that is, and there seems -- there could be loopholes. You could lower your alcohol, the sale of your alcohol or you could offer free alcohol and it could -- you could -- you could do it where it's not tied to the sales percentage and still get by.

[5:44:35 PM]

So I just -- I don't think that's something -- and I agree, we don't have the department to enforce that. And asking him to enforce that.

>> Mayor Adler: How about if we stop this debate and go to music and proclamations so we can process this. This will be the first thing we pick up after that because we're doing a lot of writing up here on the dais. If it's okay let's use the next period of time, it is 5:45 we have music and proclamations. Do we want to come back here at 6:45, an hour from now? All right. We had something set for public hearing at 6:30. Do we want to come back at 6:30.

>> Kitchen: Let's come back at 6:30.

>> Mayor Adler: Come back at 6:30. Any objection? We stand in recess until 6:30.

[5:50:40 PM]

>> Mayor Adler: Before we -- we get to my favorite part of city council meetings, the reason why I love this city, we're at the music portion of the program because we are the live music capital of the world. And today we have with us Julian Acosta. He is a musician currently based in Austin, Texas. Julian moved to Austin in 2012, is currently signed to capital city records. In 2014, Julian released a EP extended -- entitled high five for his love for Austin. And can be demonstrated in his critically acclaimed single "This town." Julian Acosta can currently be found playing venues across Austin and central Texas. Please join me in welcoming Julian Acosta.

[Applause]

>> Thank you. I guess I'll play and then I'll speak. Speak and then I'll play? Play and speak, speak and play? Dance? Thank you, guys. Man, this is so special. Kind of been thinking about it. And it's -- you know, I love this town. I don't really plan on going anywhere. I don't plan on moving anywhere. I'm here to stay and hope to see everyone around, you know, and thank you, Mr. Mayor, thank you city council, thank you Austin for having me and being so kind and I only hope I can do you justice the way you need to be done. Yeah.

[♪ Music ♪]

[Music]

[5:53:08 PM]

[Music] .

[Music]

[5:55:23 PM]

[Applause]

>> Thank you. Andsy hope you read into those words a little bit.

>> Mayor Adler: Was great.

>> Thank you.

>> Mayor Adler: If people want to find you, where would they find you on the web.

>> Why julianacostamusic.com and the spelling is a little fun any so capitalcityrecords.com is probably the best way.

>> Mayor Adler: If people wanted to buy your music --

>> Spalcityrecords Delores we have the album for sale.

>> Mayor Adler: Oh, wow. Boy.

>> This is it.

>> Mayor Adler: Nice being mayor, huh? Thank you. And if folks wanted to come here you play, where is your next gig? Where would they see you?

>> July 11, Mr. Mayor.

>> Mayor Adler: Okay, great.

>> That one is going to be a really cool one.

>> Mayor Adler: Cool. I have a proclamation, so let me read that. The proclamation be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend to virtually every module genre and whereas our musical scene thrives because Austin audiences support good music, produced by legends or local favorites and newcomers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, I Steve Adler, mayor of the live music capital do hereby proclaim June 18 of the year 2015 as Julian Acosta day. Julian, congratulations.

[Applause]

>> Thank you.

[5:58:22 PM]

>> I really did?

[Laughter]

>> Hey, you heard it.

>> Mayor Adler: I have a proclamation. Before we do that, let me introduce new city employee in charge of animal services for the city, tawnie Hammonds. Welcome to the city. It's great you're here.

[Applause]

>> Mayor Adler: You know, I'm sure the priority that this city puts in your area. So thank you and welcome. We have a proclamation. Be it known that whereas Austin pets alive is a nonprofit organization focused on helping the hardest to save cats and dogs most at risk for euthanasia at city shelters and whereas love your rescue pet day is an annual day, giving event, where community, conscious businesses support Austin pets alive by donating a portion of their day's sales back to Austin pets alive and whereas residents can support by shopping and lining of dining out at local community conscious businesses and restaurants and make their purchases go farther on this day of giving in Austin. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim July 18,

2015, as love your rescue pet day.

[6:00:33 PM]

Ellen Jefferson, Apa, do you want to say something?

>> Sure. Thank you so much, mayor Adler. We're really excited to have our third annual love your rescue pet day and I think it's important that we have a day of recognition for rescue pets sew it brings for awareness to their issues and brings for adopters and fossers and volunteers. We appreciate this very much and I'm thankful that tawnie is here to share the proclamation with us as well. Thank you.

[Applause]

>> Mayor Adler: This certificate is presented in recognition of David Juarez. He is deserving of public acclaim and recognition for his 23 years of dedicated service to the citizens of Austin. He has served in various departments, including watershed protection and public works and parks and the Austin water utility.

[6:02:40 PM]

He has applied his technical and communications skills to achieving consensus and developed technically sound solutions that also acknowledge the human impacts of our work. He has opinion a champion of this program, the Austin hispanic network, and the Austin partners in education. I am proud to sign this, mayor Steve Adler presented this 18th day of June in the year 2015. Congratulations, David.

[Applause]

>> Thank you very much, mayor. You know, I've been looking forward to this day for a while. Got here sooner than I thought it would.

[Laughter]

>> But I got into the civil engineering profession because it's a people-serving profession. And in my 23 years -- in my 30-year career as a civil engineer it's been here for the city of Austin, alongside many other public servants that serve the city, the residents and citizens of Austin. It's been an honor and a privilege to work alongside all of you folks. Its hard for me to, you know, even think about not being at the office, but one thing I do know is that I leave the utility and the city in good hands. I want -- one of the things I do want to thank is -- thank the many people that I've worked with, you know, my Austin water team, my project teams, my field operations teams that I work with over the years. It's just been fabulous to work with all of y'all and all the other departments that I've worked with.

[6:04:46 PM]

I do want to give special thanks to a colleague of mine, and I might get emotional on this one. But a lot of you know that treatment plant pour was just completed, and well it's been a family effort, really. I worked on it for many years in the planning phase, and I'm not fortunate that I have a colleague who is a fantastic engineer who helped finish it and bring it to completion. So I want to thank my amazing wife.

[Applause]

>> For the leadership she brought to getting that thing to completion. It was tough, but we persevered

and it got done. You know, my kids have kind-to struggle with scheduling conflicts, having two executives attending city council meetings, other meetings. We had to juggle a lot of time but it was a team effort and we never missed any of their events. One thing I do want to say besides thank you to everyone I work with is that, you know, one of the joys I get when I drive to work and I'm on a flyover and I get a view of awnings of -- view of Austin I think of all the public servants that serve the city of Austin. I thank all of y'all. I've really enjoyed it. Thank you.

[Applause]

[6:07:15 PM]

>> Tovo: Good evening, I'm mayor pro tem Kathie Tovo and I represent district 9. It's my honor to present this proclamation in memory of local radio legend Larry Monroe. He began working in radio at age 13 and was a broadcaster and host at Kut more than 29 years before moving to KDRP stereos in Dripping Springs. He created the popular program Blue Monday, Texas radio and segue city programs. That's a nice tie in with our council meetings it happens. According to K you have of it he started his popular film music program as a way to kill time to fill in the gaps during Kut broadcasts of Austin city council meetings in this to keep listeners entertained and engaged between those council sessions. Last fall the arts commission of the city of Austin voted to accept the donation of a public art project and you see that behind me on the screen. This is a mosaic honoring Larry Monroe on a small bridge on Eastside Drive between Big Stacy and Little Stacy near where Monroe lived in Travis Heights and on Saturday there will be a celebration of this bridge and I'm really pleased to report that earlier today the city council voted and made official that this bridge will be known as the Larry Monroe for bridge.

[Applause] Newspaper so on behalf of the entire city and mayor I'd like to present the following expiration invitation to Steve Bonar to say a few words. Be it known where Larry Monroe's broadcasting career spanned more than four decades and he created radio programs, including at ward winning Blue Monday, film music program and Texas radio live and whereas Larry Monroe was master of the segue for his ability to sequence songs to tell a story and was known as well for his in-depth radio tributes honoring countless musicians and whereas he was tireless nonetheless his promotion of Austin and Texas song writers and we are pleased to join his fans, friends, family in recognizing Larry Monroe's rich broadcasting legacy, now, therefore, I Kathie Tovo on behalf of Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim June 20, 2010 as Larry Monroe for in memoriam in Austin.

[6:09:58 PM]

Congratulations.

[Applause]

>> I'm speechless. I knew was going to happen, but I'm still speechless. I was growing to tell you about how Larry had started film music during the city council days when Kut broadcast, but Kathy already did that so I will just tell you that we're having a dedication and blessing Saturday 9-11:00 at the pavilion at Little Stacy spark you're all invited. If you'd like to help us finish the mosaic we'll be doing that tomorrow from probably 7:00 until 10:00, 11:00 P.M., I don't know whenever we finish. So you're all welcome. Thank you so much.

[Applause] .

>> Mayor Adler: I have a proclamation. Be it known that whereas for more than a century bollywood, the hindi film industry has one of the largest film industries in the world, has entertained global audiences with its unique films known for their stylized music and dance pieces.

[6:12:19 PM]

And whereas bollywood, in particular bollywood dance, became an emerging phenomenon across the world after the release of the movie "Slum dog millionaire" in 2008 and with its delusion the popular TV show "So you think you can dance" as an official dance genre. Bollywood dance has managed to garner a worldwide audience across the world and whereas the number of bollywood film and dance events in Austin has grown considerably since its emergence on August 3 of 2013, more than 1500 citizens gathered in the long center premise to celebrate bollywood dance. And following this event, Austin also hosted the first ever locally produced large-scale bollywood musical in Texas called "Omshante, once upon a time in bollywood," which was attended by over 5,000 citizens. And whereas the citizens of Austin are encouraged to join the gathering this year as Austin celebrates Indian culture, dance, and food, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim August 8, 2015, as bollywood day. Prakash, you want to come up and say something? And congratulations.

>> Thank you. Thank you, sir. It's great to have bollywood recognized officially by the city, and I thank the mayor for that, and I think Leslie forgives us the opportunity to do that. Bollywood for those who don't know about it, is a common reference to the Indian or hindi film industry from India that produces tons of movies and a lot of dance and music pieces, and we have a lot of artists in Austin who continue the effort of spreading dance and music from India as a form of exposure to the culture.

[6:14:26 PM]

And it's awesome to have a city-proclaimed day to bring everybody together in the city, to celebrate Indian culture in the form of bollywood dance and bollywood music and we're going to try and break a world record for the largest bollywood dance ever done. So I'm hoping all of you guys can make it, and even if you don't know thousand dance it doesn't matter. It's going to be super simple so I hope you guys come and enjoy it. Thank you.

[Applause]

>> Mayor Adler: Hi. How are you? I have a proclamation. Be it known that whereas, junior girl scout troop 668 has spent the last school year working on their bronze award project, the highest honor that a junior girl scout can earn, it requires identifying a need within the local community, developing a plan of action, and carrying it out with a minimum of 20 hours of work each. And whereas troop 668 chose to raise awareness of the parvo virus that affects dogs in our community, the girls have not only learned about this disease, but they have given presentations to the public to raise awareness of this virus and how to prevent it.

[6:16:42 PM]

And whereas these girls exemplify how you are never too small or too young to make change, the animals of Austin will be healthier because of their efforts. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim June 18 of the year 2015 as junior girl scout troop 668 day. Congratulations. Plod plod.

>> Thank you, mayor, for making today junior girl scout try to have troop 668 day. We are honored to accept this proclamation. We appreciate your recognition of our work over the last year. We could not have done this without the support of our parents, Austin pets alive and the people of Austin who donated items to us. We look forward to the day when parvo is no longer an issue in Austin. Thank you. Plod.

[Applause]

>> Mayor Adler: Lauren sanders, thank you very much. Let's have our picture taken.

[Applause]

[6:19:25 PM]

>> Gallo: I am absolutely delighted to stand here with Lynn Cooksey and former mayor Cooksey to do a proclamation to celebrate a birthday. Be it known whereas Lynn Cooksey has had a long and distinguished career that five -- that doesn't mean that you're old -- in public affairs, including as executive director of the Austin community television and of the international hospitality council as well as the president of the board of the Austin history, she has also served on boards of Austin planned parenthood and the united nations association of Austin and whereas Lynn swerved distinction as the first lady of Austin during the mayoral term of her husband from 1985 to 1988 and has been married to him 57 years -- really, I have to clap for that.

[Applause]

>> Gallo: Whereas Lynn will be 80 years old on June 21, 2015, and is still going strong as a wife, mother, grandmother, and certainly contributing citizen of Austin and Travis county, now therefore the mayor Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim June 21, 2015, as Lynn Cooksey day in Austin.

[Applause]

>> Thank you so much, mayor Adler and city council and everyone. I love being here and thank you.

[Applause]

>> Mayor Adler: Let's take a picture.

[6:21:27 PM]

[Applause]

>> I would like to say that I very much appreciate all of the city council and the mayor for giving this recognition to my wife on her 80th birthday. She has devoted so much time and effort to this city, and it's a well-deserved honor. So thank you very much. And to the mayor and the councilmembers and all the staff who worked on this, thank you so much.

[Applause]

[6:23:50 PM]

>> Gallo: I am thrilled to be able to be here with a representative of the Austin as is. We are getting -- they are getting ready to start a wonderful opportunity for Austin citizens to be able to see some high-class tennis that will start the middle of July and last two weeks. I did make her a promise that the captain of the team Andy Roddick would promise to come back to council and see us -- I think he's at -- [lapse in audio] Ball boy at the matches so we are excited to have tiger with us also. Be it known whereas July 16, 2015 is the home opening match for the Austin aces which will be played on the university campus as the first of home matches between July 16-19 and whereas the Austin aces partner with the Austin parks foundation to reach children participating in the Austin parks and recreation after school and summer programs, clinics for adults and juniors, usta10 and under play days, free racket programs, charitable programs and support, whereas Andy Roddick number 1 and the aces marquee player and will play at home on July 16, now, therefore, mayor Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim July 16, 2015, as Austin aces day in Austin Texas.

[6:25:51 PM]

[Applause]

>> I just will be brief. Thank you very much. I want to thank mayor Adler and councilmember Gallo for their support. I was excited when we were here on may 19 for Billy Jean king day so I'm even more excited we have an Austin aces day coming up July 16, our home opener. We couldn't be more thrilled to be part of the downtown Austin community starting this season, and we hope to see everybody out there at the Gregory gym starting July 16. So thank you very much.

[Applause]

>> Mayor Adler: One of my favorite days as mayor was when we went out to the balcony and had that little net set up and I got to play tennis with biy Jean king and she is such a good tennis player she was able to hit me the balls so that they were exactly where I needed to hit them back and I had such little control that I was just firing it across the net into the corners and I did that twice, two winners, and she looked up at me and went

[lapse in audio]

[Laughter]

>> I also want to thank tiger for helping me out today.

[6:28:26 PM]

[Recess]

[6:56:24 PM]

Of what of.

>> Mayor Adler: Are we ready to nick up and see how we do? All right, it is now 6:57 we are back. We have a quorum present. We were in the middle of item 109. We had paused to see if it was possible for

us to put in some kind of restriction at this point or whether we needed to wait until we could actually consider this in committee and come up with a policy. Can you address that.

>> Sure, absolutely we can address it. We discussed this issue. It really does present an enforcement issue. Basically, to the extent when we waive any of these requirements under section 494 of the city code, that waiver is then taken to tabc, and they issue the permit itself. So as a result we are not in control of that permit once it's issued and so we don't have a mechanism to revoke that permit. So in order to enforce this type of a waiver, we would have to approach it from a different approach.

[6:58:27 PM]

We could do a restrictive covenant potentially and tie it to a revocation of the certificate of occupancy. Again, that does create its own problems. We have some reporting issues. We would have to rely on self-reporting in this kind of a situation. These Numbers aren't necessarily reported to tabc. And so we could get information from them, we cosubpoena their records, potentially, if we have litigation. But that just really speaks to the 49% threshold so we would have to have some sort of other audit right based into whatever restrictive covenant agreement so it would be very complicated and the enforcement mechanism might be tied to something that we wouldn't want to use as the enforcement mechanism. Just as sort of a clarification and a -- so you all understand the process, the 49% threshold is important from the standpoint of there are other mechanisms our land use code that would -- it would trigger a change in use or it would trigger a different permit from tabc. So that might be a way to get comfortable with the alcohol sales in this situation.

>> Where is Sheri?

>> Mayor Adler: There are potential problems with enforcement on the -- on your amendment to item 109.

>> Gallo: I heard that and I thank you for that presentation. Did you speak about it already?

>> Absolute. I apologize, councilmember Gallo.

>> Gallo: Because of that and because of not wanting to grant complexity to the issue, I would withdraw the amendment, but I would say that as we send this to committee to discuss policy that it looks like some of this could be put in the policy from the standpoint of the criteria, those five or six exceptions that we can make.

[7:00:36 PM]

So I would encourage us to do that as part of the policy.

>> Mayor Adler: Would planning staff please let anybody know that's in the process or cueing up on this issue know that we'll be sending this to a committee and at this point we're probably going to hold off doing anything more of these until we see that and make the referral post haste. The amendment has been withdrawn and we're back to the approval of item 109. Any further discussion on that?

>> Zimmerman: Mr. Mayor, I wanted to call the question on it if I could.

>> Mayor Adler: I don't think there's any further debate. All in favor of 109 raise your hand? Those opposed? And how are you voting. All aye, Ms. Houston voting no. That's 109 approved. That then gets us to item -- 78 has a time certain.

>> Kitchen: There was one more public hearing one. 110 I think.

>> Thank you, mayor, councilmembers. I'm Paul Louis with the office of telecommunications and regulatory affairs. This item is regarding centerpoint energy's proposal to increase natural gas rates by applying what's known as an interim rate adjustment for south Texas customers. Pursuant to the gas reliability infrastructure program of the Texas utility code. The grip statute allows a gas utility to recover invested capital cost made during the interim period between its formal rate case filings. Operations and maintenance costs are not covered under the grip. On March 31st, centerpoint notified the cities of its intent to recover increased net plant capital investments of just over \$29 million which were incurred in 2014.

[7:02:47 PM]

Centerpoint has about 141,000 natural gas customers in its south Texas division, just over 500 of whom live in Austin. The proposed interim rate adjustment will increase the average monthly fixed residential customer charge by \$2.30 or 6.4 percent. Small commercial service rates will increase by \$4.73 or 3.3% per month in large volume commercial customer rates will increase by \$28.16 a month. South Austin a member of the centerpoint Texas municipalities, a coalition of cities affected by this rate increase. After review of the filing, the ctm group determined that the centerpoint complies with the grip statute with respect to the cost and rate of return on the proposed filing. Staff therefore recommends that council aproven the proposed ordinance granting the rate surcharge to centerpoint. Shower or thunderstorm.

>> Mayor Adler: Is there a motion? Ms. Kitchen approves item 110. Ms. Pool seconds that. Any discussion on this item? Ms. Houston?

>> Houston: Can you give me an idea of where those -- how many people live in Austin?

>> How many they serve in Austin? It's just over 500.

>> Houston: Where do those five hundred people live?

>> Mostly in the extreme southeastern portion.

>> Houston: Thank you.

>> Yes, ma'am.

>> Mayor Adler: Any further discussion on item 110. Let's take a vote. All in favor please raise your hand? Those opposed.

>> Zimmerman: Abstaining.

>> Mayor Adler: Zimmerman abstaining, Gallo off -- voting for.

[7:04:49 PM]

>> Thank you, mayor.

>> Mayor Adler: Thank you. That ends 110. We have six items that are left, short-term rentals, way, sobering center.

[Indiscernible] And codenext 2.5, those are the items that we have left.

>> Gallo: Just for the people who are still here, we have 22, 23 people signed up to speak. Because this was heard in council committee, the speakers would be limited to eight, hopefully equally for and against, but there's only two against. So we have six slots left. Taylor is going to come to the back of the

room and so if those of you that are interested in speaking could put your heads together and kind of figure out who would be appropriate to speak from the different groups, we have neighbors that live next to str's. We have people that own str's. We have an ANC representative. We have -- anyway, just if Taylor is back here, if y'all would visit with him and determine how you want to divide up the six spots for the four, I would appreciate that. Thank you. V.

>> Casar: You said six slots, but did you mean four slots? There's four slots on either side.

>> Gallo: We have only have two signed up against.

>> Mayor Adler: She's trying to fill the six slots now, the six speaking slots.

>> Gallo: We have eight slots to speak. We would allocate four and four if we had four that were signed up against, but there's only two signed up against to the other six would be for.

>> Casar: I understand what you mean now.

[7:06:51 PM]

>> Mayor Adler: Real quickly back on item number -- Ms. Houston?

>> Houston: I'm sorry, mayor, that doesn't seem right. If there were four slots for four people against and only two people signed up, that's all -- the other group doesn't get the other two slots. I mean, I don't know, is that -- did the transition team decide on that?

>> Mayor Adler: I don't think it was discussed. What it says is four people for and four people against. And if there's someone that's neutral then it comes out of those slots. I mean --

>> Kitchen: Would you like me to speak to that? Our practice has been as we have all been discovering it doesn't so neatly-- it doesn't neatly line up to for and against in some of these cases. For example with the taxis what we did is we made sure that the different perspectives were represented and we did it that way. So I think if we want to go back and revisit we can do that as part of the transition committee, but I think it would be appropriate to have eight people Houston that means that the four are overrepresented.

>> Kitchen: But they're not for and against. There are different perspectives. I don't think you can -- some of those issues are not that -- I think you might find that when they testify for that they're testifying with different aspects of it.

>> Mayor Adler:

[Inaudible]. I would just point out to everybody that this is asking for a study of this. So this issue is not being decided at this point. The manager is going to go away, come back with information data, it's going to go to a committee, so I would suggest to people that their most important testimony isn't going to be happening here, it's going to be happening at that next level. We're going to hold off on 78. Item number 82 we have a housekeeping matter.

[7:08:52 PM]

Mr. Renteria, do you have a motion on 82?

>> Renteria: Yes, mayor. I would like to make a motion to reconsider 82 for a small correction.

>> Mayor Adler: You have the wrong date and we'll read in the correct date.

>> Renteria: The correct date is July the seventh and we incorrectly put in June the seventh.

>> Mayor Adler: Any objection to reconsidering item 82 to fix the change? Those in favor of reconsideration please raise your hand? Those opposed? It's unanimous. Mr. Renteria moves to adoption of item 82, specifying July 7th, not June #th. Is there a second to that? Ms. Houston seconds that. Any discussion? Seeing none, all in favor raise your hand? Those opposed? It's unanimous on the dais. And we have fixed now 82. 83 is way. We were talking about that before. There are still unsettled items with respect to this way 83 in terms of how it all fits together. We've been going back and forth with drafts. I would appreciate the opportunity to have several more days to work this out, let us play with the language and see if we can come back. I would be asking that this be a matter that be proposed and put on the agenda for next Tuesday and Thursday and give us a chance to -- we'll call up one of those two times to be resolved. Do I have a motion to postpone to next week? Is there a second? Mr. Zimmerman seconds that.

>> Pool: Ms. Pool makes a motion to postpone.

>> Mayor Adler: Seconded by Mr. Zimmerman. Any discussion on that? This will do for next fuse or Thursday both and see where we are. All in favor please raise your hand? Those opposed? That's what we're going to do with item number 83.

[7:11:00 PM]

We have an Austin energy item, item number 90 that we can handle that and be done with that. Is Austin energy here?

>> Austin energy customer energy solutions.

>> Mayor Adler: Someone move adoption of item number 90? Ms. Garza moves. Ms. Kitchen seconds. Any discussion on item number 90?

>> Zimmerman: Hang on a second. It is something we briefly discussed in executive session. It's been moved and seconded. Is there any discussion, Ms. Pool?

>> I was going to say I did have questions and they were aptly answered in executive session. I don't have any need to answer any additional questions, but I was one of the ones that did have questions.

>> Mayor Adler: Those in favor of adopting item number 90, please raise your hand? Those opposed.

>> Zimmerman: Abstain.

>> Mayor Adler: 10-0-1, Mr. Zimmerman abstaining. That handles number 90. We're now going to go to short-term rental, item number 78. We have eight speakers I'm going to call, two minutes each, that are consistent with the rules. This is item number 78, short-term rentals. Ms. Gallo, this is your resolution? Do you want to lay it out?

[7:13:00 PM]

>> Gallo: Thank you. Last Thursday we did a press conference with the mayor and some of the other councilmembers. As the result of numerous calls that all of the districts have received over the past several months from constituents and neighbors and neighborhoods who are really having horrific issues and problems with short-term rentals in their neighborhoods that are not being operated in compliance with the existing short-term rental ordinance and city code. So this resolution is the result of a desire to do what we can to increase the enforcement of the non-complying short-term rentals. The

purpose of this resolution is not to alter the existing short-term rentals ordinance, but only in the areas that need to be altered to enable code compliance and the city to be able to enforce more effectively the short-term rentals that are not operating in compliance. The timetable proposed in this resolution, and I want to say a little about that, because it's all of our desires to move this process on as quickly as possible because some of these neighbors have been dealing with issues in they're neighborhood for several years now and getting very frustrated that nothing is being done or can't be done to eliminate the behavior that's not in compliance with coated. The issue that we're dealing with at this point is most of you may know already that the city council does not have the standing meetings in July. So what we wanted to do was move this on as quickly as possible and as a result a little scheduled to -- this resolution is asking the city manager to look at the departments, look Ternes, come back to us, to the council with his recommendations after evaluating where the problems are, talking to concerned neighbors, talking to str owners and come back with recommendations on how we can get compliance both for those operating out of code, out of compliance, and the people operating short-term rentals and aren't even getting a license.

[7:15:18 PM]

So the reality is we've been able to ask for this to be brought back to the city council from the city manager for our August 13th -- I think that's right -- council meeting, and with recommendations it will then go to the neighborhood committee meeting at the very next meeting and come back to the council at the next council meeting on the 20th. So we really are fast tracking this with the available schedule that we have with the council not having scheduled meetings in July. And code compliance has already brought forth some suggestions and I know that will be part of the city manager's recommendations when it's brought back to us on the 13th.

>> Casar: Mr. Mayor? I also just want to briefly lay out what the committee's recommendation was for this item. We did recommend passage of councilmember Gallo's resolution. On that same day of the committee hearing we got the code department's recommended ordinance changes, which would be one part of the city manager's report in August. Councilmember Gallo did not think it would be the whole of that report, but it would be a part of it. There was some interest on the committee to incorporate all of these recommended ordinance changes in today's resolution, but what the committee wound up recommending was that in today's resolution we give direction to the city management that we bring back each of these recommended ordinance changes on the August 20th meeting as potential code amendments with one change that you have before you, which is section one, bullet one on engaging public interest advertising provision that committee recommended that on the August 20th committee meeting we have before us a code amendment that would entirely strike section 25-2-791-g of the city's land development code which allows for gauging public interest and commercial short-term rentals without a license.

[7:17:36 PM]

So after we get speakers, I will move to amend the resolution to incorporate those committee recommendations.

>> Mayor Adler: We'll go to the public discussion comment here. First speaker will be Jennifer Houlihan.
>> Good evening, mayor, council. I'm here today to support the Austin rental alliance and the Austin creative community. The music community, the arts community, the film and video, the video gaming community count on short-term rentals. Musicians and music production staff, filmmakers, television production, gaming production, depends on these rentals when they're creating new projects in Austin. Visitors to events like art city or gallery openings depend on these. The short-term rentals themselves help to track innovateters with families or whom they want to stay or even longer, but perhaps as important, the hotel occupancy tax is generated by short-term rentals going to supporting our cultural arts here.

[Lapse in audio]. The hispanic alliance for the perform is arts, Austin Latino music association. More than 200 other groups. \$15 million in hotel occupancy taxes are generated by the people who are complying with the rules. By the people registered to consider what possibilities there are if everybody were registered, if everybody doing this were paying their fair share of taxes, what it could mean to our non-profits and our creative community. So in closing, just wanted you to understand that the creative community is in support of the Austin rental alliance here and item 78, and we believe that any noncompliance can be solved by code enforcement.

[7:19:50 PM]

Thank you.

>> T.

>> Mayor Adler: Next speaker is Dan Motola and then T.J. Clarke.

>> Hello. Mayor, councilmembers, staff. My name is Dan Motola. Can everybody hear me okay? I am a short-term rentals owner and member of the Austin relation alliance. The Austin rental alliance represents 1,247 registered operators of short-term rentals in our community. Austin rental alliance also works to represent stake shoaler short-term rentals which includes hundreds of housekeepers, landscapers, managers, pool cleaners and more. The United States conference of mayors said in a resolution that traditional short-term rentals of homes can provide flexible housing options that allow family travelers and business travelers spending longer periods of time in the community, a safe accommodation while contributing to the local economy. And that onerous regulations of short-term rentals can drive the industry underground, thus evading local regulations and hotel taxes. Fair regulation of short-term rentals ensures greater compliance and greater receipt of hotel taxes. My story is similar to others who operate .I host visitors who work in digital, film, media and high-tech community. I host professors and students and I've hosted travelers and people working on consulting projects here in Austin. Right now I'm hosting a visiting U.T. Electric surer and in my other property I'm hosting two other musicians mixing an album with a local producer. The wife in this husband and wife duo is six months pregnant and simply wants the comforts of home during the two weeks they're here. Relatives of neighbors are also frequent neighbors and I often rent my str on a monthly basis. They all do so to stay for a longer period of time and look for the flexibility short-term rentals provide.

[7:21:53 PM]

The Austin rental alliance supports item 78 and feels the challenges of the tiny handful of non-complying properties can be easily solved by code enforcement allowing the rest of the community to enjoy the benefits short-term rentals bring. Thank you very much.

>> Mayor Adler: Hold on one moment, please. Mr. Renteria?

>> Renteria: I want to ask you a question. Do you live next to a short-term rental?

>> One of my short-term rentals is directly behind my home. It's a type 1 accessory.

>> But you don't live next to a type two?

>> I don't.

>> Renteria: Okay. Thank you.

[Applause].

>> Mayor Adler: Olivia

[indiscernible] Is on deck. On deck. You're next. Sir?

>> I thought I was next, I'm sorry.

>> Mayor Adler: You are next. I'm on now, okay.

>> Mayor Adler: By on deck I mean you're after the next speaker. I apologize.

>> Good evening, Mr. Mayor and council. My name is T.J. Clarke. I'm the co-founder and CEO of turnkey vacation rentals, which is an Austin homegrown high-tech company that we started here to serve homeowners who want to put their either primary or secondary homes into the great framework that Austin has provided for short-term rentals. We started this business about two and a half years ago and I just want to highlight and applaud Austin for being a pioneer and being Progressive to deal with the situation of short-term rentals where many metro areas are delaying and refusing to deal with it and causing the industry to be underground, unregulated and promoting bad neighborhood relationships by not properly handling short-term rentals and making it safe in which to operate. We had considered -- I moved here from San Francisco to start this business here.

[7:23:58 PM]

Is because we thought Austin had the right regulatory framework in which we could start a business and operate legally and respectfully within the community. That is not going on in San Francisco. I want to highlight that recently we began operating in Nashville so we're expanding into other markets where we help homeowners.

[Lapse in audio]. Austin is the model of how they wanted to provide regulatory framework in Nashville and they adopted many of the provisions, the key provisions of the Austin framework there. So what I am against is having the regulations reopened. I believe the regulations are right. We are pro enforcement. We would like to see the zoning commission doing more to stop the bad actors in town. We want people paying taxes, we want them getting their licenses. We think that's the right way to go. We don't think it takes a revisit of a framework in the regulations that are working and have the enforcement provisions.

[Buzzer sounds] To make this work. Thank you very much.

>> Mayor Adler: Thank you. Mr. Renteria?

>> Renteria: Would you -- would you agree that we need enforcement, that we might be able to see the bad actors or the houses and the bungs? Would you have problems with that?

>> Not at all. We think that the framework is very fair. We think the regulations, beginning with the applications, you have to jump through several regulatory hurdles to get your license. Without your license, that can be taken away at any time by the zoning commission, then you could be without the ability to rent. If you're renting and you're not paying occupancy taxes you're subjecting yourself to criminal liabilities. Those are strong teeth in the regulation you currently have.

[7:25:58 PM]

We would encourage the zoning commission to crack down on the bad actors and there are already inspection provisions where we've had many of our homes inspected for code compliance issues. And we are supportive of that.

>> Tovo: I need clarification on the last point you made. Did you mean in Austin you had code compliance inspect a lot of your homes?

>> Yes. So in Austin as you're aware, in order to obtain a short-term rentals license you have to have an occupancy permit. A certificate of occupancy for your home. If you don't have that, then what you have to do is go through a process with the zoning commission to where it can be established as habitable. And that usually results in the city coming in and doing an inspection on the home in order for it to be deemed to be able to receive an STR license.

>> Tovo: So you had a lot of homes within your portfolio that did not have certificates of occupancy and had to have a city inspector inspect it.

>> Approximately 10%.

>> Tovo: That's a high number. That's a lot of homes that didn't have a certificate of occupancy, but were occupied. Thank you. So that wouldn't be code compliance. I think those are our building inspectors?

>> That's right. The number one reason why there wouldn't be an occupancy certificate available is if you might have a permit that you -- it's still outstanding and hasn't been closed out.

>> Tovo: Thank you.

>> Houston: One more question. So you think that it would be okay for the inspections of -- are your homes type one, type two?

>> Every time. We have all. One of each, one, two and three.

>> So enforcement would be okay with you. What do you feel about the enforcement of those that are unregulated, those that are underground? How does code help enforce that?

>> It should be -- they should be cracked down upon. You should have a license, number one. I believe that the zoning commission does currently radio listings in town that are listing in online sites, like Airbnb to find the properties that are operating without a license.

[7:28:11 PM]

That should be step number one. Those owners should be notified. Step number two is are they paying their occupancy taxes? There are very serious penalties if you are not paying your occupancy taxes and those two mechanisms seem severe and effective ways that are currently on the books that the zoning commission and the tax authority here could be using.

>> Houston: Thank you.

>> Mayor Adler: Next speaker.

>> Hello, thank you, councilmembers. My name is Olivia

[indiscernible]. I am district 9. I am also in the film city industry. I live with a whole bunch of creatives in my neighborhood. At the beginning of the year our next door neighbors informed us that they were actively involved in short-term rentals. I wish them well. And at the time I had no issues with the idea. I too have stayed in a short-term relation. Now at this time there are now short-term renters on a weekly basis next door and our residence appears to be a commercial enterprise. I wanted to know what safeguards are in place to ensure the protection of the adjacent residents and, for example, as a property owner myself, we expect a safe environment for our five-year-old daughter and I and my husband, but now it seems like we are exposed to lewd and disruptive behavior as such. And our quality of life has really diminished. There's vulgar language as well as cursing and the odor of marijuana especially emanating from the property next door and it feels that we are now having to police what is going on from the continuing people that are renting there.

[7:30:21 PM]

And it doesn't feel safe. I pay a lot of tax dollars --

[applause]. And I love Austin. And this is what I have to say, please keep us safe. Thank you very much.

[Applause].

>> Mayor Adler: Consuelo

[indiscernible].

>> Hello, mayor, councilmembers and staff. I am a housekeeper general manager with maids and more. There are nine housekeepers on my team. These are two of the members. And we clean short-term rentals in Austin. There are hundreds of other housekeepers, landscapers, pool cleaners, managers and accountants who depend on their jobs with short-term rentals. These short-term rentals are registered and compliant. The homeowners and managers that we work with are very professional and cordial people. And the visitors who stay in the short-term rentals are very gracious and respectful. Our company has prospered and we see ourselves hiring more staff in our teams very soon. We support item 78 and we feel that any changes can be easily solved by the code enforcement staff allowing hundreds of the employees of short-term rentals to continue working in Austin. Thank you.

>> Mayor Adler: Thank you. The next speaker is Jessica newfoul.

>> Hi, my name is Jessica and I live in district 10. I want to say that I am in favor of this resolution and also the proposition to strike the language allowing people to engage in --

[7:32:22 PM]

>> Test the waters. Test the waters.

>> Testing the waters before having a license. Thanks. I oops want to thank Sheri Gallo, my council woman, for raising this issue, and raising the visibility of the impact on short-term rentals, particularly type two short-term rentals on our community and on our neighborhood. On April 16th, 2015 profane and homophobic chants were repeated over and over by a group of men from the backyard of the type

two str next door. While our family was trying to enjoy a time outside on our deck. Throughout the rest of the weekend, similar shouting and loud music continued and it is just one example of the many ways our lives have been disrupted by the short-term rental next door. The type two short-term rental next to our house we believe is in violation of the city's zoning ordinance. The property is zoned Dr, which does not allow for any commercial operation. And according to the permitted use chart on the city of Austin's website, specifically does not allow for str as a permitted use. Therefore we believe the original permit was issued incorrectly. I brought this to the attention of code enforcement and was told they will get back to me. I have not heard from them. The fact that the property is now a hotel has led to noxious and offensive activities which have become a continuing annoyance to our family and the rest of the neighborhood. The loud noise late at night, including after 11:00 P.M. On week nights, traffic, garbage on our property and on the street, has been steady. The music and shouting often start in the afternoon and go well past midnight.

[Buzzer sounds]

>> Mayor Adler: Do you want to conclude your thought?

>> My last point is this, our neighbors next door on the other side we know well. They're on our emergency contact list for our babysitters. They leave Christmas presents for our pets.

[7:34:25 PM]

The str every week it's a new stranger, a new person that we don't know. And I would ask you to not only enforce the existing ordinances, but to make stricter restrictions on these operating -- these str's operating to ban type two str's non-owner occupied str's and to do your best to keep us safe. Thank you very much.

>> Mayor Adler: Thank you. Next speaker is Tracy Smith. Tracy Smith? After Tracy is our last speaker, David king.

>> Good evening, mayor, council. Thank you for this opportunity to speak. I live in district 3 and I reside next to a short-term rental two that started October 2014. I have submitted many complaints to the city. I have a list of Sr Numbers that I have complained about over occupancy, which seems to be the biggest issue that we have. The house that is next to me is advertised -- this gentleman owns four properties within a mile of my house. It advertises for 1200 a night. It sleeps 16 to 20. And it's a three-bedroom, two bath. Each house is kind of like a duplicate of -- they all mimic each other. They're party homes and we have to deal with pretty much the arrival of Thursday or Friday the anxiety level of all of our neighbors starts to -- it's there because we've been putting up with it for so long. The large groups come in, it's an average of 10 to 14 guys.

[7:36:32 PM]

Sometimes there's more. He has a property -- and what I'm talking about is half a mile -- half a block from Sanchez elementary school. He also has another property right around the corner. What they're doing now is 14 guys will stay at this property and then they go back and forth between the two properties and they party and they drink all day. Not against drinking. I'm not against partying, but they drink all day. And it's a bachelor party scene that he seems to feed. Somehow there's a connection with

bachelor parties and the fraternity-style parties. Young, 20, 30-year-old guys coming in, and they just party all the time.

[Buzzer sounds] Can I add one thing?

>> Mayor Adler: Real quick.

>> I've -- we have all called code enforcement as long as it's been going on. There's nothing in our city that will actually do anything. And we have meetings with code, et cetera. There's nothing that anyone can do. We even had one of the officers from code catch that property four times overoccupied, and it went to the prosecutor's office, they wrote language for it, it went to municipal court, and then they said well, we would have to fly all those people back a and they would have to be Joe from Chicago, I got busted, I was there with my 14 friends and that's the problem. Sorry I was a little long-winded on the first part.

>> Mayor Adler: Thank you very much. David king?

>> Thank you, mayor and mayor pro tem and councilmembers. My name is David king. I live in district 5 and we also have problems with -- chronic problems with commercial str's in our neighborhood, Barton hills, zilker and other [lapse in audio].

[7:38:38 PM]

This is a big good step in the right direction here. I'm also a member of the Austin neighborhoods council and the executive committee of the Austin neighborhoods council unanimously passed a resolution in support of your resolution. But we took it a step further and we called for a ban, an eventual ban on commercial type two str's. You've heard about the problems from the other districts here, district 3, district 5, my district, district 9 and district 10. These are widespread problems, chronic problems. And we've already had some tightening up of the ordinance a few years ago and that really hasn't helped solve the problem. So I'm not sure why Austin's ordinance is considered a model considering all these problems, these chronic widespread problems. And, you know, the state of Texas, a bill was [lapse in audio]. It would robot them in residential districts. So even the state of Texas understood that, the legislature. I wish the bill had passed, but it didn't. They had that right. So we should go in that direction too with commercial type str's. They're not affordable with over a thousand dollars a night. They drive up rental rates. They've taken over four hundred single-family homes off the market that would otherwise be available to single-families with children who could go to our central Austin neighborhood schools. And aid already projects declining enrollment in our central Austin neighborhood schools over the next 10 years. So this could be a way to provide more affordable housing quickly to our central Austin neighborhoods and boost the enrollment of our neighborhood schools. So I hope that you will move forward with implementing this resolution as soon as possible and then move to ban commercial type two str's from residential zoned areas. Thank you.

>> Mayor Adler: That's the public contact.

[7:40:39 PM]

Ms. Gallo?

>> Gallo: On to the fellow councilmembers, Stewart Hersh passed a document out and he had signed up

to speak, but graciously gave his time to other people. So just to point out that we did pass that out to everyone.

>> Mayor Adler: Any discussion on item number 78? Mr. Casar, did you want to make an amendment?

>> Casar: Yes. I would like to -- as I think the committee unanimously recommended, to amend this resolution to add a clause that gives further direction to our city management to bring forward on to the August the 20th city council meeting language that would initiate code amendments, that would accomplish the four recommendations brought forth by the code department to our planning and neighborhood recommendations and those are outlined on the sheet, with the exception of in number one, bullet number one on this sheet, which is engaging public interest that instead of bringing forward that one bullet one, that -- instead the code amendment be brought forward that we -- or not the code amendment be brought forward, but the process for initiating a code amendment be brought forward to strike section the city land development code. And for those that don't speak code, what that means is that we could initiate a code amendment on August 20th, if that is the will of the road bode, to eliminate the provision that gives safe harbor to those advertising short-term rentals without a license.

>> We have a motion from Ms. Gallo to adopt this item number 78.

[7:42:47 PM]

Then we have an amendment for the city manager to come back on audiology 20th with an ordinance -- on August 20th with an ordinance that raises these four points with the exception of the first bullet point just saying to strike the testing the water provision. Is there a second to that amendment? Ms. Gallo seconds that amendment? So we have one report on the 13th and one coming back on the it 20th. The 13th is just the findings to the council which I would actually like to see before we take the action. So I'm fine with that.

>> Mayor, to clarify the motion, I believe that char made was to come whack BAC with a resolution on the 20th to the code amendments. They would not come back to the council on the 20th, just starting the process.

>> Are.

>> Mayor Adler: It's been moved and seconded to amend this to add that a resolution be presented on the 20th directing an ordinance be drafted and presented. All in favor raise your hand? Those opposed? Two abstaining, Houston and Zimmerman. The rest voting yes. We now have 78 as amended. Any further discussion on this item? Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. I've got some frustration with what's going on here. As far as northwest Austin and district 6, I have quite a few constituents that don't even know what short-term rentals are. We're far enough away from the Austin city core to where there's not a real demand. I think the closer you get to the city core, zilker park and a lot of our main attractions, the bigger issue I think this gets to be or if you're close to the lake or something.

[7:44:48 PM]

I'm really concerned that Austin kind of unwittingly contributed to the problems we're hearing by creating str's in the first place.

[Applause]. We heard from -- we heard from one enterprising gentleman actually moved into Austin to start up a business based on str's, and I don't think -- I wasn't here when str's were passed, but I'm going to guess that wasn't the intention that we would create a new commercial business of people now repurposing homes, move out the people that live there and then move in short-term rentals because it's a way to make more money. So -- I know we're not talking about a specific ordinance here, just recommendations coming back, but I'll make a prediction that this whole thing is going in the wrong direction. I'm just going to make a prediction that that's what's going to happen is we'll get some recommendations come back and instead of solving problems they're going to create new problems. The basic problems I've heard through the emails and through testimony is we have nuisance noise, disorderly conduct from people getting drunk and doing drugs and what have you, parking problems from too many people being in a building that's not designed for that, and I think we already have things on the books that would help us address those existing problems. My understanding is nuisance noise that could be handled already through A.P.D. Or code enforcement or what have you. And so I'm just really discouraged that we're going to go and try to fix this and end up not fixing it and possibly making it worse. So I'm going to be voting against this and I'd like to see us go back to not having str's and trying to deal with the problems we've heard.

[Applause].

>> Mayor Adler: Ms. Houston?

>> Houston: Mayor, I would like to ask the code department to come forward, if I may. Is that appropriate at this time?

>> Mayor Adler: Yes.

>> Houston: Because people seem to think that they have the ability to enforce all the violations that neighbors are complaining about, but I'm not sure that they have that ability so I would like for Mr. Smart to talk to us about what you can and cannot do at this point?

[7:47:00 PM]

>> Yeah. Mr. Mayor, members of council, Carl smart, director of Austin code department. We do have some ability, some abilities to enforce the code related to short-term rentals but we've looked at ways that that ability can be enhanced. It can be strengthened. And so the recommendation that we presented thus far I think will help strengthen that enforcement ability. Clearly one of the -- one of the limitations is inspections. The ordinance for inspections include -- right now includes rooming houses, boarding houses, hotels, bed and breakfast homes. We are permitted by ordinance, we are authorized by ordinance to do inspections on those properties and for some reason short-term rentals was left out. We think adding that back in will certainly help. We certainly knock on doors as it relates to short-term rentals when there are complaints or problems, but they really don't have to let us in. And often they don't let us in. So we're not able to really enforce like we want to. So over the next couple of months prior to August we will be looking at other ways to strengthen the enforcement and we will certainly bring that back to council on August the 13th as you've instructed us to do.

>> Houston: And one more question. What about those unregistered, unlicensed, the ones that are underground that we all know are out there. What is your ability to enforce any kind of code on them?

>> It's a challenge to find them. That's a challenge to find them, to seek them out. And certainly as one

gentleman spoke earlier, looking at advertising, checking advertising online and other forms of advertising is one way we can try and find those properties, identify those properties and then check and see if -- check our records to see if they're licensed and also work with the comptroller's office to see if they're paying their hot taxes.

[7:49:10 PM]

But if they're not we don't see their advertising or whatever, they are underground and we may not know unless of course we get a complaint on the property and we go check it and find out that it's a short-term relation. So there are some still underneath the radar and we're looking at ways to -- better ways to find those properties that are operating that are unlicensed. And we're also recommending -- part of the reason we're recommending that maybe a penalty added too that if you are operating without a license and you're caught then you should pay a penalty versus just paying the regular -- the license fee that other -- that other property owners pay.

>> One last question. So if a neighbor calls, and I've heard this in reports, let's say an unlicensed, unregulated short-term rental, do they have to let you in? Even if a neighbor complains about noise and traffic and people in and out and feeling unsafe? Once you knock on the door, how do you get your evidence that that is in fact a short-term rental?

>> It is a challenge. It is difficult at times. They do not have to let us in. And that's -- like I said earlier, that's part of the reason we'll recommend that we be authorized to do inspections of short-term rental properties and that authorization I think will help. It doesn't guarantee because we still have to abide by the constitutional right to privacy so they could still say no, we're not going to let you in, but then that may give us better strength to get a warrant, inspection warrant if we have to in order to get in the property and confirm how it's being used. Is it a regular single-family property or is it a short-term rental. So sometimes we can't -- we'll do what we can from outside. We'll do what we can from the right-of-way, but sometimes you just can't prove a case unless you can get in and confirm what's inside.

[7:51:11 PM]

>> Thank you.

>> Mayor, I have a question. Did we already vote this item?

>> Mayor Adler: We have not voted this item yet.

>> Pool: Okay. I thought we had. Okay.

>> Mayor Adler: No. We approved the amendment, but we are back to the main motion now, which is basically to have the study, including the issue that was just raised by Ms. Houston. And then for recommendations to come back to us. Ms. Tovo?

>> I just want to say that I'm -- [lapse in audio]. I'm glad we're in this discussion about what direction we might go in. I appreciate the fact that the neighborhood committee after a whole lot of discussion agreed to ask the staff to bring forward a resolution to initiate the code amendments. I was ready to just move forward with the code amendments, but this is a good reasonable compromise. But I also just want to say I appreciate councilmember Zimmerman's comments. I think it is time for a review of the program. When the council agreed -- when the council created short-term rentals in residential areas I

believe they introduced a commercial use that is really challenging to live among for many of our residential neighborhoods. And I think it is time that we revisit that. I think we also need to look at what that loss of housing has done in different neighborhoods. In district 9 I believe most the most short-term rentals. I think the number is somewhere around 415. If you look at the city of Austin's other goals at encouraging more families and children to live in the central city, of encouraging more rental opportunities, that is in complicate with taking -- conflict with taking housing off the market, off the long-term rental market and creating what I created earlier are in essence mini hotels in a residential area. So I'm very -- again I appreciate your comments. I appreciate the sponsors for bringing this forward.

[7:53:11 PM]

If we're going to have this provision on the books, at least I want to make sure that it mitigates some of the impact, but I'm also interested in looking at the ordinance itself.

>> Gallo: I want to say thank you to the councilmembers who worked on this and all the neighbors and str owners that have come forward. As we've heard the really horrific stories of the properties that are absolutely not being good neighbors, those are the properties that are not good neighbors because they're not in compliance. You know, we've not heard any stories about str's that are actually in compliance with the occupancy standards, which are not more than six people per unit. And also -- [inaudible].

>> Mayor Adler: Hold on, please.

>> Pool: And also in some neighborhoods it's limited to four. We hear issues when the str's are used in nonresponsive compliance to our certain zoning code which doesn't allow them to be used for pay to visit parties and

[indiscernible] Venues. And we just -- I'm sorry and I know how frustrated everyone has been and I'm sorry it's taken so long for us to come back. Of course we're new at the job, but it's taken so long for the inability to enforce the violators and the noncompliance people and the owners who choose not to have licenses. And I think this is a really good step in the right direction to figure out where the problem is from, and for those of you who feel like that this is not going to accomplish something, I know it will because my office and a lot of the other offices here that have constituents who are dealing with this are going to be very aggressive in making sure that this moves forward. And the compliance becomes more norm than not Normal, and that we have the month of July to really be able to sit down with all the stakeholders and the neighbors who have come forward and we've listened to and to really figure out where the issues are and what we need to do to resolve those from a compliance standpoint.

[7:55:21 PM]

So I just wanted to say thank you. I know you've spent a lot of time on this and I'm happy that we were able to bring this resolution forward to start addressing this problem that's been occurring way too long. So thank you.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: I have a question for our legal team. I can think of a lot of potential weird scenarios. We

have recreational marijuana that's legal in Colorado. And, you know, what if somebody were to come into Austin to take in one of our concerts. They bring some recreational marijuana with them. They leave a little bit in the short-term rental. And the code department comes in for an inspection. They find some drugs. And would there be civil asset forfeiture potential there, or maybe code compliance finds it, the police find it? You've got a drug operation here. Is this a scenario that's completely unreasonable?

>> That's an interesting question. I'll look into that.

>> Mayor Adler: Yes. There's been a motion to end debate. Is there any further debate on this item?

>> Casar: I have one brief comment. I'll save it for another time.

[Laughing]

>> Mayor Adler: If there's no further debate, we'll just go straight to a vote. Those in favor of item number 78 as amended. 10-1, Zimmerman voting no. Thank you.

[Applause]

>> Mayor Adler: We'll now move on from 78 to item 84, which is --

>> Mayor.

>> Mayor Adler: Yes.

>> Pool: If I may, I just wanted to advise, when we came back from dinner, and we took up item 83, which is the way contract.

>> Mayor Adler: Yes.

>> Pool: And then you asked to postpone it and I made that motion. Well, no one told the folks who had gone out with our legal staff that that had happened.

[7:57:24 PM]

So they have, in fact, come up with what they hope is an acceptable compromise amendment that takes them to the concerns -- into consideration the concerns that you had voiced. And I have here from our legal staff the amendment, which I'll pass out. And what I wanted to ask was, we take item 83 up to reconsider it. Not right this second. We can read the amended language. But, it addresses the Pressler extension and it separates it out into new language subsections 4 and 5 to be it resolved. And I will -- so. I think staff it put extra effort into doing this. And they were not aware that we had passed them by. And so I'm asking if we might -- not right this second, because I want to give you some time to look at it -- but before the evening is over, if we could revisit this. And I'm hopeful that the language that has been crafted here meets with your approval.

>> Mayor Adler: I'll take a look at it. My only concern is that we postponed it and some people left.

>> Pool: The people who wanted to speak did speak. But I think that the parties who are really watching this carefully are still here with us.

>> Mayor Adler: I know there was some others that have left. Some of the time we said we were going to postpone it. I'll take a look, but, my concern would be, while we have many of the people here, we don't have all of them any longer. But I'd be happy to take a look and see if it's different.

>> Pool: I will note I'm not sure the people you're talking about. The people who signed up to speak have spoken.

>> Mayor Adler: No, I understand that.

>> Pool: Okay.

[7:59:25 PM]

>> Mayor Adler: I understand that. Let's go on and continue. Item number 84. Ms. Tovo, do you want to lay this one out?

>> Tovo: Sure, I'd be glad to. We had discussion in our work session this week, and I believe last week, as well. And I did make a couple changes, and distributed this here on the dais. You'll see the first change as -- and I should say, this is a resolution that would recommend that the city of Austin -- it would express our -- it would express the city council's regard for the sobering center concept and identify it as a community priority. It would establish a rather informal working group to look at some of the remaining issues. And then it would identify who among the council would be the working group members. There was concern expressed about the role of the city manager in this process, and so I've introduced some language that I believe resolves -- largely resolves those concerns. I'll just run through the quick changes. The fourth whereas just changes the name to the healthcare family, that's an insubstantial change. The second be it further resolved is the area where I've made a couple additional edits. I have added in the city -- because we had three who were quite interested in participating in those ongoing discussions. It says three city council members, two Travis county commissioners to work with other relevant parties and the city manager. I changed the language, it now says to develop recommendations regarding a location, a governing structure, or interlocal agreement, and a funding plan.

[8:01:33 PM]

And then the next be it further resolved identifies councilmember Casar, councilmember kitchen, and me as the appointments to this body. So, I hope that addresses some of the concerns that had been expressed about the city manager's integral role that he will play, and that of his staff, and also allows us to move forward with the kind of conversations that have been going on, that allows a little bit more structure to be placed around it, since we will be working and talking with our other colleagues. I will assure my colleagues that we will bring any recommendations back to this board. We're not empowered to take action beyond talking with our colleagues and community partners who have been driving this effort and bringing those recommendations back to our body for consideration, in hopefully a very timely fashion.

>> Mayor Adler: Seconds it. Ms. Tovo, I appreciate the work that you did on this. I think I was one that initially raised objections to it. In the conversations I've had with you, one, I appreciate the work that you did. And while I have some, you know, reservations generally about us creating stakeholder groups if there's a faster line for us to get to, in conversations with you, I have come to believe that this is a unique situation for us to do something like this with. And in this situation. So, I'm going to support your motion. Is there further conversation on this item? Ms. Houston.

>> Houston: I'd just like to ask mayor pro tem, is August 31st enough time to get all this done with all the other things that are going on that have been requested?

>> Tovo: I would say that it's an aggressive timeline, but we have to have at least some of these decisions ready for council's review.

[8:03:35 PM]

If we're going to follow through with the goal of getting something on the ground within a reasonable timetable, we're going to have to come back with some recommendations. It's also the feeling of some of the community partners that they have gotten the discussion to such a point that they're really quite close to some recommendations.

>> Houston: I was just asking because staff resources seem to be very thin right about now, and people take vacations in July. So I was just trying to make sure that we give people enough time to circle around and provide the outcomes that you're looking for.

>> Tovo: Yeah. I appreciate that. It is a concern. And we may be back and say we've not reached a conclusion, but we're going to do our darndest to bring things back, being sensitive, as you've mentioned, to the priorities.

>> Mayor pro tem, I had to step out during work session when we had this conversation. Just let me know if y'all already talked about this. But my initial concern was that we were committing to something without having an understanding of how much it was going to cost. So -- and it seems -- I don't see that necessarily addressed in this language, because it says that we're committing to supporting and advancing, and it doesn't seem like we will have any idea. Like, we're committing to the approval of funding without understanding the cost -- discussed?

>> Tovo: This is in the last be it further resolved. The intent is to ask the city manager to go forward, come up with a cost estimate, and bring it back to council for consideration by June 25th.

>> Mayor Adler: Mr. Zimmerman.

>> Tovo: If you're more comfortable, I'm happy to consider changing approval to consideration, but, the intent is that the city manager would work with the staff.

[8:05:43 PM]

There are good Numbers in the implementation report we received, with the sobriety center working group. That will inform what I would regard as estimates. I believe the city manager has been doing some thinking about what would be required in this year's budget were we to want to make progress on it. We would know that by June 25th.

>> Troxclair: I mean, I certainly support the general idea. And I appreciate the effort that you've put into this. So I would like to see where the conversation goes. But I'm also -- if you don't object to changing, you know, the commits to supporting and advancing this effort in the first be it resolved, and then changing the wording in the last one to consider the approval of funding, that would make me feel more comfortable that we're going to be able to continue the conversation, but also carefully consider the cost implications once we have a better idea.

>> Mayor Adler: That was the intent. What are you saying in the first resolved?

>> It says the city regards the creation of the center as a priority. I'm okay with that. But when it goes on to say and commits to supporting and advancing this effort, it just seems like we're --

>> Mayor Adler: So it would read, supporting. You're saying, it would read and commits to advancing this effort with all deliberate speed, does that fit? I'm just trying to get the words done.

>> Troxclair: I would be more comfortable just saying --
>> Mayor Adler: Paragraph, last resolved is what? Consideration.
>> Troxclair: Instead of approval.
>> Mayor Adler: Are you okay with that?
>> Tovo: I'm happy to the change the language to what councilmember troxclair proposed.

[8:07:53 PM]

With regard to the first change, I would like to put that to a vote, if possible. I understand the concern and I appreciate it. I would actually -- authorizing funding. Given the fact that there is a council resolution on file that supported the concept and we are now looking at a concept that has had 15 years of support, you know, as the resolution states, the first time this was explored in this community was back in 2000. And there was an effort put into exploring -- that was the first city council resolution back in 2000 exploring supporting a resolution directed the city manager and staff to plan for hiring and training staff to operate a facility. I think that shows our community partners and some of the potential funders that we're serious about this concept, that we've invested time and resources within the community, within the city, within the county, to exploring it over the course of the next year. At this point, I feel like it's necessary for -- I feel like it's preferable, let me say that -- for the city council to make a stronger statement. But, again, I appreciate the concern. But I would have to put that to a vote.

>> Mayor Adler: Let's break these in half. The first one, in this last resolved clause, to change the language for instead of saying for approval of funding, it says for consideration of funding. Is there objection to that? No objection.

>> Troxclair: Mayor pro tem, it sounds like we're on the same page as far as -- it's just a matter of wording. If there's something else you feel like would capture both -- we've been here a long time. I hate to spend too much time on this. But I would feel more comfortable if there was another way that we could word this that shows our dedication to continuing the conversation, but stops short of committing to funding until we understand the implications.

[8:10:06 PM]

>> Zimmerman: Mr. Mayor, while they're thinking about that.

>> Tovo: I don't have any suggestions that immediately present themselves.

>> Zimmerman: There was a good question asked about cost, and there is a sobriety center implementation report that's in the backup material. And on page 2 it estimates 1.3 million per year for 27 full-time people. That's documented on pages 11 and 12. But it doesn't include the estimate for the 5,000-square-foot center. So we're probably looking at 1.5 to \$2 million per year of added expense. And Mr. Mayor, on this, I'm not opposed to the concept of this, because it could conceivably save costs. But I'd like to see where we're going to save money. Taken to jail, should be able to show some savings in those budgets that would be applied to this, so.

>> Mayor Adler: And I would hope that when the manager came back with us for consideration of funding, that would be one of the things that he would be addressing.

>> Zimmerman: That would be one thing I would look for, yeah.

>> Tovo: Mayor.

>> Mayor Adler: Yes.

>> Tovo: To councilmember Zimmerman's point, we can begin to get at some of the cost savings with looking at page 9 of the current cost for publicly intoxicated individuals.

>> Zimmerman: I did see that. But I didn't see any commitment anywhere that there would be a reduction in the budget. In other words, if we're anticipating to avoid those costs, I'd like to see that taken out of somebody else's budget. Otherwise we're just going to see a big addition to cost.

>> Mayor Adler: Okay. Continuing on, we have Ms. Troxclair that has moved to strike the words and commit to supporting and advancing with deliberate speed. Mr. Zimmerman seconds that. Any discussion on that amendment? We're on the first resolved clause. Ms. Troxclair is proposing to put a period after "Community priority" and then striking the balance of the language in that resolved clause.

[8:12:16 PM]

It's been seconded by Mr. Zimmerman. Any discussion? Hearing none, let's go to a vote. Those in favor of the amendment from Ms. Troxclair, please raise your hand. Three, Zimmerman, Houston, troxclair. Those opposed, please raise your hand. The balance of the dais with Ms. Pool off the dais. That gets us back to item 84.

>> Mayor.

>> Mayor Adler: Yes.

>> Mayor and council, ray, assistant city manager, taking the lead on this item. I look forward to bringing it forward. I would ask for your consideration, in the further be it resolved where you propose for the city manager to bring back an estimate for the budget, by June 25th, it would seem to me is that that's a fairly tight timeline. In fact we would have to do a lot of research by Friday in order to get it into the queue for you to consider it on June 25th. My sense is that we could do the work that you're requesting and have that as part of our budget proposal when we come back in July 30th, I would think. And so, I would ask for that consideration to modify this language to come back in the budget proposal to have information for you that could be included in the budget that would advance the project. I hope I made myself --

>> Mayor Adler: You did.

>> Tovo: Yeah. Therein lies part of the challenge with being a week behind on this. I don't -- I mean, you have to do the research, frankly, by tomorrow. And I will say, the Numbers in the implementation report should guide the work that you need to do. I mean, they have spent a year, in part, looking at costs in Houston and San Antonio, looking at lease rates here, at staffing costs. I believe a lot of that work is really in various -- information returned to us in advance of the budget, could you come up with a date where you could at least provide us with a memo?

[8:14:28 PM]

>> I would like to give that some consideration, and respond to that by next week.

>> Tovo: Okay. Sorry. This is -- I'm trying to regroup here.

>> Kitchen: Could I make a suggestion?

>> Tovo: If somebody has one, that would be good. This is a new concern.

>> Kitchen: If I'm understanding correctly, what you're -- the concern here is that we have the data back in time to incorporate it into the fiscal year 2016 budget?

>> Yes, that's correct.

>> Kitchen: Right? I mean, that's what we're trying to do. And you're not sure what the date would be.

>> Well, I think what I'm trying to say is that to come back with the information acknowledging the fact there's some good work that's been done on this project, but to come back with, I think, making the decision about the governance piece, the implication might be whether we look at leasing initially, or looking for a permanent solution, a permanent location, drives some of the cost consideration. So, for me to come back with information that would be going into the budget proposal by the 25th, is a difficult thing to do.

>> Kitchen: Okay. When you first came up, you thought you could have it by the end of July?

>> What we would do is do the research, having the information that we would have, and I think what the council is interested in is having the money -- the funding available to make a decision to make progress on this fiscal year '16 budget. I think we can be prepared to have that information for your consideration as part of the manager's total budget proposal.

>> Kitchen: But I thought you said by the end of July when you first came up here?

>> July 30th is when we present the budget.

>> Kitchen: Okay.

>> Mayor. May I ask a question? Can someone help me on the last page? It says be it further resolved that the intergovernmental working group will provide its recommendations to the council no later than August 31st.

[8:16:34 PM]

Why would you get that after we get the city manager's funding report by June 25th? Shouldn't that all fold in together? Shouldn't the working group's report be a part of whatever comes back from the city manager?

>> Tovo: I believe it's going to take a little longer to talk about locations and a potential governing structure for the sobering center. To be a possibility of including that funding within this year's budget, we really need to start getting at least some basic estimates of what the cost would be so that they could be considered as part of our budget.

>> Houston: But wouldn't the location have to do with how much cost it's going to be?

>> Tovo: They are all intricately linked, but to make sure that we have at least a minimal amount of funding to consider within the budget, we need to start getting some basic estimates. I've spoken with the city manager. I thought I understood that we can get at least a rough estimate of what might -- what the funding needs might be to continue to make progress. But that is one reason why it says -- why it holds open the possibility that there would be a necessity to return with a mid-year budget amendment. By mid-year, by March, we would have a much better sense of the actual costs. If there are funding needs to keep this moving forward and the council votes to take that action and to invest that money in that way, we would at least have that built into our funding plan for the next fiscal year, and would have the ability to expend that.

>> And I would agree with mayor pro tem tovo. I think, given the date of August 31st for the final recommendations, we can still, as part of the budget proposal, have some information that would progress the project in the fiscal year '16.

[8:18:36 PM]

>> Kitchen: Okay. Okay. So should I make an amendment from the -- change the June 25th language to July 30th?

>> I think that would be very helpful.

>> Mayor Adler: Are you okay with that, Ms. Tovo? Move to change the language in the last resolved clause from June 25th to July 30th. Any objection to that?

>> Tovo: I have no objection. If I could just add -- sorry.

>> Mayor Adler: Hearing none, that change is made.

>> Tovo: If I could ask that that be returned to us as part of the proposed budget, not as a separate entity. Our intent was to make sure that would be considered within the comprehensive budget. Thanks.

>> Mayor Adler: It's coming at the same time as the budget. The manager could be recommending it or not as part of his budget. You're not saying necessarily it would be incorporated into the budget, but, as part of the materials.

>> Tovo: That's right.

>> Mayor Adler: Okay. We are now back on 84 with those changes made to the last resolved clause. Any further discussion? Seeing -- Ms. Tovo.

>> Tovo: I just really want to acknowledge some of the community partners who have worked so hard on it, many of them, including the judge, Andy brown, others, have really focused on this issue and have kept it alive for, in the case of the judge, many years now. I want to acknowledge their hard work and good work. This has a lot of promise for the city of Austin. And I also want to acknowledge my former colleague, councilmember Chris Riley, who initiated the first resolution on which I was a cosponsor. I appreciate all those -- all of their participation.

>> Mayor Adler: Okay. Let's take a vote now on this item number 84. Those in favor, please raise your hand. Those opposed. 9-1 with Ms. Pool off the dais.

[8:20:38 PM]

Let's go to item number 95. There are some speakers.

>> Kitchen: What about item number 93?

>> Mayor Adler: I want to come back to that in just a second here so I can talk to Ms. Pool about way. Mayor pro tem, will you take item number 95, please?

>> Tovo: Sure.

>> And mayor -- I'd like to register my vote on the sobriety center as being "For."

>> Tovo: Okay. Item 95 is to approve a resolution affirming codenext approach 2.5. We have four speakers. Unless our sponsor would like to -- actually, this is an item from our committee. Councilmember Casar, would you like to talk about the committee action on this item?

>> Casar: Yes, very briefly. The last council was wrestle with whether we would take approach number 2 or approach number 3 for codenext. We are very, very close to signing a contract with the consultant opticos to carry out this work. And so, the last council desired that this council approve or change that code approach. And the planning and neighborhoods committee took public comment and chose to recommend that we move forward with approach 2.5. And so a resolution was brought forth to accomplish that recommendation. To make clear, the recommendation from the committee was simply approach 2.5. We didn't take action -- I don't think we discussed the resolution language you see before us.

[8:22:43 PM]

Its particulars, just approach 2.5 is what we endorsed.

>> Tovo: Great. Okay. Well, we'll go to the speakers. David king is registered as against. And next will be Marissa Mckinney, who is registered for.

>> Thank you, mayor pro tem, councilmembers. My name is David king. And I'm a member of the Austin neighborhoods council. And we really wanted to go with a different approach than this 2.5. Felt like it wasn't really the right fit for Austin and for neighborhoods. So, we wanted to go with a different approach than this one. So that's why I signed up against this. And the -- I want to make sure that the green infrastructure and sustainable water management -- those strategies need to be an integral part of the new land development code and the zoning districts that come from this process. And not added on at the end and kind of stuck in there. They need to be integral to this whole process going forward. So I hope -- I believe that councilmember pool is going to make an amendment to that effect, but I think that's an important thing that needs to be done. And you know, these green infrastructure and sustainable water management strategies help to protect against flooding and excessive heat, improve air and water quality, which underpin human environmental and environmental health. And, you know, we talk about the code approaches. One of the concerns we have is that with approach 2.5 or 3 as was being suggested, we're just concerned that the Austin's infrastructure, especially in our central Austin neighborhoods, cannot handle the increased density that's being called for. So that's one of the concerns that we have. We all know that we have impervious cover, a lot of impervious cover. More in the past ten years. And that's exacerbated the flooding problem.

[8:24:46 PM]

We have the mitigation plan primarily because of overdevelopment in an area with insufficient infrastructure. So, we're very concerned about pushing forward with, you know, too quickly with increased density that our neighborhoods cannot support and our infrastructure cannot support. And the -- one other key thing for us at the council is we want to make sure the new land development code and the zoning districts that come from codenext have the tools in them for neighborhoods to implement their existing neighborhood plans. It's one thing to say we respect your neighborhood plans, and then to get a toolkit at the end of this codenext process that doesn't have any tools in it that allows us to implement our neighborhood plans. And we're very concerned about that. That the public be able to see the draft copy of these recommended zoning districts and land development code in advance so

we can look at them and vet them, and make sure that we can implement our existing neighborhood plans with those new zoning districts and land development code. So, I really hope that you will consider these comments and include them in the recommendation from this council going forward. Thank you very much.

>> Mr. King? I was going to say, I think you have a question.

>> Kitchen: I was going to thank you for mentioning the green infrastructure in particular. And I think we are going to see an amendment to that effect. And that's very important. I think we've had some conversation for a while about how important it is to incorporate that in the codenext process. So, thank you for mentioning that.

>> You're very welcome. And you may know, you probably know that Houston just recently has already started, and Dallas already has a plan for heat island mitigation. And they're very concerned with the warming of our climate that we're going to have many more problems with the, you know, deaths from heat, especially in the urban core.

[8:26:51 PM]

Austin should make sure we include those kinds of strategies in our land development code going forward.

>> Kitchen: Thank you.

>> Thank you.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: Thank you, just a quick question. I was looking at the backup material again. And approach 2 is described briefly as deep clean and reset. And number 3, complete makeover. And I'm sorry, for an engineer like me, those terms sound like they're on reality TV or something. I have no idea what they mean. I'm going to enthusiastically abstain. I have no idea what I'm voting on.

>> We had similar concerns, what do they actually mean? How will you know what you're going to get from those? We share your concern. Thank you very much.

>> Tovo: Thank you. I think that's the first time you've said you're enthusiastically abstaining.

[Laughing]

>> Tovo: Mckinney, and next, Lana.

>> Hello, council. My name is mersa, a local land scape designer. I'm speaking on behalf of the central Texas chapter of the American society of landscape architects in regards to our support of green infrastructure and sustainable water management as an integrated piece of codenext. I would like to first extend a huge thank you to councilmember for her support on this item. To quote the national chapter of the American society of landscape architects, green spaces are sometimes seen as a luxury. However, green infrastructure provides real economic, ecological, and social benefits. As a city growing at an exponential rate, we need to consider very seriously access to green space, as well as water management that inherently comes with that. One of the ways we can ensure this access and management is to embed these items into our city requirements. As a current Austin resident who can't imagine living anywhere else, I hope that by integrating green infrastructure and sustainable water management into codenext, we will be able to build a green, sustainable, responsible city that current and future residents will be proud to call home.

[8:29:02 PM]

>> Thank you. Ms. Dinkler. Our last speaker will be Eleanor Mckinney.

>> Good evening, Mr. Mayor, and councilmembers. My name is Lana dinkler. I'm a landscape designer, and a member of the American society of landscape architects, as well. I'm reiterating a lot of the points the two previous speakers made. I specifically also would like to voice my support for the addition to the resolution port forward by councilmember pool, specifically addressing green infrastructure and sustainable water management. I'd like to thank her once again. I worked for two years at the lady bird Johnson wild flower center, helping to refine voluntary national guidelines and performance-based metrics for land design and development, of which green infrastructure and sustainable water management are key components. We produced case studies to illustrate the benefits of these strategies to help reduce flooding, which are things I think are important, as our population continues to grow. And the rapid development that we're experiencing in the city at this time. So, again, it's imperative we continue to embed that specific language addressing green infrastructure and sustainable water management throughout the codenext process and rewriting the land development code to ensure that those long-term benefits are kept for everyone in our community. Thank you for your time.

>> Tovo: Thank you. Ms. Mckinney. Is Eleanor Mckinney still here? Eleanor Kinney, rather, sorry. Okay. I don't see Eleanor. Okay. That brings it back to the dais. And I believe we have amendments.

[8:31:03 PM]

Well let's see. We probably need a motion first, and then we have amendments that have been distributed by councilmember pool and councilmember Garza.

>> Want to do yours first?

>> Tovo: Would somebody like to make a motion on this item? Councilmember Garza moves approval. Is there a second? Councilmember Casar seconds it. Would you like to speak to your motion?

>> I'll speak to the amendment I was going to suggest.

>> Tovo: Sure, do you want to talk to us --

>> Sure.

>> Garza: A copy for the dais, everyone got that, as well. But I also provided the redline copy. That's helpful to see what's being changed from the suggested language. And this is just -- our office was contacted by members of community who have been involved in Austin planning for a really long time, and just had some concerns about the language and the whereas clauses. The sixth whereas clause, I mean, I -- they're very minor changes. Instead of determine how land is being used, the change would be direction for determining appropriate and beneficial land use decisions for our city. The seventh whereas clause, the concern there was that some of the -- there was oversimplification in that language of why we were taking this -- the codenext approach. So, this just kind of adds some detail to the process and what we're trying to do here with codenext. So, those were my suggested amendments.

>> Pool: And I would be happy to speak on the one amendment that I had. Would that be appropriate at this point? They're all in -- mayor.

[8:33:05 PM]

>> It looks like --

>> Pool: They're all in the same amendment.

>> They added councilmember pool's amendments to mine.

>> Pool: Okay. So --

>> Garza: Vote on it at the same time, if that's easier.

>> Pool: What happened was, both councilmember Garza and I came with the same sorts of changes to the whereas clauses. And I'm deferring to her on the ones that she has described. And then I have this other one that simply recognizes the green infrastructure amendment was added to accurately reflect what the council approved on November 20 of 2014, and on the message board I put up the clip from that council meeting where Lara Morrison made a friendly amendment to a Chris Riley motion, which was accepted and voted on. And so that is the green infrastructure and sustainable water management, which the previous council had requested be part of this consideration.

>> I just want to add briefly to mine, also, sometimes I -- you know, when it's a whereas clause, I kind of think it's just a whereas clause, if not a be it resolved. But, I was -- members of the community reached out to me. And I'm supportive of all the work that's gone into it. I wanted to support their concerns about oversimplifying the reasons why we're rewriting the land development code.

>> Mayor, point of order.

>> Houston: It feels like we're going to vote on everything before we have a chance to hear from any of the staff. And so, I just wanted to know, where would that be in this conversation?

[8:35:08 PM]

>> Tovo: Mayor, I should just maybe say what we did. We heard from the speakers. We first had a short presentation from our committee chair who talked about the vote that we took to approve the 2.5 approach. Then we heard from speakers. Then we came back to the dais and councilmember Garza talked a little bit about her amendment, which it turns out is combined with the amendment from councilmember pool, and that's where we are. So, councilmember Houston pointed out we haven't heard from staff at all.

>> Mayor Adler: Pending for us is the Garza amendment. Is staff here?

>> Good evening, mayor, council, Matthew, assistant director of planning and zoning.

>> Mayor Adler: Give us an overview.

>> Yes, sir.

>> Mayor Adler: Thanks.

>> The resolution and the item before you all is the reaffirmation of the 2.5 approach that was vetted by the previous council under the past council action, it had a recommendation that this come back before the new council for a vote of reaffirmation. The resolution was to help clarify for the staff moving forward as we negotiate and move forward with the code rewrite to make sure that we were in the -- utilizing the intent of the council. We have reviewed the amendments to the resolution and are fine with them. Green infrastructure is an integral part into the code, and should be integrated in all the character districts as we move forward. This will be a community-driven process. We have been meeting

with several stakeholder groups as we've started progressing with phase two. As councilmember Casar stated, the contract is almost -- or has been negotiated, ready for a signature. And with this affirmation, we are ready to move forward with phase two.

>> Mayor Adler: The second phase. But, at the 2.5.

>> Yes, sir, the 2.5 recommendation, yes, sir.

>> Mayor Adler: Okay.

>> Houston: Sir, how long have you been on staff?

[8:37:08 PM]

>> I have been here about seven months. I inherited this project and have been going back, reviewing the history of how it came to be where it is now, and really looking forward to negotiating and collaborating with the community on how this project is going to impact Austin for its future generations.

>> Houston: Thank you.

>> Thank you, ma'am.

>> Mayor Adler: Have you had a chance to look at the changes to the whereas clause proposed by Ms. Garza?

>> Yes, sir, we're fine with them.

>> Mayor Adler: Does that make a substantive difference?

>> No, it's aligned with the intent of the whereas clauses.

>> Mayor Adler: Okay. Any further conversation about the amendments proposed by Ms. Garza? Ms. Tovo.

>> Tovo: I have a question about one of them. We've got three versions. I'm trying to line them up and figure out what's changed. I'd like an explanation of why the change from in effective zoning districts, to outdated zoning standards. Let me say, that gives me a little bit of pause, because sometimes we hear interest in changing zoning. And I believe we need to give those, you know, careful and deliberate thought. And talking about it as outdated standards suggests in some way that those provisions that are in place might give way for the sake of modernity. And I guess I just would like an explanation of that. That gives me pause. And I think it may give some community members pause why we would describe it in that way when -- as opposed to the original language. I think -- I mean, as I heard the codenext consultants talk about it, the base zoning districts may not -- a way to capture some of the overlays and other things within the basezoning districts, relooking at those could be appropriate.

[8:39:18 PM]

This looks like we're looking at redoing zoning. Maybe I would like to hear, I guess, from the sponsor of the amendment about the language change, and then maybe the staff could help us understand how you -- would you read those as distinctly different?

>> The concerns I heard were -- I guess that ineffective was -- when they were implemented, it wasn't ineffective at the time. So, it was respect for those who came before and implemented this whole process. And it was just saying that, you know, they were hopefully effective then, and now they're

outdated. As far as the base zoning standards -- difference between those, honestly, and if we use one over the other, does that change anything?

>> During the process, we should be evaluating all of the development standards and making sure that all of the aspects that make up development are conducive to the environment that we're striving to achieve as a community. And all of the elements that are -- that make up the zoning, either base standards or the district, should be evaluated for how they get integrated into the overall development pattern, if you will. From parking standards, should be evaluated, setbacks. That's what I believe that this was referring to. Necessarily how it was handled in the past, that's what I extracted from this.

>> Would you say there's a difference between the standards -- zoning standards and zoning districts? Those seem to be two separate things in the context of codenext.

>> Agreed. The zoning standards are going to be much more refined, the districts are the geographic boundaries, or the classifications of the various standards.

[8:41:30 PM]

>> Mayor Adler: It makes me nervous to be parsing whereas clauses as much as we are, because I focus on the resolved clauses. On something like this. And now I'm afraid that having parsed the whereas clauses, there's going to be more significance given to them than --

>> Mr. Mayor, may I also say, these are examples. Because it says but not limited to. You could probably talk about base zoning districts and base zoning standards, but they're just examples.

>> Mayor Adler: All right. So, for me, adopting this amendment or not adopting this amendment in my mind is not a substantive change for me. And if there's a substantive change here, I sure would like somebody to point it out to me. Otherwise, it's saying that the codenext has some limitations that we're going to be dealing with, and all of these seem like limitations I've heard somebody say. And the end result, I'm okay with going with approach 2.5.

>> I'd be happy to call the question.

>> Zimmerman: I'll second that.

>> Mayor Adler: Okay. Any further debate on Garza's -- councilmember Garza's amendment? All right. All in favor of the amendment, please raise your hand. We're changing the whereas clauses. Those in favor of the amendment changing the whereas clauses, please raise your hand. Those opposed. Okay.

>> Zimmerman: Abstaining.

>> Mayor Adler: 10-0-1 with the abstention. I'd like the record to reflect, for whatever it's worth, substantively, I think -- well, the record speaks. We're now on to the motion to approve the 2.5. Any further discussion on that? Those in favor, please raise your hand. Those opposed.

[8:43:33 PM]

>> Zimmerman: Abstaining.

>> Mayor Adler: 10-0-1. Thank you.

>> Mayor.

>> Mayor Adler: Yes.

>> It may've gotten lost in the shuffle. The Garza amendment didn't actually include the amendment

that I brought forward, but it was in the same document. I'm happy to call it that. The green infrastructure and sustainable water management was the amendment I brought. It was put in the same document by the.

>> Mayor Adler: It just made it into the thing, is that correct?

>> Pool: That's what I want to make sure of.

>> Mayor Adler: If it was -- I thought it had been merged into one amendment. And it was approved. So I think it all went in. All the pieces.

>> Pool: I just want to make sure.

>> Mayor Adler: Okay.

>> Pool: Thank you.

>> Mayor Adler: Sure. Okay. Let's talk waya. No. On the waya deal. Ms. Pool. Ms. Pool.

>> Pool: All right. A little bit ago, we passed out a revised amendment on the way item. And it's item 83 with a timestamp of 7:30. The work was being done unbeknownst, the parties who were working on it didn't know that we had moved postponement and voted that. After talking just now with the mayor and staff, it does seem like it's very close to being acceptable. It's not quite there. So, I had said that I would ask for a reconsideration of this, but I will pull back that request and proceed -- and allow the vote that we already took to postpone to Tuesday or Thursday, to allow that little inch of nonagreement to be brought together.

[8:45:42 PM]

Does that work for you, mayor?

>> Mayor Adler: It does. You know, I don't know -- on the panel knew that you weren't in the room, or that you were working when that vote came up. We postponed it. And I -- and then some people turn off their TVs. They go away. And then pulling the matter back up. But I recognize that you also were not in the room when the initial vote was taken. And that's got to feel horrible. So there's no good choice for us here. So, I'm going to err on the side of making sure that everybody feels like they were present and able to participate in a vote. The only way to do that is to have this now handled on Tuesday or Thursday. I think we are close on the language. The questions I was raising were not so much differences as much as they were trying to establish policy and practice for us on the dais as we handle these kinds of things. And in that regard, I'm the keeper of those things. In some instances, as we've been going over the last six months, sometimes it's not a particularly fun place to be. I go to San Francisco tomorrow morning. I'm back late Monday. But I will work with you, Mr. Whalen, on the wording of this while I'm gone so we can continue to move that forward. And I think, rather than having the conversation where you and I are talking to each other through other people, it might be best if you and I just talk to each other so that we can knock out wording of this, if that's okay. I appreciate you pulling that back, Ms. Pool. I think that's a better practice for us on the dais, and I sincerely apologize to you. Ms. Tovo.

>> Tovo: And I just want to reiterate that I have heard concerns from the old west Austin neighborhood association and others who are very interested in seeing the Pressler extension go forward that this action not in me way jeopardize that.

[8:47:47 PM]

I think I said that earlier. I hope that will be a consideration also as that wording gets developed, and that will include some of those parties within the outreach, as well.

>> Mayor Adler: Sounds good. So, Ms. Pool, you're going to have to stay engaged, as well, on this.

>> Pool: Yes.

>> Mayor Adler: Good. That gets us to our last item, which is item number 93. Ms. Kitchen.

>> Kitchen: This is an item from the mobility committee. So -- and we did talk about it at the work session. So I'll be brief. And since the work session, we have worked on language that addressed a couple of concerns that people had raised. And so, the item that -- what we're working off of is the yellow sheet that you have. It says item number 93. And it has today's date on it. And that's been posted in case anybody's interested. So, just quickly, I mean, basically what we have here is an opportunity to deal with the remaining quarter-cent funds. And really, I think what the committee was thinking that this was an opportunity to respond to concerns that we've heard all across the district. You know, we have all recognized that there's a need for lower cost for immediate congestion relief while we tackle the bigger issues, and that we need to look at all our options for a better-connected system. So, the kinds of things that we can use this money for, for example, to answer -- to respond to concerns in our districts are things like redesigning streets, intersections, building needed sidewalks, emphasizing maintaining and improving existing roads, looking at bus routes, those kinds of things. And so what this does is it sets forth a process that balances our understanding as councilmembers of what the priorities are in our district with the expertise that the city manager and the staff have about the types of projects that can address mobility concerns.

[8:49:56 PM]

So, here's the process, in case anybody has any concerns or questions. The city manager and the staff, transportation and public works will be identifying projects that meet the criteria for expenditure of these funds. There's certain criteria that must be met for expenditure of these types of funds, and those criteria are in the resolution. And then they'll be working with the mayor and the councilmembers to identify priorities in each of our districts. The emphasis there being that these projects will be equitably dispersed across the districts. And then it will come back to the committee. There'll be a list that comes back to the mobility committee for review no later than August 5th. And then the committee will forward those recommendations to the full council for action no later than August 27th. So, again, the process combines both the opportunity for councilmembers to reflect and express the priorities that they have heard from their constituents in their districts, as well as the opportunity for the full council to review through the mobility committee's meeting, as well as the approval of the full council. So, there's some -- the language changes do not change the process. This is the same process we've been talking about all along. They just clarify the process. And so you'll see the language changes that are in this yellow document are primarily in the first be it resolved and the last be it resolved. But, again, they don't change the process or the intent behind this. They simply clarify.

>> Zimmerman: Thank you, Mr. Mayor. Thank you, councilmember kitchen.

>> Mayor Adler: Ms. Kitchen moves that. Is there a second to her motion?

[8:51:58 PM]

Is there a second to Ms. Kitchen's motion? Ms. Garza. Yes, Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I'd like to draw attention to item 93 as it appears in our original backup material, that would be the white page that's in our books. And I'd like to contrast the yellow page language to the white page that was originally included in our documentation. And I'm concerned that the yellow page "Be it resolved" bears almost no resemblance to what's on the white page "Be it resolved." Let me just read it quickly. On the white page, this was the original motion, "The city manager is directed to disperse equitably across all districts the remaining 21.8 million from the fund to pay for infrastructure improvements as determined by each council district member to improve mobility." To me, that's very succinct, short, straightforward. When I look at the yellow version, it looks to me like it's not even worth discussing and passing it, because what we have today is what's already here on the yellow page. The city manager basically determines --

>> Kitchen: Frustration, councilmember Zimmerman. But, if you will look at the yellow page, it still includes the language to disperse equitably across all council districts. It also -- goals that we talked about, I think, as part of our mobility committee remain. And that's the fact that each council district member is weighing in and determining the priorities. The staff is not determining the priorities within our district. The staff's role -- the city manager and staff's role is to, as they do -- as transportation staff, you know, they look at criteria for funding and certain criteria that might be required for safety and other kinds -- and the councilmember's role of determining priorities is still captured.

[8:54:23 PM]

The additional language -- you're right. There is -- what's new -- and I apologize, I wasn't clear. What's new is the last part, where it comes back to the mobility committee for review. And then to the full council. So you're correct, that was not in the original one.

>> Zimmerman: Okay. I appreciate that. But, let me go to the yellow sheet. I could agree with you if we were to change this sentence. I want to look at maybe the second sentence that says, "The city manager shall provide the list of proposed projects, including a description," etc. If that read the council member shall provide the list of proposed projects, period, then I'd be in complete agreement with you.

>> Go ahead.

>> Mayor Adler: Ms. Gallo.

>> Gallo: Let me just address that. The funding for this has language in it that specifies specific projects that it can be used for. And perhaps the assistant city manager can address that. And so, that's why that language is in there, because we are limited, from what I understand, because of the funding source limits where the moneys can be spent. And then, we also have an amendment to it at some point.

>> Kitchen: And also, if you'll -- you have to also look at the third "Be it resolved," because it says that that list -- that's where it talks about -- let's see. If you look at the third "Be it resolved," it talks about the city manager and staff working with the mayor and councilmembers to identify the projects. So, I'm sorry, it's a little out of sequence in terms of how it works. But the third -- you have to read the third "Be it resolved" in line with the first one. And the third one makes it clear that that the staff is working with the mayor and councilmembers to identify those projects.

[8:56:23 PM]

And then that's further strengthened by the first one. Which I talked to you -- which I mentioned before.

>> Mayor Adler: Ms. Tovo.

>> Tovo: I think I need a better understanding of what this process is going to look like.

>> Kitchen: I can run through that again. I did when I laid it out, but I'm happy to run through it again.

>> Tovo: I heard the discussion on our work session and I heard the discussion here, but it not clear to me what the actual process is like. Do we begin with a list of projects that have been identified by the transportation staff as meeting the criteria outlined here? And then it goes to the councilmember and mayor in that district?

>> Kitchen: Yes.

>> Tovo: Among the projects that qualify.

>> Kitchen: Yes.

>> Tovo: To what extent -- I guess I would just say to councilmember Zimmerman's point, I believe I would argue that we need to rely on our professional staff to identify projects that meet the criteria because that is an operational issue and not a policy matter. I don't believe any of us are qualified to judge the least unsafe interesting in the areas that are in -- intersections in areas that are in highest need for transportation facilities. I guess while I see the language in here that talks about district specific and/or citywide priorities, will there be projects that are both district specific and larger scale projects as well that are also flagged for our consideration for that quarter cent money? My concern is that our transportation issues are huge, and are we envisioning spending this money entirely on very local district based initiatives, sidewalks and pedestrian -- hybrid pedestrian beacons, all of which are important, but it's not going to necessarily improve our traffic situation.

[8:58:26 PM]

>> Kitchen: Could I speak to that? Let me say that this will. First off for transportation purposes we need to to have a connected system. So a missing sidewalk in a neighborhood district you may make all the difference in the world on whether people can get to the bus, whether that bus is effective. So these projects are not little projects that don't help mobility. Instead we should be thinking about these projects in our districts -- in the city, as what we need to pay attention to. We've paid so much attention to big expensive projects and we're missing the other pieces. We're missing the connection pieces within our neighborhoods [lapse in audio]. And a signal light on a particular street, a segment of a bike infrastructure, all those pieces are huge in terms of improving mobility. And that's what this is about, it's about taking an opportunity to do that. And the other thing to think about is this does talk about citywide projects. So for example in the mobility committee we have talked about bus stops for example and we talked to cap metro. They have a proposal to include some additional bus stops that would be in several different districts and they may make the most sense. It's \$100,000. Only \$100,000 for an additional bus stop. I'm trying help you think about how they all connect. So if you're thinking about something in a particular district please don't think about that as being small and not helping with our huge mobility problems because those are our problems.

[9:00:35 PM]

If we look at our sidewalks -- I'll stop in a minute. I'm -- okay.

[Laughter]. I just thought about this a lot because -- the reason I think it's important is because I heard so much of it during the campaign where people were saying to me, hey, we really need help in our neighborhood. So I think this is an opportunity to do it. I'm sorry for going on and on. It's late.

>> Mr. Goode, do you have any comments for us.

>> Tovo: Can I raise a point --

>> Mayor Adler: But others of us have to have a chance on the dais.

>> Tovo: But I feel the points I raised were directly challenged and I want to say by no means do I regard sidewalks or bike lanes or others as missing pieces of our mobility system or not important to the people living there or not important to connectivity. They're probably the issues I hear about the very most constantly, and have, but I do think -- I do want some clarity about how those citywide projects will also be flagged because we have some corridors in need of addressing that may run from one district through three areas. Airport is one, burnet is another. Are those also going to be flagged for attention or are we expecting the staff to identify projects that are more local in nature? Intersections, sidewalks, bike lanes? Or will you also be identifying some of the other larger scale mobility projects that are -- that cross districts?

>> Yes.

>> Mayor Adler: In the context, my reservation expressed at the working meeting is I just think it's a bad policy for us if we have a certain amount of money to spend in an area to cut it up by district as opposed to cutting it up by need or by appropriateness or by the larger goals that we have. So I appreciate the effort to pull away from that so as to add the opportunities for greater citywide or regional, within our city perspective.

[9:02:48 PM]

And in that regard I see this as an improvement over where it started off because it provides some additional opportunities for that. But that was my initial -- my reservation for the initial draft. Do you want to talk a little bit about this?

>> Sure. I think this can end up being a win-win. The transportation public works staff we certainly see this as an opportunity to not only work with each councilmember to find priorities within your district, but also look at citywide priorities. And we may come back with three or four alternatives for you as a body to look at.

[Lapse in audio]. We don't have a list of priorities one through 3,000. We have buckets and we have priorities within those buckets and then we have citywide priorities, big corridor projects. So I anticipate if you all pass this tonight that we will work with each council district, each councilmember within that district to look at your priorities, the ones that we have already identified. There may be some that you bring forward and say have you thought of this? We'll review those and see how they rank and then we'll come forward with a recommendation that brings all those together. Hopefully again it will be win-win, but we'll have to see what priorities will come with each district and based on the citywide

priorities how those might flow together. I think we can make it work. When it comes back to this body you would likely have three or four alternatives to consider.

>> Mayor Adler: I know when you're coming back pursuant to this language, I need all districts and constituents in each.

>> Mayor Adler: People have yet to speak on this. Anyone want to speak? Ms. Gallo?

>> Gallo: It's so late, I can't remember whether I've spoken on it or not. And you have the easy job because you'll make everyone happy.

[9:04:50 PM]

I remember, and part of the conversation I think is going to be equity too. And councilmember Zimmerman produced something dealing with not this agenda item, but looked at the funding for transportation and mobility by district. And it was very -- it was very apparent that the spending has not been equitable between the different districts. So I hope with whatever agenda item you produced that for you will be able to find it and share it again because I thought that was really interesting to read. We've got an amendment that's just a really minor amendment to this. I'm not sure whether you want to -- the community getting involved with the neighborhood partnering program. And we're seeing that with sidewalks and with traffic-calming devices and with pools, which of course wouldn't be on this, but it's a situation where the neighborhood and parks -- the situation where the neighborhood itself determines that there is an issue within the neighborhood that they want to have addressed and they realized that perhaps the city doesn't have the full funding to be able to do that. And so they come together as a community, they do fund-raising, they look for foundations for grants, and it's a partnership that then becomes blended with city money to produce results faster than what the city would do if they were funding it alone. So on the cream sheet of paper, and this will be really confusing and I apologize, councilmember Kitchen, because this has been put on the first version of the amendment instead of the second. But it's the red be it resolved, councilmembers may choose to use the neighborhood partnering if they meet the criteria as outlined in this resolution.

>> Mayor Adler: Ms. Gallo, do you have a problem with changing the wording just a little bit since the councilmembers don't really choose here, to just say that funds may be used within the neighboring partner program to the extent the projects meet the same transportation.

[9:06:58 PM]

>> Gallo: That would be fine.

>> Mayor Adler: So there's been an amendment that says funds may be used within the neighborhood partnering program to the extent they meet the same criteria as outlined in the resolution. Is there a second to that?

>> Second.

>> Mayor Adler: I think it's been seconded. Real quick, is there a second to this? Ms. Kitchen. Okay. Ms. Pool?

>> So the neighborhood partnering program, which I love, can staff assure me that city money can be used as a match to the neighborhood partnering program, which is already city money? Because I had

understood that they required a match from the residents.

>> Kitchen: This isn't a match.

>> Gallo: That's what this says.

>> Kitchen: It doesn't say that.

>> This is just saying that the funds that the city would use as part of the neighborhood planning program could come out of these funds. It's not saying it's being used as a match.

>> Pool: That's what I wanted to clarify. It sounded like this would be used with the neighborhood planning program.

>> Kerry Morris, public works department. I think I understand the question. If these funds are used as part of the neighborhood partnering program there would be an opportunity for neighborhood groups to contribute to the project to increase the scope potentially. I don't think that there is a restriction with the quarter cent funds that would prevent that. I'm not 100 percent certain, but I don't believe there is. But it's certainly something that we can look at before we bring these recommendations back in August.

>> Mayor Adler: Mr. Good, is it your understanding they can be used that way.

>> Yes, as long as it's included in the interlocal with cap metro. It's not to replace the neighborhood funds, it will be our funding. The city's match.

>> I've heard criteria used twice, but I don't know what the criteria are.

>> It's in the resolution.

>> Pool: I would like specific information about how -- as we move forward -- don't have to do it right now, but that would be some information that we'll need if this passes with this amendment so that we understand what the specific criteria are.

[9:09:09 PM]

And then I had a second question --

>> Kitchen: I can answer the criteria. If that would be helpful.

>> Mayor Adler: It's in the resolution.

>> Kitchen: The criteria is in the neighborhood.

>> Pool: For the neighborhood partnering program?

>> Kitchen: Think about it this way. The neighborhood partnering program is used for certain projects, transportation projects. And so what would meet the -- if a neighborhood wanted to use the -- wanted to use those funds for a sidewalk, then the question would be does the sidewalk meet this criteria, and it does. If a neighborhood plan wanted to use it for something that didn't meet this criteria, then you wouldn't use the neighborhood plan.

>> Pool: So my familiarity with the neighborhood partnering plan is more on the side of turning pieces of right-of-way into sustainable garden.

[Lapse in audio] What all is part of the neighborhood partnering program so I'm asking to better be brought up to speed for that, simply asking for information.

>> Absolutely. So we would be looking at projects that essentially meet the criteria of this funding as well as could be considered a neighborhood partnering type project. And would accept funding from the neighborhood as well.

>> Pool: I have another question. I wanted to understand how disbursed equitably would be, what that

means. Is it equitable based on the projects that are in a district or is it an equal share of the monies? I think I've heard a couple different ways that the monies would be disbursed equitably.

>> And I'm not against it. I want to fully understand the initiative.

>> Not a problem. Those are good questions. The amendment has been offered to add that funds maybe in the neighborhood partnering program.

[9:11:15 PM]

Any discussion? Mr. Renteria?

>> Renteria: I have a question. We have created parking districts in our neighborhood so that we could pay for parking -- I mean sidewalks and lights and stuff. Traffic lights. And would that also qualify as a neighborhood partnering program?

>> Bruce we've set up a parking district and the money is to be used for repair of sidewalks. Would that qualify the matching with the capital metro?

>> Mayor Adler: Do you understand that question, Mr. Goode?

>> I think there are two questions there. One you're asking about a neighboring partnering program regardless of this resolution and Kerry may be able to answer that, whether or not the funds may be used as the neighborhood match for that program, that's a different question. As far as this resolution, again if it's a project that meets the transportation criteria, included in the interlocal agreement, if we choose to use our city match for that, I think that would be appropriate. But the neighborhood partnering program, I think Ms. Juarez may be able to answer that better.

>> So the question is could parking revenue be used as a neighborhood match for the neighborhood partnering program? I don't know of any restrictions in the neighborhood partnering program that would prevent that. I would need to verify, though, if the parking revenue program has any restrictions. So I would like to look into that and get back with you and let you know.

>> Mayor Adler: Okay. We have an amendment from Ms. Gallo adding that section. Any further debate? Those in favor of adding neighborhood plan please raise your hand? Those opposed? The amendment is added. We are now back to the main item as amended. This is number 93. Any further conversation, discussion on this?

[9:13:17 PM]

Those -- Ms. Tovo and then Mr. Zimmerman?

>> Tovo: I would like to ask that we have a discussion about the question that councilmember pool raised because it's certainly one on my mind too, what does equitable distribution mean? And how will we -- there was a suggestion on Tuesday that if there is going to be wayfinding downtown -- [lapse in audio]. For drain share. And that is my concern with doing down this path. I think we have tremendous needs throughout all of our city, but I also know when it comes to transportation projects if we are not talking about just -- even if we are talking about hybrid beacons and traffic signal improvements, what happens in one area of the town certainly may benefit constituents in another. So what is the process through which we're going to, one, evaluate those more regional in the context of intra district projects, and when we're talking about equitable distribution are we really talking about

dividing this up in equal parts?

>> Kitchen: I'll speak to that.

>> Mayor Adler: Okay. Ms. Kitchen?

>> Kitchen: First off, that is the crux of the question. And I think that's a very good question to ask. I don't think we're -- we can answer it today. What we've done with this is set up a process. As part of that process we do need to answer that question, but I don't think we can answer that question without having a list of projects in front of us. So that's why we tried -- what we tried to do here is set up a process by which we could have that conversation so I think the way this works to allow us to have that conversation is that we have this process for coming up with a list, there will be all of us involved in that, all of us involved with that will do the best we can with equitable and I'll tell you what mine is in a minute, but then we have double checks.

[9:15:22 PM]

We'll have a conversation in the mobility committee when we look at the list. We'll be looking at it from several perspectives on whether we think it's equitable or not. And when we bring it back to the full council we'll have that conversation again. To me I think it's an important question to ask and equitable to me means of benefit to all parts of the city. So I can't tell you today exactly how that's measured because I don't have these projects in front of me. It could be one way to look at it is equal dollars, but we don't know if it's appropriate yet. Because we don't have the list. It may be of equal value in some way, equal impact in terms of improving mobility. I don't think we can answer that question today. I do think it's an important question. I think we'll have to answer it as we go through this process.

>> Mayor Adler: Further conversation? Mr. Zimmerman, did you want to talk?

>> Zimmerman: No.

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

>> Zimmerman: I call the question.

>> Mayor Adler: Before we do that, we have a speaker. Mr. King, do you want to talk to us?

>> Yes. My name is David king. I live in the zilker neighborhood and I support councilmember kitchen's perspective on letting the -- I'll just speak for my neighborhood. We do have some areas, a few areas where filling in the gap in a sidewalk could make a big difference to us. So I think that's an important point. Probably every district has those same situations, those same opportunities. So -- I know my neighborhood is looking for something that can help them as quickly as possible and that's probably true for every district. I understand it's a tough question on equity here. One way to look at this is to when we do look at these opportunities on each district is to maybe target some of that money to help our low income families who are trying to get to work and back through our transportation infrastructure and make sure that we have bus stops and bus routes that help them get back and forth.

[9:17:29 PM]

And use some of the rest of the money to help with sidewalks and mobility and traffic calming devices, maybe a stoplight. We have lots of opportunities in my neighborhood and this can be very helpful to us. Thank you for finding this money and hopefully we can get some help to our neighborhoods. Thank you

very much. >>

>> Mayor Adler: Thank you. Further discussion on this issue? Ms. Garza?

>> Garza:.

>> I think the wording is there, for the concerns of the neighborhood and the mayor -- the mayor pro tem and the mayor continuous voiced.

>> It's in the first be it resolved the second paragraph, it says the city manager shall provide a list of the projects, -- I'm sorry, that's the wrong one. It talks about citywide as well as -- the first paragraph. It addressed district specific and/or citywide priorities. So I think those concerns are addressed in this item and I would say that --

[lapse in audio]. It's going to lead to, you know, fighting for money for our separate districts. And I think that there's -- we can look at that a couple of ways because, you know, we were each elected to voice the concerns of our district, but I also recognize that downtown sees a lot of traffic and we need to consider the funding that goes to downtown traffic types, transportation types of issues. This is just the beginning of a process to be able to look at that list and see, if there was something going on on south first that could -- it could potentially help district two, district five and district three because south first runs all along those -- a bunch of the big corridors are where districts intersect. I think a lot of this would help several districts and I think I can only speak for myself, but I would definitely want to support a project that helped several districts over just maybe just helping mine.

[9:19:39 PM]

But anyway, it's the beginning of a process so I will support this item.

>> Mayor Adler: Mr. Casar?

>> Casar: Mr. Mayor, I think most of my concerns that he brought up on the council message board have been addressed even if they are still somewhat lingering and I would say my greatest lingering concern that we haven't talked very much about is the wording about determined by each councilmember. And I understand the intent and I think that I will be -- I'm going support this resolution, but what I would urge from city staff and my colleagues is to make sure that if the list is determined by councilmembers and the mayor that we are able to ask honestly our city staff if those are in their views some of the greatest needs based on data because I know -- I have a big heart for my constituents that are the loudest and that email me the most about the issues on their streets, but at a recent community meeting that I would held I got to hear the transportation data about where the most danger really is in my district and sometimes it was not where the people that were the loudest were, but actually correlated more closely to where less people were complaining and the people where people had complained we already had done traffic knitgation. I know there are definitely some key places in my district where constituents are asking for help and it's for a very good reason. As far as I am concerned. But I know that there are political pressures involved here and what I would hope and urge is that we can work with our staff to really hone in on where there's greatest need and for my colleagues to not take offense if I come to that mobility committee meeting and ask those questions if the list brought forth by those council districts are the places with the greatest need and that if I drive the points home that that's what I want, no offense, but I care about people in your districts even if they're not my voters also. So I will -- I want to put that out there as a church of caution and explaining my issue on this that if you determine it was a

place of greatest need that I would also want to hear staff's opinion.

[9:21:49 PM]

>> Mayor Adler: I think that's fair game. Ms. Houston?

>> Houston: Is there a need for us to pass this before we get the information from the transportation department?

>> Kitchen: Can I speak to that. Yes, I believe so. We had a lot of discussion before we move forward with this and I had heard from our transportation staff that they needed this kind of direction before they put together a list. That's why we went forward with this.

>> Houston: It seems like that the ask is for a list, but much more. It's setting up a process for how we look at the list. I would be fine on voting for if you all would go away and do a list and get it back to us. And then we could do all this other information about equitably distributing funds across our district. I can't make that call because I don't have anything in front of me. I don't know what that might even look like. So I'm going to be guessing if I vote about what this will mean in the future because I don't have any data to substantiate what I'm voting for at this moment.

>> I know what some of my mobility issues and the transportation issues in the district, but it's the process that I'm uncomfortable with at this moment. >>

>> Zimmerman: I was going say the traffic, engineering and public works have identified all kind of projects that there is no money for. There's not a problem with things that you could spend the money on. We're only talking about two million dollars. The needs in the district already identified will be in the tens of millions of dollars. Hike and bike trail R.

>> Houston: But if you know that can you give that to the rest of us, councilmember Zimmerman.

>> Zimmerman: Transportation department has that. All that is there. Look it up, it's there.

[9:23:50 PM]

>> Mayor Adler: Hang on.

>> Kitchen: I think -- councilmember Houston, I appreciate your concerns. I think this is helpful to spell out. Yes, maybe we could do this but buyout the mobility committee also wanted to bring this to the full council. The mobility committee could have just and we thought about going down the road to create this list, but I was uncomfortable with that and I think my fellow committee members wanted to tell you all and hear from you about this process. That's why we're bringing this forward to let you know what the process is instead of on our own working with the staff to come up with a list. That didn't seem appropriate. So what we're trying do is lay out a process and just tell you what we're going to be doing with the mobility committee and a way in which to bring you all a part of it because there was no other way to bring everybody part of this process. So that's why we're laying out this process the way it is. So that we could make that clear to the public and understandable to people.

>> Mayor Adler: And it may be as part of this approach when we see the things laid out as you're bringing it back to us that ultimately we're not doing anything. That it's just central to a district or it could be that it varies by district. And it goes back to the mobility committee. I think we're just asking for a list of priorities that would include that range. Again, I also believe that our primary function is a

citywide -- we have a citywide challenge ultimately that we're dealing with here. I think there are local components of that that I don't have a problem and we need to take a look at as well. Ms. Gallo?

>> I think one piece of this that's really important is I think there are a lot of neighborhoods in a lot of our districts that have felt very disconnected from the conversation as councilmembers representing those districts to actually have that conversation with transportation and really talk about the issues that transportation sees in our districts and also the district that we and our constituents see in that district.

[9:26:14 PM]

So it is really something that we have the funding available, it carries that conversation forward so that the public and our neighbors and our neighborhoods feel that there's an opportunity to perhaps address some of these things that they've been so frustrated about, knowing that they need and mobilizing to say that they need, but us continuing to say there's no money for it.

>> Zimmerman: I call the question, Mr. Mayor.

>> Mayor Adler: Further debate on this issue? Hearing none, those in favor of item 93 as amended, please raise your hand? Those opposed? 10-0-1, Ms. Houston abstaining. By way of tomorrow or next week, this is what my list looks like. I think the items that we have pushed to next Tuesday include Numbers 2, 14, 18 -- I'll slow down.

[Laughter]. It looks like these are the things on the agenda on Tuesday. And remember, we're trying to work out these questions between now and Tuesday so that hopefully these turgeonly consent items -- generally consent items. Items 2, 14, 18, 29, 35, 39, 43, 51, 62 and 83. The things that we have pushed to Thursday's agenda are item 2, it's on both, 59, 64, 83. It's on both. And 97. Okay. Mr. Casar?

>> Casar: Mayor, is there a reason we have two on Tuesday?

>> Mayor Adler: I put it both because it was flexible and we could pull it up either place depending on if it's worked out it's all resolved and it's in an agreement. My preference would be to handle as much as we can on Tuesday rather than Thursday so that we preserve Thursday for Austin energy.

[9:28:23 PM]

The Austin energy items. It's there so that the council at its will can consider it either way. Ms. Tovo?

>> Tovo: I want to be able to give our community individuals who have been involved in that issue some sense of which day might be more appropriate. They will in any case be able to participate on Thursday, is that correct? Even though we have it on -- this is number two. Even though we have it on Tuesday and Thursday, it's sort of akin to the work session where we would bring it up and be able to talk about it among ourselves but on Thursday would be an opportunity to speak. Or is it that because it's a special called meeting they would have an opportunity to speak on both days?

>> Mayor Adler: Number 2 is -- we've identified it as a called meeting, we can treat it both as a work session and as a regular meeting. It's a called action. We don't have to take action on the item, we can discuss it like at a work session. We can take action on Thursday. Number two is an Austin energy item. So the question is in terms of the suspect being involved in that, if it's not worked out and it looks like it's going to be a big meeting, I'm going to try to call it on Tuesday so we're not using up our Austin

energy meeting and the briefings that were set to have happen. So I'm not sure we can give the stakeholders as much clarity as they might like because they should be prepared --

>> Tovo: They should be prepared to be there on Tuesday as well as Thursday.

>> Mayor Adler: Correct. I'm trying to preserve Thursday as best I can. Anything else? We stand adjourned. Well before Ms. Kitchen's midnight deadline.

[9:30:28 PM]

You [adjourned] >> >> >> >> >> >>