

City Council Work Session Transcript – 09/29/2015

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>> Mayor Adler: Are we about ready to gear this up? Today is Tuesday, September 29th, 2015. We are in the boards and commissions room at the Austin city hall, 301 west second street. Today is our noticed work session. We have one item that will be considered in executive session. Relating to the pricing and terms of solar and acquisition of utility scale solar generated power and we have some items that have been pulled in the work session. Councilmember kitchen has texted she's being delayed by a few minutes but will join us as quickly as we can get here. We have a quorum present. So we'll go ahead and start with the items that have been pulled. I pulled items 4 and 5. Related to Austin energy. I'm not going to ask that we discuss those publicly at this point. Let's get into executive session and after executive session if we want to -- to bring those up publicly, we will do that. We come out of executive session -- when we come out of executive session. That gets us to the items that were noticed. Ms. Houston has -- has a question on -- on number 8. We're going to -- we're going to come back to that, I'm going to run through the things that were first -- first formally noticed. We'll come back to that. Item no. 12 was pulled by Ms. Houston, do you want to start us on this one, Ms. Houston?

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>> Houston: Good morning. I just have a couple of questions for the record. Can you give me the definition for affordable housing ownership? And is that based upon the Austin metropolitan district or is it [indiscernible] [Microphone interference] Metropolitan statistical district? I need it for a single person and a family. >> Good morning. Betsy Spencer. >> I thought that was on. >> No. You don't have a red light. There we go. >> Sorry. Betsy Spencer, director of neighborhood housing community development. When you say the definition, are you looking for the actual calculation, the median family income number? >> Houston: I'm looking for whatever you all do to decide whether this is an affordable project. >> Okay. On home ownership projects, we typically will contract by definition for 80% and below median family income as the eligibility. There are several different models. Typically with the habitat product, many of you are familiar with habitat. Their -- their bread and butter work is to target families between 30% and 50% mfi, the median family income. They have a sweat equity model where they get a lot of donations, there's a lot of equity. Their target population that they serve for home ownership will be between 30 and 50% median family income as a standard. That's their -- as a national organization. The majority of other non-profit and for-profit developers that work with home ownership will target families between 50% and 80% using restricted funds for -- for affordable housing. So typically, again, when we contract even with habitat, we don't contract for 50% and below because that can sometimes complicate things for their financing. But we know as a model, they

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are going to target 30 to 50%. We will contract, though, almost all of our contracts at 80% and below. >> Houston: So if you can tell me what -- what income level is that for a single person? And what income level is that for a family at 80% median family income. >> David, do you have those? >> Sure, David potter, program manager at neighborhood housing. For a single person household, 80% of the median family income, that amounts to \$43,050 per year. And -- and for family we're going -- we're going to go to four-person household, and at 80% of the median family income, that amount is \$61,450. >> 61? >> 61,450. >> Houston: That's for the Austin area, not for the -- >> It's for the metropolitan statistical area, which includes Round Rock and San marcos. >> Houston: Thank you. The other question is regarding this item, how many -- how many profit developers have used this trust fund and how many non-profits have used it and how much did they pull down? >> We will need to get back to you on that, I don't have it off the top of my head, we can certainly give you the breakdown between for profit and non-profit. Are you specifically asking about the trust fund? >> Yes, ma'am. >> Houston: This is item 12. >> Just wanted to be clear. >> You're welcome. >> Houston: Thank you. >> You're welcome. >> Mayor Adler: Any other questions on this item 12. Okay, we'll go on to the next item. 19 had been initially pulled, but that pull by Ms. Houston, she's answered her questions or doesn't need that pulled now. That gets us up to item no. 21. Ms. Houston, you pulled that one as well. >> Houston: Thank you, this is for parks and recreation, 21 regarding the

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lone star tennis company. I guess my question is why is it on the agenda for the first because parks board hadn't reviewed it yet. Then I think somebody else had some questions, but -- >> Councilmember Houston, Sara Hensley, parks and recreation, I'm going to have to go back and ask staff because my understanding is that they did review this, that the parks board did receive a presentation previous to this. I will double check if you are saying they had not. So it was my understanding that they had. >> Houston: It just says it's to be reviewed on the 29th. >> Okay. >> Houston: The other question is, is there some urgency, since the contract doesn't expire until the 16th of January -- January 28th, 2016, is there some urgency to get this done? >> Not from our perspective, no, ma'am. We just try to stay ahead of them so we don't have an issue where we're behind. >> Houston: Okay. >> This is James Garber purchasing. I can check with the buyer to see the in-bound contractor, they may have an implementation period where they need to get prepared. I will check and we will confirm that in writing. >> Houston: Thank you. >> Yes, ma'am. >> Houston: That's it. >> Mayor Adler: All right. Any further questions? Did anyone else have any questions on this -- >> Houston: I thought councilmember Zimmerman posted something on this? >> Mayor Adler: Item 21? >> Zimmerman: Mr. Mayor, if I could, I -- our open space parks committee, I don't think we -- did we hear this, councilmember pool? Was this on our agenda for open space and parks? The item 21? >> Mayor Adler: Ms. Pool, do you recall? >> Pool: Oh. I honestly

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don't remember this specific one. I know we talked about the tennis center at Caswell and the parking there. I don't recall this one. >> Houston: Yeah, this is -- I'm going -- >> Yeah, I'm going to have to double check, I was confused with that councilmember Houston. This one is going to the parks and recreation board tonight. >> >> Zimmerman: Mr. Mayor, I would be open to the idea of referring that back to our committee. Seems like something we could deal with quickly. >> Pool: I don't know if it has to come to

the committee. The amount is relatively low. It looks like a pro Forma expansion, but, I will talk with our staff and the chair of the parks board to make that determination. My inclination is to bring it to council to continue moving forward. >> Mayor Adler: Okay. You can take a look at that, and if possible, just post something on the board to let us know the standing. >> Be happy to do that. >> Houston: There are some questions for councilmember Zimmerman that you all will answer? Okay. So, if those answers are pending, if you all just make sure that all of us get those answers? >> Yes, they were sent. I think we had those, and I approved those this morning to be sent. >> Mayor Adler: So they should be posted here? >> Yes. >> Mayor Adler: Great, thank you. Anything else on number 21? >> That was in regards to the revenue that you asked, I believe. I proved that this morning. >> Mayor Adler: Councilmember Renteria has a couple questions on item 54, which is the chestnut project. I say that out loud in case staff would be available to be able to answer a couple questions on that. That gets us up to items 37 and

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39. They were pulled by Ms. Kitchen. She's not here. So let's pass those for the moment. Item number 45 I had pulled. I'm going to unpull that. I'm in favor of Mr. Renteria's intent here, which is to add some measure of uniformity to the development process that we use around the city so that it doesn't vary by area. I think there have been some questions that have been raised with respect to particular words and wording, and we're just going to touch base with Mr. Renteria's office. But I wasn't pulling this because I had any kind of reservation with the resolution, because I think we do need to be going forward on that matter. Ms. Houston. >> Houston: Yes, mayor. Some of the concerns that I've received is that there was no opportunity for input from other neighborhood associations and other planning teams, contact teams. They're called different things in different parts of the city. That they had no idea that this was coming forward. And so, again, this is what we tried to talk about in doing a start with everybody and then bring up a resolution. This is one of those that now people are going to have to respond -- if adopted on Thursday -- that's already adopted without the ability to have valuable input into the process. And some people feel like this was not something that they knew about at all before this was presented to the council committee, or to the -- coming up on the agenda on Thursday, so those are some of the concerns. >> Mayor Adler: Mr. Casar. >> Casar: Mayor, I heard many of those concerns as well. I was -- those concerns for me were alleviated when, you know, we understood that the resolution -- it passed with only initiated code amendments. So there would be an iterative process to figure out how this would work in the code.

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Another concern that I heard that some of you may hear is that some of these contact teams, as councilmember Houston mentioned, were once just advocacy groups or neighborhood associations that felt they had the contact team label layered over them. For them to have standardized bylaws had relevance. So, I'm interested in just contact team does convey a very particular, sort of, rights and privileges other organizations don't have. I want to make sure that when we pass this, there's, sort of, a link between the extra powers conveyed to a contact team and the responsibilities they have to the constituents they represent to make sure that they have standard bylaws and practices. We already have some regulation. For example, you can't charge dues. Your contact team can't charge dues. You have to submit your bylaws. Making those things clear and standardized makes sense. We have a process for getting citizen input and contact team input after this resolution passes, which I hope that it does. >> Mayor Adler: And part of my concerns are alleviated with the concept of -- and this is the language that I think we all need to play with over the next two days. I'm real uncomfortable with this council being asked to make policy decisions on an issue that has not been sufficiently vetted below, or

out for a sufficient period of time for the community to be able to react to it. I'm real comfortable with a council-initiated, or something that comes to us that says, this is a potential challenge. We should now initiate a process for dealing with that challenge without proscribing what the answer is, because I'm real uncomfortable being asked to express an opinion on what the particular answer is without having had that process. And I don't think it's a position, as a council, we should put ourselves in, where

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we're trying to guess at what the ultimate solution might be. So, I would like us to be talking about particular solutions after we've gone through the sufficient vetting process to say, here's the challenge, now come back with us with ways we might be able to handle that, as opposed to saying, this is the solution, and now let's take a vote on the solution before the vetting process. So my hope is that we can -- I think the challenge that's been presented has been articulated well by councilmember Renteria, and I think it's important that that challenge be real clearly laid out, the concerns in the resolution we pass, and then let that process, then, come up with and develop what the answer is for those that vet it in the community. Then we discuss. But I think we can make those -- we can make sure that that is what happens here. Mr. Renteria. >> Renteria: Yes, mayor, that's correct. And the reason that the -- I brought this up is that I've been hearing complaints about, you know, the code, you know, already allows for a lot of this, but there's no enforcement. You know, when they meet, you know, they're supposed to have yearly elections. And when citizens that live in that area are saying, hey, we want to participate and we want to know about your election process, they're told either they -- can't vote, they haven't lived there long enough, or they can't participate because they haven't lived long enough in the neighborhood. And some of these requirements -- you know, some are requirements as soon as you move in there, you can participate in the contact team. Other contact teams say, you have to live there for five years before you have any voice in your neighborhood, which, you know, there's -- those are the kind of extremes that we're trying to solve here.

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No one should have to be told that they can't participate in their neighborhood, you know. And especially when they're being told that you have to wait five years before you can even have a voice in your neighborhood. That's just -- I don't think that that's right. And fair. So. That's why we are attempting to put some enforcements. It's not that they're not there already. The code allows for contact teams to make decisions. It just has no enforcement. And that's the problem. You know, if a contact team hasn't had elections in two or three years, there's nothing that the staff can do about it. There's nothing that they can say, "Okay, you're violating the policy." So if a whole area, like in my district, you know, district -- I mean, the valley, and terrace, I'm constantly hearing people saying that we're told that we cannot participate in contact teams. I say, why not? I say, we have an open policy of anyone should come to the meeting and have a voice, whether they vote or not, they have a voice. And that's all I'm asking for in this resolution is to give the power to the staff so they can enforce the contact team, the code that we already have. It's just like ftrs, you know. They didn't have the power to go in there until we finally came in and gave them the enforcement tools to go ahead and do it. This is all I'm asking for. I'm not changing anything that's already written in the code. >> Mayor Adler: And I like it, too, because you identified that there's going to be a stakeholder process. You have asked in the whereas clauses for there to be rules and guidelines without proscribing what the rules and

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guidelines are. You said you want the city to be able to monitor compliance without proscribing what the rules are, but, being the city the ability to be able to enforce those, and to give some measures of control. I agree with that. If this passes, I look forward to the community debate over what those rules and guidelines are. And I think the whole community can participate in those. We'll be able to see that discussion as it happens and learn from it so that when it gets back to us in ordinance form, those issues will have been vetted. Hopefully we'll be able to identify where the points of contention are, and then we'll be able to make a decision. And I like that because that's what this resolution does. That's how I read it. Ms. Pool. >> Pool: Yeah. And in my mind, when I think about a resolution versus an ordinance, the resolution is the planning phase where you lay out the scope of the work or problem in the community, and we work through various procedures, including the stakeholders. It isn't until we get to approving the ordinance that any real change occurs with regard to our code, is that right? >> Mayor Adler: I think that's true. I want to make sure we're not scaring people. >> Pool: Right. >> Mayor Adler: Even though we could direct staff to say, not only is this the challenge, but this is what we think the solution to the challenge is. And even though that solution doesn't become adopted until it works its way back to us, I think the community gives great meaning to us when we're solving the challenge. And what I would urge my colleagues to do is let that community process -- either in the committee process as part of the ordinance process -- work up what those specific solutions are, as opposed to us guessing at the beginning of the period what the right outcome is. I agree with you. That process exists, and we should trust it and see what happens with it. I agree. >> Houston: Mr. Mayor. >> Mayor Adler yes.

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>> Houston: It says the city manager is directed to initiate code amendments, be it further revolved that stakeholder meetings is an afterthought, rather than the city manager is directed to hold stakeholder meetings and then get to the initiation of code amendments to the land development code. I just think that's flipped. I think the stakeholder process should go first before we direct a code amendment change. And so that's the concern that I have. >> Mayor Adler: I understand. And I think we can work on a language to, kind of, fine-tune it so that this, kind of, sentiment is expressed. We have a challenge. We can identify that challenge. We can ask the manager to come back after going through a stakeholder process with a way to meet that challenge. And I'm real comfortable with that process. >> Houston: It looks like we've lost television coverage. >> We're still broadcasting. It's the monitors in here. >> Mayor Adler: We've just lost monitor coverage, but we're still broadcasting. Anything else on this item number 45? Let's double back. Ms. Kitchen, if you're okay with items 37 and 39. >> Kitchen: I'm supporting item 37. I just thought it would be helpful to have a brief explanation and discussion, you know, at this meeting. So, I would just ask councilmember Casar, if he doesn't mind, just briefing us on it so that we don't have any -- I wanted to avoid questions on Thursday, so. >> Mayor Adler: Mr. Casar. >> Casar: Certainly. I'll leave it primarily to the clerk's office to explain, but my understanding having gone through the campaign was, in particular, as Gus Garcia recreation center, that folks had different expectations of

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what the hours would be. We had some citizens communication about the issue. I know the clerk's office began work on this when they first started hearing some of the concerns about, sort of, nonstandardized hours at some standing city locations. And so, in communication with the clerk's office, and also with the mayor's office and with some of the council, it sounds like the clerk, along with Dana and folks at the county, have been working hard at addressing the issue. I wanted to put this resolution up to thank you for the work that you've done, and also to notice the community that we are, sort of, setting a higher standard here at the city and county. And finally, to, sort of, express council's intent that

we have these standardized voting hours so we can ensure the highest maximum voting participation in low-turnout areas. Going forward, we will stick to the highest standard we can. My understanding is this is all within existing budget, but I leave it to the clerk to correct any of my errors, and thank you for the work you've done over the last couple months. >> Mayor Adler: Mr. Zimmerman, did you have something? >> Zimmerman: Sure, I want to thank councilmember Casar for this very important -- I can't wait to hear what you have to say about this, because I believe this is in the authority of the county elections office. And another thing to note is that the elections are bundled, right. And so any county, any constitutional amendments, other offices, it's all one ballot, not just the city of Austin. And the county has the authority. So I don't want to put our clerk in a box to ask her to do something she can't do because the authority resides with the county. But let's get your comments on that. >> Mayor Adler: Staff. >> Jannette Goodall, city clerk. When this issue came up, J.K. Gail and I in the law department started trying to go back and research when the different voting hours began.

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Best we can estimate, it probably started with some of the recession when the library and the rec center hours got cut. And so, it seemed like a natural thing to do. They were precleared by doj through the process, so we were confident that we weren't violating any of the voting rights act. And then it just became part of the standard voting hours. Over time. So, when the concerns got raised, we started looking at it, and we started talking to the county. Councilmember Zimmerman is correct in that in with the contract that we have with the county, the county clerk, since they are our election operator, does, by the contract, establish the polling places. Now, having said that, they do work with us and will take whatever advice and/or recommendations we want to do, since we are one of the bigger players that they provide services to. So they have committed to pretty much working with us to do whatever it is the council would like to do as far as the polling places, because it works to their benefit as well. So we have worked with them and with the city manager's office to evaluate what the cost would be for extending the voting hours to the -- I believe it's five city locations that had different voting hours. The city manager worked with the two departments involved, parks and the library, and if I remember right off the top of my head, they estimated maybe an additional \$5,000 to have staff there at the facilities to make sure the hours are located, and that now they could just absorb

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that into -- as part of their daily operational budget. There may be a slight increase in the cost that we pay the county, because we do pay the county for the election services, because we may be paying some voter election judges extra hours. Again, the election judges do not make a lot of money, and so I'm pretty confident that we can absorb that into the budget that we have estimated for the 2016 election. The county actually has, since then, approached us to see if we would be -- the city would be willing to extend those additional hours to non-city elections like the primary election coming up in March, and the city manager's office has agreed that that's appropriate. And we will also extend it to those hours to non-city elections as well. We're also working with the county to figure out, are there particular areas in the city that have really low voter turnout? And are there options that we could put into place, either additional mobile polling locations, and/or an additional location in those areas to see if that would increase voter turnout in those areas, and then we would track that over the next few elections to see if it has any positive impact. So, these are all things that we've already put into place with the county, and so we're moving forward with those ideas. And if you have others, we welcome any thoughts or suggestions. >> Mayor Adler: Thank you. Mr. Casar, I'm supportive of this. And have spoken in favor of this a lot of times. Help me with a separate question, which is kind of a council

procedure-kind of question. We have an item that comes from

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council that hasn't had a chance to go through a committee. This one seems so obvious to me that it doesn't seem like it needs to go through committee, except at the same time, I think probably beauty is in the eye of the beholder, and I recognize there may very well be people, or other issues, it seems obvious to me, may not seem as obvious to others. What I do want to do is I want us to figure out what our rules are that we would uniformly apply so that we're not ending up in a situation where, even in the six or eight months leading up to a campaign season, we're not finding ourselves besieged with a lot of wedge votes on items where activity is already seeming to be happening, or it's a national issue that really the council doesn't have anything to do with, or it's a policy issue that really needs to be vetted more by the community or by our staff, or by a committee to narrow the issues and to do the background work. So, I'm struggling to -- I want to vote yes for this, and I'm struggling to come up with what the rule would be that I can feel comfortable voting yes for this and not feel like we're impacting the larger system. >> Casar: Sure. And, mayor, I think that we are still clearly in the process of figuring out what those rules are. And I'm committed to working with the council to come up with some -- at least some standards that we can lean on, knowing that this is going to be art and not science, but that there will be some standards that we can lean on that can help us more clearly articulate what needs vetting and what can just pass at the council level immediately. My view is that there are a couple of pretty easy rules. I'm not sure about the hard cases, but on the really clear cases, you know, if there's an

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emergency-type situation, there would be obvious reason for us to not hear things in the committee, and for us to just have to deal with that at the council. And then in the case here where I think the primary work the resolution does is to, you know, the media scans the council agendas. Their community can know that this is something that is being worked on. And for the council to publicly thank the clerk's office for the work that's being done, it's not making -- sort of, authorizing or directing a change, because this is something the clerk is already intending to do. But, I think that, sort of, in that place, I think that that is another pretty easy rule to lean on in some of the easier cases where this is work that the city staff has done, partly in conjunction with the council, because those issues have been brought up to our council offices and even our campaign offices during the time that we were in election season. So, you know, the council had some role to play. We are the elected officials that are affected by the elections. And so I think that in emergency situations and also in situations where we're, sort of, thanking our staff and letting the public know about the good work the city is doing, I wouldn't want to have our committee chairs be burdened with having to have a presentation when they're trying to run through some really deep items, and to drag our staff out to those committee hearings. So, at least in those two cases, I think that I would feel pretty comfortable those coming directly to council. When we get more into the gray areas, I'm happy to struggle along side you and the council to figure out which gray area items need to come to council and which need to go to committee. But these seem pretty clearly in the clear. >> Houston: I'm a cosponsor of the resolution, but I'm interested in learning, now that staff has already done the work to address the concerns that have been brought forward, does the city council really need to do anything?

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>> Mayor Adler: Well if I hear what Mr. Casar was saying -- what I hear Mr. Casar saying is not so much

that the city council needs to do anything other than to thank staff for what it's done. His point was that as people are going through the agenda publicly, they should be alerted to the fact that the city council is, in fact, doing these things. Maybe there's a way to craft this resolution so that it seems less directive and more congratulatory. >> Casar: And there is one more important point, sorry. I did forget, there is one more important point that we are setting some policy with this. And I think I mentioned at the beginning, but failed to mention in my wrap-up, we do set that this is our standard and our intent to have these standardized voting hours such that we would hear back from the staff if there were to be a deviation from that. I imagine, we would expect that if we pass a resolution, our intent and expectation is to have the higher standard during early voting where we have equal hours, or standardized hours. It's possible that staff would alert us if there were to be some sort of a change. It expresses our ongoing intent, so as there are new councils and new clerks, that that is the baseline. And in that case, there is some substantive reason to pass it along those lines. >> Mayor Adler: And those are the concerns and the difficult areas, because then you start approaching a grayer area. >> Casar: It's a very slight shade of gray. >> Mayor Adler: I understand. Ms. Kitchen. >> Kitchen: I was just going to confirm the gray. I do think that there's an important policy approach, or role, I should say, to do the kinds of confirming of the intent of a policy that this proposal does. So, from my perspective, it

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is -- to answer councilmember Houston's concern, I think it is the kind of thing that it's important for the council to express our agreement with the intent. >> Mayor Adler: My hope would be, Ms. Kitchen, that regardless of what happens with this, that the transition committee might be able to write down and articulate some guidelines for us that we can lean on so that we're not drafting them on an ad hoc bases based on whether or not we like that particular resolution that's coming up, or we don't like that particular, so that there's something that a minority of us on this council are able to lean into and be protected by. And the only way we're going to be able to really do that is if we're not developing it when there is a resolution in front of us, but when we do the actual rules. So I would hope the transition committee would help us with that. >> Kitchen: Okay, we will add that to our agenda. I am looking at my transition committee members. We will come up with an approach and suggest it. >> Mayor Adler: Thank you. Ms. Gallo and then Ms. Houston. >> Gallo: Thank you for looking into this. 'S easier for me to mention than send you an email. This probably was true with a lot of the libraries, they're closed on a day. I notice during the general election, for example, the terrentown library, voting was open on Thursday when the library is normally closed on Thursday. But that did not carry forward to the runoff. So a lot of people were surprised, because they had voted on Thursday during the general election, and showed up on Thursday for the runoff and it was closed. So, hopefully we can address that to make it consistent, I would say. We hate to turn voters away. >> My intention and my understanding is this will apply to our general election, early voting, as well as the runoff I elections for early voting. >> Mayor Adler: Okay.

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>> Nervous that councilmember Casar keeps referring to a new clerk, so. [Laughing] >> Zimmerman: We're hiring a new municipal clerk. Municipal clerk. >> Casar: I was confused by that. >> Mayor Adler: Okay, Mr. Renteria. >> Renteria: I just have a question. You know, I know that y'all -- the transition committee has been meeting. Are y'all intending to give us an update on what's been going on? >> Mayor Adler: Ms. Kitchen. >> Kitchen: Yes, we are. And, of course, before there would be any changes or anything put into place, it has to come back here. So, yes. >> Renteria: No, but I mean, what the committee is working on? >> Kitchen: Okay. Well let's see. We have a list -- >> Renteria: I don't have to

have it done today. >> Kitchen: Okay. >> Renteria: We would like -- >> Mayor Adler: Ms. Kitchen, could you post to the bulletin board a current status of the issues you've worked through, the issues that are upcoming so people can add to that if they'd like to? A status report. That would be helpful. >> Kitchen: We'll post that. >> Mayor Adler: Ms. Houston. >> Houston: Thank you again. And I'm sure I'm going to get booed and hissed for this. We have a lot of city staff that do incredible work. The city clerk's office is one, the legal staff is another. I'm not sure that's the best place to put our congratulatory and our thanks for them, in a resolution. I think we need to find another way to do that. And so I appreciate all you've done, and I think you've done enough so that I wouldn't have to vote for this resolution, because I see that you've done an intentional job in trying to fix the issues that people have brought up. So I'm not sure that a resolution is the best place to put congratulations and how much we thank people. >> Mayor Adler: Okay. Ms. Pool. >> Pool: I just want to say that I would always err on the side of having more voting places, especially in harder-to-reach areas of town. And to the extent that it has

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happened in the past, we don't close them the day before or the day of the election, which happened during the runoff. And I think maybe some places were consolidated at the last minute. So I guess -- so, if that is what this will do, to nail that down and make sure that we are as expansive and as accessible with voting locations as possible, that that would be the default. >> I think it will. Now, with that, I will always make the disclaimer that things will always come up at the last minute. A facility suddenly will become unavailable. And so, things will potentially change at the last minute, and a lot of times the county may be scrambling to try to find an alternative location. >> Pool: Right, and I understand that, too, at the last minute, as long as there are sufficient signs that point people in the right direction. I just - I guess my question is, is that the trajectory of this resolution, is really just to nail it down and state more expansively that we're looking to enfranchise people, as opposed to disenfranchise them? Okay. All right. >> Mayor Adler: And then as part of the resolution, would you be -- I mean, I would -- there's some flexibility. And it sounds like your office needs to have that so that you can make adjustments. Is this resolution, Mr. Casar, something that's intended to take away from the clerk's office the ability to have that flexibility? Would they have to come back to the council before they could exercise that measure of discretion? >> Casar: No, this is just stating our broad intent. >> Mayor Adler: Okay. Yes, Ms. Troxclair, then Ms. Tovo. >> Troxclair: I have a general question. When you're looking at what locations - this may be more for the elections clerk, but I thought you might know. When you're looking at where - what areas might need an additional voting location, do we look solely at voter turnout, or do we look at, you know,

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geographic disbursement and, you know, the number of miles it is to the next voting location? Or what determines where we -- what else besides, maybe, the voter turnout determines where we put our voting locations? >> There would be certain requirements that the county would ensure that we have so that there would be requirements that are in the state code as to how many locations have to be within a certain -- within a precinct and/or a combination of precincts. And so the county, kind of, maps that all out for us to make sure it works. Because one of the things they have to take into account is, as we're doing these joint elections, our councilmember districts, their precincts, the ACC districts, the school district boundaries, all are slightly different. And so, they're doing overlays of all of the different districts to try to find locations that would be convenient and meet every entity's requirements. And so, then beyond that, we have talked about using voter turnout. But we could also talk to the county to see if we can figure out a way to figure out how many are within each district, as well as are they within a certain

mile of different places. But some of the things we look for when selecting a site is free parking. Of course, an area that is ada-accessible. We look for locations that people are already coming to so that they're familiar with it, and/or will be coming throughout the day, like atb and Randal's and those types of locations to make it convenient. >> Troxclair: Okay. I think that's really great that people can vote anywhere in the county during early voting.

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That's really helpful. I know a lot of people are taking advantage of that. And if you need any suggestions, I think there is value to trying to focus on the areas that have low voter turnout, but I don't necessarily think that means that we can't do more to increase turnout in areas that may already be on the high end of the scale, even though -- because across the city, we have low voter turnout. And I'll just say I know in my district in particular, we only had one polling location in the whole district throughout early voting, and we have pretty good voter turnout in my district, but I think there could be more if we had multiple locations. I know that comes at a cost. But if you do that analysis and decide that maybe certain areas need more locations, I'm sure that all of us would be happy to work with you in identifying places in the district. >> And the last thing we want to do is to increase our concentration in certain areas, which may then impact a different area, just because they had higher voter turnout. >> Troxclair: Okay. Thanks so much. >> Mayor Adler: Okay. Any -- Ms. Tovo. >> Tovo: Yeah, I just wanted to clarify with the sponsors. I had to step out of the room for part of this, but I think I understood that you were going to redraft some of the language? >> Casar: If you wouldn't mind posting your suggested changes. We worked with language on the clerk, so -- >> Tovo: Sure. One thing that wasn't clear to me when I was reading this, how much work was ongoing. My general suggestion would be that there be a whereas clause talking about the work that the staff has already done, because some of the language is to directive and it sounds like they're doing this in response to this resolution. I would suggest that some "Whereas" passages talking about the state of the work that's already been undertaken by staff. >> Casar: Sure. >> Tovo: That would be my suggestion. And then, if there is, you know, for example, the city clerk is

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directed to work with, I would change that to "Is directed to continue to work with," since that has been going on. As has been said, it's important to recognize when the staff have taken steps, that we make it clear in our resolutions that that work is already ongoing, and we are commending them for the work they've done and stating the clear policy intention. That that continue. So that would be my suggestion. >> Mayor Adler: Okay. >> Tovo: Do you need more specific, or is that -- >> Casar: That's easy. I think we crafted this with legal and the clerk's office, and if it's good with them, I mean, my assumption -- part of the reason it didn't go to committee is, again, not science but art. This would be something that had unanimous consent. So I'm happy to talk to them about making those, sort of, changes so that it's clear what has transpired. >> Tovo: Great. And I think -- maybe it's not obvious, I'll say it -- I think the policy intention is right on. Of course we want to encourage that. And I appreciate you bringing this forward. With regard to the specifics, I guess I would ask our clerk, along with our election clerk, you've identified some areas that you're working on and some challenges. And I would just ask you to continue to look at the university area. I know that that was a real challenging spot in the last election. People -- students and faculty were waiting in line for hours and hours on election day, and there were a lot of calls during early voting and on election day itself for at least one additional poll within the university area. So, again, that's kind of a micro level issue, but I appreciate the sponsors for bringing this forward so we can have a macro level discussion and address some of the micro-issues. So, thanks. >> Mayor Adler: My

hope is when you make the language changes, Mr. Casar, this is something that could pass by consent. Because that would help me, if I had a rule that said that ifcs

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that pass by consent are appropriately brought to the council, because they're statements of policy that we all agree with and we're just trying to make a record. I could apply that one really easily. So my hope is maybe that's what happens with this one, but we'll see. Anything else to discuss on this item? Then we'll move on, then, to the next time which was pulled, which was item number 39. Discussion on item number 39. This is the change to the pud amendment. >> Do you want to do first? I pulled the item because I felt -- I wanted to -- I thought it was important to discuss is --it in the work session. And if I'm remembering correctly, I don't think it's been -- okay. So I thought it would be important to discussion it in the work session. I'm supporting it. And I am a cosponsor, so I do support it. I think it's a pretty straightforward amendment, but I think it's one that we should discuss here in the work session, particularly since it hasn't been through committee. >> Mayor Adler: I have a concern with this being voted on on the dais as opposed to going to a committee, because I think this is a significant policy change. I think there's a gross significant challenge that's presented by properties that come into our city that are not zoned, that are potential for P.U.D. Claims. And I think there are a lot of challenges associated with that that we want to address, among those being when the state -- most of these will be state properties. When the state brings property into the city, I would like to have passed ordinances that encourage the state to come to us as a city before they even sell the property. I would love for us to negotiate out with the state what the

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appropriate uses of those properties are so that when they are put out to the market, we don't have buyers potentially buying property with an expectation that a property might be used for something that it's not going to be used for. I hate the potential of someone overpaying for a property relative to what we think it could be used for, and then that becomes part of the pressures we face associated with what we put on that property. I think there are going to be some real significant tracts that are potentially coming up in this city that will be treated that way. So, I support, 100%, what I perceive to be the challenge that this ordinance is directed to solving. I am less convinced at this point that the solution as proposed in the ordinance is the right solution, or the only part of the solution, although I may very well end up at that place. But I would prefer that this item get referred to committee, and in this case, because I think this issue is so important, I would refer this to two committees, probably the neighborhood planning committee, because I think it's important that it be there for the neighborhood issues, but also to the audit and finance committee so that both committees could take a look at that, and vet the issues and come back. But I'm going to be really uncomfortable without having taken advantage of our process doing more than identifying what the challenge is, and then asking for a process that helps us get to the right result. And I recognize that all we're doing is initiating a process to come up with an answer, except that we're being directive about the answer that we want them to come back to us with. And I wouldn't give them that direction. I am okay with a resolution that

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says "To consider this as one possibility to address it," so that that process has the flexibility, and so that we're not communicating to the larger community that we prejudged what the end result should be. So, that's my view on that item. Ms. Tovo. >> Tovo: Change, thank you. If we could post this. As the mayor

has articulated, there clearly is a lot of unzoned land. Some big tracts, some tracts that may become points of discussion in the upcoming years. And I think we need to get out ahead of it. The change, actually, that's being initiated -- being suggested that we initiate through a public process -- is a pretty minor one. And I'm going to show you what it would really amount to in the code. And as the mayor has indicated, and as we talked about last week, the action that's before the council on Thursday is to initiate a code amendment process that would proceed to the planning commission's codes process, then go to planning commission for review, then come to council for our consideration and review. And so it likely -- as you see in the timeline in the resolution, wouldn't come back to us for another 75 days. I would strongly urge my colleagues, given that these lots are continuing to be in discussion -- and I think the change that we're contemplating is clearly supported by state law -- I would ask that we not add another step to the process, but that we kick off the process on Thursday. Given the amount of time and the amount of public process that would follow. But, as we've talked about, there are certain circumstances where state law allows a city to require a supermajority vote of the city council, and one of those circumstances is when the land use commission recommends denial. Currently, our city code contains that provision for planned unit developments for

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zoned land only. This would just extend that same provision to unzoned land, and I think it's very consistent with the policy that we currently have on the books. Again, as you see in this -- this is my fast reworking of it. Obviously, this is not what might come back to us from our city legal department, but this just -- I hope -- illustrates pretty clearly what the change would be. So it would be, again, extending the same provision that we currently have in our zoning code that exists for zoned land that is being requested to be a planned unit development. It would simply extend that to unzoned land as well. And our city legal staff has suggested that this is a tool that we have available to us under state law. We simply need to adopt it as a city. And so, by no means is this attempting to get at all of the complexity of a planned unit development, or all the changes we might want to contemplate. We might also want to have a conversation at some point here at the city of whether we want to look at how we treat zoned land and require that same three-fourths majority. But, as simply as possible -- and I'll ask Mr. Rusthoven to pop in here to make sure I'm describing it accurately -- our code requires that if the planning commission denies a zoning change, that it requires a supermajority vote of council. We're simply extending that same provision to unzoned. Frankly, I don't know that it happens that often that our commission recommends denial, but, in the circumstances it does, this would apply that to unzoned land as well. Is that accurate? >> Yes. >> Tovo: As I understand our discussions with city legal, this is a right that is granted to us under state law. We simply have not adopted it in city code.

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>> Mayor Adler: Thank you. >> Tovo: Is that accurate, as well? >> Davis has worked on that and can answer. >> David? >> David, assistant city attorney with the law department. Mayor and council, I have addressed this particular issue and similar related issues in a memorandum in June. I would prefer to follow up, perhaps, through the q&a process and provide you something in writing. But, again, I'll do whatever your preference is here today. If you'd like me to follow up in more detail here, I can certainly do that. >> Thank you. >> Mayor Adler: Mr. Zimmerman. >> Zimmerman: Thank you, I agree with mayor pro tem tovo. It's an important issue, and something worthy of our attention, so I'm glad you brought that forward. But, Mr. Mayor, I agree with you that this is definitely something that needs to be baked and deliberated in committee, so I share those concerns with you. >> Mayor Adler: Ms. Pool. >> Pool: I think sending it to committee is a good idea as well, but I would suggest that we adhere to the process

that we have in our Normal process, which is to let it go through the commission and subcommittee process, and then it comes to committees. And then it comes to council. So, I don't see this as being handled any differently, frankly. And if, in the end, after it moves its way through planning commission, it then goes to audit and finance and planning and neighborhoods, that would give a broader array of council vetting at that point, it would still happen. I think if we do it at the front end, that that may be obviating some of the work that would be done in the codes and order nances subcommittee of the planning commission, and then

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the planning commission. It sounds like we're all on the same page with this as far as the approval process before it gets to council in the end. >> Mayor Adler: And I would support that, too, as long as we are not proscribing in what we adopt what we presume the ultimate solution to be. For example, if there is a supermajority that's required for a P.U.D. Application, and there's no supermajority, then the P.U.D. Is not approved. It goes back down to the process, we go through then just straight zoning without a pud, is that right? >> Yes, in a situation where you have unzoned property, the presumption is you would have to establish it. >> Mayor Adler: If we go through a pud, and the pud comes to us, and there's an objection to it, a valid petition, and we don't have a supermajority, then the pud is not approved? >> That's correct. >> Mayor Adler: Then we would then initiate just regular zoning. >> More likely, the applicant would file another zoning case. >> Mayor Adler: Either way, that could work its way through the process. Could someone file a valid petition at that point? >> They could, but if the property were still unzoned, which it would be if the pud failed, the valid petition would not be applicable because of the zoning versus rezoning issue. This doesn't address the petition, it addresses the vote of the planning and zoning commission. >> Mayor Adler: We so we would have the super majority for a pud, to exercise a valid petition, but they would not have the right to exercise a valid petition on a regular zoning case? >> Mayor, this resolution does not address valid petitions at all. >> Mayor Adler: I'm just trying to find out what happens in the city process. >> Right. So in the city process if you have a property being rezone, already has zoning category -- >> Mayor Adler: That wasn't my question. My question is I have a piece of property that's not zone. Two different tracts. First tract is they go for a P.U.D. Someone files a valid petition. Takes nine people to approve a P.U.D. The nine votes

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aren't there, then the pud isn't approved. There's still no zoning on the property. The property owner can't do anything. In lieu of a pud they would initiate a zoning case. As part of the zoning case that would come up. Does the neighborhood have the ability to raise a valid petition in that zoning case? >> Not if the property is still unzoned, no. >> Mayor Adler: I just -- I would like, I just don't -- I'm -- I am uncomfortable prescribing what the solution is. I would much rather us say that we have properties that are coming into the city, that are unzone. It creates potential confusion with people that might be buying in the marketplace as well as second in the marketplace. We want to encourage the state to come to us, we want to be a part of that process. I would much rather -- I'm real comfortable sending it to the -- to the community process to do it first. Without having to go through committee -- in fact, I would prefer it go through the community first before it goes to a city council -- I am just uncomfortable suggesting what the ultimate answer is before we have that process. Ms. Troxclair, Ms. Gallo and -- >> Pool: Could I just respond to that, please? >> Mayor Adler: All right. >> Pool: So I think that we have developed a body of information around the request. And I'm sure staff can provide it and if it needs to be broader language, I don't see any problem with that. This is an elegant solution. It may be that in the end the simple and elegant solution is in fact what -- what emerges. I do want to say that the intention

on the change is to provide protection for the city and the neighbors who -- who live adjacent to a fairly -- to fairly large tracts of currently unzoned land, so that there is a measure of predictability and frankly involvement of the people who live around

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it and will be -- will be affected by any change. Positively or negatively or neutral. There will be some change to the existing circumstances that were in place when they either moved there or put their place of business there. And they deserve to have a voice and this is our attempt at the city level to trigger that voice being -- well, you can't give a voice a seat at the table. But you get my point. So that they can be heard. >> Mayor Adler: Okay. Ms. Troxclair, Ms. Gallo, Ms. Tovo. >> I just wanted to understand from the staff the current reasoning for the process that's in place. >> Sure. As I think mayor pro tem tovo summarized. There are two instances in state law where the city may require a super majority rather than a simple majority to approve a zoning case. One case is if there's a valid petition, that process only applies to property that is being rezone. We discussed that before. That's the memo that Mr. Zimmerman referred to. The second is state law allows a provision if a land use commission, in our case the zoning or planning commission recommends denial of the case, that it may require super majority of the city council. In our case the city has chosen only to apply to planned unit developments or puds. It does not apply to all zoning case only puds. If they get a negative recommendation from the planning commission or zoning and platting commission it requires nine of 11 votes to approve it. However, our code uses the word rezoning in that section, so it applies to a property that is being rezoned to pud if it receives a negative recommendation from the P.C. Or the zoning and platting commission that requires a super majority. What mayor pro tem's proposal would do would be a change that rezone or zoned -- if you had an unzone property that would kick in as well. >> Tovo: What I'm trying to -- >> Troxclair: What I'm trying to understand is the reasoning behind why we have the current process in place. There must be a reason that we decided to or that the city decided to have the current process as it is. So I'm trying to understand

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the history behind that. >> Well, it was written back in the -- back in the mid '80 -- mid 80s so I was not a part of that process. They used it for a valid petition process or as well as a recommendation -- P.C. Or denial, in both cases they used the word rezone. Back to the reasons why we thought it was used for the valid petition, the reason I'm sure was that there would be an attempt to not put an impediment to the initial zoning to a property to make that somewhat easier because the property needs some sort of zoning for you to be able to do anything on it. So the word rezoning was used in both. For valid petition as well as the P.C. Or zap recommend [indiscernible]. >> Troxclair: I'm sure councilmember Casar has reason for being the other resolution forward before going through the committee K I ask the sponsor why -- certainly within your rights as -- in the process that we've established to bring something straight to committee with four co-sponsors, but seems like this is a more complicated issue, so I'm just wondering if there was extenuating circumstance that lead this to be on our agenda this week. >> Tovo: Sure, I appreciate the question. You know, I think with code amendment initiations, they are about to have a pretty long public process and a lot of discussion before they come back to us. And to me this seemed like one that would have a fair amount of public discussion before it comes back to council for consideration large policy change or a departure from what we already have in the code. I think -- I would even question, frankly, whether -- whether rezoning -- I mean, I think there are some people who look at our existing code and thought it did apply to unzoned tracts. We've had a big community conversation about whether that's true. So -- so to me this doesn't seem like a large policy matter to

send the proper -- send the provision to unzoned -- extend the provision to unzoned that's

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why I thought it was more appropriate for a more streamlined process. >> I guess the other -- if -- if it sounds like this issue will be -- have -- maybe we won't vote it -- it will be going through a committee and other public processes and to the mayor's point, I would be curious in examining the other issues that surround this particular topic, like why we set the threshold where we did for the number of -- for who surrounding a property gets to have a say in the valid petition. And things like that. I think the mayor's point to maybe taking a broader look at it would be -- would be helpful for all of us. >> Tovo: It certainly might be helpful to look at a lot of those other elements. I would just ask that we consider doing those separately. Rather than reopening kind of all of the discussion of valid petition rights and land use. This is extremely narrowly focused. We've had some conversations about valid petition rights with regard to unzone tracts. This is not addressed -- despite the conversation we've had here today, this resolution does not take aim at that. It is absolutely narrowly focused on one element, a provision that we have available to us in state code that we simply haven't provided and need account for in our city land use code. So I just think there's -- while there's sometimes, mayor and -- in taking a small issue and looking at all of the elements, all of the angles, all of the discussions around it, sometimes it's best just to make progress on the one very narrowly focused identifiable issue. That I would just urge my colleagues to please consider doing on Thursday. Otherwise we -- I mean, I will just say the pud stakeholder process that gave rise to the revised ordinance, I think, took six to nine months. I mean, these are big questions. They are large questions. But if we can tackle a small piece of it, I would just urge us to do that. Otherwise we're going to be in a situation, I'm afraid, again pretty soon where we

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don't have this state allowable tool available to us at the city. >> Mayor Adler: Ms. Gal, then Mr. Casar, then Ms. Pool. >> This is a really good discussion, because I think one of the things we're all aware of our zoning code is very complicated, complex, sometimes does not track in a uniform way. So I think this really is a good discussion. The -- a couple of concerns that I have. Number 1, I do think that it's a major policy decision because it is going to affect one of the major -- largest single property owners in this community, which is the state. That's not to get -- to give them priority over the discussion, but the reality is that this will affect a lot of properties in Austin, that are owned by the state. And I think they need to be part of this discussion as we talk about all of the different components as councilmember troxclair pointed out. The ore area that's really a concern to me, this goes back to what the mayor said earlier, we either have a process with the committee structure or we don't. And I'm concerned that we pick and choose which items go to committees and which don't. And when we talk about code things, you know, we have spent a lot of time dealing with the short-term rental issue, now we're dealing with accessory dwelling units and those have gone to the committee structure first and have gone to multiple meetings within that committee structure first. And so I'm a little concerned that we're taking another zoning code policy area and circumventing that process because not only will those others, short-term rental and accessory dwelling units go through our committee process with multiple meetings, they will also still go through the process of the planning commission subcommittee and the planning commission and back to the council. So once again, I think this is a response to the mayor's concern earlier, is that I think this is a big policy area. I think it's good to bring it forward because I think we do need to address this gap that we have. But I'm concerned that

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it's -- it's not going through the process that we have chosen as a council to send other code changes to. >> Mayor Adler: I think it was Mr. Casar. >> Casar: And I think there's been plenty of debate here about what should go to committee and what shouldn't. But my, what I hope to hear, if not in work session, then on the message board and certainly at council, is some -- as much reasoning from the sponsors as possible to help me understand and convince me why a three-quarters vote for a pud is something that we want -- would want to enact or to force ourselves into. I understand why asking for a super majority vote on certain items makes sense and I would want to hear the reasoning for wanting a super majority vote on a pud in particular. I advocated when we were talking about the [indiscernible] Agreement reform to have a super majority vote for waiving wage requirements because I think that that makes it more difficult for somebody to lobby to waive the wage requirements and more people would just end up doing it and people, we saw, did. Puds, in my understanding of them, I would want to hear more from the community and from the council, offer superior benefits and so if they're done correctly and passed properly, of course. So I -- I guess my question, my -- what I would want to understand is why we would tie our hands to a super majority vote on this item, with the full understanding that there's potentially good reasons to -- to ask for super majority votes. But I haven't heard -- I know in in our current code we require a super majority vote on a pud if a land use commission denies it. But just because it's in the land use code it's not that I understand why that is the best policy. If it is the best policy, then I could see why the reasoning would extend to un-zoned land. But if the land use commission denied something,

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why we would by ordinance bind ourselves to the super majority vote, what the benefit is to the public of that rule. >> Mayor Adler: Okay. Ms. Pool. >> Pool: So the zoning can be, for example, P for public. I -- this is not saying what the zoning would be, should be or could be, for example. It would simply be P for public, which is in fact what state owned land is. It's public land. So I think in order to deal with the fact that some areas of town, in particular in Austin, but state-wide, all of the state-owned lands, which may or may not go on the auction block for sale in order to raise money for the state in the future, which is definitely happening here in Austin and given why these large un-- un-zoned parcels of land are, they are kind of legacy parts of town, so you have the town growing up around them, and given the fact that the state through its sovereign status doesn't have to pay any attention to local municipalities and their zoning requirements, this is an attempt by the city, after the state sells the land, to -- to zone the land, possibly as public, could be something else, but that would be top of my mind as a recommendation. So that the city itself has the tools available to it and the people who live in that surrounding district have tools available to them to have some influence and a voice in what may happen with these large parcels, pieces of land. For example, west of -- of mopac, the state supported school is a 90 some odd acre piece of land. The Brackenridge tract, where lions municipal golf course, the city will have no say in that. What happens there. And that's -- that's extremely distressing to the people who have lived there for decades. East of town, where we have large parcels of state-owned

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land, the same thing can happen in your district possibly, too, there are some parcels of state-owned land that none of us on this dais would have any ability, really, to affect what -- what the ground -- what the basic foundation of the zoning would be, without -- without instituting a level of zoning in advance, which in my mind would simply be a P for public. >> Casar: Mayor, could I -- >> Mayor Adler: Sorry, sorry, sorry. Ms. Tovo? >> Tovo: If I could -- I'll answer what I think was your question. One, I would say

we do have currently as you acknowledged a provision on the books that if the land use commission turns it down or requires a three quarter vote of council. In my mind I don't see a policy reason for having that extend only to zone land rather than unzoned. That's again what this measure would fix, to treat those parcels the same. My assumption about why that provision exists initially is because we've got, you know, under our city charter, I guess, there are -- I'm not sure -- yeah, it's the city charter that lays out the qualifications for people who serve on the land use commission. >> Yes for the planning commission, yes. >> Tovo: So, you know, that specifies that the people who serve on those land use commissions are going to have certain kinds of information, certain kinds of knowledge. I can say as a former planning commissioner, we spend -- as a commissioner I spent a lot of time going through the intricacies of some of those zoning cases. Often, you know, in a fuller, more thorough examination than happens at council, you know, that's what we kind of rely on those land use commissioners to do. To really dig into the details of those issues. So my guess about what the intent was in -- in the state making this provision available to us and the city adopting it as part of our code is that it puts -- it puts trust and some confidence in the land use commission, those folks who are in the business, who have some expertise, who really are going to look

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carefully at those land use decisions and make their best recommendation and kind of set the higher bar of the council, so that these land use decisions aren't -- aren't strictly political decisions at council. But it's -- it's got that land use recommendation and to override a land use recommendation you've got to have a higher bar at council. It doesn't mean that it's not going to happen, it hasn't. But it just sets a slightly higher bar. That's my guess about why that provision was adopted initially. Maybe Mr. Rusthoven has got some ideas about why the city of Austin, why the state allows that to be one of the circumstances that requires a super majority and then why the city of Austin decided to put it in its code. >> Mayor pro tem, I agree with what you said. I think that as you said earlier, state law would actually allow us to do this with any zoning case. However the city has decided to be selective and only apply it to the planned unit developments. I think the reason okay the planned unit developments by definition we expect a superior level of development than what the standard code would do. I think we set the bar higher with puds than what we do for standard zoning cases. >> Mayor Adler: Ms. Kitchen? >> Kitchen: I was going to suggest, I don't know if this is helpful, I would going to suggest in regards to what we sent to committee, I heard concerns earlier about -- about to the -- what we send to a committee because my understanding was -- well, not committee, I'm sorry. Through the process. Through the process. I was hearing some concerns about the language as written. And so I'm wondering if it would be helpful to -- to allay those concerns to send to the commission this proposed approach but also allow some language that would allow the staff to propose some additional approaches that meet the same narrow purpose. So I'm wondering if that would answer your concerns, Mr. Mayor, for about sending

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something that's so prescriptive that it only suggests one solution. >> Mayor Adler: It would for me. I have no problem at all with the council saying one possible solution might be this. And other people could suggest other possible solutions if they have them. But I think identifying the challenge and having the -- that tee up through the process to me sounds like the most thoughtful and deliberative way to handle it. >> Kitchen: If that's acceptable to everyone, that might be one way to go ahead and get this started through the process. And then when it comes back to -- it will come back to the committee after its gone through that public commission process. >> Tovo: I'll work on that last paragraph and see if I

can incorporate that change. I would I guess -- if it is going to -- if the resolution is going to incorporate language that sends the code amendment back to committees, I would request that it be neighborhood and planning. I'm not sure that I see a clear connection. If we're talking about puds more generally and the economic circumstances of it, then there might be an audit and finance connection. For this particular extremely narrow land use, I'm not seeing a reason for audit and finance -- >> Mayor Adler: I'm happy to talk to you and the sponsors, my purpose was just to have as much input as we could. I'm fine just accepting it to that committee as -- sending it to that committee as well, but I didn't want to lose a voice that wanted expression. So let me talk to you about that if we get to that place. Ms. Houston? >> Houston: Thank you, Mr. Rusthoven, when was the planned unit development stakeholder process, how long ago was that? >> Was in, I believe, 2008. >> Houston: So it's about time to revisit that anyway, so -- >> Just to clarify, I think the consensus around the

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dais was to send this to the planning commission, not to the planning and neighborhoods committee on Thursday. >> Right. >> Mayor Adler: But I think we could also direct the process that it comes back to us. If it comes back to us after it's gone through that process, it will go to a committee -- >> Then go to a committee, agree. >> Mayor Adler: I think that's how we all feel about that, too. There are broader issues, too, that I would like to see, you know, looked at. I'm -- I can -- you know, I -- again, I haven't had the chance to really sit and think this through the way that I would hope the process would be, but I can was a -- a majority of the council that wanted to do a pud because they wanted to have affordable housing on the property. And the neighborhood that didn't want to have affordable housing in the middle of their neighborhood. So a valid petition would be filed as a part of a P.U.D. There wouldn't be nine votes on that council to approve the plan that had a lot of affordable housing. It would then go back to just a regular zoning and at that point if we still had a majority of the people that wanted to do affordable housing, but not nine to do a pud, they are not going to have any option but to approve a -- a significantly greater density for development for that property as part of the zoning, if they want to have that kind of multi-family component on them that they might otherwise have approved. So the flexibility associated with doing a pud to be able to get the benefits that you want but not to have to have as high a zoning level as would be necessary, because of the interplay between the -- between the nine votes required and the seven votes required, we could find ourselves in that position. I'm -- I'm concerned about -- about working with the state and coming up with a -- with a resolution to this issue that is something that they buy into as well. If possible. And in part because I'm concerned of what the state work-around will be to -- to whatever it is that we pass. And I don't want to be in a

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position where -- where, you know, muni doesn't get sold to a private developer, it is owned by the Oklahoma -- by the state for the next 200 years, but they do it in such a way to effectively give control to a private developer. But because they own the property it still doesn't require zoning or the degree to which they might try to do a work around. I'm just -- I firmly am behind us putting ourselves much earlier in the process with the state. I think we saw with the bull creek property everyone laments the fact that we weren't in there earlier on lots of different levels. I think there's got to be a more productive way for us to do it. This may very well be the right solution to meet that. I'm just not, as I sit here, I just don't know. So I want us to -- to have our most creative community minds say "This is the challenge. How might we do that?" If they come back and say "This is it," then I'm there, too. I just don't know that. >> [Indiscernible]. >> Mayor Adler: And I don't want them to think that as a council we've proscribed where it is that they need to end up because I don't know that. Mr. Casar. >> Casar: While I

agree and am fully behind looking at those challenges, taking those challenges on broadly, I do still understand this is looking at a very particular issue that has been brought forward. But my issue with that is that I still -- I'm not hearing from the sponsors what the challenge is that we're trying to overcome and so that's what I'm -- I hear from -- from councilmember pool that you want to try to get these parcels zoned public and I'm not sure how this addresses that. Or perhaps that -- that from the mayor pro tem that -- that there is a feeling that the council, the politics, the majority of the council would override -- override our land use commission if there's a concern with that. I would want to hear what

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that concern is and then the question that I sort of asked was it seems to me that this de-incentivizes pud application on zone or unzone property. I haven't thought enough about it yet to know whether that's something we want to do or not. But it sounds -- my understanding of puds as the mayor described it's an attempt by the city to get something better than we would get in zoning, so I'm not sure whether we want to make that necessarily more difficult. I don't have a position on it yet. But it sounds to me -- what is the challenge that it is that we are trying to -- that we are trying to take on? I understand the argument very well that considering that -- what's already existing in code is on zone property, if you support that property then you would support it on unzone and that the corollary makes sense. My question is that I'm not sure yet if I support enough the existing policy in order to want to expand it further. And I imagine that you could, you know, the sponsors, hopefully, could have some cohesive message on what the challenge is that this -- what this is going to fix. Other than cleaning up the code because I'm not sure what's in the code -- if I understand what's in this code is good for the public. >> Mayor Adler: Let's go to Mr. Zimmerman and then Ms. Tovo. >> Zimmerman: I think that we have beat this to death. The state the highest and best use of the land, we can't sell it because of the new complications the city has put on, we'll just lease it for 99 years. That brings up a point, if the state leases land and there's no zoning, what's to stop them from leasing it to whoever will pay them the most money and they put anything they want on it. It's more evidence he with really need to bake this carefully through the process. With that, I'm done with

[10:42:09 AM]

this one. >> Mayor Adler: Ms. Tovo. >> Tovo: Since you've asked that question again, I guess that I'll give you my best shot at an answer. I think that we have a particular example in front of us and I think what I've certainly heard from the community -- from a large number of community members is a frustration that they don't have the same rights and protections under the zoning code that would be available to them were the property to be zone. And, you know, we've had a discussion in executive session and probably in full session as well, I now can't remember, about whether or not valid petition rights can extend to unzone properties. There are disagreements about that. But nobody from what I have heard disagrees that the state law does allow us to afford that other provision with regard to the land use commission to unzone tracts. And so, you know, I think this is -- I am attempting with this resolution to respond to some of the concerns we've heard from community members that they don't feel they have the same rights and protections for unzone tracts and, again, I think the intent is not just to -- is not to address the current situation, but really because we are going to be in this situation, with -- with other cases as well that are likely to come before us, I think it's an important issue to address with the tools that -- that we can agree are available to us. And by we, I mean -- I mean staff. But -- but that's not to presume that we as a council agree on it. I'm just saying I don't think that's in dispute at the moment, that we could apply this. >> Mayor Adler: Okay. >> Tovo: That part is not. Whether we should is another

reason. >> Mayor, two things real quick. One for a property that's still owned by the state of Texas, if it's used for a state purpose, there's no need for zoning, they are allowed to do that by right. If the state owns property, they do it through a lease, long term lease through the triangle, there's also a

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special process of that called the special board of review, involves the general land office. That property would go through that process outside of the city's purview. So there is a process for state-owned property that I don't think that this particular resolution would address. And then secondly, if it is going to go to the committee, I understand that the preference would be to go to the committee after we go through the planning commission process and the stakeholder process. If that is the case, I know that the resolution right now says to bring it back within 75 days. We will do our best to get it back as quickly as possible. If we have the committee step at the end, I can't promise you that we will be back within that time period. >> Mayor Adler: Why don't you let us know, take a look at what the timing would be and let us know what would allow you to be able to go through that process. >> Okay. >> Mayor Adler: We won't know what the council is going to do until the council does something on Thursday, but having that information ahead of time would also be helpful, thank you. >> I just have a process question, please. >> Okay. >> Gallo: So if we do something with this that's different from what we've done with other zoned code changes, which is to send it to the commission, subcommittee of the commission first, planning commission back to the council, if it comes back to the council with their recommendations and the council chooses to change it somewhat, then are we required with the code process to send it back through the commission? >> Mayor Adler: No, no. >> Gallo: Okay, at that point the city, it's gone through the process and the council can -- >> Generally, if you pass a resolution [indiscernible] Initiated amendment, whether it's a very specific as this one or whether it's more broad, we have the staff review period, a stakeholder process, we take it to the subcommittee, the planning commission, the full planning commission, possibly the council committee and then the full council, but at the end the council can do whatever it issues. >> Gallo: Thank you. >> Mayor Adler: Okay. Any further comment on this? >> Casar: Seven or eight words. I am not -- >> Mayor Adler: Go ahead. >> Casar: I am not inclined to vote against it, I'm asking the sponsors to explain to me why it's good

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for the public for us to require three-quarters vote if the land use commission denies it. I'll let you all think about that. I still haven't heard the answer to that question. >> Mayor Adler: Anyone else? Okay. We're going to move on then. [Indiscernible] >> That was more than seven words. >> Mayor Adler: More than seven or eight. That then gets us up to -- to -- to item no. 56. Is that item being postponed? Item no. 56 is being postponed, which is the public hearing and considering an ordinance concerning the small lots, developed as a single building site. >> Yes, mayor, the staff will be requesting a postponement until December. I will need to double check the date. >> Mayor Adler: My sense is if the staff is requesting that, I think we my sense is that the council is going to approve that, so I would like the public to know then that it will be postponed. We won't be taking public testimony on that issue. So that people can come and testify publicly in December with whatever it is at that point in time. So I want that to be known -- to be known far and wide, if possible. Do you still need that pulled at this point since it's going to be postponed? >> Kitchen: No, I do not. >> Mayor Adler: Okay. That gets us then to item no. 58, which is a change to the comprehensive plan. Ms. Kitchen? >> Kitchen: I pulled that item again because I think that obviously the imagine Austin is a very important document and plan that -- for the council and I think it's important to understand what the amendments are. I don't have an objection to the amendments. I have one question -- clarification question about the amendments. I do think that it

would be helpful to just lay them out

[10:48:11 AM]

for everyone to understand. Just to focus, my question just relates to the -- if I'm understanding correctly, there are two major subject areas, I guess, for the amendments. One of them related to vision zero and the other one related to the south Austin combined neighborhood plan. My question relates to the south Austin combined neighborhood plan. But I do think it would be helpful for myself as well as the other councilmembers, if I'm understanding correctly bringing amendments to the imagine Austin plan is something that's done as part of the update on an annual basis, the imagine Austin plan? So if you could explain that process and then just explain generally what these amendments are. Then I can ask my one question. >> Sure. >> Okay. Mayor, council, good morning, Matt Dugan, planning and zoning department. Absolutely, per city charter, comprehensive plan contains council's policy on growth, development and beautification. By charter we have to do an annual progress report each year on all of the accomplishments that we've had towards implementing the plan. Then bring forward any proposed amendments to the comprehensive plan. Like you were saying there's kind of three sets this year, two main ones. First is for the vision zero initiative, started by the previous council to create a vision zero task force, so we are adding both a policy and an action to imagine Austin to reflect that vision zero initiative to bring in in line with the imagine Austin comprehensive plan. The second set for the south Austin combined neighborhood plan, which was adopted last November by council. Can for that it included the neighbors of Westgate, south manchaca, south manchaca and [indiscernible] Park. There's a number of things that we need to do to the imagine Austin comprehensive plan to reflect that newly

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adopted neighborhood plan, one of those is the neighborhood city that the neighborhood plan put on at manchaca and stassney. And so we need to update the growth concept map as well as the series of growth concept maps as well. And then we need to update one of the figures in imagine Austin as well to add the whole character district map for that south Austin combined neighborhood plan to the new combined Flum for the entire city. So those are the main changes for -- for -- to imagine Austin, just to reflect that newly adopted neighborhood plan. And then the third set were just some typos that we found in the plan, some things that were -- the number that was wrong or a text box that wasn't extended that we need to fix as well. >> Mayor Adler: Ms. Kitchen? >> Kitchen: So just -- just to verify, so it's clear for the public, also, the -- the changes that are being added with regard to south Austin combined neighborhood plan, that's not changes to the plan. It's just taking the plan that was approved by the community and adopted by the council and making sure that that plan as approved is -- is in the imagine Austin. >> Correct. Yeah, they went through their whole neighborhood planning process, the plan got updated and now we need to update imagine Austin to reflect that neighborhood plan. >> Kitchen: Okay. Thank you. >> Mayor Adler: Okay. Thank you, anything else on this item? Those were the items that were pulled. Let's double back and see if we can pick up a couple that people have mentioned. Ms. Houston, you had a question on number 8? >> Houston: It's probably because I'm just not a tech savvy person, but it says that the 911 database contains land line and voice overip customer information. Voice over Ip customer information. Will that include cell phone

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information, too, or is it just land line and Ip customer information? >> Good morning, Paul [indiscernible]. Communications and technology management. The answer is that it would -- it would

not contain cell phone information. But it would contain land line information, so that if you received a phone call from a specific address, it would -- or a phone call that was a land line, it would know where the emergency responders needed to go. >> Houston: So what if you're like most people around this table and only use cell phones, how would you capture that? >> You actually today don't capture the exact location they are currently working through the F.C.C. And other, you know, providers to look at better ways to do that. Right now what happens is the system triangulates and you get an approximate location, but not an actual address. And that's the technology that today does not exist. At some point in time it will in the future, but today it does not. >> Houston: Okay, thank you. >> Mayor Adler: Thank you, anything else on that one? All right. The next item, councilmember pool, item 48 and 49, the united presbyterian church matter. >> Pool: I just wanted to pull this to alert everyone that there's a valid petition, on I think it's number 49. On Thursday we will look at first reading only on these two items. So just wanted to give you a heads up. And the -- the parties involved are aware of that. So thank you. >> Mayor Adler: Anything you think that we should know about this one? >> Pool: Just that we're continuing to work on the issues. >> Mayor Adler: Okay. >> Mayor Adler: Mr. Zimmerman? >> Zimmerman: Thank you, Mr. Mayor. A very quick point for councilmember Gallo and our mobility committee. Item 44 was the engine brake issue. Constituents are planning to come, recordings about the

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noise, what have you. I wanted to make you aware. I think you wanted to see if we could find somebody maybe from the other side, a trucking interest or somebody. Just to give you a heads up, the neighbors are going to come and present something on that. >> Gallo: And I think the question was to be able to hear from all of the stakeholders. Have you had conversations with the trucking industry? >> Zimmerman: I haven't. But to be honest, I haven't dug in and pursued them. >> Gallo: Okay. Thank you. >> Mayor Adler: Okay. Item no. 54, Mr. Renteria? >> Renteria: Oh, yes. My question is on item 7. Authorizing an increase of \$1,322,449 to existing loan of chestnut neighborhood revitalization corporation. My question is I notice they are asking for a forgivable loan. I know that we have already funded them with this increase it would be close to \$4 million. And, you know, there's -- they're talking about home ownerships, plus retail on the bottom. And do we normally -- I've got a couple of questions on -- normally give out these type of loans where they're forgivable. >> We do. David potter program manager, neighborhood housing. Making a loan to a developer, we do make them forgivable and the best example of that are our most frequent --

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>> Participants. >> Participants, thank you. With home ownership is habitat for humanity. Which is -- >> And Guadalupe neighborhood development corporation. Which are reaching those -- >> Renteria: I've noticed that on one of the neighborhoods, they have a -- they have, I believe, they have a metric type of system where they give priority to people that have for houses that have lived in the neighborhood. And I'm -- I'm concerned because I haven't heard any information about -- about where -- this is a very generous amount of money that we're giving to this corporation. And I haven't heard anything about who is going to benefit out of this development. >> So, councilmember, am I clear in understanding you on their marketing and outreach and how they're going to target the individuals that will be recipients of these homes? >> Renteria: Yes, I would really want to see that because I'm concerned that, you know, we're getting constantly criticized about displacing our minorities out of the community and now we have an opportunity here that can benefit, you know, minorities and this is very generous amount of money that we're going to be giving to this corporation. And I would really like to see if it's really

benefiting, you know, the community there. >> Okay. Thank you. >> Mayor? >> Mayor Adler: Yes, Ms. Houston? >> Houston: I want to thank councilmember Renteria for bringing that point up. That's a concern that I have expressed on most of the things that we do, how do we incentivize the people who have lived in the area who maybe have been renting or have been forced to move out and then they can't come back because some of the price points, as you know, don't allow them to -- to return to their home where they grew up in. And so when I asked the -- the question about -- about how are they selecting people to move into this

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federal or where people live. So I was very -- very glad to hear you talk about that a matrix has been developed in other parts of the city, that give additional points for if you live in that community and you are trying to stay in that community. And, also, trying to be a home owner. Because as we all know, generational wealth starts with home ownership, not with rental properties. So I think you for asking that question and giving us additional tools that we can use on the next project we do. It is -- my question is now, this has been going on for three years now. And what happens if nothing is built in the next year? I mean, or how long does the developer now have if this is passed on Thursday, how long does the development have to begin to break ground and build units and get people in? >> Are they >> Mayor Adler: They have to secure additional funding if it's approved would help secure their other financing so they could get going. And I could be wrong, but I want to say like the end of 2017 is when it might all be over and done with. But -- >> I'm hearing it's important to hear the timeline, you want to know if they're bank ready and the timeline on the construction. >> Houston: Correct, thank you for translating that into development speak for me. [Laughter] That's what I need to know because we've been supporting this project since 2012. And some other projects that got approved at that same time are already built and ready to sell houses to people so I have a concern about this project. >> Yes, ma'am.

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>> Mayor Adler: Okay. Anything else on item? All right, the city council will -- yes? >> Are you about to move us into executive? >> Mayor Adler: I am. >> I have one item to put on everybody's radar before we go. It goes to planning over the holidays and it's the end of September, early October and I'm looking at the schedule at Thanksgiving and the winter holidays in December. And maybe open Thursday we could nail about D down what our meeting schedule would be. I'd like to propose that we have a significant break during December, specifically the last weeks of December so that we -- oh, let's see. Have no meetings after December 17, our Thursday meeting until either the work session on January 5 or possibly the week after, I think staff throughout the city deserves a bit of a break and I think that's traditional and that would be for the winter holidays and Thanksgiving, I was going to suggest no meetings after Thursday November 19 and recommencing on November 30, basically the week of Thanksgiving. I've made some adjustments with my open space committee schedule to recognizes winter holidays as well. >> Mayor Adler: As has been pointed out, I agree we should advance this. If you could post to the bulletin board your suggested calendar and we can weigh in in that form and push forward. >> Pool: Okay. >> Mayor Adler: And we'll post that as an item to off at our first opportunity but in the mean time, if you would post that, that would be helpful. >> Tovo: Thanks for mentioning that. I look forward to the message board discussion. I wanted to alert my colleagues to something that I posted on

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the message board with regard to the short-term rental discussion, I forgot that one of our colleagues would be unable to attend one of our council meetings because of city business and I'm proposing we move that discussion one week and I heard rumors we were canceling next week's work session. Are we intending to meet next Tuesday? Some of our colleagues will be at the chamber of commerce sister city trip. >> Mayor Adler: Hasn't reached my radar screen yet. >> Tovo: So unless I hear otherwise. >> Mayor Adler: We'll get that on the bulletin board right away. Councilmember kitchen. >> Kitchen: I wanted to urge everyone to look at that. What we've done with the mobility committee, the quarter cent funding, we're going to postpone that from our October mobility committee meeting to November. We did that at the request of a number of councilmembers working very hard with their communities. To get feedback and this will provide some additional time and since we don't have -- that will provide additional time and that means we'll address it at our November mobility committee meeting and come to council shortly after that. It's important that we do this before the holidays. So that's -- I will -- I will post on the message board the revised timeline. >> May I ask a question. >> Mayor Adler: Yes. >> I guess the question would be that that I think all of the councilmembers are going to be very interested in in discussion, so I'm wondering do you feel it's necessary to go to mobility before it comes back to council. >> Kitchen: We can talk about that. My initial thought it would be helpful to go to committee because the committee can help with the review of the process and that sort of thing and then

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bring it to council. >> Okay, but I mean, I'm open to a discussion if people would like to do it differently. >> As we're shortening the number of meetings that we'll have during that period whether this might be an opportunity to say maybe it goes to the whole council. >> Kitchen: We might speed it up that way. Let's talk about it as a committee and see what we think. >> Mayor Adler: Yes, talk about it as a committee. >> Gallo: Thank you for the extension. We're appreciate of that. >> Mayor Adler: Councilmember Zimmerman. >> Zimmerman: I wonder if some of the districts might be already resolved on plans. Is it your idea to wait until all 10 districts are all in agreement what they're doing separately before we vote on it together? >> Kitchen: The reason I was thinking that, because we're looking at the funds from an equitable standpoint which might provide opportunity to look at it as a whole. That's what I was thinking. >> Zimmerman: Sure, but equitable is in the eyes of the beholder. If you have districts who say, well, it's close enough for equitable purposes, let's vote and get the projects moving and let others decide. >> Kitchen: Okay, we can talk about that also. You know, if there's councilmembers that have concerns about timing and would like to consider it that way, let's talk about that. >> Zimmerman: Sounds like we're committed to getting a final vote before the end of the year. >> Kitchen: Absolutely. I feel that's very important. And I'm looking at hopefully November for our -- >> Mayor Adler: And I would urge from where I sit as a committee to not consider this piecemeal but as a whole. You're looking at things by district, equity, but at things equitably should be done by the city generally so we purposely did not pick, you know, a form lake approach with a certain amount going to each district and I don't know how

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you would resolve that without considering it collectively. I would suggest for councilmember who is would like do this -- and I know some of you have -- you might post on the message board your experiences with your community. We're all customizing how we reach out to our constituents to have these discussions and I know I've been learning from my fellow councilmembers how they're doing it. If you feel inclined you might post that on the message board. >> Mayor Adler: Okay. Anything further?

We still have two items on our public agenda. Items 4 and 5. Before we consider those publicly, we're going to go into executive session. So we're going to now go and consider one item. Pursuant to section 552.133 of the government code, city council will discuss following item. Information related to pricing in terms of potential long-term purchase agreements of utility scale, solar generated power. E2 has been withdrawn, we'll now go into executive session. Hearing none, we'll recess this public meeting and now go into executive session. >> Zimmerman: Are we going to come back?

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>> Mayor Adler: We are now out of closed session. In closed session we took up and discussed the public power utility competitive matters related to item E 2. We have a quorum present here on Tuesday, September 29th in the board and commission room. We're continuing in the work session. We have two additional items that were pulled. One of them was the item no. 4, which was the 118 -- maybe those two -- those two contracts, I guess. One 118 megawatts and then -- number 4 -- I'm not going to -- at the risk of saying it wrong, I'm just going to refer to it that way. My understanding is that -- that I'm going to remove my pull from that and we'll be support -- will be supporting this item. As it -- as it comes up. On Thursday. Does anybody have any other conversation or discussion about item no. 4? And then item no. 5 was, I pulled item no. 5. It's going to be my recommendation to council that we not vote on item no. 5, but that we ask our staff to continue in negotiations up to -- up to the -- the 600-megawatt level, but allowing for the -- for the staff -- the Austin energy to come back to us with a recommendation if they so choose to make one. That might be the intermediate clip between that or all of it depending on -- on how their continued negotiations go. But I would be proposing on Thursday that we postpone that item for one week.

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And that it come back up on -- on October 8th and I would also urge the two committee -- commission boards that review these items, that would be the -- the euc and the -- >> [Indiscernible] >> Mayor Adler: The resource management commission. If they could, to set a meeting between now and prior to the 8th, so as to receive a -- a report or presentation from Austin energy or to discuss approval of some - - some different -- configuration or form of the same matter than has been considered thus far. So that we could comply with the -- so the council could have their input and so we resolution or ordinance

passed by the earlier council, suggesting that measure of review. Anybody want to discuss this matter? In the work session. >> If we're making sure all of our ducks are in a row and making sure that it's being properly heard before the proper boards and commissions, is the -- on Thursday, are we -- is that our first hearing? I don't want it to be just a postponement so essentially we're not hearing it for the first time. So if there's a matter of interpretation, would the present -- would the discussion of this item at the Austin energy committee count as the one time before council and then the first is the second time and we can vote on the 8th? Or is the one on the first the first time and we can vote on the 8th? I just want to be clear on that. >> Mayor Adler: I would say that the way that I would interpret that would be to say that the requirement with respect to the euc and the resource management commission stand and I think if we have new ideas coming up, we should

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continue to ask those citizens and stakeholder panels to review them. With respect to any requirement that had come to the city council twice, I think that resolution was passed in an earlier day when -- when the -- when the electric utility commission, the council -- the council oversight committee, may or may not have represented all of the council members. As we worked through today, that is in essence a committee of the whole. I think that's how they signed up to do that is kind of been assigned that way, but now Austin energy by form, beyond people just wanting to be beyond it, is a committee of the whole. And then the additional change is that -- is that this new council has tried to send the public hearing testimony to the committee level as opposed to a council meeting, so I think that the intent that there be a -- a public hearing opportunity that is separate from the meeting where the council would actually take action, I think is also being -- being met in this instance. So I'm comfortable with us voting as a council on Thursday, because I think it does meet what was the -- what was the needs and the precautions asset out in that earlier resolution. >> Garza: I meant for 5. I think you are speaking for 4. >> Garza: Yeah, that's what I meant for 5, if we are essentially postponing 5, I just want to make sure that we are covering everything and saying if it comes back on the 8th, we've heard it once at the committee level and that counts as one, I just don't want to postpone it on Thursday and say, oh, now you need another time before council. >> Mayor Adler: I don't think so. My opinion is that the public hearing that we had in front of our Austin energy meeting, at that last meeting, talked about both 4 and 5. It talked about going to the first 300, it talked about

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the criteria for going above 300 to 600, so I think that there has been -- the public hearing opportunity on -- on the full complement of the options available to us. >> Garza: I just wanted to make sure that was on the record. If we choose to go forward with the 600 on the 8th and the two committees are able to to meet before then, then we would have done everything that we needed to then. >> Mayor Adler: I believe so. Any further conversation or discussion? Seeing none, this work session stands adjourned. Thank you.