

City Council Special Called Meeting Transcript – 10/22/2015

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[9:15:09 AM]

>> Good morning, everyone. I believe we have six and a quorum. So mayor I will defer to you if you want to start the -- welcome. It's the wizard of oz. We're getting close to Halloween. I think there's been -- do you want us to start on Austin energy or would you like to start on the city council? Your preference. >> Mayor Adler: I was here at 9:00. Let's do this. I think that councilmember kitchen wants to talk briefly about the second item that's on the city agenda. So let me go ahead and convene the city meeting. Let's pass the boards and commissions on consent and then we'll recess and throw it back to you so that we can address the second item. So I'm going to go ahead and do that and convene the special called meeting of the Austin city council. Today is October 22nd. It is 9:15. We are in the city council chamber 301 west second street, Austin, Texas. We have a quorum. 2015 items before us to be -- we have two items before us to be approved on consent. One of those is the boards and commissions, which is item number 2. The other one is the waiver of the smoking banish. I'm going to call those separately. Is there a motion to approve the boards and commissions item number 2? Ms. Gallon moves that, seconded by Mr. Renteria. >> Houston: I have a question. The people on the list on the back of it, they're the ones that have not completed the training? >> They're the ones that have not completed the training for appointments that were made before

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July 1st. So I know it looks long, but for those we're actually at an 81% completion rate. And so I know a few have completed it as of early this morning. So we were able to remove a few. So we're actually on target. I think this waiver we should be able to get the rest of them done in the 30-day period. >> Houston: Thank you. Just wanted to know who we should call. >> Mayor Adler: Sounds good. It's been moved and seconded. By the way, our city clerk is celebrating a birthday on Saturday. [Laughter]. I will not say the number this time. From the dais. [Laughter]. I got in trouble for that before, but happy birthday from all of us. It's been moved and seconded, approval of the boards and commissions. Those in favor please raise your hand? Those opposed? It's unanimous of those on the dais. With troxclair, Zimmerman,. >> Troxclair: And Garza off. >> The second item that will approved on consent as well, I think that we can handle it on consent, so we're going to go ahead and recess the special called city council meeting. And we'll pick that back up. Ms. Pool? >> Pool: I just wanted to make note we have early voting down the hall here and I wanted to remind everybody at the city and who might be here today that it might be really simple to go right around in the -- is it the channel 6 media room. To go and cast your vote and the only thing on the ballot are seven state propositions. And one county proposition. Thanks. >> Mayor Adler: Yes, Ms. Houston? >> Houston: And I want to

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remind everybody if you're not sure what you want to do, I have copies of the voters guide from the league of women voters. I'd be happy to hand them out to you. >> Mayor Adler: Is this a full-service council or what? [Laughter]. >> Mayor Adler: I will call this meeting back -- recess this meeting and we may not get back to it until after the Austin energy meeting is done. We stand recessed.

[9:46 AM]

We're going to call back up the Austin city council meeting. We had two items. The second item related to the smoking ban waiver. We were going to hold that until councilmember kitchen was on the dais in case there were comments associated with that. I had said we were going to call this up if it was something that we could dispose of quickly. If it isn't, then we'll have to hold off on this for Austin energy, but let's see. Ms. Kitchen, do you want to address that, which is item number 1 on the city council agenda? >> Kitchen: Yes, I just wanted to talk about it quickly. I wanted to highlight the policy issue behind it. I'm okay with moving this item forward, but I'd like to send an item to the appropriate committee, whether that's parks or health and human services, to re-examine our policy of allowing exemptions to smoking in the parks during events? It's something that I would like to explore. I think that our city has made significant progress from a public health standpoint with regard to smoking. And we have banned --

[9:47:27 AM]

smoking is banned in the park right now, in all parks right now, if I'm understanding correctly. So my thought is it's not appropriate to make exemptions to that from a public health standpoint. And so I'd like to examine that from a policy perspective in the appropriate committee. >> Mayor Adler: I will go ahead and refer that issue to committee. I agree with you and I think that the trend of events is even to have events doing that voluntarily. I think it's important to give something like this notice on that, but I'm all in favor of providing that notice and we'll send it to committee to take a look at. Ms. Pool? >> Pool: I have a question. Why are we making this -- why are we requesting a waiver if we have a general ban throughout the parks? Is that a typical waiver request when we have large festivals? >> Sarah Hensley, director of parks and recreation. When we were partnering with our friends in health and human services with the previous council, there was an interest to allow for events to have designated smoking areas. And so it is currently in place that I can -- the event organizer can submit a map with designated areas. The department has to approve those and it is not an administrative action, it has to be approved by mayor and council. So the mayor is correct, we've seen a significant decrease in requests, and that was our hope is that it would slowly just wean off and we wouldn't have to go back and address it, but there is still a request before you to allow that in designated areas this time. And we would welcome the opportunity to review this again. And I know health and human services would as well. But it is in place now and was approved by the previous mayor and council. >> Pool: On just one

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follow-on question then. I don't remember seeing this request for any of the festivals in 2015. >> That's correct. >> Pool: Is this the first one that we've had. >> This is the one for this year. All the others have slowly weaned themselves off, so to speak. And I have to say that fun, fun, fun has reduced their request from five to three. So I think they're doing the same and trying to sort of scale it back. >> Pool: I will say

that I am very much in support of trying to wean people off of smoking as well for a lot of public health reasons. So I'd be happy either to hear this in the open space committee or if it goes to health and human services, which is completely a relevant committee too, sounds good. Thank you. >> Mayor Adler: Councilmember Zimmerman. >> Zimmerman: Thank you, Mr. Mayor. I generally -- when we had the smoking ban elections some number of years ago I'm not a smoker, but I was against the bans because people have a lot of elective behaviors that are hazardous to their health. They've been informed and they continue to do it anyway. We have a big alcohol problem in this city with excessive drinking, public drunkenness. And you know, America tried a prohibition in the 20's and 30's. We're going to solve the problem just by banning the behavior or banning the substance, and that didn't work. So I'm generally in favor of these kind of exemptions. I think the organizations that come here should have a right to extend bad choices because people make bad choices and it's not our job to stop all the bad choices is so I would be in general support of this. >> Mayor Adler: My suggestion would be that we send this to a committee and hold off having a policy discussion about it here so we can get back to Austin energy and let that happen at that committee level. Ms. Tovo? >> Tovo: I had a quick question.

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I know that [indiscernible] Have gotten an exemption in the past. Did they in 2015? >> According to my chart they did not this year. >> Tovo: That's interesting. So there was no smoking going on in Pease park? And that raises I think the question that I would like to address, and I think parks and open space if it goes there would be well positioned to do that whether there was smoking going on and if it meant the fact they didn't have designated smoking areas meant there were cigarette butts all over the park. But we don't need to answer the question -- we don't need to answer that question today. >> Mayor Adler: I think that would be a good thing for the committee to take a look at. >> One point of clarification, I know, councilmember Gallo, is you can smoke on the right-of-way. So, for instance, just to give you an example, Austin city limits with the request we had over the weekend did not have designated smoking areas, but individuals and even the workers there stepped on to the right-of-way to smoke. >> Mayor Adler: Ms. Gallo? >> Gallo: That was going to be my question. We do not allow smoking in our parks. >> No, we do not. There's a fine associated with that. >> Gallo: I'm going to vote against this. I think the reason why is if we as a city have adopted a policy and ordinance that says smoking is not allowed in our parks, I think it's a little uncomfortable to me to grant permission to smoke to a commercial entity using our park for a function. You know, this particular -- regardless of which one it is, but this one has also come forward saying this is a family friendly event and I think asking for an exception on our smoking policy. I'm just very uncomfortable with that. >> Mayor Adler: I'm probably going to vote

[9:53:30 AM]

for this, and I don't like smoking and I would like for us to move to a policy where we could eliminate that as best we could. I'm uncomfortable having a track record of where these are granted where they're requested, changing that practice on the dais. And I have the questions that the mayor pro tem asked in terms of are we doing more or less with respect to promoting what we want by saying you can't do it because as a participant I know that it's happening. And the goal I think should be to try to figure out the best way to do that. And we're not going to figure that out on the dais. I would probably let this go and then send it to the committee. Any further discussion? >> Renteria: Mayor, I will support it also because I know that smokers are -- they have to have their cigarettes. And they do -- I noticed even at acl they were smoking at the park and taking a chance of getting a ticket. I believe if we provide them a safe location and we wouldn't have that problem that we're having right now where people are just

illegally just going to -- hiding behind a corner somewhere smoking a cigarette. So I'm going to be supporting this. >> Mayor Adler: Anything further? >> Just one. We already already have a policy in place of no smoking in our parks and this is granting an exemption to that. >> The previous council did pass the ordinance that says upon their approval you may approve designated areas. So this isn't -- I want to be clear this is not me just coming to you and saying hey, could you give this a one-time deal. Currently this is allowed per the previous city council. And I think -- correct me if I'm wrong, but I

[9:55:30 AM]

think the discussion is about more how to address this in the future. This is not granting -- another group could come back in three weeks and use this same format to request it. I may not have been clear, I'm sorry. >> Mayor Adler: And I apologize this is taking a lot of time away from Austin energy and my suggestion would be that we either postpone this matter to get back to Austin energy or we vote on it. But I had promised the chairperson that we wouldn't get caught here. Mr. Zimmerman? >> Zimmerman: I was going to make a motion that we approve that, but I think Ms. Houston wanted to chime in. >> Mayor Adler: It's been moved to approve number one, second by Ms. Houston. Those in favor raise your hand? Those opposed? The dais votes in favor with Ms. Gallo voting no and Ms. Troxclair off the dais. This is all the items on the Austin city council agenda. So I close the city council and give the meeting back to Ms. Gallo.