

# City Council Regular Meeting Transcript – 3/3/2016

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[10:19:12 AM]

>> All right. I think we have a quorum available. Were before we start the meeting we're going to begin with an invocation today from reverend Larry Bethune of university Baptist church. If everyone would please stand. Bethune.

>> Abiding presence, life of our lives, we pause at the beginning of a busy day to thank you for the privilege of serving a great city and a diverse people, and we thank you for these men and women who work to make our life together better. Grant them the skill to listen, the capacity to understand and feel the concerns of those with alternate points of view, and the wisdom to decide what is best for the most of us. Because our vision is limited, even our most careful decisions have unforeseen consequences, so we seek your mercy and your assistance. Bless these council members, their staffs, the citizens who participate in the process today, and even those who don't, that Austin might be a place where each of us has opportunity to be our best selves and a model to our country of the inclusive, cooperative community you created us to be. Let our awareness of your presence in this place and in each other stay with us through this day, and at the end of the day surround us with your peace. We pray in the name of all that is holy. Oh, and please give an extra measure of patience and hope to all the souls parked on mopac. Amen.

[Laughter]

>> Mayor Adler: Thank you, sir.

[10:21:17 AM]

Kind of everywhere you go right now, huh? All right. We're going to go ahead and convene the meeting. City council, today is Thursday, March 3, 2016. It is 10:18. We're at the city of Austin council chambers, 301 west 2nd street, Austin, Texas. We're going to begin by figuring out the consent agenda. I'm showing items -- first we'll do changes and corrections. Item no. 22, Ms. Houston has been added as a sponsor. Item no. 23 is being postponed until March 31. Item no. 20, Mr. Casar is being added as a sponsor. Item no. 24, Ms. Pool is being added as a sponsor. Item no. 30, being postponed till April 7. Item no. 35 is being postponed indefinitely. Item no. 38 is the Thornton road being set for a time certain, will not be called earlier than 6:00 P.M. This evening. And then item no. 43, at its 4:00 P.M. Time certain -- a request to withdraw 43 will be made. Items pulled off the agenda, Ms. Houston pulls item no. 13. Mr. Zimmerman pulls item no. 15 and item no. 24.

[10:23:18 AM]

Again, item no. 18 being pulled, set for a time certain at 2:00 P.M. I think it's -- we're also going to pull item no. 7. I say that. I don't think -- it's pulled for speakers. I have no. 7 being pulled for speakers. And Austin energy, item no. 21 being pulled. Item no. 23 is going to be postponed to March 31. All right. So again in order, I'm showing item 7, 13, 15, 18, 21 and 24 being pulled. Anybody else have anything else being pulled?

>> Mayor, if we could pull item 20, please.

>> Mayor Adler: Item no. 20 is being pulled. Okay. Anything else being pulled? We have some people here that are to speak on the consent agenda. Gus Pena, is Mr. Pena here? David king? Do you want to speak -- well, no. 20 just got pulled so I think you're set on that. Other people identified, we're on 21, and that is pulled. And again I have item 7 pulled, item 13 pulled, item 15 pulled, item 18 pulled.

[10:25:23 AM]

20, 21 and 24 being pulled. Is there a motion to approve the consent agenda? Ms. Pool makes that motion, seconded by Ms. Troxclair.

>> And mayor, you did mention that 23 is being postponed to --

>> Mayor Adler: 23 is being postponed to the 31st, remaining on the consent, that approval to the postponement. For Mr. Zimmerman I am showing that he is abstaining from item 2, 3, 4 and 5, also items 8 and 9 and 11. Also abstaining on 16, voting against on item no. 19. That's what I have for Mr. Zimmerman.

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

>> Mayor Adler: Yes, Ms. Troxclair?

>> Troxclair: I would like to abstain from items no. 4 -- no, 4 and 16, and I just wanted to mention on item no. 18, which is the time certain at 2:00 P.M., that we won't take it up before 2:00 P.M. But hopefully we will wait until mayor pro tem tovo is being the only with us.

>> Mayor Adler: On which item?

>> Troxclair: It's item 18, the pilot knob --

>> Mayor Adler: Yes, we'll wait for mayor pro tem to come back. Mr. Pena, are you here?

>> Right here, mayor.

>> Mayor Adler: Okay. Called your name a moment ago, you weren't here, but we'll double back to catch you now.

>> I think you're doing -- the community, my apologies, I requested the backup and day before yesterday they don't have it ready at the city clerk. So is it -- what number are you -- what number am I speaking on?

>> Mayor Adler: This is speaking on the consent agenda. You had signed up for items 2, 16, 19 and 28.

[10:27:25 AM]

>> Okay, 28. Okay. Okay, yeah, Gus Pena on no. 16, I just had been asked by a couple of people in the community about this particular item, and it's city's minority-owned and women-owned business and price procurement program. The disparity, actually -- the disparity study, and some of the people are confused out in the community, Mr. Mayor, about the disparity and as it relates to the procurement process, and they want to see more inclusion, and what inclusion means as far as it relates to no. 16, I'm not too sure because I didn't have a chance to speak to them. But anyway, the business community and the community as a whole is saying there's disparity out there. On no. 28, this is having to do with consider supporting application to be submitted to the Texas department of housing and community affairs. Again, Mr. Mayor and council members, we're giving developers too much and not receiving

enough affordable units in return for the people who really need it. Mayor, the homeless -- homelessness study just came out yesterday, said there's 20% more homeless people on the streets. Again -- again, we, veterans for progress, I am a co-founder of veterans for progress, we strongly debate and disagree with that percentage. It is higher. And it's getting more higher for veterans also. We see more veterans out there also. So what we are not asking anymore, we're demanding that when we as a city give our name and submit -- for support of application for tax credit -- or housing credits, rather, let's get enough dividends and returns. We're not getting that. And affordable units, really. They're not affordable. And one thing I'd like to clarify, Mr. Mayor, if I may please, and I'll cut it off after this, last week when we were talking about rosewood, I was insulted and I was threatened by Michael Gerber, president of hawk, and I tried to get information from the city manager's office how to get in touch with him.

[10:29:38 AM]

I filed a complaint with the department of -- around HUD, I know -- and HUD, Castro when he was mayor of San Antonio, the guy said because of your comments we stand to lose a lot of affordable housing. My comments were just to support of council member Ora Houston's initiative to the national registry, and so to be -- to be told that I am the person that is going to be causing a lot of affordable units to be lost is not acceptable to me. So I want to let you know I did try to get a city official to hold Michael Gerber accountable for his idiotic statements about me. So anyway, I'm going to direct it to you, sir, because I've always supported affordable housing for veterans and nonveterans. But the issue, for an official like that to attack me like that, that is not acceptable. I don't know where the hierarchy stops. Hierarchy stops -- in the legal department. Anyway, let me wrap up and say could you do something looking at this background? This is incorrect, this is comments unbecoming an official of his nature. I don't like it. So if you could just investigate that, I'd appreciate it, because I didn't cause anybody to lose affordable housing. Anyway, thank you very much.

>> Mayor? Mayor?

>> Mayor Adler: Yes.

>> Are there any more speakers right now?

>> Mayor Adler: No, not on the consent agenda.

>> Pool: I wanted if I could just a quick moment of personal privilege. I missed pulling an item off our consent that I wanted to talk a little bit about. It was item 19, the music omnibus bill resolution that you have.

>> Mayor Adler: Yes.

>> Pool: And what I wanted to address was our local businesses, and I wanted to ensure that we were acknowledging them. I know that much of what is included in the omnibus does talk about our local artists and musicians but also the businesses that maybe support them.

[10:31:51 AM]

So since we have now approved item 19 on consent, what I'd like to do is just signal to the rest of the dais that I would like to -- and may be considering bringing a second resolution to amend the omnibus to ensure that mentions of our local business partners are included in this initiative, to make sure that it's as widely scoped as I think was intended.

>> Mayor Adler: I think -- we haven't voted yet on the item. I think the intent was to deal with the whole music and creative ecosystem and to pick up businesses that are part of that ecosystem. So I think that was the intent. If there's a particular place that you want to add that, if you'd take a look at it and want to do that, I think that would be fine.

>> Pool: Okay.

>> Mayor Adler: But I think that the intent is to -- is to also support those businesses, part of that music and artistic ecosystem. Beyond that, Mr. Renteria asked, there is on exhibit a section that's entitled "Entertainment license" on this resolution, this music resolution, that says combine multiple annual permits and fees into a single permit process with single fee. By way of clarification, Mr. Renteria wanted that language to be just expanded a little bit, it's still within that, but the language he would add would say that it should review feasibility of a code amendment that would create an entertainment license for businesses that host music or other entertainment throughout the city, through and by application to seek stakeholder feedback on the proposed code amendment, identify sufficient staffing to regulate the entertainment licenses, and review feasibility of synchronizing all city lost and required permit renewals, period.

[10:33:59 AM]

And I think that language also picks up the broader deal with respect to businesses. Does anybody have an objection to adding Mr. Renteria's language to this?

>> Maybe we should pull this item, because -- I think we should go ahead and pull this item because we've got an amendment to it. I have a comment on it also, and so that might be the easiest way to go, if that's all right.

>> Mayor Adler: That's fine.

>> Kitchen: Okay.

>> Mayor Adler: Let's go ahead then and pull this item 19.

>> Pool: And then I will have my staff bring down some additional language. It may be as simple as inserting the word "Local" where it says small business, but we're looking through that right now.

>> Mayor Adler: Okay.

>> Pool: Thank you. I appreciate that.

>> Mayor Adler: Mm-hmm. All right. Then I'm showing the items being pulled are 7, 13, 15, 18, 19, 20, 21, 23 -- I'm sorry, 21 and 24. 23 is being postponed to March 31. Also on the consent agenda here are setting the public hearings on items no. 25 and 26. These are public hearings relating to the development code. There's no backup for these yet. The code provisions that we're setting a public hearing for are not available. Do we have drafts of these yet?

>> Jerry rusthoven planning and development. No we do not. We're going through the process, we're setting the public hearing. We'll have the ordinances ready for when we have the backup.

>> Mayor Adler: Okay. The concern with setting, as I now get into this process in a year, is that what we have then, when the -- when we set a public hearing without knowing what it is that the public hearing is on, or what the language is, people don't have an opportunity to get ready and be able to respond to it. So we're setting a date without knowing whether there are big issues or how much time people want to spend dealing with them or whether there are compromises to be worked out, and what that ends up with is a system where right at the end, kind of like in a fire drill, because now we have a week or two weeks to be able to react to -- to language, putting us in a position where we have those and then we have people who are set to come to had you been hearing and we have pressure to postpone the public hearing in order to be able to react.

[10:36:30 AM]

So my hope is, is that you'll be able to get those out at least for discussion purposes for people to do it real quickly, or alternatively, maybe we shouldn't set public hearings until we say here is the language and we'll now set the public hearing on the language that we have. I'm just trying to avoid the council

being put through kind of like a fire drill right at the -- you know, at the end, a week or two before a public hearing happen, if we could give all the stakeholders an opportunity to react to it.

>> I understand. Each one of these items that have a set public hearing are I think almost always because the council has directed us to take an action previously with the resolution, so we're now coming back. A lot of times, too, the agenda office requires us to do the -- to ask for the set public hearing a month before it's absolutely on today's Janet and then for a month to go by between the time that the council sets it and then the public hearing happens. So a lot of times we go ahead and ask for the setting of the public hearing before we've gotten to the planning commission stage, and it is after the planning commission stage when the law department drafts the language because we've already had that public hearing, and that's generally the ordinance language that's put before you. But I understand your concern, and we'll have the language as soon as it's available.

>> Mayor Adler: Okay, take a look at that. Maybe it would be good for us to have a policy that says there will be an automatic postponement of the hearing if it wasn't available to the public three weeks in advance or something like that.

>> We can also not have this setting of the public hearing until after the planning commission date, but I want you to know that that could cause every code amendment to be delayed by at least a month or two because of that. So --

>> Mayor Adler: Let's not choose that option, but maybe we could have an option that says it has to be publicly out for people to be able to see three weeks before the public hearing, to give people at least that period of time so that they're not seeing a draft just before the public hearing, because invariably then we have people that come to us and say, how can I possibly have comment on it, there was nothing for me to look at to comment on. I'm already getting queries on these two assist, the public hearing is being set for less than a month from now.

[10:38:34 AM]

What should we be reacting to?

>> Just for your information, on the mf-6 item on item 26, we have sent out a draft this week to ANC and orica, and others, so that draft ordinance should be circulating.

>> Mayor Adler: Would you post that as backup to this agenda so others can at least see that?

>> Sure.

>> Mayor Adler: And as soon as you can get something out for other folks that would be real helpful on the other ones as well.

>> Will do. Mr. Zimmerma N?

>> Thank you, Mr. Mayor. I had put down that I was for these because I was under the impression that this documentation was available. I didn't realize it didn't exist. So in line with the comments you made and how this gets us in a bind where we set a hearing and we don't know what's coming, I need to change my vote on this to abstention, for any of these public hearings that we don't have the documentation yet. So is that item 25 and 26? Is it both of those?

>> Mayor Adler: Yes, 25 and 26.

>> Zimmerman: Okay, then I'd like the record to be reflect I'm abstaining from 25 and 26, because I'm not going to vote for a hearing not knowing what's going to be discussed at the hearing.

>> Mayor Adler: I understand. Thank you. Any further discussion on the consent agenda? Yes?

>> Gallo: This was just in line with -- I appreciate your comments about that but I do think there's a policy issue that we need to address as far as the timeline for things coming before the public as far as the draft ordinances. I think we're running into this also with the -- with the landlord, the tenant location issue. I don't think the draft for that, there's been a lot of public dialogue about it, meetings, but I don't think the draft ordinance will be available until the backup for the planning commission happens, and

that only gives the public a handful of days before the meeting to be able to address that. So I think there's -- there's many different levels that we're not allowing the public to see the draft that's getting ready to get presented. So I appreciate your comments about that, and I think there's multiple areas that we need to address.

[10:40:37 AM]

>> Mayor Adler: Okay. And I would urge staff, if there's a draft that you have that you're kind of waiting on, the sooner you can get something out, even if it's not finalized, that would enable the public to be able to see something that they can start identifying issues and commenting to, it would be helpful for us up here, because if it's just a few days before then we get the onslaught and half of them are requests for postponement and additional time. So the sooner you can get something up, even if it's under review or under drafting, it would be helpful to start the community conversation. It's been --

>> Houston: And mayor, have me voting abstaining on 25 and 26, please.

>> Mayor Adler: Okay. It's been moved and seconded on the consent agenda. Mr. Casar?

>> Casar: Mayor briefly, with no. 24 pulled, which is the ordinance on committees, I would ask that as we organize the schedule, if we could have 24 at the time that the mayor pro tem is back, if it's feasible, and then with no. 13, which is pulled by council member Houston, which I wanted to discuss as well, we are still reviewing the bid documents which we can only review after signing confidentiality agreement, and my staff is working on that now. And so if we could talk about that one a little later in the day I would appreciate it because I would be much more informed.

>> Zimmerman: Mr. Mayor, I pulled item 24, and I concur and agree with council member Casar on that request.

>> Mayor Adler: Okay.

>> Mayor?

>> Mayor Adler: Yes.

>> Gallo: Could you show me abstaining on 25 and 26, please?

>> Mayor Adler: Yes. All right. Those in favor of the consent agenda please raise your hand. Those opposed? It's unanimous on the dais with the mayor pro tem off, subject to the positions taken, and I think we still had seven on 25 and 26 even with the abstentions. All right. So that then gets us then to items -- I think there perhaps are some other consent items that we might be able to take care of.

[10:42:51 AM]

There's some bylaw changes, items 32, 33 and 34 on the agenda. These went through the audit and finance committee.

>> Mayor, I can make a motion to approve those three.

>> Mayor Adler: Okay. Ms. Pool makes the motion to approve items 32, 33 and 34, which are bylaw changes. Is there a second to that motion? I'm sorry? Is there a second to that motion? Ms. Kitchen seconds that. Thank you. These came from committee. Can you talk to us about these?

>> Sure, I'd be happy to, and maybe the vice chair would want to weigh in as well. Basically they're housekeeping in order to make changes that when the committees under the -- there was a task force that changed some of the structure of committees and reduced the Numbers, and then with the larger council size we needed to add people to the appointments, and some of the committees were overlooked, and then the committees themselves -- the commissions, boards and commissions themselves have met and made some recommendations for ways to make their work more efficient and streamlined, and I think -- we laid this out for folks a couple of weeks ago. I think the mayor pro tem spoke primarily to these issues, and these -- 32, which is a sustainable food policy board, 33, the zero

waste advisory commission, and then the 35 is the environmental commission. So primarily housekeeping.

>> Mayor Adler: Yes. Ms. Troxclair?

>> Troxclair: I think the items that we're voting on right now were 32, 33 and 34, not 35.

>> Mayor Adler: That's correct.

>> Troxclair: Okay. And I guess the only thing that I would add -- I don't know if it's possible to take the vote separately or if I can just abstain from item no. 34, and the reason is -- I concur with council member pool's comments on 32 and 33 that it's mostly just wording changes.

[10:45:03 AM]

On item no. 34 it's a change to what votes -- what action can be taken if quorum is not present, and I understand that some of our boards and commissions have maybe difficulty getting people there or other -- but I'm just uncomfortable with kind of having different standards for different boards, and so I'm just going to abstain from that one.

>> Mayor Adler: Okay. It's been moved and second to approve items 32, 33 and 34. Yes, Ms. Gallo?

>> Gallo: I was going to say the same thing as council member troxclair. I think 32 and 33, we could do on consent, but I think 34 is a major change in the voting mechanism of the boards and commissions, and I would like to see us actually discuss that.

>> Mayor Adler: Discuss that, that's fine. So without objection we're going to just make this motion, items 32 and 33. Mr. Zimmerman?

>> Zimmerman: I was going to make that motion, thank you, divide 32 and --

>> Mayor Adler: If it's okay, instead of just dividing -- we're just going to call them 32 and 33, if that's fine with everyone on the dais. Those in favor of approving 32 and 33 please raise your hand.

>> Zimmerman: Mr. Mayor?

>> Mayor Adler: Yes.

>> Zimmerman: I wanted to speak in opposition to item 33.

>> Mayor Adler: Please.

>> Zimmerman: And I wanted to call attention to the pages here in the ordinance that strike the words "Solid waste." In some instances solid waste is struck and replaced with the word "Materials." And in kind of a bizarre orwellian way. It tends to suggest that solid waste is impermissible to now use. There's no such thing as waste, there's only material. So this kind of thing as an engineer drives me absolutely crazy because we -- there's an incredibly important difference between a material that has use in a manufacturing process, that has inherent value as a material. You can use to construct, build, control, make something, and waste, which you cannot find an economical use for.

[10:47:11 AM]

So I think this is an absolutely terrible edit that's going on here. There's another one here that says "Electronic discard" has been replaced for "Electronic waste." Electronic discard. I think these are terrible edits and I'm going to be voting against these and I think this is very bad policy to do this kind of wordsmithing. It tends to confuse issues, and when we talk material we don't know if we're talking garbage or something inherently valuable.

>> Mayor Adler: Okay. Any further discussion on this item 32 and 33? Those in favor of -- let's call -- let's pull these up separately. Those in favor of 32 please raise your hand. Mr. Zimmerman, how are you voting on 32.

>> Zimmerman: I'm abstaining on 32.

>> Mayor Adler: Okay. It is 9-0-1. Mr. Zimmerman abstaining, the mayor pro tem off the dais. Item no.

33, those in favor please raise your hand. Those opposed? Zimmerman voting no. The mayor pro tem off the dais. And Houston abstaining. The others voting aye. It passes. We'll wait for the auditor to be with us or whoever on item no. 34 and 35. And if the auditor is going to come back for that -- yes?

>> City clerk.

>> Hi, Deena strata boards and commissions coordinator. Regarding item 34, I'm here to answer any questions you have regarding the quorum concerns.

>> Mayor Adler: Ah, yes.

>> Thanks, Ms. Estrada for being here. Could you explain the reason why we were -- why the recommendation was made to change the quorum requirements for the two boards that we are making -- making the recommended changes?

>> Yes, ma'am. This is -- this change is to align the boards that have 14 members and over.

[10:49:19 AM]

The additional boards that -- this doesn't include in this language is the early childhood commission -- or I'm sorry, the early childhood council and the sustainable food policy board. This language is already included in their ordinance. This additional language that is up today is to include those boards that are 14 members and above. If a quorum is present at their meetings, which would be eight people for 14 and 15-member boards, this would require two-thirds approval to pass an item. So six out of eight members would be needed, if there were eight members present. If there are more than eight members present, which is what is needed for a quorum, then the necessary eight would have to approve an item to go forward. So it would never be lower than six members approving an item, which is the standard for 11-member boards. So this is just to make it easier for boards who have 14 members or more to be able to approve an item with a two-thirds vote, and as I mentioned, that would not go under the six -- six out of eight that is -- or six that is required for 11-member boards.

>> And is this change being made because maybe in some cases the full complement of the commissioner board has not yet been appointed or people are absent for reasons, so they're just simply not there?

>> Yes, ma'am. Whether there's an absence or not, you're still abiding by the full membership, even if those seats are vacant or members are absent. So if those eight -- if eight members were there and there were three absent, so the membership that is there is eight. Six would be needed to approve an item.

>> Pool: So this simply allows the commissions and the boards to continue to do the work that they have?

>> Yes, ma'am.

>> Pool: Okay. Thank you. Mr. Zimmerma N?

>> Zimmerman: Thank you. While you're here, could you go over again with me on page 2 of 2 -- item 34, page 2 of 2, the section F of the African American resource advisory commission?

[10:51:24 AM]

>> Yes.

>> Zimmerman: Which ones those were again? I think I'm in favor of those but remind me.

>> So I don't have it in front of me but I think what you're saying is it removed the language for the African American resource advisory commission because this council previously removed the 17 membership. It is now an 11-member board -- well, it's a 15-member board, but those additional seats are ex officio, so they're not voting. The membership that is voting is 11 members.

>> Zimmerman: Okay. Thank you.



>> Mayor Adler: Okay, any further discussion? Ms. Houston?

>> Houston: Could we just delay this for a minute? I have some questions I need to ask, because I thought that the four additional members were voting members. That's what my thought -- that's what my memory was, but that's been back -- that's why I wanted to go -- take a look at what we agreed on.

>> Mayor Adler: Okay.

>> Houston: And that's why we made the adjustment to add the four members, to make it a 15-member advisory commission, that they also have voting privilege from those four organizations, but we may need to look at that.

>> Okay.

>> Mayor Adler: Okay. So let's put 34 on the table for just a moment so that Ms. Estrada can get that information, Ms. Houston. Thank you. So 32 passed. 33 passed. We're pulling no. 34. 31 is the affordability audit that came unanimously recommended by the committee. Do we want to remove passage --

>> Kitchen: I thought that was postponed, 31. Did I write that down wrong? Oh, 30.

>> Mayor Adler: 30 was postponed to April 7.

[10:53:24 AM]

>> Kitchen: Sorry.

>> Mayor Adler: The affordability review is item no. 31. Ms. Pool moves that. Is there a second? Mr. Renteria. Do you want to tell us, since this came from committee, Ms. Pool, do you want to speak to it, or Ms. Troxclair, one of you just real fast?

>> Troxclair: Sure. So I think the genesis of this item was the mayor's concept about a sunset -- some kind of sunset process that has now morphed into basically the auditor conducting an affordability review. I am, of course, always interested in anything that we can do to identify ways to improve affordability in Austin. I do have some concerns that affordability, as we've seen on this council, means different things to different people, and it's going to be hard for the auditor to ultimately make recommendations to us that are inevitably going to be tied to kind of an underlying ideology of what affordability means to an individual, but nonetheless I appreciate the mayor's efforts in helping us try to address this issue, and I think that the auditor, you know, as someone who reports directly to the council, is probably the appropriate person to do that. So -- it did pass out of the committee unanimously.

>> Mayor Adler: Great. Thank you. And council member troxclair, I agree with you that when we use affordability everybody means different things, and my hope is that out of this affordability audit we can at least identify what those differences are so that when we're setting priorities we can focus on things that look to be the most important. And even if we don't all agree, maybe we'll have more of a common vocabulary within which to work off of. Auditor is with us now. Just real quick, it's my understanding that what -- what's happening in today's resolution is just to free up the time in the auditor's office in order to do this work but that you'll be coming back at some point with a better statement of scope.

[10:55:36 AM]

Is that correct?

>> That's correct. And just one clarification here too. In the backup I've -- I originally suggested two audits to remove and if we needed more time than that we would delve into our council special requests, which is hours, and we haven't used any this year. However, since that time we actually are recommending removing audit of certified firms. That was an audit that was on the plan at the start of the year and obviously you'll have that disparity study presented on Tuesday that answered or

addressed several of the same things we were going to be looking at in that project. So I'm adding that to the list of projects to remove, so it's really three projects we're taking off the audit plan to make the hours for this project, for this fiscal year.

>> Mayor Adler: Okay. So adding that three? Thank you for that. And then you'll come back with the scope. When you're looking at the scope, you identified research on household expenses at the district level, looking at city initiatives, policies and programs that impact affordability. When you're doing the scope, in addition to looking at housing, health care, transportation, taxes, child care, food, please also take a look at utilities as you're doing the scope, because that's an impact. And as you look at these expenses in part to have us being able to speak intelligently to the issue, that council member troxclair just raised, if you could also look at that by way of percentages of household income so we can see where different people in the community are being extended with respect to affordability items. And then finally just as a note, and I'm sure that you will take a look at preexisting models with respect to some of the questions that you're taking a look at, I know that economic policy institute and the center for public policy priorities, among many others, probably have models already that deal with those kinds of issues, take a look at those and see if they help you get to where you need to be without having to expend money, but I say that without limitation.

[10:57:53 AM]

If you need to start from scratch or develop your own, obviously you're in charge of that.

>> And I think we have -- we're still working through this, but I think we have identified some data sources in order to help us with this, from various -- compiling various data sources to be able to get that you information.

>> Mayor Adler: All right. Any further comment? Mr. Zimmerman? I'm sorry, then Ms. Houston.

>> Zimmerman: I have a quick process question about the fact it appears as an rca, request for council action, but it went in front of the audit committee. So does that just reflect -- I guess the fact that staff brought this forward instead of the committee bringing it forward originally?

>> Mayor Adler: Staff brought it forward to the committee.

>> Zimmerman: So it kind of remains request for council action even after the committee reviews it.

>> Mayor Adler: Yes. Noted that it came through --

>> Zimmerman: Okay.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you, mayor, and I may have missed this. Could you tell me what the third audit is that you had to remove?

>> The three that we're moving are -- there's a construction management project audit, mobile device security audit, and then the -- we had an audit of participation of certified firms through our small minority business resource programs, and that was the one that we added recently, because we believe it overlaps directly with work that you just heard about from our outside consultant on the disparity study.

>> Houston: Thank you.

>> Mayor Adler: Okay. Been moved and seconded. Sorry.

>> Just a follow-up question, and when you say removed, does that mean that it goes back on the list for consideration for next year?

>> Yes. All three of the ones would be basically deferred, which means we'll consider them as we develop the plan for next fiscal year. Ms. Troxclair R?

>> Troxclair: I was just going to make that same point of clarification.

>> Mayor Adler: Okay. No further debate. Those in favor please raise your hand. This is item no. 31. Those opposed? It's all in favor. The mayor pro tem is off the dais, so that passes.

[10:59:58 AM]

Okay.

>> Houston: Mayor, we're ready for -- is it item 34?

>> Mayor Adler: Well, item 34 -- it's 30 --

>> Houston: Which one did we -- no, that's --

>> Mayor Adler: Item no. 34?

>> Houston: Yes, it's 34. We're ready now. Pull that off.

>> Okay, I apologize, I misspoke, yes, the African American resource advisory commission would be included. The reason it was repealed in the ordinance that you have in front of you is because this section is going to -- this language is going to apply to all boards and be included in city code

>> Yes, ma'am.

>> Could you provide the council with a list of that?

>> I'm sorry.

>> Could you provide a list with that to make sure we get all of those filled?

>> Will do.

>> Is there a motion to approve.

>> Houston: Before she leaves, another comment. I had an e-mail from one of the cochairs, boards and commissions, seven vacancies still open. It was addressed to me I had not nominated anyone for that particular board and commission. One of the things that is great about geographic representation is we get to use people who are in our area. One of the things that is interesting is not everybody in it every district has the expertise, the skill set or the desire to serve on a commission, so although I filled one of those commissions, I'm still trying to find someone with the specific skill set to serve on the other. Some of our boards and commissions are very specific about what qualifications people have.

[11:02:00 AM]

And so I just say that to say, sometimes it takes a while for us that don't have that kind of wealth of experience. I'm still looking for that person. I would prefer that you send us that information than someone from a committee. Those in favor, raise your hand. Those opposed. Unanimous with councilmember troxclair obtaining, other off the dais. Others voting aye. It passes. Item 30, that has been moved to postpone this item until prison seven. Ms. Pool makes that motion, seconded by Ms. Troxclair. Any discussion on the postponement motion?

>> Pool: Because we have not approved the renaming policy, it seemed the best idea to hold and obey any effort to rename.

>> Houston: I suggest it not be back on the agenda until we have a renaming policy.

>> Pool: We've been trying not to have these come forward all year.

>> Mayor Adler: It is moved to amend the motion instead of a time certain just postpone it that staff not put it on the agenda until we have a policy. A reason why we can't do that or shouldn't do that?

[11:04:00 AM]

No? Does anybody object to that?

>> Troxclair: Why is there a delay in the policy? It came before us, and then -- I don't know if councilmember pool remembers?

>> Pool: Is an again?

>> It says that is delayed until --

>> Pool: We took it up twice in the open space committee. We talked about some amendments that councilmember Houston offered, I think staff is working through in the law department to make sure everything is straight up, legal. Not that it wasn't. Someone from pard or law department could speak more to it.

>> Mayor Adler: Is there any objection to postpone this, not to a time certain to put it on after the policy is adopted? We will make that change? Those in favor, raise your hand. Those opposed. It is all in agreement except for mayor pro tem is off the dais. That is just a postponement. That is item number 30. There are some items that we will try to hold for the mayor pro tem to come back. Who anticipates being back at 2:00 or thereafter. What about item 15, pulled by Mr. Zimmerman, impact transportation quarter studies.

>> Zimmerman: Thank you, Mr. Mayor, this had to do with again, an economic argument. Let me get my notes here.

[11:06:06 AM]

So thank you for being here. If you want to lay out, I guess the rationale for doing this, I guess that is the chance to respond.

>> Elaine hart, chief financial officer, one thing we were asked to do is identify funding sources for potential mobility projects. One of those funding sources is a tax increment financing zone. This study will be used not only to help prioritize some of the improvements for mobility in our planned -- in our corridor plans but would also be used to -- by financial services to evaluate the use of a tax increment financing tool as a funding mechanism in these corridors for those projects. And so, we don't have the expertise on staff, we don't have a model developed. We're engaging a vendor that we have used before for tax increment financing that has a proprietary model. We don't have the expertise on staff and we contract out for this service, rather than hire a staff person, get them um to speed on -- them up to speed on this type of work. We review the work.

>> Zimmerman: You call it capital market research. Cmr has done work before?

>> In fact, they will use as a base background, foundation, some of the work they did similar work that they did when we were undertaking the rail bond election.

>> One of my questions is, is it one or two projects or five projects? Have they ever recommended against using a tif?

>> They don't make the recommendation, they provide us the data that we review. Based on the data they provide us, we evaluate whether there is sufficient revenue from that mechanism to actually recommend to the council that that be a vehicle or tool that we use for financing.

[11:08:14 AM]

>> Zimmerman: Interesting thing, it is an interesting, complex model to put together. You have to try to make predictions about what will happen with economic growth based on what you are doing. There is speculation involved, and it is complicated. You mentioned proprietary models for figuring out if the model makes sense and if the taxpayers get a return for the additional spending? I guess the question is, if -- do we have the ability to grade them and know if their model is correct? If they make a prediction and years later their predictions don't pan out, what can we do about it? As a council or as taxpayers?

>> They are based on assumption, primarily real estate assumptions about the increase in the value of property, based on the improvements being made in that particular area. We have used tif financing for the waller creek area. We have a track record for using some of the models and that, you know, and looking backwards to see if we are collecting sufficient revenue, compared to the old models. I do think we have the appropriate vehicles to evaluate the data, but certainly it is based on assumptions on the

increase in value of residential property and commercial properties in those corridors. That is not expertise that we have.

>> Mayor Adler: Is there a motion to approve item 15? Ms. Kitchen makes that motion, a second? Ms. Renteria second. Those in favor, raise your hand, mayor pro tem off the dais, others voting aye.

[11:10:14 AM]

And Ms. Troxclair abstaining. I apologize, I should be asking that.

>> Houston: Mayor, to comment before we move off of 15, as I stated to staff when we met is that the coordination with txdot, especially in my corridor, that they're going to be studying is critical.

>> Mayor Adler: Ok. We will try to hold number seven until mayor pro tem comes back, also 13, community poliing contract. 18, which is pilot knob. What about music staffing system. Is staff here for this I think there were amendments?

>> I have one amendment, too.

>> Houston: Can you give us the item number, please.

>> Mayor Adler: Item 19, I'm sorry. I'll move the adoption of the music ecosystem item, seconded by Ms. Pool. We'll have a discussion now. Just generally speaking on this item, you know, this addresses affordability that impacts everyone in the city. It is acute with respect to artists and creatives, musicians, we don't stay the live music capital of the world long if we lose all our musicians. Certainly if we lose our music venues, this is something, asking the manager to go back and take a look at what we could do to create a more vibrant industry and ecosystem in those communities upon this -- there are a lot of specific things for the manager to consider. They're not meant to be exclusive. Hopefully we'll get back an evaluation on those and others.

[11:12:15 AM]

It is without limitation. There are a lot in the community that want us to try and hold on to those things that are wonderful about our city. So we still grow and remain the city that we recognize. Ms. Kitchen?

>> Kitchen: Yes, I want to thank you for bringing this forward. I think it's a very good resolution. I think it -- you know, it recognizes the value and needs of our creative community, as you just said, particularly, the need for creative spaces and hubs. And as I understand it to read, I think it speaks to music venues as well as creative spaces for artists. And recognizes the challenges of affordability and lack of space and other problems that our creatives are facing. And I think that I have a proposed amendment, just for clarification purposes, because I read through exhibit a and B, and although I think exhibit a and B address the issue that I'm concerned about, I want to make sure that that is clear. That has to do with our strategies to meet our affordability challenges by providing affordable stock which can be the most cost-effective strategy. We'll have more on that today, the item related to Thorton road studios involves a threat to some warehousing space in south Austin, that has long been used for creative space for studios. So the amendment that I'm suggesting is -- my staff is printing it right now. It is in in addition to the "Be it resolved." It is in the last sentence in the Claude of including considerations for existing studio space in the zoning process to maintain existing spaces.

[11:14:22 AM]

The reason --

>> Mayor Adler: Can I get where you are again?

>> Kitchen: I'm sorry. I should have the amendment here in a moment. It is under the be it resolved.

>> Mayor Adler: Yes.

>> Kitchen: It is adding a clause at the end of the first sentence.

>> Mayor Adler: Ok.

>> Kitchen: So the sentence

reads: To explore options, et cetera, et cetera, and refers to exhibit a and B in the resolution. So there is just a comment. Then I added, including options for consideration of protections for --

>> Mayor Adler: Including options for consideration --

>> Kitchen: Of protections.

>> Mayor Adler: Of protections.

>> Kitchen: For existing studio space -- here it is. I've got it right here. Let's see. Pass it down. Pass that down. So you see -- you see it in front of you. It is including objections for consideration of -- including positions -- options for considerations ever protecting current spaces and studio spaces. I think our staff needs to come back to us and talk about what are options for protecting existing space as we continue to develop throughout the city, particularly in areas that are closer to town and those that are developing extensively. And where we are at risk of losing existing studio space. So this is simply, I think it is contemplated in exhibit a. Because exhibit a talks about venue preservation and creative spaces. And it is addressing the pressing need for affordable art space and affordable work space. But I don't see the specifics about thinking about our existing processes for consideration zoning and development changes.

[11:16:31 AM]

That is why I wanted to suggest that we add that.

>> Mayor Adler: I'm fine with that being added to the resolution. Is there an objection to that being added? Hearing none, that is now appended. Were there other questions? Ms. Pool?

>> Pool: Generally, what I would like to do and my staff is working on pulling up in a word search where we have small businesses. What I like to include is the word "Local" because not only small businesses that can be owned by people outside of our community, but specifically the ones that are local businesses -- I would like to have that embedded in this.

>> Mayor Adler: Is it ok if it says local and small businesses.

>> Pool: That is fine.

>> Mayor Adler: It is suggested it says small business, it says local and small businesses. I'm fine with adding that as well. Any objection to that? That change will also be made. There is one more handed out?

>> Houston: I have a question.

>> Mayor Adler: Ms. Houston.

>> Houston: I have not had an opportunity to look all the way through B, but in a when you talk about the strategy and music diversity through genre and subgenre. Is there anything in exhibit B that talks about including ethnicities and cultures, or -- how or where is that diversity encapsulated?

[11:18:31 AM]

>> Mayor Adler: I think the clause that you read was one intended to cut across lines, you if you want to put in something more specifically than that, we're trying to improve an industry and get -- genre that crosses lots of industries. It wasn't an intent to exclude any part of that. We want to make clear it includes all genres and ethnicities, it is the diversity in here that we are trying to protect.

>> Houston: It says music diversity, I don't know where that would be added to the exhibit, I think if we're specific, historically with Austin music census, that was excluding of different ethnicities and posters, I want to make sure we're clear this is not the same kind of attempt to do something for our

creatives that is only driven by a certain group of people.

>> Mayor Adler: We certainly don't want to do that. In exhibit a it says help strategy to integrate Austin's music diversity through genres, subgenres -- does it fit to add it there? Including all --

>> Houston: Is that going to be -- I don't know what the ordinance says about the diversity of subgenres and genres. That is specific to me about the music. It doesn't say that we will be inclusive of people from different ethnicities and different cultures. I want to be clear in the ecosystem that we don't leave that out. I don't know where to put it, and I don't know whether the proper place is in the exhibit, is it somewhere in your resolution. So I would need time to look at that.

>> Mayor Adler: Ok. Let's go ahead and make that clear in this.

[11:20:32 AM]

I think the section you found is a good section. We're talking about growing and enhancing the music sector as a way to support the creative ecosystem generally. We want to make sure that we capture not only musical genres but diversity in communities. So I would say that we develop a strategy to integrate Austin's music diversity through genres, subgenres, including different ethnicities and communities. I'm fine with that. Is there any objection to that? Then we're going to add different ethnicities and communities. Mr. Renteria, did you have something that you just handed out?

>> Renteria: Yes, mayor. I just passed out my exhibit a on the yellow sheets. Mine would review the visibility of a code amendment to create an entertainment license for a business that holds music and other entertainment through and by implementation seeking feedback from the code and identify sufficient staff to regulate the entertainment license, review visibility of synchronizing all of the city of Austin permit period. The reason I put that in there is right now, it is scattered out. You know, code has some. I think if we consolidate all of this under the music department when it comes to the sound, since they work at night and the code people don't. They have the equipment. And I believe that would just consolidate. And since the music department also work closely with the musicians and the bar owners and music venture businesses. So I think by consolidating everything it would streamline the process.

[11:22:39 AM]

>> Mayor Adler: I think it is important for the manager to look at the feasibility of doing that as well. I am fine with this being added? Any objection to this being added? Hearing none, this is also added. This is moved and seconded. Any discussion? Ms. Troxclair.

>> Troxclair: I wanted to clarify. I don't think I needed to make an official amendment. I wanted to clarify, this wouldn't prohibit us -- I hope in the report we would have a summary or an outline of the programs that currently exhibit and the money currently dedicated within the city to music and creative industries so any discussions we make going forward can be in the context of what we're already doing, and maybe where our gaps are.

>> I think it would be a good idea as part of this process -- I agree, to look at what we're already doing and the cost associated with what we're already doing. I think that would be an important part of looking at feasibility issues. Any further discussion? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor, I want to ask a question of my colleagues first and then a question of staff. Does anybody know what the things related to item 19 are costing the taxpayers? We asked that through q&a and I have a spreadsheet here and the number is over \$8.5 million. I didn't know in fiscal year 2016 -- this is one year, 8.5 million. We're paying 185 thousand to the Austin film festival. And 190,000 to the Austin film society. There are quite a few six-digit line items here. Austin classical guitar. 172,000. Mexy-cart museum, 178,000.

[11:24:40 AM]

One of our constituents that testifies on a regular basis. Mr. Ianis is on the payroll for \$13,000. One of the priorities here, it says grow and enhance Austin's music sector. Nobody is opposed to growing and enhancing Austin's music sector. What our constituents are opposed to is an unaffordable city. This is how we make the city unaffordable. Again, we have had quite a bit of discussion on this and not one single word has been mentioned as to the pretty astronomical cost that we're paying already. And so I think where this is headed is we're going to have two types of musicians. We're going to have subsidized musicians and artists and the rest of them will be driven out of the city. And I don't like that trend. I will be voting against this.

>> Mayor Adler: Ok. Ms. Pool, do you have also an amendment?

>> Pool: This is one additional item on exhibit B. And you'll see underlined, Austin independent business association. It includes that group which does work on local economic development initiatives here in the city and further supports adding local businesses to the main text of the resolution.

>> Mayor Adler: I'm fine with that change as well. No objection, we'll include that.

>> Pool: Thank you.

>> Mayor Adler: That is also added. Ms. Gallo.

>> Gallo: I think that is a great addition. I am looking to see if the Austin chamber is included in that list. I don't see it. I would suggest -- where do you see that? All chamber -- excuse me. From my partner on the left I'm getting prompted to say all chambers, not just Austin chambers.

>> Mayor Adler: Let's add "All chambers of commerce." I'm fine with that being added.

[11:26:43 AM]

It's added. Ok. Anything else on this item 19? Ms. Troxclair.

>> Troxclair: Mayor, can you respond to the issue that councilmember Zimmerman raised? Obviously, I do share some of his same concerns, but I do understand that there is a difference between directing the city manager to just go ahead and subsidize certain artists and creating a process or creating partnerships that will allow us to leverage private money and help educate our local creative community about how to best navigate city processes or streamline them to be easier. I think there is a lot included in this resolution that is not the city's subsidizing individual artists. I hope you can expand on that.

>> Mayor Adler: It is my personal belief that ultimately, this won't work if we're trying to do it on the backs of government subsidy. Ultimately, if we -- we need to create an ecosystem, an industry that is self-supporting, so people that go into the music, arts or creative industries, can survive or live in this community. You know, last year, you know, if you look at San Francisco, you look at other big cities. They're losing diversity. They're losing their artists and creatives in their community. I think we have a place to solve that but ultimately, the solution will not be in government subsidy. Some of the programs listed by Mr. Zimmerman were programs that go through the vetting process in our city that are funded with the hotel tax, the hot tax, the hot fee money.

[11:28:45 AM]

We put a certain percentage of that back into our arts community because of what it does for this city. I think that those programs are good, ultimately, that's one of the uses for that, as indicated by the state. But we're talking about something here that hopefully will be larger and more self-sustainable. So you think you are absolutely right. Further discussion? Those in favor of item 19, please raise your hand. Those opposed. Mr. Zimmerman voting no. Mayor pro tem off the dais. This item number 19 passes. Item 44 is something we can take care of quickly. It is an addendum item. Approving an appointment to



fill an unexpired term on the municipal civil service. This came to us from the audit and finance committee. Can someone on that committee tell us about this?

>> Troxclair: Sure, the audit and finance committee is charged with making recommendations to council on municipal civil service commissions -- commission appointments. So there is one unexpired term that we are recommending be filled with an individual. I'm sure that information is in my backup but I don't have it in front of me. I will add that I think we also plan to -- well, with this motion, our hope is that we would make the decision -- the term is up -- do you remember when the term is up? In may. Instead of going through this process all over again, here nay month or two, that this person, unless something happens between now and may would be reappointed in may to serve the three-year term.

[11:30:45 AM]

>> Mayor Adler: Ok. Is there a motion to approve item 44. Ms. Pool.

>> Zimmerman: Point of inquiry, if I could?

>> Mayor Adler: Yes.

>> Zimmerman: I don't see, maybe I am missing it in the backup, how many individuals applied for this position and who are they?

>> I think we have staff here to answer specifically, but we had quite a few opicants and we talked -- applicants and we talked with a good number of them. Thank you, Ms. Kennedy.

>> Hi, Rebecca Kennedy with the human resources department. We had 13 people that put in an application this go-round, and an additional 23 from the last time that they had applied and their information is good for a year. We were able to go back, our clerk's office contacted everyone in the system to make sure they were still interested in the position. All of the names were given to the audit and finance committee for the review.

>> Zimmerman: A total of how many? 30-something?

>> Yes, sir. About 30, 35.

>> Zimmerman: That's a lot of people. Ok. So I would think -- I was looking for some notes that came out of the discussions. If you have that pool of people, that large of a pool of people, right, that is quite a bit -- no? That is quite a bit of consideration we could put with that many people stepping forward.

>> Troxclair: It might be helpful to know the audit and finance committee met the candidates we thought were most qualified. We reached out to eight and ended up interviewing six.

>> That is accurate.

>> Troxclair: So of those 30-something, we chose eight to interview and six attended the interview. I have to say, especially in this round, we well all very qualified candidates. It was a difficult decision for the committee to make. A lot of people we interviewed who we think would make great members of the commission.

[11:32:49 AM]

But we only had one spot to fill, we hope they will apply again in the future.

>> Zimmerman: That is terrific. Where are the six people? I don't see anything. Maybe I'm missing something in the backup material. Were the six people put in the backup material.

>> No, sir, the only thing is the recommendation from the auditor. That listed the Melissa Rogers as the candidate moved forward from the audit and finance committee.

>> Zimmerman: Melissa Rogers, you said?

>> Yes.

>> Zimmerman: That wasn't in the backup material.

>> There is an audit report in the backup.

>> Houston: Mayor?

>> Mayor Adler: It contains the recommendation of the full council to appoint Melissa Rogers to an unexpired term.

>> Zimmerman: Ok. I apologize for missing that. I will try to find it quickly. It is a very, very important position. My understanding is, if we have a city manager we task the city manager with specific duties. We also have an employee union. So if there is a disagreement and our city manager feels he needs to make an employee change, then if the union employee comes before the commission and gets reinstated if the manager terminates that employment. That has a huge impact on the ability of the manager to manage our city, right?

>> Mayor Adler: It is a rhetorical question. The answer is yes.

>> Zimmerman: Yes, thank you.

>> Mayor Adler: Huge impact.

>> Zimmerman: Very important appointment here.

>> Houston: I have a question. I asked before about the civil service commission seems to be labor heavy. I don't know where this Ms. Rogers, what her background is, could somebody tell us what her background is? I think you need a balance on the civil service commission. That is why I am asking the question.

[11:34:51 AM]

>> Woe did look at that. I think I might, maybe say at that. I think I might, maybe say that I don't think it's labor heavy. It is important. We looked for qualifications of the people we are appointing to the posts that they understand labor and employment law. And by and large, the people that we have appointed, although not all of them tend to be attorneys who have practiced on the employee side, worker side or on the employer side. In this case, I don't have Ms. Rogers biography in front of me, I do remember she had initiated education curriculum in California when she worked there to -- with some new laws that were rolling out in California that talked about bringing civil service commissions to that area, and curriculum was an explanation of the new law so all sides of the question would be informed and educated on what the provisions of the law to be provided and would best benefit from them. I believe her background as an attorney is in labor and employment issues. Ms. Kennedy do you have her bio in front of you by chance.

>> I have the resume submitted through the boards and commissions process. It says she was a lawyer and has experience in litigating cases. She managed litigation with a private company and that she served on the Americans with disabilities panel, charged with reviewing requests for reasonable accommodations for employees, served on a religious accommodations panel, charged with reviewing accommodations with religious practices.

>> Houston: Mayor, may I ask.

>> Mayor Adler: Wait, wait, wait.

>> Houston: I'm trying to get my question answered. I'm trying to find out about whether or not we have any -- when we think about, do we think about human resources management, the management side, not the attorney side, but do we have people we look for -- that's the balance I'm looking for.

[11:37:06 AM]

We have a lot of attorneys on there that practice labor management, but do we have managers?

>> Well, in this case, Ms. Rogers was an attorney for Amtrak, she was on the management side of the equation.

>> Troxclair: Mayor?

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: This is a really important appointment. The last time we made an appointment, the council was provided backup -- maybe that came from a councilmember? The names and a brief background of everybody who is currently serving. I mean, if we don't have to pass this right this minute, I think it would be prudent for us -- if you can make a copy of her resume and pass it out to councilmembers and if you have a list of the existing commission members, I think that would be helpful, too, so that -- I wanted to make sure everyone think the reason we talked about after we did the interviews that this could have gone on the very next agenda and we made the decision to wait until this agenda a week or two later so that the council -- so that other councilmembers not involved in the interview would have time to digest and process and research our recommendation. It sounds like they haven't been necessarily provided with that information. I think it would be helpful for us to maybe wait until after lunch to take a vote on this so they can have that opportunity. And I wanted to say, for future consideration of items, mayor.

>> Mayor Adler: Yes?

>> Troxclair: This board is, I think the only board that really makes binding decisions that are not appealable. And I mean, when it is only a five-member board, when one or two isn't present, they've had some decisions recently that are just 2-1, so we have two people that are making very close and important decisions about the fate of employees. So I think it would be helpful for us to raise the level of attention that we give the commission and maybe have a briefing from our hr staff or whoever the staff is.

[11:39:18 AM]

I think the auditor -- I don't know who the appropriate staff would be, but a briefing at a work session or another appropriate time the commission has dealt with, what the decisions were, so we can become more familiar with their work. We have another appointment -- we will have a reappointment coming up here in the near future as well. Although it is easier for the audit and finance committee members to have a better understanding of what is going on. I know the rest of the council is left out of that process.

>> Mayor Adler: Ok. So you're recommending we don't take a vote on this now?

>> Troxclair: Maybe after lunch so they can have time to give us all a copy of the resume, I think that would make councilmember Houston and maybe some others more comfortable.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: I had my staff to double-check, look up, and there is one little page here under the backup material in the addendum. This is it. There is absolutely nothing in here about who it is we're appointing. Nothing. Her name. So I would like to postpone this item. This is an incredibly important issue.

>> Mayor?

>> Zimmerman: I'm not comfortable voting for this today.

>> Mayor Adler: Let's get this on the table. If you can get the resumes, we'll pick it up after lunch and decide if we are ready to take action.

>> Zimmerman: Can we see the brief summary resumes of the persons not selected. I would like to see that, too.

>> Mayor Adler: Thank you very much, please get that to us.

>> Troxclair: And the existing appointees.

>> Mayor Adler: Ok. All right. So we're going to hold on to that item.

>> Pool: Mayor, I don't think 20 will take long. I had some questions. There is one phrase I would suggest an amendment to.

[11:41:20 AM]

>> Mayor Adler: Ok. Let's get a motion to number 20. Ms. Garza moves the option of number 20, this is the food desert item. Ms. Pool seconds that. Ms. Gallo?

>> Gallo: So, I just want to be very clear, I definitely support this, I support all the whereases. I have a question about the language in the resolution, the last -- where it says city manager is further directed to incorporate food access issues as a component of the overall mission of city of Austin equity office. What I would propose is we say is further directed to consider incorporating food access issues. I may be confused but maybe the city manager's office can address this. We funded in the 2016 budget, to establish an equity office. And it is my understanding that we want the community involved in that including having the community involved in setting up priorities for that office. My understanding is that we're in the process of doing that, so that the office hasn't been set up and the priorities haven't been done and the mission statement hasn't been established. So I'm a little concerned that we're establishing one of the mission items as part of this, and that's why I would ask respectfully, that we add consider incorporating, because that would give -- that would give an emphasis from the council that this is important for that office to look at this and incorporate this, but it is not mandating that that is part of their mission, because the process hasn't been completed yet, from the standpoint of setting up the office and the community involvement.

[11:43:21 AM]

I don't think that we have established any other items to be put on their mission statement at this point. And maybe assistant city manager could help or somebody could help address that. This a component that we're directing a specific item to be part of the mission statement. It is kind of the cart before the horse to me on this. That is why I would suggest that we add "Consider." It is important to the council that they consider that, I think mandating that be part of the mission statement, at this point, is a little early.

>> Certainly councilmember Gallo. I think from our perspective, having that as consider would be our preference and we'd be able to come back, provide feedback to the council as we go through the process of developing the equity office, considering this particular aspect and whether or not it could quit within the overall mission.

>> Gallo: I guess I would -- hearing that, respectfully add we put the word "Consider" in front of "Incorporate." So the city manager would consider incorporating food access issues -- I think we're saying clearly that is important for us, and we would like them to seriously consider that as part of the mission statement.

>> Mayor Adler: It is moved to amend this to introduce the consider adding. Amendment is moved. Is there a second to the amendment? Ms. Houston seconds. Is there a discussion on this? Ms. Garza?

>> Garza: I wouldn't be supportive of this amendment. I appreciate the concern that we haven't had the input from the community specific to the equity -- overall mission of the equity office. We have had input from the community on how important this food access issue is. We had press conference this morning and one of the residents showed me a news article, since 2010, 2010, members of the del valley community, a lot of east Austin have been trying to bring this issue before our council and have made it very clear.

[11:45:41 AM]

This was a huge priority when I was campaigning. It was the first priority for folks in this area. To me, a lot of the families are over 15 miles away from grocery stores. Simple quality of life issue. The purpose

of this item was to send a strong message that this needs to be part of the equity offices -- I will say that it says "Component of the equity office mission." It is not saying it is the main mission, it is not the only mission. It is simply a component. I think this issue fits perfectly with what we laid out as the goals. In fact, the group that brought the idea of the equity office was the hispanic quality of life commission and the mayor championed that equity office. They were also there at the press conference this morning, saying they support this being part of the equity office's component of it. So I could not support this amendment. The point is, is to add this to that office's mission.

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

>> Houston: Of course, in my district, I have no grocery stores with healthy food east of 183. But I think when we're talking about the equity office, it is an issue of allowing those -- the input into that so that they're holistic in nature and not specific in nature. And so although I understand about food desert and access to food. If all of us come with what is needed to be addressed rather than letting that roll out, we will be back to the scattered approach that we have on so many other things on this dais.

[11:47:48 AM]

I would suggest the consideration of, just as I would consideration of health, healthcare is a big issue for me, and the lack of healthcare in the eastern Travis county and eastern parts of the district. That should be a consideration and transportation is another thing they should consider. I hate to put it in the form of a resolution.

>> Mayor Adler: Ms. Garza.

>> Garza: I ask that we table this until mayor pro tem gets back so she's also a sponsor on this.

>> Mayor Adler: Without objection, we'll do that.

>> Mayor, we have a zoning item public hearing has already closed, we have no speaker, if you want to get that out of the way. Item 37, 4517, triangle avenue, it is the property at 4517 triangle avenue. To rezone the property. It is ready for approval on second and third reading.

>> Mayor Adler: Is there a motion to approve item 37? That is in mayor pro tem's district. I would hate to take a vote.

>> It was 10-0. At the last vote. Mayor pro tem voted in favor. You were off the dais.

>> Mayor Adler: Is there a second?

[11:49:50 AM]

Ms. Troxclair seconds that. Any discussion? Those in favor, raise your hand, opposed, it passes unanimously with Ms. Pro tem off the dais. Takes care of number 37. Only thing we have left at this point, the other things I'm looking at are things we wanted to hold for mayor pro tem or had time certain on. Except for the ones we put until after lunch and Austin energy time schedule. It is 10 till noon now. Does Austin energy want to come and present to us? We can at least start the Austin energy schedule issue.

>> And I have a question for you, mayor?

>> Mayor Adler: Yes?

>> Are we taking an executive session today.

>> Mayor Adler: We do not.

>> Ok. Thank you.

>> Good morning, Mike Dreyfuss. Joined by Ms. Hart, the city cfo. We prepared at your request from Tuesday a memo that laid out four possible schedules that would complete the council's decision-making and the rate review by the end of August. We pushed that to September 1 from August 31 and provided you with that memo yesterday afternoon. We're prepared to discuss those schedules and

answer any questions.

[11:51:52 AM]

>> Mayor, I have the motion sheet that I mentioned at our work session. We will be able to discuss those in context with the memo that Austin energy provided or our cfo provided.

>> Mayor Adler: One thing we asked to take a look at with how adding these days impacted us in the months. It doesn't show us the dates that are already scheduled in the months?

>> That is correct. In the memo we didn't layout the 13 council budget.

>> Mayor Adler: Do we have something to show us that? That is what I asked for to see what it is the month looked like.

>> I just got the request, I have staff working upstairs. If you would like to postpone this to 1:30 or when you come back, we're working on a call Der that -- calendar that overlays the present calendar for council meeting with option three and another one that overlays option four so it is easier for you to distinguish what the existing meetings are and what the new request with these options are. I apologize, we're trying to get this information to you yesterday.

>> Mayor Adler: That would be helpful. We have citizen communication starting in five minutes. Do this, while we have staff here, is there any questions that we want staff to address? We'll break for citizen communication, break for lunch, and start with this. Is that ok Ms. Pool?

>> Pool: I believe our new consumer advocate is in the house. Hi, Mr. Kaufman, I think he was prepared to make comments. How would you like to handle that?

>> Mayor Adler: See if there are other questions for staff I believe he can address comments here? Mr. Zimmerman.

>> Zimmerman: I have a quick question. I think it may have been covered before.

[11:53:52 AM]

Help us understand the urgency to get this done in time for the next fiscal year as opposed to taking 12 months and catching up on this for the next fiscal year? The most pressing reason it has to be done before this next fiscal year.

>> We have the direction to review the rates, every 12 years. This fits into that schedule. We believe we have received feedback in a more information basis from council that the amount of time we took in the last rate review, it was more elongated. This schedule that we laid out works smoothly with the budget setting. Lastly, I say we were trying to work within the legislative -- the state legislative calendar as well.

>> Mayor Adler: We had, at the last session -- as you know, issues came up with respect to the relative rates and the like. We indicated that we would look at this before they come back. They come back in January. They will have an expectation that we address this issue.

>> Zimmerman: Fair enough.

>> You know, in looking at the amount of information that we're -- that we need to acquire and looking at rates and everything, it occurred to me in conversations I have been having with some of the folks appointed to the electric utility commission that the five-year schedule, we may want to more frequently look at rates. It was suggested that we consider it annually. I think that might be too often. But the point here is that we have to upload such a large amount of information, if we did it every two or three years rather than five, the rates would be more responsive to the economy on the ground.

[11:55:58 AM]

And we also would retain that information probably more efficiently. So at some point, when we get to

having the conversation, I would like staff's feedback on this. I might propose that we look more often at our electric rates, rather than the five-year increment, maybe something like two or three years.

>> I can respond to that. In our rate's proposal, given the differential that we showed in cost of service, we did recommend that the council might consider looking at rates on a more frequent calendar than the five years, because it might take multiple steps to address some of the issues we've laid out.

>> Pool: That's terrific. Do you think you might be able to help me craft language for consideration for the dais to effect that, if that is something staff is also supporting.

>> Sure, we can do that either now or at a future date during this proceeding.

>> Pool: That would be great. Amy Smith in my office is available to work with you. Thank you.

>> Mayor Adler: One of the reasons that have come up for requesting the elongation of the process is the question that some of the participants have raised with respect to trying to get documents. They've raised the issue of in order for them to get documents, Austin energy has taken a position they're proprietary, not produceable, they wouldn't have the opportunity to prosecute requests to the attorney general's office. That is probably something for us to discuss in executive session. And I don't know if that is going to be relevant at some point. If we come back this afternoon, if you would be prepared to address that, in case that is something we want to discuss in executive session and identify that as an additional issue.

>> We'll have counsel available to discuss that issue.

>> Mayor Adler: Ok. Any other questions?

[11:57:59 AM]

Is the consumer advocate here? Before we do citizens communication, would you come down and address what you believe about the scheduling issue?

>> Mayor?

>> Mayor Adler: Yes?

>> We only have three minutes before 12:00. I think this is really important for mayor pro tem to be present for. I would respectfully ask that we take this up when she's present.

>> Mayor Adler: We'll stop now, pick this backup. Citizen communication will take us roughly until 12:30. Assuming that all the speakers are here. Do we want to reconvene back an hour after we stop to pick up -- well, we wanted to pick up when mayor pro tem is here, we'll come back at 2:00 regardless of when citizen communication is over. My watch has it now at noon. We'll see. We have actually six speakers to speak. Is Paul Robbins here?

>> Good afternoon council. At the Austin energy oversight meeting you were given a primer on utility rate making. One of the concepts you were introduced to is that misspent money can be withheld from a utilities rate of return. This is sometimes referred to as imprudence. An example of this can be found in the proposal to turn the Seaholm event structure into an event center. The Seaholm intake building and structure and land they sit on was given to the city's general fund in the last decade. Austin energy did not receive a penny in compensation. This asset that was literally given away could have lowered the utilities cost in tangible ways.

[12:00:02 PM]

The land itself, a large contiguous piece of downtown river front property, in one of the fastest growing cities in the country could have fetched a considerable sum of money. This could have been used to lower rates. Alternatively, new energy infrastructure could have been put there. Consider that Austin energy recently purchased downtown land for a new district chilling station for \$1.2 million. And will shortly need to construct an expensive new building for the station on this land. Could this money have

been saved if the utility had retained ownership of Seaholm? Back in 1989 the city attorney wrote a legal opinion stating that if the city council were to give utility property over to the parks department, this value must be reimbursed to the city for value. This has been ignored for the Seaholm and tree sites. I e-mailed this opinion to all of you about an hour ago. It is on your e-mail server. The parks department is still planning to turn the intake structure into an event center. I'm sure they'll do a good job, managing the proposals and the contract, but the land should never have been given away to begin with. And this is still an imprudent use of utility asset. If a private utility, located in Austin, that the city council regulated gave away an asset paid for by its ratepayers to an affiliated private company without any compensation to these ratepayers, it is likely the city would ask that utility for a rate decrease [beep]

[12:02:11 PM]

How -- how is this any different? Thank you for your attention.

>> Mayor Adler: Thank you.

>> Zimmerman: Mr. Mayor?

>> Mayor Adler: Yes.

>> Zimmerman: I would love to see you on the city council dais. I appreciate your point of view.

>> I'm not sure the city electraorate is ready for me, councilmember Zimmerman.

>> Zimmerman: They say that about me as well. So -- the question I got is what would that look like as far as the imprudence action? Or do you have any idea how we move forward on that?

>> Well ... I would guess that it would count against the city's general fund transfer.

>> Zimmerman: I didn't want to put you on the spot.

>> I'm trying to be responsive. I'm thinking it is kind of like if it were done in the proper way, the parks department would have purchased that land and building out of cash or out of debt and that was not done.

>> Zimmerman: Got approximate.

>> Mayor Adler: Let me ask the question of counsel here at this point, what are the parameters of engaging citizens during citizens communication.

>> This is Angela Rodriguez from the law department. You need to be careful because we are only posted for Mr. Robbins to discuss city and budget issues. Getting into specifics, it is a little dangerous because we're not posted for that. I would caution you against deliberating and discussing, you may ask questions and Mr. Robbins can answer them be careful.

>> Zimmerman: I think your point is made. I accept that. We will take that offline. Thank you.

>> Mayor Adler: Thank you very much. Next speaker is Carlos leal.

[12:04:12 PM]

>> My name is Carlos Leon. Austin, Texas, March 3, 2016, to speak what's right.

[Speaking Spanish] First and foremost gracias, adios for letting me see and speak. Immediately following my March 1, 2016 Travis county commissioner court citizen communication, archived and available online, ken trails were sprayed in Xs above downtown Austin, allegedly showing alien anger for what I said. Therefore, I continue. Us humans can identify the we aliens by their words and actions. Though they live glasses would be cool, too. A woman standing ahead of me in line told me to go ahead of her, because I was buying so few things. When I said no thanks, she said are you sure? Marking herself a controlling alien. A kind human would have said and done nothing after hearing no thanks. Respecting me and my word and boundary. Her "Are you sure" tells us she's either trying to get the last word or me to change my mind, contradict myself, and follow her to emasculate me by confusing and controlling me. Meaning her so few items comment was a put down, implying I lacked financial power to buy more.



When I called her out, she tried labeling me disrespectful, which was her behavior. That's projection. The fifth wave book claims there is no bottom to this crap. The more you dig, the further down it goes.

[12:06:15 PM]

And our problem has always been us humans don't think like the others do. But the enemy knows how us humans don't think observing us for 6,000 years about how long Jews have existed. Yancey warns us, the others twist everything good into evil. To use hope and trust to turn humanity into a weapon against ourselves. Like how the we other Biden Obama administration has been attacking America, the past seven years. And Hillary other xhint -- Clinton wants to cover these

[beep] Backward against us strong straight men, [beep] No. Make America great again by electing a male president who fears god and follows the constitution for the united States of America.

>> Mayor Adler: Thank you.

>> In Jesus's name I love, animal, god bless Texas and the U.S. Offa.

>> Mayor Adler: David Russell is the next speaker. Is Mr. Russell here? The next speaker is vin Tu. Lynn Tu here? The next speaker is -- I'm sorry? She canceled? The next speaker is robin Saxton.

>> Good afternoon.

>> Hello Ms. Saxton.

>> I'm here to speak about the relocation of the families off 183 old bastrop highway southbound. I live in cactus rose mobile home park.

[12:08:19 PM]

I've lived there for four years. I moved here a little while back from dallas/fort worth, so I guess I'm part of the problem, not the locals, but I love being here. Where I live, there are families that have lived there one year. There are families that have lived there up to 32 years. They have children and they've lived there a long time. They're very upset and very distressed. Excuse me. I know that I'm going to be fine, but I worry about them and their ability to be able to move and their ability to stay close to their families. I wish that you would consider setting aside part of the agerage for them and low-income housing. I work at a facility that had a desk clerk that is low-income housing and I answer 10 to 20 calls every day for people seeking housing that they can afford, so they can keep their jobs that are on a bus line. And they are a vital part of this city and this community, also. They serve a purpose and Thai live here, too. This is where we call home. Mon top louse area, it is beautiful by the river and bike paths and we'd like to stay. Thank you.

>> Mayor Adler: Thank you very much. Next speaker is equasi Evans. Mr. Evans?

>> Good afternoon, mayor, councilmembers, city staff, my name is equasi Evans.

[12:10:22 PM]

I am the publisher and owner of the nakoa publisher newspaper. I'm here to talk about the -- I'm here to ask you to address the economic racism in Austin. It is the white elephant in the room everybody sees and nobody thinks [indiscernible]. I have been in Austin since 1978, the same year you moved here I think mayor. I had a degree from university of Texas and wouldn't job hunting at Texas employment commission every day. The only job I could get is minimum wage working at tdc as a file clerk and working at night as a janitor for \$3 an hour. I have lived in this city and never had a living wage. I started the observer newspaper to advocate for all oppressed people are all guttures, gender -- cultured, genders, sexual orientation and we have done that for 28 years and been punished for doing it. We don't get reciprocity for what we spend or respect for who we serve. When the Austin fire department

went on a recruitment draft for African-Americans they ignored nakoa, I asked Ms. Kerr right here in this chamber why she had not used nakoa, she said we will get you next year. That was last year. And they haven't got to us yet. Austin energy is offering incentives. I am an environmentalist. I go out every year, I harvest water, a recycle, and none of those advertisements are placed in my paper. Black people have been considered the untouchables of America ever since we got here, except with bullets.

[12:12:26 PM]

Our people are shot on the streets of America every day, and we act like it's ok. It's the status quo. And I'm asking you, if you will address the status quo and address this issue. Economic racism is not something that should be addressed by African-Americans alone. We are the primary victim, but not the sole victims, by a longshot. All working class people struggle from economic disparity. But ours happens to be the worse. I'm being starved out of Austin. The African-American exodus from Austin is a city disgrace. Every ethnic group in this city has been watching and seeing an increase in their population, except African-Americans, that has been going down 2% every decade for the last three decades.

[Beep] And we all recognize it, but we can't get you to address it. I'm asking you to please, put us on the agenda. Let's have a discussion about economic racism in Austin, who it affects, and what we can do to change it.

[Applause] In closing I will make this brief. Thank you for your time, please help us get parity, we have too much disparity.

>> Mayor Adler: Thank you. That was the last of the citizen communication speakers. We can reconvene back at 1:30 and the mayor pro tem will be with us then.

>> Y'all can end racism if you want to. Thank you.

>> Mayor Adler: Back at 1:30. Take a recess until then. Thank you.

[Recess]

[1:53:48 PM]

>> Mayor Adler: All right. I think that we have a quorum. We can go back into session here. It is 1:40 on March 3rd. Staff has requested that we do the community policing item real fast before we get caught in Austin energy. Can we do that first? I think, Ms. Houston, you pulled this, and I think, Greg, you wanted to also address this community policing deal. Are we ready to do that? Is staff here on that?

>> Yeah.

>> Mayor Adler: Okay. Ms. Houston, you pulled it?

>> Houston: Were you saying something?

>> Mayor Adler: I was just recognizing you.

>> Houston: Okay.

(Laughing) Thank you, Mr. Scarborough. I think my questions are for the police department because as I looked at -- this is about community policing, and as I looked at the solicitation and the scope of work, I need more help understanding how do we get to community policing based upon the scope of work that you published.

>> Okay. Yes, ma'am. Good afternoon, the community engagement piece, as you all remember during the budget session, the five-year plan we had put together in terms of the police department, with the help of the university of Texas and the Austin craft commission is trying to move our committed proactive policing community engagement time from about a 17% -- 16% at the time, it now is up to about 17%, to 30 to 50%, which is what the literature speaks to in terms of police departments' amount of time they actually engage in robust community policing at the patrol officer level. What we have asked in response to your direction is for a professional consulting group to come in, talk to the

community, all diverse sections of our community, talk about what their priorities are, what their expectations are, what kind of investment they want in terms of providing the police department with the time they need to actually engage in that robust front-line, officers out of the car, being able to stop at the park, 6409 Springdale, when we had issues back there, we'd go in there and spend time with kids.

[1:56:23 PM]

So it is a very comprehensive look at everything we're doing in terms of police department, and not just everything we're doing, but what are the community expectations throughout the city and what is it that they want the police department to be able to deliver in terms of community policing.

>> Houston: And I guess I understand the need to look at time, availability, but I didn't get from the information I received about what does community policing really mean to you all? And I don't see that in the scope of work, but you're going to be getting that, and the community, especially those communities that have been marginalized, and that have concern about policing in general, and so I don't see that in there. I see this -- and I'm going to be real honest with you -- I see this as a way to ask for more police staff. And so I don't see the kinds of issues that I was trying to get out when we talked about community policing last year. I see this as a way to be able to true up the need for additional staff, rather than getting to what does that really mean in the various communities who have different expectations of police. And I don't see that in the scope of work. So that's my concern.

>> Okay, councilmember. I'm chief of staff, Austin police department. Within the scope, I agree we do have a few sections that are truly about community engagement, the things that we talked to you all about last year during the budget season because we want to validate the approach we've used is an appropriate approach. But also, the items we've included, we're going to get at what it is you're looking for, councilmember Houston, we put in the scope that they will gather information on local community expectations regarding community policing through community surveys, community meetings, and ensuring that they're reaching diverse cross-section.

>> Houston: Chief, can you tell us where you are?

>> I'm sorry.

>> Houston: In the backup, can you tell us where to find that?

[1:58:25 PM]

>> This is just a document I created when we were offering the scope. Within the rfp that went out -- and I don't know if council has the rfp in front of you, but this is what we documented as the scope of work. This was our expectations of what the successful bidder is going to promise to produce for us. And so we are going to -- we put in that scope that you will hold community meetings with a diverse section of the Austin community to get at what it is they want to see in community policing, what does community policing mean to them, what do they want. We also want them to do research in other police departments, as well as among academia, to find out what programs are working across the country, and are we using those here as well. And that's where we put identify community policing strategies that address community expectations that were identified in the community surveys and community meetings. So once they've identified what's important to the community, to look for successful strategies across the country or within the academic research that's already out there, for things that we can do here that are innovative that we may not already be doing, and then the other issue is, we wanted them to identify specific metrics and methods for evaluating the success of our community policing. That was a discussion we had last year, how can you identify if you're being successful at community policing. Based on the interest this council expressed last year, we included that in this piece of work as well.

>> Houston: So if you can tell me about the consultant that you're recommending the demographics of the workist it a diverse group or have we done business with this firm before?

>> Councilmember Houston, James score Scarbrough. We don't have recent examples of contract experience with them. They are from out of state but they had the strongest response in terms of qualifications, experience and previous work in this regard.

[2:00:27 PM]

>> Houston: But part of that experience and qualification means they've worked with diverse populations including low-income people and people of different ethnicities. And so that's what I'm trying to get what is their cultural competency in dealing with communities marginalized by the Springfield.

>> To get that type of information I would have to go into the contents of their submission itself and some of which may or may not be subject to confidential. I would need to look into the document and provide you that information separately.

>> Houston: Thank you, but I hope you all see where I'm coming from is that to have an all-white consulting firm come in and try to tease out from minority communities what their emphasis is and their understanding of community policing does not quite hit the mark for me. I need people who are culturally competent so people feel comfortable and safe and not intimidated by providing information and by at least having a conversation with somebody.

>> To the extent those are topics that would be teased out in the resulting negotiations that are -- that would be authorized should this item be passed, those would be addressed, we discussed with the police department, prior to coming before you today. They are aware of council's concern in that regard and we'll make sure that's part of their negotiations with the contractor.

>> Mayor Adler: Yes.

>> Kitchen: Just a related question and I'm sorry I may not have understood. So when they proposed -- did they propose their staffing?

>> If -- if the solicitation requests for a breakdown the offer of staffing yes, they do so. And in this case I don't have the details with me, I'm sorry, councilmember, but certainly the key personnel that are going to be dedicated to the performance of this contract will be identified in their response.

[2:02:29 PM]

>> Kitchen: Okay, so it's possible to require in the contracting that the staffing that work on the project include individuals from different backgrounds.

>> To the extent that that requirement is associated with a material products and services under the contract, yes. To the extent that those characteristics are not associated with material products and services, I would have to consult with law department. To answer your question more directly, I don't know if we could stipulate the kinds of personnel and the characteristics of the personnel to be participating under a contract. I would really need to consult with the law department. I'm sure that we didn't stipulate that in this contract other than to be familiar with the target population and to be experienced in collecting the information effectively from them.

>> Kitchen: So -- so am I hearing that it wasn't part of the scope of work in terms of the requirements that the personnel that are part of the project include people from different backgrounds?

>> I'll have to defer to chief -- more directly involved with that.

>> We did not specify the race, ethnicity or gender requirements for the bidders on this contract.

>> Kitchen: Okay. And if I could add of course we would not do that but we would want people who would be culturally competent in those areas. That would be part of the negotiation that would go on,

we wouldn't specify who could do the work.

>> And we looked at past experience. All the firms had to discuss their experience, past projects. We looked for similar projects in this arena, similar time lines because we have a very short time line on this project because we want a document we can use when we have budget discussions. We looked for the competency they had demonstrated as far as performing in this arena before.

[2:04:33 PM]

>> Kitchen: So if I'm understanding what you could do is include in the contract the requirement that the personnel that are doing the work have certainly kinds of experience.

>> Uh-huh.

>> Kitchen: The only reason I mention that, I'm not sure -- I'm not familiar with consulting in this area. I just know consulting in other areas what happens sometimes is you get a bid and that's not necessarily the people that end up working on the project. So I would just -- and I know that you all are familiar with that. I mean you do this every day so I would just encourage that whatever you put into the contract that you really be specific about who you are getting to do the work.

>> They've identified who their leads will be and the amount of time each person would dedicate to the project.

>> Mayor Adler: Ms. Garza.

>> Garza: This question is for the chiefs. When people hear community policing, they often think of their district reps and so I did receive some calls about concern about how this would affect district reps. My understanding is community policing is more a model for the entire force, not just for specifics, so I guess clarification is this -- is this going to address the district reps because the concern I got was please don't get rid of our district reps.

>> No, I think that the district reps are a component of community policing. Community policing is an attitude and mind set and organizational culture where you are part of the community and there to serve the community and the community is us. One of the challenges with community policing in terms of district reps sometimes that gives a pass to everybody else in their minds, they don't realize that's part of everybody's job. I think one of the things we're trying to do is look at what are the expectations of our community, what do they want in terms of face time, engagement time with the officers on the front lines in addition to their district representatives. And what this firm is going to do for us is be able to provide back to you all as the policy makers a comprehensive report on what the community is seeing about their own expectations in terms of the -- and the importance they place on community policing so you can make better informed decisions based on your constituencies, our constituencies as city leaders on what our folks want and then present you with options and present the police department.

[2:07:01 PM]

The other thing they are going to be looking at are we doing everything we possibly can, something we're looking at internally, to be as efficient and create as much proactive policing, community engagement policing time for our front line officers so they do have the time to have those really positive contacts outside of an enforcement stop when you are writing somebody a ticket or going to a 911 call where people sometimes are not at their best and sometimes police officers around at their best. So I think when you get this report back based on the comprehensive nature of the proposal that was submitted that we're going to get -- I'm pretty confident you are going to be very happy with the results. Quite frankly, most modern day organizations that do this type of work understand the importance of diversity, diversity of thought, religion, of race and ethnicity, understand that in order to get that kind of buy-in to the process you have to somewhat be reflective of the community that you are

going to be going out and talking to and we're hopeful that's what we're going to get here.

>> Garza: Just to be clear, this is broader than the district reps and the report would come back and say the district rep system is not working or it could come back and say after community input the district rep is great.

>> It's all of the above. It's a comprehensive look at the police department.

>> Mayor Adler: Mr. Casar.

>> Casar: Thank you all for entertaining our questions on this. I think part of the struggle has been what a short time line we have between here and the budget trying to make sure we do our due diligence on something that's pretty important. So I think that my initial comments at work session were about how this clearly was a management consulting firm, but looking at some more of their experience, it seems like they are a very thorough working group that would have the experience to deal certainly on the staffing side about how we get to certain levels of uncommitted time and community policing.

[2:09:09 PM]

But the question I want you all to answer for me is apart from that, apart from the time management and making sure that our officers have enough uncommitted time to do some of this community policing work, how much do we think we can expect out of this study to figure out what it is we do with that uncommitted time and how we do community policing, because one of the questions I was getting you are creating this uncommitted time for community policing but what are we doing with that time. And so how much are we going to get out of this study that talks about, you know, what kind of training there is for that, how do we build that culture in the department, how do we structure work so we are doing this community policing type mind set. You know, how much of this study is going to be about staffing and how much is going to be about that other component.

>> This firm will understand when we enter into a contract with them that we are very interested in not just proving up Numbers that we need to have as far as officers on the street but that we are focused on strategies and implementation. I think the scope of work addressed that when it talked about doing the community surveys about what's important to the citizens of Austin and that's when we look back at other successful practices across the country. I think the scope of work is going to allow us when we talk about developing strategies is broad enough to talk about for implementation, for measuring the success. I think that we've got a scope of work that's going to allow us to address the concerns you and I have spoken about and I'm hearing from some of the other councilmembers today.

>> Casar: My last point we talk about validating our goals for the amount of uncommitted or community engagement time. I know you all don't mean it this way, I want to reemphasis by validate I think our hope with an independent consultant is each of us hear something we don't want to hear and be surprised by something the consultant says.

[2:11:13 PM]

I don't want to spend this much money to tell us we're great, I want to be surprised by something, I want the chiefs to be surprised, I want this to be a truly independent look at things and I don't think this is really successful or what we want unless the chief says man, I don't agree with them on this.

>> I think our job as a police department is to facilitate them doing their job. It's not to direct them, open the doors if they need to set up meetings. They plan on talking to some if not all of you. It's going to be pretty comprehensive. And whatever they come up with, I hope they provide us a comprehensive plan to do our very best to serve this community. If it says we need more cops, it says we're not using the cops the right way now, I want to know that. We want to be as efficient, effective and engaged with our community as we possibly can. I hope that's what they give us.

>> Gallo: So I have a question of the funding source. Seems like when we talked about this during the budget cycle that we voted for this position that it was my memory to come out of the Austin police department budget. And now I'm seeing it coming out of the budget stabilization fund which has criteria that have to be met to allow that to happen. Could you help me understand all of this?

>> Yes. This was budgeted to be paid for out of the one-time moneys which is the source of that is the budget stabilization fund. And so that's where the resource comes from. The dollars come from to pay for it. So we actually used the excess funds that we have gained over the years. You know, we have the policy you can spend down one-third. So this was a one-time expense and it was budgeted to come from the one-time fund. There's a list of all of those purchases in the budget document, although the contract is on behalf of the Austin police department, it's the -- the funding source is from that stabilization fund.

[2:13:13 PM]

>> Gallo: So there is -- I'm sure we saw that closer to the budget process last fall, but could you -- is there a way that you could provide that to the council again so as things like this come up we would be aware it was something that was intended to be that way?

>> I'll certainly try to, yes.

>> Gallo: It triggers concern when I see something is coming out of the budget fund stabilization. I think we all want to be protective of that so it would be helpful to know the items during the budget cycle were going to come out this year.

>> Sure, we'll be glad to do that. Page pages in the budget document.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. Thank you for coming, appreciate you being here. I'm going to read quickly from an article here, k-u-t radio news, this is from 2013, they are saying according to the FBI our property crime rate is worse than New York, Chicago or Los Angeles. Property crime is a huge deal in the city. And I -- I want you to hear me out on this carefully. Everybody sitting on this dais went through a very extensive campaign. We knocked on countless doors, we went to forums, we heard over and over and over again from the community the problem we have here with property climb, unsolved property crime in the community. And I guess I know you don't intend it this way, but when you tell us we have to spend \$200,000, you know, to survey the community on their expectations, the people sitting on this dais have surveys from the community. They voted for us. We asked for their votes. We went out in forums and property crimes came up frequently. I'm frustrated that you would come and say we have to have \$200,000 to get a survey of the community expectations.

[2:15:16 PM]

I'm like no, you don't. Councilmember Houston has lived here her entire life and I would submit her opinion on the community expectations is better than the matrix company. She knows more than a matrix. She lives here. She talks to people on a daily basis all year long. She is an expert on what the expectations are in the community. And if we go and spend money, \$200,000 for a mountain view, California company leaves me scratching my head. I'm thinking of my constituents and voters, we elected you guys, new city council, go there and tell the city what we're telling you. We say, hey, property crimes, big crimes. Need focus on this. It's a great way to do community outreach. You want to make people happy in our community, start involving property crimes. It would have a wonderful effect. Hey, we're here to help you. Fantastic way to do community outreach. The other thing we could do is the neighborhood public disturbance. We had a big argument on short-term rentals, public disturbance. You want to serve the community and get community engagement, go out there at 2:00 in the morning and shut down a noisy party. People would fall in love with the police department and we don't have to

spend \$200,000 to find that out.

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

>> Renteria: Thank you, mayor. My comment, district 3, we were very fortunate we embraced community policing. A lot of people don't understand community policing, but, you know, when you have people that come out and they know their police officers, we have meetings they teach us and they trained the citizens to keep an eye out on trying to catch these people that are committing these property crimes. You know, our neighborhood over there, we were having all kinds of drug problems, we were having drive-by shootings, we were having all this problem until we embraced community policing.

[2:17:20 PM]

Until we went out and they gave -- they empowered us to be out there looking out to make sure that criminals do not come into the neighborhood and commit these kind of crimes of burglary and property. We have watch groups down there that they helped us form where we have actually caught people stealing from our yards and turned them in. You know, we don't have -- you know, a lot of the problem is not, you know, catching these guys, it's when they get into the legal system if there's no evidence -- I caught recently, turned in, caught a guy stealing a lawn mower out of somebody's yard. And unless they have that person there filing a complaint, they will just take the mower back and they drop the guy off because there is no -- the legal system is set up where you are innocent until you are found guilty and no one shows up and presses charges. And that's what community policing does. It teaches you, it trains you to -- just because you turn somebody in, you saw them stealing doesn't mean they are going to get put in jail unless you go out and finish that process of going out there and filing a complaint. That's my priority there and I want to file charges against this guy. So, you know, one of the things that community policing does, community -- it does have a side effect. People -- intensify because it's such a place to live.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you mayor and thank you chief and chief. I'm probably not the only one on this dais that has an emotional connection with the police department and the reactions and relationships between the police department and the members of my community, but [inaudible]

[2:19:34 PM]

Emotional triggers that happened in my community. So it's really important to me that not only do we get the matrix and the system staffing done but that we have an organizational call that speaks to the issue about how to respect one another. As officers who have guns

[2:27:01 PM]

>> Mayor Adler: Is John Kaufman here? You will be on deck.

>> Thank you mayor and council, I'm here on behalf of nxp Samsung and the coalition for clean and reliable energy known as c-care. We want to thank councilmember pool for placing item 21 on the agenda. We believe that the current Austin energy rate case provides the opportunity to address utility affordability here in Austin. I'm here to address a few open issues one of which is the schedule which was addressed in this resolution. We submitted a schedule and I believe that there's something being passed out right now labeled item 21. We submitted a schedule to the independent hearing examiner on February 8th that's aligned with the pure schedule and it's typical for a case of this nature to be about a 185-day case. I think there's a couple of milestones that you need to consider. The one is obviously the consumer advocate is just getting on board and needs time to understand where things



are and I've spoken with John and he's got a drink from a fire hose here from a little while to get up to speed. So I think he needs time to get his case together. Then for the testimony and the discovery portion to happen of which the independent hearing examiner is going to put a package recommendation hearing all the testimony to you and then you are going to have your schedule and how you are going to incorporate that into the budget and approval process. I think there's two pieces related to that and two deadlines related to that. The independent hearing examiner put forth a schedule that we still think is viable. It does give the consumer advocate a couple of months to get up to speed. I'll let him think to whether he thinks that's an adequate amount of time but it's certainly more than the schedule that's out in front of you right now.

[2:29:18 PM]

I think he has the right perspective to give feedback and recommendations and have you the council make the ultimate determination on that. I think that's the best -- in the best interest of all the parties involved. I also want to bring up as one of the procedural issues you've got a memo from Austin energy in front of you. There's language in there related to I believe you have four options to choose from. There's language in there related to the exclusion of pass-through charges as part of the scope on the options. From our perspective that's still an outstanding item. We think that all-in charges and costs should be considered. We also think that based on city resolutions and ordinances that the -- when you are taking a look at affordability, you have to look at the total out of pocket expenses for all the utility bill payers. So we want to bring that to your attention as an issue that we feel is still an open item and being addressed with the independent hearing examiner and not yet to be determined. And we would also like to ask, finally, that we pass another item with some language that we're asking you to add as a standing item to the council agenda regarding a rate case so it can be discussed at council meetings. This is a highly complex case. There's a lot of things that are going to come out procedurally and a lot of information that come out during this process and I think it's important that you stay in front of it and you have the process of having that dialogue with the interveners, the utility and understand where things are at. Thank you.

>> Mayor Adler: So help me understand, taking the -- what suggestion are you making with respect to the calendar?

>> To the calendar, so we submitted -- I'm not sure if you have something here in front of you.

[2:31:24 PM]

I believe it was being passed out. Yes. And so the schedules here, these are the deadlines and the milestones for the procedure. I think there's -- from my perspective there's a couple of points that need to be finalized and determined. The first is the consumer advocate needs the time to get up to speed to do their assessment before the pre-filed testimony and the interveners begin the process of the dialogue and the testimony. The schedule we submitted begins that process on May 5th and then completes the process on the 185th day of July 24th. I think from the driving independent hearing examiner you have the contract which term they are on board to perform the work, but once they complete the work and hear from all the intervening parties they are going to make a recommendation collecting all the information weighing from all the parties to you as city council and you are going to have to take that information through the budget and work processes that you have.

>> Mayor Adler: So the resolution that is in front of the council contains three resolve clauses.

>> Yes.

>> Mayor Adler: One is giving the independent consumer advocate at least two weeks so in an additional couple weeks to respond on the issues of the inclusion of issues. The second --

>> The whereas clause is in front of you. I think it's only the final one.  
>> Mayor Adler: When you say whereas, you mean the resolved clauses at the end? So there are three resolve clauses.  
>> I think he's reading them whereas be it resolved zilker park.  
>> Mayor Adler: Focus for a second with me.  
>> I'll let the consumer advocate focus on that.  
>> Mayor Adler: With respect to number 2, do you have any opinion with respect to number 2?

[2:33:28 PM]

>> I -- I do not have -- that I believe alliance with our schedule as far as two months from March 3rd we have may 5th. I think that's aligned.  
>> Mayor Adler: What about number 3?  
>> So from my perspective this is more of a deadline that's going to be driven by you once this is complete. So if the independent hearing examiner completes the recommendation on July 24th, whether you choose to adopt that before August 31st or not would be on your schedule once he's complete. So I think he needs to determine when he's going to have that final package to you and we suggested July 24th. When you choose to hear that, whether it's August 31st or prior I think is up to you and your council. Schedules.  
>> Mayor Adler: I think the base calendar, correct me if I am wrong, did the base calendar have that work being done by the end of June, June 30th?  
>> Pool: I'm pulling up that calendar, staff can help us probably more quickly but we had council meetings in June on it. I see Mr. Dreyfuss.  
>> The council that is currently the working calendar that was issued by the impartial hearings examiner has the hearings examiner's report coming to you may 31st. Your deliberations during the month of June and then the council concluding with the final decision on June 23rd.  
>> Mayor Adler: It has his report coming on may 31 and then us deliberating on it during the month of June.  
>> Yes.  
>> Mayor Adler: And then as I understand it, Ms. Pool, your motion had it happening, the deliberations in September, October, but at the work session you said that could also be --  
>> Pool: In August.  
>> Mayor Adler: In August.  
>> Pool: Right. The draft motion that I passed out this morning says that our briefings would not begin before August 31st and that was at the recommendation of the law department that drafted up that motion.

[2:35:29 PM]

They took my original language which was where it said that we would -- we would make a decision by August 31st, they changed it and we wouldn't make it before that time. That is because we need to have time to review the results of the hearing examiner and we can't do it in July.  
>> Mayor Adler: Okay.  
>> Pool: So again, the briefings would occur in August but our decision would not be made before August 31st.  
>> Mayor Adler: Okay. We would -- so rather than coming out at the end of may, the hearing examiner report would come out --  
>> Pool: According to this new schedule that is being offered at the end of July. That's the 185th day.

And I understand by rule or law that they have that -- the hearings examiner has that amount of time.

>> It's -- it's a deadline found in a pure regulation.

>> Pool: Thank you.

>> Mayor Adler: And in the PUC.

>> Pool: Right.

>> Mayor Adler: So instead of June the report would come out in May, June, July, two months later in July, we would then have hearings and learn about it in the month of August and beginning on August 31st we would then deliberate to make choices.

>> Pool: That's right. And then staff has given us a memo that further builds on that that has us -- a number of options are offered for when our decision would be made. And September 22nd I think is the date that is offered in option 3 and September 29 is the date that is offered in option 4. And those -- both of those options are amenable to -- to the schedule that I've put forth.

>> Mayor Adler: Okay. So now back to you, sir. Or Mark do you have something to add?

>> I guess I would like to walk through our alternatives in a little more detail and explain because some of them are a little complex and confusing, and explain what the final decision dates are in those and how they relate to the schedule that Mr.

[2:37:35 PM]

Mr. Davies has proposed. I actually think three of our options for the council decision process could be worked backwards would be very similar to the schedule Mr. Davies has presented.

>> Mayor Adler: Then I won't ask further questions of Mr. Davies. Thank you. The next speaker that we'll have come up would be John Kaufman. Is Abel White here? Okay. You are donating your time to Mr. Kaufman. Is that right?

>> I'm donating my time to Mr. Kaufman [inaudible].

>> Mayor Adler: Okay. You have six minutes. And the record should reflect that Ms. Jekitsky is donating her time.

>> John Kaufman, please to be here and serve as the new independent consumer advocate and in that role to be an advocate for all of the residential, small business and house of worship customers. And to tell you a little about myself, I've been a life-long residential consumer advocate. I have participated in rate reviews in over a dozen states including a couple of municipal rate reviews of this nature. And let me compliment you. I think this is one of the best procedural rules and setups that I've seen, having this impartial hearing examiner I think will really make it a good process. I have also been in your shoes too. I served for a time on city council of Columbia, Missouri, which runs its own municipal utility so I understand the pressures you feel on the back end of this process. But forgive me, I'm focused right now being thrust into the middle of this case on the front end which is the part that my expert witness is most concerned about having enough time to do the discovery and get the cost allocation models done so that he can file direct testimony by that date.

[2:39:42 PM]

Which is currently March 4 -- I'm sorry, April 4, one month from today. And we would be appreciative of more time. We did bid on this project with full understanding it was very compressed schedule and we might have to do it in that time and we will if we have to put together a cost allocation study. If we have more time, we believe we can do a more thorough job. We will be able to explore more issues. Some of the many, many issues that these intervenors have been raising in the list of issues to, I guess if you don't know who else is on my time, Clarence Johnson will be our testifying witness and will be doing the cost allocation study. He's former senior economist for the state consumer advocate that intervenes at the

Texas public utility commission. And Janie breezemister who is also a long-time energy rate analyst. They both live here in Austin. And Clarence Johnson is currently at Austin energy, I believe, looking at their model, he's getting right to work, but in rate cases or rate reviews of this type, we are used to about, you know, three months or more to do this instead of one month. Looking at the -- the Texas PUC process as a comparison, I think the average rate case where you would have -- would be between two and a half and three months time. So any additional time that we would be granted would be -- would be welcome and options 3 or 4 would be similar to what you would have at the Texas public utility commission. That's --

>> Mayor Adler: Have you looked at the comment on the other option which had us doing it with the same ending time in the end of June for the report to come back, but increase the deadlines within that framework so that you have more time?

[2:41:50 PM]

>> I'm not really sure what else would get crunched in that time, but our focus that time is on the front end. We would like definitely more time to do that. We would probably favor councilwoman pool's amendment that move the other deadlines accordingly. Our focus is primarily that process that we would need to do a thorough job leading up to the independent hearing examiner's report.

>> Mayor Adler: Okay.

>> I'm not really sure where -- it wasn't clear to me from the original resolution what -- something else would suffer, something else would get truncated in the process.

>> Mayor Adler: So we'll ask that question in a second. Pay attention if you want to comment on that. Any other further questions for Mr. Kaufman while we have him here? Stand by, sir. Thank you. Next speaker would be Kay Boyd.

>> Mayor, mayor pro tem, council, thank you for the opportunity to speak. I'm here on behalf of public citizen. I'll be brief because most of you heard me talk about this issue recently. I appreciate councilmember pool and the rest of the co-sponsors bringing this item before council today. I would just point out that all of the parties that have filed -- or that had filed to intervene before there was a large influx in the last few days had stated their agreement that there needed to be more time to give this rate case its proper attention. So I think that there is an unusual consensus around this issue so I hope that you will move forward with the resolution and with the amendment that I believe councilmember pool plans to offer. It was -- you know, I think it certainly is important that that analysis be complete on the front end and given the residential customers are certainly a large portion of your constituency, I hope you will take that into consideration.

[2:44:06 PM]

And I will just point out again that when the impartial hearing examiner issued the schedule that he did, he was quite clear that he had deep reservations about it and that part of why he was issuing that schedule was because he had not heard from council that council had not taken any action to amend the rules or give directions. So I urge you to do so today. Thank you.

>> Mayor Adler: Thank you. That gets us back up to the dais. Mark, do you want to address the schedule for us?

>> Thank you, mayor. On Tuesday you asked us to develop schedule options to meet the -- the deadlines in the proposed resolution to finalize your decision no later than August 31st. There was also some discussion about do we need two more weeks up front for the consumer advocate or some additional time. So we took that discussion and developed four options. The first option keeps essentially the end decision date the same, to the end of June, but pushes out the schedule for the hearings process two,

two and a half weeks and squeezes your decision process and so we've proposed you take the entire final week of June to meet in work sessions and public hearings to set rates. That -- that maintains the current end date, works smoothly with the budget process, but compresses your time for decision, gives two or so additional weeks up front for the consumer advocate.

>> Mayor Adler: What gets compressed then if the consumer advocate gets two weeks up front, what does it lose time on the back end?

>> On the back end the -- the impartial hearings examiner's report is partially due to you on May 31st, and then you have the entire month of June for deliberation.

[2:46:07 PM]

We would then extend the impartial hearings examiner's report to the middle of June and compress your deliberation time.

>> Mayor Adler: Our time would get compressed.

>> Yes, that's option 1.

>> Mayor Adler: Thank you.

>> Option 2 extends the consumer -- the impartial hearings examiner's process into the -- the end of June or the beginning of July, so adding another month into the process, and then sets your deliberation time again in a very compressed fashion in the last week in July. And I know that -- that that July month is your recess. You are scheduled to have a meeting on that Wednesday so option 2 would suggest that you meet during that last week Monday through Friday to make final -- to have deliberations and final decisions on rates. That would extend the impartial hearing examiner's process at least a month, and I think when we work backwards to what the calendar for the hearings process might look like, it seems to us that that schedule is very similar to the schedule that Mr. Davies is proposing. Options 3 -- now, just to mention that the draft resolution says decision by August 31st, those two options have earlier decision dates. For options 3 and 4, we targeted the council making its final decision on the rate ordinance on August 31st or thereabouts. Option 3 is September 1st and option 4 is August 29th, I think. In those options, we -- we extend the impartial hearings examiner's process into, again, middle of July, and then your deliberations are through the month of August. We -- we contemplated three work sessions and two public hearings, and in option 3 we tried to use existing budget hearings dates and double up on those dates for the rate ordinance adoption hearings so we set three new dates for work sessions and then doubled up on the two hearing dates with your decision made on September 1st.

[2:48:27 PM]

And then there was a little confusion with the discussion I heard earlier so you would make your decisions on September 1st, but we're out of sync with the budget. The budget is adopted on September 12 or or 13th, and then immediately following the adoption of the budget you would pass the rate ordinance that reflects the decisions that you made on September 1st. I'll say that again because it's very confusing to us as well. So you are working on your budget through your regular schedule and then there's a side process going on simultaneously to adopt the new rates. You have three work sessions and two public hearings to set the rates. You conclude the rate decision making but not the adoption of the rate ordinance. You conclude the rate decision making on September 1st, then September 12 and 13 you adopt the budget. Immediately following you adopt the rate ordinance that reflects the decisions you made on September 1st. And then at the end of September the -- the finance department will bring you amendments to the budget to be adopted to -- to recognize the changes that you made to the rate ordinance. That kind of structure is in both options 3 and 4. Option 3 uses existing council dates to double up on the public hearings and option 4 sets entirely new dates for the work sessions and public

hearings. And those are all shown in this -- well, it's up on the screen.

>> Mayor Adler: What's red and what's black?

>> Red are the new meetings, so there are four columns with the four options and the dates in red are the new meetings. The dates in black are the existing meetings. There are 13 existing council dates and budget dates in August.

[2:50:28 PM]

And so, for example, for option 3 we've added three additional work sessions which would give you 16 meeting dates in August and for option 4 we've added five meeting dates -- thank you -- which would give you maybe four meeting dates, which would give you 17 or 18 meeting dates in the month of August. And again, you would -- you would approve your decisions on rates, adopt the budget, pass the rate ordinance with the new decisions from September 1st and then pass the amendments to the budget. That will be a little awkward, but we talked to legal and believe that that schedule works with the appropriate notice for public hearings, et cetera.

>> Mayor Adler: Yes. Mayor pro tem.

>> Tovo: So the only difference in that scenario, I mean in any scenario we're going to need to have the public hearings, adopt a rate ordinance and then incorporate those rates in the budget. The only differences in 3 and 4 we will adopt the budget and make a --

>> The only distinction between 3 and 4 that's substantive, in 3 we doubled up on dates for public hearings and in 4 we set new dates. But the sequence is the same.

>> Tovo: I'm sorry, mark, Mr. Dreyfuss, I get the difference between 3 and 4. I'm just saying the difference of 3 and 4 from the other scenarios, the only real distinction is we would have to amend the budget.

>> Option 1 makes -- works with the budget sequence and makes no changes to your budget adoption. Option 2 would have you making decisions by the end of July and if I understand my conversations with Ms. Hart, then they are going to work up some substitute budget materials and by the time you got to budget adoption, you would have the right package and you wouldn't have to do it twice.

[2:52:31 PM]

>> Tovo: I get that. You were just saying, you know, it was complicated and confusing and I wanted to be really clear the only difference between 1 and 2 and 3 and 4 is in 3 and 4 we're going to have to amend the budget.

>> Yes.

>> Tovo: Pretty soon after adopting it, but that's the only change. We're still going to need the hearings, then follow that with rate ordinance and it either gets incorporated into did budget or we immediately make a budget amendment.

>> Yes, you'll be having budget hearings and you'll be having rate hearings and they will be going on somewhat simultaneously but they will be different.

>> Tovo: Right, but that's going to be the case in any of these scenarios, that's the case, it's just there would be no distance between those two kinds of hearings in the different schedules. Then my other question is in terms of thinking about the difference between 3 and 4, did you go back and -- and do some estimates on how many hours the budget hearings have been the last few years and the amount of hours the council spent in public hearings for the last rate case? Just to see whether it's even feasible to have those two things on the same day?

>> Well, in the last rate case when I really looked at all the meetings the council held and the 12 work sessions that were formally scheduled, there were over 20 council meetings on electric rates.

>> Tovo: However, did we have public testimony at the work sessions?  
>> We had public testimony at two public hearings.  
>> Tovo: Okay. So those are the ones I'm wondering -- so how many hours of speakers did we have at those three public hearings?  
>> We had well over 100 speakers combined at the three public hearings.  
>> Tovo: So that's 300 minutessish? Plus questions and answers?  
>> But I would remind you that was a proposal for a significant rate increase and here we are proposing a rate decrease. And I'm hopeful that fewer members of the public will show up to your public hearings because they will be very excited about the proposed decrease.

[2:54:37 PM]

>> Tovo: So we may have fewer hours so it might work to do them. And I'm trying to think approximately how many hours, say, did we have for public hearings last year and the year before for budget?  
>> We probably had one to two hours each public hearing. Let's see, I didn't look back, but my recollection is we had at least two hours of public testimony. The work sessions are scheduled, the six work sessions are scheduled for 9:00 to 4:30 in addition to the public hearings. The difference between number 4 and number -- option number 3 are the number of new meetings that have to be called. And in both cases you are meeting on Monday, Tuesday, Wednesday and Thursday. So you would have that consideration as well.  
>> Tovo: A lot of meetings.  
>> If I might just add one other point on next steps after you've acted on the budget. I'm sorry, on the schedule for the rates consideration. Tomorrow we had a pre-planned pre-hearing meeting with the hearings examiner so all the parties are assembling tomorrow to discuss the proceeding anyway. And so should you make a change to the schedule today, that will be a topic of discussion tomorrow in front of the hearings examiner and then we would work out the details of the interim schedule once you've set your working schedule.  
>> Tovo: Okay.  
>> Mayor Adler: Can you talk for a second about the interplay of the rate setting and the budget process? Do we need to know the rate setting in order to do the budget process? Is it conceivable we'll have done the budget work, rethink the budget or are the parameters known such that the decisions we make in the budget generally operate independent of the apportionment issues with respect to the rate case?  
>> In this case I would -- it would be my hope that most of the policy decisions would be made prior to the proposed budget and such as any change in transfers, which you've already asked us to look at.

[2:56:51 PM]

They already have a revenue requirement. We believe -- this is not as structural a change in the rates as you had in the past so that they would be able to propose a budget that is relatively close to what they may end up with after the rate setting process. But therein lies the -- I mean you have to finish that process, adopt that rate ordinance and once that rate ordinance is adopted, if it differs from the proposed budget that you were looking at and approved, then we would have to come back and make amendments. Mark may want to add to that, but my belief is they would be fairly close.  
>> Mayor Adler: So help me understand the -- one decision that we're going to have to make in either the rate case or the budget case is about transfers. Whether we're going to transfer or not transfer. The rate case, once we've established what the costs of service is is an apportionment question as I see it

between how do you apportion those costs among folks and that impacts their rate but it doesn't really impact the budget because your budget is the same. It's a question of apportioning who is responsible for what. It seems as if the real lever with respect to the budget is the decision with respect to the transfers. Am I seeing this wrong?

>> I believe you are right. The lever is the budget decision because the revenue requirements are based on an historical test year, not the current Numbers.

>> I would say as well that that's somewhat dependent on how you choose to -- to deliberate on some of the issues that have been raised in here on transfers. If you set a proceeding to deliberate on those issues and set those issues outside of the rate proceeding, then the rate proceeding, I presume, will adopt those decisions.

[2:58:53 PM]

If you don't do that, then the parties to the rate proceeding, I presume, will submit testimony on where they would like to see you head in that area, the impartial hearings examiner will make some recommendations to you on that and then those issues will be Teed up as part of the rate proceeding for you to deliberate on. So if you choose to do it outside, then the rate review remains more -- then the budget remains more stable to the changes adopted this the rate review. But if you allow that issue to be deliberated this the rate review there could be a larger impact on the budget.

>> Mayor Adler: It almost seems like I need to be having these conversations going on at the same time because the ultimate question with respect to the transfers or the dividend is in part going to be setting the budget, but that is in part to go to be setting that transfer question, but you need the transfer question or the dividend question decided in order to ultimately know what the rate -- they almost have to be going on at the same time, it seems to me.

>> If the council wants to give policy direction to the deliberation process before the hearings examiner on transfers, then that information will be taken into the process and become, you know, part of the record for people to respond to. But if you do not give guidance to the hearings process, then the hearings process will deliberate those issues and bring you recommendations.

>> Mayor Adler: On the level of transfer --

>> I believe those issues will be Teed up by some of the parties to be debated.

>> Mayor Adler: Seems like one thing we need to consider as a council is whether or not and if it's possible or not for us to be able to tee up the question of the transfers in a may time period so that if the council wants to give direction or parameters that could still happen while the decisions are being made in the rate case.

[3:01:04 PM]

>> Mayor, I think that would be somewhat late into the rate proceeding process to give that direction.

>> Mayor Adler: When would we have to give direction with respect to transfer dividend in order to be germane in the rate case?

>> I don't know that there is a fixed date for that, but the earlier you were to give policy guidance, the more opportunity everyone participating in the rate proceeding would have the ability to incorporate that into their -- into their recommendations and perspectives. So I would think that would put you more in April.

>> Mayor Adler: In April. And -- and in order to make that decision in April, aren't we going to have to have a fair idea of the budget questions in order to be able to look at the transfer question to know to what degree or not degree we wanted to change existing practice? I don't know how else we make that decision. I'm still having trouble see how it meshes.



>> Gallo: It feels to me like what you are doing is turning the process on its head and I don't understand why we would want to get involved in making a direction to the hearings examiner on what we want the transfer to be. So I don't understand that. But what I would say is if you wanted to do that, you would need more time to deliberate that if it was going to be done by this body and so we would have to have the longer deliberation process for the hearings examiner, which puts it to that later July date, for one thing. Two things, one, I just don't understand why we would get involved -- why we would involve ourselves in the transfer discussion if that was something we were looking to the independent hearing examiner for his opinion.

>> Mayor Adler: Well, part of it I'm not even to the question of yet the schedule -- the schedule for this.

[3:03:12 PM]

Whether we do option 1, 2, 3, 4, whether there needs to be an option 5 that's two months later. I'm not there yet. I'm trying to figure out at some point as a council, when the hearing examiner is figuring out the rate case, the hearing examiner will have to make a decision or an assumption as to what's the level of transfers that we're making. Is that true or not true?

>> The hearings examiner will recommend to you a revenue requirement for the utility that will have embedded with it some amount of transfer, yes.

>> Mayor Adler: So if we were to cut the transfer or if we were to go to a dividend and that dividend would vary in amount from whatever the transfer would have been, then either the hearing examiner is going to make an assumption without our direction on that or we would have had to give the hearing examiner some on that. Otherwise we'll have the making suggestions to the hearing examiner on what the city council should ultimately be doing with respect to transfers. Because some assumption has to be made with respect to transfers or dividends as part of the rate case. So either assume existing practice or given guidance by us or they argue to the hearing examiner which ones -- which transfers should be. It's got to be one of those three things.

>> Pool: It seems to me, if I may, that you have to get to setting the rates before you know how much the transfer would be which is what you --

>> Mayor Adler: It's the other way around. You have to know how much transfer there's going to be so you know what the rates need to be in order to satisfy that transfer.

>> Pool: All right, I guess I see them hand in glove. And just for the record, to transfer a dividend is the same thing.

[3:05:14 PM]

They are different words but they effectively are the same thing here.

>> Mayor Adler: Correct.

>> Pool: So I don't know, I feel like I'm getting down into a level of weed whacking that you are losing me on --

>> Mayor Adler: And here's my question really simply. I'm trying to figure out in April are all the parties to this going to be coming to us and saying, and by the way, how much is the transfer going to be? Because we can't set rates until you tell us what the transfer or dividend, meaning the same thing, we can't do that until you tell us what the transfer is going to be. At which point we could say assume the same transfer you made last year, the second we could say we're going to make a decision, we're going to give you guidance now with respect to transfer, or apparently the third one is all of the parties go to the hearing examiner and say this is the transfer we think the city council should be doing and now we're baking it into our process is what I understood the process.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Hang on. Mayor pro tem and then Ms. Kitchen.

>> Tovo: I just want to get back to how you and others are setting the revenue requirement. They are basing it on a test year where there was a transfer.

>> That's correct.

>> Tovo: So what happens in the future isn't going to be relevant to whether that revenue requirement is appropriate because you are basing it on history. I mean and then you factor in the changes, but if we don't know about that change yet -- anyway, Ms. Hart, do you have --

>> Let me comment. There would be very likely a known and measurable change if there was a policy change. If I could remind council that last week you adopted two resolutions asking staff to study both a variety of reductions in the Austin water and the Austin energy transfers giving us until may 31st to bring those options back to you and discuss that policy change with the council. We do need that time to do that work and bring that back for the council to discuss.

[3:07:15 PM]

We would schedule those meetings earlier if we could get the work done, but I do think that you will take some time to deliberate once we do get the data to you. And so I don't think that you would be able to give direction to the independent hearings examiner today or prior to may 31st, which therein affects somewhat this schedule. And then once you give the policy direction, then we've got to weave that into the manager's proposed budget to see what the impact of that policy changes, if there is one, might be.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I was just going to comment that I think that this is not dissimilar to how we did some issues during last year's budget. I mean this is a back and forth it are active process. We're not going to know one number before we know another number and we're not going to decide one policy before we know everything. Which argues for -- which in my mind -- in my mind it makes sense to be doing this all during the budget process. Which argues for, in my mind, option 3 or 4 in terms of the time line. Because we -- as you just pointed out, we're not going to make a decision on any transfer before may 31st. We're not going to make any decision on a transfer in June. I mean the decision on a transfer depends on the impact on the budget and it depends upon what that could do to our revenue needs for the budget as a whole and on what our tax rate might be. So all of these Numbers are connected. And so to my mind what that argues to me is to allow the time for the -- the consumer advocate to do their work, allow the time for us to deliberate on transfers, allow the time for us to deliberate on when we get the information back, to all of that argues to me to going into the August time period for -- for doing our deliberate ratings on the rate case.

[3:09:31 PM]

>> Mayor Adler: I have one more followup question, and not only does it seem to me at this point it indicates that, it almost seems to me it requires that. Here's my last question in terms of being able to understand it. If we go through the process, the rate case has happened, everybody has argued making the assumptions based on the test case which is historical precedent, and then we get into August and September and we're saying, you know, we want to do this differently to the tune of X. Will we have rendered all of the rate casework of no value at that point because we will have changed one of the basic assumptions? Or is that assumption that's small enough as to be diminimus oner you can take the hard fought battles out of the rate case and apply it. How does if we want to change that practice where we are at that point?

>> I think it's fairly standard in a rate proceeding and expected that the decision makers will change

some of the decisions that are embedded in the recommendation. And so our staff will -- so let's say you make a change directly in the change of the level requirement. Our staff will go back to the cost of service model, reallocate across customer -- as directed by the policy decision and we'll turn that around as quickly as possible and bring that back to you.

>> Mayor Adler: That's because the allocation items generally stay the same. It's just applying those allocations against a different revenue number that would vary by that issue.

>> If you make a decision about how you want to allocate the revenues and then the revenue requirements change, then that's plug and chug in the model and the staff would be very unhappy I said it was that easy, but it is a more direct change.

[3:11:36 PM]

>> Mayor Adler: That's helpful. Does anybody have further questions? For mark at this point? Yes, Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I thought your questions and your conversations pertinent because we did talk about the potential for cutting down these transfers. They are very large compared to dividends from other companies so I appreciate you bringing the question up.

>> Mayor Adler: In fact we had indicated that we would look at San Antonio. I think San Antonio was 14% as a model so there seems to be quite a range. Yes, Ms. Gallo.

>> Gallo: I seem to remember, and maybe I remembered this incorrectly, that the hearing examiner's contract goes through June. Is that correct? I mean I think as we talk about extending schedules that that perhaps needs to be part of the conversation when the contract ends and if there is even a potential if we would still be needing the services of extending that contract.

>> Councilmember Gallo, I am not clear on the hardened date of the hearings examiner's contract. You will need the hearing examiner to appear before you as you can deliberating in order to give you his insight into how he weighed the evidence and what recommendations he's made to you.

>> Gallo: I agree with you.

>> So we would work to extend that contract if that were necessary. I know that both the hearings examiner and the consumer advocate were aware of the end of June schedule when they -- they offered their responses to the solicitation and we would just have to look into the details and see whether there was a requirement to extend those contracts.

>> Gallo: So my concern being from my end we probably could do that, but my concern is if they have scheduling conflicts, I would agree with you we would want them both around and able to answer questions and present.

[3:13:39 PM]

So my concern would be if they have scheduling conflicts that they have assumed their contract with us would be over at the end of June that would prohibit them from being available in the following months. So that may be something that we need to inquire on as we're talking about a schedule that would require that.

>> If -- if you direct us to make a change today, then we'll explore that tomorrow at the pre-hearing conference and let you know right away if there is a conflict.

>> Gallo: Okay. Thank you.

>> Mayor Adler: Other questions at this

>> Mayor Adler: Other questions at this point? I will move adoption of the motion that I passed out earlier today. It has item 21, CM pool motion sheet. It's on white paper, it's not on yellow. I think we ran out of yellow.

>> Kitchen: Is this the one that changes item 2 and 3 or just item 2?

>> Pool: Item 2 and 3. So the first one allows the party presentations the additional two months that we've been talking about, so that's two months from March 3, and that alliance with the request for extension that we've been hearing from multiple parties and it extends it to all party presentations, not just the advocate. 3 is the one that establishes the timeline, which is the one we've been talking about here, and that relates to the memo that the staff prepared for us and allows us also to adopt one of their options. It will fit with item number 3, if item 3 on my motion sheet fits with either option 3 or 4 in the staff's memo.

>> Houston: Is item number 3 on yellow?

>> Pool: Well, mine's on white, and I passed it out before our lunch break, so we can put it up on the overhead so we can see if it's --

[3:15:44 PM]

>> Mayor Adler: I think it's yellow down --

>> Pool: It may have turned yellow and I just passed all the yellow ones out. I think that is right. Yes. Yes.

>> Houston: It is yellow.

>> Pool: Yes. Thank you. And I think we've got a copy to put on the overhead.

>> Mayor Adler: And, Marc, is that right to you, that the schedules that you handed out, options 3 and 4, jibe with councilmember pool's --

>> We've looked at what the intervening schedule might be, and we believe that both options 3 and 4, we can develop a schedule working with the impartial hearings examiner that assures that there's two months for the party presentations, and then has a final decision on or around August 31st, September 1st, August 29th, something like that.

>> Mayor Adler: Does it make a difference -- in one of the earlier -- this goes back to the change that councilmember pool, you said legal asked you to do, in some of the earlier settings, the end date for deliberation and action were set immediately after the report, which would have had language being deliberation and action set no earlier than August 1st or whenever that was. This language separates liberation from action and only puts the deadline in with respect to action and says action not before the 31st. Would we want to preserve the ability to do action a week earlier than a if we were started to deliberate the first week in August in case we were ready, or could we make that change then?

>> I think that's --

>> Pool: I would like to have the attorney answer that because it was the attorney that was advising my staff on the language here, if that's possible.

>> Stewart Riley, city of Austin law department. The change that was made was simply to allow that deliberations could take place prior to August 31st, but as you mentioned, mayor, the action couldn't take place prior to August 31st.

[3:17:47 PM]

>> Mayor Adler: Is there a reason why we don't want to keep the option open to deliberate and take action in August?

>> We don't have any legal reason why -- or preference as to why your schedule should be moved forward or moved back. We just wanted to make sure that you would have the opportunity, if you so chose, to deliberate prior to this date, so we removed any briefing and discussion from this, and so now it only reads action. But if you're saying it would be -- if there's a way to move it forward, that would be to your discretion.

>> Pool: And if I may, the reason why I was interested in that date was in order to allow us the amount

of time that we will need for the schedule as laid out in order to hear -- hear the information and hold the public hearings, because if we get the report from the hearings examiner at the end of July, we really, with everything else that we are doing, will need the entire month of August in order to fit in all of the scheduled public hearings and briefings, and then if you will go back and look at the long sheet that staff provided with the dates on it, you can see that option 3 allows us to deliberate into September and make the decision by the 22nd, and then option 4 allows us to deliberate in August and make the decision on September 29.

>> Mayor Adler: I guess so my question is, and maybe you can answer this, if we start -- because we don't know where we're going to be. We know that we'll have the report back. We have opportunity for multiple meetings to deliberate, then we have also multiple meetings to have the public hearing. If we were in a position to be able to adopt the budget because it develops in such a way that having given ourselves all the time that we want to deliberate and have the public hearing, we're done by the 22nd or by the 25th, would we want the ability to be able to act then, could we change this date at that point to say, hey, we got done sooner than we thought we would --

[3:19:59 PM]

>> Which month? August or September?

>> Mayor Adler: August.

>> Pool: Okay. I don't get the idea that that's possible to do that all in August, and -- and rather than force us or squeeze ourselves -- I don't know why we would be arguing over that date, honestly. It's a difference of a couple of weeks. My preference is to allow us the ability to have the time rather than squeezing us down, and forcing a decision by a specific date.

>> Mayor Adler: And I'm mostly indifferent. I certainly was not trying to force us to do anything by any certain time. The question was, was there any wisdom in allowing us that flexibility. But I guess at that point, if we wanted to announce we were just going to make a decision sooner, we could just do it.

>> Pool: Absolutely.

>> Mayor Adler: Is that right?

>> I did notice that Austin energy's option 4 has council's decision on rate proposal on August 29th. So the world of this motion would not allow for that to happen. So if you want -- if you wanted to go with option 4, you would just have to move this no earlier than date.

>> Pool: August 29th.

>> Earlier a couple days.

>> Pool: Thank you.

>> Mayor Adler: And at the time if we got there and wanted to move it up a week, we could also move it up a week.

>> Sure. Yeah. But it would be --

>> Mayor Adler: That's kind of a posting or a notice question I'm asking.

>> That's correct. And I think our only point was, we were trying to give the council as much flexibility as possible. There's no legal reason for you to have this date in here at all.

>> Mayor Adler: Okay.

>> Pool: And what we could do on the language, if that's -- if that's a direction you want to go in, we can -- we don't have to put the August 31st date in there. We could say we're adopting, in item 3, option number 3 or option number 4 as laid out in the Austin energy schedule.

>> Mayor Adler: And based on this testimony, I'm fine with the language that you have, recognizing if we want to move it to the 29th --

>> Pool: I think so.

>> Mayor Adler: Or if you want to move this one to the 29th just to conform to option 4, you could do

that, too.

[3:22:02 PM]

>> Pool: Whichever of the options that we go with, sure. Thank you.

>> Mayor Adler: Okay. Further -- so it's been moved, councilmember pool moves her motion with -- as changed by the yellow page that's been handed out. Is there a second to that? Ms. Kitchen seconds that.

>> Gallo: Mayor, is it also being changed to reflect August 29th instead of August 31st?

>> Mayor Adler: Let's go ahead and do that just because it conforms then with either one of -- so without objection, the 31st becomes the 29th. Ms. Tovo?

>> Tovo: So I think I'm going to ask another question about the differences between 3 and 4. You know, I think there's some -- I certainly see the point about merging the hearings, especially if it seems like from past experience that that's possible. But are you also anticipating that -- is part of that also our work session and our time to deliberate? Because I think if that's the case, then we certainly need to have them on different days.

>> It's -- the days of the public hearing, you would certainly have the opportunity to have some discussion about what you've heard and continue, unless there's different guidance from legal, and some of your deliberations could be on those days, in response to what you've heard in the public hearing.

>> Tovo: But I guess do you feel that you've set up sufficient time for deliberation outside those public hearings so that if all we did was to hear citizens, that we would have enough time to deliberate on different days?

>> Both option 3 and 4 have three work sessions dedicated to rates. We don't also have public hearings set for those dates.

[3:24:05 PM]

>> Tovo: You know, I sort of feel like we should have them on separate dates. I like the idea of having hearings on same dates, so if people are interested in commenting on the budget, they can do that, and then stay for the hearing. But I think we do like to ask a lot of questions of speakers and have sufficient time for deliberation, and as much as I'm not interested in scheduling something every single day of the week, which is what we might have to do on a few of these weeks, we might just want to be practical about it and give ourselves that time. I wonder, though, too, if we moved forward with a schedule that had those hearings on different dates and we decided to change it at any point, or we waited to that -- if things seem to be going swimmingly with the administrative hearing process and there aren't that many issues in contention and we feel pretty good about it, we could then move the electric rate hearings to those public hearings. Yeah. So then I think I would go with number 4. I think my preference would be 4, but signaling to the public and, you know, acknowledging among ourselves that we -- if it looks like we're not going to need to have those on separate days, that we would move those to the public hearing days, but at least we all will have blocked out that time on our calendars to be here if we need to be.

>> Mayor Adler: I want to support that also on number 4 for that reason. It has us blocking the date. And if we get there, if we need the dates, at least they're blocked. And if we don't need the dates, at least we can merge. Further discussion?

>> Pool: I'll second it.

>> Mayor Adler: Ms. Pool?

>> Pool: I'll second the motion.

>> Mayor Adler: Okay. So we're adding now the amendment --

>> Pool: Well, I think mayor pro tem was moving that we would adopt option 4 from the Austin energy.  
>> Mayor Adler: Right. And I'm trying to now reconcile that with the motion that's on the floor, which is your motion with these changes, so -- so I'm making this then the -- item number 4 on this that gives direction to the staff to plan our schedule around what is Austin energy option 4.

[3:26:15 PM]

Any objection to that? Then that's also -- Ms. Troxclair?

>> Troxclair: I don't have an objection to it being added, and of course I'm okay with the will of the council. It just seems like my preference might be to try to have -- to not add additional days. I mean, although this is going to be a critical issue that is going to deserve -- going to take up or -- and deserves our time and attention, there's a lot of other things in the budget that also need our time and attention, and that just really concerns me that we're going to have weeks during the budget where we have no days that are free from council meetings in order to do our own research. So my preference is probably going to be to have them all on the same day, but of course it's just differences in scheduling, so ...S okay. So let's put that then the option to a vote by way of amendment to this. The mayor pro tem moves to give guidance to staff to block the days consistent with option number 4. Is there a second to that? Ms. Pool. Any further discussion? Let's take a vote on giving direction. Those in favor of giving direction for option 4, please raise your hand. Those opposed? Those abstaining? All of us in favor of option 4 then. We'll stay with that. We're back now to Ms. Pool's -- councilmember pool's motion as changed, and as changed further with August 29th being the date. It's been moved and seconded. Those in favor raise your hand. Opposed? It's unanimous. So that is how we will handle that issue.

>> Pool: I just wanted to give a big thank you to the Austin energy staff for working up those additional options for timing and working with my staff on the timelines and so forth. I very much appreciate that. And one last thing, if I may, I said something earlier in the meeting in exchange with Mr. Dreyfus about potential posting language, about returning an amendment to consider how frequently we consider the rate cases.

[3:28:34 PM]

And I'm advised by the law department that we are constrained by today's posting language, we can't actually do that, so I'll just signal my intention to bring that resolution forward after working with Austin energy staff and legal staff, we're going to draft up a resolution. And I'll bring it by the end of March, probably March 31st. And then one other item that Mr. Davies because to us, which was potential posting language for rate case discussion going forward, I will also talk about this with our Austin energy staff to see if we couldn't add something along those lines that was recommended by one of the witnesses who came here today.

>> Mayor Adler: Thank you. Councilmember pool, thank you for your leadership in taking the lead on this case.

>> Pool: You're welcome. Thank you to everybody.

>> Mayor Adler: We're not going to complete item 20 which we had started before, the food desert item. What is pending before us right now is the amendment offered by Ms. Gallo, which was to direct the manager to consider making this part of the equity officer's charge, as opposed to indicating that it should be part of the equity officer's charge. We have some people who have been identified to speak on this issue as well. So I'm going to go ahead and call the speakers to speak on this issue if they're here. Is David king here?

>> [Off mic] Around somewhere.

>> Mayor Adler: Is Ross Smith here? We'll come back to David when he walks in. Yes.

>> I signed up on this on a procedural basis.

[3:30:37 PM]

I lived in a food desert in Washington, D.C., and I'm very familiar with the issues that go along with it. The transportation was brought up earlier. I had a 40-minute bus ride total to a grocery store. Getting back with anything frozen was pretty much not an option. Dealing with that -- research on that topic is going to require bringing in city mobility staff to help out your task force. Another part of this equation is that the size -- the physical footprint of anything that could make a difference in this, whether it's a small grocery store or a community garden, is still going to be pretty big. And it will involve zoning, planning staff in order to help sort that out. Also, many of the areas that -- in northeast, east, and southeast Austin, that are -- could be used to help deal with this problem are industrial brownfield. So that's going to require bringing in environmental staff to help with it. The zoning and platting is all -- and development also gets brought in because many of the air -- many of the places that are large enough to be used are rapidly being snatched up to build condos and apartment buildings. And so I suggest to you that you check your "Be it resolved" section to make is your that this task -- that this working group has sufficient authority to call on any of those departments as they need for the research that they're going to need in order to do a thorough job on this. Thank you.

>> Mayor Adler: And the next speaker, David king.

>> Thank you, mayor. Mayor pro tem, councilmembers, my name is David king. I think that is a very important resolution.

[3:32:38 PM]

I'm glad it's coming forward here and I appreciate the sponsors -- sponsor -- councilmember Garza for sponsoring this. I have firsthand experience, growing up, you know, as a poor family with not enough food, but, you know, thank goodness we had the usda to help us out. My father also knew how to raise vegetables so we had a two-acre garden. So we learned how to grow our own food. And, you know, I still have that knowledge today and I enjoy doing that myself. When I retire from advocating, I'm going to spend more time growing vegetables in my own backyard. It really taught me a lot of skills. It caught me competence, you know, that I could actually do something that would create food, that we could use in survival. And we sold the vegetables from our garden to our neighborhood. We walk around the neighborhood, and the ladies were always so nice, they looked forward to seeing us knock on the door and would always by everything we had, so we learned a skill of how to meet our neighbors and how to sell. So we got lots of skills from that, and competence. You know, I watched my mother can the vegetables and learned that whole process, that whole life cycle. And that's important because I have those skills today -- skills today, and I look forward to using them. And I think that's important that we -- that we do more of that. And, you know, in my own neighborhood, we have some small vacant lots that could be prime locations for community gardens, and I'm hopeful -- I know there's another item on the agenda about small lots, and, you know, if we can find a way to use that as an opportunity to get some community gardens in there that are embedded in our neighborhood, that are close to where our families live, that their children could go and participate in this and learn those skills, too, and grow food that they, themselves, can eat. And I also know firsthand, living in a rural area, that the grocery store I had didn't have good -- they had the products, the basic things, but they didn't have the real healthy stuff, and what they did have was so expensive.

[3:34:47 PM]



And when you're a poor family, and that's all you have to choose from, then you have to sacrifice. We look forward to going to school so we could have a nice breakfast. You know? That's -- and we still have that problem today. And I'm not going to tell you how old I am, but that's a long time that we've had this problem, that we haven't really solved this problem in the midst of such a wealthy city that we have today. We are fortunate to have that. I just hope that there's a unanimous support for this resolution, and that we move with all due haste in trying to, you know, get rid of these food desserts that we have and make sure that we have good food available to all of our citizens throughout the whole city. Thank you very much.

[Buzzer sounding]

>> Mayor Adler: Thank you. Isabel. Frances Acuna.

>> My name is Isabel. I'm mother of four. I'm here to talk to you about a dove springs resident, a taxpayer. I'm here in support of resolution put forward by councilman Garza regarding the food access issues and incorporating them in the office of equity. I do believe that all the policies that we're going to be putting forward under this office need to reflect our community, and especially the needs of our community. All the efforts that we're going to be doing from that office need to be backed by data. And I believe that establishing these policies under this office will ensure that those mostly need will get the access that they need. I was a educator for more than ten years and I was listening to stories of mothers throughout east Austin, throughout the most -- the neediest communities for years and years.

[3:36:52 PM]

Not having transportation, living in a food desert, that's very challenging for a mother. Me, myself, sometimes don't have transportation, and it's hard to feed four kids when you don't have a car. So having gardens, community gardens, having more fruits and vegetables in corner stores, having, you know, big grocery stores with healthy items in the areas close by the residencies going to be essential to keep our kids healthy in this city. Now, there's many parts of our city where there is a lot of kids in poverty. Councilman Casar's area, one of our two kids qualify for food stamps. That's a high rate. Now, these are the citizens of the future. If we don't feed these kids, if we don't keep them healthy, we are not doing us any favor. To me, this is an economic development issue. This is a health issue. This is an equity issue. And for that, it is imperative that this policy lives under the office of equity. Thank you.

>> Mayor Adler: Thank you. Ms. Acuna, Jill hermidess on deck.

>> My name is Frances Acuna and I'm here representing the district of lulac district 7, and as a dove springs resident to speak in favor of the resolution addressing food access issues and incorporate access to one of the focus areas to be integrated in the office of equity. And as a mother and resident of dove springs, I have seen, I have lived and advocated for many of the needs for my community.

[3:38:57 PM]

And I can tell you that it's not easy to live or see my community members and mothers with kids and them carrying the food in their hands and the kids trying to run away, so it will be -- like allow something if we could have access in our neighborhood, and that we could have your support and in having everything in our community because, I don't know, it's -- I'm thinking you would like to see your kids raised healthy and being able to run and be the leaders of tomorrow and, you know, presidents, and my son wants to be a president. My other son wants to go to the Marines, and it's like if they don't have good, healthy environment, they're not going to be able to do that. Their mind is not growing because -- well, they are growing, but they are -- they're being, like -- they're not seen as someone that they can achieve their dreams. And before you know it, they're not going to be able to believe that. And I believe we are growing in our community, but we can do a lot more because we have been forgotten for so

many years. And, I don't know, I'm just here as one of many of the residents in our community that want to see our kids grow and become somebody. And -- I don't know, I have no words.

>> Mayor Adler: Thank you --

>> I'm pretty sure you guys know that, what we need, and the most important thing is our kids. And for them, believe me, I can do so much.

[3:41:00 PM]

Thank you.

>> Mayor Adler: Thank you very much. Ms. Ramirez and then Carmen.

>> Good afternoon, mayor and city council members. My name is Jo Ramirez. You have seen me here before as the chair of the Latino quality of life, but that is not the hat that I'm wearing today. Today I'm wearing the hat of CEO of the health care forum and an Austin resident since 1983. I'm here to support councilmember Garza's resolution of food access, and also that the office of equity provide oversight over that programming. Many of our community has spent many years working on equity issues, so we were elated when you voted to fund the office of equity last budget cycle. We believe that any funding or disbursement of monies should be evaluated through the lens of equity. We have seen what happens when we don't do that, when you look at the whole eastern crescent that has been neglected. There's such poverty, there's a lot of problems, and so we were -- we really want you to think about the office of equity as a tool where you are going to be able to look at the funding that you're providing for the community that is equitable, as everybody pays taxes, everybody should have the same proportionate to other members of the community. If you allow programs to go and decide if they have an option to consider, like going through this equity lens, you're setting a precedent because maybe tomorrow or the next -- or next week, you want them to go through this office, and they're going to say, well, you allowed food access not to. So I encourage you to send a loud message to your constituents that you support a strong equity office.

[3:43:04 PM]

Thank you.

>> Mayor Adler: Thank you. Carmen. Espalido. Sara juvenali.

>> Good afternoon, mayor and council, thank you for taking comment on this issue and thanks to councilmember Garza for introducing this resolution, which we know is very, very important given all the wonderful work that people are already doing on the ground, via non-profits, through our school system, usda, tda, all these agencies that are working to ensure there's adequate healthy food access in Austin and in central Texas. There are a couple of things I just wanted to touch on, and I'm here, like many of us who are able to be here, because our residents were really excited about this issue, and some of them were residents of 4-4 and 45 who participate in go Austin, vamos Austin. As you all know, this is kid pickup time and work time, but what we're hearing in those conversations about food access is, we're really talking about access to a healthy lifestyle. So we're talking about health equity because how can we really develop individually and as families healthy lifestyles if we don't have access to adequate healthy food and physical activity opportunities? And that's the work of gave, the work of Latino health care form, and all the residents who are doing what they can to increase food access and access to recreation because that is how we got to a healthy life and hell is the cornerstone of quality of life. This office of diversity and equity is so critical because we all know we have equity issues in Austin. I know the mayor is trying really to address this head-on, and so when we talk about quality of life, food access, it's a no-brainer. There's no way we can talk about quality of life without talking about how can we get access to healthy living, access to healthy food.

[3:45:14 PM]

And that is really the umbrella that gavaa works on. The coalition is focused in those two areas, but this is really about quality of life issues, what are the barriers to a healthy lifestyle. Sometimes it's transportation. Sometimes it's cost. There are so many different factors. But it's really quality of life. And out of all of those issues we talk about, transportation, safety, parks, corner stores, farm stands, all these different projects, I can tell you that food is by far the most political. When we get into the advocacy work, when residents are advocating for resources, resources are limited, and food can really - it really brings up some interesting conversations. And for that reason -- and interests. Right? So for that reason, as Ms. Ramirez said, it is crucial that we have an equity lens when we talk about food access and food programs. It's going to be very essential to the success of these programs and to ensure that the city is supporting the very hard work of so many institutions and individuals working to ensure adequate food access. Buzz busy.

>> Thank you.

>> Mayor Adler: Thank you. Sarah javaneli, is Sarah here? Take your time. Cynthia Valdez? I didn't see giant.

>> Hi. I'm Sarah jovaneli. I'm a graduate student at the UT, also a fellow at go Austin, vamos Austin this semester. I'm here representing work that I've seen gavaa do. I've noticed in the two zip codes 78744 and 78745 there's a total of seven grocery stores, only two in 44. And this really affects this community's ability to access healthy food. We know from long-term studies that access of healthy food has a strong outcome, has a big -- sorry -- is really impactful in the way people live their lives. Access to healthy food allows people to have lower rates of emotional behavior, behavioral issues, less anxiety and depression is found in kids who have access to healthy food, and also increased memory is attributed to healthy food access.

[3:47:29 PM]

So educational outcomes are related to healthy food. In addition, there are several health outcomes, like obesity and diabetes, which are huge problems in these two zip codes in Austin, and that is related to healthy food access as well. And so in sum, I just wanted to say that healthy food is really an important issue in quality of life and should be considered as part of this policy. Thank you.

>> Mayor Adler: Thank you. Is Cynthia here? Valdez? All right. Those are all the speakers we have. Gets us back up to the dais. The question is whether or not to add the word "Consider" in the last resolved clause. Manager, do you want to address that real fast? Is that something you'd like to see there?

>> You know, absolutely. I think it's appropriate. I mean, I can't say it any more eloquently than people who have already spoken about food access being an equity issue. It absolutely is and will be permitly characterized in the overall mission of the equity office.

>> Mayor Adler: So do you need this to contain the word that you have to consider it, as opposed to you're just directed to incorporate it?

>> It naturally would be anyway. I guess I don't -- I'm not -- I don't have any heartburn one way or the other, so it just makes sense that it would be characterized in the mission.

>> Mayor Adler: Okay.

>> Consider is -- you know, it's obvious we're going to be crafting the mission statement, so, you know, preferably consider, but I just want to emphasize the point that we recognize it as an important part of the overall mission of this office.

>> Mayor Adler: Okay.

>> Gallo: So I guess I've kind of gotten different statements from assistant city manager and city

manager. So my concern, and I think councilmember Houston addressed this, if we are now beginning to direct what should be included, then I think there are other places with transportation and with education and with health services that I think that the council would feel like they need to direct be included also.

[3:49:35 PM]

It makes no difference to me one way or another. If it complicates the issue, I'm happy -- well, let's go ahead and take a vote on it, but I would say I think there are other places that we would want the equity office things to consider, and if we need to direct specifically from the dais those which would be what we were doing now if we don't -- if we don't add the "Consider" to it, I think there's probably going to be other councilmembers to make sure there's other items in there. I think we can go either direction.

>> If I may, and again, I'm late to the dais today so it sort of feels like maybe I've missed some context for the conversation. You know, I guess my comments were intended to -- I wanted to acknowledge today and recognize the importance of food access as a -- as an equity issue. If the rest is about whether or not I should be directed to do that or to consider it, we are obviously in the midst of not only creating the office but hiring staff to do that, and I believe that is a responsibility appropriately placed with me and those that I have working on it, and how we characterize the mission. I also think the writing of that, how we articulate that, is appropriately placed with the manager. So "Considers" would be a more appropriate word from my standpoint as city manager, and I apologize if I didn't have the full context for responding to the question that I was asked, given my late arrival to the meeting today.

>> Mayor Adler: Ms. Garza, do you have a problem with including the word "Consider" given the fact the manager says he's going to put it in because he feels it's an equity issue?

>> Garza: I would prefer the original language. I think, you know, it was a policy issue that we directed -- we gave this direction during the budget, which you led, which was a recommendation of the hispanic quality of life, which a couple of members of them just said they believe this is an important part of it.

[3:51:47 PM]

I don't think we can -- I think the manager said this. I don't think we can talk about equity without talking about food access issues. And my concern with -- you know, I understand there's going to be a stakeholder process that's going to look into what exactly that mission would be, but I have to point out that a big concern of much of the community that is in these food deserts is, their voice isn't heard during those stake holder processes. And so I only brought this because of support -- because of concern, a loud and clear concern from the community asking for this to be part, to have priority. And so I would prefer to go with the original language that says it will be a component. It's not saying it's the only mission, it's not saying it's the primary issue, it's saying it's a component of the overall mission of the office of equity. And I know that Edwin Marty, who's our food policy manager, is here, and if he -- he can speak to, you know, what his thoughts are on equity and how it is a huge part of -- or food access and how it's a huge part of equity.

>> Pool: Mayor? I would just want to lend my support to what the author of this resolution is saying, and I'm interested in signaling for posterity sake, that this is a direct action that this body wants to take. We're not simply suggesting it to the city manager to consider, this is something that we are directing that the city engage in. And I think that's stronger language, really more appropriately encapsulates our intent with the food desert's resolution. So I would like to stick with the original language as well.

>> Houston: Mayor?

>> Mayor Adler: Yes.

[3:53:47 PM]

>> Houston: And I certainly understand all the effort that has been put into the work that the Latino health care forum and the hispanic quality of life committee has put into that, but I see equity in a broader perspective. I see we're focused in the resolutions that we passed last year, focused on 44 and 45 zip codes. Food deserts are all over east Austin, so when we -- as well as other equity issues that we need to look through an equity lens at. And so I'm concerned that as we continue to just piecemeal rather than looking holistically, there's economic equity that this community needs to look at. We've talked about, we heard at citizens communications, about the equity racism that people are feeling in parts of our city. And so rather than piecemealing it, I'd rather us look at it holistically because there are systemic issue policies that past council have made that are equity issues. So there are a lot of pieces of this puzzle, and if each one of us starts to piecemeal that, I don't think that helps the equity office, whoever that person or persons may be when they come to looking holistically at what equity means and how it impacts the live of the citizens of our communities.

>> Mayor Adler: I think sometimes on the dais here we put ourselves in a motion where we're needlessly cutting each other up. I don't even have a clue how I need to vote on this issue because I think this should be part of the equity issue. The manager happens to be sitting with us on the dais today. I think he has now considered this and he's indicated to us that, in fact, this is something that will be part of it, so I don't think we need the word "Consider" because he just considered it because he's sitting with us. And I hate to take a vote on a governance issue because I don't think there's a bigger governance issue than that's presented here, given fact he's sitting here, but I agree with Ms. Houston there's a lot of equity to this, I don't think we need to bring a lot of motions to the manager to bring stuff to the equity department, but since it's here and he's here, I'm going to vote not to include the word consider but I don't want that to be taken as a statement from me on the overall governance issue.

[3:56:13 PM]

>> I came in late and clearly didn't have the contents for the larger conversation, but I don't get a vote, but I absolutely agree with what the mayor just said.

>> Mayor Adler: Thank you. So the motion before us is whether or not to include the word "Consider." It's been moved and seconded. Those in favor of including the word "Consider," do you really want to debate this?

>> Zimmerman: I just want to say one thing about the idea, the whole thing is ridiculous but I will vote for the consider because it makes the ridiculous idea a little less ridiculous, so I'm going to vote in favor.

>> Mayor Adler: Those in favor -- Ms. Garza, go ahead.

>> Garza: To councilmember Houston's point, although there were speakers here that spoke specifically to 44-45, this is intended to address all the food deserts, this was not specifically for a certain part of town. This was a specific issue for the entire Austin, all over, they're in councilmember Houston's, they're in mine, they're in councilmember Casar's, and I'm not sure what councilmember Zimmerman was referring to by being ridiculous, but the idea that families don't have access to healthy and affordable food is not a ridiculous thing. It's a serious issue that we need to address.

[Applause]

>> Mayor Adler: Ms. Houston then Mr. Zimmerman.

>> Houston: Mayor, I just want to be clear. In order to have the equity officer consider all the other equitable issues that we talk about --

>> Mayor Adler: Yes.

>> Houston: -- Do we need to do a resolution. That's the issue that's at stake here because if we set a

precedent here, then everybody else will have to come in and say, well, I'm concerned about economic equity and I need to get a resolution to have you direct the city manager to look at that, or structural issues in the way we do policy. So I just want to be clear so that something is not left out.

>> Mayor Adler: I think -- I think we absolutely do not have to start listing all the things that are going to be considered by the equity office, but I also don't think that we're setting a precedent here, this is the first time we've had this conversation.

[3:58:17 PM]

I think it's good we had this conversation. Be it known that whenever anybody else suggests something should be considered by the equity office from this day forward, I'm going to vote no with respect to that. When the equity office comes up, we'll deal with the scope then, but I'm going to vote against including the word "Consider" today, but with no precedential value, is my way out of this discussion, and the city attorney wants to speak on this now too.

>> Thank you. I was just going to say the connects is definitely the equity office in its infancy and the manager is going out to the public to talk to the people about what the public wants to be included in the equity office. And I think everybody up here, and I can't speak to the council, but I think everybody is very concerned about that issue and wants the public input. So regardless of this conversation, that's important.

>> Mayor Adler: I agree with that, too. Anybody else want to talk on this? Those in favor of including the word "Consider," please raise your hand. Houston, Gallo, Zimmerman. Those opposed please raise your hand. The balance of the dais and Ms. Troxclair abstains. Now we have the motion that's been moved and seconded with respect to Ms. Garza's food access issue. Any further discussion? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I'd like to speak against this item. What I'm referring to as ridiculous is the idea that food stores in our community refuse to sell healthy food to people that are demanding to buy it, is a ridiculous idea. It's ridiculous. I guess I oppose this whole -- to me, this department of equity or whatever it is is just going to be another tool in economic segregation. That's where this is headed. I just think it's a terrible idea so I'll be happy to vote no.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: Again, based upon councilmember Garza's comment about ridiculous, I think, mayor, that the issue is that we don't have those options in our community.

[4:00:24 PM]

We don't have a Randall's, we don't have an H-E-B, we don't have a food basket, we don't have a whole foods, a trader Joe's, we don't have those options. And so the fact is that we don't get to do the same thing that other people in other communities do, which is go and get healthy food. We don't have a central market. We don't have a Walmart. We don't have anything. So the ridiculousness is not being able to understand that one person's lens is the same for everybody because everybody does not live in those kinds of communities. And so that's what the issue is about food deserts.

>> Mayor Adler: Thank you. My further discussion on this? Ms. Troxclair.

>> Troxclair: I think this is a serious issue and I appreciate councilmember Garza bringing forward something. I support the idea of the city manager having a stakeholder group and bringing forward recommendations. The only piece of this resolution that I have a hesitation about is in the -- I guess it's the second be it further resolved where it says recommendations for how to effectively continue efforts to increase SNAP enrollment. I just -- if there are programs -- you know, city, state, federal programs in place in our role as a city is to make sure that people who qualify for those programs have the

information that they need in order to be enrolled, then I think that that's certainly an appropriate role. But it really bothers me when we have health and human services goals that are to increase enrollment in programs, when really our goal should be to provide people with opportunity and jobs so that they don't have to depend on these programs. And so I just -- I wish that that was worded differently because I think running an effective program or helping people enroll who will qualify is a noble goal, but I don't think that just -- that our efforts as a city should be to just continue enrollment in health and human services programs, if we can get people to a place where -- where they don't need them.

[4:02:36 PM]

And I know that that's idealistic and we're never going to get to a place where nobody needs, you know, a safety net or some government assistance, but I wish that we were able to frame that issue in a different way.

>> Mayor Adler: Thank you.

>> Garza: Mayor, can I just give that? Context? Because it's in one of the whereases. I understand what you're saying. We don't want to say more people come to this program, but the issue is, there are families that are eligible for snap that are not enrolling because they don't know about it. And so there are families that are hungry and have hungry children because we -- because fell dollars are left on the table because they're eligible for it, but they're not aware of it. So it wasn't intended to say come one, come all, and get this funding; it was just to provide awareness for programs so families aren't going -- aren't hungry when they don't need to be.

>> Mayor Adler: Okay. Any further discussion? Ms. Troxclair.

>> Troxclair: If councilmember Garza is open to a small wording change just to say to effectively continue efforts to enroll qualified families in snap, I would be able to support the resolution if --

>> Mayor Adler: Okay. It's been offered to change the word, to continue efforts to enroll qualified families in snap. Any objection to that inclusion?

>> Tovo: I think I need to understand, I'm sorry, I didn't follow exactly where that was happening.

>> Mayor Adler: It is in the top of the last page. It is the last sentence in the second be it resolved clause. It would say recommendations for how to effectively continue efforts to enroll qualified families in snap.

[4:04:37 PM]

>> Tovo: So, councilmember troxclair, you're proposing to change the language from to increase snap enrollment --

>> Mayor Adler: To enroll qualified --

>> Tovo: Enroll qualified applicants. Okay. Thank you.

>> Mayor Adler: Is there any objection to that being included? None. That change is now made. Any further discussion on this matter? Those in favor of Ms. Garza's resolution, please raise your hand. Those opposed? It's unanimous on the dais. Oh, Mr. Zimmerman voting no. 10 to 1. We're going to do pilot knob next, but before we do that, just in case staff is waiting around, item number 43 is a postponement that was set for a time certain at 4 o'clock. We can handle that quickly. Is there a motion to postpone -- in fact, it's a request to withdraw, I think. Is that correct?

>> Yes, that's correct, it's a motion -- it's a request to withdraw.

>> Mayor Adler: Request to withdraw? I guess we just announce it withdrawn. Right? All right. So 43 is withdrawn. Let's move to pilot knob. Pilot knob is item number 18. Do you want to make a motion, Ms. Troxclair?

>> Troxclair: Sure. So I guess my motion would be to pass item number 18.

>> Mayor Adler: Pass number 18. Is there a second to that? Ms. Houston seconds that. I have an

amendment to that that's been posted. I think one or two very small changes. This is a white sheet. It's called a motion sheet. Mayor Adler in the upper right-hand corner.

[4:06:50 PM]

This is what was posted last night, except that in the item number 1, there's a colon rather than a comma after the first phrase. Huh?

>> [Off mic]

>> Mayor Adler: Right. And number 2, the phrase within the pilot knob pud is added at the beginning. Is there a second to the amendment? Ms. Garza. This was --

>> Pool: I have a question, mayor.

>> [Off mic]

>> Mayor Adler: That's okay. The intent of this was, we'd talk about this, and I said I was fine sending it back. The questions that have been raised primarily were two. One was to make sure that it was acting as an option, not as an obligation, and that we would have a chance to review it. The second was to ensure that the obligation to do the 10% under the agreement would still be met even if nothing was done under the pud agreement. We added the question, the statement that was requested at the work session that the -- that the operator of the development agreement had to come back to the council, and so I think that this met what were the significant concerns.

>> Pool: I just have a question for you. What process are we using? Because I think that we have -- item 18 was the postponed portion of councilmember troxclair's amendment.

>> Mayor Adler: So this is agreeing with the amendment to the pud ordinance. So while I don't think that's necessary to do, and while I think we could handle it differently, and I think it's a clarification, in this instance I've taken the vehicle as suggested by councilmember troxclair to do the amendment to the pud, to send it back through the process and come back up again, and this just directs the issues that were of concern.

[4:09:01 PM]

>> Pool: So I have a couple of questions for staff.

>> Mayor Adler: We also have some speakers to speak on this issue.

>> Pool: If you want to take the speakers first, that would be fine with me.

>> Mayor Adler: Okay. Let's go ahead and do that. That way, in case they need to leave, they can do that. Speakers on item number 18, is Stewart Hirsch here? Mr. Hirsch.

>> Hi, Stewart. How are you?

>> Mayor and members of council, my name is Stewart Harry Hirsch, and I'm here to address the incomplete February 8th, 2016, pilot knob planned unit development memo from the city manager to the council concerning fee waivers on this development. I'm asking you to reject any resolution that would amend the pilot knob fee waivers for smart housing. The proposed mud/pud agreements did not authorize fee waivers for pilot knob, despite what people are reporting in the media. They merely reflect entitlements to fee waivers that have been on the books since the passage of ordinance 20071129-100 in 2007. Based on the backup I've seen so far, and I'm sure I haven't seen it all, council actions in 2015 should have had no fiscal impact on any city department, including, but not limited to the water utility, if the respective departments budgeted each year in accordance with the 2007 ordinance.

[4:11:10 PM]

And to me it is outrageous that people would pep budgets in violation of city-adopted ordinances. I



cannot understand why reporters who have this information and have been covering this issue have not presented this information publicly when it is readily available. I'm asking you to review the 2007 ordinance and the testimony on pilot knob that I left with the city clerk last month when you took this up the first time that you didn't have an opportunity to discuss after midnight, because we were all tired. I want to emphasize to you that budgeting should be based on ordinances in place and success. There were people on the affordable housing incentives task force that anticipated community land trust that had not been in place yet, and felt was a with greater public good to get long-term affordability than one year of affordability for single-family homeownership for five years for rental, and they were right then and they're right now. And it is an outrage that when smart housing finally starts moving toward the 1500 service unit entitlements that have been on the books going back to April 20th, 2000, under the capital recovery fee waiver program, that all of a sudden we learn that the departments have chosen not to budget it and highlight the amount of fee waivers each year. And that behavior should be totally unacceptable, and there is nothing that lacks transparency about that because what the staff has done today --

[buzzer sounding]

-- Appears to suggest that those things were never to the books in the first place, and that's just a lie, and I have to call them out on it. Thank you very much.

>> Mayor Adler: To that end, Mr. Hirsch, in offering this amendment, I offer this amendment because I think it gets us back to where we were.

[4:13:18 PM]

I also believe we had laid this out in a way that could let it proceed, but in any event, there have been questions that have been raised, and I'm doing this just to kind of go back and double up. Everybody can square and get on the same page and we can move forward. But I thank you for your testimony.

>> Mayor, I'm having some trouble with the characterization of being called -- having staff referred to as liars. I am having some difficulty with that. I wonder if you could speak to that.

>> Mayor Adler: I don't think -- in that regard, I don't think there was any attempt to lie at all. I think that there are lessons to be learned with respect to disclosure in this case, and I think we could have had a broader conversation back when it came up. The question that he's raising is one that said, should we be budgeting -- if we have a policy that allows for 1500 units, should we be budgeting to allow for 1500 units, that I think that that question was answered by the water staff when they testified before us and they said that there should be in place a better plan to make sure that we're budgeting for the policies that we have in place. But I don't think that anybody in this -- in this matter has intended to deceive or to hold back anything. Certainly our staff, my office, councilmember Garza's office, and to the degree that that suggestion was made, and I must have been focusing somewhere else, because I missed that, or I would have raised that myself, because I think that we're all here trying to do a good job, and I think everybody has been working really hard on this.

>> I agree. Thank you.

>> Mayor Adler: Thank you. Next speaker is Gus Peña. Next speaker is David King.

[4:15:23 PM]

>> Thank you, mayor, mayor pro tem, councilmembers. I'm just here to thank you for sponsoring this resolution to bring more light into this decision that was made. It's very complicated and it's type of a new type of deal that we haven't done before, and I'm not saying I'm against the deal. I think we do need true affordable housing, and it sounds like you found a way to accomplish that in a big way in this one project. So I'm not speaking against that effort to provide affordable housing, but I do think it's

important that we have transparency so we all understand what's going on and what the impacts will be on different parts of our budget and different members of our community here. So I'm just here to encourage you to continue to work for the transparency and asking the questions and bringing more information to the public so we can understand this deal. Thank you very much.

>> Mayor Adler: Thank you. Mandy de mayo. Then sunshine Mathen. And then mark Rogers.

>> Mayor, mayor pro tem, city council members, I'm Mandy de mayo, I'm executive director of housing works Austin. Thank you for taking up the issue today, agenda item number 18 on pilot knob. I think it raises some really important questions around affordable housing. It's presented a great opportunity to discuss more about the smart housing program, also incentives around affordability, as well as the value of long-term, permanent affordability. As you all know, affordability is an incredibly complex problem that requires a whole range of tools and solutions to meet that challenge. Over the years, we've developed a variety of tools that are localized, they're tailored to increase affordability at a whole range of affordable levels, and in a variety of situations. We have kind of our traditional approach, which is a subsidy approach, and we're fortunate, in addition to having federal funds, to have state funds and local housing bonds.

[4:17:30 PM]

We're fortunate in that case, but that is, of course, not the only solution to affordability. We also have a variety of financing incentives at our disposal, including tax abatements and tips which we're starting to use more. We've developed a variety of density programs like vertical mixed use programs, and uno, the universal neighborhoodly, just to give a couple examples. Of course we have the land development rewrite, which is trying to get at some of our affordability issues, and that's an incredibly important tool. In addition, land banking, community land trusts and incentives like smart housing, as Stewart mentioned previously, that is a program that's been on the books since 2000. It is a well-used program and I know sunshine is going to speak a little bit more about it. One thing I want to point out is that multiple, multiple reports, including the comprehensive housing market study from last year, the analysis of impediments to fair housing, as well as the codenext, code diagnosis that came out in 2014, have all recommended that we use all of our existing tools and, in fact, also expand to say tools at our disposal. We cannot rely on just one approach. We cannot rely on just housing bonds or just density bonuses. We need to utilize multiple different approaches. The problem we have before us is just too big. I want to also remind you that the city has three core values related to affordability. One is deeper affordability, one is geographic dispersion, and the third incredibly important is long-term affordability. When the smart housing program was designed, it did not include long-term affordability. At you all know from this pilot knob discussion, the current affordability requirements are one year or upon first sale for home ownership units and five years for rental housing units. That does not align with our core values around affordability. Smart housing is a nationally recognized program. We've been nationally allotted for it.

[4:19:32 PM]

[Buzzer sounding] But it needs to align with core values around affordability. CLTs or community land trusts are the nationally recognized mechanism for permanent affordability so we appreciate that you all are considering that.

>> Mayor Adler: Thank you. Assist good afternoon, mayor pro tem and councilmembers, thank you. My name is sunshine mathon, I'm development director of foundation communities and I also serve as chair of the Austin housing coalition. Foundation communities actually had the first smart housing project in the city when the ordinance came on the books in the early 2000s, and every project since that time has

been -- we've pursued smart housing in that structure as well. In addition to aligning with the principles embedded within smart housing, smart housing has been and continues to be an important tool to facilitate the work that we do, of course. As a non-profit developer -- as a non-profit developer, foundation communities is not alone in needing the program to facilitate that work. There are other non-profit developers out there as well. That being said, there's much that can be improved. There's been a great deal of discussion over the last year around smart housing in, Jr. Specifically in terms of focusing on review, expanding fee waivers, addressing the long-term affordability that Mandy was just speaking to, and dealing with infrastructural costs from the city as well. Now though I'm speaking primarily as a representative of non-profits, or as we all know, our city as a whole collectively faces affordability and a housing crisis that can only be involved by non-profits, market rate developers, and the city working together. Smart housing is a fundamental tool in its work in partnership in moving us forward. At its inception, market rate developers utilized smart housing in significant Numbers because the incentives at the time, expedited review at that time, fee waivers that was commensurate to land development costs at the time, they all worked for market rate developers to play the game.

[4:21:50 PM]

Smart housing as Mandy had just mentioned, was, I think, a nationally recognized program at its beginning. I think it's faded over the years, frankly, but it needs to regain and has to be a profoundly important tool to addressing and solving our housing affordability crisis in the city, in terms of short, middle, and long-term goals. Thank you.

>> Mayor Adler: Thank you very much. Ms. Tovo.

>> Tovo: Thanks for being here to add your expertise to the discussion. Can you speak to foundation communities levels of affordability that you serve in your projects?

>> Sure. So we serve folks at 30%, 40%, 50, 60%, and in some cases some market rate units scattered throughout there as well. By those percentages I'm

--to Medina female income.

>> Tovo: I think as we talk about smart housing and whether we want to make any changes to it, it would seem to me that might be also another issue we should consider, especially if we're going to continue with -- with a policy that applies fee waivers to the market rate units, as well as the affordable units that we might want to consider whether 80% is really the targeted level for that, what can really amount to a very substantial financial support, city -- public support for a project. So I don't know if you - - I'm not -- you don't necessarily have to comment on that, but it's helpful to hear that you've been using the smart housing program, but not -- not -- you know, at lower levels of affordability.

>> Well, to be clear, there's a distinction between smart housing as it applies to rental and smart housing as it applies to home ownership. And the generally and nationally recognized thresholds are 60% for rental and 80% for home ownership. So that's typical, nationwide, in many ways.

[4:23:52 PM]

"Not going to comment many -- I'm not going to comment on where we should end up in retoo long of smart housing, but I would say one of the discussions that's been happening somewhat in the background over the last year or so is that maybe there's an opportunity for smart housing to have a slightly different flavor for non-profits versus market rate developers. There might be some reasons for a nuance between the two groups, all with the same end goal.

>> Tovo: Well, thanks. I think these are interesting conversations to have. We might land back to the very same place with the same program we have now, but I think it's important to look at it and consider what other cities are doing. So thanks for weighing in.

>> Mayor Adler: Ms. Pool?

>> Pool: I have another question for you. And this tags onto what the apparent was talking about. One of my concerns about the agreement that we're discussing right now is that we are paying the developer a fee, or we are reimbursing the developer for building market rate housing, so that the money that we are shifting over to affordable housing is not only on the 80% but it's on a hundred percent. Do we do that in any other program that you know of? Or have we done that --

>> I'm not sure I'm actually qualified to answer that question.

>> Pool: Have we done it with foundation communities?

>> No, but we are in a different side, we don't deal with home ownership. We deal with rental side. It's a different animal, and to some extent Marc is going to speak about community land trusts and the particular distinction between I think short-term and long-term affordability and what was embedded within the smart housing ordinance, as Stewart was speaking to earlier, was the community of the community land trusts, the idea of permanent affordability has a benefit that goes above and beyond the standard five-year, ten-year, thirty-year affordability minimum, and that there are -- there should be benefits that are commensurate with that permanent affordability. I think that's part of the issue at hand.

>> Pool: Well, I would also argue that maybe the 10% is too low.

[4:25:56 PM]

You know, if we are really trying to -- and I'm sorry, I am being rhetorical, so if you want to sit down, that's fine. My point being that 10% probably isn't enough, if we really are trying to lower the cost so that people can afford to stay in Austin, or if they're moving here and they don't have much more than a middle class income, that they be able to buy a home or find a rental. So I think as we move forward, I'd like to have some conversations where we're not satisfied with 10%. We need to be looking for a larger percentage of units if we're going to give fee waivers or transfer some monies and pay a developer to buy down the costs, then I think that there should be a larger benefit to our community than what we're currently getting, which is 10% of the units that are available, in a particular development.

>> Can I make one comment on that?

>> Pool: Sure.

>> Which is that I'm not -- I honestly don't know whether 10% is the right number or not. At the beginning of the program, the smart housing program, as I was mentioning, there are many market rate developers that are participating in the program because the benefits that smart housing designation provided were commensurate with the land development costs at the time and were deemed valuable enough to get that affordability in there. In the interim, over the last decade, in particular, we've seen very little market rate, only a smattering of market rate participation. The fact that we are seeing significant market rate participation in pilot knob, in particular, I think is exciting on some level, and that we're seeing -- we're seeing market rate developers interested. Where the right fine line is between the percentage of units that we want to have set aside for affordability, given the benefit -- the incentive from the city, I don't know the answer to that, but I think we have to have market rate participation if we're going to solve this crisis overall.

[4:27:57 PM]

>> Pool: Right. Well, back in -- I think it was 1999, I was appointed to a small task force that the mayor had put together. It was mayor Watson at the time. It was the downtown development advisory group. And that was part of an effort that he had initiated to get residential housing built downtown and providing a percentage of affordable units in the high rises that were then going to be erected was a

concept that came out from those discussions that I -- that I was involved in. And there's a report out there, it also included the waller creek tunnel, was also the idea -- the concept first emerged back from that report back in 1999. I remember thinking at the time that -- I can't remember anymore if it was 3% or 10% that was offered by the developers who were also involved. I remember thinking at the time, well, if there's a hundred units in that tower, it's only three apartments or ten apartments, and it seemed like a really small number, but I was willing to go along with it at the time because it seemed like a good way to start something. So the point in this long recitation is just to say I don't think we have really grown very much from those Numbers that were first established about 16 years ago. And I think they should grow.

>> Mayor Adler: And I too -- I look forward to the discussion ultimately we're going to have on smart housing and setting that up. The way a program like this works, is that the market value of a house gets bought down to what someone who has an 80% of mean family income can afford to buy. So if the house -- if someone had 80% mfi someone can afford is a \$80,000 house, then something that's \$240,000 needs to be brought down to in essence \$150,000 so that someone could afford to be able to buy it and then to do it through a trust so that it preserves that value.

[4:29:58 PM]

You could, if you didn't want to choose to buy that \$200,000 house but you wanted to provide greater affordability in a higher opportunity area you could go to a subdivision or an area of the subdivision where the home's market value were \$250,000. Of course then you have to buy it down with \$100,000 in order to get the 80% mfi family into that home. But it's a lot more expensive than the 200. Now, if you want to get really high opportunity, you could go into the area that has a \$300,000 home, but you could now -- it could cost you \$150,000 to buy it down. And those are the kinds of things to take a look at. The greater the length of time that you're providing it for affordable long-term housing, the more you have to pay, the greater you're buying down the house to get greater opportunity, the more you have to pay, and I think that the intent in the smart housing, when someone was going to actually do 10% or more long-term affordability, the reason that the -- the fee waiver goes to all of the lots is to be able to raise the money necessary to actually buy down the long-term affordability. So we could have the conversation ultimately on whether it would be better for us to spend less but have the one-time affordability, or spend more and have the long-term affordability, but that would be the play. The pod, council member pool, in this case was drafted in such a way that it was at least 10% and at least 80% of mfi. The hope would be that with all of the fee waivers in this -- in this subdivision, in fact, as the fee waivers would go up over time and as mfi might not rise as rapidly as the market value are rising, that as we got into the future with the same kind of investment we have, we might be able to achieve actually greater than 10% or actually greater than the 80% mfi to actually be able to go deeper.

[4:32:04 PM]

A lot of that will be set out for us as they work through the development structure they have and the development agreement, which is a document now that will come back to us to be able to take a look at it and to gauge that. But I look forward to having that longer term, because -- because the more we want to do on affordability, the more it's going to cost, and there's going to be a sweet spot that we're going to have to try to hit.

>> Pool: Right, and the point I was trying to make is I would like to see it. I don't know if it's the 80% or the 60, as you were talking about, but I would definitely like to see a larger chunk of them included if we're going to be giving a waiver or transferring the monies. So for me ten just isn't enough.

(Indiscernib

(indiscernible) A question. We could go 20% but wouldn't get much in fee waivers, which may mean (indiscernible) The lot covered in order to raise the money to be able to do that. It would not require as much fee waiver, not have the mfi brought down, not have as many homes (indiscernible) Higher opportunity homes, in which case we wouldn't have the fee waiver over any of the -- the trade-off is how long long-term do you

(indiscernible) High opportunity do you want and --

>> Pool: And I agree, assuming that prices are

(indiscernible) Always going to (indiscernible) Always have market correction. And so to the extent, at least three times in the next 15 years we may want to think in terms of what market correction

(indiscernible) That we make some strategic

(indiscernible) And or something -- in the land trust, we are poised to actually do those tranctionst aime when it's most advantages to th city. >>Ayor Adler: Sign me up co-sponsor.

>> Pool: All right.

>> Mayor Adler: Any further discussion? Yes, Ms. Gallo. We have one more speaker, still to to speak.

>> Community land and trust in particular he's a better person on that.

[4:34:07 PM]

>> But it also is a concern, and Mandy mentioned the economic -- I mean, the geographic dispersion -- I can't even talk anymore and it's not the end of the day. Geographic disperse. Of affordable housing and I talk about that over and over again because some of the things from public housing works say clearly that the geographic dispersions into districts in particular, high opportunity areas are really lacking, and as we know that will be more expensive to do, but I think as we talk about the equity of providing affordable housing throughout our community, particularly for our workforce and for our seniors, that we have to be willing to pay the cost of being willing to do that. So thank you, mayor, for making that point, and I will continue to talk about the -- the equitable dispersion of properties throughout the whole community.

>> Mayor Adler: We have one more speaker. Do you want to speak before the last speaker?

>> Casar: Yes, because I want to call on points made by council member pool and the mayor that I think are important now that we're talking about smart housing, I think I want to add a little bit of framing to this. One, I agree with the mayor's general points that instead of thinking about first what percentage of lots should be covered by fee waivers and instead thinking about what the outcomes are that we want in the S.M.A.R.T housing program and then figuring out how the economics get us to our goal, but beyond just the fees portion of this, what has made smart housing work is, as was mentioned by Mr. Mathon, is also the expedited permitting process. And so I think we need to be thinking about that when we think about how to make smart housing continue to work for us. And in this case there is, I think, the extra nuance that we've all been reminded of at work session that the capital recovery fees are so different in newly platted areas, and so as we think through all of this it's not -- it's not quite so simple because the incentive -- newly platted areas may be different than in areas where the capital recovery fee is very, very low.

[4:36:13 PM]

But that's all just about sort of the smart housing policy generally. As far as this particular development goes, just keep on beating the drum that the capital recovery fees, while they are waived, they're essentially being paid on 100% of the units into the affordable housing fund, and that's why I'm supportive of the way the deal is structured and supportive of the mayor's amendment because then if we take -- with the mayor's amendment, coming back to us at council, hopefully we can take some of

those fees and if we see a great opportunity in west Austin to buy down some -- to buy down some land, we can use the money to do that or we can use it to purchase land at pilot knob, and I would hope that we consider doing both based on the best opportunities coming up.

>> Mayor Adler: And to be clear, this amendment gives us the option to be able to do -- to deploy this money as is most prudent to do. Mr. Zimmerman?

>> Zimmerman: Thank you. I have a quick question while we have a foundation communities expert here. Because I have one -- I have a lot of problems with what this is talking about. I don't think district 6 considers it a core value that we do this cost shifting and create a permanently dependent, you know, class in the city. It's basically terrible policy, but let me just ask a quick question about the 80% mfi, 60% mfi. If you have a young family that might qualify for one of the taxpayer subsidized housing units and they get into it and then the family or the individual studies, works very hard, and they increase their earning capacity in the market, so in other words, if they're at 80% or 60%, they could do things by studying, learning, working hard, and they find themselves earning 20% more, 40% more, 50% more or above, in other words, as they improve their earning capacity, do they still qualify for the taxpayer subsidized residential unit?

>> Speaking for foundation communities specifically and the rental market in general, leases are renewed every year and income qualifications are rechecked every year, so there are cases in which people increase their earning income beyond -- let's say they were in 60% mfi units and they are now making 70% mfi, they are no longer eligible to stay there, that's correct.

[4:38:34 PM]

>> Zimmerman: And so they would be obligated to move, if they reported. But they would -- if they want to stay in their property, they're going to have to underreport their income or they're going to get kicked out.

>> No comment.

>> Zimmerman: I got a lot of problems with this, Mr. Mayor. I think it's a terrible idea, and I'd like to refer to something that council member pool said about the 10%. You know, is it a good idea to have 90% subsidizing the 10%? Should we have 80% subsidizing 20%? But I'm thinking based on the national conversation, still, you know, why not have the top 2% subsidize the 98%? Let's just go to 98% subsidized housing and have the top 2% pay for everything. And that's a rhetorical remark.

[Applause]

>> Mayor Adler: I thought -- I was about ready to put that to a coat.

[Laughter]

-- -- To a vote. I thought we had reached a rare state of unanimity on the panel and --

>> I would be voting no.

[Laughter]

>> Mayor Adler: We have one more speaker to speak. Mark Rogers.

>> Good afternoon, mayor and members of city council. I'm mark Rogers the executive director of the Guadalupe neighborhood development corporation gndc. I'm also on the board of housing works and Austin housing coalition. First off I want to thank and praise the mayor and city council for taking the type of forward-thinking bold action that is absolutely necessary if we are to maintain a respectable percentage of affordable housing in our beloved city. Decision to work with a private for profit developer at pilot knob to set aside 10% 69ivity housing and structure the agreement that looked at long-term affordable housing was a wonderful and desperately needed step in the right direction. Thank you thank you thank you. Clt legislation became effective in Texas in 2012, and that same year I'm proud to say gndc built the first community land trust home in Texas.

[4:40:36 PM]

Since then gndc has developed five more clt homes, and you should know that you, as the Austin housing finance corporation, developed 14 clt homes during the past year. I believe the housing authority of the city of Austin, haca, has developed at least one clt so Austin currently has at least 21 clt homes. While clts are new to Austin over 40 states have over clt -- and there are over 200 clt organizations in the United States. Why clt. Community land trusts are created with a number of prime goals in mind. Clts, number one, they ensure the longest and invest the highest rate of return on investment in public and private dollars on affordable housing, instead of getting units for one or five or 20 or 40 years, clts provide permanent perpetual affordable housing often with a one-time investment. No. 2, clts are perhaps the only way to ensure for single-family and condo ownerships with household in low to moderate income, in areas of our city or county where home prices exceed or far exceed levels that are affordable for the average household in Austin. That's the situation we now face in much of Austin. No. 3, clts provide the opportunity to stabilize neighborhoods that are experiencing gentrification. In this way clts can maintain economic and often ethnic diversity in gentrifying neighborhoods. I could explain sort of a simple explanation of how clts work is that public entities or nonprofits acquire land or land with homes on them and sell just the home or the improvements to a home buyer with low to moderate income. The home buyer enters a long-term ground lease typically for 99 years and leases the land from the homeowner, usually for a small fee, gndc charges \$25 per month or \$300 per year. The homeowner has a typical 30-year mortgage that is affordable to them and includes paying all taxes due on the house and the land and insurance.

[4:42:42 PM]

Gndc sold six clt homes for prices that range from a low of 85,000 to a high of 150,000, and we've served households with incomes between 55% of the median family income and 75%. I don't want to take too much of your time. It seems like most of you get it and see how it works, but one of the main things too is I would say that the way the property taxes are handled, and we settled this with tcad last year finally, as to how -- how the properties will be appraised. The homes are assessed at initial value of whatever the sales price was, so if you sell a home for \$100,000, that's the tcad value that's given to that home. Furthermore, we usually have a 2% appreciation, 1% or 2% appreciation, so rather than going up 10% every year as most of you and I are experiencing, the clt homeowner gets a 2% appreciation per year. We cap that appreciation at 30 years. Give you a simple scenario. You sell a house for 100,000, after year 1 the home buyer can sell that home to another eligible low income buyer for 102. Year 2 they can sell it for 104. 30 years later it's capped at \$160,000 value. That's the most that it can be sold for. The land, which was the tricky part in Travis county to try to get that figured out, is assessed -- or valued based upon the leasehold interest. As I mentioned, we lease our land to the home buyer, homeowner, for \$300 a year. That equates to a \$15,000 value. Just to give you an example, the homes that we've sold appraise at market value at 350 to \$565,000. Those home buyers, those homeowners, clt owners, are in homes on land that appraises usually at an average before 115,000. That's what keeps it affordable, and that's affordable for the entire life of that property.

[4:44:47 PM]

So we do pay taxes. That's a misconception, that clt homes gets taken off the tax roll and I'd point out that whatever subsidy is needed, it is dependent on where you do the project, what type of project it is, high opportunity areas. I would note that the average sales price in January of a home in Austin was \$322,620. You referred to a high opportunity area mayor as having 103,000. That's east Austin. That's



where council member Renteria or I live. That's easily 3 to 400,000 now. That's the average price in Austin. So an investment of 150,000, a whopping 150,000 in a clt home, amounts to -- over a 99 year period amounts to a \$1,500 subsidy or investment, about 125 a month, and a \$4 investment per day. Of course a 99 year. If you look at it as forever, I don't know how to do the math for that, you're really getting the highest return on our investment with a community land trust. Thanks.

>> Mayor Adler: Thank you. Thank you for the work you do on these. Thank you, sir. Any further questions? Okay. We're back up to the dais. The amendment -- my amendment has been moostled, it's been -- moved, it's been seconded. Any further discussion? Ms. Pool?

>> Pool: Two questions for you. One, I do have some questions of staff that I'd like to ask. And the other is I would like to ask that we vote on council member troxclair's original language first before adding amendment language. I would like the opportunity to vote on her language straight up or down. So if --

>> Mayor Adler: I don't understand what -- I don't understand how you do that. There's been an amendment to her language. You could defeat the amendment.

[4:46:51 PM]

>> Pool: Right, or ask that we -- I don't know, is it called separating the question?

>> Mayor Adler: Yeah, but separating -- it's not separating the question because this is an amendment to part of the -- of the ordinance.

>> Pool: It's what I would like to do, is be able to vote on her original language.

>> Mayor Adler: Then you have to defeat --

>> Pool: As it stands.

>> Mayor Adler: Then you have to defeat the amendment. Ms. Tovo?

>> Tovo: Can I just ask you what you mean? Are you asking a vote on this? Is this the original language you were talking about?

>> Pool: Yes. I wanted to take the vote we had originally discussed, which was up or down on the pilot knob. On the pilot knob decision, and initiating a new zoning case.

>> Mayor Adler: Okay. Vote no on the amendment. Any further discussion on the amendment?

>> Zimmerman: Point of order if I could.

>> Mayor Adler: Mr. Zimmerman Mr. Zimmerma N.

>> Zimmerman: What exactly are we voting on? Can we put something on the overhead so I understand --

>> Mayor Adler: It's the amendment that's been handed out to you, the motion sheet, has mayor Adler on the upper right-hand corner.

>> Pool: Before we take a vote can we have quick questions of staff?

>> Kitchen: I would also -- sorry.

>> Mayor Adler: Yes.

>> Kitchen: I apologize, I'm not familiar with this amendment. I know that it's just come to us, so I think it would be helpful from my perspective to go through each section and explain the purpose behind it again.

>> Mayor Adler: That would be good. The intent was to accept the suggestion from council member troxclair and others that this go back through the process. Again, even though I didn't -- don't personally think that's something that we need to do, but I'm happy to have us do that. But the intent was then to address the issues that had been raised, that people said that they wanted to have further study on or questions on or to make sure that the intent as stated by the developer was, in fact, incorporated into the language so that it was readily enforceable.

[4:49:00 PM]

The first one says that there's a 10% obligation for affordable housing. Would that be achieved, either the pud or the M.U.D., and the details of that -- how that would be effectuated would be worked out in the development agreement. Later on it says the development agreement comes back to council.

>> Kitchen: Could I have a --

>> Mayor Adler: Yes -- go ahead, ask the question.

>> Kitchen: So I'm noticing that the language says must be permanently affordable or must be otherwise affordable.

>> Mayor Adler: Correct. The pud document provided for permanent affordability. The M.U.D. Document provided for one time -- on first sale only affordability. So otherwise affordable would be as it was contained in the M.U.D. Document. Yes, Mr. Casar?

>> Casar: And if I can give further context to this, because I brought up this concern, and I think it was echoed by the mayor pro tem. There was a concern that if the city did not purchase all of the permanently affordable units in development, that it wasn't clear -- it was clear to me what the intent was whether or not the developer would still have to get the same number of affordable units as we got in the original deal, and I think this shores up to ensure that what was worked out in December is better than what we had in December -- we had before December and all the sort of universes as far as affordability goes. So it's trying to clear that up, is why I'm very supportive of this particular part.

>> Mayor Adler: Mayor pro tem?

>> Tovo: I completely agree. I think -- and I'll just say generally, so I don't have to speak again, I think that, you know, I was one of the people who was raising questions about how it was going to work and where the flexibility is built into the ordinance, because I understood that the intent was to have flexibility, but it appeared to me that the ordinance didn't provide for that. And so I think that these amendments really very well target the concerns that were raised and handled them in a way that I think is very consistent with the intent of council member Garza and the mayor and the developer.

[4:51:06 PM]

So I am supportive of these amendments and believe that they, you know, add -- add some -- really focus our attention on the issues that we have talked about addressing in that ordinance change. So I'm going to support these amendments, all of them.

>> Mayor Adler: Thank you for your support. The next paragraph, council member kitchen, was intended to address the concern that was raised about making sure it was an option, not mandatory, that we weren't creating a hole that we didn't want to create that enables the council to have discretion. Third section specifically provides that we can take money out of that fund and apply it to the water department or to buying a piece of land if we wanted to buy a piece of land, and that was available to us, but it gives us full discretion to be able to -- to do that. The section no. 4, wanted to make clear that by entering into the pud, the developer was not being able to walk any of his responsibilities or commitments in the agreement, and that's reciprocal. And then the last one was asking the city manager to come back to us with other revisions in the amended pud ordinance that were necessary to achieve the goals, and also that put in, as was discussed at our work session, that the development agreement would come back to the council. The development agreement is what's called for in part 8e of the pud ordinance.

>> Okay, thank you.

>> Mayor Adler: Is staff here to answer questions from council member Gallo?

-- Pool? Sorry. Council member pool.

>> Pool: So I have questions for either assistant city manager Goode or director Meszaros and then question for Deborah Thomas or Elaine hart.

[4:53:11 PM]

Thank you, Mr. Meszaros. I want to talk about the dwelling units versus meter counts in the development agreement. I understand from the presentation at work session that you did, that the developer is now using a meter count and size to determine the amount of capital recovery fee waivers, and that's one reason why the dollar figure dropped. What is the -- can you give us what the formula is for determining the ratio of dwelling units to meters? I think I heard a couple of Numbers kicked around, .5, .75, et cetera.

>> Well, Greg ma Sierras, director of Austin water. We render capital recovery fees based on meter size. A 5/8-inch meter is considered a typical residential unit or one Lue. That's one capital recovery fee unit, or the \$7,600. Meters larger than that are -- there's different lues assigned to those based on their size. Bigger the meter, the more lues. So it depends on -- because meters go three-quarter inch, one inch, one and a half, two -- each different meter size has a different Lue number associated with that. There's a schedule of those I'd have to get that to you, council member. I don't know that all off the top of my head.

>> Pool: That's all right. So is there an established practice of using a meter count instead of a dwelling unit count when calculating the fee waivers or is this the first time that --

>> No, that's the uniform way we do it.

>> So why were we given the Numbers previously the other way?

>> Well, we -- we just down with the developer to get the meter data worked out. That was something that, you know --

>> Pool: Okay.

>> In a couple face-to-face meetings and emails over about a few days period, you know, we got the specifics of that hammered out.

>> Pool: Right. So how will the meters be counted in terms of the annual smart housing cap of 1500 units?

[4:55:16 PM]

>> Can you -- how -- say it again?

>> Pool: How will the meters be counted in terms of the annual smart housing cap of 1500 units?

>> Well, when we calculate the appropriate Lue count, so one residential meter, a typical residential meter what count at one Lue. If they come in with, say, a one-inch meter for a multi-family and that's five lues worth of crfs we would count it as five, so it's whatever Lue we assign to that meter size.

>> Pool: Okay. And do you know when the development agreement is expected to be completed?

>> No, I don't know the due date for that.

>> Pool: Okay. So I have two questions on the south Austin regional wastewater plant, if I can toss them your way.

>> Sure, I think.

>> Pool: Okay. So pilot knob is served by the south Austin region nat wastewater plant -- national wastewater plant. That facility will need to be expanded to accommodate pilot knob?

>> Well, I wouldn't say to accommodate pilot knob. Right now south Austin -- it is served by south Austin regional. That would be the wastewater plant destination. South Austin regional is a very large wastewater plant that seerves most of the area south of the river in Austin. And while it has capacity now, we would expect -- I would expect in, you know, the life of this development is probably 30-plus years, that most certainly south Austin regional would need to be expanded in that time frame, but it wouldn't just be because of pilot knob. You know, certainly pilot knob flows would go into the plant and

that would be a part of the capacity that the plant uses, and when we expanded it would be -- it would serve pilot knob but it wouldn't be expanded just for pilot knob.

>> Pool: Would he have an agreement in place for pilot knob to contribute funds to the expansion? Considering that they are outside of -- the property is outside of the city limits and there is no property tax, for example, coming into our general revenue?

[4:57:23 PM]

>> Well, when we expand a facility for growth, that's what capital recovery fees are for, and so as we get closer to an expansion of a major facility, that becomes a part of the calculations for future capital recovery fees, and the capital recovery fees would go up. Now, what would happen in this case is when the fees would rise, the -- if the waiver were still in place, the utility would not get the fees but the developer would pay the higher fees for plats at that time into the affordable housing fund.

>> Pool: Right. So there would be some additional stranded costs that would have to be picked up in order to fund the expansion of the wastewater plant?

>> Yes, so any dollars, like we have been describing, that we wouldn't get through capital recovery fees, would ultimately be made up by rates.

>> Pool: So I can assume, then, that because we don't know what those costs are yet, the water utility hasn't taken those expansion costs into account during the conversations about the fee waivers?

>> That's correct. The current capital recovery fees do not have a south Austin regional expansion into them. And expansion is still many years off, certainly within the next 20 or 30 years, but it's likely not until the mid to late 2020s, I would think, at the earliest.

>> Pool: Thank you. And I have a question for either Deborah Thomas or Elaine hart. So while they're deciding who will come up, I am hoping council will be able to take some positive action on the fee waivers and move them to the housing trust fund on an annual basis rather than establishing a default position so that this was the affirmative action that we talked about in work session. We -- I'm looking to ensure financial stability for the utility, especially if we're embarking on a policy path that diverts capital recovery fees on a consistent basis with future development.

[4:59:29 PM]

So can you tell us where these waived fees, these fees that are being identified for transfer, where they would be deposited? My understanding is when they're deposited with Austin water utility, there's a -- we cannot then transfer them to the housing trust fund. They have to be put into a -- an independent or separate fund. Is that correct?

>> They would need to be -- they would need to be deposited into a separate fund. If you look at part 8, C 1 in the language there, in the original ordinance, it says, the landowner agrees to deposit into a fund the exact amount of all fee waivers received for the development. These funds will be made available to the Austin housing finance corporation or other entity designated by the city. So in my interpretation of that, we would have a fund that we would set up that would be kind of the holding account for the fee waivers until the council would take action to appropriate them to the Austin housing finance corporation.

>> Pool: And by the same token we could choose to reappropriate them back to the Austin water utility? Is that -- is that possible --

>> Yes, you could.

>> Pool: Possible under that language as well?

>> You could with this motion sheet, I believe, yes.

>> Pool: Okay. So I have passed out a motion sheet to restore that first phrase in that first paragraph

from the mayor's amended motion, where you see affordable housing and fee waiver portion had been deleted, and I'm putting it back in there in order to ensure that this, in fact, does happen.

>> Mayor Adler: I'm willing to accept that amendment. Does anybody have an objection to those words being put back in? Those words are then -- the the words in red, as they were handed out, should be added to my earlier motion sheet.

[5:01:31 PM]

>> Pool: Thank you. And then the last thing I just wanted to kind of explore a wee bit, is we've got two separate documents. We have the ordinance that's passed, and then we have the development agreement that hasn't yet been crafted. And I think, mayor, you mentioned a little bit ago that you intended or anticipated that the development agreement would come back to council for action and approval.

>> Mayor Adler: That's stated specifically in the last be it resolved clause. It is no. 2 in that section.

>> Pool: I'd just like to get on the record that ultimately I'm concerned that these not agree, so I want to make sure that we do examine them both and reconcile any differences. So ideally the ordinance and the development agreement will return to council for review and approval at the same time, so we can do a crosswalk and make sure that they are aligned. If there is a difference in the number of dwelling units that the developer is allowed in the pud agreement and the 9500 unit cap that he's agreeing to now, for example. And then also I'm interested in details about how the price of the affordable lots would be determined. I know those are not available yet, but I think that that's also important information for us to have.

>> Mayor Adler: All right. And with respect to those, the pud will be coming back so we could true it up with mud agreements and with the ordinance, and the affordability standards that would be hit were those that were contained in the pud ordinance as well as the M.U.D. Ordinance, which was at least 80% mfi, at least 10%. The only difference between the mud and the pud is one had on first sale only and the other one was permanent affordability. But they both contain that affordable level.

>> Pool: And a lot of this, of course, is building the record, so councils into the future will be able to refer back and understand what our intention is.

>> Mayor Adler: I'm fine with that. And to that end -- jerry, do you want to walk us through real fast what the steps you're going to take that will get this back to us?

[5:03:41 PM]

>> Tovo: Can I just pick up a point that council member pool mentioned? I too want to say that it's important for those documents to come back together. I had sort of assumed that that was the intent of the language. Is that -- are we reading that correctly, that the development agreement will come back at the same time that we're considering the ordinance amendments?

>> Mayor Adler: I don't know the answer to that because I don't know -- I don't know the timing on the development agreement.

>> Tovo: Well, maybe that is something that Mr. Rusthoven -- I just think that there's a lot -- there's a lot in the pud ordinance that really depends on specific details in the development agreement, and so it really does seem important that we have all of those -- all of that information at the same time.

>> Mitsy cotton, assistant city attorney. This document doesn't require that, but I think that staff has heard you. We certainly can bring those back together.

>> Pool: And then I have one last thing.

>> Mayor Adler: Yes.

>> Pool: If Deborah Thomas could come and address one last point of clarification, I want to make sure

that we understand that the mayor's amendment narrows the review of the affordable housing and we favor -- fee waiver portion to this language, that his language narrows it down to those two items for consideration.

>> Are you asking if when it goes through the system, if the planning commission would be considering anything else?

>> Pool: Exactly, that we are very specifically narrowing down for consideration the items that will be brought to them.

>> Yes. Yes.

>> Pool: Okay. Thank you.

>> Mayor Adler: And Jerry -- hold on a second. I'm sorry --

>> I just want to ask a quick follow-up to that. So I mean, it's a delicate balance because we want to be very specific about the areas that we're looking to address, but at the same time I don't want to be in a situation where this is a complicated agreement to begin with and there's some nuance that we're not aware of today that we need to go change in a different part of the ordinance that's not specifically outlined as one of these four items, that the language in there that says affordable housing and fee waiver portion, including the following, basically brings our focus to those four things but doesn't prevent the legal department or the council from making other minor changes in regard specifically to the affordable housing or fee waiver portions of the agreement.

[5:06:18 PM]

>> We did add -- the mayor's amendment does add a provision that says, and do anything else that you need to do to effectuate the affordable housing and fee waiver amendments. So there is that sort of a broad catch-all there so that we can -- if we need to change something else in order to effectuate those things we can do that.

>> Troxclair: Even something else that is not specifically mentioned in these four bullets? As long as it relates to housing or fee waivers?

>> Yes.

>> Troxclair: Okay. Thanks.

>> Mayor Adler: Jerry?

>> Mayor and council, with this process, this would be initiation of a new zoning case. The staff would intend to go back and do the legal work and work with the various city departments needed to effect a resolution. We would then take it back to the planning commission and back to the city council. Two steps that we would not do because of the limited scope of what you're directing us to do are to go through the development assessment process, since the pud has already been approved. That would be somewhat irrelevant, as well as taking it to the environmental board because we're not talking about any environmental issues at this time. So we would intend to use staff work, planning commission and then back here to council.

>> Mayor Adler: Okay. Thank you. Anything else? Yes, Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. If we could put the mayor's motion sheet back up, just for a second. I want to highlight some portions in no. 2, 3 and 4. I -- let me acknowledge your attorney's acumen here, and this is where my engineering falls down, because I try to understand the legal language. But under item 2 --

>> Mayor Adler: This was wording that came from legal department, not me.

>> Zimmerman: Oh, it did? Okay. I thought you had worked on this.

>> Mayor Adler: I helped but they took my paper and made changes.

>> Zimmerman: Very good. So they can help out. No. 2, it says the city has the option -- I'm just going to highlight some wording here -- the city has the option to use all or a portion of the funds. Down in

section 3 I want to look at where it says all or a portion of the funds deposited, talking about the city having flexibility, all or a portion of the funds.

[5:08:24 PM]

So I'm following that and that's kind of making sense that we're adding new abilities or new options and flexibilities. But then I get to item 4, and it says the pud ordinance as amended in this resolution does not expand the city's rights. And then I -- I'm picking out pieces, you know, in the conjunctions and what have you, and I ask myself, well, then why are we doing it? Under item 4 if the ordinance as amended does not diminish or expand the city's rights or obligations, why are we doing this? I thought the whole point of the modifications was to clarify, yes, the city does have the option and it does have the right. What I see in item 2 and 3 is underscoring and enumerating, yes, we do have these options and rights, and in item 4 it says, no, it's not expanding rights.

>> That's under the mud agreement. The mud agreement is a separate document, and I believe the intent at that point was to say that this ordinance doesn't do anything to the rights and obligations that are in the mud agreement. The other two provisions in 2 and 3 are about the pud zoning ordinance.

>> Mayor Adler: We're just trying to make sure that we're not doing anything to mess up the base document.

>> Zimmerman: Okay. So then I have to examine the mud consent imcrement -- agreement. I haven't gone through the mud consent agreement yet. But anyway, thanks for answering the question.

>> Mayor Adler: Any further discussion? Yes, Ms. Garza?

>> Garza: I'm trying to upside down how the whole amendment -- what it does to change the Adler amendment.

-- The pool amendment. What's the difference?

[5:10:25 PM]

>> Mayor Adler: In my mind, since part 8 is the affordable housing and fee waiver portion, to me it was non-substantive to the -- to the matter, but it specifically points out and highlights that those provisions are what is contained in section 8 of the -- of the pud agreement.

>> Garza: But that's not what I heard council member pool say. I thought -- maybe I misunderstood. The intent was to change -- instead of the council has to go back and change anything, the intent of that in the wording is to say that's not the default. From now on every year the council is going to look at this and decide whether they want these --

>> Pool: So I think there's two different things. What you're talking about is the holding account, and that was described by Ms. Hart, and that is where the money -- and we talked about this at the work session where I wanted us to take the affirmative action of moving the money to the housing fund if it was appropriate at the time, and we should make that affirmative decision as opposed to having it going there automatically and then us having a problem of being able to retrieve it. And I see that that conversation and decision happening during budget in that context, and that's the holding account that staff was describing, because once you put the money either in the water utility or in the housing trust fund, we can't remove it.

>> Garza: And that's what the --

>> Mayor Adler: And let me bring Deborah Thomas back up, because this is specifically designed to allow us to remove it from that account, whatever account --

>> Exactly. The holding account puts the money in this sort of benign place, and then we -- we appropriate it.

>> Mayor Adler: But even if it was put -- deposited in the housing account for this purpose, which is

what the pud agreement has, this amendment today gives us the ability to take it out of that account and apply it to any municipal purpose.

[5:12:31 PM]

>> Pool: And I don't think we can do that once it's in the housing account. I think that that's the rub.  
>> We won't put it in any specific account so that there's not that issue. We're putting it in the -- sort of a neutral holding account, and then council can then redirect it as appropriate. It's going into just a savings account, so to speak, a holding account. It's not going --  
>> Mayor Adler: Is there a legal issue with putting it into the housing --  
>> Well, we don't want to put it anywhere where we might not be able to -- under the terms of the thing, we might not be able to get it out.  
>> Mayor Adler: Buff doesn't it amend the terms of the thing so that we can get it out?  
>> We are, just so that there's no confusion -- we're just going to put it in a -- that part where it says the money is going, we would just amend that to say that it's going into a fund, because right now it just says it's going into a fund. It doesn't say it's going into a trust fund. It just says it's going into a fund right now. That's what the ordinance says.  
>> Mayor Adler: Mr. Casar?  
>> Casar: But if we decide as a council we want it to go into affordable housing --  
>> You can put it --  
>> Casar: No, but in this pud agreement if we want it to go into a affordable housing agreement that we can make flexible, we have the choice to do that?  
>> I have to let you talk to Ms. Hart about that.  
>> You can direct that it be -- passed by ordinance that it be put in any fund. If your intent is to have the ability later to move money out of that fund for a different purpose, you would have to do a budget amendment. It would not have to be tied to the budget cycle. It could be done at any time at any point during the year. However, if the money -- the fee waiver money goes directly into the Austin housing corporation and you appropriate the money in that fund, then they can spend the money; thus, it would not be available to be used for another purpose for you to later pull out.  
>> Casar: Right, if we're spending it on something, then we're spending it on that thing.  
>> Exactly.

[5:14:31 PM]

>> Casar: So I think the point is that it's my intent and I think the original intent in this pud to dedicate the money to afford affordable housing. I think that's what we intend to do and that's what the mayor's original amendment says. If somebody wants to dedicate a code amendment to dedicate it to no purpose and not to affordable housing, they can bring it up and vote for that code amendment. But my understanding of what the mayor's amendment does is it keeps it in the affordable housing fund and somebody will have to vote to move it out, but my intent is to send it to affordable housing because that's the problem we have.  
>> I guess I wonder -- mayor?  
>> Mayor Adler: Yes.  
>> Tovo: I'll have to find in my stack of materials the original language, but I thought the original language put it -- well, in any case, I'm not sure that we need to sort this out today, because I think what we were trying to achieve was to initiate some changes that would provide for some flexibility. What I think the staff is saying is if you want to have that flexibility, having it go to a fund and then be moved, makes good sense. But I'm not sure that we need to have the discussion today of whether that's going



to happen on an annual basis or whether that's going to be the default and somebody needs to bring a change during budget to remove it, because what we're trying to do is create in the pud ordinance some flexibility around that.

>> Casar: And I think we do have the flexibility in the pud ordinance. All we have to do is clarify that, just with any of our other funds. We have flexibility. For example, with existing affordable house trust fund money, we have the flexibility of taking it out. Otherwise we would put everything into a flexible fund. I mean, the fact -- why would you -- why would we want this money in a flexible fund and not other money?

>> Tovo: Well, I think that may be different ideas on how often we check in on that decision, but again, I'm not sure we need to have that discussion here today if we're all in agreement that we want a pud ordinance that allows us some flexibility, or enough of us are in agreement.

[5:16:35 PM]

>> Mayor Adler: And I agree with the mayor pro tem. I don't think that question is before us today, because I think that it is consistent with this language to either put it into an escrow account or to put it into the housing account, and we're not making that decision today. And part of how that gets treated over time may be something that we learn when we look at the development agreement and we see how the development might play out. I think this gives us that flexibility here today, so I don't think it's a question we're ultimately deciding as we sit here today.

>> Garza: And I guess that leads me back -- I don't know, because this all came up because we wanted to be transparent and understanding meaning, and so I want to understand how the pool amendment changes the Adler amendment. Because I don't see how it changes it. So if it's widening the scope to something that I don't understand, I want to understand what that scope is being widened to, because I don't -- because the flexibility that we're talking about is addressed in mayor Adler's amendment. So I just want to understand, does this widen the scope at all?

>> Pool: I actually thought that it was more specific, to keep the original language in there for affordable housing and fee waivers. It wasn't widening it. If anything, it was narrowing down the items that would be subject for consideration. It's affordable housing and fee waivers.

>> Garza: And so with that response, if it's not widening the scope of the intent, then I can support it.

>> Mayor Adler: Okay. Any further conversation on this?

>> Casar: Mayor? In order to reflect that intent I'd like to suggest that instead of saying and including the following, that it say to include the following, because right now it sounds like it's widened and what is following is a subsection thereof. So I would rather it say to initiate amendments to the affordable housing and fee waiver portion to affect the following.

>> Pool: And I think that would be okay, but I'd like to get a check from our legal staff on that.

[5:18:40 PM]

>> Mayor Adler: So Mr. Casar is saying take out the words and including and stucht the substitute the words to effect the following.

>> Tovo: Mayor, while the legal staff is coming up to answer that, I would say last night when I saw this, I thought, well, gosh, are there other sections that deal with the housing -- housing and fee waiver, and they're all within E, and as the mayor pointed out the language that he included on the back also says -- include any other provisions necessary to achieve the goals. So that broadens it to include, hey, what if there's a section somewhere else that refers to affordable housing and fee waivers that needs to change to be in alignment with 8. So I think your language, mayor, in the last be it resolved, which talks about one captures anything else, I think your intent in saying, well -- I don't want to speak to your intent, but

it would seem to me that your language also -- also achieves the aim of if there are other things beyond 8, then it captures them. So -- anyway, that's my thought. I think we're -- I guess I would agree with your first comment that I think it's an insubstantial change and I think it's captured, but we can certainly --

>> Mayor Adler: I think so too. I think the affordable housing component is section 8. So this is -- do you have any objection saying to affect the following?

>> Pool: I don't. I think I got an a-okay from law, so thank you.

>> Mayor Adler: No objection, we'll change the wording to say to affect the following instead of including. Those in favor of the amendment raise your hands. Those opposed? Those abstaining? I think then that's everyone on the dais. We're now back to the main motion. It becomes council member troxclair's motion. Any discussion? Those in favor please raise your hand --

>> Zimmerman: I'm sorry, what are we --

>> Mayor Adler: We voted on my amendment to Ms. Troxclair's resolution --

>> Zimmerman: No, no, I thought we voted on the language that council member pool --

>> Mayor Adler: No, I accepted her language.

>> Pool: He accepted.

>> Mayor Adler: Her language came in. So we were back to mine, then we --

[5:20:41 PM]

>> Zimmerman: So we were voting on a substitute motion.

>> Mayor Adler: Not a substitute motion. It's an amendment to hers, because hers contains other provisions. Council member troxclair's contains other provisions.

>> (Indiscernible).

>> Mayor Adler: No, no, I guess it could have been treated as a substitute.

>> Zimmerman: I was thinking of it as a substitute motion so I wanted a chance to vote against it because I wanted a chance to vote on council member troxclair's.

>> Mayor Adler: We're going to vote again. We're going to vote on my amendment. If you want to vote on council member troxclair's vote against my amendment --

>> There's nothing --

>> Mayor Adler: I think we've taken the vote.

>> (Indiscernible).

>> Mayor Adler: The problem is, is that under Robert's rules we have to call that vote. We have to vote first on the amendment and then we vote on the resolution as amended. So we have my amendment here. It contains all the language changes that we've done. We'll take that vote again in case someone misvoted. Those -- yes?

>> Kitchen: For clarification purposes so people understand what we're doing, does your amendment completely replace council member troxclair's?

>> Mayor Adler: Yes.

>> Kitchen: Okay.

>> Zimmerman: So I thought it was a substitute motion. Sorry about that. So I --

>> Mayor Adler: That's okay. Those in favor of the amendment please raise your hand. Those opposed to the amendment please raise your hand? Mr. Zimmerman voting no, the others voting aye. Now we'll vote on the resolution as amended, looks like the one we just voted on. Those in favor of the resolution as amended please raise your hand. Those opposed? Mr. Zimmerman voting no, the others voting aye. Pilot knob is votes taken. Passes. 10-1. And I think that then gets us to -- well, we are now at 5:00 -- no, 5:20.

[5:22:42 PM]

What can we take that looks like it might be able to be handled? 18? The problem with no. 7 is we have 14 people and we're going -- we won't be able to handle that in ten minutes. What about no. 43? We've handed -- 36 has no one here. That's the small lot amnesty. No speakers on small loss amnesty. Let's bring that up. Someone want to make a motion on item no. 36?

>> Mayor?

>> Mayor Adler: Yes.

>> I move the staff's recommendation on --

>> Mayor Adler: You recommend staff recommendation of item no. 36? Is there a second? Mayor pro tem seconds. Any discussion on this item? Mr. Casar.

>> Casar: Mayor, I'd like that if this moves forward for it to just move forward on second reading. My preference is that on third reading perhaps we consider a resolution that helps us get to a smaller lots but through a better process, and I might be willing to consider closing -- support closing the loophole if we initiate a better process for supporting small lots moving forward. So if we can just -- if we just stick with the same 6-5 vote that will be in effect second reading only, or if the makers of the motion are happy with second reading to give us time to put together a resolution for third, that would be nice, but thank you all for your consideration.

>> Mayor Adler: Is your intent, Ms. Houston, to move to have it approved on all three readings?

>> Houston: And the majority is, what is it, to go to all three.

>> Mayor Adler: It would take seven votes to go to all three.

>> Houston: Seven.

>> Pool: It's just second and third --

>> It's already passed on first reading. ?Oo. Already passed --

>> Pass on second and third today. If we keep 6-5, which it was at first reading, then it would have to be second only.

[5:24:45 PM]

>> Mayor Adler: Okay.

>> Could I make a comment?

>> Mayor Adler: Yes.

>> Kitchen: I would like to suggest to council member Casar that I think that we talked about the concerns that were raised and the interest in bringing forward something else, but I wouldn't see that changing this particular provision. So I think it might be best to just go ahead and get this one passed and then we can consider other -- other -- you know, other items.

>> Casar: That's fine. It has more to do with my vote because I think I would be amenable to voting to close the loophole if I knew we were initiating a process that was helpful. And so -- so that's -- that's a personal problem, I guess, you know. So if we can get -- if we can -- if it's 6-5 just like last time, then it may wind out working out for me, but if not, that's all right.

>> Mayor Adler: So I would need to know what Ms. Houston's motion is. Are you moving to approve on second and third --

>> Houston: Second and third.

>> Mayor Adler: Second and third. Do you want to pry to amend that motion to say second reading only?

>> Pool: If I could, I think what Mr. Rusthoven told us is the way we vote kind of determines if it's only second --

>> Mayor Adler: Could be, but it doesn't necessarily have to be. It could be that unanimously we would choose to just approve it on second reading.

>> Pool: I see. Okay.

>> Mayor Adler: But that any event Mr. Casar does not want to in a case --

>> Casar: I'll try, maybe somebody will come around.

>> Mayor Adler: Mr. Casar moves to make it second reading only. Is there a second to that? Mr. Zimmerman seconds that. If we take this vote -- well, if this passes and we take the vote to approve it on second and third and there are six votes in favor, and we don't have the 7th vote, then I will ask for a vote to approve it on second reading only, if it doesn't have the 7 votes and if the amendment is not adopted. I'm just letting you all know the sequence of events. Okay. So Mr. Casar is moving to amend the motion, so it's second reading only. Mr. Zimmerman seconded that. Is there any discussion?

[5:26:47 PM]

Ms. Tovo?

>> Tovo: I guess I have a question for you, council member Casar. I'm not clear on whether you would -- at third reading attempt to amend this in some way.

>> Casar: No, I think that --

>> Tovo: Or you're just bringing something different --

>> Casar: I think on third reading I might be willing to bring something at staff's recommendation to close the loophole if the body initiate -- or potentially work on another way of getting the small lots that has a better process.

>> Tovo: Through a separate mechanism, a separate mechanism.

>> Casar: Yes, and frankly, since that is complicated my staff has spent some time trying to think through how to do that, and it would frankly take a little bit more time than a few minutes.

>> Tovo: Okay. Thank you.

>> Pool: Mayor?

>> Mayor Adler: Ms. Pool?

>> Pool: It sounds almost like we ought to go ahead and pass this on second and third knowing that your staff is diligently working toward finding another process to bring back to us.

>> Mayor Adler: All right. Any further discussion on the vote to approve on second reading only? Mr. Zimmerman?

>> Zimmerman: There's a point of -- I'm sorry I'm a little fuzzy remembering. I think somebody explained the planning commission vote of 4-6. Could we just briefly review why that vote was 4-6? This was discussed sometime back. I just can't remember.

>> Mayor Adler: Or is this --

>> Zimmerman: Thank you, Greg. Thank you, Mr. Guernsey.

>> Mayor and council, Gregg. Director of planning and zoning. When we got to the planning commission to review this particular amendment, the commission was unable to have a quorum vote that would be brought forward for your consideration. So there was a vote that was taken for this without a recommendation.

[5:28:49 PM]

And so that is why you see an unusual vote. The commission actually has 13 members, so the quorum number is higher.

>> Zimmerman: I'm sorry, do you remember what the six negative votes -- there were four votes in favor, but do you remember what the objection was for the six votes that were opposed?

>> I don't recall the specific. I just know that there was a motion to deny. There was a motion to recommend. Neither of them were successful. I presume that there are members there that wanted to

leave the loophole in and there were members that did not. So there is some backup that kind of speaks to who exactly voted for which piece in the staff report, and it was clear that the votes were still the same.

>> Pool: Mayor?

>> Mayor Adler: Yes.

>> Pool: And I would just point out that this is a change that was brought to us by staff, and they were recommending that we -- that we pass this.

>> That's right. And I'll also note there was a negative affordability impact statement from neighborhood housing on the particular amendment.

>> Pool: I think it depends how you define affordability.

>> Mayor Adler: Okay, the motion on the floor is to make this second reading only. Any further discussion? Those in favor of making it second reading only please raise your hand. Garza, Casar, troxclair and Zimmerman. Those opposed please raise your hand? It's the balance of the of the dais. We're now considering the ending of the small lot amnesty loophole. Further discussion?

>> Gallo: So I'm going to vote to support staff recommendation on this because I think there was a lot of misunderstanding with neighborhoods. We've reached out to the central west Austin neighborhood plan contact team which is in district ten, and they've kind of confirmed that. I don't think it was intentionally done by staff.

[5:30:51 PM]

Staff does a wonderful job. But it's a very complicated issue, and the -- it seems like the neighborhood support was being able to resolve the issue with the smaller lots that had properties on them -- improvements on them -- that had been built, but perhaps wanted to be remodeled or added on to or torn down and rebuilt again, and I think the neighborhoods were in support of that. But the concern came when there were, perhaps, three lots tied together with one structure, that those structures were being removed so somebody could come in and build three more structures. I agree with Greg from the standpoint that we do need to address affordability. I think the original plats for many of the areas in our older neighborhoods have smaller lots. And as we see a population that is moving towards being comfortable and embracing the idea of small homes that are appropriate for older neighborhoods that we want to figure out a way to allow that to happen. So if this does pass, and we've eliminated that ability on the multiple small lots that are tied together right now, then I would support working with councilmember's office to be able to figure out how to make that happen. I think that's a really important function as we look at imagine Austin, as we look at being able to provide different housing options, particularly houses that are smaller and as a result will be more affordable and cost less. I appreciate both the neighborhood association and the contact team in helping clarify their concerns with this. And so I will support staff's recommendation on this vote.

>> Mayor Adler: Staff's recommendation has been moved on second and third reading. It's been seconded. Further discussion? Those in favor -- Ms. Troxclair.

>> Troxclair: I just need to understand. And I think that this is maybe the core of what councilmember Casar was trying to get to. But what -- who was supposed to be examining this going forward?

[5:32:51 PM]

Because -- I mean, the people I reached out to at codenext said they weren't planning on taking an in-depth look at it. Are we making what was intended to be a temporary decision, and we're just going to make it permanent without a whole lot of plan for the future?

>> Councilmember, again, Greg Guernsey, planning and zoning. We will be looking at this issue,

specifically council passed a resolution dealing with the fair housing act, which deals with issuing of occupancy. So, my staff will be working with nhcd and with our consultant dealing with issues of occupancy. So, it is something we will be looking at under codenext. So, if there was something that was transmitted from my department that you received, it may have been in error. But, occupancy will be part of the codenext discussion. Specifically looked at because of the fair housing resolution that this council has directed us to.

>> Casar: When we're talking about --

>> Sorry.

>> Casar: It's been a long day for all of us.

>> It's been a long day. Sorry.

[ Laughing ]

>> Mayor Adler: Okay. Further discussion? Those in favor of this item, please raise your hand. Those opposed? Casar, Garza, troxclair, voting no. Others voting aye. It passes 7-4. Okay. We're going to go ahead and take a -- break for music and proclamations. When we come back, the first thing I want to take up is item number 7, which is the occupancy limit issue. The next item I want to take up is item number 38, which is the Thornton road zoning case issue. And then we have the committee item number 24. And Mr. Casar, if you have a draft, if you could post that on to the bulletin board or somewhere so people who are here to testify can look at it?

[5:34:55 PM]

>> Casar: It's going to be posted on the message board. Law cleaned up some sections. You'll be getting a clean piece of blue paper.

>> Mayor Adler: That'll be great. And then we have item -- I'm sorry. The small lot amnesty we just took care of.

>> Kitchen: Can I ask a question?

>> Mayor Adler: The first thing we're going to pick up is item number 7. Item number 38. And then we have item 44 and 24. So 24 and then 44.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes.

>> Kitchen: Is there a reason why you're taking 7 before 38?

>> Mayor Adler: Because 7 had a 2:00 time certain for people to show up. They've been here the longest.

>> Kitchen: Oh. I don't have a time certain down for 7.

>> Mayor Adler: We had announced that earlier in the day when we were going through the agenda, when we talked about we were going to hold that for the mayor pro tem to come back.

>> Kitchen: Okay. Do we have any estimate of how long?

>> Mayor Adler: There are 14 people that are signed up to speak on that first item. If everyone speaks, it's going to be 42 minutes.

>> Kitchen: Okay. So we might get to Thornton road about 7:00?

>> Mayor Adler: It depends upon the time we come back. We could come back here at 6:30. It's not realistic. 6:45 or 7:00.

>> Zimmerman: 7:30.

>> Mayor Adler: I would say -- do we want to come back after dinner at 6:45? Okay. That's what we're going to try for. That gets us to 7:30.

>> Kitchen: It's going to be 8:00 before Thornton road.

>> Mayor Adler: Quarter of 8:00, yes.

>> Kitchen: Okay.

>> Mayor, can you run through, was it four items? It was 7, 24, 38, and I'm missing one.  
>> Mayor Adler: The first one is going to be 7. And then we have the Thornton road case, which is number 38. Then we have the committee item, we have some speakers signed up on that, which is item 24.

[5:36:57 PM]

And then we conclude with item 44.

>> Pool: 44.

>> Mayor Adler: That's 44.

>> If it'll help, I can add those speaking in favor of the occupancy ordinance item, the vast majority of speakers, have agreed to limit their time to about ten minutes total.

>> Kitchen: Oh, good.

>> Mayor Adler: That'll be great. That'll get us up more quickly. Okay. We're now going to take a recess for music and proclamations. Back at

[5:44:27 PM]

>> Ready? All right. We are now -- and what I always say, and mean, my absolute favorite part of city council meetings. You know, the fact that Austin city council breaks at 5:30 almost no matter what in order to bring live music into city council meetings, I think, makes us unique in the country, and only befitting the live music capital of the world. And after you've sat there all day, I can't tell you how welcome this time is. But we are real excited tonight to have Jon Dee graham with us. Joining us today, Jon Dee graham is a musician, a guitarist, a songwriter from Austin, Texas. He was named the Austin musician of the year during south by southwest music conference in 2006. He was inducted into the Austin music hall of fame three times, as a solo artist in 2000, again in 2008 as a member of the skunks, and in 2009 as a member of the true believers. Yes.

[ Applause ]

>> Mayor Adler: Today, graham has released 18 solo albums, and he can be seen almost every Wednesday night live at the continental club on Austin's south congress avenue. Please help me welcome Mr. Jon Dee graham.

[ Applause ]

>> I just wanted to say one thing.

[5:46:30 PM]

I moved here in '77. And wherever I've done in all my travels, the compass needle always points me back here. And if I could ask you one favor, man to man --

>> Mayor Adler: Yes.

>> Would be to keep this the kind of place where young musicians can afford to live, and can play his music and do his art. All right?

>> Mayor Adler: Absolutely.

>> Thanks.

[ Applause ]

>> I believe you, too. Thank you.

>> Mayor Adler: And just so that everybody knows, if you want to check this council today, passed the musician and artist omnibus bill, building on the concept that we are not the live music capital of the world if we lose our musicians and our music venues. And there were four pages of real specific, real

steps. Not planning steps, real steps. The city manager has been tasked coming back to us in 90 days on that list, so I promise you we will do that.

>> Thanks.

[ Applause ]

♪♪ we headed south across the bridge and the sun was on our left and the rest of our lives were right in front of us

♪♪ post office gray and cantaloupe Orange those were the colors of the sky the day we left ♪♪

♪♪ all the coffee and bitter in the saucer why do we always spill the best and drink the worst ♪♪

♪♪ we headed south across the bridge and the sun had And the sun had was on our left

♪♪ and the rest of our lives were right in front of us we headed south across the bridge and the sun was on our left and the rest of our lives were right in front of us

♪♪ we headed south ♪♪

[5:50:14 PM]

[ applause ]

>> Thank you so much.

>> So, tell me, if folks are watching on TV or here, and they want to find you, do you have a website?

>> I do, actually. It's [jondeegraham.com](http://jondeegraham.com).

>> Mayor Adler: Okay. And if they want to buy any of your music, what would be the best way for them to be able to do that?

>> It would either be to go to [jondeegraham.com](http://jondeegraham.com), or Amazon, or maybe even visit the mom and pop store Waterloo records.

>> Mayor Adler: Near in Austin. And then, if they want to come hear you play, any Wednesday at the continental. Any other place that they should think about?

>> Also, Sunday at the continental.

[ Laughing ]

>> Okay.

>> Just come to the continental period any night of the week. You'll see something good. I promise.

>> Mayor Adler: We have a proclamation. The city of Austin Texas is blessed with many creative musicians whose talents extend to virtually every musical genre, and whereas our music scene thrives because Austin artists support good music, produced by legends, our local favorites, and new comers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capital, do hereby proclaim March 3rd of the year 2016 as Jon Dee graham day.

[5:52:20 PM]

>> Yes!

>> Mayor

Adler: Congratulations.

[ Applause ]

>> Thank you so much.

>> Thank you.

[ Applause ]

>> Mayor Adler: So, in 2015, the city of Austin combined charities campaign raised more than \$504,000, over \$500,000, for local, regional, national, and international charities as part of its annual charitable giving campaign. The campaign, which runs from October 1st to November 30th, focused on the theme



of city of Austin employees care, highlighting the compassion employees have for helping others. More than 1200 employees contributed and pledged to the campaign, which included dozens of special events hosted by many of our city of Austin departments. And in addition, city employees set up two special relief funds for local efforts and raised an additional \$26,000 for the bastrop fire and the 2015 Halloween flood events. The city of Austin combined charities campaign is one of the strongest payroll contribution giving campaigns in central Texas, both in total giving and in percentage of participation.

[5:54:29 PM]

In more than two decades, the city of Austin charitable campaigns employees have raised more than \$12 million.

[ Applause ]

>> Mayor Adler: It's great to have here today Rosie, who is chair of the campaign. I have a proclamation. Be it known that whereas during the months of october/november 2015, reraised more than half a million dollars for local regional, national, and international charities, citywide employee combined charities has a proven track record of showing that city of Austin employees care. And whereas the 2015 city of Austin combined charities campaign raised that additional 26,000 for those two local relief efforts, the bastrop fire and the 2015 Halloween flood, and in more than two decades we want to memorialize that you raised more than \$12 million. So whereas this is one of the strongest payroll contribution giving campaigns, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do I hereby proclaim March 3rd, 2016, as city of Austin employees care day. Thank you.

[ Applause ]

>> Thank you, mayor Adler, and the council, for recognizing this campaign. It's a campaign that is very near and dear to my heart. I also want to thank the city manager and his team that is here to support us, and they've been strong advocates for this program as well. The campaign itself is very much a group effort. It cannot happen without many, many, many people in the city of Austin. We had more than 50 departmental staff coordinators, many of which are here today, who spent their time and effort promoting the campaign in their departments, helping folks understand how to -- the mechanics of giving and the importance of workplace giving.

[5:56:41 PM]

And without them, we would definitely not be able to have a successful campaign. So I want to thank them for being here. I'm going to ask them to come up in a few minutes for a photo. I want to thank the group of executives that helped us with guiding the campaign this year. We had Betsy from the neighborhood housing and community development department, assistant chief Tom from the fire department, Greg from Austin water, Greg Guernsey from planning and zoning, Veronica from smbr, small/minority business resources, Ilana and Steve. Steve was our co-chair this year, and he will have the joy of leading this campaign. And I do mean it's a joy. I also want to thank Earth share of Texas. They served as our fiscal agent. And I want to particularly thank Fleetwood Jacobs, whose energy and knowledge helped us on a daily basis. We would not have been successful without her. Patricia in our communications office is our communications you guru. She has a passion for this campaign that is probably higher than anybody's in this city. I want to thank her. I want to thank Jason Alexander, our campaign coordinator, who spent much of the active time in the campaign daily helping folks, answering questions, resolving issues, doing all the things that I couldn't do. And I really appreciated that Jason agreed to serve in this role, because this was the first time that he had served there. And he just jumped in with two feet. And he did it with just a great attitude. And a good sense of humor. And I really appreciate all of his efforts. As the mayor said, we raised more than 500,000 for very worthy charities. I

wanted to recognize our top-giving departments. In third place, we have the fire department.

[5:58:41 PM]

This is for total amount raised. Our firefighters and their staff raised almost \$52,000. In second place we have the Austin water utility. They raised almost \$59,000. And our top-giving department was Austin energy. And they came in at almost \$63,000. The other way that we measure the success of our campaign is by looking at the percentage of employee participation. And as the mayor said, we have a very high percentage of participation in our departments. And this holds true when you look at the Numbers. Our municipal court came in with almost -- a little over 61% participation. Our city clerk's office, which is here today, I know, somewhere, came in with almost 81% participation. And our office of the city auditor, which is led by our auditor Cory stokes, who was here earlier, came in with 100% participation for her department.

[ Applause ]

>> So I want to be able to recognize those folks. And lastly, one of the things that I really love about the combined charities campaign is that we hold special events. We hold events that bring our workforce together with a common goal of donating money to charity. Sometimes they're a little silly. Sometimes they're fun. But mostly they have a lot of heart. And they bring out the true nature of our workforce. So I want to recognize the departments that brought in the most contributions through their special events. So, in third place we had neighborhood housing and community development, with \$1,600 of special event money. Then we had Austin resource recovery at \$1,700 of special event money. And then our highest-ranked department for special event money was the water utility. And they came in with \$4,400 in special event money, which is tremendous. So, thank you guys.

[ Applause ]

[6:00:44 PM]

>> As you can see, we have a long line of people on the side that came tonight to help us recognize the efforts of this campaign. So I appreciate them coming. I'm going to invite them to come down for a very squished-together group photo. And then we have some cake and lemonade in the lobby. So, thank you very much.

[ Applause ]

>> Thank you.

[6:02:48 PM]

[ Applause ]

>> He is coming right up.

>> Mayor Adler: I have the honor of awarding a city of Austin distinguished service award. This is in recognition of his ten-year tenure as executive director of the "Please be kind to cyclists" program. Al Bastidas is deserving of public claim and recognition. Al and his wife Patricia founded please be kind to cyclists to educate motorists and cyclists to be aware of the vulnerable road users through a message of kindness and compassion. Al has played an instrumental role in making Austin a bicycle-friendly community. This certificate is presented in acknowledgment and appreciation on this 3rd day of March in the year 2016 by the city council of Austin, Texas, signed by Steve Adler, mayor. Al, congratulations, and thank you for your service.

>> Thank you.

[ Applause ]

[ Cheering ]

>> Thank you. Thank you. Thank you. Thank you. Thank you. Thank you.

[ Cheering and applause ]

>> Thank you. I have a lot of things to say. The first thing I want to say is, it's an honor and it's a privilege to accept this award. I have a few friends and members of the organization that I'd like to join me here.

[6:04:53 PM]

They deserve this award as much as I do. So, why don't you please join me here, everyone who's involved in please be kind to cyclists, members of this community who ride bicycles, who used to race.

[ Laughing ]

>> Thank you. I'd like to introduce a good friend of mine, and a member of the advisory board, someone who encouraged me and believed in the cause when I first met him in 2006. A person who I respect, and the community respects as well. And he's done a great deal for cycling in Austin, Mr. Bruce.

[ Applause ]

>> Let me say very briefly that I have never seen someone so dedicated to a project as Al with be kind to cyclists. He works tirelessly, as for now, over a decade. And it's, frankly, making a remarkable difference in Austin and around the world, with the message he's been delivering. So, Al, I know you were thanking everybody that's here, but we all thank you for a great effort.

>> Thank you.

[ Applause ]

>> Thank you, Bruce. I also have a few of our members who would like to say a few words. And I have a lot of very special people. In fact, everyone's special in this room. They'd like to say a few words. I think I'd rather go last. So, I want to invite the chairman of our board, Garrett nick, to say a few words.

[ Applause ]

>> When Al and I first met, it was actually through a mutual interest in Volkswagens, if you can believe it or not.

[6:06:55 PM]

He also drives a car. And he likes cars quite a bit. But his true passion is cycling and road safety. And he's a very difficult man to keep up with. He works every day to improve the situation for drivers and cyclists, and all road users, and I just really appreciate the opportunity to be able to learn from him and stand beside him.

[ Applause ]

>> And we have a certificate of appreciation that we'd like to also present to Al today, for all of his work.

>> Thank you.

[ Applause ]

>> Next, I would like to invite Mr. Bruce from txdot to say a few words.

[ Applause ]

>> I want to say a word of congratulations to Al from the department of transportation. He's been a pleasure to work from. But Al is somebody special. And it says it all in please be kind to cyclists. He's got a heart, but he has an ability to take from tragedy -- which is where I met Al and the ghost bike program -- to take tragedy and to make a purpose for it. And he's made a purpose in his own life. And he's made a purpose going forward in other lives. And to make the roads safe -- especially high-speed roadways and bicyclists -- is a challenge that we all have to undertake. Al's been a great leader in that. But it's something we all have to work to make the roads safe for everybody. Thank you, and congratulations.

[ Applause ]

>> I have a very special friend, dear to my heart that I met in a tragic situation. And we've become very close friends, someone who I have a lot of admiration for his -- how he endures tragedy, and way to make the best of it, Mr. Harvey Davis.

[6:09:02 PM]

[ Applause ]

>> Al, you're a saint. And my son, Christopher Davis, was the lone fatality in the city of Austin in 2008. And now it's so wonderful with families that have to face these kind of tragedies. And he helped construct -- we worked together, didn't we, Al? And we built the ghost bike, which, you know, is such a wonderful thing for our family. And we put it up in a ceremony with the rain, and the cold rain, but we had a nice celebration afterwards, because you find a lot of Latin friends in my family.

[ Laughing ] Is that restaurant? It doesn't matter. But anyways, Al and his wife are saints, and they are a tribute. Austin is lucky to have such a wonderful person, and, of course, I miss my son Christopher Davis. Thank you.

[ Applause ]

>> I'm going to open the floor to see if anybody would like to come and say a few words. Thankyou for doing this for us.

>> Just real quick, I want to say it's been a pleasure working with Al. He's an incredibly valuable spokesman, advocate, human being. Wonderful community member. We are very lucky to have Al doing what he's doing, and pat as well. Just thank you for all that you've done.

[6:11:03 PM]

>> Thank you.

[ Applause ]

>> And before I say my few words, I'd like to invite my wife pat to say a few words as well.

[ Applause ]

>> Well, thank you. I'm definitely honored to stand next to my husband, side by side. We faced a tragic crash when he had his crash, and life-altering experience. And I have to say that his attitude, and his way of seeing life was really helpful to us as a family to move forward. And so I really want to thank you for making our life so much easier to cope with, with what happened with you. And, you know, I help him out as much as I can. And, you know, he's the driving force behind please be kind to cyclists. It really is his passion, and his determination to make a difference, and to help other people in their lives whether they've lost, you know, a husband, a wife, a son, a daughter. Really, he takes it to heart and he really just wants to give as much as he can to the community. And we're very lucky to have him. I'm very lucky to have him by his side. I do want to present something to him. And this is on behalf of please be kind to cyclists, the organization. And -- let me show you here. And it says, Al Bastidas, in recognition of ten years of dedication and service to the cycling community. Truly one of a kind. And I believe that.

[ Applause ]

[6:13:05 PM]

>> Thank you. Thank you. So I have a few words that I want to -- if I may, mayor. Thank you. If I could get someone to please hold my bike. Thank you. This is a very special day not just for please be kind to cyclists, but for the community of cyclists around Austin, Texas, United States, and in the world, like the mayor said. I'm honored to stand by your side, mayor Adler, and privileged to receive this award. This award comes at a high price. I wish I would have never received this prize for this cost. I believe this

award belongs to a musician that sold his car and got a bike to save money in order to fulfill his dreams and travel to New York. To an aggie, a father of four, who supported his family on a single income, commuting to and from work on his bicycle because he felt that the expense of a second car was not needed. To a 16-year-old who saved his money to buy his first bike, a bike that he got to ride for ten minutes. To an Austin firefighter who put his life on the line for all of us. An active life full of opportunities and full of love. This award belongs to all of them, and many other people. It is a privilege and honor to accept this award on their behalf. This isn't about please be kind to cyclists. It isn't about the please be kind to cyclist mission.

[6:15:07 PM]

This is bigger than ourselves. There is no ego to impress, just kindness and loss. Ten years ago, April 18, 2006 to be exact, I wrote on a bed sheet using house paint the words, please be kind to cyclists. I drove that van all over Austin for four months. I hung the sheet on the back of my mini van, a day after a 40-year-old hr employee who was raising money for others was run over by a senseless driver who never stopped. My frustration and my pain made me think, what can I do? Maybe if I ask nicely, to every driver, then things will start changing. Then I began painting homemade signs using house paint, and putting them on the road that was frequented by cyclist so drivers can see that. The first ghost bike -- have you seen those white bikes? Yes, everybody has seen those white bikes. The first ghost bike we placed at the memorial at 360 and bk road. On this day, I met Scott's brother, who was inspired by this message and decided to join as a founder of our campaign. Since then, we have placed more than a dozen bikes around Austin. A dozen bikes, a dozen lives. As many of you know, I'll an engineer by trade. After I began my recovery to recover my memory, I realized that I was in trouble.

[6:17:08 PM]

I was scared. I was bread-winner of my family. I began to try to reinvent myself. Maybe I can work construction. Maybe I can be a photographer. But no, that was not possible. I realized that I needed to pray. So I prayed to god, to the spirits. I did everything followable to possible to find a path. Little did I know that the path found me. I didn't find the path. I came to America like many immigrants from Colombia. Colombia does good things and has good people, too. Looking for the American dream. I came, I went to college, I got married to a wonderful wife, to a wonderful person. I bought a house. In writing this speech, I realized one thing very important. This is the American dream. It wasn't the house. It wasn't the money. Being able to make a difference and to give without expecting anything in return, and to be respected from people, day in and day out, like mayor Steve Adler, chief police Acevedo, and others. In 2014, I became an American citizen. Former mayor Bruce and my friend, was in charge of giving the commencement speech. He said many things. Many things that -- one thing that stayed with me as he addressed all of us, about 500 people. He said now it is your responsibility to get involved with your community, to be productive citizens to society, to be part of this community and give back, without knowing what was expected of every American citizen, I felt I was already doing that.

[6:19:28 PM]

I have met amazing people that want to make a difference. There's all they need for the please be kind to cyclists mission, a message to be voices in our community. And I felt that today. You are all here, and I thank you for that. The bike that you see here belongs to an aggie. Justin Holland, father of four. Married to his high school sweetheart for 21 years. And he used it once. The date of his funeral. His wife Elisa donated the bike for please be kind to cyclists. She wanted people to learn the consequences of

driving distracted, careless. People's actions can take the life of someone's dad, someone's husband, and someone's son. Recently I heard a report that Austin is the second-best city to live in America. Because of its music scene, a growing tech market, and a rich history. To me, what makes Austin great is its people. The people in Austin are friendly, kind, willing to help others in need. People in Austin are authentic, and the newcomers need to know that. People are our biggest asset, and the most important asset of our community. I don't want to bore you with details and statistics. Those you can Google. We have made a lot of progress in our community, and our cities around Austin and Texas. Two years ago, we were awarded a grant by the Texas department of transportation to produce an educational program that today cities around Austin -- cities around Texas are implementing this program in defensive driving classes and driver's ed schools.

[6:21:39 PM]

Drive kind can be found on the website, [drivekind.org](http://drivekind.org). I'm conscious that we still have a long way to go. Programs like cyclist bap, cyclist app, really rally for safe roads, will make an impact in our community. But the real difference comes from people like you. Please get involved. Make a difference. Donate time. Please be kind to cyclists and other nonprofit organizations in town. This almost feels like I'm receiving an Oscar, like I saw this weekend. Here's my Oscar prize. I watched the entire show for the first time in 33 years that I've been in America. What I noticed is that every person that received an award gracefully thanked their families, producers and managers, and everyone who helped them get to the place they are today. I would like to do the same. I don't have enough time to name everybody who has helped the organization, been involved in the organization for the past ten years. But there are a few people I want to recognize. How did I get here in the first place? First of all, I wanted to thank the first respondents, APD, the fire department, and ems, and doctors and nurses who helped piece me together at Breckenridge hospital. My neurologist and therapist that I saw during my recovery. I would like to thank my family, my mother, my sisters, my wife pat, my daughters Isabella and Sophia, for their love and their patience. I must make everyone aware that without the work and sacrifice of my wife, please be kind to cyclists would not exist.

[6:23:41 PM]

Patricia is not only a cofounder, but she has also worn many hats. She acted as an attorney at first, creating and filing our legal papers, applying for a 501(c)3 organization with the irs and the state. As an accountant, setting up the accounting process and procedures to keep us organized. As an event coordinator, working side-by-side countless events, getting up early to volunteer at charity rides like the ms150. Together, we traveled thousands of miles. We visited a number of communities. And together, we have spoke on to thousands of people about our mission. Together, we have visited a number of people in hospitals. Together, we have visited people and met families at funerals. Together, we made friends, and sometimes enemies. It happens. Together, we met caring people. And we have raised the two most loving daughters that learned that caring for others is important to them. As I said before, I'd like to thank people -- many people. I would like to take this opportunity to thank the chairman of our board, Gary. The treasurer of our board, Ian. Erica Ryan, our secretary. Lisa, Bryce Hendricks, an APD officer, Ryan Cunningham. All these people are on the please be kind to cyclists board. Our committee volunteers, people like Jennifer, and Juan, and many more. I'd like to also thank Mr Mr. Bruce, APD chief Acevedo, Bruce baron, Austin fire department police chief palmer, Jason and Christina Smith, grace sharington -- I hope I don't screw these up.

[6:25:57 PM]

Andrea, former mayor, Luciano, and Jill, members of the media. Lastly, I want to close by saying I'm urging the community leaders, elected officials, judges, district attorneys, going forward to continue and consider investing more time, investing in prosecuting bike/auto crashes. To put more emphasis in education in general, especially to our judges, our prosecutors, our police officers. I think I got lost. One second. Regarding the cyclists and driving crashes -- so every citizen, especially those most vulnerable ones, can safely be on the roads and get back to their loved ones every night in one piece. I thank you very much all for being here.

[ Applause ]

[6:28:28 PM]

[ Applause ]

>> For everyone who likes to join us for happy hour, we'll be giving some details outside. Thank you.

>> Mayor Adler: Good afternoon. I want to thank you for joining us today as we recognize our women veterans.

[ Cheering and applause ]

>> Mayor Adler: So this is a celebration of women in the military, those who served and no longer wear the uniform, and those who are still serving today, both on active duty and those serving on the national Guard and reserves. And with today, representing and standing in for a rather large community, ladies and gentlemen, please welcome United States Navy World War II veteran Lavonne ward.

[ Applause ]

>> Mayor Adler: We have a quick video clip.

[6:31:51 PM]

[ Applause ]

>> Mayor Adler: So, honor, courage, and commitment. These are the words that reflect the spirit of generations of American women who have sought to defend the rights and freedom of others. The history of women in the military began more than 220 years ago with women who served during the American revolution, and continues through the present day. The city of Austin is proud to have nearly 400 women veterans in our workforce.

[ Applause ]

>> Mayor Adler: Many of those are still serving in the guard and reserves, and some of them with multiple deployments overseas. In recent years, the city of Austin has taken a number of initiatives to create or enhance services for women veterans, including our initiative to end homeless veterans in Austin, Texas. And within our city of Austin veterans commission, they've identified three top priorities - employment, education, homeless veterans, and women veterans. This month, we are having our second women's veterans appreciation luncheon for our women city employees who proudly serve our country, and it is our way of saying thank you. We've built a strong allegiance with the VA, the Texas veterans commission, the Texas veterans leadership program, our five surrounding counties, and created a lasting partnership with Kent Mayberry and fort hood to better support and serve our women veterans. I am proud today to read a proclamation, and then I'm going to present this proclamation to Lavonne ward. Be it known that whereas, since the more than revolution, almost 2 million women have volunteered to protect and serve our country with honor and distinction during war and peacetimes, and whereas Texas continues to be the leading state in the country for women veterans to call home with 180,286 reported, and whereas the city of Austin with the department of veterans affairs, Texas veterans commission, and veterans service organizations across our city recognizes the women who

overcame every barrier and persevered through their strength and determination to make a difference for all women serving in the military today, and whereas we encourage all austinians to recognize the courage and dignity in which women veterans from all conflicts and eras demonstrated with great skill, sacrifice, and commitment to defend the principles on which our nation was founded.

[6:34:49 PM]

Now, therefore, I Steve Adler, mayor, the city of Austin, Texas, do hereby proclaim March 2016 as women veterans month.

[ Applause ]

>> Okay.

>> Mayor Adler: Okay? You have a crowd. You can say hello.

>> Don't ever ask a woman if she wants to talk.

[ Laughing ]

>> Well, I love the military life. I served two years. Great life. Great friends. Great job. I worked in dispersing, so it was wonderful. After the war was over, I decided I wanted to fly an airplane. So I learned how to fly. And during that process, this cute guy asked me to fly with him. But I had to do all the flying.

[ Laughing ]

>> My daughter says that when mother landed that airplane, daddy was smitten.

[ Laughing ]

>> He died three years ago. We were married 66 years.

[ Applause ]

>> He was a pilot with 16,000 hours. He was a salesman. I also was benefitted by the honor flight last year. Went to Washington, D.C. I'll tell you, those people sure knew how to make us feel welcome and appreciated. I really enjoyed that flight. So, thank you.

>> Mayor Adler: Thank you.

[ Applause ]

>> Mayor Adler: Thank you so much.

[6:36:50 PM]

Let's stand over here and we'll get a picture taken.

>> Oh.

>> Mayor Adler: And I'll bring this with us. We're going to center on this.

[ Laughing ]

>> I wouldn't be able to retire after 23 years if it wasn't for you doing that for us, so thank you.

>> Good evening. My name is Ora Houston, and I represent the good people of district 1. And there are three stigma in my community that I freely talk about. One is domestic violence and sexual assault. The other is about mental health disorders. And the third is about sexually transmitted diseases, especially HIV/AIDS among Americans of African descent. This evening, it's my pleasure to present a proclamation to the city of Austin health equity unit for HIV/AIDS.

[6:38:56 PM]

The proclamation reads this way. Be it known that whereas in Travis county, the prevalence rate of HIV/AIDS among black females is over 12 times higher compared with white females, concurrently, blacks are more likely to die from HIV than others, and whereas city of Austin health equity unit, quality of life



program, has been working with churches to inform, educate, and empower the community with respect to hiv/aids health, and whereas thanks to the involvement of local churches, awareness and education through presentations, workshops on prevention, HIV testing and referrals will be made available to citizens to help solve this major health challenge, now therefore, Steve Adler, mayor of the city of Austin, Texas, proclaims March 6th through 13th, 2016, as the national week of prayer for the healing of hiv/aids. And I will present this proclamation to Mr. Shannon Jones, the director of health and human services.

[ Applause ]

>> I'm joined here on -- at the dais by members of our community focusing on HIV and AIDS. This week - next week we'll be celebrating the national week for prayer for the healing of HIV and AIDS in our community. As the councilmember has said, there's a disparate burden of disease in communities of color, particularly African Americans in our community. But there's good news in the fact that there's efforts underway to address the spread of HIV and AIDS. The church has played a significant role in that. Next week we ask you to join us in the celebration of the work they have done in this community, and continue to do.

[6:40:57 PM]

On March the 7th through the 11th, at new hope missionary Baptist church, we will be having prayer service between 12:00 and 1:00 P.M. And we invite the audience and the community to come out and participate in that effort. On Thursday, March the 10th at 7:00 P.M., there will be a celebration at the St. James missionary Baptist church on E. Franklin to also celebrate that work. We'd like to, on behalf of the staff here and the community as a whole, thank the mayor, the council, and the community for their support in the efforts that this department and the community are undertaking to address this issue in our community. Once again, thanks very much.

[ Applause ]

[6:43:49 PM]

>> Okay. We've got a great-looking group up here. I'm really excited, because it is March, and to a lot of people, March means our festival south by southwest, it means PGA, but to me it means the rodeo is getting ready to hit town. We are so excited to be here with rodeo Austin, and with councilmember Houston, because the rodeo is actually held in her district. So, thank you for being up here to help read this proclamation. Be it known where has rodeo Austin began in 1938 and is now home to one of America's top pro rodeos with athletes from across the globe traveling to Austin to compete with the meanest bulls and the toughest broncs for the title of champion, and whereas in 2016 rodeo Austin will create over 970 jobs, and have an estimated economic impact to the city of Austin and Travis county of \$77 million, an economic development that I know is very important to councilmember. And so both of us say to rodeo Austin, thank you for providing that economic development in that area of Austin. Whereas in the past 20 years rodeo Austin has awarded over \$10 million -- I want to say that again, \$10 million -- to Texas students, and whereas rodeo Austin 2016 will showcase over 100 live music concerts, a thrilling carnival, longhorn cattle, corn dogs, cotton candy, and I'm going to add for both of us, funnel cakes --

[ laughing ]

>> Kitchen: Beginning March 12th, now, therefore, Steve Adler, mayor of the city of Austin, Texas, councilmember Houston and myself, do hereby proclaim March 12, 2016, as rodeo Austin day.

[ Applause ]

[6:45:49 PM]

>> Kitchen: And I think we have someone that wanted to come up and say a few things.

>> Well, good evening, mayor Adler, councilmember Gallo, and councilmember Houston, and honorable members of the Austin city council. I'm bucky lamb, chief executive officer of rodeo Austin. And joining me this evening rodeo Austin's officers, our president, our president-elect, our secretary/treasurer lance, and Jim sharp, our chief operating officer. In addition, we have members of our executive committee, our staff, and senior leaders representing over 1,000 volunteers that help put on rodeo Austin each year. Tomorrow, rodeo Austin will kick off three weeks of festivities. March 4th is dress western day in Austin, Texas. And we will host a free cowboy breakfast at the long center from 6:00 A.M. To 9:00 A.M. Then activities will shift out to the Travis county expo center, where we'll host barbecue teams this Friday and Saturday. Nearly 100 teams will be competing for the title of best barbecue and the word "Champion." Activities include live music from bands such as whiskey Meyers, and Saturday night, the josh abbot band, will be featured. Then, rodeo Austin will shift and host one of America's top ten pro rodeos. March 12th through the 26th. Over 100 live music concerts, including entertainers such as Willie Nelson, smoky Robinson, josh turner, and many, many more. We invite Austin city councilmembers as well as all citizens of our great land to attend the cowboy breakfast, barbecue Austin, and rodeo Austin.

[6:47:51 PM]

And by attending rodeo Austin events, we want to say we're all helping send kids to college. We kind of have a saying around the office. You know, it's all about bucks at rodeo Austin. Scholarship bucks are what we're all about. During the past ten years, rodeo Austin has awarded over \$20 million to students in Texas. And for more information about all of our various events that we have, we encourage you to go to [rodeoaustin.com](http://rodeoaustin.com). We'd like to thank the city of Austin and the citizens of our great community for supporting rodeo Austin's mission of promoting youth education and preserving western heritage. Thank you for having us here this evening.

[ Applause ]

>> We got one more.

>> Thank you.

>> We'll see y'all.

[6:50:12 PM]

>> Sorry. These are my scribbles. Jerry.

>> Mayor Adler: I have a proclamation. Be it known that whereas the city of Austin is proud to recognize the men and women who belong to the ism Austin, one of 13 local affiliates of the institute of supply management in Texas, during this special month, and whereas ism Austin members are individuals employed in diverse entities that include purchasing and supply management, logistical professionals, and whose actions play a contributing role in the economic development of our city, and whereas we also recognize ism Austin for its work in establishing, promoting, and maintaining a framework to support the personal growth, employment, and professional growth of its members, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim March 16th as supply management month. And to accept the proclamation, we have the president of the Austin affiliate, jerry.

>> Thank you very much.

>> Mayor Adler: Thank you. Do you want to say something?

>> Absolutely. Thank you very much, mayor. And thank you so the city of Austin for recognizing and

providing this proclamation for our association. With me today -- tonight -- are two of my board members. And they are Dorothy bender, who is our treasurer, and Yolanda Miller, who is our secretary. Yolanda you will recognize, as she is your deputy of procurement here at the city of Austin.

[6:52:14 PM]

On behalf of ism, I want to just kind of give you a little bit of an overview to say that we have over 47,000 members worldwide. We are a professional association dedicated to the education and development of professionals in the supply chain management association. In that quest, we have in Austin, we have 100 members. And we have 25 students at the university of Texas, which we are a proud sponsor of their affiliate, their scholarship, and their association. And without any more to say, I want to say thank you again for our recognition, and we're very proud to accept this proclamation. Thank you.

[ Applause ]

[7:08:28 PM]

>> Tovo: Okay, welcome back. We are going to reconvene this meeting of the city council. It is 7:08. And as the mayor indicated before break, we're going to begin with item 7, which is the occupancy issue, and I think we'll just go right on to the speakers. So our first speaker is Mike -- Mike Haber, and is Scott Johnson here? I do not see jot -- Scott --

>> (Indiscernible).

>> Tovo: Okay, so Mr. Haber, you have three minutes, you'll be followed by Mary Sanger, Mike Levine has donated time to -- actually, I'm not seeing Ms. Sanger oh, there you are.

>> (Indiscernible).

>> Tovo: Okay, very good.

>> And Mike will speak for me.

>> Tovo: So you have a slightly different plan, I think, based on what you talked to Mr. Rusthoven about.

>> Well, we've been here since 10:00, so we're trying to be as efficient as we can.

>> Tovo: I sure appreciate that and I know the rest of the council does too. So who would like to come speak and then we'll sort out how much time you have. Mr. Huang, are you going to speak first?

>> Sure.

>> Tovo: And can I just see a show of hands of who is donating time to Mr. Huang?

>> I don't think I'll need all that time anyway.

>> Tovo: Let's see. That is Ms. Engel, Ms. Bashyano, Sanger and Haber. So that would be a total of 15 minutes if you need it, and I think there was a suggestion you might keep it to less time, which we'd appreciate. All right. Thanks. So we'll set the clock for 15 minutes with the expectation you might cut it short. Thanks, Mr. Huang.

>> I guess mayor pro tem, and the remaining council members, thank you for considering this item. I'll give you a little bit of background. I think many of you may have heard from constituents in your districts already, so I'm not going to belabor all the details and hopefully you guys have a lot of information already that you've had a chance to look at.

[7:10:37 PM]

I think we've known that this item would be coming up based on what happened previously in creating this ordinance. I'm Mike Huang. I'm the president of the Northfield Neighborhood Association, and one of the big things that was happening in our neighborhood several years ago was high-occupancy units, so

neighborhood advocates came together and said, there's a lot of impacts from these high-occupancy units, how can we find a solution? We took a look at many other cities to see what the best practice was, and in every single city the best practice was reduction of occupancy limits. As a result of that the previous council to you all voted 6-1 to reduce the occupancy limits in the mcmansion area from four to six, and they put a two-year limit on it with the thought that codenext would be about ready at this point, which I think we're a little bit behind schedule. So because of that we have two years of results, and from the two years of results we can see that it actually works. The rate of tear-downs has gone significantly down, from about 80 in 2014 -- well, 2012 to 2014, 80 to 100 is what we count, to about a dozen since this ordinance has taken place. The reason why is because occupancy reduction reduces the financial incentive for tear-down. And then the second part of the equation is that there was a lot of bad actors in the high-occupancy units, and so I have to thank Marc Ott and code compliance for putting a lot of effort into reducing the problem actors, but the second part of the equations is that since there was not a lot more high-occupancy units than the added resources that we gave over the last couple years, to code compliance, proved to be sufficient to actually deal with the problem.

[7:12:53 PM]

Another big thing about the problem is that high-occupancy units is basically multi-family housing in single-family zoning, and when you look at the occupancy limits it does say for unrelated persons, but what you're actually talking about is four families. And so that makes it multi-family, and single-family zoning is single-family zoning. But despite that we realize that, yes, Austin has affordability and housing problems, and so the neighborhoods were willing to take on four, which is actually significantly higher, almost double than the rest of Texas. The last thing I want to say is that occupancy reduction does not reduce density on the lots. All the density requirements are still there in place, and then on top of that since we limited it to the mcmansion area and put in a grandfather clause, there's about 300,000 -- or more than 300,000 units that still exist at the occupancy rate of six. It's -- we just limited this ordinance to the area that was most affected by the high-occupancy units, and we thought that was a very fair compromise with the folks that felt that there was actually a need for even higher occupancy than four. Thank you.

>> Tovo: Mr. Huang, thank you. Are there questions for this speaker? So, mayor, Mr. Huang used some time from various other speakers, so I believe our next speaker is Mr. Hirsch.

>> Mayor, members of the council, my name is Stewart Harry Hirsch, and like most in Austin I rent, and I'm here to discuss the policy -- housing policy choice before you tonight in item 7.

[7:15:06 PM]

To simply characterize it, item 7 will make it a permanent criminal offense for three unrelated, unmarried couples to live in a brand-new three bedroom house even though the bedroom meets the property maintenance code size and egress window standards. This is more restrictive than what you did last week on short-term rental, where you allow six unrelated people renting short-term to live in a three bedroom house properly sized. But for those of us in the rental market who rent long-term and can't afford to rent these units on less than 30-day rental, we are now restricted in brand-new houses from not being able to do that. And for those of us who have lived here a long time we've known unmarried couples who lived quietly in single-family neighborhoods, in three bedroom houses, creating no noise issues, making it possible that for them to live in neighborhoods east and west of I-35, north and south of Lady Bird Lake in housing they couldn't afford to if there were only two couples in that three-bedroom house. So I'm asking if you're going to do what the staff recommends tonight, despite the affordability impact statement that was prepared two years ago that I couldn't find in tonight's

backup that said this would have a negative impact on housing affordability, if you're going to make this permanent, then you should create an exemption for new three-bedroom houses, which can't have more than six people anyway, and it creates one more opportunity for those of us who are in the rental market who haven't successfully moved from rental to home ownership, even though we still aspire to. So I ask you to take staff recommendation making this permanent. Create a special exemption for three-bedroom houses with an unrelated occupancy limit of six and pass it on all three readings.

[7:17:12 PM]

Thank you very much.

>> Tovo: Thank you, Mr. Hirsch. Our next speaker is Betsy Greenberg. Is Ms. Killbasso still here?

>> No.

>> Tovo: Ms. Greenberg, you have three minutes.

>> Thank you.

>> Oh, there was one thing that I forgot that we left a list of neighborhoods with the clerk that have passed resolutions --

>> It's passed --

>> Oh, it's already distributed.

>> My name is Betsy Greenberg, I live at 3009 Washington square in the heritage neighborhood. I support the removal of the expiration date, my neighborhood association and contact team also voted the same way. One question worth considering is how reducing occupancy will affect affordability in Austin. This is an important question that needs to be carefully considered. I know that some of you are concerned that reducing occupancy will make renting more expensive. On the face of it this seems logical. After all, three people share a \$3,000 home. Each pays a thousand dollars per month. If six people share the same home, each pay only \$500 a month. Unfortunately this way of looking at things misses one very important point. When six unrelated adults are allowed to share one property, it makes financial sense to tear down the three-bedroom home and build one with six bedrooms, and even with the higher occupancy the six tenants living in the newly constructed house will each have to pay more than the three tenants did in the older smaller home. So besides destroying the historic fabric of our neighborhoods, the high-occupancy res ATS a loss of affordable housing. In my neighborhood I have seen rents skyrocket in the newly constructed six-bedroom properties, and nearly every house you see before you was constructed after an existing home was demolished. Since this ordinance passed two years ago, the demolitions for this purpose have stopped.

[7:19:15 PM]

I'd also like to reemphasize that the lowered occupancy applies only on new construction since the ordinance passed. There are over 300,000 single-family homes with an occupancy grandfathered at six, so there's plenty of housing for those that want to share expenses. This ordinance doesn't exclude students, minorities or the less affluent from our neighborhoods. It serves only one purpose: To remove the economic incentive to tear down existing affordable housing to construct high-rent, high-occupancy houses and duplexes. The ordinance is working. Please eliminate the expiration date. Protect our neighborhoods and protect Austin's existing affordable housing stock. Thank you.

>> Tovo: Ms. Greenberg, would you mind going through the slides quickly just one more time? I had missed the first few.

>> Yeah, they're really just ads, and I have to admit I didn't -- I did this before we talked about this in 2014, because the new high-occupancy houses, they were never affordable. They're brand-new and generally rent for at least a thousand dollars per month per bedroom, per month. So arguments about

affordability never made any sense to me. So these are admittedly two-year-old ads, so maybe the prices, yeah, went up.

>> Thank you.

>> You're welcome.

>> Tovo: Okay. Our next speaker is David king. Mr. King, you had signed up to donate time, but others donated time as well, so I'm not sure if you want to speak as night.

>> No, that's fine, I don't want to speak.

>> Tovo: Very good. Ms. Bashyano donated her time.

[7:21:15 PM]

Mis -- Olivia --

>> She left.

>> Tovo: Atun she left as well from south river citizens. So our last speaker on this item will be Corey wallets on. Walton, and I do not see him here. Mayor, that concludes our speakers on this item. We have Patricia reed, Kevin lay long and -- who have all signed up for the measure not wishing to speak.

>> Mayor Adler: That gets us to the dais on item no. 7. Has there been a motion?

>> There hasn't.

>> Mayor Adler: Would someone like to move a motion on this item? Mayor pro tem?

>> Tovo: I'd like to move staff recommendation, please, to remove the expiration date.

>> Mayor Adler: Is there a second to the motion? Ms. Houston seconds. Any discussion on the staff recommendation to end the expiration date? Ms. Gallo?

>> Gallo: I just have a question of staff. Is will the discussion of this be part of the codenext process also? Is that included in the discussion?

>> Yes it is.

>> Gallo: Okay. Thank you.

>> Mayor Adler: Mr. Casar and then Mr. Renteria.

>> Casar: First of all, I'm going to be voting for this. Some of my concerns were similar to what Mr. Hirsch brought up, that this could criminalize folks trying to make ends meet by living in the same place, but my -- many of my concerns were allayed when I found that information from code since this was passed, that no one has received a notice of violation or been cited for living together to try to make ends meet. It has rather had the effect of shaping a build type, and I think that's what Ms. Greenberg and Mr. Long both brought up, is that the intention is to regulate building types and the type of building that many people in in neighborhood advocates didn't want which are the six-bedroom, six bathroom building types where there used to be an existing single-family home that was livable.

[7:23:30 PM]

The awkward place we're in is then we have to kind of use the sledgehammer of occupancy limit of people living in a building to shape building type, and that's a challenge I hope we can take on in codenext where we can hopefully talk about building types separate from the number of people and do that more deftly. So I look forward to working on that process with you all, and, you know, going through that process we're going to need to find ways to have more people live on smaller pieces of land if we want people be able to split the rent affordably and new housing in affordable areas will just get more and more expensive in this city, so we have to find a way to do that. But I don't think with our current code that's very easy to do. So we're paying some folks, as I said in work session, a lot of money to help us work on that and I look forward to working with the community on how to sort this out in codenext. Along with Mr. Hirsch's suggestion to exempt three bedrooms I think were just posted today

on the expiration date on this ordinance so we're voting whether to repeal this so I think that's all we can do today. And finally as Mr. Mistakenly brought up during the small amnesty vote, we have a fair housing statement that will be considered in the codenext process, and I think there are fair housing implications for people that oftentimes multiple families have to bunk up together to do that but we have to figure out where that's appropriate and where in the city we'll allow that. So that will be guiding my decision-making quite a bit in codenext but for now it seems we're using this tool of using occupancy to shape the kinds of buildings we get and I hope we can move on to something better here shortly.

>> We've sent Mr. Guernsey home for the evening.

[Laughter]

>> Casar: I didn't mean to call him out like that.

[7:25:31 PM]

It just seemed like he was going to keep going on.

[Laughter]

>> Mayor Adler: Mr. Renteria?

>> Renteria: My questions have been answered.

>> Mayor Adler: Okay. Further discussion on this item no. 7? It's been moved and seconded. Those in favor please raise your hand. Those opposed?

>> I'm abstaining.

>> Mayor Adler: Troxclair votes know, Zimmerman abstains, 9-1-1, it passes.

[Applause] Okay. That gets us then to item, I think it was --

>> 38.

>> Mayor Adler: -- 38. Ms. Kitchen?

>> Kitchen: I thought I'd make just a few brief statements and then I believe we'll have our staff lay it out, and then take our testimony. Would that be okay?

>> Mayor Adler: That sounds good oh.

>> Kitchen: And then after all that I'll have more remarks. This is item 38 and just as a reminder to all the council members, what's before us is a request for rezoning, and I'll let Mr. Rusthoven tell you all the details about that. But the bottom line is that this is in a neighborhood off of south Lamar, south of oltorf. It's an area that's been -- it's really rural in nature, this particular road, and all throughout that neighborhood there's been quite a bit of infill development. The neighbors have supported a lot of that development where it made sense, so there's already been a lot of affordable housing, a lot of other housing going into that neighborhood. It doesn't make sense right here on this road for lots of reasons, which I know the neighbors will share with you, and I'll speak to you more later, but the bottom line is the issues are the traffic impact, the impact on flooding and the loss of existing affordable studio space for artists and mu -- musicians.

[7:27:36 PM]

You know we spoke earlier today about the importance and we passed a resolution to speak to the importance of protecting existing space for our artists, and this is an area in south Austin that essentially is already a hub. It's an existing functional space which actually has the potential to expand for -- for more studios, but not if we rezone it like this. So traffic impacts, we can get into that in more detail later, but basically we've got a road that's already over capacity, and adding these additional trips would also put it even more over capacity. We also have area flooding issues. This is the area that the south Lamar mitigation plan was passed for by the previous council, and this council extended, with the emphasis being that it was so important that we figure out a way to look at the cumulative impacts of

developments on these neighborhoods instead of looking at them in a silo. So with that I'll stop and I guess Mr.-- if you want to lay it out for us before we hear from the speakers.

>> Mayor Adler: Come on up, Jerry.

>> Mayor and council, I'm Jerry Rusthoven. Case c14-315-0047 for the property at 2303 and 2311 Thornton road. This is a 3.56-acre tract. The requested zoning is from cs commercial services zoning to cs-mu-v commercial services misuse -- mixed use, vertical use zoning. The staff recommendation is to recommend cs-mu zoning with several conditions, one being a limit of 2,000 trips per day. The second be being a cap of 156 multi-family units and to prohibit the following uses, adult oriented businesses, are adult -- bail bonds, campground, construction sales and services, dropoff recycling and collection facility, equipment repair, extermination, pawnshop, service station, telecommunication tower and terminal storage, and to accept the offer to construct the following, transportation improvements, the widening of Thornton road within 200 feet of the west Oltorf intersection, to allow for one inbound turn from west Oltorf and two outbound from Thornton road, to provide -- Thornton road, to improve north-south opposed access and construct a sidewalk on the west side of Thornton road from the subject property to west Oltorf street and restrict parking with the department department has to do on one side of Thornton to be determined in the future.

[7:30:19 PM]

The planning commission recommendation was to move this forward without a recommendation. They did not come to a -- to a quorum vote on this project. I will say from the staff perspective, the recommendation on this one was tough. We did spend several months working on it. Transportation was probably the -- the toughest issue. If you could put the zoning map, the second one. This piece of property has a very -- somewhat unusual zoning pattern. Thornton road is a residential street that has a 50-foot right-of-way, 30 feet of pavement. It has single-family and some multi-family zoning on the one side of it and it has cs which is our most intense commercial zoning on the other side of it, presumably because it backs up to the railroad tracks, or at least a portion of it does as you can see from the map. The cs zoning is old. This zoning goes back to the 1960s and is unrestricted so it allows for a variety of uses that we would not typically have across the street from single-family and on a 30-foot wide road. So we thought it would be good to try and restrict some of those uses. That's why we have the lengthy prohibited use list, but what staff was concerned about the density and the traffic namely. The staff cannot support the applicant's request for vmu zoning on this property for the simple reason that it does not at all meet the definition of vmu. It's not on a core transit corridor. Again, it's on a residential street. It simply does not meet the qualifications for vmu. So that left the staff considering basically two alternative recommendations. One was cs-mu and the other one was probably about mf-2. Mf-2 would have allowed somewhere between probably about 86 and 100 units, and cs-mu would allow around 155, 156 units. The applicant's request for cs-mu-v would allow for around 112 units. Because we could not recommend the V, the staff never contemplated going up to the 212 units so we were contemplating something between 80 to 100 and 156.

[7:32:28 PM]

Because of the traffic improvements that were needed, we felt that the 156 could be justified, they actually provided traffic studies that showed the road can work with the recommended improvements at 212 units, but we still felt that the zoning was over zoned regardless of whether the traffic could work or not, but we also felt because of rough proportionality and because of the economics of the situation that the improvements could not be made at 80 to 100 units. So the staff kind of settled on the middle and is recommending the 156 units as a part of this, but as I said, it was a very -- it was a very tough



case. The case does have a valid petition that's been changing quite frequently, but as of right now it is %@valid at 22.62%, and that means that by the time this case gets to third reading it will need nine votes if that petition is still valid at that time. At this point we're only ready for first reading so we'd only need six votes to move forward to second and third reading, and with that I'm available for any questions. We do have staff from transportation here as well as from the watershed protection department that can speak to drainage.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: I have questions I want to hear from the neighbors before we get into too much, but I was under the impression that since there's a valid petition we could just go forward at this point under the valid petition, and if we have the votes we don't have to do it only on first reading.

>> Mayor Adler: No.

>> Kitchen: Is that not correct?

>> What it is, there are six affirmative votes to move the case forward tonight, then it moves -- it can pass on first reading, and it will move forward to second and third reading, but if the valid petition remains in effect, 9 at the time of the third reading, if there are not six votes today to move it forward, then the case will die today.

>> Kitchen: I'm sorry, maybe I didn't understand how the valid petition works. So it doesn't take nine to move it forward at all?

[7:34:31 PM]

>> It does not take nine at the time of first reading. It takes nine votes to approve the case at final reading.

>> Kitchen: Okay, why are we not doing all three readings tonight?

>> We are not doing all three readings tonight because on a case like this that's a discussion case, we do not prepare the ordinance until the council has taken a first reading motion to tell us what to put in the ordinance because we don't know the wishes of the council at this time. So for a case where we're pretty sure, it's a consent case, it's cases you all vote on at once, we prepare those ordinances ahead of time because we don't anticipate there being opposition. For a case where we think there will be opposition we put them on for first reading so you can tell us what you can do and back for second and third. Tonight if you don't get six votes this case goes away. If it gets six votes it will move on to second and third reading, but for the petition to stay in effect it needs nine.

>> Kitchen: You're saying we don't have an option to do all three readings tonight?

>> No, there's no option to do all three readings tonight, that's correct. The only option for that would be if there's an ordinance ready and it receives nine votes, but if the case does not get six votes today it will not move forward again at all.

>> Kitchen: Okay. I will have other questions, but I think -- I will have other questions for transportation also, but I think I'd like to hear from the neighbors first.

>> Mayor Adler: Is it possible to hear from transportation, just because it may inform some of the debate that we have?

>> Kitchen: Sure. Okay.

>> Mayor Adler: So if we could have transportation come up and talk to us.

>> Kitchen: And I have some specific questions for transportation.

>> Mayor Adler: Okay.

>> Kitchen: So let me -- I think I'll just ask those questions, if that's all right, unless you would -- are you wanting to make a presentation or shall I just ask the questions?

>> No, go ahead with your questions.

>> Kitchen: Okay. My understanding of the traffic study was that -- that basically this -- this road is -- this road exceeds the number of trips for the type of road that it is.

[7:36:40 PM]

Is that correct?

>> That is correct, according to the TCM. I will say that information on the TCM is very outdated. I don't think daily volume is a way to judge the capacity of the street. Our constraints are really the nodes, which in this case is the intersection of Thornton and Irtorf.

>> Kitchen: Okay.

>> Houston: Excuse me, mayor? City council, could you tell me what TCM is?

>> It's our transportation criteria manual.

>> Kitchen: Okay. So the -- so it doesn't meet the standards, and what you just said is that the standards are old, but it actually does not meet the standards now, and if I'm understanding correctly, it won't meet the standards -- I mean, it doesn't meet the standards with the existing capacity that's there right now, and adding additional capacity is just going to make that worse. Now, I understand that there's some mitigation proposed, but the mitigation is for the intersection at Irtorf, not the whole length of the road. Is that right?

>> That is correct, but I would say that our real constraint here is at the intersection. Looking daily traffic on a road is really hard to judge what is over capacity or not. Our TCM is very outdated -- and hopefully I think we're in the middle of a rewrite as of right now.

>> Kitchen: Well, I understand the road can't be widened, right?

>> We're proposing widening within 200 feet of the intersection to add a left turn lane and a right turn lane, but the whole length of the road, we don't want to widen. It would be very impactful to the neighbors there. It's a neighborhood street.

>> Kitchen: Okay. But I'm also reading this to -- even with the mitigation, it still would be overcapacity given the caveats that you just said in terms of those standards. It would still be over standards.

>> Yes.

>> Kitchen: So even with the -- let me understand. So even with the mitigation and the mitigation occurs at that intersection, which is a t-intersection, and what your mitigation is talking about, widening that enough to put a turn lane --

[7:38:45 PM]

>> Yeah, to have a separate left turn lane and a separate right turn lane.

>> Kitchen: Okay, which will help, of course, but it still will be over the standard.

>> Yes.

>> Kitchen: Okay. That's the questions I had about the traffic.

>> Mayor Adler: Ms. Gallo?

>> Gallo: So if -- help me understand the vehicle limits that would currently be in place with the current zoning on the property. So is it -- help me with that. I think it's 2,000 trips for each lot?

>> 2,000 is our threshold for requiring a traffic impact analysis. The trips in this study were less than that, so a full traffic impact analysis was not required.

>> Gallo: So -- so with the existing zoning, if the owner were to develop it, they could produce up to 4,000 trips, a combination of the two lots, if lots were developed separately, no?

>> I don't think that's correct, but I'm going to defer to someone --

>> Gallo: I'm just trying to understand what they could do with the zoning they have when we talk about the zoning -- I mean, what they can do with the proposed staff recommendation.

>> Andy lynnszeen with development services. You are correct. They have two separate stand alone subdivided lots. If they could achieve a development, one on each lot with separate side development permits, our standards would only apply to each lot, so they could produce up to 4,000.

>> Gallo: And then what would be the impact if they went over the 4,000? What would the owner have to do?

>> If they were to go over the 4,000 they would have to produce a tia and we'd be able to ask for mitigation, and it would probably be back to the same -- very similar recommendations.

>> And the mitigation would be they have to help with the cost of cost of doing the traffic improvements.

>> Yes, ma'am, they'd have to propose something for us to look at and it would probably be very similar.

>> Gallo: And with staff recommendation, staff is recommending vehicle trips be limited to 2,000, which would be halfer than -- than the 4,000 they could do now.

[7:40:56 PM]

>> They propose to stay under a tia threshold. They proposed under 2,000 trips, but that limitation, what they've proposed would go in with the zoning as a condition. To change that they'd have to come back here.

>> Gallo: All right. So once again I'm trying to evaluate what they could do with their current entitlements and what traffic impact they could have, which I'm hearing could be up to 4,000 without a tia being required.

>> Yes, ma'am, that's correct.

>> Gallo: And with the staff proposal that would be limited to the 2,000 trips.

>> Yes.

>> Gallo: Thank you.

>> Mayor Adler: Further discussion on the dais.

>> Kitchen: I do. Let me also ask, with the existing use they have right now, it's much less than that, right?

>> The existing use is estimated at just under 900 trips per day.

>> Kitchen: Okay. And that's because of the unique nature of this neighborhood, that particular use has been a long-standing use for this artist studio and other similar uses. So I think that there's -- well, we'll get into that. I think there's more of a threat to the neighborhood of this particular project rather than what could potentially happen. So two other transportation questions or traffic questions. So the changes at the intersection, has there been an engineering study or feasibility study about whether those can be made?

>> The applicant did a traffic signal warrant analysis.

>> Kitchen: Mm-hmm.

>> Which said that -- fold-out of this development that a traffic signal would be warranted at that intersection. We have not dug into the feasibility of that transportation. We have our concerns about the proximity of railroad as well as the creek would make it hard to widen on oltorf to provide a turn lane. So we definitely have some concerns that we need to dig into a little bit more.

>> Kitchen: Okay. So if I'm understanding the mitigation, which is one of the things that we're relying on to say that the road would be able to handle the additional development, requires widening right there at that intersection, and we're not yet at the stage where we know whether you actually can do the widening?

[7:43:06 PM]

>> No, we're comfortable with the widening to provide the extra turn lane. What we're not comfortable with yet is the traffic signal. But at this point it's not -- the staff recommendation of 156 units, it's not recommended at this time anyway.

>> Kitchen: So if there wasn't a traffic signal what would you put there?

>> Stop sign -- yes, a stop sign as it is today, and also a pedestrian hybrid beacon to serve the two bus stops that are across the street.

>> Kitchen: Okay. Then one last question then. You know, this is an area -- this neighborhood is an area that we passed to south mar mitigation plan, and one of the reasons for that was the concern about looking at these developments all in a cumulative impact. So I'm thinking that the traffic study did not look at all -- did not take a cumulative approach. In other words, did not look at a cumulative impact on this particular road. Is that right?

>> That's correct, since the traffic impact analysis was not required, we looked at it case by case.

>> Kitchen: Okay. Thank you. I may have more questions later, but nothing --

>> Mayor Adler: Any other questions with respect to transportation? Okay. Thank you very much. All right. Let's go to public testimony. We have almost two hours of testimony, between an hour and a half and two hours. I'd invite anyone not to use their full three minutes if that was something they are okay with doing. The first speaker is Ken Johnson.

-- Kym Johnson. Is Kym Johnson here? Actually we'll let the applicant go first. You're right.

>> (Indiscernible) The same group (indiscernible).

>> Kitchen: Okay. So what are we doing?

[7:45:08 PM]

>> Mayor, typically we hear from the applicant first, those in favor and then those against.

>> Mayor Adler: I'll call the applicant first. Is the applicant here? Why don't you open for us.

>> Can you tell me how much time I have for David Hartman?

>> Mayor Adler: David, would six minutes work for opening?

>> We have donated time by others as well.

>> Mayor Adler: Yes, is Alec Glasco here? Is Hal beaver here? Is Mac mazeleworth here and Leslie Pollock here? You have 15 minutes. And we'll also give you a chance to close. Okay.

>> Good evening, mayor, mayor pro tem and council. My name is David Hartman for multi-family. This tract is located at Thornton road adjacent to Oltorf street, Lamar and it's got the up right-of-way, the up railroad right to the eastern boundary. It was zoned in 1969 CS zoning, which is one of the more permissive intensive uses allowed by code. We're proposing apartments and all project parking on-site. The building design is what I think of as wedding cake, high step back from Thornton road, three-story at Thornton and the northern boundary, four-story located further back from Thornton and one five-story building that's jade to the road tracks and one story below the grade so the profile is four-story.

[7:47:13 PM]

Pedestrian oriented sidewalk, parallel parking. As part of that south Lamar mitigation plan that covers 400 acres, including this area, we're going to increase -- by an additional 10% and we have a voluntary contribution for off-site improvements that add up to about \$500,000. So we're glad to be a part of the solution for the drainage that's happening in this area in terms of the overdetention. Staff recommendation, the developer would provide that on-site -- off-site improvements, including a hybrid beacon. We applied for CS-MU-V. I think it's fair to call it CS-MU-V light, because it's basically nothing -- nothing close to the VMU that you see elsewhere. Excuse me. The primary objective of us applying for that was the 10% affordable units and the live/work units and the difference between the staff

recommendation would be the hybrid beacon versus the traffic signal, that the project would be able to afford at 212 units. This basically shows a lot of information, I think to drill down, the left-hand side is the existing zoning development standards comparison, excuse me, the right-hand side is our cs-mu-v light. Our actual design in the bottom line for the -- every single development standard on there, the -- there's far less intense for our actual design in terms of height. Maximum impervious cover, maximum building cover is half. Maximum far is half, and we even have expanded our compatibility more than required. I would also point out under the staff recommendation that I don't really have it calculated, but there would be less, obviously, less impervious cover, less building coverage, less far.

[7:49:20 PM]

So at the end of the day this is a significant down-zoning of property. This is the proposed -- we weren't required to do a, but we did a traffic study, and traffic engineers here can speak to that. And as has been discussed we'll add a lane basically -- an additional lane to what is currently only a two-lane road, and that of hybrid beacon or traffic on Oltorf, and then restrict parking as has been discussed. We'll also add a sidewalk along the west side to the site, to Oltorf. There's another sidewalk that's obligated by another project to develop. So this is an infrastructure improvements comparison as well. As you can see, again, the left side is cs zoning. The right side is our application, and the middle is staff recommendation, and under cs zoning you get zero signals, zero right-of-way expansion and zero sidewalks on the west side. The other two will do the same, expand the right-of-way and you get the off-site sidewalk, the difference is hybrid beacon and traffic signal. This is from the traffic study that basically compares the am and pm peak hour trips on the northbound Thornton. The far left column is 2015 and existing. You can see when the counts were made that the situation was pretty poor, B and F. Forecasted without sight, which means existing situation continues in 27. The situation gets worse to cnf, and forecast in the far right column is with our sight and with the signal widening and improvements you go to a and B. This is a simple summary of what we just saw. 2017 without us, it's a terrible situation. 2017 with us and with our improvements, it's vastly improved.

[7:51:22 PM]

This is a delay comparison. Again, left-hand side is existing use, no improvements. The far right hand -- the right-hand side is our project with the improvements. You can see that on the left-hand side you're going to sit at that stop sign in 2017 for about four minutes, and on the right-hand side you'll sit at that traffic signal for about seconds. Again, I'll just say again that the existing cs zoning authorizes a wide variety of uses. Middle column basically demonstrates that proposed offices is twice the trips. Proposed shopping center is twice that, and particularly on the P.M. Trips you see it's a far worse situation. We think that vmu overlay should be considered as a non- -- on non-designated core transit corridors as a tool in the toolbox. That adds to the supply of affordable housing. There are examples along middle Fiskville road and east Powell lane, which is not a core transit corridor, and this is basically an example of those. Powell lane is on the right side, Fiskville road is on the left side, with cs-v mu along those corridors. I've got three different shots showing this concept plan, Thornton road is on the left and you can see the three stories along Thornton and along the north, stepping back to four stories, stepping back to five stories, and then that one is partly -- partly below grade, like I said. This is Thornton on the right-hand side, and you got the three, four, five-story step-back and then the parallel parking along Thornton as well as pedestrian oriented sidewalks with live/work units. This is a pedestrian street-level view that shows three stories there and the rest of the buildings buried behind it, and there are nice little work units right there.

[7:53:31 PM]

Our civil engineers here can speak to drainage matters, but basically this is demonstrating that we're, you know, call it 4% of an 83-acre drainage basin, and we're actually .8% of that covered by the south Lamar mitigation plan. Again, our civil engineer can speak more to this. The right-hand hatched portion shows our oversized detention, and this underground with the water quality pond. And this top -- top part of this exhibit basically demonstrates different storm events, predevelopment, post-development, and demonstrates and proves up that the percentage of reduction and peak discharge rate flows are anywhere from 10% to 20% better with our development. So again, the template proves up that we're part of the solution. These again are the summary of the reason to support that's everything we've talked about, basically I think the only new item is that it provides certainty for development of the large tract zoned cs in this area. I'd be happy to answer any questions.

>> Mayor Adler: Any questions for the applicant at this point? Yes, Mr. Zimmerman?

>> Zimmerman: Could you go back to the slide that showed the infrastructure improvements? I think it's, slide no. 9, no, it's not 9, the one that showed what you could do with the existing zoning. Yeah, slide 13, I guess it is. Yeah. Slide 13. Okay. So, do I read this correctly that you could put 212 units on that piece of property with the existing cs zoning?

[7:55:35 PM]

>> No. What we would have to rezone that to mu. In this instance, bmu.

>> Zimmerman: I was looking at the title. Is says existing cs.

>> It's not as precise as it could be, but the proposed shopping center is under existing cs.

>> Zimmerman: So the second and third lines, I can take them as-is. Okay. All right. Thanks.

>> Mr. Mayor.

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: I have a question for Mr. Hartman. On your slide 22, if we can get there.

>> Tovo: The third bullet -- I'm not following the first line. If 212 units were approved under cs-mu-v, 10%, 22 units at 60% mfi, what does this next piece mean? 40% of units more than 156 units affordable. Are you intending that if you do 212 that 156 of those would be affordable?

>> I'm saying the delta between 156 and 212 is 56. And we're dedicating 10% of the overall, or 21, 22, as affordable. So 40% of those 56 additional units are affordable.

>> Tovo: I'm sorry. It may be because it's been a long day. I'm still not following you. 10% of 212.

>> Yeah, that's 22 units.

>> Tovo: Yes.

>> And the difference between staff recommendation and the vmu is 56 units. And that's where the affordability component kicks in. So 22 out of 56 additional units are going to be required and offered as affordable units.

>> Tovo: Is the 156 supposed to be 56?

[7:57:43 PM]

>> I can appreciate it's a little bit confusing, but it's 40% of the units above staff recommendation of 156. So just --

>> Tovo: Okay, okay. I got it. So you're saying from 156, which is the staff's recommendation, to what your request is of 212, 40% of those additional units will be affordable, and that amounts to 22.

>> Correct.

>> Tovo: Okay, thank you.

>> Thanks.

>> I have a question.

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: I think I'm understanding -- just to follow up on the mayor pro tem. So, under the staff's recommendation, there would be no affordable units, because you guys haven't agreed to the staff recommendation. Is that right?

>> It takes a density bonus program, basically, such as bmu, basically, is where the affordability units kick in.

>> Kitchen: So in other words, you, as the developer, would not provide affordable units unless you had a density of 212? Is that what you're saying?

>> That's correct.

>> Kitchen: Okay.

>> The staff recommendation would be market-rate units.

>> Kitchen: Okay.

>> Mayor Adler: Anything else for the applicant? Okay. First speaker's going to be Kim Johnson.

>> A recommendation. Do I have --

[ off mic ]

>> Mayor Adler: I have you listed with Rob Snyder, Douglas Young, Stacy Harris, and Thomas. If they're all here, then you have 15 minutes. Are they here? Is Rob Schneider here? Is Douglas Young here? Is Stacy Harris here?

>> Several of us -- time --

[ inaudible ].

>> Mayor Adler: Okay. I need to know the names, then, of the people.

[7:59:57 PM]

>> Mayor Adler: Okay. So is Nancy McClain here? Okay. And David Ansell? And Joe Lavet. And Bob Thompson. Okay. You have 15 minutes with those people that have donated you time, Mr. Johnson. Okay?

>> Thank you.

>> Mayor Adler: Yes, sir.

>> Good evening. I'm Kim Johnson with the South Lamar neighborhood association. We are going to take a different order in a minute. Hilary will come up here and give you perspective of the history of the zoning. I'll take you through the basic -- to this presentation. But the neighborhood association is opposed to this development. And the applicant's request for VMU anywhere on any street. The citations -- the precedence they said for VMU have no relationship to this type of situation. And so we think that it is totally out of character for this type of VMU request. Later on you'll hear about the history of Thornton Road and the mistake of CS, how we got here. We'll talk about at the South Lamar mitigation plan, our concerns from the plan that you passed, flooding, traffic, and safety. You'll hear later on about community of character for Thornton Studios. There has been a lot of analysis, but the question we ask is, what is the capacity of the infrastructure. And with this decision, are we anticipating the cumulative impact of growth, which is a topic in the South Lamar mitigation plan.

[8:02:06 PM]

Briefly, the South Lamar neighborhood association has supported density, Bluebonnet Studio plan just off of Thornton Road. They wanted to upgrade that. We said, fine. We have projects like Cielo, and there's other development under way on Thornton Avenue. So, the South Lamar mitigation plan. These

are quotes from the staff memo. The goals and objectives. We still think that these hold true. We're glad that you expanded it. We'd like to make sure that we keep this comment in force. The goals include addressing the challenges created by many years of development on a site-by-site basis, lacking water, and exacerbated by inadequate infrastructure. The neighborhood has inadequate infrastructure. Second, anticipate the effects of density on the infrastructure. We think there has been some progress here. But as you'll see, as far as the traffic, we do believe that it should have a full, and more detailed analysis of the impacts on the other end of the street. And finally, incorporate methods to define and protect the safety and provide benefits to better manage density and its associated costs. You'll hear again that relates to the studios and what we'd like to try to come up with, a solution that includes something around the original site plan that the owner was trying to do to expand the type of artist community that was there. So, watershed issues. October 2015. This is a sample of what is happening just up the street. We're concerned about watershed issues. And we want to make sure that it stays forefront in our mind.

[8:04:09 PM]

Since the delay, we have met with staff and staff has a proposal -- a plan -- for south Lamar mitigation. So we're updating you on this. And while -- as the report mentioned, 80 acres of our neighborhood flows right to this project. There's two lines that come right into here. The plan that was presented by staff for watershed -- which hopefully gets finished and engineered at some point, and hopefully it is able to be funded and completed -- you know, there were several things at this property that the original study suggested. The original report for this area said they should use this property for water detention, and it could be used to mitigate runoff issues from Bouldin creek, and serve as another exit point for projects on Thornton road. So there's lots of things coming together at this point. Now, the staff currently says that these are not necessary. But the plan is not engineered and fully in place. If you see the area right over where it says storm drain enhancement, that's the subject project. What it requires to get 80 acres of drainage water from the left side -- well, left side to the right side. What it takes is a new pipeline plus channel enhancements and easement acquisition on both the left side and the right side of the subject project. Our question is, there's still risks to this project. It is not done. And so the question is, how much density should we have at this point. If for some chance that this plan is not achievable, we think there's still a risk. But we are glad that watershed at least finally came up with a plan that addresses some of the issues with the south Lamar mitigation watershed. And now, within my 15-minute time, for one minute I want to talk about what's happening on Thornton road, as far as, what is the road?

[8:06:15 PM]

It's a road with little capacity. And no connectivity. So if I could have a neighbor --  
>> Thank you. Thank you, guys, for your time. I am the president of the HOA on the other side of the road, at 2316 to 2322 Thornton road. First of all, I want to appreciate the south Lamar neighborhood association for working with us, and educating this uneducated consumer about this process. It's a little bit overwhelming. I bought my first home on Thornton road because I loved the neighborhood. I really like everything about it. The traffic problem is not theoretical. I certainly appreciate the traffic department staff acknowledgment that we are a neighborhood road. Again, it is not theoretical. It exists now. I went home to walk my dogs while you were on recess, and nearly got into an accident on Thornton road today. We do not have sufficient volume. There is no set of circumstances whereby if you widen the top of the road for 200 feet you're going to double the carrying capacity of the road. It just does not make a lot of sense. Neither the applicant's proposal nor the staff recommendation, in my



mind, will create a safe set of circumstances for the residents of the road. As it currently stands, it is simply a matter of time before somebody is hurt, or worse, on this road, in an accident. As you look at the picture, if I want to walk from my home to the bus stop, or to CVS or a restaurant, you kind of have to meander down the road. I don't see how doubling the road's traffic is going to necessarily make that any better. For what it's worth, I'm in favor of development. I think it's great. I think we need the tax revenue to pay for all the services we enjoy on a daily bases.

[8:08:18 PM]

However, unfortunately, it can be done in a way that doesn't negatively impact the situation for the rest of the residents, as this proposal would. I guess my hoa and my neighbors, we stand opposed to this proposal. And we encourage you to oppose it as well. Thank you very much.

>> Mayor Adler: Thank you.

>> And next, the other thing about this, we just discussed previously, is there's no connectivity. Rightfully so, the transportation department focused on Thornton and Olthoff. If you look at the neighborhood, and you look at the exits, you're going to have this traffic. I'm not saying people cut through in Austin. I'm not saying they avoid the regular roads.

[ Laughing ]

>> But it tends to happen. I'd like to introduce sherry Norris. The main exit point people use after going out Thornton is on bridgeway, and I'd like to introduce sherry to talk about the fact that cut-through traffic is real.

>> Absolutely. And thank you all for listening to our plea here. It's very much appreciated. I'm a former board member of an hoa. And that is comprised of 60 homes, one of the nearest neighborhoods to Thornton road, greatly affected by this additional traffic. Let me just bring this to a personal level for you. Traffic from Thornton uses the neighborhood as a cut-through. Because of Kenny oaks court's planned community Dee sign, it needs to be noted that the street and the -- that circles around Kenny oaks court is much narrower than the average widths. The effect of this zoning change would be detrimental to the neighborhood, where kids play on streets. Our neighbors and nearby neighbors, they walk on the streets. And they run on the streets, and ride their bikes on the streets.

[8:10:18 PM]

The city code calls for vmus to be located on core transit corridors. And this would be a changing dynamic. This should not even be part of a conversation, really. Our Kenny oaks neighborhood is against this. And we seek the support of the council to preserve our downtown neighborhood. Thank you.

>> And I just forgot one thing. When we moved to south Austin from west Austin, that's the school bus stop that all the traffic would go past, where my son used to go. So, there are impacts of safety that we'd like to have considered on any development on this street. Traffic summary, yes, we need improvements now. We understand there is some benefit to the road widening. We do not think there's been analysis of the impacts of Kenny oaks and cinnamon path. The road widening -- there's a difference of opinion. In 2017, the staff has already said that aren't quite sure that the traffic light -- the traffic light may act like another train along the tracks at Olthoff, but, without the traffic signal, it doesn't improve 2017 service. Now you put the entire disruption, and you have enough volume that it takes the benefit away. There's parking management in the plan. That's great. Let's go to it. I don't think you need a vmu proposal to do traffic management. And so we also agree that the staff took into account some of the anticipated development, but what we're concerned is, we need a plan for these cs tracks in the area. So, if you look at it, this is one case, okay. And they did take into account one unit of psw. The neighborhood is willing to talk to developers at all times. And we're in a situation where we're talking to

another psw development. So if the staff cut down from 212 to 156, now there's 70 or 80 right back on there. Our question, if you have the cumulative effects of growth from the other cs properties -- I'm sorry, Hilary's presentation is a little better -- at some point, you're setting on a trajectory on a street that's already over capacity.

[8:12:27 PM]

And I understand, I'm not an engineer. All I can use is 1800 vehicles per day. At what point -- we're already on a path to be 200, 225% over capacity, at the staff density. If that gets applied to the rest of the areas, 350. If there isn't a standard, for how much over-occurring capacity there is, you've got to tell us what it should be. And if there's going to be any limits put on growth, the neighbors would like to know. You saw the traffic, the pictures, and the cut-through volume. Here's how it would happen. Here's the site plan. The neighborhood is mf-2 and sf-3. Okay. The domino effect. This property gets zoned with a high use. Next, there's already proposals, next to the mf-2, a request for development there. Now you're on the trajectory, starting to get to the hockey stick. Finally, the two properties just to the south of that can be combined with vmu. And it would -- you would have up to, like, 7,000 trips a day. So, yeah. We're concerned about this project. We're also concerned about the capacity of the street overall, the capacity of the infrastructure for drainage, and getting a plan that we don't have to turn around and wonder when it's going to all break down or the next time there's going to be 7-8000 car trips a day. So, in summary, despite what the applicant says, there's no precedent for this vmu. We think the staff did -- it was a tough decision. We don't think it's sufficient. We think that there was actually a site plan under way with the current owner that would expand the types of facilities that were there. The neighborhood had no objection to that. And I guess in some case, there's all these dramatic things about, oh, if they could redevelop this, redevelop that.

[8:14:30 PM]

If you look at the traffic there, how many people are going to go say I'm going to put my business in here when people can't even get down the street? You can't even walk your dogs down the street. So what we want to do is make sure that we go back to the south Lamar mitigation plan and make sure that whatever your decision is ensures that we're going to implement and correct the old and new watershed risks with this development. We're going to come up with something that anticipates the cumulative effects of increasing density. Create a new baseline. Is it 400%? If we get this development, are we going to restrict other development for the other cs people there? And finally, I want to talk about incorporating methods to define and protect a neighborhood's character. Did I meet my time?

>> Ten seconds.

>> I am done, but I want her.

[ Beeping ]

>> I want to get her queued up.

>> Thank you, Mr. Johnson.

>> Mayor Adler: I didn't catch your name. I'm sorry.

>> Hilary.

>> Mayor Adler: All right. And do you have three people giving you time? Is Brian chapel here? Is Ben Davis here? Ben Davis? Is Linda Thompson here? Okay. You have nine minutes.

>> Nine.

>> Mayor Adler: Nine minutes. Two people donating time.

[8:16:40 PM]

>> Okay, thanks. I'm Hilary dire. I want to talk a little bit about the big picture, about our history and just kind of orient you a little bit to our neighborhood. This is an outline of where we're located on south Lamar. Compared to surrounding areas, south Lamar is quite a bit different, because it's so geographically isolated. We've got the railroad tracks on the east, with no access across them. And we've only got three main roads into and out of our neighborhood that nearly every single resident has to use on a daily basis to get to work. As other neighborhoods around us in south Austin grew and filled in with development, ours didn't as much, being far less accessible, and therefore less attractive. And quite frankly, in years past, our neighborhood was considered undesirable by many due to its economic status. So as the rest of south Austin developed, we maintained a much more rural character, with many large lots, while remaining working class. So naturally we've seen a lot of infill. And this map shows you some of the places where the infill projects have taken place. As a matter of fact, our neighborhood has experienced the greatest level of density increase of almost anywhere in central Austin. And all of that has happened without any improvements to our infrastructure. This disproportionate level of infill could not have happened unless the area was less developed to begin with. And it was less developed to begin with due to these issues of connectivity and access. Thornton was originally zoned entirely residential a, now considered a sub-three single family. Prior to being annexed, the property at 2401 was built by Roy, who built a warehouse. He tried to sell his property after annexation, but he had problems, due to its nonconforming use.

[8:18:42 PM]

In 1961, he applied for commercial zoning. He was denied. The case revealed these problems I have listed for you, identified by the planning commission and city council. The problems are, Thornton is incompatible with commercial and high density. There's no access across the railroad. There's very limited connectivity. The road is only 30 feet, so not sufficient for high density. The subject tract is far away from oltorf, which is the only main thoroughfare in the area, and there's a creek flooding hazard. So, in 1967, Mr. Bbea tried again. He kept a 150-foot residential buffer at the street, and cs at the railroad track side. There was the same discussion at planning commission and council as in 1961 concerning the same issues, but the city reluctantly agreed to the zoning change because of the hardship Mr. Beal was having at not being able to sell his nonconforming project, and because the residential buffer gave more compatibility with the adjoining properties. There was clear reluctance at making the zoning change to commercial, as well as for the precedent that set. And I think it's safe to say that if the city had not relented in 1967, due to Mr. Beal's hardship, we wouldn't be here today. There simply would be no cs on Thornton. So that brings us to today. As so often happens in zoning, the dominoes fell, and this is what we're left with. The adjacent properties you see here in yellow -- now, Beal's project is in black. There's six adjacent properties. We're talking about today the two to the top.

[8:20:44 PM]

The adjacent properties were granted cs, citing the Beal tract as precedent. Throughout all the zoning cases we've seen over the last 55 years, throughout the entire 55-year history, the discussions have remained exactly the same. Each zoning case, they're all in your backup. There's links to all of them. If you read through it, you hear the same thing over, and over, and over. They all considered these same six problems which still remain today. Sometimes the zoning was denied. Sometimes it was granted. Sometimes it was granted at a lower density. But nevertheless, in each case, planning commission and councils sought to deal with the problems by limiting the density. What we saw in the past is exactly what our concern is today for the future. Because history on Thornton shows us that every other cs

property, the remaining tracts on Thornton will likely use your decision as precedent. And the applicant has no doubt, enthusiastically conveyed this to the adjacent cs owners. You will likely see us back here again very soon dealing with those properties, too.

>> Mayor Adler: Thank you. Any questions? Thank you. Next speaker is David king. I'm sorry, yes, mayor pro tem.

>> Tovo: I want to thank the previous speaker for that history. That was very interesting. Not just for your case and this instance, but because this happens from time to time. This council was asked to do a very similar thing, to approve cs to make conforming a use that was already existing, allowed to exist. And I thank you. You've shown what some of the pitfalls of that can be. That it then just can continue in a way that's not appropriate with the surrounding area. So, thanks for that. Thanks for going through all the records.

[8:22:45 PM]

I know that's not an easy task, and that's interesting information, I think relevant.

>> Mayor Adler: Thank you. Is Cindy corkhill here? And is Kristine Gilbert here? You have nine minutes if you want to take them, Mr. King.

>> Thank you, mayor, and mayor pro tem, and councilmembers. I won't need that much time. You've already heard much of the information tonight. I'm just going to focus on a couple of points here. Vmu vertical mixed use is intended for core transit corridors. And in the neighborhood that I live in, zilker, it's right adjacent to this neighborhood. And, you know, we would never -- our neighborhood would never stand for having vmu in the middle of our neighborhood. It's intended for the core transit corridor. We support that along south Lamar. We have vmu. That's where it's intended. The other thing is that we're talking about the Thornton road studios here being demolished and torn down. 50 artisans, two art schools, three music schools. They're going to go away if this goes through. And earlier today you passed a resolution to do something about the loss of our local musicians, to look at that ecosystem. This is that ecosystem. Thornton road studios is that ecosystem. And so I think that's an important point here. Do we want to lose that for this development? Is that what we're going to lose? I hope not. And one of the artists, their art is hanging here in city hall in one of the council member's offices. I think that speaks a lot right there. And I don't think we want to lose that. And in terms of development, right down the street on oltorf, the market.

[8:24:47 PM]

That's a commercial mixed use development that's going to go in there. And it will require -- as I understand -- a traffic impact analysis, because it's going to create more than 2,000 trips per day on average. And that's right at that T intersection that councilmember kitchen mentioned earlier tonight. Right there at that T intersection. It's the same intersection they're talking about widening there at Thornton road. And yet, has that been included in the analysis of the traffic impact? I don't think so. That's not been considered in this discussion. But it needs to be. And the threshold of 2,000 trips per day on average is too high. Other cities have a lower threshold. And that serves them well, because what that does is it lets you look at the cumulative effect of the smaller developments along with the larger developments, so you can see what the impact will be, and you can plan for that appropriately. And so I think planning is really important. That's why we're here today to discuss this proposal. So I think we should consider lowering the threshold for traffic impact analysis below 2,000 trips per day so you can have a better idea -- a better understanding -- more information that will inform your decisions. So, you know, I drive down that road, oltorf street, that section of oltorf between south Lamar and the railroad tracks. And just on a regular, typical day, without these developments we're talking about, the market,

and this proposed development here, the traffic backs up when there's a train there. It backs up all the way -- that whole street there backs up all the way to south Lamar and the railroad tracks. Cars cannot come out of Thornton road. I've been there. I've witnessed that regularly on a good day, just a very good traffic day, if you will.

[ Chuckling ] So, just imagine what this is going to be like when the market comes online with 2,000 trips per day or more, and this project comes online.

[8:26:55 PM]

It's going to be the worst traffic nightmare that you could imagine in that area. And talk about safety. What is it going to be like if emergency vehicles can't get to that location because of all the traffic that's there? So I think if we look at it from all these perspectives, this is not a good project, and I hope that you will vote against it. Thank you very much.

>> Mayor Adler: Thank you. Next speaker is rocafe. Is Kristen Sheil here?

>> I'm not going to speak. Thank you.

[ Off mic ]

>> Mayor Adler: Okay. Are you rocafe?

[ Off mic ]

>> Mayor Adler: Okay. The next speaker, then, is James. Is James mays here? Is Rick here? Is sandy here? Is Nancy hart here? And Christopher conte here. All right. So you have 15 minutes if you want to take it.

>> Thank you. Good evening, ladies and gentlemen of the council. Thank you for taking on such an important responsibility for our city. My name is James mays, the owner and director of band-aid school of music. I've been asked to represent the over 50 artists, two art schools, three music schools, and a number of other small businesses whose success will be severely damaged if not destroyed by this proposal. The Thornton art and music studios has been a visionary force responsible for cultivating and supporting Austin's creative culture and legacy in south Austin for over 30 years. If you've ever attended a film festival, south by southwest, acl fest, an arts festival like the tour, walked down 6th street or visited city hall, you've been affected by the work of the businesses on Thornton road that will be displaced by the proposed zoning change.

[8:29:11 PM]

I think you can see everybody in red who's in support from the Thornton arts studios. Can you just raise your hand if you're an artist from the Thornton art and music studios? So the impact here, in addition to the destruction that it could cause to our businesses -- I want to make you aware of some potential damage this will do to Austin's art and music community. Here's some examples of our reach in the community. We serve over 18,000 austinites and businesses every year. 23 years we've held the Thornton art annual holiday show with attendees from 500 to a thousand people. We're the largest collection of artists in the west Austin studio tour. We hold eight or more charity events there each year. And my music school, band aid school of music, serves 250 families a week out of the Thornton art studios. Let me give you an example of how important this location is to Austin. The east-west tour, our incredibly popular citywide event sponsored in part by the city of Austin. These citywide events allow the public to discover local artists, and for those artists to sell their work. While on the east Austin studio tour in 2015 promoted 460 artists in 150 locations, west, which affects our neighborhood, only was able to promote 260 artists over the same number of locations due to the lack of sizable artist communities in west Austin. The one notable exception, Thornton art and music studios. Loss of this space would deprive Austin of an essential location for this very popular event, and could cripple the culture of south Austin. From the outside, you saw an overhead, Thornton studios doesn't look like

much.

[8:31:16 PM]

It looks like a warehouse. But, let me tell you a little bit about the magic that goes on inside these doors. Greg Davis is one of our tenants, national geographic creative photographer and founding member of the Austin center for photography. This picture hung in this building for 2015. William is an internationally recognized rock and roll artist. Rattle tree school is the only African music community center and performance space in Texas. Here's some art from our studio going into councilperson kitchen's office. Fire seed clay art studios, 25 potters over 15 years. Here's an example of one of our art schools, the mosaic school. If you've been on 6th street, any night of the week you've probably passed a best wurst cart, maybe even have a sausage. They're one of our tenants. Hayward neon. We all love our neon in Austin. South congress, south Lamar, north Lamar, burnet road, south 1st, a lot of that neon happens right there in Thornton art studios. That's where it's made. Holly bronco, a rock and roll photographer. Here's some photographs of local artists, bob Schneider looking sexy, patty griffin, Danny, Billy Harvey. All this happens in Thornton art studios. And band aid school of music, the national champion rock band school. Other artists include carpetten ter's, fitness gyms, glass and paint studios, recording steel Youse, steel drum music studio where classes are held.

[8:33:20 PM]

Ladies and gentlemen of the council, please join me and the Thornton arts studios community, and the over 760 signatures we have here from Austin citizens to reject this proposal tonight, just outright. Let's just be done with it. Just a little bit about myself and the music community. I'm James mays, I began my professional music career on 6th street in 1986 in the band bob popular attending the university of Texas. I've become a member of the voting academy. I vote on the grammys. I've served as a producer of south by southwest music festival for six years, a producer of aclfest. The production director of the Miami music festival, a festival in California. I founded south by southwest underage, allowing bands under 18 to play south by southwest for the very first time. I created the kids are all right fest, bandaid school of music, I've toured the U.S., the UK, Europe. I've played Carnegie hall, and probably most importantly, I'm a friend of Jon Dee graham, whose day it is today and who played here.

[ Laughing ]

>> So I'd say I have a little bit of knowledge about the music industry and Austin. I've dedicated my life to it. And now I've dedicated my life to the next generation of musicians in Austin, with bandaid school of music. There's a reason why people flood to Austin for music. There's a reason why billions of dollars flow into our economy from these events. It's because over the past 40 years, we've been committed to supporting music, art, and culture in Austin. When my friend Mike and his friends ran the armadillo world headquarters and started Austin city limits television show, they had a vision for what Austin could become creatively.

[8:35:22 PM]

This is our legacy right now. And thanks to those of you who voted for the newcostemsolution to support mic and the creative endeavors in Austin, we have a shot at creating another 40 years of reasons why people want to move to Austin and rent apartments. So, I have a few slides here about the economic impact studies which were just done. I think you're probably familiar with that, since you just voted through a resolution. You're, I'm sure, aware that our music industry has declined locally 15%. That's a decrease of 130 million, and we've lost 1200 local music industry jobs over the last four-year

period. So I'm really, personally pleased that you all are making a commitment to make a change to that. I've got some quotes from mayor Adler, which I'm sure you have all already discussed today. And I wanted to make note of one of your commitments that you made today, is to preserve existing spaces for not only musicians, but also creative industries. And you don't even have to do anything. You don't have to go out and find the spaces to do that. You don't have to have a study. You can start it right now by just simply rejecting this proposal. Wouldn't that be great?

[ Laughing ]

[ Applause ]

>> That would be great. We would be really proud of you for doing that for us.

[ Laughing ]

>> Jennifer is, hey, let's all grow Austin in a responsible way moving forward.

[8:39:16 PM]

Let's take into consideration that it's our arts and culture that is the soul of our community. So, yeah. So to some of you, I'm preaching to the choir, but I wanted to just tell you a couple of Austin music stories. Before Charlie Jones started aclfest, he managed local Austin artists like pike. He talked to her about an idea he had about a festival. If he hadn't had that experience, and gained it with local musicians working here in Austin locally, and just doing the small stuff, he may have never been able to accomplish what he did. And now, because that festival added a second weekend, we added \$200 million to the Austin economy last year. I remember my old boss, Brent, god rest his soul, the former by southwest, telling me how south by southwest began as a way to help out local bar-owners who weren't making any money on spring break. So we put local bands in local bars. And we started a festival. And Roland and Brent used to run in the alleys with six packs to pay the bands. That's how it all started. These huge things that bring in all this money to our city started locally with local artists and local people. And we need to cultivate that. The future of our music culture is not the next big festival, it's the next big idea that comes from our local music scene. Tonight's a really easy way to support that. It's very simple. So in closing, I'd like to say that Austin attracts people from all over the globe. We know this. They respect our culture, our art, our artistry. I could tell you many stories about playing in the UK and getting gigs just because I was a musician from Austin.

[8:41:20 PM]

They didn't even ask to listen to me. Some of the best clubs in London just gave me shows because I'm a musician from Austin, Texas. And we're gradually losing that, and we need to regain it. And you all can do something about it. So please, don't destroy the very culture that makes Austin great. Instead, will you help us? Will you continue to make choices that support Austin's unique and vibrant entrepreneurial spirit by supporting our culture and the business that continues to improve that culture? Will you please follow the lead of the Austin music commission who formally opposes any zoning change. And on behalf of the entire Thornton arts community, I implore you to reject the proposal. We back the recommendation of the neighborhood association and the property owners on Thornton road. We ask you to implement a park on the lot next to 2309 Thornton road, or, two, a watershed on the same property for the 5,000 apartments and condos already being built on the Lamar corridor. Or, three, go back to our beloved owner's current proposal to build live/work studio space on the property adjacent to our complex, which would enhance the Thornton arts studios, add more artists and culture, which the neighborhood wants. In the event that you decide, god forbid, to pass this proposal, we demand you provide us with our current footprint of 30,000 square feet of studio space and guarantee the current rental rate as part of the new development. What the heck. Might as well ask

for it, right? Thank you very much for your time.

[ Applause ]

>> Is Brian king here?

>> Mr. Mayor, I'd just like to take a moment to thank everyone with Thornton road studios. I have been so honored for the second year now to have art from the Thornton road studios in my office. And we just opened our office, along with the people's gally -- I guess that was last week.

[8:43:23 PM]

So thank you all very much. I really appreciate -- and it's an honor to have the opportunity to showcase your work.

>> Thank you.

>> My name is Brian king.

>> Mayor Adler: You have three minutes.

>> I live in the south Lamar neighborhood. I've lived there for 26 years. I was the founding president of our neighborhood association. We started back 15/16 years ago. I'd like to talk about the character of our neighborhood. In a meeting with the developer and us, and staff, it was a joint meeting, the question was asked, about the desire of the community to retain the art and soul of the neighborhood. And staff said it looks to the neighborhood plan for that information. Since we didn't have a neighborhood plan, it would just be one person, one person's word against another. So I'm here to speak to that. I was involved in the neighborhood planning process. We worked a very long time -- all five neighborhoods, zilker -- there were five of us in that group. And we didn't feel like staff was abiding by our wishes about what we wanted, character in our neighborhood. We had pushback. We went through mediation. We had a professional mediator come over and work with us. We couldn't get consensus. We walked away and suspended the plan. During that process, of those many, many workshops, we produced draft future land use maps. And in those flums, we said, leave this part alone. We were okay with cs. We knew this was part of the character of our neighborhood. What was obvious in that process was the neighborhood was happy with the present use of the property, and we clearly wanted to retain this eclectic, funky part of our neighborhood. You may not know presently, there's a site plan active right now to build more warehouses on the blank lot right next-door to it. And that's where we thought we were going. And the neighborhood had no problem whatsoever with that. No objection, go for it, wonderful, continue. So earlier today, you passed an ordinance. And part of that was maintaining spaces. I think this case is where the rubber hits the road.

[8:45:27 PM]

You directed the city manager to take 90 days to come back. You can do something right now tonight. You can go forward. Councilmember kitchen has asked, could we do this on all three readings tonight. Yes, you can. You can pass -- put a motion forth to deny, with a valid petition, on deny, you can pass it on all three readings. You can passively not collect six votes, and it will drop because it won't go past first reading. I hope you choose the active way. When I was driving into Austin, I had another idea for this property. Why not down zone this to mf-2 and allow the existing nonconforming uses to continue? They go on in perpetuity. If it ever does evolve into something else, staff has already mentioned, their idea was mf-2 was appropriate. There's nothing higher than mf-2 other than this dysfunctional cs from the '60s. So, I hope you'll consider those. I hope you'll take some action tonight so the red-shirt brigade doesn't have to come again and again. I appreciate your time. Hope you will deny or down-zone the mf-2. Thank you very much.

>> Mayor Adler: Those were all the speakers that we had. The applicant would like to close.



>> Hi. I'll just real briefly close. Regarding traffic, our voluntary mitigation that we proposed, can you pull up my presentation to go to slide six? Our voluntary contribution for traffic infrastructure more than mitigates for our traffic. And other tracts that want to develop would have to do the same in the future. Our proposal would solve the transportation problem for T neighborhood. For flooding, the 10% detention we demonstrated as part of the solution applies with the ordinance on the books.

[8:47:28 PM]

Cs zoning for this tract is the fact that there's no neighborhood plan, it's a fact. And in fact, we're proposing to down-zone had tract.

[ Clearing throat ] Excuse me. With respect to relocation, there will be months with us developing. There will be months and months before the people need to relocate. And we'll actively assist them in that effort.

[ Clearing throat ] The choice, I believe, is basically cs-mu-v and the V would require the work units. We'd gladly welcome some of the existing tenants to relocate when those live/work units are up and running. We've had conversations with them about that. The choice is between staff recommendation and cs-mu-v light. And basically, under the staff recommendation, there would be 56 less units, less far, less building coverage. Under both cases, we would gladly pay for the transportation infrastructure that we outlined that solves the neighborhood's issues. Thank you.

>> Mayor Adler: Thank you. Hang on a second, sir. Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I went ahead and looked up the property value. First, I want to say -- you know, to the people that came, obviously, everyone understands there's a value in art. There's also a cost to people that have to pay the taxes in the city. I'm looking at the tax rolls for the property at -- I believe this is the 2309 Thornton. In 2013, the land was valued at \$176,000. In 2015, it had increased to \$768,000 just for the dirt.

[8:49:29 PM]

That's just for one parcel. The other parcel of land is around \$780,000 just for a piece of dirt. Was there any explanation for why the property value was increased 430% in just a couple years?

>> Representing the applicant, I don't know the answer to that. There may be other representatives that do.

>> Zimmerman: Is there somebody here that could speak to this unbelievable escalation in the property taxes for this area? Do we have anybody that can give us a rational explanation for 430% increase in the taxes just on the dirt? Did somebody find oil? Is there some gold in the ground?

[ Laughing ]

>> Mayor Adler: Thank you.

>> Zimmerman: I think this is an important part of the conversation. Again, you know, no one talks about the cost, the exorbitant, exorbitant taxes in this city, and how this can drive people out. So I know this is a company here, the UT land company. They're a corporation, so I guess those aren't human beings. But this is the root of our problem. People are being driven out of the city. It doesn't matter if you're a individual or a company. You just can't afford it anymore. You're going to have to sell out. You're going to have to redevelop. You've got to do something.

>> Mayor Adler: Okay.

>> Zimmerman: And I think that's the root of the problem here.

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

>> Houston: Well thank you all for coming out tonight and talking about the property and where you live. You know, it's interesting that when I heard Thornton road, I thought, that name sounds real

familiar. And it is, because my daughter and I go out to computer medic all the time.

[ Laughing ]

>> Houston: And it's a little tiny street, and it's hard to find. I mean, the first time we went out to get the computer fixed, and buy her a new one, it took forever to try to find it, because the streets are so narrow.

[8:51:38 PM]

So anyway, I appreciate what you're doing out there. And I did see the marimba school. I thought, I'll come out there and take classes, but never did. So, thank you for being out tonight.

>> Mayor Adler: Ms. Gallo.

>> Gallo: I have a question of jerry, please. So, my understanding is the property is currently zoned cs.

>> That's correct.

>> Gallo: Which would allow for many other uses other than what is there now.

>> That's correct.

>> Gallo: Okay. So, what I really appreciated in the staff recommendation was the prohibition of a variety of uses which I assume they could be uses for this property.

>> That's correct.

>> Gallo: So, you know, I'm looking, and I understand all the concerns of the neighborhood. But living in a neighborhood and working in the neighborhood, I would be really concerned about the potential uses under the existing zoning. And I really appreciate staff limiting and prohibiting those uses. They would include things like adult-oriented businesses, automobile washing sales, bail bonds, campgrounds, drop-off recycling collection facility, exterminating services, pawnshop services, service station, vehicle storage. And I just -- you know, I want to say, this is a really tough decision, but the property is zoned commercial. And there are some uses that an owner could do, and could do because of their current entitlement that as somebody living in that neighborhood, I would be really concerned that those opportunities to do that would be there. So I think that's what I was understanding with the prohibitions, that you were actually taking uses that they could do under their current entitlement and prohibiting those from ever being done in the future. The other question I just wanted to verify that I understood correctly were the improvements. Would that be a question to you, or to transportation?

>> I'll take a shot at it.

[8:53:40 PM]

>> Gallo: Okay. So it's my understanding that -- we heard many neighbors talk about the concerns with the road, and gentleman that talked about taking his dog for a walk and almost being hit. Part of the improvements that would be required with the staff recommendation would be improving the intersection and widening the road, and adding a big section of sidewalks. Was that just this morning we talked about sidewalks? Maybe yesterday at mobility. But how expensive it is for the city to provide sidewalks, and how long it will take the city to actually provide sidewalks on streets that don't currently have them. So, from a safety standpoint, just the fact that staff would recommend that that be part of the staff --

>> Yes. This is an offer that goes beyond their property to extend them.

>> Gallo: It looks like it's about 600 feet? Somewhere.

>> Somewhere between 6 and 9 had 900 feet.

>> Gallo: The city is struggling to provide sidewalks. When people are willing to do it --

[ off mic ]

>> Gallo: I just wanted to verify.

[ Off mic ]

>> Gallo: Okay. But, anyway, I just wanted to confirm that. Thank you.

>> Mayor Adler: Thank you. Ms. Kitchen.

>> Kitchen: I'll wait to be last, unless -- does anybody else have a question?

>> Mayor Adler: Does anybody else have any further comments on this?

>> Kitchen: Okay.

>> Mayor Adler: Yes, Ms. Troxclair.

>> Troxclair: I just want to get a better understanding. I don't know if councilmember kitchen is the right person to answer this, or someone from the neighborhood would be the right person, but I am also struggling with the fact that there is already commercial zoning on the property. I was really moved by the neighborhood, and the presentation with all of the artists. I mean -- I'm really familiar with that area.

[8:55:42 PM]

But if the land owner can already demolish and build something that would bring even more traffic to the area, how are we -- how is it better. I'm genuinely asking this. I'm trying to understand. If we don't approve this zoning, and the land owner uses his existing right on the property, and does something that causes the existing structures to be demolished, and build something that causes more traffic, how is that better than, I guess, what he's offering now? I don't know. I need to understand that.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: Here's what my perspective would be on that. You know, one thing is -- you know, one of the questions you're raising is, how is it better. Well, you know, if we go forward with this, we are destroying the Thornton road studios. We are destroying what is there right now. So to say that that's better than what could be done on this project, which could destroy them also -- I mean, you're not doing anything better for them. You're actually destroying -- you are making -- we would be making sure that the studio was destroyed. We don't have in front of us a full build-out of cs. So to speculate what could be done on that property, I don't think is appropriate at this point in terms of comparing it to this. I think the appropriate thing is to compare what is there now to this, rather than what could happen there in the future, which could be as bad as this is, but we know that this is bad. The other thing I would say, simply, is that I think a couple of different speakers referenced the fact that there was -- or is, I'm not sure which -- an existing plan for this property which would take the studios that are there now and expand them.

[8:57:51 PM]

So it's just as easy to say -- or just as relevant to say that if we don't go down this road, that what that landowner will do there will be more in line with what is currently the case there. So -- and I think that the neighbors are telling us -- the neighbors and the Thornton road studio folks are telling us that they're willing to take the risk of what could happen instead of taking what is bad for them, essentially. And they also have a potential opportunity that they wouldn't have if we go forward with this, a potential opportunity to turn what they've got there now into even better space.

>> Troxclair: Okay. I wish I -- I just wish the alternative -- I'll vote, I guess, against the zoning changes -- it's not necessarily a vote to save the art studio. I just wish it was more clear-cut. It would make it an easier -- and I worry that when -- I understand that we have to judge what's in front of us and not what could be in the future. But the reality is that the landowner -- we would have no control -- we would have even less -- we would have no control, pretty much, of what goes there in the future. And it could be much worse than what they're proposing now.

>> Kitchen: Well, actually, I think that with what we passed this morning, you know, in what we passed

this morning, we talked about having the staff help us understand how we could take the opportunity to support hubs, or build hubs. As one person testified, this is an existing hub. So, yes, maybe not today at this point in time, but if we move forward with that resolution, which is what we talked about this morning, and if we're serious about creating hubs for artists, then we're already ahead of the game with this one.

[8:59:56 PM]

So I think that we've got an opportunity -- if what we passed this morning is real in any way -- I mean, if it's real and if we're actually going to do something with it, then to say that we won't have any opportunity to help Thornton road studios is simply not the case. I mean, we will have that opportunity as a result of what we did with the resolution this morning.

>> Troxclair: I think it's hard to compare the

>> Troxclair: I think it's hard to compare the two. I hope that we're not put in the position of either supporting artist community or undermining someone's property rights. I hope that when the process comes -- I know that the ecosystem resolution that was passed encompasses a lot of things but it seems to me that might be the situation that's being described. I hope we're not in that position. I appreciate, as someone who represents west Austin, I know that there's not a whole lot of art space, there's not a whole lot of art studios, and I really do appreciate the space and the artists who work there. And I continue to listen to the conversation.

>> Mayor Adler: For me, I'm going to -- I'm going to vote against this application. I come at it from a little different place. I'd like to save the arts community and hopefully something that comes out will provide us the tools to do that, that would be best. It would be good because it's an income-producing property, so it's a kind of thing that might be amenable to that kind of approach, but I don't think we can guarantee that by the action that we're doing today. So I'm -- I would like to see that happen, but at the end, it's not the deciding issue for me. I'm looking at this just in terms of whether or not I think that this use is the appropriate use to be put on this property. I am in favor of increasing density in the city.

[9:01:56 PM]

I'm in favor of increasing the amount of housing that we can get, affordable housing we can get in the city. And I think as we go into the codenext process, there are going to be opportunities for us to do that. And we're going to have to reach as a community a social compact on what's appropriate and what's not appropriate in different areas. I wouldn't decide this case on the traffic issue because the traffic folks here looked at it and have a traffic impact analysis that indicates that it could be better with the upgrades. I'm not convinced by the flooding element of this because it seems to be the tail end, and the argument about cumulative traffic and cumulative things, I know we've discussed as a council numerous times and, you know, there's not a case that comes before us that has any increase of density that someone in the city can't make the appropriate and I think argument that we shouldn't be doing anything because traffic is bad in this city, because traffic is bad in this city. It's bad in this city everywhere. But I'm not ready yet to adopt a moratorium on development in the city. So it's not traffic, it's not flooding. I want to do everything I can to preserve the music and the arts community, but in the end, that can't be the reason. To me, I just don't think this is the appropriate use in this area on this piece of property in this setting. And ultimately, as I try to figure out what the policy is going to be for me as we approach codenext, I think that we need to get the density closer to the transit corridors, and I'll be supporting changes in the code that maximize our ability to get density in those areas this one seems to me to be a little bit more of trying to do an infill project into the interior of a neighborhood. I don't think we can pick up enough density in the interior of the neighborhoods to be worth the pain and

the blood that would be on the floor if we fought that battle.

[9:04:02 PM]

So to me, I'm going to vote no just because I think that this is not the appropriate use.

>> Gallo: Mayor, could you remind -- it's been a while since we started this. Could you remind us what the motion is?

>> There is no motion.

>> Gallo: Okay. Thank you.

>> Mayor Adler: I'll entertain a motion if someone wants to make one. Mayor pro tem, you want to make a motion?

>> Kitchen: I would just say that I don't intend to make a motion because I don't want this to move forward, so this -- we can end this today with no motion to move this forward. If this does not get the votes to move forward, then we have made a decision.

>> Mayor Adler: Is that true?

>> There's several possibilities here. One, a motion to approve would need six votes to move forward. If it did not get six votes, it would die. There could also be a motion to deny and if it got six votes the motion would not move forward. If you did nothing, it would not move forward, but we would prefer as staff a motion, one way or another.

>> Kitchen: All right. I take back everything I just said and I will make a motion to deny -- deny going forward with this application, if that's -- okay. I'll make that motion.

>> Mayor Adler: It's been moved to deny. Is there a second to that motion? Mr. Renteria. Discussion? Mr. Casar.

>> Casar: I want to speak briefly to why I'll be supporting councilmember kitchen's motion. As many of y'all know, I'm someone who definitely fights for every unit of housing that we can get, especially in desirable parts of town, because to me, to represent my largely working class and working constituents, we need as much housing in this city as we can get because if we don't have enough housing for the people who live here, it's going to be the lowest income folks who get pushed out first. However, that doesn't mean that everywhere is going to be the right place to put housing, and I'm not ready in such a hot housing market to make those kinds of decisions if it's does get displace existing folks or displace many of the creative people and artists and things we're going to be spending money oftentimes to try to protect.

[9:06:20 PM]

So I think this really is a case where it was difficult for me to say, well, this is 22 affordable units. That's hard, and it's hard in our given context right now, but I think it goes to show that we need lots more vnu where we can get it. We need to unlock our density bonuses where it's appropriate, and we need to do more of those density bonus programs so that every 20 units that comes before us at a council meeting doesn't feel so weighty to give up because we have so much more of it happening in the city. But the reason this is hard is because we know it's not happening enough. And so I'm comfortable supporting councilmember kitchen's motion because I know that on this council dais, we have support for doing that sort of work so that we get the housing supply that we need, and the locked-in affordable supply that we need in this sort of time of real stress. And that means you might need some density not just on the corridors. Ms. Gloscow makes a good point that in my district we have the zoning off of four transit corridors. I think for us to achieve our goals, we need to find ways to have housing supply of all types and affordable units in as many places as we can get them, where it makes sense. And so in this case, it's a hard call, but I want to swing this one in favor of Thornton attitudes. I think that's a hard

question you ask, but given the way the housing market is, I think this would be a nail in the coffin, and now they have a chance to fight back or work with the landlord to try to find a way to remain in place even if council can't guarantee it with this vote.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I would say thank you and I agree with you, we need to have housing, much more housing, and I support that, and I support vmu. This is just not the right place.

[9:08:22 PM]

I also want to thank the neighbors of the south Lamar neighborhood association because they have been a neighborhood that supports increased density and as I think someone said earlier, and there was a chart, they have supported all along Lamar, and also a lot of infill areas within the neighborhood. So I appreciate a neighborhood that understands and is interested in and willing to support housing. And I do agree with them in this case, that this is simply not the place, so thank you.

>> Mayor Adler: Ms. Garza.

>> Garza: Yeah, I agree with councilmember Casar. I, too, often vote for housing supply, adding more housing supply, because I represent a lower income district and I do believe that adding that housing supply will help some of our lower income families. These are also -- I think these are such case-specific or fact-specific issues, at each zoning we often talk about applying a blanket policy to all of these, and for me I don't think I'll ever be able to apply a blanket policy because there's such unique things about every single case. So in light of what we did earlier, and in light of being the daughter of an artist, I think this is -- for me, it's a symbolic vote. I'm concerned that the landlord can -- you know, this doesn't necessarily save these studios, but I think it sends a great message that, you know, I remember going to a taste in music when I was 19, but going to see alaniss moirsett at lunch, and you can't do that anymore. I think this is a symbolic vote. I think the landlord decides to keep the current and expand it to include more artists, so that's why I will also be voting to deny this.

>> Mayor Adler: Further discussion in Ms. Troxclair.

>> Troxclair: Can you just articulate for me quickly why what exactly about this particular proposal you think is inappropriate or inconsistent with the use that you would like to see, or inappropriate use that you can't support it because it's not the appropriate use?

[9:10:34 PM]

Can you just help me articulate from a policy perspective why that's the policy issue that you said what was the deciding factor?

>> Mayor Adler: I think for me it reaches so far into a neighborhood an it has so many single-family homes immediately adjacent to it.

>> Troxclair: Okay. Thanks.

>> Mayor Adler: Further discussion? The motion is to deny. Mayor pro tem.

>> Tovo: Since the issue of property rights came up a little earlier in the conversation, and maybe it's going to come up here again in a minute, I just wanted to say that I'm going to support the motion that councilmember kitchen made and, you know, this property owner has the right to develop under cs. They wouldn't be here asking us for a rezoning if they had the right to do that already. And so, you know, when we talk about property rights, it's really talking about existing entitlements. And for me, when I'm thinking about whether or not to make changes to those entitlements or to increase them, it's -- you know, part of my decision-making is what -- what is to come and whether it's appropriate and whether it's an appropriate land use for that area, and also what might we lose by granting that entitlement. And I think as I would agree with my colleagues, that certainly I think what we would lose

here is very considerable. And for me also, I think on both parts of that equation, I would have trouble. I'm not -- I don't believe -- I don't believe the rezoning that could come from -- or the development that could come from rezoning it is appropriate for that site, and I also have concerns about what we were -- what we would be losing by granting that entitlement. And so that's my rationale for supporting councilmember kitchen's motion to deny the zoning.

>> Mayor Adler: Okay. Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. To break momotony here, this is obviously going to get denied by a very large margin, and I didn't get an answer to the really pointed question of how do you handle a 400% increase in your property taxes without raising costs.

[9:12:53 PM]

So I don't see this action here of denying the zoning request as saving anything because the property owner is going to have to raise rents to try to cover the higher taxes that are coming. It's just -- it's a bad situation in this city. It's true that the traffic is horrendous all over this city. This city has not kept up with road infrastructure for decades. These are common problems that most of us here, first-time councilmembers, we've been on the dais for more than a year, and the situation we've heard tonight, it gets repeated over and over and over. Esclating costs, people -- you know, densification pressure, lack of infrastructure, excessive cost, gentrification, new people coming in, people leaving. We hear a lot about the people and families moving to Austin, but I can't ever here about the people that are forced to leave. I because of the news routinely and I hear 130 new families or people per day, whatever it is, but they never talk about the people that are forced out. It's just always, oh, isn't it great that all these people are coming here. Well, no. It's making the city unaffordable. And it's a problem in the limited to Thornton road, it's all over the city. And I don't think this zoning denial ultimately is going to fix anything. So I'm going to be voting against the denial.

>> Mayor Adler: Thank you. Ms. Houston.

>> Houston: Mayor, I actually agree with councilmember Zimmerman. The fact is that we are feeding this growth industry and we're feeding it on steroids, and all of the woes that we have as a city, we've grown too fast and we didn't plan very well for that growth, but that's where we are today. So I will be voting to deny so that -- I have so many creative spaces?

[9:15:01 PM]

District 1 whose rent, as I said, salvage vanguard is looking for places because their rent went from \$4,000 a month up to \$16,000 a month in a year. In a year. And so they're looking for space. Ruud mechanical is looking for space. The off-center is looking for space. And so when I lived in San Francisco - - when I went out on Thornton road, I thought this has that same kind of little interesting arty feel that parts of San Francisco. And it probably won't save it, but I'm going to vote to try to save it because I think it -- if my vote today was anything, it says I have a commitment to trying to help creative spaces be vibrant and continue to do the work that they feel called to do. And so I will be voting to deny.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: Would this be the appropriate time to get a commitment from the rest of the council that we're not going to raise property taxes next year?

[Laughter]

>> Zimmerman: I would add no, but it's a good joke.

>> Troxclair: I'm going to support councilmember kitchen. I've been persuaded by the arguments that have been made here today.

>> Mayor Adler: Mr. Renteria.

>> Renteria: I'm also going to support her resolution, councilmember kitchen's resolution. You know, growing up in Austin, you know, I used to hang out and I used to be a group of one of the -- one of a band called [inaudible], and my favorite drummer, clemencio zapata, was one of the greatest drummers. I'm not an artist, but we fought so hard for the Mexican American culture center so that we could -- all these artists could perform.

[9:17:08 PM]

Unfortunately, you know, when we get such a beautiful, expensive building, the fees go up, and some of the struggling artists are no longer able to perform there anymore. So that's what's been going on here in Austin, you know. It's -- you know, we've got -- I have a street called Tillery. That's where a lot of creative people are now, and I made a commitment that we were going to try to preserve that area as long as we can. I know that, you know, it's very difficult, if you're not the landowner, and I know the taxes are going up, so it's very hard. It's a very hard situation. But if we build something even more expensive and bigger, the taxes even are going to go up higher than what you're paying now. So, you know, it's always that. You know, you say, oh, well, you know, we're going to give you 10%, but 10% -- and by the time that building gets done, you have lost your artists. They're gone. I mean, where else are they going to go? You know, the same thing, we talk about, you know, the low income people having to leave. Well, yes, because we're building such big high-dollar, expensive housing, which happen to be called str's, where they come in, they see that they can make \$100,000 a year leasing out their house, and so everybody else is going to say, wow, we could really make some money here. So they suddenly start buying and displacing people. And that's where your high tax increase is coming from. You know, if we let that continue to happen, art is going to be high-dollar ventures -- whatever, for artists, they're not going to be able to afford it so that's why I'm going to support the resolution.

>> Mayor Adler: Any further comments?

[9:19:09 PM]

In the Gallo?

>> Gallo: You know, this is -- so many of our cases, we really struggle with because there's not really one right answer. I appreciate the artist and what you do and what you do to make our community better and more beautiful. And that's one side of the story. And the other side of the story is, this is a property that's zoned commercial, and we have an opportunity with staff's recommendation to get 156 more residential units, and we talk about how our rents and property prices go up and up and decrees, and the only way to even begin to make a dent in that is to increase housing stock. So I'm sad that this will -- it's obvious on the dais, there's going to be the votes to deny it, and I will also support councilmember kitchen with that vote. But it makes me sad because we lose the potential of 156 residential units that we desperately need to add to address affordability. We lose the ability to get traffic improvements in an area where neighbors have gotten up and spoken that there are real problems, and we lose the opportunity to restrict commercial uses on a property that is entitled to have commercial uses that I would be very uncomfortable putting in a residential neighborhood. So, like I said, there are very difficult decisions, and this is one where there's really not one perfect solution. But I appreciate councilmember kitchen and her bringing this, and I appreciate the neighbors staying very, very late for a very long day to share your stories with us.

>> Mayor Adler: The motion is to deny. Is there a second to that motion? Did I get one before? It's moved and seconded. That's right. Those in favor, please raise your hand. Those opposed? 10-1, Mr. Zimmerman voting no.



[Applause]

[9:21:10 PM]

>> Mayor?

>> Mayor Adler: There's been a request -- go ahead.

>> I just want a quick comment. I want to thank the gentleman who made the comment about I just changed my retirement plan, I'm going to travel Europe and say I'm from Austin, Texas.

>> Mayor Adler: And you'll see if they'll give you a gig; right? That was the other half of that story. Let's see if we can do 44 quickly so that H.R. Staff can go home. This was the municipal civil service commission. This is item number 44. Is there a motion to approve? Mayor pro tem so moves. Mr. Renteria seconds. We have now handed out the resumes. Is there any discussion before we vote on this? Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. I was pretty impressed with the resume of Melissa Rogers that was selected here. Very extensive background, so I just would have like to have seen that in the beginning, and I think we could have dealt with it pretty quickly.

>> Mayor Adler: Sounds good.

>> Zimmerman: Also, I would just recommend to us that we -- since we have only five members on here, it's pretty important for us to get a balance on that committee. We should probably have two people with a firm commitment to union representation, two people more of the management/business side, and then a fifth person being someone with very good balance in both. That would bring balance to the committee, and we're not there yet, but we could possibly get there.

>> Mayor Adler: Okay. It's been moved and seconded. Any discussion? Those in favor of the applicant, please raise your hand. Those opposed? I want to appreciate staff being here as long as you've been here for this kind of anticlimatic. This gets us to the last item, which is the committee matter. We have people signed up to speak on that issue.

[9:23:13 PM]

Don't know if they're still here, but I want to give them a chance to speak. Mary Engle, I don't see. David King, do you want to speak on this issue?

>> Yes.

>> Mayor Adler: Okay. Frances McIntyre was here earlier. She had to leave. She sent us all an e-mail and Whelan is on deck.

>> It's ironic this is last on the agenda but it's an important item and I think these changes are an improvement. I think it just shows that we've learned some lessons in trying to make changes to increase participation and input from the public. I think these changes are a good improvement to the first year on this new committee process, so thank you for bringing this forward, councilmember Casar and the other sponsors. You know, I really appreciate that you're trying to make the committee, the council committees follow a similar -- similar rules and processes as you do for the council meetings because that makes it easy for the public to -- when they come to a council committee meeting, to know what the rules are and how to sign up for the council committees just like they do here. I think that's very important. That makes it simple and more effective for us. You know, I did like -- I would like to make, you know, another point about the backup materials, and I know y'all have discussed this, too, and this is a challenge for you as well to have the backup material in time for you to look at. I know there's a lot of material to look at, but that's really important to the public as well, that we have that information as early as possible in the process, so we can be prepared to come up here and give you input that maybe will help inform your decisions. So I'd just encourage that we continue to work on that.

And the -- one question I have is the term of the committee members shall be the term of the councilmember.

[9:25:17 PM]

That's -- you know, I know that one of the reasons that you wanted to have staggered kind of terms on the committee is so you could have different experience on different committees, you know, throughout your term here on the council, and I just -- I'm not saying that's a problem, I just think that's interesting that -- you know, that basically you're going to be on the committee for your term now, and you won't be necessarily moving to a different committee. So I'm not saying I have a concern, I'm just saying that, you know, I'd look forward to seeing -- I don't know if you might reevaluate that next year after you see how it works out now, or maybe explain some of the rationale behind that.

>> Casar: And we moved actually -- that to two years. There was some suggestions to full term for some for two years, so the ordinance we're going to move has two years.

>> Oh, it's two years. Thank you. So, you know, when you sign up for items on the council committees, I'm hopeful that we can take that next step, and I know that was the purpose in doing the new kiosk that -- when you -- you can sign up for council committee items the same way. I think that's very helpful. And I'm going to take this opportunity to thank you for the work, thank the city clerk's office for the new kiosks here and it's much easier -- I just love the touch screens. It's much easier. They've threatened me to put a limit on how many items I can sign up for, so --

[buzzer sounding]

-- See -- so my time is up, but I want to thank the city clerk and Janet Goodall and Gina Estrada, they've been so good to me and have taken my input and I really appreciate your support and help. Thank you very much.

>> Mayor Adler: Thank you. And as Mr. Whellan moves down, in case I forget this later, I think we want to publicly recognize that Ms. Kay's birthday is on Saturday. She takes care of us here, and we all want to wish her a happy birthday.

>> Thank you. Real quickly, first, Michael Whellan, on behalf of him, in connection with the city council process, first, as we all know, at the state legislature or congress, committees are typically the only place that the public can speak through public testimony rather than one-on-one to elected representatives.

[9:27:43 PM]

It is the only place, at the committee level. At the state and federal level, you do not see the level of redundancy that we are now seeing, specifically. People naturally feel compelled to speak to the four persons who are sitting on a committee and then, since the entire council will be convening to appear again for the entire council as a whole. Obviously, this redundancy takes time and certainly patience. The second time I want to emphasize, the amount of time the committee structure has taken for all stakeholders involved in this process. I believe, other than you -- well, other than you, that our city staff is the most acutely affected. The staff time dedicated to committee meetings, council meetings and boards and commissions, which we sometimes forget about, make it very difficult to the day-to-day operations of the city to be done in an efficient and timely manner. The most acute area where we see the impact is in upper management, since our city staff finds themselves at numerous meetings, committee meetings, in addition to the boards and commission meetings, one of which seems to be meeting every night. We evaluate the committee's structure or need more committees would help a great deal for helping some relief to city staff and freeing up extremely valuable time for them to execute on the many questions and policies that are added to their to-do list at every council meeting. Time for constituents, consumers, and advocates must also be mentioned. When you have multiple

committee meetings and council meetings, as noted -- as we've talked about, people will attend both. However, the time the councilmembers themselves have to spend at committee meetings translates into less time for constituent interaction, either one-on-one or a group constituent meetings. I know many of you, councilmember Garza and others, have made special mention of the amount of time that much of the committee structure is taking. Finally, thank you. Thanks to everyone sitting on the dais for their service to our community and your openness to the continuing discussion and evolution of this process.

[9:29:47 PM]

>> Mayor Adler: Hold on, please. Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. Mr. Whellan, I appreciate those remarks. Have you had a chance to look at the edits? I know there's several versions that are floating around up here, so -- but all the versions that I've seen, based on what you just said, I think you would be inclined to be against all of them because they move us in exactly the wrong direction, based on your remarks. And they consume more time, they have less power and less discretion. The way these things are written, I'm going to do everything I can to kill committees if this thing gets passed. Bought already they're marginally useful. This would make them utterly worthless.

>> I'm not here to comment on that, I'm just here to comment as a user of a structure, and I think there's some things you can do, I've got some ideas in terms of a hybrid system, but we're not the state legislature or congress, and I think there's some redundancy that we can impact here.

>> Mayor Adler: Thank you. We're now back up to the dais. Those are all of the speakers. Mr. Casar, you want to lay this out?

>> Casar: Yes. And before I lay it out, I'd like to see if -- considering Mr. Whellan's comments about city staff time, if the city manager's office could briefly let us know if they think that these structural changes might help us with staff time.

>> Mayor Adler: Hold on one moment, please.

>> Pool: I just wanted to ask, blue --

>> Casar: Blue has gone through legal a second time.

>> Pool: Okay. This has some substantive changes --

>> Casar: I'll lay it out.

>> Pool: Thank you.

>> As I understand the intent of the document is to begin to attempt, as you all have discussed, to tackle more substantive issues in council committees, with sort of a tiered level of entry into that. And from a staff standpoint, I think that could help us on the resource load because, as Mr. Whellan pointed out, we are stretched very thin at the moment, and I'm sure the manager would say that is -- if he was here, as we are concerned about the staff resources the committee is taking, because we want to provide the best support we can.

[9:32:06 PM]

So we're there in force and we're there doing our best to support the committee structure, and we consider those more or less as mini council meetings. So I think, as I've read this, as it lays out, it does look like it could help minimize some of the effort that we're doing because of the tiered level of entry into the committees.

>> Mayor Adler: In that regard, just kind of globally, I don't think that -- my understanding is that this is not intended to be the end of the process. And I think that there are a lot of things that we could do, focusing on staff, that are not addressed in here, and time, things like -- you know, there's no reason for

staff to be sitting and waiting all day. We ought to have a system where we can give a 30-minute call or something so that staff can spend 90% of the time that they're waiting, actually doing their job. So I think there are a lot more things that we can do to focus on, so this is not, I understand, intended to be the final solution or even all the things that have been discussed at this point, this is going to be something that's going to be layered in here over the next month or so, so that we can move this process forward.

>> Casar: Can I move I had? Move it? I'm going to move the ordinance as it is in your blue copy, and after I get a second I will lay it out briefly and I hope that will answer most questions.

>> Mayor Adler: Is there a second? Ms. Pool seconds. Go ahead.

>> Casar: So what is in the blue copy is what -- substantively, what I've laid out for a couple of months now. It is also substantively what it is that was originally posted with amendments, as were posted on the message board by councilmember pool and councilmember Houston and amendments that were mentioned by councilmember kitchen and the mayor when we did have some public discussion on this recently, and so I'm going to go through it because there's also some changes here and there that were suggested by legal in order to fulfill our intent.

[9:34:11 PM]

And so on the first page, the first change is in response to the resolution we passed about reforming the system so when something did go through a committee, rather than did not, we are now going to be assuming that items come to the full council and it's really substantive issue at committee. The next change there, about the city manager only bringing items to us in exogent circumstances, we assume only the city manager brings items to the council so that's in response to the resolution we've already passed. If you go to the next page, there is almost an alarming amount of strikeout there. That is because from city legal, they recommended we move this section to the council committee section rather than the council agenda section, so you'll see that late in the agenda and that's essentially a cleanup. This is the section that explains on you board and commission members and the judge and non-councilmembers can refer items to a committee, and then the committee can choose to take them up. So that's struck there but it's not because it's gone, it's just been moved to another section. If we go to page 3 of 8, you see more of that strikeout that hopefully is not so alarming now that I've explained it. And then this is the -- this next change in part D on page 3 is again just a reflection of the resolution we passed. It says that four councilmembers can bring it to a council agenda but it's no longer referred to as by passing because we've talked about we don't want councilmembers to feel like they're leap frogging committees but instead bringing things to a committee they really want to engage in. If you can move on to the next page --

>> Gallo: Can I ask you a question? Are you saying we're jumping back to talking about the council agenda on -- it's number D now on your blue? It says four councilmembers may place an item directly on the council agenda so it's jumped away from committee.

[9:36:12 PM]

>> Casar: Exactly. And that was a change to reflect the resolution we passed just recently that said four councilmembers are no longer considered to be bypassing committees.

>> Pool: And just a clarification, when you talk about resolution you're talking about the original resolution --

>> Casar: No, a couple of weeks ago we passed a resolution.

>> Pool: Okay.

>> Casar: Stating a purpose for committees and our intent, you are no longer leap frogging the

committee. That was passed by a majority of council. Now let me make sure I didn't lose track right there. So now I'm moving on to page 4, where the term of the committee member has been set at two years rather than one year. There was a lot of discussion wanting to set it to the term of the councilmember. Some of us have two-year terms. Really we can decide at any point which committee we want to sit on but two years seems to be a good middle ground between one year and the term of the councilmember.

>> Gallo: Can we ask questions while you go through this, or would you like us to wait until the end and come back?

>> Mayor Adler: Let's wait the I will the end and come back.

>> Casar: But we can put a little sg next to that one. Then the next portion, we are asking the staff to support the committee speculate the committee chair alone because you'll see later in the ordinance the whole committee will have to be assisted by staff if we're going to be having two committee members co-sponsor items. So you'll see some of those changes referenced here. We clarified at the bottom of the page something that I believe we talked to transition committee about, which is that information request by committee members, if they're going to take substantial time and resources, that should be required, a vote of the committee. That's just clarifying, but we did have that in the notes from some early conversations. The next page, this is page 5, that -- this is essentially a cleanup of the city auditor provides support to committees at the support -- at the request of a vote of the committee.

[9:38:18 PM]

Then part 4a, we've been discussing this for almost a year now, we do have a section that a committee as a whole cannot meet with a third party without posting it as an open meeting. That wasn't clear about whether other councilmembers and the mayor were considered third parties, so there's a cleanup here in 4a that says we -- the whole body of a committee can meet with a councilmember or the mayor and if it's not a quorum, it doesn't have to be a posted meeting, a quorum of the council. Then you will see further down on the page again that we have listed that the chair of the committee isn't preparing agendas and writing the reports because we're trying to make it seem more like council meetings, where the staff have their separate administrative job, and the committee -- the committee acts more like the council does. I think that there may be some differences on this point, and I don't see it as one of the most important points in the ordinance, so I'm happy to discuss it further. I don't see it as that substantive of a needed change, but I think it's a good cleanup in my view. Page 6, this is, I think, the most critical part in which we set up a tiered system for how things get to committee. Right now you just need one member to post something on work session. But what's included here is the one member to put something at work session, it takes two members to put something on a committee, three members for the committee to vote it to council, and four if you want to take it straight to could you know. That's the proposal. One for work session, two to committee, three if you want to get it from committee to council, four to take it sonterra it to council. The exception is Austin energy committee since that's a body of a whole and thanks to councilmember pool to have the bar to get Austin energy's committee be three members and of course a quorum can send something along to council. Just below that, you will see that section that had been struck out in the earlier pages just being added in.

[9:40:19 PM]

So city boards and commission members, you know, the auditor and the court clerk and others can, you know, send along their recommendations to committees for what they'd like to see posted. Page 7 of 8 - - we're almost there, guys. So you'll see a lot of added language which was what was struck out at the beginning. And under committee actions, you'll see that it'll take a quorum of the committee to send

something along to council, so that's three votes on most committees, or six at Austin energy. And then if you go to the last page -- we're almost there -- the -- there's -- I think I explained this last time we talked about this, the committee cannot direct city staff beyond our Normal right of inquiry. We're not a directive body. We're an advisory body on committees. And this is to address something that I've at least seen a couple of times, and once accidentally stopping a purchasing procedure because there wasn't an action from a committee, and that was not the intention. And so that's -- that's it. I hope that - oh, and one last important piece. What I had posted had set committees at an hour standard time for public comment at committee, two hours at council. I'm not moving that section of the ordinance yet. I'd like that to be posted for March 24th. I think there's a lot of options historically that we can look at. The mayor pro tem brought up what I thought was a very interesting idea of having initial comment to be at three minutes, then whittled down to two or one. I think there's options there and we might want some public comments about how to take public comment. I think it's a critical part of the reform, but it's separate enough that I'm happy to put it in its own bucket for later in March. But I think considering that, I feel comfortable with this, and I think that we've included the amendments posted by councilmembers pool and Houston, what's brought up by councilmember kitchen and the mayor, that I think we've got something solid here that a large majority can move forward on, hopefully in all three readings tonight, but I'll, of course, follow the will of the group.

[9:42:24 PM]

>> Mayor Adler: Okay. So let's work our way through this in order and then give comments to Greg or raise things. Beginning on page 1 of 8, I had a quick question on this, Greg. The city manager is the one that actually puts stuff on the agenda that comes to us, one way to put it on the agenda is if it is an administrative matter and he determines the backup materials are sufficient, another way is if there's four councilmembers. Another way would be if three members of the committee recommend it for consideration?

>> Casar: That's right.

>> Mayor Adler: Should that be on here?

>> Casar: I've asked legal that question and since it's later in the ordinance, it's fine. That's what I've been told. It could be forwarded by what's already in there, but if we want to add it -- there's already a little bit of repetition here with the four councilmembers listed here. We could make it more additive if we want, but it's covered.

>> Houston: So, mayor, I have an amendment sheet that has some suggested changes because I thought that same thing, too, that it's white, and with the red words, that item number 2 should say the item has been reviewed by council committee with accompanying recommendation because that's the language we use later, that the item be placed on a future council agenda, or the item is sponsored by four councilmembers.

>> Casar: I have no problem integrating it.

>> Mayor Adler: Okay. If there's no objection then, the changes shown --

>> [Off mic]

>> Mayor Adler: I like that, Greg, only if someone goes to that section to see what the standards are, they wouldn't have to know to look somewhere else.

>> Casar: That's fine. Got it.

>> Mayor Adler: So it would be the 2.5-26 amendment for Ms. Houston is okay with Mr. Casar to incorporate into his. If there's no objection, then we'll do that. It just adds if it's recommended by the committee, it can also be on the agenda. If no objection, then that's done. That's part of the proposal for Mr. Casar. Ms. Garza?

>> Garza: I just wanted for clarification that it's accompanied by a recommendation by the quorum of

the committee, which is the three.

[9:44:32 PM]

>> Mayor Adler: Yeah. And I think we have that --

>> Houston: Later.

>> Mayor Adler: I think that one covers it, it just -- that's also another thing he could look for. All right. So that addition is made. Continuing on, any other comments on page 1 of 8? Then let's go to page 2 of 8. That section is just moved till later. D. That gets us to page 3 of 8, which is consistent with the change we made earlier about four members. Yes, Ms. Houston?

>> Houston: I have another amendment to d.2.

>> Mayor Adler: Okay.

>> Houston: Where it says preparing and posting the agenda to include the identification of items that are district-specific. That would delete item number 10, further -- D, further over where we talk about affecting property in that councilmember's district. Sometimes it's more than a property issue so I'd like to add district-specific.

>> Mayor Adler: Okay. Help me understand, what's -- page 4 -- okay.

>> Houston: Page 4, b2.

>> D2?

>> Houston: B. B as in boy.

>> Mayor Adler: 25-104, B --

>> Houston: 2.

>> Mayor Adler: Prepare and posting the agenda.

>> Houston: Then add the language identification of items that are district-specific.

>> Mayor Adler: Okay.

>> Casar: Mayor, I'm fine with that, but I'd like to just hear from staff if that's not overall burdensome, I know y'all are already doing that on our council agendas.

>> I don't think that would be a problem. I think we can try to flag those. We may miss a few, but we'll try to flag those as we see them -- most of the items you're going to see are probably not district-specific at commonly committees, anyways.

>> Mayor Adler: Okay. No objection then, Ms. Houston's amendment to 25104b2 is also incorporated into the base --

[9:46:35 PM]

>> Casar: I think part of that is also elimination of 25-105-d, as listed on councilmember Houston's piece of paper that eliminates the section that says matter directly affecting property.

>> Mayor Adler: Okay. That one as well, then striking what is in blue, and Ms. Houston's deal is now also incorporated into the deal with it's striking 25105, subsection D, at committee chair's discretion and going forward, that is stricken because it's covered now in 25104b2. No objection, that is now included into the base resolution. Anything else on 4 of 8?

>> Gallo: Mayor, I have a couple of questions. That's where my questions started.

>> Mayor Adler: Okay.

>> Gallo: So on line 110, which is part 2c, that's the section that we've changed it from one year to two years, and I was just curious the reasoning for that. It seems like it kind of -- it silos the councilmembers into committees for a two-year period, and I'm just curious why we've moved from one, where you could always stay, I would imagine, in discussions with the mayor, but I'm just curious the logic of moving it from one to two because it kind of locks councilmembers into that particular committee,

those particular committees for two years.

>> Casar: This was brought up in the transition committee. I thought that -- I thought that two years was a good enough time for you to really get a hold of a committee without getting stuck too long, but perhaps others that felt more strongly about it can also raise their voices on this one because it was largely -- largely incorporated by me because there were so many people on the transition committee that thought it was a good idea.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. So, in theory, if the committees were actually meaningful and did real work, there would be a big advantage in having a two-year term because you could learn something about your subject matter. You could become an expert in public safety, an expert in audit and finance, you could have -- you could develop some expertise over a period of time of hearing similar issues, having a chance to educate yourself in a certain policy area.

[9:48:42 PM]

If the committees were going to do real work, it would be a great idea to stick with it for two years so you could gain enough expertise and understanding that you could really contribute to the discussion. But I don't see the committees being useful, so I don't think it matters.

>> Mayor Adler: Ms. Pool.

>> Pool: This was an item that, in my mind, I was interested in moving it to two years or four years to track how it had been -- how committee membership had been handled by previous councils in the past, like how is it that a vacancy occurs on a committee, for example? In the past it was when a councilmember cycled off the council, or during some -- and I think the mayor pro tem can give a better explanation of how councilmembers may have moved around from committees. So for me it was more moving away from requiring us to change every year because I did want to gain some subject matter expertise by my committee membership, and I feel like I have been able to do that, recognizing that we can't be on all the committees, so having some shifting from -- at sort of regular intervals is a healthy thing so that we can acquire the additional background in other areas that we might not currently have. And then also to provide a little bit more predictability that relates to when we term out of our offices or leave in a Normal election cycle. But if I could ask the mayor pro tem to just talk a little bit about how committee assignments were done under previous council structure.

>> Tovo: Sure. And if our staff want to jump in here, they may have a longer term perspective. It only happened once in my first term, and that was when I took office. I was the only new councilmember, and so we had a discussion at that time about which -- which committee should continue and, you know, there was some discussion, and I think it's -- well, I'll get around to that, too, in a minute.

[9:50:46 PM]

But about which committee should continue and who kind of wanted to serve, and it was something we all more or less decided together, and I think there was some leaving and some staying on, and it was my impression of it, at least, from that experience, is that it was somewhat less formalized than it looks like we're moving toward here. I'll say, from my perspective, I think it's a good idea to check in every year, and I think I expressed that to the transition committee, but I think I was in the minority on that. And so I'm not sure, you know, where the committee will come down on that but I think it's a good idea to check in every year. Number one do we like our committee assignments, do we want to make changes, are these the right committees. You know, do we have a need. I think any institution can get really stuck in its ways, and I think we should be asking ourselves, now that we've set up these particular committees, are they all still necessary, are there some that overlap, because there is some considerable



overlap in a couple of them, and, you know, are there any other committees that we might want to consider for that year. So I don't think that we should try to -- I don't think we should try to hash that out here tonight, but I sure would be in favor of, you know, a model where we're relatively stable, maybe for about two years, but we do check in January or something and say, you know, is everybody pretty happy, or, no, I'd really like to switch, does anybody want to switch, that kind of thing.

>> Mayor Adler: My recollection is when we talked about the transition committee, the options were one-year, two-year term, and I was comfortable with either one-year or two years, recognizing -- recognizing that people could be reappointed. My reason for two years was that we're going to replace the council, potentially, every two years. There might be different people that come on the council with talents that are different than whatever the committee was of the person that they're succeeding, so it gave us a chance to true that up. So to me, I wouldn't have gone with a term of four years, I would have gone with either one year or two years. Some people wanted to go both ends, so two years seemed to be a place to land.

[9:52:48 PM]

But one or two were fine with me, recognizing that people could be reappointed to the same place. Mr. Renteria.

>> Renteria: I'll also agree. I'm more comfortable with two years. You know, I think it takes -- it takes a year just to really get the feel of the committee, and then your understanding -- what we did, we decided that we didn't have to meet as often, so we reduced our meeting time to six meetings a year, and if we had an emergency, we could just call an emergency meeting just to take care of business, and then -- so -- but because of that one year there, we became more comfortable with being able to do the work in less time. So that's why I supported two years.

>> Mayor Adler: Okay. Any further discussion on page 4 of 8?

>> Yes.

>> Mayor Adler: Ms. Gallo, then mayor pro tem.

>> Gallo: Thank you. And on 116, the city manager and city clerk shall appoint a staff reason for each committee to assist, it used to be the chair, now it's the committee. I was just curious, it seems like it is the chair that's in charge of that committee, so I'm curious why the staff reason liaison wouldn't be supporting that person.

>> Casar: The staff liaison will have to assist the whole committee, in the same way we have staff from the agenda office, affirm co-sponsors, our staff would be assisting us to do this.

>> Mayor Adler: Mayor pro tem, then back to you, Ms. Houston. Unless you're on that subject.

>> Houston: So I was concerned about that, too, because again, I wrote in my -- on the message board that because we are all duly elected, I don't think that anybody needs to get another sponsor to put something on a committee, on health and human services.

[9:54:53 PM]

And that comes from a minority point of view because sometimes I -- it's going to be hard to be able to get maybe another person to agree with me that I need to put something on, and so I think that's the place in the council committee that you have that opportunity, and we're all grown and we're all adults, and so you can either put it on the council committee, we can deal with it in that, if don't you get the quorum, then it doesn't move further than that, or you can get four sponsors as before and put it straight on the -- the council agenda. So I do have some concerns about that. And then the other thing is that if the staff liaison is to assist the committee, that's just like asking the staff liaison to assist all 11 of us, come up with a draft agenda for the meeting. And usually the chair or the co-chair work that out and

then send it to the other members of the committee. So I'm not sure why a committee would have that responsibility to work with the staff, or the staff would have that responsibility instead of just working with the chair.

>> Casar: And, mayor, what I would say is if we vote to make it remain in the system where one committee member can put something on an agenda, this may not make sense. For now, this makes sense in that the staff liaison will have to work with the committee. My understanding from speaking with staff -- they can correct me if I'm wrong -- is that the likely reductions in staff workload, because we'll be weeding out items that don't have majority committee -- or at least some large amount of committee support -- will free up time for that staff to be able to work with all the committee members to put the agendas together.

>> Mayor Adler: Where's the language that says it take two people?

[9:56:59 PM]

>> Zimmerman: Page 6. 2-5-106a. It's been completely rewritten.

>> Casar: That's the top of page 6.

>> Mayor Adler: Okay.

>> Mayor, if I might offer a concept about the two people. In my mind, it was very like when we make a motion to discuss something, and then we receive a second. So that was why I was suggesting that we have two people in a committee agreeing that an item should be discussed. It would be like making a motion and putting a second on it.

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: Did you want to talk about this issue, or should we wait until page six?

>> Mayor Adler: Let's talk about that issue. The question before us is, how many people should be required to put something on a committee agenda.

>> Tovo: And so I support increasing it in this way. And I would say -- you know, I think everybody -- one way to talk about future agenda items is in the committee itself, in that section of the agenda where you as a committee member can give your pitch for why an issue should come before that committee in the future. And I think that you've offered us, councilmember pool, another interesting way of talking -- of thinking it through, too. But I think for all of our work, we have to have some level of support to be able to move forward. And as I may have mentioned -- I think I did say at our last session -- I think there are any number of millions of issues we could spend time talking about and could invite staff to talk with us about. And at the end of the day, we're only going to have time to take on a certain number of them. And we need to be mindful of the time that we spend and ask staff to spend, and focus on issues where the topics have some chance of success.

[9:59:05 PM]

But, again, I would say the future agenda items at the end of every committee offers an opportunity for a committee member to give a pitch and try to get another sponsor. Also, our message board does the same.

If Y.>> Houston: But, just putting something on the agenda does not necessarily require staff time. They might want to discuss an item -- a councilmember themselves might want to bring up an issue that they might want to discuss. They might have invited testimony that they would like to have people come in. And so we've had situations where it was just to put it on the agenda. It was not to require staff to do a briefing or do anything other than let's have a conversation about whether or not this is something that moves forward. And then at that point it takes three people to move it out. And if nobody gets a second, then it dies in committee. So the bar is set so high to get something even on it that I'm not sure that --

well, I just have a different feeling about who we are. And we know as professionals that what should go on a committee agenda and what shouldn't.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. This is probably the thing I'm most passionate about, is the fact that every one of the councilmembers sitting up here faced voters in their district. And to take away the ability of a single councilmember to put something that's important to their district -- and it could be a position that's shared by 20, 30, 45% of the city -- even though only one councilmember might support discussing the idea, but it might be supported by a significant portion of the city. And so by raising this bar just to have an idea or a policy decision even discussed, to raise that to two councilmembers, has the effect of the majority of this council simply squelching any idea that the majority doesn't agree with.

[10:01:11 PM]

That's the effect of this. You can't even have something discussed in a public forum as an elected member of your district unless the majority agrees with you. That's the effect of this.

>> Mayor Adler: Is there a mid-point? I'm trying -- we have the items that are set on the agenda that are agenda items. And then there's a section of the agenda that are those things that are for consideration to being placed on the agenda. They're on the agenda, but it's kind of a "To be considered." Maybe is that the place that discussion -- some of the committees do it that way. They have the agenda items that are set, that the public knows are going to -- they can come and testify to those consistent with the rules. But then there's another section of the agenda that some of the committees use that's down at the bottom where anybody can put anything on it and it says, I would like the committee to elevate this to that place. And I wonder, Mr. Zimmerman, if that would provide the opportunity for any one person on a committee to force the public discussion of whether or not that should be placed on the agenda. There's no public testimony to that, but it gives the councilmember the chance to see if they can, in essence, get a second to that to put it on the agenda. But it would still enable that opportunity to have the public airing of that issue.

>> Zimmerman: I think the short answer is no, because if you're going to have an item seriously considered, you have to get some kind of expert people to come in and talk to it. I've made some relationships with people just down the spree, street, or up the street at the Texas policy foundation. There's quite a few experts up there. One of them talked to me today about the ban the box issue. They've got some very, very interesting ideas.

[10:03:12 PM]

But without having a committee item and a way to bring people on both sides to speak on the issue, I don't see how that happens. I have some ideas. My constituents bring things to me. I need to get the best ideas from both positions, and maybe then councilmembers would be convinced. If they're not, at least we had a chance for it to be heard. But if we can't put it on the agenda and have it discussed for 10-15 minutes with experts from both viewpoints, then I don't see any chance of new ideas coming forward that the majority don't agree with.

>> Mayor Adler: It is now past 10:00. Is there a motion to extend our meeting past 10:00? Mr. Casar makes that motion. Is there a second? Ms. Garza seconds that. Any discussion? Ms. Tovo.

>> Tovo: So I want to acknowledge councilmember Houston's point. You're absolutely right. Sometimes committee members --

>> Mayor Adler: Hang on a second.

>> We didn't vote yet.

[ Laughing ]

>> Tovo: Oh, sorry.

>> I want my chance to vote no.

>> Mayor Adler: It's been moved and seconded we go past 10:00. Is there any discussion on that? Those in favor of going past 10:00 please raise your hand. That's Houston, Casar, Garza, me, tovo, and pool, Renteria. Those opposed. The others on the dais. We're going to take turns being the ones that get to vote no.

[ Laughing ]

>> Mayor Adler: But the meeting continues on. Mayor pro tem.

>> Tovo: Sorry about that. You know, it's absolutely true that not every issue requires a briefing. So we might put something on the agenda for discussion such as you have described. But my guess, and I'll ask our city manager to provide us with some information -- my guess is that out in that audience are staff members from relevant departments who are available to serve as resources if you have questions, because we frequently do ask our staff, how does this compare with what we're doing. I can't think of any issue we've had on our committee that was initiated by a councilmember for which there were not staff members out there serving as resources even if we never called them up.

[10:05:22 PM]

We had two or three watershed staff members sitting through one of our recent committee meetings. Nobody called on them, but they had information that might have been related to something we were talking about. We're not always aware of the considerable staff backup there is for every single meeting we have, committee meetings, council meetings. A lot of times, they may not even come out of the back room. Or as I said, they may be in the audience and not come to the podium to speak. I'll ask our city manager to confirm whether my understanding of that is true.

>> That is correct. The manager has made it clear, as I mentioned earlier, that we are fully supportive of council in every meeting that you're at. And if we want to change that, we would want to have some sort of understanding that if you ask a question and someone's not there, that we're not going to get some negative feedback. Because we felt very clearly that we should support you all, and that we would be there to answer questions if staff's called up, as we are frequently called upon in any council meeting or committee meeting.

>> Mayor.

>> Mayor Adler: I do think that's something that we should think through, whether or not -- so we can create a space for the council to be able to talk and not necessarily have the staff stop what they're doing in order to be there. But not at this -- because that issue isn't in front of us right now. Mr. Casar.

>> Casar: This section of the ordinance, I think, is critical. And it's not there to quash any particular voice, or whatever it is. Squash. Squelch. Squash. It is specifically addressing that we don't have enough time and resources right now. And so what is a fair way of operationally making things shorter. I tried to think of a variety of ways, and none of them seemed to fit, to set a time limit or any of that stuff. What is a way to whittle down items.

[10:07:22 PM]

One way is, if you can't convince one other person on the committee to even take it up, then what's it doing at committee? As far as public forums and public discussions, there's plenty of those that aren't committee meetings where you're basically binding four councilmembers to spend their time at an evening here in chambers, and city staff people, and advocates, and community members, etc. There are lots of places for there to be public forums. I daresay that councilmember Zimmerman, your ideas get out there more than mine do.

[ Chuckling ] At least as far as out there in the public and through media, --public forums, etc. It's not about a voice not being heard. It's my goal to use our goal more efficiently and effectively, and it's about what is a fair way of trying to whittle it down. If you can't get one other person who wants to talk about it, or even post it on the agenda, that seems to me to be one reason to not have it on the committee.

>> Zimmerman: So, Mr. Mayor.

>> Mayor Adler: Hang on a second. We're going to give everybody a chance here, but we'll come back to you. Ms. Gallo.

>> Gallo: So number 4 has been removed. It looks like in -- people that can put things on the agenda now only include the members of those committees, because you've taken off -- at the request of two councilmembers who are not members of the committee. So I just want us to have a little bit of a conversation about the ability of other councilmembers -- to place items on a committee agenda. Because it seems like we have taken off that ability, particularly now since we're moving to two-year terms on committees. There may be councilmembers that are very interested in what's being discussed in those committees, but now because of the two years won't be able to serve on them within a certain amount of time. And I'm just curious why the ability was taken away for other councilmembers.

>> Casar: Again, the goal being to let the committees control their own agenda. And if councilmembers are really interested in something occurring on a committee, but they can't even get two members of that committee to want to talk about it, then why force them to have a hearing on it?

[10:09:29 PM]

Now, if you want to get councilmembers to bring it forward to the council agenda, you still have the option to do that. But why force a committee to talk about something that the committee doesn't want to handle? And so you still have the option to bring forward an item to council. You still have the option to bring forward an item to your own committee if you can get just one other person on the committee to agree. And if you want to have something heard at a committee, all you need to do is make sure that just a little bit of that committee even wants to talk about it. So, again, this gives the committee control over crafting policy, tackling the ideas and challenges that that committee thinks is important, without it getting particularly cluttered with things that not even two committee members want on the agenda.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: So I . . . Let's see. What was I going to say?

[ Laughing ]

>> Troxclair: Something very important.

[ Laughing ]

>> Troxclair: I guess I kind of go back to what is the problem we're trying to solve here. I, in general -- I don't think that we're having a big issue with this. I know that councilmember Garza is -- has been frustrated with councilmember Zimmerman putting things on the public utilities agenda. I mean, you've said this in public, right? Okay.

[ Laughing ]

>> Troxclair: Okay. She's frustrated with councilmember Zimmerman for a lot of reasons. But one of them is putting district-specific issues on the public utilities agenda. And I mean, I think that last time we talked about it, councilmember Zimmerman said that he understood that frustration. And, I don't know. It seems like kind of isolated. It seems like we're changing policy just to address, maybe, a couple isolated incidents. I would want to know -- this has not been an issue for any of the other committees that I sit on. I think we're all pretty respectful of each others' time. But, maybe a good compromise is what councilmember Gallo brought up.

[10:11:31 PM]

Maybe we just don't strike number 4. And so if you happen to sit on a committee where you can't get one -- or there's -- someone else on the committee who wants to talk about the issue, but there is another councilmember who wants a public forum for that issue in a committee, you can ask another councilmember who doesn't sit on that committee to get -- help you to put it on the agenda. That might be a good compromise.

>> Pool: I would point, if I could, that that is in there. I think one committee member and the mayor can do -- if you read in here. The staff liaison -- let's see, shall forward a request from the mayor to place an item on a committee's agenda to the committee members. That is the third sentence in that section a, or second sentence.

>> Casar: Sorry. That's to not be unfair to the mayor, since he doesn't sit on any committees. He wouldn't be able to put any on any, he has to get a cosponsor.

>> Pool: That makes it possible for two people to put it on there.

>> Troxclair: But only if your second person is the mayor?

>> Pool: Or someone from the committee. I would just go back to saying it's like getting a second to discuss an item. It's important to show that at least two people want to talk about it, otherwise you're talking in a vacuum.

>> Troxclair: That example makes sense when there's a council of 11 people. It's more likely that there's at least one other person that wants to talk about it. At a committee level, you only have three other people to ask. Again, I'm going back to my original statement that I don't think that this has been an issue, so I don't know why we would change it, especially if we're worried that some councilmembers think that it has the effect of trying to swell squelch their voice.

>> Pool: When I started with the committee open space, I had the meetings with my vice chair. And then my vice chair was on maternity leave, so wasn't able to come.

[10:13:35 PM]

But I had that second person sitting at the table going over the items for the conversation. And I thought that that was kind of how it would be done. And I don't know if anyone else was doing that. But there's your two people right there, the chair and the vice chair.

>> Mayor Adler: Okay. Ms. Tovo and then Ms. Garza.

>> Tovo: I like all my committees. We've had interesting discussions at all of them. There's real benefit to this. I've had other experiences on other committees where I think it would be of benefit for two people to put things on the agenda, other than the instances you're citing. I also think that it would be -- I think the other real benefit of making it a very clear policy is that it makes it very clear when you can have something on an agenda, which has also been an experience that I've encountered where though I had an ability to put something on a council agenda as one person, it doesn't make it on to the agenda, and that has happened several times to me with different committees. So, I would say that I think it's of benefit for both of those reasons that we have a very clear policy, everybody understands what it is, you have your two people, it's on the agenda. You don't -- it's not . . .

>> Mayor Adler: Okay, Ms. Garza.

>> Garza: With regard to -- are we trying to solve something where there's not a problem, I guess I don't know how to frame this. But the whole purpose of the committees were to delve into issues before they got to the council. And so really, in my mind, everything should have cosponsors, because it should be an issue important enough that it can get to the council. I feel like now they've turned into, let's talk about anything that any one person wants to talk about, and I think that that is a waste of time. And I wish we had the time. I wish we had the time to talk about everything I wanted to talk about, but we

don't.

[10:15:39 PM]

And I have yet to see any item on any committee agenda that required no staff. And I'm really worried about the scenario where we come up with some kind of policy that says, maybe on these kind of things we don't need staff, because I'm -- you know, I know that my constituents want me to be an expert in every subject, but I'm not. And I can see the scenario, discussing an item, looking out and saying, is staff here to help me out with this, and they're not there. And in our committee meetings, the assistant city managers are at our committee meetings. So every -- you know, every resolution we put forward has something that says directing the city manager to do something. And I feel like we have tripled their work, because in addition to the work that they already -- we already want them to do when we're directing them in this policy is we've added to their plate. Now, you know, you need to sit in every single committee meeting. I just -- if you can't get one other person on that committee to give you that second, we have public forums to talk about whatever we want at our town halls or wherever, but we have limited resources. And we have to, you know, make the best of those as we can. And I think -- I'm supportive of the two.

>> Mayor Adler: Okay. Further discussion on the proposal to say it takes two to put something on committee? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. It hasn't been that long ago that we had a pretty outrageous controversy and debate on the transportation network Co companies. And I lost that vote with councilmember troxclair 9-2. That's a pretty overwhelming majority of the city council. And that discussion is far from being over.

[10:17:40 PM]

So, I think the idea that a majority of city council -- or even two people on a committee -- are necessary for something to be heard is exactly the wrong message to send to the city. The city is sending a different message back to the council. And it says just because you have a majority doesn't mean you're right. It doesn't mean the city agrees with you. The constituents I'm speaking of. So you have the power to do this. I just think it's another slap in the face of a large constituency here that's not happy with the majority decisions on this council. But it's up to you, you know.

>> Mr. Mayor.

>> Mayor Adler: Yes.

>> I apologize. I just can't let that stand. I mean, I appreciate the concerns that you're raising, councilmember Zimmerman. But I'm tired of hearing the tnc debate as an example, because it's not. So let's -- I would like to just stick to the -- it does not prove your point.

[ Off mic ]

>> Mayor Adler: Hang on.

>> Kitchen: It simply proves your point that there's a large segment of the community on both sides of that issue. So I'd like us to just leave it at that.

>> Mayor Adler: Okay.

>> Kitchen: And talk about the -- your concerns.

>> Mayor Adler: Anybody else want to talk about whether it should be two or one? Let's take a vote. Ms. Troxclair.

>> Troxclair: I just thought of another example, was the courthouse. That was an issue that came to audit and finance. There was no -- by the request of councilmember Houston and councilmember Zimmerman. There was no member of the audit and finance committee that requested that we hear

that. But I do think that it was an informative and important conversation for us to have. And after that election has happened, we're now continuing with some of the conversations that started because of hearing that issue at audit and finance. So I guess I just wanted to raise that as another issue that we wouldn't have been able to discuss.

[10:19:40 PM]

I don't think that there were two members of audit and finance who would've been willing to hear that. But I don't think that that means that it wasn't worth discussing. So I just wanted to offer that as another example.

>> Mayor Adler: Ms. Pool.

>> Pool: And I would just say to that, I felt it was not appropriate for the city to weigh in. And I know that my colleague to my left here does not agree.

[ Chuckling ] But I did not think -- and I will continue to think that it was not appropriate for the city to weigh in on that county to topic. And I'll just leave it at that. I did say that at the time.

>> Mayor Adler: Okay. The discussion before us is whether it takes two people or one person to put something on the committee agenda. Those in favor of keeping it at two people as in the proposal, please raise your hand. Those opposed to two, Zimmerman, troxclair, and Houston. The others voting aye. So it's going to be two for now. Let's get back, then, to page 4. What was the item that drew us back, Mr. Casar?

>> Mayor, I was asking about the committee for some reason. Line 116.

>> Mayor Adler: 16.

>> Gallo: I was asking the reasoning for putting it as committee rather than chair.

>> Casar: I received an update, sort of, from my staff about what might work here, which would be that this say that they shall appoint a staff liaison to assist with the consent of the committee. That way, they're still assisting the chair, but they have to talk to the committee if the committee's members have items they want to cosponsor.

>> Gallo: Okay. I just -- you know, I think -- I guess my concern is logistical more than anything else.

[10:21:41 PM]

I mean, I think you have the chair of a committee that's responsible for organizing the meeting. I think you want to give the committee members and other councilmembers and the mayor the opportunity to get items placed on the agenda. But there has to be an entity within that committee that kind of oversees that. And I think we talk about preserving staff resources, and I think that this is one place where if the staff is having to work with all the different committee members versus just the chair, I think that does increase staff's time. And perhaps would produce some confusion on the agenda. Because you've got to have a person that's in charge of being able to even talk about how many agenda items are appropriate for a meeting, too. So I'm just trying to understand how this process would work if you have all these people talking.

>> Mayor Adler: Does that work, Mr. Casar is proposing taking the language on 16 and 17 to say shall have a liaison for each committee to assist the chair with the consent of the committee. That means the chair recognizes that their ability to do that's going to be subject to the committee bringing them in.

>> Gallo: That's fine.

>> Mayor Adler: If they're not. Does that work for you?

>> Gallo: Shire.

Sure.>> Mayor Adler: Is there objection to making that language change? That language change is made. Anything else on page 4 of 8? Yes, mayor pro tem.



>> Tovo: I apologize for not catching this earlier, but 4d talks about any other information requested needs to be approved by a vote of the committee. And I just want to talk about that for a minute, because we had a situation where at planning and neighborhoods, we passed a resolution. Part of that resolution went on to council. Part of it was asking city staff to pull together information about different housing programs, different density bonus programs, etc., etc., when my staff went to check on it, they were told they couldn't proceed, it needed to be a recommendation to the full council, because it was going to require some work and they're not able to take direction from a committee for something that takes substantial work.

[10:23:56 PM]

So I think we might want to consider making that a request approved by a vote of the council, just because there does seem to be inconsistent -- I mean, I think some committees may be moving forward and getting information based on a vote of the committee, and then other departments and other committees may have been told they need a vote of council. And I would say, you know, the consistent policy would probably be that we need a majority of council to support a substantial request for -- a request -- oh my goodness. A question for information that would require a substantial amount of effort.

>> Casar: Mayor. May I suggest that we leave it saying must be approved by a vote of committee or council as is appropriate, just because the city manager is really the one that has to weigh how substantial the information is, and whether it's appropriate to require a committee?

>> Tovo: That's fine.

>> Casar: A committee to request it, or the council to request it.

>> Tovo: Sure. That's fine.

>> Mayor Adler: You're saying of the committee or council as the manager deems appropriate?

>> Casar: Correct. I made sure to get a little coffee in me before this one.

>> Mayor Adler: Any objection to making the change to the base document? Hearing none, that change is made. Page five of 8.

>> Mayor.

>> Mayor Adler: Yes.

>> Pool: I think what has been changed here is -- was actually what is happening. Because I think at least from my perspective, it is staff that's doing the reporting and preparing the agenda. Like, literally doing the agenda. We set the agenda, but they put it on a piece of paper and they post it. And I'm talking about the part of E that's been struck. Like, they prepare the minutes. I'm on page 5 of 8, and that's part 4e, where the language is struck. So all I'm saying is that I think it's a good idea to strike it, because I'm not doing it. The staff is actually doing it.

[10:25:59 PM]

>> Mr. Mayor.

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: I'm okay with striking that, but I wouldn't want there to be any misunderstanding on the staff's part, because we work hand in hand with the staff. And the bottom line is, somebody has to say, yes, it's done. And I think that's appropriate to be the council.

>> Pool: I agree, I agree, absolutely. It's the substance that we provide, but they're actually memorializing it.

>> Mayor Adler: Do we want to keep number 4 in and take out the word prepare and put in the word review?

>> Casar: I think that the staff understands they work with us. My concern is, just like councilmember pool, I've been breaking ordinance on this one.

[ Laughing ] Same language is already under B.

>> Mayor Adler: I'm sorry, what?

>> Houston: The same language that has been struck in E --

>> Pool: Exactly. And it directs that that is what the city clerk's staff will do, which is different from where it struck, which is saying that I as the chair and my staff were doing it. So, yes, thank you for pointing that out.

>> Mayor Adler: Got it. Okay. I understand. Thank you. Continuing on, that gets us to page 6 of 8.

>> Mayor, I'm sorry, I want to go back to 4e again. So I want to understand where in all the changes that we're making actually lays out the responsibility of the chair for the committee. Because we're kind of -- we're transferring these back and forth. And it used to be on line 151. It's talking about the chair presiding over each meeting, the chair setting the time and place for each meeting. And I think the chair needs to keep that responsibility, because if a meeting time has to change, I think it's the chair's obligation and responsibility to do that. And then perhaps under number 2 instead of prepare the agenda, because there was some question about actually doing the paperwork to do that, it should be set the agenda for the meeting.

[10:28:05 PM]

Because once again, you have councilmembers that can request to put items on the agenda, but the chair -- you know, if there's been 15 items requested to be placed on an agenda, we have to allow the chair of each of these committees the ability to say we can't do all of that in one day. I'm a little concerned with striking all of those. I say we should at least -- you know, after -- 1 and 2 are the only ones that chairs would want to keep the responsibility for, I think. But two we could switch prepare and put set in there. I just don't see anywhere in here where we talk about chair's responsibilities.

>> Casar: If I could mention, sorry. I think that what I'm trying to do with this is make the committees run more like the council meeting, in which the mayor, as our chair, if we get four cosponsors, can't say that the item just isn't on the agenda. But what we can -- what he does do is post it on the agenda. But if there's clearly too many items, then the body decides what gets postponed, delayed, or doesn't get put on the agenda. And I think that that's important when -- in particular, if a particular item can only get put on a committee and somebody is trying to move it forward, a committee may not be meeting for a couple of months or for a while. Somebody may really want it on that agenda. If you get a cosponsor, you get it on the agenda, and that

--committee can decide what items to take up or not. It can be like this council, where the committee decides what items they want to put on the meeting.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: That's a logistical nightmare. I think -- I don't think that we have to address all the details in here. So I am okay with the language like this. I'm also okay with keeping e1 and 2, because I think that it'll work out in the committee. You know. I think it'll work out. And I think it is important to have the -- in consultation with other committee members.

[10:30:08 PM]

I think the committee members should be able to, as we're talking about, say what agenda items they want to have addressed. But the nitty-gritty detail about how much time it's going to take to do a certain item, you just can't do that by committee, I don't think. So that would be my concern. But I'm okay with this language, because I think the bottom line is, it's the practice -- you know, it's how we do

this in practice that's really going to matter. It's not whether we put it on this -- whether we write it into here or not.

>> Casar: I think there's a real question we're engaging, whether or not two committee members can place something on a agenda, or whether or not the chair chooses whether it goes on the agenda.

>> Mayor Adler: We just decided that.

>> Kitchen: The two

>> Casar: We just decided two committee members put something on the agenda. The question brought forth by councilmember Gallo, if I understand her correctly, is whether or not a chair can deny that based on time constraints. Consulted a good bit with our city staff in crafting this language. My understanding is they feel ready to get those cosponsorships, put them on agendas, just like for the council meeting. Then the committee decides what needs to get postponed and what doesn't, just like the mayor doesn't decide if we get four cosponsors whether or not something goes on a agenda or not. But he can be taken very seriously when he is the run running the meeting, it's a tight meeting and some things need to be postponed. That's a policy difference, if it exists.

>> Kitchen: I'm very concerned. I don't want to have the put the items on the agenda. I don't want to have to -- so much happens in between me meetings. And I think that that really ties the chair's hands if we have to fix an agenda with the whole committee's participation. I just don't see how that works logistically.

[10:32:10 PM]

>> Houston: Mayor.

>> Mayor Adler: Ms. Houston.

>> Pool: I didn't --

>> Houston: The difference, I think, in the council committees and the council is that we have to end at a time certain, where the mayor already -- always has the option of having us go over 10:00. We don't have that option in committee meetings. We know that we meet from 4:00 to 6:00 and then we're through. And I think that just adds an additional layer of work if you require us to do all of that other stuff.

>> Pool: Mayor.

>> Mayor Adler: Yes.

>> Pool: What I would say is we do set our meeting times. You know, we went through that just like we did for the council. All the committees agreed what days they would meet for 2016. And so that -- you know, that was done as a group. And I think it may have been proposed by one person, but the entire group agreed to the committee schedule. And the time and place of each meeting of the committee -- I mean, it's either here or there, and that's kind of worked out by staff based on the availability. So it feels like -- I mean, we could continue to keep that in there as a recognition of what reality is. And I think it would happen anyway, even if we took it out. And I do agree with what councilmember Gallo said about, set the agenda for each meeting. We do set our agendas. So. And it's the staff liaison that then prepares it -- does the ministerial act of it.

>> Mayor. And I would say that the concern, too, is we want to be sensitive to both the public and staff, is that -- I think all of the chairs of the committees really try to produce an agenda that they've estimated the amount of time that that agenda will take to be able to fit within the hours that that committee meets. And I think if we are looking at the implication of moving to a process where the chair doesn't have that ability and all of a sudden you have more agenda items on the agenda than could possibly be heard in that timeframe, and you end the meeting without hearing those agenda items, I think that you have sent a very negative message to the public, who has shown up and sat through the meeting.

[10:34:22 PM]

So, once again, I just think there's got to be a little bit of control that the chair of each of the committees have to be able to determine and get a sense of how much time agenda items will take, and just place those items on the agenda, and then maybe place the additional ones on the next agenda. Because otherwise, we have people that are sitting out here for two or three hours, and we don't get to their agenda item. And we know ahead of time that we can't get to it -- I think that's a disservice to the public.

>> Mayor Adler: Further discussion on this? Ms. Troxclair.

>> Troxclair: Can I just make a motion to un-strike --

>> Mayor Adler: One and two.

>> Troxclair: One and two.

>> Mayor Adler: Yes. Let's discuss whether or not we should un-strike e1 and two on page five of eight.

>> Pool: With the minor change of the language, instead of prepare on 2, it would be set.

>> Mayor Adler: With the understanding that prepare is set.

>> I'll second that.

>> Mayor Adler: That's what we're going to vote on. Mayor pro tem and then Mr. Casar.

>> Tovo: I agree with councilmember Casar. I believe that if you've gotten your required -- if we're going to have a process where with one other sponsor you can put something on an agenda, then I believe it should appear on the agenda. And, you know, maybe this is a bigger question about how we -- I mean, maybe this needs to continue to be a discussion point. But I completely understand the point you're all talking about. I've experienced it every single audit and finance meeting since we started the committee process. There are always multiple things on the committee agenda that have been referred, or sent back, or are initiated. It's been a real struggle to get through that agenda in a reasonable period of time. Some of the changes we're making today might help, but, you know, I think we should leave it to the committee to determine at the beginning of the meeting what they have reasonable time. Maybe they can use the message board to communicate.

[10:36:24 PM]

They've got -- here are the eight items we've got, what are the ones we want to move forward with. I think as long as we have a system where the committee chair can veto it, then the idea of having two people be able to put something on is not going to work for every committee.

>> I don't read this as vetoing it at all. I mean, I think we've got -- I agree with and supported having two people put it on. I don't read setting the agenda as vetoing that. We're talking about setting the agenda in the context of determining for a particular meeting and time period how you're going to run that meeting. That is absolutely necessary. That is not the same as vetoing somebody having something on an agenda. If you feel more comfortable, we could say set the agenda for each meeting, provided, however, that a chair cannot veto having on some agenda. You know. I mean, somebody's got to decide what date it is and when it's taken up. And I don't think that you can do that by committee.

>> Tovo: Well, I appreciate the concern, but I think if you've got a time-sensitive issue, as I have had, and you cannot get it on the committee agenda, then, in essence, it becomes a veto and you have to find another way to get it to come forward. But, I think we have a difference of opinion. Clearly, I don't think any one solution is going to necessarily solve the issue. We're going to have to continue to balance these different processes.

>> Mayor Adler: Mr. Casar. And then --

>> Casar: What I heard from both councilmembers and the transition committee and the staff is there were two things we're trying to deal with here. One was the amount of time in a committee -- the length

of committees -- and then also some challenges people had getting items that they wanted to get on to a committee agenda on that committee agenda. I've heard that from multiple people. I've heard the buzz in the hall about this for months that people have wanted to get something on a committee agenda and they couldn't.

[10:38:25 PM]

And so I think this achieves both. I think the committee meetings will be shorter if somebody has to get a cosponsor, and I think that people just have to get one cosponsor to get something on a committee. So I think we'll achieve both is my best guess, but if I'm wrong, we can change it. I think, councilmember kitchen, that your wording makes sense, that they can't deny an item getting on a committee if it was requested by the two members in time for posting. And that's what I would support.

>> Pool: Do we want to vote on this one, mayor?

>> Mayor Adler: Hang on a second. I didn't understand that. What did you say?

>> Casar: So that it can't be that the chair prepares the agenda for the meeting. And I think councilmember kitchen's wording was, they cannot veto an item supported for discussion by two committee members, or supported by two committee members for the agenda if it's requested in time for posting for that meeting.

>> Kitchen: But that's not the amendment that I was talking about.

>> Casar: I know.

[ Laughing ]

>> Casar: I was mentioning what I would support.

>> Kitchen: Well, I just -- okay. I'm a little frustrated because it's late at night, and we're talking about -- to my mind, we cannot legislate every situation by writing all the things in here. And I apologize that that's what's frustrating me, because I'm concerned about overdoing the process to handle some circumstances. And that's what I'm concerned about. So I think that my language would simply be, set the agenda for each meeting, provided that a chair cannot, in effect, veto an item from getting on an agenda. That doesn't mean that it has to be on the next month's. I mean, a chair has to have some level of discretion. So.

>> Particularly when council meetings get scheduled for Austin energy Thursdays. Excuse me.

[10:40:25 PM]

I had to put that on there.

>> Casar: I hear you. We can vote on it. Of all the stuff we're working on, the greater good is going to get served if we decide this one and move on.

>> Zimmerman: Mr. Mayor. Is the motion here to un-strike e1 and 2?

>> Mayor Adler: There's language on e2 and I'm trying to figure out what that language is. I think prepared goes to set. And I want to include what Ms. Kitchen was suggesting. And it's the concept of set the agenda for each meeting. Something like providing that a chair must afford a reasonable setting for an item qualifying under 2-5-106.

>> Kitchen: Yeah. That works for me.

>> Mayor Adler: I would say providing a chair must afford a reasonable setting for an item qualified under 2-5-106. Okay. Everybody understand that? We're going to take a vote on that. Those in favor of un-striking 1 and 2 with those two language changes, please raise your hand. Houston, Gallo, kitchen, Adler, troxclair, Renteria, and Zimmerman. Those opposed? It's the others on the dais. So that change is made.

>> I have a question for clarity. E at line 152 on page 5 of 8, are you also un-striking and in consultation

with other committee members, that section?

>> Mayor Adler: Yes. There was no change there. Right? The chair or committee shall -- oh, yeah, you need to put that language back in. Thank you. In consultation with other committee members with the assistance of staff, shall.

>> Except for 3 and 4.

>> Mayor Adler: Right. The language for number 2 has been changed to say set the agenda for each meeting.

[10:42:29 PM]

>> Providing a chair must provide a reasonable setting for an item under -- for an item placed on the agenda section 2-5-106.

>> Mayor Adler: Or meeting the standards of 2-5-106. It's the concept of when you have two people.

>> Mayor Adler: Make sense? Thank you. All right. Continuing on now. That gets us to page 6 of 8. Ms. Houston.

>> Houston: Mayor, I have an amendment to line 160. On 5 of 8, F.

>> Mayor Adler: Go on, 5 of 8, yes.

>> Houston: It says the chair of a committee may allow the chair of a city board to provide context or history of an item reviewed by the city board. We are the deliberative body. I don't know that the chair of the city board should be deliberating whether or not this is -- you know, they support. They should just be providing context.

>> Mayor Adler: Does anybody have any objection to the language proposed by Ms. Houston? Seeing none, that's put into the base amendment. This is Houston's page.

>> So does that mean that all of the items on councilmember Houston's motion sheet are accepted?

>> Mayor Adler: I think that's true.

>> Okay.

>> Mayor Adler: Thank you. Continuing on, that gets us to page 6 of 8. 6 of 8. We've already hit the substance, I think, of a. This next language is the language that was just transferred over. I think that gets us to 7 of 8.

[10:44:34 PM]

This was the concept that it takes two people to put it on the committee agenda, three people to move from committee to council, or four just to go straight to council.

>> Casar: Are we ready to move passage N passage?

>> Pool: Page 8, this is the perfect way to end. It's just a typo, the word publicly is misspelled on line 230.

[ Laughing ]

>> Yeah.

>> Mayor Adler: Okay.

>> Casar: Do you want to move it?

>> Can I ask one more question?

>> Mayor Adler: Without objection, that's changed.

>> Pool: A way to end the conversation.

>> Gallo: One more question, number D, 234. I thought planning and neighborhoods decided they would not hear zoning matters. I'm curious why that did not get deleted.

>> Casar: I initially put in an amendment to strike it, and --

>> Mayor Adler: I put that in there because a different planning commission might choose to. And in the

event that committee chose to do that, this is the nature of what their review would be.  
>> Just as long as it's not giving them the impression that this committee is going to do that.  
>> Casar: As long as you keep me chair, I'll keep postponing it.  
>> Mayor Adler: It stops someone from putting something on the agenda and asking for a larger --  
>> Gallo: Could someone put a zoning case on the agenda?  
>> Mayor Adler: If the committee wanted to do that.  
>> Gallo: But we have a process for --  
>> Mayor Adler: It would take two people on the committee. If the committee chose that's how they wanted to spend their time, they could.  
>> Casar: This is under a current ordinance, and we haven't been doing it.  
>> Gallo: It would take a committee member and the mayor to do it.  
>> Mayor Adler: That's right.

[10:46:35 PM]

>> Gallo: Don't do that.  
>> Mayor Adler: Okay.  
>> Gallo: Thank you.  
>> Mayor Adler: Any further discussion on this? It's been moved passage. Yes, miss troxclair.  
>> May I review the changes to make sure I picked them all up?  
>> Mayor Adler: Yes.  
>> So, all of the suggestions on councilmember Houston's motion sheet.  
>> Mayor Adler: Yes.  
>> On page 4 of 8, line 117, we restore the word "Chair" and take out the word "Committee."  
>> Mayor Adler: And we add with the -- you're right, yes.  
>> On 4 of 8, 117. Down at the bottom of 4 of 8, at the end of the last sentence, we add "Or council as the manager deems appropriate."  
>> Mayor Adler: Yes.  
>> On page 5 of 8, line 150 -- and E, we've discussed that. We restore everything except 3 and 4. And we change the word prepare to set. And providing the chair must provide a reasonable setting for an item qualifying under section 2-5-106.  
>> Mayor Adler: Yes.  
>> And then correct the spelling error on line 230 on 8 of 8. And correct -- this will cause us to do some renumbering, which council will consent to renumbering.  
>> Mayor Adler: Yes.  
>> I've noticed the outline program, in a few cases, has forced an inappropriate underline in the numbering system. And I'll fix that. It's not in the text, it's just the numbering system.  
>> Mayor Adler: All those are authorized. Thank you.  
>> Casar: And will be posted by the 24th to deal with this ordinance on the public comments sections that we didn't move today.  
>> Mayor Adler: That's not in here. They'll just bring that back on the 24th. First, before we get to that item, because that would be a separate item that we're going to pass this or not.

[10:48:37 PM]

So let's take a vote on this first. It's been moved and seconded. Let's take a vote. Those in favor --  
>> Troxclair: I have a clarifying question. Back to the two councilmembers are required to put something on a committee agenda, is that just for council? Is that for everything? Like, I just was looking at my

emails. I got an email from the honorary consul of France wanting to speak to the economic opportunity committee about international issues. I normally would write back and say great, our next committee is this, I've added you to the agenda. Now I need to go ask one of my committee members if I can put her on the agenda. Okay. So it's not just for resolutions and things like that. It's for any briefing, any time -- okay. All right. Just checking. Well, I'm -- won't be long-winded. I'm not going to support this. I generally agree with everything Mr. Whalen said earlier. We didn't have to reinvent the wheel with the committee system. There's state legislature, there's federal government, there's other elected bodies that have committee systems that generally work relatively effectively and efficiently. And I -- think the places that have caused confusion or frustration are the differences in structure that we have -- where we have diverted away from the, kind of, tried and true, tested model that has worked in other arenas. And I think that this is a further diversion from that. I think that not having council resolutions or important items from city staff come through committee just kind of undermines the entire purpose of the committee. So I mean, either we have them because they're important and because that is where we're going to take public testimony, have reliable recommendations made, and we're going to stick to a process that allows the chair some measure of control, or we just shouldn't have them at all.

[10:50:49 PM]

So I don't know that this leaves us any -- I don't think that this is more streamlined or more efficient. I think that it's going to be -- I don't think that it leaves us better off. So I can't.

>> Mayor Adler: Okay. Mr. Zimmerman.

>> Zimmerman: Thanks. I'd like to speak against it, as well. There's quite a bit of discussion here this evening about council's time, and staff's time. And I didn't hear much discussion or consideration about the constituents' time. And in my view, this is very damaging and disrespectful to constituents' time. They're going to be now expected to show up, you know, for these committee meetings and testify. And then just going to have to go through it all over again in front of the full council. The worst part about this is it does not show respect for our constituents, because we've just doubled their burden. They have to show up now for two things, for committee, and then show up again and do it all over in front of the full council. So it's really unfortunate, so I'll be voting no.

>> Mayor Adler: Okay. Mr. Casar, the section that spoke to the public comment, is that in here?

>> Casar: No, that section is not in this ordinance.

>> Mayor Adler: Okay. I think that the whole committee process here is going to be something that has evolved. And I think it's going to be iterative. One of the gifts this council can give to future councils is figuring this out. As we move through iterations, and as we try things, and as we learn, it's going to require it to be something that most of the people want to be participating, or it's just not going to work. So I think that this -- I'm going to vote for this because I think it hits where the council is right now. I think we can see how this works. And I think we continue to review this on an ongoing basis. And there may be some things that we move back to, or move further back to. But I think that this is the right way to maintain a sufficiently large consensus to be able to let this evolve, so I'm going to vote for it.

[10:52:58 PM]

>> Houston: Mayor, I would like to encourage the citizens citizens -- who have to go through the committee and council process to let us know how it is that they're seeing -- without the ability to manage the agenda, based on how many people are speaking, how many briefings are being held, and people are just sitting, waiting for their item to come up because it had to be put on the agenda because two people put it on the agenda, and we didn't have that ability to make some changes and post it for the next time -- how they feel about sitting and waiting. And then maybe we run out of time and we still



can't get to it.

>> Mayor Adler: I understand.

>> Mr. Mayor.

>> Mayor Adler: Ms. Gallo, I think, was next, and then Ms. Kitchen.

>> Gallo: I'm not sure if during the process of talking about this the next time, when we talk about the citizen communication -- you know, one of the concerns that I have is, we have really great briefings from our staff that take time for the staff to be here for briefings, and also takes effort in putting together the powerpoints. And after having a year of having briefings in council committee meetings, and then seeing when the subject gets to council, we seem to be asking the same questions -- let me put that -- the people that did not serve on the committee that were not privileged to the briefing in the committee will be asking -- or often ask the same questions that were answered with the briefing in the council committee. And so I hope that if we don't have a chance to talk about it, that each of the committee chairs will really think about letting briefings be before the full council. And I think we're moving in a direction to maybe start doing that on more Tuesdays. And I think that's a really appropriate use of staff time, because then the full council has access to it and not just a committee. And the briefings are really great. They take a lot of staff time. We have a lot of repetitive questions and answers that happen because they're limited to just the council committees.

[10:54:59 PM]

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: Well, when we talk about items again in the future, I think it's probably going to be timely for us to get an update on the community engagement task force. I don't remember at this point when they're coming back to us, but I think it'll be really helpful, because one of their tasks is to give us their feedback on community engagement.

>> Pool: And they're scheduled to come and give us a report at the end of March.

>> Mayor Adler: I wonder -- you know, you were planning, Greg, on bringing back the section on public testimony on March 24th. Maybe we wait until we get that presentation, because that might impact that. Think about that in terms of when is the appropriate time to bring that back. I think there were some other things that the transition committee had that can also come back to the council. I think that we need to focus specifically on staff and figure out things that are staff efficiency centric solutions that we can make. Make. At some point, I'd like for us to figure out where we can spend more time as a council to be able to discuss things. I think that's what we're finding difficulty doing. Whenever we set something to do it here, there's a public hearing associated with it. I want to have some time for us to move things forward where we're not taking a vote and don't need public hearing, but we can advance concepts with each other that the public can see and comment on. So, all those things I'd like to see happen as well.

>> And mayor, it might be helpful if we have the staff briefing in a council committee that we just automatically have that sent to the rest of the council.

>> Mayor Adler: I think that would be a great idea.

>> Renteria: Mayor, on this vote, are we just voting on the first --

>> Mayor Adler: We're just voting on the blue package.

>> Renteria: First reading only?

>> Casar: I'd like -- I'm comfortable with all three.

>> Mayor Adler: All right. All those in favor of the blue package, please raise your hand.

[10:57:00 PM]

Those opposed. Zimmerman and troxclair voting no, Houston voting no, others voting no. Passes. Thank you for taking the lead on this.

>> Casar: I'd like to thank everybody for working on this, because I think that we're steeped in this system, and it's something we all made together. And that means we are attached to it in some ways, but we have to -- I appreciate us trying new things out and doing our best to craft something that's good that gives us the time as small groups to delegate work, and do the hard task that is this job alongside the community and the staff. So, thank you to everybody.

>> Mayor Adler: One quick check. There was one amendment that came from your staff. Did we get that? That was part 3b.

>> Casar: That was the chair with the consent.

>> Mayor Adler: With the consent of the committee. You got that one? Part 3 on page 4 of 8. Line 117.

>> Line what?

>> Mayor Adler: 117. To assist the chair --

>> To assist the chair instead of committee.

>> Mayor Adler: Yeah. And then add in the phrase with the consent of the committee.

>> With the consent --

>> Mayor Adler: Consent of the committee.

>> Okay.

>> Mayor Adler: Okay. Thank you.

>> Pool: Mayor. There was one thing I wanted to say. It occurred to me when we were talking about this iterative process, it may be that after another year we decide that maybe there are some committees that we don't need. Or as the mayor pro tem was saying, there are different committees that would be a better use of our time. So I'd be -- I think what I'll do for the next -- you know, for the rest of this year is, when I have the committee I'm chairing, the committees I'm on, think of them in terms of, what is the value added, that it's bringing to the discussion, at least for me. And maybe that would be something we could talk about later.

>> Mayor Adler: Sounds good.

[10:59:00 PM]

>> Pool: Thanks.

>> Mayor Adler: This meeting is adjourned.