

## City Council Regular Meeting Transcript – 4/7/2016

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[9:55:35 AM]

city of Austin city council

[10:13:44 AM]

>> Mayor Adler: are we ready to go ahead and get us up? We're going to go ahead and begin with the invocation. Is Reverend Horton here? Sir, please. If everyone would please stand. Reverend

>> Our father this morning, we pray for the health and well-being of our mayor, our councilmembers, their families and staff members. We ask your blessings upon our great city of Austin and for every person who calls this place home. We ask this morning that you would grant us the patience to respectfully hear and consider all perspectives as we discuss the challenges and opportunities in our city. We ask that you would keep us mindful and humble of the privilege we have to serve and represent the residents of this great city. We ask now that you would give us your wisdom and discernment as we make decisions that affirm the greater good for our community, help us to make decisions with compassion and with grace. We thank you for the dawning of a brand-new day and for the opportunity to serve you in this capacity. It's in the name of his son, Jesus, we do pray. Amen.

>> Mayor Adler: Thank you, sir.

>> Gallo: Mayor, could I mention one thing, please.

>> Mayor Adler: Yes.

>> Gallo: And welcome back.

>> Mayor Adler: Thank you.

>> Gallo: I should have mentioned this last evening as a thank-you, but those that are golfers that are watching the masters get started this evening know that Austin was privileged to be the host for the Dale PGA match-play tournament a couple of weeks ago and I just want to really give a shout out and a thanks to the city staff, our special events team, that we had probably about 12,000 people a day here in Austin at that tournament. I think it was the first time the tournament has been held in Austin.

[10:16:15 AM]

It had some really significant challenges because the area, was very landlocked and most of the transportation was using 360, which we already know has a lot of traffic gridlock issues, there are a lot of neighborhoods that surrounded the area that the tournament was in and our city staff

and our public service, our public safety departments did a remarkable job of really making sure that this tournament the first time it's been here was successful. And I just really want to say thank you to them for working with the neighborhoods that were concerned. It's -- it worked out really well. I think PGA was excited about it. I think the people that attended liked it, it worked well and I think the neighborhoods that were around this location felt lining it was really good. I should have said a big thank you last year to city staff -- I mean, last week but I wanted to take this opportunity. They worked really hard, a lot of hours and I think it worked as well as it could have possibly worked for a first year. We look forward to continuing years. I know the mayor got to stand with the winner of the tournament, Mr. Day, when he received his trophy and bethank you for representing us well.

>> Mayor Adler: It was a great event and the staff did an incredible job and the feedback we got from the participants congratulating and thanking staff was efusive so thank you. I'm going to call us to order, Thursday, April 7, 2016. The time is 1:15. We are in the -- I mean, 10:15. We are in the --

[ laughter ] We just skipped right through half the agenda. I love that. I had just heard in my absence this council moved so quickly.

[ Laughter ]

-- On the -- the pressure was on and -- and we're in the city council chambers at 301 west second street.

[10:18:18 AM]

In addition to the council moving so quickly while I was gone, I understand the council inadvertently did not pick up one of the council birthdays that we just had, don Zimmerman's birthday, I think, was Tuesday. So I think --

>> Zimmerman: Mr. Mayor, we have a work session and we forgot about it so I thought I was going to skate through on that.

>> Mayor Adler: Absolutely not.

[ Laughter ] And in the keeping of tradition we should probably ask you how old you are.

>> Zimmerman: 56 years old.

>> Mayor Adler: 56.

>> Zimmerman: But don't tell my wife that.

>> Mayor Adler: The secret is good with us. Happy birthday, don. Let's take a look at the agenda that we have. On the changes and corrections, item number 16 is being withdrawn, item 23 adds a sponsor, councilmember Gallo. We have some items that have been pulled off of the consent agenda. That would be item 6, which I am pulling, item number 9 is going to get pulled so that we can have a brief presentation by law, but I think we can still handle that in consent. Item number 17 and 24 have been pulled by Mr. Zimmerman. And I am going to pull item 23. So I'm seeing items six, nine, 16, because it's withdrawn, 17, 23, and 24 coming off of the consent agenda, which is items through item number 27.

[10:20:27 AM]

We have some speakers that have asked to speak on the consent agenda. Is Gus Pena here?

Thank you. Hang on one second, Mr. Pena. Is John Perez here? Okay. So I'm going to call

[indiscernible] Consent agenda. One is Mr. Pena, signed up on item 7a, 21, 25. Mr. King, I think

you may have signed up for some of the consent items too, and if you want to speak you can certainly do that. Mr. Pena.

>> Mayor, good morning, councilmembers. Gus Pena. Remind me, again, mayor Adler, which -- I know it's seven and eight, right?

>> Mayor Adler: Seven, eight, 21, 25.

>> Okay. Great. All right. I'm going to start with number 7. This is a critical item for the community, authorizing negotiation and execution and social security agreement with Salvation Army, child care supportive services, et cetera. I have a big difference of opinion on number 7. It should be more. I don't know how much more money we can give the Salvation Army. They do a great job, and I go over there because I'm on my veterans have issues and I help out with the issues over there in the Salvation Army needs a lot more money than what we're giving them and I know the community would be supportive and there are two people here from the salvation Army. Could you stand up, please? Both of y'all. Don't be shy. And please give them a round of applause because they're the ones that drive the bus and are very helpful.

[10:22:29 AM]

[ Applause ] Mayor, you can do a better job of clapping. There you go. Gracias. And so, anyway, I'm fully supportive because they've helped the Pena family. I'm going to be honest. There's so much need out there. Number 8, sustainable food center, the need is great out there. We have a lot of poor people out there and they need feed and just can't afford to go to the local grocery store because sometimes it is expensive so that's a good item on the agenda. Mayor, you said that number 21, right?

>> Mayor Adler: Yes.

>> Number 21, I've always been supportive of the asian-american community and, again, is waving certain fees for the 2016 new year festival, et cetera. Thank you very much for that. Prompt me, again, additional.

>> Mayor Adler: 25.

>> Quickly, 25, this is a very important item on the agenda. This is the community -- concerning the fiscal year community development program. Mr. Mayor, I had the privilege again of going back to Washington, D.C. Last week and meeting with secretary of afutures McDonald and [indiscernible] When he was mayor of San Antonio, I know the family, and I'll be honest with you, the H.U.D. Voucher program is getting to be not a joke but very discriminatory to some of the veterans. More single family than multi-family and so that's what's going to be discussed. I'm going to bring some veterans. I'm a cofounder. We need more multiple family, true affordable housing. I can give you a definition of what affordability is because there's a need out there and a lot of people are not accepting the H.U.D. Vouchers. It's state law. I spent a lot of time over there. Shouldn't have happened. We helped pass -- senator Frasier was in opposition but we whipped butt over there. Anyway, I'm looking forward to speaking in the public hearing but there's a lot of needs out there, a lot of needs for our affordable housing. Anyway, mayor, councilmembers, thank you very much and keep up the good work.

[10:24:29 AM]

>> Mayor Adler: Thank you. Mr. King, do you want to speak on the consent agenda?

>> Yes, mayor. Thank you very much. Mayor pro tem, councilmembers, David king, speaking

on item 19 regarding the process for public comment on city council and committee meetings. And it wasn't clear to me about where some of the changes would apply to the council itself or just the council committee. So if someone could clarify that would be helpful to me. But I am concerned about limiting speakers at council meetings. I understand about the council committees. But at a council meeting, this is a place for citizens to come and tell you themselves in their own words what they think about items that you're considering. And to limit that testimony I think is wrong. This is a democracy and I know you're all busy looking at your agenda this morning and you've been discussing this issue already, but I don't see that this is helping to promote democracy by saying we're going to limit speakers when they come up here to speak you to directly, in their own words. Sometimes they can't take off work to come meet new your office or drive down here. This is their only opportunity. So I think it's wrong to set a limit. If a citizen takes the time to couple here and sign up to tell you in their own words what they think about a particular issue, you should afford them that opportunity so I think a two-hour time limit is arbitrary and capricious and wrong for our city. It sends the wrong message. Mr. Mayor, to impose a rule that says you have to sign up for an item 15 minutes before the meeting actually starts I think is wrong as well. I know that you have to plan and I understand that you need to know how many speakers are going to be here. But sometimes people get here at the last minute and sometimes the item doesn't come up until later in the afternoon and yet they have to be here 15 minutes before the meeting starts to sign up or they won't be allowed to speak?

[10:26:31 AM]

I hope you'll clarify that for me but that -- I don't think that's a good decision. What we've had in the past that as long as you get here and sign up before the public hearing itself has -- public input has been cut off you can sign up to speak. And I think we should continue with that tradition. These two changes are sending the wrong message to our citizens and to our community here. That you don't really want our input. That your time is really more valuable than their time. And I think that's the wrong message. And I appreciate the good hard work that you do. I am not trying to get on your case here about this -- about what you're trying to do. I'm trying to let you know that I think this is the wrong thing to do for our city and for our citizens. And you should err on the side of giving as much time as the citizens need to give you their input and not -- and not cut back on that. So I hope that you will reconsider setting the two-hour time limit and requiring citizens to sign up 15 minutes before the meeting starts on a particular item or they can't speak. Thank you.

[ Buzzer sounding ]

[ Applause ]

>> Mayor Adler: Thank you. I missed this one on the consent agenda and would like to pull it. That would --

>> Tovo: That allow me to does the question. I'm not seeing an amendment in here that letters people to sign up to speak 15 minutes before the meeting starts. But if you're pulling it, we can address it at that point.

>> Mayor Adler: Let's go ahead and pull 19. We had talked about lots of things we were going to do potentially with the public comment in terms of how we were going to maybe limit the amount of time, maybe have a Progressive way where the first number of people spoke. And my recollection was we put this on to make sure that we actually dealt with it and I'm going to pull this one and maybe if there's an opportunity for us during today's agenda where I think there are

gaps for us to really talk through that issue, I think that would be a good thing for us to do but I'm not sure it's ready for us yet to actually vote on and adopt something.

[10:28:40 AM]

So I want to pull number 19. Those are all the speakers I think that we have signed up. Is there another speaker that's signed up on a consent item that I'm aware of?

>> 19.

>> 19? Do you want to speak on that now?

>> [Off mic]

>> Mayor Adler: So I'm pulling items six, nine, 17, 19, 23, and 24. There are no additions to the boards and commissions agenda -- yes?

>> [Off mic]

>> Mayor Adler: I'm sorry, I can't hear you.

>> I signed up to speak on an item. I would like to be heard.

>> Mayor Adler: Which --

>> I would like a question answered.

>> Mayor Adler: Which item did you sign up for?

>> [Off mic]

>> Mayor Adler: 17. It's been pulled. So --

>> I understand it's been pulled.

>> Mayor Adler: So when we call that item up you'll have a chance --

>> I still would like to have my --

>> Mayor Adler: You'll have a chance to speak when that item gets called so that you have the opportunity to do that. What we're going to do now is handle those items that don't have speakers on them so we can handle them as a group and we can dispense with them and then a lot of staff will be able to leave the chamber because they're waiting. But you'll be given that opportunity.

>> Houston: Mayor?

>> Mayor Adler: We have another question, though. Ms. Houston.

>> Houston: I have just a brief question on 25 for staff.

>> Mayor Adler: Okay.

>> Houston: I understand we're just setting a public hearing but there are two -- the public two hearings that we're setting, two at council and two at the community development commission. My question is how long those notices -- how will people know that those public hearings are going to be held? And this is part of how do we engage the public to make sure that the information gets out?

>> Good morning, Betsy Spencer, director neighborhood housing. Councilmembers, we utilize a variety of different ways.

[10:30:41 AM]

We've actually had quite a few community meetings in the last few weeks on our action plan process. They aren't the official public hearings but we've had about 20 different community meetings in regards to the action plan and housing -- strategic housing policy. Specific to this question, we utilize our -- I think in all of the public meetings we've had so far, it's advertised there. We've given out the information on these official public hearings. We utilize our Austin

notes and our website and then we also have notices in the paper. But I think the most effective answer to your question is, at the public meetings or the community meetings we've had so far, we've been distributing that information. We also have a wide listserv. When folks come to our meeting we get their information to send to them. That's what we've been doing so far.

>> Houston: Thank you very much for that. I think community engagement in different parts of the city is very different so I'm sure you're doing it in English and Spanish, all the information?

>> Yes, ma'am.

>> Houston: There's some communities the best way to do that is to send that to congregations so the churches can get the information disseminated to the people that come do churches and then also utilizing minority media, Nicole [indiscernible] The villager so the people who read those can get out because I'm asking people have they heard, and they haven't. So I'm trying to make sure that we get as broad a view as we can out and so if you send something to the district then they'll send it out to our distribution list.

>> We'll be glad to do that. I'll also if you're interested can send you an update on all the meetings that we have had where they've been located and all the ways we have distributed the information. We will send to you, to your office, if your interested, to distribute it or we can do it for you.

>> Houston: We have a different distribution list than do you.

>> Yes, ma'am.

>> Houston: If you'll send it to us, we'll send it out.

[10:32:42 AM]

>> Yes, ma'am.

>> Houston: Thank you. I want to make sure we get as wide a participation as we can on this very important topic.

>> I concur.

>> Mayor Adler: Thank you. Ms. Morgan, can we have the quick leave briefing on item number 9?

>> Sure.

>> Good morning, mayor, mayor pro tem, councilmembers. My name is Andre Lee Lloyd, assistant is it attorney in the law department and I'm here today to does that you approve a payment of \$115,000 in order to settle a personal injury lawsuit in a case filed John Murphy versus the city of Austin. As you may recall from our March 29 executive session this was a pedestrian-vehicle collision that occurred between the plaintiff, Mr. John Murphy, and a public works employee. The general terms of the settlement agreement is that the city will pay Mr. Murphy \$115,000 and in exchange Mr. Murphy will dismiss the lawsuit against the city and release the city from any liability. The law department approves of the terms of the settlement and we ask that you today vote to approve the payment of \$115,000.

>> Mayor Adler: Okay. So the motion -- the motion on the consent is -- I'm going to put nine back on the consent with \$115,000 none included. Thank you.

>> Thank you.

>> Mayor Adler: We also had a speaker that I didn't call earlier with respect to item number 7. Sarah black. Is Sarah black in the room? Do you want to speak to item number 7?

[10:35:00 AM]

>> I just walked in. Good morning, city council. I am against approval of this item because basically on a fundamental reason, that the Salvation Army doesn't give basic financial accountability or they're not asked for -- the city doesn't ask them either because I have asked the Salvation Army executive director how much he makes, where the money goes. And he hasn't provided that information to a point where it's now a attorney general issue. Id6167 is under review by the attorney general's office right now and that is me asking the executive director about where -- how much the staff is paid, including him, and where the money goes. He won't answer that. He told me to go ask his attorneys. When I asked him on November 11 of 2015. So it is currently in the hands of the attorney general's office. So can the city of Austin just ask them -- if you're giving them money, if you're giving them public funds can you just ask them how they spend their money, how much they pay their staff? Thank you.

>> Mayor Adler: Thank you.

[ Applause ]

>> Gallo: I have a question of staff based on her comments. Do we have staff here? Hi, thank you.

[10:37:01 AM]

>> Good morning.

>> Gallo: Thank you. So thank you for being here and sharing your comments with us. So I have a question just how the process works when the city funds nonprofit organizations for certain amounts of money. Last week we just funded a large amount to, I think, 31 agencies. So what is it that we require? I mean, I would hope that in the process of taxpayer dollars going to fund nonprofits that there is also an expectation of transparency with information that is provided to the city as far as how that nonprofit operates and how the money is spent in that nonprofit. So is part of our process getting that information from the different nonprofits that come to the city requesting funds?

>> Health and human services, there's a due diligence process that we go through whenever we contract with any agencies. And that process we can share with you. I think that we have shared it before but we're happy to send it back you to detailing the detail analysis we do, the background checks, the information, the audits and all the other things that go into contract aspects that legal gives us the guidance on how we proceed to do that. So, yes, there is more details. Now, specifically to the comments that were made earlier, I'm not at liberty to say whether or not we go into the individuals' background in terms of their salaries and those kind of things. I'm not sure if that's part of the requirement. I'll ask our staff to speak to that one. I assure you there's an extensive process in terms of contracting we go through whenever we contract with these social service agencies.

>> Gallo: Okay.

>> Good morning, Stephanie Hayden, deputy director health and human services. So a couple of things. This particular item, all of the money is going toward child care expenses with this particular item on the agenda. If the city is paying for -- we have a financial budget a budget narrative and if the city is paying for a particular position, then we get that salary information, we get the number of positions we're paying for, and we get how much better paying for.

[10:39:17 AM]

So we do get that information if that is a portion of what we're paying for. In addition to that, we do get an annual audit from the agencies as well. So there's a series of financial information that we receive from each of the agencies we contract about.

>> Gallo: So it sounds like the focus of the information that you're getting is really focused specifically to the spend -- the program that the city is providing funds for, not the agency in general.

>> So we get both. We get the total information for the agency within that financial audit that we get annually and then we also get the individual information that pertains to our program.

>> Gallo: Okay. And so the audit is done by?

>> The audit is done by a certified financial firm, and then it is certified by the board, and then it's submitted to the city according to the contractual deadline.

>> Gallo: That audit available to the public?

>> Absolutely. It's public information.

>> Gallo: Okay.

>> So with a prr request, an individual can request that information.

>> Gallo: A copy of the audit, okay.

>> Absolutely, yes, ma'am.

>> Gallo: Addressing the young lady's concerns about the difficulty in getting information, that would be something she could get from the city, the audit.

>> Yes, ma'am.

>> Gallo: All right, thank you.

>> Mayor Adler: Thank you very much.

>> Am I allowed to comment on --

>> Mayor Adler: No. It doesn't quite work that way.

>> That's just not true.

>> Mayor Adler: They might be able to get you additional information. You can certainly speak with them. We also had Philip Reyna identified to speak on item 13. Is Mr. Reyna here? We'll proceed. I'm showing now the items on the consent agenda do not include items 1-27 do not include item number 6, number 16 has been withdrawn, 17 is pulled, 19 is pulled, 23 is pulled, and 24 is pulled.

[10:41:28 AM]

Is there a motion to approve the consent agenda? Ms. Houston. Is there a second? Ms. Garza. I'm showing Mr. Summer abstaining from item number 20. We'll now take a vote -- Mr. Zimmerman.

>> Zimmerman: Did you leave off the against? Did you read --

>> Mayor Adler: I'm sorry, I apologize. And against on items 13, 14, 15.

>> Zimmerman: And --

>> Mayor Adler: Six has been pulled.

>> Zimmerman: What about seven, eight?

>> Mayor Adler: Seven and eight, don't, I did a bad job today. All right. I'm showing Mr. Zimmerman abstaining on items seven, 8 against 7 and 8, I'm showing him abstaining on item 10, abstaining on item number 12, against items 13, 14, and 15. And abstaining on item number 20.

>> Zimmerman: That's correct. Thank you.  
>> Mayor Adler: I apologize. Yes, Ms. Troxclair.  
>> Troxclair: I want to be shown abstaining from items number 7, 13, 14, 15, 20, and 21.  
>> Mayor Adler: Okay. Any other comments? Those in favor of the consent agenda please raise your hand. Those opposed? It's unanimously approved on the dais with the notations that are made. That then gets us to our -- to our agenda. Let's see if we can work through some of these items quickly. The first item is item number 6, which is the campaign finance reform item. Ms. Kitchen, did you have amendments you wanted to make?  
>> Speaker4: I do. And I'm getting them put on an amendment sheet right now. I can speak to them and ask the staff to speak and hopefully it will be down in time for that.  
>> Mayor Adler: Let's hold off so people can -- and we'll come right back to it. I have an amendment as well.

[10:43:29 AM]

>> Kitchen: Okay.  
>> Mayor Adler: That I'll hand out now. But we'll move past this one for the moment. Okay. That would then have us moving to item 17 on ground transportation is there a motion that you want to make with respect to item number 17, Ms. Kitchen?  
>> Kitchen: Io. I'll go ahead and -- well, the motion that I wanted to make was that we go ahead today and approve part one of it, which relates to the national background check. It aligns the ground transportation chauffeur licenses with the national background check. So I wanted to go ahead and move that forward on three readings. And then I'm understanding that there's an interest in having some further discussion on the other parts that relate to the driver eligibility.  
>> Mayor Adler: Okay.  
>> Kitchen: So I guess my motion would be that we approve part 1 on all three readings. Today.  
>> Casar: Mayor.  
>> Mayor Adler: Yes.  
>> Casar: And I'll second that and I'll clarify the points that may be made by people that choose to make public comment, looking at the -- from what I heard at work session I thought we were just basically essentially doing what part one does but once I understood that part two actually includes all of these offenses and many of them seem to me to be very harsh, like if you've ever been convicted of theft at any point you can never get a chauffeur's permit, that just seems -- that seems like too much and I would like for the staff to work on that and . It.  
>> Mayor Adler: So effectively what we're doing the motion is to approval part one, the balance -- the part is being postponed at this point with no action being taken on it.

[10:45:30 AM]

There's been a motion. Is there a second to the motion to approve part one? Mr. Casar seconds. So we have some people that have signed up to speak on this. I'd ask at this point if you speak it would be -- you would be only speaking with respect to part one because the balance of it is going to be worked on and when it comes back then you have the opportunity to be able to speak on that. So we have some people that were signed up and I don't know if anyone who signed up wants to speak to part one, which is making the check be a national check. Mr. King, do you want to speak is now you're fine? Matthew Muschik, do you need to speak now? I also have

Joseph Iley, Chris Neilson and Nathan Lipson? Any people want to speak to the motion which is approve just part bun. Okay. It's been moved and seconded to approve part bun. Any discussion on this item?

>> Tovo: Mr. Iley was here a few minutes ago talking from the back about wanting to speak. We might just quickly see if he's in the lobby.

>> Mayor Adler: Thank you for that. Let's go ahead and speak from the dais. When he comes back in I'll give him a chance to speak. Ms. Troxclair.

>> Troxclair: I just wanted to confirm. So we are -- the motion is on the yellow sheet, the -- that has been handed out, not on what was posted and we talked about at work session.

>> Kitchen: Yes, that's correct.

>> Troxclair: Okay. So I just want confirmation from the legal staff. I think what we had -- what we were working off of as of Tuesday, it didn't seem like the process the different entities had to go through in order to complete the national criminal history were quite congruent but it seems like there's been updates made now to this copy on the yellow sheet that does make them exactly the same, and I just want to confirm that the process for the national background check in part bun is exactly the same.

[10:47:36 AM]

As what was passed in December in the tnc ordinance.

>> Assistant is it attorney, yes, that's correct, this language in part one --

>> Houston: We don't have that. Whatever was passed out, we don't have that.

>> Kitchen: It was on --

>> Troxclair: Maybe we should also put it up so people know what we're voting on.

>> Houston: Is this new?

>> Troxclair: Was there a reason that the language was originally different or was it just an oversight?

>> It was just an oversight. It's additional language that's shown is an oversight what it wasn't included to allow us to go through dps so we put that in.

>> Troxclair: Thank you for making that change.

>> Mm-hmm.

>> Mayor Adler: Okay. Further comment on this? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I would consider making a motion to postpone all of this until may, but I don't think that has any chance of passing so I won't do that so I'm just going to speak against -- I would -- one of the reasons I'm voting against is I would look like for all of this to be considered in may because I believe, based on the December ordinance, I think there were four areas that we kind of left to be decided. Back in December, I think there were about four categories. It seems like we're kind of doing this piecemeal again. We did something in January. We're going to do something now. But if we were to vote for this we'd probably distill have two items that are left undone from what we but the in in December so I'd rather see, you know, everything clean up at one time and have a vote on it, a discussion and vote on it, and that would probably be, I don't know, may or June probably before -- but could staff maybe speak to when the complete changes, based on December might be ready?

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: Just for clarification purposes, councilmember Zimmerman, you know, this part one that we're voting on today, all it does is make changes to the chauffeur's license to make it clear

that their national criminal background checks, which is something we've been talking about for a very long time.

[10:49:52 AM]

So it just makes sense to get that done today.

>> Zimmerman: Sure. But that is the piecemeal approach, you know? I mean, that we -- let me just say quickly, we had some changes proposed I think for limousines that had something to do with the \$50 minimum and a 30-minute delay in pickup. There was some odd -- what to me seemed like odds and ends and loose ends and when we proposed to fix that there was pushback that said it's not that simple and we need to consider all the changes together comprehensively or holistically and so that was the reason given for not making those changes that the limo drivers requested. So I'd just like us to stick to the same standard. If we say that we shouldn't do things piecemeal and want to do them all together, let's do them all together.

>> Mayor Adler: I understand. For me, this one is a real simple one. It's simple we had talked about and it was truing it up and quite frankly as I understand it it's literally checking another box when the background check is down so it's just as easy to do it national as to not do it national so I'm fine with that. Is there any other comment on this item? We'll take a vote. Those in favor of the motion made by councilmember kitchen to approve part one please raise your hand. Those opposed? Zimmerman voting no and pool off the dais. The others voting aye. So that item then passes. Number 17. Ms. Kitchen, if you'll let me know when you get your amendment on number 6. Let's double back and do number 6.

>> Troxclair: Mayor.

>> Mayor Adler: Yes.

>> Troxclair: In the meantime can I ask again, I know that on Tuesday the city manager said they were gonna talk about a time line but I don't know director spillar wasn't here on Tuesday so I didn't know. I just thought I would check in with you and see if you've had a chance to circle back with the city manager and come up with a general time line for when we might expect some of the other changes like what councilmember Zimmerman mentioned and the taxi driver co-op, things like those to be kind of addressed.

[10:52:06 AM]

>> Sure. Thank you, councilmember troxclair. When we talk about addressing the regulations on the taxis potentially even considering even deregulating the taxis, that is a bigger picture than these tweaks that we've asked for support here. So we would anticipate it would be probably the June -July time frame -- well, not July but the June time frame that we would come back.

>> Troxclair: That you would bring --

>> With the full concept.

>> Troxclair: Okay. And does that include -- I think just because it was on the agenda a few weeks ago and then it kind of disappeared there was a conversation about the limo services and the \$50 minimum fee they're required to charge and the 30-minute wait time, is that something coming back sooner.

>> No. That would come back with the same thing because it does affect the whole range of vehicles for hire and so as we follow council direction to level the playing field, we have to work through the pieces because there's a difference between the limos and taxis just as there are

between the taxis and the tncs. So as we level that we've got to work through all those processes so we're in the -- I believe I'm scheduled for a briefing to council within the next month or so about where we're headed to make sure beget any feedback necessary. The exact date on that I'm still unclear. But --

>> Troxclair: Okay.

>> We're moving through it pretty rapidly. Our plan is to -- part of the analogy, rip the band-aid off as opposed to do it piecemeal for the major change.

>> Troxclair: Thanks. If you have any stakeholder meetings between now and then I would love to participate.

>> Thank you for your consideration.

>> Troxclair: Thank you.

>> Mayor Adler: Okay. Thank you. And I just want people on the dais to know that we went out and looked for Joseph iley on that last item and were unable to locate him in the building.

[10:54:12 AM]

So that gets us then to -- we're still then tanning about item -- talking about item 6, you've handed out an amendment. Do you want to walk us through and make your motion -- well, does someone move passage of item number six?

>> Kitchen: Nobody has.

>> Mayor Adler: Is there a motion to approve item number 6? Okay. Mr. Zimmerman moves item none six --

>> Zimmerman: No -- I'll move or I'll second.

>> Mayor Adler: So on item six on the chart that you handed to me, do you have a copy of what you handed me?

>> Zimmerman: I do. Depending on how the amendments go, I may recuse myself from the vote, depending on what amendments are proposed but I want to -- I have to see what's gonna happen. But there's a possibility that I'll need to be recused depending on the amendments.

>> Mayor Adler: Let me hold off then you making that motion. Is there a motion to approve item number 6? Mayor pro tem makes that motion. Is there a second to that motion? Ms. Troxclair. And now Ms. Kitchen, I recognize you for amendment.

>> Kitchen: Okay. I passed out an amendment. There's actually three parts to the amendment, and this relates to page 13, part 13, which is on page 13 in your backup. What this -- this just makes the changes that we've discussed in work session to -- so that we are not changing the time line for the reports required by committees. So there are three -- three amendments that were necessary to take that back to the original language, and so that's what you see here. So all these changes do is they delete what was proposed that would have changed the time line for filing -- for a political committee and they take it back to the original.

[10:56:16 AM]

>> Mayor Adler: Okay. Ms. Kitchen moves adoption of amendments 1, 2, 3. Is there a second? Ms. Pool seconds those. Any discussion on these amendments? Ms. Gallo.

>> Gallo: Could you clarify a little more. So amendment number -- the difference between independent expenditure and direct campaign expenditure, what's the difference between those two terms or if the clerk's office or legal wants to answer that question.

>> Jannette, city clerk. I'm not sure if there's a legal definition difference, but it's basically just to allow what we call the independent expenditure to change the title to align it with what the state now calls their similar independent expenditure, which is a direct campaign expenditure.

>> Gallo: So that's kind of the underlying purpose of all of this.

>> Yes.

>> Gallo: To get us more in line.

>> With councilmember kitchen's amendment number 1 is just changing the name from independent to direct campaign.

>> Gallo: Okay. All right. And then amendment number 2?

>> Kitchen: My understanding of amendment number 2 is that in order to take this back to the original timeline from filing these reports, you've got to take out a and D. So, amendment number 2 takes out a, which would have allowed a political committee not to report to the city if they were reporting to the state. And so I was -- I'm trying to take it back to the original, both the timeline and the requirement to file with the city.

>> So our original recommendation was to limit the independent expenditure, atx1, to only individuals or corporations who do not file -- who are not required to file the state forms with the local entity.

[10:58:22 AM]

And so that would have excluded committees. And so, councilmember kitchen is recommending that we have -- we re-instate the political action committees also have to file the direct -- their direct campaign expenditures with the city as well. So, that part 13, number a, was just an addition we included in our draft ordinance to eliminate political action committees from the reporting requirement. So we're just deleting that to go back to the original requirement that persons including political action committees file what will now be the --

>> Gallo: They are not filing with tec? I'm trying to -- the whole purpose originally was to make our system less complicated from the standpoint of being different from the state filing schedules.

>> I will let councilmember kitchen clarify, but my understanding from her amendment is, her concern is that by going with -- by limiting it to just individuals, and going to -- and going to the state filing, is that there could be a large gap in between the time that the individuals or the political action committee would file with the clerk's office their direct campaign expenditure. And so in order to provide access to the public for these independent expenditures, we need to -- she wanted to cap it sooner than just the state deadlines.

>> Kitchen: Yes. I can speak to that. The concern that I had was, the proposed changes did two things, changed the timeline so that it was less often, and said that these committees didn't have to file with us, but only the state.

[11:00:30 AM]

So, I wanted to maintain the schedule instead of reducing the frequency with which these committees file. And I also felt that it was important -- you can't -- unless you have them file with us, if they file only with the state, they're only on the state's timeline. So in order to keep the timeline that we originally had, they have to file with us. Does that make sense?

>> So we can clarify, the committees would still file with us. They would only file the state

form. But they still have to file it with us, just not as quickly after the expenditure is made. .

>> So currently, the entities that you're concerning with in the filing have to file with the state on a time schedule, on a timeline. And what you were doing with your original draft was making our timeline match the state timeline. And what we're doing with this amendment -- what we would be doing with this amendment -- is diverging off of that to where these entities would have a different timeline than the state timeline.

>> Kitchen: The same one they have right now.

>> Gallo: But no, but I'm talking about compared to their draft. Okay.

>> Correct. With the office of the city clerk. So, under the current code, a political committee is required to disclose direct campaign expenditures, what we in the past called independent expenditures. They're required to disclose those to the city using the day before the election, 8th day before the election, etc., and in addition, they are also required to report those same expenditures according to the timetable the city set out, within five days of the expenditure, or within two days, and 24 hours.

[11:02:39 AM]

And basically, our proposal was to eliminate the separate city's timetable and require the campaign committees to disclose only on the state's timeline. What the amendment does is bring us back to where we currently are today. That is, political committees will disclose independent expenditures, what we'll now call direct campaign expenditures, twice. They will report them once, and they will also report them again.

>> Gallo: Amendment three, can you address that?

>> Kitchen: All three of these amendments are required to do what he just said.

>> Well, the first one --

>> Amendments two and three address what bob just updated you on.

>> Gallo: Okay. All right.

>> Mayor, I would ask that you separate the question on this amendment as we vote, and we can vote for the different amendments separately, please.

>> Kitchen: Well, my question --

>> Mayor Adler: We can certainly do that. We can separate these so that we vote on number 1 first, and then we can vote on items two and three, and the amendments two and three.

>> Kitchen: Could I ask councilmember Gallo to explain if she has concerns about two and three?

>> Gallo: I think you answered my concerns. It seems like the purpose of doing the county clerk's draft was so that the city's timetable and requirements mirrored more closely the state ethics commission's timetable and requirements, because I think all of us, including, I think we got an email from an attorney that does a lot of the campaign work in the city, and seems like that the city's process was even confusing to him, who does this quite often. So, as we attempt to remove confusion, which is what your original draft was doing, this layers back into it a confusion.

[11:04:40 AM]

And it sounds like the entities are already required to file on a timetable with the state, with the Texas ethics commission. Is that correct?

>> They're required to file -- some of them -- the general purpose committees, the gpacs, file with the state. And then if they are expending funds for a municipal election, they also have to file that report with that municipality's filing authority, which is the clerk. The specific political action committee, the spcs, have to file with the local filing authority when they are also expending funds on a local ballot measure or race.

>> Gallo: Okay. So I just -- and I'm sorry for the questions, I just want to make sure.

>> That's okay.

>> Gallo: This is very confusing what we're wanting to do. I applaud that the city clerk's office is trying to make a process that is more evenly matched with the reporting and filing requirements. So, question. Would there be any committees that would -- if we didn't pass amendment number 2 and 3, would there be any entities that would not have to file with the city? I want to make sure that we're not eliminating any of them. But my goal is that it seems like if there is a state requirement for filing and timetable, that mirroring that with our city policy is less confusing. But I want to make sure that we're not eliminating the requirement for someone to file if we didn't pass two and three.

>> No. None of the proposals that we've made would prevent or eliminate any of the reporting requirements that are mandated by the Texas election code. Those are all still in place.

>> Gallo: Okay.

>> Kitchen: The concern that I have, and the reason I brought this forward, is if we take the recommended change, we are reducing -- we're changing the timeline.

[11:06:47 AM]

So we are missing some reporting that we have right now. We're reducing the timeline. So that is let transparency. It is a substantive change. It is not just alignment with the state. What it means is, is those committees would be reporting to us less often. I really applaud the alignment, but I don't want to reduce the transparency to the public. Because our timeline is more often for these committees than the state's. And if we align everything with the state's, we're going to miss miss - some reporting that we get right now. So that's the reason I brought this.

>> So, staying with the existing would require that they file and report those expenditures when they reach a certain threshold, rather than waiting to the next state deadline.

>> Right.

>> So that it does allow for the public or anyone interested to be able to access that information, potentially before one of these state-declared deadlines.

>> So to expand on my answer to your question, councilmember Gallo, it doesn't not remove any of the data that would be required to be reported to the city. The amendment changes the timing of the report.

[ Sneezing ]

>> Bless you.

>> Essentially, it accelerates the timing reporting requirement so that rather than having to file on a specific date, it's triggered by spending thresholds that require them to disclose those expenditures more quickly, closer to the date of the transaction, rather than waiting. So it's all about the timing. It doesn't change what has to be disclosed.

>> Gallo: Are there other cities -- my concern is that you have entities that, by the city's requirements, are having to file more frequently, or at a different time schedule than on the state.

[11:08:53 AM]

Are there other cities that have that policy also?

>> I'm not aware of any that have this specific -- I'm not saying there's not, but we didn't research those requirements against --

>> Gallo: You know --

>> Other cities.

>> Gallo: The concern with transparency also is the transparency of making sure that if we have a different schedule, or a different requirement from the state, that we make sure that we've let those organizations know so that they are not inadvertently in violation.

>> And going back to the current, those have been in place for at least since 2012, if not slightly before. So they have that requirement for a number of years at least now.

>> Gallo: How many situations where there's a violation of that, because somebody has filed with the state's reporting schedule, but has not filed with Austin's reporting schedule?

>> Off the top of my head, I could not tell you if we've had any complaints filed.

>> Gallo: Okay.

>> Against someone for missing one of those deadlines.

>> Gallo: Okay. All right. Thank you. Thank you.

>> Mayor Adler: Okay. Any further conversation? Mr. Zimmerman.

>> Zimmerman: I have maybe a point of order here. Going back to the original item, I want to call attention to part eight and part ten. And these are the two items I'd like to separate from the remainder of what we're considering. If there's no objection to that, I'd like to separate part eight and part ten. I'd like to participate in the vote for everything except part eight and part ten.

>> Mayor Adler: We can accommodate that.

>> Zimmerman: Okay. Thank you. So let me speak quickly if I could, I'd like to back up what councilmember Gallo has been talking about here. And part eight and part ten, I'll make some comments on that later.

[11:10:58 AM]

But I was targeted for not filling out that information, which we argued was duplicative, okay. And I think what councilmember Gallo is referring to is, we don't see -- is there any compelling reason why Austin feels like they have to accelerate the reporting of the information? Because I agree with you. All the information's going to be there. It's simply a matter of is it disclosed on the state's existing schedule, which, for instance, happens in Fort Worth. I know that Fort Worth doesn't have calendar blackouts or donation limits, and they basically just use whatever the schedules are. That's what Fort Worth uses as a city. So, you know, it works for them. So, has there been any compelling reason for why Austin is different, and why we have to accelerate reporting in Austin where we don't in Fort Worth? Is there any reason that's been presented? Did anything come before the commission saying, hey, Austin, we've got a problem, we have to report quicker than what the state reports? Is there anything?

>> I'm not sure I can completely answer that question, but I'll take a stab, at least, at what I am comfortable answering is that my understanding is a number of the requirements that the city of Austin put into place, they put into place. And so the compelling argument was, at the time, the state either didn't have something similar, or it was very lax, maybe. I was not here, so I'm only speaking from what I have been told. The compelling argument whether or not Austin needs to

be different, I think, is a policy question and is up to the council to decide, and not for me to decide.

>> Zimmerman: Sure. I'm sorry. To make it clear, I just wanted to know if you'd heard -- not an opinion, but, was there professional testimony. And I don't think there is, any professional testimony to the ethics commission for why we would need to report more frequently?

[11:13:09 AM]

>> The attorney --

>> The answer is, I think as the clerk has indicated, when these were passed, they were more than the state had on the book. Books. We're trying to align those things.

>> Zimmerman: The reason we were going it more frequently to begin with -- I agree with councilmember kitchen, we are asking for more frequent disclosure. She's correct. So, what was that compelling reason, or was there a reason?

>> Kitchen: I can speak to that.

>> Mayor Adler: There was -- not to be lost in the rhetorical discussion, I think that it's a policy question of whether or not you think more frequent reporting is better. We have -- the way I'm going to do this is I'm going to ask for the vote on amendment number 1 first.

>> Kitchen: Could I speak to this first?

>> Mayor Adler: Yeah, but just so people know how I'm going to proceed, we have one speaker, so we need to call Mr. King as well. But I'm going to ask for a vote on amendment number 1. I'm then going to ask for a vote on amendments 2 and 3. When we're done with that, we're back to the whole ordinance. I'm going to ask for a vote on all parts except eight and ten, and then I'll ask for a vote on items eight and ten. Do you want to speak before Mr. King speaks?

>> Kitchen: Quickly to respond to the question councilmember Zimmerman raised, which is a policy question, basically, the conversation about all of this is that the fundamental purpose of campaign law office reporting is the public's right to know. It's the public's right to know rather than the convenience of campaigns that's at issue here. And, you know, for a number of years we've had this. And I don't think that we should be changing it now. And it does make a significant difference during the timeline that people can know what a political committee is spending on. So that's why.

>> Mayor Adler: Okay. Thank you very much. Mr. King, do you want to talk to us? Staff, you can sit down unless you're called back up. Thank you, thank you.

>> Thank you, mayor, mayor pro tem, councilmembers, and mayor. Thank you for allowing me to speak.

[11:15:09 AM]

And I think this signup procedure for speaking -- this is one of the examples of why it's important to let folks sign up even at the last minute. I didn't realize I didn't sign up to speak. I intended to. There are changes that come up at the last minute on the dais, and the public does not have a chance to speak on those things. And I think that's why it's important to err on the side of allowing people to speak at the last minute before you close the hearing. Thank you for listening to my comment. I appreciate it. But, my concern about this -- I support this change to keep what we have on the books already. Transparency -- I want to know which pacts -- who's donating to those pacts and what they're using that money for as soon as possible. If we don't

know that and yet the election happens, we are uninformed. We do not have that information. And I can appreciate that the state may not think that's a priority at the state legislative level. But this is our city. And until the state passes a law that says you cannot do anything different than what the state mandates on this particular issue, then we should have a right to set our own standards. And I think we should be number 1 in transparency. If we're going to be on number 1 lists, this is a list we should be number 1 on. I think we should keep what we have and err on the side of requiring more reporting, but that gives understand transparency. And we are already seeing pacts coming out every place you can think of to try to influence what's going on up here on the dais. And so, that's going to happen more and more, and more. So I think we need to know as soon as possible what these -- where the donations are coming in from for these pacts, and where they're spending this money. So I hope that you will approve this change that's being discussed right now. Thank you very much.

>> Mayor Adler: Thank you.

>> Garza: Mayor.

>> Mayor Adler: Yes.

>> Garza: I wonder if we can change to when the item comes up to call the speakers, because I feel like we've had the discussion and then we're calling the speakers, and that seems backwards.

[11:17:16 AM]

And I know in the previous case, we were only voting on a certain part of it. But it's possible that that motion could have failed, and then we would be making another motion to vote on something else. And so I think -- I don't know. I appreciate it better when the speakers can speak first before we've deliberated on an item.

>> Mayor Adler: In this case, the speaker just signed up. So as soon as the speaker signed up, I called him up to the dais.

>> Garza: In previous times, we've had the discussion and then called speakers.

>> Mayor Adler: Okay.

>> Houston: Mayor.

>> Mayor Adler: Yes.

>> Houston: Just another clarification to make sure that for some people -- and I know there's an exception in the resolution -- for people who don't meet that threshold, but I just want you all to say again, because this is pretty onerous for people who are trying to run a grassroots campaign. So if you would just make sure that everybody out there understands that you have to reach a financial trigger before all this other stuff goes into place, I just want people to understand that.

>> Will do.

>> Mayor Adler: Okay. Any further discussion? We're going to vote on -- yes, Ms. Gallo.

>> Gallo: I'm sorry. Just to clarify, could you talk about the difference in timelines between the state and the city on this amendment?

>> On this amendment -- so the state requirements are they would file January 15th, July 15th, the 30th day before the election, 8th day before the election, and then any preelection reporting that would fall in the date range of the 9th day through 5:00 P.M. The day before the election. Is the city's current requirements are if it's 60 days before the election -- let me get this in front of me.

[11:19:21 AM]

>> If the expenditure is made on or before the 60th day, they have to file no later than the 5th business day after the date of the expenditure. If the expenditure is made on or after the 60th day, before the election, and before the 9th day before the election, then they have to file within two business days of the expenditures. If the expenditure is made on or after the 9th day, and up to 5:00 P.M. On the day before the election, they have to file the report on the first business day after the expenditure.

>> Mayor.

>> Mayor Adler: Hang on one second. Does that answer your question?

>> Gallo: I think so. I'm looking at the state schedule and looking at the city schedule. So the state would -- that would be triggered January, July, 30 days prior. So the 60-day would be covered -- the 60-day in the city would be covered by either the 30-day or the July 15th state filing? I mean, would either of those capture what the 60-day city would require?

>> I think before I would answer that, I'd want to look at a calendar and kind of make sure I'm --

>> Pool: If I could.

>> Mayor Adler: Yes, Ms. Pool.

>> Pool: The point about the 60 day before or after is that either before 60 days, make an expenditure, you have to report it to the city within five days. If it's closer to, they have to file it, so that's the specific -- that's the point of retaining that reporting at the city level. And it's entirely to ensure -- and this is only for independent expenditures, which we're now calling direct campaign expenditures, sometimes also called dark money.

[11:21:23 AM]

>> So an example might be -- please, don't hold me to this as being completely accurate. But let's say a pac made a direct expenditure 45 days before the election. That wouldn't get reported you under the proposed guidelines until the 30th day report before the election. Under the existing city requirements, it would get reported five business days after the expenditure. So, it's covering the gap in between -- especially, like, the January and the July -- or the January and the next reporting period deadline for, like, a may election.

>> So in your situation, it would be a five-day versus a 15-day period that they would have to file within.

>> In that example, yeah.

>> Pool: I think it was a two-day, if it was 45 days before the election, it's two days.

>> It's after 60 days.

>> Gallo: A two-day versus the 15 days.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: It's also important to clarify that this is not the campaigns themselves. This is what some people affectionately call dark money. This is other committees, committees outside the campaign, that are expending money.

>> Yes. So there will be a whole other ordinance coming before you at some point in the future to address dark money. So none of this -- we were not considering any dark money issues at all when we were coming up with these recommendations.

>> Wait, Jannette, that's not what I just said.

>> I know, but dark money has been mentioned, so I want to make sure, this does not address the mayor's resolution on dark money.

>> But it does address committees that are outside of campaigns.

[11:23:25 AM]

>> Yes.

>> Kitchen: Which people refer to as dark money sometimes.

>> That could be, yes.

>> Mayor Adler: Okay.

>> Houston: Mayor. I just --

>> Mayor Adler: Go ahead.

>> Houston: I just have to say that I'm offended by the term use of "Dark money."

>> Kitchen: I apologize, councilmember Houston. I was -- that's not acceptable, and it won't happen again.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. So I have quite a bit of personal experience filing these PACS. I've been a treasurer, gosh, of probably a dozen PACS. I've filed many, many dozens of campaign finance reports. I've been accused of violating rules. I have accused others of violating rules. It's kind of a jungle. It's kind of a mess out there. And I want to say, based on this experience, that the large PACS, the large, established PACS, can afford to hire attorneys, okay. And they can afford to research the law and be very careful meeting these dates. What these rules hurt are grassroots campaigners, people that are not experienced, people that don't have time to research all the laws. These -- I'm telling you from experience, these rules end up victimizing grassroots people. They do not harm the large PACS who can afford to hire attorneys and do all this research, as councilmember Gallo keeps pointing out. These things are very confusing. They're very confusing to grassroots people. So I see these -- bless you. I see these rules as being harmful to a lot of volunteer organizations who don't know and can't afford to hire attorneys to take care of them, so I'm going to be voting against this.

>> Mayor Adler: Okay. Ms. Troxclair.

>> Troxclair: I just want to clarify really quickly -- I know we've just been talking about how these only apply to a pac and not to a candidate, but where does it say that? Because the beginning of this section says a candidate, political committee, or person subject to this section.

[11:25:51 AM]

>> I believe that would be addressed in the definition of "Person," which candidate is not in the definition of a person.

>> Troxclair: But it also says candidate.

>> That's the change we're trying to delete.

>> Troxclair: Okay. I guess maybe it would be --

>> Right. So, the part 13, the new a, does state candidate. But that was for clarification. Our attempt to clarify that candidates would not file this, because you file the other reporting reports. So, if we delete that, then the proposed B becomes the new a, which goes back to the original requirement where it states a person. And a candidate is not part of the definition of person in the ordinance.

>> Troxclair: Okay. I guess maybe in the future it would be helpful when we have amendments to -- especially to code changes -- to have the actual language that we're talking about, because

it's confusing to try to understand what goes where. Okay. That was my only question for you. Thanks. I just wanted to read this email from James cusar, who I don't know, but I understand that he is experienced in ethics -- city ethics issues. And he sent an email the other we were talking about this change, that -- where he spoke to the reporting schedules. And he said the city's current reporting schedules and thresholds really are hard to follow, and hard to comply with, even for someone who handles campaign finance reports on a regular basis. As a result, comparatively minor reporting problems under city rules have given rise to gotcha ethics commission complaints that appear to be filed for purposes of political advantage.

[11:27:59 AM]

Aligning our reporting dates, other than the last the nine day reports, will simplify reporting and should not result in any material lack of disclosure of relevant campaign finance data. And I just -- when he sent that, I thought that he said that very articulately, and I agreed with him. Of course transparency is important, but at some point, you know, where do we draw the line? We could make people file reports every month, every week, every day, twice a day. I mean, that would be the most transparent thing that we could do. But in reality, we want the public to have access to this information, but we also don't want to put candidates or anybody else who is interested in being involved in city politics in a position where overly confusing deadlines and mandates are resulting in the rules being used as a tool. So I was really excited to know that we were going to streamline the reporting schedules. So this is a tough issue.

>> Mayor Adler: Okay. Any further comments? Yes, Ms. Kitchen.

>> Kitchen: Just one comment. And I would agree. That's why this section -- the only section that I'm addressing does not apply to candidates. It just applies to committees that are outside the candidates and that are spending. Because I would agree with what you said. And I think that the rest of what we're doing is great, you know, in terms of aligning and simplifying, and I thank the city clerk for that.

>> Mayor, to clarify councilmember troxclair's question on candidates, the definition of independent expenditure excludes candidates, so, it's covered in that definition as well.

>> Mayor Adler: Okay. Any further discussion? Let's take a vote, then, on amendment number 1, independent expenditure, replacing that with direct campaign expenditure.

[11:30:08 AM]

Those in favor, please raise your hand. Those opposed? Mr. Zimmerman voting no, others voting aye on the dais, gets us to amendments two and three. Those in favor of amendments two and three, please raise your hands. Those opposed? Mr. Zimmerman voting no, abstaining. Ms. Gallo and Ms. Troxclair. 8-1-2. Those amendments are in. I've handed out an amendment that you've seen that relates to this. It amends part 11. Currently under part 11 of the ordinance, there's a reporting requirement the last nine days of an election. If someone receives contributions in the amount of \$10,000. The proposal was adding two more reporting requirements so that if someone loaned their campaign a certain amount of money, that also needed to be reported. Or if someone used their own money to fund an expenditure for a campaign, that has to be added. That made sense to me because those are similar to contributions. They're just contributions that's coming from the candidate. There was -- when those two items were added, they only set the threshold of \$25,000. This is on part 11, page 9 of 16. And I didn't see a reason why that

threshold would be set at \$25,000 when the contribution limit was set at \$10,000, so my amendment's pretty simple. It just makes the standard the same for the last nine days. It goes from 25,000 to make the bar \$10,000 to report.

[11:32:11 AM]

Seconded by Ms. Pool. Any discussion on this? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. So, out of some disclosure here, I did file a federal lawsuit against some of Austin's campaign finance rules, just to be fair. But in part of the discussions that came up in our challenge was where the Numbers come from. Why is it 25,000 and not 10,000, and why 10,000? The Numbers seem to be really arbitrary. So, I mean, is there some reason why you didn't go the other direction, from 10,000 to 15,000? It just seems like Numbers out of the air. So is there any research as to why 10,000 is a better number than 12, or 15, or 25? You know, anything?

>> Mayor Adler: I don't have any research. I was just looking at the amendments that were made, and it seemed to me to be more congruent with that. I didn't want to take a step back that moved us away from existing transparency, if I did it that way. And I've now been through a campaign where this section applied to me, and I didn't find it to be overly burdensome. Probably in the mayor's race, the difference between ten and 25 won't make that much of a difference, just because of the scale of the race. But in district races, it would be something that provides greater and more meaningful -- given the levels of spending in a district race. Any further discussion? Ms. Houston, then Ms. Gallo.

>> Houston: In a district -- explain to me how the difference would be better lowering the amount rather than increasing -- keeping the amount as it is and the reporting requirements as it is.

>> Mayor Adler: It's a question of disclosure. So in the last nine days of an election, if suddenly there is money being put into a race, or an expenditure being made in the race in the last nine days, which are critical, obviously, a period of time in a campaign, the question is, should the public know as that's happening.

[11:34:21 AM]

And that's why you have those reports. And the \$10,000 that's currently in it in a race where there's \$50,000 or \$100,000 spent is a pretty sizable last-minute interjection of money. And if that happened, I believe that the public should know. So that's why I just put it to the same 10,000. Just like they should know if there's \$25,000 being added. Any further discussion? Yes, Ms. Gallo.

>> Gallo: I have a question of staff, please. And my question is, does -- how does the state law refer to this? I mean, once again, I'm curious if we are moving in a direction that's different from state law, or if the 25 mirrors state law.

>> I'm not sure we can answer that question right now.

>> Gallo: Mayor, can you answer that question?

>> Mayor Adler: I cannot. Jim, can you answer that question?

>> Gallo: So state law --

>> Mayor Adler: Mr. Wick says state law does not have this requirement.

>> Gallo: The nine-day? Because the state forms, it seems like there is a box on the different

state forms that you file as a candidate throughout the campaign period that talks about personal loans. So you're just saying that the state doesn't have the nine-day requirement?

>> That's right, within the nine-day period for an expenditure made for a personal loan.

>> Mayor Adler: So, Jim said the state does not have a requirement for a personal loan or an expenditure made from personal loans within nine days of an election.

[11:36:22 AM]

>> Gallo: So it's not on the nine-day reporting form, the nine-day reporting form?

>> Apparently not.

>> Gallo: Okay. Okay.

>> And so that's why we were adding it to our preelection report, to capture that. Because otherwise it wouldn't be reported until after the election.

>> Gallo: Mmhmm.

>> And so by moving it to this section, we're at least able to capture that information prior to election day.

>> Gallo: So your draft recommends adding the -- your draft shows adding the 25,000 to the reporting.

>> So our draft only is moving it to -- this was already a requirement. And the 25,000 was a previously established threshold. We're just eliminating it as a separate reporting form, and putting it on the city preelection report. Because any expenditure or personal loan that occurred before the 9th day would be reported on the 8th day report before the election, or the 30th day before the election. So we're just moving it to this section to capture those personal loans and expenditures that occur between the 9th day and the day before the election.

>> Gallo: Okay. So from the standpoint of transparency, the draft that you've presented to us has added the component of the nine-day reporting personal loans in the amount of 25,000.

>> Yes.

>> Actually, that always existed.

>> Gallo: Okay.

>> That's not a change. We simply moved -- they were in different parts of the code.

>> Gallo: Okay.

>> So the requirement to disclose loans from personal funds, the requirement to disclose expenditure from personal funds, and contributions, they were in different parts of the code and we moved them together into the same place, because it made sense to put them together.

>> Gallo: Thank you.

>> I think when they were put side by side, it became clear, one's ten and one's 25, and another's 25.

[11:38:25 AM]

Whereas I think when they were in separate parts of the code, it was hard to connect the dots and see that there really was a big difference between the reporting threshold.

>> Gallo: Okay.

>> I think maybe that's what's prompting the desire to just basically make them ten, ten, it happen ten rather than ten, 25, and 25.

>> Gallo: So, thank you. And thank you for clarifying.

>> Mayor Adler: Okay. Any further discussion? Those in favor of the amendment to lower from 25 to ten, in those two sections, please raise your hand. Those opposed? Those abstaining? Gallo, Zimmerman abstain. The others voting aye. That passes. We're now back to the main motion. I was going to vote on all the parts with the exception of parts eight and ten first. Those in favor of the resolution, absent eight and ten, please raise your hand. Those opposed? Those abstaining. Mr. Zimmerman abstains, the others voting aye. Now we'll come to item sections eight and ten. Those in favor of sections --

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Yes.

>> Zimmerman: These were the two sections that I'd like to have a point of privilege to explain why I'd like to be recused from these sections.

>> Mayor Adler: Certainly, your ability to be able to recuse is an absolute right on your point. You don't have to ask for permission, but you can explain if you want to.

>> Zimmerman: I would like to explain. These two forms were the subject of an ethics commission complaint that was targeted at me individually. I consulted with an attorney on this. It turned out that we had at least two former councilmembers, mayor Leffingwell and councilmember Riley, who according to the clerk's office had not filled out these forms that are now being abolished. We also pointed out to the commission that we have two sitting councilmembers who also had not filed these reports.

[11:40:28 AM]

And yet, as an individual, I was singled out for an ethics complaint for not filling out a form that had dupe public duplicative information on it, which was also agreed to by the commission, and incredibly, in spite of the fact that four other people had not filled out these forms, I was singled out for a written reprimand for not filling out these forms. This is the classical gotcha. All the information's already been reported. But because you didn't submit the forms, Zimmerman didn't submit the forms, therefore, you get a written reprimand. But four other people who did not fill out the forms, they don't get any ethics accusation, and they don't get any written reprimand. I'm a little disgusted at this. I'm relieved we're finally abolishing these worthless things that are nothing more than gotchas. When you talk to people in this community as to how people can be targeted for political reasons, this is exhibit a. So I'm recusing from this vote.

>> Mayor Adler: Okay. We'll go ahead and take the vote. Those in favor of parts eight and ten, please raise your hands. Those opposed. Any abstaining? It is 10-0-0 with one recusal, so this, as amended, passes in its entirety. We had talked about, I think when we had postponed the items 28 and 29, the home restrictive covenant, we had talked about trying to pull that back up in the morning. Do we think that this is in a place where it would be -- the public hearing has already been closed on this. Is this something we're going to be able to handle in the 20 minutes before citizens' communication? What do you think?

>> Tovo: I would suggest we try, since I believe the applicants had the understanding that it was coming up.

>> Mayor Adler: Okay. Is the applicant here?

[11:42:29 AM]

Okay. 28 and 29. Is there a motion to approve items 28 and 29? Do it separately? All right. A

motion to approve item number 28? Ms. Pool. Is there a second to that motion? Is there an amendment that you were offering to this? Mayor pro tem.

>> Tovo: Yes, I do have some amendments, and I want to preface this by saying I've given this a lot of thought. I really want to thank all of the parties who were involved who came in and spoke, both those who currently own the site, and the soon-to-be owner of the site. They were really -- we had good discussions, and I really appreciate the work. That being said, after a lot of thought, I am not going to be able to support the restrictive covenant amendment. And I have a couple super short photographs and videos that I'm going to show just to explain my reasoning, because it was controversial the first time I voted against allowing the house to be moved, and it will likely -- I will likely hear some of the same criticisms for voting against allowing the house to be relocated. I had initially -- well. And I'll get to that in a minute. But I do appreciate the current owners of the site and their willingness to codify in the form of amendments to the restrictive covenant several of the provisions that we had talked about in our public hearing last time. It's my understanding that these have been incorporated into a restrictive covenant that the applicant has signed, and certainly as they indicated, they're available to confirm that, and I would invite them to do so. But these are five amendments that really, again, just codify the provisions. They are commitments that they had already made to us in person, but they had, I think, intended to do all of these things prior to even coming to council.

[11:44:38 AM]

And so I guess I would invite Mr. Coney up to make sure that I know that I'm representing this accurately, and add any clarification you think is appropriate.

>> Yes, thank you, mayor and councilmembers. We met with mayor pro tem tovo, and we discussed the items that we agreed to last time we met. And we then have signed this restrictive covenant amendment that put those items into play. So we are in agreement, and we have signed the amendment.

>> Mayor Adler: Okay.

>> Tovo: Again, I just want to say thank you very much for your willingness to continue to work on this.

>> Zimmerman: Before you go, so I understand, it's this sheet here we're talking about? This amendment?

>> My copy is white.

>> Mayor Adler: Why don't you take a quick peek and make sure it's the same one you have. I'm sure that it is, but let's . . .

>> Mayor Adler: Okay. So the mayor pro tem moves to amend the motion so as to specifically set out the additional elements to be incorporated. The applicant has confirmed that's okay, and it's seconded by Ms. Pool. Is there any problem with adding that amendment to this? Okay. Yes.

>> Kitchen: I'm sorry. I just have a question. So, did you say --

>> Mayor Adler: You need to put --

>> Kitchen: We couldn't quite hear. So, did you say that -- okay. So this is an amendment to the agreement that you handed out. But then, that doesn't get you all the way that you need to go, you're still going to vote against it?

>> Tovo: It does not get me all the way there. I wanted to be clear since I'm asking you to adopt these amendments.

>> Mayor Adler: If there's no objection, I'm going to add these amendments to the motion as it's

pending. Hearing none, we're going to add it. We're now back to the debate on the motion to approve item number 27.

[11:46:41 AM]

28. Item number 28. Ms. Garza, and then Ms. Gallo.

>> Garza: Mayor pro tem, did you say you were going to show something? My question was, can you explain what your opposition is with these amendments?

>> Tovo: Sure. I think the -- let me say that the amendments, I appreciate, because they codify. But after a lot of -- maybe this isn't an appropriate time to show them. I went by the site again. We had a very ongoing discussion at the last meeting, too, about the resulting affordable housing. And I did meet with the developers, the future developers on this site to talk again about the idea yesterday of having the fee in lieu instead be housing on the tract. And I believe they've given that substantial thought, but can do 10% and then the rest will be a fee in lieu. And so for me I've been going back and forth, really evaluating whether taking the -- what is a really unusual step and removing a historic landmark and relocating it to a different part of the neighborhood is outweighed by the benefits that we would gain in the resulting development. And in the end I just couldn't make that pencil out in my head. And in part, looking at the site again, I think was part of it. This is where it is currently. And I tried -- this is 7:15 or so at night. I tried to get a shot of it without people in it. And it is on such a very busy corner of the west campus neighborhood that that was difficult. And this is the edge of it, so you can see the house right now is fairly prominent on two different streets. It's got two frontages on busy places in west campus.

[11:48:41 AM]

And if we could just roll the video, this just gives you a sense of where it is. And my point here - - not -- this is the house that's going to be removed to make way. Can we roll the video you had just a moment ago? Not this one, sorry. My point here is that the structure was landmarked on that tract of land. The property itself has the designation. And it is in a prominent area in west campus. And it's an area where hundreds, maybe thousands of students pass every day. It is across the street from another landmark, and some other houses that were once -- or some other structures that were once houses. It's in a part of the neighborhood where it's seen regularly on a daily basis. And though the students passing by may not know its history, it is still a symbol. It's still a visual reminder of what that area of town looked like a hundred years ago. It is going to a part of the neighborhood that is really -- it's tucked away. If we could see the next video. I think in some of the discussions, I think there may've been a reference in the media to the house being relocated to the banks of shoal creek. It is on cliff court, a difficult street to find, off a one-way street, maybe two houses. That's the corner it would be, and that's the little field house. It is sort of tucked away in the neighborhood. It's also a nice area, but as you can see, it's not the kind of -- it's not a place in west campus where you will have lots of students passing by, faculty members, staff members, on a regular basis seeing it. And so to me, that is a difficult thing to do, to relocate a landmark to that place. Thanks very much for those videos. So I understand that there are certainly benefits to the development that will occur on this site if the horn is allowed to be relocated.

[11:50:52 AM]

But I am concerned this is not the only -- individual merit, but as a city, I hope that we can figure out how to move forward and embrace and welcome new development without doing so, really, on some of our historic sites. And, again, especially the ones that we have already, a previous council recognized as historic. So that's my reasoning. I should also say, mayor, I am -- this case, for me, has also brought up an interest in looking at the university neighborhood overlay. And as I mentioned when we voted on the clo tract, I think it was last week, I think we should look at all our fee in lieu programs. I know we're doing that in response to one of the resolutions I brought. But in uno I believe that we should ask developers to construct that housing on-site. And if they want to apply for a fee in lieu, to be able to demonstrate a compelling reason and to come to council as we've asked them to do in the transit-oriented development. So my staff and I are talking over how best to proceed. I understand that's an issue that many of you who develop within uno will want to have with us.

>> Mayor Adler: Okay. Ms. Pool.

>> Pool: So if I could ask the mayor pro tem, it seems that moving the davn timer home away from this site and away from the students and the highly trafficked areas would eliminate the ability for them to see and appreciate, even if it's unconscious, the kind of structures that we had in our city years ago, and give some sense of how our city has evolved. Is that right? You might, maybe, say it more elegantly.

>> Tovo: I think you've summed up the point I was trying to make. Of course there are students on shoal cliff court. They're surrounded by apartments over there as well, so some certainly will see this house, but it is going to be -- you know, we are -- I mean, they are removing another single family house to make way for this one.

[11:53:01 AM]

And so -- but, yes.

>> Pool: And the removal of the house that's currently on shoal cliff in order to bring the davn timer house over to that address had caused me some pause as well.

>> Tovo: Staff would have to confirm. I think it may have already received a demolition permit. He's nodding his head yes.

>> Pool: So that one is being torn down? I thought I had heard that one, the other shoal cliff, is it 901 shoal cliff, was going to be moved. I don't know who's better to answer that. Or both of y'all.

>> There's -- we met with several people that are interested in the house, so we're trying to find a way to relocate the house currently. It hasn't been decided yet, but we're trying to find someone who will want to relocate the house.

>> Pool: I very much appreciate from a preservation perspective that piece of context. Could you just talk about that a wee bit?

>> Sure. Steve, preservation office, planning and zoning. The context on shoal cliff court actually is very similar to the area at 23rd and oasis. It's a little bit later. The houses that exist on shoal cliff court are late teens, early 20s bungalows, but we have other houses of this same vintage as the horn in that neighborhood, it's just shoal cliff court doesn't have it. But, I mean, the context on shoal cliff court is more residential. There are low-rise apartment buildings, and a number of one and two-story houses that still exist. But they're almost all converted to student housing now. But architecturally, the context is similar.

>> Pool: It looks like across the street on shoal cliff is a two or three-story apartment, is that right?

[11:55:09 AM]

>> Yes.

>> Pool: And down to the north where the street bends, that's also two or three story apartments?

>> There are a number of those, yes.

>> Pool: Can you talk about the context on 23rd street?

>> Context on 23rd street, sure. Has a number of older houses. The shock house is right across to the west. So that is a two-story house that predates, actually, the davnies house. But for the most part, along 23rd and oasis, we have a lot of mid-rise and high-rise condos.

>> Pool: So the difference there is that the condos along 23rd street are taller than the apartments that are on shoal cliff? Because it looked kind of similar.

>> Yeah. The context along 23rd and oasis is much more urban. There's a lot more high-rise development there. And the context on shoal cliff court is a much more residential. I mean, there's still yards and grass on shoal cliff court, and there's not on oasis anymore.

>> Pool: Okay. Thanks.

>> Yes, ma'am.

>> Mayor Adler: Any further discussion? Ms. Gallo.

>> Gallo: I know that we've had this discussion. There's been some concerns from legal. Can I make sure that legal has seen the five amendments and that there's not any problems we should be aware of?

>> The agenda -- I have since been learning you heard that item. And I did not get to speak when I requested to be heard.

>> Mayor Adler: The item was pulled from the agenda as we said. And then when we -- after we passed the consent agenda, then we go back and consider the items that were pulled.

[11:57:10 AM]

>> Not going --

>> Mayor Adler: We went out and looked for you. Please continue, Ms. Gallo.

>> Gallo: I think staff was going to address my question, if they've had any legal concerns of the amendments.

>> I'll be happy to address that. I think the lawyers have looked at the amendments, and we have a legal concern that we would talk about in executive session, but we have reviewed all the proposed amendments.

>> Gallo: So, having -- hearing that there may be a concern that we possibly should address in executive session -- we are planning an executive session today, is that correct?

>> Mayor Adler: We are. I didn't know there were concerns. With that said, we can't take a vote on the item at this point. Yes. Mr. Zimmerman.

>> Zimmerman: For what's worth, I wouldn't support an executive session on the item. I thought the issues had been resolved. For what's worth. But maybe it's not worth anything.

>> Mayor Adler: Okay. It is now 11:57. If there are potential legal questions with respect to the amendment, I think that's something we need to discuss. We're three minutes away from citizens' communication. My suggestion would be that we have citizens' communication at this point, and

then we break and go to executive session and eat. We'll address a couple things. And then we'll come back.

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Councilmember pool, by the way, has suggested that we postpone the executive session on the lobby regulation, and have that at a future point in time. And I certainly don't have a problem with that. There's nothing that's time-sensitive on that issue for us, so we could certainly do that. Yes.

>> Tovo: Not to complicate things, mayor, but I know that we may have a lengthier portion of the executive session talking about the performance review. And so if our executive session on the davis horn is quite short, I'm just wondering if there's an opportunity to come out, resolve that issue, and then go back in for the rest.

[11:59:23 AM]

I just offer that as an idea. That may be too complicated to pull off.

>> Mayor Adler: What's everybody's pleasure? We're going to go until 12:30. We have the executive session on the personnel issue that's going to take a little bit. And we don't want to push that. We could let people know that we'll go back and answer the legal question on this issue, and then come back out to the dais and vote, and then go back and eat. And I'm fine with that, too. People are shaking their heads yes, it's a good suggestion. Then we'll go ahead and do that. So we're going to have citizens' communication, as we are required to do at 12:00 P.M. Then we'll go back to executive session and hear this issue. And then we'll come back out to the dais. And then we'll go back to complete executive session. Everybody okay? All right. We're going to go to citizen communication at this point. The first citizen communication speaker is David king.

>> Okay. Thank you, mayor. And while we're waiting for the presentation to get set up here, I just wanted to clarify, the campaign finance item there, that I had already signed up for that item yesterday. I intended to sign up to speak, but I realized I hadn't and asked the clerk to check, and I hadn't. So she allowed that. That's what happened there. There was nothing else going on. I just wanted to clarify that. I know it's important we follow the rules here, so thank you very much. My name is David king. And I live in the zilker neighborhood. And I'm also a member of the Austin council, I'm the vice president. And this topic today is about the Lenox oaks project, and the mobile home park. And it's no secret, we all know gentrification has pushed thousands of low and moderate income families out of our central Austin neighborhoods.

[12:01:29 PM]

We've seen this play out time after time, particularly in east Austin. Affordable neighborhoods are being redeveloped and low and moderate income families are pushed into pockets of poverty further and further out of our city. Will this be the fate for the 55 families of the cactus rose mobile home park, or will the city find a new way forward that helps low and moderate income families remain in our neighborhoods, even as they are being redeveloped? The mobile home park will be redeveloped as part of the Lenox oaks project on highway 183. Here's a little background on the project. The photo you see up there, it's of the residents there to determine their relocation, what's going to happen to these families here. And you can see the broad range of families. There are kids, older adults, young adults just starting their lives and careers,

diversity. You see a diverse neighborhood there. And how do I do this? Okay. This is the location. You can see on the map there, it involves a little over 23 acres. And they want to rezone to office mixed use. And here's the entrance to the park, just to give you a little view of what the neighborhood looks like now. That's the entrance to the park. There are some mobile homes there, some smaller affordable homes there. They will be demolished. Some rv's here. And this is Vargas road, a street in the neighborhood there. Valdez street. This would be the entrance. And then you can see here on Vargas road, flooding that occurred here. So this area -- the concerns are traffic and flooding with the redevelopment, of course, gentrification of the families. And here's a meeting. These folks need help, so they're forming a neighborhood association here called the cactus rose neighborhood association.

[12:03:36 PM]

This is a formation meeting so they can get some leverage to help determine their destiny here. And this is a little dog, prison princess, that's going to be part of this, too. She's going to have to find a new home as well. I point that out because this is about families. This is about people. This is their homes, their lives, their pets. And Lenox oaks is an ideal candidate for a new way forward that will help create affordable, sustainable neighborhoods for residents.

[ Beeping ]

>> I appreciate the mayor working with this project, and councilmember Renteria, and the other councilmembers we have met here to a new way forward so that this project could be redeveloped in a way that a portion of it could be developed for those folks to move back into in affordable, sustainable situations and then develop out the rest of the project so we don't have to continue to push our families out to the edge of our city. Let's do it -- let's find a new way forward here. This would be a perfect project to do that with. And I appreciate the good, hard work that y'all have already done. We must find a new way forward. If we continue the status quo, we will have gentrification and more racial and economic segregation. Please do all you can to help these families. Thank you very much.

[ Applause ]

>> Mayor Adler: All right. After Paul Robbins it's going to be Carlos Leon.

>> No applause, please.

[ Laughing ]

>> Council, two recent articles in the Austin media have alerted us that the company in charge of the Seaholm power plant development will be asking to sell it at a profit. I urge you not to do this without condition.

[12:05:39 PM]

Most of you are probably aware that when the original agreement was made, with the developer, the clear expectation was that a noticeable portion of the site would be for public use. Instead, the building is now host to a national healthcare firm that, incidentally, received tax benefits that helped the developer fill the building, which is ironically a condition required for the sale. It is not Austin's obligation to ensure the developer's profit. I think we should ask that some of the profits go back to the city. Maybe the developer could reimburse Austin energy ratepayers for the land and building that are leased for \$1 a year. Or the other land that appears to have been sold below market. Maybe they could buy land for the downtown museum that was once

envisioned at the Seaholm site. Maybe they could pay back the money the city gave the healthcare company to locate there. If you look at all the land in downtown Austin that the city owned in the 20th century, and how much of it now remains for public purpose, it is saddening. It is --

[ chuckling ] It is as if past councils gave away the crown jewels. And you have an opportunity to get some justice here. Take it.

>> Zimmerman: Mr. Mayor. Thank you, Mr. Mayor. So, Mr. Robbins, some of your ideas are so good that I'm inspired to put them in resolutions and get them on the council message board, even if I can't get them passed.

[12:07:39 PM]

So I want to ask you to make another appointment with us and come in and talk about some of the specifics, and your ideas. And let's get them in a resolution.

>> I'll be glad to do that, and meet with any other person that would like to put it on the council message board as well.

>> Zimmerman: Thank you.

>> Mayor Adler: Carlos Leon is our next speaker, and then Paula Rojas.

>> Soy Carlos, and I'm here in Austin Texas, 2016, to speak what's right, [ speaking Spanish ]. First and foremost, [ speaking Spanish ] For letting me bring law and order to chaos and confusion. Trump rightly said, women who choose to illegally abort should be punished. Both them and the person doing the abortion should be charged for murder. He wrongly walked back his statement after whack job women bullied him for standing for human life. Like Peggy in the April wall Street journal who crazily wrote if she receives an illegal abortion, she should not be punished by law, because she lost her child. Wrong. It's the opposite. A woman receives the gift of pregnancy, but chooses abortion to kill her child, exposing Peggy's lack on reason.

[12:09:40 PM]

Peggy conflates with miscarriage, mis-grouping women who wrongly kill their children with those rightly trying to carry them to birth, echoing Hillary's "What difference does it make" Benghazi murder madness. Like a plague, this satanic liberal society-destroying mental illness must be defeated yesterday. Trump must not follow fatal feminists, but lead strongly and steady by standing firm on god's rock-solid principles, because no one's hands are bigger than the lord's. Instead of fishing for female votes, trump should be fishing for men. Matthew 4:19. Right-minded women will choose to follow such godly men to make America great again. In Jesus' name I pray, amen, thank you lord, god bless Texas, and the U.S. Of a.

>> Mayor Adler: Okay. The next speaker is Paula Rojas. Is Ms. Rojas here? Take your time, take your time.

>> Good afternoon. Thank you for giving space for citizens' communication. My name is Paula Rojas. I'm been here before. I'm a mother, a midwife, and a community organizer with an organization, mamasana, vibrant women, that works on creating both quality, accessible, loving care for pregnant, low-income women of color, and organizes with other community groups so that all of our communities can have equitable resources to raise our families and our children.

[12:11:51 PM]

That's what we do. I'm here today to talk about the equity tool, which is something that I wanted just to make sure you had back on your radar. In May, a resolution was passed that many of you cosponsored that was led by councilmember Delia Garza to do two things. One was to create a working group to develop a health equity program for the city, which did happen successfully. And number 2 was to create a working group to develop an equity tool for the city for all aspects of the city's budgeting policies, not just health-related. We're very happy to know -- consultants coming to work on that, national consultants who have a lot of experience in that area. Many of us will be speaking with them next week, and thank you for giving our names -- our community organization's names to participate. Our concern around the equity tool is that the community engagement piece of that should be led by a local entity and not a national consulting firm. We are delighted to work with a national consulting firm, with the larger project of developing an equity office. But we just wanted to reiterate what was in the resolution, which states that the city would work with the community organizations, named the primary stakeholder groups that included Austin immigrants rights coalition, the African-American alliance for central Texas, and mamasana vibrant woman amongst others to be -- consulted from the beginning in developing the strategy, not to be consulted as part of the community engagement strategy, but to be engaged in developing the community engagement strategy from the local perspective.

[12:14:17 PM]

So, there's many of us that want to come here --

[ beeping ]

>> Thank you.

>> Mayor Adler: Thank you very much.

>> So I just urge you to keep that on your radar. The process matters, and how people are engaged. Thank you so much.

>> Mayor Adler: I understand. Hold on one second. Mayor pro tem.

>> Tovo: You may have hit on it. You were mid-sentence says many of you come here, and I just wanted to invite you to finish your thought.

>> Thank you. So I guess part of my concern is that I don't want our community groups to have to spend our energy coming here to remind you to include the community groups from the beginning, because our energy is much better spent doing what we proposed, which is engaging our members, hundreds of members, to be involved in developing the priorities for the equity tool. Does that make sense? It's just a better use of our time than coming here to remind you and ask you to include us. Thank you so much.

>> Mayor Adler: Thank you. The last speaker we have is miyah Calhoun.

>> Oh, thank you. I appreciate your time. Hello, my name is miyah Calhoun, and I'm here on behalf of the Texas roller girls. Our league is in search of a new practice space. We would like the city's assistance in finding resources for a new facility. To give you a little background about our league, we are a women-owned and operated 501(c)3 organization. We are a well-established local business. And we have been around since 2003. With the mission statement geared towards roller derby, we have skaters at all levels of our business structure, and we are deeply committed to our community and volunteer with other great organizations to make Austin such a great city.

[12:16:31 PM]

Tens of thousands of women -- sorry. Tens of thousands of women roll across the globe today, but in 2003, roller derby was a quirky little underground game played by a few dozen women right here in Austin. The sport has captured the heart of women everywhere, and is now ranked among the fastest-growing sports in sports for women. The Texas roller girls were the pioneers of track roller derby, but we're also its future. Austin is the home to some of the founding members of the women's flat track roller derby association, which is the international governing body for roller derby, and we've also developed things. We were the pioneers in developing the rules set in flat track, as well as track design. Our core mission is the growth of roller derby, and we've developed a number of programs that fall under our umbrella. We have the premier league, our recreational league, and then we also have a junior league. Underneath our programs, we have over 300 skaters, ranging in age from eight years old to 55 years old. And we have a few photos just so you can see that roller derby has changed from what most people perceive it as. It is definitely a sport. And as you can see, it's a contact sport. These are some photos from our premier league. Our travel teams are ranked internationally within the top ten. One of our all-star teams was undefeated last season as well. And we've had our home teams that have traveled as far as London and Johannesburg and Melbourne. This is our rec league, recognizing our love of roller derby, and wanting to broaden that to other people.

[12:18:37 PM]

We have 150 skaters, just for fun. And then also, we recognize the need to train the next tier for roller derby. So we have our junior league as well.

[ Beeping ]

>> Houston: Mayor. May I ask a question?

>> Mayor Adler: Yes.

>> Houston: Where do you all practice or skate now?

>> Okay. So we have a privately owned facility that's located in southeast Austin. We are looking at currently utilizing the parks. We do have a parks agreement which we're looking at. In the past we've worked with millennium youth entertainment complex. We'd like to potentially use that as an option as well.

>> Houston: Thank you.

>> Mayor Adler: Okay. Is there another comment? Mayor pro tem.

>> Tovo: I just wanted to thank you for being here, and so ask -- I think one of my staff members may be coming to give you a card so we can continue the conversation. But I've had an opportunity to see the roller girls. It's a great show. I've judged with some of the girls at the picnic for years now, probably since I've been on council. So thanks very much. And I see that you do -- I, too, wondered if you were at the millennium center. It's a fabulous skating rink. And I see that you do have a rec and roller league there, but perhaps we can talk about other solutions.

>> Oh. Thank you.

>> Mayor Adler: Thank you very much. All right, council. We're going to go into closed session to take up two items, pursuant to 551.071 of the government code, we're going to take up item 28, and item 29. Which we were discussing before we went on break. We're going to handle those items, come back out to the dais, and go back in for executive session. With no objection, we're now going to go into executive session. No break this time. Let's go there quickly point.

[12:36:50 PM]

I grew up in San Antonio. We have a very famous historic site there called the Alamo. So to me historic sites have a frame of reference and there's some subjectivity in it. And I'll admit I would be very ticked off if some developer said you have to put up the Alamo we're going to put up an I max, but for this particular site near the UT campus I don't think for me that falls under the same historical context. Here's the second point quickly. It's true that I have a bunch of former Texas A&M colleagues that really don't care where the UT students are and they would as soon move them out to burnet county, but for me I want the UT students to be closer to campus and have these additional lodging places and residences. So I'm generally favorable towards the project and I would love to see this -- these new residences go in. I think it's a great thing for the UT campus and for the rest of the community.

>> Mayor Adler: Any further discussion?

>> Kitchen: Mr. Mayor, I would like a reminder of what we will be receiving -- not receiving, but what the affordable housing is for this property if we move forward with it? We've had that discussion before, we haven't today and I would like a reminder. I'm understanding it's 10% on site and 10% fee in lieu and -- fee-in-lieu and I want to verify that.

>> [Indiscernible] Mfi which is what the project will have which will equate to 68 beds that are affordable, bedrooms.

>> Kitchen: On site?

>> On site.

>> Kitchen: Okay.

>> Mike McComb, counsel. And to clarify further, the fee, which is a standard fee for opting into U.N.O., will provide about \$212,000 to go to the neighborhood housing trust fund to provide additional affordable housing to non-profit corporations that build in the area. I'm currently a consultant on one of those and this money will be greatly proficented to go into that trust fund so they can build both the intercooperative council at the university of Texas and the college houses.

[12:39:00 PM]

So we get a great deal of benefit and also 683 bedrooms are opened up throughout the city that are currently operated and inhabited by students moving closer to campus. Those are all the benefits of this project. Thank you.

>> Mayor Adler: Ms. Houston?

>> Houston: Mayor, I appreciate all the emphasis and the conversation about the Alamo and affordability. There's some irony there. But I think that historic houses are just not historic when you move them around town. I think they're historic in a setting and especially with the house across the street, that kind of puts both experience for moving in that area. And I've seen both of them, I've seen both of them. By moving it to the other location, which I am still trying to locate because it's difficult to find, I think it says that we're trying to put the history of that area out of view because people can't find it. It's not like the Alamo. You have to really look for wherever this new street is. So I'm going to be voting not to support the moving of the historic Dabney house.

>> Mayor Adler: Okay. Further discussion, Mr. Casar?

>> Casar: Mayor, I'll be voting for this. I think we obviously have to strike some balance between the need to preserve historic homes and to have different size buildings mixed together, but I think that this is a case where the staff and the applicant have worked to enhance the historic zoning, not just on this site, but -- not just for this building, but also for the Littlefield house, and it helped us in that regard while also building much needed housing and including the density bonus program, which I see as one of the most successful density bonus programs in the city.

[12:41:11 PM]

We have our downtown density bonus program which our mayor pro tem consistently reminds us has produced no on site affordable housing units. Here we have a unit that has over 500 bedrooms and well over 1.5 in fee-in-lieu for that area. So I want to keep on supporting the success of this particular program to provide lots of necessary student housing near the university, reducing pressure on neighborhoods where there's high demand producing those affordable units and at the same time getting us a couple of historically zoned homes where there will be people who see them, but certainly not on the original site, but that's -- every choice we make has some pros and cons and there are certainly some cons, but I think the pros outweigh in this case.

>> Mayor Adler: Okay. We'll take a vote then. Those in -- Ms. Troxclair?

>> Troxclair: I know that we included this amendment without a vote. Now that we've had our executive session I just want to abstain from the inclusion of the amendment.

>> Mayor Adler: The record should reflect that Ms. Troxclair refrains from the inclusion of the a-point amendment and the restrictions. Those in favor of the item, please raise your hand. This is item 28.

>> Tovo: [Inaudible].

>> Mayor Adler: Those opposed. The mayor pro tem votes no, the others voting -- and Ms. Houston voting no, the others voting aye. That gets us then to item number 29, which is the ordinance. Is there a motion to approve this item on third reading? Mr. Zimmerman moves. First reading only?

>> There's no ordinance.

>> Mayor Adler: There's no ordinance. So first reading only. Because there's no ordinance in place.

[12:43:13 PM]

Is there a motion to -- Mr. Zimmerman moves. Is there a second to the motion? Ms. Pool? Ms. Pool. Then debate. Ms. Houston?

>> Houston: I have a quick question for staff. And of course I left everything in the other room. The planning commission at some point voted not to move this -- recommend this house for historic zoning. Could you help me remember what that was about?

>> I do, councilmember. Steve Sadowsky, historic preservation and zoning. At that point the owner of the house objected to the historic zoning and there was discussion at the planning commission about the ramifications of moving a case forward with owner opposition.

>> Houston: Thank you.

>> That is not the case anymore.

>> Mayor Adler: We'll take a vote then.

>> Casar: Mayor, on this one I wanted to take one quick minute. This is a special one for me. The Texas relays are what brought me first to Austin and I hang up my t-shirt from when I was 14 years old as a freshman in high school getting a chance to run like I was a pro track star and meet olympic athletes. So I'm a huge fan of relay, supporting them and supporting the history of the Littlefield house. So I'm excited about this one in particular.

>> Mayor Adler: Ms. Houston and then Ms. Pool?

>> Houston: Let councilmember pool go because she has a face that I've never seen before.

[Laughter].

>> Pool: It's my face for cough medicine. I thought we were on item 29 but then councilmember Casar was talking about the Texas relays.

>> Casar: They're relate and we can talk about that later.

[Laughter].

>> Mayor Adler: Ms. Houston.

[12:45:13 PM]

>> Houston: Today it seems that councilmember Casar and I are going to be polar opposites. I won't be able to support historic designation for the Littlefield house. And even though I recognize the importance of the Texas relays to the university of Texas and the city of Austin, I also recognize and have lived through, and I know people don't like to hear me say that, a time in the university of Texas history and the history of the relays when people who looked like me were unable to participate. And so -- because of legal segregation at the university of Texas and at the Texas relays. And I will not be able to vote in support of an historic designation on a house where we're honoring that kind of legacy in our city and at the university.

>> Mayor Adler: We'll take a vote now on item 29. First reading only. Those in favor please raise your hand? Those opposed? Ms. Houston voting no. Mr. Renteria voting no. Ms. Troxclair abstaining. 8-2-1, it passes. We're now going to go back into closed session pursuant to 551.074 of the government code. We're going to discuss item 32, performance of, consider compensation benefits for the city manager. 30 and 31 have been withdrawn. With no objection we will now go into closed congestion. It's our in-- executive session. It's our intent to come back out no later than 3:00 to pick this back up. Thank you.

[2:10:08 PM]

Test test

[3:34:11 PM]

>>> >> >>> >> >>>

[3:50:20 PM]

>> Mayor Adler: All right. We have a quorum. We are back out of executive session where we discussed item number 32. I would incidentally just say with respect to item 32 that everything that I said last week continues in force. We continue to have really good, instructive

conversation.

-- Constructive conversation. I think it will have the council probably pointing to having a retreat to talk about setting goals as part of this process. Constructive time. All right. So we're now going to move on.

>> Houston: Mayor, point of privilege?

>> Mayor Adler: Yes, councilmember.

>> Houston: I'm sorry I neglected to say this when we were talking about item 29. I would just like to read into the record that the first African-American to be allowed to run on the UT track team was James means, and that was in 1963.

>> Mayor Adler: All right. That gets us then to items on the agenda. With respect to the water bill, ifc, number 23, do you want to lay that out, councilmember troxclair?

>> Troxclair: Sure. So as I talked about at work session earlier this week, you know, this issue was first brought to our attention at the -- near the end of last year, end of last summer, where we had kind of an overwhelming number of constituents from my district, but from across the city call in with really in a panic because a lot of them had received a water bill that was, you know, three, four, five, 10 times what they had ever gotten in the past and they didn't think that they had used any additional water.

[3:52:51 PM]

And although some of them -- so we had over 20,000 people call in and complain to the city. And Austin water did a really good job of trying to set up staff and infrastructure in order to be responsive to those constituents, although I know sometimes it wasn't as quick or as responsive as the constituents would have hoped. And I think part of that problem was for the people who didn't end up having a leak, didn't end up, you know, having a pool or some other issue where they may have used more water than they thought in an unusually hot month, the last group of people that really felt like there was no recourse or no closure for them about how they received such a high bill and they were really kind of stuck on the hook not knowing where to turn. And it became clear to me that we needed to put a process in place at the city level moving forward that would allow our constituents to have an opportunity to dispute bills when we think that there is a legitimate problem, when there is an unexplained spike in their water bill. And unfortunately, you know, per state law we can't do anything retroactively, but I wanted to put a program in place so that going forward we weren't put in this position again and that the customers felt like they were going to be protected and they weren't going to be blindsided. So we had three or four public utility committee meetings where we talked about the issue where we heard from, you know, dozens of constituents about their experience and their water bills and their frustrations. And I committed at that point to continue working with the water utility to try to come up with some kind of solution. So we spent the past couple of months really looking into what other cities do and what our options might be, and I guess before I forget I just really want to thank the director Meszaros and his staff for not only working with me, but also at that time, the end of last year, being willing to always engage with the constituents and with me regardless -- despite the anger and frustration that many customers felt.

[3:55:20 PM]

He was always willing to not only sit down with me and my office, but to go to hoa meetings and

neighborhood meetings and talk to people in person about the experiences that they were having and what the water utility was going to try to do to fix it. I appreciate you always being willing to do that. So what we came up with was something very similar to our leak policy and something similar to what the city of Houston has in place to where if a customer gets a bill that's at least three times their Normal usage, they have an opportunity to fill out a form to sign an affidavit that they do not think they used that water and begin a conversation with the water utility about potentially receiving a credit. If they do receive a credit it can be up to 50% of the water usage, which really ends up being about probably closer to 75% of the excess financial burden that they would see from that bill. Right now really the only process as Austin water explained on Tuesday is an administrative hearing process, which is lengthy, it's time assuming and it can be expensive both for the constituent and for the water utility staff. So we wanted to -- and sometimes at the end of the day there's still no resolution and still no closure or reasonable explanation from the customer's perspective. So I think that this will address a lot of those issues. It will help us to improve customer service from the water utility perspective, while approaching this in a very fiscally responsible way. We put measures in place like only allowing a customer to request an adjustment once every two years. They have to have at least three times the water usage.

[3:57:21 PM]

And a couple of other safeguards to make sure that the director and the department still has some input into situations where people have pools or people have sprinkler systems, things like that. So I am happy to answer any questions that y'all might have.

>> Mayor Adler: Let me begin by asking if there's a motion to pass item 23? Ms. Troxclair moves. Is there a second to that? Mr. Zimmerman seconds that. The -- we have one person who has signed up to speak, and that is Mike Burnette. Do you want to speak?

>> Good afternoon, ladies and gentlemen. I just wanted to relay my appreciation to Ms. Troxclair for trying to find a better way to resolve the issue. I wouldn't call myself a victim, but I stuck a piece of tape on to my water meter because we had been getting estimated bills for a substantial period of time, like eight or nine months. And all of a sudden we get a pop goes the weasel bill. And in my particular case it wasn't a big deal because the bill was significantly below what they had been charging us for the following couple of months. And this happened three years in a row. So I was able to call Austin water with the actual number that was on there that nobody bothered to check, and get that adjustment taken care of and get the credits taken to our bill and get everything straightened out. By the same token I can't imagine what some of these other folks went through in precisely the other experience and not having a clue as to what came about because sometimes this is marked on the bill, sometimes it wasn't.

[3:59:24 PM]

But clearly it hadn't been opened in like eight or nine months to actually do the check. So again, thank you very much for your time and thank you very much for attempting to resolve the issue with the process.

>> Mayor Adler: Thank you. I want to begin by -- I want to first -- this is obviously an issue that came up with much debate and discussion, much consternation in the community, so I want to begin by thanking councilmember troxclair for her leadership in pulling this matter forward as

well as for the work that was done on this by the sponsors of this bill, councilmember kitchen and Garza and Mr. Zimmerman. Because I think it's important. I want to comment on the process just a little bit with respect to this. You know, from where I sit there's so much about this process that I think worked really well. You know, council had an issue or a concern. It was something then that was brought I think and discussed at the committee level. The committee asked staff to get together with some of the council and fashion a good solution to this, and I really appreciated the work that staff did, and primarily with one of us that was willing to kind of take the oar and move the item for us. I think that it's good that it's gotten here. I handed out this amendment that's been handed to the council just to make clear that as the ordinance is being drafted that if staff believes that there is -- and it goes through the process, if staff believes that there is a better or a different way to achieve this result as you go through the community process, don't -- this amendment -- just to make sure that staff didn't believe that it was getting a direction from a council for one particular prescriptive solution.

[4:01:40 PM]

Although this one seems to make sense to me upon reading it, it was just something made available to the public within the last few days. So on this item from council, as with all similar items from council, I think we need a clause that basically says now we want this to go to a public review and if this that public discussion with the ordinance that there's a better way or different way, we want to know. I think it's real important for staff to be available for city councilmembers to help them identify their policy and policy solutions, and to help council members be able to draft resolutions like this. In fact, I think it's important for staff to be able to help a councilmember to be able to do that even if they don't like or don't believe that the policy that the councilmember is going for is the right one, but in order to facilitate that work -- but at the same time staff is our professional advisors and at the end of the day we want staff to feel very comfortable in saying this is -- we've helped the councilmember do this, we've done the best job executing this in the best way possible, but I want staff to always feel very comfortable in saying, but you need to know that this is not what we would do or we would recommend a different policy perspective because we rely on our professionals to share that with us, and we have to always indefer to have -- endeavor to have as safe a place as we can for staff to know that we want that and expect that of them. So I put in this language just to make clear that as we go through this process we want to staff the flexibility not to treat this as a prescriptive. Is there a second?

>> Zimmerman: I had a point of order. We had a motion for passage? I'll second your motion.

>> Mayor Adler: I'm going to let councilmember kitchen second this one this time.

[4:03:40 PM]

So there's an amendment that's been seconded. Does anybody have a problem with that being incorporated into the measure? Do you have a concern with that, Ms. Troxclair?

>> Troxclair: I don't have a concern with that because I certainly agree with you that we value the input of our professional staff, but if director Meszaros doesn't coming up and speaking to kind of what the mayor just laid out, I think that we had a pretty collaborative process and I kind of said to them from the beginning here, here's what I think -- the direction we should go in. If we were going to go in this direction, what would you recommend? And this is what they came

back to me with. So I just -- I didn't want the council or the public to hear what you just said and to come away thinking that this was not put together with -- in close connection with the staff.

>> Mayor Adler: So before he responds, let me quickly correct that so that anybody hearing that believe that. My belief is that you worked closely with water staff, which is great. The public hasn't had a chance to see that because it's just come out the last few days and it's part of the ordinance process that there will be greater public ability to weigh in. I just wanted to make sure we weren't doing anything today that was too prescriptive that enabled the process to be able to react it to whatever new information might result. But the first part of what I was saying was that I think from my perspective, what you did with the staff and the staff's involvement with this was in my mind exactly how that's supposed to work. So I -- I wanted to laud that first. And then second, I wanted to have a non-prescriptive clause that just enabled it to grow, but if you want to come up and talk about that.

>> Greg Meszaros, director of Austin water. I think we can appreciate both prospectives. We worked very closely with the councilmember and her aides doing research.

[4:05:43 PM]

We found the Houston approach to this and worked to assist her in writing up this resolution. And mayor, we'll take your sentiment and move on too. We will need to codify this in the water code and that will go through the water commission. That will be an option before experienced commissioners and the public to provide additional perspective. And if something enhances this that comes through, we'll be open to perfecting this as best we can and come back to the council.

>> Mayor Adler: Good. Mayor pro tem.

>> Tovo: I have some questions for the staff if now is an appropriate time. Are we still debating the --

>> Mayor Adler: Does anybody have any objections to that being added to the resolution? If not the amendment is added. Ms. Tovo.

>> Tovo: I have a couple of questions about the Q and a process, just to highlight what we received in late backup. It looks to me as if most of the -- the bulk of the \$2.3 million that could be the maximum amount of credits offered from the water utility, it looks to me like almost two million of that would be going toward customers who used more than 20,000 gallons. Is that accurate? Am I reading your chart accurately?

>> Yes. I might have David anders to come up and assist me in some of your questions too. Yes, we provided a table of how water use would break down based on some of the parameters, and that's correct. And this is just a kind of analysis of the billing system. As we described in work session we're not anticipating that all customers would apply, they would have to fill out an affidavit. Just based on Houston's experience they get about one to 200 a month. Their system is much larger than ours so we would expect the actual application of some of this to be much smaller. But just from a raw number perspective you're reading that correctly.

>> Tovo: I appreciate the broad number perspective because I think we all agree that not every person who is eligible going to come and apply.

[4:07:45 PM]

But in terms of getting a snapshot of who this policy is assisting and how that lines up with our

water conservation goals I think it's significant that it could be up to a -- if this year follows last, it could be up to a 2.3-million-dollar impact in terms of dollars on our water utility, and 105 of those are customers using fewer than 2,000 gallons. 5,000 of those customers are using 20,000. Those are our largest water users would be receiving -- would be those who would benefit from this.

>> And I think in all fairness too, we did have certain customers that had water use patterns where they were a lower to moderate water user and then they experienced a very sudden increase. I recall one elderly woman in her 90's who historically had only used a few thousand gallons a month and she ended up spiking over 30 or 40,000 gallons. Those are ones that are really hard to explain. She didn't have an irrigation system, didn't have a pool. And I think that's the kind of example that are better matches for an enhanced admin policy. So sometimes the bigger customer spikes are not because they always use that much water, but they may have been a lower water user or average water user. But clearly a lot of these are typically customers that do use more water on average.

>> Tovo: I'm sorry, I had a follow-up question. One of the other things that you said in response to my question, one of my earlier questions, you pointed to a resolution I wasn't aware of from 2011. I think it was may 2011 before I served on council. That in essence is very much the policy that is being introduced today, but you pointed out that the we'd be adopting today offers some additional clarifications to that one or something like that.

[4:09:49 PM]

I'm sorry, I don't have the language right in front of me. But that was curious to me because we've worked over the years with I don't know how many customers who had questions, including a period this summer I'm looking at just one list of customers that Jen and holly in my office worked with and I think it's 26ish or so. She has worked with customers who had bill questions, bill concerns for four years now. We have never learned of this policy, and I'm wondering how many customers have really received an administrative adjustment using this policy.

>> We have those Numbers.

>> Tovo: You do have those Numbers, but I guess what I would like to know is -- and you responded in our Q and a. I think the total impact from 2011 to 2016 was 392, 862 customers in the last five years from benefited from this. What is curious to me is it's not a policy that's really been publicized, my staff who works on this issue was not aware, I was not aware. So has this really been a policy that's been in effect and in practice. And how is it communicated to customers? Because I think as we try to assess -- it's important to me because if the rationale for doing what we're doing today is to put some more measures and some more specifics in place with an existing policy, knowing how widely used the policy has been could help us get a sense of what the financial impact would be. I guess I never heard this communicated to any customers or any council offices. I'm not sure that we can use those Numbers as a guide going forward.

>> I don't know how to respond to all of that. I would provide a couple of perspectives. We provide adjustments in one of two methods.

[4:11:50 PM]

Predominantly we have a leak adjustment program where a customer who experiences a physical

leak that they could not reasonably anticipate or discover if they submit evidence that they have that leak we'll provide a credit. That's the bulk of the credits we typically provide. We did have an administrative adjustment policy for special circumstances, but it's not a policy -- it's very unstructured and that's one of the attempts that we're trying to do with this is it's structured a little bit more where a customer has to fill out an affidavit, it has a threshold for when you can apply. It was loosely structured. I'll call it in that form. It actually dates back to 2011 -- 2011 or 2012. 2011. It wasn't a policy that we advertise, per Se, or put in our website and encourage people to apply using it. It was reserved for special circumstances. I think one of the -- I mean, I'll just be frank with you. I've never experienced anything like this last summer than these high bills ever, to get 20,000 calls. So admin adjustment issues weren't really that high on our radar screen in the past. We didn't get that many requests like we did last summer. So that's what kind of initiated the discussions at the PUC and ultimately led to us working with the council office to enhance this. But councilmember, we weren't hiding the policy.

>> Tovo: I wasn't suggesting you are. I was really -- by no means am I suggesting you were hiding the policy. I don't necessarily agree that we have the policy. But I think in one of your responses it sounded like, you know, all that we're doing today was putting down specific measures to enhance an existing policy. I guess my point would be that I'm not sure I've seen evidence that that policy has been in effect.

>> We used it in very limited ways. We didn't use it on a regular basis.

>> Tovo: On the monitors in the late backup we received today, the answer to the question about whether the staff has been using the policy and what the total dollar amount is and whatnot, do these Numbers, these 862, do those include leak adjustments.

[4:14:01 PM]

>> No.

>> Tovo: Those are non-leak adjustment Numbers.

>> David anders with Austin water. These are the high bill adjustment Numbers.

>> Tovo: Okay, thank you. As I said on Tuesday I have concerns about this policy. I appreciate that the additional language is going to allow our staff to come forward with other options, but I believe if we think there's a problem with the meter reading or with some other element of how we're assessing the amount of water that people have used in a month that we need to get to the bottom of that problem and not waive the charges that are on people's bills, I have concerns both based on the legal memo we received, I have concerns from a fiscal perspective, I have concerns from an environmental one. So I won't be supporting this today and I look forward to continued discussion as we move through -- as it comes back to us.

>> Mayor Adler: Thank you. Ms. Kitchen.

>> Kitchen: Well, I wanted to thank councilmember troxclair for bringing this forward and also my colleagues on the committee, councilmember Zimmerman and councilmember Garza, as well as the staff. We had many meetings, I guess it was three, where we really tried to work with you and you with us to try to get to the bottom of these unexplained issues. And of course we shared the concerns that mayor pro tem is bringing forward, we all did, as did you, but at the end of the day this is where we ended up because there are circumstances such as you just enumerated with the elderly lady that you mentioned, and we need some mechanism in dealing with that in order to -- in recognition of what those particular constituents were going through, what those particular people were going through. So I think this is the best approach. And of course I know

you will continue as well as everyone else, to try to determine whatever you can, what the reason behind something is.

[4:16:08 PM]

And there's also language in this resolution that allows you -- that says should the director determine that the unusually high use is likely related to customer actions, then they may not be eligible for the administrative adjustment. So I think that that would alleviate any of my concerns on adjustments when they actually did something as opposed to an unexplained spike. So I'm very comfortable supporting this and I thank you for working so hard on this.

>> Mayor Adler: Further discussion? Ms. Gather?

>> Garza: I made some comments at work session. I agree with the mayor pro tem's concerns and those were the concerns on our committee. And I think management had us approve two additional ants audits because -- they approved a meter reader audit because we kept trying to figure out why are these unexplained bills -- I think there was another audit that they approved and there was still a lot of unanswered questions. I think it also -- the fact that Houston has a similar policy is an example of another big city experiencing a similar situation and probably came to the same conclusion where they weren't able to explain these really high water bills so they put this model in place. So I -- you know, while I wish we could find the reason and all our customers would have resolution, after delving into it a lot on the public utilities committee [lapse in audio]. It's a good step for the customers with the high water bills.

[4:18:09 PM]

>> Mayor Adler: Ms. Gallo.

>> Gallo: On Tuesday I was added as an additional sponsor on this. I wanted to make sure that the records reflected that. One of the things we talked about, as mayor pro tem brought up the financial consideration and concerns, was that you mentioned that when the city goes through an administrative hearing, which is one of the other options other than the administrative adjustment, that it's fiscally quite expensive for your department to do that. And I think you were going to come back with some Numbers just to give us an idea. It looks like from your records that it looks like there was 162 adjustments that were in 2015, but I think those were administrative adjustments, not actually hearings. But could you share with us again the substantial costs that the department incurs when you actually have to go through an administrative hearing on one of these?

>> We estimated -- we didn't keep detailed records on every administrative hearing, but David and his team estimated that a hearing cost at least \$500 and often results in a decision that's well less than in terms of dollars back to a customer. So we're spending more time to conduct the hearing than the hearing officer is giving back to the customer. I think the other aspect of hearings is more from a customer convenience perspective. The hearing process can book out well in advance and you might have to wait six months for a hearing. And that's a long time to wait. You know, I think customers get frustrated and they give up where a little more administrative tools would help us there. I know, David, would you want to add to that?

>> I would just add that, you know, even before they choose to do an administrative hearing, there can be sometimes a month or two go by while there's still -- while we're trying to investigate their particular account. We reread, those kind of things. So there is a time constraint

for the customer waiting to have this. If they have set up a payment agreement to do that, they're having to pay on that in a time.

[4:20:13 PM]

It is a convenience for the customer if we had this kind of a process that would sort of avoid some of those hearings on the customer's behalf.

>> Gallo: Thank you. That's why I really support this as it addresses so many concerns on so many different levels both from the customer standpoint, it actually gets resolution to their concern more quickly, in a more cost effective way and also from a time standpoint, their expenditure of time, but also from the city's standpoint. It actually saves the city money because if you spend the 500 plus dollars on administrative hearing and there's actually a credit that goes back to the customer, the city really has spent a lot more money than necessary trying to get the issue resolved. So it just seems like -- it's certainly a win-win situation for both the customer and the city from a financial standpoint.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I'm also going to be voting in favor of this resolution. Back in October I proposed a similar resolution, but it was different and it was more maybe retroactive. Some of the city legal advice chimed in and I agreed with them on how we have to be really careful we don't run afoul of the law, of offering discounts as they were without the difference of procedural or administrative error. So I agree with councilmember tovo, we are trying to get to our root cause of measurement issues. Someone just testified -- is there testimony that their water meter was not being read based on them covering the meter and they didn't see it disturbed. We got lots of reports of that. We are still trying to get to the bottom of the measurement issues, but I am going to support this moving forward and I like the responsiveness and the job you've been doing on this, working with councilmember troxclair. So I want to give you an Atta boy for that. Thank you for your support and help on that and I'll vote to move this forward.

>> Mayor Adler: Ms. Pool.

[4:22:14 PM]

>> Pool: Would it be possible to add language in here to ask staff to report back on how this has operated as a benchmark?

>> Mayor Adler: Do you want to wait until we have an ordinance to approve?

>> Pool: Or it could be part of the part of what the city manager considers in the broader context of the resolution. I think if we could add it in at this point then it wouldn't get lost.

>> We could also report to the PUC, make that a regular part of -- once the ordinance is in place.

>> Pool: I think that's great and maybe I would make it even broader just to add language to say include appropriate report back measures on a [indiscernible] Or something like that so we can lock it in and see how well it's working and if it needs to be adjusted at some point in the future, then that would give us enough time in advance to consider that.

>> Mayor Adler: So national councilmember pool has moved that -- an amendment that provides for the ordinance or otherwise to contain a provision that would report back as to the expenditures being made associated or participation being made associated with the policy once

it's adopted. Everybody okay with that? All right, then that will be included. Are we ready to take a vote? Those in favor of this item 23, please raise your hand? Those opposed? It's unanimous on the dais. Thank you. Oh, I'm sorry. It is 10 N 1 with the mayor pro tem -- 10-1 with the mayor pro tem voting no. It passes 10-1. That gets us --

>> Zimmerman: Mr. Mayor, point of privilege. I wanted to welcome mayor pro tem to the 10-1 club today.

[Laughter].

>> Tovo: It's okay. I've been in similar situations.

[4:24:15 PM]

>> Mayor Adler: It's been pointed out to me that we have no one signed up to speak with respect to items 33 and 34, which were public hearings and possible action on the on the two annexation issues. Is staff here for that.

>> Good afternoon, mayor and council. I'm Virginia Collier from the planning, development and review department. This is the second of two public hearings for this area. Council is not scheduled to take action on this annexation item today. Ordinance readings are tentatively scheduled for may 5th. This area includes approximately 90 acres in eastern Travis county west of decker lane, approximately three quarters of a mile north of the intersection of decker lane and Loyola lane and is contiguous to district number two. This is currently in the city's etj and in the full purpose annexation on the south and east sides of the tract. The owner is requesting full purpose annexation of a subdivision a portion of which is already in the city's jurisdiction. Annexation of this area brings anticipated residential growth into the city limits, extending city services and regulations to ensure and improve public health and safety. The city will provide full municipal services to the area as described in the service plan, a copy of which is available in the backup, online, and this concludes the staff presentation for item number 33.

>> Mayor Adler: Thank you very much. Is there a motion to close the public hearing?

>> Houston: So moved.

>> Mayor Adler: Ms. Houston moves. Is there a second to that? Yes, Mr. Renteria. Yes, Ms. Houston?

>> Houston: Is it district two or district one? Looking at the map I think it's district one.

>> You are correct.

>> Houston: Okay.

[Laughter].

>> Houston: I just wanted to make sure. And this is not -- I don't think this is a question for you. I think this is a policy question. We keep talking as a council and as a city about reducing sprawl, yet we are doing our best it to annex land all outside of the city limits.

[4:26:19 PM]

So how do -- this is not for you because this is not your issue. How do those things mesh with decreasing sprawl, yet continuing to annex land outside of the city? Which sounds like we're increasing sprawl, but that's something that we maybe can talk about at our retreat.

>> Mayor Adler: Sounds good. There's been a motion and second to close the public hearing on item 33. Those in favor please raise your hand? Those opposed? It's unanimous on the dais. Item 34?

>> For item 34, staff is requesting withdrawal of this public hearing item. The area is currently undeveloped and subject to a consent agreement and a strategic partnership agreement with the city and onion associates, the developer, and the cascades mud, although not timely, the developer's efforts in recent weeks have brought the mud into compliance and therefore staff is recommending council not terminate the agreement and not pursue annexation at this time.

>> Mayor Adler: Okay. Is there a motion and a second to close the public hearing? It's just withdrawn at this point. So it's just withdrawn. Thanks. Okay. Let's pick back up our agenda. What about item number 24, which is the housing item. Ms. Garza, do you want to make a motion?

>> Garza: I move approval of item 24.

>> Mayor Adler: Is there a second to that? Ms. Pool? We have five speakers for this. David king, do you want to speak on this item? I'm sorry? Come on down. The speaker on deck is Andre.

[4:28:31 PM]

>> Thank you, mayor, mayor pro tem, councilmembers. My name is David king. I'm very supportive of this resolution. I think it's really important. I'm glad that we're using all the tools and all the strategies we can to generate affordable housing. And you know, I've often said that existing housing tends to be more affordable housing than the new housing that we're building, so I think this is an important step in the right direction. What I would ask that you do is to expand the scope of the resolution so that it includes the use of bond funds for permanently affordable -- for preservation of existing affordable housing so that -- that's part of the scope of the work here. I think that would be good to come back with the recommendations from the manager on how that could be beneficial to our community and really help families stay in their current neighborhoods. And also to expand it to include bond funding for low and mopac homeowners to -- and middle income homeowners to make repairs to their home so they can get help and support in staying in their homes and then we can help slow down gentrification. And help ensure that our neighborhoods are diverse from -- in different ways. You know, I just want to make the point that we -- we're not intentionally trying to create more gentrification by up zoning and increasing environments, but yet that's what happens. And we get so little affordable housing from doing that. We don't have to grant the upzoning or rezoning. That's not a requirement. It's an option that you have to choose. It's a decision that you can make, and so I would ask that we just really seriously think about the impacts that upzoning and rezoning has on gentrification and whether that impact is worth the very few affordable units that we get from that strategy.

[4:30:43 PM]

And I think we also need to consider an affordable housing monitoring fee for development projects that are taking advantage of our density bonus programs. Other cities do this. They charge a fee per unit, and that fee goes to the city so they can monitor that these affordable houses are actually being built and being occupied by low income families. And we don't have enough resources right now to do that. So I worry that our density bonus programs are not really as effective as they could otherwise be. And I think in terms of our demolition permits for residential properties, we should look at requiring affordable housing impact analysis on those demolition permits to see if we're nothing demolishing these existing affordable houses, what

impact is that having?

[Buzzer sounding] So I hope you will consider these suggestions and thank you for listening to my comments.

>> Mayor Adler: Thank you. Ms. Garza, I think the point about looking at existing house stock as a possible source of permanent affordable is a good point. I read the draft that you've drafted to include that as well. I mean, it doesn't preclude that as well. Is that -- my reading it correctly?

>> Garza: I guess where do you read that?

>> Mayor Adler: It doesn't say otherwise. It says seek permanent affordability and it may be the permanent affordability includes an option to preserve some of the 40,000 class C and D units that are otherwise going to be lost to gentrification over the next ten years. I just think your resolution would allow that also to be considered.

>> Garza: And you're right, it could be -- that could be interpreted that way. I felt this resolution was more -- had a more narrow scope with respect to permanent affordability, home ownership opportunities in the income bracket that is different from the class C properties that's correct -- possibly being acquired by the city, and in fact there had been previous council resolution that addressed that, and there had also been a report back from the city manager with suggestions that housing told us on Tuesday they are implementing some of those solutions.

[4:33:01 PM]

So I felt this was a narrower scope. I was concerned that because it addresses affordable housing and everybody, you know, has opinions about affordable housing, everyone wants to start throwing in amendments, I was hoping to keep this as narrow as possible, specifically for permanent -- I passed this out at work session, passed down to the mayor, and it shows the allocation of where the bond money has gone, and very little of it has gone to the community land trust model and permanent affordable housing so that's what I was trying to get to with this resolution.

>> Houston: Mayor?

>> Mayor Adler: Yes.

>> Houston: On Tuesday, I signaled that I would like to make an amendment but was told that was not the purpose of this particular agenda item.

>> Mayor Adler: Okay. I just --

>> Renteria: Mayor?

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: What I would be concerned about is, you know, we would love to be able to serve the existing stock, especially the 40,000 homes that you just mentioned, but the problem is that this is basically going to go for the clt, community land trust -- clt. And the existing homes, we have done that, we have gone out and invested a lot of money, especially around the holly powerpoint, and trying to preserve -- preserve all these homes. But the problem always comes up is that when a land value goes up to the point where it's 4,000, \$5,000, you know, the people there are being taxed at this level are no longer being able to afford that land, that property, so they end up selling it because they can't afford the taxes, and then the amount that they're getting is so high that they'll sell it off, and then we lose affordability.

[4:35:03 PM]

And that's how we've been losing affordability. If there was some way that we could allocate that money to those people and say, hey, you tell us that you're going to stay here for 50 years or longer, but we couldn't do that because we don't own the land that those houses are on. So it would be very difficult to implement a program like that using our bond money that we have right now.

>> Mayor Adler: So as we hear more public testimony, because they're still four more members to speak, I would take a look at the order because as I read the ordinance, it's asking for the use of bonds for affordable housing at or below the 80% mfi. My concern is that if you wanted to limit it to home ownership and land in the trust, that it's not sufficiently limited to do that. This would enable the stakeholders to come in and advocate for affordable housing at 80% or below mfi. So I just mention that as you read that, as it moves forward. Let me go back to some of the public speakers. Andre and Gus Peña is next, and if he's not here, the next speaker is Mike Burnett.

>> Good afternoon, mayor and council. My name is Andre Lubamudrov, I'm here on behalf of the Austin board of realtors. We represent over 10,000 primarily real estate professionals in the Austin area involved in all aspects of real estate transactions. Abor is supportive of measures that increase opportunities for home ownership, including those that make use of community land trust and shared equity approaches. We thank councilmember Garza and the co-sponsors of the resolution for bringing it forward, and we look forward to being part of the work group conversation with expanding home ownership opportunities.

[4:37:12 PM]

One thing I wanted to ask was if you'd consider potentially adding some clarifying language, stating that the work group should look at both long-term and short-term recommendations to create more home ownership opportunities. As with transportation, we really need to be thinking about this. Both in terms of the small, timely fixes, and in terms of the bigger, further-reaching changes that have a longer time horizon, and I just feel that adding some language that specifically asks for that would help highlight council's interest in both of those considerations. So I think that's all I have to say.

>> Mayor Adler: Thank you. Yes, Mr. Zimmerman.

>> Zimmerman: Before you go, if I could just tap into some of your expertise, and if you haven't thought of this or if you're not ready to comment, that's fine, too, but in the work session, I made some remarks about how these land trusts could have some interesting applications. If we have, say, a mobile home park, I kind of wonder where the politics of this could be going. Mobile home parks are, you know, prime targets for redevelopment. Right? You know, the land is not being used in its highest and best use according maybe to the market or what the market would dictate, so I'm a little bit concerned of what this could morph into, to where a mobile home community could say, hey, why don't we get the city council to buy out the dirt under our mobile home park, take it off the tax rolls and put it into a land trust foundation, right, which would be tax-free, then we can have subsidized rents for the dirt that we sit on, and then any other private mobile home park, right, that's owned by private property owner, they can't compete because there's a huge property tax advantage that follows the non-profit community land trust. So from a market perspective, as Abor, I don't see how that can be reconciled in having a subsidized -- an economically segregated city, people that are subsidized, people that are paying for the subsidies, I don't know how that works.

[4:39:24 PM]

>> Well, with regard to the mobile home park, in particular, if someone were to sell it, they would be selling it at market rate, so they could choose to sell it to whoever they so choose to sell it to.

>> Zimmerman: Taxpayers are footing the bill. The city buys it. Taxpayers foot the bill.

>> That's a policy decision so --

>> Zimmerman: That's what I'm talking about, a policy decision that this council could make, based on this kind of resolution. Right? This is talking about land grants. Right? Land trusts. We have, what, \$30 million of taxpayers' money sitting out there. Take some of that taxpayer money, buy the dirt and the mobile home park. Take it off the tax rolls. So I'm looking for professional and market-based feedback to how these policies would impact the city. I'm looking to abor for this kind of analysis.

>> Yeah. I just think from our perspective, you know, we look at expanding the access to home ownership, in particular, shared equity can be a valuable tool to defray some of the market freshes we see that are, you know, causing people to have to leave Austin, you know, because they can't pay property taxes. So, you know -- but it's definitely a bigger conversation, and that's why I'm glad we have the work group to work on some of those things.

>> Mayor Adler: Thank you. Next speaker is Gus peña, who's not here, then Mike Burnett.

>> Good afternoon. I just wanted to say that, clearly, no one is going to speak against affordable housing. We all see the problem. We all understand what's going on. We all understand the pressures that the various homeowners are under. I'm a homeowner. I understand. By the same token, there's clearly a difference in approach on how this is being addressed. We spent hundreds of millions of dollars of taxpayer money for various affordable housing initiatives in the past, and, you know, what do we have to show for it? We have land sitting over at grove and Riverside that we were to have, you know, all these initiatives resolved on, and that land is still blank.

[4:41:32 PM]

Will but we spent the money. And, you know, that's just one of a number of those types of things where we've outlaid large amounts -- or we've made large investments, and we've gotten nothing for this. So, I mean, with six lanes now going in on 183, with a large expansion in the area out there, you have another tool in lieu of tax revenue that you can use to defray the cost of some of these -- defray the impact of some of these costs. I mean, I grew up, first jobs, et cetera, in the north Dallas area, and lived through the Addison, Plano, and then Frisco expansions where there was nothing, and then the next day there was a city. So in the state of Texas, instant development is certainly nothing new, and so with your planning commission, you can clearly steer and guide the class of development that's going to follow the additional highway lanes that are going in out there, and generate affordable capabilities without any real impact to the taxpayers. So my issue here isn't whether or not we need the affordable housing, my issue is, are we going to commit to generating affordable housing through the expansion, or are we going to go through congratulations, the success of re-uization and the gentrification trends that prior councils have really pressed for in the downtown district, and throughout the east side, and we're now seeing that spread forward. The first thing, of course, is congratulations, we've been very successful.

And the second thing is, coming back and complaining about that success with patchwork and foot work to try to resolve a major issue doesn't represent, in my humble opinion, what's in the best interest of the city. You have the opportunity to go forward now and structure this using all the tools that, to this point, this council has suggested, such as, you know, contractors, et cetera, that are, you know, for-profit organizations, and use your planning and zoning capability to generate those installations or those housing units as you see fit.

[4:43:37 PM]

Thank you.

>> Mayor Adler: Thank you. Is John Perez here? John Perez? Those are all the speakers we have. We're now back up to the dais. Any further debate on item number 24? Ms. Pool?

>> Pool: I just had two questions, and it may just be to the carrier of the initiative. It feels like this is a really broad and high end, so would the housing that would be built on this -- is it appropriate to ask if it would include meeting our energy efficiency codes? Are we getting to that level of detail? And also accessibility for the homes that -- that would be built.

>> They would just have to be built within the -- I think the current code regulations, but this also -- it does go to codenext and how -- and what changes could happen in codenext to provide more affordable housing. But I don't know if it would get to the energy efficient part of it.

>> Pool: Got you. So what I would like to do is just introduce that concept so that when we get to codenext and we have those conversations, I want to make it -- make sure that our standards include meeting energy efficiency -- energy efficiency levels, and to have beyond visibility but accessibility with Ada compliance for homes that may be built. My goal on this is I'm interested in making it possible for seniors to age out in their homes as best we can for those who want to do that, and this may help make that possible.

>> Mayor Adler: Thank you. Any further discussion? Ms. Gallo?

>> Gallo: I was happy to be a co-sponsor on this, and I really appreciate councilmember Garza letting -- allowing my office to add the geographically disbursed permanent affordable housing into the resolution.

[4:45:46 PM]

You know, as we talk about the ability for people to live close to where they work, which addresses living expenses on an economic level, and also helps address our traffic gridlock throughout the city, housing works does really good demographic studies, and it shows that district 10 has less than 1% of the subsidized units in the city. And when we talk about the 80 -- 80% and above families and 50 to 80% families, you know, we are talking about they've also provided income levels and shows the different jobs, and we're talking about our social workers, our elementary school teachers, our electricians and plumbers and teachers aides, public safety workers, nurses, even architects, physical therapists, computer programmers, medical assists. So there are a lot of people who are part of the workforce that work in district 10 and other districts, and they really have a difficult time finding affordable housing units to live in, and so I do appreciate that because I will continue to lobby for affordable workforce and also for our seniors, who often live on fixed incomes, to be able to live on the neighborhoods they've raised their families and to live close to where they work. So thank you for the addition to that.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. So I'm going to go back to a familiar theme I've been pointing out on the dais. I keep hearing "Permanently affordable," and it is just not true. What we're talking about here is permanently subsidized. We're talking about creating permanent dependence, and we're talking about institutionalizing permanent economic segregation. The first part of the be it resolved clause says here, permanent housing throughout the city, at or below 80% mfi. So, the economic segregation is that if you are at 81% mfi, or above, you're going to be paying more so that those at 80% or below can pay less.

[4:47:55 PM]

So we're cost-shifting and creating permanent dependency and permanent subsidies for the 80% and below to be paid for by the 81% and above. So this council talks at tight about affordability, and yet we create an institutionalized economic segregation. If you're 80% and below, you're going to get a benefit at the expense of the 81% and above. So the cognitive dissonance is just way too much to bear. So I'm going to enthusiastically vote against this. I have one positive thing to say about this. Under .1 at the bottom of the page, it says: Subsidies that can be applied to a sliding scale. So I'm at least happy that we're finally using the correct word, "Subsidies. They're not affordable to people who have to pay them. At the time permanent dependency on government and they're a terrible idea.

>> Mayor Adler: I would need to disagree, Mr. Zimmerman. I think that if you look at the progress of cities around the that are fast growing cities and desirable cities, you see housing costs going going up. The Medina value in San Francisco went up over a million dollars last year. If we don't do something in our city, we'll lose diversity. We won't be the live music capital of the world because musicians won't be able to afford to live here. We'll continue to lose people in communities. I think that when you exercise a program as described in this resolution, you create not segregation, but you create the opportunity for the geographic dispersion of affordable housing like councilmember Gallo mentioned. I would suggest that if we don't do something like this, we'll become a city that is very different than the one that we have now.

[4:49:56 PM]

Any further discussion or debate?

>> Casar: Mayor?

>> Mayor Adler: Yes.

>> Casar: Very briefly as I mentioned at work session, and maybe up to councilmember Zimmerman's delight, I think -- I hope that this council will fight as hard as we can to try to get as many home ownership opportunities for folks at a hundred percent mfi and 120% mfi without subsidy, and we know that a lot of that work are needs to be done through our lane development code, along with lots of other tools that we can have. I think that it's -- that it should be entirely possible for somebody to find 230,000 and \$240,000 homes, as councilmember Garza described. Right now we're just now in that situation. And if we have to use some of our subsidy of other folks between 80 and 120% mfi, so be it, but it would be best for us to do our best to get -- create that kind of product and encourage that kind of product without subsidy so that we can use as much of our subsidy and we're willing to provide for those who the market will never provide for. So Mr. King and I have some running, very friendly disagreements about how the zoning code can help enable that. As far as I can tell, there are certainly some of the lowest zoned

properties in the city that only allow one unit for, you know, 6,000 square feet of land or more, and sometimes by restrictive covenants, much more expensive than places that have been zoned for more. I think there's a very complex relationship between the zoning categories and the price of a home, but I hope that moving forward, and especially through this resolution, that we not only think about subsidizing homes to be available to folks at 120% mfi, but find out ways that we perhaps may not have to.

>> Mayor Adler: Okay. Ms. Troxclair.

>> Troxclair: I just wanted to say that, in principle, I agree with a lot of the things that councilmember Zimmerman said about how, you know, subsidizing one group of people just means that another group of people has to pay for it, and to your example about San Francisco, I think that the reason that they have such a high cost of living is because they have rent control and other things that limit the housing supply and push up the cost of housing for everyone else.

[4:52:18 PM]

However, in this case, I'm going to support this resolution because the first be it resolved that talks about the 2013 affordable housing bond and the use of that money, regardless whether or not you reported that bond, it passed, and I'd like to make it as effective as possible going forward. And convening a stakeholder group that comes back to us with options, whatever comes back, if there's a recommendation that includes subsidies, I may not support it, but I am interested in some of the other options that are listed here, like zoning and land use changes. And then the second part of that talked about future bond packages, and again, regardless of whether or not I'm going to support the future bond packages, that is probably the -- I do like, if we're going to spend money or direct money to a specific cause, that the voters have the opportunity to have a say in it. So if we're going to spend money on affordable housing, that's probably the most appropriate way to fund it. So I just wanted to explain my vote on this one that may have been confusing to some, that I'm happy to support at this time.

>> Mayor Adler: If there's no further debate, we'll take a vote. Those in favor of this item 24, please raise your hand. Those opposed? Mr. Zimmerman voting no, others voting aye, this item passes. You want to move on item number 19 and not really discuss it now, or do you want to hold 19 until after we get through 35 and 36?

>> Casar: 35 and 36 are the zoning case folks are here waiting on; right? I think it's appropriate for them to get their chance to get heard since the other item seems to mostly interest us.

[4:54:20 PM]

>> Tovo: Mayor, I think we may have four or five speakers on the committee.

>> Mayor Adler: We have one more speaker on that. Mr. King had a chance to speak this morning, and Mike Burnett would be the only other speaker on number 19.

>> Tovo: All right. Thanks. I was confusing it with another issue. Is Mr. Burnett still here?

>> Mayor Adler: Do you want to go ahead and speaker on number 19? Are you fine? Okay. Then we'll go ahead and then call up items 35 and 36.

>> Thank you, mayor and council, Greg Guernsey, planning and zoning Delaware I'll offer 35 and 36 together since they're related. They're on your 4:30 items. Item 35 is case npa-2015-0023.01, for the boys and girls club, legacy club in dissect 1, in the university hills Windsor park combined neighborhood planning area, 4717 turner lane as a request to change the future land

use map to the civic land use designation. The related disowning cases, item 36, at that same property, 4717 Turner Lane, to zone the property to community commercial conditional overlay neighborhood plan or grconp, combined district zoning. The property itself is 10.369 acres in size, and is currently undeveloped. There is a proposal, as I said, to change this to the grconp combined district zoning to open up a boys and girls club. The property to the north are currently gr, grv, and retail center to the south is sf-6, sf-2-np, single-family residences, developed and to the east is Bluestein, and to the west is lr-mugr, Co nm, com and mf 2np, they consist of multifamily business park and conditional undeveloped land.

[4:56:35 PM]

The planning commission did recommend the change to the future land use map on a 10 to zero vote to the civic designation, and the planning commission did recommend the zoning change to the gr conp district zoning as recommended by staff, with many conditions. Staff -- start of the staff conditions limited vehicle trips today to 2000 vehicle trips per day, prohibited approximately 10 uses, and also include drive-in service as a -- use to commercial use as being a prohibited use. The applicant did agree with those. In addition, the planning commission, in essence, recommended for the property the gr conp land use designation but limited it in a way that pretty much only allowed the lr district or the neighborhood commercial district uses inside development regulations, and then add two gr uses, which were the outdoor sports and recreation and indoor sports and recreation. Regarding the indoor sports and recreation, they limited the square footage of the indoor sports and recreation use to a building of 35,000 square feet. And then they agreed to incorporate some additional conditions that were offered by the applicant. They're in your backup as an exhibit "F." These would include that a property shall have permit or fencing, that the pedestrian access shall be allowed only via a front gate for the 183, accessing to Turner Lane. Pedestrian bike access to the northwestern border of the property shall be via a pathway that's attached as an exhibit. So long as the property is operated as a club, there will be no extension of Ashland Drive and that's the road that comes from the south from the neighborhood to the terminus of Ashland Drive, that the outdoor athletic fields which are proposed will not be illuminated except for security lighting so they won't have basically any lights lighting up the field all night long, and in no event shall a building or permanent improvement be instructed to 42 feet in height.

[4:59:04 PM]

I want to note that the University Hills contact team, they held two meetings with the applicant in May. In August of 2015, second meeting had approximately 70 residents that attended that meeting, and they voted not to oppose the change to the future land use map and the zoning change. There are additional comments that have been sent in by neighbors, both in favor and opposed, but the neighborhood planning contact team did oppose the change to the zoning.

>> Houston: Excuse me, makers you said something different in the beginning. You said they voted not to oppose the change.

>> They voted to oppose the change. Excuse me.

>> Houston: Okay.

>> The University Hills planning contact team voted to oppose the zoning change, oppose the future land use map change. Sorry if I was not clear on that. So I present to you the commission's

recommendation that was in favor of both of those, and I'm here if you have any questions. I think you have several folks that have signed up to speak to this item.

>> Mayor Adler: Any questions before we -- any questions before we bring the applicant representative up? Ms. Houston?

>> Houston: I just want to make one statement. These two items are about zoning and land use. They're not about whether the non-profit is good, bad, or indifferent. This is strictly about land use. I just want to remind people what the issues are.

>> Mayor Adler: Okay. Mr. Renteria?

>> Renteria: Yes, Mr. Gurney, can you tell me what can be built on that property right now?

>> Well, half the property right now is largely zoned sf-6, which is townhouse, condominium development, about approximately 12 units per acre, and so they could build a townhouse or condominium project, and that's on the western portion going towards manor road.

[5:01:18 PM]

The eastern portion is zoned Ir Co. It allows for neighborhood more oriented retail type uses, so those are the -- that's what can be developed on the property right now. The eastern portion was reveals previously a landfill so when it went through the process that's why that portion was not zoned for residential uses. There's a combination of uses that can be developed, but basically eastern half is commercial and the western half is more higher density, single-family, which is townhouse or condominium use.

>> Mayor Adler: Okay. Let's call up speaker Steve Drenner.

>> And that's the agent for this case.

>> Mayor Adler: Mr. Drenner, I'm looking to see a time that's been donated to you. I have Jules Watson. I have mark keister. Is mark here? Thank you. Is anyone donating time other than those two? Mr. Drenner, is there a third that's donating you time?

>> No, that's it.

>> Mayor Adler: Okay. You have nine minutes then.

>> Thank you. Mayor, mayor pro tem, councilmembers, I'm Steve Drenner on behalf of the boys and girls club of Austin. I want to supplement what Mr. Guernsey said with respect to a couple of issues that have come up in this long discussion that we've had about putting a boys and girl club, legacy club, at this location. This location was selected by the boys and girls club after a long process that started with a list of sites that numbered more than 50, eventually cut that list to 12, then to 3, then to 1, and this was the site that survived that selection process.

[5:03:21 PM]

Part of the rationale for selecting this site was its visibility, its accessibility, particularly from the highway, and the fact that it sits in a general area where there are kids in need, and it would be accessible to those kids in need; and in part, because the landowner was willing to deeply discount the price, so that it would fit the budget for the boys and girls club. A little closer look, and you see, obviously, the relationship between the commercial properties on the north, particularly the H-E-B, commercial properties on the west with the dollar general, and then the relationship with the university hills neighborhood to the south, and then obviously the border with ed Bluestein. This gives you a little different perspective on those same relationships. Mr. Guernsey went through the basic request. I believe that what we had understood from staff were

that we really needed two particular uses, one of those being community recreation private, and the other being outdoor sports and recreation, and we were fine with prohibiting other uses that would not be appropriate for this area. This shows you the future land use map as it exists today. This would be converted to civic, from those two uses, and this, of course, shows you the zoning map that you saw previously where we would be replacing the three zoning categories with one zoning category, gr Co np.

[5:05:28 PM]

This shows you a concept plan for what we would like to build. Let me point out a couple of things as you look at it. I think you can divide it into essentially three areas. One would be the ball fields on the western side, and then the building itself, which would be maxed out at a limit of 35,000 feet. It's two-story. And then the parking field that's in the area closest to ed Bluestein. Let me mention the history of the site with regard to the landfill activities that was primarily with respect to the construction of ed Bluestein, so that's primarily that highway construction residue. We've had it extensively studied. There's no methane gas or any type of substance that would be a problem. We also, in an abundance of caution, have situated the facility itself off of the landfill, so the primary -- the area that was originally covered by the landfill is primarily going to be the parking lot. This project would comply with all compatibility rules. It's purposely oriented to the north so that the activities, particularly the drop-off activities, would happen furthest away from the neighborhood, and so that we could locate the facility outside that old landfill area. And I think Mr. Guernsey went through some of the detail of that, that we're fine of limiting maximum size of building, outdoor lighting of fields, drop-off area to the north side of the building. We've - this gives you a little bit different perspective.

[5:07:32 PM]

This is looking from north to south, and you see the residential type structure that would be used for the buildings. Couple of times that have come up in our discussion that I want to address, one is traffic. We have two opportunities for vehicular traffic to get to us. One is through the 183 access point. We've studied that. We've gotten letters from txdot guaranteeing us the access window that we need at that location. We've also been working with H-E-B to the north of us so that we could expand turner lane from a 12-foot easement to a 24-foot-wide easement, and that would allow dual access lanes getting out to manor road. We do not have, and we spent a lot of time working with city staff to make certain that we do not have an extension of Ashland drive. That lack of an extension is consistent with the neighborhood plan, and I would point out I think generates much less traffic for the neighborhood area than would be generated if it was developed in accordance with its current zoning. So if Ashland drive went through, which it almost certainly would, if it was developed in accordance with its current zoning, you'd see a tremendous amount of traffic going through the neighborhood. The boys and girls club itself generates far less traffic than would a commercial site, as well as the high density single-family that's allowed on the other side. So from a traffic standpoint, I feel like we've answered every question, and without question, there is going to be less traffic that impacts this neighborhood from the boys and girls club than would a development that complies with the current zoning.

[5:09:42 PM]

Boys and girls clubs are not schools. They don't operate the same as schools. We would have a method of drop-off, some bus traffic coming from primarily four different schools, Wynn elementary, hart elementary, dobie middle school and the high school. Those drop-offs would occur in a staggered time sequence with elementary school kids first and the high school kids last. Kids would be picked up at the facility by their parents or brothers and sisters or other supervisors at the end of the day from the facility itself. So it does not operate as a school, and the activity during the school year is from about 2:30 in the afternoon until about 8 o'clock at night. The pedestrian access is -- through the discussions with the neighborhood, we have a fence site, but we would have three access points. If we comply with the planning recommendation, those would be the turner lane access point and also at Ashland drive. I think there's been a tremendous amount of discussion on this case. I feel like we've answered every legitimate concern that the neighborhood has raised. I think there's nothing to fear from a boys and girls club at this location. The experience that boys and girls clubs have had around the country is that they've become part of the very fabric of the neighborhood.

[Buzzer sounding] And that they are a positive, not a negative. So I hope that you will agree with the city staff and with a unanimous planning commission and support this zoning case.

[5:11:50 PM]

>> Mayor Adler: Next speaker we're going to have will be Joan Bartz.

>> [Off mic]

>> Mayor Adler: Okay. If someone can get me that list, that would be helpful.

>> [Off mic]

>> Mayor Adler: Who are you? Would you like to come up, Ms. Marshall? Is David king here? Is Emma morrow? Irma morrow? No? Is Mary Engle here? And is patsy Anderson here? Okay. And I couldn't hear, was --

>> Irma morrow is there.

>> Mayor Adler: Okay. You've got 15 minutes.

>> I'm Lynn Marshall. I'm vice chair of the university hills neighborhood plan contact team. My role here is to focus on the appropriateness for a neighborhood plan that was passed into ordinance on August 9th, 2007. Many of you may not be familiar with the university hills area, so before I go any further, we'd like to give you a sense of the neighborhood. That's manor road, approaching the turner lane entry that Mr. Drenner spoke of, getting a little bit closer to a rather trafficked area on manor road, as we all know. That's turner lane. It's a private road easement. This is Loyola lane.

[5:13:51 PM]

Obviously, there's a lot of concern about speedy traffic on Loyola because it comes off of 183, and people use it as a quick bypass to get off of the heavily trafficked roads. This is university hills, and -- and this is Loyola lane again, and this is the area that abuts the turner tract and the proposed site. So just various houses and streets in the area. This is an area that was built in the 1970s and is a very stable neighborhood. This was the -- this is looking into the proposed site, the turner tract. So just more -- more homes, very stable neighborhood, too. Anyway, so this is the zoning and land use matter. The contact team has to look at all potential impacts of any

proposed neighborhood plan change, and we've been trying to get a lot of concrete information since this started last may, but some of this has been like juggling Mercury, and we have not gotten as much as we would like to answer some questions that we've had. As of yesterday, we have more questions about the actual requirements for a change to gr commercial at all for this kind of project. Thus, because there are big, unanswered questions, we are opposing the upzoning and the Flum changes that have been proposed, and here is why. When we worked with city staff from 2005 to 2007 to create this neighborhood plan, these contracts were given great consideration because they could provide much-needed missing middle housing that would help supply affordable housing. This is premature speculative zoning. The property is owned by Mr. Jimmy naseur. The applicant does not own the property and is attempting to raise \$10 million to buy and build. But what will happen if the boys and girls club of the Austin area cannot raise the money, or if they change their plans?

[5:15:53 PM]

Whoever gets the property will have the increased zoning and entitlements. And I understand that there are efforts to pull some of those back, but it would still be the big gr commercial zoning, and we all know things can be changed. So from a neighborhoods perspective, it's preferable to keep the zoning as low as possible in the event that somebody has a great idea about something they want to build in our neighborhoods. Of course, from the developer side, it's best to raise up the zoning to the max to make the property more valuable and get more entitlements, thus, we have dynamic tension in a lot of relationships. We believe that this is actually an attempt to increase the underlying entitlements on the property. Gr councilmember is for hotels and motels, medical facilities, outdoor entertainment, automotive services, recycling collection facilities, and other things. The application that we saw originally does list some exclusions, but not for a lot of the uses, and if the zoning can be changed, what's the keep the protective overlays from being stripped off as well? It's fairly straightforward to request a zoning change, and I'm -- you know, overlays can be attacked, too. Applying gr commercial with a lot of exclusionary overlays will set a precedent for awarding extremely high zoning and then trying to manage it with conditional exclusions, which can then be petitioned and eroded away. The application says that the zoning should be changed to gr because there are other gr appropriates in the area. That argument could also be used to justify in zoning the entire tract single-family. These tracts were intended to have immediate uses to buffer the homes from heavy commercial uses of Springdale mall, not to bring it to their back doors. So at this point we have questions and now we're seeking answers. The first question is, what is it about this specific use and this specific applicant that causes this specific case to require gr commercial zoning when outdoor and indoor recreation uses are loud in many lower zoning categories?

[5:18:02 PM]

I ask city staff why this project requires gr commercial zoning for a non-profit civic application. Nobody had been able to answer that question yet or direct me to a written reference. I understand there's some discussion going on. The preliminary answer was to accommodate outdoor and indoor recreation and office and classroom activities. But if that's the case, then why aren't similar facilities around town required to be on gr zoning as well? A spot-check shows that some are on LI, some are on sf, some are on gr, and some are on other zoning categories. So

unless the specific -- the applicant is going to sell commercial recreational opportunities to the general public, like this, you know, batting practice cages or climbing walls or things where you can rent by the hour as a non-profit recreation provider, this seems to fall under the civic use of community recreation private, and can go in lower zoning categories. The mechanism that is built into the process for this is a conditional use permit, so it may turn out the existing zoning with a conditional use permit is actually the preferred, established, and correct way to handle this sort of thing. We would like that information. Why is the neighborhood plan being changed by commercial spot zoning? Austin spent \$11 million on neighborhood plans. University hills has a well-thought-out plan that provides a place for affordable housing and neighborhood professional services at these sites. This is a return the case by case spot zoning that neighborhood plans were created to prevent. Question three, what is the true purpose underlying the zoning change? From our perspective, there has been a lot of deliberate confusion and emotionality layered onto the project to obscure something else. Because so much inconsistent data has been presented from one meeting to the next, we cannot get an accurate picture of what's going on. We must evaluate the potential impacts on infrastructure and quality of life, not succumb to emotionalism.

[5:20:08 PM]

Four, why does the applicant refuse to move the building so its doesn't essentially moon the neighborhood? The schematic study which was shown shows the site of the facility shoved right up against the homes as close as possible as whatever is allowable on gleansboro and Ashland. What protects the neighbors from suffering the impacts of dumpsters being emptied, service trucks, and back door activities that any kind of facility has to have? In a recent discussion, the applicant quickly said they would go along with modifying some things that we were concerned about, but when asked to reorient and change the siting of the building away from the how's on grievanceboro Greensboro, they flatly rerefused. They didn't want to allow a building to be put somewhere else on this site. And what is to keep parents avoiding 183 from turning Ashland and Greensboro into a pick up with and drove off point and jamming into the streets? The traffic impact on neighborhood and area streets from bringing users to the site and parents picking them up will be great, and traffic will ultimately take the path of least resistance, and very lightly that will be the bluff small neighborhood streets of Ashland and Greensboro. How many people is the facility actually planning to serve? At the first may contact team meeting, the applicant stated that the facility would serve the 1,000 Austin achieved public charter school students one mile down the road. That's a lot of van, bus, and car trips between the two places. People in the bluffs feared the same hazardous causing problems will be brought to their neighborhood as well. More recently, the service number has been down sized 250 students per week to be bused in from four aid schools, three of which are several miles on the far side of 183. So to kind of finish up, some of us -- and I'm just going to address this straight on -- some of us has been characterized as being against children or against youth programs.

[5:22:11 PM]

We see this as a distraction to conceal some other purpose, and, you know, when a magician starts waving his arm, you look at what the other hand is doing, so that's what we've been trying to do. The value of programs for children in Austin is not the issue. There are many kids'

programs in the neighborhood, including several school based boys and girls clubs. We understand that the legacy program -- or project was one that Austin is maybe the largest city that still does not have something like that, and they want to have one. And we understand that. So given the many questions that are hanging out there, we respectfully ask that you not approve the upzoning and the Flum change at this time. We would like to get answers to the questions of why, or even if this project requires gr commercial zoning because we think that even if there are other controls put on it, it will be moved back up at some point, and we would like the appropriate people and departments to look into the possibility of using the established means of applying a conditional use permit to the lower zoning categories to address this. Thank you very much. I appreciate your time.

>> Mayor Adler: Thank you very much. Is Terrell Gates here? Mr. Gates. Is William Talbot here?

>> He stepped out for a phone call.

>> Mayor Adler: If he's going to donate time to you, we need him. We also have chuck Carroll.

>> In the back there.

>> Mayor Adler: You can start, and you have six minutes, and if he comes in those six minutes - or you could wait to speak. Your preference.

>> I think here he comes.

[5:24:14 PM]

>> Mayor Adler: Okay.

>> Mayor Adler: You have nine minutes.

>> My name's Terrell Gates. I'm chairman of the boys and girls club of the Austin area, chairman of the board. I'd like to just visit with you very briefly about what the club does, the impact that we have so that you can understand why this project is so important. Then I'm also going to share with you why I'm involved in this organization and why we specifically need this asset in the community, in this location. So I think most of you already know the boys and girls club is by far the largest youth development organization in the city of Austin. Nationally, we serve about four and a half million kids per year. Here in Austin we serve about 12,000 kids per year. What we do, though, goes way beyond babysitting. We are a youth development organization that's focused on three legs of our stool, character and leadership development, academic achievement, and healthy lifestyles. As far as impact, some of the things that we're most proud of is, number one, we had a hundred percent high school graduation rate last year. Number two, we have 15% less truancy and higher gas, and number three, 57% of our club alumni say the club saved their lives. So this organization has had major impact on communities around the country, as well as here in Austin, and very specifically, there have been a number of economic impact studies that have been done on boys and girls clubs around the country. The outcome is that a dollar invested in a boys and girls club leads to somewhere between \$14 and \$16 in return on investment on the community at large. The reason why my family has become very involved in this organization -- I've been on the board for nine years now -- is, I've been fortunate and blessed to be involved with a number of philanthropic community Oranges in Austin over many years, and many of these organizations do a great job of impacting a small number of people in a very meaningful way.

[5:26:14 PM]

There are other organizations that impact a large number of people in a modest way. I've never seen an organization that impacts more people in a more profound way than the boys and girls club. So I would think this asset for the community would be something that everybody would be terribly excited about. The problem that we have in Austin, despite all these wonderful things that we do at the boys and girls club in serving 12,000 kids a year, is a lot of the same things that I heard you guys talk about for the last 45 minutes. Lack of affordable housing, the income gap. I think we all know that Austin was named the number one wealth gap city in the country this past year in a study, and I think we all know that the problem is not abating, it's getting worse. So from 2000 to 2012, when the city of Austin was expanding by 35% in population growth, which is extraordinary, during that exact same period of time, I think most of you probably know that the kids living below the poverty line in the city of Austin also grew by 149%. Well, at the boys and girls club, we predominantly serve kids of color and we serve kids living below the poverty line. Nearly 90% of those kids we serve live below the poverty line. So we think the boys understand a girls club is one possible solution to this enormous income and wealth gap that we see here in Austin, and in particular, we think this facility is one major arrow in our quiver to help drive a transformational outcome for this specific area, as well as for the city of Austin at large. The reason why we want to be in this particular area is really kind of four-fold. Number one, we would immediately be able to serve 250 kids per day that we cannot presently serve at our school-based clubs in the area. Number two, we can provide programming here that we can't elsewhere. Now, the reason why the boys and girls club has had such tremendous growth here in Austin over the last 10 to 12 years is because we have gone through partnering facilities. We have 25 partner clubs around the city.

[5:28:15 PM]

These are facilities that are in aid schools, del valle aid schools, parks & rec, housing and urban development. We're great at partnering, and we're great at getting cheap or low-cost or free places to serve these kids. But the problem is, is none of these facilities were ever designed to be a boys and girls club, so we are limited by the programming that we can provide at these facilities. The other problem is, is, these facilities, by definition, are temporary. And, in fact, we're dealing with a very real problem right now, not too far from this area, where because this is definitely a temporary solution, we may have a scenario where kids are not going to be able to be served at the boys and girls club. Well, what this legacy club does for us is it provides us consistency that when a club shuts down because we don't control or destiny at these partner clubs, we can bring them to this particular facility. So not only can we serve the kids in the immediate area that we can't presently serve today but we can bring kids from other areas that may not be able to be served in a boys and girls club because we lose our partner facilities. The other real benefit of creating and building a legacy club, and as our friends mentioned, this is, by far, the largest city in the country without a legacy club. Most cities around the country, the vast majority of their boys and girls clubs is delivered in stand-alone clubs exactly like this. Well, what happens is, when you build a new legacy club or stand-alone neighborhood club in a community, it becomes transformational for that boys and girls club organization going forward. It puts you on the map from a branding perspective because the reality is, the boys and girls club is one of the best kept secrets in towns as it relates to youth development. Number two, it is transformational for fund raising, not just building a facility, but also for providing financial

programming for many years to come, because from our perspective, it's our job to narrow the gap between the 12,000 kids we serve today and the other 50,000 kids living below the poverty line that are presently not receiving out of school time programming.

[5:30:27 PM]

Out of school programming. So the reason why this site is good for us is twofold. We basically did a study, did a heat map looking for where the greatest number of kids that need us, where is their out of school time programming being provided and where is a big chasm or gap between those two? It's simply a demand study. We studied three areas of town that we felt met the criteria. We investigated those three areas of town, we investigated the sites throughout those areas and we were ultimately able to decide that this particular area and this particular site are deal for the desired outcome. We think we can serve more kids in more profound ways than around community. In closing what I want you to know also is that despite what was says earlier, this is not a 94io where we hope we can get this age and we'll raise the money and close this thing. This property is under contract. If you guys see it in your wisdom to support this, we will be closing on this property in 30 days. We have \$30 million of commitment and resources already even they we have not begun our external fund-raising process because there are so many people behind us. We will be closing this land very quickly as receiving, we hope, this approval. So in summary, I hope that you see the wisdom of providing this asset for this particular area and for the city of Austin at large. Thank you.

>> Mayor Adler: Thank you. It is now after 5:30. We're going to go then to the dinner break beginning with live music and proclamations. Do we want to reconvene here at 7:00? 6:45? 7:00? Sorry?

[5:32:27 PM]

>> 6:30.

>> Mayor Adler: 6:30.

>> Can't make 6:30.

>> Mayor Adler: 7:00. We'll reconvene at 7:00. We'll take a recess now for live music, proclamations and dinner.

[5:40:43 PM]

>> Mayor Adler: We've now gotten to absolutely the very best part of Austin city council meetings.

[Applause]. We get to listen to some music. You know, around about 1:00 or 2:00, I start leaning in to the times. I think it says something about the Austin city council and about our city that when we get to 5:30 we stop and we celebrate music in this community. And today it's a special day. Today we have Kathy Murray and the kilowatts with us. Kathy and the kilowatts feature Kathy Murray on vocals. And Dylan on the up right bass and Richard Ross on drums. But not tonight.

[Laughter]. And Nina tonight on drums.

[Laughter] In November of 2015 she released her new CD groove. And it's currently receiving radio play in all 50 states in the U.S. As well as overseas. You know, this CD is a slice of Texas

blues history, a taste of time when there was something special in the air and magic was emanating from the Austin blues scene. Please help me in welcoming Kathy Murray and the kilowatts.

[Applause].

>> Honorable mayor and councilmembers, esteemed guests and beloved family members, it's our pleasure to be here with you today.

[5:42:46 PM]

We have just completed a tour of six of the major cities in Australia. The lord mayor of our sister city Adelaide, mayor martin haysey, who is a huge Stevie ray Vaughan fan, asked us to please send our very best regards to mayor Adler. A bit about what inspired me to write the song we're going to play for you today, years ago I read an interview with our former district attorney, Ronnie Earle, and he made a statement that really stuck with me. He said "Child abuse is a cradle of crime." For years I've been with a program that provides one on one mentoring with at-risk students dealing with incarceration issues. The song 10 most wanted is one I wrote. Please let me introduce these fabulous long-time Austin musicians, Jeff Vaughan on the bass.

[Applause]. Nina Singh on the snare drum. And bill Jones on the guitar.

[Applause].

[♪Music playing♪].

[ Singing ].

[5:48:55 PM]

[Applause].

>> Thank you. You're so kind. Thank you.

>> Mayor Adler: Thank you so much. So if someone is watching this and wanted to know where they could come hear you next, where are your next gigs in town?

>> They would need to Google Kathy and the kilowatts and they would find a link to our website. We have a list of our full band and duo shows. We have a bunch of shows in April in the Austin area. Two shows I would like to highlight, we have a regular fourth Saturday of every month at the blue moon, a residency that we've had over a year. And the great blues Roy Hubbard, a legendary blues player in Austin, joins us for those shows. The next one is Saturday, April 23rd at the blue moon, northwest corner of oltorf and I-35. And then the next day one of our favorite shows to do is at the continental club. It's an afternoon matinee called planet Casper. Casper does is every Sunday from 3:30 to 6:30 and we will be there orbiting with the planet Casper on April 24th.

>> Mayor Adler: Great. And who would what would be the website address. >>

Kathymurrayandthekilowatts .C kathymurrayandthekilowatts.c om. The best way to find our music is to go to Antone's record shop.

[Applause]. And if you're not in Austin, we're on CD baby.

>> Mayor Adler: And I get to read a proclamation. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talent extends to virtually every musical genre. And whereas our music scene thrives because Austin artists support good music produced by legends of our local favorites and newcomers alike. And whereas we are pleased to showcase and support our local artists.

[5:50:58 PM]

Now therefore I, Steve Adler, mayor of the live music capitol, do hereby proclaim April 7th of the year 2016 as Kathy and the kilowatts day. Congratulations.

[Applause].

>> Thank you so very much, mayor.

>> Kitchen: Hello, everyone. I have the honor of honoring one of our local talent, Thomas Robertson. So I'm going to read from the proclamation. It says be it known that whereas Thomas hunter, tommy Robertson, has been contributing to Austin's business and music community providing tools of the trade for Austin's drumming population since 1969 with the opening of tommy's drum shop. And most notably before and since the formation of Austin's drummer co-op he has provided invaluable education opportunities by bringing notable luminary professionals to share their working knowledge of drumming in the professional domain, as well as local Austin drummers who share their knowledge of working in the local market.

[5:53:17 PM]

And by the way, he says it's never too late to start drumming. And whereas the Austin drummers co-op recognizes and acclaims tommy and Stacy Robertson for their contributions to the musical community and now therefore I, Ann kitchen, on behalf of Steve Adler, mayor of the city of Austin, do hereby proclaim April 7th as tommy and Stacy Robertson appreciation day.

[Applause].

>> Thank you very much. Thank you to the council. This is a great honor. I'd like to thank Rick furley, a friend of mine who is in the audience right now. And all the customers and friends and players in this city. Great music city in town as y'all know. And so it's been a real pleasure being a part of this and I wish my wife could be here with me today, but she's been an integral part about what I've been doing and love and supporting me. And I just really appreciate this very much. Thank you so much. Oh, and thanks -- special thanks to the mayor as well who if you don't know, was the original drummer with guns and roses.

[Laughter].

[5:55:29 PM]

>> Pool: All right. I have the privilege of reading this proclamation to some folks who have come back to town to put on a show. So is everybody ready to go? All right, all right. Here we go. The proclamation, be it known that whereas Holland Taylor, Philadelphia, Pennsylvania Yankee that she is, has spent eight years creating Ann, and once again steps into the boots of Ann Richards, giving a tough as nails, funny as hell, no holds barred portrait of the legendary 45th governor of Texas. And whereas governor Richards was known for her sharp wit and strong personality before she opened her mouth, and as an unforgettable figure once she did. On her propensity for playing cantankerous women, Ms. Hole listened said I'm making a swath of bitchiness throughout the world. And she sold out in galveston's 1884 opera house, San Antonio's theater and Austin's paramount theater, followed by smash hit runs in Chicago and Washington, d.c.'s Kennedy center. And whereas Ms. Taylor was made an honorary texan and a lone star flown over the state capitol in celebration of Ann's Broadway opening at Lincoln

center's prestigious Vivian Beaumont theater in 2013, earning Ms. Taylor a Tony award nomination as best actress in a play. Now therefore I, Leslie pool, councilmember district 7 on behalf of Steve Adler, the mayor of the city and the entire city council, do hereby proclaim April 14, 2016 as Holland Taylor day. She is not here with us today, but we have some folks who are going to take this on her behalf.

[5:57:30 PM]

Mr. Stakely.

>> I'm Dave stakely, the producing artistic director at Zach. Ann is transforming herself as we speak. For all of those of you who are from central Texas who knew and lived Ann Richards, she has given us a tremendous gift by bringing Ann back for us in an extraordinary portrayal that I hope you will all get to see in the next five weeks. Holland is incredibly grateful and honored by this proclamation and she spent a lot of time here over the past decade researching and working on the character of Ann Richards and has by proxy become the substitute for many people in our community. So we're grateful to you for this and Holland is deeply appreciative. Thank you. [Applause].

[5:59:38 PM]

>> Houston: Good evening, my name is ora Houston and I represent the good people of district 1. This afternoon I have the privilege of presenting a proclamation to recognize sexual assault awareness month. This is always a great privilege for me because I am a victim or a survivor of sexual assault by a husband. So I have a deep and abiding care and love for women who -- women and men who go through this horrible experience. According to the Texas statewide prevalence study on sexual assault in 2015, which was a random telephone survey conducted in Spanish and in English, the key findings were that sexual assault affects all genders. Women, two in five, are twice as likely to be sexually assaulted as men, one in five, in their life times. 70% of sexual assaults are committed by a perpetrator known or related to the victim. And sexual assault continues to be underrepresented -- underreported crime. Only 9.2 percent of victims report their experience to the police. So we all encourage everyone to become each interaction with survivors by believing in them when they courageously choose to come forward with an assault. We encourage everyone, that's everyone in our community, to start believing. Don't let the stigma stop you for helping someone. So now I'm going to read this proclamation and it will be accepted by Sandra moliara, director of safe place. Be it known that rape, sexual assault and sexual harassment impact community with statistics that two in five women and one in five men will be raped at some point in their lives.

[6:01:46 PM]

And whereas one in six boys and one in four girls will experience a sexual assault before age 18 and youth ages 12 to 17 are 2.5 times more likely -- likely to be victims of rape or sexual assault than other age groups. And whereas victims are far more likely to disclose their sexual assault to a friend or family member so it is important that those loved ones respond without shaming or blaming so that the victims don't suffer further negative effects. And whereas the start by believing campaign is designed to improve the responses of friends, family members and

community professionals so that they can help victims access supportive resources and engage the criminal justice system. Now therefore Steve Adler, mayor of the city of Austin, proclaims April 2016 as sexual assault awareness month in Austin, Texas. Sandra?

[Applause].

>> Thank you. On behalf of safe alliance, which is a partnership between Austin children's shelter and safe place, I want to thank the city of Austin for recognizing the epidemic of sexual assault and abuse in our community. Safe is very proud to continue working with the sexual assault response and research team to continue improving our community response to sexual assaults and to increase justice for all survivors. If you know anybody who is need of support please all our hotline at 512-267-safe. Thank you.

[Applause].

[6:04:51 PM]

>> Mayor Adler: All right. So we have before us today receiving a certificate of congratulations some winners. This certificate of congratulation is being issued today to congratulate the media arts department of Austin high school. They took first place in the clean air force -- clean air force of central Texas high school public service announcement air quality contest. They created a well-researched and thoughtful psa, public service announcement, featuring actions individuals can take to reduce ground level ozone in our area. And we are pleased that they are taking an active role in educating themselves and all citizens about how small efforts by each of us can improve local air quality. This certificate is presented in recognition of this attention-getting ad this seventh day of April in the year 2016, awarded and recognized by the city council of Austin, Texas, signed by Steve Adler, mayor. Congratulations to the department.

[Applause].

>> Hi, everybody, my name is gill Garcia, director of media. This is a great effort. I'm super proud of them, being a video dad of them. We put on -- we have a stellar crew here along with some actors that made this happen.

[6:06:54 PM]

And our spot was written and directed by Miranda gershoni right here. I want to give a big applause for her. She did an amazing job. And the crew behind me that you see all made it happen. And I do want to make a special shout-out to our cast. We couldn't have done this without a believable dad and mom in the car and a believable little kid who was overzealous walking around the community giving tickets for having your car running in the driveway. And we got so lucky in casting livvy Hoffman right here. As you can see she's just as cute as a button. And I want to extend the prize that we won to her, so livvy, if you could come up here and get this galaxy tab, we all want you to have it and we're super appreciative of you.

[Applause]. I just want to relate a quick story. It was 40 degrees and sunny when we shot this. It was a beautiful day. And all of the crew could have coats and hats. We were all bundled up, but livvy had to have this boy scout uniform with short sleeves and she was just dying. And her mom would come around as soon as we said cut would come around with a blanket and cover her up and we would push her into the garage sometimes if we were going to be a long time in between takes. And she took it like a pro pro, never complained, never needed a break. Was always ready to go, had her lines down before we even got there. So I've got to say again we're super

appreciative of your professionalism and we couldn't have done it without you. Thank you.  
[Applause].

[6:10:13 PM]

>> Mayor Adler: This one is pretty exciting to me. You know, we were at a fund-raising event. It had the auction period and we auctioned a day in the mayor's office. And you just never know who it is that's going to win something like that when you put it up for auction, but in this case, in what was an incredibly wonderful surprise and gift to me, the bidder for the auction won this auction on behalf of the women at the Ann Richards school. Ann Richards school always is something real special to me from when it was formed. Not only because I knew the Richards daughter that basically runs that school, run that board, but governor Richards was always a hero of -- a personal hero of mine, as was so many, many folks. And I spent some time with the gen Austin out in the trailer behind the school so I'm just real excited that y'all are here and I look forward in a moment to being able to spend some additional time with you up in the conference room to hear how the day went with my staff. But to recognize this day we have a proclamation, be it known that whereas Ms. Wendy Rodriguez, Ms. Alana Gonzalez, Ms. Chandler lincizini, Ms. Marlene mora, Ms. Katherine nunbi, have shown excellence in thought and objective as mayor for a day.

[6:12:20 PM]

And whereas these young women recognize that the issues the city of Austin faces are as much a part of our identity as are successes, and that the city must represent all constituents fairly. And whereas these young women prioritize equitable access to opportunities, services and amenities, and acknowledge that equitable access to education is especially important to the city's future quality of life and economic prosperity. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim these students of the Ann Richards school for young women leaders mayor for a day. Congratulations.

[Applause].

>> Thank you so much, Mr. Mayor. We would like to say that this wouldn't have been possible without Beverly dale and others. We're all planning to return to the city hall as volunteers, interns, councilmembers and even the mayor. Thank you so much.

[Applause].

[6:14:57 PM]

>> >>

[6:29:55 PM]

>>> >> >>> >>

>> Mayor adler:so I think we

[7:07:05 PM]

have a quorum. So we can go ahead and gear back up

>> Houston: Mayor Adler, while we're gathering back up, point of privilege

>> Mayor Adler: Yes

>> Houston: We've been invited to the grand opening of J.D. Supermarket, a 52,000 square foot supermarket off -- on Decker Lane and Loyola and they'll be breaking ground on Friday the 15th at 4:00. This is one of the things that we've been talking about in spirit of east Austin, the lack of any grocery stores and so somebody has put one in. So I think we need to be appreciative of that.

>> Mayor Adler: That's very exciting. All right. I think the last speaker that we had was Terrell Gates so the next speaker we're going to have will be Joan Barts.

>> And I swear I'm going to get a recording that says "For the record, my first name is pronounced Joanne."

>> Mayor Adler: I apologize.

>> That's perfectly all right. It's on the record.

[ Laughter ] Anyway, good evening. I hope y'all had a good supper. I'm speaking here tonight -- um a member of the contact team.

[7:09:09 PM]

I'm speaking here today as my role of president of the University Hills Association. We've been in business 48 years, going on just about, I believe. We've handled a lot of zoning cases in that time, some extremely large, one involving a lawsuit. We won consistently. We're a single family residential neighborhood, have been, and this is what we're trying to protect right now and that is why, as president, I'm authorized to say that the association does not approve of the requested zoning change in any shape or form. If it were approved, if it were approved, it would be the first crack in the foundation that's going to break up our neighborhood plan and our

[indiscernible] And that would be just ginger peachy fine with the real estate industry and all the other associated interests who would love to see our whole individual family neighborhood just go completely disappear. I even had a developer tell me that in the course of imagine Austin, that -- he pointed his finger and said that's exactly where all the commercial development should be and that was my home, University Hills. So we've been on record for sometime. At any rate, we don't approve of it. And I'm going to speak tonight to something which you probably won't like but that's okay. 88 years ago, that city council was stupid enough to authorize an ordinance or a rule or whatever they called it then to put people of color east of I-35. Called East Avenue back then. And what I'm going to say is

this: That's still alive and well. There's a little stench that have going on when things like this come up that you have to address. Those of us who live over in east Austin, which I proudly do and have for 48 years, we're not treated the same.

[7:11:10 PM]

You have a developer come in and they've already been to the city and got it all laid out and then come to us and expect us to automatically endorse what they have. It ain't gonna happen. I don't like the fact that we're treated differently. I've heard it referred to as that plantation attitude, where we know what's best for you. Just sit down and be quiet, we'll tell you and be grateful for what you get. That ain't gonna happen either. At any rate, we don't agree with this zoning. We want our single family residential neighborhood to continue to exist, which it will.

[ Buzzer sounding ] And that's the end of my remarks. Thank you.

>> Mayor Adler: Thank you.

>> Okay.

>> Mayor Adler: Next speaker is Kerry aladanini.

>> Hi, it's Kerry aladanini. Good try though.

>> Mayor Adler: Thank you.

>> Appreciate it. Good evening, councilmembers, my name is Kerry aladanini, I'm a neighborhood of university hills, business woman of university hills, mother of two and active member of the university hills neighborhood association. Our home is located three homes away from the proposed site from the boys and girls club legacy club site. Current zoning as it stands leaves many risks that would negatively peak walkability, traffic and congestion in manner that does not support the overall vine of my neighborhood. I was thrilled to hear that boys and girls club would build their center there. Was heard the university association was -- as a member I have made every attempt to listen and try to understand their position. I've come to the inclusion that there's no real concern except for the overwhelming resistance to change but change is coming about as a realtor I have witnessed more than 300 new families move to university hills in the past five years.

[7:13:23 PM]

This represents more than 30% of the neighborhood and only a small faction of them are even aware this debate is even happening. These nuns do not include the multitude of renters that reside in many apartment homes and rental homes who are just as likely if not more to benefit from the services of the boys and girls club. All development must be in balance with the goals and needs of a neighborhood and I can't think of a better addition than the services for this organization to my neighborhood in -- to my myneighbors in university hills and other neighbors in the inventing communities. God blessed me with a heart and soul for service so I have no issue with opening my neighborhood to neighborhoods that could benefit from the services of the boys and girls club. I want to be clear, the unha has not supported my view of this issue but I'm very grateful for their watchful eye and all the hard and many times thankless work that they have done to make university hills a place that I chose to raise my family in. However, there are also many new families that represent the next generation of the neighborhood families that do not support or do not understand the uhna's official position. Councilmembers, I'm asking you today to vote yes for the necessary down zoning changes that would allow the boys and girls club legacy club to be built on this proposed site for me and my family, this is an easy choice. The only thing I do not agree with and I think it's a general consensus for everybody, is there's a proposed walking path from Ashland drive to 183 that runs along the back of the homes on Greensboro that I think would cause a lot of problems. It's basically --

[ buzzer sounding ]

-- A fenced in alleyway that is just not a good idea for a neighborhood. Thank you.

>> Mayor Adler: Next speaker is Al Webber.

[7:15:37 PM]

>> My name is Al Webber, member of the university hills contact team. Neighborhood plan contact team and also a member of the neighborhood association. I'm basically here to speak

about two of the points of contact, turner lane, when the applicant first came anxious gave a presentation they seemed to be either unaware or thought they were unaware that turner lane was not a public street. One of the things we suggested to them was they contact HEB to see about getting use of some of that property. A imitation I had with Leslie sweet at HEB, she -- when I asked what is the status of that, she said they were agreeable to -- it's still ventricular right now, a few feet of easement for emergency access to both properties and when I sought more details, she would come back to a few feet of easement for emergency access. So that's where that's at. It looks like they are working with HEB in that regard. But we don't know what the end result will be. We did have a joint meeting with the applicant, and in the April 4 letter that the applicant sent to us summarizing their understanding of the meeting, one of our big issues has been the pedestrian path and access from Ashland to the site. We are very, very concerned that parents won't want to use 183 to pick their kids up. They have said they will instruct parents to use 183, but, you know, we all know there's parents who will tell their kids we'll go out the back gate and I'll pick you up on Greensboro and Ashland. We don't want those streets to become a parking lot for people picking up people perfect the facility so we're very concerned that that walking path not be there. The letter that the [indiscernible] Group sent us with the summary of the meeting said, quote, the pedestrian bicycle path was requested from city staff to provide for more complete and connected neighborhood. The boys and girls club are willing to remove this to accommodate your request but that decision will have to come from city council.

[7:17:55 PM]

So what we're asking city council to do is instruct staff to remove the pedestrian path from the site plan. That's an issue we can revisit several years down the road through the contact team, but I think the neighborhood's apprehension about what will happen on the site need to be alleviated first. The pedestrian path is not relevant to the boys and girls club's mission. It's just a pedestrian path. That's all. Thank you for your time.

>> Mayor Adler: Is the pedestrian path you're talking about the same path that the last speaker talked about?

>> Yes, sir.

>> Mayor Adler: Thank you. The next speaker is Devin Spencer.

>> Good evening, mayor, councilmembers. I'm here this evening as a university hills homeowner, a boys and girls club employee, and a mother of two who is raising my children in the university hills neighborhood. I like to ask you to support the planning and zoning commission's recommendation to build a legacy club on the site proposed. As a homeowner I am invested in university hills community. I believe it is an appropriate use of the land there, more appropriate than other choices, other options. As a boys and girls club employee for the last six years, I know first hand the impactful, meaningful and life saving programs that our clans provide to the kids in our communities and as a mother of two small kids, I know how hard it is and I know that when my children become a little bit older I will be looking for a place to take them after school, a place where I know that they're safe, a place where I know that they're building long-lasting and meaningful relationships, a place where they're going to gain skills and become better kids and better citizens overall.

[7:20:02 PM]

I would like to say that the university hills neighborhood association does not speak for my there's, and I would greatly encourage you to support the planning and zoning commission's recommending. Thank you very much.

>> Mayor Adler: Thank you. Is Vera gibbons here?

>> Yes.

>> Mayor Adler: And then Kelly crook will be on deck.

>> Mr. Mayor and councilmembers, my name is Vera gibbons, I'm the vice president of the university hills neighborhood association. And I am not in favor of changing the zoning for -- it's been mentioned so I guess I'll have to go ahead and say it, the legacy boys and girls club. I was very upset the other day when I saw KXAN do a story, and the story was that we were against the boys and girls club, which is a lie. It's not true. We have children. Why would we be against a boys and girls club? But we are opposed to where it's located. So I contacted several neighborhood associations, colony park president, the lbj neighborhood association, I contacted peek an springs neighborhood associations, who were identified in this KXAN story about how the only neighborhood association mention who had was opposed to this boys and girls club was university hills.

[7:22:08 PM]

Well, we have dotty Jordan recreational center on Loyola. It's been there for years. It's not new. We also have the ymca not very far away. And I think people need to learn the culture of the community where you are coming to and participating in. I sent each of you and, mayor, a copy of a letter from Mrs. Barbara Scott. I don't know if I have much time to --

>> Mayor Adler: You may have more time. Is Barbara Scott here? There were two people. And is Betty Williams here?

>> She's here.

>> Mayor Adler: Okay. Then you have a little over six minutes left.

>> Okay. Dear mayor and councilmembers, it is my understanding that in a recent KXAN report, concerning the proposed building of a boys and girls club, it was mentioned that this project is supported by colony park. This is far from the truth. To my knowledge, no one in a position of authority has contacted the colony park neighborhood association concerning this project. Mr. Michael tolover, who is a member of our colony park community development corporation informed me several months ago in passing about this project. But as well as I can remember, I haven't spoken to anyone else about the project. After speaking with neighborhood leaders of the university hills community and listening to their concerns of access and traffic to and from the proposed facility, it is only right that I inform you that the colony park neighborhood association and the colony park lakeside community development corporation is in agreement with the university hills neighborhood association and give them their full support in their opposition to the up zoning request initiated by the Denner group and jimmy

[7:24:47 PM]

[indiscernible] -- I hope I didn't mispronounce his name. We are not opposed to development, especially economic development, but we will oppose any development that is not suitable for our communities. It is also my understanding that the university hills neighborhood association

was not consulted in the planning of this project. The developer approached the community after the decision was made. As you know, the colony park community work tirelessly with the city departments to ensure that communities would be included in all decisions making process -- all decision-making processes concerning future development. It is disheartening to realize that we are still being disrespected and disenfranchised and it's signed -- well, Barbara Scott, president, colony park neighborhood association. So all I can say is Dottie Jordan recreational center is a part of the recreational department, the city of Austin. We already have a facility that young people can go to and enjoy recreational activities. Thank you.

>> Mayor Adler: Is Kelly crook here?

>> Good evening, council and mayor. My name is actually misty potter. I will be reading a letter on behalf of Kelly crook, she was here and had to leave us at the dinner break. Before I make my remarks on behalf of Kelly I'd like to say a couple of things. I've been in boys and girls club for 20 years and I never heard it remarked or referred to as unsuitable for a neighborhood of any kind so that's an interesting comment that I've heard a couple of times now, and from what I have experienced over the past 20 years the boys and girls club is absolutely suitable for any neighborhood regardless of what kind of neighborhood it goes into.

[7:27:09 PM]

Good afternoon, members of council and mayor Adler. My name is Kelly cook. I am a native austinite, a graduate of Austin public schools, and the university of Texas. A long time allandale resident and superintendent of schools for del valle independent school district. I'm here today to speak on behalf of the boys and girls club and their desire to construct their first stand alone structure in Austin. But these clubs must compete for space about other district programs and lack of funding which prevents us from expanding to other schools. The proposed legacy club would allow more of our students to participate in quality afterschool programs at the location as accessible to many of our families. It would also provide additional summer programming, those affordable, structured and meaningful in an area where options are growing scarce. Austin has grown a great deal, almost exponentially. In my time here and I fear as we build more and more housing we may forget about the importance of adding recreation centers, community centers and parks accessible to everyone. Giving our children a safe place to learn, play and grow surely benefits us all. You may wonderer why I'm speaking in favor of a community that isn't directly located in my community and that that I serve. I'm here because this is my hometown. I believe all her children are everyone's responsibility and you hope you will support the construction of the boys and girls club for their benefit, signed Kelly crook, ph.d. Superintendent of schools del valle ISD. I would also like to clarify for the council that there is a tremendous difference between a recreation recreation facility and youth development organization. I don't need to reiterate the statistics and impact that a boys and girls club has on the children we serve. Because Terrell Gates did it extremely eloquently as our board chair and a volunteer, that he understands what we've done for the children of Austin, and we hope that you will help us continue to do that in the area that we're proposing this site.

[7:29:17 PM]

Thank you.

>> Mayor Adler:.

>> Mayor?

>> Mayor Adler: Yes, yes.

>> Pool: Could I just make sure that we have this speaker having signed up? Because I know Kelly crook was on the speaker sign-up but I'm not sure we have you on the sign-up.

>> Mayor Adler: We do, misty potter was 13 in the order.

>> Pool: Thank you.

>> Mayor Adler: No problem. Next speaker is Seth fowler.

>> Now, the next speaker I have after Mr. Fowler I have on one list as Denzel, but I don't have a last name with that but I don't see a Denzel on my list of speakers. So I point that out in case someone wanted to go to the clerk. Sir.

>> Thank you for this opportunity. You've already mentioned my name so I am the chair of the university hills contact team. There are two organizations of course, the neighborhood association and the contact team. I'm here to speak to that. I wish we were on Mt. Burnell because I would at my very loudest praise the good things that the boys and girls club do. There's no denying that. They help students. They help families. I want you all to know that. They are very -- everyone in our neighborhood, university hills neighborhood, would come down and say the same thing. However, it is not about the virtues of what they do. This is about zoning and aye the negative impact of traffic in our community.

[7:31:17 PM]

We went through a process from 2005-2007, neighborhood planning process, in which we deemed zoning for this particular property that it current has appropriate for the residential character of our community. Now -- so which is sf-3, sf-6 and lr. Now we're being asked, after all those many meetings, to change the zoning to -- you've heard it called speculative zoning, to change the zoning to allow for this particular project to go through. And to be quite frank with you, I'm not certain that the zoning that the applicant wants is needed. Although we've had meetings to discuss that. So we're in opposition. I want to tie this up in a neat little bow. We're in opposition because of the zoning request and because of the negative traffic implications that will be brought to our community, despite what you hear about the traffic will be negligible and so forth and so on. We don't know. Now we hear there might be students being bussed from del valle. That's something new. We hadn't heard that before. So that will increase traffic if that does happen. They say that they looked at some 30 or so properties around the Austin area. This happens to be their diamond. So if that's the case, then let's work with the community to reorient the building towards turner lane, away from the homes.

[7:33:18 PM]

Let's look at some conditional overlays and conditional uses.

[ Buzzer sounding ] Thank you.

>> Mayor Adler: Thank you, sir. Hold on a moment, Mr. Fowler. Mayor pro tem.

>> Tovo: Sorry. Sorry about that. Mr. Fowler, you were concluding with some suggestions about the project. And I wondered if you could just touch on those.

>> In --

>> Tovo: I heard you saying reorient the building toward turner and then what was your second suggestion?

>> My second suggestion was going to be no crash gate at all. If the councilmembers vote to project forward, then I would like to see the building reoriented towards turner lane, away from - away from the residential homes, no crash gate because then they will have two accesses from turner lane and 183. So is there really a need for a third access? I don't know. So as -- so those are -- those are three of the issues.

>> Tovo: Thank you.

>> Okay.

>> Mayor Adler: Yes?

>> Pool: I had a question about that too. About the reorientation of the building. I had in my notes that the developer had said that the neighborhood didn't care about the orientation of the buildings but my understanding was that you did. It sounds like you do.

>> Yes. Yes.

>> Pool: So I --

>> We do.

>> Pool: So I would have a question of the developer next opportunity, Mr. Dre. This NER, maybe he can answer that question about the reorientation of the building so that the backside is not -- if this is going to be built, there should be appropriate respect given in the facing walls to the neighborhood.

[7:35:19 PM]

>> We asked that and we were told that due to additional costs, that's why it was not -- could not -- would not be something on the table. I'm not an architect so I don't know.

>> Pool: Right. Thank you.

>> Mayor Adler: Thank you, Mr. Fowler. Next speaker is Melanie Webster.

>> Hello. My name is Melanie Webster.

>> Mayor Adler: Sorry.

>> It's okay. I've been a four-year member at the club at linear high school and my home life has never been the best. I typically live alone. My parents are just really busy but the club has been there for me, living alone isn't easy, handling depression and being a teenager also isn't easy, but the club has always a place, a safe place, for me to go when I had nowhere else to go. I was given opportunities that I never thought possible. This year I'm the Texas [indiscernible] Of the year, which means I'm the face of the boys and girls club for the entire state of Texas. I never thought that I could be in that position if these opportunities weren't handed to me, they wouldn't be there for me. So far, the -- just from the boys and girls club alone, I've gotten \$16,000 in scholarships and I'm able to go to college. And not have to fear about how I'm going to pay for it because they've reassured me many times that they're always there. They're buying me glasses because I can't see any of you right now.

[7:37:22 PM]

Studying biochemistry at UT is a big accomplishment for me ask it's a scary deal to be out on your own in this very real, very scary world but, again, the boys and girls club has constantly reassured me that that you remember there for me. But when I'm speaking up here I'm not just speaking for myself. I'm speaking for the thousands and thousands of kids that they will affect on into the future. Maya Angelou once said "I stand as one but I come as 10,000." So standing here

I'm not just standing for the one clubs that going to be built. I'm standing for the thousands of children and teens that will be affected by this club that have a safe place to say and to feel safe where they don't have pressures of friends at school or about where they're going to go after school. So thank you.

>> Mayor Adler: Thank you very much. Hold on one moment, please. Hold on, Ms. Webster. Ms. Gallo.

>> Gallo: The mayor knows I always ask the question to make sure that the young people in our community are registered to vote. And if you're not, I'm not going to embarrass you, but if you're not I hope you will register to vote and be sure and vote because there is no doubt in my mind that some day you will be up on this dais. So thank you for being here and thank you for what you're doing.

>> Thank you.

>> Mayor Adler: Mr. Casar.

>> Casar: I just want to tell you I've always been so proud and impressed of all of our vikings but you are so impressive. I've gotten a chance to hear you speak.

>> I've heard a lot about you. Thank you.

>> Casar: I hope it's good things.

[ Laughter ]

>> No pressure.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Thank you for testifying.

[7:39:22 PM]

Next speaker is Michael Dunn to be followed by Erica Taft.

>> Thank you, mayor, councilmembers for your time this evening and consideration on this matter. It's great to hear her speak about her experience with the club. It's really the essence of what the boys and girls clubs is about. I've had the opportunity over the last couple years to work with our youth of the year candidates like her and all of their stories like hers is inspiring in many ways humbling. Because of the journey, because of their resilience, because of how positive they are and because of their courage to get up here and share it with men's of the council today -- members of the council today. Her story like many of our youth of the year candidate stories resonate with me because it reminds me so much of my beginnings. My mom was 17 and was a high school dropout when I was born. By the age of five, there was three of us living in a subsidized housing community and our father wasn't with us. He was incarcerated and away from the family. Like many of the stories you hear in the youth of the year competition, we weren't off to a great start but today I stand before you as a proud member of this community. I'm a college graduate. I have a master's degree from Johnson Hopkins. I've worked and lived in seven cities around the country. I've traveled the globe. I've worked in travel in over 40 countries around the globe. I'm a vice president at Dell, a great representative of this community. I'm a husband of 12 years, a father of three girls running around here in favor of this measure for what it's worth.

[ Laughter ] And I'm a proud member of the board of the boys and girls club. I'm a men of the board -- I'm proud to be a board member of the boys and girls club because the impact it is having and will have in this community.

[7:41:33 PM]

I'm a board member of the boys and girls club because it's a club -- the club was the foundation of the bridge to close the gap between my beginnings and where I'm at today. My club was a modest building across the street from our high school. I see the schematics of this club and I'm jealous and I'm optimistic about what it will mean for this community. The club was the place where I spent my evenings after school. It was the place that I went to stay off the streets and to stay out of trouble. I -- trouble. I formed relationships and friendships are like-minded people who wanted to break the cycle of their families. And I'm proud to say that many of my closest friends today are from that boys and girls club where I participated 35 years ago. The club gave me hope, support, and guidance. The club helped me cross that bridge and close that gap.

[ Buzzer sounding ]

>> Mayor Adler: Finish your thought.

>> Thank you for your time today. I strongly am in support of the measure of this. Thank you.

>> Mayor Adler: Thank you. Erica Taft here?

[ Laughter ]

>> Mayor Adler: Thank you.

>> That was the shortest one tonight.

>> Mayor Adler: Is Andrew domkey here.

>> I'm good as well. Thank you.

>> Mayor Adler: Both of these folks have registered for the proposition. The next speaker would be shiranda Robinson.

>> Good evening, mayor, council. I'm not good. This is very emotional for me. I'm a former club kid from champagne, ill.

[7:43:34 PM]

I learned to crow change at the club, a skill I will probably never use or use many later in life but it was the connection between the youth development worker who gave me something that I couldn't learn at my family and a connection and all the conversations that we had at the club. And so some 30 years later, I have the opportunity to become a board member for the boys and girls club, and what is interesting to me tonight is that we're having a conversation, and I really think we need to redefine what community is and what it means to be a part of a community. And in my world and in my mind it means that we foster spaces and places inside of people where they feel cared for and where they belong. And also where they have an opportunity to express the best of themselves. And that's what the boys and girls club is about. That's what the work that the boys and girls club has done for me. Many of you know I have three boys. And I'm a single mother. And I have relied on the services of the boys and girls club to help me with my children. My oldest son is now a resident in the university hills neighborhood association. He lives in that community and is a strong supporter because he grew up as a club kid. And so I just want to say that I'm really -- I'm really disappointed, quite honestly, about the dialogue that we're having about whether or not this is a good idea for a community. I think that the details can be worked on. I think the details and the issues that -- from the space can be solved. But the message that we sent, that we care about black kids like my boys, that we care about hispanic kids, that we care about poor kids, and the opportunity that the boys and girls club does

something that no other organization does in this community, that we impact children from kindergarten through 12th grade.

[7:45:39 PM]

No other organization has the capacity to do that. And that happens in a building, a space, but it happens in someone's heart and in someone's life. And that really is the vote that you're making tonight. Is you do I support creating community and someone who is different than me, someone who doesn't have the same opportunities as me, someone who doesn't have the same voice as me. And so while I know we're talking about zoning and we're talking about orientation and bike and walking paths, I want to elevate the conversation back to the community and where it really rests and resides and that's in our hearts and I ask you to support this measure because that's what the boys and girls club does, it touches people's hearts. Thank you.

>> Mayor Adler: Thank you. Next speaker is Betty Williams. Is Ms. Williams here? Then we are back up to the dais. Those are all the speakers we have. Do we want the applicant to close? The issues that I heard that would be good to hear you address would be the pedestrian path, traffic, whether you could do lower zoning with a conditional overlay, reorient the buildings and the crash gate. If you could hit those issues that would be helpful.

>> Sure. Can I have the concept plan put up on the screen? Let me deal first with the orientation of the building. The building was placed in its location, as you will see it on the concept plan, for a couple of reasons. One is we thought that the -- from a neighborhood perspective, that it would be better to shield the neighborhood with the building itself rather than have all of the dropoff activities happen right up against the neighborhood. The second issue, the issue that does have to do with cost, is that on this concept plan, you'll see that the edge of the old landfill is outlined in black.

[7:47:54 PM]

So it basically traces the parking lot and then the tennis courts and basketball court. So that if we move the building, for instance, to the north, it moves us over the landfill and costs a tremendous amount in terms of construction because we'd actually have to remove all that fill rather than just cap it with the parking lot. So we have indicated to the mains that we would main sure that all servicing -- neighbors that we would make sure all services for the building would happen on the east side of the building. So there's nothing that's going to happen on the back part of the building that would cause any noise or any activity. The planning commission felt very strongly about having a pedestrian access point at the Ashland drive location. I would confess you to that I'm mystified why anyone want want a crash gate at that location, a crash gate I think we all understand what its function won. It would serve only one group of people and that won the people along Ashland drive or other connecting streets if there happened to be something going on at another location. It does absolutely nothing for the boys and girls club. It's only something that would help others if there happened ton a problem and emergency vehicles couldn't get to Ashland drive another way, for instance. So we have no dog in that fight. But I think it would be a poor idea to remove the crash gate. The pedestrian trail is something that city staff standard for from a connectivity standpoint. We're happy to do it.

[7:49:54 PM]

We're happy to take it out. Planning commission considered that idea and thought that it was -- needed to stay in but it needed to be behind our fence, in other words, within the purview of the boys and girls club so that someone took care of it. We're happy to do that but we're happy to eliminate that if others think that it's not necessary. It is not critical at all to the function of the boys and girls club. Let me close by dealing with two issues. One is the appropriateness of the zoning that we've heard a lot about tonight, and I would suggest you to that the planning commission dealt with that by suggesting that if the boys and girls club, for whatever reason, didn't happen, that they would limit uses to Ir uses. I know in conversations with others, that there is a -- some ideas that perhaps the area that's presently zoned sf-6 could be further limited. Frankly, I think all of those ideas are good ideas. We're fine with those sorts of limitations because nobody is trying to purchase this property and flip it with entitlements that exceed what are there today. We are interested in being able to build a boys and girls club. And that's the thing that I think is the more difficult thing for me to deal with. There's one conversation I think with regard to what's appropriate zoning. I think we can come to a resolution on that. I'm still mystified on why someone would say that this is an unsuitable location for a boys and girls club. I think you, as a -- the group that you are, understand what the boys and girls club does, and if there's any aspect of it, including most especially the traffic that is inappropriate for this area, I can't find it.

[7:52:02 PM]

So we can talk about how we protect the unlikely eventuality that the boys and girls club won't come here, but we're very proud to say we think this is a very suitable location for a boys and girls club.

[ Buzzer sounding ] Thank you.

>> Pool: Thank you. I'm looking at your drawing there, and it's the -- can you tell me whether the dumpsters and the loading docks are in this picture?

>> This is -- the original location had those on the area behind the building. In our conversations with the university hills neighborhood last week, we committed to move those to the eastern side of the project.

>> Pool: So if you could adjust -- help us with your drawing. So we're coming in Ashland drive.

>> Well, if you were coming in the -- from the --

>> Pool: Are those dumpsters there, those square boxes is this.

>> That's right. That bob moved over to the eastern edge of the building.

>> Pool: So this actually has not been updated.

>> That has not been updated.

>> Pool: Since you made changes so that stubout of gray concrete or asphalt for parking, it would be along there?

>> I'm sorry.

>> Pool: The east side of the property of the building.

>> The east side of the building, yes.

>> Pool: Is that where the stubout of the gray is in N.

>> Mayor Adler: Would you move the marker.

>> So the east side --

[overlapping speakers]

>> Pool: Could you point with your -- if you have an arrow. He needs to do it so everything can see it. Not just me.  
>> I'm not sure how to use your arrow.  
>> Mayor Adler: Do you have the arrow?  
>> She has the arrow.  
>> Pool: And then, okay, so that's the dumpsters and they are being relocated over to --

[7:54:07 PM]

>> Right there.  
>> Pool: Okay. What about the loading dock? Where are the loading docks?  
>> Everything loads through the front door. So there isn't a loading dock that would function loading through a backdoor. Everything goes through the front door.  
>> Pool: So the massing at the southern end here that's right next to the dumpsters, are those gymnasiums or classrooms? What are those? Yes, those -- there.  
>> That location.  
>> Pool: Yeah.  
>> That's the jiminates yum. Gymnasium is a further up high so that's office.  
>> Pool: That's the gymnasium there. What's that --  
>> Come on up.  
>> Pool: You'll trying to -- if the orientation is a concern and you're saying that there's no loading dock that was an issue previously, evident.  
>> Good evening, chuck Carol, assisting boys and girls club with this. So the building is actually kind of broken down into three components.  
>> Pool: Okay.  
>> On the left side there if you can point there, that's kind of the active component, the gymnasium. There's actually storage at the back there and there's actually a kitchen, small kitchen area, the boys and girls club does prepare meals for the kids that are coming there. The middle portion of the building is kind of the activity center, and the centuryway into the building and then up to the right is the more academ ing-oriented space. I know there's going to be a computer lab and stuff like that.  
>> Pool: Are there entry and exit doors at the south end --  
>> For life safety, yes, ma'am. There's exit doors out the banning. Probably there will be one over where those dumpsters were previously going to be located and probably another one right in that area there.  
>> Pool: I mean, it makes sense to have an entry near your kitchen.

[7:56:09 PM]

>> Yes, ma'am, correct. I don't think we need -- it's not like this huge industrial kitchen. I mean, it's small prep food type stuff.  
>> Pool: Ongoing.  
>> Like he was referring to, there isn't a formal loading dock because they don't have 18 wheelers coming in here. It's more small deliveries that come through the front door.  
>> Pool: The alleyways, what's described as alleyways?  
>> The alleyway?

>> Pool: Do you have alleyways?

>> Now, that -- yeah, that right there, all that is is a fire drive also -- the general public will not be accessing that. That would be just in the event that there's an emergency. The truck could go down there and turn around and hammer head and back out.

>> Pool: The main entrance then is on the access road of 183.

>> Correct, that is the main entrance and then the main entrance to the building is kind of the inset, right there. And that roundabout, that's kind of the dropoff area where parents can come, drop off or pick up the kids.

>> Pool: Thanks.

>> Mm-hmm.

>> Houston: Thank you for being here.

>> Yes, ma'am.

>> Houston: Trying to help us work through these zoning issues. I have a question about -- you mentioned the HEB and right-of-way. When we talked the last time, have you been able to get any kind of commitment in writing from HEB about being able to give you the -- a proper easement to be able to use turner as an entry or exit?

>> Right. We have something we were trying to get them to actually sign documents today. They couldn't get there. They sent us a email that said we'll -- we're confirming that we're in discussions doing this, but we haven't been able to get to a signed document yet. By the -- by the time that we would hit third reading for this zoning case if it moves forward, I think that's an appropriate condition.

[7:58:13 PM]

>> Houston: Okay. So you think you'll have it by then?

>> Yes, ma'am.

>> Houston: The other thing I ask you about is that you do have a letter from the Texas department of transportation.

>> Yes.

>> Houston: But the ctrm is of course widening 183 to make it 12 lanes.

>> Right.

>> Houston: So did you -- were you able to talk with them and get something in writing from them about the impact that that construction would have on your entry from 183?

>> Again, I -- we have had -- we did have a conversation. We're in the first sequence of construction. What they indicated to me was they are duty bound, once they approve a location, to provide continuous access to that location. So they could not approve the access point and then close it for a period of time. It has to be continually open.

>> Houston: So are they going to approve it?

>> Yes, ma'am.

>> Houston: We'll get that in writing as well?

>> Yes, ma'am. So they have approved the window that we have for the access point. We have about 240 feet for that window. And then we would be able to access that even throughout their -

>> Houston: Construction.

>> Their construction.

>> Houston: Okay. Becaus that's a concern because hart elementary is off Cameron road, which

is a fairly good distance from this site, and with the construction going on and the traffic is already horrendous, I'm just concerned about how parents would be able to get down 183 to pick up their kids and get back home if they live off of district 4.

>> Yes, ma'am.

>> Houston: And I think my last question is -- have you been in touch with Austin independent school district about these four schools that you're thinking about collecting young people from?

[8:00:16 PM]

>> Mayor Adler: Can you come down, please? Thank you.

>> Hi. My name is Erica with boys and girls club. So we have talked to Austin ISD and we have a great relationship. We haven't confirmed anything and we can't until we get the building, but so far it's positive to have transportation from those sites, but again we haven't confirmed anything until we're further along with the process of the building, when that happens.

>> Houston: So there are a lot of things that are uneasy, but Mr. Drenner I hear you saying if we can move this forward on first reading then we'll have time to get the concrete solid documentation because when I talk to the aid they didn't know anything about this.

>> That would be fine.

>> Houston: All right. Thank you so much.

>> Mayor Adler: Anything else? Thank you, sir. Is there a motion to be made? Ms. Houston?

>> Houston: I passed a motion sheet out and I move to approve on first reading only for tract 1 and tract 2. And you all have it. Do you want me to read it into the record? Tract 1, which is the tract already zoned lr-co-np, a change to gr-co zoning with the only two permitted gr uses being indoor sports and recreation and outdoor sports and recreation. All other uses and site development regulations of the lr zoning district apply. On tract 2, which is the tract already zoned sf-6-np and sf-3-np, a change to gr-mu-co, np zoning with the only two permitted gr uses being indoor sports and creation and outdoor sports and recreation. All other uses of the sf-6 zoning district fly and for residential uses the site development regulations of sf 6 apply.

[8:02:22 PM]

For commercial uses the site development regulations of the lr district apply. In addition, I would like to incorporate the planning commission's recommendation to limit the indoor sports and recreation use to no more than a total of 35,000 square feet and a limit -- and limit the height to 42 feet for both tracts 1 and 2. I also move that we include the conditions of the proposed restrictive covenants as approved by the planning commission and deemed appropriate by the law department. If I could get a second for that, I would have some comments.

>> Mayor Adler: It's been moved, seconded by Ms. Pool. You have the floor, Ms. Houston.

>> Houston: Councilmember Zimmerman. Are we ready to go?

>> Mayor Adler: Yes.

>> Houston: First of all, I want to thank everybody that's come out tonight. I have a large boys and girls club in my district on Thompson street, the old Anderson high school. So I'm very much familiar with the good works that you all do. However, these two agenda items are about planning principles and those principles are the framework for how a city involves in a consistent, predictable and dependable manner over time. Planning must recognize that the built environment, what lay people call their neighborhoods, are not the sum of equal or unequal parts,

but the totality of a geographical area. It's not about construction, something to fill a space, it's about the place. And the people who live in that geographical area are the spirit of that place. So today we have before us an amendment to the neighborhood plan and a rezoning request. The neighborhood plan was developed by people who live in a specific geographic area with the support and assistance from city staff. They were thoughtful and considerate about the need for density along transit corridors, connectivity, affordability, options for housing and the commercial needs of the community.

[8:04:34 PM]

The current zoning was identified during that planning process. The planning process was the first time that I am aware of that individuals who live in geographical areas have the opportunity to identify zoning that would build out their neighborhood in a thoughtful and deliberate manner. History indicates that the city made those zoning decisions in the past with little or no input from individuals who actually live day in and day out in the area. When rezoning is considered, it's about the uses rather than a specific project. Considerations must be given to the cumulative effects of the scale, intensity, compatibility, impact on infrastructure and how the whole geographical area is shaped and developed. This is not about this non-profit, it's about land speculation and developers negotiating with the planning department to superimpose different zoning requirements that are not compatible with or in the best interest of the holistic planning process approach. As someone else said, this is reminiscent of spot zoning. Perhaps one of the reasons we have so many problems with the land development code is because once code is in place it is not enforced, it is negotiated. And I want you to consider these comments from Nick Barbar who made this in 2015 in an article entitled zoning does not have to be so hard. The article speaks to the length of council meetings and the negotiating of cases. And I quote, "This council -- he was reference is the 10-1 council. "Can do us all a favor and cut their work load in half in a stroke if they can just send a clear message to the planning and development review department, now the planning and zoning department, that they're going to stop -- these are his words, not mine -- entertaining idiotic, contested zoning change requests and treat existing zoning as what it is, the law, in my words the regulations, rather than a starting point for negotiations, or as one side in an expected compromise between what the developer wants and what the law, my words, regulations, says they can build." So before us this evening is one of those cases.

[8:07:07 PM]

The current entitlements are consistent with the plan that was developed in conjunction with the community input in a distinct geographical error with the city staff guiding the process. This zoning change is a piecemeal request and an example of how zoning is treated as a starting point for negotiations rather than what it is, regulations adopted by the city. And so I think this motion sheet that I passed out this afternoon, this evening now, is a way to start a process so that we can in fact not only honor the neighborhood planning process, but provide property for the boys and girls club to in fact provide the services that they're providing in Overton, Barbara Jordan, Reagan, all in that game geographic area.

>> Mayor Adler: Okay. Thank you. Does the applicant have a copy of your motion? You had talked about that there might be more than one way to get to the ultimate goal. Is this a way that

gets you to that goal?

>> Yes, sir, in my opinion it's fine. It's fine. It allows us to move forward with the boys and girls club and I think it provides protection to the neighborhood that if for some reason it did not move forward, basically it maintains the status quo.

>> Mayor Adler: Thank you. It's been moved and seconded. Is there any further discussion? Those in favor of the motion as proposed by councilmember Houston please raise your hand?

>> Houston: On first reading only.

>> Mayor Adler: This is first reading only.

>> And to close the public hearing on both items.

>> Mayor Adler: And to close the public hearing on both items.

>> One is to approve the future land use map and the other one is the zoning case.

[8:09:11 PM]

>> Mayor Adler: One is to approve the Flum, the other to approve the zoning case on first reading only on both items. Those in favor please raise your hand? Those opposed? It passes unanimously. Good work, Ms. Houston.

>> Houston: Mayor, and I want to thank -- that's not good work on my part. Staff, Chris, the neighborhood, the Drenner group, folks from boys and girls club have been working on trying to come to a reasonable accommodation on this and I think this is a good way to do it. Thank you all so much.

>> Mayor Adler: That gets us to the last -- thank you very much. That gets us to the last item on the agenda. Mr. Casar, I think it's item 24 -- 19.

>> Casar: That's right, mayor. And this is the part of our review of the committee and council meeting ordinance. We decided to not pass this one section of the ordinance when we redid things -- I don't even know how long it was ago, a month or two ago. And so I know that it's getting late, but I would recommend that we fix at least the practice of items coming through committee, but then only having four minutes -- eight minutes on each side, four minutes on each side at council. So the way that it's posted right now is two-hour cap on testimony at council, one hour cap on testimony at committee, but I would be open to setting it at two hours and two hours and one hour and one hour or the way that it's posted, but I think that it makes sense for us to get moving on something.

>> Mayor Adler: As we talk about this, my recollection is that when we talked about what we were going to do with public testimony and input, we talked about establishing and generating a menu of different things that we could consider, and then going through those and figure out what would be good. I'm okay, as you suggested, letting this move forward on first reading, but I would really like us to lay out that menu of what our options are, because I would like us to hit it more broadly than just this change and figure out whether or not this change is the right change to make or whether there are different changes to be made.

[8:11:35 PM]

So if I were going to process this, just from a process to let it move forward, but I would like to have that menu list and talk through that menu. Ms. Kitchen?

>> Kitchen: I would be mine with moving it forward on first reading, but one of the changes -- either one is fine with me. That it either be one and one or two and two. I think that the hours that

we designate between committee and council should be the same.

>> Mayor Adler: Also, we have one speaker to speak, so let me call up the speaker to speak on this. Mike Burnette.

>> A history lesson. First amendment to the constitution was passed in December of 1791. Its primary function was to allow for open airing of grievances against government. And government action. About just shy of three years after the close of the civil war we saw introduction of the 14th amendment, two clauses in the 14th amendment specifically were used to strengthen the rights under the first amendment and of course first amendment being a cornerstone of the bill of rights. First being, of course, the right to due process. Won't deny any citizen the access to full and -- full rights under due process. The second being equal protection, meaning that you won't turn around and cut any citizen off in the process of speaking. You had 60 women here the other night complaining that their due process rights -- I'm sorry, their rights -- not due process, but under equal protection were violated in pretty much a systematic activity on the part of the city.

[8:13:40 PM]

So I'd like to know if you're going to limit testimony, first off, which of those 60 women, if they run over the two hours, do you believe should have been cut off? Which of those women did not deserve the right to come forward and speak about what they felt to be an injustice? And under what pretext is it that you believe you have the right to turn around and explain to us why we should lose our first amendment rights? So clearly at this point I'm not in favor,, much as others have spoken, in any manner, shape or form to limit the right of free speech in council chamber, especially anything that would abrogate or limit the ability to come in and air grievances that individuals have against the government. I mean, this is a very fundamental issue and I'm sorry if you don't like being here until late in the evening. Then find another job. Just my humble opinion. Thank you, ladies and gentlemen.

>> Mayor Adler: Thank you. Those are all our speakers.

>> Casar: I'll cut the baby in half and move the ordinance as posted with 90 minutes as the amount of public speaking time whether it be at committee or at council.

>> Kitchen: I'll second that.

>> Mayor Adler: Okay. Motion has been made. Would you say it again? It's 90 minutes.

>> Casar: It would amend part 3-j to change that from one hour to 90 minutes. To change I to go from two hours to 90 minutes.

>> Kitchen: Could I speak to this? I would just say that I think it's important to note that this maintains the ability of council to vote, to go beyond these time limits, so this is just essentially setting targets.

[8:15:51 PM]

And it's setting targets that are standard so that -- so that the public understands what we're shooting for. And again it's an opportunity to give everybody a chance to speak, if we just have - - I want to recognize and appreciate the previous speaker for speaking his concerns and I think those are valid concerns, but just logistically we have to have some kind of target with always maintaining the ability to allow the council to extend the time for comment, which this does.

>> Casar: I'll speak to my motion. Right now obviously we do have to have some limit on

speaking. We limit people to three minutes or if it's gone to committee we limit it to 16 minutes total. This creates just a level of simplicity for the public that they can expect that any given item will have up to an hour and a half of testimony as a standard. And that will expand the ability to speak on items that have gone through committee. It will force us to vote if we want any item to go over an hour and a half. I feel that the vast majority of our items -- vast, vast, vast majority of our items don't get to that 90-minute threshold, but often times when they do, by the time we've heard 90 minutes of testimony we've gotten most of the information. And in those cases where they want to extend it further we always have the prerogative to do so. I'm only moving it on first reading because I understand there are other ideas on the table to have speakers go later, speak for one minutes or two minutes to have more speakers in potentially that 90-minute slot.

>> Mayor Adler: Ms. Pool?

>> Pool: Could you describe for the public the piece on committees, how the testimony would be handled, the hearings would be handled in committees?

>> Casar: Under this motion we would have 90 minutes allowed for testimony in committee. I imagine the chair of the committee, just as the mayor does at council, would make sure that there was some proportion of folks on all sides of the issue that would have a chance to participate.

[8:18:03 PM]

Right now we on some big items have had several hours' worth of testimony at committee, which then restrict the amount of time committee members can actually deliberate and work on items. I think the classic example of this was the first short-term rental planning and neighborhoods committee meeting where we actually couldn't even discuss several of the amendments because it was so late that we were going to lose quorum of councilmembers because testimony was so long. And then by the time it got to council the very testimony of the citizens was shortened because we didn't have time to discuss at committee, so we were actually having discussions at council that the citizens were having trouble talking about. So this would make it 90 minutes at committee and 90 minutes at council, just standardize it out so it essentially expands the time at council while contracting some of the citizen testimony at committee, except in the cases where an item wasn't heard by committee, then you still have the standard 90 minutes.

>> Pool: I would be willing to move forward with it. I still feel like because I would have the ability as chair of the committee to extend the amount of time that it wouldn't unnecessarily cut people off if it felt like it was helpful to have additional time. And so as you were saying, that is permissive in there and we have that ability as chairs in our committees to do that. And it sounded like you were saying there would be a vote of the dais to spend public testimony at a council meeting if we wanted to take more time if more people were in the audience.

>> Casar: That's right. We always can, but I've noticed that on many items, such as -- I won't even name them in particular, but often times when people have an hour or an hour and a half that people-- some folks don't get a chance to talk, but people are happier than that with the 16 minutes which is when we feel a lot of frustration in the community and end up having an hour and a half debate amongst ourselves about giving them an hour to talk.

[8:20:05 PM]

So I think a cap, a few people won't get a chance to talk, but I think the best points come out and more are more satisfied with that. I suspect we won't have that many votes to go past an hour and

a half, but I could be wrong.

>> Pool: Thanks.

>> Mayor Adler: Yes, Mr. Renteria and then the mayor pro tem.

>> Renteria: Yes, I agree with that. You know, when we had that str, we went all the way to 2:30 in the morning. This was a committee meeting. We didn't even have staff here anymore. They took off and left. There was just one person monitoring the camera was the only one here.

[Laughter] And at the end I had to thank him for it because we had -- no one was out there, just speakers.

>> Mayor Adler: Mayor pro tem?

>> Tovo: So I have to say I'm just not clear why we're moving from two hours as it is in the draft down to 90, but, you know, as we're just considering it on first reading, I'm okay with that. I think as long as we continue to preserve the option to vote to extend the time to comment, and I'm almost always going to vote to extend the time to comment if we have people here who want to talk to us. So I appreciate the work, councilmember Casar, that you've done to help us to look at these items, but maybe between now and our next reading someone can explain why 90 minutes turned out to be the perfect number.

>> Mayor Adler: Then I would hope that at the next reading at well we could consider some of the other things that we talked about. , If we limit the total amount of time, but we change the amount of time that speakers have, we would also provide more opportunities for speakers. And one suggestion was to have the first 10 speakers speak for three minutes and then the next 10 speakers speak for two minutes and then all the speakers after that speak for one minute, which would have a greater number of speakers speaking in that period of time. And I think we should consider whether we want to do something like that. One of the other things we've talked about is speaker sign-ups.

[8:22:12 PM]

There are some boards, some panels in the city, where you have to sign up the prior day. We could have premium that they have to sign -- owe have people that would have to sign up in the morning. They could sign up when the item gets called. Or we could have it where you could sign up at any point until debate is over, but I think that that would also be a good conversation for us to have to make a decision on. Nand to those two elements there may be others that if other people were to think of and throw out it would be helpful so the next time we discuss this we might be able to say let's is side overall duration, let's decide speaker time, individual. Let's decide sign-ups and whatever other things people might think about. Any further? Yes, mayor pro tem.

>> Tovo: Just quickly and if it's helpful and if that's what we want to have included in our discussion next time, I'll write up a tiered proposal. I think it's important. That's really a method I would prefer so that people who come down here have an opportunity to address their elected officials even if it's one minute instead of three minutes. So I would be happy to volunteer to write up something that we can start talking about. Because it's come up or it came up today in the morning, we had a speaker, Mr. King, I believe, who commented on signing up before the meeting starts or as the meeting starts or the day before. I think that has -- that proposal has caused a little bit of concern even though it hasn't made it into any of our documents. And I'm going to argue strenuously against that. When we have, for example, time certain items at 4:00 had 30 I think it's a hardship to ask people to come sign up before meeting starts because they

might only have the ability to come right at that time certain. So ask them to come down to city hall twice in advance is really going to pose a hardship on people who have set working hours or other kinds of commitments that really make it tough for them to get here during working hours.

[8:24:14 PM]

But anyway, I appreciate that we're having this conversation and I look forward to hearing some more ideas.

>> Mayor Adler: Okay. It's been moved and seconded. Ms. Garza?

>> Garza: Since we're brainstorming, I had heard -- I don't know what city does it, but once -- it's three minutes up to you get to the 50th speaker and then when you hit that 51 everybody gets a minute. So it kind of says the more people that speak up you get a smaller time. So that's an option we could consider too.

>> Mayor Adler: It's been moved and seconded with the 90-minute limit on first reading only. Those in favor please raise your hand? Those opposed? It's unanimous. It moves forward on first reading. That's all that we have on our agenda --

>> Houston: Mayor, I need to read something -- say something into the record. I was remiss when I was thanking people to thank Joy Hardin because she was the mastermind in putting that resolution together. And there was just so much going on I forgot to say it and I want to make sure that I thank her publicly.

>> Mayor Adler: All I know is there are four or five of these come do you think the pike and I'm sending them all to your office right now.

[Laughter].

>> Gallo: And mayor?

--

>> Pool: Mayor? This is sort of like not an official thing I want to say. At this end of the dais we kind of had a little lottery on when we thought that the meetings would end or just -- and I predicted we would end tonight at 8:30. Even though I didn't write it down anywhere, I did tell somebody.

>> Mayor Adler: If you could take five more minutes in telling us how you made that decision you would hit it on the nose.

>> Pool: It doesn't have to hit it on the nose.

>> Mayor Adler: Then I think we're done. This meeting stands