

City Council Regular Meeting Transcript – 05/19/2016

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[10:08:10 AM]

>> Mayor Adler: Morning. Are we ready? Kind of a rainy morning this morning. Appreciate everybody being able to weather the storm and join us. This morning we're going to start our council meeting with our annual memorial day invocation ceremony and proclamation. I want to thank everyone here who has come to honor the men and women who have proudly served our country and who have paid the ultimate sacrifice on our behalf. Ladies and gentlemen, if you will please stand for the posting of colors. Today they're going to be ushered in by the Austin police department pipe and drum corps. Then we'll have our national anthem. Sung by our own Tina Lee. And the invocation by the army chaplain major Jeremy storm.

[Posting of colors]. >>

♪♪ Oh say can you see by the dawn's early light, what so proudly we hailed at the twilight's last gleaming?

[10:10:45 AM]

Whose broad stripes and brought stars, through the perilous fight, over ramparts we watched, were so gallantly streaming.

♪♪ And the rockets' red glare, the bombs bursting in air, gave proof through the night that our flag was still there.

♪♪ Oh say does that star-spangled banner yet wave... Oer the land of the free... And the home of the brave ♪? >>

>> Would you please pray with me this morning? All mighty god, our heavenly father, and creator of all that is, we come to you on this rainy morning asking for your guidance for the nations of the world, that they may follow your way of justice and of truth. We are thankful that we live in a free country like the United States. We are likewise grateful that we live in the state of Texas. And we lift up its leaders and the leaders of the city of Austin to you this morning.

[10:12:47 AM]

Father, we have come to honor one who gave so much to the service of his country. It is not only the service members that give so much, but their families as well. Thank you just does not seem to be enough. But we do thank you for our armed forces. We ask a prayer of protection for those deployed around the globe at this very moment and for those that may be facing danger at the present time. Grant them refuge in your presence and protection in their time of need. And now father, may each of us who wears this uniform and service to this nation's military be ever mindful that we do so with peace as our end. And we ask this in your name, amen. >>

>> Mayor Adler: Please be seated. You know, memorial day falls on Monday, may 30th. And this year and as with every year, let us not forget the true meaning of memorial day. It's a national holiday to reflect upon and to honor our fallen heros and to embrace our gold star families. For many of us it's a long three-day weekend, but while you're enjoying your time off we need to all take a moment to remember the service and sacrifice of so many brave Americans who died while serving our country. Memorial day started on may 30th of 1868 when union general John a Logan declared the day an occasion to decorate the graves of civil war soldiers.

[10:14:51 AM]

20 years later the name was changed to memorial day, and on may 11th of 1950 congress passed a resolution requesting that the president issue a proclamation calling on Americans to observe each memorial day as a day of prayer and reflection. Memorial day was declared a federal holiday in 1971 and it is now observed as the last Monday in may. It's an occasion to honor the men and women who have died in all wars. I now want to call up Mr. Tommy Nolley. I'm now going to read and present the memorial day proclamation to tommy Nolley. Tommy is the brother of private first class Roy Nolley. Private first class Nolley was killed in action while serving in Vietnam on April 5th of 1969. This proclamation reads: Be it known that whereas the city of Austin pauses to take this time to remember and honor the fallen soldiers, Marines, sailors, airmen and coast guardsmen this memorial day, we reflect on the sacrifices made by these brave men and women who have honorably served our country throughout its history. And whereas it is particularly important on memorial day to never forget all those who have sacrificed their lives and paid a tremendous debt to protect and defend our freedom, our justice and our peace.

[10:16:51 AM]

As a nation we also give our gratitude to the gold star families who have also sacrificed so greatly from losing a loved one in war who would never return home. And whereas this memorial day and everyday citizens throughout America bear a heavy burden of responsibility to up hold the founding principles so many died to defend and secure the freedom that is not free. And whereas on this solemn day as we honor all who have paid the ultimate sacrifice, we unite in remembrance of U.S. Army private first class Roy Nolley, one of our local heros who was killed in action in Vietnam on April 5th of 1969. We pray for him, our military personnel, their families, our veterans and all who have lost loved ones while serving our country. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, on behalf of the entire council do hereby proclaim may 30th of the year 2016 as memorial day.

>> Thank you.

>> Mayor Adler: Thank you, sir.

>> Thank you very much. I appreciate this. As the mayor said, gold star families, I wear one and I wear my brother's dog tag. Thank y'all.

[Applause]. >>

>> Mayor Adler: Ladies and gentlemen, if you would please again rise, stand for a moment of silence, the sounding of taps and the retiring of colors.

[10:18:59 AM]

[♪ Taps playing] >>

[10:22:25 AM]

>> Mayor Adler: This concludes our memorial day recognition ceremony. Y'all be seated. I want to recognize Jason Denny and Mr. Gay Gutierrez, and I want to thank you for your service. Before we gavel in the meeting I want to announce that the city of Austin has been selected as the 2016 host city for the international city council management association's, icma, fellows program. This icma program brings professionals from associations of southeast Asian nations, countries, the United States, for fellowships with local U.S. -- U.s. Local governments. The goal of the program is to develop a global network of emerging leaders to improve practices at their organizations by providing them with opportunities for knowledge, exchange, collaboration with our local government professionals. And this year the city of Austin is hosting two fellows during the month of may. And they are [announcing names].

[10:24:27 AM]

Are they with us? Welcome. Welcome to Austin.

[Applause]. Ms. Nyguen is studying how citizens take part in activity and the role in supporting volunteerism. Ms. Rivera is interested in community capacity building, specifically in developing the ability of citizens to participate in the planning and budgeting processes of their local government. Jan and hiya have been meeting with our directors and experts learning how the city of Austin confronts the many challenges of a global city. Of course, they're in Austin so it hasn't been all work. They've also been able to explore many of Austin's cultural activities and have stayed with host families to see what a typical weekend is like for an Austin family. On behalf of the city council I want to welcome you both to Austin, Texas and I want to tell you that from us up here that there's no better place to learn about the management of local government from our extraordinary staff. So welcome. It is may 19th of the year 2016. We are in the city council chambers, 301 west second street, Austin, Texas. Let's turn our attention to the consent agenda.

[10:26:38 AM]

We have some changes and corrections. Let me read those into the record. Item 29 is postponed to June 9th. Item number 37 we should note that on April 12th, 2016 it was recommended by the urban transportation commission on a 9-0 vote with commissioner montero abstaining. Item number 39 is postponed to June 23rd. Is that right? 35. Okay. That's an old copy of that. Item number 35 is postponed to June third. Item number 37 we already hit. Item number 40 sponsors are Ms. Houston, Ms. Tovo, mayor pro tem, councilmembers Casar, myself. Added to that list is councilmember Leslie pool. Item number 49, this item has been set for a 4:00 time certain. All right. The consent agenda goes from number 1 to item number 48. Items number 11 and 37 have been pulled by councilmember Gallo.

[10:28:59 AM]

Item 12 has been pulled by staff for discussion. Also pulled by -- pulled by staff for discussion. Mr. Zimmerman pulls items number 13, number 26 and item number 32. Item number 29 I think I read that wrong. It's been postponed to June 16th. I think I said June 9th, but item number 29 is postponed to June 16th. I think we have some folks here to speak on the consent agenda. Is Charlie Jones here.

>> Houston: Mayor, before we go to the consent agenda I would like to pull for some questions just a couple of things.

>> Mayor Adler: Which ones do you want to pull?

>> Houston: Number 4.

>> Mayor Adler: Do you think it's quick. Do you want to pull it?

>> Houston: I think it's quick.

>> Mayor Adler: Is staff here to answer a quick question on item number 4?

>> Houston: Hello, Mr. Smith. How are you this morning? I'm just asking about how did the hotel get in this kind of debt? Can you briefly tell us how this happened?

>> When the hotel was remodeled initially and when the airport opened --

>> Houston: I can't hear you.

[10:31:00 AM]

>> When the airport opened and the initial remodeling took place, the debt that was issued covered the expenses at the time, but since then it has never generated sufficient revenue to pay all of the principal and interest. So the hotel has been in default for probably about 10 years. It makes enough that the bondholders are getting a sufficient amount, but not all of the amount that they're owed. So the bottom line is it's been in default for a long time and now the city is trying to negotiate with the bondholders to basically take the existing bondholders out and move the city in to run the hotel long-term.

>> Houston: Okay. Is there any reason why you think it's not making the kind of revenue that it needs to?

>> No. The hotel is performing actually exceptionally well relative to its peer set, so given the marketplace it is earning about as much revenue as it can. The bottom line is the developer that did this project just paid too much money in the initial build and it has never generated enough income to cover its total costs.

>> Houston: Okay. Thank you. And I have a similar question on 8, mayor. I'm sorry, I was -- I got halfway back. Is that okay, mayor? Mayor, is that okay? Do you have any estimate for how much the parking garage may cost? Because we just finished a project out there a year ago -- last year. So do we have an estimate about how much this might cost?

>> Well, we estimate the construction of both the administrative offices and the garage to be about 120 million, but part of the work that you're authorizing today is to make more precise estimates of exactly what it is that we will bring back to the council at a future date to authorize us to proceed with the construction.

[10:33:08 AM]

>> Houston: Okay. Thanks.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: Thank you. Mr. Smith, we asked a couple of questions at the Q and a. Do I understand from the answers we got back that the total debt on this hotel is still 62 million -- about 62,400,000?

>> If you count the subordinate bonds, yes.

>> Zimmerman: So it seems like a lot of money for a hotel. I mean, what did it start at when it was built? And you said it was originally structured -- I think the interest rates were a lot higher, right, back when this was put up? And the interest rates were, what, maybe six percent or something? But it just seems like -- yeah, I think we're paying 6.75%, and that probably dates back a decade or two earlier? Just seems like a lot of money in a high interest rate?

>> Yeah. This was a private developer who brought forward -- the city's involvement was really to just create a corporation that issued the bonds. The city ultimately is the landlord for this facility. That's the city's interest in this.

>> Zimmerman: Is this a land lease?

>> Yes. It has about 17 more years to run and after that the whole facility reverts to the city and then the city owns everything.

>> Zimmerman: Okay. Thank you.

>> Mayor Adler: Let me see what we have pulled by speakers here? Is Charles Jones here?

[10:35:09 AM]

We'll call people speaking on the agenda in just a moment? We'll call in just a moment Gus Pena who can speak on item number 5. Also Allen Pease will be called if he wants to speak on item number 11. Item number 12, is kitty McMahon here? I'm sorry?

>> Tovo: I think that staff pulled item number 12.

>> Mayor Adler: Okay. Item number 12 has otherwise been pulled. Thank you. Item number 19, Jean and vejo will be able to speak on the agenda item. On both 19 and 20. On item number 26 -- 26 has been pulled. Thank you. Item number 27, Mr. Mean I can't will be able to speak -- Mr. Pena will be able to speak on that item. Item number 30, is Kathie Mitchell and Matt Simpson here? Do you want to speak on this item or let it go to consent approval?

>> Yes, please.

>> Mayor Adler: You want to speak. So we'll pull item 30 from the consent and 31 from the consent agenda.

[10:37:15 AM]

Item number 32 is pulled. We also have David king will be able to speak on item 33. Item number 36 will be pulled by speakers. I'm showing Mr. Pena and David king on that. On 35. 35 was postponed to June 23rd. And that gives us then 36, Mr. Pena you can speak on item number 36. Item 37 has been pulled. Mr. Pena, you can speak on item number 40. 41 has speakers, that's been pulled. 41 and 42 pulled by troxclair. That's 41 and 42. 43, Mr. Pena you can speak on item 43.

[10:39:17 AM]

David king can speak on item 46, and that's the consent agenda. What I'm showing on the consent agenda, the items that are being -- 11 is pulled, 12 is pulled, 13 is pulled. 26 is pulled. 29 is being postponed. 30, 31 and 32 are being pulled. 35 is being postponed. 36 and 37 are being pulled. 41 and 42 are being pulled. 37 is also pulled. That's correct. For the record, we should show Mr. Zimmerman abstaining on items 4, 5, 6, 7, 8, 9 and 10. Also abstaining on 19 and 20. Also abstaining on 22, 23, 24 and 25. Abstaining on 27 and 28. Abstaining on 33 and 34. Voting against 45.

>> Zimmerman: Mr. Mayor, a couple of corrections. I need to be shown against 6 and 7 and against number 28. And the rest are correct.

>> Mayor Adler: I'm sorry, I missed those. Against on 6 and 7.

>> Zimmerman: And against on 28.

>> Mayor Adler: I apologize.

>> Zimmerman: Thank you.

>> Mayor Adler: Anything else to pull or any other notes?

[10:41:19 AM]

Yes, Ms. Troxclair?

>> Troxclair: I want to be shown abstaining from items 28, 34, 40, 43, 44 and 45.

>> Mayor Adler: Okay.

>> Houston: And mayor --

>> Mayor Adler: Hang on a minute. Let me check on number 36. 36 is not -- did anyone pull number 36 on the dais? So that is not pulled. There's only one speaker on that. So Mr. Pena, you can also speak on 36. Yes.

>> Houston: Show me abstaining on 6 and 7, please.

>> Mayor Adler: 6 and 7, okay.

>> Tovo: Mayor, I'd like to be shown voting no on item 3. I do not believe for the reasons we really talked about in our last thing. I think if we cannot find a documented error with the water utility we should not be refunding portions of people's bills. I think it's not a good strategy and not in keeping with our practice of not giving away utility resources.

>> Mayor Adler: Anything else? I'm going to call the speakers to speak on the consent agenda at this point. The first speaker to speak on the consent agenda on numerous items, Mr. Pena.

>> Morning, mayor, councilmembers, Mr. City manager, Ms. City attorney. And I forget to recognize you every time, but thank you for the hard work you're doing, great job. We hear a lot of fiasco, a lot of problems with cost overruns and non-supervision of projects.

[10:43:22 AM]

Please, I know this area very well in Riverside. I'm a native east austinite and I Travis Riverside drive daily. Make sure no cost overruns. Make sure what we the city provide, the taxpayers provide, that's what we need. Okay? It's there. Mayor, you look kind of perplexed, but in number five it is what it is. And anyway, number five. And I'll end with that. Number 27 that's a no brainer. We need to do a lot more for the asian-american community. I'm proud of the help that the black community and the hispanic community get, but they've been left out of the loop also. I support every one of those and funding for the food and the senior lunch social program. Okay? Number 36, this is a no brainer to approve an ordinance amending the city code, existing 20 miles per hour in the zone -- I know Ellison elementary, where I used to teach there also, but very safe issues that concern the public in this particular area. Please, please adhere to the speed limit. It's 20 miles per hour or less in the school zone. Number 40, support the greater east Austin youth association. They do a lot of good with the youth keeping out of trouble. Number 41, directing the city manager to identify identifies for companies seeking to invest in new business and transportation options. Darn good thing that comes under the city manager. I do respect him and support him. I believe he will do a good job in his office. Number 42, that's a lot of lack of trust in this trust fund and needs to be more accountability. There needs to be more supervision on this issue. It's very important. I know the city manager will do a darn good job. Item number 43, job summer series.

[10:45:27 AM]

Anything to do with the youth in the community, we'll support it on that issue. Mayor, can you prompt me if I missed anything?

>> Mayor Adler: Boy, you had a lot of items.

[Laughter]

>> I will, I always will with this group over here. That's what my organization, veterans for progress, has asked to address, all of these in support. But anyway --

>> Mayor Adler: I think you had 35, 36 and 40 were the last three I had.

>> Well, that should do it, Mr. Mayor. We are in favor of it. And hopefully we will get this done in an expeditious manner.

[Buzzer sounds] Public safety is very important.

>> Mayor Adler: Mr. Pena, I had the opportunity at the lbj school presentation to pin on some Vietnam

war memorial pins on folks. It's being done to express the thanks and the honor of a grateful nation and that's what it says on the back of the pin. Can I pin one on you here real fast before you go back and sit down?

>> I already have one, sir, from the president's office. Thank you.

>> Mayor Adler: That trumps me.

[Laughter].

[Applause].

>> I respect you and thank you very much. You know -- thank you.

>> Mayor Adler: Yes, sir.

>> Anything else?

[Laughter].

>> Mayor Adler: That was it.

>> No free lunch?

>> Mayor Adler: I'll give you one from the mayor too if you're collecting pins.

[Laughter].

>> No free lunch or supper?

>> Mayor Adler: I'll find you in the back.

>> Thank you very much.

>> Mayor Adler: Yes, sir. Another speaker, Allen Pease, to speak on number 11.

[10:47:28 AM]

>> Good morning, Mr. Mayor, mayor pro tem, the rest of the council. Item 11 has to do with a budget issue. I'm not a budget person, but I am on the aquatics advisory board and we face an issue every year and that is getting enough lifeguards. Now, when I was in high school I became a lifeguard. I was a lifeguard for a long time. It's not the glamorous job that it once was. A lot of people don't understand that the lifeguards in their initial training here have to pay to train. We always have a problem getting enough lifeguards right now. My understanding is that we're at the number 223, to give you an idea, today is may the 19th. The pools are going to open soon and the number we're shooting for is always around 600. So whether this will work or whether this won't work increasing the pay and recruiting more lifeguards, I can't answer that question, but I would like to try that, at least this year. There are -- everybody can steal our lifeguards. Would you rather be a lifeguard at a public pool or would you rather be a lifeguard at a country club? Country club, thank you very much. The question is how do we get enough lifeguards here? Also there's a disparity. Personally I don't care how old the lifeguard is that saves my life, but we pay lifeguards at different levels depending on their age. We can get lifeguards as young as 15, then 16, then 17. Each of these is paid a different amount of money. That's another problem we have. It's great to have a job at 15. I had a job as a lifeguard at 15. But what we really need to do is find out if we can get enough people by simply raising the wage this year and see if that recruitment effort will work because we have to do something.

[10:49:36 AM]

Last year you will recall we were all standing down here. Two pools were going to close. We all got calls in the middle of the night. I got an email last night on this at about 10:00 at night. So I didn't realize we had this this issue again, but it didn't surprise me because we have it every year. I don't think anything else. If anybody else has any questions I can only speak for myself, not for the aquatics advisory board, but I don't think any of them disagree with me.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Do we -- Jean veu on items 19 and 20.

>> Troxclair: Mayor, I don't know if there's staff here, but I would like to ask a follow-up question about the item that the citizen just spoke on.

>> Mayor Adler: Okay.

>> Troxclair: It can be after the rest.

>> Mayor Adler: Why don't you talk about this and then we'll ask staff to come down.

>> Hi. Thank you so much for letting us be here today and address city council. Predicting flooding is a very difficult business, but that is the business of our company. And I'm Gene Veu, president of Veu and Associate, and this is my associate, and we have a company that specializes in maps of rainfall and flash flood forecasting. We do this for the city of Austin and have been working for the city of Austin since 2004 and we also do this for -- and related services for a number of municipalities across the country. So we've worked for the city of Houston and we'll be before their city council sometime very soon, probably sometime this month, but we also work for Edward's aquifer in the area. We work for communities in north Texas and across the country we work for Miami-Dade, Philadelphia water, St. Louis MSD and urban drainage in Denver among a number of other organizations.

[10:51:49 AM]

So we're happy to be here and I'm going to let Baxter speak a little bit to exactly how we do what we do.

>> Right. So we harness a diversity of information from weather radar to stream gauges, rain gauges and provide that information with modeling to be able to map where and when it's going to flood in your specific basins. Your watershed characteristics are combined with that rainfall information. And we use this information to help the city flood early warning system to make decisions about barricading roads and helping the fire department with evacuations. Let me provide an example. Memorial day brings to mind several remembrances, but just last year there was a flood and there was a rescue on Shoal Creek. Swift water rescue that was facilitated by the information that we provided and the lead time that gave them warning to go out and help accomplish that. We then integrated this information within a display system. We will be configuring our information technology for integration of about 10 different data feeds, spanning four different computer information systems to provide critical information for the staff to make decisions about flooding.

>> So predicting flooding is our business, and any amount of lead time that we can provide is golden to the city staff and in doing the difficult job that they do. We recognize that Austin is actually in the heart of flash flood alley, and this varies day-to-day. We can see there are two to three inches of rainfall over Onion Creek, which is of course of great concern to everybody. And with that we'll invite you to ask any questions that you might have of us.

>> Mayor Adler: Any questions? Mr. Zimmerman?

>> Thanks for being here.

[10:53:50 AM]

The first question is we have quite a few engineers at the lower Colorado River Authority that are monitoring these rain gauges. They also do the water availability models, they look at stream inflows. They verify the gauges. I think they're the ones responsible for making sure the gauges are accurate, right, and that they're working. That would be the data that you depend on.

>> That's one sensor system that we depend on. And it is excellent and they do a great job in that.

>> Zimmerman: I guess the general question is I guess we have quite a few people working on this right now. And why would we need additional -- to pay for additional services? I know we have quite a few

professionals working on this very thing.

>> Well, there are a number of professionals that do different components of this type of work. What we do is bring it all together in a single system that provides the critical information in the configuration that the decision makers need.

>> Right. And the rain gauge information is just one piece -- one puzzle piece, and what we do is we combine that with radar information. And your watershed characteristics so that flooding can be mapped and modeled in your specific watersheds, not just, say, along the Colorado river or some specific responsibilities that the Icra might have. You have a much more distributed set of problems across your watersheds that we help --

>> One illustration of that might be the Halloween onion creek event last year. City staff had a tremendous amount of information to sift there and had to go through a half dozen websites to get all the information they needed. So one of the things that we're doing in this proposal is coming back and integrating more of those sources so that they don't have to be looking at all these different websites to get the information they need and so they can replay it for city council or other decision makers to see well, what happened six hours ago, what happened yesterday?

[10:55:57 AM]

And quickly have that information available and at hand.

>> Mayor Adler: Mr. King,

>> Thank you, mayor pro tem, councilmembers. I appreciated the ceremony this morning and it reminded me that I'm here only for the grace of those that have fought for our country here, and I appreciate reflecting back on what they've done. My dad succumbed to injuries from the Korean war and my uncle died in the Korean war and so it was good to reflect back on what they sacrificed for me. So I'll do my best to try to honor them today. Thank you. Speaking on item number 33 regarding Oracle, the 55-million-dollar contract, a little over 55-million-dollar contract. I was in I.T. And we used Oracle products and they're great products and the company is a fine company so I'm not going to be critical of the company itself. But I am wondering -- it's a 110 billion-dollar company and I'm wondering if the new campus they're building is going to be displacing low and moderate income families and if that's the case what can we do to help and what can they do to help mitigate that impact. And I hope they will be good citizens here, and I know they will. And help us with that problem. And I was wondering if they will be hiring low and moderate income workers to work in this new facility. I hope they're not taking advantage of the commercial property tax loophole we have in the state of Texas where corporations can essentially get the appraised value of their facilities reduced greatly, 40, 50%, and then the tax burden gets shifted over to everyone else, the property tax burden.

[10:58:12 AM]

So I hope they're not playing that game and I hope we'll keep an eye on that. I'm not being critical of Oracle or this campus here. I just think that these are important issues that we need to look at. Regarding the south central waterfront, I know this is setting a public hearing, but I want to make the point that the waterfront overlay doesn't have really any entity that's overseeing it that has experience and knowledge of the waterfront overlay. That was a citizen-led effort to protect our waterfront around lady bird lake to keep it from becoming a canyon of buildings and blocking the views we have there. I hope as we provide with the south central waterfront master plan that we have folks that are overseeing that that have expertise in the waterfront overlay. So I would suggest that we resurrect the waterfront advisory board and have it because they have expertise. And I hope that we can resurrect them and have them oversee the south central master plan, and help them with that master plan. Thank

you very much.

>> Mayor Adler: Thank you.

>> Mayor Adler: Thank you. I think those are all the items we had speakers signed up for that were not pulled. One last time on the consent agenda I'm showing items 11, 12, and 13 pulled, 26526 pulled, 28 postponed to June 16, 30, 31, 32 pulled, 35 postponed to, you know, 23. 37 pulled, 41 and 42 pulled. The consent agenda goes from 1-48. Is there a motion to approve the consent agenda? Mr. Zimmerman. Is there a second? Ms. Kitchen. Ms. Houston?

>> Houston: I just want to be clear. Item 28529 is postponed to the 16th. I thought I heard you say 28

>> Mayor Adler: 28529 is pulled -- 29 is postponed to June 16

>> Houston: Okay

>> Mayor Adler: 28 is not pulled. 28 remains on the consent agenda.

[11:00:14 AM]

Yes, Mr. Renteria

>> Renteria: I'd also like to be shown on three, voting against

>> Mayor Adler: On three, voting against. Mr. Renteria, so noted. It's been moved and seconded to approve the consent agenda. Those in favor please raise your hand. Those opposed? It's unanimous on the dais with Mr. Casar gone. Mr. Casar is not with us today. The consent agenda then is approved. Let's call up some items. The first item I'm going to call up is item number 41. It's the tnc resolution. I think, Ms. Troxclair, you pulled -- you pulled this one -- happy to talk about it but curious why we're not going in order?

>> Mayor Adler: So I want to get this one over with so I'm calling it up first. There are a couple I'm going to call up. We have some speakers that are on it and I'm going to call up some of the ones that have speakers on them so then be executed. This is one of those. Yes, Ms. Gallo

>> Gallo: Mayor, I think there's a perception we typically go in order so it might be helpful to the audience if you are going to pull things out of order to mention the order you're going to pull them in so the crowd that is here and also the people viewing can have an idea of our schedule

>> Mayor Adler: That would be fine

>> Gallo: Thank you

>> Mayor Adler: I'll go ahead and call those up. Ones that I have speakers on here in this item are 41, 42, 12, 13, 26, 30, 31.

[11:02:29 AM]

>> Gallo: Mayor, I'm sorry. I just saw parks leaving. 11 was a parks item. I don't think it's going to be a long discussion. It's just comments about the funding stream but we need the city manager here for that discussion

>> Mayor Adler: Okay.

>> Gallo: Great

>> Mayor Adler: If we could have the staff start working its way back for number 11, we'll call that one as well. Let's continue on now with respect to item 41. You pulled, that Ms. Troxclair

>> Troxclair: Well, I guess my first request is if we can take the resolved clauses individually because there are a couple of -- that I am -- can support and there is one that I can't support

>> Mayor Adler: Yes

>> Troxclair: Great. I wanted to -- well, I guess I have an amendment that I will pass out, and I didn't think this was coming until later today so --

>> Mayor Adler: While you're handing that out, let me call speakers. That might be good to do. We're

going to call up item 41. We have three speakers. Mr. Pena do you want to speak on item 41?

>> Yes, I do, mayor.

>> Mayor Adler: I understand the second speaker is not here so David king will be the next speaker. Mr. Pena.

>> Okay. Item 41, Gus Pena. It's to approve a resolution directing dsm to identify strategies to support companies to meet the demand for transportation options. The community -- well, the community is split on Uber and Lyft and also the other transportation companies I guess is what you're talking about, cabs or whatever, transportation. It doesn't -- it doesn't specify cabs, trucks or whatever.

[11:04:32 AM]

I'm assuming. I shouldn't assume. Anyway, if it is, it has to be a more open procedure for the community to hear input. That was a big fiasco. I will tell you this much, I'm supportive of accountability, what y'all did call the Uber Lyft accountability but there's a lot of people, excuse my language, got shafted because they were working pretty hard on this transportation issue, the cabs, et cetera. Is that what it is? Can anybody explain what it means by transportation? I mean that's just a -- that's a big word, transportation. What do you mean by transportation? Cabs? Tractor trailers? Can somebody on the dais help me out and clarify? Define? It's not clear to me.

>> Mayor Adler: I think, Mr. Pena this is your opportunity to be able to make points, and I think your point there is that -- your about the is that it's not a defined term. Your point is well -- you know, is certainly heard.

>> To heck with the point. I don't understand what the transportation options are, what type of transportation. Car, cabs, tractor trailers? What? It doesn't specify. It's not specific. Can you help me, educate me?

>> Mayor Adler: I think there will be a debate on the dais when that comes up and please listen.

>> I want to be able to respond or make appropriate comments as to what type of transportation issues are involved in this item 41. I can't do that. I cannot make an educated posture position if I don't know what type of transportation -- it's after the fact, Mr. Mayor, if I go back and I don't say a darn thing. That's all I'm asking.

>> Mayor Adler: No, no. I understand. And what I want to do certainly if someone on the dais wants to answer, as a general policy, I'm a little uncomfortable with folks coming up and being able to question the council, not on this issue but as an overall policy but I certainly don't want to stop anybody from the dais from answering that question if they want to.

[11:06:39 AM]

Mayor pro tem.

>> Tovo: Mr. Pena, I appreciate your question. Was intentionally intended broadly because I think we need a range of options but I'd be happy to ask my staff to talk with you.

>> Thank you very much, and I -- I still have a little bit of time but the issue is this, we're taxpayers. We demand to be educated. I don't care about asking questions of anybody. I just want clarification as to what so I can make a better presentation. That's all I ask.

>> Mayor Adler: I understand.

>> I think I'm -- you know, I can demand that.

>> Mayor Adler: I understand.

>> Thank you very much.

>> Mayor Adler: Yes, sir.

[Buzzer sounding]

>> It's still vague.
>> Mayor Adler: Mr. King?
>> Zimmerman: Mr. Mayor?
>> Mayor Adler: Yes.
>> Zimmerman: I just had a point of information.
>> Mayor Adler: Yes.
>> Zimmerman: For information. He doesn't need to come back down but the resolution does say the city manager is directed to provide tncs so that is pretty specific and it is in the resolution. So -- that it's talking about Turks.
>> Mayor Adler: Okay.
>> Zimmerman: So I think the agenda item was not specific but the resolution is specific.
>> Mayor Adler: Okay. Mr. King?
>> Thank you, mayor, mayor pro tem, councilmembers. I'm just here to say I appreciate you working so quickly to move forward after the referendum to try to help get more transportation options out there for our citizens and, you know, I hope that you will move with all due Hayes on this and -- haste on this and I appreciate mayor pro tem tovo for sponsoring and councilmember pool and mayor Adler and councilmember Houston for sponsoring this resolution and thank you very much.
>> Mayor Adler: Thank you. Thank you. Those were the folks that we had identified to speak. Let's tee this up in a way that we can handle it. Empty, do you want to make a motion?
>> Tovo: Yes, mm-mm. I would. I'd like to move approval of the resolution as it appears in the backup.
>> Mayor Adler: It's been moved. Is there a second to the mayor pro tem's resolution as it appears in the backup?

[11:08:44 AM]

Mr. Renteria seconds that. Any discussion? Ms. Troxclair, did you want to make an amendment?
>> Troxclair: Sure. As I mentioned on Tuesday I am just concerned that we don't have a coherent policy going forward about the standards that we're applying to new tncs coming to operate in our city. I certainly support having as many transportation options as possible, but I think that we need to be transparent and fair in making sure that we're open with the public with the requirements that they are going to be expected to comply with. So I just -- it concerns me that when I have heard differing reports about whether or not the city ever intends to enforce a fingerprinting ordinance, you know, what, if, penalties will ever be established or enforced if they are going to be enforced. I mean, the ordinance went into effect in February. The first benchmark was supposed to be 25% of drivers fingerprinted by may 1, we're of course well past that deadline and I'm concerned this ordinance is putting into place the possibility of offering basically city incentives to companies who are operating no differently than Uber and Lyft did so it puts us in an ironic --
>> Zimmerman: Can I raise a point of snored as an amendment I'd like her to make the amendment so I can second it as a point of order.
>> Troxclair: Okay. Right now I'm just speaking on the item.
>> Zimmerman: I thought we had to make a motion and then second it.
>> Mayor Adler: Right. So I will now recognize other people to talk before -- because you can't make a speaking amendment.
>> Zimmerman: Yes, point of order.
>> Mayor Adler: I'll come back. She's not making an amendment. She's just speaking so we'll let her do that.
>> Zimmerman: All right.
>> Mayor Adler: Ms. Troxclair, you can continue.

>> Troxclair: Okay. So I don't want to be put in the position where the city as a whole is potentially providing taxpayer incentives to companies who are not operating any differently than Uber and Lyft.

[11:10:51 AM]

I think it would be very ironic for us to be as a city in a position that the two companies who knew that they couldn't comply with the ordinances were forced to leave town while the other companies who are here or are starting here, while I welcome them, there has to be the same expectation. So I hope we can clarify that in the future. I did want to -- I know the response so far to that concern has been that there aren't penalties and I just wanted to go through the ordinance we passed in December, if you can put it up on the over head. So there is -- this is the first page of the ordinance, and at the bottom it does say any entity that meets the definition of a tnc and operates in violation of this article commits a class C misdemeanor, punishable by a fine of not less than \$500 per offense so I would assume that would be, you know, \$500 per driver that they're not meeting that 25/50 -- or 99% benchmark. If we skip over to pages 3 and 4 there are a lot of other things in this indication -- the conversation has been so focused on fingerprinting that there are a lot of other things that have been left out. I met with one of the new companies that has not yet started in Austin but they're applying to get their, I guess, operating license, and I hope that they're successful but they went to the fair yesterday and they met with our transportation staff, and I said so did they go over the requirements with you? And he said, well, you know, somebody said -- he said, no, they didn't go over the requirements but, you know, staff from another councilmember's office told me the only one I needed to worry about was fingerprinting and even then I didn't have to do it until next year. I said well I'll happily provide you with a copy of the ordinance but there's several other requirements, you have to have your -- the driver hours logged in the tnc platform recorded daily and reported to the director last day of each month.

[11:13:03 AM]

There are on a daily basis you have to record all accident reports and report those accidents to the director every Monday. And a penalty here saying that you're operating -- your operating authority is automatically suspended within 15 days if you don't meet those reporting deadlines. And then it goes on to talk about, you know, within three months of obtaining a permit and -- you have to have an accessible service request indicator, et cetera, et cetera. Anyway, I was happy to welcome him to Austin, and I want to -- I think the council and city should do everything we can to encourage these companies but they can't -- he was completely unaware that any of these things were going on and what he was told by the transportation department yesterday that he should receive his permit next week. I want to make sure, again, we're being open and transparent here, and so that is my concern about having this resolution that seems a little rushed. And so I'll let somebody else speak and then I can lay out my amendment that kind of advertise back to these concerns.

>> Mayor Adler: So the resolution that we have before us as posted is one that was pretty limited in scope. And it was one in a city that is now facing a gap in service, to ask the manager to come back to ask about how best to fill that gap. So I'll hear the amendment when it comes and make a decision about germaneness with respect to that. But I do want to respond to some of the things that you said because I think they were inaccurate. This is a council that got together in December and set some important goals for the city and said we were going to be a city that had fingerprinted drivers.

[11:15:15 AM]

And I think the council spoke pretty emphatically that that was an objective that would be achieved in

this community. But with respect to the penalties associated with that as against the city or a supplier or a fingerprinting company or a thumbs up or a tnc or the city assumed that obligation is something that this ordinance was silent on except insofar as it recognized that those things were not set yet. It specifically said that all those things would be set later. It was for that reason that I was very surprised when Uber and Lyft came to me in December and said that this ordinance, if passed, would require them to leave if they were operating without fingerprinted drivers. And I said there's nowhere in the ordinance that says that. There's a general provision that has hey penalty but as we all Nona statutory construction a general penalty provision will Ables preempted by a specific provision. In this case we have a specific provision, in that section, that says that penalties as concerns this will be set by subsequent ordinance. I had those conversations with Uber and Lyft throughout December, throughout January, when asked if the ordinance was manned to your recollection I said at the time that it was incompleting, that we did not get to a place where we posted those kinds of bars for anyone. Again, through the election that we had I repeated that sentiment to Uber and Lyft every time they said that the ordinance, if it came into effect, would require them to leave or would penalize them on their operation and repeated repeatedly that that's not what the ordinance said and there was nothing about the ordinance, as you said, councilmember troxclair, that forced them to leave.

[11:17:19 AM]

There was nothing in this ordinance that forced them to leave. They can make their own business decisions about whether they stay or don't stay, but in no uncertain terms and repeated over and over and over and over and over again, there's nothing in this ordinance that required them or forced them to leave. The conversation that we should have in this community as we set up that ordinance back in December is to say, how is it that we get to this place that this community will get to? And what are the penalties or the incentives or the whatevers that get us to that place, is something that is a conversation that we should have as a council. An attempt to have us have that conversation here, which I -- if you make that amendment will be the first time that anybody on this council has sought to impose that kind of prohibition, that kind of regulation on a tnc is something that I don't support. I don't support you trying to regulate tncs in that manner. It would be the first time anybody on this council has done that. I think that would be a bad policy for us to do that without having a conversation about it and without having further work. So from a regulatory standpoint, I think that a quick attempt to try to impose that kind of regulatory structure is something I couldn't support you in. And I'll talk to council here and decide whether or not to decide that it's germane to something which is much more limited or whether to let thereby a -- there be a vote on this proposed mandatory regulation that you seem to be suggesting that we put in. And at this point in the process is not something that I could support. Further discussion on this? Mayor pro tem.

[11:19:23 AM]

>> Tovo: Yes. You know, as we talked about on Tuesday, this resolution, as the mayor said, is quite narrow. If you look at the posting language it talks about identifying strategies to support companies seeking to expand an existing or new business to meet the demand for transportation options. I agree with you that there are further conversations to come about those pieces of the ordinance that we agreed to come back to, but I would say this is not the time or the forum for that, and so I will not be supporting the amendment. I will say I think -- you know, I'm really pleased about some of the conversations that have already begun. Since this posted I had a conversation in passing with our economic development director about the family business loan program and I hope I'm not speaking out of turn -- he'll provide us with information if this measure passes but that has prompted some

conversations with the housing and urban development about whether that would be appropriate and whether that is a source of potential funds for small businesses of this sort, and it looks like it may be. So I think the intent here is really to match up our existing city resources with some particular small businesses that may avail themselves of that and, you know, those are resources we make available to all small businesses in our community that qualify but those conversations don't always happen between our transportation department and the organizations they're working with. And some of the other departments. I see Mr. Johns here so I'm sure if people have questions, but I think, again, we'll have more time if this passes to talk about that information, that may come back to us. Again, as I said Tuesday, I appreciate the staff's work already out there in the field with these companies. And I appreciate council's willingness to consider affirming that work and continuing to support it by passing this resolution.

>> Mayor Adler: Okay. Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor.

[11:21:25 AM]

Let me start -- try to summarize a couple of remarks you made because it plays into why I'm so strongly opposed to this. When we passed the December rules, as you pointed out, there were some very important parts of the December ordinance that basically said to be decided because we didn't say how all those rules were going to be implemented. And to me that is probably the biggest reason why a company, a tnc company, would say, well, do I want to agree to a blank check? Do I want to submit to an ordinance that I don't even know what the ordinance is? And we had one tnc company famously that stood here, I think it was the get me company, and she said, well, we don't have any objection to fingerprinting or any other requirements for the city and that was very, very useful politically to go to Uber and Lyft and say, look, here's a tnc company that has no problem with the rules that we're going to impose. The rules that aren't defined yet but whatever those rules are here's a company, get me, that says I don't have a problem with fingerprints, I don't have a problem with any of your ordinances, I'll comply with those. But we found out from a front page article in the Austin statesman that in fact here we are in the middle of may and that company that promised right here they would comply with the rules, they did not comply with the rules. So the only difference between the tnc companies that are contemplated for subsidies in this ordinance in 41, the difference between the companies that are going to be subsidized and the companies that are not is the companies who agree to rules that aren't even finalized yet, if you agree to submit to whatever the Austin city government tells you to, do you'll get a subsidy. If you don't submit to whatever these rules might turn out to be, you don't get a subsidy. I'm very, very, very strongly opposed to the idea of passing rules that drive out a company that has no cost to our community and provided a great service.

[11:23:27 AM]

And in the place of that company that cost us nothing and provided a good service now we're going to have to subsidize smaller companies so they can grow and take away the market share that the good companies were providing that the drivers and users were not complaining about. This is, in my opinion, a terrible development.

>> Mayor Adler: Okay. Further discussion? Ms. Troxclair.

>> Troxclair: I will lay out my amendment, if I can get a second.

>> Mayor Adler: Why don't you lay it out.

>> Troxclair: Okay. Done. Sorry?

>> Mayor Adler: Did you -- have you already --

>> Troxclair: I said I'll lay it out if I can get a second. Councilmember Zimmerman earlier said he would second the amendment.

>> Mayor Adler: I'm not going to call for a second yet. I'm going to let you lay out the amendment.

>> Troxclair: Well, I'll respond to the comments that were just made but it might help -- to clarify things. I don't know if there's a copy to put on the -- I don't know if there's a copy down there or not. It's this yellow paper. But, you know, I guess this amendment just says, well, the resolution says that because this matter is of immediate concern the city manager is directed to report back to council by may 26, 2016, on the results of these efforts. So -- and the result of the efforts would be, you know, to look at a menu of economic --

>> Mayor Adler: I'm going to suggest you to that you lay out your amendment. So your amendment is what's shown? You move to amend it to say that the city manager is directed to provide a report to the city council prior to may 26 for each tnc company authorized to operate in the city of Austin, that demonstrates using specific data and information that each company is fully compliant with ordinance 2151217-075 including limited to 13-2-5, criminal background and driver history checks, data reporting requirement and 132517, accessible vehicle service.

[11:25:35 AM]

A tnc company is not fully compliant with each section of ordinance 2015 1217-075 will not be eligible to receive city resources. Is that your amendment?

>> Troxclair: That is. Thank you for reading it.

>> Mayor Adler: No problem. I'm going to rule that not germane to the notice and to the resolutions that been offered. I think the resolutions that been offered is pretty limited in scope. It's intended to provide support in filling the gap that we have in the city if was very narrowly drawn and I think this is an amendment that seeks to have the council decide the questions that were not decided back when the ordinance was drafted and to impose a sanction where the city council had not done. I'm not comfortable with the posting. I'm not comfortable with bringing something that's not germane because it's not something that councilmembers could come to the dais prepared to do today. It's a conversation I think we do need to have, but this isn't the vehicle to get that done. So I rule that amendment not germane.

>> Troxclair: All this amendment asks is that before we make a decision about whether or not we're going to provide city resources to private businesses that we have a report about whether or not those private businesses are complying with existing city code. And, I mean, well, I will look forward to hearing from our legal department about what the criteria are for germaneness because all this is asking, again, is a report at the same time that the other information comes back as to whether or not the companies that are being considered for a subsidy are compliant with -- yeah with existing city regulations. So I think this is the first time you have ruled something not germane, and I completely disagree with that judgment.

[11:27:40 AM]

>> Mayor Adler: I understand.

>> Troxclair: I don't know what our --

>> Mayor Adler: Let's ask legal counsel. Is it in my discretion to decide it's not germane?

>> [Indiscernible] The your that y'all want to talk about on the dais really is a broad issue and I think I agree with councilmember troxclair that you want to have discussion about some of these things but this resolution is really separate from the larger conversation that you're doing and the posting really is about this resolution. So it seems like this is going to come up some other time.

>> Mayor Adler: It's not debatable. We'll -- I'll move on to further conversation.

>> Zimmerman: Point of order, if I could. To understand, I can't second this motion because you've ruled it out of order.

>> Mayor Adler: Correct.

>> Zimmerman: Therefore, I can't second it. But I do have the right to challenge your ruling on the matter.

>> Mayor Adler: Yes, you do.

>> Zimmerman: Under Robert's rule I challenge that ruling.

>> Mayor Adler: Mr. Zimmerman has challenged my ruling. Is there a second to that. Ms. Troxclair seconds that. We'll put that to a vote. Those in favor of overruling the chair's decision on the question of germaneness please raise your hands.

>> Gallo: Mayor, could I ask legal. It was hard to hear her complete sentence because she wasn't speaking. Could she repeat again the question.

>> Mayor Adler: Yes, the question is is it within my discretion to rule that not germane.

>> The chair, the presiding officer can make a ruling about the germaneness, and he has done that.

>> Troxclair: So I hope that in the future we have -- I guess a written understanding of what you consider to be germane and not germane because I don't see anything in the subject or posting language where it's talking about identifying strategies to support companies seeking to expand an existing or new business to meet the demand of transportation options. Why a simple request for information would not be germane. I think that -- well, I'm surprised -- I think that you're making a mistake here because I don't know that my amendment would have passed or not passed, but by you ruling this germane on very shaky grounds I think kind of exposes some of the --

[11:29:47 AM]

>> Mayor Adler: I tell you what, I'll let you talk to the media as soon as this is over. We're going to take a vote. Those in favor of overruling the chair's determination on germaneness please raise your hand. Mr. Zimmerman. Ms. Troxclair. Those opposed please raise your hand. The balance of the dice with Mr. Casar off. We're back into discussion on empty's motion. Any further discussion? Ms. Garza.

>> Garza: I appreciate mayor pro tem bringing this forward. I am going to support it because I have great concerns about -- I have -- I've been listening. I have been listening the entire debate about how this would affect different folks and how that has affected drivers but I agree the same ordinance that was in place the day of the election is the same ordinance that is in place now. And if these tnccs could operate the day of the election, the day before the election, they could be operating now. And so I -- I'm concerned about folks who were left without income and I don't believe this council created that situation. I believe that was their choice. So I appreciate the mayor pro tem bringing this forward to see how we can help those folks. And I do have concerns about -- I'm supporting this because I want to see what what is brought back to us and what the suggestions will be but do I have concerns about city funds because that was an issue brought up during the election and we were -- and I told people we're not going to use city funds for this. So I look forward to seeing what the report back is because I do want to know how we can help people that have been affected by this.

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

>> Zimmerman: Thank you, Mr. Mayor. One more quick comment against the resolution here.

[11:31:55 AM]

I think maybe we can agree at this point that the fact that we lost Uber and Lyft is an unintended consequence. I've been involved in all these discussions and a lot of people are saying that the city

council deliberately ran off Uber and Lyft and that's not the case. It is an unintended consequence. And I think another way we can understand this is a lot of people have had to leave Austin because they can't afford to live here. Gentrification issues, employment issues. This is a very expensive city to live in, and in my opinion the city has contributed to the high cost of living. And I know there's some disagreement. But I would say to the people who have been driven out of Austin because they can't afford to live here, it's an unintended consequence. The city council did not pass policies deliberately driving you out of Austin because you can't afford it. It's an unintended consequence of the city's policies, centralized planning, unaffordable taxes and utilities, et cetera. So I think the situation here with Uber and Lyft is it's an unintended consequence, that they've been driven out of the city. But I'm still in strong opposition to this resolution for the reasons we've already mentioned.

>> Houston: Mayor.

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

>> Houston: I just am trying to say that we all need to find a resolution to this. I think there's further conversation that has to be had before we go into limiting the -- any transportation network company to the two items that have been described in this resolution. We've got a lot more conversation to have with a lot more people, and so I think it would be premature for us to try to do that now and get that kind of criteria already established. And I'm not sure that subsidy is the correct terminology for what mayor pro tem is offering. Any small business has an opportunity to go to our family small business economic development and see if they're eligible for any kind of support, and they may not be.

[11:34:04 AM]

But that's an option that I think that they're saying look at it. If it's not, then it's not. So I'm supportive of the resolution as printed.

>> Mayor Adler: Thank you. Further discussion? Ms. Troxclair -- oops, sorry. Ms. Troxclair?

>> Troxclair: Well, I want to point out I guess quickly in response to the mayor's comments earlier about there not being penalties. I understand the legal argument that you're making about something in the fingerprinting section overriding a clear \$500 penalty but I do want to point out on page 4 of the ordinance that I've put on the overhead, F says a tnc operating authority is automatically suspended if the tnc fails to submit the data required under the section within 15 days of the required reporting deadline. So that section applies specifically to the reporting requirements that I was bringing up earlier so I just think, again, we need to be really clear about what our laws are and aren't. If the will of the council is, you know, this was a rush decision with the election, we're not quite ready to enforce these things, we want to give more time to these companies to be able to ramp up and comply, I understand that. But the problem is that's not how laws work. We have something in law right now that spells out specific requirements and specific penalties. And if we need to delay the implementation of this, then let's take a council action to do it. Let's take a council action not to implement the -- anything until August 1 or February 1 of 2016, which is what's been out there on -- what has been out there on social media. But we can't pick and choose what laws we are going to follow and aren't going to follow.

[11:36:04 AM]

It's not fair to the residents who have to live under them or the companies that have to comply with them. So I just hope that that we take that action sometime soon if we're going to continue to ignore this ordinance. To the point of not, you know, forcing out the tncs, I think mayor Adler himself said in December that taking this action would have, quote, the practical effect of tncs leaving the city and potentially making our city less safe," and my favorite analogy so far has been someone on Twitter who said it's kind of like the city saying to a vegan restaurant, well, you don't have to close, but you have to

start serving hamburgers. They have the -- a company is going to have to make a decision to either -- to not be able to live under certain oppressive requirements. So I would just -- I know that we do have to get to a resolution. I hope sooner rather than later. And I think that a lot of us are on the same page on this dais, that we want our city to be safe, that we want to support companies who are trying to fill the gap and hopefully we'll come to some kind of agreement that will allow Uber and Lyft to return to our city as soon as possible but I am concerned about the city not following laws on our books. I'm concerned about the problemtry procedures that were used today and I hope we'll have a public conversation about it soon.

>> Mayor Adler: Ms. Gallo.

>> Gallo: Thank you, mayor. You know, obviously we're in a gap period right now, and I think it is really important for all of us to support removing the operational hurdles for both the new and existing tncs and the other transportation companies as we'll continue to talk about those too. So I thank you for bringing this forward. I look forward to city staff working very diligently on this and so that we can move those barriers as quickly as possible.

[11:38:14 AM]

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I'm going to support this resolution. I support what others have said. I'm also in a place similar to councilmember Garza, I want to see what comes back to us. I think that we're in a position where we need to look at the tools that are available to us to be of assistance. And as councilmember Houston said, those are tools that are available to any business in town. I'm not going to talk about the proposed amendment, and I just want to say if anyone wants to talk about it afterwards, what I object to is the continued misstatement of what the December ordinance is and the continued selection of certain language to the exclusion of other language, it's just not factual and I'll be happy to talk to anyone about that afterwards.

>> Mayor Adler: Ms. Pool.

>> Pool: If I'm remembering.

>> Speaker4: When we --

>> Pool: If I'm remembering right when we received the pet friction Uber and Lyft everything came to a halt. We were in the process of making additional changes to our ordinance and because we had that in front of us and because there were legal elements to it, if I'm remembering the conversation correctly, we specifically and deliberately had to stop changing elements of our ordinance because we would have had additional issues with that. So to the extent that we were not able to make additional changes, my recollection of it all was that we had to wait until the election was over and we saw what ordinance we were left with and we would pick up and move forward. All of the phases were exactly, that a phase in, and to the extent that we don't have specific mechanisms, we weren't able to put them together because we had to stop. So I also support this. I like the idea of small business loan program being explicitly extended to other small businesses and startups in the city and I look forward to the city manager bringing back information about what is out there and how it could work.

[11:40:17 AM]

The last thing I would say is that it's -- because I understand that the tncs are in compliance, we did have issues with getting specific data from the two that left town, and that was also an obstacle that we were presented with that we didn't have anyway around. But I appreciate the mayor pro tem bringing this to us today and we'll be -- will be voting to support it.

>> Renteria: Mayor, I call the question.

>> Mayor Adler: In fact, I don't think there's any further debate on the dais. We'll move to a vote. Those in favor of the mayor pro tem's motion --

>> Troxclair: Married asked if we vote on them separately earlier.

>> Mayor Adler: We can do that. There are three whereas clauses. We'll vote on them in succession. Those in favor of the first whereas clause --

>> Tovo: Mayor, can I request that it be attached to the rest of the resolution so it doesn't get -- I think we need to have a discussion, not here, about how we divide questions that are really one question. In any case can we just attach the resolution to something so we don't lose the context of the whereases?

>> Mayor Adler: Yes. What is the section, councilmember troxclair, that -- which one are you in favor of?

>> Troxclair: I am happy to support the expediting the process of the taxi co-op application as well as the San marcos continuing -- city manager to engage in conversation with existing tnCs.

>> Mayor Adler: First we're going to take a vote on the resolution including what is the first and third would it resolved clauses -- first and second resolved clauses. We've ended debate. Those in favor please raise your hand. Those opposed? Unanimous on the dais with Mr. Casar gone. Now we'll vote on appending to that the third be it resolved clause. Those in favor of appending the third one as well, please raise your hand. Those opposed? Mr. Timber and Ms. Troxclair voting no. Mr. Casar off the dais. The others voting aye.

[11:42:20 AM]

The resolution passes as it appeared in backup. We'll now get to other items that have speakers with them. Let's go to items 12 and 13. Mr. Guernsey.

>> Mayor, council, Greg Guernsey, planning and zoning item. Item 12 relates to a ordinance that staff is bringing to you regarding non-peak hour concrete installations in portions of the downtown area, specifically the portions that are zoned central business district and the public zoning districts. Item 13 is an extension of the existing non-peak hour concrete installation ordinance that's in place. Over the past about a year and a half I've been working with stakeholders, neighborhood stakeholders, contractors, folks that deal with worker safety and folks with the industry regarding the pouring of concrete downtown, and I -- if you recall on an earlier agenda about a month ago, staff brought forward an amendment and we basically told the neighborhood side and concrete and contractor side that staff was going to present this to the city council. As a result of those discussions, both the neighbors, the industry, and contractor folks realized that there was an amendment coming forward, that maybe not all the parties liked, and said why don't we get together and talk at least one more time and perhaps go to a site and actually look at a proposal for abating noise.

[11:44:38 AM]

And so last Thursday our economic development department staff went out with sound equipment on the property, a representative of the downtown neighborhood association of the neighbors was present, the downtown Austin alliance was present, and also representative of construction was present. From that meeting, there were very favorable results, both sides in a meeting last night that ended about 8:00, the parties have agreed that they would continue talking and we're down to primarily two issues. One that deals with an engineer's report regarding sound impact plan and how sound would be abated for concrete pumps and the trucks that would service that pump. The other issue dealing specifically with concrete pours for certain types of construction that may be of higher decibel, up to 85, between the hours of 7:00 and 12:00 P.M. And that that might be agreeable if there were certain limitations put in place. There was agreement also that the staff's recommendation regarding holding decibel limits to 3 decibels above ambe generate sound level would -- ambient sound level would go

away. Based on those comments last night I'm recommending that you not take action on item 12, that you grant the extension under item 13 so we can resolve the issues among the parties 40 remaining two items -- for the remaining two items and I feel confident we can get there. I think you've got folks here from the daa, neighborhoods and perhaps representatives from the concrete and taca, the association that are all in support of this. So that is whatsky you today, is to -- what I ask you today, take no action on 12, to delay action on 13, because this is the closest I think we've been in the last year and a half to resolving these issues.

[11:46:58 AM]

>> Gallo: Mayor, I'd be happy to make that motion.

>> I think you have some speakers.

>> Gallo: I was going to say I'd be happy to make the motion on the two agenda items that was just recommended by staff.

>> Mayor Adler: Okay. Ms. Gallo makes a motion as laid out by staff, by Greg Guernsey. Is there a second to that motion?

>> Tovo: Yes.

>> Mayor Adler: Mayor pro tem seconds that motion.

>> Tovo: To be clear, that is --

>> Mayor Adler: What is it --

>> Tovo: I guess ignore 12 and take no action on 13.

>> Gallo: Do we need to postpone it for date certain?

>> I would need to bring back a different amendment, which would be possible when I get the parties to agree to further additional changes.

>> Mayor Adler: So it's to pass on number 12.

>> Gallo: Take no action.

>> Mayor Adler: And actually pass 13. Take no action on 12, pass number 13.

>> Gallo: Yes.

>> Mayor Adler: That's the motion, seconded by mayor pro tem. We have some speakers to speak. So let's go to the speaker. In this case it is Mr. Pena -- no. I'm sorry, he already spoke. So that's 12 and 13. So I think we're -- kitty mcman.

>> Thank you, council, kitty McMahon from the Rainey neighborhoods association and I have been involved in the last couple of meetings that Mr. Guernsey has called and I just wanted to make sure that you all hear that the three resident representatives on that group are in agreement that we need to continue the discussions.

[11:49:04 AM]

And so I fully support doing exactly what the motion is.

>> Mayor Adler: Thank you. Thank you for your time and assistance on this. It's been moved and seconded. Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I appreciate the fact that our staff showed up with sound measuring equipment. That's terrific. Were they offered any concrete boots and gloves to get into the concrete and start pushing it around and figure out what a brutal job that is?

>> No, councilmember. But I think staff and neighborhoods are all aware of the safety issues involved, and of making sure that workers are safe and that there is an ability to pour through the night in order to build our buildings downtown. That is an important issue. I think that was all agreed on.

>> Zimmerman: There's no substitute for experience when it comes to pushing concrete around to

understand the difficulty of this job and why they want to do it at night.

>> Mayor Adler: It's been moved and seconded. Ms. Gallo.

>> Gallo: I just wanted to take a quick moment to thank everyone involved. This has been a very lengthy process, thank you to staff, to the neighbors, for the stakeholders. It seems to have evolved into a very positive discussion, and I think the council really appreciates that. So thank you.

>> Mayor Adler: Ms. Garza.

>> Garza: I wanted to make sure I understood. 13 just keeps the current -- whatever is currently -- just extends the expiration date? Okay, thanks.

>> Mayor Adler: Seeing no further debate those in favor of the motion to take no action on 12, pass number 13, please raise your hand. Those opposed. Unanimous on the dais. Mr. Casar off. Thank you. That passes. I'll now call up item 11. I think the manager is going to go work on the smart city challenge application but his presence was requested on item number 11 so we're going to bring that up so that he can move on.

[11:51:04 AM]

This is the lifeguard issue that you pulled, Ms. Gallo.

>> Gallo: Thank you, mayor. I appreciate the speaker that was here earlier talking about our lifeguard program at the school -- I mean, at the pools and how important that is. And as our community eventually moves into our hundred degree weather it is such a good resource for our community and our kids. So I support absolutely funding the lifeguard program and funding it to a level that we will actually get the number of applicants we need to get to be able to open the pools, the community pools, neighborhood pools when they're scheduled to open, as we many of those have a tendency to be delayed with openings because we just don't have those positions pulled. So I do appreciate parks coming forward and saying in their opinion one of the issues is the wages that we are paying, and I really support paying what we need to do and figuring out what we need to do to get those positions filled so we can open the schools. Where I'm concerned and the reason I wanted to pull this for discussion is the proposal was to take it out of our budget stabilization reserve, and that would drop those reserves below the 12% stated level in our financial policy and I'm really concerned about the precedent this sets. I want to be clear, I think it needs to be funded but some other way than the budget stabilization reserve. And so I did ask that the city manager stay here and hope that maybe he could address some other funding potential sources that this could be paid out of and so that was why I wanted to have this discussion, to see if we have any other options available.

>> As you might imagine, councilmember and council, when I became aware of the situation, I did ask our financial staff to explore options for providing the additional funding that would result in a \$13.03 wage rate for these summer seasonal employees.

[11:53:08 AM]

And so they explored a range of options but ultimately indicated that this, so the reserve source, was the lace that they were recommending, notwithstanding the fact that, as, you know, it would take us slightly below our 12% reserve policy. It is not the first time that we have gone to reserves in the course of this fiscal year. One that you might remember, we did so when we were looking for additional funding for overtime associated with A.P.D. And it seems to me there may have been one other time where we have, per direction from this council and support from this council, gone to the reserves to support an unanticipated matter that needed to be dealt with. As you can see, we can our deputy cfo, ed van eenoo, here. I've had more than one conversation about that, as well as the cfo, Elaine hart. The only other thing, as I sit here, that I can think about is some reduction on the expense side, which would

mean reducing something or cutting something to free that revenue up in order to provide the additional costs associated with increasing these wages. But perhaps, ed, since you and I last talked you've found some make dust and have something else to add to how we might get this done.

>> No, we have not found any make dust and I don't really have anything to add. I'd be happy to answer any questions council might have but just assure you we have looked at other funding sources. This is a general fund function, so looking at sources such as comprise department is not appropriate. So we have looked at the general fund. We've worked with our parks department, asked them to look through their budget to see if there's any budgets that could be reallocated to this purpose, and they weren't able to identify any funds. We also look at what our other departments are projecting and we don't have any other departments at this stage in the budget year projecting that they're going to have significant savings.

[11:55:18 AM]

In fact we talked to council as parts of our forecast process that actually at this stage we're concerned that our fire department is going to go over budget by as much as two and a half million dollars related to the overtime issue that they're experiencing. In past years we would look at sales tax. If we were at a point in the year where our sales tax revenues were coming in stronger we might say well we could appropriate some of those unexpected sales tax revenues. Right now our sales taxes revenues are about a million and a half below our projected levels for the year. Our budget is pretty tight right now so that's why we feel the only source that we could point council to would be to take the funds out of our reserves and as the manager said we have done that on two other occasions during the year already. We ended fiscal year 2015 with about \$5 million more than we thought we were going to when we were putting the budget together for fy'16, opened the door for additional appropriations within our financial policy about but as the manager mentioned we intent a million and a half on A.P.D. Overtime and another 160,000 related to a passages program. Those two appropriations that already occurred put us right down to the 12% and this third appropriation out of our reserves would push us over the edge to -- of 11.9, slightly below that 12% goal.

>> Gallo: So neither of the two that were referenced that we did earlier dropped us below the 12%. This would be the first --

>> They did not because we ended the previous fiscal year with more money than we thought so we had a little cushion. That accusing has reason allocated already.

>> Gallo: Okay. So we don't have -- I mean, this is -- obviously the rate at which this needs -- the speed at which this needs to be done needs to be done very rapidly because we're talking about funding for the pools opening but are there not ftes that are vacant that could be frozen for two months and then this becomes part of the budget discussion?

[11:57:18 AM]

I'm sorry that it wasn't included in last year's budget because I know this T was a problem last year with being able to staff appropriately the pools. So hopefully in this year's budget cycle that will be addressed but the ftes, are there any unfilled ftes that could be used?

>> To do it within the context of the existing appropriations, to address this without appropriating additional monies would require some action, either, you know, impacting programs, freezing positions, positions that would be needed for park maintenance or positions that would be needed for some other purpose, freezing those positions would come with some service impacts, I think it gets to the same thing the manager said. We could address this by making cuts elsewhere in the budget.

>> Gallo: Was there any point in the last budget that we funded something and dropped our reserve,

the budget stabilization reserve fund below the 12%?

>> No.

>> Gallo: So how long has it been since the council has voted on something that funds and drops the fund below the 12%?

>> I don't know the answer to that. I mean, it's not a common thing.

>> Gallo: Okay. Nor should it be, correct?

>> Correct.

>> Gallo: Okay. Thank you.

>> Mayor Adler: Ms. Houston.

>> Houston: Mayor, this is a question for parks and recreation staff, if that's okay?

>> Mayor Adler: Mm-hmm.

>> Houston: The speaker that spoke earlier talked about the different pay ranges that you use for lifeguards. And so could you give me an idea about people who are 15-17, what is their pay?

>> Okay. Kimberly Mcneely, assistant director for the parks and recreation department. Individuals who are over the age of 15 can work for the parks and recreation department as a lifeguard. Anybody who is over the age of 15 can work just the seasonal point in time or they can work year-round.

[11:59:22 AM]

Of course if they work year-round they're considered minors. Then we have to follow child labor laws which limits the amount of time they're able to work. With that being said, depending on your age, under the age of 18 you can make anywhere from \$9 to approximately \$10.50. And the reason why we were in that space is because when we understand the application of the living wage, we understood that to be for adult individuals who are working year-round. And the implication of that means that sometimes you have lifeguards -- we have at least 100 lifeguards that work year-round regardless of their age. So if they're working year-round and they became eligible for the 13.03 our situation is such that because we were paying individuals a little bit less you have some individuals making 13.03 and some making less than that.

>> Houston: And the same job classification? Working year-round?

>> Some are working not year-round. Some are working only seasonally but when they are coming to work they are required to have the same amount of training and they're required to perform the same duties and responsibilities.

>> Houston: So for the seasonal workers, this would -- everybody would be getting 13.03 an hour? Is that what this 400,000 --

>> Individuals who are required to be lifeguards, who are required to perform lifeguarding duties and are required to have that level of certification, all of them would receive at least 13.03.

>> Houston: Regardless of their age?

>> Regardless of their age.

>> Houston: And for those that are temporary, that just work for the summer, or whatever we call those, what are we paying them?

>> Individuals who are lifeguards that work seasonally? That's --

>> Houston: Seasonally.

>> Is that right is this those individuals right now are making that range that I spoke to earlier.

[12:01:28 PM]

Even the -- but they're lifeguards. So we have -- we have different classifications of individuals who work. So you could perform the exact same duties or responsibilities but be clarified differently

depending upon the time of the year in which you work. So you can have a lifeguard that works year-round, January -December, because they're working at one of our five year-round swimming pools to help us keep those operating or we only open -- we open 35 -- approximately 35 swimming facilities just in the summertime from may -September. So you could be a lifeguard and really only come in and work may through September. But as a lifeguard, regardless of whether you work year-round or whether you work just the summer time, you're required to perform the same duties and responsibilities as a lifeguard. You're required to have the same amount of training.

>> Houston: Thank you. And it's past 12:00 so I'm going to put a pin in it, but I need to talk more about this after we hear citizens communications because when we talked about basing the living -- raising the living wage to 13.03 I was not thinking that would impact this class of folks so I need to have some more conversation about that and where that money is going to come from.

>> If I may just make sure that I make a clarification. While the gentleman came up and spoke specifically about age, I do need to clarify that it's really about experience. And so if you come in at 15-year-old you have zero years of experience if if you come in at 16-year-old and you were a lifeguard last year you have one year of experience, if that makes sense. So the pay is based upon experience although it's likely that of a certain age you get paid a certain amount because of the number of years of experience that you would have.

>> Houston: So perhaps after we come back you could tell us how many people we're talking about at that upper range that would be getting the 13.03 and those that would be at zero or one.

[12:03:29 PM]

>> We're proposing that everyone who is a lifeguard --

>> Houston: I know what you're proposing but I'm asking for more data about that.

>> Okay.

>> Mayor Adler: And I understand. Before we take the break for citizens communication does anyone have anything else?

>> Kitchen: This is a related question, and I may not have understood you, but my question relates to whether the lifeguards that are -- that work at the year-round pools, whether they are currently being paid the 13.03 minimum wage? And the reason I ask that is because my thought was, when we passed the requirement for minimum wage for temporary employees, we thought they were covered. So --

>> The answer to your question is, yes. If those individuals at the time that the criteria was set and we implemented the 13.03 living wage, if lifeguards who are on the payroll working year-round were on the payroll at that time, yes, they are making 13.03.

>> Mayor Adler: Okay. We're going to pause in this matter -- I'm sorry.

>> Kitchen: We can talk about it later. You said if they're on the payroll. What if they're hired after? I'd like to talk about that further.

>> Mayor Adler: Okay. We'll pick this up after lunch. Let's talk here for a second, council. We're going to do citizens communications until 12:30ish. Then we have to come back. We have a lot of items on the agenda but not a lot of speakers. My thought is assuming that we're over citizens communication by 12:30, maybe we'll come back here at 1:30 to continue. Does that work? We'll touch base then but I think that's probably where we're headed. Yes, Ms. Troxclair.

>> Troxclair: I thought there was a briefing by some of our task force members on the agenda for 10:30 today and I see they've been waiting so I don't know if we're going to get to that.

>> Mayor Adler: We do. And we could have that at 12:30. So the agenda item means it can't happen any sooner than then 30:00 whatever we did this morning we were having people waiting because we had folks signed up and the like but we could certainly set that at time certain.

[12:05:31 PM]

We could not go back to the swimming issue. We could go back into the staff briefing on flood mitigation if we wanted to start there or we could set the flood mitigation for a time certain later in the day so that they're not waiting here to come back.

>> Troxclair: I guess we should probably ask them. I think that they're professionals who probably have to be somewhere and didn't expect to still be here today. I don't even know if they're available to stay this afternoon.

>> Mayor Adler: Why don't you come up and talk to us about your calendar for today.

>> Mr. Mayor, pro tem, councilmembers. I'm Matt, chair, we have enough people here we can work with your schedule, but I thank you, councilmember troxclair, for your consideration.

>> Mayor Adler: Thank you. So let's have that conversation now so that these folks can know. We have citizens communication until -- you can go ahead and sit down. Citizens communication until 12:30. Do we want to have the briefing at 12:30 and break for lunch at 1:00? Or do we want to come back? Ms. Kitchen?

>> Kitchen: I would support the briefing at 12:30. I don't know exactly how long we're scheduled for the briefing but it seems like that would be an appropriate time to go ahead at 12:30.

>> Mayor Adler: Do you want to stay for 12:30 for the briefing, Ms. Pool.

>> Pool: I was trying to find out how much longer we were going to spend on the lifeguard item? I guess I did think that one would move more quickly than it has.

>> Mayor Adler: I would have thought so but there have been some basic questions that have been raised. Looks to me like we might be lingering on that for a little bit. Also troxclair.

>> Troxclair: I guess I would maybe prefer to break after citizens communication and come back at 1:30. Otherwise they won't have a chance to eat and I don't know how long the briefing will take but -- I mean, y'all tell us what you would prefer.

>> Mayor Adler: Do you have a preference? Okay. So let's do citizens communication. We'll take a break, start at 1:30 with the briefing and then move back into the agenda.

[12:07:33 PM]

Let's start with citizens communication. Mr. Pena, you're up first.

>> Mayor, councilmembers, Gus Pena, cofounder of veterans for progress. This is my 27th year that I've been doing this citizens communication memorial day and I'll read verbatim, memorial day may 30, 2016, is a day we remember all military veterans who died in combat defending our country, for freedom, safety and democracy. I especially want people to remember, [saying names] And especially my good friend and classmate at Zavala elementary, [saying name] Who was the last [indiscernible] To die in Vietnam. I'd like to say this. His mom is my fourth and fifth grade teacher. She was Alex's fourth and fifth grade teacher so we have a lot in common. Kay, I know you're back there preparing the food for these elected officials. But I want to thank you for allowing you to allow your mom to be with us at the most critical time in our lives. That being elementary school. They gave their all. I miss you, my friends. I will never let people forget about your courage and service to our country. You civilians will have the day off. A lot of us veterans won't. Let our country, United States of America, and other countries, never forget our heroes, United States Marines, army, Navy, air force, National Guard, coast guard, and especially our female veterans who died in combat. May they rest in peace. I miss you all. And thank you what you did for our country.

[12:09:34 PM]

And the sacrifice that you all endured. I love you and I miss you. Got bless you. Happy memorial day. Thank you.

>> Mayor Adler: Thank you, sir.

[Applause]

>> Good afternoon. I guess September 17 of last year was probably the worst day that I had. There was a council hearing on solar energy. I was in the most awkward of situations in having been a solar advocate since the 1970s. But having to speak against the proposal because there were just too many things that didn't seem right about it. I was the only person in a crowd of about 45 or 50 people to urge caution. Buy it now, the advocates said, because the federal tax credits are going away. Solar energy may never be this low again. And I cautioned that since the federal tax credits for wind power had been renewed repeatedly in the last 23 years it was likely that the solar tax credits would be extended too. And three months later, that is exactly what happened. So really there was no rush to buy the power at once. Sometimes the only person who is right in a crowd is the one who isn't clapping. Now about the beginning of this month, something else happened to reinforce the caution that I gave you. Solar energy fell to its lowest retail price in world history in ad by that occurred in the middle eastern country of dubai. It was 3 cents a kilowatt hour without subsidies, about 25% less than what Austin paid.

[12:11:42 PM]

Stunned experts are still trying to figure this out. Was it different interest rates? Labor rates? Tax rates? Still, it is the clearest indication yet that solar will continue to fall in price and that Austin likely paid too much compared to what the market will be in a few years. Now, I realize that at some point you all have to make decisions. If you wait endlessly for the best deal, you may never even buy tonight's dinner, much less a power contract. But, still, while I believe global warming is one of the greatest threats the world has ever known, strategy not stridency will be the key solving it. If you get solar energy for less money, you can then spend the savings to buy even more and prevent even more global warming. My compliments to mayor Adler, councilmember Gallo for interjecting some caution into the final purchase. Still, sometime in the next few years, councilmembers --

[buzzer sounding] You're going to have to admit I was right about this.

[Laughter]

>> Mayor Adler: Thank you.

[Applause] The next speaker is Norman Jacobson on deck is Carolann rose Kennedy. I don't see her. Oh, is she? There you are. All the way in the back. You'll be on next. First is Norman Jacobson --

[12:13:47 PM]

>> [Off mic]

>> Mayor Adler: Then why don't you come on down. Welcome back.

>> Thank you. It's good to be back. Okay. My speech is still in the draft. I couldn't get around to it so it's going to be a little choppy. Okay. Welcome back, council, and thank you all for serving. Thank you for having me. It sure was fun running for city council with y'all. I had the time of my life. I should have would have could have written this speech when I was lung from the council. Maybe I would have had a better chance at winning the election. I grew up in Dallas, Texas. My dad, Robert a. Kennedy was the loan stellar energy at Texas power and light for 30 wonderful years. Although our large family had two cars, they were parked in the driveway more often than not. My dad rode the city bus downtown twice a day every day, rain or shine, sleet or snow or Texas tornado on the radar. Every day for his whole working life. Dad passed the torch to me when my 5-year-old son and I moved to Austin in January colder than hell 1991. I couldn't be more proud than carrying on my dad's legacy. Dad would turn over in

his pine box if he knew how much hitchhiking I'm doing in Austin. Mom and dad believed that precarious and dangerous and insecure activity died in the '60s. Taxi drivers are at monumentally greater risk of losing life and limb than are the taxi driven. Those poor souls need combat pay. These overworked and underpaid taxi drivers are often forced against better judgment to pick up hitchhikers who wait to get into the cab to drink, vomit, pee, deliver a baby, smell like they haven't had a bath in a month of Sundays, just robbed a bank of America, the whiny, the pennyless, the motherless, et cetera.

[12:16:03 PM]

A year ago, I was discharged from St. David's hospital emergency room at 2:00 on a Sunday morning. No taxi voucher even though I got down on my knee balls and begged the retarded social work worker for one. After tooth pulling she finally conceded to give me a bus pass and invited me to wait in the hospital lobby until the city bus starts running at 6:00 Sunday morning. I ended up paying a yellow cab driver \$40 for a safe ride home. And it doesn't matter if for that you have a husband at the house if he's truckless. Easter Sundays 2011 I was making rounds at a local hospital into the wee hours of the morning. I pissed off a paraplegic and they called the cops on me. They unkindly gave me two options. Take a taxi home or get my ass hauled off to jail. Why couldn't they take me home at three in the morning? Oh, I know. My tax dollars not working. But it ain't always about the money. Contrary to popular opinion. Your stupid idiotic cops and hospitals --

[buzzer sounding] The moral to the story is please back off with incest sent, relentless infutile rules and regulations and let us, we the people, taxi driven and hitchhikers with our brains and injured [indiscernible] Trust and use our own judgment before boarding any means of public transportation.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Thank you. Next speaker that Bev is Norman Jacob -- we have is -- is Norman back? Let's go on to Will McKinney. Will Moore on deck.

>> Good afternoon, mayor, mayor pro tem, councilmembers. One year ago, council approved a resolution directing the city manager to, quote, take steps to increase opportunities to let dogs out of their kennels while housed at Austin animal center.

[12:18:14 PM]

Thank you to councilmember Casar for sponsoring this resolution as well as mayor pro tem tovo, councilmember Garza, and councilmember Kitchen for cosponsoring it. Unfortunately, we still have a long way to go to ensure the dogs get the kennel breaks they need and deserve. There are many days dogs still don't get out of their kennels. Getting the necessary kennel breaks greatly reduces dog stress and makes them more adoptable. Therefore, regular kennel breaks effectively shorten their length of stay at Austin animal center. Kennel breaks generally consist of 10-15 minutes of walking around the campus or playing in a fenced yard. Kennel breaks give the dogs a chance to experience a quieter environment, chance to get exercise and a chance to receive much needed interaction and affection from people. Over half of the dogs are house trained and will hold their bladder waiting patiently to be let out of the kennel for a potty break. Many of the dogs are there over five months. In some cases the dogs even go kennel crazy from not getting out enough for kennel breaks. I and other volunteers have seen this happen first hand. The dogs temperament completely changes. It's very difficult to witness. There are sometimes even euthanized as a result of being kennel crazy. We believe the Austin animal center's donation fund is a viable solution to help the dogs immediately. This fund is made up entirely of donations made by generous citizens. Out of the 75,000 budgeted for enrichment at the start of the fiscal year, only 12,000 has been spent thus far. The balance is currently around 60,000. What I propose

is that two part-time dog walkers be hired. They will each work 30 hours a week and receive a wage of \$13 an hour. Over a 3-month span this will cost around \$10,000. The long-term solution that ac manages is putting in place such as play groups, they're great but they will take a while to ramp up.

[12:20:15 PM]

We owe it to the dogs to try what we can as soon as possible so they are taken care of immediately. Their health and well-being cannot wait. Thank you so much for your time and service.

>> Mayor Adler: Thank you.

[Applause] Next speaker is will Moore and then Elizabeth mcgrief have Liz -- I'm sorry.

>> Do you do it from here?

>> Right here.

>> Okay, hi. Any name is Elizabeth. I am the owner of droplet land design, ecologist, masters in landscape architecture. Last year I was one of the stakeholders for Austin's green infrastructure working group that provides feedback for context. There are proposed making a once a week irrigation watering the standard for established landscapes around Austin. Two weeks ago when the council voted on this, Zimmerman, who is not here, said if we're not watering the trees when it's depreciation then we're irresponsible stewards. His comment was confirmed by Ann Coleman a local architect who claimed more frequent waterings create healthy roots. This is absolutely not true. The fact is overwatering trees and other plants creates unsustainable landscapes and that is not being a good Stewart. Let me tell you why. Skip Richard of the Texas agri life extension service explains excessive watering can make a tree dependent on irrigation. Trees do better with less frequent but deeper soakings. That's because shallow waterings encourage tree roots to remain near the surface, prone to drying out. Watering deeply on the other hand encourages deep breakout tolerant roots.

[12:22:20 PM]

This approach can be applied to lawns. Grass should not be watered until the blades literally start to fold up. This trains the roots to reach deeper where the ground is more consistently moist. And I have proof. This is why my clients up by north campus, they water maybe once a month. Okay? Once a month. Their heritage live oak in the back they never irrigated it before we put in new landscape but we improve the soil, get the right plants in the right place. All about sustainable landscaping. This [indiscernible] Zero supplemental irrigation. So we don't need to be put dumping all our water on -- unless it's a new landscape. Let's see. Because we do get long droughts followed by flash floods we need to be focusing on ways to slow down the water instead of seeing how quickly we can fill up the Lakes. There are many ways to do this but one of the best ways is add infiltration trenches of all sizes everywhere. You can see on the left there that's a residence in lakeway, steep slope, shallow soils, you see the arrow pointing, infiltration trench where the driveway is sloped to drain into that, 24 inches donation gets the water into the soil so no water flows into the street. A larger one could be done at the city scale but these can be incorporated everywhere, every median and everywhere. This way we can store most of our water in the land so that the water instead of evaporating slowly moves towards our lake system.

[Buzzer sounding] And creeks thus creating sustainable water flows, lessee rotation, less flooding and less dependence on supplemental irrigation. Thank you.

>> Mayor Adler: Thank you. Next speaker is bill Oakey.

[12:24:22 PM]

Is Mr. -- Is Mr. Oakey here?

>> Mayor?

>> Mayor Adler: Mr. Oakey is not here.

>> Tovo: While calling up the next speakers, I wanted to thank our last speaker. Thank you so much for being here and for that information. That was really, really valuable. I appreciate it.

>> Mayor Adler: Okay. Mr. Oakey? What about Andrew Garcia? Your turn, sir. On deck is Michael polacheck.

>> I have a pad here. It fell apart in the rain so give me a second, mayor. I have some drawings I'd like to --

>> Mayor Adler: Hang on a second because we can't hear you. Take a second. You'll get to the dais and then we'll start.

>> I'm going to set this here. Is that okay?

>> Mayor Adler: Yes.

>> These are some ideas that I have. I've seen the Gibson guitars. Sorry. I've seen the Gibson guitars around the Gibson guitar project, and I think that this would be an interesting project that I have an idea. And excuse me just one second. I wrote a few notes here. I wanted to thank y'all very much for listening. My inspiration comes from the inside. I've been sitting back here for a little while, and I see how you use your words, the way you pick your words and it's very interesting. I mean, you're creating moment by moment with your words. I find that very interesting. I wish I could do as good a job but I'm going to show you some ideas that I have that would -- I would like to represent as -- I've been living in Austin for 30 years, and I think this is a great idea.

[12:26:22 PM]

I'm going to show them to you real quick. Can y'all see right here? Okay. Well, you can probably see a little bit better.

[Off mic] Okay. This is an idea that I have --

>> I'll hold that up for you if you want.

>> You can't see it? Oh, because of the words. I think, yeah, if you would like to help, that would be nice.

>> I'd be happy to.

>> Maybe we can both hold one side. I can't -- let me get on this side.

>> [Off mic]

>> We'll hold it up right here. If you can hold one side because I'm going to flip the pages.

>> Okay.

>> Okay. This is an idea I have. It's -- this is a window with arms and legs.

>> Sorry.

>> Sure. Okay. The next page. I have a few drawings. And I could really see these sculptures around town. I can make them and this one is a window running, okay? They can be made out of different things. I make them out of metal usually and I put curtains on the back of them, and I'm not sure if this has ever been done, but I think I'm the first -- I think I created it. Which is a great -- for me that is a very interesting -- here is another one -- I haven't done this one. This is only a drawing, actually. But the other -- the running one I have done the other one I have done out of metal and clay. What I'm trying to do actually is I'm trying to get your permission to create these -- I'm trying to get your permission to create those, and I know it's a long process. And -- but this is a start. And I see these around -- I see them in my head when I go around town.

[12:28:22 PM]

I see one maybe. I would love to have one in the middle of the lake like running across the water. That

would be very cool, I think. And in closing here's my last one, and it bows. It says thank you. And it puts a rose through itself.

[Buzzer sounds] And I guess that's all. So basically I'm just saying thank you and I want the city of Austin to know that I'm very grateful for all the art opportunities that it's given me. Okay, that's all.

>> Mayor Adler: Thank you very much. Very creative.

>> I'm very grateful for all the art opportunities and this is a start. I don't really know what I'm looking for. I would like permission to put these around town, but I know it's a long process. If you have any comments or any direction you can give me, I would be grateful. Thank you.

>> Mayor Adler: Thank you,.

>> It sounds like you're already familiar with it, but we do have an art in public places program, and if you will visit publicartists.org it talks about how you might play for the different opportunities we have here at the city.

>> Mayor Adler: Thank you. Next speaker is Michael polacheck.

>> Thank you, mayor, councilmembers. With all of the attention that's been given recently to transportation network companies, I think it's a good time to address relate a related issue, which is that the external costs of driving cars is an extensive part of the total cost in this first chart, the pie chart there. You see it in brown there. External costs of driving total about a third of the total cost.

[12:30:29 PM]

And it is I think very important for council to consider that in trying to get people to use alternative methods of transportation. That these external costs represent a massive subsidization of driving, and that when we try to encourage people to use alternatives they accept a burden in extra time, effort and loss of flexibility, but the benefits are extended to the rest of the public without really realizing any of those benefits themselves. Now, what I think is important is that while tncs often call themselves ride-sharing companies, they are generally in fact ride-selling companies. People are being paid to drive other people where they want to go. We need to -- and hopefully an organization will start that will use the technology that tncs have developed which would allow us to accurately monetize and track these external costs so that when people are actually ride sharing, giving people rides, filling empty seats that are constantly moving around the city with riders going to the same places, also including employers who have the background information and the residences of their employees at hand to organize more carpooling and to share these resources in the necessity. In this cost chart here it shows external costs, while often very small, are multiple, and result in a significant -- quite considerable amount of money that is being used to support driving cars.

[12:32:38 PM]

Particularly at peak hours and peak routes, the value of getting cars off the road, getting people to share their rides, needs to be accurately valued and shared with the people who are making that possible. This technology that has been developed now makes this very feasible and can have a tremendous impact on solving our transportation issues.

[Buzzer sounds] So thank you for your consideration. And if you have any questions I'll be glad to talk to you later. Thank you.

[Applause].

>> Mayor Adler: Councilmember, I think those were all the speakers that we have. We'll come back here at 1:30 and we'll start with the briefing. And then we'll move forward. We stand in recess. >>

[1:42:33 PM]

>> Mayor Adler: I think we have a quorum back here. We can go ahead and gear this up. We had someone that was trying to speak at citizens communication, but the bus route was tardy in the rain, so I'm going to call the speaker we didn't get ahold of before, Mr. Oaky. Do you want to speak to the council?

>> Thank you, mayor, for being so gracious and allowing me to speak. This is the fifth anniversary of my blog, Austin affordability.com. And the city council has been extremely helpful on a lot of my proposals, and there is one that's not quite so popular, and so I'm here today to defend it and it out. And it has to do with plans. In my research I've discovered that there is a wide variety of very expensive plans across the city, but in my travels to city hall I haven't found a single person who can identify how many of these plans even exist and what the total cost would be to implement all of those plans. So what I'm recommending is that you develop a master list of all the plans, bring in some public engagement and prioritize those plans and establish an affordable timeline to implement all those plans. When I wrote about this three times previously on my blog I violated one of my own core research principles. I forgot to do a Google search find out how other cities do it. So yesterday I did that and lo and behold there are at least five other cities that have a master list of all of their plans. Port Smith, New Hampshire, Ashley, North Carolina, Ann Arbor, Michigan and Urbana, Illinois. I can also tell you that there are two plans that I strongly support. One is the affordability strategic plan which I recommended to the regional affordability committee and I want to thank councilmembers Delia Garza and Ann Kitchen for placing it on their agenda.

[1:44:46 PM]

It should pay for itself in reduced cost to the city overall. And then Jeff Travalion who is running for Travis county commissioner said we should have a park and ride master plan. And I fully agree with that because it would help with affordability and mobility at the same time. I'd like for you to take a second look at this idea of creating a master list of plans, and I'll conclude by saying that when Porter Wagner and Dolly Parton sang their hit song Making Plans in 1980 it was all about heartache. That's afraid that's where Austin will be headed if we can't get a handle on all these plans. So I want to make sure I haven't left anything out there is one other thing. Imagine you were the CEO of a major corporation and you went to a board meeting and the board members asked you, how many plans does this company have and what would be the total cost to implement all of those plans. If the CEO stared back at the board and said, I don't know how many plans we have, I don't even know how many of our departments have active plans. I'm sure that the chair or the board would look at him and say --

[buzzer sounds]

-- I hope you've enjoyed your tenure as CEO. The door is over that way. So thank you very much.

>> Mayor Adler: Thank you. It's my understanding that item number 50, there's been a request to postpone item number 50, is that correct?

>> Kitchen: That's my understanding too. Yeah. I don't know where Mr. Rusthoven is.

>> Mayor Adler: We need staff on this. So we'll come back to that, but it's -- I will say that someone passed me a note that indicated that that was --

>> Kitchen: That's my understanding also.

[1:46:47 PM]

>> Mayor Adler: That the parties wanted to postpone that. But we'll wait until we get staff in to be able to confirm that. It's my intent to start us off with the briefing that we said we would start when we came back, and then we have the public safety folks that are here and have three items, I think, that have

been pulled with reference to them. So it's my intent to call those fairly high up. And we have the swim issue. But let's go ahead and do the staff meeting as we said we would at 1:30 -- I'm sorry, the task force briefing. I want to begin by thanking the task force for the work on the community's behalf. Thank you very much. Good afternoon, mayor, mayor pro tem, city councilmembers, I'm Matthew renstra, chairman of the task force. The resolution in 2015 directed us on flood mitigation strategies, including buyout and variances, finance, planning and regulations, stakeholder collaboration, conduct citizen communication and to then make recommendations for new strategies and policies.

[1:49:09 PM]

The resolution also directed the task force to pay specific attention to upper and lower onion creek where flood be has been severe and impactful to residents of the neighborhoods. As we speak that is occurring. The task force has heard tragic and personal stories of loss and grief from people around the city who have suffered flooding in their homes often on more than one occasion. Some have lost their homes and have been part of the buyout program, which has often been a slow and intimidating process, leaving people feeling frustrated and angry. Some did not lose their homes and don't qualify for buyouts, but suffered flooding for a myriad of reasons from overloaded storm drainage systems to poorly maintained drainage systems to increased impervious cover from development and poor drainage from designs from decades past. These people are faced with continued threats to their lives and property, from the flooding, and they are anguished. With me this afternoon are to my immediate right, Mr. Roland Mccray, Carol olhen, ken Jacob. At this time I would like ken to speak on something that he was hoping to present earlier at citizens communication, but now I want him to go ahead. Thank you, ken.

>> Thank you, Matt. Mayor Adler, mayor pro tem tovo, councilmembers, thank you very much for taking the time to grant us this opportunity today acknowledged even more so thank you for creating the task force in the first place. I woke up this morning to the rain. I'm sure everybody did. And didn't think much about it, except my neighbors. The people in onion creek, and I know it also goes to Williamson creek, to shoal creek, to the others as well. When a rainstorm comes now it's not what it was before. People look to the skies and then they go look at the creek.

[1:51:09 PM]

I had people out driving to the creek this morning just to see what was happening. They're glued to the TVs. This is a way of life because they don't know what's going to happen next. It's happened three times in the past three years and it creates dread as to what's going to take place. This is onion creek 2015 in the upper levels up near the I-35 bridge. I'm only showing these to give you a flavor and help bring you into what we've been living with as a task force for the last nine months, which is almost full time, thank you for nominating us to this, have been an incredible amount of time, energy and passion to look at the flooding, to look at the problems that are out there, and to see if we can help to devise some solutions to solve it to where it's not just something the next time around we've got to do a whole new round of buyouts ring something, but how can we make it something better. We've been at this for one year. I think you voted to create this in June of last year, and we actually formed in September and have been meeting ever since ever since we completed the report at the end of last year -- completed the final wording of the executive summary on Sunday night of this week. It's been tight on this. As I said the group has tried to work together to put together a proactive plan so we don't have situations like this taking place again. We have a number of suggestions for you. No doubt if you had a chance to read through the report you see we have over 190 all told, but in the executive summary we have 19. We have prioritized what our recommendations are and others will support those overall recommendations

as to where where we propose or suggest that you look. Some of them can be done quickly.

[1:53:10 PM]

And that is one of the main topics here is that you look at this and act on them where they can. Not all require a lot of money. Some can be done by changing policies and procedures and with we need your help on that to also send a message of just how important this is to the community. I guess the only thing to say is we have used public safety as our guiding light on this to find ways to protect the public and I know that's what your objective is as well. We hope do you this and thank you very much for the time, the concern that you've given and we look forward to what happens. If there's any way we can help in the future, we're here.

>> Thank you, ken. In sum what we are recommending are that the city council should adopt a citywide flood mitigation prioritization policy based on loss of life, property damage. All subsequent city policy and budget decisions should be made through this framework. Before increasing fees or calling bond elections calling should undertake a review of the entire city budget, specifically items related to priorities to keep the citizens of Austin safe and make difficult decisions did how we prioritize spending and fund the projects we must do to keep our residents safe. Our next important task is the funding of these capital projects and right now it should be accomplished through bonds and available grants, and not through the drainage utility fee. The duf. The duf should be only used for projects that can be accomplished in a reasonable time frame. Further only capital projects that are identified as mitigating life and safety issues should be funded initially. In other words, things that are just -- this is a difficult phrase.

[1:55:10 PM]

Nuisance flooding where the streets just come up a little bit, not where the streets become a danger, but just a nuisance. We're going to have to tolerate some of the very minor nuisance flooding. Bonds should be let starting in 2016. Teenage bonds have not been funded since 2006. The watershed department number 4, the operation and maintenance budget, should be funded to a sufficient level to provide necessary resources for maintenance, including regular clearing and cleaning of creeks and streams. Plus, providing necessary personnel and resources during flood events that arise. What we learned was that people were getting taken away from ordinary operations to rush to, for instance, onion creek. And we need to maintain a large enough staff of people to continue to work on projects around the city. Complete the lower Williamson creek and onion creek buyouts as long as possible and include property buyouts in upper onion creek. I think that was addressed this morning. We thank you. Create partnerships with other jurisdictions, local state and federal, to solve common flooding issues. For example, create a flood control district through a partnership with Travis, blanco, hays counties and other local municipalities to address flooding along onion creek. It is our -- pretty much our largest water basin that's not the Colorado river. All redevelopment should have to meet drainage criteria assuming an undeveloped condition, reducing runoff, leaving the site to a green field conditions. 8, city council should conduct a periodic, for instance, every five years, financial and organizational audit of the watershed protection department to evaluate staffing resources allocations, program effectiveness and the successful implementation of master plan goals and objectives. Very critical that we initiate public education and outreach program to ensure that residents of our city and visitors understand and prepare for floods to minimize those impacts.

[1:57:22 PM]

Work with city, state and county authorities to continue to restrain development in 100 year floodplains. We understand property rights and all that, but we do think that we need to be very concerned, especially within the broader area of central Texas being that it's flash flood alley. The city should not grant variances for development or redevelopment that may lead to future flooding or annexed property that may already be of flood concern. The city should only use buyouts when absolutely necessary. The buyout process is very emotional as we found out, and it's for both the property owner and the neighborhood. It appears to generally affect persons that are already struggling with Austin's affordability issues and it can destroy a community. Or it can and does destroy communities. Ensure accountability and effectiveness of the regional storm water management program. Regulatory recommendations that are identified in this report should be implemented as soon as administratively possible. Please do not wait for codenext. You can move on these recommendations now. Immediately expand the scope of the onion creek flood study to include the centex quarries and all other onion creek options upstream to further quantify possible approaches and potential mitigation solutions for onion creek. As ken said, be aggressive in implementing these recommendations. Do what can be done as soon as it can be done. Many suggestions can be started immediately with no new funding. Other recommendations can be accomplished by shifting citywide priorities. Expand the early flood -- the flood early warning system to a regional scale. And our last recommendation, make permanent this task force for oversight of the above detailed recommendations. I echo ken's sentiments. It's been a pleasure to serve.

[1:59:24 PM]

There are many people on this task force that were already intimately involved with these issues. I've learned a lot and I think everybody on the task force has brought their a game to this. We appreciate this opportunity. If you have any questions for us, we stand here ready to answer them. Thank you.

>> May I add a couple of quick points on this? .

>> First of all, I think it's appropriate we introduce the other members of the task force that are here with us. I apologize. I'm behind on this. Excuse me. I would like to thank you for passing one of the recommendations that we were putting forward, an urgent one, emergency buyouts for upper onion creek. We hope that the solutions will be developed where it won't be necessary to be doing further buy-outs in upper yuck. We have people who have flooded over the past two rainfalls. We appreciate that. I would like to stress before we go on the point that we made about being proactive and aggressive. Many of these recommendations will take time, money, a lot of work, but there are some that can be done quickly. On the creek buyouts, I understand the watershed is set to have the lower yuck and Williamson creek buy-out, we're pleased we can close that chapter. We hope we can begin the work on how to do the upper onion creek. The creek cleanup is an important item. It's something that hasn't been done, resources haven't been there in the past, but much of the problem on the flooding is simply because the creeks themselves are totally clogged beyond the Normal flow with all the debris that's built up over the years.

[2:01:34 PM]

When the flood waters come, they are held up like a dam. This is something that can be done quickly and relatively inexpensively to begin cleaning them out throughout the city. I'm not just talking onion creek, wherever there is a problem. We hope you are looking at the budget. We have urged the point about looking first at public safety being number one priority. As you are putting everything together and how you are doing the budget, we hope that will be part of it. Expand the detention study for onion creek itself and expedite it so we can know as soon as possible what the solutions can be for future

flooding. We don't want to wait until the next flood comes along and deal with that then. They have most of the data already collected or they will have it collected by October for the engineering firms, for the two studies that have been done. We just need for them to have a directive to go ahead and finish it with the priority being on seeing if detention is the answer for this. Public education program as Matt mentioned is a priority and something that can be done quickly and easily and it's needed. We found many problems that are with that. And finally, looking at initiatives where you are working with the other communities. And this is something we see that this is not just a city of Austin problem. This is a problem -- the onion creek flood plain is over 400 miles. It's much larger than the city of Austin. And if we're not cooperating with the hays county, Travis county, the state, the federal agencies to find joint solutions to work on this, we're not going to be able to do it. They can also help with the funding in the process, but everyone has to pull their share. It's very important, I think, that the -- we think, pardon me, that the city council take the lead, the city of Austin take the lead on this, but bring these others in, get them involved. Many of them have already indicated a willingness if asked to cooperate.

[2:03:36 PM]

So this is something that can be done quickly and needs to be done quickly because it may take time. These are additional points but hope you can work on them as you are studying our report and recommendations. Thank you for your time.

>> Mayor Adler: Thank you all for the great amount of time that's been spent in this and certainly the report was eagerly awaited by the council. Thank you. Any comments on the dais? Ms. Pool.

>> Pool: Thanks, mayor. Thanks to all of you who came today. We heard a presentation the other day and the public utilities committee and some of the members of the open space, environmental sustainability committee were able to sit in. I want to acknowledge Darcy and aloa and I missed your name.

>> Carol.

>> Pool: Carol oldwin and the gentleman behind Matt?

>> Roll land mcre.

>> Pool: Along with the two gentlemen who have spoken. I'd like to give the other members of the panel their setup to make some comments so you should certainly feel free to do that. And maybe I could kick it off by just asking a little bit, I know that land development regulation is important that we have a plan for infill development and areas with aging infrastructure. So we need to have a plan for that. So any comments you might have on that. And then I'd also like to ask ken and Alo about channelization and the damage it does to already eroding creeks and streams. Maybe aloa Matthews, would you like to comment on those? And today especially I just saw some pictures of what the creeks are looking like this the south part of town and they are running pretty high and pretty fasten as we sit here.

[2:05:44 PM]

>> Is this on?

>> Pool: Thanks, Ms. Matthews.

>> I would say that the expert up here on channelization and the riparian activities and what needs to happen in the creeks really is Roland. He worked as a planner and flood bank mitigation in Texas parks and wildlife and he can speak more to the technical aspects of it. I can talk about documenting what we're seeing in the urban core. If that's -- I mean I think he can talk about the biology better. There's some pictures by the way, Robert kibbe had to leave, he was here this morning, he lives in dove springs and he's reporting from the field right now so these pictures are onion creek just this morning. And he also has a picture loaded of the mom, the 31-year-old mom and her 10-month-old baby who passed

away in the flooding. He wanted to make sure that we remembered these people when we're proceeding with this.

>> The issue with channelization is -- and the recommendations actually include a point about maintaining creek channels, that they be cleared, but that recommendation is talking about the area that you see up there in the big, clear, open area. During our low flow periods a lot of times vegetation grows up in those creek channels, in the flow channel, and then begins to block future flows, debris and things like that and can even push the erosional channel out and around the stable channel. So the idea is to -- to see to it that those -- the low flow channel that carries the ordinary flow up to maybe a two-year storm is kept clear and doesn't trap debris.

[2:07:56 PM]

Because once it starts trapping debris it tracks gravel and the stream bed rises and we lose capacity of the channel. The idea is not that we would jump out on the banks and clear vegetation on the banks, which is essential to maintain the stability of the bank itself. Once you clear that vegetation, as used to be the norm in a lot of that kind of activity, the banks themselves get chewed away. The width of the low flow wideness and again begins to rise so it loses its capacity when we need that capacity for flow. And so we're not recommending in any way that we get out and clear the flood plain to allow material. And the other thing that happens is you do have erosion, you also dump that water a lot faster downstream on to the next community and that's something you certainly don't want to do especially in places like shoal creek, Williamson creek, onion creek where there are already people downstream [inaudible].

>> I think I was so happy to hear Roland give a nuanced explanation of this because some groups were saying there should be no creek clearing and some groups were saying yes, it needs to be, for example, there is still a giant, you know, six foot by ten foot piece of concrete from upstream in onion creek that is still there from the first flood. So these are things that are, you know, causing -- create dams, create worse problems, and the nuance explanation he gave helped me understand a whole lot better.

>> I don't know if you saw all of ken's pictures on onion creek and upper onion creek, but part of the riparian area, part of the first, second terrace of onion creek in that area has trapped so much debris from the floods a year ago, memorial day and last October, whole trees, gigantic dead falls of brush and whatnot have been dumped in there and now act as large dams and cause two problems.

[2:10:13 PM]

First of all, they cause further erosion in the channel. They trap further debris. And when it dries out, and we're already an hour and a half into the next drought, they are a real fire hazard and that whole area could be swept right now because of the downed wood and brush that's there just waiting for a match. Which would then deforest and debrush that flood plain and act as though you had channels.

>> Pool: So I wanted to draw the distinction with you, Roland, on the channelization that you are not recommending an approach that I know the corps of engineers had in past decades which was to armor a creek bed with cement so that the water would just sluice on down to the river. That has turned out to be not a good approach and certainly not sustainable and it causes additional problems with erosion. So when we talk there's channelization, but then there's clearing the channel in more natural ways and protecting the riparian edges. Is that correct?

>> Yes, even most of the corps of engineers now has backed away from that sort of a thing. When you start it, there's no stopping point until you get, as they said in San Antonio after they butchered that system and immediately flooded communities downstream that had never flooded in history. They said, well, I guess we just have to keep going until we get to the gulf. I mean they spent a tremendous

amount of money, and unfortunately San Antonio then thought they solved all their problems so they continued to build in a way that they flood worse than they ever did in a rain like we had this morning. The river doesn't flood them, but all their underpasses go under water and that sort of thing. So no, the idea of just turning your creeks and streams into giant ditches only causes a bigger problem when you get to the end of where you dug a ditch.

[2:12:23 PM]

>> Pool: And so what were the recommendations that you immaterial kanaly up -- came up with on that topic?

>> They are sort of woven through the whole report because that was a key point for me no matter what we were talking about. There aren't that many specifically there, but there is the point of clearing the channels, clearing the channel, not the flood plain, and maintaining that. I also had suggested in some point that there be a really intensive and professional approach to maintaining awry pairian ecosystem in a sustainable way. Part of its job is slow water down, soak it up, spread it out and be stable. And if that flood plain is stable and its banks are not eroding and its bed is not degrading, then the gravel aniseedment will flow through this in an efficient manner on its own. Now, some of Austin's creeks may have to be -- nature may need a little help to get back to where it's supposed to be and be stable. There are areas on Williamson creek in my neighborhood that are collecting gravel and as a result have started switching channels. And it may be necessary to go in there and do some stream channel management, you know, or the alternative is we can wait until nature fixes it, but it might be 100 years. And in the meantime she may decide to kick a few of us in the shins on the way.

>> We did make some recommendations about staffing levels because the -- we found that the watershed protection department, staffing, operations and maintenance and clearing had been flat for I think Dorsey maybe --

>> Pool: I think your mic might not be on. I'm sorry.

[2:14:23 PM]

>> I saw a red light so I didn't -- so what I was saying is we did make some recommendations about staffing for this because what we found was the staffing of watershed protection had been flat for I want to say eight or nine years, eight years, and they hadn't had it in the staff

[inaudible] Staff person in that area and we all know, as Dorsey reminds us that Austin has grown exponentially during that time. So we haven't been able to add people to do this task, but Roland has just explained. And that -- those -- what's happening out there is different. That's more suburban. And what's happening in the urban core is erosion due to, you know, the development going on there and Austin city policy has directed development via the Austin tomorrow plan and via the imagine Austin plan into these, you know, desired development areas, and those areas unfortunately have underground drainage infrastructure, we found out, that a third of it was built before 1977 when the drainage criteria manual was implemented. I live in a neighborhood like this so I learned about it the hard way. My house didn't flood, but many of my elderly neighbors did. So I asked a lot of questions based on that. How is that impacting

[inaudible] About that. And Matt Holland gave me some interesting Numbers that out of 1500 FEMA claims, insurance claims, made in the period from the 1980s to current, only 75 of them were in new neighborhoods where theres is the drainage criteria manual starting [inaudible] So 1425 FEMA claims.

[2:16:38 PM]

So I started seeing this in my neighborhood because the bridge by the elementary school where I went to elementary school that flows over blunn creek was getting eroded. And this started 10 or 15 years ago and the kids couldn't cross the bridge and there was yellow danger tape and all this stuff and everybody is like why is this happening. Well, the creek has now eroded so much, there's been three or four city projects there and what's happened is FEMA is now repairing that bridge. FEMA is having to pay to repair that bridge. It was never dangerous when I was a kid. We played on that bridge, hung under that bridge and I see Ann Morgan smiling because she knows that bridge too. There's a consequence and that's the erosion happening in central city different from what Roland is talking about.

>> Pool: So a number of of the things you were talking about is slowing down the water and having it be absorbed where it falls and capturing it for use, for example, residentially, are things that I have heard our watershed protection and water utility staff talk about. They also advise that the infrastructure is aging. We're aware of that too and often the -- and the pipes that are there are, as you say, smaller in diameter and older. So it's very helpful to me to see this additional information that you are bringing directly from where you live and helping us put that information around what our staff is recommending. And I would just ask, there were a number of -- you had almost 200 recommendations. Would this group be willing to have a smaller work group if we should ask you to help with prioritization and pick specific areas that need like short-term attention and they think a middle or long term?

[2:18:45 PM]

>> Last night we had a great hearing and we did this for nine months and we had a baby and now we're giving you our baby because we felt so happy they asked really great questions and they were -- they were just -- it was like they really cared and they had read the report and they asked very probing questions, how did you come up with this policy, what did you think about this. They were talking about how they were going to subdivide the report so I don't know among us we have been talking about this, how do things go forward. We don't want to have flood amnesia and see this report go away because we all care passionately about what happens. I don't know if a working group is the right vehicle for that. I'm willing to --

>> Mayor Adler: Maybe you bring back some kind of recommendation. We have some other people on the dais have an opportunity. Ms. Houston.

>> Houston: As I said, I watched you all last night delivering your report, and although I know the current issues are about onion creek and I just want to remind you all that, for example in district 1 I have four creeks that flood. And we weren't experiencing flooding in some of those areas until -- well, the one I'm thinking about right now is when Mueller got built and now all the water from Mueller washes down over the golf course and I think we're being flooded, I think that's little town of hill branch. The amount of impervious cover is having a lot to do with areas that have never flooded before being flooded. So I hope that in your comprehensive look, not just at onion creek and Williamson and shoal creek, it's broader and looking at all the creeks subject to flooding that have never flooded before. And all those little creeks and stuff that when you talk about the brush and trees, we still have brush and trees on 51st street that haven't been picked up.

[2:20:54 PM]

I know this is the critical part, but there are more people out there beginning to experience -- little walnut creek in north Austin, they are having problems as well. I hope it's broader than just what you are presenting today.

>> Councilmember, that is correct. We -- when this task force was created, we came together in

September, we were looking at it holistically. There is a component of the resolution that asked us to look at onion creek, but we had many members of the task force that were looking over the entire city. So many of our recommendations will affect the entire city. With respect to -- but as you know in October onion creek was hit hard again and so unfortunately we were, you know, having to deal with that immediate impact. But I'm aware of it, so -- and we are as well.

>> In answer also to your question, many of the things that we're studying on onion creek were also identified -- to see if they can be used elsewhere. For example, the idea of turning quarries into retention ponds. There are some areas, I believe over toward you that could very possibly work in the same way. We haven't had the time to really dig in as much, but yes, we are very aware this is not just a onion creek problem, this is an Austin problem.

>> Mayor Adler: Any other comments? Mr. Zimmerman.

>> Zimmerman: Thank you. 91 pages, I've skimmed through most of it. I certainly haven't exhaustively read it. Let me go to the summary on page 3, item number 12, the city should use buyouts when absolutely necessary. They were kind of there last summer and I think this is a V exing question.

[2:22:55 PM]

One of our unintended consequences of this we've heard evidence recently that properties that have been flooded, say that flood understand 2013 that were targeted for buyout because it was less expensive -- I think the decision on buyouts is based on what's the mitigation cost to prevent the flooding of those properties versus how much does it cost to buy the properties out. Is that correct? Simply put?

>> Yes.

>> Zimmerman: Okay. But unfortunately what's happened in some cases is that homes that have been under water before and seem to be targeted for buyout or destruction, they are actually being offered for sale and purchased at inflated prices over the last couple of years. We've heard some evidence of that and that just seems crazy, right, that we've got a dangerous situation here that's already flooded and it's an area where people have lost lives and yet the homes are being sold and purchased at even higher prices. So once we make that commitment to buy them out, it almost seems like there's an unintended consequence that people say, oh, well the city is going to buy us out so we can continue living here and buy and sell the properties and not have to worry about the market signal, right, of paying more for a home that's flooding. Did you have a chance to look at these unintended consequences?

>> There have been a few episodes as you are mentioning where they have gone for good prices and it surprised everyone around them, quite frankly. More and more the offers coming are from the flippers and they are greatly reduced prices. And that I think is more the trend line, especially if you started getting into a buyout situation. What we want to do with bigots is to -- I won't say eliminate because you are always going to have pockets where that's the best solution, the least expensive solution, but we're also in many cases if it becomes wholesale you are destroying lives, neighborhoods.

[2:25:02 PM]

It's not just the few people that are involved there. And trying to find other ways if we can find them that will do something other than have a buyout. That's a viable option but only if the others don't work. But we have to look at the very point you are addressing which is to make sure we're not putting a little platform under them saying we can do whatever we want because we know they are going to be there.

>> Zimmerman: What would be your advice to council to figure out and define this absolutely necessary and stop the unintended consequences of flooded properties being bought and sold and the prices

going up and up after we've committed to buy them? I think the expectation is after 2013 we made a promise to buy these certain properties. Now they are being bought and sold over the years and the prices are going up, wouldn't the expectation be that we're going to buy those out next year or the year after that at whatever the market price is instead of fixing the price back in 2013 and say we're not going to spend any more money than what it was in 2013?

>> I guess I'm a little concerned here. I can give personal opinions, --

>> Zimmerman: That would be great.

>> They aren't necessarily reflecting what the committee may have talked about. That's the concern I've got on that.

>> Mayor Adler: Okay.

>> I wish we had rose Marie Klee or Jeff Henke, they drilled down on this, specific in that task. It is a quandry from my review and everybody else's, it's a tool and we're not recommending it go away, but the stories we've heard have been heart wrenching and I've heard the same anecdotal information about people doing things, but --

>> Mayor Adler: Thank you. Ms. Kitchen, do you want to close this out.

>> Kitchen: Yes, I'll echo what my colleagues have said is thank you all very very much. You've done an incredible amount of work and this is so helpful on a very difficult topic.

[2:27:05 PM]

I look forward to working with you all as we move forward on these recommendations and we hear what you are saying. Thank you so much.

>> If you look at the picture on the screen right now, that is one of our task force members in their backyard. So I have to say that the task force has experienced the flooding.

>> Kitchen: Yes, I know you all have and that makes me appreciative even more because I know it must be hard to work through these with the personal experiences you all have had.

>> Thank you.

>> Mayor Adler: Thank you very much.

>> Renteria: One quick question. Did you all ever look into what they did to boggy creek in east Austin in they put a big channel with a carry-on Keith and it's -- with a concrete and it solved our problem, it doesn't flood anymore, but I don't know what happens down -- further down east.

>> That's the problem with that sort of thing. We can look at it here, but over time there is going to be these erosion problems further down. If they come out a concrete chute, dam, they had the grade there and so I did not look at it personally. I can't answer that. Sorry.

>> Renteria: I was just interested because I remember we had a park director that came in from L.A. And he looked at it and he said oh, my god, I would never have put a concrete channel like this at all. So I was just wondering if maybe ed showed you that one.

>> I remember when that was done and I have looked at areas downstream of that channel and it did what it always does when you do that, it turned that like a fire hose on the channel downstream, it did a lot of erosional damage. It destroyed attempts that the city had made to stabilize the channel with gabions and things like that. I went to a conference years ago in Houston about urban waterways, and Houston -- everybody has seen the news reels from Houston over the years.

[2:29:10 PM]

The director of the Harris county flood control district, art story, at the end of three days of presentations by experts from all over said, you know, I understand what you guys are talking about now and we won't do that anymore. But if you put a school on one side of a channel and a hospital on

the other side, I'm going to dig the deepest, squarest channel I can and line it with concrete because that's the only answer in that location. But that's the dilemma we have is we create situations sometimes where we've created risk in the short-term solution until that school and hospital is old enough to be torn down and replanted in trees sometimes is a channel like that. I'm an ecologist, but human lives, human safety I think was the watch word of this task force and we heard terrible stories, you know. Some of our members aren't here because they are over there in onion creek helping people get ready.

>> Mayor Adler: Thank you.

>> We realize that you have a lot to study on this. This is a comprehensive report. I think most members of the task force are more than ready to come back to work with you, to answer questions along the way. We know you'll have them. Please feel free to call on us because we would like to help any way we can. We are committed.

>> Mayor Adler: This was a big lift. Thank you all very much.

[Applause]

>> May I make a comment? There were some questions last night, environmental commission about the lack of

[inaudible] Through this report and what I wanted to explain is the task force divided into three work groups. Those three work groups worked independently, met with city staff and heard testimony. The work group reports are a brainstorming report. These reflect the ideas of everybody that was in the committee. No idea was suppressed and nobody's ideas or thoughts were considered inconsequential.

[2:31:13 PM]

They are the brainstorming report and reflect the ideas of your appointees on each one of their work groups. The themes that we came up, with answers to address the resolution were consensus from the task force in the executive summaries and con sense us from the task force. So as you read through the report, you may see con flick shuns, but those are because these were conflicting ideas from the individual members thaw appointed.

>> Mayor Adler: Thank you very much. Thank you. Councilmembers, we'll continue.

>> I hate to keep, one more point, but we haven't taken the opportunity to thank Austin watershed. They have worked with us throughout and have been very professional.

[Applause] And always there. We couldn't have done this without them and we really appreciate it.

>> Mayor Adler: Thank you very much. Thank you all. Council, we're going to continue back on the agenda. Two items -- is staff here on item 50? Should we let people go that might be interested in that?

>> Item 5, c14-2016 on, -- request is cs to cs-1. We heard this on first reading last week. After we concluded the councilmember last week I met with the neighborhood, the applicant and myself in the back of the chambers and I believe we came to an agreement. However, I was able to get that agreement in writing until this morning. The applicant is requesting postponement to the June 16 council agenda.

>> Mayor Adler: Is there a motion to postpone item 50? Miss kitchen. Those in favor please raise your hand. Those opposed. Unanimous with Mr. Casar off the dais. What about 55? Is that withdrawn?

>> 55, just one second.

[2:33:21 PM]

We will have to wait until 4:00 to consider that.

>> Mayor Adler: Just to give people notice in case they want to know that's withdrawn so at 4:00 that will come off the agenda.

>> It is my understanding that is withdrawn, yes.

>> Tovo: Mayor, at 4:00 or now I would like to ask a little information about withdrawals and how often those can happen with the same request for an alcohol permit and what the time period is. Where an applicant could bring that back, what the time period is before the hearing where somebody can withdraw it, so I think my staff has submitted those questions, but I think the public will want to know answers to all of those things.

>> Mayor Adler: That makes sense. What else? We're going to go to the item we were in the middle of discussing before which is the -- back to the swim guards. Lifeguards for swimming. Further discussion on this item? Ms. Houston.

>> Houston: Well, I had some additional questions, but can we wait until staff gets here?

>> Mayor Adler: Is there staff here?

>> Houston: Not yet, but they will get them. Is there something else that's quick?

>> Mayor Adler: The next item I would have would be the police item, public safety, item number 26, pulled by Mr. Zimmerman. Is staff here for this one?

[2:35:24 PM]

This is concerning a contract for license plate recognition system. Mr. Zimmerman, you pulled this.

>> Zimmerman: First of all, the whole idea of turning our police department into a collections agency doesn't sit very well with my constituents. Most of the district 6 constituents have continued to express a lot of concern with the unsolved property crimes. In addition to kind of the sense of insecurity and injustice that that provides. I think we only do maybe 15% resolution on those crimes. It's very, very low. It's abysmally low. I understand the national average for solving property crimes and burglaries of people's residences is very low, but that's also a tragedy. But in any event, I just want to communicate that my constituents are really frustrated that we're considering spending money on this and focusing on this kind of collections action. When we're not doing a decent job of taking -- decent job of taking care of people's property concerns. That's my general community but if staff has anything else to add I'll respond to that as well. Generally seems like a really bad idea.

>> Mayor Adler: I think the other question that's been raised is prioritization. Explain the priority of this relative to bringing in more officers or paying for overtime. If you could address those two questions, that would be helpful.

>> Good afternoon, mayor, council. Art Acevedo, chief of police. The lpr, I'm not sure exactly what we mean by collections. Is that trying to find people with fines?

>> Zimmerman: It looks like an automated way to discover who might owe the city money through fines or what have you.

[2:37:31 PM]

Automated way to know who to pull over and assess them with a fine or take them to jail because they owe money to the city.

>> No, that's not -- I appreciate that comment because I agree with you that the automated license plate readers are truly an investigative tool to be used to address exactly the concern that your district members have in terms of combating crime. We have no intentions of doing what another department south of here, councilmember Zimmerman, I believe it was Kyle pd using it to do what you were talking about. They even had credit card readers in the police cars. That is not the intention nor will it be the policy of the Austin police department. It will be used specifically for criminal predicate to investigate property crime and violent crime. Quite frankly, with the study we've already done we've been recovering stolen vehicles, we've made felony arrests and it will be specifically only for crime fighting

and not for revenue generating program. The other piece for us from a resource allocation, know, you can either be like big cities like New York has done throughout New York City where you see five cops every 20 feet for a total of about 38, 40,000 police officers, or you can leverage technology as a tool to be able to make your police officers you currently have, your staff more efficient. The license plate reader will give us the capability to provide investigative leads when you have an incident where somebody comes in a neighborhood, had we had a series of burglaries and we had a license plate reader in that area, we may be able to access that data to see if we have known burglars that were in the area. So it is specifically going to be used for fighting crime and not for collections and I really believe it will be a great force multiplier for us.

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

>> Pool: Thanks for being here, chief Acevedo.

[2:39:33 PM]

So the asset forfeit you are fund is -- can you describe that fund to us and why this item is being purchased out of the asset forfeitur fund.

>>> There's specific rules and sometimes they change and recently there have been new guidelines issued so I'm not certain what the new ones are. Can't be used for supplanting. For example, if we were going to have a budget issue item that's normally on the budget every year, you can't supplant your Normal budget expenses and use asset forfeiture. Asset forfeiture can be used for unplanned or unbudgeted unmet needs and lpr is one of the needs you can't purchase with that.

>> Pool: Would you be able to purchase these license plate readers from a different fund other than the as set forth for -- asset for at this time you are fund? >>

>> Pool: Are you able to use that fund for overtime? I'm not certain. Historically we haven't but I would have to research that and get back to you.

>> Pool: Mayor, I would make the comment, I know we can't tell the chief of police how to -- what fund to take from or what items to purchase or not purchase, but it seems to me that having additional money, \$900,000 for overtime to pay the officers that we have on patrol, we know that there is a need for overtime funding, that this would be a good use for this money and we would have more actual eyes on the ground and boots on the ground as opposed to the equipment purchase. So I would just like to put that out there that I -- that feels to me like more in line with what our community is asking for as far as having more patrols in the neighborhoods.

[2:41:35 PM]

>> If I could just respond to that real quickly. You know, to me the overtime, once you use your \$100,000, you are done, you are not going to have those eyes. When you purchase the equipment, when you have it out there, you have an officer, a person gathered investigative information you can use to solve crimes 24/7 well beyond what you would get in terms of coverage with that \$900,000. In terms of bang for buck, efficiencies for the taxpayer I think it would be huge for us because it's an ongoing asset. The other piece with over time tore us, we have a lot of overtime dollars, not a huge number of overtime dollars, but we have overtime dollars for so many programs we get for grant programs and step programs. And our officers have only so much band width in terms of working overtime. So we're at a point where when we have overtime, short of making it mandatory overtime and ordering officers to work overtime, it's already at times challenging to fill those slots as it is.

>> I'm not sure where the \$900,000 is coming from, but this is for \$350,000.

>> Mayor Adler: We have two people in the public to speak. Let me call them up so they get a chance to speak. Andrew Romero and Rebecca Barnhart. Mr. Romero, we'll let you speak first.

>> Zimmerman: Mr. Mayor, the \$900,000 figure is right here on the subject of the agenda item 26. \$900,000.

>> Just to clarify, the confusion is about the number of contracts available. There's an extension involved.

>> Good afternoon, mayor and council and assistant city manager. My name is Andrew Romero.

[2:43:36 PM]

I'm the vice president of the Austin police association. And part of my responsibility as a leader in the association is to ensure that our officers are safe and that our community is safe. And that's something that's very important to all of us. One of the complaints that we field most commonly at the association is how short staffed we are. I would consider what we have right now to be a staffing crisis. We are -- have over 140 vacancies. Most of those are on patrol. And as a result of that, we've recently implemented a staffing decision to remove detectives and folks in specialized units and have them going back on patrol. The association understands that decision because we just don't have the bodies right now. When you take a look at this expenditure, which is I guess authorization up to \$900,000, you know, we took a look at that and we thought from an officer's perspective, from a rank and file boots on the ground perspective, they need backup. They need this money to be utilized to backfill these vacancies that are on patrol. We also hear a lot of complaints from our members about just not having the funds to backfill patrol. So from an association's perspective, although license plate readers are an absolute valuable public safety tool, I've utilized them in my experience as a criminal investigator, at this point in time, it is our opinion that those dollars could be better utilized if they were used to backfill patrol. Now, my legal education consists of my team in the academy, but I have access to Google so I googled and found 2014 Washington post article that I'll share with you all that talks about the use of asset forfeiture and says overtime expenditures is a legitimate use of these forfeitures.

[2:45:41 PM]

And I would not advocate this would be something that we do in the future. Our department is already addressing the staffing need by meeting our recruiting and hiring goals, but in this one time this might be a opportunity for us to use money that normally would be used to acquire objects and use that money where we believe it's most needed, which is getting officers on the ground. I think as we all know when you have enough backup, officers have more use of force options and the community is safer and my officers are safer. So that is -- that's our position. I appreciate y'all's attention.

>> Mayor Adler: Thank you. Yes, Ms. Gallo.

>> Gallo: This may be a question for Andrew or the chief. I'm not sure. I'm just trying to understand how the funds and how the money in this fund accumulates. So is -- is this an amount that -- the first question what is the total amount in the fund now, and is that an amount that has accumulated over this last year or has accumulated -- so my question is where are we now and how much money do we have in that fund?

>> I don't have the answer how much is in that fund right now. Asset forfeiture is funds that are seized and through court order related traditionally in most cases through drug -- drug organizations. And so I'm not sure.

>> Gallo: Would you have any idea how much accumulates each year? I'm hearing we have a staffing need and also a desire to have this new tool, but I'm wondering if we address the staffing need with this fund or this portion of the fund then will it accumulate again so that in the near future you would be able to look at a possibility of doing this then?

>> You can't predict the future again so I'm not sure when it would accumulate.

[2:47:43 PM]

Again, the concern about overtime, that's the answer sometimes that the Austin association brings forward, but I can assure you that we already have plenty of overtime programs including grant funding programs that we already have challenges getting officers to work. People have lives and everything can't be an answer in overtime. In terms of the efficiencies and the investigative capabilities this brings to this department, I think on the front end and the back end you are going to see a much more efficient department that is going to be able to solve a lot more crimes. If you recall back when the transportation system was attacked in London, I think it was in 2005, I don't recall the year, 2004, early 2,000s, around July one summer, within a matter of weeks the London authorities, the British police were able to basically capture that entire organization and the reason they were able to do that is that great Britain has one of the most extensive uses of license plate reader technology in the world. And cameras. And they were able to leverage that to actually be able to bring that entire organization to justice. So again, we're living in times when this is one of the biggest things in the country that's still not leveraging technology that's been available for many, many years now and I think consequently we're not being very efficient as a police department. And so the long-term benefits that we can gain in terms of public safety and crime fighting and disruption and we could capture people before they commit other crimes far outweighs the impact of \$900,000 that we would go through very quickly in overtime.

>> Mayor Adler: Thank you. We have one more speaker.

>> Gallo: One followup question. I'm sorry, mayor. So it's my understanding this is a federal grant.

[2:49:43 PM]

But it's based on the property that's seized so is it based on the property seized in our area?

>> This is not a grant. We are using -- we hope to use asset forfeiture for this contract.

>> Gallo: Okay, so it is money that we actually are getting in our community from the seizure of properties.

>> Correct.

>> Gallo: Okay.

>> Mayor Adler: Ms. Houston, should I call the last speaker or recognize you?

>> Houston: I want you to always call the last speaker.

>> Mayor Adler: Is Ms. Barnhart here? All right. That gets us back up to the dais. Ms. Houston.

>> Houston: Thank you so much. Chief, one of the questions everybody has is if this money is available, I would like to know why didn't we use this to hire the community policing? I mean we did a request for proposal, we paid money to do that. If this money was available, then we could have used that to do -- hire the community policing consultant, couldn't we?

>> Oh, that decision -- that was -- council is the one that came up with --

>> Houston: I don't think we knew this money was available. So let me move on to something else.

We've got, what, 90 of Austin's finest going to Cleveland, and so with them gone there's going to be some overtime. Could we use these funds to help pay that overtime? I hear you say that you got enough in your overtime budget, but rather than depleting that or drawing down on that, couldn't some of these dollars, however much is there and we still don't know how much is in the fund, but could we use some of that cover the cost of those people who are going to have to take overtime because we've got 120 people gone to Cleveland?

>> 90 folks are going to Cleveland if they go because we still haven't made a final decision on that even though we're ready to go.

[2:51:47 PM]

The costs associated with that deployment is actually paid for through a federal grant that the city of Cleveland and any city that hosts a -- an annual -- every four annual presidential convention, they will be reimbursing the city. So we'll be getting the costs back including overtime costs from that grant.

>> Houston: I understand that they will be paying for the 90 officers that go to Cleveland, all that's covered. But if we've got 90 people away from our city, that means we've got a deficit of 90 people here. Are they also going to pay for anybody we have to call for overtime in the city of Austin?

>> I don't anticipate us having to use too much over night and I'm not sure, I'll have to double-check on that. But I know there's overtime that's authorized but I'm not certain if it's just for the people deployed or if there's any backfill here and they cover that. I can get that answer.

>> Houston: The way I read it, it was for the people who are going to Cleveland.

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: I think I need some clarification on the as set forth fit our fund. I was looking through the budget because I thought we had information in some of the past questions about the asset forfeiture fund and how it could be spent because I had creative ideas and all were shot down not be available under federal law. Were you saying it has undergone changes?

>> There have been significant changes in the last 12 months to 24 months.

>> Tovo: So does that make -- so I'm still not clear based on our discussion can the asset forfeiture fund be used to pay for overtime or not?

>> I'm not sure. Mr. Romero just mentioned a 2014 article, but my understanding you couldn't.

[2:53:47 PM]

>> Tovo: You could or could not?

>> I'll have to check.

>> Tovo: I didn't understand it was your understanding you could not.

>> Historically my understanding has been you could not use it to supplant so I would have to double-check.

>> Tovo: Supplanting would be using it to pay for something that the department would currently pay for --

>> It would normally be budgeted, yes.

>> Tovo: I think that seems to be kind of a significant informational point. We're having a discussion about whether this is a good use but we're not sure if other uses are allowable.

>> Mayor Adler: Ms. Houston.

>> Tovo: Discussion about whether this is the best use if we don't know it's allowable use.

>> Houston: This question might be for purchasing. I've gotten some concerns from people in the district that this vigilance solutions sells the data? To other outside entities, license plates. Do you have anything in your background that says that they do that or is that a rumor?

>> Councilmember, James Scarborough, purchasing. I'm aware from our conversations with APD that's not the intention of this contract. It may be available to other customers, other cities who may use these same types of services, but from what I'm told from our customer that's not the intention of the contract and the contract is not being drafted to allow that purpose. Would you like to elaborate?

>> Lieutenant with property crimes.

>> Mayor Adler: We'll need that on.

>> Speak up.

>> Jason, lieutenant with the Austin police department properties crime.

[2:55:48 PM]

The police department has control of the data and the data can only be released with our authorization. And at this point it's only going to be for other law enforcement agencies, not private data such as repo drivers.

>> There has to be a criminal --

>> Houston: And that's in the contract that you are going to sign with those folks or is that just what you are hoping?

>> It's my understanding it's in the contract.

>> Houston: Is it in the contract?

>> We're in the process of finalizing the contract. The terms and conditions are still being developed now. We understand that is a value, this is something the city wants to ensure so I've spoken to my colleagues at Austin police department and they are working on the language to exclude this possibility now.

>> May I add one more thing to that? People always call us big brother. I believe that the private sector is big brother, they are the true big brother. We absolutely share that concern and the data that we collect will be kept for 365 days, will only be used for law enforcement purposes only, and for purposes of criminal investigations, not collections or selling it to repo drivers or anybody else. It's specifically for crime fighting only.

>> Mayor Adler: Thank you.

>> Houston: I feel very uncomfortable making a decision about this. Is there some kind of emergency that this has to be done now because I'd rather get more information regarding the fund and what can it be used for. Like mayor pro tem was talking about, there's just many unknowns. See a copy of the contract that specifically says that they will not sell to anyone.

>> Mayor Adler: Do you want to address the timing issue, chief? The question Ms. Houston is asking, is there a timing issue with respect to this?

>> Well, again, you know I think that sergeant Romero hit it on the head. We're a department that's hundreds of officers short of the staffing that we truly need for the fastest growing city in the fastest growing region and this is an investigative tool that is going to be able to -- afford us the ability to do a lot more with these resources.

[2:58:00 PM]

The longer we put it off, the longer we continue to, I think, impact our ability to address some of the concerns that councilmember Zimmerman and everyone has in terms of crime fighting.

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

>> Pool: Mayor, I'd like to suggest we postpone the decision today so we can get a better feel for the amount of money that's in the fund. I think councilmember Gallo had a number of questions related to the fund. I have some questions that are similar to the mayor pro tem's about uses of the fund. I am more interested, frankly, in having --

>> Mayor Adler: Let's take it as a motion to postpone. Is there a date certain that you want to postpone it to? If people wanted to ask more questions about if fund or its use, would those be questions --

>> Pool: Maybe two weeks.

>> Mayor Adler: It's been moved to postpone this to the council meeting in two weeks. Is there a second to that motion?

>> Zimmerman: Mayor, I wanted to ask if you would consider putting this into committee because there is some pollly question here as well.

>> Mayor Adler: Hold off here. There's a motion to postpone this for two weeks. Is there a second? Mr.

Zimmerman seconds. So it would be postponed until June 9th.

>> Tovo: Mayor, I wonder, I don't know if the answers to that question about how the asset forfeiture program can be used are things that you might be able to answer here today with a little bit of time.

>> We could, absolutely. We could -- we could call the office.

>> Tovo: I don't have a sense of the dais of whether people are interested in handling this today or whether there are multiple questions. I just picked up on that one and it seems like that's something we could probably get a pretty quick answer on if that's of interest.

>> Houston: Mayor?

>> Mayor Adler: So there's been a -- Ms. Houston, how do you feel --

[3:00:05 PM]

>> Houston: There are three times I'm not aware of. What's in -- how much is in the asset forfeiture fund, what the funds can be used for, and I want to make sure that we're not -- we're clear in our agreement that the data cannot be sold to anybody.

>> Pool: I think there was another --

>> Houston: Or used for anything.

>> Pool: And there was another question, I think it was at what rate does that fund be replenished. I recognize it is probably hard to guess because the asset forfeitures are maybe random.

>> Mayor Adler: Your question is historically how has that fund grown.

>> Pool: That's good.

>> And we have -- I have our balance in the fund right now. Just got sent to chief Manley. It's \$575,000. And it can be used for overtime, salaries -- salaries and benefits, that's where you would probably an issue for salaries and benefits of regularly current law enforcement personnel. So it's overtime for officers and investigators in terms of salaries. Is authorized.

>> Mayor Adler: And would you be able to draft the contracts in such a way that the data can't be sold or used for --

>> That's an absolute yes, sir.

>> Mayor Adler: Okay.

>> Mayor? Mayor, councilmembers, yes, absolutely. We have discussed it with our contracts [inaudible]. We will ensure that the language is very clear and that the data will not be

[3:02:05 PM]

[inaudible]

>> Mayor Adler: Go ahead.

>> If I could say one thing. The part about the collecting the debts and the fines, this is not going to be linked at all with our municipal courts. So the officers driving along when they get a hit, they won't even know that they are scanning a plate that might be related to a municipal court fine. They are only going to be notified if it's a stolen vehicle or some sort of

[inaudible] Like that.

>> Zimmerman: So Mr. Mayor, it just seems like a perfect subject for public safety committee to deliberate. There's a couple of important policy questions we've never touched since the new 10-1 council came in, I know the state legislature has been looking at reforming the civil asset forfeiture laws in the state because I haven't heard any complaints for the city of Austin, but in other places in Texas you've heard complaints about people confiscating other people's assets so I think we should consider safety committee.

>> Mayor Adler: Mr. Zimmerman moves this be sent to a committee. There is there a second? We do,

but I think the motion is a presidential motion. It's been a second. Any debate? Those in favor of sending? Ms. Houston.

>> Houston: I was going to debate, it's just that I still didn't get a good feel for when this needed to be done. Because I need to be thinking about what else it can be used for other than this. And so I just needed more time to think about now that we can know it can be used for overtime for salaries and benefits --

>> Mayor Adler: So what's going to happen there's a motion to send it to committee.

>> Houston: I'm on that committee.

>> Mayor Adler: If the motion -- if the motion to send it to a committee does not pass, then we'll begin considering the motion to postpone. Any further discussion sending it to the committee? Those in favor of sending it to the committee raise your hand.

[3:04:08 PM]

It's sending to committee please raise your hand.

>> Zimmerman: Public safety committee.

>> Mayor Adler: Public safety committee. So it's Ms. Houston, troxclair, Zimmerman. Those opposed? Please raise your hand. It's the balance of the dais. The motion fails. We're now back with a motion to postpone until June 9th. Is there further discussion on that motion? Ms. Gallo.

>> Gallo: I have a followup question on chief your answer and thank you for checking on the overtime, but if this fund was able to pay for overtime, would that release funds in your budget to be able to pay salaries for new officers?

>> Again, those are

[inaudible] And I don't believe you can pay salaries for the officers out of asset forfeiture. I'm --
[inaudible]

>> Gallo: So if you use the fund to pay overtime, which you said there seems to be agreement there, it would then release some of your overtime obligations from your budget. Would it allow you then to use that money for new salaries?

>> And I would just say we would be to be real careful, playing a shell game so I don't know the answer to that. I would have to double-check. I would probably contact doj. When I got here in 2007 we had a problem with asset forfeiture that was not being used for legal -- for legal uses, appropriate uses and so we're very strict in terms of the way we seize money, we always make sure there's a court proceeding and the way we use the funding. I would be real careful we don't play a shell game so I would have to contact doj.

>> Gallo: Thank you for being very careful with that.

>> Mayor Adler: The manages on the table in front of the dais is whether to postpone until June 9th. Mr. Renteria rei can't.

>> Renteria: How many

[inaudible] Do we have here in Austin, do you know?

[3:06:11 PM]

>> Many.

>> Renteria: Too many?

>> We are in a corridor here where we get -- lose a lot of cars because they are being used for human trafficking, drug trafficking and they are going south. I'm convinced that if we were -- I know that this investigative tool will help us combat one of the biggest problems in our city which is the property crime issue that councilmember Zimmerman talks about. But there's thousands. We're going to get you the

number. We've got a lot.

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

>> Houston: Because you've only given us two things that the department of justice says we can use it for, would you also see if there's any other things? Because you've got another item on the agenda about smart phones. Rather than taking smart phones out of the general fund, it might be better to take it out of this \$500,000. We've got to -- I have to have more information than I have at this point.

>> Mayor Adler: Ms. Morgan.

>> We'll be happy to look into the law and create a memo so it will be clear what these moneys can and cannot be used for before June 9th.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I just have a quick question. I notice it's a five year contract with the first year being 300,000 and each year -- what are we paying for? Is it a service or the use of the software? It sounds to me like it's some upfront costs and then an ongoing licensure-type fee. Is that what's going on here?

>> Councilmember, that's correct. When you purchase software solutions, typically there's an upfront investment in the solution of hardware and software, then your out years are going to be maintenance and support to make sure that the equipment and the software continues to operate. That would include any patches, any technical support that would be need to do ensure a certain level of operation.

[3:08:14 PM]

>> Kitchen: Thank you. I'm familiar with that. I guess I should have been clearer, does it include any services on their part? Any analytics on their part or actually that's just the software?

>> Kitchen: Okay. And do they require five years? What's the reason for the five years? Is that just something that --

>> I'm not aware of a particular requirement five years. Typically it's a standard period of time so that you can receive economies of scale. If you have a shorter time you are likely to pay more per year.

>> Kitchen: I assume it has the standard provisions if you are not satisfied you can cancel.

>> Yes, ma'am.

>> Mayor Adler: Further debate on the discussion to postpone this for two weeks?

>> We have well over 200,000 testimonies in the city itself. We're a huge corridor for the stolen vehicles coming through

here north and south.>> Mayor Adler: Any further discussion? Those in favor of the two-week postponement until June 9th please raise your hand. Those opposed? Mr. Renteria votes now, Mr. Casar off the dais. Let's go now to -- we want to handle the other police matter while you guys are here? Let's do that. I think it was about body cameras. So I'm going to call item Numbers 30 and 31. We have some who have asked to testify. I'm going to call those -- let me call the public speakers first.

[3:10:22 PM]

First speaker is Kathy Mitchell. Is Kathy Mitchell here? Is Katherine bedacare here? You have six minutes, Ms. Mitchell.

>> Hi. My name is Kathy Mitchell. I'm here on behalf of the Texas criminal justice coalition. We support body cameras. We believe that they will make the interactions between officers and the public more feasible and build trust. However, much of that is dependent on the policies behind the cameras. Apd just this week released its body camera policy that's supposed to go with this contract. And I know we're here today to talk about the contract, but we really haven't had much time to talk about the policy behind it. And if the policy behind it isn't good, the cameras can't bring the peaceable interaction and trust that we hope to get out of this program. And we're about to spend a lot of money on it. Compared

to recommendations from organizations ranging from Cato to the Brennan Center, the Black Lives Matter movement, Campaign Zero to the Electronic Frontier Foundation, this policy falls far short from what is needed to ensure a program of this scope will actually achieve those goals. The policy should clear up for both the public and officers those things that the statute does not dictate. And there are quite a few of those. This policy does not require officers to tell people that they are being taped. While that may seem silly because they are wearing cameras, it isn't always the case that people understand what's going on in the interaction that they are in and sometimes these are high-pressure situations.

[3:12:24 PM]

As a side note, the policy does require police officers to note on the back of the records copy of a citation that the incident was videotaped. That is a document that the driver does not get. So you get the copy of the ticket and on the back of the next copy the officer writes a note that there's a videotape of the interaction. Most of the organizations that have thought about this at the national level recommend people simply be told they are being videotaped. Not only does this give, you know, transparency in the interaction, but it's part of why people think that body cameras might actually make for more peaceable interactions. Everybody is clear that this is being videotaped. Instead of defining the use of body cameras in private spaces or providing specific guidance to officers about categories of people whose privacy should be protected by turning off the camera, the policy gives officers broad discretion. Without much more specificity in the policy, we can expect wide variation in officer behavior with respect to children, family violence situations, peaceable protests and more. The policy doesn't explain how cameras will be used in First Amendment events and does not stop the use of cameras to collect data about peaceable protesters or stop the use of facial recognition technology to connect that data to the identity of individuals. I'm not saying that we think APD plans to do that. I'm saying that the city of Austin should consider all the ramifications of cameras in these kind of situations. And the policy should clearly state what it is we are going to do.

[3:14:27 PM]

That's part of building trust between the police and the people they serve. Finally, it seems clear that APD does not intend for the public to see body camera video after a critical incident. Let's start with why would we want that. Body camera video promises to bring some factual information to the often contentious public debate that follows an incident. As an example, Larry Jackson Jr. was shot on July 26th 2013. Very quickly the public learned that he had a history of petty theft and small-time check fraud. On the 28th the Statesman published a 10-year-old mug shot from a former charge. On the 29th the APD told the press that Jackson was at the bank trying to commit fraud. And by the 30th, protesters were already calling out APD for slandering the victim in their effort to uphold the reputation of the officer.

[3:17:15 PM]

The next speaker is Antonio Bueller. Steven Donahue? You have six minutes.

>> Fine.

>> All right. I think that you guys should put off assigning \$12 million for these technologies until you ask yourself, some very basic questions. The question is, what is the purpose of body cameras? Are they to provide transparency to what the Austin police didn't is doing? Is it to set aside more of the city budget to the Austin police didn't? Or is it help the Austin police didn't prosecute people, or is it to help Austin police didn't cover up crimes by police officers. If the answer is transparently for the Austin police didn't,

then you guys need to just chill out, take a break. This about this and reset, because the policies that are proposed for the body cameras, are not going to provide any accountability, but they will allow police to cover up crimes. They will allow police to use these videos against people, but they won't allow people to use them against police officers. And, other people are talking about policy recommendations. I'll just give you two stories to consider when you think about how body cameras are going to work. The first one is one that I was personally involved with. On the first night of south by southwest. A group of cop-watchers were down town filming the police after a night of roving patrols. Police tackled a man. And they were arresting him. And me and a couple of other cop-watchers went over and began to film. I went to a knee. I was at least ten feet away. The first police officer turned his back to me because I clearly wasn't interfering.

[3:19:15 PM]

Officer Corey jewel ran up. Put his crotch in my face, started moving forward yelling at me to stand up. I tried to shift to my right and shift to my left to get around him. He told me if I don't get up. He'll arrest me. I asked him why. He said you can't be that close to me. He said too bad. I cursed at him and cursed at him many times asking why he was violating my rights. I then cursed at his commander for allowing him to violate my rights. I decided to file a public information request for that video. They did not give me that video. What they give me was a clipped version of the video. They started it when I started cursing at the cop not when he shoved his crotch in my face and not when I intervened with the police. I told the city they failed to give me the appropriate video I asked for. They told me that's all of the video they had. That's a proven lie. You see on the video. He doesn't turn it on when it starts. They clearly clipped the video. They said that's all they had and denied the video that is supposed to be available to the public. They then went out of their way to give the clipped video to the media and asked a story to run a story how the cop-watchers make it hard for cops to do their job because we curse at them. If the video supports the people it's unavailable. If the video supports the police they'll share it with the media as they see fit. The secretary story has to do with dash cameras.

[3:21:19 PM]

They're like body cameras. The police control the video, the people don't. Oftentimes we're told the police can't release dash camera until after the investigation. In my case I asked for dash cam P video and that's been edited where they took out up to two minutes without informing it was taken out and you can only tell by see jumps at the video and by looking at the timer. In 2012 a woman was arrested for dwi. She was arrested by an officer named Anthony martin. He was going to take her to jail. The dash camera is supposed to be pointed inside the cab of the vehicle when someone is in there. That vehicle turned off for about 54 minutes. She later told her lawyer she was sexually assaulted the officer martin. When they tried to get that video, to cooperate that story, lo and behold, 54 minutes were missing. She did not know the minutes were going to be missing when she made the allegation she was sexually assaulted. Something like that is prop attic. We have a history in this country of police officers turning off dash cameras and body cameras when they are going to commit a crime. Anthony martyr want never disciplined for turning off his camera for 54 minutes in a situation where a woman said she was sexually assaulted. If we don't have people the access to these videos but give police P the ability to pick and choose what video gets to the media and what gets in the hands of prosecutors this benefits the police and not the city. I ask you to step back, look at some better policies across the country with regards to body cameras and take the power out of the hands of police.

[3:23:23 PM]

Police want body cameras because it allows them to control the narrative and allows this emto prosecute people but doesn't allow people to defend themselves. Thank you very much.

>> The next speaker? Is Debbie Russell.

>> Hello, I'm filling in for Debbie Russell. This item comes with --

>> Can you hold on a second?

>> Yes, sir.

>> We can only let people come up that have signed up to speak.

>> I did sign up.

>> But, are you the next speaker? Quiana Canada.

>> Oh, good, you can then speak.

>> This item comes up with a bad policy. Nothing in this policy centers on the first amendment to protect the public. This policy could easily be used to intimidate and surveil. Furthermore. The policy doesn't alert the video they're being videotaped. This is putting the cart before the horse. There is a meeting Monday to discuss the policy. First APD's policy has been released. We need more time to discuss the issues. There's too much for the city to consider to move forward with it. Secondly, congressman Casar has to weigh in on the issues and we learned he is not here. Miss Debbie outlined the principles. And I hope you have time to go over them.

[3:25:23 PM]

We were told the didn't would contract with Panasonic. What happened? Item 30 includes data pieces more than the new solution which provides more public oversight than that of a private entity. Miss Russell e-mailed a few reasons why contact with taser international will not benefit the public. Much is spelled out in a new documentary "Killing them safely" which is on Netflix saying that taser admits tasers kill. Despite their claims. On night em31. Is this necessary? Does Panasonic's system require a new cell phone for every officer? I would say delay this vote. If for no other reason than to research the enormous cost-savings of not going with a taser. Thank you.

>> Thank you. Mr. Zimmerman.

>> Zimmerman: Do I understand that your colleague of Debbie Russell. Are you working with the aclu?

>> I'm not working with aclu. I'm a local activist here in Austin?

>> Just a friend, colleague of Debbie Russell?

>> Yes yes, sir

>> Thank you for being here. Are you available to come to the public safety committee meeting that was scheduled for next week?

>> Absolutely.

>> We would appreciate if you come to that.

>> I would love to attend.

>> Again. Thank you for being here.

>> Thank you.

>> All right. Does anyone want to make a motion?

>> Mr. Mayor I would like to move that we postpone the item to June 9th meeting.

>> It's been moved, to June 9th. Items 30 and 1 /- 31 is there a second to that motion? Miss Houston? Miss Houston seconds that motion.

[3:27:26 PM]

Discussion to most prone?

>> I would like to if speak in favor. We are planning to have a review on this. I think we'll have expert testimony on the matter just coming up shortly. So, unless there's some kind of emergency here, I don't see what the harm could be for another two weeks to investigate this and have a chance to discuss it in committee.

>> Mayor?

>> I appreciate if we have a vote to delay.

>> Miss Houston?

>> Houston: Mayor, I read the policy manual, too. I had some real serious concerns about how, as a parent of a child, or as a woman who has been abused, about my rights, and there's not a whole lot in here about what I can and cannot ask for. Can I get my own records? Can I assign a statement saying, please do not videotape me. There's some things in here that I think are missing for just regular folks, and I would like for some time for us to have a -- an opportunity to try to craft the best policy we can. I am for body cameras. I think they're important to make sure that all people are safe, including peace officers. My son is a peace officer, so I have both sides of that equation. But I'm not sure this does it, and I think it hits some of the points, but I think there are a lot of things that we could do to make it better. That's why I'm supporting a two-week delay.

>> Mayor Adler: Miss Gallo?

>> Gallo: I think you actually answered the question I was going to ask, which is, in your committee, will you be address the policy, the different policy questions? Okay. Thank you.

>> Mayor Adler: Mr. Zimmerman answers in the affirmative. Miss pool?

>> Pool: We talked about body woman cameras last year in the public safety committee and also budget.

[3:29:31 PM]

Having notification was part of the direction that had come from the public safety committee for the policy and privacy was one of my chief concerns. We have to strike a very careful balance to make sure full protections are maintained on both sides. So, I think having a little bit of time to spend with the policy would be a good thing. Thanks.

>> Mayor Adler: Move and second to postpone this until June 9th. No further debate. Those in favor of the postponement, please raid your hands. Those opposed, unanimous with Mr. Casar off the dias. That takes care of that item. I think that takes us back to item no. 11 if staff is here to address that?

>> Miss Houston, I think we were with you when we broke.

>> Houston: Thank you, for being back again. We went to the city of Austin parks didn't website and got job description and pay rates, and some people started at, you know, 17, and 875. It's a variety. No work or lifeguard experience necessary limit some went up to \$9.75. Some went up to 11:50 some went up to \$14 an hour plus mileage reimbursement which is three seasons of lifeguard experience. I agree we need to pay our lifeguards more. My concern is that there is no -- doesn't seem to be any rhyme or reason how we decide who gets what and when they get it. As with the city of Austin, we increase the minimum wage from whatever it was we got here from 11 to up to 13.

[3:31:37 PM]

I would be willing to help to do that. But I need to have some kind of idea why we're going to give a 15-year-old, who has never, woulded at the -- no work or lifeguard experience, \$13.03 an hour. I just can't, in my head, understand that with people that have experience, I can understand it. So, if we can tier that up, so that the more they work, the higher pay raise they get, and then I wonder about the people making \$14. What does that jump them up to. So there's a lot of things in this that I'm confused about.

There's just so many ways that you can come into the parks and recreation being a lifeguard -- or work in aquatics, I'm sorry, be an aquatics person and that doesn't seem to be rhyme or reason to me.

>> So, if I can address that in two phases, first, I apologize that it appears as though there's no rhyme or reason to how we -- how we pay individuals, but I can assure you that there is, and it's based upon experience and it's based upon the level of responsibility. So, if I might be able to give an example. If you have zero years of experience, and I'm just going to pick the age of 15 years old, you'll come in, right now, you'll come in at a low rate. I think I said \$9, but it sounds like on that page it says \$8.75. If you have multiple years of experience, and we're asking you to drive from pool to pool to become a seasonal supervisor, and you're checking to make sure that the individuals at that pool are doing their job, appropriately, watching the water, that the water chemicals and water quality is of an appropriate level to -- for it to be safe for the public, then you're going to make a little bit more money. The reason why this didn't is asking that, regardless of your age, that you would make the 13 .03 as a lifeguard, is because if you are a lifeguard, a general lifeguard, and you're sitting on the stand, regardless of your age, you are required, at this point in time, to have all of the same certifications, all of the same training, you're required to do all of the same level of in-service training, so, effectively, regardless of your age, a lifeguard is asked to do the same job.

[3:34:10 PM]

They have the same duties and responsibilities. I know it may feel as though it's not appropriate to pay someone at a younger age such a high wage, but, at this time last year, all of the lifeguarding classes that we have scheduled -- so, if I care year over year to this time frame, I have approximately last year 255 individuals signed up to be a lifeguard. In the year 2014, right now, this same time frame. I had 287 individuals signed up to say I want to be a lifeguard. About 50e to 60% of those individuals, actually passed the lifeguarding test, so I would get an extra 140 or an extra 125 individuals. Right now, at this time, I have individuals lined up that say they want to be a lifeguard. If statistics stay the same, it means 50% of them or 53 would P pass life guarding which means I would bring the total lifeguards for the season to 300. In order for me to effectively open all of the swimming pools this year, I need a minimum of 500. I Dailey, I would love to have 700. So, the reason we're asking to pay lifeguards, individuals who have to learn that lifeguarding certification, a minimum of 13 .0 regardless of their age. Because they are asked to do the exact same duties and responsibilities lifeguards are asked to do, whether they are 18, 21 or 15. And we're feeling as though this is a recruitment tool, because I'm in a position right now where I'm in jeopardy not everything enough staff to serve the public appropriately.

[3:36:13 PM]

>> Houston: I certainly understand that. It's not just age, but the lack of experience as well. Seems there should be a career ladder. So we start them at \$11. So we move -- my concern is we're dipping into our reserve funds. If we start some people at that lower level, maybe work up from 8:00 to \$10 then \$11 then \$13 and have start more experienced people regardless of their age, they've done a good job, work for three seasons, whatever it is. Then the impact of the cost initially could not be so much. Because the next year we're going to ask for a budget amendment to get everybody at the 13 level. I'm trying to help us think through with the limited budget, can we phase people in rather than going with all 6 3 00, 600 or if you're lucky, 700 people at \$13.03 an hour.

>> I would say our history says in our tiered experience we have now. We're not paying everyone \$11 right now. But in the tiered experience I'm in. I'm in the position I'm in because I'm hearing from individuals. This is something we talked about last year but I'm hearing from individuals that I can go to Amy's ice cream and make \$15 an hour. I can go to Home Depot and make \$14 an hour. I can go to dairy

queen and make \$12 an hour. What is the incentive for me to come to the city of Austin parks and recreation didn't to be a lifeguard, you're requiring me to be trained. You're requiring me to have the responsibility of saving people's lives but you're paying me less than what I can make at other retail locations. Frankly, I have not called Amy's ice cream or have not called Home Depot or other entities. We did do research last year that's similar, telling us the similar thing that our wage is not competitive enough to attract folks that want to come and work for us seasonally, which then puts the safety and our service in jeopardy.

[3:38:25 PM]

>> Houston: Last thing, mayor, I am glad to know Amy's pays more than \$13 an hour. I'm going to work for Amy's.

>> Specifically at the airport.

>> Mayor Adler: Miss pool?

>> Pool: I think part of the \$13.03 that's the direction this council moved in. As far as our employees that our minimum wage would be \$13.03 is that where that number is coming from? That's policy this council decided?

>> Yes. I understand the policy was individuals would make \$13.03 who were temporary employees.

>> Pool: Right. And in order to ensure that we don't have wage compression, you need to have the tiering like council member Houston where the salaries would be stepped up higher for people who acquired additional years, if we're able to provide benefits to keep lifeguards on full time especially at the five pools that are open year round.

>> The answer -- the simple answer is, yes. And please know that in asking for this \$418,000, we have also incorporated through vacancy savings and other things to make sure we have tiered opportunity, so that individual that I described driving from location to location will make more than 13.03 but we're talking about the base lifeguards making the 13.03. That's the request that has come before you. Ask you explain what happens if we don't pass this request?

>> We're in jeopardy not being able to open all of our swimming pools this summer. Now, I need to tell you that I'm thinking \$13.03 will be incentive for individuals to work for this city but this didn't still has multiple things we need to do to make sure we're recruiting those individuals and we already have additional hiring dates set up.

[3:40:38 PM]

Additional training days set up. We are now poised to make sure we do everything so that happens and this \$13.03 is additional incentive and the Austin parks foundation has put up finding to give individuals a \$100 bonus if they sign up by a certain time and they are willing to extend that to give us more incentive and if they do do a good job and like this job, there is a career opportunity. You're right, we need lifeguards year-round and that can end up into a full-time employment opportunity.

>> Pool: Last question I have, there was initiative with the previous council to work with schools and physical education requirements and had something to do with working as lifeguards, training as lifeguards. We did that. I think it's something like 82 individuals that did that and I believe 64 have earned their lifeguarding certification. That doesn't mean all 64 have come to work for the city but we do that in conjunction with the ymca. I have to double-check but it's around those figures.

>> Mayor Adler: We have 12 more things on the agenda. Pointing that out to the dias. Did I get a motion? Miss pool moves passage. Mr. Renteria, second. Any further discussion? Miss troxclair?

>> Troxclair: I want to understand, this has been an issue. If F this is such a pressing issue, why is this not something we talked about during budget or put at the priority list during budget instruction?

[3:42:40 PM]

You have the ability to pay lifeguards, to put their -- there was nothing preventing them from paying you 13.03 before or \$13 or \$14. Granted you have limited funds and I understand that you have to -- you know, use those funds where you think is most wise and maybe you have other pressing issues more important than this not that I don't share the concerns that miss Gallo had. I definitely think there's an interest making sure they are paid appropriately so we can open our pools but I don't understand the mid-year stabilization fund, living wage policy instead of budget cycle. Let's make sure we put additional \$418,000 aside for this need. The reason it's coming to you -- let me back up. You talked about the living wage and what the criteria would be for the living wage application. Which means seasonal lifeguards -->> Troxclair: I'm happy to hear that if you want to tell me but my question was, you have the ability to increase their pay regardless of the living wage policy.

>> You're right. We have the ability to do that. We don't have the funding to do that. If I had enough money in the funding. We wouldn't be before you asking for \$400,000. But when we did our estimates. Everyone was right on target spending their budget amounts which means we don't have the funding without taking funding from another service. Diminishing another service. If I were to move money from another didn't in parks and recreation didn't to fund this.

[3:44:44 PM]

It means someone else would have less service. Being mowing or summer camp?

>> Troxclair: Where was this on the list of discussions?

>> This was part of -- you mean last year?

>> Troxclair: Yeah?

>> We asked, I believe last year. We would have to go back and look at unmet needs.

>> This was through several years that we asked for funding. We were going to give you this amount of money this year and next year we hope to make you whole. Unfortunately we were not made whole that the that next budget year which was 2014. Therefore, as we move forward, now we're in 2016. Now with the living wage issue, quite frankly we see an issue, someone sitting on a stand even though we have people wanting to work. Many feel like they are treating unfairly. I am not sure I am able to move forward. Simply because it's taking money from the stabilization fund. But I would support to make sure you have the money to pay lifeguard S I will happily condition discussions so you make sure you have the money this year. It's not sustainable for us to keep pulling from the stabilization fund.

>> No. Thank you.

>> Mayor Adler: Mayor pro tem?

>> I want to say this has been a critical issue, and I believe at our committee and in various other places, over the last year we talked about the facts the pools weren't open and we were getting comments about them.

[3:46:45 PM]

I appreciate this solution and I think it's a good one and I know it's been a struggle over the last several years to meet this need and the creative solutions that came forward from Regina and council member moreson. I think increasing the wage of the lifeguards is another. Again, I heard you in those previous discussions. Emphasize this need and I'm glad we're moving a little bit closer meeting it.

>> Mayor Adler: Miss Gallo?

>> Gallo: I fully support our parks didn't and under the importance of having adequate funding to recruit

quality lifeguards for our pools and safety of our children but this funding request is not in compliance with the current financial policy. I have concern was that. It will drop the budget stabilization reserve fund below the 12% level required in the general financial policy. I'm concerned about the precedence this settings because, particularly when we ask the budget didn't if they can remember a time when the council actions dropped the reserve fund below 12%, they could not remember that. Lifeguards need to be hired for the summer in order for our pools to open on time and I think that's important. I'm going to support this budget amendment to avoid negative impact on our schools -- I mean pools, but to address financial policy concerns I'm going ask the manager to bring back an item to transfer this amount back into the budget stabilization reserve fund so we can bring the fund back up to 12% which is required for our policy. If it doesn't happen I'll bring back an rca which addresses this and hopefully have support from the rest of the council. If we have policies that we expect all of us to abide by and staff to abide by. I think it's really important to make sure policies comply with those.

[3:48:51 PM]

>> Mayor Adler: Thank you. Mr. Renteria?

>> Renteria: Yes. Thank you. You know, I'm going to support this item, because, if you face people that when school is out and parents take their kids to the pool and it's closed, you're going to have a lot of feedback. You're going to say, hey, we want to keep our stabilization fund at 12%, so you guys will have to find another pool somewhere else to swim at. That's what will happen. And we're getting very close to that -- we're here in may already. We're not going to open our pools, and our neighborhood pools, and there is going to be a lot of outcry. That's what is going to happen. Mr. Zimmerman?

>> Zimmerman: Thank you. Council member Renteria, that's a absolutely perfect segue what I was considering to say. You set that up comfort R perfectly. The point I was going to make, we spend 4.5 billion dollars a year. With our 13,000 employees and enterprise divisions, what have you. There are thousands and thousands of spending divisions that are solely in the hands of city staff. So the benefit going on of what exercise we're seeing. They control the money, they control the allocation, why not spend things on stuff our constituents don't see. So, allocate the money to things our constituents don't see and don't particularly care about, spend the money there. Then when it comes to something that's visible, that constituents do see, like a closed swimming pool, create a shortage and say, we have to take money from the stabilization fund or else your swimming pool's going to be closed. I am just so fed up with this, it's one of the reasons I got volume involved in politics and it looks exactly like what the government school does.

[3:51:00 PM]

They have a bunch of money they want to waste on a boondoggle and they waste it a way at a momma patrol. They say that Zimmerman guy wants your kids to die because he doesn't want to pay salaries for them. I was so frustrated from this. I'm inclined to sustain from it. Now we have to vote against it. We have to stop this came-playing in our budgeting.

>> Call the question?

>> I guess I want to make the statement that I think it's unfair to say that staff is gaming the system in order to put forth an item that clearly, I think is in council's interest to have services put forth for our citizens. Clearly parks and rec didn't is having a challenge to try to hire lifeguards in order to troy these services. Here's a solution that requires council decisionmaking in order to pass it. Again, I would just state that, for the record.

>> Mayor Adler: Any further debate on this before we vote?

>> Houston: Yes, yes.

>> Mayor Adler: Miss Houston?

>> Houston: I certainly understand the crisis here, because for seven years, Bartholomew park was closed and so people in 4 and 1 did not have a park to go to until it was rebuilt and open. So people were being busted to give for a while, or northwest recreation center and people didn't want us to swim there until afternoon, so it was really complicated and folks were getting really hot under the collar. So pun intended. But there's also that fiscal accountability that I grew up in my family about how we use reserve funds.

[3:53:07 PM]

Mayor, you got a lot of cloud in this city. I'm going to ask you to reach out to some philanthropic entities who are not contributing to anything now. And this may be something they're interested in to say, can you give us a couple of hundred thousand dollars to put in the parks didn't for this year so we can open our swimming pools. Maybe people that build swimming pools, I don't know. Maybe there is a rich swimmer in town. You know? I mean, we've got to think of things other than -- because the next group that comes up, and I kind of agree with council member Zimmerman kind of, sort of, the next group will tug at our heart strings and we'll go deeper into the reserve and we can't continue to do that. I mean, that's for emergency, and this is serious, but I think -- I don't think we've been invited the community to participate into how we can solve this problem. So I'm probably going to abstain on this one.

>> Mayor Adler: I understand. Anything else on this before we vote? Mayor pro tem?

>> I had a question based on something that was said earlier, but I just want to thank council member Renteria, because he reminded me last year when I went out to talk to -- not only do I hear from small constituents in my own house when pools are closed, I went out to a fifth grade class at one of our local elementaries. They had a lot of questions for me and then it got to the pools about why one had closed the previous week and it moved on and probably a third of the children in that class wanted to ask me questions about swimming pools and they had ideas for the parks didn't and others. It is really important. Most of the people in this community don't and can't afford to belong to a country club or other paid opportunities to swim and it's a really healthy activity.

>> It's an important activity and we need to make sure our city tax dollars are being sent.

[3:55:17 PM]

There's been discussion about the reserve fund and this does meet the budget amendments to pay for something that's unexpected for time sensitive or otherwise. Council men you talked about bringing forward an rca. I didn't under those two objections but I guess I'm asking are you intending to ask the city manager to bring in other funds or do you have other funds that you have in mind that could fill this need?

>> Yes, yes. Thank you for the correct. I guess this is a need I'm willing to vote for. I guess we're taking action on an action that causes us to be in violation and not complying to that. That's dropping below the 12%. Yes, we can take things from reserve and make mid-year budget adjustments but both of those can be done without dropping the reserve fund below 12%. That's my ken that I would like -- I hopefully do not have to bring anything back but I would like for the city managers to find the funds to replenish the reserve fund back to the 12%.

>> Tovo: That was my question. Whether you had identified somewhere within the budget that could be trimmed to replenish those funds or whether you were asking the city manager to identify those funds?

>> I think it would be appropriate to work with the city manager. My concern we're not in compliance with one of our financial policies.

>> Tovo: I assume that's an item that will be on the agenda for discussion? I would want to know where

we're taking those other -- that other money from before I'm comfortable with that solution.
>> If your question is, is that on the table for now, the answer is no.

[3:57:18 PM]

If it comes it would come at a later time

>> Mayor Adler: My understanding there's a request the manager come back and identify places that that might be funned?

>> I guess what I'm saying, I'm not comfortable if this is interpreted as direction to the city manager to go find those funds and replenish this amount. I'm not comfortable with that direction at this point would knowing where that other money is coming from. If the direction is to come back to council and talk about that that's a different matter.

>> Mayor Adler: For what it's worth I understand stood the request to come back and identify where that might be coming from. Not go ahead and fund it.

>> Tovo: Assistant manager, is that your intent?

>> That would be my intend depending how the resolution is structured. My assumption is asked city managers to identify potential sources and potential implications what that might be so we could come back with options.

>> Tovo: Okay. That answers that question. Council member Gallo you intend to follow up with a resolution kicking this off, not -->>

Gallo: Say that one more time?

>> Tovo: You're saying you intend to bring forward a resolution that speaks to this matter. This discussion itself is not serving as direction to do that.

>> Gallo: Other than asking the city manager. They could bring that back to the council before the resolution gets brought to the sill /- council but the city manager may act on that more quickly than we do the resolution.

>> If you can identify some place and tell us what that might be, she would appreciate that. In absence of the manager doing that, she would bring a resolution.

>> Tovo: And I guess council member Zimmerman, I take issue with the comments you made about the staff and how they assign needs.

[3:59:21 PM]

I think we -- I don't want to go on and on about it, but I think we always underfund some departments including parks and rec. I think they have a real scarcity of funds. I think the comments are unfair but if there are ways we could find pockets of money in our budget that's a great discussion for us to have in the upcoming months. >>

>> Mayor Adler: Okay. We'll go aheadened take a vote. We need seven votes for this Po pass on all three readings those in favor of a motion to approve item no. 11, please raise your hand. Those opposeed? Zimmerman voting no. Those abstaining. Troxclair, Houston -- the vote 7, 1, 2. Mr. Casar is off the dias. I'll next go to the next item which is item number 32. We have about an hour before we break for music. Let's see how many things we can handle. We have a dozen items left on our agenda. This is something you pulled, Mr. Zimmerman. Do you want to -->> Zimmerman: Thank you, Mr. Mayor. The first question is just on the total cost. The full cost of the service rate study it seems it's been broken into some pieces so I'm trying to wrap my head around what these total costs are.

>> Mayor Adler: Is staff here to explain item no. 32?

[4:01:25 PM]

>> So, going back to what I'm looking at here, we're talking about an expenditure in this case of 494,000, but I think there's more to that than that, right? We've done these kind of things before. Could you just talk about the totality of what we're talking about in terms of the fees that we're paying?

>> Okay. Good afternoon, mayor, mayor pro tem and council. David anders, assistant director for Austin waters. This cost the service rate study for the 494,000 will be the total cost of this particular project. What is anticipated in this particular project, they will conduct the cost service rate study over the next year. They will be involved in a significant public involvement process, as they go through that. They will conduct the actual allocations of cost service revenue requirements. They will also reach out to the public utility commission to be able to get more information on their requirements. They will provide a final report that would be available to everyone, and as we conduct this cost service study, it's Austin waters intention to have a cost -- I mean a website that will provide all of the information, will provide opportunities for the public to provide comments, and questions, to the group, as well as get involved in the public involvement committee, but we anticipate the work that the soft of service rate consultant would do, would total this, not to exceed the \$494,000.

>> Okay. So, there aren't some other programs, contracts connected with it?

[4:03:27 PM]

>> There is an additional contract being delayed. We have a contract that would be for the residential rate advocate that will be coming, I believe, on June 7th for this council. It wasn't quite ready to come at the same time today. We will have that cost, hiring a consult and to represent the residential rate customers throughout this process. So. It would be helpful for us to understand the complete cost of what we're doing. . Why wouldn't those be brought together kind of as a package saying here's what we're doing, here's how we're studying cost of service. Let's bring them as a package so we can understand all of the things we're doing. One of the things maybe you can speak to Mr. Scarbrough there was a lawsuit that was decided last summer against Austin water, there were four muds in the northern part of Travis county. There were millions of dollars involved in a dispute what the cost of service was and they ruled against the city. Are those considerations going to be part of this as well to try to comply with what the PUC said and to get around that lawsuit? Is that part of what we're doing?

>> The cost study will take into consideration all of the items that the PUC has ordered and some of those will be discussions as we go through. We are planning a separate wholesale involvement committee that will involve all of the wholesale customers with specific discussions throughout the allocation in the cost service rate study to do that. But, our intention would be to comply with the PUC orders, and we have to go back to the PUC in order to raise any of those rates for petitioners and this cost service study would have to take that into consideration in order to be able to get that approval from the PUC.

[4:05:39 PM]

>> So, the resolution information you just mentioned might be coming in June, and that's in the ballpark of how much? Hundreds of thousands? How much is expected to be coming up in June?

>> Council member, that particular item is not scheduled, not prepared yet.

>> I can't hear you, I'm sorry.

>> Council member. James Scarbrough, that information is still bed involved so I don't have the amount. The timing, as Mr. Anders mentioned, we intend to bring those to council at the same time but in the process of a protest on the administration. To give it the next review and time necessary to resolve the protest, we decided to proceed with one item and bring the sub subsequent item at the next council

agenda.

>> So, the Sean, you have no idea what the other item in June is going to cost? That's what I'm hearing, you don't have an estimate?

>> I'm sure I can find it. That item is not public yet. I don't want to speak in advance and release an item and make it available.

>> Is there a motion?

>> Mayor Adler: Is there a motion to be made on this item 36 -- no, I'm sorry, 32? Motion to approve item 32. Is there a second?

>> I have a question.

>> Okay. I notice on your valuation matrix, that to receive local business presence.

[4:07:46 PM]

Do you know why?

>> Yes. The policy for applying the ten points available for that particular policy, a firm must have headquarters or branch offices located within the -- full purpose municipal district, and in this case, I'm sorry, I don't have the details with me, but either they did not have the headquarters, or did not have a branch office established for at least five years but this particular offer came forward with subcontractors, as you see, associated with this item. One of the subcontractors did have local preference. Therefore they received a portion of that preference in terms of two points out much 10 instead of the entire 10.

>> Yes. For this particular cost of service study, are these protected under open meetings law that they don't have to be released or can the results be fully released publicly, since the public is paying for the cost of service study? Can anybody answer that? Are they expected to be released publicly?

>> Yeah. The rate consultant would be responsible in the contract to produce a final report. That final report will be released to the public and is typically been released in the other previous studies that we've done. Our expectation, once it's final, will be presented back to council and to the public for review and any questions and those kind of things. One more quick question on that point. You remember the Zuker report we had last year? There was a little controversy with the draft report. There was a draft Zuker report that some of us felt we entitled to see that especially as council members.

[4:09:53 PM]

I think open meetings there is a provision for you to get draft reports in. It will be my expectation that would allow me to see drafts before they are finalized. That's important for me to see a draft from the consultant.

>> Mayor, if I can clarify. My apologies to council member Renteria. They have a branch office in Austin. It was established in 2012. So it had not been established long enough to qualify for the local preference, the two point was because of their use of a local subcontractor. My apology.

>> Mayor Adler: Any further discussion? Moved and second. This item, 32. Those in favor, please raise your hand. Those opposed? Those abstaining? Unanimous on the dias. Miss Houston off, Mr. Casar also off. I'll go to the next item. This is item number 37. Which is the taxi co-op franchise item. You pulled this. Is staff here for this? You pulled this, Miss Gallo, did you have a question or thought, or should we first get it play out? We have some folks in the public, I think, that have been identified to speak.

>> Gallo: Either way. Would you like me to lay out first?

[4:11:56 PM]

>> Mayor Adler: Why don't you lay out what your concern is so we know.

>> Gallo: Thank you. As I mentioned, I absolutely support this. My concern is limitation of fleet size. We are looking at trying to expand the options that we have for riders in this community and also employment opportunities for drivers. And so I have not understood why we have caps at all on the different franchises. So, this is an opportunity, as we begin this new franchise opportunity, to be able to have a minimum, which I understand, which would stay at 25, but I have passed out an amendment to the ordinance which would change part 2 and delete the language after at least 25. So, what would be deleted we be and not more than 150 taxi cabs and this taxi cab amendment may be amended during the course of the franchise. Basically it says the franchise holder must maintain an active fleet of at least 25 but there's no upper limitation of a cap.

>> Mayor Adler: Okay. Yes, miss kitchen?

>> Kitchen: I'm going support this amendment. I believe it's consistent with our intentions last year when we adopted changes to our code that would -- that was intended to allow for additional -- additional permits. So, because of the reasons that council member Gallo set forth and because I believe it's consistent with our discussion last year, I'm going to support this amendment.

>> Mayor Adler: This motion is for passing on first reading only, is that correct?

>> Yes, sir. That is correct. You have to pass a franchise on three readings. The first and the third reading. This is by charter. First and third reading have to be at least 30 days apart. So, it's first reading only.

>> 30 days apart and then there was some question about the second -- the third reading has to be on a regularly set meeting?

[4:14:04 PM]

>> They all have to be on a regularly scheduled meeting, perhaps the city attorney can tell us if that third or last meeting, which is a budget meeting in June --

>> Mayor Adler: When is the next regularly scheduled meeting? ? What is a regularly scheduled meeting?

>> Houston: I don't know.

>> I believe we can't have a special-called meeting in order to do the franchise agreement. You can't call a special called meeting tomorrow and next one tomorrow. We have to have a meeting that's already been scheduled.

>> Mayor Adler: Okay.

>> So, we have a meeting in June that could conceivably be handled, I think? That's more than 30 days away?

>> We have a meeting on June 23rd.

>> Mayor Adler: Okay. Thank you. All right. Let's --

>> Wait, wait. I'm sorry. We have a meeting on June 16th, as I see it, here on the calendar. So, we could handle this on the third reading on the 16th. We wouldn't have to wait until the 23rd, if I'm understanding correctly.

>> No. Go ahead.

>> I don't think that's 30 days from now.

>> The first and third reading have to be separated by 30 days.

>> Okay? Let's have the public speak and we'll bring back and talk about it. Okay. So, let's poll the speakers on item number 37. Mr. Pena, the first speaker, is he here? The second speaker is Charles Jones. Is he here? The third speaker is ed cargmal? Niga tedes is on deck.

>> Thank you, council members for bringing this up.

[4:16:07 PM]

I want to thank you for your diligence addresses the transportation issues for the city of Austin. Appreciate the work you're doing. Hopefully we're on top of that. Best of us luck on the smart city challenge. I appreciate working with officers who want to contribute in a manner in the spirit of collaboration and following the rule of law. On this specific item, there are some concerns. There's a letter that's been distributed to each of our offices. By my boss. I hope in the course of today and the next 30 days as this item is discussed that you get an opportunity to digest all of the information in that letter and that we get an opportunity to visit with you and discuss some of those current concerns between now and the second reading in the final and third reading, but more than anything, I really appreciate the work that you all do and look forward to working with you all. Thank you very much.

>> Thank you.

>> Okay. Those are all of the speakers that we have. We are now back up to the dias. Is there a motion to approve on first reading this item number 37? Miss kitchen moves? Second by miss Gallo.

>> Mr. Mayor, could I move first and second reading?

>> No, you can't. Can't.

>> It's by charter. Is that correct?

>> You can only do first. You can't do them on this -- they have to be on separate days.

>> Is that by charter?

>> Yes.

>> The priority of the council is indicating you can't do that pursuant to the charter.

>> Okay.

>> Let's continue on with discussion.

[4:18:10 PM]

First moved and second.

>> We're voting --

>> Now it's been recognized -- miss Gallo to make the amendment, second by miss kitchen. That's been handed out. Staff here? Would you speak to the amendment? Yes, Mary. Thank you. Rob spiller, director of transportation for the city of -- the amendment takes off the upper limit. The direction we received last year when we redid the franchises is take off the limits of the other franchises but the requirement was they needed to request additional permits from us, and we would make a determination, administratively, based on their performance. To date, none of them have requested additional permits. We've tested a couple of times during some festivals and allowed those taxi companies to make contracts or contract with taxi companies and providers outside of the area, but that's the only thing, so I would suggest that I'm not sure that it matters one way or the other, since we are also talking about bringing the taxi system into a more free market environment anyway.

>> So you're comfortable with this passing on first reading?

>> Yes.

>> Moved and second. Any further discussion? Those in favor of the amendment please raise your hand. Those opposed all in favor with Mr. Casar off the dais. Thank you.

>> Any discussion to approve this on first reading? Those in favor please raid your hand. Those opposed. It's unanimous with again Mr. Casar off the dais. 37 pass on first reading.

[4:20:13 PM]

Thank you. That gets us to housing trust fund itemly is item 42. Mayor pro tem, do you want to make a

motion? 42. Housing trust fund item. Tove thank you, sorry. I would like to move passage of item 42, which is -- relates to the affordable housing trust fund.

>> Mayor Adler: Is there a second? Mr. Renteria seconds. Any discussion on this? We have some people to speak. Let's ask speakers to come up. First speaker is Stuart Hirsch.

>> Houston: Mayor, is there a copy of it, so if people want to see it, they can put it up on the overhead?

>> Tovo: Thank you, council member. Yes, I did submit a resolution with three small changes as marked. I think we got them to several people in the audience who we knew had signed up. I'll post them at the appropriate time. Mr. Hirsch. I don't know if you've seen them. I'll be happy to describe them. I've changed the date, so it's not on the tax Rolle January 12016 instead of 2015. And I made two additions that reflect our discussion Tuesday. Because these are policy statements, this is a policy statement that the resulting property tax revenue would be transferred to the housing trust fund but that only really happens in each budget cycle. So, with the adoption of our budget, we have the ability to make a different allocation to decide that year, it should be a lower percentage, or that there are other critical needs that year in the general budget.

[4:22:26 PM]

All of that tax revenue should flow to the general fund, so I've added both a whereas, and just acknowledging that those are actually annual. This is a policy statement but those are actually annual decisions of council that we have an opportunity to change or alter during the budget, just to address some of the concerns that I heard about making this an alterable change going forward. It is not, by any means an unalterable change. Thank you, Mr. Hirsch.

>> Why us to put council on notice I'm in favor of this as consistent with overall housing policies we're going forward but I'll move to postpone this for two weeks persistent with the request from Mr. Casar posted on the message board. Apparently this is coming up in front of two committees it's been set on. Last week of may and first week of June and I would allow those conversations to happen and have this come back on the 9th. Mr. Hirsch?

>> Thank you, mayor, members of the council. My name is Stuart Harry Hirsch. Like most in Austin, I read and was one of the staffers who drafted the original resolutions related to the housing trust fund adopted on April 20th, 2000 and September 7th, 2000 and I want to confirm what mayor pro tem has said. Not only can you consider changing housing trust fund policy, but in 2008, the then-city Marge recommended abolishing it all together, so clearly that would have been a change. Let justice swell up as waters and righteousness a mighty stream. The words of D. Martin Luther King Jr., located at the civil rights martyrs at the southern law center in Montgomery, Alabama.

[4:24:26 PM]

Today I'm here to ask the city council to amend the draft housing fund which won't come up for two weeks so the city manager can have time to calculate how much tax revenue can be generated for multi family six properties which will be a topic of discussion as on your item agenda today. I heard the conversation Tuesday, loud and clear, and instead of trying to figure out a universe of 100,000 properties and what the impact would be, perhaps the easier thing this year would be look at 19 or 20 on the map that are in your back-up that are multi family six and see how much money that will generate four while you're doing the bigger task of figuring out what this policy change might be. I do that based on personal experience. I have not found and I have held not for profit purchase property in this town and I can't find a multi family six family that sells for more than 3 million an acre. When you're buying land for 3 million an acre, it's nearly impossible to create affordable housing based on the way we define it in Austin. A renter in Austin -- the greatest need for renters in Austin, if we're using the

housing trust fund to create rental housing are people of 50 to 30% median family income not 50% is what the draft resolution speaks to and when we did the original housing trust fund resolution what was 50% and the need has not gone away but income level has risen. On the flip side the resolution talks about home ownership at 15% and below and I'm trying to figure out how to buy a house yet. I'm everything a hard time trying to figure out how somebody at 60% or below is able to buy a house through the strategic use of housing trust fund.

[4:26:29 PM]

Perhaps that number is too low. Perhaps it needs to be 80%. That's what I have today. The rest pertained to the other item on the agenda and I really appreciate your willingness to hear my comments. Thank you very much.

>> Mayor Adler: Thank you, mayor pro tem?

>> Tovo: Mr. Hirsch. You referred to some things in the resolution, you didn't mean the resolution before us. Were you talking about the original resolution for setting up the affordable housing trust fund?

>> The original resolution was 50% or below. My understanding -- my comments relate to the multi family six conversation you're going to have later today that sets the threshold for home ownership at 60% median family income and family rental at 60%. So I'm connecting those, that's the spirit of those comments.

>> Tovo: Thank you for that clarification.

>> Mayor Adler: The next speaker, Mr. Pena? Mr. Jones? Mr. King? Ruby rose, on deck.

>> Mayor Adler: I don't know that it will be boned. You might want to go ahead and speak.

>> Thank you, mayor, mayor pro tem, councilmembers. I support this item. We do need to find every way we can that would help with affordable housing, and I think this is important to make sure that all of these public properties that would become part of rezoned to some other zoning category other than state-owned property or school-owned property, that kind of property, I think that we need to make sure that they participate in helping us generate affordable housing. So I support this, this item, and I hope that you will approve it. And I'll reserve the rest of my comments for when it comes back. Thank you very much.

>> Mayor Adler: Thank you.

[4:28:30 PM]

Mr. Roja -- Ms. Ruby Roja. I think that brings us back up to the dais. I would move to postpone this matter until June 9. Is there a second to that?

>> I'll second.

[Indiscernible] Seconds that. I would do this, you know, first just on a item of the quorum. Mr. Casar is not here -- item of decorum so just as a courtesy to him I would postpone it until the ninth. I'm not aware of a prejudice for postponing for three weeks about it is set for two committees to be heard, and that gives us the opportunity to hear what those committees might say, if anything. I am supportive of -- as you have seen through earlier work I've done on housing, so subject to those conversations I'm supportive of this matter.

>> Houston: Can you tell me --

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I am also supportive of this matter, and I want to thank the mayor pro tem for bringing this forward. I do think it's appropriate request that I want to honor of a fellow councilmember. This is a very important issue to him, and he's been very involved. And so I think it's appropriate because there's not -

- it's not time sensitive, and I just want to say that I do support it and will continue to support it, but I think it's appropriate to honor that request.

>> Renteria: Mayor, are we sending this to the housing committee.

>> Mayor Adler: I was not going to send it to a committee because I think it's already set to be considered by committees and that way this doesn't have to go to committee. So I don't think it's necessary. So it would just be postponed and brought back on the ninth without regard to what committees may or may not do.

>> Houston: Could you tell us what committees? Because some of us may not know.

>> Mayor Adler: Mr. Casar's posting indicated that it was going to the planning and neighborhoods committee next week on may 24 and the housing and community development committee meeting on June 6.

[4:30:33 PM]

Mayor pro tem.

>> Tovo: I'd like to just clarify a few things and then I'd like to speak to my motion. This is a resolution that I've sponsored it I have not scheduled it for either committee, and so I would ask that it does come back directly to council. I understand from the message board post that councilmember Casar and maybe councilmember Renteria can speak to this as well intends to have a discussion at planning and neighborhoods about ways to -- among other things, foster housing integration, combat community displacement, including look at creative code amendments, more market. Based solutions and zipping to the end, it will also include talking about monitoring and implementation of our housing programs and land development code revisions and so I understand from his message board post that he sees this resolution, which I've brought, fitting into that larger conversation, and I would like to respectfully say that I'm not sure I see the relationship between how we fund our affordable housing trust fund and code revisions. If it's the will of the council to postpone this discussion for two weeks, then we will have that discussion in two weeks, but I would -- I would strongly say that I'm not sure I really understand well the connection between making -- making this adjustment to how we fund our affordable housing trust fund and the connection to land use revisions. And I certainly would encourage the council to take this up. Again, if it's the will of council to postpone it today, to take it up again in two weeks rather than wait for the much broader conversation to play out over what I anticipate will be months and months before there's a resolution. And I want want to say a few things. There have been questions that have been raised about the extent of the properties that could be included on that list, and I understand our staff intend to go over the tcad data they've received and provide us with some estimates as we acknowledged on Tuesday there's really no way to come up with accurate estimates of that until those properties are offered.

[4:32:38 PM]

I mean, there's really no way for us to tell from this vantage point which properties may be offered for sale at some time in the future, when they might be offered, how those might be developed, and you need all of that information to know what the fiscal impact is on -- you know, what amount of property tax revenue we would be transferring to the affordable housing trust fund rather than transferring to the general fund. But, again, one of the reasons I had added those two whereas and the be it, therefore, resolved into this resolution is to make sure that, as a council, we are going to look at it on an annual basis before approving that transfer so that we're very aware of the funds and the amount that would be transferred in that budget to the affordable housing trust fund. And I appreciate -- I just want to say if you haven't seen it, the city hall blog that posted last night did a little estimation -- thank you, Ms. Limb,

for your work on this -- based on some D cad Numbers. Looking at what the transfer would have been over the last year had those properties -- had this been in effect, if it applied to -- let me make sure I've got the date, applying to properties tax exempt in 2015 but now privately owned, the amount would have generated total taxable value of 3.8 million, total tax revenue of \$155,302 if you include bull creek within that, that adds another \$251,723. So roughly about \$407,025 would have been generated by this proposal had it been in place a year ago, and this is, as I mentioned at the work session, this is an area that others have noted for the last several years. It was a former councilmember, Laura Morrison pointed out, something she and others were aware of, that that original enabling resolution that set up the trust fund identified all currently tax-exempt lands as contributing to the affordable tax -- affordable housing trust fund.

[4:34:46 PM]

Apparently, a decision I don't think anybody knows when or how it happened, other than in the next budget, it had been narrowed to focus on city-owned land rather than any nontaxable land that then came on to the tax rolls so this in many ways is a corrective measure and I think very much needed. I want to offer we can delay two weeks but, again, I hope we won't delay further because we have a critical need for funds for housing this community. This morning I had two meetings and I was downtown and it's sunny out now but it was as probably most of you remember it was an absolute downpour this morning and so as I walked two blocks on sixth street I had my umbrella by the time I arrived at my meeting I was completely drenched, even with an umbrella but what I want to say in those two blocks on sixth street I passed probably 25 individuals who were by all appearances experiencing homelessness just in those two blocks, individuals walking with cardboard over their heads trying to keep the rain out, individuals sleeping in doorways, individuals walking with plastic bags over their head to try and keep dry as best they could. This is a crisis in this community, and we absolutely need to find additional funding revenue sources. I think this is very important. It sounds like there's a lot of agreement on the dais to move forward with this kind of plan, so I hope we can -- I would prefer moving forward with this today, if there's general agreement in support for it. If the decision is to wait two weeks, again, I hope it will come directly back to council and not get linked up with potential land use changes and a broader discussion.

>> Mayor, is it too late to speak?

>> Mayor Adler: No, Mr. Pena. I'll let you come down if you want to. As he's coming down, mayor pro tem, I would just say that after talking to you, the motion I made to postpone was not linked to sending your matter back to council, but to keep it on an independent track.

[4:36:50 PM]

>> Tovo: Okay.

>> Mayor Adler: Because I thought that stayed true to what I had said to you, as well as being able to honor the request of a colleague who is not here. I just think that's a good principle for us to set as a council. Mr. Pena, I'll let you --

>> Go ahead.

>> Mayor Adler: Mr. Casar off the dais Pena, why don't you go ahead.

>> Mr. Mayor, councilmember, thank you for allowing me to speak. I was out there in lala land. Anyway, mayor pro tem, you know me for a long time and you, mayor Adler, know of my situation. You know it very well. And homelessness is -- you can't define if you don't know what homelessness is, especially with family and kids. You're right on target. You're right on target. You see people every day. You see veterans out there that I'm helping out, single moms with children, veterans and non-veterans. Those

are my heart right now, the females with kids, with children, that's my heart right there, breaks my heart. I'm a hardened Marine. The issue is we need to get collaboration with the community to give more input and just not from Gus Pena. I'm fat and ugly, you know, I come over here and speak. I can tell you my personal experiences but the people that are in combat, they're homeless, they will tell you what they need, how they need. We're seeing more single member -- sf units being built, much more than multi-family for families. The things that I want you to know, not to -- you have a voucher. You have to have -- if you have three family members, \$35 application for even -- non-refundable then you have to have first month's rent, equivalent to the deposit. That's over \$2,000. How can we do it? If you're on a fixed income like the veterans' pensions. Anyway, I pray for y'all every day. You know? Thank you for the hard work you do. Thank you for the sweat equity you put into this.

[4:38:50 PM]

I know y'all have good hearts, but you have to know what it is like in combat out there. And we're losing it. She's right. You see people out there every day. Yes, you see somebody flying, they're not really homeless. 99% of the people don't want to be homeless. And I'm going to tell you one thing, a cry a lot for the families, for the families. And I thank you all very much. You're in combat right now. We have to win this combat. We will win it together if you include the community also that has known homelessness because sometimes even social service agencies don't take care of it. Anyway, mayor, thank you very much and please bear with me. An award is usually given by department of veterans affairs. I meant no disrespect to you. If I did, I apologize to you. You know, I'm a good guy, I think.

>> Mayor Adler: I took no measure of disrespect.

>> I know that but it might have come across to people -- I highly respect you. That's why I supported you over the other containing. Even when I was in the hospital I got your support. The issue is I love y'all in a Christian way. I ask God to give you all the strength, courage, wisdom because each and every one of you can make a big difference in this community and y'all are making a big difference. I know I'm kind of tough. Anyway, thank you very much but include the community and solutions. Thank you.

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

>> Kitchen: I just wanted to echo my support for this provision, again, I'm simply acting on what's important to me, which is a principle that if a fellow councilmember asks for a postponement, if it doesn't cause, you know, a difficulty, then I'd like to honor that. So. . .

>> Mayor Adler: There's been a motion to postpone until the ninth. Mr. Renteria and then Ms. Gallo.

>> Renteria: I shared my colleagues' concerns and since you announced that it's just going to come back to the dais as -- not to a committee, then I can support that. But, you know, I have that concern also, that if it gets wound up with all these other issues that it's going to take months.

[4:40:56 PM]

Because these other items that my colleague Greg Casar is working on are very complicated and here we're just -- it's just a simple amendment that we're correcting the -- the council intention. That's all that we're asking for so that's -- I'll be supporting that for that purpose.

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

>> Gallo: I was just going to say I support the amendment -- your possession for postponement. I think you have graciously allowed other councilmembers to do that when we weren't able to be here so I appreciate that and I know councilmember Casar does too. Thank you.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I would like to see this important issue go into committee, but I guess I just want to say quickly something I've said before about this. I think what this kind of policy

does is it institutionalizes our economic segregation here in the city by shifting the cost for service to those who are paying for the subsidies in the name of trying to make the city more affordable for a few people. Everyone else suffers an increase in the unaffordability. So at some point we're going to have to come to grips with the fact that we cannot improve affordability by institutionalizing economic segregation and continually demanding that one group of Austin citizens may pay more so that another group is able to pay less. Every time we take properties after the tax rolls, every time we create these subsidized situations, we have a land trust we're talking about, where dirt is going to be taken off the tax rolls. One of our highest property tax bills is coming from the high value of the dirt your property sits on. When we have this housing trust and buy up land and take land off the tax roll and put properties on it, we're causing an economic shift to where some people are going to have to pay even more taxes for their dirt to make up for the people that aren't paying taxes on their dirt.

[4:43:09 PM]

So I think it's moving us in the wrong direction. I do appreciate the time to consider this further.

>> Mayor Adler: Any further discussion on the motion to postpone until June 9? Those in favor of the motion to postpone, please Reid raise your hand -- raise your hand. Those opposed? Mayor pro tem voting no. The others voting aye. Mr. Casar off the dais. Postponed until June 9. That gets us to the next item, which is the vision zero plan, item 49.

>> Kitchen: Platform, would you like had he to --

>> Mayor Adler: That would be good.

>> Kitchen: Okay. I'll describe the resolution and then we may have some speakers -- or perhaps -- should I describe my resolution and then staff? Or how do you want to do this?

>> Mayor Adler: Why don't you do it real briefly. We have people here in the public and we'll give them a chance to talk as well.

>> Kitchen: Okay. We have a resolution that actually was moved forward out of our mobility committee, just a vote in the mobility committee was to bring this Ford council. And the resolution is -- I'll quickly describe it. Basically, the vision zero report has multiple recommendations. The task force did a lot of work on it, along with the staffs of various departments. So they're multilayer recommendations that were made. So what this resolution does, is it -- is an approach to moving forward as quickly as possible with the recommendations and it divides the recommendations into different categories. So the first section of the resolution directs the city manager to immediately implement the action plan elements that have been identified as actionable using existing resources.

[4:45:18 PM]

So the first part of the resolution is for -- directing the city manager to go forward with those action items that did be brought forward within existing resources. And then to provide an accounting of what was done there back to us on August 2. The second be it further resolved, the second resolution takes the next step, and that is to look at the action plan items that require additional resources and provide an implementation plan for those and to bring that implementation plan back to us on August 2. So that's a way to move forward. That's what this resolution does. And then there's two other be it resolves that we can discuss further that relate to specific items related to roadway speeds and to suspended licenses. So I'll leave it at that until we get back to it.

>> Mayor Adler: Okay. Mr. Guernsey, do you want to say anything before we go to the public comment?

>> Mayor, I I actually have a short presentation if you'd like to entertain that.

>> Mayor Adler: That would be good.

>> Thank you. Thank you, mayor, council, Greg Guernsey, planning and zoning department but I'm

joined today with staff from our Austin transportation department, police department, health and human services department and my own department, planning and zoning. There are many different community partners, agencies that have been involved, as well as other city departments in the creation of this document and working with the task force. So [indiscernible] Are often seen as a cost of doing business, shocked and scared by crime but somehow more accepting of a greater threat. In 2015 it was a record year for deaths in Austin. We should remember these are not just Numbers but we're talking about people the -- they average about 64 deaths a year but there's also for each death about eight serious injuries that are attributable to these traffic crashes.

[4:47:20 PM]

Here's a breakdown of the deaths that occurred by traffic mode. The majority were by driving at 54%, walking, 29% is motorcycles 15% is bicycling 2%. Sorry about that. As far as crashes, these are some of the characteristics that we have, 61% of the crashes attributable to individuals that are impaired, alcohol or drugs, highlighting some of the other ones. Most of these occur between midnight and 6:00 A.M. And 43% occurred on high-use roadways. But like smoking and the use of seat belts traffic injuries and deaths, they're preventable. Public health problems. Like these two examples, we need to raise the awareness, so make some changes to our regulations and enforce them and build safety into the design of our roadways. And these crashes effect everyone. The dots that you see here represent deaths or injuries, and you can see they're all over Austin. There's not any one particular location. So I'd like to give you an overview of the action plan that you have in your backup. There are three parts dealing with the introduction, the actual plan itself and implementation. Regarding the implementation, the vision sets the goal of zero deaths and injuries while traveling and says that safe mobility is the top priority for our transportation system. Vision zero builds on the work that the city and partners have already been doing and facilitates greater collaboration towards a shared goal. It also identifies that it's not a panacea for all traffic violence.

[4:49:21 PM]

Preventing it will require a multipronged approach using land use, transportation, design enforcement, prosecution, education, and a cultural change. Especially when we look at who is killed. Equity becomes important. There's an increased focus on design, and based on the feedback we've had through this process we need to look at planning and engineering as part of the action plan, land use patterns, street designs directly affect traffic safety. Equity increased -- there's an increased concern for this, for people outside of vehicles. These tragedies affect all austinians, but people walking, biking and riding, motorcycles, disproportionately affected and even though there's only about 6.5%, the majority of these traffic deaths are attributable to those three classes. One-third of the deaths in particular are associated with just walking. And part of this is designed because our roadways are designed more for driving rather than making the accommodations for all those other modes. There's an equity issue for communities of color. In the graph that you have up on the screen right now, blue represents the total population. Red is a percent of the traffic deaths. Blacks and hispanic austinians are overrepresented while there are fewer whites and Asians that are killed relative to the total population. And for people of low-incomes, especially people experiencing homelessness, we don't have the Numbers for previous years, but in 2015, 39% of the people walking who were killed experienced homelessness. According to our information. There's a strong majority that these people were in locations which don't have -- where they don't have the right-of-way and there's a higher number of impaired individuals.

[4:51:23 PM]

Some of the possible reasons for this that homeless -- you know, they do more walking than taking other modes of transportation. They live in less desirable locations, often near high-speed roadways, and then the alcohol and substance abuse problems that they have. So now I'm going to talk about actions. There are five primary actions that we're discussing here. The evaluation, enforcement, engineering, education, and policy changes. And the evaluation, this is very much a data-driven approach to safety. And it's necessary to address our resources, to address the injuries and deaths within our transportation system. This requires good data. Whether we're targeting enforcement, identifying engineering countermeasures and priority locations or crafting educational campaigns. So our actions under the section address how we collect the baseline data, monitoring, sharing, doing analysis and mapping, and evaluating the effects of the enforcement, the engineering, and educational efforts. The map that you see is something that's called a heat map, and this identifies and focuses on where enforcement and prosecutions of dangerous behaviors should be done. Looking at the graph data from 2010-2014 we find crashes follow patterns, injuries follow busy roadways but the deaths are especially high in high-speed roadways, certain roads light up as you see by the indication in red here, with higher Numbers of incapacitating injuries and deaths. When we look at having contributing factors listed in crash reports we find that there are six behaviors that play almost 80% of the fatal and total incapacitating crashes.

[4:53:24 PM]

This gives us a better direction where we need to concentrate our resources. Many of these including such as speed and failure to yield also occur at intersections of behavior and design. Engineering. Fatal and serious crashes often occur at intersections of behavior and design. This is where a third of the group actions relating to planning and engineering comes in. These actions include safety and engineering projects, implementing or complete streets that serve all users for ages and modes that they have, technology improvements, and also capital metro, I'd also note that we would partner with our school districts and those would include public schools, both charter and the aids, independent school districts and also private schools. Education. Education relates into our changing culture of safety in Austin. Raising awareness is the key. A multitude of problems in behaviors that contributed. Having a strong branded vision zero education campaign. This is very important to implementing vision zero. Some of the policy changes are directed in three areas, enforcement, land use and design, and legislative. And, finally, implementation. This is the final section of the plan that lays out a strategy for implementation. It includes a vision zero program and continuing the work of the vision zero task force which represents a diversity of transportation safety and has brought new perspectives to the conversation of how we make our streets safer for everyone. Representatives of the pedestrian, bicycling, motorcycle groups, minority communities, homeless populations, homeless services, advocates for older adults, people with disabilities, social workers with who work with at-risk communities will work with government members of the task force and serve that the constituents' concerns and their needs are addressed.

[4:55:34 PM]

There would be an annual report card that would track total fatal incapacitating injuries by crashes, by mode, by hot spot locations. What were the contributing factors and what are the key metrics for making sure that the section addresses those actions? So in appendix a, towards the rear of this report, the five areas that I had mentioned, there are 11 that specifically address evaluations, five recommendations that really address enforcement, eight on engineering, 16 on education, and 17 on policy. So in total there are 60 different policy -- actions that address who would be responsible and the

cost and the percent funded. And then, finally, the -- closing the report deals with feedback. There's several pages of feedback that because we've received information from the pedestrian advisory council, bicycle advisory council, urban transportation commission, public safety commission, other community members, as well as those that have been working with the task force. Some of the things that we've heard back and incorporate into this draft, are organized around evaluation enforcement, engineering education and policy, addressing the design, speed and enforcement, especially for repeat offenders, addressing equity concerns, providing metrics in a way of tracking success, and to provide a cleaver roll for -- role for the task force moving forward. And as I said, I've got staff here from several different departments that can help address this and some of my staff is more knowledgeable than I on this particular issue. And so if you have any questions for us at this time we'll try to answer them or we can wait and let the speakers come forward and address some questions as they arise.

[4:57:35 PM]

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. Just briefly, very brief comment, I think this is about my third time of having gone through this. I've seen it since I was on the mobility committee. And I want to congratulate you and staff members. You are the most effective lobbyists and salesmen in the city of Austin. Nobody does it better than you do. So let me congratulate you in presenting the material and selling the plan. Let me just say quickly, I think I may have said before, few things infuriate my constituents more than their neighborhood roads and arteries being repainted with bicycle lanes that they didn't ask for. They're very unhappy about mixing up, you know, heavy vehicles with bicycles. And so one of the things that astonishes me is how the city has had this policy for many years of repainting our roadways and mixing bicycle traffic with vehicle traffic. Then they act surprised that we have more injuries and deaths from vehicle and bicycle crashes. That is a logical conclusion. If you take the roadways and paint them for bicycles and encourage more people to get out on the roads right next to the cars, the logical conclusion is there will be more injuries and deaths from bicycles and vehicle collisions. That's a logical conclusion. And so I will wait to hear from some of the speakers here, but I'm - the whole thing just really disappoints me because I don't see that we've had a balanced presentation. We've had a 1-sided presentation on this whole issue. And it will probably pass because all of the information is telling everybody to pass the plan, and it's not a good plan.

>> Mayor Adler: Okay. I'm going to go to the public speakers, and I will point out to the folks gathering, item 55, the alcohol waiver is something that's been withdrawn.

[4:59:40 PM]

So there will be no city council action on item number 55. But the council may let people who are here talk. I think there was some question about that. If they need to. But that item has been withdrawn. Let's continue on about, now, the public speaking on this item, which is number 49. And I'll point out to the council that we now have a little -- one and a half additional speakers signed up for this item than we had when we started the morning. I said I would keep watch of that for the council just so that you would be aware of that. But let's call Preston --

>> Houston: Mayor, excuse me, did you say one and a half more speakers?

>> Mayor Adler: Yes. Times. 150% more.

>> Houston: Oh.

>> Mayor Adler: We have more than doubled the speakers. I'm not sure exactly how to say that.

[Laughter] One and a half times the speakers that we had. That's okay.

>> Pool: Mayor?

>> Mayor Adler: If we had one of those small speakers we would tell them to vote when they got bigger and I don't know how we do that.

>> Pool: Can I ask for clarification? On the item that was withdrawn, I did have something that I wanted to read into the record.

>> Mayor Adler: We're going to call that. Empty also wanted to speak to that.

>> Pool: Good, okay.

>> Mayor Adler: I actually just want to let people know if they're sitting here so they would know.

>> Pool: Very good. Thank you so much.

>> Mayor Adler: That we're not going to call that, take any action on item number 55. All right. We're now on speakers on item number 49. Sir? Mr. [Indiscernible]

>> Mayor, mayor pro tem, councilmembers, my name is Preston Tirey and I am a bicycle safety expert.

[5:01:45 PM]

I've been riding bicycles for 65 years and never been hit by a car. Since 1996 I've been a certified safety instructor and since 2000 I have certified over 500 instructors. In 2000 the federal highway administration asked me to write a white paper for the national bicycle safety conference. In 2002 I was named national bicycle safety educator of the year also received that same award in March of this year. Since 2002 I have served as an expert witness in 30 cases in and a silence was killed or -- cyclist was killed or seriously injured in a crash. From 2007 to 2011 I was the education director of the national bicycle organization, league of American bikists. I served on the city of Austin vision zero task force and the Travis county bicycle safety task force. I'm a member of the public safety commission, and I live in council district 5. Vision zero is an ambitious goal and you may hear some people say we can't reach it but if we don't try, it means we're willing to accept the death or injury of one of our citizens for the convenience of getting to our destination a few minutes quicker. The vision zero plan that you've been asked to approve is not perfect. We can argue about many of the recommendations, but if we don't commit to reducing the carnage on our Rodriguez it will only continue to get worse and we need to pass this plan and then work hard to make it right. Cities across the U.S. And around the world have committed to the vision zero concept. To reduce fatalities and injuries and their efforts are making a difference. Serious reductions in Numbers of deaths and injuries are already occurring across the country. When you vote for this plan, it will be a start towards making our streets safer for all our people. The single biggest action we can take to reduce deaths and injuries on our roads of all people, including motorists is to engineer slower speeds on roads where people walk and ride.

[5:03:57 PM]

The difference between a crash at 20 miles an hour and 40 miles an hour is the difference of falling from a height of 13 feet or the distance of falling from a height of 56 feet. This plan has recommendations about the speed issues. Education enforcement are also critical to the success of this effort and recommendations for actions in this area are also part of the plan. Please vote yes for the safety of our most vulnerable road users. Thank you for considering this plan. And I would welcome any questions.

>> Mayor Adler: Thank you. Next speaker we have is Sarah Levine. Scott Johnson is on deck. Is Sarah Levine here? Mr. Johnson, you're up now. David king is here. You have six minutes, Mr. Johnson. And Mike levy is on deck.

>> Good afternoon, mayor, council, I'm a member of the streets smart task force as well as vision zero task force that's currently going on. We do have an idea that is one that some of you have some consternation about whether we can reach the goal. I certainly want to improve trying to do we ever continuous improvement is something I'm very interested in. The pillars of this plan have to do with

education and enforcement and engineering. On the enforcement side, I think A.P.D., for example, is doing an excellent job to enforce the distract the driving ordinance which has to do with handheld mobile communication devices. On the education side, as I've mentioned in prior council meetings, I do think that even with the digital inclusion office involved, even with the best minds involved in our community, we struggle with educating the community on issues particularly with those folks of lesser means. But perhaps for all of us. How can we do better? We need better minds and we need better accountability of the staff.

[5:05:59 PM]

To say we're going to reinvent the education process to me is not something that I get excited about. I support this plan, and I hope you support it as well. There are a lot of opportunities out there. If you look for them to see the people that are in that high-risk reward category when they're driving distracted, when they're driving aggressive, when they're driving inebriated or all three. And, believe me, that is one of the biggest challenges that we have. Please consider what this plan could mean for the community. Please consider the funding options that exist. Look for grant opportunities. Direct staff to do that. And we hopefully can have a better day. If we don't reduce the fatalities this coming year, I'm not going to blame the plan. I'm not going to blame staff for not implementing the plan fully. We can all take some part in this and tell our family, our friends, our neighbors that go to bed earlier, get up earlier, plan better, make your trip an alternate commute, find a way to get to your destination without having to speed, without having to bypass and avoid in essence breaking the law by rushing through a red light, by turning into a turning lane to pass people. That's going on now. Motor vehiclists do it, motorcyclists do it, bicyclists do it, pedestrians do it. We take risks that are unnecessary. We have to call those people out. If we know them or we don't know them, to the best of our ability. Thank you for your time.

Questions?

>> Mayor Adler: Thank you very much, Mr. Johnson. Mr. Levy. On deck is Hayden blackwalker.

[5:08:05 PM]

Mr. Levy?

>> Thank you very much. I'm Mike levy. I'm a public safety commission representative of psc on vision zero. Pretty pictures in the report. Not much else. It's thick, sort of like in high school where you think the more pages you have, the more items you have, you'll get an a. The report said successes will be incremental. It doesn't have to be incremental. Public safety commission gave five items that could make a difference today. We can't stop all fatalities, but we can slow it down. The most important are two or three -- there are two or three that are really important. Number 1 is to change the conversation frommous high-speed roadways to neighborhoods. We talk about bicyclists, kids, people walking, pedestrians. Our neighborhood, balconies, we have a constable in place, \$60 an hour. The speeds he's catch regulation not 10 miles an hour over the speed limits. They're 15 and 20. He's doing community policing. Social inequity. Every neighborhood needs this kind of enforcement. Every neighborhood association asks for enforcement. It will make a big difference. Changing the conversation between high-speed roadways, just high-speed roadways to high-speed in neighborhoods. 34% of the drivers involved in fatal accidents are -- have either suspended or no licenses. Signing the report. It's not mentioned in the report. We've been talking about this psc for four years. How can you not have this in the report? Education. They put a lot of emphasis on education. The people that are doing reckless driving are uneducatable. You can see this with reckless driving on mopac.

[5:10:06 PM]

It's antisocial. These people don't care that they're doing -- having -- they're driving recklessly about what are essentially lethal weapons. That's it. I hope that you will ask staff to go back, you know, condense the report, figure out what we do Te D shall what can we do today and tomorrow, day after tomorrow, not over the coming year to make a difference. By the way let's go back to neighborhoods for just one second. In neighborhoods we're not talking necessarily about fatalities. We're talking about injuries in which people will never ever have a good day the rest of their lives. With ems we wind up saving people that would many years ago be pronounced on the scene because of ems and the trauma center. Many of these people are saying I wish you hadn't saved me because my -- my days are awful. Please help, but it's got to be rational. This isn't rational. Thank you very much. I can answer questions.

>> Mayor Adler: Any oxygens Mr. Zimmerman.

>> Zimmerman: Quickly, Mr. Levy, we tried to dig into those statistics about the unlicensed drivers. We were kind of shocked at such a high number of those accidents that you mentioned. Somewhere like a third or more.

>> Right.

>> Zimmerman: When we asked these questions about, you know, how is it that somebody has no license? What does that mean? Did they come from another state? Did they get to be teenagers and never went to driving school and never got a license? Are they illegal immigrants?

>> Greater focus is on suspended because they have demonstrated bad driving behavior that the commission has urged impounding immediately suspended and -- impound it. The reasons why they don't, we don't know. All we know are the facts.

>> Zimmerman: I got the suspended part. I got the suspended part, somebody convict dwi they could have suspended license.

[5:12:12 PM]

It was the no license part that bothered me. I haven't been able to get any detailed statistics. Do you know anything more.

>> No, sir, I don't. It's irrelevant as far as I'm concerned. All I know is 34% are involved in fatal collisions. I think that's all that matters.

>> Zimmerman: Thanks.

>> Thank you.

>> Troxclair: I have one more question.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I have one more question for you, Mr. Levy.

>> Mayor Adler: Mr. Levy.

>> I'm sorry.

>> Troxclair: When I was reviewing the report this morning I saw that discrepancy too because I is that you the public safety commission had recommended that the council adopt an ordinance directing I guess the police department to impound or allow them to impound vehicles of drivers that were -- didn't have a license or --

>> I'm not sure an ordinance is required. I think it's just change in policy.

>> Troxclair: I saw that was a recommendation from the public safety commission.

>> Yes, ma'am.

>> Troxclair: Why do you think it didn't make it into the final report? It wasn't -- that wasn't specifically outlined as one of the 60 recommendations from vision zero.

>> Yes, ma'am. Why? An outside observer might suggest, just might suggest -- I'm not -- this is just a guess -- staff. Just a guess.

>> Troxclair: Okay. Well, I'll give them the opportunity to answer that question too then.
>> But if you're on the subject of staff, you know, traffic -- transportation is in charge of this. The city audit said transportation cannot manage -- recent city audit was damning and it said that transportation cannot manage coordination with multiple stakeholders and departments and that's going to make it a disaster. Thank you very much.
>> Kitchen: Mr. Mayor?
>> Mayor Adler: Thank you. Ms. Kitchen.
>> Kitchen: I would like to bring the attention -- I didn't go into detail on this aspect of the resolution, but I'd like to bring y'all's attention to the fourth be it resolved.

[5:14:16 PM]

That one addresses the public safety commission recommendation with regard to the licensed drivers. So that number 4 recommendation of the vision zero of the Austin public safety commission is incorporated into the resolution that you have in front of you today. And what it does is it directs the city manager to look into enforcement and prosecution practices, et cetera, the kinds of things that Mr. Levy is referring to, and directs that that be brought back to the health and human services committee and the public safety committees for their consideration on the particular options that might be available to address that. So I just wanted to make sure that y'all understand that regardless of whether or not that specific language is in the vision zero action report, it is in this resolution.

>> Mayor Adler: Okay.
>> Houston: Mayor?
>> Mayor Adler: It's 5:15 we have another 15 minutes worth of speakers.
>> Houston: Mayor.
>> Mayor Adler: I'm wondering if we can get through this matter before we break or whether we'll keep people kind of divided between the two.
>> Houston: May I ask councilmember kitchen a question? It looked like from the statistics that were given out that people with no license were there too. Is there any reason that we don't have no license? It looked like there were more no licenses than suspended licenses.
>> Kitchen: Yeah. I -- we wrote this in response and in consultation with another money, councilmember Casar -- councilmember, councilmember kitchen, and we didn't have the information you're referring to right now when we wrote this. As far as I'm concerned it could be broader.
>> Houston: Okay. Thanks.
>> Mayor Adler: Okay. Continuing on with the speakers, Hayden black walker and then on deck is Dan calastrot.
>> Thank you, mayor, city council. I'm Hayden black walker, past chair and currently serving as the advise chair of -- vice chair of the pedestrian council.

[5:16:25 PM]

I want to thank you. We were one of the first groups that brought vision zero up in Austin and we've had members that worked for over a year on the task force. I think that having the task force has been really, really helpful to get a lot of people from a lot of different backgrounds in transportation in the room at the same time, and this draft is a -- it's really nice to see it here in front of you. The first thing I heard this morning was on the news was that an airliner, airplane went down between Paris and Cairo, fell out of the sky. The reason I bring that up is because I think sometimes we think about vision zero as some kind of touchy Feely thing that's not something we can accomplish but the fact is that 90 people a die in traffic in the United States and you don't see it in the media. We're so desensitized to it. We talk about

how it's safer to drive than fly. That's why. 90 people a die will die in this country today in traffic and 90 tomorrow and the day after. And I think cities are recognizing that we own our streets. We own our rights-of-way and we need to do something about it and there are things that we can do. You know 102 people died last year. A third of those were pedestrians in Austin. As a point of comparison, new York City has been doing vision zero for a few years now. They have 8.4 million people, ten times the number of people we have. And last year they had 230 fatalities. It's working. And we know it works. And we know why it works. You may also have seen that last Friday a 5-year-old child was killed walking home from school from Wooten elementary school on a neighborhood street. I think that's unacceptable and I think we have to do something about it. Humans, as we say, will continue to make mistakes, will continue to have crashes but there are things we can change in our system that means that those crashes can no longer -- are sometimes no longer fatal and I think it's worth trying to reduce the number of fatalities in this city.

[5:18:31 PM]

Thank you very much.

>> Mayor Adler: Thank you. Next speaker is Dan calastrot and then next would be Miller nuttle.

>> Good evening, mayor, council. Dan calastrot, transportation engineer in the city of Austin for 25 years, member of the urban transportation commission. I'm here to explain why I voted against Austin's implementation of vision zero. There are various reasons. All of them based on fallacies that are located in this report. The first one is in their opening statement. It says mistakes will happen and so the transportation system should be designed so those mistakes are not fatal. Yet the report lists 94% of all fatalities are caused during the progression of criminal activities, not mistakes. Drunk driving, speeding, running lights, all criminal offenses under Texas penal code. Transportation systems are in fact designed to accommodate for mistakes. In fact every roadway is already designed with the safety factor of 200-300% to account for these mistakes. The notion that requiring ten years to redesign all our streets with a higher safety factor is cheaper than buying a few more policemen, judges and Swales. To stop and deter criminal activity borders on ridiculous. The next fallacy is the notion that speed kills. And as any civil engineer will tell you it's not the speed that kills. It's the sudden deceleration and that is measured in units of energy. A car traveling at 20 miles an hour has the same destruction capability as a pickup truck traveling at ten, semi traveling at 10 miles an hour. Most in Texas drive pickup trucks. Finally even according to the founders of vision zero and there are hundreds of attempts in the U.S. To reach zero fatalities, it has never been achieved. In the -- in a city with a population greater than 116,000 and we're at over a million.

[5:20:33 PM]

The only way to achieve this goal of zero deaths is through technology, with autonomous vehicles. They don't drink and drive, toned speed, fail to stop, they don't need fallible driver roads, they don't need speed bumps. In fact, all of these will probably not be able to be driven by these autonomous cars. The cars are already in Austin and Google is actually paying you to drive them. So my recommendations for vision zero are keep the cause for greater enforcement and prosecution of criminals. That all temporary human fallible road fixes, ensuring they don't conflict with the road rules necessary for autonomous cars. Don't deprive Austin's transportation future by reverse engineering our infrastructure for the fallible human drivers and keep us in the path of oncoming cars.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. Mr. Calastrot, I appreciate you being here. I believe you are a registered professional engineer in about six states.

>> Correct.

>> Zimmerman: I'm going to go out on the shortest limb I've ever stepped on and say if we had people of your caliber and rational thinking, this plan would have not even been presented to the city council. And that's the point I was making earlier. What annoys me so much if we have your brand of rational thinking, this whole thing, we wouldn't be spending all this time on it. But because we don't have people like you in positions of authority in the staff, this body will probably willy-nilly vote this bad idea in. It is very frustrating to me so I appreciate you so much being here to share some rational thinking, professional advice.

>> I appreciate that. I've made the same deponents vision zero. I think we need to have more engineers on the project like this, solving some of these yours.

>> Mayor Adler: Thank you.

>> You know, that -- okay.

[5:22:35 PM]

>> Mayor Adler: Thank you.

>> Kitchen: Mr. Mayor, I have to make one comment. I appreciate councilmember Zimmerman's perspective and that's fine, but I would just respectfully ask that we refrain from attacking our staff. I think our staff are responsible, credible, intelligent, very competent people, and I really don't want to hear any more attacks on our staff.

>> Zimmerman: Mr. Mayor, I'm pointing out there's a political agenda at play here, and I can't let that comment pass. There is a political agenda behind this vision zero. It is not based on engineering rationale.

>> Mayor Adler: The next speaker is John Woodley. I'm sorry, Miller, John on deck.

>> Thank you, mayor, members of council, I'll offer a slightly different perspective. I want to commend y'all for having the vision for starting off this vision zero process. I think it has a tremendous moral imperative.

>> Mayor Adler: Can you pull the microphone a little close center.

>> Sorry. I want to commend you for starting off this vision zero process and commend our staff who have wrangled over 60 people, strong willed experts from various fields and amending to produce a document that is cohesive, if a little long but really an important document. So thank you. I think that most of y'all understand the mother-in-law imperative of this -- moral imperative in this document and addressing traffic fatalities especially after the worst year on record. I'm sure many of you heard the tremendous report on TV looking at the explosive basket that a single fatal is K have an an entire community even for people who witnessed the crash or first responders which by the way costs \$500 million a year to respond to the crashes so there's a real fiscal argument that can be made. So it's really critically y'all are taking this first step but I do want you to think about it just as a first step towards achieving vision zero and I think many of you think of it that way already.

[5:24:36 PM]

I was on the phone with vision zero advocates from New York City today who have a tremendous plan but the fight they're fighting now is to get funding to actualize the values in that plan on the street in the form of sidewalks and better cross-walks and bike lanes and trails and so I think as y'all look forward I hope to passing this plan today, which is a commendable action, also think forward to the ways we're going to make this plan a reality on the street through things like better engineering and enforcement and education campaigns, are that's through a bond election or through the budget process this year. So thank you so much.

>> Mayor Adler: Thank you. Next witness is -- or -- next speaker is.

[Laughter]

-- John Woodley and laura

[indiscernible]. Mr. Woodley.

>> Hello. I'm John Woodley. I'm an advocate for disability access, and I'm very much in agreement that we need to bring the city's fatalities to zero. We need to fix the infrastructures and I'm a survivor myself and I've been hit by a vehicle before. And we need to make sure the infrastructure is both protected, to protect bicyclists, as well as pedestrians, our vulnerable population, people with disabilities, homelessness, and -- I'm sorry, I'm starting to draw a blank here. I would like to point out that people with disabilities also ride bicycles because they are not able to drive a vehicle.

[5:26:45 PM]

For example, someone with epilepsy people who have developmental disabilities, they can't drive a vehicle opinion they can ride a bicycle. So just to -- we need to make it safe for all of our vulnerable. Thank you is.

>> Mayor Adler: Thank you. Next witness testifier is Lauren Crosswell. Ms. Crosswell.

>> Lauren Crosswell, resident of central Austin. I've lived here about four years and I have traversed the city on my 2 feet, on a bike, as a transit user and reluctantly sometimes as the driver of a vehicle. I'm also a member of vision zero atx for that very reason. I realized a long time ago that my hierarchy of preferred mode traveling is actually the inverse of my hierarchy of modes that I feel safe in. I prefer to be a pedestrian most of the time and actually feel the allow least safe as a ped period. I'm here to express my support for the adoption and implementation of the vision zero action plan as it's been outlined in the two resolutions that have been drafted. I specifically would like to commend staff and commend the language in the resolutions that outline immediate actions with currently available resources. A focus on speed and integration with other planning efforts, specifically the strategic mobility plan, I would urge you to consider pushing for long he havety and effectiveness of this plan by taking it a step further and integrating it with efforts taken forth by other city departments, not just atd. I just wanted to share with you a short story from my experience at the vision zero conference I attended in March this year, held in New York City. Police commissioner William Bratten was a speaker and he expressed concern that I heard echoed in your working session this week.

[5:28:52 PM]

And that concern centered around this number of zero. It prompted questions from several of you, like is zero really attainable? Are we just setting ourselves up for failure by stating that we'd like to reach zero by 2025? What I wish I had been able to say to the commissioner and what I'd like to say to you is that setting the vision and the goal at zero simply symbolized a mind-set and that mind-set is that no death on our street or our roadway is acceptable. If we set zero as the vision we constantly uphold that mind-set. If we jump ahead to 2025 right now and still experiencing fatalities on our roadways, if we've implemented vision zero minded policies to a degree of effectiveness I would call that effective, I would call it successful. The beauty of the mind-set of zero is that it is a built-in drive to keep going. Is it really okay for us as a city and for you as a governing body to say that 15 deaths is acceptable or five or two? Is two traffic deaths or serious injuries okay or acceptable for your family members or loved ones? If the answer to that question is no, then I would say the answer to that question for Austin should also be no. Vision zero is a mind-set and it symbolize what had chief art Acevedo has said that, each traffic death is preventable. Zero, whether or not you think it's acceptable, is the only --

[buzzer sounding]

-- And I think that many supporters of vision zero would say that even if we set a goal by 2025 and do not reach it fully but see a significant reduction as a result of direct policy and value placed on vision zero, that we can consider it a success and a

>> Mayor Adler: Thank you. Those are all the speakers that we have?

>> Mayor?

>> Mayor Adler: Yes.

>> I'm sorry, may I have a few minutes of personal privilege because I have to leave and I wanted to speak to a few things really quick. I have to -- there's a scholarship and college commitment celebration at del valle high school that I really want to be a part of.

[5:31:01 PM]

Much of that community feels neglected and I was very honored that they asked me to speak at it. Many of these students will be the first in their family to attend college, so it's a really important event for me to attend. And so because I don't think I'll be here -- I plan to come back. I apologize to my colleagues that I won't be here for some of the discussion. I think the only other council meetings I've missed is when I was on maternity leave. With regards to vision zero I absolutely support adopting this plan, and if I'm not here for the torchy's taco waiver, I want to say that I'm extremely disappointed that that request has been pulled. I think it's unfair to the community and the families that have been working so hard in a very long conversation. I think they made their decision clear, and I'm happy to work with my council colleagues to see what we can do to -- to get some finality for the community in that decision.

[Applause]

>> Mayor Adler: We're back up to the dais. Do you want to make -- do we have a motion on this --

>> I'd like to move passage of the resolution that adopts the vision zero action plan and addresses it moving forward quickly in the ways that I outlined earlier. So I'd like to move adoption.

>> Mayor Adler: Council member moves adoption of item no. 49. Is there a second to that? Ms. Pool? Any debate on this issue? Ms. Houston?

>> Houston: My question is, is -- it's 5:31. I have questions and a possible amendment. Will we be able to do that in a timely manner before live music at 5:30?

>> Mayor Adler: Well, if you have amendments -- probably we should wait.

>> Houston: Yeah, it's just a short one. It's --

>> Kitchen: Let's try -- can we try it real quick? What is it?

>> Houston: It would be to add no license involved in accidents.

>> Kitchen: That's fine with me.

>> Mayor Adler: Okay. So what's the amendment that you just added?

[5:33:03 PM]

>> Houston: Which one? One, two -- it's third -- fourth be it resolved involve drivers with suspended or no licenses, involved in accidents resulting in -- same thing.

>> Mayor Adler: Okay, did you get that amendment?

>> Kitchen: Yeah.

>> Mayor Adler: There's no objection to that amendment being added? There is none. Before we take a vote, Rebecca bernhardt is here. Has been waiting all day. Thought she had signed up. Ms. Bernhardt, do you want to speak real fast?

>> Houston: I have some comments but --

>> Mayor Adler: We'll come back to you.

>> I apologize, you all. And I was signed up on something earlier today and I was authentically not here,

but I'm here now. I thank you, Mr. Mayor, mayor pro tem, members. I am here on behalf of the Texas fair defense project, the ACLU of Texas, Texas Appellate Project, the workers defense project and the Equal Justice Center in support of Vision Zero. In particular we're supportive of the two sections of the resolution that have to do with equity and with tailoring the research on the causes of accidents. Our concerns have to do with the fact that although one-third of the accidents involve drivers with suspended licenses or unlicensed drivers, one thing that's really important to know is that Texas, unlike most states, has an extraordinarily large population of drivers with suspended driver's licenses. We actually have over 2 million drivers with suspended driver's licenses, and the vast majority of those have suspended driver's licenses because they haven't been able to pay a traffic ticket or a driver's responsibility surcharge. It's a poverty offense. There's a very small population who have lost their driver's license for an intoxication offense or for a moving violation that involves being a danger to people. So it's really important to distinguish the drivers who can't afford to pay a traffic ticket from the drivers who are dangerous.

[5:35:11 PM]

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: We're back up to the dais. There's been a motion and second to adopt -- approve item no. 49. It's been amended by Ms. Houston. Ms. Houston, do you have further comment?

>> Houston: Well, I just wanted to say to everybody, I think this is an aspirational, and I understand that -- an aspirational resolution, but I know about human behavior and I know that saying that zero traffic fatalities, unlike it's been couched today, puts us in a bind, because when we don't achieve that, then -- when we don't achieve that then people will be asking about why would we set a goal and not be able to achieve it. The other thing that I want to say very quickly because we're imposing on the folks behind us, is the fact that education to me is the most critical piece of this. If we have 150 people moving to Austin every day, if we're not educating those people regarding don't block the intersections and don't speed in speed zones, and when a red light is -- I mean, when the arm is out on a school bus and distracted driving -- if we stop that educational piece then people are moving in at that rate and they don't know what the rules of engagement are on the streets. I noticed that in the -- all of the information, we talked about driving driving. We didn't talk about bicycle interaction. This morning I was coming to work in the rain, and a bicyclist ran through a stop sign, just kept going right through the stop sign. So education is both for drivers, pedestrian and bicyclists, and I know that's going to get me a lot of email, but people say that. In my district people are concerned about how people can get away with some of the violations that they do on bicycles and nothing ever happens to them. So we've got to be able to talk about these things, and I'm not sure that when I've read this last night and the night before, I'm not sure that we're being honest in some places, and I just needed to say that -- just needed to say that and now we can call for the vote.

[5:37:16 PM]

>> Kitchen: Are we ready? Are we ready to vote?

>> Mayor Adler: Any further discussion on this item no. 49? Been moved and seconded. Those in favor, please raise your hand. Those opposed? Zimmerman voting no. Any abstentions? Troxclair and Houston abstain. The others voting aye. Garza and Casar off the dais. So that makes the vote 7 in favor -- I think that was 7 in favor.

>> Kitchen: Yes, 7.

>> Mayor Adler: With a no, two abstentions. We have a lot of items and we have staff that are waiting. I would propose since item no. 55 has been withdrawn, which means we can't discuss -- or take any

action on 55, that we let the mayor pro tem and Ms. Pool make the statements they wanted to make and then we would move on to items. We have a couple items here that don't seem to have any speakers on them that we might be able to handle quickly and then let people go rather than having them stay for the next hour and a half for dinner. Otherwise people will be waiting here the next hour and a half for dinner. Mayor pro tem, do you want to say anything on item no. 55?

>> Tovo: I do. I appreciate -- first of all, I appreciate all the community members who are here. I know that you have spent a great deal of time organizing around this issue, educating your members and your community stakeholders from Travis elementary to Fullmore high school to the south river city -- south to Travis heights to Bouldin creek to many others in between, and of course Austin interfaith has been a part of that. Just last night I attended an Austin interfaith accountability session that focused in part on this very topic, and this is really the second time around. This was about a year and a half ago. There was a similar waiver filed, and it was similarly withdrawn. So I share your frustration that this council will not have an opportunity to vote on this item.

[5:39:19 PM]

It's my understanding from the answers I got from staff that we cannot take a vote on an item once it's been withdrawn. It's also my understanding that there is not a waiting period where an applicant could bring back a request for a waiver, and as there are with some other things. If you file a board of adjustment variance and it's denied, you have a certain period of time before you can bring that back again to the board. That's not the case, as I understand it, with issues that have been withdrawn for alcohol permits. But I want you to know that one of the lessons I think for me that has come out of this situation, having now been through it twice with many of you, twice, is that we need some rules around that so that this doesn't happen again and again for communities that have organized, spent lots of effort and time with your families and your children. So again, thank you. I share your frustration. You have certainly sounded your concerns about an alcohol waiver in this location, and I hope that will be heard by any council if this request comes back before us or future councils again. So thank you. I share your concerns about the waiver and about the process.

>> Mayor Adler: Ms. Pool?

[Applause]

>> Pool: Thanks, mayor. I -- I got a message passed along to me from one of our aid trustees, Paul saldaño, and I wanted to share it with folks. He had just heard from torchy's that they would be withdrawing the alcohol waiver request. He says as the trustee for district 6 this case has become a distraction for both our students and parents for the past two years, as Fillmore and Travis heights and frankly our aid community deserves an absolute decision rather than ongoing uncertainty. As you know, Fullmore has been around for over 125 years and all of us would prefer to focus on the educational needs and academic success of our kids rather than an impending alcohol waiver.

[5:41:21 PM]

And I would just say I appreciated trustee saldaño sending me that message and I entirely agree with him, and if the waiver had come in front of us I would have joined my colleague, a number of my colleagues here and certainly mayor pro tem tovo in voting no. I think there does need to be some certainty in this issue, and I will pledge to work with my colleagues to try to get some different procedures in place so that we don't keep going down this road repeatedly, and I would then also say -- because I understand that the torchy's folks had purchased some slushy machines, that maybe they could make them dispense agua frescoes or maybe milkshakes.

[Applause] Use them for that since you bought them but not for margaritas. Thanks.

[Laughter]

>> Mayor?

>> Mayor Adler: Ms. Houston?

>> Houston: Having been on the other side of this dais for many years, I want you to know how disappointed I was that the zoning request was withdrawn. You get up, neighbors get up. They don't have the kind of professional support that everybody else has. You get organized. Do you what you need to do, and then you -- this has been going on for two years, I understand, and so I am so sorry that this was withdrawn, and I will work with the other members on this council, next -- if I'm still here when it comes up again, to do everything I can to get some finality for everybody in the city.

[Applause]

>> Mayor Adler: My understanding the council has no discretion at this point. The item has been withdrawn. Sometimes I think the most effective debate that you can make is just showing up. You showed up. This matter is over. We'll now move on to the next item, which I think will get us -- we have speakers that are potential on item no. 56.

[5:43:22 PM]

That was suggested, so I think we'll just break now for music. We'll do proclamations and we'll come back here at 7:00 or 7:15.

>> Kitchen: Mr. Mayor, I'm fine if we want to come back earlier than that if we think it's possible. I don't know how long --

>> Mayor Adler: Well, it's going to be 5:43. We have music and then we have proclamations. So it's going to be 6:30, 6:45. Let's come back at 7:00.

>> Kitchen: 7:00. Okay.

>> (Indiscernible).

>> Mayor Adler: We can't get through the rest of the agenda. We have speakers and stuff. Back at 7:00.

[5:52:49 PM]

>> Mayor Adler: We gather here as the city council does. At our council meetings. We stop, I say, usually abruptly at 5:30. We didn't quite make it at 5:30 today, but we always stop, and that's what being the live music capital of the world is all about and we honor music here that way, and I'm excited by that. I'm especially excited with just the concept of this musical group. Not only -- well, the potholes joining us this week, with the national public works week, is our public works staff. And that's why it is real exciting -- what is real exciting about this collection of musicians. They're led by city of Austin employees.

[Cheers and applause] Great to have a musical group that is one of us. Most of these musicians represent the public works department. The potholes are Janet Wilson, Brent Wilson.

[Cheers and applause] Tiley McGuire, Kevin sweat.

[Cheers and applause] David Murray.

[Cheers and applause] And thron Wynn. Please help me welcome the potholes.

[Cheers and applause]

[♪ Music playing ♪]

[5:56:34 PM]

[Cheers and applause]

>> Thank you!

[Music playing]

>> Here's a -- I can't hear anything. Can you hear me?
[♪ Singing ♪]

[5:59:33 PM]

[Applause]
[Music playing]
[Cheers and applause]
>> Thank you.

>> We'd like to dedicate this set to our beloved outgoing director Mr. Howard Lazarus.

[Cheers and applause] Congratulations and good luck in Ann Arbor.

>> Mayor Adler: And before we get to the proclamation for Howard and the department, you know, it's at this point that I turn to the musical groups and I say, do you have a web site?

[Laughter]

>> (Indiscernible) Dot-com.

>> Mayor Adler: And I'm sure there have been fans --

>> You know what? We have day jobs.

[Laughter]

>> Mayor Adler: But I know that there are probably fans or new fans that have watched you on TV here. So here the questions I ask are where can they get your music and where is your next gig?

>> Waterloo records, our music, and Janet Lynn and Brent Wilson and let's see, we're going to be at acl. We're going to be at acl with a group on Saturday, and Brent is going to be with a band called chaparral at continental tonight.

[Cheers and applause]

>> Mayor Adler: That's late.

>> Yes, it starts at 10:00, so for those of us who get up early.

[6:01:36 PM]

>> Mayor Adler: All right. I have a proclamation. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend to virtually every musical genre, Abby our music scene thrives because Austin audiences support good music produced by legends, our local favorites and newcomers alike, Abby we are pleased -- Abby we are pleased to showcase and support our local artists. Therefore I, Steve Adler, mayor of the live music capital, do hereby proclaim May 19 of the year 2016 as the potholes day. Congratulations.

[Cheers and applause]

[6:04:47 PM]

>> Mayor Adler: All right. I have another proclamation. Do you all want to come on out? I was already telling Howard how much he was going to be missed by all of us. But now I have a proclamation. Be it known that whereas the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs, such as water and sewer, streets and bridges and public buildings. And whereas the efficiency of the qualified and dedicated personnel whose staff are public works department contributes to our quality of life, through their positive attitudes and understanding of the work they perform, and whereas we are pleased to recognize the contributions which public works personnel make every day to our health, safety, comfort and quality of life. Now, therefore, I, Steve Adler, mayor of the live -- of the city of Austin.

[Laughter] Do hereby proclaim May 15 to the 21st of the year 2016 as national public works week. Howard, congratulations.

[Cheers and applause]

>> I want to start by thanking the musical entertainment. Twan, Kevin, Tiley, Janet, Brent and David. I have to tell you it's been a very long time to wait to hear any elected officials, let alone our mayor, celebrate any day as pothole day in Austin, Texas.

[Laughter] And the because of that being something of a dirty trick I'd like to present the mayor with a department challenge coin and thank you for all you've done for us.

[6:06:51 PM]

I want to start just some very brief comments with a quotation that the public works leadership team learned from our newest member, Jorge Morales, who offered to us while he was interviewing for the job a quotation often attributed to Thomas Edison. And that is vision without execution is hallucination. And we have adopted that as our informal mantra.

[Laughter] All of us who are engaged in turning vision into reality, in taking policy and making it into product, taking concepts, translating that to concrete, and making ideas into infrastructure appreciate the spirit of that quotation. At each of the public works week proclamations over the past eight years we've celebrated the accomplishments, dedication and talents of the extended public works family here in Austin, and I do want to let you know that we have the very, very best, not just in public works but all the families and all the departments that are included. And I want to say thank you to all of you who have come out to recognize the public works entities that we have here. We have people here who participate in design, building and operation of our infrastructure, our buildings, make sure we all have safe water, our wastewater is handled, that we have great storm water systems, we provide electricity, solid waste collection as well as maintain our fleets and our parks. All of them work together. We also have a wonderful staff who get our children to and from school safely every day. I also want to make sure that we acknowledge the support team that comes with us, all those folks from contracting, planning, financing, permitting, community outreach, fleet, technology and operation. I had the opportunity to talk to a citizen before I came over here for about 45 minutes who was unhappy about something and by the end of the conversation he was relating all the wonderful things that have happened in his neighborhood. So as has been stated and many of you know this is the last time I get to celebrate public works week with you so I want to take a moment of personal privilege and I want to thank the larger Austin community for all of your support.

[6:08:54 PM]

All of you continually challenge us to be better, to do better and to think better. Your support will ensure that we continue to come up with solutions addressing the challenges we talk about: Transportation, water and affordability. We need to address those in a way that preserves our quality of life and the character of the city for future generations. So my challenge to the greater public is not to falter in your determination, never settle for what is good enough. You deserve the best and we'll always work on your behalf to not hallucinate and turn your dreams into reality. So thank you very much.

[Applause]

>> Mayor Adler: So as national public works day, Howard, you'll have another opportunity for personal speech when it's Howard Lazarus day.

[6:10:57 PM]

We'll go on. So tonight we celebrate the city of Austin small business programs 10th graduating class of the business success skills certification. Now, small businesses are a vital part of our local economy. As a matter of fact, Austin has consistently ranked among the top cities for small businesses. The city of Austin recognizes and values the contributions of small businesses to our local economy. We show our commitment to helping business owners through our partnership with the university of Texas center for professional education, and with this collaboration we help business owners develop skills to grow their businesses and ultimately contribute to job growth in our city. We have with us tonight nine individuals who have completed at least six business education classes during the past semester to achieve their business success skills certification. Congratulations to all of the graduates.

[Applause] So we celebrate each of you, and we want to share your success as a real example.

[6:12:58 PM]

It's a shining example of the entrepreneurial drive that makes our city what it is. I want to welcome sonovia holtrabb who is the assistant director of the economic development department, to recognize our graduates.

[Applause]

>> Thank you, mayor, and thank you all for joining us today. The economic development department small business program serves entrepreneurs in Austin by providing various resources. One important initiative is small business education, which is key to success. Our contract with the university of Texas center for professional education provides growth and support to existing and new businesses through educational seminars covering a range of helpful topics. Over the last seven years the business success skills certificate program has trained over 6,000 entrepreneurs, with knowledge and skills to grow their small business. Throughout the year we offer 63 classes in a variety of topics, like how to write a business plan or small business taxes and even marketing sessions. The city of Austin and UT have consistently achieved a high degree of success as evidenced by over 5,200 training hours delivered last year alone. As the mayor stated, tonight's graduates have completed at least six of these small business classes that will help them manage their business. We are proud of our assistance to small businesses and of those we celebrate tonight with the small success skills certificate. So I'd like for our honorees to come forward.

[6:15:00 PM]

Rod Crosby.

[Applause] Felicia Dennis.

[Applause] Austin gasgom.

[Applause] Megan huvvy.

[Applause] Leslie peter shayhahn.

[Applause] Paige Steele.

[Applause]

[6:17:04 PM]

David Terrell.

[Applause] Saline vastani.

[Applause] Kate Evans.

[Applause] I'd like to thank the mayor and council, who consist consistently support the work of the

small business program. Our director Kevin Johns and Vicki Valdez, the manager of the small business program. And again, let's give our graduates a round of applause.

[Cheers and applause]

>> Mayor Adler: But before we take the picture of the group I have a proclamation.

>> Oh.

>> Mayor Adler: Be it known that whereas the city of Austin, through its small business program, fosters job creation by providing educational and assistance to aspiring entrepreneurs and established local business owners; and whereas in support of this mission the city partners with the university of Texas at Austin center for professional education to offer expert, cost-effective training to area small businesses; and whereas the city and the university of Texas jointly recognize participants who complete a series of classes to build a core set of business skills; and whereas the purpose of the business success skills certificate is to encourage further success of existing and aspiring business owners in the city of Austin, Texas throughout the year.

[6:19:18 PM]

So therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby officially recognize the spring 2016 business success skills graduates on this 19th day of may, 2016. Congratulations.

[Cheers and applause]

>> I'm going to do a proclamation for campfire. Any other council members who are here would like to join us, that would be great? Annette cooper is with me too and I've got a good group of folks. Here we go. Proclamation, be it known that whereas camp fire central Texas is celebrating 50 years of leadership in Austin, Texas as the original all-inclusive youth program that connects youth to the natural community, and whereas the citizens of Austin, Texas stand firmly committed to inclusive youth development that engages youth to stem and the natural world, and whereas the council's continuing vision is that local children and youth are highly connected to, committed to and capable of preserving the natural environment and achieve their fullest potential as lifelong learners and positive influences in their homes, schools, neighborhoods and communities. Now, therefore, I, Leslie pool, council member, on behalf of mayor Adler and the entire city council, do hereby proclaim may 22, 2016 as camp fire central Texas day.

[6:21:31 PM]

Congratulations.

[Applause]

>> The only thing I have to say is that we're just privileged to be part of a national organization that is over a hundred years old, and as she said, it's all-inclusive youth organization that includes both boys and girls, and we're having our 50th anniversary celebration on Sunday at Mayfield park and anyone who would like to come and join we would love to have you.

[Applause]

>> Mayor Adler: We have a proclamation, and a large sack, which is great.

[6:23:38 PM]

[Laughter] You guys are -- you guys are at ground zero for so many things, and I want you to know how appreciated and important the work is that you all do. Thank you. I have a proclamation. Be it known that whereas 30 years ago in may of 1986 the Austin city council passed the comprehensive watershed ordinance, recognizing that Austin's waterways represent significant and irreplaceable recreationable

and aesthetic resources. Recognizing that all waterways within the city's jurisdiction were vulnerable to pollution, and recognizing that all of Austin's watersheds were facing pressure from developments. And whereas the comprehensive watersheds ordinance was the first to protect Austin's creeks through the designation of creek buffers, which have become a common and effective way to protect the integrity of streams nationwide; and whereas the comprehensive watersheds ordinance has encouraged innovative planning and design of development projects to protect critical environmental features, water quality and recreational resources; and whereas today's residents of Austin would not be able to enjoy so many scenic vistas, pristine creeks and clean drinking water without the protections enacted in this ordinance. Now, therefore, I Steve Adler, mayor of the city of Austin, Texas, on behalf of the entire city council, do hereby proclaim May 19 of the year 2016 as the 30th anniversary of the comprehensive watersheds ordinance.

[6:25:49 PM]

[Cheers and applause] And let me introduce Joe Pantaloni, the director.
>> Thank you, mayor. This proclamation celebrates the passage of the comprehensive watershed ordinance 30 years ago, and the group of very special people who had the foresight and the courage to protect a very special place, Austin, Texas. The ordinance set minimum standards for development in order to protect our lakes, our creeks, our aquifers, those things that make Austin so, so special. It was one of the first ordinances in the nation to establish creek buffers, areas alongside creeks to be left in a natural state during development. And this was truly a watershed moment, one of the first in the nation to do that. The ordinance regulated impervious cover in a development on steep slopes. It protected our critical environmental features, springs, seeps, springs and wetlands, and it required engineered water quality controls to protect our water quality, to clean up storm water runoff before it entered our creeks. The 1986 ordinance was the product of dedication and effort of council, citizens and staff, including in 1986 Mayor Frank Cooksey and council members John Trefree, Veenow, Carl Rose, Sally Shipman, George Humphrey and Charles Urdy. I'd also like to recognize the members of the 1986 watershed technical review committee, Molly Bean, Cutler, Bert Crowmac, Mary Lay, Pat Malone, Jack Morton, Scott Roberts, Zest -- Ed Windler Junior, John Wooley, John Bottomman, Bill Carsen, Ken Manning and Claire Adams.

[6:27:58 PM]

And I'd also like to recognize the staff of the watershed protection department, the development services department, the law department, members of the environmental board and commission, and our community members who for the last 30 years have been such wonderful stewards and implementers of this ordinance, and what you see behind me are people who have dedicated their time and their efforts to help keep Austin that very special place I spoke about. I'd also like to invite all of you to celebrate the anniversary -- the watershed protection department is offering a guided hike this Saturday to showcase some of the environmental features protected by this ordinance. It's at 9:00 A.M. And it's at Bull Creek District Park and you can register at austin.texas.gov/bullcreektour. So we hope to see you there, and I'd also like to take the privilege of introducing someone who has spent an enormous amount of time and has done so much for our environment, a good friend of mine and the former chair of the environmental board, Mary Arnold.

[Cheers and applause]

>> Thank you very much.

[Applause] I first met Joe when he was a member of the environmental board before he came to work for the city. Back in 1986 I was serving on the planning commission, and we had gotten a number of

individual watershed kind of put everything together, and there was a particular employee in the watershed protection, Curtis Williams Wright, who really took this on as his project and began putting it together and working with individual citizens and the boards and commissions, and it was not easy to put this thing together.

[6:30:04 PM]

I checked today. It's over 50 pages long. So there was a lot of detail in it that had to be reviewed and worked on by a number of different people. But this was kind of a culmination of some sort going back much further, but one of the stages was our by centennial in 1976, and there was a by centennial committee, and one of the -- bicentennial committee and one of the charges to each bicentennial group in the whole nation was to develop a gift for the community, for your own community, in honor of the bicentennial. And I was privileged to serve on the committee that developed that gift, and it was the protection and enhancement of our creeks and waterways. So, moving along about ten years, we finally got to the comprehensive watershed ordinance, and it was definitely a give and take development to get it to where we did. We lost on protecting our eastern watersheds in order to get the Barton springs and southern watersheds that had more water underneath them better protected. But hopefully we are getting back to protecting the eastern watersheds. And I would also mention that one of the things that we had to compromise on was a golf course down in the circle C area that had been developed by Gary Bradley, and so there were special things put into the ordinance just to try to make him a little bit happier, and of course now the city of Austin owns that golf course, so anyway, we're going to protect it one way or the other.

[6:32:21 PM]

[Laughter] Thank you all for being here, and do protect the waterways forever.

[Cheers and applause]

[Applause]

[6:35:08 PM]

>> Mayor Adler: We have a proclamation. Be it known that whereas emergency medical services is a vital public service. Members of emergency medical service teams are ready to provide life-saving care to those in need 24 hours a day, seven days a week; and whereas the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, first responders, educators, administrators and others. The members of emergency medical service teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their life-saving skills; and whereas it is appropriate to recognize the value and accomplishments of emergency medical service providers by designating emergency medical services week. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim May 15 to the 21st of the year 2016 as emergency medical services week. Congratulations.

[Applause] Chief Rodriguez, do you want to say something?

>> Absolutely. Mayor, this is a special time for us because this is our 40th year anniversary so we're celebrating -- so we're celebrating big. Tomorrow we're having a sir many to appreciate all of our people. We've worked together with our employee association. We've throwing them a banquet and that's going to be a lot of fun. And I brought you a 40th year coin so that celebrate with us. So thank you. And also, I really invited somebody more important than me to actually accept this today, than

around it's a field commander, Raul, who was responding to emergencies, and when he leaves he's going to continue responding to emergencies.

[6:37:13 PM]

So he's for real.

>> Thank you. Mr. Hernandez, do you want to say something?

>> Yes, sir. Thank you, mayor, thank you, chief Rodriguez. I'm a little nervous, I'm not used to this. But I want to say that I'm honored to be receiving this proclamation on behalf of austin/travis county ems and all of those who have served ems before me, and those that will serve after me. But I too would like to give the mayor my personal coin. Mayor, this is my personal challenge coin that was developed by one of the employees with ems, and on the back it has the capitol and it says austin/travis county ems, operations, and on the other side it has every medic unit that runs in the city. I'm very lucky to have been here 17 years, and I continue to love this place. I want to give you my personal coin that I carry with me every day.

[Applause]

>> Thank you so much.

>> You're very welcome.

>> Thank you.

[6:39:31 PM]

>> Mayor Adler: We have a proclamation. Be it known that whereas the city of Austin is known as one of the top ten cities for meditation in the entire United States; and whereas the city of Austin is home to the secular meditation bar that is joining with the Austin independent school district to teach Austin educators the techniques and use of meditation in the schools; and whereas Austin will host the 2017 national symposium on meditation, bringing together other cities that desire to make mindful living a part of their culture, just like it is in Austin, Texas; and whereas Austin has more meditation, yoga and wellness resources per capita than any city in America. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim Austin as the most mindful city in America. That's got to be so because I proclaim it. Do you want to accept this?

>> Thank you, mayor. We appreciate getting this proclamation, and as you said, we're the first secular meditation studio here in Austin, and to start doing our part to make it the most mindful city, this summer we are going to target to train 100 teachers in aid free so they can come and learn about meditation and take it back to their classrooms. So if you know any teachers that would like to come and get training for meditation, we would sure welcome it. They just have to come to meditationbar.com, and we would appreciate it. So that's our goal for the summer. And again, thank you, mayor and council.

[6:41:32 PM]

>> Mayor Adler: Absolutely.

>> Thanks. Appreciate it.

>> Mayor Adler: All right. I have -- I have two proclamations. I'm going to try to read them tying it together.

[6:43:35 PM]

Proclamation: Be it known that whereas Austin's own rethink mobile app, designed to help everyone go

green and protect what's best about Austin, principles that together are known as sustainability, and whereas Davis elementary participated and east side memorial high school also participated in are you greener than a fifth grader challenge. Are you greener than a fifth grader, challenge. And whereas students at Davis elementary and at east side memorial high school made green choice a priority, at home, at school, at work, and all around, all around town to create a sustainable impact in the Austin community; and whereas every student action performed incorporates simple everyday habits by conserving energy, water and waste, to ensure a bright green future and a livable future for Austin; and whereas Davis elementary is recognized and honored as the challenge winner and inspire Austin community to began lifelong environmental stewards, and east side memorial high school is recognized and honored as the highest point challenge winner, and also inspires the Austin community to become lifelong environmental stewards. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim may 19 of the year 2016 as rethink Austin day for a bright green future. Congratulations.

[6:45:36 PM]

[Applause] And I guess we have jenny Daniels and Courtney to speak here -- to speak here about Davis elementary.

>> Thank you.

>> Thank you, mayor. I just want to say a few quick words. I'd like to thank the city of Austin office of sustainability and hispanic Austin leadership for giving us the opportunity to participate in this challenge. It was a lot of fun seeing not only students but also parents and teachers come on board with the challenge, and the best part about it was, in addition to the fun, it was something that really raised awareness that the small things that we do for sustainability really make a big impact on our community. So thank you again.

>> Mayor Adler: Thank you. And then we have Kristen Jones and Amanda walker from William Troy, also from east side memorial high school to say something.

>> I also want to thank the city of Austin and hispanic Austin leadership and Austin energy for this competition. We are really -- we had a really great time, it galvanized us to take little steps every day to be more sustainable. And I think we taught in the dark a few days. I want to thank our students because they were reminding us to recycle and asked us if we can go outside and plant native plants, go mulch, we had a lot of excitement in our school and we really enjoyed it and we are thankful for the opportunity to reduce our landfill impact and reduce or water use and carbon dioxide impact. So thank you very much.

[Applause]

[6:48:29 PM]

[Recess]

[7:19:49 PM]

>> Mayor Adler: are we good B ready? The time is 7:19. We have a -- we have a quorum. So we're going to go ahead and start. The first item up is the gas rates case, Atmos. Take your time. Goodness knows we took our time.

[Laughter]

>> Good evening, mayor, councilmembers, Rondella Hawkins, telecommunications and regulatory affairs officer. On March 31, Atmos submitted

[indiscernible] To Austin and other cities in the division seeking a examplewide increase in revenues of \$35.4 million, which equalities to an increase of about 6.04%. Atmos serves a total of 1.2 million customers in the Texas division and in Austin 8200 customers. We are a member of a coalition of cities known as Atmos Texas municipalities which represents 55 other municipalities or about 150,000 customers. And the rate review mechanism establishes a process for reviewing Atmos' cost of service on an annual basis in lieu of the gas reliability infrastructure program provided by state law which does allow a gas utility to recover capital investments made during the interim period in between their full rate case filings. The coalition worked with outside counsel rate consultants who reviewed the application and responses to request for information that we submitted to Atmos and also railroad commission prior rulings. The coalition and Atmos reached agreement to reduce the proposed increase to 29p9000000 or 5.4% down from the original proposed 35.4% -- excuse me, 35.4 million.

[7:21:56 PM]

The proposed agreement would increase current monthly rates excluding cost of gas for residential customers by \$1.26 for 5.05% for commercial customers \$3.81 or 5.03%, and for industrial and transport customers, \$102.72 or 5.41%. Staff recommends approval of the proposed rate ordinance and accompanying tariffs which become effective for meters read June 1 and this concludes my presentation.

>> Mayor Adler: Thank you. Two speakers that have signed up on item 53. As part of the public hearing. Is Carol bejinski here? Is ruby Roa here? Those are the two people we had signed up for public speaking. Neither are here. Is there a motion to close the public hearing? Ms. Pool. Is there a second? Ms. Kitchen. Those in favor of closing public hearing please raise your land. Those opposed. The members voting aye are all the members up on the dais. Pool, Zimmerman, Renteria, troxclair, me, kitchen, and Houston. The public hearing is closed. Is there -- and also the mayor pro tem. The hearing is now closed. We're up to the dais. Does anyone want to move passage of item number 53? Ms. Pool. Is there a second? Ms. Kitchen. Any discussion? Those in favor of passing item 53 please raise your hand. Those opposed? Those abstaining? Troxclair abstains. The others on the dais voted aye. And -- okay, that was the mayor pro tem, pool, Zimmerman, Renteria, me, kitchen, and Houston.

[7:23:58 PM]

Voting aye. Troxclair abstaining. That's item 53. That gets us to item 54, but we don't need to hear item 54 because that was on our agenda twice. So we move past item 54. That gets us to item 55. I think we were middiscussion about 55 before we left before. And I think -- actually, that one -- that one is gone. 55. That gets us to 56. 56 is a postponement item.

>> Good evening, mayor, mayor pro tem, council. Yes, item 156 an alcoholic beverage waiver for Austin pizza garden, and the applicant has requested a postponement to June 9 meeting.

>> Mayor Adler: Postponement to when?

>> June 9.

>> Mayor Adler: Is there a motion to postpone item 56 to June 9. Ms. Gallo moves. Is there a second? Ms. Houston seconds that. Any discussion on the postponement to June 9? Those in favor --

>> Houston: Is it just because the applicant asked or is there another reason? Are they working on something?

>> I believe it was just applicant's request. The applicant is here but I believe it was just their request.

>> Houston: Sorry?

>> Just their request.

>> Houston: Okay. Just want to keep track.

>> Mayor Adler: Yes, Ms. Tovo.

>> Tovo: Was there anyone who wanted to speak -- are you about to get to that? I'm sorry, mayor. I may have jumped the gun.

>> Mayor Adler: That's okay.

[7:26:00 PM]

On item number 56, there are two citizens. Gus Pena and David king. Looks like this is being postponed. Do you want to talk? Those were the two speakers that we had. Thank you. Those in favor of the postponement to June 9 please raise your hand. Those opposed. It's unanimous, everyone on the dais with Garza and Casar off. That gets us then to item 57. This is the board of adjustment changes. Mr. King, do you want to come and speak to us?

>> Thank you, mayor, mayor pro tem, councilmembers. I really am opposed to extending the special exception option here. You know, because I had a property just across the street, a neighbor who had a nonconforming structure, and they were able to get a special exemption to make it into a short-term rental unit. And, you know -- and I -- I sympathize with the next-door neighbor. This apartment -- this building was supposed to be not an apartment but was converted to an apartment illegally. But it falls within the special exemption code here, and so the next-door neighbor, this apartment can look directly into her living room, into their living room. They don't have privacy. They can hear the people in the apartment. It's so close, it encroached on the setback. And so that creates an ongoing nuance.

[7:28:01 PM]

So I think, you know -- I don't think we should be approving any more of these special exceptions. Period. I don't think we should extend this deadline. And if we're going to then I think we should put more limits on when we can grant these. Other cities do. I think we should have more -- add more limits to this and say that if they -- granting the exception -- special exception that you won't grant it if it will adversely affect the desisting traffic patterns, movements or volumes, adversely affect flooding, drainage, erosion, cause a nuance, overburden water, sewer services, increased fire risks, impede fire, police, medical emergencies or interfere with development of adjoining properties or devalue adjoining properties. So none of these are in our current code. And I think -- all I'm asking is that if we're going to extend this for another year that we put these additional constraints in there. And so that it can help guide the board of adjustment in making these special exceptions. So I appreciate you listening to my comments, and I hope somebody will at least ask that these additional constraints be placed on the special exception if it gets extended and I hope you won't extend it but if you do I hope you will consider these additional constraints. Thank you very much.

>> Mayor Adler: Thank you. I think those were all the speakers that we had on this item number 57. Is there a motion to close the public hearing? Mr. Renteria moves. Mr. Zimmerman seconds. Those in favor of ending public hearing, raise your hand. Those opposed. All in favor except for Casar and Garza who are off the dais. Does anyone want to make a -- move adoption?

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Item 57.

>> Zimmerman: I'd like to move adoption of item 57.

>> Mayor Adler: Mr. Zimmerman moves adoption of item 57. Is there a second?

[7:30:01 PM]

Ms. Gallo seconds. Any discussion? Yes, Ms. Pool.

>> Pool: I had a question. I don't know if staff is here. I'm looking at the backup on this, and it talks about a public hearing and approval of an ordinance back in 2011 that amended title 2 and title 25 of the city code to authorize special exceptions and fee waivers for long-standing code violation that's don't threaten public safety or negatively impact surrendering properties. I just was curious. That sounds reasonable. Is this still active or has this somehow gotten lost.

>> That's still active. The only thing we're changing is the dates, allowing one more year for these to be applied for and there's also no fee for an additional year.

>> Pool: So that if somebody tags a neighbor or something with an issue that has been there for 30 years

--

>> Right.

>> Pool: That that person would be grant fathered in and would not have to either change it or pay a penalty?

>> If it's a setback issue.

>> Pool: If it's a setback, okay.

>> And it can be shown it's been there ten years.

>> Pool: That -- great. Thank you. That's very helpful.

>> Sure.

>> Mayor Adler: 57 has been moved and seconded. Any further discussion? Ms. Tovo, mayor pro tem.

>> Tovo: I have a question about the points that Mr. King made. So there's language currently that talks about not posing harm or adverse impacts to public health, safety or welfare. Do all of the items that Mr. King mentioned fall within that?

>> He mentioned adversely affecting traffic patterns, flooding, nuances.

>> Right. We wouldn't do that kind of a review, but the reason we're able to say the others are true is there is a life-safety permit that has to be applied for and approved in conjunction with the structure that has the encroachment so that's why we are able to say those things.

[7:32:16 PM]

>> Tovo: Okay.

>> But not about the traffic and the other items.

>> Tovo: I see, I see.

>> Yeah. So they do have to meet a life-safety permit, which means that it meets the life-safety portion of the building code. So sometimes it does require some changes of the structure. Most of the time if it is a structure that's lived in, it's, like, adding a fire alarm, you know, things like that, that are just the minimal requirements for safety in the building code.

>> Tovo: All right. Thank you.

>> Yeah.

>> Pool: If I could ask one more real specific, if you had a shed in your backyard, you bought the house, it was there but it's in the setback, would you have to remove it?

>> If you could show it was there ten years and you want to retain it then you'd go through this process. You'd get the life-safety permits. Sometimes it happens this was a structure that didn't require a permit but in order to get it to be retained in the setback now you do have to do that. So you get the life-safety permit and then we have the public hearing and then you can maintain it up to 50% of the value, similar to a grandfathered nonconforming structural use.

>> Pool: Then does that carry over when you sell the home and that grandfathered life-safety permit will continue with the life that have structure?

>> Right. If you wanted to totally rebuild it it has to meet the setbacks. It's not like a full variance.

>> Pool: Right. Thank you.

>> Mayor Adler: Further discussion? Those in favor, then, of this item number 57 please raise your hand. Those opposed? Everyone on the dais with Casar and Garza gone. Record should also reflect that empties kitchen was also not on the dais during any moment of this conversation. And then that gets us then to item number 58. Staff want to lay this out?

[7:34:19 PM]

>> Good evening, mayor, councilmembers, Alex Gail, assistant director of the office of real estate services. Item none 58 is a chapter 26 public hearing under the Texas parks and wildlife code for the change of use of dedicated parkland located in Williamson county, west of Parmer lane near the intersection of Parmer lane and sage grouse drive known as late creek park and trail park. We are having this public hearing so that council may make a determination whether, one, there is no feasible and prudent alternative to the change in use of the dedicated parkland and, two, all reasonable planning has been done to minimize harm to parkland. The city's public works department for the Parmer lane wastewater interceptor project proposes the change in use of parkland to approximately 9,961 square feet of permanent wastewater line, 452 square feet of subterranean utility use, 747 square feet of public utility use, and traditional 21,947 square feet of temporary working space use. We believe there's no feasibility and prudent alternative to the change in use of the dedicated parkland and that all reasonable planning has been done to minimize arm to the parkland.

>> Houston: Mayor, may I ask a question?

>> Mayor Adler: Yes.

>> Houston: For the people who are watching this at home do you have a picture of this that you can put up on the screen?

>> There was a -- hold on a second.

>> Zimmerman: It's district 6.

[7:36:34 PM]

>> Zimmerman: this is in Williamson county, right?

>> Correct, this is in Williamson county.

>> So this is city of Austin land? Williamson county?

>> It's outside of city of Austin jurisdiction but within the etj but because the project is a city of Austin project on the Williamson creek parkland, we still have to follow the chapter 6 -- 26 proposal.

>> Houston: Do we have to do that same thing in Williamson county because it's their parkland? Do we approve it and then they say okay? To use their parkland? It seems like we would have to be talking to Williamson county about using their parkland?

>> I believe they had their own chapter 26 that they did. Thank you.

>> Office of real estate services. This is a little different because it isn't our city of Austin parkland but this is a change in use because it's our project. But, yes, Williamson county also conducted their own chapter 26.

>> Mayor Adler: Okay. Any further discussion on this item 58?

>> Zimmerman: Mr. Mayor? I'd lime like to move adoption of item 58.

>> Mayor Adler: Mr. Zimmerman moves to close the public hearing. There are no speakers. And to adopt number 58. Is there a second? Ms. Houston seconds it. Any discussion? We'll take a vote. Those all in favor raise their hand. Those opposed, unanimous with Casar and Garza off the dais. Thank you. It passes. That gets us I think to our last agenda item. Bless you. And I think that -- why don't you lay it out for us.

>> Mayor, council, jerry rusthoven, item 59, known as the mf-6 density bonus, item to consider

amendments of title 25 land development code related to the multi-family residence, highest density district zoning regulations.

[7:38:46 PM]

What this amendment would do was it would basically take the existing mf-6, what we call site development regulations, and replace them so they would mirror the mf-5 site development restrictions. It would also eliminate the existing provision that allows for no site area requirements, another way of saying that is unlimited density in the mf-6 category so mf-6 regulations would now mirror mf-5 regulations. However, if an applicant were to provide affordable housing at a level of 10% of rental and 10% of owner for a period of -- at 6% mfi for a period of 99 years for the owner-occupied and 40 years for the rental, then the site area requirements would, again, be unlimited. The floor to area ratio would be unlimited. The staff also recommended the addition of a parking reduction similar to that that we have with the VME regulations, and an increase in height from the existing 90 feet to 120 feet. The planning commission was unable to reach a consensus on the recommendation, therefore, it was forwarded without a recommendation and I am available for any questions. Oh, this was in response to a council resolution passed on October 15 of 2015.

>> Mayor Adler: Thank you. Mayor pro tem, what do you think we should do with this one?

>> Tovo: So this was actually in response to council resolution I brought and the intent was to take the existing mf-6 category and really change it into a density bonus program so that developers who were seeking that unlimited density and the 90 feet of height would be required to participate in a density bonus program. That was the intent, and I stand behind the intent. As it went through the process, I think there were some changes of that come forward in the staff recommendation.

[7:40:46 PM]

I appreciate the staff's work but I don't support several of their recommendations. The planning commission I think had some difficulty with it. I've heard from various stakeholders about concerns they have with it. I think we have two paths here today. I have distributed an amendment sheet that if these changes were accepted I think it could meet some of the concerns. It would allow the existing mf-6 properties to be excluded from any changes we made. It would turn mf-6 into a density bonus program. It would eliminate the parking reductions and it would change the height back to -- it would indicate mf-6 height back to 60 feet, which I think satisfied some of the concerns I heard from multiple people across the spectrum. But I would say, overall, as this was this has moved through I've heard several requests this just be handled during the codenext process, where there's going to be a more comprehensive discussion about parking and affordable housing requirements and other things. So I am happy to walk through some of these amendments. I'm also prepared and ready to make an -- to make a motion at this point that we just deny these changes. And I think it's my guess, just based on the poll I've taken, that the lives that we have here from a&c, rica and others are comfortable with that, though I would of course look to them to verify that. In any case, that would be my motion, were I not to have talked so long and be able to make one.

>> Mayor Adler: All right. So I think we should memorialize the moment where a&c and rica are in here asking us to kill the deal.

[Laughter] So --

>> Gallo: Even on the same side of the room and very close together.

>> Mayor Adler: Really. Weaver just going to enjoy this.

>> Gallo: At this point we should adjourn.

>> Mayor Adler: What about the sf-4 thing.

[7:42:47 PM]

We're on a roll here -- roll here. Do we need to deny this or can we just fail to take action? What's the best thing for us to do?

>> Mayor, our preference would be to probably vote for denial so we can put it away.

>> Mayor Adler: Okay.

>> If you didn't take action, I don't know, we wouldn't know when to bring it back.

>> Mayor Adler: Okay. So, mayor pro tem moves to deny.

>> Tovo: I move to deny setting -- the changes I set in motion.

>> Mayor Adler: To deny item 59 and to close the public hearing. Councilmember pool seconds that motion. We have speakers that are lined up but I assume all the speakers are okay not talking.

[Laughter] Although I'm -- just for the cameras, you know, I'll call you down at the same time. You can just go back and forth.

[Laughter] It's been moved and seconded. If there's no discussion, we'll take a vote. Those in favor of denying please raise your hand. Those opposed? Everyone on the dais with Mr. Casar -- Mr.

Zimmerman, did you --

[laughter] Was that -- everyone voting in favor of denying this?

>> Zimmerman: I'll abstain. How about that.

>> Mayor Adler: Okay. Everyone on the dais votes to deny. Mr. Zimmerman votes to abstain. Two members are not here. Casar and Garza. And we are done.

>> Zimmerman: We're adjourned.

>> Mayor Adler: We're adjourned.