

City Council Regular Meeting Transcript – 06/09/2016

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[10:07:38 AM]

>> Tovo: Good morning. I'm mayor pro tem Kathie tovo. Welcome to the city council meeting. Mayor Adler is out of the -- out of town on city business today related to the smart city grant as are councilmembers Garza and kitchen. We wish them much success in their endeavors today. Hope they come back with good news. The three of them will be off the dais all day today. Now I would like to welcome mikail Davenport of the inayati sufi order of Austin to lead us in today's invocation today. Welcome and thank you for being with us.

>> Let us pray. Father, mother, god, creator and sustainer of our lives, send upon this August body of citizen servants the citizens present and all the citizens of Austin thy great love and grace, your healing, your wisdom, your guidance that we may all come together under the family of your holy names. In all thy holy names and forms we pray, amen.

>> Tovo: Thank you. We'd like to begin today's meeting with a moment of silence. As some of you may know, the city of Austin lost a member of its family this week with the tragic passing of Cesar kinds who died earlier this week. He was a Barton springs pool lifeguard. Director Hensley of the parks and recreation department describes about kines as a beloved member of the Barton springs family and said that he will be dearly missed by all those working with him or knowing him.

[10:09:43 AM]

He began service with the parks department in 2013 as an open water lifeguard. He possessed certifications as an American red cross lifeguard, first aid and waterfront lifeguard. He was skilled at his job and valued by everyone on staff, says director Hensley. And of course, all of us, our deepest sympathies are with his family, friends and co-workers. If you would please now join me in a moment of silence for Mr. Kines. Thank you. Again I'm mayor pro tem Kathie tovo, I'll be presiding over today's meeting in mayor Adler's absence. It is June 9th, we're meeting in city council chambers and the time is 10:10. I'll read into the record the changes and corrections for today. Item 3 should say may 10th, 2016 recommended by the airport advisory commission on an 8-0-3 vote with three commissioners absent. Item 33 had been postponed until June 16th, 2016. Items -- item 47 pleased a councilmember Sheri Gallo as a late sponsor. We do have backup for nominations and waivers, which is on the dais, councilmembers, for 55 we have a revised draft resolution. Item 66 we have a letter. We have several time certain items today.

[10:11:43 AM]

At 12:00 we have citizens communications. At four we can we have our public hearings, and I'm going to add a few things about that here in a minute. At 5:30 live music and proclamations with Jeremy mcvee. At 4:00 P.M. The staff are going ask us to postpone the following: And this is quite a bit. Again, this is something we'll take up at 4:00. The staff will ask us to postpone 58, 59, 60, 61 and 62 until August 4th, 2016. 65, 67 and 70 there will be a request for a postponement until June 16th. 66 it's my understanding the applicant will be requesting a postponement until June 23rd. Have I said 64? I don't think so. 64 there will be a request to postpone until August 11th. And at 71 there will be a request by applicant to withdraw that application. So again, at 4:00 we have postponements to various dates, but I'll just read the Numbers again, 58, 59, 60, 61, 62, 71 will be requested for withdrawal. 64, 65, 67 and 70 and 66, all of those will be requests for postponement. It's my understanding that we have a request for a time certain. Councilmember Zimmerman. And congratulations, of course. We've talked about you on Tuesday, but congratulations on the birth of your little one.

>> Zimmerman: Councilmember troxclair will be next. We're looking for that next. I wanted to request, I had a conversation with bob nix, Austin firefighters. He's got a conflict today, but he would be available after 4:00 P.M. To join in the discussion on item 54, a discussion about esd 4, potential consolidation.

[10:13:51 AM]

I wanted to get a time certain if I could get a second on that, a time certain at 4:00 P.M. To discuss item 54.

>> Tovo: Councilmember Zimmerman and councilmember Gallo propose that for a time certain. If there are no objections we'll consider that for a time certain at 4:00.

>> Gallo: Mayor pro tem, could I mention one thing. We celebrate birthdays and we sing some of us well and not very well. And we kind of have a new birthday. I wanted to congratulate councilmember Zimmerman and his wife Jennifer on the birth of their new son chase. So congratulations and we're looking forward to having a voter in Austin, a new voter in Austin in about 18 years.

>> Tovo: Thank you.

>> Zimmerman: Thank you. Appreciate that. Could I just -- this is funny because you always mention for our new voters that turn 18 the first thing you do is new vote. But now that there's a new Zimmerman maybe we can do my version and say go out and do something useful and then register to vote, now that we have a new Zimmerman in Austin.

>> Tovo: All right. Our consent agenda today consists of items 1 through 52. I have items pulled by councilmembers, 55, by councilmember pool -- 5, by councilmember pool. Councilmember Houston, on Tuesday you said that you indicated -- I may have misremembered this. I thought you intended to pull 53 and 36, 37 and 38. Did I have that wrong?

>> 53 I think you had asked that that -- that is not on consent. Is it still your intent to talk about that first before 37 and 38?

>> Houston: [Inaudible].

>> Tovo: And how about item 36? Is that one you wish to pull? That is the -- that is the license plate recognition system.

[10:15:54 AM]

>> Houston: Yes. All of those should have been pulled, 36, 37, 38.

>> Tovo: Are there any other items -- let me talk about speakers. Is John Nelson here? Mr. Nelson.

>> Gallo: Mayor pro tem, if you could show me as being added as a co-sponsor on number 48, please.

>> Tovo: Councilmember Gallo, I had shown you added as a co-sponsor on item 47.

>> Gallo: That's correct, and additionally 48, please.
>> Tovo: Okay. That brings that item to six sponsors.
>> Gallo: I think as long as we do it publicly we're fine.
>> Tovo: So councilmember Gallo will be added as a sponsor on 47 and 48. Okay. If there is no Mr. Nelson, then we have --
>> Houston: Excuse me, mayor pro tem? Is now the time to add some other things to the pulled list?
>> Tovo: Yes.
>> Houston: Okay, if I may start. I want to add number 10. And then I just have questions for the following: And I'm not pulling all of those, but one question that addresses all of. This 29, 30, 33, 34, 35.
>> Tovo: That was 29 through --
>> Houston: Through 35. All the same question.
>> Tovo: Same question on all of those. We'll leave those on consent and allow to you ask your question and if there are no further discussions about it we'll leave them on consent. But you are pulling item 10 for discussion. Okay. I show 39 pulled for speakers. Mr. King, are you here?

[10:18:12 AM]

Sorry, I had several last minute speakers. Let me make sure I capture all of you. 39 is pulled for speakers, 40 pulled for speakers, 43 pulled for speakers. 47 pulled for speakers, and that is it. Okay. So I'll entertain a motion on consent agenda.

>> Zimmerman: Point of information. Could you go ahead and read through 1 through 52 quickly and just once more which ones are pulled.

>> Tovo: Sure. I show again the consent agenda consists of items 1 through 52. The items I see pulled are

as follows: 5, 36, 37 and 38, 36, 39, 40, 43, 47 and 10. Have I missed any?

>> Zimmerman: I move adoption of the consent agenda with the items pulled as you indicated.

>> Tovo: Okay. Councilmember Zimmerman moves approval. Anybody second? Councilmember Renteria, thank you. Councilmember Houston, why don't you ask your questions and then we have three speakers on the consent agenda, and those are Mr. Pena, Gus Pena, Mr. King, and one other speaker I'll tell you about in a minute.

[10:20:20 AM]

Councilmember Houston.

>> Houston: Thank you. Item number 10, is that where we're starting?

>> Tovo: You had questions, councilmember Houston, about items 29 through 35.

>> Houston: This is for purchasing if the purchasing staff could come forward for just a moment, please. Good morning. How are you? Good. The concern about all of these items is they all have no subcontracting goals established. It's about nine of them if I remember correctly. And if I also remember correctly from the disparity study I think one of the outcomes was if goals were established people did a better job in trying to reach those goals so now we have all of these that there were no subcontracting goals established. Can you just tell us why that is?

>> Sure. Mayor pro tem, councilmember Houston, thank you. James Scarborough, purchasing. A number of these Numbers are actually sole source items so the customer department identified characteristics or functionality of the particular products that were unique or proprietary and we secured backup documentation that showed that they were proprietary. Sole source items are exempt from the mwbe ordinance and therefore not subject to subcontracting. In general it's more difficult to establish subcontracts under contracts for finished goods. When we're purchasing supplies and non-professional

services, most of the businesses in those industries typically are situated so that they provide the products and services directly to their customers and they provide them repeatedly so that they have economies of scale. Subcontracts occur more frequently in project contracts and construction contracts where you're making something new and you can assign resources specifically to that particular contract.

[10:22:30 AM]

We investigate every procurement for the opportunities to enter into subcontracts for smbr. For a handful of the contracts that are sole source they're not reviewed because they're not subject to the mwbe ordinance. But for everything else, and that's hundreds of procurements a year, they're all reviewed for subcontract opportunities. So we take this obligation very seriously and we do a very diligent job in examining each procurement for opportunities to subcontract.

>> Houston: Could you speak briefly to fact that we did get a call from a provider of one of these items that wanted to know why it wasn't -- why you did not put it out for bid. Because they have -- they do the same kinds of services that you're asking for. So why was -- if there are other people who provide that service, why do you not put that out for bid?

>> Well, without talking about the specific item, in general when we pursue an authorization, your authorization for a sole source contract award, it's because we have identified a proprietary product. There's some characteristic of that product that makes it unique to that market and it's licensed, it's copyrighted or what have you. And we collect evidence of that from the manufacturer to include in the backup to show the proprietary characteristics of the products. So in this case or in general any time a customer comes to us and says we think we have a proprietary product we do some additional due diligence to gather the documentation to show that it is proprietary and only then do we come to you with a sole source authorization request.

>> Houston: I think that may answer the question. Of course, I don't want to talk about the specific incident, but the cost was lower and so sometimes when we do these sole source contracts, we get a higher rate than if we put it out for a bid.

[10:24:36 AM]

So how do we reconcile the cost factner that?

-- Factor in that.

>> When we seek contracts through a sole source authorization, we are obliged to make sure that the pricing is fair and reasonable, but without competition we can't really show that the price stood up to other products. But that's the nature of sole source is there's typically a requirement, a functional characteristic of the product that makes it so the comparison is not reasonable or not realistic because it's proprietary, it belongs to that product. It's unique to that product. So we could seek competition in those instances, but what you would have to do is eliminate the proprietary requirements and compare the products on the least common denominator and then you wouldn't be able to have those proprietary products without having to compare all other products that didn't have that -- necessarily have that proprietary element.

>> Houston: Okay, thank you.

>> Yes, ma'am.

>> Tovo: Thank you, councilmember. I have some questions about item 11 that I think I can handle pretty quickly. Is there someone to represent that item, if you would be able to come up. Welcome, Mr. Mccourse. Are you probably aware, the council did receive a communication from the south river city citizens on behalf of some members of their organization who have some concerns about parking and

some other challenges in the vicinity of St. Edwards university. And I wondered if you had had an opportunity to meet with them or if you would be willing to do so.

>> Absolutely. We'll be happy to meet with them as soon as possible. And regret that they felt -- regret that they weren't doing like they were listened -- feeling like they weren't listened to. We'll meet with them and hear their concerns.

[10:26:39 AM]

My name is Edward mccourse, an attorney for St. Edwards university.

>> Tovo: Do you believe that you could meet with them pretty quickly?

>> We could meet with them in the next 48 hours or over the weekend if they would like.

>> Tovo: I would be interested in you meeting with our office. It's important. I know St. Ed's wants to be a good neighbor so it would be very productive if you could sit down with them and address their concerns.

>> Would you like to have someone join us with that meeting or just report back to you?

>> Tovo: Either way. We can talk about the scheduling. Thank you, Mr. Mccourse. Are there other questions, quick questions about anything remaining on consent? If not, we have several speakers. Ms. Bdijski. That item is remaining on consent, but you have three minutes to speak on the consent agenda. Mr. King, you will be next. Have you signed up to speak on several items listed on consent. I have those listed as 5, 46, 49. There may be others, but those are some that are remaining on consent.

>> Good morning, mayor pro tem tovo. Actually, I signed up on two, I thought. Is that correct? I just wanted to be sure we had the right number. And I signed up because I'm very happy that item number 2 is on your agenda and that it is on the consent agenda. And this is a budget item that would implement a recommendation of the low income consumer advisory task force to roll over unspent weatherization funds from previous years to current years. It's important because 28% of all the households in the city of Austin meet the eligibility requirements for the low income weatherization program. So we have an almost infinite need out there for weatherization services, and a very small amount of money being dedicated to that.

[10:28:42 AM]

So it's great that we're finally clearing up this issue that if money from a previous year is not spent that it rolls over to the next year. So thank you all very much for bringing this forward. The task force report was issued in September of 2015 and I feel like a fairly lucky person that it's been less than a year and something has come before you and is going through the process. But I also want to caution that there's another recommendation in the report that balances this recommendation out, and that is that we have a minimum expenditure level established for that program where a certain percentage of the funds, we've actually recommended 10% of total energy efficiency funding should be dedicated to the weatherization program because if you move from one year to the next then you don't have that base budget established, then we could really end up spending less because there could be a cycle where funds could continue to roll over and never be finally expended on the program. So my message to you today is thank you very much for making some progress on these issues. And I wanted to remind you that we have some other recommendations that I hope we'll be able to talk about at another time. There were two -- there were two resolutions that were passed by resource management and the electric utility commission, and I brought copies of those for you today just to trigger your memory on those. And I'll give them to the clerk to distribute to you at her convenience. That concludes my remarks.

>> Thank you. Next Mr. King.

>> Thank you, mayor pro tem, councilmembers. I'll just speak real briefly on item 46 regarding the waiting period for refiling alcoholic beverage request.

[10:30:44 AM]

I'm glad this item came up so quickly and you are being responsive to issues that happened. I appreciate this. What I would suggest is that we consider adding to the scope of this code amendment a requirement that a super majority vote by the council for all alcohol waivers. I think this is an issue that justifies having a super majority vote. If indeed a waiver is appropriate, then it should be clear to a super majority members of the council that it is indeed a valid waiver that should be honored. So I don't see a problem with setting that bar, especially for an issue like this. The other item I wanted to speak on is the requirement that new structures in historic districts must comply with compatibility standards. It was never intended for new buildings in the historic district to not comply with compatibility standards. I'm glad that you see this issue and that you're moving with all due haste to get this problem corrected. Thank you very much for your service to our community.

>> Tovo: Thank you, Mr. King. Mr. Pena, you are the last speaker on the consent agenda. I have you recorded as having signed up on the following items that are still on the consent agenda, 11, 15, 16, 18 and 19. There may be others, but that's some of them. Welcome. You have three minutes.

>> Thank you, council. Gus Pena. First of all, item number 11 is having to do with the St. Edwards issue that we've spoken of. Not only the south river city association is concerned, also a lot of my veterans live in that area. So I thank you for addressing that concern about the issues that the proposed St. Edwards construction. Item number 15, having to do with the agreement with Salvation Army, inc., increasing the homeless services for women and children. Outstanding. If we can get some more funding to this group, it would be -- I mean, we are having more homeless women and children that are growing.

[10:32:51 AM]

It's increasing here in austin-travis county. I would say this much, mayor pro tem and councilmembers, the old federal courthouse is being proposed to be purchased for a jail by Travis county, but according to gsa, homelessness is the top priority. If you listen to the news it was on the news also, so be aware and be advised about that also and keep that on your radar because we are trying to get more housing for homeless women and children. Item number 16, having to do with the austin-travis county integral care to increase funding for the provision of development, education and behavioral health services to indigent residents. Outstanding. Dave Evans, the direct E I've known him for many years. Done a great job. Increase the funding, please. We have more veterans and female veterans that have anchor management issues -- anger management issues, so this is a drop in the bucket. We need more funding for integral care. And the last item, I'm going to skip some items. The last item is number 18, approve an ordinance designate the chestnut neighborhood and (reading). Outstanding, Mr. Mark Rogers has been the executive director of gnc for many years, is a good friend of mine. Keep up the good work. Mayor pro tem and councilmembers, remember

this: If anything that you hear about me right now about the homeless issues, there's increased homelessness and there was not a true count by the group that conducted the count. We counted more than 8,250 and I think the newspaper would substantiate that number. Thank you very much. Have a good day and be diligent with your funding to the corporations.

>> Tovo: Thank you, Mr. Pena. That concludes our last speaker on the consent agenda. Are there any other comments? Councilmember Zimmerman, I've got your list I'm going to read in a minute. Was that what you were going to do? Okay. So please note the following votes on the consent agenda:

[10:34:53 AM]

Councilmember Zimmerman is voting against item 2 and 4, and 9, abstaining on 6, 7, 8, voting against -- excuse me, abstaining on 45. Voting against 46. And 49. Did that cover it?

>> Zimmerman: 14 and 18? Could I just go through? I've got the list here I think with the ones pulled. Can I read through them?

>> Tovo: I think that would be great.

>> Zimmerman: You're right, against items 2 and 4, abstaining 6, 7, 8. Against 14. Against 18. Against 27, against 29, 30, 31. Abstaining 33, 34, 35. Abstaining from 45. Against 46. And against 49. Thank you.

>> Tovo: Thank you, councilmember. Any others? Councilmember Casar?

>> Casar: I just got word that there are a handful of working folks that want to come out for the body cams issue, so I want to request that we hear that after 4:00 P.M. Just like the esd 4 item.

>> Tovo: Councilmember Casar, what number is that? 36?

>> Casar: And it's paired with the public safety item, which is 53.

>> Tovo: Who will join councilmember Casar for that time certain of items 53 and 36? Councilmember Houston. Any objections? So that will be set, items 53 and 36 will be set for a time certain.

[10:36:54 AM]

Councilmember Houston, are you comfortable with 37 and 38 happening before item 53?

>> Houston: No, I'm sorry, they should all wait until after 53 is decided.

>> Tovo: Then it would be appropriate to move items 37 and 38 to a time certain of 4:00 P.M. As well. So that adds 53, 36, 37, 38 to a time certain of 4:00. Several people signed up on item 43 as noted in changes and corrections, that item is being postponed until next week. So the consent agenda activities of all items except for the following, 5, 10, 36, 37, 38, 39, 40 and 47. All those in favor?

>> Gallo: Wait. I have some abstentions I want to read into the record, please. So these would all be abstentions on item number 5, number 15, number 16, number 27, number 30 and 31, and I just want to make some comments relative to those abstentions. Three weeks ago on May 19th the council took a vote to increase the funding for the parks department lifeguard program. The department asked for \$418,000 to be transferred to the general fund from the budget stabilization reserve fund operating budget. The budget department indicated to us at this time -- at that time this would drop the stabilization fund balance to below the 12 percent required by current city financial policy. Ed van Eenoo also said to his recollection this had not happened while he had been at the city. While I supported the life fraud program in making sure our community pools are open in our neighborhoods I expressed at that meeting a strong concern that we were doing something that was not consistent with our general fund financial policy number 14.

[10:38:57 AM]

Which states that the emergency search and budget stabilization reserve fund should be at least 12% of the total fund requirements and this would set a precedent for future action, similar actions by the council. I said that from the dais I would vote for this funding, but that I wanted the city manager to come back to the city council quickly with his recommendation on how he would transfer funds back into the stabilization fund so as to achieve the 12% minimum balance and comply with city financial policy. This has not happened yet and until the budget stabilization reserve fund is replenished back to the minimum level of 12%, I will abstain from the vote for any funding requests which would come out of the general fund. I apologize to the departments where I would normally have supported your request, but my primary obligation is to make sure that this council makes sound financial decisions that

comply with our current financial policies. Thank you.

>> Tovo: Councilmember Gallo, let me make sure I have those recorded. Number 5 has been pulled for discussion. I have items 15, 16, 27, 30 and 31 as abstentions. Let me just pause here for a moment and point out that we have a pretty unusual circumstance today with three councilmembers off the dais. Any item requires six votes to pass, six affirmative votes to pass, so just be aware of that when you cast your votes today that some of these items may receive a majority vote, but may not receive six, which would be enough to pass here today. It is my understanding that nearly all of those items can be reposted for consideration with the full council. Again, I would just bring that to the council's attention, some of these have gone through pretty extensive processes, staff processes, community processes, processes with vendors, with commissions and boards.

[10:40:59 AM]

And that's that information. Councilmember Zimmerman. Kim thank you, mayor pro tem.

>> Zimmerman: Thank you, mayor pro tem. I may have neglected to mention that I was abstaining from items 15 and 16. I might have missed that. I was against 14 and abstaining from 15 and 16, just to make that clear.

>> Tovo: Councilmember, your list says that you're voting against 16.

>> Zimmerman: I'm sorry, against 16. Against 14, abstaining from 15 and against 16.

>> Tovo: And councilmember Gallo also abstains on those items. Councilmember troxclair?

>> Troxclair: Yeah, I would like to be shown voting no on items number 2, 4, 17, 30, 3131 and 46 and abstaining from items 14, 15, 16, 18, 27, 42, 45, 48 and 33.

>> Pool: Mayor pro tem?

>> Tovo: I think that what we're going to have to do is go through -- I apologize to all of you waiting for the consent agenda to be passed. Again, we have a pretty unusual situation with so many councilmembers off the dais. And I think we're going to need to go through these one by one because some of these items will fail to get an affirmative vote of six and I think your colleagues will want to know what the outcome is -- will be on those items. So let's just -- let's start at the beginning.

>> Pool: Mayor pro tem?

>> Tovo: Councilmember pool.

>> Pool: Just a point of clarification. When we take individual votes on the consent agenda items, you have said, and I just want to make sure that we're all hearing it right, that if the vote fails here today on the consent agenda that it will return to our next agenda for consideration with the whole council or how is it that we address that issue?

[10:43:09 AM]

>> Tovo: I believe that we address them individually. I certainly intend to bring back mine items if they fail to garner six votes today. With some of the staff items it is my understanding that most of those could also be put back on the agenda, but I think that is -- I've heard from at least one councilmember that they would like assurance from staff that they would indeed do that. What we'll do is just go through -- again, we've got three different lists going and various others. Let's just go through --

>> Houston: Excuse me, mayor pro tem. Could we get a quick legal opinion on if it can go back on?

>> If the council votes on it and it doesn't pass, there's no prohibition on bringing it back in the future depending on notice requirements. You could just postpone it, but if you don't -- if you vote and the item fails then you can't vote to postpone it. So we will have to deal with those on a case-by-case basis.

>> Pool: Mayor pro tem, I may, depending on -- I may just make a motion on some of these that we postpone them to next week's agenda when we have a full complement of the council rather than it be

any kind of question timing wise.

>> Tovo: I think that would be appropriate, at this point since this is not information that we had until just now about which ones line up and for which there are overlap, I don't think we can figure out on the fly which items need to be postponed. We'll have to go through it more quickly -- more slowly. 1 through 4 -- let's do it one at a time. I'll entertain a motion on one. And maybe we can move through these speedily. Councilmember Houston moves approval. Councilmember pool seconds it. All those in favor? That passes unanimously on the dais with the three already mentioned off. Item 2, motion? Pool. Casar seconds it. Councilmember troxclair and Zimmerman indicated they were voting against.

[10:45:10 AM]

Any other concerns about this item?

>> Casar: So considering that means there's only five votes --

>> Tovo: That should be six.

>> Casar: There's eight of us. Sorry.

>> Tovo: That should be okay. All those in favor?

>> Pool: Looks like you got your six.

>> Tovo: I don't think so. Councilmember troxclair, how did you vote on item 2. That passes on a vote of 6-2.

>> It passes on first reading because it's an ordinance. It can't pass on all three readings today.

>> Tovo: And the two against were troxclair and Zimmerman. Item 3. Is there a motion? Councilmember pool. Second? Councilmember Casar. Any concerns? All those in favor? That passes unanimously. Item 4? Councilmembers troxclair and Zimmerman have indicated they're voting against this item. Any other concerns from council, colleagues? Motion? Councilmember Casar seconds, councilmember Houston. All those in favor? That passes with councilmember Zimmerman and troxclair voting against. Item 5 has been pulled for discussion. Item 6. Councilmember troxclair, you will have to help me out because I don't have your whole list. I think that one is fine. Councilmember Houston moves. Second councilmember pool. All those in favor? That passes with councilmember Zimmerman abstaining. Is that correct? Item 7. Is there a motion?

[10:47:10 AM]

Councilmember Houston. Councilmember Casar seconds it. Councilmember Zimmerman plans to abstain. Any other concerns? All those in favor? That passes with councilmember Zimmerman's abstention. Item 8, motion. Councilmember pool. Is there a second? Councilmember Casar. Councilmember Zimmerman plans to abstain. All those in favor? Okay. That passes with councilmember Zimmerman abstaining. Number 9, a motion? Second. Pool, Casar seconds. All those in favor? Unanimous on the dais. Item 10 has been pulled. Let's try to take up items 11 through 13. Is there a motion to approve items -- thank you, councilmember Zimmerman. Councilmember Renteria, I feel a little bit like I'm at an auction.

[Laughter]. All those in favor? That passes unanimously on the dais. Okay. Item 14. Is there a motion. Councilmember pool. Councilmember Houston seconds it. Councilmember Zimmerman, you're voting against it. All those in favor? That's all in favor with councilmember Zimmerman voting against, councilmember troxclair abstaining. Okay. First reading only, that passes on first reading only. Item 15. So this is one where we have councilmember Gallo, you've indicated you are abstaining. Councilmember Zimmerman has indicated he is abstaining. Are there any other abstentions on this item? Councilmember troxclair plans to abstain. Is there a motion on it item?

>> Casar: Mayor pro tem, I would like to make a motion to postpone this item.

>> Tovo: Councilmember Casar motions to postpone. Councilmember Houston joins him. All those in favor to postpone that item.

[10:49:13 AM]

And that fails on a vote of 5-3 with councilmembers Gallo -- well, vote against -- who was against postponing this item?

>> Casar: Mayor pro tem?

>> Zimmerman: This is the votes against the postponement.

>> Tovo: Okay.

>> Zimmerman: I'm voting against the postponement.

>> Tovo: Councilmember Zimmerman votes against. Do we have any an tensions on the vote to postpone. Councilmember Gallo. Morning are you also voting to abstain. So we had five votes in favor of postponing, one vote against from councilmember Zimmerman and two votes to abstain from councilmembers Gallo and troxclair so that fails to be postponed. Councilmember Casar.

>> Casar: I'd like to ask the city manager or assistant city manager here if this will be posted for action next week just to clarify for the public, this is an item for funding homeless social services at the Austin shelter for women and children in an amount not to exceed \$210,000. Could this be posted for action next week.

>> Certainly could with the discretion of council to give us that direction.

>> Casar: So if council does not direct you to post this next week, you will not St it?

>> It's certainly a challenging position. This body as a group today, if they say no, it's a challenging position for us to bring back. We'll have to take them case by case.

>> It is a case by case decision and the manager will be able to put it back on at some later date.

>> Casar: I would like this on next week and would work with the manager and colleagues here to put together an item from council to direct all of these, but my preference would be to wait until the evening to deal with these items that would certainly pass if the full council was here. I would ask the council not to take another vote on this and just take the other item until the afternoon so we can get more information on this odd situation.

[10:51:21 AM]

>> Tovo: I'm not sure what tabling -- can you help me understand? I would just add my voice to just please bringing this back. I think our services for the homeless in this community is absolutely critical and I certainly would support the staff bringing them item back. And frankly any others that fail to get enough votes today to pass because it is again a very unusual situation. There's been a tremendous amount of vetting and I think these items deserve to have a full council. I would ask my colleagues, I understand that you may not support some of these items, but I would ask that you just contemplate postponing out of courtesy and respect for the three of our colleagues who are in Washington representing the city of Austin in this important grant process. Councilmember pool and then councilmember Zimmerman.

>> Pool: Thanks, mayor pro tem and councilmember Casar. I just add my voice very strongly to these items that may in fact not be able to be directed to next week's agenda for the same reasons the mayor pro tem had said. And in particular those that are health and human services contracts that are awaiting to be awarded and implemented. I find that -- it's not a position that I think the council holds or the city holds as a community value. Thanks.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: Thank you, mayor pro tem. So I think it should be obvious that 90% -- better than 90

percent of our agenda items are at the discretion of city management because we have a strong city manager form of government. I think it's a trivial matter for the items to simply be put back on next week. I don't understand the consternation. I just wanted to call the question and let's get through the agenda.

>> Tovo: I don't believe, unless I've lost track, that we have a question to call. However, councilmember Casar, you asked for the council to consider tabling this item until later, pending some more information. Would you be prepared to make that motion? Councilmember Casar moves to table this item until later. Councilmember pool seconds that motion.

[10:53:21 AM]

>> Houston: Mayor pro tem, I just have an unreadiness. We've already taken a vote so I don't know how we can table a motion that we just voted, that was just voted down.

>> Tovo: So our first vote was to pass the item.

>> Houston: And that failed.

>> Tovo: No, I'm sorry, we didn't take a vote to pass it. We took a vote to postpone it and that failed. So I believe it is appropriate, I'll ask our legal counsel, we could vote to table that item until later.

>> Zimmerman: I have a point of order. That was the question I was calling is we did -- there was a motion made and the votes were not there. So the question I was calling was to go ahead and vote on it. Not to have another table vote, but to go ahead and vote on the question of the item. So I call that question.

>> Tovo: I recognize councilmember Casar for a motion to table, and I will ask for a second. I'm sorry, pool seconded it. Are there any other? You've made your comment?

>> Zimmerman: I wanted to speak against the motion to table. Okay. I don't understand the consternation here. I think we had three votes against it that it should surveil and we shouldn't be trying to figure out a way to kick the can down the road. I want to ask my colleagues to vote against the motion to table and let's just have a vote and go on and not table it. Thank you.

>> Casar: Mayor pro tem. The reason for tabling this I want to understand better whether the city manager would place this on the agenda next week or how an item from council would be structured. So if the motion to table fails I'll ask legal and the city manager's office now some questions about how we can ensure that this item, which is for homeless social services at the Austin shelter for women and children, how that can be posted for next week.

>> Tovo: Councilmember troxclair.

>> Troxclair: I guess it seems that the question -- that question that you just posed was already answered by the staff that yes, the city manager has the discretion to bring it back or you can do an ifc.

[10:55:32 AM]

I don't --

>> Casar: I just want to -- I didn't want to get into the details of what this would actually look like, but I think it's important enough to me that I go and have a conversation over the lunch break or over the evening break to really get the details so we don't have to waste time here on the dais. That's why I had the motion to table. But if that motion goes down I'll just ask the questions if this motion fails.

>> Tovo: Councilmember Houston.

>> Houston: I call the question on the motion to table because we'll be here all night because we're just on item 14.

>> Tovo: We may be. All those in favor of tabling this item until -- tabling this item until later in the day? And that also fails with a vote of 5 in favor. All against? Tabling? Councilmember Zimmerman votes

against, councilmembers gal and troxclair abstain. Troxclair, earlier you read a list, I'm going to try to speed things up a little bit by cross-checking yours. Would you mind telling us again which items you had intended to vote against or abstain from?

>> Troxclair: Sure. I guess starting -- okay. I wanted to be shown voting no on items --

>> Tovo: We can start at 15, I think.

>> Troxclair: 17 --

>> Tovo: You're voting against these?

>> Troxclair: Yes. 31 and 36.

>> Tovo: 30, 31 and 46.

>> Troxclair: And 46. And abstaining from items number 14, 15, 16, 18, 27, 42, 45, 48 and 33.

>> Tovo: Okay. That's items 14, 15, 16, 18, 27, 42, 45, 48 and 43.

>> Troxclair: Yes. And just -- can I make a quick comment?

[10:57:33 AM]

>> Tovo: Yes.

>> Troxclair: Especially on -- after the vote on item number 15, I just wanted to point out, I know that councilmember Gallo has already stated her reasons for abstaining or voting against some of these items. And councilmember Zimmerman has his own reasons as well. For me on this particular item it wasn't necessarily a denial of funding for what I do think are important services. It was just looking at the Numbers that the original contract was 4.6 million a biennium that was approved in 2010. And now the contract is 9.9 million. And this was -- so the contract has significantly increased. We do have a great relationship with salvation Army. I am a huge supporter of Salvation Army. I love the work they do for this community, but this was related to kind of a blanket across the board health and human services increase that the council passed that I didn't support because I didn't think it was the right way to approach our community needs. I think we should talk about output-based and what -- what we're trying to accomplish with the money and whether or not we're getting the results rather than just setting a benchmark for the amount of money we should be good putting into something. I don't think that's the right way to be looking at it. So for me I understand that our colleagues are out of town and I want to be respectful of that, but at the same time I feel like I need to be consistent with the previous votes that I've taken on these issues. So I just wanted to make that clear.

>> Tovo: Okay, thank you. So what I'm going to do is identify the ones where I think we're going to need to have discussion because we have several colleagues voting against and we'll take those up later in the agenda. So our next item is item 16. I'm going to suggest we take that up later. Is there a motion?

[10:59:36 AM]

Councilmember Zimmerman. Moves approval. Is there a second? Councilmember Casar seconds it. All in favor? That is councilmembers Houston -- you're abstaining. Councilmember Gallo, Casar, pool and Zimmerman. All opposed? This is item 16. This is integral care.

>> Oh, I thought you said 17.

>> Zimmerman: We're on 17. We're on item 17.

>> Tovo: Yes, I apologize. 17. Goodness. Item 17, esd number 9. Is there a motion?

>> Zimmerman: There's a motion to approve.

>> Tovo: Casar, Zimmerman. All in favor? Gallo, Zimmerman, tovo, Zimmerman and pool. All opposed? Troxclair, abstaining is Houston and Renteria. That also fails to pass. My intent is to try to identify the ones that we feel are not going to pass so that we have an opportunity to take those up later in the day. We can either postpone them or take them up later when we have a sense how the manager will

respond to a vote that is not sufficient to pass it. So if you could speak out, that would help identify those. That was not one I had identified.

>> Houston: Mayor pro tem, I think 19 and 20 might be ones that will just go through.

>> Tovo: And in fact, I think we might be able to pass 19 through 26. So let's try to do that. Is there a motion to pass 9 through 26? 19 through 26. Councilmember Houston moves approval. Councilmember Zimmerman seconds it. All in favor?

[11:01:38 AM]

Councilmembers -- that is unanimous on the dais. We're making all kinds of progress. Item 28, is there a motion to approve item 28? Item 28 is moved by councilmember pool, seconded by councilmember Renteria. All in favor? That is unanimous on the dais. Item 29. We have at least one abstention. No one else has expressed concerns. Is there a move to approve? Councilmember pool. Councilmember -- who would like to second it? Councilmember Renteria. All in favor? Item 29. Any opposition? Any abstentions? One abstention and that's councilmember Zimmerman. Everyone else voted in favor. Item 32. For that matter, let me ask -- let's do them sequentially. Item 32 is moved by -- who would like to move approval? Councilmember Casar, councilmember pool. All in favor.

>> Houston: Show me abstaining on 32, 33, 34 and 5.

>> Tovo: Let's take them one at a time. We're only on 32. Votes in favor, councilmember Gallo, tovo, Renteria, Zimmerman, pool, comtrev troxclair, one abstention, councilmember Houston. 39, 40, 41. Is there a motion? Councilmember Casar moves approval. Councilmember Houston seconds that. All in favor?

[11:03:42 AM]

That passes with councilmember Renteria off the dais. Councilmember pool, how are you voting on that item.

>> Pool: 38 and 39?

>> Tovo: It was 39 -- lord, never mind. 39 and 40 have been pulled. I apologize. Thank you. I'm sorry. Let's start again. Item 41. This is a taxi cab franchise. Councilmember Houston approval, councilmember Zimmerman seconds that.

>> Wait, wait, wait.

>> Tovo: Apologies. 41 are points to boards and commission. Councilmember Houston moves approval. Councilmember Zimmerman seconds it. All in favor? That passes unanimously. 43 is a postponement.

>> Zimmerman: I move passage of 44.

>> Tovo: Let's try 43 first.

>> Zimmerman: I thought it was postponed.

>> Tovo: We have to vote on it. It's on the agenda to postpone.

>> Zimmerman: I move we postpone 43.

>> Tovo: Councilmember Zimmerman moves to postpone, councilmember Houston seconds that. All in favor?

>> Wait, wait, wait.

>> Kitchen: Just a bit --

>> Gallo: Just a bit of discussion. Could we postpone that to the 23rd instead of the 16th? Kind of skipping around so I have to keep up.

>> Tovo: This is the affordable housing trust fund. It was postponed once to this agenda and the request is to postpone it until next week.

>> Gallo: So that is a zoning meet, just the request to be to postpone it to the 23rd?

[11:05:43 AM]

>> Tovo: I'll speak to that. We postponed it once. I'm reluctantly postponing it today and I'm postponing it because we do not have a full dais and I want our colleagues to weigh in, but I think it's extremely important we take up this subject as soon as possible so I would urge my colleagues to take it up next week. It's clear we're going to have quite a few items on next week's agenda that are not zoning related on account of the situation today.

>> Gallo: As there as there are other items on the agenda that are not zoning.

>> Tovo: My expectation is there will be quite a few.

>> Gallo: Thank you.

>> Tovo: All in favor of expecting this to next week? All opposed? Any abstentions? Councilmember troxclair, you abstained. 44. Councilmember Houston moves approval of 44. This is a fee waiver. Seconded by councilmember pool. All in favor? Any opposed? Any abstentions? Okay, that passes unanimously. 48.

>> What happened to 45?

>> Tovo: Councilmember troxclair, I show you -- 45?

>> Tovo: -- Abstaining on that item.

>> Did we skip 45?

>> Tovo: We can go back. Let's move on with 48. Is there a motion to postpone -- excuse me, a motion to pass 48?

>> Yes.

>> Tovo: Pool seconds. Councilmember Houston. Any discussion? All in favor? That passes. All opposed? Any abstentions? Councilmember troxclair. Item 44. Move passage.

[11:07:44 AM]

Councilmember --

>> We did that one. 44 we did. Juneteenth. I think it's 45 we missed.

>> Tovo: Let me refresh. Item 45. Councilmember Zimmerman, I've noted that as an abstention for you. Councilmember troxclair, that's an abstention for you. Is there a -- are there any other concerns on this item? Is there a motion to pass? Councilmember Houston. Councilmember Renteria. All in support? So that passes with Houston, Gallo, Casar -- railroad voting on this? Councilmember pool and Renteria voting in favor. Councilmembers troxclair and Zimmerman abstaining. Correct? Items 50 through 52. So that's 50, 51 and 52. Is there a motion to pass these? Councilmember Houston.

>> Houston: Mayor pro tem, I would like to pass it with a time certain on that evening of 6:00.

>> Which one.

>> Tovo: For which of those?

>> Houston: 50.

>> Tovo: We will pull 50 from consent. And add that as a time certain --

>> This is the housing?

>> Tovo: Oh, I'm sorry what you are trying to do is make sure when it comes back it's set for 6:00? Any objections to making that part of the motion? Okay, so we are voting on setting the public hearings on items 50, 51, 52. 50 set for a time certain of 6:00 P.M. Is there a second? Okay. All in favor?

[11:09:44 AM]

And that is unanimous on the dais. Okay. Let's go back to -- we may be able to pick up some others here

and there. One item that looked like we might be able to pass it rather soon was item -- no, that's not -- items -- let's take up item 5. We have one citizen waiting to speak. And that is item 5. Mr. King.

>> Mayor pro tem, councilmembers, I'm not sure if this is the item that's related to the issue that was reported in the Austin monitor about using codenext project funding to pay for this study, this analysis, and -- but I don't know if it's related to that or not, but my point is is that this is an important study that needs to happen. As I understand it's related to the [indiscernible] And traffic impact fees and how we would calculate those. I think that's important. I hope we will get the funding to do that. If it shouldn't come out of the codenext issue, that's a separate issue, I understand, but I still think we need funding for this project so I hope you will approve funding so we can get that information together and make progress on our traffic congestion problems in our city. Thank you very much.

>> Tovo: Thank you, Mr. King. Councilmember pool, you pulled this item. I see miss truelove here to answer any questions.

[11:11:49 AM]

>> Pool: We had some concerns from the community this week about the contract and my staff has been talking with miss truelove and her staff. Mr. King mentioned there was an article and the citizens advisory group raised some questions so I thought it would be a good idea to air them out and maybe that will clear up the confusion, answer some questions that may be pending on this particular item. Thanks for being here. The contract is with opticos and staff is choosing a subcontractor.

>> Tovo: Did you have a question for miss truelove?

>> Pool: The amendments for this contract is what we're talking about.

>> That is not correct. The item that is today that is before the council is for award that was scope specific procurement for the street ordinance impact fee. It is completely separate from codenext. It is not using codenext funds, it is using funding authorized in the budget of the transportation department. We did go through a specific solicitation project for this item and the recommendation before you is for award to kimley horn.

>> Pool: And I think that helps a whole lot in trying to separate a number of contracts. Kimley-horn is also up for a contract next week as well and I think the dollar figures were kind of similar so there was some confusion over which contract was for which scope of work.

>> Yes, kimley-horn is a subcontractor to opticos, but while they are both transportation related scopes they are not the same project and not the same funding source.

>> Pool: Can you explain the need for a capital improvements plan as relates to meeting requirements of state law?

[11:13:51 AM]

>> I'm going to ask Gordon Derr to speak to the scope of this project and noting what we have today is just award of the consultant contract that will help us develop this project. It's not a discussion or on the process that we're going to go through to develop that street impact fee.

>> Pool: Thank you. Good morning.

>> Gordon Derr, assistant director Austin transportation department. So in order to move forward with the implementation of impact fees there were a number of steps that occurred. One was we previously passed

[inaudible] Which sets a cap on how much the city can ask of a developer to contribute to the system, both right-of-way and other cash contributions to improvements. So that's a cap. Now the impact fee is to really figure out how we determine how far up toward that cap we end up with the development helping the community develop the transportation system. So it will fit in eventually with the strategic

mobility plan as we move this forward, but it's really about going through a process to look at the economics and the land use and the transportation needs throughout the community and gets us to a point where we can implement an impact fee ordinance. That would probably be sooner than the rest of the codenext process, but it is composed of a number of elements, including a capital improvements plan, demand projections, economic impact analysis and then, of course, public involvement as we go through this process.

>> Pool: Great. And are there any -- is there any relationship between this and the rca next week that is also for kimley-horn with Austin strategic mobility plan?

[11:15:53 AM]

>> Well, the -- the policies will be discussed in the strategic mobility plan, but really we're talking about a process with the impact fees to really look at the system that we're building and how do we fund that. But the strategic mobility plan will help us in the future to understand what improvements we want on particular roadways and help to formulate the long-term process. So there's a number of pieces here that will -- the jigsaw will come into place as we move forward with these studies.

>> Pool: They fit together and they may be similar but they are not redundant or dupe milk active.

>> Correct.

>> Pool: How many contracts like this do we have with kimley-horn?

>> I don't have that information in front of me. I can provide it after the meeting. But they are a firm we've had contracts with in the past and probably have current contracts.

>> Pool: I'm wondering the size of the firm, would they have the staff available to do the contracts in quick succession or to --

>> They should. I'm confident that they do. One of the aspects of our professional services procurement process is that they have to provide through their submittal confirmation of the staff are ready and available to spend time working on our project. So that's one of the required elements of our solicitation process.

>> Pool: And could you just as a final question talk about kimley-horn as the best choice for these contracts, for this one and the one next week -- well, I guess we can't talk about the one next week.

>> I don't want to talk about the one next week because that contract has been awarded to opticos.

[11:17:57 AM]

That's not really the conversation we're having today. For this particular contract we did a competitive solicitation. It was picked up by -- I'm trying to look at my notes here -- 48 firms obtained the solicitation documents. We had two firms that submitted qualification statements and kimley-horn was the higher ranked of the two. There was a pretty significant gap between kimley-horn's proposal and what was proposed by freeze and Nichols when we looked through our evaluation matrix and looking at that, a lot of the projects that were proposed by kimley-horn are more applicable to the scope we're looking at here and perhaps for larger entities, whereas the projects provided by frees and Nichols were just not as good a fit for the scope we're looking at right now.

>> Pool: And when we make choices on these types of contracts, are we able to look at the qualifications and the experience and the best product to be in return as opposed to finding the lowest bidder? Are we looking more at qualifications versus --

>> Yes, we look strictly at qualifications because we're under 2254 of the government code, the professional services procurement act and that requires we select based on demonstrated qualifications. The city is required to pay a fair and reasonable prying which we will know through our staff. We'll look at their rates, we'll look at the proposed amount of time and tasks that they are

going to do and how all of that is weighted and that's part of our negotiation process. The amount that's listed on the council agenda today is a cap. Our contract will not exceed that amount, but we could very well and we typically see things coming in as a negotiated contract underneath that cap.

>> Pool: And so when you do these negotiations, and we do ask the firms to provide us with a range, I suppose, of what the salaries are and that is asked in order to tease out the amount that it might cost so that when we provide our not to exceed number, we need to have that information on how many of their pes would be on a particular contract and what rates they might be charging so we can make sure we have enough in the contract in order to compensate them appropriately for the work that they do.

[11:20:15 AM]

>> Yes. So we will -- we will review and approve their rates for their different staff members, key individuals and all the categories of staff that will be working on the project. We will be looking at their detailed scope, detailed proposal on their level of effort that they are going to devote to this particular project and that's going to go through a number of different submission and review cycles as we get that as something staff is ultimately comfortable with. If we see task 1 has too many hours loaded or too many hours for fire level folks, that's the kind of things we'll give them feedback on and they will return and it will be an active process.

>> Pool: Thank you. Mr. Derr, did you have anything else?

>> No.

>> Pool: Mayor pro tem, my questions are satisfied and I did have extensive conversation, my staff and I, with miss truelove and her staff since -- I guess since Monday, so I am satisfied, my questions are satisfied and I would remove any objections I had to passing this today if we're able to pass it today.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: Thank you, mayor pro tem. Thank you for being here. You know, as somebody that worked in the engineering field and prepared specifications and hired firms to help consulting, the issue there's a public perception the city of Austin spends too much money on studies. And one of the political aspects of that not just in public government but also in private businesses, whoever pays the money for the studies has tremendous influence over framing the issue and in getting a certain result back from your consultant. It's part of what you have to do. When you hire the consultant, you have to frame their investigation and their studies. And it appears to be a way that our very, very powerful city management lines up with the conclusions that they would like to have because they hire the consultant, they give them the guidance and no surprise the consultant comes up with the answer that the city wanted to have.

[11:22:27 AM]

I think we could do that in-house. We've got a lot of smart civil engineers in our traffic department and I think that working with the mobility committee, this kind of very, very important policy decision that affects development in the city, it affects affordability. I've already heard from some in the building community, they are deeply concerned about the cost already of our capital recovery fees and they've gone up significantly. And there's some concerns about rough proportion at. It's also very expensive to build in the city and looks like we're going down a track of even more expense and that's going to push a lot of our community outside of Austin into the suburbs which makes the traffic problem worse, as you know. So I'm going to be voting against this because I just don't think it's the right direction for our city. I believe that we could answer these questions with our own civil engineering staff here and public works and Austin traffic department and that we could deliberate it with the mobility committee and we should -- we can and should do it ourselves so I'm going to be voting no.

>> Tovo: Other questions?

>> Pool: Mayor, I have one more question and I should have asked this. Do we have professional engineers overseeing these contracts, ones this complex? What is the level of certify case indication for our staff that are involved in these?

>> The project manager which we have engaged, lewis Lindsay, is a professional engineer. He's going to be directly managing the consultant team. Transportation staff, contracting staff, all of the people will be involved that need to be involved will bring in the other city departments as needed to deal with specific issues. So particularly development services and planning. So we have folks on staff who will be overseeing.

>> Pool: That's great. Thank you so much.

[11:24:28 AM]

>> Tovo: Any further questions? Councilmember Gallo.

>> Gallo: Thank you for your presentation and based on the remarks I said earlier about the concern with us not complying with our current financial policy, uniformly I'm going to be abstaining on this. I would encourage the city manager, we have almost a billion dollar budget in the general fund and the amount that was taken out that reduced us below the 12% was about -- was 418,000, so I would encourage the city manager and departments to look for those resources so we can get that stabilization fund back up to where we are and I want to apologize to the departments, I think it's very important for council to apply to our financial policy. I was not opposed, but based on early statement I would be abstaining.

>> So to clarify, this is being funded from the transportation user fee, not from the general fund. That was part of the budget -- that we provided --

>> I don't think that's councilmember Gallo's point and with respect to the reserve policy that you spoke to earlier and just now, we do understand council's direction and I just wanted to assure you that we're working on it. We have long before this council and during your tenure, this council's tenure have been committed to the maintenance of those reserve policies. The evidence is the credit ratings that we currently enjoy from the rating agencies, so I say that to underscore that we understand the importance of that and all of its implications. So we hope to have a response to council how we might replenish that to the 12% level in the not too distant future.

>> Tovo: Councilmember Gallo.

>> Gallo: What would the not too near future be?

>> I don't know that I can qualify it, specify it any better. A matter of weeks, I would imagine.

[11:26:32 AM]

>> Gallo: Hopefully before we break for July. I think that would be great and we would really appreciate it. It's very uncomfortable to not support things I normally would, but adhering to our current financial policy is something we all should strive for and I appreciate you will work on that.

>> You have my commitment we'll figure something out and we'll bring back our recommendation to the council.

>> Tovo: Is there a motion on this item? Councilmember pool moves approval. Is there a second? Councilmember Houston seconds. Further discussion. All in favor? Councilmembers Houston, Casar, tovo, troxclair and Renteria and pool so that passes. Against is councilmember Zimmerman and abstaining the councilmember Gallo. I believe we can take up items 12 and 13. Sorry again to those in the audience and my colleagues, we have lots of pieces of information coming in from lots of places. I'm doing my best to manage it. Is there a motion to approve these items?

>> Zimmerman: I thought we already approved those, mayor pro tem.

>> Tovo: They continue to show on my -- I do not believe we have taken action.

>> Zimmerman: I'll move passage of those.

>> Tovo: We have -- let me ask the city clerk. They are not showing as dispensed with on my -- I stand corrected. Let's -- let me just check. 34. And 35. Councilmember Zimmerman, I show you abstaining on both of these items. Is there a motion to approve?

[11:28:32 AM]

Councilmember pool moves to approve items 34 and 35. Councilmember Renteria seconds. Questions or comments?

>> Troxclair: I'll be abstaining.

>> Tovo: Councilmember troxclair will be abstaining. Autopsy in fail? Houston, Gallo, tovo, Renteria and pool 'abstaining Zimmerman and troxclair. 34 and 35 pass. Item 46 we have one speaker and that is Mr. King. If you would still like to address us on this. Item 46 relates to the resolution that I sponsored about alcohol beverage. I think you may have spoken to it in your consent. Thank you for that reminder. Is there a move -- a motion to approve 46 and 49? Moved and seconded. All in favor? Councilmembers pool, Renteria, tovo, Casar and Gallo and Houston. So those two items are approved. 46 and 49 are approved. So let's return to item 10. Councilmember Houston, you pulled item 10. We have no speakers.

>> Houston: I just have a question because I wasn't here when we passed this item so I'm just wondering if someone can explain to me if we're going to release additional bonds to Seaholm, is there any way we could put some housing that is affordable in that because my understanding is there is no housing in the Seaholm development that talks to affordability.

[11:30:38 AM]

Is there anything we can get some community benefit out of those bonds by not only encouraging but strongly suggesting that they add some housing that is affordable? I don't know because I wasn't here when was this passed the first time.

>> Thank you, councilmember. Greg canally, the item before you is requirement of state law for us to publish the notification to sell certificates of obligation. This is one of the steps that we take in the annual process to issue debt. Actually we will be issuing this debt this August. Part of the certificates of obligation are related to the Seaholm project. There is a master development agreement after an rfp process and rfq process back in 2008, part of this is the city would as part of the tax increment financing would set up help pay for the infrastructure, that the taxes are going in towards. Again, there was a master development agreement that stipulated what the -- what the developer was required to provide as well as what the city -- the certificates of obligation are for the city pieces. Rodney Gonzalez is here and he can speak to some of the terms of that agreement.

>> Thank you, Greg. Rodney Gonzalez, director development services department. At the time that the Seaholm master development agreement was signed, I was the deputy director for economic development. With regard to the master development agreement, that agreement was signed by both the city and developer in June of 2008, which listed responsibilities of both the city and the developer. There are no on-site affordable housing requirements as part of the master development agreement. The resolution or the resolution regarding the bonds to be issued, that is part of the agreement. The agreement stipulated that the city would contribute certain financial elements to the project and those financial elements are paid for through the tax increment financing zone that is in place.

[11:32:41 AM]

And the bonds are simply to -- a mechanism to fund those improvements.

>> Houston: And thank you for that information, Mr. Gonzalez. But as we sit here, eight years ago -- when did they sign the master agreement?

>> June of 2008.

>> Houston: Can you just briefly explain to me why housing was not a part of that master agreement? We talk about living and working and playing and having people of all income levels being able to have those opportunities and so yet here is a major piece of property that the city owns that was not even a conversation.

>> Yes, councilmember. You know, what we have, of course, is the passage of time, approximately eight years have passed. We certainly have had more council direction with regarding to affordable house and a the redevelopment projects. At the time we had many conversations with city council about the Seaholm project. Some of those, of course, included not just affordability but application of things like the waterfront overlay ordinance. And what we did was we went back to council from time to time with regard to their policy direction and there was no policy direction at that time for on-site affordable housing. As a matter of fact, because Seaholm is a city property, when you dispose of a city property currently, I believe it's 40% of that annual property tax revenue that gets set aside and goes to the affordable housing trust fund. Council also made a decision at that time not to do that. Instead 100% of property tax revenues go into the tif.

>> Houston: Thank you. That clarifies that. That's at least something the housing trust fund is getting out of that property.

>> Well, actually, ma'am, just to clarify, the housing trust fund isn't.

>> Houston: I'm sorry, I heard you say 100%.

>> Council decided not to contribute the 40% annual property taxes to the housing trust fund and instead also agreed to use 100% for the tax increment financing zone.

[11:34:51 AM]

What we're dealing with, of course, are policy decisions that were made in 2008 and prior, but these were discussions that we had with the city council at that time.

>> Houston: Thank you. Appreciate it.

>> Tovo: Councilmember pool.

>> Pool: Yeah, I appreciate the questions that councilmember Houston is raising. I would mention for the record if I -- I think the decisions on Seaholm would be very different if they were being made today. I remember when it was sold or leased, the 99-year ground lease to primary Athena health. That there was a lot of human cry in the community people opposed to that. When I saw that they were moving out there, they are selling the building, right?

>> So right now currently the developer, and I'm not sure, I haven't been on the project for at least two or three years, but I believe that it is for sale currently.

>> Pool: Do we benefit at all from that sale?

>> Oh, absolutely. Within the agreement, the master development agreement it is posted online, the way we instructed the agreement is that the developer once they achieve a certain internal rate of return, ie or profit, if they hit a certain rate of return, I believe the number is 14%, anything beyond the 14%, then we start sharing on a prorata basis with the developer. So for example if the developer upon the sale achieves internal rate of return greater than that number, then some of the profit returns to the city to reimburse us for certain intentions that we put into the project.

>> Pool: Is the 14% rate of return a typical average rate of return in the -- in this category of sale?

>> We looked at that and that was part of the negotiation. 14% actually is a low number. Typically the

number is 20 to 25% internal rate of return but it was on point of our negotiation.

>> Pool: Thanks.

>> Tovo: Further questions? Is there a motion on this item? Councilmember Gallo.

>> Gallo: I have a question of budget. As we've been getting data for the discussion around the potential of a mobility bond this fall, is this -- is this debt service, has that been also included in the discussions as far as what -- what amount that we have that would not affect the tax bills, the tax rate?

[11:37:08 AM]

>> Yes, councilmember. The Numbers that we presented at the council workshop on mobility, when we walked you through the remaining bonds to be sold and these are already been you could -- been accounted for.

>> Tovo: Councilmember Zimmerman Zimmerman I have a quick question and a couple of followups. It says under the fiscal note area, when you borrow \$83 million, I think the first thing you ought to ask is what is the fiscal impact, and remarkable it says a fiscal note is not required. So just the first question is the general obligation debt right never faces the voters, so the voters don't have a right to speak up on it. And it's quite a bit of money. It does admit here that the cost to pay back the 80 million is going to be about 134.6 million. That's an estimate depending on the interest rates and how everything gets negotiated. But can you tell me why it says a fiscal note is not required? I'm completely confused by that.

>> Councilmember, we have protocols for how we put our rcas together, our fiscal notes. I think that's standard language. But as you can see, we clearly walk through what the debt service requirements are estimated to be for this entire issuance as part of this fiscal notes section.

>> Zimmerman: I guess I'll have to pick that up later as part of a policy question I would like to ask to our audit committee, our four-member committee, if they would please help me comprehend how the statement to say a fiscal note is not required, how is that statement possible? I think that's an important policy conversation, but it's not directly to this. I guess the -- so the issue here again is this is a decision made many years ago, right, by prior council? And just now the obligations that were made back in 2008 are now coming to us for approval. Is that a correct way to read the situation?

[11:39:09 AM]

>> Correct. And again, this item for you today is to give us the authority to publish a notification in the newspaper that we will be issuing certificates of obligation as required by state law. The actual sale of these bonds we anticipate to occur this August as part of our annual bond sale process. We met with -- we briefed audit and finance on this topic in may and walked them through again our annual sentence of our bond sales. The certificate of obligations are one piece of our annual bond sale.

>> Zimmerman: So finally for my councilmember colleagues, when we have this budget process this is the kind of spending that can be imposed on us, on our constituents on decisions we had no part in and suddenly here's another 6.7 million that shows up on our budget that we had nothing to do with. If we had sold this property and put it back on the tax rolls, we would be facing a very different situation. We wouldn't be looking at \$134 million of debt. If we sold the Seaholm property, it would be back on the tax rolls and aid would be get tax revenue from this. To answer my colleague, councilmember Houston, I think one of the reasons why housing may have not been put on here is that if the property is not on the tax rolls, if it's owned by the city and it's being leased and if the city owns the property, there's no tax bill due. So if we were to put housing on this and we had families with kids, they would be entitled to go to aisd but there would be zero tax revenue coming from the housing development to pay for the kids to go to school. You see how all these things are connected and we could avoid this kind of stuff if we stop

doing these tif -Z and what I considered on financing arrangements and committing future councils to expensive items.

[11:41:09 AM]

I'm going to be voting no.

>> Tovo: Mr. Canally.

>> A few issues just to notice again. This is for our entire certificates of obligation. The amount for Seaholm is 30 million so it's not the entire amount. Again, the debt service amount that is there is for all of those certificates of obligation. As you said our estimate, we have not yet sold the bonds. In terms of Seaholm, it is on the tax rolls. The city portion of the agreement according to the council signed, 100% of the city taxes are coming to the project to help service the debt. Remaining taxes are going to the other entities. They are -- those parcels are on the tax roll and that will not change as the Seaholm development sells their interest in the property, they will remain on the tax roll going to Aisd, Travis county, the health care district and ACC.

>> Zimmerman: Okay, so I wasn't aware. I wasn't here in 2008. So the tif, it's only the city foregoing the tax revenue. Aisd gets theirs and the county.

>> Yes.

>> Zimmerman: Thank you.

>> Tovo: Councilmember Gallo.

>> Gallo: How long is that commitment?

>> Our tif will be in place as long as we have debt outstanding. We estimate that the debt will be a 20-year term.

>> Gallo: From this point?

>> From the time we sell this August.

>> Gallo: Thank you.

>> Tovo: Further discussion? Is there a motion on this item? Councilmember Renteria moves approval, councilmember pool seconds it. All in favor? That is councilmember Houston, Gallo, Casar, Tovo, lent -- lent. We're going to go to 47. We have a couple speakers and I would like them to get out before lunch. While I call up the speakers, if you want to make a comment or two, we have Mr. Peña, first to speak, Mr. McGee would be second, and I believe we've established Mr. Nelson is not here.

[11:43:22 AM]

John Nelson? Those will be our two speakers. Councilmember Houston.

>> Houston: Thank you, mayor. As you know, in February we passed a resolution to do a kind of reboot of the rosewood historic designation. And so we've been -- people have been working very hard on that and we've gotten fairly good way, but we need the time. It was a lot bigger part to bite off than we expected and so now we're trying to get a third-hand survey to come in and look at the property. So we just need a little more time for the people who are committed to this to finish their work and that's why I'm asking for the extension until August 18th.

>> Tovo: Thank you. Okay. Mr. Peña. Gus Peña. I don't see him in the chambers. So Mr. McGee, you are up. You have three minutes. Welcome.

>> Good morning, mayor pro tem and councilmembers. I'm Fred McGee, the head of -- whoa, this is interesting. It moves around I'm Fred McGee, head of preserve rosewood, a grass roots coalition of volunteers who are working very hard and diligently with city officials and housing authority officials to come up with a plan for the preservation of rosewood courts. Bless allow me, mayor pro tem to, express my gratitude for putting this item right now before lunch. As a father of three young children who are

home right now, I greatly appreciate that. I came here, first of all, to speak in support of the item. I hope you all will vote for it. But my main purpose is to give you all a copy of a white paper that our organization has authored. And I'm going to hold it up here for everybody to see.

[11:45:23 AM]

A jewel in the violet crown. A people's plan to preserve Austin's public housing. I think you'll find this very informative. It's filled with a bunch of facts and a bunch of history among other things. The title is a payoff of a speech given by congressman linden Johnson in January 1938 called tarnish on the violet crown. A copy which he had read into the congressional record in 1938 is furnished in the back. Mayor pro tem, may I approach and hand each of you a copy?

>> Tovo: Sure, if you would like to hand them to our city clerk or councilmember Gallo and she can pass them down. Thank you.

>> I don't know how much time I have left so I'm happy to answer questions you might have.

>> Tovo: You have one minute and 20 seconds.

>> I could say a lot. The document speaks more loudly than anything I could say. I think you will find this document integrates a lot of different things at once. Our sustainability goals and aspirations. Protecting the only rent controlled housing in our city, number 2. And then also bringing us to a truly international level of sustainability in green building by passage of the international house standard.

>> Tovo: Thank you so much. Are there questions? All right.

>> Thank you.

>> Tovo: Thank you. That was our last speaker on this item unless Mr. Peña has arrived back. Is there a motion on this item? Councilmember Houston.

>> Houston: Moved.

>> Tovo: Councilmember Gallo seconds. All in favor? And that is New Hampshire on the dais. Unanimous on the dais. With councilmember troxclair off the dais. Let's see if we can handle 40. That one also has speakers. This is the second reading of the taxi cab co-op. Our first speaker, we have four citizens, Mr. Peña, Mr. Nelson is second.

[11:47:27 AM]

I believe neither is in the chamber. Mr. Cargo, you are our first speaker on this item. You have three minutes. You will be followed, and he is registered against. Nega tadessi, you will be our second and spinal speaker.

>> Good afternoon, mayor pro tem and to the councilmembers that are here today. Thank you all for the time and the opportunity to speak to you. Just briefly on this issue, as applications for franchises to operate transportation companies have come before Austin and the council in the past, there has historically been a presentation on the merits of the applicant and thus far I'm not certain that process has played out yet for this application. And so the reason against is, you know, the historical tradition has been to present to the community what exactly it is that they are going to be getting and what the opportunity is going to be for that organization that will be operating. And so I really just take this opportunity to ask you all before June 23rd, think when the third reading is, is to ask staff to make that formal presentation, discuss the merits of the application. Historically it's been you've had, you know, dueling applicants and they are graded so we would also like to see how this applicant stacks up from a grading standpoint against applicants that have been chosen in the past, specifically lone star and other groups. Just seeing a grading of this application versus historical candidates. Thank you very much for your time and consideration.

>> Tovo: Thank you. Our next speaker again is Mr. Mr. Tadessi. Welcome.

>> Thank you, mayor pro tem, council. My name is nega tadessi, I'm board member and board member for the [indiscernible] Taxi.

[11:49:33 AM]

It's been a year now since this council passed the resolution authorizing 100% driver owned and managed co-op

[indiscernible] As the law requires. We've been followed every rule, every steps to come to this point and submitted our application. And the question was whether we are going to be operating here, but the question was how many permits this council is going to approve. And utc passed on a vote 548 permits and we still waiting for that. And I think this -- it's time now to just grant us those Numbers and so we can start working and serving this community effectively.

>> Tovo: Thank you, Mr. Tadessi.

>> Thank you.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: Thank you, mayor pro tem. Before you go, you heard the previous speaker, Mr. Cardbow, talk about presentation on what you are doing. Let me ask councilmember Gallo, we're on the mobility committee, do we still have time to get an agenda item for next week and have a brief -- very brief conversation? I don't have any objection to that and as you said you've been working on it a year, you've probably got a few things you can tell us about what's going on with the franchise. I would be thrilled to hear about that in our next mobility committee meeting. Four-member committee.

>> Sure. I can tell you what we did. We went through cooperation Texas, take classes, for this co-op taxi and submitted 17, 18 pages application to Austin transportation department. We outlined all the -- our financial projections, what we can offer and what we offer.

[11:51:34 AM]

And the council and committee itself can go through those documents.

>> Zimmerman: I think there is 72 hours posting and people already know this is coming so I'd like to ask if our mobility committee could have a brief 15-minute spot to bring this up next week.

>> Gallo: I would be happy to support that. And I might just also mention for the ordinance that we're looking at right now, we did remove the caps, the upper caps for -- I didn't know -- that was a discussion we had in the mobility committee. And that was important and I think we'll try to mirror that with the other taxi franchises as well.

>> Absolutely. And we appreciate removing that 150 cap and we expect the council move faster to approve so because every driver in the city is in a cloud right now. Everything else was done to fill the vacuum created here by Uber and Lyft left, but the drivers still not comfortable on what they have right now so we appreciate the city move forward faster, you know, to approve those Numbers.

>> Tovo: Thank you, Mr. Tadessi. Is there a motion on item 40? Councilmember Zimmerman moves approval of item 40. Is there a second? Councilmember Gallo. Further comments? Councilmember Houston.

>> Houston: May I ask a question of transportation staff?

>> Tovo: Hopefully somebody is enroute.

>> Houston: Yes, sir, thank you for being here. And the issue about unlimited -- there's no cap, what is the process now? Where are we in trying to implement that not only with the co-op but with the other taxi franchises?

[11:53:37 AM]

>> Good afternoon, Carlton Thomas, Austin transportation department. Currently resulting from the previous franchise renewals in June of last year council adopted changes to the code that allows the franchises to make a request of the department for additional permits, demonstrate that they have satisfied the established performance measures and from that process council would then be notified and transportation department would eventually issue additional permits. So there is currently no cap for the -- none of the -- none of the existing franchises within their franchise agreement.

>> Houston: And so if I understood the last speaker correctly, where -- where is the process for them being able to get started?

>> That's today. Today is the second -- second reading of the required three-reading process.

>> Houston: So after the third reading then --

>> That is correct.

>> Houston: Okay. That's my question. Thanks.

>> Tovo: Any further questions? All those in favor of passage on second reeked of item 40?

Councilmembers Houston, Gallo, Casar, tovo -- it is new Hampshire on the dais -- unanimous on the dais. Thank you. We have about six minutes. Councilmember Houston, you had pulled item 39. I wonder if we might try to answer any questions you have on that. That was a speed limit --

>> Houston: If I indicated I wanted 39 pulled, that was a mistake.

>> Tovo: That is pulled for speakers. Okay. Let's see if we can hear from our speakers.

[11:55:37 AM]

On that item. We have there speakers, Mr. Nelson, Mr. Peña, have either of you arrived? Mr. King, you are our only speaker but you have donated your time. We have no speakers. A motion on item 39? Councilmember Houston moves approval. Councilmember Renteria seconds. All those in favor? And that is New Hampshire on the dais -- unanimous on the dais. Let's see if there is anything else quick we can take up. Item 42. Is there a motion on item 42? Councilmember Houston moves approval.

Councilmember pool seconds. All those in favor? I have councilmembers Zimmerman, I have your list indicates you voting in favor. Councilmember troxclair abstaining. All those in favor of item 42? All opposed? One abstention so that passes. We have about four minutes. Does anyone see anything quick we can take up? I actually don't. I think what we'll do is pause for citizens communications, which we'll take up at 12:00 on the dot. Thank you all.

>> Gallo: Mayor pro tem, and thank you for wading through this very complicated morning. Would you mind perhaps reading the items that we still have yet?

>> Tovo: I would be glad to do that.

[11:57:40 AM]

Let me refresh my speaker those are items that I would like the opportunity to talk with staff about whether or not those would come forward. We've already had indications that there are either abstentions or votes in opposition that would make those challenging to pass. We have no speakers signed up on any of those items who are currently present in the chambers and so I am going to suggest we take those up later after the business.

>> Gallo: Could you go over that list again? My notes are showing we voted on some of those.

>> Tovo: The clerk's notes are indicating we've not. 15, 16, 18, 27, 30, 31 and 33.

>> Gallo: So 15 I believe we voted. My notes show we voted on.

>> Zimmerman: Mayor pro tem I agree.

>> Tovo: 15 we did vote on.

>> Zimmerman: It was voted down or failed to pass.

>> Tovo: It failed to pass. So 15 has been -- it has been a complicated day and our system hasn't caught up to us. We did indeed vote already on 15 and again I think several of us indicated a request of the city manager to bring that back. So that would leave 16, 18, 27, 30, 31, 33, those fall into that category that I just described. We have items 36, 37 and 38 left. Those are now set for a time certain of 4:00 P.M. We have item 53, which is also set for a time certain of 4:00 P.M. Item 54 is also set for 4:00 P.M. We have item 51. That may be something we could take up quickly now. We have no citizens signed up to speak.

[11:59:44 AM]

>> Gallo: Move approval.

>> Tovo: We do have councilmember Houston off the dais.

>> Gallo: I think we voted on all the three public hearings, didn't we? 50, 51, 52.

>> Tovo: I don't show that 51 is still before us. If I said so, I misstated. Mine picks up again at 53, which again is set for time certain. It is now set for a time certain of 4:00 P.M. As is 54. 55 is something we can take up before 4:00 P.M. And could indeed do so now. And then that brings us to our -- 56, I assume is withdrawn. City legal, that's the discussion of legal issues. And 57 is the executive session item we took up on Tuesday and then that gets us to our 4:00 agenda. If there's a will to discuss and quickly dispense with 55, that would be one other item we could do before noon, then we do need to break for noon. Councilmember pool, I'll recognize you for a motion to pass item 55.

>> Pool: I was looking at 55. But if you would like me to jump to 55.

>> Tovo: With respect to item 55 being a nonconsent condemnation item, is there a motion that the city of Austin authorizes use of eminent domain to acquire the property set forth and described in the agenda for the current meeting for the public use described therein. If we need a discussion about that we will pick it up after lunch.

>> Pool: I'll make that motion.

>> Tovo: Councilmember Zimmerman seconds that. Is there any other discussion on the dais? All those in favor please indicate and that is councilmembers Gallo, Casar, tovo, Renteria, Zimmerman and pool.

[12:01:48 PM]

All those opposed? Any abstentions? Councilmember troxclair abstains and councilmember Houston is off the dais. That passes. Okay. That brings us to citizens communication. That was an easy morning.

[Laughter]

>> Mayor pro tem?

>> Tovo:.

>> Troxclair: I wanted to confirm item 36, the automatic license plate reader item was set for a time certain at 4:00.

>> Tovo: We will need to double-check with councilmember Houston, but I understood that to be her request.

>> Troxclair: Because I know there was at least there were a couple people here for that item so they can return at 4:00.

>> Tovo: Let's double-check. If you don't mind staying another minute, when councilmember Houston returns to the dais. 36, we want to just confirm our understanding that too has been set for 4:00 time certain. That is the license plate readers.

>> Houston: Yes.

>> Tovo: If you are here for those items, we don't take those up before 4:00 and could be after but we won't take it up before 4:00. Our first individual talking to us today is Ron Hensley and Mr. Hensley, you

will be followed by Kyle Hoskins. After Kyle crystal McCormick.

>> Mr. Hensley, myself, Mr. Methven and Mr. Turner won't be speaking today.

>> Tovo: Will or will not.

>> Will not.

>> Tovo: Then our first speaker is Kyle Hoskins. You will be followed by crystal silva McCormick. And then Janet cook.

>> Thank you. I'm Kyle Hoskins and I'm here today to talk about the great position we're in for tnc regulations. By adjusting only incomplete regulations we can improve safety, mobility, affordability and environmental impact, best yet the city gets paid half a million dollar to do it.

[12:03:58 PM]

We -- move fingerprinting to the safety assurance program and avoid wasteful duplicative vehicle inspections. Why? Let's start with short-term safety. For a year and a half low ratings and incident reports helped eliminate many Lyft and Uber drivers for poor behavior, improper service and incidents which passengers didn't report to police. Currently all those drivers can be driving other apps. Worse yet, a 30,000 person Facebook ride board is providing uninsured and untracked rides per day. Austin has become a haven for deactivated drivers and those who fail criminal background checks. Let's talk long term. In the not so distant future we will reach a point where anyone in a vulnerable situation can drive with a driverless car. We cannot afford to wait until legislation. In 2015, 27 sexual assaults were reported across all of ground transportation. We have the opportunity to make that number zero a year earlier. Shifting focus, lit and Uber's -- a backward experiment. But they contract to excess driving, congestion, cost and pollution. On the other hand, Lyft is incentivizing but as a community we appreciate, carpool,. Even know vaccinating to compete in the taxi space is entirely different than with personal car ownership. Which requires shared rides and high driver availability. Over a year ago Austin became Lyft's fourth city to offer Lyft line because they saw an embracing culture in a city that desperately needed more carpooling.

[12:05:58 PM]

That's the void we need to fill. But what about fingerprints? Let's build on the incentive program which is safe from state legislation. And we'll provide readily available fingerprinted drivers. More over the additional 1% safety assurance fee will provide Austin with another \$500,000 a year from Lyft and Uber. Voters were right to reject laws written by corporations, but now it's time to write laws based on what's best for the community. Considering tnc's are on next week's agenda we can start making these positive impacts next Thursday. Thank you.

>> Tovo: Thank you. Our next speaker --

[buzzer sounding]

-- Crystal silva McCormick followed by Janet cook.

>> Thank you. Good afternoon. My name is crystal silva McCormick and I'm speaking on behalf of the Austin sanctuary network. A group of individuals that seek to support the dignity and the human rights of undocumented and documented immigrants. You will hear more about the Austin sanction network leader today. I'm here as a member of this network to speak on behalf of Hilda Ramirez and her son. Hilda and her son are in sanctuary at St. Andrew's presbyterian church where I am the associate pastor. If you are not aware of the practice of sanctuary emerged from a long tradition from Winn the faith community to respond to the needs of our immigrant brothers and sisters, to protect them from deportation in houses of worship. I am here today to speak on behalf of my friend Hilda and her son. They left their country of origin to protect themselves from imminent danger and this was an act that

was full of courage and that any parent would do.

[12:08:03 PM]

Hilda did so only to come to be placed in a detention center like a criminal. She has been fighting for two years for political asylum. In our nation my faith instills in me and in the community that I serve a commitment to love and to justice and to attending to the needs of the most vulnerable in our world and in our communities. It is courageous, undocumented immigrants like Hilda and her son who face the threat of deportation, the threat of returning to certain danger. As people of faith we cannot sit by as our local and national government's policies continue to defy the values of justice and human dignity. Instead we must act to respond to the higher law of love and justice and so we will continue to offer Hilda sanctuary until her and her son are safe from deportation and we implore all of you, all of you who are leaders of our city to join us in this struggle for love and justice, to keep them safe from deportation, to support their case. That you would use their power to honor their human dignity and their human rights. Not only for them but for all of the rights, the human rights of undocumented and documented immigrants in the Austin community. We ask you to please --

[buzzer sounding]

-- Join us in doing what is right, in supporting Hilda and her son to receive asylum. Thank you for hearing me.

>> Tovo: Thank you.

>> Gallo: Could the young members of your group come forward, please?

[12:10:13 PM]

I just wanted to say to you thank you very much for taking your time, especially since school is out now and you could probably be doing a lot of fun things, but thanking you for taking your time to come down here and be part of the message that is being told to us and we really, really do appreciate it. Thank you for doing that and I always, as everyone knows, ask the young people when they come if they will make a promise and if their parents will help with that promise that what's really important also is when you turn 18, that you register to vote so that you will also be a voting member of our community. So say yes to me that you will do that. And those behind you we'll also make sure you are doing that. Thank you for spending your time here today. Thank you.

>> Tovo: Thank you. Janet cook. And you'll be followed by Peggy Morton. Miss cook, you have three minutes. You are welcome to use either microphone.

>> I can substitute for Janet cook if that's permissible. I understand a gentleman just before substituted for someone else.

>> Tovo: We do not allow substitutions. He actually was coming up to indicate he was not speaking in addition to the other speakers who were on --

>> Fine, thank you.

>> Tovo: I apologize, we don't have a practice of allowing substitutions. Thank you for being here. Peggy Morton.

>> Hello, I'm Peggy Morton and I want to thank each of you for listening to us today. Including my representative Ellen troxclair. I, like reverend crystal, in here standing in solidarity with our immigrant community as part of the Austin sanctuary network. I'm a member of first unitarian church of Austin, a denomination with a long history of believing everyone is born with a spark of the Devine.

[12:12:13 PM]

While our federal and state government are two bureaucracy tased to address humidity I have faith Austin will. Now I want to share a film with you to introduce my friend Hilda Ramirez who is living in sanctuary and who I first met when she and her young son Evan were locked in a for-property prison down in Karnes.

-- A for-profit prison down in Karnes.

[Inaudible]

[Speaking in foreign language]

>> We the Austin sanctuary network stand with Hilda's request and hope you will write a letter on her behalf to Nordon Lacey in the I.C.E. Office in San Antonio. We want you to quit colluding with I.C.E. And consider visiting her at St. Andrew's problems church.

[12:14:16 PM]

My church provided sanctuary because the government didn't do its job and now she is living in Austin and working and we should be proud of people like her living in our city. I know Austin can do better than the U.S. And I hope you'll join the Austin sanctuary network to stand on the side of humanity. In the words of our senior minister, the reverend meg Barnhouse, you may be one last spark that we all need to light the whole world.

[Buzzer sounding] All of us together may be one last spark that we need to light the whole world.

>> Tovo: Thank you. So our next speaker is -- I should say one of the reasons we don't allow substitutions is because the agenda is posted and we have particular posting requirements so we need to stick to that posting language and so that's the reason behind the citizens communications posting. Julie Yarbrough, you will be followed by our last citizen communicator Kathy muelker. Welcome.

>> I'm Julie Yarbrough and I live on southwest parkway and there are several violations on it as far as developer signs and they keep getting put up more and more and there's one property at 8200 southwest parkway that has seven signs on it. And there's five in a row that are spaced about, oh, 12 feet apart. And they kind of look like a flea market. I'm here to bring it to your attention to it. I called in August of 2015, it took three months for the first person to call me back.

[12:16:21 PM]

Officer Taggart called, she was new, didn't know what to do. The second person was Alicia Tovar. She asked the developer to move the signs out of the right-of-way instead of acknowledging the code violation. The third person I got was December 9th. That's six months later, Mario Ruiz, who is in charge of personal property enforcement. I've called him four times, he's never returned my phone call and since that time there have been more developers putting up more signs because of this particular property violating it so clearly. I know the -- there's scenic roadways and hill country roadways and southwest parkway is a protected roadway. So I'm speaking before council to see if I can get any help after nine months, ten months. Thank you.

>> Tovo: Thank you for bringing to us your concerns. Councilmember troxclair.

>> Troxclair: If you'll make sure that you contact my office or get in touch with me or my staff, I would be happy to help you follow up on the issue. Thank you.

>> Tovo: Thank you, councilmember. Okay. Kathy muelker speaking about animal services. Welcome.

>> Good afternoon. And thank you for the opportunity to speak today. I'd like to discuss the Austin animal center standard practice and policy known as the stray cat return program or scrp. As a volunteer for the past one and a half years working with the public to reunite lost and found pets, try to keep them out of the shelter, I was surprised to discover many friendly kittens and cats brought to the Austin animal center were being returned to the street. I was disappointed to learn that this was standard

process for our shelter as I assumed socialized or friendly cats would be put up for adoption or transferred to a rescue partner. I have spent many hours researching this program, including information available on the city's data portal.

[12:18:26 PM]

I often see citizens posting that they have found one of these kittens or cats out on the street and don't know what to do. The clipped ear really confuses them because that is associated typically with an F real cat. They often told leave it alone. These are friendly previous owned many indoor cats that cannot fend for themselves outside. They have an unregistered microchip which has to be researched back to the humane society who implants it and I'm usually one of the people that researches these chips and gets the documentation and confirms and we try to move forward with a plan for that kitten or cat. While the initial process was part of the no kill plan implemented in Austin over five years ago and modeled after a Florida program, some of the important aspects and procedures have deviated from the model program and associated processes. Until recently citizens were not even informed that the stray kitten or cat they brought to aac was going to be returned to the street if it didn't meet certain criteria. Cats not returned are those with a microchip or id, kittens under three months old, declawed or injured cats. Thousands of kittens and cats have been returned to the streets during the last five years. In fiscal years 2014 and '15 over 1,000 kittens and cats were returned to the street in each of those years. Since October last year over 550 cats have been returned to the street. This includes many young kittens under six months old. I do support tnr for feral cats. For feral cats that's the right thing to do and I'm glad our community supports that as well. Most of the general public is not aware of this program. I run into people every day who have no idea about it. They also become quite upset.

[12:20:26 PM]

They thought but our shelter adopts out out the kittens and cats. They are put back on the street through this program. Clipping the ear of a friendly adoptable kitten or cat, spaying and neutering, implanting them with an unregistered microchip, putting them back on the street -- [buzzer sounding] He -- causes for confusion for the general public and I hope we can have a work group formed to reevaluate and assess this process that's been in place. I think it's time after five years and I would love to be part of that. Thank you.

>> Tovo: Thank you, miss muelker. Council, we have a couple options. We're a little ahead of schedule. We typically break at 12:30. I don't see councilmember pool and we would need to have her back to be able to move forward with this plan, but I see two more items that I believe we might be able to take up. If we had as full a dais as we can have today. And then that would leave us with the items that have been pulled for 4:00 and the four items for which councilmembers have already indicated that they either don't support or intend to abstain from and I think several of us have indicated that we want to kind of investigate with the city manager what the -- what the fate of those would be. I'm not sure how I'm causing that but I'll try to stop. So my point is that if we could talk about -- if we could stay a little longer, talk about 33 and then 18, I believe that we could break until 4:00. What's your will? Does anyone know if councilmember pool is pedestrianed back to us?
-- Headed back to us? Thank you, councilmember pool.

[12:22:27 PM]

Let's take up item 33. That one looks like one for which we do not have speakers. Hopefully we have staff. And this is the item to negotiate and execute a contract with Texas electric cooperatives. I show

from your indication and your earlier comments, councilmember Zimmerman, you plan to abstain. Is there a motion on this item? Councilmember Renteria moves approval. Is there a second? Councilmember pool. All those in favor please indicate by raising your hand. That is councilmembers Houston, Gallo, Casar, tovo, Renteria and pool. All opposed? All abstaining? Councilmembers Zimmerman and troxclair. So that item passes. Item 18. We do have two citizens signed up to speak but I don't believe either are here. Gus peña, John Nelson? Are there questions for staff or a motion for this item? This is the item regarding Guadalupe neighborhood development corporation. Is there a motion on this item? Councilmember Renteria moves approval. Councilmember pool seconds it. Questions? All those in favor please indicate by raising your hand. That's councilmembers Houston, Gallo, Casar, tovo, Renteria and pool. I apologize. Abstentions, councilmember troxclair. And councilmember Zimmerman is opposed?

[12:24:29 PM]

So colleagues, left on our agenda that we could take up before 4:00 are just a few items. 16, and that is an item, councilmember Zimmerman has indicated he is voting against it. I'm sorry, we just dispensed with 18. 16, which is the item related to integral care. Councilmember Zimmerman, you indicated you are voting against it, as has councilmember Gallo, you have indicated you are abstaining. Councilmember troxclair, you've indicated you are abstaining. So that would be an item if you intend to vote that way and if there's not a motion to postpone, that could be supported by six votes, that would be an item that would fail to pass today. Councilmember Zimmerman.

>> Zimmerman: I would like to move that we reject item 16 and have a vote, you know, a negative vote, to vote against item 16 and do the recorded vote and we could dispense with it that way.

>> Tovo: Councilmember Zimmerman moves to reject -- councilmember troxclair seconds that. I would like to ask the city manager, there are four items I believe that fall into this category by my calculations and I'm working off one printed list and several statements made from councilmembers troxclair and, I see them as falling within these categories. My preference would be to call on colleagues to postpone these until a time when we have a full council out of respect for colleagues who are not here. Out of respect for the citizens work that has gone into these.

[12:26:33 PM]

These include a lease agreement indicated in 27 for watershed, 30 is a contract with regard to kiosks at the central library, 31 also relates to the library. This is a contract for digital materials that allow those who are users of our public library to download digital material. City manager, can you give us a sense of these four items, if these were not to succeed in getting six affirmative votes or be postponed for another council meeting, would you be inclined to bring them back and post them on another agenda?

>> Mayor pro tem, I would, and I certainly, as you pointed out a couple times in the course of the council meeting this morning, sort of the extraordinary nature in terms of having several councilmembers absent. It would not be our Normal course to simply bring something back, but in this case given the circumstances, we want to -- we want to accommodate so we would put those items on the next agenda.

>> Tovo: Thank you, city manager. I certainly would concur that that's appropriate. There is a motion to deny this request on the table. Are there comments? Councilmember Houston.

>> Houston: You know, I understand what the issues are. I never want to vote to deny something. I want to vote for something rather than to deny it so I won't be supporting that motion.

>> Tovo: Thank I, councilmember. Are there any other motions such as a motion to postpone? I turn over the chair to councilmember Casar and make a motion to postpone.

>> Casar: Councilmember pool seconds the motion to postpone. Those in favor of the motion to postpone? Those opposed? So I think those in favor, councilmember Gallo -- abstention?

[12:28:34 PM]

Councilmembers Houston, Casar, tovo, Renteria and pool in favor. Councilmember Gallo abstaining and abstentions from councilmember Zimmerman and troxclair so that fails on a vote of 5-0-3. I'll pass the chair back to mayor pro tem tovo which I wasn't quite ready for.

>> Tovo: It's a learn as you go sort of meeting here. Are there any other further motions? The motion to deny it failed, the motion to postpone it failed. Councilmember pool.

>> Pool: I don't know what other motion might be out there that might change some of the votes, but I would just like to make a statement from the dais that I would request of our esteemed city manager that he find a way to bring these items back to us because I think in-with the full dais that the -- the votes would be very different.

>> Councilmember pool, it's my intention to put them on your next agenda.

>> Pool: Thank you so much.

>> Tovo: By my reading, 27, 30 and 31 are going to be in the same position. If the previous votes are any indication we will likely not succeed in passing them. We will likely not succeed in postponing them. I will call on my three colleagues who are abstaining or objecting to those three to correct me if I've misrecorded your position on that but otherwise why don't we take a vote to postpone all of them or do something on all of them and see how it --

>> Zimmerman: Mayor pro tem.

>> Tovo: Proceeds and they can move on with the way councilmember Zimmerman.

>> Zimmerman: I would be okay in deference to councilmember Houston, why don't we entertain a motion to pass them and just have a vote and see what it is. I appreciate her point there, so if we could take those three items and somebody could move to pass them, then we're allowed to abstain or vote against them.

>> Tovo: That sounds fine. Let's take them individually because I think there were different positions on each.

[12:30:34 PM]

Item 27 is the item regarding the lease agreement at watershed. Is there a motion to approve? Councilmember Casar moves to approve. Councilmember pool seconds that. All in favor? And that is councilmembers Houston, Casar, Renteria, pool, passes by majority votes of the council but not enough votes to pass. The motion fails. All those opposed -- sorry, I did say that but let me make it clear that does not have sufficient votes to pass. All those opposed, councilmembers Zimmerman, trox. Those abstaining, councilmember Gallo. Item 30. I was trying to signal that there was support for it, just not quite enough today. Okay, the central library kiosks, item 30. Is there a motion from -- councilmember pool moves approval, seconded by councilmember Renteria. All those in favorite? Councilmembers Casar, Houston, tovo, Renteria and pool. All those opposed? Councilmembers Zimmerman and troxclair. Those abstaining? Councilmember Gallo. 31, digital content for the library. Motion to approve? Councilmember pool. Seconded by councilmember Casar. All those in favor? Councilmembers pool, Renteria, tovo and Casar. Those opposed? Councilmember Houston. Those opposed? Councilmembers Zimmerman, troxclair, those abstaining, councilmembers Houston and Gallo. So I believe -- I believe we voted on 16. This was the integral care item. City clerk, would you confirm my memory on that? I believe that went the way of the others.

[12:32:36 PM]

This was the integral care item.

>> Zimmerman: Mayor pro tem, I thought my motion to reject it failed. So I don't know --

>> Tovo: Correct. Then we had a motion to postpone it that also failed.

>> Pool: I can move to pass it.

>> Tovo: I'm not sure that we can have a contrary motion if we've already voted -- well, I suppose we can.

>> Motion to deny it failed.

>> Tovo: Motion to deny failed. Motion to postpone I believe failed.

>> Zimmerman: Motion to approve is in order, yeah.

>> Tovo: Is that in order? Okay, we can have a motion to approve.

>> Pool: Again, this is the homeless shelter and the services are very important in our community and we need to do this and delaying it will not change the fact that I think this will pass at some point.

>> Tovo: I believe you mean 16. 15 we handled earlier in the day. 16 is integral care exactly.

>> Tovo: All those in favor, Houston, tovo, Casar -- you looked like you wanted to say something.

>> Houston: No.

>> Tovo: Those opposed Zimmerman, troxclair.

>> Houston: Mayor pro tem, I was going to say by the time we get through with this day we're going to need all the behavioral health experiences we can find so I'm a proponent of behavioral health services.

>> Tovo: Thank you, councilmember Houston. I know that it is time for our lunch break but we're only at 12:33 so I would ask everyone to take a look at the agenda. By my reading we have nothing else we can take up until 4:00 but I just want a minute to be sure before I say we're recessed until 4:00.

>> Gallo: Do your records show that we did 28?

>> Tovo: My record reflects that we did vote on 28.

[12:34:38 PM]

City clerk, is that accurate?

>> Gallo: Do you show the vote on that?

>> Tovo: Councilmember Gallo, I believe that passed on a vote of 8-0. We can certainly double-check it over the recess. What I show left on our agenda, item 36, time certain of 4:00, item 37, ditto, 38 also 4:00, 53 time certain of 4:00, and we'll actually proceed those other -- precede those other items. 54 has been set for time certain of 4:00. And then we get to the public hearings, 57 you see on there, but as I mentioned we discussed that on Tuesday in executive session and then we get to the public hearings, many of which will be requested for postponement but we will take those up at 4:00. Councilmember Renteria?

>> Renteria: Can you renounce for the record what items that we -- did we take action on 20 -- 26?

>> Tovo: Let me just say I show -- my record reflects we took action on all those except for the ones I just read so yes, my record reflects that we took action on 26 and what was the other one you mentioned?

>> Renteria: 20-26.

>> Tovo: Yes, I believe we took action on those earlier this morning. So what I show remaining for the day, 36, 37, 38, 53, 54, 58, 59, 60, 61, 62, 73, 74, 77, 66, 67, 68, all of which cannot be addressed because they're public hearings until 4:00. Does that seem accurate? All right. We stand in recess until 4:00.

[12:36:49 PM]

[Recess]

[3:22:36 PM]

[♪Music playing♪]

[3:57:28 PM]

>>

[4:07:38 PM]

>> Tovo: Welcome back. I'd like to reconvene this meeting of the Austin city council. I'm mayor pro tem Kathie tovo. Thanks for joining us. We are going to start with our public hearings. As I indicated earlier in the day, we have quite a number that have been proposed for postponement and so let's just go ahead and take those up first. Items 58 through 62, there is a request for postponement to August 4th. Is there a motion to that regard?

>> [Inaudible].

>> Tovo: Sure. Items 58 through 62, there is -- I'm taking these up in batches based on when the request is to postpone it until. So these would be the request is to postpone these until August 4th. Items 58, 59, 60, 61 and 62. Councilmember pool moves to postpone those. Councilmember Zimmerman seconds that. All those in favor? Pardon me? Councilmember Gallo.

>> Gallo: So is the reason that we're postponing it, is that a staff recommendation for August 4th? I know that councilmember -- who was asking me the question? Garza. There were a couple of questions from the councilmembers about being supportive of the postponement, but I don't know that they were aware of the fact that we were talking about August 4th.

>> Tovo: Councilmember Garza did post on the message board earlier today a request for postponement of item 62 as it is in her council district. These are a staff request for postponement and I would recognize Mr. Potter to address the reason why.

>> [Inaudible]. Can you hear me now? David potter, neighborhood housing. The housing authority asked that these be postponed until August 4th, recognizing that there are a couple of projects that are within the councilmember's districts who are not here today.

[4:09:44 PM]

And understandably they wanted them to be able to weigh in on those as well.

>> Tovo: Thank you for clarifying that, Mr. Potter. I appreciate it. Further questions? Related to the motion to postpone? All right. All those in favor? That is unanimous on the dais. Item 64, we have a staff memo requesting a postponement that was posted in our backup. This is a request for postponement until August 11th. Is there a motion? Councilmember Houston moves approval. Is there a second? Councilmember Renteria seconds it. Any discussion on this item? This is a postponement. These are all going to be postponements for a bit here. Any questions about the postponement? All those in favor? That is unanimous on the dais. So that item is postponed until August 11th. We have three items that are recommended for -- requested for postponement until June 16th. Two of the three had postponement memos posted in our backup. These are items 65, 67 and 70. And the request is to postpone these until June 16th. So 65, seven and 70 request to postpone until June 16th. Councilmember pool, do you move those postponements until that date?

>> [Inaudible - no mic].

>> Tovo: Correct. Councilmember Houston seconds that. All those in favor? Unanimous on the dais. 66 it is my understanding is an applicant request for postponement until June 23rd. Is there anyone here who would like to address that? Mr. Rusthoven?

>> Mayor pro tem, this item is actually a code amendment so I would not term it as a request from the applicant.

[4:11:47 PM]

We did discuss it Tuesday in the work session and I believe councilmember Renteria indicated that he would like to see both the arg folks -- the agc folks and the staff continue to work on it. And we're going to postpone it to June 23rd.

>> Tovo: Okay, thank you. Councilmember Renteria, would you like to make that motion?

>> Renteria: Yes, I would like to make a motion to postpone to the 23rd, I believe.

>> Tovo: 23rd. Councilmember Renteria moves postponement until the 23rd. Councilmember pool seconds it. Councilmember Zimmerman?

>> Zimmerman: Point of order. Was somebody signed up to speak on that? Are they not here? David King and Tay Humphries, on 66? Did we have a speaker?

>> Tovo: There are. If they would like to come up and speak to the merits of the postponement they're welcome to do that. Since we're not getting into the substance of the issue they would have to confine their comments on the merits of the postponement. Mr. King? He's either moved from his seat or is not here. Ms. Humphries? Okay. Thank you.

>> Zimmerman: Thanks.

>> Tovo: Thanks for noting that, councilmember Zimmerman. Okay. Any other comments? All those in favor say aye of postponing this item to June 23rd? And that is unanimous on the dais. Item 69 is a request for postponement I believe from staff. Mr. Guernsey, is that correct?

>> I'm Liz Johnston with watershed protection. And staff would like to postpone it for two weeks to June 23rd to work through an issue that came up this week.

>> Tovo: Thank you very much. I should say that I think this is in some regards related to the questions I raised but the question and answer. I would appreciate you taking that extra time to try to resolve that issue, that was a kind of important component of the original lake Austin waterfront ordinance changes that we had proposed.

[4:13:49 PM]

>> That's exactly what we're wanting to work on.

>> Tovo: Super. Thanks, I appreciate that. Is there a motion to that effect? Councilmember pool moves to postpone this to the 23rd. This is item 69. Councilmember Houston seconds it. Are there any other questions? Okay. All in favor? And that is unanimous on the dais. 71, I believe -- that has been withdrawn by the applicant. Is that correct, Mr. Guernsey, or Mr. Rusthoven, item 71 has been withdrawn by applicant? Yes, Mr. Furor? Thank you. So no -- sorry. No action is necessary on that. So that leaves us with two additional public hearing items. I believe they'll both be quick so we'll move to item 63, and welcome our staff up to address us on that item. Welcome, Ms. Plummer.

>> Item 63 is a change of use of parkland so it's known as a chapter 26 public hearing. This public hearing will have two parts, so today is about the utilities for the water and wastewater, which is the city's portion of this project. The park is on 183 and Bohm road. We purchased it in 1993. The legal determination is there is no other legal and feasible alternative to the taking of the dedicated parkland which includes all planning to minimize harm to the park. The mitigation for this item is 90,000 and they

will be restored the park. And the second part of this you will see me come back in regards to access. We're still in negotiations with central Texas regional mobility authority. That's a mouthful there. And that is going to be about a pedestrian bridge. It's going to be about access. It's going to be about value.

[4:15:49 PM]

A shared use path and what the appropriate width of that shared use path will be. And compensation. We're having it appraised and looking at that. So in fee ownership versus easements. So you will see me back in the future in regards to this particular park, but right now today the bolm park on the Colorado river it's about the utilities.

>> Tovo: Thank you very much, Ms. Plummer. Other questions? Councilmember Houston.

>> Houston: Since this is the first time that this amount of parkland has come up, can you explain to me why this change in usage does not require voter approval?

>> Yes, ma'am. This is under chapter 26 and under city charter another city department -- the city of Austin's Austin water utility is relocating so chapter 26 allows us to bring that forward because it's not a private development, it's within the city. And we followed all the postings and said that there was no other feasible and prudent alternative to this change in use. I will also tell you, councilmember, we've worked really hard to make sure that the utilities are at a depth that they don't impact the uses that are planned for the surface and to make sure that access can still occur across those easements.

>> Houston: I appreciate that because I unfortunately don't know chapter 26 by heart.

[Laughter].

>> Well, some of us have dealt with chapter 26 much longer than we ever intended in our careers.

[Laughter].

>> Houston: Thank you.

>> You're welcome.

>> Tovo: Councilmember Renteria.

>> Renteria: Does this project have anything to do with the redevelopment of 183?

>> Yes, sir, it is. This is central Texas regional mobility authority. This is the city's project to move the utilities out of the right-of-way.

>> Renteria: And the cost is going to be on our side?

>> Yes, sir. But the mitigation dollars will actually come to the parks and recreation department.

[4:17:55 PM]

>> Renteria: Okay, thank you.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: Just quickly, do we know what those costs are roughly? How much money are we talking about?

>> No, sir, I'm sorry, I don't.

>> Zimmerman: Okay.

>> Tovo: Councilmember Renteria, I believe this is in your district, if you would like to make a motion.

>> Renteria: I'll make a motion to [inaudible].

>> Tovo: Councilmember Renteria moves approval. Councilmember Zimmerman seconds. Any other discussion? All right. All in favor? And that is unanimous on the dais.

>> Thank you.

>> Tovo: Thank you. Let's see. 68. You know, let me just back up for a minute to 63. Councilmember Renteria, just to clarify, your motion, I assume, was to close the public hearing and approve the resolution. Was that correct?

>> Renteria: Yes. Yes, that's what I meant. Thank you.

>> Tovo: And councilmember Zimmerman, you seconded the motion. Was it to close the public hearing and approve.

>> Zimmerman: Yes. And to note, I didn't see anybody on the speaker list here on that item.

>> Tovo: Right.

>> Zimmerman: Thanks.

>> Tovo: Thank you. So item 68 is our last public hearing for the day. We do have several citizens signed up to speak so we will go to those first. Our first speaker on this item, on item 68, is Sarah Andre. Is derilynn Cardona baker here?

>> I would like to donate my time to David Evans. I couldn't make that happen out on the --

>> Tovo: Okay. You have time donated to you by derilynn. We will need --

>> I think that's because David Evans was not showing up. Is that --

>> Tovo: And Mr. Evans, you still are not showing up, so we will need you to give your name to the clerk when you're finished. But the people donating time to you are all here so you will have a total of nine minutes and you may come up and address the council.

[4:19:58 PM]

And then our final speaker will be Kathleen Casey.

>> Thank you, mayor pro tem and members of the city council. My name is David Evans. I'm the chief executive officer of austin-travis county integral care. We provide public mental health services, intellectual and developmental disabilities and treatment for persons with substance use disorders. We partner closely with the city as you appoint three of our nine-member board of trustees. We have an interlocal agreement with you and we work very closely with many of our departments in providing these public services. This includes A.P.D. We're working with the neighborhood housing, parks and rec, new library that's coming in. So in many different ways treatment for individuals in the course of their major mental illnesses is critical to the overall health and well-being of our city. Today we're asking you to support a resolution that will be submitted as an application to the Texas department of housing and community affairs. This will be submitted by the center integral care for the development of a multi-family housing to be called housing first at oak springs. I know that a number of you already know of this project, have supported the idea that permanent supported housing is a critical component to solving homelessness and in many cases where we've had high demand housing, the individuals that most could benefit from it have not had that opportunity. This application will help provide the financing stack that will be necessary to start construction. This is a project is in a location that we've operated for over 20 years. As you know in many cases when a new development may be going into an area of our city, there's a lot of questions on behalf of the surrounding citizens and possible concerns.

[4:22:04 PM]

In this regard we've held public meetings and this is an area that has enjoyed the support of the surrounding citizens as they have realized that these are necessary treatment on the current site, however, we're going to level the old, no longer usable facilities and build on that property this new permanent supportive housing. You may have some questions around this. I think the resolution again is critical and important. And even though I have a few more minutes on this, I'd be more than happy to, to the best of my ability, answer your questions or invite up derilynn Byler, who is our permanent supported housing in the past.

>> Tovo: Thank you. Councilmember Renteria.

>> Renteria: Yes, thank you. You know, I'm very familiar with this location. This is the area there by oak

springs library where the conditions is in pretty bad shape. The building, I believe, is a very old structure that they've been using. And I even at one time delivered some Turkeys I had to the population that's there. And when I went inside I looked at the condition that building was in and it's an old structure that is deteriorating and I don't believe is a safe place for the clients they're serving there.

>> I would be in agreement that new construction is long past due on that location. Thank you.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: I have a quick technical questions. I have several questions. It mentioned 50 units.

[4:24:05 PM]

These are newly created units or rehabilitated?

>> No, newly created, new construction.

>> Zimmerman: Okay. And efficiency are typically pretty small units. Do you have a square footage number for this construction cost of 14.7 million?

>> I don't have it in front of me, but I'd be happy to follow up with it or call on one of our experts here.

>> [Inaudible - no mic].

>> The individual units are 556 square feet.

>> Zimmerman: 556?

>> Yes, sir.

>> Zimmerman: Okay. I'll have another question in a second. Thanks.

>> Tovo: Are there other questions? At this point? Councilmember Houston?

>> Houston: Mayor pro tem, I'd like to move adoption with glee for support of this project. This is -- I'd like to move that adoption.

>> Tovo: And to close the public hearing.

>> Houston: And close the public hearing.

>> Tovo: And councilmember Gallo seconds that motion.

>> Houston: Then I have a comment, a couple of comments to make. This facility, the old one and the proposed new one, are in district 1. And austin-travis county integral care has been a very good partner in the area. They're on a bus line. They're right across the street from the Willie may Kirk library. There is the stores. There are amenities in the area and hopefully at some point we'll have some job sites for them to also participate in. The neighborhoods, there's a volunteer of America complex across the street. Everybody -- oak springs elementary is a little further west. Everybody is welcoming the new development and the services that Austin integral care will be providing to the people who need them. So we welcome them into the neighborhood.

>> Tovo: Thank you very much, councilmember Houston. Councilmember Zimmerman, I know you said you had another question.

>> Zimmerman: Well, I do. I did some really quick math on this.

[4:26:05 PM]

The total cost here, including the developer fee of 3.1 million for the developer, is austin-travis county integral care, that's the developer. So there's 3.17 million there. But when I do the math, I come up with nearly \$400,000 per efficiency unit. And that's kind of a staggering number. Can you explain why an efficiency unit would cost \$400,000?

>> We can. And there's a great deal of effort and analysis that's gone into this.

>> Yes, sir, thank you for that question. The number is a little bit misleading because this project, in addition to 50 efficiency units, has quite a bit of common space as well as a clinic, a health care clinic on the second floor, and a supported employment space on the first floor for goodwill to operate

supported employment for the tenants. The clinic is an integrated health care clinic, meaning it will serve both the physical needs and the mental health care needs of not just the people who live at oak springs, but the community at large.

>> Zimmerman: Okay. I'm reading from my backup material on the project attributes. And it says nothing about any of the things you just mentioned.

>> That's correct, because the background material is very brief. We're happy to provide you with detailed information.

>> Zimmerman: Okay, thank you.

>> Tovo: Further questions? Okay. All in favor? Commitment, you had another question?

>> Zimmerman: This is a nine percent tax credit or four percent with tdhca? Betsy would know that.

>> I'm sorry, I'm just going to stand up here while you need me. It's four percent tax credits, non-competitive.

>> Zimmerman: Got it, thank you.

>> You can see the teamwork that goes into this kind of project.

[4:28:09 PM]

Thank you.

>> Tovo: Okay. All in favor? All opposed? So that passes with councilmembers pool, Renteria, troxclair, tovo, Casar, Gallo and Houston voting in favor and councilmember Zimmerman voting in opposition. Councilmember troxclair, did I correctly --

>> Troxclair: Yes.

>> Tovo: Okay, thank you.

>> Troxclair: I was moved by councilmember Houston's explanation of -- I think it's really important that we make sure that affordable housing if we're going to spend the money to do it that we do it in smart places that have access and amenities to all these things. I am concerned about the cost, but in this case it seemed like a good location.

>> Tovo: Thank you. I wanted to be sure we recorded your vote correctly. Okay. It is my understanding -- so that takes us through our public hearings for today. It's my understanding that there are two councilmembers who are on -- we have two issues to revisit from the morning. One is 17, it's my understanding that there are two councilmembers who were on the prevailing side of item 17 who wish to ask their colleagues to reconsider that item. Was that accurate? Okay. So 17, as you remember, failed. They were on the prevailing side, which was the side that failed. Councilmember Houston?

>> Houston: Thank you, mayor pro tem.

>> Houston thank you, mayor pro tem. I would like to make a motion that we reconsider the vote on item 17 which is a resolution of the resolution for proposed Hayes county conservancy district number 9. If I could get a second to that?

>> I'll recognize council meme Renteria, he, too, was on the prevailing side of that vote.

>> I also want to say, that I just overlooked this one, and on the side of caution, I abstained, because I didn't want to vote on something that I didn't understand, but once I talked to the people that were -- the lawyer and our staff about it, I realized that this is -- wasn't going to cost us anything, and it was going to -- and if it didn't pass, it was going to leave about 64 families in harm's way, so I decided it wasn't what I thought it was about.

[4:30:41 PM]

>> Thank you council member Renteria. The vote is to reconsider. Council member Houston.

>> Houston I would like to call up John Carlton to explain to my colleagues what the issues are before us

on this vote. Is he here? Thank you, sir. If you could kind of explain what it is that you're asking, and why there's a deadline that makes this necessary to vote on this today? And if anybody has any question, they'll follow up with you.

>> Okay. Thank you, council member, my name is John Carlson working with emergency medical services to form a emergency service district in Hayes county to provide emergency medical service. With respect to the deadline, we September a letter to the city of Austin, requesting consent on April 13th. There's a tatter to time frame for the city of Austin to either consent or be deemed to have denied consent to the creation of the district. All that the consent to the creation means that you are saying it's okay for your people within the five-mile etj to vote whether or not they want to be in this district. So, my best estimation, this is about five or six acres and impacts about 30 homes in an area that's at the far southeast portion of your five-mile etj, south of the city of creedmore's etj. So, these folks have been getting service through Hayes county and San Marcus Hayes county ems but with the creation of this district funding would go away from the county and be provided by the district if they were in it. The decision for you is trying to meet that statutory deadline.

[4:32:43 PM]

>> Thank you for that information. Council member houston?

>> Houston how many people in the five-mile extra territorial jurisdiction of Austin? How many sit skins in that area?

>> To be honest with you, I have not counted those citizens exactly. There's no citizens exactly. However, it appears there's about 30 homes in this area. If you take that number and extrapolate it, you're probably talking about 60 people and probably talking about 20 voters, would be my guess.

>> Council member Zimmerman.

>> Zimmerman: Thanks for being here. We have on our agenda here today, a little later, a big conversation about an esd consolidation. We have here in Travis county, esd-4. Some people here to speak on that later. The problem we had with this esd. There are unincorporated areas, of, but the city annexes parcels, but ends up segmenting and breaking up the esd so it can't properly function anymore, right? And pieces of it are disparate and there's a fire station disconnected from the area you're supposed to support. I voted for this earlier. I have gotten some additional information since then. I don't want it to be the city of Austin's decision. Has there been another alternative explored like taking this area outside of the Austin etj? If they want to do their own esd, maybe they want to do their own small city. So we don't have this problem where they end up getting annexed and the esd we're creating today gets carved up and doesn't make any sense 20 years from now.

>> With respect to this particular area, I only believe it's about five acres and I don't see city of Austin's annexation if and when he that occurs to carve this up into pieces that are unservable.

[4:34:54 PM]

>> Can you have an esd that's that tiny, that's five acres?

>> No, this esd within Hayes county, is probably 20% of Hayes county's area. Your area is a postage stamp in this district. The election for this district will go forward in November, whether you consent or not. The question is, whether or not the area that's within your five-mile etj will have an opportunity to vote about being included in this district or not. Okay. Good. One more question. I know the state representative down there, Jason Isaac, state rep Jason Isaac, I actually helped him years ago to get elected. But is he in favor of this, and if not, why not?

>> I have not had any official communication from representative Isaac recording his position on the district.

>> Zimmerman: How about the county commissioners?

>> The county commissioners at this point are in favor, I believe, although they have not taken a vote to that effect but I've been before him twice at two public hearings. The city of Buta has not objected. The city of Kyle has consented. The city of Needer Walt. As has Mountain City, city of Dripping Springs and the city of San Marcos consented to its entire etj being included.

>> Zimmerman: Okay. Thank you.

>> Why would they not support it? This is giving them fire service, right?

>> So, I'm a little biased. It's not fire service. This area is already in a fire esd for that area. Hayes county has chosen, in large part, to fund their EMS service through special districts as well, so it overlaps, and will be a purely EMS function.

[4:36:59 PM]

>> And clearly the people in the area are looking for that additional service and are willing to enter into whatever P financial contract that will be required?

>> Correct. I will say these folks in the area of E of the city of Austin, vote no, they are carved out and are not included. At that point, you're faced with the question of how do we get Austin county EMS down into Hayes county in an area that we do not tax and how do we provide that service.

>> Well, I think this is a good proposal and I appreciate the fact that you have to come to us in order to include the people in that five-mile etj and are very supportive.

>> Council member Tox Clare, do you have a question?

>> Troxclair: Go ahead

>> This is EMS. Are there also fires? How many different emergency services there in Hayes county?

>> Oh, my goodness. This would make the ninth because they are numbered sequentially, I believe there are, I think, six fire -- excuse me, fire fire esds, and three EMS esds in Hayes county that overlap each other.

>> Troxclair: Okay.

>> The EMS ones don't overlap the EMS ones and there's a fire layer and EMS layer.

>> Troxclair: You said the people who live in this area do receive emergency service?

>> They receive fire and first responder EMS, meaning that the firefighters show up and provide first aid at whatever level they're authorized to within the system. What this esd would fund is the transport component of that, like Austin Travis county EMS.

>> Troxclair: Of the -- since representative -- since council member Zimmerman brought up representative Isaac, I thought I would put out that he was very vocally involved in an election regarding esd in his county.

[4:39:10 PM]

>> I'm familiar with that.

>> Troxclair: He vocally opposed a significant tax increase and it was pretty P overwhelming defeated by about 63% and I think, at the time, his comments kind of were around the fact that we needed more comprehensive and more transparent solutions, and not people who were unelected who were able to, I guess, levy a tax -- it's a creation of a new taxing entity and I think there has been some push-back from people in his county about the level of tax that the elected districts are looking to raise. I voted against this, and I'm going to maintain my opposition, because I don't support I think the people in this area can be served in other ways and they are already served by existing emergency services, and I'm not sure this is the best. Considering how many esds there are in the county, I'm not sure this is the most effective and transparent way to improve services.

>> I appreciate your position and I disagree with it for the reason that Hayes county has been subsidizing the funding of ems, taxing every one of their constituents to provide ems servants in 20% of their county and they do not want to subsidize that anymore because their constituents on the west side, close to where you live and where Mr. Isaac lives, are paying taxes to fund ems service on the east side of the county, and that's what Hayes county is trying to accomplish in balancing taxing for areas where people are receiving their service.

>> Troxclair: Sure. I guess the difference is, at least in that case, the county officials are elected, and the decisions they make are very transparent, and there are financial statements that are available, and of course in Austin or in Travis county, we do that all of the time.

[4:41:17 PM]

We levy a property tax. Sorry property taxes that are collected from a specific person might go to a park in a different part of town, but there is -- so I'm not sure -- so, I guess I just disagree with you on the most appropriate way to provide adequate and transparent services.

>> Fair enough. This is just the mechanism we have in place right now. I believe the Hayes county district court will decide to call the election or not. And they have the authority to appoint commissioners to the district if and when it's created.

>> Troxclair: Why was that decision not made before it came to Austin city coupe sill?

>> Because we're required to bring the item before the county of election to know which areas will be included or excluded.

>> Troxclair: But they didn't issue a statement of support?

>> They are pro hipped to advocate for or against. They have to provide if the district is feasible in line with their policy. If they vote to authorize the election going forward, then I would think they would be making a statement that that's their policy, that's how they fund the ems service in Hayes county.

>> Council member Zimmerman?

>> Zimmerman: Council member Houston?

>> Houston when is the deadline to call the election.

>> The deadline, I expect Hayes county to take action by the end of July, early August.

>> Houston and if this body does not give our consent, what happens?

>> Then the -- however many people it is within this five-acre area will not participate on the election on creation and will be excluded from the district if it is created.

>> Okay. Council member Zimmerman.

>> Zimmerman: Should we, or could we, are or did we get any counsel from our own fire didn't, anybody in staff?

[4:43:24 PM]

Maybe our assistant city manager? Has therein their been any memo that I didn't see regarding this issue, how it affects Austin's public safety policy? I just haven't heard anything.

>> Thank you, council member, I do believe in the back-up, there is briefing pearl on the impact from the AFD public information request, and our chief is here. It talks about the impact that it does not have on current ems or fire didn't because it's not within the city limits, but as an expense to etj. It still won't have an impact on city services. But our chief is here. We're trying to locate chief Rodriguez.

>> It seems it's a little timely, because we're going to have an esd conversation coming up. And this is kind of how we got in that situation. We had esds outside the Austin city limit and Austin grew into the esd, into the etj and that's what we're looking at here, seems like.

>> Did you have a question for the chief?

>> If she could make a comment one way or the other, or no opinion --

>> Discuss me one S.E.C.

>> Mayor pro tem, they have fire coverage. I would prefer if we could hear from the emergency medical service personnel.

>> And I believe they -- I believe Dr. Washington indicated they were trying to get in touch with the chief.

>> That's correct. I am acting on behalf of ray while he is out of town. So, I have texted -- I spoke with Ernie, and he is sending somebody here as soon as possible. I believe they are coming from the Rebecca baines building, so they should be here within a few minutes.

>> So, mayor pro tem, I think another point, we also had some questions a year ago about if we can get some management efficiencies even by merging ems with Austin fire.

[4:45:28 PM]

And have one set of management to cover both of those functions. We might get some better operation and at a lower cost if we can do that. That's the conversations we can kick around here and maybe we can merge our ems with our fire in some way and have conversation with that.

>> Let me indicate that's beyond our posting today. So I guess I would ask my colleagues who -- do we want to proceed, do we want to table it and wait for Mr. Rodriguez? We are still on the motion to reconsider. So, we should probably resolve that question before we decide what to do on the next.

>> Okay.

>> All in favor of reconsider the motion, please indicate by raising your hand. And so, that is, I believe, unanimous on the dais. That item will be reconsidered. Do we want to reconsider it right away or wait for staff to come?

>> I would P rather wait for staff to come and pick it up. We will pass on this item for the moment. Chief Kerr?

>> I want to pass on a little information. I just got a text from chief Rodriguez and jasper brown who is familiar with the issue and should be here shortly.

>> I appreciate that. Thank you, chief Kerr. We'll take up the item of 17 when chief Rodriguez and our other staff members gets here. So, we have one other item emto revisit from the morning which is item 15. Both our legal staff and my staff, have gone back through the tape. We took a vote. This is the item related to the Salvation Army. We voted to postpone that failed, on a vote of 5-2 fr 1-2 with council member Zimmerman voting against the motion to postpone with council member trox Clare and Zimmerman sustaining. And we voted to table it with P council member Zimmerman voting against to table it and trox Clare and Gallo abstaining from the motion to table.

[4:47:37 PM]

We have not dispersed with that issue because we have not taken up and have a motion to approve it. I'm now entertaining a motion. That's why a few of you continued to point out it continues to be on the speaker's list. We had a little glitch. We can rectify if there's a motion to approve item 15. Council member Casar motions. And second. And all those in favor. That's supported pie Houston, Casar. Tovo, rent ria, pool. All those opposeed? Council member Zimmerman. Abstaining, council member tovo and trox Clare and that motion fails. We would like to see that back on the agenda next week. Okay. So, let's go now to item 54. That was set for a time certain of 4:00. We have no citizens signed up. However we did have a request for a time certain to allow Mr. Nicks to speak. Discuss me, let me just refresh. Now we do have five citizens signed up to speak. Thank you. Okay, so I think I will recognize first this was an item from committee, as I recall. Council member Zimmerman you chair that commit year the public

safety committee. Would you like to lay out this item for us and give us a sense what our committee did and then turn to speakers?

>> Zimmerman: We discussed this and thought it worthy of discussion. Council member Houston was concerned we might be pushing too fast on it and I don't think she wanted this to be even considered for this year's budget. But I think the consensus was we did want to continue the conversation and that's what this was about to get the attention on the entire council sl on this issue.

[4:49:49 PM]

If there's discussions we wanted to bring to the full council. With that, I would like to get the experts to chime in on it.

>> Tovo: Any other council comes?

>> Casar: I wanted to check in. Because it seems we had some potential objection. They indicated there may be work on the language that stuff could check in July if it's ready and provide support. If it's taking longer in order to do it right that we weren't restricting them. If S that still the feeling on the dais since Tuesday?

>> Houston it's still my feeling, but the way that the resolution is worded is that there's an end product that's due by July 22nd, and that's only six weeks from now, and I just think it's unreasonable, which is, as I said in the committee meeting, so I, at some point, I would like to amend that to say within 90 days to give people some time to have conversation about the very complex issues that are involved in this. And council member Gallo had some other ideas that might, you know, about separating them or something.

>> Council member Gallo, do you want to lay out what your ideas are? GI the esd district, there's been a lost neighborhood discussion about that particular unit. I think what we're hearing, there is support from the neighborhoods to move forward to bringing this in to the Austin fire didn't. I know that Mr. Nicks is here and we've had conversations with him. I think what I'm hearing is some of the issue, there may be a difference of opinion between the different stations, but I know the ones in district 10 were really able to move forward. We constantly talk about the issue of wild fire. I think there was a house that burned, and burned almost to the ground before it could be addressed and put out.

[4:51:52 PM]

So, from district 10, we're very interested in moving forward on that station, but I think there's a different opinion if some of the other units, so maybe that could be addressed, if that could be separated out, where we've got a component that moves forward quickly and another component that addresses some of the other concerns from the other districts.

>> Tovo: Council member Casar?

>> Casar: I'll wrap up so speakers can have their peace but if we want to wrap this up today, it sounds like everybody is interested that has spoken up about having the conversation go, there's got to be some way to ask for a check-in in July if the work is not complete or report in July if the work is complete, but if it's not, for it, at 90 days for that to occur. If we can come up with some way -->> Houston I think we have to amend the resolution. That doesn't give us that latitude, the way it's written. There's been no communication to my knowledge with the people in, around the esd4 that's off tuscan road and 290. So, that's a whole conversation that has not been had, unlike council member P Gallo's, I would not like us to come back and have us amend every time but go ahead and say 90 days, I don't know how staff will be able -- I sent a list of 12, 15 questions, that are very complex, we need response time from the esds, we need -- how many calls they made. I mean, there's a lot of stuff that we have not even started talking about. I don't know about your calendar, but mine is pretty solid. I would rather go

ahead and just say 90 day, if they get it done prior to that, bring it back to us. If they don't, I would have time to work on it.

>> I would be in support of an amendment as you described. We have to amend a resolution that says, if it's ready in July, bring it in July. We send an e-mail to staff and say how is it going, if it's 90 day, it's 90 days.

[4:53:59 PM]

I think that would suit everybody's interest. But we would have to amend it to do that.

>> Council member Gallo -->>

Gallo: I was going to say, could be hear from Mr. Nicks? There's been a lot of work on a funding component which is a major funding, the neighborhoods are constrained with the state legislation that limits the amount of money they can collect to provide -- I think there's been potential participation by Travis county. I think there's been discussion about the funding through the esd4, through the training. But I think --

>> We have five speakers, so if we have concluded are the comments from the dais, we'll go to those speakers now, I say that gives to several of you the opportunity to come up with some language that you might use for an amendment. Mr. Nicks, you are up first, and you will be followed by David Bailey. Mr. Nick, David Bailey and after Mr. Bailey will be Charles Alexander.

>> Thank you, council. In the committee meeting it showed me as neutral for the study, and I guess like council member houston, I don't think we should be forcing into action very quickly, but I do think studying this thing carefully and thoughtfully and coming back to report in July is reasonable. Since the committee meeting we had a one stakeholder meeting, which has fire didn't, African-American firefighter association, Austin firefighters association, and we've invited county officials to come in with their financial people also. The budget people from city of Austin believe that we can get a good budget number on the gap funding by 30 days from last week. So, by the end of this month or close to it. And I've been having some very positive conversations with county commissioners and I do not think it would be fair or right for the city of Austin to bare the entire gap funding on this project and I am asking them for half of the gap funding money.

[4:56:15 PM]

I'm not going say there's commitments yet but there's very positive conversations going on and I believe we'll know the result of those conversations within a month where that will fall. The thing about this deal, some of us will be working on this for eight years. Although we're new to it. Some have been working on it for eight years. Chief Bailey laid out at the committee meeting the problem. No disputes there was a problem. Because of the annex igs processes the largest esd is now segmented into five areas and they cannot simply provide service. We know that not all, but many esds are in the same situation going forward. We lose tax base and next and have the ability to provide service. These five firefighters dedicated their lives and end up not having a job. It has to happen, and why I think it's important to push a little bit. All of the players, all of the stakeholders seem to line up in eight years involving this project. I think there's a real possibility of it working. I'm not asking for you to take action and for sure put this in the budget and I'm asking for all to keep an open mind when this report comes forward. For all to keep in mind, I believe we'll have a well-written report and answer all of your questions in July. Is there any questions?

>> Thank you, Mr. Nicks. Are there questions for Mr. Nicks?

>> Council member pool in.

>> Mr. Nicks, thanks for coming by and thanks for the update. I'm glad you're reaching out to Travis

county. I mentioned to chief Kerr -- no, it was a budget work session when we were talking about it last week. That I didn't want that gap of whatever size to be the thing that holds us up from reviewing this proposal in a positive fashion. Because I thought there might be some ways that we could address that but I didn't think about approaching Travis county. So, thank you.

[4:58:15 PM]

Thank you for thinking -- for being creative and going that direction and keeping us posted on how it proceeds if we're able to get a report in July and act on it. That's great. If we need to take the time, I'm with you, on if we want to do it right. P I see Mr. Bailey is here in the audience, I don't know we have anything else we want to add. A appreciate them brings the necessary information to me and my colleagues to lay out the issue, and I think it's a good proposal, so, good luck on the additional work that you have.

>> Thank you. I'll deep you guys abreast. If anybody wasn't at the committee meeting, we'll look at the tape of David Bailey's poem. It was superb. It does a great job and justice, too, what the problem is and what the solution problem needs to be. Thank you very much

>> Thank you, Mr. Nicks.

>> David Bailey? Chief Bailey.

>> Good evening. I'm David Bailey, I'm the fire chief of emergency services district number four. To start, let me say thank you for getting the conversation to this part. This high a profile. Yes, we've talked about this for ten years but it has never reached this level. One of our big concerns is that it go away and not get back here. A lot of work is taking place. Great calendars of meetings for the next 45 days to answer all of those questions in as great detail as we possibly can. We feel we can meet those deadlines. Also, please under they we may be pushing through the summer implementation, time to work out the small bugs. That's March, April, may of next year. We're not trying to rush things through to that extent. Again, I think we can meet those deadlines. Thank you, again, for having the conversation at this level.

>> Thank you.

>> All right.

[5:00:16 PM]

Charles Alexander, you'll be followed by peter torgamson.

>> I'm Charles Alexander, I'm a commissioner. I would like to thank you the council for consider this and think Mr. Nicks and Mr. Bailey explained it well. All of the stakeholders are involved. We met last week and will be meeting every week for several weeks to come as well as subcommittees working on all of the details of this thing. Thank you.

>> Thank you for joining us.

>> Mr. Torgumson representing esd4. Travels county has 14 fire departments in it. Three 13 emergency services districts and Austin fire didn't, who, let's face it, it's a 1,000-pound gorilla in the arena. Some are small, some are truly rural. For a structure that is defined to be a rural fire didn't implementation by the state legislature, we've got a bunch of esds, esd4 in particular, it's really an urban fire didn't. Now, doing as best we can with limited resources that were appropriate for a rural fire didn't. One of the statements made earlier was that we're having difficulty providing service. That does not mean that people are not getting service. Austin fire didn't is our back-up, in most cases. People are still getting served but Austin fire didn't is providing a huge load of free service to these properties. This is the situation where we have a win-win. It's a win for Austin, because it solves some of the surface problems they were experiencing and it certainly solved some of the problems esd4 is experiencing.

[5:02:17 PM]

Council member Houston, it's a hugely complicated process. And, it's something that's long been needed and this is a good place to start. Esd-4 is a good test case because we're fragmented by the city of Austin, that it's affecting our service model. The -- this is also a little unique in the sense that most esds do not want to entertain an idea because esds are set up to be pretty independent operations but our interface is very complicated with the city of Austin. We have a lot of joint boundaries and this is -- the planets are aligned, let's say, for the first time to be able to do this kind of thing and provide more rational fire service and emergency fire services in Travis county. Thank you.

>> Plr torgumson.

>> Our last speaker is Linda Bailey. "P" thick. I'm speaking to you as a member of glan lake association. You will hear about station 407. We are on the doorstep of station 407. We are the most affected in the west. Kuhn sill member Gallo is our member, and she's been apprised for the last two years of our concerns over the esd. Yet, she's shaking her head. We've had up to 20 members participating at the esd meetings. Because we are involved if the -- we live in the -- we remember the drought, we remember what it's like. We are afraid of fire. We're supporting this contract for service.

[5:04:18 PM]

And there's a reason why. Esds are governed by state code 775. And 775 says, you can do just about pretty much whatever you want, and the Travis county commissioners can't do anything about it. There's an annual audit. The audit does and has come back two years in a row, saying, there are major deficiency, and they can be ignored. There was a fiscal irresponsibility of \$130,000 by a rogue commissioner of which our neighborhood spent two years getting -- helping get back to fiscal responsibility. The code doesn't cover things like this. It doesn't ensure responsibility. We have met with chief nicks, we have met with chief Bailey and we feel like we will get responsible and good oversight, and fiscal responsibility. We would like to keep our station 407. We would like our second access. That would actually give fire response time to river place. That's being annexed right now. And we would like to participate in the draft resolution. Thank you for your time. Appreciate it. We have spent a lot of time on this. Our neighbors have really been involved. I think maybe that's why there's been a lot more communication on the west side than on the east.

>> Council member, did you have a question?

>> If I understood you correctly -- she doesn't think the stakeholder groups, constituents, have been working very hard. It's that wildfire risk there in the western part of the city. With the hill country and dry Cedars.

[5:06:20 PM]

It's more on the west side because of the fire risk, I would guess, right?

>> We're right next to the park. We're a little island surrounded by trees. We didn't cut our trees down either.

>> Well, you didn't get rid of those Cedars.

>> The dead ones we are -- Kenny Humphreys came out and pointed them all out and they take a lot of effort to do that. Thank you.

>> Okay. That concludes our speaker on this item. Is there a motion on the dais?

>> Council member Zimmerman?

>> Zimmerman: I would like to make a motion that we pass this, and then I think we should have a conversation and look at some amendments. Let me make a motion to go ahead and approve this item.

>> Council member Zimmerman moves, is there a second? Council member Gallo.
>> Houston mayor pro tem, I would like to make a motion to the last be resolved. It state the same until the last sentence which says the public safety committee, within 90 days, if the report is finished earlier, it should be brought back as soon as possible. 90 days is the outset, but anything in between there, when they finish, they should bring it back. Council member Houston, may I suggest that you put in September 22nd rather than 90 days so it's clear?
>> Okay. September 22nd.
>> I need to look at --
>> I will accept your suggestion. September 22nd.
>> Council member Houston, proposes an amendment to add the language after --
>> Public safety committee.
>> After public safety committee, to add the language by September 22nd.

[5:08:24 PM]

2016. And then the next sentence, if the report is finished earlier, it will be broad forward as soon as possible.
>> Houston correct. Is that friendly to council member Zimmerman and council member Gallo?
>> I'm not sure what friendly means.
>> We need to vote on it. Do you accept it or do you prefer we vote on it?
>> Zimmerman: I guess we prefer we vote on it.
>> Mayor pro tem?
>> Yes.
>> We have a motion to amend it -- or a proposal to amend it and it needs a second.
>> I'll second it for purposes of discussion.
>> Okay. Thank you.
>> Okay. I would be interested in hear ING why folks have concerns. Wrote up something that seems pretty similar, but perhaps could result in any concerns, and I'll pass it alone. . It has the 90 days in it. But it says to essentially edit the same portion and says to provide the report or interim report, by July 22nd and a more complete report back by September 22nd as necessary. So, I think that would still have us hear about it. And then, if that's complete, it would be complete, if it's not complete, it keeps that September 22nd date. It keeps the second spirit of council member amendments, to potentially gain favor across the dais.
>> Tovo: Soso we have a motion on the floor, council member Houston proposed, we have some discussion, that is really in the form of a different amendment, but it is quite similar and I'm everything trouble determining what would be different about it.

[5:10:33 PM]

Could you help me out, council member Casar? Really, let me speak to council member Houston, is there anything that you would like to incorporate into your motion?
>> Houston not really. The issue for me was putting July 22nd, which is, what, four, maybe five weeks from now, with all of the other things that staff is having to put -- produce for us. I think it doesn't give them enough time to do due diligence on the issues that we are concerned about. If we say the outside date is September 22nd, if they get through with it in July 30th. They bring it back. If they don't get it back until August. They bring itting Ba. With the July 22nd deadline, staff will be, working toward that and we've got them overwhelmed with a whole lot of other things. I think it gives them enough time to do it. If they get through it, they hear everybody's conversation. Some people want it on the 22nd.

That's not the definitive date. The outside date is September, and then they get it done by the 22nd, they bring it back.

>> Okay, thanks, that helps me under the difference in emphasis between the two amendments.

>> Other questions?

>> I mentioned the 22nd is a Friday. It's not that the committee meets that day. The report council member Casar was to bring a backstop for an interval report at that point which is essentially the end of the July recess and we come back to meetings the following week. I guess I don't have an opinion one way or the other, as long as if the stakeholder process is complete earlier, that they submit it, and then it's not any later than the date in September. Is there a specific reason -- was the 90 days -- you picked September, because?

>> Houston I picked 90 days in the legal council advised to put a specific date in there. I put 90 days to give staff enough time to do all of the things that need to be done to craft this and make this acceptable to everybody or at least get some common ground for everybody, and I just don't know that they are going to be able to do that on the 22nd.

[5:12:48 PM]

So, I thought 90 days gives them enough time. If they finish before that, bring it to us when they get through with it.

>> Would you be interested in everything an interim report?

>> No, not really, I want to hear it once they get it backed.

>> Would you be opposed if some want an interim report.

>> That's what you want. I'm not thinking about us, I'm thinking staff being able to do justice to the issues that are there. One of the thing, and I know this is off point, chief Kerr, have you been out to the esd4 on tuscany road on 290. And there's some issues, that have not been discussed with the community that's out there. So, I need to have time to have those conversations with the people that esd4 is not serving. So, I don't have the time. I need more time to be able to have that conversation with the people they are currently serving. It's not me. It's me as the district rep. I need the time. I haven't been working on this eight year, 10 or 15. I started working on this a couple of months ago.

>> Okay. Other questions, concerns, about the amendment that is on the table?

>> It is a challenging time period with budget and what not, so I'm going to support this amendment. That council member Houston has proposed. All of those in favor? Any other comments? Council member Casar?

>> I want to get a feel from the dais if there's questions for the council members. Essentially they are very similar. I want to get a sense from the folks if this with be an acceptable replacement. I accept some amendments over none.

>> I would say we have an opportunity for another amendment pending failure of this one.

[5:14:48 PM]

Council member Gallo?

>> Gallo: As I mentioned earlier, I think there has been a lot of stakeholder participation, and neighborhood participation in district 10 with this station that is there, and I appreciate our districts are very different and the conversation can be very different. So, I want to be sensitive to the concern that council member Houston has about giving her district time to be able to work through this process. But, I would be one of the people that would like to see an interim report. I want to -- certainly, because we are lild building collaborations with other entities like the country, and that conversation is really important from a fiscal standpoint, the city of Austin not everything to underwrite the entire cost. I think

it would be important to have a timeline that shows some things we're accomplishing and may be the additional time needs to be done for the district. But I think there's been a lot of conversation. So, I would support one that has more of a time line, which is more one with the deadline -- not the deadline but a report or interim report by July 22nd. And then the initial stakeholder. If there would be additional days.

>> I'm just happy to see a consensus that we want to move forward. But I'm going vote against an amendment to change the day. I don't see the July 22nd date as a drop-dead date. Obviously, if staff needs more time. And they get close to that and can't meet the deadline, you would extend that. I would vote against the efforts to push it back. I would like to get something. It's true that we haven't been looking at this for eight years but other people have. And, I would hope that there will be plenty of time for council member Houston to get to her district. In fact, I think if we had something, July 22nd, it would help her to go to the constituents on the eastern part of the city, and explain, here's what the study is showing.

[5:16:54 PM]

Here's what the experts think we need to do, and have you give a starting point for those conversations to get people together to say, hey, what do you think about this? I see the July 22nd date is actually helping. Now you have something to go to constituents with and say, here's what we're being told by the experts and what do you think about it? I would like to keep the date of July 22nd if possible.

>> Tovo: I'm going recognize Dr. Washington who is filling the role of the city manager right now.

>> Thank you, mayor pro tem. And I -- we appreciate all of the perspectives and sense of urgency, I think the chief and staff has been working with the various stakeholders but relative to the July 22nd date, the fire didn't as well as many other departments will be focused on preparing the recommendation, drifting the manager in preparing a recommendation for the budget to deliver to the council and if there is not any immediate consideration that will be done in the fiscal year '17 budget, we certainly will appreciate any time council will give us for additional preparation and if that includes additional 90 days for the 22nd, with interim support staff, would really appreciate that.

>> Tovo: Anything else? Council member Gallo and then council member Houston?

>> Gallo: I think the question is, would there be an impact to the '16-17 budget with this in I know there's fiscal consideration, hopefully the county would step up, too. But could somebody answer that question?

>> Houston when we had this conversation in the public safety committee meeting, it was to begin the conversation, period. That was to start the conversation. It was not tied to the budget.

>> Tovo: Then, I guess my question was, if the conversation produces something that implies we're going to move forward, would there be potential that moving forward would require potential impact in the upcoming budget?

[5:19:05 PM]

>> Tovo: If staff can address that?

>> I guess the question is, if the time lane for this conversation ends up with a report that says we will move forward and I think you've harry the interest from the western portion of the county, I mean the city, that we are interested in moving this forward. Would that be a process and a time line that would need funding for this next budget cycle?

>> Council members, and mayor pro tem, I'm not really equipped to answer that question deliberately. That really needs to come from our financial people. And I will tell you that, on the meeting on June 2nd, which was the initial meeting between all of the stakeholders, that one of the sub commitees that was

formed was a financial subcommittee and the other subcommittee was an asset subcommittee and there were dates set for additional meeting, June 10th, June 16th, June 23rd and June 30th. I believe after that June 30th meeting, we probably would be better able to answer if there would be a fiscal impact in the '16-17 budget.

>> Tovo: Okay. Just thinking if the conversation may include a fiscal impact in the '16-17 budget, then moving this forward quickly, has an advantage, because then you would know the budget implications that you would have to come forward with. Is that how all of this is rolling in together?

>> I would say that that would be correct, that we would need to -- if it impacts the budget, it has to be part of the budget deliberations.

>> Tovo: Council member Houston in>> Houston chief Kerr, while you're still standing there --

>> I was trying to sneak away.

>> Houston I saw that. I saw that. You mentioned an asset working group.

[5:21:06 PM]

Could you describe what they're going to be looking the? >> Evaluating the equipment and facilities.

>> Houston I drove out to one. I know where Austin colony's station is but I don't know where the one is close to 290 is. So I drove out the other day. My person is -- have you all seen it, the station there?

>> I have not done a tour of any of the facilities.

>> Houston I would suggest we take a tour of the facility. Because if we assume the staff, the personnel, and the fire -- I forgot my little chart with all of the pictures of the different kinds of vehicles, but the short one that fights fire --

>> Right. The engine company>> Houston -- the engine company, and the larger one. There are two of them. One is new and the other is not so new, that we are going to have to find a place to put that equipment, and then there should be a plan for where they go, and the staffing goes, because I don't think we want to stay in that building, and so then do we sell the building -- so, as I drove through the other day, I thought there are a lot of things that were not even in my initial question, so I'm glad to know that somebody is going to be looking at that. And meanwhile, I'll start having conversations with the people in that area that they serve, and see if they understand the implications of esd4 staying esd4, coming to the city, so --

>> Yes, ma'am.

>> But the assets are something we really into to look at.

>> Yes, ma'am. We will do that.

>> Houston and how much that will cost.

>> Yes, ma'am.

>> Tovo: Council member Poole. Pull.

>> Yes, I want to add context. It was my motion to bring this forward and have conversations begin footballally and we wanted stakeholders to be part of the reason in the public safety committee to ensure that all of the stakeholders had an opportunity to weigh in on the proposal, and proposition.

[5:23:19 PM]

There wasn't any real expectation that this would be -- in fact there's no expectation this would be a budget item this year, but we wanted to give enough impetus to the conversation, like chief Bailey said, there's been a lost conversation in the past, but we don't want to lose this place where we're at right now, where the stars are aligning really nicely. A couple of them are still a little bit out of orbit, but we can bring them in, maybe, if we can bring our minds to it. But we also wanted from the committee to express our support for digging into the proposal to make it happen. So I don't want that piece to get

lost in the conversation here. It doesn't much matter if there's something available from the working group on July 22, they can promise to bring it to the interim or not. I think, saying that we would like to have some kind of more formal report, even if it's also interim in 90 days after that in September, I think they can do that, too. But we're not looking at doing budget amendments, we are including this as part of the budget conversation. We can do mid year budget conversations if that's something we need to do once it gets to the full thing. But I'll say one more time. My goal, council member Houston and Zimmerman who is chair of the committee, we want to do it right. We don't want to hurry it. We want to do it right, because we want good conversations. We don't want to lose the impetus and forward motion on the project. We don't want to leave it out there, which is why we're putting in dates to have the reports back.

>> Tovo: Okay. Further discussion about the amendment? Council member Gallo?

>> Gallo: I know Mr. Nicks has been working hard with trying to bring the financial portion of it together. Do you have any comments as far as what, as you talk to the county and obviously they would have to put it in their budget, kind of what the conversation has been?

[5:25:25 PM]

>> Thank you. I appreciate the conversation about being thoughtful and doing it right. I think everybody knows me and know how I operate. There's a lot of effort and inertia to keep this deal going together. When the county sees the city is serious, they get more serious when I talk to them. If they see you guys are not as serious, then they kind of amp down that as a priority and they look at other things. I think we need to be thoughtful and careful moving forward but I don't want to be so thoughtful and careful that we destroy a potential deal. So, I hope any collusion we have is open-minded to that. But also dedicated to making sure we do this thing right and I think both of those things can be done. It's not one or the other. If we set dates back so far that we can't get it in the budget year that we can just knock that one out and the inertia to keep that together the extra year and effort is going to be tremendous. And I think it's important that we keep positive momentum going forward. I think we have a time frame where we can get all of the work done and brief counsel and staff to the sex tent all of your questions can be answered but let's leave the possibility it can still be done this budget year and let's leave the time line that that could still be accomplished if you wish, please.

>> Council member Houston.

>> Houston I want to remind my colleagues there's going to be an election in November and I would like to have this conversation with whoever is going to be the precinct 1 commissioner on the commissioner's court. I'm not sure any decisions will be made of that nature prior to that election being held. So, that's another reason that I think we need to be -- to say this is going to get in this budget cycle, may not be in fact honest to everybody involved, because there is an opportunity there to have new people -- a new person, at least in precinct 1, republican or democrat on the county commissioner's court and they need to weigh into this as well.

[5:27:30 PM]

>> Thank you council member Houston. Let me point out we're 3 minutes from the break of live music and proclamation. If we're going to attempt to conclude this before the break -- thank you. Other questions or comments about the amendment on the table. Ready to vote? All in favor of council member Houston's amend many as previously stated that would set a September 22nd report back time with additional language saying if there's a report available earlier it can be brought forward. I'm paraphrasing. Okay, all in favor? Council members Houston, Casar, Gallo, tovo, trox Clare, Renteria and pool. Any opposition? Council member Zimmerman opposes that. Any further amendments? Council

member Casar?

>> Casar: I don't think I need to offer my amendment. What I would do is ask our staff to provide any information to us in July, that they've acquired through the process as laid out by council member Houston. Really upon reading it, they seem to have similar spirit and we can use our right to see how things are going in get a decent idea in July.

>> If that's a motion I second it.

>> It's not a motion but support of the motion we passed.

>> Any other statements? Council member Gallo?

>> Gallo: I was going to make a comment. I am very, very interested in this moving forward. I think there's been a lost stakeholder conversation in district 10. I am certainly willing to allow some time for additional stakeholder, in other districts but this is really critical and it's really important, and I really certainly appreciate the work that has gone into N to building the coalitions and particularly appreciate the work that has gone into looking at other underfunding sources for this, so it is not just the city of Austin, and I think we want to be very cautious how we proceed forward that we proceed quickly enough to have Travis county participation to stay with it.

[5:29:44 PM]

I'm very interested continuing to move forward as quickly as possible. Thank you, council member Gallo.

>> Houston one last thing before it's 5:30. Maybe the conversation could include the straightening them out. If the west side of town wants to go ahead and put this on the agenda they can go ahead and do that if they've been working on this so long. That's another part of the conversation how to divide this up. They are very separate units on that side of town as opposed to the east side of town.

>> Tovo: Thank you. Now we're back

>> Tovo: Okay. Back to the main motion. Supported unanimously on the dais. That brings us to 5:30. Let me say we have item -- excuse me, let me get the number right. Item 17 to take up after the break, as well as items 53, 36, 37, and 38. So, colleagues, shall we report back at 6:15? Is that enough time? Or do we want to do 6:30?

>> Is it possible to get through item number 17?

>> I don't believe we have the required staff, or the requested staff. If I'm wrong about that, wave from the back. Oh, we may.

>> Chief Kerr, is the ems staff here?

>> Tovo: Yes, they are, actually. Okay. So let's go back to 17. I would say, though, if we're going to have a lengthy discussion, we do need to pause and hear our proclamations and live music. Thank you. Who has questions? Councilmember Zimmerman, I think you requested some feedback before --

>> Zimmerman: I think I did. I'll get back to that.

>> Tovo: Item 17.

>> Zimmerman: So you maybe just heard some of our conversation about the esd4 merger so we're kind of looking ahead to how we got to where we are now with the esd4.

[5:31:50 PM]

You create an esd. City comes in, starts annexing pieces of it, it gets fragmented and it can't function as intended. Has anybody done any proposed work -- it seems to be pretty large, it's talking about one-fifth of the hays county area from what I've heard. Has your office, your group, taken a look at that in the context of, you know, Austin's interest in future annexation plans, et cetera?

>> I'm chief of ems. We looked at it briefly and we saw that the call volume in that community for us is very low at this time. As population increases in that community, it's likely to grow. That is one of the

furthest areas for us to reach, and our response times to that area would be rather long at present. Because the number of homes is still relatively small, I don't believe we've actually experienced a call in that community, just yet.

>> Zimmerman: Do you have a mutual aid or any kind of auto aid agreement with anybody there in hays county, in the area?

>> We do not, presently because it's in hays county, if somebody dials 911 in that community, it goes to them, and so they're responding to it, primarily. We would go if they called and transferred the call to us.

>> Zimmerman: Okay. So you don't really have an objection to it, but you don't -- you don't really endorse the idea, either. You're neutral on the idea.

>> All right, well, I believe, my personal opinion, and I guess that may be what you're asking me here as a representative of the city, I do think if somebody lives in the city of Austin, they pay city of Austin taxes, they should get city of Austin services. This particular area is in the etj, and so that's a little bit different. If we're looking at growing into that community, then we're going to have to expand services to provide coverage. Presently, we're not present enough to provide those levels of service that would be equal to anybody else in the community.

[5:33:55 PM]

>> Zimmerman: One more question. Is it possible from your viewpoint, or have you ever come back to city staff -- city management and say, look, maybe we're spread out a little too thin, our etj is just -- it's way out there in many cases, and say, look, this just doesn't make sense for us in our future plans to be able to provide service to these far-reaching etj areas, could you think about drawing back the etj line and release this area from the etj and kind of let them determine their own future, in terms of emergency service and everything else? Does that ever happen with your department?

>> At present, it has not happened, and the primary reason why not is because we are contracted to Travis county to provide services out there. And so most of the conversations that we have about the furthest reaches of our community are in the county, and we work that out with them. We -- a few years ago, we added some additional ambulances to expand our coverage, and that has helped tremendously. We'll be relocating another ambulance real soon and that should help as well. But those conversations happen with the county because that's the group in the furthest areas right now. Today, for example, we visited a community, thoroughbred farms, it's southeast in Travis county. They were flooded out, and they have homes that have been destroyed, so we were out there visiting with them to see what kind of services we can provide. We're setting up a community meeting to find out more about what their needs are. There are some communities that are -- that are distant and hard to reach, but we work with the county to try to get there and set up everything that we need to provide good service.

>> Zimmerman: Okay. Thank you for coming here 10:

>> Absolutely. Thank you.

>> Tovo: Yeah, thank you very much.

>> Zimmerman: Mayor pro tem, if we want to go ahead and vote, I'm going to switch my vote to an abstention. I don't want to vote against it because there were some descent reasons given. There's some questions of local control for the people in hays county, but I also am not in favor of this because it looks like it can lead to the kind of fragmentation we're dealing with right now.

[5:35:57 PM]

So --

>> Tovo: Okay. Is there a motion --

>> Zimmerman: I'm going to abstain.

>> Tovo: Is there a motion on this item? We made a motion and seconded it to reconsider, and then we did not take up the item because we didn't have the staff here. Councilmember Renteria moves approval and councilmember pool seconds that. Any further comments? All right. All in favor? Councilmembers Gallo, Casar, tovo, Renteria, and pool. And so all opposed? Councilmember troxclair. And those in abstention are councilmembers Houston and Zimmerman. So the motion -- the item continues to fail. Okay. And we will now break for live music and proclamations. We'll return at 6:15 sound doable? We have a lot of people waiting, so let's try to get back at 6:15 for those items.

>> Pool: Mayor pro tem, real quick, the gentle who was here who was asking us to pass this, may we advise him if the item will be returned to the agenda at the next council meeting?

>> Tovo: That is a good question. Councilmember pool. I would --

>> I believe it's too late. I believe it's too late for him, but we will let him -- teachers yeah. There was a time frame -- there was a time frame involved. That was one reason. So I believe that by the time we would will reconsider this, if it were brought back next Thursday, it would be outside the time frame for that group.

>> Pool: So we have just effectively denied some people who would like to vote on this, potentially, not to be able to have a choice on whether to support or not to support expansion of an esd in hays county. That's what we have done.

>> Tovo: So we have considered this, I think, twice today and arrived at the same place with different votes, but --

[5:37:58 PM]

>> Pool: It's my feeling it's their decision to make, whether they would like to support it with their tax dollars. It's not mine to keep them from supporting it or not supporting it through their voting.

>> Tovo: Okay. I'm going to have to say, though, let's not have yet another discussion about it. I understand your position, but we're now seven minutes, now eight minutes past time, so let's go into recess, and we will hear live music and proclamations and return at 6:15.

[Council in recess.]

[5:45:37 PM]

>> Tovo: Good evening. Thanks so very much for being here. I'm mayor pro tem Kathie tovo and it's my pleasure to introduce our musician today, Jeremy Mcbee. As many of you know, each council meeting we have live music to celebrate the wonderful artists that Austin has, and tonight is Mr. Mcbeat. Mr. Mcbee has immersed himself in the Texas music scene after graduating from Texas a & M university in 2012. In with 2014, Jeremy decided to bring his talents to Austin. He's performed at the Driscoll, the Saxon public and the domain. He's influenced by a wide range of genres, but models himself after Leon Russell, Ray Charles, Chris martin, Jamie Cohen, Meryl haggard, and Willie Nelson. With the unique and polished sound, he combinesments of country, R and B, jazz, rock, to form a style all his own. Thank you so very much for joining us. Please join me in welcoming Jeremy Mcbee.

[Applause]

[Lost

[5:48:55 PM]

[no audio.]

[Applause]

>> Tovo: Thank you so very much. That was really fabulous. Can you tell us when you'll be performing next and where?

>> Yes. I'll be at the Driscoll on June 21st through 23rd, I'll be in 25th to the 29th, and then at the four seasons.

>> Tovo: Great. Those are several Austin venues we can catch you. Where can interested parties buy your music.

>> Amazon, spotify, [inaudible]

>> Tovo: Great. Thank you so very much. Again, Jeremy Mcbee, thank you again for being here. So we have a proclamation. On behalf of mayor Adler and the entire city council, be it known that whereas the city of Austin, Texas is messed with many creative musicians whose talent extends to virtually every musical John where a, and whereas our music scene thrives because Austin audiences support good music produced by legends, local favorites, and newcomers alike, and whereas we're pleased to showcase our local artists, I, Kathie tovo, on behalf of Steve Adler, on behalf of the live music capital, do pro game June 9th, 2016, as Jeremy Mcbee day in Austin, Texas.

[5:51:35 PM]

Congratulations.

[Applause]

>> Tovo: The city of Austin is really fortunate to have so many talented and dedicated individuals serving within -- within its many departments and divisions, and it is my real honor today to present the distinguished service award to Ms. Jesse mercer on behalf of her service to the city for many years. So thank you so very much for all of your service and for being here with us today and allowing -- allowing us to honor you for that commitment to the public.

[5:53:40 PM]

On behalf of the city of Austin, this distinguished service award is presented for her untiring service and commitment the our citizens during her 22-year tenure' city of Austin. Jesse mercer is deserving of public acclaim and recognition. This certificate is presented in acknowledgment and appreciation thereof on this 9th day of June in the year 2016, and it's signed by mayor Steve Adler and has the names of all the council on it. Congratulations, and again, thank you so very much for all of your service to the city of Austin, and I would invite you to say a few words.

[Applause]

>> I always say, my saying is, had it not been for the lord on my side, where would I be? I'm so grateful to be here where I started, 20-some years ago -- well, more than that now, but I'm honored and I thank you all for thinking of Jesse mercer. I do like to talk, so I will just say thanks to everybody that had a part in me having a say-so in the up-growing of this kingdom, wt we call the city of Austin. Have a great day.

[Applause]

[5:56:28 PM]

>> All right. We have another proclamation. Everybody come around, gather around. Thanks, y'all. I'm Leslie pool, councilmember district 7, and I have the honor to read this next proclamation. Here we go. Are y'all ready?

>> Yep.

>> Pool: All right. Here we go. Be it known that whereas the Austin Travis county health and human services Rebekah baines Johnson sexually transmitted disease and tuberculosis health center is

protecting the health of our community through the use of best practices, and whereas to improve our municipal equality index score, sssd created a team to increase the cultural competency regarding lesbians, gays, and transgender individuals, and whereas working with the city's lgbtq liaison, facilitated the participation in the health quality index survey, and whereas their commitment has earned the rbj health center national recognition as a leader in the lgbtq health care equality, I, therefore, Leslie pool, councilmember district 7, on behalf of Steve Adler, mayor of Austin and the entire city council, do hereby proclaim June 9, 2016, as rbj health center day. Congratulations. Did you want to say anything?

>> Good evening. We would like to, first of all, thank you, councilmember pool, for this recognition. It is a great honor for the department. I am Stephanie Hayden, the deputy director of austin-travis county health and human services department.

[5:58:29 PM]

Our director, Shannon Jones, could not be here this evening. I would like to first acknowledge also the leadership of our -- Dr. Phil huang because he provides the overall leadership to the rbj health center. The rbj health center clinics are committed to promoting and protecting the health of our communities from these communicable disease through the use of best practices. The team did work with the city's lgbt community liaison in assisting us with the participation in the health care equality index survey. This is an annual survey that is conducted by the human rights campaign foundation of hospitals and health care organizations. There are four areas in which the health care organizations must successfully meet the criteria to receive the designation. Patient non-discrimination, actual visitation, employment non-discrimination, and training in lgbt patient center care. To successfully meet that criteria, our staff had to put together a team and work on those specific things. The health center supervisory and managerial staff completed a three-part training series on lgbt patient center care. Again, we'd like to thank you for this honor, and we are very excited about it. Thank you.

[Applause]

[6:01:03 PM]

>> Thank you.

>> Thank you.

>> Welcome.

>> Renteria: Good afternoon. I'm reading this proclamation for councilmember Delia Garza. She had to - she's in Washington, D.C. And couldn't be here today, but in my heart, boxing has always been my -- in my heart, so I want to read this proclamation. Let it be known that whereas Gatica boxing is a family owned and operated company with over three generations of expertise, beginning with one who proudly fought in the army and ranked second in the world, followed by his son, Freddie, who fought from 1972 to 1992, and whereas further advancing the legends of the grandchildren, Freddie Gatica, Jr., boxer and trainer, Michelle Gatica, boxing promotion operation manager, and Raymond Gatica, boxer, and whereas the Gatica boxing promotion was granted license by the Texas boxing commission in January 2014 and held its first event December 15th, and whereas in a short existence, Gatica boxing promotion has hosted three solid, sold-out events and allowed local boxers to display their talent in the city of Austin, therefore, on behalf of Steve Adler, mayor of the and Austin, Texas, do proclaim June 9th, 2016, as Gatica boxing day.

[6:03:30 PM]

Congratulations.

[Applause]

>> Thank you very much, everybody. First of all, I want to thank the mayor of Austin. I want to thank Delia Garza. I want to thank Jose Velasquez. Where is he? He's over there. Thank you very much, Jose. And especially my family. It's been a lot of support. I've been in boxing over 35 years, and I started here in Austin, and I just said that I wanted to give it back. So I went all over the country boxing, and it's a good -- it's a great sport. And we're trying to give the local fighters here in Austin a platform so that they can fulfill their dreams. And so we're going to be putting on shows, hopefully year-round. And I just want to say it's a blessing to be honored like this I want to thank my daughter Michelle. I want to thank my wife Diana, my son Raymond, and also my son Freddie, Jr. I want to thank them for all their hard work. And we're going to keep doing this, and I hope everybody comes out when y'all see the flyers and the posters out there, to come support us. And we want to do this for the community. Okay? So hopefully this will keep going, and we're going to be honored with this -- this day, and we're going to do our best to fulfill everything that this is about. Okay? We're going to work hard, and we're going to help out as many people as we can out of this. And I thank y'all very much. Thank you.

[Applause]

[6:07:49 PM]

>> Gallo: Good evening. I am so excited to be here with some wonderful members of Austin pets alive, and I have a proclamation to read. Be it known that whereas the fourth annual love your rescue pet day celebrates the Joyce of rescuing a shelter pet, and whereas on Saturday, July the 16th, austinities will have the opportunity to support Austin pets alive's rescue programs by shopping and dining -- we know we can all do that -- at local businesses and restaurants who have committed to donating 10% of the day sales to Apa. Now, therefore, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim July 16th, 2016, as love your rescue pet day in Austin.

[Applause] So anyone that knows me knows that I love pets, and I love rescue pets. My -- most of my animals in my house have been rescue. Ali Gallo is a rescue dog, and occasionally she comes to city council to visit. I shouldn't say this we have to get permission for that to happen, but she sits in my chair and makes all the good decisions as a good pet would do. Anyway, we're so supportive of all the rescue groups, particularly Apa in Austin. We just completed a wonderful Austin pet month in may that I know you participated in, and we look forward to that being an annual event. So if you'd like to say some few things, thank you.

>> Hi, everyone. My name is Lisa maxwell, and we just want to say how thankful we are to live in a community that love its pets the way that austinities do. We really love our rescue pets, and we are so pleased to be able to be in a community that is supported by the city council. The rescue pet work that we do, which has been made a whole lot easier this past year with the leadership of Tonya Hammond at the Austin animal center, we love being in Austin and we want to invite you out to celebrate your rescue pets.

[6:10:00 PM]

And there is plenty of time to get one between now and then, in July, and there there are lots of them available in our city shelter, so -- or come to Apa. If you go to Austin pets alive.org, you'll see an adoption promotion, hosted by host gator, and a lot more stuff going on, so we hope to see you. Thank you.

[Applause]

>> Good evening. Next is -- we're going to read the certificate of congratulations, and I wanted to ask all the children to get up and come back -- get behind us.

>> Guys, get up.

[6:12:28 PM]

>> Renteria: The city of Austin certificate of congratulations, on the occasion of 178 sixth and seventh graders reading upward of two million words in nine months, idea Allen college prep and idea rundberg college prep is deserving public acclaim and recognition. This certificate is issued in acknowledgment of the significant achievement, this 9th day of June, in the year 2016, the city council of Austin, Texas, signed by mayor Steve Adler, and with all our names of our councilmembers, we also ... [Speaking in Spanish]

[Applause]

>> Thank you, councilmember Renteria for this recognition, city council. Congratulations, everyone. We in Austin, Texas, with my colleague Taylor Nichols, and executive director, we had over 200 students who read more than two million words this year. That means that they are changing their life and learning to love to read, so that's a huge accomplishment. They took on the challenge and they met it and they blew it out of the water, so we're really proud of our students at idea Allen and idea rundberg.

[Speaking in Spanish] [Speaking

[applause]

[6:14:39 PM]

[Applause]

[Applause]

[Applause]

[6:18:01 PM]

>> Gallo: Good evening. I'm councilmember Sheri Gallo and I'm so pleased to be here to recognize the Austin animal service officers. This is Orlando, and he is with me this evening because he would like to invite you to the Austin animal center so that he can have a forever home. So I hope you will visit. We're going to do a proclamation, and after the proclamation, I've got a little bit of a story to tell, and then also I think we have some people that would like to speak. Be it known that whereas the city of Austin animal services office is a recognized national leader in exemplary public service for its animals and people, and whereas Austin animal center has saved nearly all animals that enter its doors through innovative foster, rescue, and wildlife rehabilitation partnerships, community-based work, on-site enrichment for mls and cooperative community partnerships, and whereas these life-saving results are the results of dedicated efforts of animal protection officers, public educators, veterinarian services, customer service representatives, animal care and enrichment specialists, program coordinators, and administrative support team and volunteers, who work together to care for the animals and community 365 days per year throughout all kinds of weather, sometimes with great personal sacrifice. Now, therefore, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim June 10th, 2016, as Austin animal center employees day. Congratulations.

[Applause] So now just a short story to tell you how wonderful all of the employees are that work at the center. About a month, month and a half ago, we had a really bad storm, and one of the residents that live in district 10 has peacocks.

[6:20:07 PM]

And the peacocks got out. The two males were rescued back into the yard, but the female was missing. And he looked and looked. Steve is in the audience with us this evening, could not find her -- oops, we're going to eat the microphone -- could not find her and put up signs in the neighborhood, and then went down to the center and discovered that his peacock had been picked up by animal services right after the storm. But at that point it had gone beyond the time frame for being able to be claimed, and it had been adopted by one of the service employees. And once the service employee found out that that was the situation, they were willing to bring the peacock back so that candy could be reunited with her owner and her two boyfriends that she lives in the yard with.

[Laughter] So I think that Steve mentioned that candy is awaiting the arrival of an egg, which will become a new chick, and I'm sure he will send us lots of pictures. But the end result was that it was because of the dedication and the ethics of the employees that work in the animal center, that this happened, and in this situation the owner was reunited with his bird. And we just want to thank all of you so much for what you do and how you do it and how you make our community so much better. So thank you from all of us. Thank you. And from this little guy. And this little guy is available for adoption. He'll be available for adoption tomorrow, he's so cute, and he's about eight months old, and he belongs with somebody in the audience. So visit the animal shelter tomorrow. And if you're not in the audience and you're watching on TV, go visit the shelter tomorrow. So anyway -- the center. I keep calling it shelter. Sorry about that thank you. Thank you very much.

[Applause]

>> Thank you, councilmember Gallo for recognizing us today, as well as our illustrious mayor, Steve Adler. I am honored to represent about 120 employees of the Austin animal center, as well as over 500 volunteers that pains takingly support, help, and are there to keep the animals that are in our shelter community alive, well, comforted, fed, and given in enrichment that they so well deserved.

[6:22:32 PM]

None of them have asked to be there, by their own decision. Unfortunately, that is where they are. And our jobs are to ensure that each and every one of them are not forgotten, not overlooked, not neglected, and to receive the health, the medical, the food, and the enrichment that they so well deserve. And thank you for recognizing us for that. There's about 18,000 animals a year that come through our facility, and we cannot do it without the help of a pretty amazing team. Some of them are behind us, some are back at the shelter right now. And some of them have their own families to take care of, so they deserve a day off, obviously. We're happy to be part of a five-year no-kill city, and we hope to continue on with that. I am proud to represent the employees again, the Austin animal center, and I also thank tawny Hammond, Kristin, and Lee Leanne, who are officers and I'm just proud to be part of a group who have such big hearts and love each other. Thank you.

[Applause]

[6:39:27 PM]

>> Tovo: Okay. I want to encourage my colleagues, I know you're out there in the room, to come back to the dais. We're going to get started with item 53. So if you're here for item 53, if you'd make your way back to the council chambers, I'd like to call the session of the Austin city council back to order. The time is 6:39 and we're meeting in the city council chambers. And, again, we're going to start with item 53. This was an item that was taken up and recommended to the full council by the public safety committee. Councilmember Zimmerman, would you like to say a few words about that? And any other members of the commission, before we -- I mean of the council committee before we go to our speakers.

>> Zimmerman: Thank you, mayor pro tem. I believe we did start working on the body camera issue, probably more than a year ago, so public safety committee did intend to make that a priority. We have had a number of hearings on it. We've been trying to get involved in the conversation. There's been a consensus on our subcommittee that everyone was in favor of the body cameras. We think it could help everyone. It was just a matter of the particulars and some of the high-level policy issues, but unfortunately, in my view, we've never really gotten deeply involved in the particulars. We've had a lot of good conversations, but we haven't really taken any votes, we haven't had any -- any proposals. We've been able to collaborate with APD. And I believe in one of our meetings last summer, we had on the record here, someone said, well, in the end, you're just going to have to trust the police department on how the body cameras get implemented. And I think -- I'd like to hear from our speakers here and get this going, but I do have a brief clip I'd like to show of the last couple of meetings that we've had, and I think it illustrates how we just really, for some reason, haven't been able to get these policy discussions engaged with the elected council.

[6:41:30 PM]

But I've got a short video that will illustrate that. And we can either run that now or -- maybe we will run that now. Let's run that now. Thank you.

[6:44:02 PM]

>> ... Unanimous with Mr. Casar off the dais.

>> Okay. And the policy that you're recommending, that's for adoption by council; right? So you're writing the policy for the council?

>> No, council doesn't approve our policy. Our policy has already been approved and implemented within the department, so ...

>> Pool: Okay.

>> Zimmerman: Tell you what, could you hang around? We've got some more people to speak. It would be good if we had some back and forth so I think that would help a lot. Really appreciate you being here.

>> Zimmerman: So mayor pro tem, just to kind of finish the thought here, in the context, we've been relying to have a deep, meaningful discussion on this very, very important issue and have a high level policy debate, be engaged, and work something out, and it just hasn't been possible. And I think the series that we just showed you is kind of typical of what's happened. We were not asked, were not consulted, were not able to get involved in that, for whatever reason. I guess it's just been a policy that APD has been setting their own rules for many years, if not decades, and elected body is not involved, and I asked our counsel to change that.

>> Tovo: Thank you, councilmember Zimmerman. Anyone else from the public safety council committee want to say anything before we go to our speakers? Okay. So our first speaker on this item is Kathie Mitchell, and Ms. Mitchell will be followed by Carly rose Jackson. Then on our third speaker and last speaker on this item is fantama Mann. Ms. Mitchell, you have three minutes.

>> I want to make sure I'm speaking on the right one. Is this the resolution? Okay. I just want to remind us quickly, for me, why we're all here. Almost a year ago, a mentally ill young man named Richard Monroe called 911 in distress.

[6:46:09 PM]

Officers responded. Apd says the man had a bb gun that looked like a real gun. We goo don't know much about what happened next. Richard Monroe was shot at close range by three officers in his own

doorway and died. How officers respond to people with mental illness is important to all of us. In this case, a year later, there's almost no information. The officers were not suspended, according to a review of the suspension memos posted by the office of police monitor. The officers have not gone before a grand jury yet, or at least the D.A. Has not released any information about that process. There's likely to be a good public dialogue about police response and the mentally ill. If we can start with how things go so wrong now. Public release is not some gossipcha against officers. It is about a real partnership between the police department and the citizens that will make Austin safer for us all. The city of Chicago just last week released a considerable amount of video related to police use of force incidents, prior to the completion of the investigation of those incidents. This was controversial but also refreshing. As we all know, Chicago has been under fire for its policy of keeping this kind of information confidential for an extended period of time. The city of Austin is no different. Senate bill 158, which provides a very different framework for access to information about criminal incident video gives us an opportunity to change the debate around these incidents, create trust and true public dialogue about public safety with respect to officer behavior, and we propose that we would like to see concrete evidence that APD is willing to step forward and participate in that change of behavior very soon.

[6:48:17 PM]

So we support this resolution. We believe it's a step in the right direction.

>> Tovo: Thank you. Carly rose Jackson.

>> Hello. I'm calorie rose Jackson. I'm representing texans for accountable government, and I wanted to thank the council for considering this to echo Kathie's comments, it's crucial that members of the public be able to work with the police department to discuss these interactions that -- from any angle possible, and so I was part of the conversation on Tuesday, and we got about halfway through our list of items that we wanted to talk about. There was a lot of excellent conversation, you know -- I think everyone at the table learned something new about what can happen when police are interacting with members of the public. And I want to be very careful not to distinguish members of the public as citizens because police officers are civilians just as members of the public, and I want to stress that we're -- the goal is to work together to provide a safer community. And so I'm in favor of this resolution. I wanted to speak and be sure that adopting this resolution would not reset the conversations that have already happened between APD and our -- and our groups that have already participated, but to continue the conversation and make sure we get to talk to -- about the disclosure of footage because that is not something we got to talk about on Tuesday. Thank you.

>> Tovo: Thank you very much and our last speaker on this item is fantama Mann. Welcome.

>> Can I give her three minutes?

>> Tovo: Ms. Russell, you are signed up but not wishing to speak.

>> [Inaudible]

[6:50:18 PM]

>> Tovo: All right. So, Ms. Mann, you will have six minutes, and if -- looks like we just switched Debbie Russell wishing to donate time.

>> Good evening, everyone. I'm Fatima Mann, co-founder of the Austin justice coalition. The first thing I'd like to say is I appreciate being able to be at the table on Tuesday to have conversations about the policy with APD. I do appreciate that process. But in appreciating that process, it's a process that I don't think that a lot of us thought would be as arduous as it is. We spent a lot of time just going over wording and particulars. One of them, I was very adamant about officers not being encouraged, but they should inform individuals that they are actually being recorded. That was something that we wanted

community members to know. It's been seen in other policies, Chicago, Seattle, we thought that it was something that should be in writing, so that took about 20 minutes just for that. And then commander Reyes and the other chief -- I apologize, I forget his name -- was called to a working session I think city council had for them on Tuesday, so we really couldn't get into the meat and potatoes of it, which is how the videos would be released and who would be able to see them, which for us is very important. What's the point of having body cameras if you're not able to see the footage as the person who is in the actual footage, or if you're deceased, the attorney or a living family member. Right? So that was something that we are very adamant about working through, that we haven't had the opportunity to work through. We haven't sat down to discuss what senate bill 158 really states in terms of the public information act and what the public can actually see. We've been told a couple of times that the APD will not do anything that's illegal, and we're not asking if we can do anything that's illegal, we're asking them to stick to the actual law, the law being senate bill 158, as well with the public information act that we all know of, or can Google at some point.

[6:52:27 PM]

And that's really the issue for us, as community members, is that there isn't a lot of community members at the table. I think there was maybe four to five organizations there. I was the only black person in the entire room, which is also an issue, because if you're going to have community involvement, there needs to be more of the community in there. There was only -- I don't even -- there may have been one or two Latina women, and most people who were people of color were actually employed by the city, which we all know serves a conflict of interest. Right? So if we're going to talk about a community being involved in this process going further in the resolution, I would ask that APD actually put a little bit more effort in inviting some community members, like apple seed, there's a bunch of different organizations in Austin that can contribute to this conversation because they represent a demographic that will be affected by it. I asked about where the cameras would be deployed, the first go round. Some will be on the east side and some will be downtown. We all know that's a diverse group of individuals which means some of those diverse individuals need to be at the table to discuss some of these things that have access to that information. So I absolutely think that this resolution should pass, but with the resolution, I think that there should be some push and some strong encouragement by city council to make sure that APD does a little bit more in getting a diverse group of individuals at the table to talk about the policy that is actually thinking about being implemented. A couple of also things that I've seen in terms of the public information requests that we would like to see open, but we haven't seen in the policy, is just the fact that we do understand that video cannot be released if there's an investigation. We do understand that we can't impede on the d.a.'s process, but the D.A. Hasn't been part of the process, so maybe having someone from the city legal or the D.A. Department be there as well to facilitate what that looks like in terms of what can be done so that APD knows that we, as community members, aren't pulling their chains, but we -- we have legal influence and ability as well, but maybe just having a representative of legal at the table to -- an intern, maybe, I don't know, but just someone that could provide APD with guidance, with legal guidance into where and what the policy can actually say.

[6:54:55 PM]

>> Tovo: Thank you very much. Any questions for this speaker? Okay. That was our last speaker on this item. We have several others signed up. David king is signed up in favor, not wishing to speak. Alex sharastoni is signed up in favor, not wishing to speak. Kaya in favor not wishing to speak, and Debbie Russell donated her time. Is there a motion on this item? Councilmember Zimmerman?

>> Zimmerman: Thank you, mayor pro tem. I'd like to move passage of the resolution in item 53.

>> Tovo: Is there a second? Councilmember Houston seconds this item. Any other comments?

Councilmember Casar.

>> Casar: To the points that Ms. Mann made, I know this is a very important topic in the community. I expect and hope that these several months of stakeholder meetings will be fruitful, even if arduous. I think it's a challenging topic where there's not clear right answers, and so thank you to the community members, as well as to our city staff that participate. I trust that our police departments and the manager will make sure that there's a lot of outreach around the meetings, and that the state -- diverse set of stakeholders is involved. But if, for whatever reason, any of our staff or community members feel like that's not living up to what you expect, feel free to contact the council, the manager, and the police chief, and we'll do what we can to make sure it's worth everyone's time, so thank you.

>> Tovo: Thank you, councilmember. Councilmember Renteria.

>> Renteria: I just want to know what -- whether this resolution passes or fails, are we going to be taking up also -- is this going to delay the purchase of the cameras until -- for four months?

>> I can answer that question.

>> Tovo: That's a very good question. I assumed they were operating independently, but councilmember Casar, would you like to --

[6:56:57 PM]

>> Casar: Councilmembers, we have the contract for the camera purchase separately after this vote. The position that I took during the public safety committee meeting and what we heard from commander Reyes is that our policies at APD related to body cameras can -- can evolve even after we've purchased cameras. These work independently of one another. This is a separate vote, then the council can decide whether or not and when to purchase the body cameras.

>> Renteria: That was just my concern, whether what you're asking to be -- you know, since y'all took this first, my whole question was whether we were going to go back and take action on the other item.

>> Tovo: I appreciate that question, and I think councilmember Houston had asked that we take up the policy question first at our work session. But thank you for clarifying that, that it is -- that these operate independently. Councilmember pool.

>> Pool: I'm glad that we're looking at having larger stakeholder conversation about this. I think it's really important to hear a wider diversity of opinion. Personally, I think the cameras should go on when the officer exits the car and not turn it off until the incident is over, and if there are reasons not to disclose any portions of the video, then that would be something that would be discussed at the time, but at least we would have the video in order to make that decision rather than having those decisions being made at the time when the officer is engaged, and maybe forget in the moment. I do want to say, I know we are going -- we are doing a pilot with the cameras downtown, I think. Officer Reyes, is he here? Can you talk just a wee bit about the pilot and how that pilot and how the changes to this expanded discussion on the policy -- how that's all going to relate?

[6:59:02 PM]

>> The pilot that we did was in conjunction with the rfp, so we did do a pilot program with the cameras during the rfp to make sure that the cameras operated as they said they would on paper. And so the policy -- we still have a lot of work to do after the body cameras get moved, with infrastructure and setting up different things at different substations. So even after approval with the funding, we still have a couple of months before we'll deploy the first cameras, so we have that time to work through and finalize the policy issues. As far as the -- we've only had, that I'm aware of, a couple of requests for

footage from body cameras that have come through. We haven't had any issues with those, but, you know, it was a great opportunity on Tuesday, we had some very good discussions with the working group that we had, and I just want to say that I am already on the schedule for commanders forums around the city to meet with the community and to discuss body camera issues and policies >> Pool: That's really good and at the commanders forums, could you maybe -- would it be appropriate to let the folks that you're talking with there let them know we have additional conversations going on with the policy and see if anybody in those groups might be willing or interested in joining the stakeholder groups?

>> Most definitely we'll go over the policy with them on the forums there and we'll talk about the cameras themselves too, and I know you mentioned the triggers. That was part of our rfp, that the cameras will turn on when the officers open the car door. In addition to that, the taser application does also have a component in it that when the officer turns the taser on it automatically turns all the cameras on within 30 feet, so that's another option, especially for our officers that aren't in cars. So that's another automatic trigger that will be in place.

>> Pool: All right. And then do you think there is any bar to request from Ms. Mann, to request that a member of our legal staff be available to set minds at rest or answer legal questions more definitively in those meetings?

[7:01:17 PM]

>> We actually had that discussion on Tuesday meeting because the issue came up about critical incident, and district attorney's office releasing the video after the grand jury process, and I agreed to facilitate a meeting with the district attorney's office, asked them to come into the meeting to have these further discussions about when -- legally when the district attorney can release those videos, whether it's after or if there's some other avenue to release prior. To we did have that discussion about having a follow-up meeting and invited the district attorney's office into that meeting.

>> And I think -- because this is a new area for us, the more we work it and the longer -- the more experience we have we'll be able to work through kind of the thorny answers to -- the answers to some thorny problems that may arise, and the more we work it and the more conversation we have with the community, I think the better the policy will be, the better the acceptance will be and expectations will be clear on all sides. So thank you, and I just put my vote in for as wide an embrace of public opinion as you possibly can.

>> Tovo: Further questions? Council member Houston?

>> Houston: Yes, sir. Before you leave, could you tell me, you had the first stakeholders meeting on Tuesday?

>> We had one prior to that, ma'am, but that was an additional one that we had.

>> Houston: So could you tell me what time the meetings are held and where are they held?

>> The meeting we had on Tuesday was held at the police monitor's office and it was at 9:00 on Tuesday morning, and that was -- and the people that were invited were the people that came here, because I had their contact information, and then some other people were added vicariously through those groups. And so the invitations were sent out to those groups and the police monitor was also present at the meeting. Included in that discussion was also the director of safeplace and we discussed concerns about victims' privacy that we'll incorporate into the policy as well. So that's where that meeting took place. But it doesn't -- actually the meeting was scheduled for a prior time and we were going to do it at Fatima's office at UT is where the meeting was originally going to be, but we had to delay the meeting so we had it at the police monitor's office.

[7:03:29 PM]

>> Houston: Thank you. I just want to remind everyone that for some of the stakeholders that are impacted by not having or having body cameras, they can't always meet at 9:00 because they have jobs, and they can't always, you know, go to UT campus because the parking is horrible at UT's campus, and a lot of people don't ride bicycles and they don't ride transit. So we need to make sure when we're crafting our stakeholders' input process for the community that it's somewhere that people can go at a time that they can participate.

>> And the commanders forums, which we'll send out the information about that, those will be held in the evening time around 6:00 and those will be at the substation that serves that community. So that will be an avenue for that as well.

>> Houston: That is one place for that, but there should be others as we start having more -- you have 120 days, which I'm glad to see, because we're not trying to rush something into -- push something into a box. So you have the latitude to have more than just the ones that you're thinking about. So as people sometimes -- people sometimes, it takes them a while to gear up. This is important to my community and important to me as -- boys & girls club might want to participate or there might be some other juvenile groups that want to participate. So just be open to the possibility that there are other groups than the traditional people that might want some say in this policy as we roll it out.

>> Yes, ma'am.

>> Tovo: Council member Zimmerman?

>> Zimmerman: I want to say I appreciate you coming to our meeting, and I appreciate your candor. I thought you gave us an honest answer about the situation with the policy, so I do appreciate that answer, but I did distribute that because I don't think our constituents understand that since I've been chair of the public safety committee, there are so many of these high-level and very, very important policy decisions that are being made, and there's not a vote of council. So it was important for me to understand that and try to convey that to our constituents. And so we did -- I took some emails from constituents saying, well, council has never voted on these kind of high-level APD decisions.

[7:05:36 PM]

The department has always made their decisions traditionally. And I said, well, but the charter, the charter does not exempt -- thank you for being here, chief Acevedo.

>> I don't remember the poor commander to be taking the hit so I'll --

>> Zimmerman: This is kind of important. The charter doesn't exempt APD from council oversight. It just doesn't. Somebody sent me an email and they said, hey, city council, you have no business talking about this policy item. Councils have never done it in the past, and it's none of the council's business what APD does with the body camera policy. And I said, well, the charter says we do. So that's a comment I wanted to make. But I wanted to thank commander Reyes for coming and giving us that candid answer. I appreciated that.

>> If I could just address that briefly. There's a reason for that in that I think there's a confusion about what our policy manual is. It's actually our operational orders to our officers. It is not policy in the historical sense of the policy that the council would pass. It's actually a 750 page document, living document, that as the chief of police I have under state law and very long-established case law the sole responsibility and authority to manage the workforce and set the directives. I think that the council's policy as it relates to discussion would be to say, hey, we want to be as transparent as possible, and I think that that's something that we as an organization share, but in terms of actually -- when it comes to the police department in the state of Texas, the person responsible for the policies of the department, which is the really -- we're using the word policy, which really general orders operational guidelines is within the purview of the chief of police and that's long established law in the state of Texas. So I think

we're kind of mixing words -- mincing words a little bit. Having said that I will say this is the elected body of the city and as it relates to a policy or an operational general order we're developing as a police department, the values, collective values of the people that we serve and that you serve with us, which is the people of the city of Austin, do matter to us, because police legitimacy matters, and so we look forward to having those conversations, that we by the way have been having with our activists and will continue having with them because as the police chief I want to within the confines of the law support the people we serve and that's why I look forward to having these conversations with our community.

[7:08:07 PM]

>> Tovo: Thank you. Are we ready to move forward with a vote? All those in favor? And that is unanimous on the dais.

>> Casar: Maybe pro tem?

>> Tovo: Yes.

>> Casar: I wanted to mention to thank both commander Reyes and the chief, and I think that -- I believe the chief is right, we're working somewhere that potentially is operational and potentially is policy and maybe we need to have longer discussions about which is which. But either way I think that resolution is structured in such a way that we would at least like to hear a presentation on what the final decision is by the police chief. We can talk with legal about what we can and cannot direct, but in the end no matter what we can, my understanding is, convey what we as a body prefer or what we as a body -- how we as a body would like to convey a message, so we could always do that, even if potentially -- I'm sure we can have discussion with legal about what it is we can and can't direct under law in the charter. So the resolution was purposely structured so that if in the end this isn't something we can direct, we can at least provide our input.

>> The council certainly has a policy role in this and your policy is that you wanted the officers to have body cameras and you want the officers to be -- the policy to be transparent. Those are the kinds of things that the council definitely weighs in on. And in the procedures which the police department calls policies, their operating procedures are, you know, the real nitty-gritty detail of how things work, and your input of course is always important. So I think this is a nice balance and the police officers will continue to talk to stakeholders, as they have, and gather information, and I think you all will be very happy with the policy -- the procedures when they're finished.

>> Tovo: So I would suggest we now move on to 37 and 38 and then come back to 36 just so we can kind of continue with the same content.

[7:10:08 PM]

36 is the item -- I'm sorry, 37 is the item to purchase the body cameras. So we have seven citizens waiting to speak. And I will just jump into those. Mr. Pena, Gus Pena. Mr. Nelson, John Nelson? Not present. So our first speaker will be Kathie Mitchell. You will be followed by Debbie Russell and Carley rose Jackson. Do you still wish to donate time to Debbie Russell? Okay. So we have Kathie Mitchell and then Debbie Russell. You'll have six minutes.

>> I'm just here to say that because the issue of transparency was pretty quickly taken off the table at our meeting on Tuesday, we really weren't able to develop a sense of confidence as to whether or not we're actually going to substantially move forward on that conversation. We were really hoping that we could kind of get something at least preliminarily where we could see room for agreement. Instead, for a variety of reasons, that conversation was moved to one side. I will say that APD is well-notified that public release of the video and the process for public release of the video is something that not just my organization but many have been asking for going all the way back to the public hearing last December.

So there's no lack of understanding that this is a priority. We really can't tell from the Tuesday discussion whether the dialogue will move forward in good faith on this issue. I feel very pleased with some of what we talked through on other issues, but on this issue it was still very much a closed door.

[7:12:09 PM]

We didn't even really get much of a feel for whether APD was interested in things like whether parents would be able to see the video of their children if officers were at a school. We had a lot of discussion about that but we didn't end up in a place where we could see there will be forward motion. So I would like to see that next meeting that you've heard about, the one where they're going to bring in the D.A. And the jda. We've talked about bringing in the juvenile district attorney as well, and actually sort of see if we can break the ice on this issue. I'm pleased with the previous resolution, but if we're all going to get together and have a lot of meetings and nothing changes, then that actually harms that building of trust, and we would like to see APD commit to greater transparency, and that's what's been missing so far. So we'd like a two-week delay so that we can see whether that can actually happen.

>> Tovo: Thank you, and I should have said, Ms. Mitchell was signed up as neutral on this item. Debbie Russell?

>> Houston: Excuse me, mayor pro tem? It didn't sound to me like Ms. Miller was talking about 37. Is that where we are?

>> Tovo: That is where we are. Did you want to ask a question of Ms. Mitchell? Do you want to clarify, Ms. Mitchell? So 37 is the negotiation and execution of a 60-month contract with taser international or one of the other qualified offers to provide body-worn cameras in an amount --

>> Correct. We would like you all to give us -- to give the process that you started that was, you know -- there's really momentum right now, the discussions that we were having matter. We'd like to give this little window two more weeks, so we're asking for a delay.

>> Houston: So the transparency issue is about the conversation about transparency generally about the transparency and how taser was decided?

[7:14:14 PM]

>> No, we're saying that before you commit the money to buy the cameras, before the day -- the deed is done, we have a moment to find out whether, in fact, there is room for negotiation, and there will be greater transparency. And we'd like to have that meeting before you vote to finally buy the cameras.

>> Hang on. Mayor pro tem?

>> Tovo: Just one sec. Council member Casar and then I'll recognize --

>> I think council member Zimmerman and I --

>> Tovo: We have a few more questions for you, Ms. Mitchell. Thank you.

>> Don't worry, it happens all the time. So I'm disappointed to hear that you're feeling is that it was as open as you would like it to be but I want to focus on something else, which is that at the public safety committee meeting you and a couple of others I think expressed that even if you disagreed with some of the existing procedures, that you felt that there was not very much specificity in what it was you could actually analyze and disagree or disagree with as to how much detail there was with the procedures you were handed.

>> Correct.

>> Casar: So I understand and hear you that you had some frustrations with the meetings, some things good, some things bad, and that you disagreed with some of the potential procedures, but did you at least have -- or at least see that there was a very specific level of procedures around body camera lease that were available for people at the meeting?

>> Yes, on a number of procedures related -- for example, you heard we had quite a discussion about notification of the public, that they're being videotaped, and I do believe we made progress. I think we will soon see language back from APD that is better than what we have now. So I don't want to underrepresent the progress that was made, where I didn't -- where the concern is is that the transparency piece is very important, and all of that got moved to another meeting.

[7:16:15 PM]

We didn't really have that discussion substantively. So we just don't know. We were hoping to know that this was one of the things that we thought was the main topic of that meeting.

>> Casar: So if I'm hearing you right, there was sufficient material for you to understand what the -- the transparency and release --

>> Oh.

>> -- Policies were but you just didn't have time to --

>> Oh, no. They did bring the policy, and the commander, and he can speak to this himself, I'm sure, told us that after reviewing it they believe it needs revision, and so we didn't really go over it in specific because they announced from the beginning of the meeting that it would be in need of revision and that we -- they would be doing that.

>> Casar: Okay.

>> So the policy we have now as to disclosure is in need of revision. That is what -- that was what we learned, and it's probably true.

>> Casar: I know council member Zimmerman asked questions, so I'll defer to him if he's going to ask Ms. Mitchell questions, but given that point I'd actually like to hear from the commander.

>> Tovo: Thank you. Council member Zimmerman.

>> Zimmerman: Quick question, and let me try to just be a little more direct because that's kind of my style. It just seems like maybe what's being asked for is to slow down the purchase so that there will be a little more urgency for APD to work out and discuss and have these stakeholders meetings we've been talking about and get further along to having a policy that --

>> We don't expect to finish. I think the 120 days that's in this resolution is reasonable for all the range of things that the public probably has serious issues with, but in terms of feeling like there's a commitment to transparency or a commitment to changing the disclosure practices that have been traditional in the city, that's the piece we'd like to feel a little more like there's a little more light shining on it.

[7:18:18 PM]

>> Zimmerman: Thanks.

>> Tovo: Council member pool.

>> Pool: Ms. Mitchell, one other --

>> I'm not used to having people ask me questions.

>> Pool: But you're doing a good job answering them. Is it also on your mind that if it should happen that the policy doesn't get formed into a shape that you like, support or approve of, that's good for the community as you see it, that you would also feel like it's not worth it to buy the body cameras if we can't do the policy properly and have properly implemented procedures, that you would say let's not do the body cameras at all?

>> My organization generally supports body cameras as a means of -- well, many things, but as I say, that's a hard one. I really don't -- if we made no progress or if we made -- like -- I think that we are open to the fact that we will not get everything that we want. Let's put it that way. And if we don't get

everything that we want, we will still support body cameras. I would like to see some progress on transparency.

>> Pool: Great. Thanks.

>> Tovo: Further questions? Council member Casar, you said you had one for -- thank you so much, Ms. Mitchell.

>> Casar: Commander Reyes, could you speak to the point that Ms. Mitchell brought up about whether or not the procedures need additional review or if they're fully fleshed out yet?

>> Yeah, the way the procedures read now is that we're going to comply with the law, which is senate bill 158, about when we can and can't release video. So what we are going to do is we're going to specifically take the language from senate bill 58 and then put it in our policy so that it's not referring to the law but it's actually written in there. So that's the revision that we're working on, and as we were looking at the revisions to that we saw a couple more areas that had room for improvement, so we're going to work on those as well.

[7:20:27 PM]

>> Casar: Okay. And -- thank you. And chief, do you have something?

>> And I think it's really important that the parties that are going to be most wanting more than anybody, especially after critical incident, this video footage, regardless what state law says, is going to be a plaintiff or a defendant or a suspect in a case, and in those cases I can't imagine under any circumstances their not getting it. The second piece is if you have a legislative session getting ready to start and I can assure you that as you look across the country there are a lot of issues that we haven't even thought of, whether the police department or elected boards or the community that are being identified across the nation, so no matter what we adopt, I can assure you that if we adopt a policy as a police department, it's going to be a living document, like all of our policies are. They're not stagnant. Our procedural -- procedures manual changes on a regular basis. It changes based on state law, on case law. It changes based on identified training issues. So it is -- no matter what we end up with, it will never be -- it will never stay the same because it will continue to evolve. So I would recommend that we -- I'm very concerned that if we don't move forward with the purchase because we have grants and a lot of other things that are tied into this purchase, that we don't want to put those at risk.

>> Tovo: Council member pool. Chief, I think you may have another question.

>> Pool: The money for the body cams is in the current fiscal year budget, right? It's not an item for fiscal '17. Didn't we put it in for fiscal '16?

>> You all voted on it for this budget cycle. You voted on it last year to implement a three-year process. I believe it was about 3.5.

>> Pool: I think it was a total of 12 million and it's over a number of years.

>> The first year, and then for the purchase -- it's about 12.

[7:22:28 PM]

>> Pool: There have been some questions raised about taser international and those -- is that the body camera?

>> Yes, that is the -- that is the vendor that was selected. And for the procurement process I think that the procurement office is probably best prepared to talk about process.

>> Pool: Thank you.

>> Tovo: Thank you. Just one sec. Council member Renteria.

>> Renteria: Yes, chief, what I want to know is, you know, we just voted on 53 about -- to have a community stakeholder meeting for the next 120 -- come back in the next 120 days. Now, the -- the

grants that are available to you, do you know the amount that is going to be available?

>> We submitted an application for a state grant, and the state grant application that we submitted was for our second phase of body cameras. We had already been funded for this year, for 500 cameras. So we submitted a grant for the second part of the 500 cameras. We were given a preliminary award of \$750,000 from the state, which would -- we have to put in our final application in July, and then that money would be received in August, and we would have 12 months from that time to use that \$750,000. That has a 25% matching, which is a little bit over \$200,000. So our plan was to use that matching funds to offset some of the other costs, such as the phones if we were -- that item was approved.

>> Renteria: So if this item was to get deferred for 120 days so that all these questions can get answered and all that, are we -- will we be able to apply for that grant again?

>> It would affect that grant if we didn't move forward. In addition, we also submitted an application for another \$750,000 grant from the DOJ, and we should find out in August if we receive that grant, and that's a two-year grant, and that \$750,000, if we were awarded that, would be for the third year, the third set of 500 cameras, and that's the way that we put it in the application form.

[7:24:34 PM]

>> Renteria: Thank you.

>> Tovo: We do have one more speaker. I see council member Zimmerman has questions, and council member Casar does as well.

>> Zimmerman: I have a pretty quick question here.

>> Tovo: Let's do the questions quickly and then we'll go to our last speaker and then we'll have an opportunity --

>> Zimmerman: This is for our staff again so I appreciate you being here. Chief Acevedo, I'm looking at senate bill 158. This Culp in our conversation in the public safety committee, but I want the council to understand, one of the issues that came up in senate bill 158, section 411.488, it says rights of officers, and I'm going to read this sentence carefully. An officer is entitled to access any recording of an incident involving the officer before making a statement about the incident. I think that's great, but I can't fathom why the same right doesn't apply to someone who has been filmed, a constituent. And that's why this is a very serious -- if you say we're going to implement something which follows state law, which I've heard over and over, you would be right, and so what would happen is the policy would give rights to the officers, which I completely support, but there are no rights for the people being filmed. And that's the imbalance I see, you know, in the state law, that we can fix, because the state law calls out for law enforcement agency. We have a right to make this policy locally and what we're going to do, and we could easily put that right for the people being filmed and make it balanced, so everyone has the same right to see video before they have to make a statement. And I'm just going to keep pushing for that as hard as I can.

>> Tovo: Council member, that was the policy, which we handled in the earlier council item. This is really about the purchase, as I see it. Council member Casar.

>> Zimmerman: Can I clarify quickly? It looked to me like one of the conditions for getting the grant is the policy needs to be in place. It says here in the law that there has to be a policy -- it's written here.

[7:26:36 PM]

So the policy really needs to come first --

>> Tovo: So that's how you see that --

>> Zimmerman: Then you get the grant money.

>> Tovo: Thank you for clarifying that point.

>> We do have a policy in place.

>> Zimmerman: You do, and I'm trying to make it better, fix it, change it, according to what my constituents want.

>> Tovo: Okay. Thank you. Council member Casar.

>> I had a clarifying question about the July grant application. So for that to go through you would need authorization from council before the July break. Is that sort of the way that works?

>> Correct.

>> Casar: Thank you.

>> Tovo: All right. So let's go back to our speakers. We actually have several more. Debbie Russell, you're next, and you have a total of six minutes. And you'll be followed by Fatima Mann.

>> The first point I need to make is we were actually only asking for a two-week delay on the purchase item, not 120 -- or 180 -- whatever the days were. Second point I need to make is we were just looking at the grant. There is no deadline for a matching grant issue, so that -- there's no rush. Second -- thirdly, there may be some technical issues between the different vendors that weigh into the needs of our community and the wishes of our community from a policy standpoint, so these things are inherently tied. All right. I have something to put up here. I could -- I've gone on before about the moral and ethics issues. I'm going to talk to you about cost. From a fiscal standpoint this is very, very bad policy to go with the taser contract. As you can see here, taser needs to go around saying we're going to sell you the equipment for next to nothing, as long as you get our data contract, which they've been jacking up and up and up the price. Problem is data storage prices are supposed to be going down as technology increases and improves.

[7:28:36 PM]

Why are we getting a seven-year contract? This is the longest contract we've ever -- that's ever been seen here in America so far with taser. Cost per camera, let's say per unit, that includes the storage, and if you add in those phones that they say they need to get to make this stuff work, this is more than twice as much as any other city in Texas or otherwise has paid. More than twice as much. I just want to make sure that that's clear. Taser proposed a 57.6 million contract to Los Angeles for 7,000 body cams, putting it at a little higher than our camera -- cost per camera without the phones. They put that whole thing on hold because of sticker shock. They thought that was way too high. A lot of controversy going on there right now because of that. And of course the controversy then started to come out about ties between police chiefs there and in Fort Worth, about their ties to taser international. They have full-time lobbyists. They have two living in Austin. These are the guys getting out there and pounding the pavement and wining and dining and that's why taser is brought to you as the end all be all of body cams. They have nothing on these other vendors. We had nine other vendors, as you see in the matrix, only four of them were actually scored. Why is that? We have no information. We need to ask these questions. And did any of those other vendors require new phones for an extra \$5 million? And, in fact, one of those vendors scored better on the price category. Did you notice that? And that vendor, by the way, has been suing other cities who chose taser over them because of unfair rfp practices or not having -- having an open contract go out period to taser.

[7:30:43 PM]

In El Paso I want to point out, which has a taser contract, 1.65 of the 1.7 million of the contract goes to data storage, not equipment. So we -- we don't have that number broken out. Why don't we have that number broken out? We don't know here how much is data storage. And so what is different about our

city than all these other cities that requires them charging us so much more for this equipment and data storage? I don't understand that. And what is it also in the -- in the language, delay in approving or failure to approve this contract will result in APD not being able to outfit. Are they trying to hurry you before you ask too many questions? This is bad policy, poor fiscal management, and, you know, I don't know why the folks in the city manager's office didn't bring you these Numbers that I took a long time to try to crunch for you. Across the country we haven't seen any controversy about any of the other vendors. They're doing fine, and people are fine with it. It's taser, and you know why. You know what their practices are and how atrocious they are that they're death profit eers and we didn't give them more money. Why aren't we considering buying other body cameras that you don't have to buy the data contract for and go in with the new state database, the department of resources, call them today. This is going to be cheaper, probably half the cost of data storage with taser. Half that cost. And they're close to up and running. They don't have an exact date for me yet but they're probably going to beat getting the body cameras in hand. And the more cities that sign on with them, the more the cost goes down over time. We're going to get locked in for seven years at this horrible price for data storage.

[7:32:48 PM]

Don't pass this today, please. We need more time with the policy and we need -- obviously we need more time to really vet out what's going on. I want to ask the council, have you seen the other proposals? Because I can't get my hands on them. They won't let me see it, until after you pass it, the public can't see the proposals. Seem a little backwards, right? What about the transparency and openness that we've been talking about here? If we don't -- if we pass the tasers today there's no hurry, there's no deadlines on the state side, there's no -- we need to do this right, and we will not see the disclosure improvements if we don't have the incentive for them to continue to work with us, and we're going to get ripped off in the process. Take more time, please.

>> Tovo: Thank you, Ms. Russell. Fatima Mann. You'll be followed by our last speaker, who is Andrew Grayson. Fatima Mann is registered against, Andrew Grayson, who is next, is registered for. Thank you.

>> Thank you. I want to second everything that Debbie just said as well as stating that there's actually a rolling period until -- they have until July 15 to get their grant and all that, like done. So it's not as if it has to happen tomorrow, and it doesn't have to happen in 120 days, but July 15 is a really -- it's not even a month out. I just went on to the web site and really read all the things that they have to have in terms of requirements for that, so just being able to say that if we're going to -- I -- I believe wholeheartedly there should be body cameras. I definitely believe that we should make a conscious purchase. It should be from a company that makes conscious decisions and don't have, you know, lawsuits against them, because liability is a thing, and we don't want to be spending more money filing lawsuits if we don't have to. But as well as being able to say that there is -- there is time for this process to really, really take hold in terms of creating an adequate policy so that even on the web page it says that they understand that police departments will take time -- necessary needed time to create policy, right?

[7:34:50 PM]

Like that is actually one of the sentences that's there in terms of the grant that we're discussing, because it's a matching grant. So whatever the state gives, the city is supposed to be matching in some capacity as well. So just being able to say that -- I don't agree, but not only do I not agree but there is -- like we do have a month, right? And hopefully sooner than later, but we have some time. So just being able to say if they do not get it in right now they won't get the money, I feel is -- it's not the best truthful statement because it does say July 15 in terms of that application process.

>> Tovo: Thank you. Andrew Grayson.

>> Good evening, council. Thank you for letting me take the time. I'm Andrew Grayson, the national director for taster. I'm glad I'm here to answer some of the questions. Taser has been the leader in body-worn cameras since the inception seven years ago when they started. We are deployed in over 5,000 agencies in the United States, and of the major cities, of the 55 major cities, we're deployed in 34 of 35 of those. So roughly 95% of all the major cities have made that choice. And they've all done their fiduciary responsibilities, return of investment, total cost of ownership, work flow for officers, burdenship on cities and municipalities. For that I'd like to open up for questions you may have for me.

>> Tovo: Thank you. Council member Zimmerman?

>> Zimmerman: Thank you for being here but my first see is why are you here? I thought we weren't supposed to do exactly this. We're considering a purchase option with competitors and you're here and your competitors are not. I'm confused.

>> We were just here to answer any questions --

>> Tovo: Council member Zimmerman, let me ask our staff. I believe that it is -- well, let me just ask some Scarborough to address that question of whether it's appropriate for a vendor who's on the agenda to address the council.

[7:36:57 PM]

>> Mayor pro tem, council member Zimmerman, James Scarborough purchasing. The item before you is available for public comment so it could be unsuccessful offers, it could be offers that didn't respond, it could be the recommended offer, members of the public. This is the opportunity to answer any questions that you may have about the -- excuse me, the proposed solution or any other questions about the program.

>> Tovo: Mr. Scarborough, and it's my understanding based on some of our other conversations, the new solicitation requirements -- the new -- the no contact -- well, I think I'll --

>> The no contact --

>> Tovo: Contact outside of meetings.

>> Right, your no contact ordinance specifically says that at a public meeting anybody can come and talk about it, anybody proposed on the contract is able to come, and they often do.

>> Zimmerman: Okay. I have --

>> Tovo: Both pro and con.

>> Zimmerman: I have to object to that --

>> Tovo: But we have had -- we have been addressed by successful vendors and the proposed vendors, I think even this council.

>> Zimmerman: And I think --

>> Tovo: Council member Zimmerman.

>> Zimmerman: A year ago at a public safety committee we had a big discussion about towing and there was an outcry that went out because we were having a public conversation about a towing package, and you were here, and it was all this consternation and outcry and indignation and people freaking out because somebody who was not the preferred vendor had come forward in a public meeting to share very important technical information, and there was a lot of consternation and email, I don't think this is proper, and somebody even tried to shut down the conversation. I tell you what I'll do. I'll go back and find that archive and we'll play it next meeting, because this is kind of serious. You know, it's a dual standard going on. So I'll go and find that archived video and I'll bring it back.

>> Tovo: Thank you. Are there other questions either for Mr. Scarborough or for the speaker? Council member Casar?

>> Casar: So I -- I don't know whether or not you could see the spreadsheet that was posted recently. I think it was, what, two speakers ago, of taser contracts with other cities and first of all, if you've gotten a

chance to review it I would want to know whether or not it seems accurate to you, and then second, if so, or if it's somewhat accurate, the reasons that you might be able to lay out for us for the difference in per camera cost in our city --

[7:39:17 PM]

>> That's a great question. Will we be able to pull it back up? Great. You'll see the city of Austin. It is a seven-year contract, but the number of cameras is actually 2200, not 1700. The total cost of the contract, when you look at it over the aggregate, that drops to roughly \$5,000 per officer, which falls in the medium. Also what Austin is getting, and I will not speak into specifics for Mr. Zimmerman's respect, they're getting more enhancements and more upgrades during the cycle than the average agency would be getting based on the life cycle request of some of the hardware. And also the infrastructure is a fixed turnkey cost with no additional and it's considered unlimited storage, so it's an uncapped storage amount in terms of a data plan, a maintenance plan and an upgrade cycle for the city. So you'll see in terms of the major cities that are listed, the 5,000 falls within the mean.

>> Casar: Thank you for that response. So you're saying that we're at 2200 -- 2200 cameras? Is that had what you said?

>> It would be 2200 and that would be Numbers 1 through 5 and you had two optional years and the two optional years there were added cameras that would be in those as well.

>> Casar: And so if you divide this \$17 million number, what would be the appropriate number to divide it by?

>> I would take 12,201,000, divide that by 2200.

>> Oh, and then this -- and then the additional 5 million that's listed there for phones, could you address what that means? I'm sorry, we're doing arithmetic here.

>> That was a separate procurement process that had nothing to do with our contract so that's exclusively to any of the deals we've done.

[7:41:18 PM]

>> Could staff address is that?

>> Mayor pro tem, council members, I'm glad to clarify that. The addition of the \$5 million, that's associated with the item 38 for the purchase of cell phones. There is a compatibility issue -- there is a compatibility between the mobile phones and the body cameras, but they were not required to interoperate. They were not a part of taser's proposal. They were discovered when the police department was testing the units and found that there were some -- there was some additional value add. If you'd like to ask the police department about that particular testing you can, but -- I'm sorry. But they were not required under the solicitation by the -- by the city. They were not proposed by taser, and they were not part of taser's evaluation that resulted in the staff bringing forth the recommendation for the contract award to go to taser.

>> Casar: And so if you were to make a calculation as to how much per camera we are paying, would you divide this just as the vendor does, would you divide this 12 million -- \$12.2 million money by 2200? Would that be the way you would pursue that calculation yourself?

>> I would rather consult the contents of their proposal. Because they are the vendor, they're able to talk about elements that currently we would not talk about publicly because they're still subject to negotiation. But because they are the offeror, they are able to talk about certain specifics in their proposal if they choose to do so. These are elements that are still subject to negotiation. So we could perhaps find additional value in those exchanges, but I'm not going to challenge the Numbers that he brought forward.

>> Casar: So we're still in the process of negotiating exactly the number of cameras that we would get for this contract to work?

>> Yes.

>> Casar: Okay. That is helpful to know.

[7:43:18 PM]

And so I am still -- and I apologize that I was not here for the last meeting to understand the cell phones issues, and I'll defer my questions for now to here, to give other people the floor, but I am eventually interested in understanding that wrinkle a little better.

>> Tovo: Council member Gallo?

>> Gallo: So I want to go back to the additional \$5 million, which is a little bit less than 50% of the total of the 12. Was -- was that part of the discussion with the initial bid with the other companies? So obviously with this company it became an issue, and we would be required to spend another \$5 million to implement the program. Is that the same case with the other companies or do we even know that? I mean, that seems like that would have been a really important criteria for determining the -- the preferred respondents. So I'm just curious where the in -- in the process or how in the process that was discussed.

>> Mayor pro tem, council member Gallo, the mobile phones were not required as a part of the solicitation. They were not proposed with taser's proposal. They proposed functionality that met the specs in the solicitation. During the testing of these units, various officers from APD realized that their iPhones enabled certain additional functionality, so this particular item, item 38, is a strategic move on the part of APD, and they can answer that more fully, to take advantage of that additional functionality and also to accommodate some other communications improvements that they would like to pursue. But the iPhone is not necessary for the body cameras proposed by taser to perform the way that they were proposed in their -- in their proposal to the city solicitation. This was an additional element that was noticed when they were testing the items, so they're not required to go to -- if you did not authorize item 38 we would still be able to proceed forward with the purchase of the body cameras.

[7:45:31 PM]

There just would be some additional functionality that would not be enabled.

>> Gallo: Okay. So thank you for clarifying that.

>> Yes, ma'am.

>> Gallo: So 37 could be approved, and would still be able to be implemented without 38 being approved.

>> Correct.

>> Gallo: So 38 really is kind of frosting on the cake?

>> Yes, ma'am.

>> Gallo: Okay. Thank you.

>> Tovo: So does anyone have any more questions for Mr. Grayson? Okay. Council member Zimmerman.

>> Zimmerman: One quick question. So this is great conversation. We didn't have this conversation in the public safety committee, which would be a great place to have some of this detailed conversation. And as an advantage, I have professional expertise in realtime video acquisition and data center storage. A lot of professional experience. I know a lot about this technical subject, and I'm just begging for a year to have -- to have this discussion in public safety committee, and to no avail. So I'm not happy about that. Do you understand why I would not be happy? I asked and asked and asked and we didn't have this conversation. So --

>> Tovo: Okay. Mr. Grayson? It doesn't appear that anyone has additional questions but thank you for your time.

>> Thank you for your time.

>> Houston: I have a question for Mr. Scarborough. I don't see anywhere in here the 22,000 -- 2500 -- 2200 body cameras. I don't see where that is. Where did that number come from?

>> That came from the taser representative.

[Laughter] Again -- again, because the proposal elements are still subject to confidentiality because they're still subject to negotiations under Texas procurement statutes, I'm not able to go into details as to what is or is not in the proposals. I would be glad to do so, and if you and your office would like to see copies of the proposal, we would provide them to you for your review, but I'm not able to go into those details right now, unfortunately.

[7:47:36 PM]

>> Houston: Okay. Okay.

>> Tovo: Council member Gallo, did you have an additional question? And then council member Casar.

>> Gallo: I have an additional question but I want to follow up on what council member Houston just asked. In our backup it talks about specific deployment of 500 cameras the first year and 500 the second and 500 the third and 200 the fourth. So that says very specifically 1700. So --

>> Correct --

>> Gallo: Once again back to her question, it sounds like you've been very transparent about the deployment Numbers and we've got that gap of --

>> We're able to discuss contents of the solicitation. So the Numbers that you're seeing are already in a public document. There could be other Numbers that were in the proposal that were in response to the public document that I wouldn't be at liberty at this moment to go into detail.

>> Gallo: Okay. All right. That sounds --

>> Tovo: Go ahead.

>> Gallo: I have questions on funding. So in the back -- I've got a couple questions. One is on -- let me ask about the process that went through boards and commissions. Did this not go through a commission? Did this not go through the public safety commission? No. Is that right? I mean, sometimes that's left out and it actually went through. I just wanted to verify.

>> No.

>> Gallo: It's not. So it did not go through the board and commission. But it did go through the public safety committee. No? Okay. Is that a yes or a no?

>> Zimmerman: That's a no. The vendor -- the vendor that I just heard from that came up here, first time I've ever seen him. None of this was discussed.

>> Tovo: Was this an item on your council committee agenda?

>> Zimmerman: The short answer is now. We didn't have a detailed representative come and ask questions, no.

>> Houston: It was on the agenda. It was -- it was on the agenda. We didn't have an in-depth discussion of it, but it was on the agenda. And so that's why I'm surprised with the difference in the Numbers.

[7:49:38 PM]

>> Gallo: So this proposal was actually on a public safety --

>> Zimmerman: I'm sorry --

>> Tovo: Council member Zimmerman, let's not talk over one another. Council member Gallo has the floor.

>> Gallo: So what it sounds like is it didn't board through the board or commission but it did go to the council committee. I'm trying to understand the funding and I keep hearing about a grant somewhere. There is nothing I can find in our backup that talks about a grant, so can you help -- is that part of the funding stream on this? Because Baugh I've got some questions --

>> Council had already approved the funding last year before we had applied for the grant, so the grant was -- we got the preliminary award for the grant in January, and so we still have to submit our final application for the grant in July and then the award would come in August and then that would come back to council for the grant process, for approving -- for accepting those funds.

>> Gallo: And so how much is the grant?

>> 750,000.

>> Gallo: 750,000. Okay. So it -- you know, because it's very difficult for us to remember what we did a year ago or nine months ago, when we talk about the funding stream I think it would be helpful to kind of put back some of that past information, and if that's part of it, so the -- the 1.5 million that it says is available in the '15-16 capital budget of ctm, is the 750 part of that?

>> No, ma'am.

>> Gallo: Okay. So the 750 is applied -- just help me with understanding with how this is -- the 750 is not part of any of the financing that we're talking about on this proposal.

>> No, ma'am. What would happen is the 750 750 would be applied toward the second set of 500 cameras in year 2 so there would be a cost savings from what -- the number that you're seeing.

>> Gallo: Okay. Thank you. That helps. And so then my next question is where is the proposed funding coming from for the remaining years other than this first year where it says it's coming out of the capital budget for CMT?

[7:51:55 PM]

>> We'd have to get someone from the budget office, ma'am. I think that the capital funding was allocated, but I don't know where that funding is coming from.

>> Tovo: We'll give you a minute to --

>> Why don't we see if we can figure out where this future amount of money would be -- or at least what the proposal or plan is for funding it in the additional years. I think that would be very helpful to know.

>> Tovo: So while we're giving them the opportunity to look into that and get us some accurate information on that, council member Gallo, is that your last question for now?

>> Gallo: Yes.

>> Tovo: Council member Casar.

>> Casar: So if these questions were asked at the last meeting, forgive me or stop me, but I do want to understand a little bit better from -- from the police department what the additional sort of productivity and features are of us having the phones. I didn't separate those out in my mind until that was made clear a moment ago.

>> Yes, ma'am. The funding comes from the general fund and every subsequent year we come back to approve for the subsequent budget years the additional funding. And generally it will be coming from the general fund.

>> Tovo: That's the answer to councilman Gallo's question.

>> And I couldn't hear --

>> Tovo: Let's get back to your request he in just a minute. Council member Gallo, the chief just answered --

>> Gallo: And I have a question --

>> Tovo: Your question.

>> Pool: I have a question and answer to that response to council member Gallo so maybe we can kind of stay on the same topic for a little bit.

>> The first I didn't year it's coming out of the budget for CMT. Is that what it is for the additional years for capital budget of CMT or are you looking for it to come somewhere else?

>> That's really a request for the budget office. They're not here, and I think what they'll do is at the time the funding is actually -- oh, you are here? Wait a minute. Here he comes.

[7:53:58 PM]

>> Paul hoppengaarde from ctm. The problem is funding initially is placed in the capital budget of the communications and technology department but additional funding requests would come back to council as additional request. So you approve the concept of funding that so what will happen is future budget years it would be included in the budget.

>> Included in the budget as coming out of the general fund?

>> That's correct.

>> Gallo: Not necessarily the capital budget of CMT?

>> Well, initial funding goes into -- for the beginning of a project goes into the capital fund, and then that's funded through the general fund, and then remaining years would also come back through as a regular budget request under the individual departments. So ctm has some portion of that because of connectivity for circuits and things like that, but the majority of it would come back through the APD budget.

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

>> Tovo: Council member Casar, are you comfortable with my allowing council member pool to ask another question on this item and then we'll get right back to your question? Council member pool?

>> Pool: So is it fair to say that the 12 million that during our fiscal '16 budget discussions last year, we set aside and put in the capital -- in the cip budget, but that's like the bank account to buy these cameras, and when you say it will be coming out of general revenue those monies are transferred to general revenue but we already have the money allocated to this? I think the devil in this is it sounds like the 12 million we spent and we're going to spend another million and another million and I think what we're looking for is please tell us that the number isn't growing any bigger than it already is.

>> Mayor pro tem, I think I have the response because I worked with the police department on this during the budget. There is a spreadsheet that I can have our staff print out that was sent out from the police department showing what this would cost every year. My recollection is that the biggest -- I'm trying not to say tranche -- the biggest chunk was in the first year because we would have to have some staffing and some recurring general fund expenditures, and then every year we would have to dedicate a certain amount of money out of one-time funds, capital funds, basically to continue authorizing the contract to move forward, just like if we had a contract to purchase cars or safety vests, we still have to approve them every year in the budget.

[7:56:19 PM]

But my understanding is 24-8d this would sort of be -- the big chunk would be at the beginning because we had to hire a lot of staff and afterwards it would be just buying the next sets of cameras and that was laid out in the spreadsheet that I'm pulling up now and if it's of interest we can -- I know chief manly was the one that produced it, my staff could print it out.

>> Pool: And so following on that, which -- because that makes sense. I know we're talking about the data storage and the point that was made by Ms. Russell is once you buy the body cameras, which may be at a low price, we have the requirement every year for the data storage. Now, one of the

conversations that I had off-line last year when we had this conversation first in the public safety committee, and then subsequently I believe with staff, I was assured that we have plenty of room for data storage in the cloud, in the contract that ctm has for the city, and it really is not very expensive. So one of the questions that I have relates to the data storage costs. I would like to understand why those are so high when admittedly it was a very vague -- well, it's not very expensive, but my understanding is that data storage in the cloud is frank -- frankly is actually cheaper today than it was a couple years ago and one would expect it would continue to be that way, maybe not. But if you could explain that, why the data storage costs for taser are so expensive? And is that required? Is there a different way to go about data storage? And then the second question goes back to what council member Casar was talking about, the larger allocation of monies appropriated last year, which was the 12 million. Is that the total amount over seven years, which is what I read on the chart that Ms. Russell put up? Or is it 12 million as the large chunk that is being spent in fiscal '16 and then we will have additional -- and not -- and whether that includes the data storage. I'd like to get a total -- I want to get my arms around how much it's actually going to cost for seven years and have it -- these are body cameras for this many this year, and this many next year and this is the data storage costs for here and here and is it cheaper to do data storage a different way?

[7:58:28 PM]

Do we have to use taser international? Are they like the HP of body cameras where the printer itself, Hewlett-Packard printer, they prided themselves on having inexpensive printers but they ran out of ink really quickly and getting those cartridges was really expensive. So that's -- that's for me the analogy. Is this the HP of body cameras? And I don't mean to -- I'm not being facetious at all.

>> Tovo: We have about three pending questions so taking that --

>> If I could address storage quickly. One of the things we're proud of in our department is we have more triggers between our incar cameras than any department in the United States. I eventually guess nobody comes close. Then you add the triggers nobody has in terms of capturing data with the body cameras, which hopefully will also include when the officers takes out the taser and turns it on, the camera comes on automatically, that we are storing more data than just about any department in the country per capita. And one of the things that we think is going to be of great value, considering the amount of data that we're storing compared to a lot of our sister agencies, is the unlimited data storage, because the last thing we want to do is see something that we go into today and the cost going through the roof. Our data, again, storage, we believe -- I don't want to speak for everybody, but it's -- it's actually going to be a very good bang for our buck for the taxpayer.

>> Tovo: So council member pool I think had some specific questions about the data storage part of the contract. Mr. Scarborough, are you able to answer those questions or are those within the state law specifics that prevent you from doing so?

>> Mayor pro tem, council member

>> Mayor pro tem, councilmember pool, unfortunately details like that would be a part of the proposal that I wouldn't be able to get into at the moment. The aggregate amount, the \$12 million, is over the entire life of the contract. So that would include all equipment, all storage for seven years.

[8:00:31 PM]

So there's going to be a portion of that is going to be associated with the camera equipment itself. There will be a portion of that associated with the services to train, install and provide maintenance and warranty. And then there's the actual data storage itself. Those are all elements that could be subject to further improvement as we sit down and negotiate the contract with the offer, but those are still

elements of the pricing that I don't have available in this moment.

>> Pool: So the 12 million is the total number.

>> For seven years.

>> Pool: That answers one of the questions we've been kicking around here, but it will be paid in different fiscal years.

>> Yes, ma'am. Over seven years.

>> Pool: Okay. You offered the ability of Ms. Houston to see the contract privately. I would like to as well to see the data storage and get my arms around that and get your opinion on whether there's -- is there a better way to do it because if indeed we're paying a lot for data storage by using taser and we can do it more cheaply elsewhere, my inflexion point question there would be if we use the taser cameras, can we use somebody else for the data backup? In fact, can we do it ourselves? So that's what I would be looking for an answer to. And I recognize that we've allocated the 12 million. That doesn't mean we have to spend it especially as we dig into it and pull it apart and put it back together again. Maybe we can more efficiently spend the money and maybe we don't have to put it all in this one contract. We can do it differently with an equal or better outcome.

>> Tovo: I'm going to recognize the city manager and then we'll get back to councilmember Casar's questions regarding the telephones?

>> Thank you, mayor pro tem. I think it might be useful to clarify a little bit in terms of the structure of the transaction both in the short-term, ie that's what's before you today, the capital purchase of the cameras, but also to go on and talk about the balance, the structural characteristics of the balance of the funding associated with this.

[8:02:49 PM]

The o&m side and additional purchases in the future over time. So Elaine will chat about that for a minute, our cfo.

>> The rca states it correctly. This first purchase is a capital purchase and it was budgeted in our communications and technology management department this year. So the initial capital equipment purchase will be made there. Any future costs associated with this contract it says are subject to or contingent upon annual approval in future budgets. That's because once you've done this initial purchase of the first phase of the body cameras, the rest of the service is it's really a service and so it's not appropriate to charge it to a capital budget. So you would be paying for it out of the capital budget of the Austin police department. That's where it would be budgeted in the fiscal year 17-18 budgets. Any additional phased purchases of cameras, they have two or three phases of purchasing additional equipment, that additional equipment could be purchased either from the o&m capital or the capital budget. It could be budgeted either place, but again, that would be budgeted associated with the Austin police department is the way we would treat it. I believe it's stated correctly in this amount and source of funding. And because there's an element of capital the first initial purchase it has a fiscal note because they are required on capital items. I hope that didn't confuse you. I hope that clarified a little bit more. But there is that aspect just like any contract that we have that anything that's coming out of the operating budget is subject to future council approval of future budgets.

[8:04:49 PM]

>> Tovo: Thank you, Ms. Hart. Councilmember Casar, you had a question?

>> Casar: I did related to the phones. And I just will -- I think that that spreadsheet that I said I actually have an older version in my computer and I now recall that the newest one was brought to me on paper. So I apologize I can't get that to you all, but it was something like on the order of 2 point

something million that we allocated on last year's budget. Some portion of it was recurring funds and some portion of the capital funds. My question to the department was to explain a little bit more about what it is the department and the public is getting out of the phone purchase.

>> The largest piece of the functionality that we're going to get from that is the automatic adding of the geo location of where the body camera was turned on. So by having it paired with a cellular device you're getting the cellular 3G connection, which is geo locating the officer's body. When the body camera is turned on it automatically I am beds that location into the video on the device itself through a bluetooth connection. So without that piece of it what happens is the officer goes back to the station tend of his shift and then he connects to the camera and then he adds the location manually himself.

>> Casar: So it's efficient, we're investing in that for the efficiency of the time that the officer would spend typing that information in?

>> Right. Yes, correct.

>> Casar: And have we -- could you just help us with calculations done by the department to show that that amount of money is worth that amount of time? Maybe it may not. I just ask the question.

>> It depends on how many videos the officer had taken during the day. It's hard to calculate. But generally maybe 10 to 15 minutes a shift.

[8:06:52 PM]

So in the cars with the video system in the cars, the officers have the tough book and the car has geo location on it, so it automatically puts the location when they do that video. They do have to manually enter in the classification of the video and also the case number of the video when they're in the car. They do that now. But the location piece of it is automatically put in that video, but on the body camera in order to have it automatically embedded, we would have to have some type of cellular connectivity. In addition to that, you know, the department currently does pay cell phone stipends to a number of officers, supervisors, and issues some cell phones. So that cost would not be recurring anymore as we would be issuing the phones, so there would be a cost savings there from those cell phone stipends that we currently have and the cell phones that are issued to those officers. In addition to that, as we move right now the city is in the process of doing an rfp to come up with another solution other than the department issued pagers, which we currently pay \$10 a month per officer to carry a pager. It's a one-way communication device. And so that's another piece of the puzzle. So there's a lot of other functionality issues that outside of the camera that A.P.D. Realizes that we're able to gain by issuing officers cell phones. The connectivity with the body cameras is just one little piece of it. Now, having the phones is tied into the camera was never part of the rfp. It wasn't part of the testing to make sure that it performed the way that they said it was going to perform. It performed like it was supposed to. And so what we did is later on when we did get an open records request for some body camera video is what we realized is an officer who took the initiative to pair his camera with his phone, the location was geolocated, embedded in that video.

[8:09:04 PM]

So it was kind of happenstance that we realized the operational efficiency that was awarded by pairing it with the phone as opposed to anything else.

>> And I could add, we've estimated that we would probably after per officer about 15 minutes per shift, which equates to four hours a month. And this equates to about \$160 per month in cost savings. Not to mention that when you look at an intelligence-led police department that is really data driven and having the apps and all the information we'll be able to push out to the officers is going to create many efficiencies, especially when you look at our foot ped officers, our bike patrol officers, our park officers.

There's a lot coming down the pipeline that is going -- that this platform will afford the department, create many, many efficiencies. I think it will be very beneficial to the taxpayer.

>> Casar: Chief, can you remind me how many officers we have now?

>> We have authorized a little under 1900 officers.

>> Casar: Thank you.

>> Tovo: Councilmember Houston.

>> Houston: Thank you, so much, mayor pro tem. And this message is for Mr. Scarborough. This question is for Mr. Scarborough. You know, I would be better able to weigh what we're talking about if we had -- if we held constant the years. One contract has seven years in it, the others that were kind of the best practices in other cities had five. So it's kind of hard for me. Why couldn't we produce-- keep the years the same for the contract? Did all of the people on the matrix talk about a seven-year contract? Or is that confidential?

>> Yeah. Mayor pro tem, councilmember Houston, the -- I won't be able to speak to the context of the matrix that was provided for the discussion here tonight, but I can talk about the term that was set forth in the solicitation was consistent across all of the offers.

[8:11:10 PM]

So all of the offers were a five-year initial term with two one-year extensions. So they were all based off of seven-year price. As it pertains to contract term, different jurisdictions, different states, different local governments, have regulations with regard to how long multiterm contracts can be. Some will establish a maximum term, some do not. The state of Texas and the city of Austin currently do not prescribe a maximum contract term. We typically look and see what is common within a given industry and then we'll try to determine which is the best term for operational purposes, where can we realize the maximum value of the purchase based on the product life cycle and also when it's best to go back out and resample the market. So all these things go into consideration when we determine what initial term we should seek and what additional optional extensions we should ask for.

>> Houston: But everything was seven years?

>> For all of the offers that responded to this solicitation, yes, ma'am.

>> Houston: So seven years, we'll talk about that later. I'm not going to talk about the smartphone because that's another agenda item and I don't want to get confused, but I'd be willing to postpone this for two weeks until we can have conversations about the cost of the offerer.

>> Zimmerman: Mayor pro tem?

>> Tovo: Let me ask a question about that. Councilmember Houston, are you -- it's my understanding we can't have a conversation publicly about the contracts. That would be based on your own research? Councilmember troxclair, who hasn't had an opportunity to speak yet.

>> Troxclair: I just want to go back to the math that chief Acevedo was mentioning earlier about the cell phone piece of it. If you don't mind. Did you say it was \$160 a month -- if we did not have the cell phones and if the officer was required to manually enter \$160 --

[8:13:19 PM]

>> We estimate that would be the savings in efficiency that it would save hours per officer about 15 minutes a day that equates to -- get my readers back on. 15 minutes per shift, which equals about four hours a month per officer that equates to about \$160 a month saving per officer is what we're estimating.

>> Troxclair: So if it's about \$160 a month and there's about 1900 officers, did you say?

>> Yes.

>> Troxclair: So that comes out to, just rough math, about \$3.6 million that we could spend if they did do it manually, versus the five million dollars -- over five million that's budgeted for the phones?

>> We're paying those officers based on 10-hour day. We're saying in here is that we would -- they would save about 15 minutes of work load where they could be doing something else that equates to this kind of either dollar savings, but more importantly it's time that they're spending doing something else.

>> Troxclair: But I'm saying if we were going to pay them to work an extra -- to spend those 15 minutes doing the data entry instead of having the cell phones, it seems it comes out to about two million dollars cheaper. But I think that's what --

>> Casar: But I think the issue is my understanding is this would be a one-time purchase, is that correct? So over the course of -- if this calculation bears out, then over the course of two years we'd save about seven million dollars' worth of save time, but -- staff time, but we would only have to purchase the phones once and I would assume that we would have some form of replacing broken phones.

>> Councilmember, as -- are we okay to talk about the next item?

>> Tovo: Well, I suppose we've already jumped into it. I think we might make better progress if we sort of focus on the issue at hand but because it's related go ahead and answer and then we'll try to get back to the subject.

>> The entire life of the contract that we're asking for authorization. So the amount of savings as compared to the amount of the cost of the iPhones would have to be analyzed, but -- annualized, but again the entire value of the mobile phones and the services would not be centered on this one additional functionality.

[8:15:36 PM]

The police intend to use the phones for a number of functions, including to reducing the stipends they currently give the officers. So if you take the value -- the pickup by this functionality by coupling with the body camera in addition to offsetting the current stipends in addition to other value adds by other applications that at the intend to use that were described in the backup Q and a, the phones should well pay for themselves.

>> Casar: I understand. Thank you.

>> Tovo: I have some additional questions with B that but I'll save it for the next agenda item. Do we have other questions for the body camera item that's before us.

>> Zimmerman: I would like be recognized for a motion. I would like to move that we postpone items 37 and 38 for two weeks, if I could get a second and I'll plain why. Explain why.

>> Tovo: Councilmember Zimmerman moves to postpone items 37 and 38, but please note -- I actually am just going to recognize you for -- actually we have no speakers for 38, so that's fine. And councilmember Houston seconds that motion.

>> Zimmerman: I'd like to speak quickly. There was a remark made just moments ago that the public safety committee that I chair had been briefed on these issues we're talking about. I asked my chief of staff to go back. He indicates that April 27th of 2015 is the first time we started talking about body cameras, April 27th of 2015. There's no agenda item that we can find that talked about the taser contract in particular. We don't see that on any of our agendas. And the first time we heard about the proposals for the iPhones was may 16th of 2016. And let me say again quickly, we tried to get involved in the rfp, and the reason for that is because the policy and the technology are tightly connected and here's one great reason. We just learned today for the first time that officers might incur a lot of time entering coordinates for locations for where they were.

[8:17:40 PM]

Well, guess what? If that's really critically important, we could have put in the rfp that the cameras need to have a little gps device that automatically track where they are and put that into the image file. That's the kind of technology that is not that expensive. Gps technology is getting to be very, very cheap. And there would have been a possibility, hey, if this is important and it costs us millions of dollars, let's write an rfp that says gps tracking has to be on those cameras, if it's critical. We've been trying to have that conversation. The policy and the technology, they really do go hand in hand. So I want to ask my colleagues to give us two more weeks on this.

>> Tovo: Councilmember Houston, do you want to speak to your second on the postponement?

>> Houston: Well, yes, I do. And it's about 38 because there was some questions about how did we decide on this particular vendor? And again, that's something that we can't talk about publicly right now, so I need time to understand why we have -- because wife gotten -- I've gotten emails from other vendors who say they can provide the same services for cheaper. So it's becoming a fiscal matter at this point to me. Then for the chief or the police department, are these going to be for multiple officers that go from shift to shift or will they stay with that one officer? And how many smartphones are we trying to really buy?

>> Mayor pro tem, councilmember Houston, the purchase of the mobile phones is being done under a department of information resources state contract. So they're not subject to competition. That information is not confidential so we will we would be able to answer any questions related to the procurement or with the selection of AT&T. Some of that was provided in the Q and a. There may be some technical representatives of the Austin police department that can talk about connectivity availability with AT&T as opposed to other providers.

[8:19:48 PM]

>> Houston: And I think when we go with that route, as I said earlier today, it seems like it's been three or four days ago now, when we go that route we sometimes don't get the best return on investment because we go with what the state says and what the contract says. So sometimes with ability to negotiate or look at different contractors, we might get a better deal than if we go with the state contract. So I'd be happy to have you come -- we'll talk about it.

>> Sure.

>> Tovo: So I think I need to understand why there's -- what -- what my colleagues hope to achieve by postponing -- it's easiest for me to talk about 37 since we never really jumped into 38.

>> Houston: Well, we talked about --

>> Tovo: Looking at the contract will give you more specifics about what this particular vendor is offering, but is that really the --

>> Houston: For me that's part of it. That's part of it. And then the other part of it is I heard the citizens say, the stakeholders say that that transparency issue that they continue to have to work out, and that would give them an additional two weeks to work on that transparency policy issue. So it's both and. It's not either or. It's the transparency policy issue and it's also being able to look in detail with the contract that we're about to commit the future councils to for many, many years.

>> Tovo: Okay, thank you. Councilmember Casar.

>> Casar: I'll answer your question partly because I think I have a bit of a different reason and I just haven't had a chance to get in yet because I had many questions. I'm obviously supportive of having body cameras if that 2200 number or so is correct, then there may not be very much of an issue with cost. That is something we could find out sort of in the interim through signing an mda which I've done in other contracts or making sure we have that communication.

[8:21:58 PM]

That's probably not as much of an issue for me. The phones actually sounds to me -- I haven't heard a strong argument for not getting them, and I appreciate the chief outlining some of the potential benefits. So for me the reason for supporting the motion to postpone on the body cameras is something that I expressed during the public safety committee meeting, which is if the policy and procedures that we have currently laid out just say that we're going to follow state law, I do not think that that quite yet gives us the level of clarity for the public about if there is a critical incident what exactly is going to happen? My reading of the state law in talking to lots of people, our own city legal, but also lots of policy experts and other attorneys, is that there is some gray in that state law of exactly what a law enforcement purpose is and exactly what it is we're going to do. I wouldn't be in favor of postponing this just because some of the advocates here may disagree with our procedures because we have four months for them to work that out, and I understand that -- and I entrust that actually over four months we can get some movement and sort something out that is fair. So it has less to go with the folks that disagree with what's in the procedure manual and more with me that once we purchase the cameras, which are meant to build trust and provide more fairness for the public and/or officers, I just want to know that when we purchase them everybody is really clear about when we're going to release video so that there's no question on the public's part about why we do or do not release the video. I just want that to be really clear because that's kind of the point of the cameras and I just don't want the cameras to hurt us in the public view when we're making this very significant investment to help our department, to help our city and to help this. I want that to be crystal clear, whether we disagree with the policy or not?

>> Councilmember Renteria.

>> Renteria: That's exactly why I should wait for the report to come back, the 120 days.

[8:24:06 PM]

I think we're really rushing into this and I don't think two weeks is going to answer us anything. I think if we initially put three million dollars in for 500 cameras and we're still talking about -- I attended the one at palmer events center, and that discussion was going on and we're still discussing the same issue. I don't think we're going to get down to that until we actually come back with that study that we just asked for 120 days. So I'm not going to be able to support two weeks or anything. I'm going to support 120 days.

>> Tovo: Other comments? Councilmember pool.

>> Pool: I'm concerned about the phones. I don't quite understand. It's almost 3,000 per phone it looks like with my little math. If it's 1700 and it's five million. So I just need to understand that better. And if, if the officer who with the body camera pilot discovered by using his phone's geo location that he could pinpoint where he was and have some additional benefits from that why should we go out and buy phones for everybody when they already have phones and maybe a number of them have been purchased by the city. They have stipends as well. So just the hardware I'm not understanding, the hardware.

[8:26:08 PM]

As far as the software, we have great programmers in this city and it could be something that we could have proprietary on our own and create the application that would do the work that is -- that you would be purchasing, that you're recommending that we purchase on the phones. Clearly the money isn't just for the hardware, which they do wear out. I've got an iPhone 6 and I started out with an iPhone negative

1 or something.

[Laughter]. We get these things new every couple of years because that's how they're built. So to say that it's a one-time only purchase, I am skeptical. And more to the point, I don't understand why we would buy new phones for everybody and load it up with software and apps that maybe we could build them ourselves.

>> Mayor pro tem, councilmember pool, I certainly understand your perspective and I'll try to answer as many questions as I can in that regard. The preponderance of the price, if not all of it, is associated with the monthly service. So it's the monthly amount to provide air time to each one of the units. Times the number of units, times the number of years for the contract authorization. In terms of our ability to create a similar app, I can't speak to that. I can reiterate that the iPhones are not necessary for the body cameras to function the way they were proposed. It's an additional value, it's an additional convenience. It would save a little bit of the officers' time, but they are not necessary to make it work. So it's a strategic decision for operational efficiency that the police department has made. And to the extent that that meets their operational needs I can't go beyond that.

>> Pool: And I appreciate that and it seems to me like this is not the time to be bringing a five-million-dollar new idea to the council.

[8:28:10 PM]

We're looking at completing fiscal 16 at a place with our budget tighter than it was last year. We made certain promises in our budget last year that we need to continue to fund forward, and I don't personally see that we have -- I'm not really telling you this. I'm really talking to my colleagues. I don't think we have the ability in our fiscal '16 budget to pay for that and I don't want to commit it out of our fiscal '17 budget without knowing what other things we need to purchase. I appreciate all of the work and the efforts and the good intentions that are around this, but I will not support the purchase of the phones, which is item 38.

>> Tovo: Okay. So it looks like this is moving toward a postponement or at least there's a great will to do so. I'm going to suggest that we continue to provide feedback or questions or whatnot to our staff and have those answered. One of the questions I'm interested in exploring as we look at the financial value of those phones is whether there's a value -- or you can provide us with information from our municipalities to the accuracy if these things are geocoding the location versus people going back and trying to remember when they were at various points where they recorded video, it would seem to me possibly accuracy is a value of those phones that we might want to have if we have officers who are all over downtown, for example. But that's, again, if we're moving towards postponing it, we can save some of those in depth questions for next time. So we have a motion on the table from councilmember Zimmerman and a second from councilmember Houston to postpone 37 and 38 to our final June meeting of the month, which is June 23rd. Further thoughts, questions? All those in favor? And that is -- and then all those opposed?

[8:30:12 PM]

Councilmember Renteria. So that passes with councilmembers pool, Zimmerman, troxclair, tovo, Casar, Gallo and Houston voting in favor and councilmember Renteria against. Thank you to all of those who came down to talk about it. I know you had to wait a long time. We appreciate your feedback. Item -- our last item of the day is item 36. And this is also something that we had an opportunity to discuss at a previous meeting. It's the item related to the license plate recognition gadgets. So why don't we go to our speakers and then ask questions of staff as we need to. Our first speaker on this item is Jason Bram. And he is registered against. Mr. Bram. Our next speaker will be Matt Simpson and our third and final

speaker who is signed up is Greg glodd.

>> Mayor pro tem, councilmembers --

>> Tovo: Welcome, let's give these folks a minute to clear so that you have the attention you need.

>> I've been here since nine this morning. I know it's been a long day. I appreciate what you do. I serve on an hoa board and I know they get long. First I want to thank the officers that are here and chief Kerr and chief Acevedo for all they do in the community keeping us safe. We appreciate what they do --

>> Tovo: Sir, let me pause you a a minute. I apologize, but if you could keep it down in the back, I'm having trouble hearing this speaker. Would you reset his time, please. Thank you.

>> So my name is Jason Bram. I'm in councilmember troxclair's district, district 8. I've lived here over 17 years. A little bit of my background. I currently serve on two non-profit boards here here in Austin. I've been on the circle C board of directors for nine years. I was president for two years. I am passionate about safety and security in Austin as well as the privacy of our citizens. I've worked closely with officer josh [indiscernible]

[8:32:15 PM]

Our current and outgoing district rep for circle C. Why I'm here, I'm a big supporter of apr. I'm a product manager for 3 M and I work in the apr space here in Austin. Three M would like the opportunity to participate in this Austin and show how our products can benefit A.P.D. And its residents. We're here in Austin, we have over a thousand employees here. 3 M is heavily involved in Austin through volunteer work and donations. The whole live here, give here campaign, we participate in that a lot. With United Way, Austin's helping hand home. So we do give a lot back to Austin. So we would like to be considered for this contract. Our R and D, tech support, customer support and other jobs for apr are based right here in Austin. The whole keep Austin local thing, you would be supporting Austin jobs here. And Austin taxpayers. Theme is a nationally recognized company for its ethics. The data for our system is yours and will not be shared unless A.P.D. And the city agree to share it with another entity. Privacy is a huge focus for 3 P.M. Alpr is an important and effective tool for law enforcement. I think we need it in our growing city. It allows officers to be so much more productive during each shift and gives them another tool in their toolbox to use daily. So in close, I don't want to hold up the process of getting alpr systems in Austin. I think they're needed. We've actually helped solve a rock-throwing incident in another city using our apr stuff so I know we have a rock-throwing issue here that we're worried about along I-35 and we have helped another community solve their issue that's somewhat similar to that. I don't see exactly what you're getting for the prices listed in here because there's nothing listed, so I can't tell you whether we'd be better or not because this is just an opportunity to negotiate. So saying that I would simply like the opportunity to participate and have a local, you know, 3 M entity included in this.

[8:34:20 PM]

As an Austin resident, community volunteer and leader and working for 3 M here in Austin I will personally be involved and can assure you we will look out for our city, we are committed to the safety as well as the privacy of our citizens and I ask that you allow us to participate in this negotiation before it is given. Thank you.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: Thank you, mayor pro tem. Mr. Bram, thank you for being here. And in an effort to not try and be too cynical, we don't know what's in it either. We have to vote for it before we find out what's in it, so I'm sorry.

>> Okay. And we'd like the opportunity to be able to be included in that. I don't know. It wasn't an rfp so we weren't allowed to be included in it and we're local here in Austin. So it would have been nice to at

least have that opportunity to serve our community that we live in and work in and pay taxes in. So that's the point I wanted to make today.

>> Tovo: Councilmember troxclair.

>> Troxclair: How many -- you mentioned other cities. How many cities does 3 M provide this kind of service for.

>> I don't have the Numbers, but I know it's a lot. Our largest customer is the la sheriff's department. We have Colorado, we have Idaho, and I know we have a number on the east coast as well. It's a lot of states that we have, a lot of municipalities that we have.

>> Troxclair: Okay. I have some -- I'll follow up with questions for our purchasing staff.

>> Okay.

>> Troxclair: But we can listen to rest of the speakers first. A.

>> Tovo: And I have a question for you as well. There were other questions for the speaker? Mr. Bram, can you help me understand how a license plate recognition -- one second. Let me finish my question. How it helped you solve a rock-throwing spree? I've heard that claim elsewhere and it -- I'm not clear on how you identify a person who is throwing rocks based on license plate software.

>> It is one facet. It doesn't solely solve it, but it is one piece of it. So with the data and we have a new back office that we're about to launch so it does data fusion and aggregation.

[8:36:21 PM]

You will have that license plate data around that area where the incident happened and if you see the same license plate at those same areas at the same time, then you can correlate that data and then you can -- it gives the officers something to go on to research.

>> Tovo: So it basically captures the -- it occurs information about the cars moving through a particular area and then you can track it to the rock-throwing incidents?

>> Yes, ma'am.

>> Tovo: Where was the area you mentioned?

>> Idaho.

>> Tovo: Do you remember what city?

>> I think it was post falls.

>> Tovo: Thank you. Matt Simpson, you are the next speaker. And Mr. Glodd, you will be our final speaker on this item.

>> I actually don't think Greg is here anymore. I think I might be the final one. Matt Simpson from the aclu of Texas. Glad to be here talking to you about this. I guess a good place to start is the previous speaker highlighted a couple of things that I think are the -- kind of illustrate the aclu's concerns. One is there was no bid process so vigilant solutions, a company that the city of Kyle withdrew from a contract with, a company that has a record of entering into contracts that involve public data going to a private company to be sold by that company, and used however they choose. The fact that vigilant solutions is the choice here raised my eyebrows when I first saw it, and the more that you look at vigilant solutions I think it's a concern. I would say that if this was a contract where you already knew the details and you were just approving it, maybe sleigh vigilant solutions as the contractors wouldn't be as big a concern, but the idea that you would be handing out of negotiations of the terms of the contract to a company that's created contracts that are very troubling from a privacy perspective seems like a problem to me. Another thing that came up was the way that automatic license readers work. The reason that you might be able to catch a rock thrower is because everybody is a suspect if you view it that way. If you're gathering the data for everybody that passes through an area over an extensive period of time and you're aggregating it, you're basically tracking people.

[8:38:24 PM]

And this can be used if there's -- if there's an amber alert, for example. You know the car, you know the license plate. These automatic license plate readers that would be used just to queue on those and the rest of the no hit data is not retained by anybody, maybe that's the kind of use of automatic license plate readers that makes a lot of sense. But if you're just planning on gathering information about where everyone in Austin or everybody near I-35 happens to be and allowing a private company like 3 M to aggregate that and see where people are, to me it sounds like investigating people without a criminal nexus, which is unconstitutional and would create another layer of unconstitutional if it were to bring up information about, say, communicate's church attendance or something that would be first amendment protected. There's kind of this concern that if you are able to reconstruct someone's movements or -- and kind of retroactively track them you might find out they're going to a doctor to treat cancer. You might find out that they're having an affair. There are a lot of things that can be found out by simply tracking somebody's whereabouts. And if any of you have ever looked at the functionality on your phones that shows where you've been that day, it is actually kind of startling how much information just tracking a car can give you about a person. So these automatic license plate readers are concerning technology. I think when they're used they should be used narrowly for serious crime. And I'll say the final piece and I'm glad to talk about this as much as folks are interested to talking about it, but the asset forfeiture money being spent here is a concern as well. In our state the burden of proof is a fairly low one and so someone can have their --

[buzzer sounds]

-- Assets seized and then the burden is on them to kind of overcome a low burden for the government.

>> Tovo: Thank you, Mr. Simpson. Questions for the speaker? Okay.

>> Casar: Sorry.

>> Tovo: Councilmember Casar.

>> Casar: Give me one more second to take one more note.

>> Troxclair: While he's doing that I will say that this is one of those delight of the cases where the aclu and the public policy foundation are on the same page.

[8:40:33 PM]

I think Greg had to leave, but he did leave some information regarding the civil asset forfeiture piece. So if any of my colleagues want more information about that, there's information on the dais. Thanks.

>> Casar: To if I was to -- I picked a cool tie today because I thought I could compete with Greg, but it's unfortunate that he's gone.

[Laughter]. For those of you who are watching fair chance you will get that. So Mr. Simpson, so if I was to identify the three areas where you have concerns, would you say that it's the asset forfeiture, the -- if we could read the actual contract and see that there aren't the sorts of situations that existed in, was it Kyle?

>> Yeah. City of Kyle, Guadalupe county.

>> Casar: And then third, if we made sure that we had some protections in place on the city side regardless of which contractor we use to make sure we're only use it in cases of serious crime, if those three sort of things were met and dealt with, then our license plate readers, with those sort of three issues, resolve a problem for you?

>> Yeah. I'm -- I'm sure that A.P.D. Already works with federal agencies that use automatic license plate readers on I-35. I mean, I-35 is a very active highway, both in terms of everybody in the public uses it and there is criminal movement up and down it. I'm sure there are various federal authorities that monitor it with alpr's. I think when it comes down to -- I think there was some reference to some of the

automatic license plate readers actually being in squad cars and that's the kind of thing that makes me nervous. If it's on a fixed point, focused maybe on organized crime or amber alerts, those kind of situations make sense with this technology. I'll give you a really good example of what I want to avoid. Vigilant solutions offered a free automatic license plate readers via a contract to law enforcement in Guadalupe county and then they proceeded to use the technology to do warrant roundups.

[8:42:41 PM]

So they would just drive around, identify people with outstanding fees and fines and collect money from them. And then using a brand new state law they could actually be kind of asked to pay that amount gone to jail right there on the side of the road. So kind of the technology allowed identification in a way that we've never really seen before and the new law allowed people to literally face the choice of swiping a credit card with a police officer in Guadalupe county or going to jail on an outstanding fine. So those kind of uses sound to me like completely outside of the bounds of what we would want. I think, you know, we really want these technologies to be used for more serious crimes.

>> Casar: Maybe a little bit more clear with my question. If we purchase license plate scanners, but we did it not with asset forfeiture funds, we looked at the contract to make sure -- to double make sure that the sorts of things you describe happening around Kyle didn't happen, and third we had some policy in place at the city to make sure we're using them for amber alerts or organized crimes, but not for warrant roundups or things like that, then would we be significantly better off in your view?

>> Significantly better. That would be a much better approach to using this technology.

>> Tovo: Councilmember pool.

>> Pool: Yeah, thanks for coming back. I think we had the conversation a couple of weeks ago. I was concerned about it coming out at the asset forfeiture fund too. So to the extent we were able -- I would like to see it shifted out of that fund. That would be a specific request of mine. I don't know if staff can address that now or how that would be handled. And the other items that you raise I would agree that they need to be addressed as well. On the gadgets. Okay.

>> Tovo: Okay. So we can ask staff to come up and talk about that in a minute, though I would say from what I understood about your concern about the asset forfeiture use, it was pretty different from what I heard people talking about last time with regard to the asset forfeiture fund because I thought the discussion last time was about what other kinds of things the asset forfeiture fund could be used for instead of license plate readers, and that wasn't really what -- that wasn't really the point you were making here today about the asset forfeiture fund.

[8:44:56 PM]

>> Pool: It doesn't matter what the reasons were. I know last time we talked about it we were wondering what could be the asset forfeiture fund be used for, and overtime is the big question that was being raised by staff. So I'm still in that space, and it's fine with me if there are other concerns about that being the source of the money. There could be other reasons not to use asset forfeiture. I'm just saying that I agree that I think a different fund should be used.

>> Tovo: Thanks. Councilmember Zimmerman.

>> Zimmerman: Thank you, mayor pro tem. So Mr. Simpson, thanks for being here and I just want everybody to know you are a regular visitor and attender and contributor to the public safety committee meetings and you've also been here this evening and you've heard everything that's been said. My problem at this point with approving, you know, the automated license plate readers, I think it should be abundantly clear, and you tell me if you think I'm wrong based on what you've heard and what we've experienced today, it is impossible for the city council to dictate how those devices will be used. Once

those devices are purchased, whether it comes from asset forfeiture funds, general fund, wherever it comes from, once we purchase those devices, I think we've heard that the police department believes that it's their job to decide the policy and procedures as to how they will be utilized. It will no longer be a question for the elected city council how those devices would be used. Is that fair? Based on what you've heard just tonight?

>> I think it's really -- I think you're illustrating a point that would be a concern for council. I'll add that I think bolstering that point very often this technology, it's best to go ahead and have a policy in place before you implement it. So I think in terms of the mentality we're bringing to the body camera conversation I think we should bring to all technology. It's an important thing to go ahead and get our privacy policies, our first amendment protecting policies and our retention policies in place before we let the cat out of the bag, before we have the technologies out there and they're being used.

[8:46:57 PM]

So I think that there is something to that.

>> Zimmerman: Okay. If I'm wrong about that, if I'm making a false presumption, I know the A.P.D. Staff is here and they can stand up and tell me no, you absolutely set the policy for how the dices are going to be used. I'm here to hear that. If it's the elected council's decision for exactly how the license plate readers are going to be used, if that's the decision, I'd like to hear that. I don't think it is based on what I've heard.

>> Tovo: Other questions for this speaker? Councilmember Houston?

>> Houston: Not of the speaker. I'll wait -- is it that the last speaker?

>> Tovo: Mr. Glodd? He has left as you suggested. Okay. As councilmember troxclair pointed out, we do have a written communication from him. Councilmember Houston.

>> Houston: Thank you. This is not a question for you. And I appreciate everybody staying this late to talk about this because these are very serious issues. I'm not in support of the these automatic license plate recognition systems because it feels like a wide net to catch a couple of fish. And again, I appreciate the gentleman from 3M talking about how they solved a rock-throwing problem in Idaho. I-35 is very different from Idaho so they would have to have them everywhere in order to get the kind of data to be able to see which license plates are at which incidents of rock throwing and I don't know that that's possible. I'm not a technician, but I certainly don't want that wide net thrown. So if we were putting them on places in polls where the rocks have been thrown, some kind of system or even cameras to see if somebody is walking across, I know you say they're driving, but we're not sure how they're throwing the rocks, but I think that this is not the Austin to me.

[8:48:59 PM]

And I think that there are other things that we need at least in district 1 that this money could be better used for, like I don't know if I'm calling them the right thing, speed detection units from Parmer lane to breaker on the -- Braker on the north and south side we need speed detection units to say the speed limit is 65 and you're doing 80. But apparently the police department is short some units and so I would rather the funds are used for things that we really can use to help public safety in our community rather than looking for people.

>> Casar: I would like to make a motion and if I get a second I would like to explain why. I would like to make a motion we postpone this for two weeks as well.

>> Zimmerman: I'll second.

>> Casar: Let me explain the reasoning. I think that things like finding folks that -- amber alerts, kidnappings, organized crime are real issues that face our city and if we can have some confidence that

that's what these are going to be used to address serious crime issues then I believe in our police department's and our police chief's discretion that this is something that we need to handle those issues. I do think -- I do understand that this is an area where we're giving policy direction as councilmember Zimmerman noted, but I do think if the police department were able to assure the council before we authorize purchase of what sorts of protections they will put in place to ensure that we aren't doing these for warrant roundups or parking tickets, which is my understanding, that that's not chief Acevedo's intent, but I think it's good for there to be some real clarity for the public of what we're purchasing these for.

[8:51:02 PM]

So if that can be made really clear, then we aren't directing the police department to establish a particular policy, we want everybody to understand what these are for. And also at the same time Mr. Scarborough or someone else in the police department could also lay out their very clear intent and negotiations about how they're going to ensure that the contract terms are not ones that have serious privacy concerns like those laid out. And if folks have other ways of how we can see that in the contract terms I'd be willing to listen to those, but I think if we could get those levels of assurance, then I might be more comfortable with it, but right now I would really like to see something written down so that people can -- and we aren't talking in hypotheticals about what these could be used for. We'll be talking more in assurances of what they will be used for.

>> Tovo: Thank you, councilmember Casar. Councilmember troxclair.

>> Troxclair:.

>> Troxclair: I understand if we're going to postpone I can ask some of my questions next time, but because Mr. Bram sat here all day and had questions about 3M I would like the opportunity to ask Mr. Scarborough some questions about the procurement. So why wasn't-- this wasn't put out for rfp?

>> Mayor pro tem, councilmember troxclair, James Scarborough, purchasing. This particular item is a result of a review done by staff to determine which cooperative contract vehicles might best meet the operational requirements of the police department. This originated from a solicitation conducted by staff on behalf of the police department last year for license plate recognition system. When we conducted the solicitation we received five offers. And when they went into evaluation, all five offers were determined to be non-compliant with the city's mwbe program. So in preparation for reissuing the solicitation, staff did additional research to determine where like items might be available through cooperative avenues.

[8:53:11 PM]

They first looked at the department of information resources for possible fits for the requirements, technical requirements of the police department. Through that investigation they identified the vigilant system that was available through the U.S. General government general services administration, gsa advantage, through schedule 70, of the multiple award schedule contracts. In comparing the prices that were available through the federal government contracts, they compared favorably by more than 20% to the prices that we saw based on market research and the prices that we received in response to the solicitation conducted last year. That led staff to proceed with the recommendation to you for the cooperative purchase in this case.

>> Troxclair: Okay. So there was a solicitation last year, five responses, none were compliant with mbe, WBE. So then the staff basically sounds like did their own research and then approached vigilant specifically.

>> While developing -- while looking at the requirement, seeing what needed to be clarified in the

reiteration of the solicitation, we looked at department of information resources, state of Texas contracts, and we also looked at federal contracts. The federal contracts compared favorably to what we saw in the market and what we received in response to our own solicitation. That led us to dispense with the second solicitation and to proceed with the cooperative agreement.

>> Troxclair: Okay. So why -- so do you know if 3M, clearly they were interested. Do you know if they for sure didn't meet the -- the mbe, WBE criteria? Or I guess why weren't they given the opportunity to make a bid?

>> For the last solicitation?

>> Troxclair: Yeah. It sounds like they may have just missed the first solicitation. I don't know.

[8:55:11 PM]

I can ask --

>> I can't say why a company does or does not respond. We did look back in our records and see that they were notified and that they did subscribe to the solicitation to see when companies wish to find out more about a solicitation they subscribe. So they did subscribe, but they did not submit a proposal last year.

>> Troxclair: Mr. graham, do you mind coming back down? Do you know why last year 3M didn't submit a bid? Because it didn't sound like vigilant did either. At that time. A year ago, it doesn't sound like vigilant did either.

>> I'm sorry, I don't recall the other offers. We received the inquiry from 3M a day or so ago. So we reviewed our records to see what activity they had in our system on that first solicitation. Off the top of my head I don't remember the other offers, but I can certainly get that information to you.

>> Troxclair: But it seems like if you had five offers and none of them matched the criteria and vigilant does match the criteria --

>> No. The five offers were disqualified because of the requirements associated with our mwbe program, not specifications associated with the products.

>> But does vigilant meet the requirement of the mbe, WBE program now?

>> This particular cooperative recommendation does not include subcontract opportunities. It did include subcontract goals when we met with vigilant. So we asked them to seek subcontractors and they performed good faith efforts in accordance with smbr's mwbe requirements. They were not able to locate any subcontractors who required certification in their product.

>> Troxclair: Okay. Thanks for the background. You may not want to leave. So Mr. Bram, do you have any other additional information to add.

>> I was not in the apr part at that time. I know there was an rfp.

[8:57:12 PM]

I know we were going to respond, but there was something in that rfp that we were trying to work out an agreement with or we had questions about, so wednesdayed up not bidding on that. And it was my understanding that the rfp was pulled at one time. That the rfp was pulled? It was canceled. So that's the last we have heard about anything about Austin until I noticed this was on the agenda a couple of weeks ago and I was like wait. I called our sales guys because I'm a product manager. I'm not in sales. I can't give you the specifics. I said why is the city that we operate in giving this contract out and we don't even know about it? And they couldn't answer any questions and that's when I reached out to y'all and had my sales guys start contacting people because we want to do business in our community.

>> Troxclair: So if there is a postponement is it possible for you to talk further with -- since it sounds like a staff initiated contract to begin with, is it possible for you to continue conversations with 3M to see

what they would be willing to offer and compare the services and the prices?

>> I would need to consult with the police department. The selection of the vigilant system was based on their operational requirements. I'm not familiar with the product set from 3M, whether it would meet the requirements of the police department or not, but that's certainly something I could take back to A.P.D. And will discuss with them.

>> Troxclair: Can we ask them right now?

>> Sure.

>> How long was the postponement request for? Two weeks.

>> I'm with APD. Are you referring to some of the features that we picked for vigilant over the other ones, or what is your exact question? I'm sorry.

>> Troxclair: Well, we've been here a long time so I might be misunderstanding this, but it sounds like this most recent time, basically the city reached out, did their own investigation and reached out specifically to vigilant because they thought that vigilant could meet all the specifications and criteria.

[8:59:13 PM]

And we have a representative from 3M saying, hey, we can do this too. So I'm asking, between now and the next two weeks, can you talk further with 3M and get a proposal for them, talk to them more about their products, get more information about their services, and compare the -- compare potential bid?

>> We can compare the features and I'm not sure exactly what we can do in the next two weeks, as far as getting a bid.

>> Troxclair: Well, I just -- seems like that would be -- it seems like from the information that we've heard tonight -- and I know -- I know that I have asked the chief related questions in the past couple weeks about the data sharing and all -- the privacy issues and a lot of the other concerns that came out of the Kyle contract with vigilant, and I understand that you're telling us that this is going to be a very different contract and that there are going to be a lot of other safeguards in place and the technology is not going to be used in the same way and that private information is not going to be sold. But 3M is saying we can do that, not only can we provide these services, but we never do any of that anyway, so it would minimize possibly public concern about some of those aspects of the contract. So that is what I'm trying to get a better handle on, if you can have that conversation with them and see if there is -- if they have comparable products and services that could be considered in two weeks, along with vigilant.

>> I mean, we can certainly use the next two weeks to get that -- to make that inquiry and report back in two weeks when this item comes back to council, unless the chief has any additional information he wants to share tonight. But we would do that. In terms of all the privacy issues, I completely agree on a lot of the issues that

--Mr. Simpson brought up.

[9:01:13 PM]

We do have lprs in the past, we've always used it only when there's a criminal predicate and we don't keep the data indefinitely. We actually purge it. I think it's a 12-month pinch, which is one of the reasons that despite the fact that we have had a license plate -- in the past, I don't recall of any compliance about the misuse or inappropriate use. We -- when you think about what's going on in the city right now, we have somebody that's trying to -- absolutely trying to kill somebody on ih-35, I'm convinced that we had a license plate throughout the operational area would help us by now. It's a huge tool, if used appropriately, to focus only on people committing crimes and only make inquiries on vehicles, plates, on people that are committing crime, wanted for crimes, stolen vehicles, amber alerts, drug trafficking, looking for an analysis of vehicles that have been in an area where a crime -- a pattern of

crimes have been committed to see if we find the same plate in that -- in the same area, those are the only reasons -- circumstances under which we would use it. So we do have a policy, and it will be focused only on a criminal predicate. And we will make that inquiry. We'll look at the system. 3M is a great company that's here in Austin. We'd be more than happy to look at that.

>> Troxclair: I mean if possible, I would love for either -- to have a proposal from 3M and to have a discussion about the differences.

>> Wait a minute. Purchasing wants to clarify something.

>> Troxclair: Talk about that. Okay.

>> Just pint of clarification real quick. We're able to consider a cooperative contract without going through our own competitive process because state law authorizes us to use the contracts of our governments when those other governments make those contracts available to us. In this case, U.S. Federal government makes their contract with vigilant systems available to us.

[9:03:19 PM]

One of the first things we would ask is, is there a cooperative contract that your solution would be available under, so them just providing us a proposal wouldn't be an option in itself. It would have to be within the context of another cooperative contract, like we analyzed with dir, like we analyze with gsa. I just wanted to make sure --

>> Troxclair: Okay. I see him nodding his head so I assume that means 3M is involved in a cooperative contract.

>> Tovo: Let me just stop us here for a minute. We've got a motion to post-postpone here on the table. There are a lot of specific questions, I guess I would just ask you and others, do we need these answers here today or these questions that can be answered through the Q and a process, or in the intervening two weeks, if we -- I mean we've spent a considerable amount of time tonight talking about real detailed pieces of items that have been postponed, so --

>> Well, I think this is relevant to am I decision of whether or not to postpone because two weeks is a short time frame and I want to make that there is -- if possible, that we have a commitment tonight for them to work together because I don't want to be helper in two weeks and have Mr. Brim show up again, say he wasn't consulted, and be in a position I'm wanting to postpone it again because I don't have those answers. For me this is just one aspect of concerns that I have, maybe concerns isn't -- questions that I have about -- similar to councilmember Casar, about making sure that we have assurances in writing. I would love, if possible -- I don't see this happening in two weeks, especially if I'm asking you to talk to 3M in the meantime, but I would love to be able to see the contract before we execute it, so that we can have those assurances in writing. But anyway, I thought that it was pertinent to my decision --

>> Tovo: I believe Mr. Scarborough was answer being your question, if it was the same answer -- oh, no, you said this was one you could make public.

>> The federal government contract is available for review and that would be what the city of Austin contract, if authorized, would be based on.

[9:05:20 PM]

The details of the city of Austin contracts, how many units, where they'd be deployed, the configuration and so forth, would be subject to a final negotiations if authorized. So to the extent that council desired certain policy level items to be in the contract, we can certainly -- the police department could discuss those with you. We can share upon which the contract would be based, would be all the contents of the federal government's contracts. The final details would still need to be negotiated afterward.

>> Tovo: Councilmember troxclair did you want to ask him the question about whether he's part of a cooperative?

>> We offer actually through major police, they're a value, the same people that are on this docket or this item, we do resell through them as well so it shouldn't be a problem. We can get some information starting tomorrow.

>> Troxclair: Okay. That sounds great. Thank you.

>> Tovo: Councilmember Renteria.

>> Renteria: Yes. I want to ask a question. You said when you set up the bid the first time, you had five people that submitted a bid, and that they -- they couldn't meet the -- I guess the mbew -- so this other company that you're recommending, they couldn't also, but they just went and made a good effort to try to -- but they didn't -- they weren't able to meet that, either -- neither, were they? So you had five -- did you actually get five bids?

>> Yes, sir. To clarify, we received five offers. And that particular solicitation did not have goals required. But the offers in varying degrees included some subcontractors in their proposal. But they have to put their subcontract -- anytime an offer includes subcontractors, you have to perform good faith efforts to first determine if you can use any of the city of Austin's certified subcontractors.

[9:07:24 PM]

And that was missed by all of them. They didn't submit that form. And so the mwb ordinance does not allow offers in response to an rfp to change the offers. We couldn't go back to them and say you missed a form, you need to fill that out. We had to cancel the solicitation because they did not submit the form that shows that they performed good faith efforts.

>> Renteria: Okay. And if the last company did submit a form --

>> And when we went and sought to source this contract to a cooperative contract, smbr did put goals on that effort, even though it was a cooperative contract, they still put goals on it, and vigilant went through the process of trying to find a city of Austin certified terms ever firm to act as a subcontractor. They just couldn't find any certified firm that was certified in their particular product line.

>> Renteria: So were these other companies given -- they just couldn't resubmit --

>> Because we had changed from a city of Austin competitor process to a cooperative process. So a cooperative process, you're dealing with one company. A competitive process, you're dealing with whoever submits offers, but you're dealing with them at an arm's length distance.

>> Renteria: So how would is that affect 3M? I mean --

>> 3M did not put in a proposal to the first solicitation in preparation for the second solicitation, we discovered that we were able to access the gsa contract through better pricing and include goals in that effort where we did not include it in the first.

>> Renteria: So if you open it up to 3M, anyone -- any other company that didn't submit before can also get involved with the opportunity --

>> If we set aside this request and just put a new solicitation together, certainly anybody could put in an offer on it.

>> Renteria: Thank you.

>> Tovo: Okay. Further questions or comments about a postponement? Councilmember Houston.

>> Houston: I have -- I have a quick question.

[9:09:24 PM]

Do we currently use automated license plate recognition system in the police department? Maybe the police could come up and tell us.

>> We did have a scope of work that we are testing three systems with and so we currently have three systems.

>> Houston: And how many -- how many patrol cars are they in?

>> They're in three. Three different units.

>> Houston: So only three different units for three different systems, and each patrol --

>> Each unit has one system. So we have a total of three systems in three different cars.

>> Houston: And you're testing those.

>> Yes.

>> Houston: And have you finished the testing period to see which one of the three might be the most appropriate if you choose to go this route? Because I'm hoping you don't, but ...

>> Assistant chief troy gay. How are you doing, counselor?

>> Houston: I'm doing well. Thank you.

>> I wanted to clarify something, because vigilant was in the cooperative agreement, it gave us the ability to go ahead and purchase some license plate readers. Because of some critical cases to where we want to utilize the technology, we have purchased three of the units. The three units were under the council limit, and those have been purchased and have been utilized by our department for the last several weeks.

>> Houston: So we have three vigilant units --

>> Yes, ma'am.

>> Houston: -- In three patrol cars as we speak.

>> Yes, ma'am.

>> Houston: Okay. And they're all around Austin, or do you -- are they located in certain sectors?

>> Really, just particular -- it depends on how we're utilizing them, and for what particular goal we're trying to achieve at that point in time.

>> Houston: Okay. Thank you.

>> Tovo: Councilmember Gallo.

>> Gallo: I feel like I'm looking at you through the forest here.

[9:11:25 PM]

There you go. Thank you. And I think the information was interesting about the potential use for rock throwing, so if I'm hearing, we already have three, and that's been a potential successful use in Idaho, and it may be totally different circumstances, but have we considered using the three that we have in that --

>> We don't like talking -- why we bought three is a very dangerous case that we have going on right now, but three for a -- that freeway is really -- it's not sufficient. It is really needle in a hay stack. We only have three, especially for cis. And so we're trying to leverage technology for that case, obviously, and as a result of that's three, we've already recovered stolen vehicles and had some very successful cases in terms of criminal offenses going on as we speak. The technology is a proven technology, not just here in the United States but around the world. In London when they were hit, their entire transportation system was hit in July 2006, I believe it was, or 2005, within months the British probably have the most most extensive use of license plate readers because of their history of a lot of home grown terrorism with troubles in northern Ireland and other issues they've dealt with throughout their history, were able to really go back Andreas an entire network of terrorists, through the use of technology. This specific technology. And so it is a critical technology that, in a city that is as spread out as that, you know, three is nothing. We don't do much with three, but if we can get additional units, including some permanent locations, it will be a very useful tool. A lot of your constituents keep writing to us saying and calling us, why aren't you doing this, why aren't you doing that, well, we're trying to and hopeful in the next couple

weeks we can get it done.

[9:13:28 PM]

>> Gallo: Thank you. I've got one follow-up and I may have missed the answer to this question because it's been a long day, but I know one of the reasons that we postponed this was to get the answer to the question of what -- what can the forfeiture budget be used for. Has that been answered already in all of this discussion?

>> We sent you a pretty lengthy legal memo about ten days ago.

>> Gallo: Okay. Thank you. Appreciate that.

>> Tovo: Okay. So we have a motion and a second on the table to postpone this item. I think we should take a vote. All those in favor of postponing this item for two weeks to June 23rd? All opposed? Any abstentions? Councilmember Renteria abstains. All the rest vote in favor of the postponement for two weeks. So that, I believe, concludes our -- yes. That was our last item, so we stand adjourned at 9:14 p.m.