

City Council Regular Meeting Transcript – 08/04/2016

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 8/4/2016 6:00:00 AM

Original Air Date: 8/4/2016

Transcript Generated by SnapStream

=====

[10:12:31 AM]

>> Mayor Adler: Are we about ready? We're going to begin our morning with an invocation. We have reverend Stephanie true cooper of the university Baptist church here. Would everyone please rise.

>> Good morning.

>> Mayor Adler: Good morning.

>> Thank you for having me. May we pray? Holy and gracious god, for our city, for our elected officials, for our citizens and for our beautiful land, oh, god, we give you thanks. In these hours to come we lift up you to our elected officials. We pray that you grant them understanding to consider opinions other than their own. We pray that you grant them discernment to know what is best for Austin today while always looking towards Austin for tomorrow. God, we pray that you grant them the occurrence to stand up for the causes of peace and justice in tangible ways, protecting the least of these who also call Austin home. And, god, we pray that you empower us, the citizens of this city, to unite, to hold our elected officials accountable, knowing that it is only together that we will work to make Austin the best it can be. So be with us now and guide,, oh, god. Imagine Austin.

>> Mayor Adler: Imagine Austin. I'm going to and call us to order. Today is Thursday, August 4, 2016. We are in the city council chambers.

[10:14:33 AM]

The time is 10:14. We want to welcome everybody back. Let's go through the agenda and see what we have. Is Gus Pena here today? Is Joe --

>> [Off mic]

>> Mayor Adler: Thank you, sir. Is Joe Lopez here today? Okay. Is David king here today? Thank you. Just want to note. All right. This is what it's looking like to me. We have changes and corrections. Let me read those in real fast. Item 1, the date of the minutes should be June 16 of 2016, not 2014. Item 3 should be shown as being postponed to August 18. Item 52, Sheri Gallo has been add as a sponsor. Item 79, which at its 4:00 P.M. Time certain, there's going to be a request to postpone that item to August 18. And I understand by way of announcement item 70, which has been set for time certain at 4:00, is going to be indefinitely postponed, motion to indefinitely postpone item number 70 at work session we talked about a time certain of 4:00 so we're going to wait until then to take that action.

>> Pool: That's correct. That's the request submitted by the applicant.

[10:16:33 AM]

Thank you.

>> Mayor Adler: Thank you. Items that were pulled, councilmembers, I have item 3 is being postponed to August 18. I have item number 8 being pulled by councilmember pool. I have items nine and ten pulled. Eight pulled by pool, nine and ten by Ms. Houston. 14 pulled by councilmember kitchen.

>> Kitchen: Mr. Mayor, you can put that one back on, 14.

>> Mayor Adler: 14, okay. 14 not pulled.

>> Speaker1: Excuse me, mayor, since councilmember kitchen had already pulled it I didn't so I'd like to put it back on the pull list.

[Laughter]

>> Mayor Adler: Okay. Item 14 pulled by Ms. Houston. Items 15 through 19 I pulled because they're associated with items set for time certain at 4:00 and should be taken up with those items so I'm pulling them to show they're considered later in the day. I have item 21 being pulled by councilmember kitchen. I have item number 25 pulled by Ms. Houston. I have 28 and 29 pulled by Mr. Zimmerman, 31 pulled by Ms. Houston, 33 pulled by Ms. Houston. I have 47 and -- pulled by -- 47 pulled by Mr. Zimmerman.

[10:18:39 AM]

Those are all the items I have being pulled.

>> Gallo: Mayor, if I could add two more items to be pulled, please, number 5 and number 32.

>> Mayor Adler: Number 5 and number 32. Okay. Any other items being pulled? The ones I show that are being pulled, three, which is being postponed until the eighth, five, eight, nine, ten, 14, 15, 16, 17, 18, 19, 21, 25, 28, 29, 31, 32, 33, 47. Those are the things I have being pulled. Anything else?

>> Casar: Mayor.

>> Mayor Adler: Yes.

>> Casar: Item 70, we are not voting on it now because that's a time certain item at 4:30, correct?

>> Mayor Adler: That's correct.

>> Casar: And I'd just like to register my no votes on 54 and 56, please.

>> Mayor Adler: Okay. Noted in the record. We have some speakers to speak on the consent agenda. I'm going to call them now. Mr. Pena is our first speaker. You have three minutes to speak to your pulled items. I think I had shown you on 11 of them.

>> Mayor?

>> Mayor Adler: Yes, sir.

>> Big favor. Can you prompt me which items.

>> Mayor Adler: 13, 15, 16, 17, 18, 19, 20, 26, 41, 52, and 53.

[10:20:40 AM]

>> Thank you, Mr. Mayor. Mr. Mayor, councilmembers, Mr. City manager and city attorney Ann Morgan, gust Pena proud native east Austin night, Marine Corps veteran. First and foremost with your permission, Mr. Mayor, we have in attendance a young man by the name of Connor Yarborough here attending for citizenship in the boy scouts if we could ask him to stand up because this is very important for me also, stand up and be recognized. If you can give him applause. He's doing a real good job.

[Applause] I'm proud to do that for our young people because they are our future. Mayor, councilmembers, number 15, you did say 15, right? Yeah, 15.

>> Mayor Adler: 15 was one of them.

>> Yes, sir. I just -- this is a resolution, we approve of it, but, Mr. Mayor, I'm a -- and councilmembers, I'm a former discrimination complaints investigator for the department of treasury. I still have my ID and I showed it to you. This is a resolution, I understand, please bear with me. There are problems with veterans, their vouchers being taken away because they're in and out of hospitals and not able to comply with their promise to find housing. So I'm going to attend the next haca meeting. There is very -- I want to speak to number 26. It's having to do with authorizing negotiation and execution of an amendment to the interlocal agreement for a community for education reading and tutoring and intervention program to be offered at Allison, Ortega and Metz. Mayor, councilmember, Mr. City manager and our attorney, I am a product of Zavala elementary in the '50s so I thank you for have these type of programs.

[10:22:48 AM]

It's important to receive a tutorial at early age instead of at middle or high school. I don't need to speak on the other ones. I want to let you know, Mr. Mayor, we need to look at haca because governor Abbott and senator Coreman and Lloyd Doggett promise today's look into these issues especially for veterans who don't deserve disrespect. Again, I thank you for your service and city manager, Debra did an outstanding job for you when you were not here. I want to commend her and commend also your leadership. I forget to also thank you for that. Thank you for your leadership. Thank you, Mr. Mayor, and councilmembers.

>> Mayor Adler: Thank you very much. Mr. King.

>> Thank you, mayor, mayor pro tem, councilmembers, and welcome back from your break. I don't know how much of a break it really was. I'm sure you kept working through that entire month on the budget so thank you for your service to our community. I'm speaking on items number 54 regarding the video conferencing and item number 46556 regarding gra -- 56 regarding gra fitty abatement. Video conferencing I appreciate your efforts to try to make it easy for all of our citizens to participate in this process. I know I'm fortunate I don't live too far away but there are a lot of folks who can't get here and I think anything we can do to make it easier for them to participate in this process and give you their input I think is a good thing. I could see this video conferencing expanding so you yourself could participate remotely when you can't be here. And I know other cities that have done this, Fort Worth that is doing this and they spent close to \$300,000 to get their program started so I think this is a good pilot test, good thing to pilot test this and see what we can learn from this and where we can take this. Regarding gra fitty abatement I appreciate the effort to have a comprehensive strategy citywide and I like to focus on let's take the energy from these graffiti artists and give them an outlook to their vision, concerns about what's going on in our community and give them a space to do that.

[10:25:06 AM]

Let's give them an outlet to do that and take that energy and direct it into ways we can all benefit from and help even reduce the cost to go and clean up the graffiti in places that we don't want it to exist. So I appreciate this effort and I hope that you all support this. Thank you very much.

>> Mayor Adler: Thank you. Those were August the speakers that we had the consent agenda. Is there a motion to approve the consent agenda? Mr. Zimmerman moves. Ms. Pool seconds. I'm going to read through the list of the items that have been pulled one more time.

>> Zimmerman: Could you read a little bit more slowly this time.

>> Mayor Adler: Yes.

>> Zimmerman: Little bit more slowly.

>> Mayor Adler: I have item 3 being pulled and postponed until August 18. Item number 5 was pulled, 8, 9, 10, 14, 15, 16, 17, 18, 19, 21, 25, 28, 29, 31, 32, 33, 47. Those are the items I have being pulled. Did you have something else, mayor pro tem.

>> Tovo: I may be incorrect but I thought 52 had been pulled. I'm sorry that was just an addition. Got it, thanks. Can you remind me who pulled 25.

>> Mayor Adler: 25 was pulled by Ms. Houston.

>> Tovo: Thank you.

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Yes.

>> Zimmerman: I'd like to read into the record some votes against and abstain.

[10:27:07 AM]

>> Mayor Adler: Okay.

>> Zimmerman: So I'm abstaining on item 4, abstaining on item 4, against 6, abstain on 7, abstain on 11, against 26, abstaining 27, abstaining on 30, abstaining on 36 through 46, abstaining on 48, and an staining on 56. Thank you. And the rest for.

>> Mayor Adler: Okay. Any other comments? It's been moved and seconded. Yes, Ms. Troxclair.

>> Troxclair: Just want to be shown abstaining on items number 6, 20, 26, 41, 52, and 53.

>> Mayor Adler: Anything else? Those in favor of the consent agenda please raise your hand. Those opposed? That passes unanimously on the dais. We're all here. Yes.

>> Kitchen: Mr. Mayor, before you move forward, I wanted to ask if it was possible to set a time certain on number 80. That has to do with the drainage utility fee. There's some folks that are interested in testifying and they just want to know when it might come up. I don't have a preference.

>> Mayor Adler: How about no earlier than 4:00.

>> Kitchen: 4:00 will be fine, I guess the concern was it not come up really late.

>> Mayor Adler: I think we're going to be okay.

>> Kitchen: All right.

>> Mayor Adler: No earlier than four for item 80. In fact -- possible actions are all set for 4:00 anyway.

>> Kitchen: Why don't we just say 5:00? Would that be okay? No, we have the -- okay, that's fine.

[10:29:09 AM]

>> Mayor Adler: No earlier than 4:00. Ms. Pool.

>> Pool: This is not usual to ask this but I do have the parties, one side each, on item 70 who are here now and there's no position from the -- opposition from the neighborhoods to have been the indefinite postponement and that the applicant has submitted but they would like an opportunity to speak. Is that right? Are they here? I'm sorry. I'm -- oh, okay. Okay. I'm sorry, I'm misreading the hand signals. You would like the vote on the postponement now is what the parties are asking for. Would that be possible?

>> Mayor Adler: My only concern with that is we announced publicly we were going to hold until 4:00 and we don't know who is not here now that might have heard that and is not coming until 4:00. That's my only concern.

>> Pool: So I wanted to make sure that the parties on both sides heard that and so we will take the vote at 4:00. And as far as I know there are no people signed up. Mr. Anderson, is that all right?

>> Yes.

>> Pool: All right.

>> Mayor Adler: Okay.

>> Pool: Mr. English, are you here for the north woods?
>> I'll try to address that. We appreciate that request.
>> Pool: You might as well come up to the microphone. Thank you.
>> Ed English. The neighborhood sometime back authorized me to speak on their behalf when and if necessary. The neighborhood has no objection to the indefinite postponement. We've notified the neighborhood that there's no need to be here at 4:00, and the actual residents are here and would be happy to leave early if you would oblige by conducting a vote or whatever maneuver is necessary to dispense with this item now rather than waiting until 4:00.

[10:31:17 AM]

They would appreciate that. I certainly can't speak for the applicant, but they may want to weigh in on this.

>> Pool: Mr. Anderson?
>> Mayor Adler: So what are we doing now? I'm confused.
>> Pool: Well --
>> Mayor Adler: So at the work session we put this off until 4:00. We announced to the community we weren't going to consider this until 4:00. I guess if people are here because they want to speak now instead of speaking at 4:00 so they don't want to come back? Is that --
>> Pool: Well, my understanding is that they didn't necessarily need to speak because there's no opposition to the indefinite postponement. They simply wanted to see us take the vote now and I understand because we announced a time certain for 4:00 we cannot take the official vote before that.
>> Mayor Adler: I think that would be a bad practice to the degree on Tuesday we set a time certain and announced it to the public, we should honor that.
>> Pool: Right. So that's the situation. I do appreciate Mr. English coming down and the neighbors coming down and also Mr. Anderson on behalf of Sage Brook.
>> Mayor Adler: Since everybody is in agreement I certainly don't anticipate a problem with this happening.
>> Pool: Thank you.
>> Kitchen: I just want to confirm what I heard, that there's no opposition from the neighbors and also that the neighbors -- did I hear you correctly that the neighborhood association let the neighbors know they didn't need to be here at 4:00?
>> Pool: Yes. We have been in close consultation with them and also Mr. English is here on their behalf.
>> Kitchen: Okay.
>> That's correct. Quite an effort was made over the last 24 hours to notify them that it wasn't necessary to be here. I don't know if someone outside the neighborhood has -- is prepared to come down at 4:00. We're unaware of that.
>> Mayor Adler: Again, I'm just really uncomfortable for us to -- discussing this having set it for a time certain.
>> I completely understand.
>> Mayor Adler: Okay.
>> Kitchen: I'm just wondering what direction we're giving to the neighbors that they don't have to come back at 4:00 and we're hearing them right now.

[10:33:20 AM]

That's all. Ant to make sure it's clear to them at 4:00 we don't say -- we don't acknowledge that we heard what they just said or are we expecting them to come back at 4:00?

>> Casar: Mr. Mayor.

>> Mayor Adler: I think we can probably acknowledge what we've heard but if someone wants to construct it at four -- contradict at 4:00 they would have the opportunity because we set it at 4:00 and given notice to the community we're going to discuss it at 4:00. So, I mean, there are advantages and disadvantages of setting something for time certain and this is one of the repercussions of doing that. Yes, mayor pro tem.

>> Tovo: Mayor, I would request when we do hear it at its time certain that we -- since it is, as I understand, going to be a request for postponement that we hear one person arguing -- we hear, you know, kind of the usual practice of hearing a pro and a con for that postponement if those exist and then we move on. So it was my expectation that we would, since there is request for indefinite postponement there wouldn't be a huge amount of testimony this afternoon anyway when that comes up but, again, it doesn't sound like there's much dispute on the issue so if people are here now and don't want to come back that's certainly their prerogative.

>> Houston: Mayor, it seems like we've spent an inordinate amount of time already on this and we've already been discussing it. I'd like to say that we need to move on. We're really clear that at 4:00 we'll take it up and if there's no opposition we will vote on it and it will probably be postponed indefinitely. If there are people here that show up we'll listen to them so I ask that we move on.

>> Mayor Adler: I agree.

>> Casar: Mayor, I've been trying to talk because I have a dissenting view and have concerns about the postponement so I want people to know that.

>> Mayor Adler: Okay. We'll discuss that at 4:00. Okay? So we've done the consent agenda. Let's go through this. Item 5 was pulled by Ms. Gallo.

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Yes.

>> Zimmerman: Point of privilege if I could, I misread item 20.

[10:35:22 AM]

I handed a piece of paper to the clerk that said I was against item 20 and I failed to read it. I apologize for that. So I was against item 20 and it's on the record, written record.

>> Mayor Adler: Okay.

>> Zimmerman: Thank you.

>> Mayor Adler: Ms. Gallo, you have the floor for item 5.

>> Gallo: Thank you. I just have a couple of questions, not -- obviously the work needs to be done and this needs to be renovated. It's very old and we're looking forward to that happening, but I think the concerns and the questions that I wanted to get addressed were, it looks like that if we approve this, that it will put the project over the initial budget by \$2 million. And the original budget was \$5 million. And I just -- as are tasked with being responsible for spending tax dollars in this community wisely and bonds that are voted on by the community wisely, I just really want to understand what the procedure is and what the policy is and what's in place that keeps overruns and I understand in every project there's probably cost overruns but in a \$5 million project for us to have a cost overrun of \$2 million that seems fairly substantial. So really I'm concerned that we have some type of control in place or some type of transparency in place so the public understands why that's happening. So that was my reason for pulling this, was really just to give you an opportunity to talk about why we are so over budget on this and perhaps if there are things that we need to do differently from a policy standpoint to help us stay more in budget or give departments the ability to manage that a little bit better, then I would love to hear that. If you could address those concerns, I would appreciate it. Thank you.

>> Rosie Truelove, capital contracting officer for the city of Austin. We do have -- I'll let either public works or water utility address the specifics for this particular contract, but I will tell you about some of the procedures we have in place that help to monitor these kind of changes.

[10:37:25 AM]

One of the things that we have at the city is the change control committee, which is a group that's comprised of executive management from capital contracting office as the contract awarding authority. The project -- the public works department as the project management department and then the sponsor department. That any time a change that rises to the level of, you know, specifically this, but things that start to go over -- significantly over what we had originally anticipated for that particular contract then we do review those changes and we ask questions and ensure that we're within the scope, that we're handling things appropriately, there's not something we should need to do differently or find a different mechanism for contracting for that work. So this amendment was reviewed by the change control committee and approved by the change control committee so there is that level of independent review that happens on these kind of changes.

>> Gallo: So could you help us understand also what percentage triggers that review? I mean, this is -- if we're looking at a \$2 million additional on a \$5 million project, you know, that is not high math but that's getting close to 50% -- 40%, thank you. So that's a large amount and so what I'm trying to understand what triggers the view by the change control committee but obviously something did that and it went to that committee and they looked at it and said everything is fine. My concern is what are we doing early on in budgeting for these projects that cause us to have to come back and look at such substantial overruns and having to figure out a way to pay for those?

>> Sure. When we have things that need to come to councilmember kitchen we're looking at pretty much anything that's going to go -- that's going to require coming back to council. If we're going outside of our original contract authority or what we had originally anticipated. There are some specific dollar triggers and I can certainly get that information to you.

[10:39:25 AM]

I don't have it off the top of my head. When we initially are coming to council we do our best effort to anticipate what that contract amount is gonna be. In this case when we came to bring the contract to council several years ago we anticipated that it would be a \$5 million contract and that would be sufficient to take us through construction phase services. In this case, there was additional work that needed to be done and I would have to look to my partners and the project management department or the sponsor to be able to speak specifically to that particular -- to that particular contract. But it's -- you know, we take it very seriously and when we're scoping our projects, issuing the solicitations we work very closely with the folks bringing those requests forward to make sure we have a good idea of what the scope is and that we can get a contract amount that's going to be sufficient for that. I think Chris Chen with the water utility is here to help.

>> Gallo: Particularly addressing the additional work that is needing to be done that wasn't anticipated on the original contract or original evaluation.

>> Good morning, Chris Chen, Austin water. When we start this project, very early phase, normally we -- based on the past experience will come up with a budget. But that number, the sort of range covered normally we base it on the standard cost estimate method, very early face will be plus 35% minus 20%. At that time we are not sure about a lot of things about the scope. So throughout the course of the project, our cost estimate will be more and more architecture, but where the budget at that time it's

sort of like seven years ago it's hard to predict the market condition, what's the scope. As we -- project moves forward we find out there's a lot of elementaries need to be removed, rehabbed, replaced.

[10:41:27 AM]

So we do have a budget control as Rosie just mentioned that throughout the project we have the 30% design, 60, and 90%, hundred percent and normally at the end we will have a plus or minus around 15%, minus 5%. So I defer -- at the very beginning phase, based on our past experience, we have a lot of dodge but as the project is moving on our staff is working closely and working hard and trying to make sure the amount will be sufficient to carry the project through. So for in this case, I think initially the \$5 million, but as we move on we realized we need to have a little bit more efforts to make sure these will become a successful project.

>> Gallo: So when was the original contract? The original \$5 million contract? Was it with this particular company that we're also looking at approving the additional \$2 million for?

>> I think original -- I think we have the date from this.

>> Yeah. The original contract was awarded to hartunian engineering in August 2008.

>> Gallo: All right. Thank you for your explanations. It's just really uncomfortable when -- and I know things change. Obviously it's been a good length of time since this contract was originally done and the specs and the scope was produced, but, you know, it may very well be that there's something that the council can do from a policy standpoint so that when we look at such major cost overruns and needing to approve the additional money to continue the project forward that it triggers to to the audit committee, it does go to the city's change control but there's not really a council process before it comes to the council. So whatever we can put in place to try to get us to the point that we are estimating and letting contracts that we feel like will complete the project with a dollar amount, I think we certainly want to move in that direction.

[10:43:36 AM]

Thank you for the explanation on this.

>> One thing I would like to add on for all these projects, we also went through the water waste, water commission and commission member oftentimes ask very detailed questions and we provide sort of justification and support information to clarify those questions.

>> Gallo: Okay. Maybe adding in a council committee to that so that the council can actually address within their policy how to handle this and how to manage this. Thank you for your work on it, and we understand that as time goes by things change and get more expensive or the scope changes but this is such a major amount over the original contract that I think it gives me pause for concern with not the department but how we operate to address things like this.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: When we've talked about cost overruns in the past I thought I remembered there was like a 20 or 25% cap from the original bid to the total cost overrun. Is that not applicable in this case?

>> It's not applicable in this case. That's specific to construction contracts that are bid using a low bid methodology. This is a professional services contract. It's based on demonstrated competence and qualifications is the selection process, and there isn't any kind of statutory cap on how we handle that reward to these contracts.

>> Troxclair: So the cap, what is it on the low bid construction.

>> 25%.

>> Troxclair: 25%. How often did we go over the -- over 25% threshold on this kind of contract?

>> I don't know that I could answer that. Because there -- as Mr. Chen was saying, oftentimes when we're entering into a professional services agreement we may have -- there's a lot of unknowns. So we may have an idea of what the contract and the full scope is going to be, what the dollar amount should be based on the estimates we've done professionally but that can change as we get into the design, conditions can change, we do more studies, more analysis of what we're actually doing that can require changes in the direction and how we, you know, engineer around those circumstances.

[10:45:54 AM]

So when we come to council initially we're trying to be as transparent as possible to say this is -- you know, we think this \$5 million is going to be sufficient for -- based on what we know right now sufficient to complete the project or we could say we think this \$5 million is just design phase. We try to give as much information as we can as we're bringing the items forward because each one might be a little different.

>> Troxclair: It seems to me like there's probably a difference between city or staff-related changes, like you said, as the design comes to fruition and maybe just changes in the overall cost from the contractor standpoint. Do -- if it's the latter, is that taken into consideration in future bids? If there were unexpected cost overruns that weren't necessarily driven by the city's changes, is that kind of history or ability to complete projects within the original budget, is that taken into consideration?

>> Yeah, we have consultant evaluation process that we use to guide us, basically a scorecard that we use to evaluate the contractor's performance on these kind of contracts. That actually is fed into our selection matrix in future awards so it is taken into consideration and directly tied to award of future contracts.

>> Troxclair: Okay. Thanks.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you. I did a process controls work professionally 29 years ago. I was in a process plant in Georgia doing a control system. We had some cost overruns but I think what bothers me the most about this is the eight-year time period on such a small contract. 5 million is relatively small for a process controls. If you're up at \$100 million, I could see the eight-year time span. I cannot conceive of this eight-year time span on a \$5 million project. I've never heard of that.

[10:47:56 AM]

The 40% overrun eight years later on a \$5 million contract is inconceivable to me from my professional experience. It really bothers me. Going back to -- I'm reading on the backup material the council passed a resolution in 2012. It says, to answer councilmember Gallo, the change control committee was established to comply with a council resolution which required the establishment of consistent criteria and process to evaluate contractual changes. So, you know, we've already made an attempt to standardize and stop these out of bond 40% cost overruns, you know, eight years after a project commenced. So my question, though, is, when you had this change control committee presentation, was there a single expert there to say that we shouldn't approve these cost overruns?

>> The way we handle the change control committee is the information is regarding the amendment is brought forward by the project manager and it comes to a point of contact in my office and they review it and they Brent that -- present that information out to the members that I described before. They include all information associated with the original contract, changes, what's proposed, and then their professional recommendation. We handle the voting electronically unless there's a desire to meet face-to-face to have a conversation about it. And I -- in this particular case we did not meet face-to-face to have a conversation about it. We handled the vote electronically. And the information that was

presented by the project manager was sufficient to meet the -- to answer the questions by the folks that approve these.

>> Zimmerman: Let me back up. So the change control committee didn't actually meet. They probably sent in email --

>> Yes.

>> Zimmerman: -- Votes or email opinions so they got email information. But I did not get an answer at all to my specific question.

[10:49:56 AM]

What information was presented to the change control committee that would suggest they should not approve this?

>> I don't know that I have an answer to that.

>> Zimmerman: The answer is probably no information.

>> There was information provided relative to the content and the basis of the change and why we're making the change.

>> Zimmerman: Okay.

>> So --

>> Zimmerman: If all the information suggests that the committee should approve it, that explains the 8-0 vote but I just gave you an example of something without studying any details that this looks very much out-of-bounds. And I just know that looking at a piece of paper. If I dug into this I could probably find a lot of reasons why the committee should -- weject it. My point, the committee voting 8-0 means nothing because they're not presented both sides of the story so I'm going to be voting against this.

>> Mayor Adler: Point is made. What else some anything else on this? Ms. Gallo.

>> Gallo: So I think the conversation is really good and I think what we are looking for from a policy standpoint is some type of procedural that we can help with from the standpoint of realizing early on if we're going to look at cost overruns. I think cost overruns that are due to changes or certainly -- are certainly more acceptable than cost overruns due to a contractor or professional service saying, oh, well, we bid this too low and we need more money because this is what it's gonna take. Those are two very different situations in our mind. We've already talked to the auditor about projects we feel like are important from the standpoint of a policy and I think looking at a review of our cost overruns both from the construction and also the professional services I think would be really good. So this gives us the opportunity to have that conversation on the dais and to address some of the concerns that we have, not necessarily just directed with this particular item but overall. So we'll be looking at pulling the auditor in to look at cost overruns and I think that's really important to do. So thank you for your comments.

>> Mayor Adler: Any further discussion?

>> I think it's good discussion too.

[10:51:56 AM]

We're going to go back and look at the change control committee as well. It's my understanding that was some time ago per council resolution so it is a committee that exists as a result of direction we were griffin a previous council that put that committee in place. We'll go back and look at the criteria that they undertake in evaluating change order requests to see if there's an opportunity for some kind of process criteria improvements that will be more responsive to this kind of circumstance.

>> Mayor Adler: No further discussion, we'll take a vote. Is there a motion to approve item number 5? Mayor pro tem, seconded by Mr. Renteria. Those in favor please raise your hand. Those opposed? Those

abstaining? Ms. Houston abstains with Ms. Troxclair, Mr. Zimmerman votes no. The other eight voting aye. It passes. That gets us to the next pulled item, which is item number 8. I think, Ms. Pool, you pulled this one.

>> Pool: Thanks, mayor. On Jane lane I want to delay so we can look at alternative funding. I think there may be funding available in a different area rather than pulling it from the Justin lane project. If that's okay with staff to do that, work with my office and with councilmember Renteria, then we'll be able to move Jane lane possibly next week. But we'll see. Thank you.

>> Mayor Adler: Mr. Renteria, are you okay with this be postponed? Yes? Mayor pro tem.

>> Tovo: I'd like to get a little information. Money from where? What's? I'm okay with postponing it but I'd like to have some sense of what we're talking about before we vote on it.

[10:54:02 AM]

>> Robert Goode, assistant city manager. We put out a month, you all had -- we're getting confused on projects. Jane Lee. The memo put out yesterday was this one on the agenda today, Justin lane, could perhaps be deferred to fund Jane lane. So what we're recommending is you delay this while you all and we work through that process. This is an alternative to fund Jane lane so we're recommending you not award Justin lane today, which is item 8. Too many js.

>> Mayor Adler: Do we want to postpone this and have staff put it back on the agenda when they're ready to have it considered?

>> Pool: Yes please.

>> Mayor Adler: Ms. Pool moves to postpone. A second? Ms. Gallo. Any discussion? Yes, Ms. Gallo.

>> Gallo: I think the other reason I would support doing -- or I know the other reason I would support the postponement is this looks like it's in an area that is included in the central corridors of the mobility bond that we're talking about bringing before the public and so it -- I don't remember any conversation about this work being included in those corridor fundings. So I think that another reason for the postponement is that as we talk about the -- and get updates over the next couple of weeks of what those individual projects include in the corridor funding of the mobility bond, the discussion of this particular project should be included in that.

>> Mayor Adler: Okay. Those in favor of postponing this, please raise your hand. Those opposed? It's unanimous on the dais.

>> Pool: Thank you.

>> Mayor Adler: Next item is item number 9. Ms. Houston, you pulled this one?

>> Speaker1: Thank you, mayor. Number 9, I just had a question about. I couldn't see from the maps what are the projects in district 1? I just couldn't -- they were too small and my bifocals weren't working as well as they should.

[10:56:05 AM]

>> Jim Dale, assistant director with transportation department. If I get the boundaries correct there's three projects there focused on bike detection and one is at pleasant valley and fifth and then the other two are clamal at 12th and clamal at mlk.

>> Speaker1: Thank you. Tell me again what kind of bicycle detection, what are we doing?

>> Yes, yes. It's really focused on safety for the bicyclists.

>> Houston: I just want to know what it is we're -- what's gonna happen? Do they roll up and do they push a button? Does the detection note a bicycle is there? That's what you'll trying to figure out, the mechanics.

>> They'll roll up, be detected and get a green signal to pass through the intersection.

>> Houston: Different than the green signal for the car to go through?
>> On this one, those locations yes, I believe are just for detection and we'll be using video detection and not the loops in the pavement. As soon as they roll up into that zone they're detected and then a signal will come up to allow them to move through the intersection.
>> Houston: I'm going to ask again maybe a different way. So will the signal be different than the signal for the car?
>> The signal will be the same.
>> Houston: Same for the car. Thank you.
>> Mayor Adler: Any further discussion on this item number 9? Is there a motion to approve item 9? Ms. Kitchen.
>> Kitchen: This is for the staff also. I noticed that this includes 12 intersections -- well, quite a few, 12 intersections, as well as an additional 20, but I noticed there were no intersections in district 3 or 5. So I just want to understand what the criteria is and how that resulted in no interpretations in those areas.
>> Yes. We work through the bicycle advisory council to identify areas where they saw need for detection in signal improvements for bicyclists and these were the top priority locations brought forward to us.

[10:58:10 AM]

>> Kitchen: Can you give me an idea of what criteria was used?
>> What criteria, I know --
>> Kitchen: They're identification or was it something smells.
>> I was really input from the bicycle advisory council and other outreach done with that. I'll need to find out exactly what criteria was used but coming from that community of outreach that we did these were the ones that were -- they were saying that were the highest. I'll take a look and see what the criteria is and get back to you.
>> Kitchen: It would also be helpful just to understand -- I'm going to support this but I'd also like to understand what's already been identified for, you know, for the district 5 area and also for south Austin as a whole, just so we can look to future funding.
>> I'll bring those, I'll include that in the response.
>> Houston: Mayor, before I make a motion, you said 12th and cloumel and 12th and mlk, which doesn't compute now.
>> Cloumel and mlk.
>> Speaker1: Oh, thank you.
>> You're welcome.
>> Pool: Mayor?
>> Mayor Adler: Yes, Ms. Gallo.
>> Gallo: Question of staff please. So district 10 has allocated a good portion of the quarter cent fund for the adaptive signaling for all of the signal lights in district 10. How does this affect that? Or would it make sense to wait to do this on -- there's just a couple, I noticed, in district 10 but I want to make sure we have an efficiency of effort here. So if we're changing the signalization at those interpretations anyway would it also incorporate the bicycle recognition? Or is this something that we would need to do in addition to the adaptive signaling upgrades?
>> Yes, it will include the adaptive signal control as part of it. So we'll be doing both. The detection we put out there for the bikes we can also use for the adaptive signal control.
>> Gallo: So the adaptive signal control does not include the recognition of bicycles?
>> It does include the recognition of bicycles.

[11:00:11 AM]

>> Gallo: So all of the district 10 signals if they are upgraded to include the adaptive signaling hardware/software, whatever it's going to take, will also include as part of that the bicycle recognition?

>> Yes.

>> Gallo: Okay. So are we waiting to do the district 10 until we do the adaptive signaling? Are we going to go ahead and do something now and duplicate it later?

>> At these locations I'll take a closer look, at the ones in district 10. Whatever we'll do there -- what we'll attempt to do is go there once and whatever we do for the bikes if that comes first we'll do for the adaptive at the same time.

>> Gallo: Perfect it. Thank you. I want to make sure we have a system efficient and we're not duplicating things.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: One follow-up. Thank you. I certainly support looking at criteria, and that's why I want to understand what the objective criteria is. I do think it's important to have subjective criteria and to also hear from our bicycle advisory group but it continues to concern me that if you look at this map, I think I see two for south Austin. If that's what the need shows, then that's fine. But I'm not hearing objective criteria. So I would really like to understand that for future reference because it's very disturbing to me to see funding brought forward for -- that doesn't look at all parts of the city, unless I understand what the reason is for that. So we can have a further conversation and perhaps you can help me understand what the criteria was.

>> Yes, absolutely.

>> Mayor Adler: Okay. Is there a motion to --

>> Houston: I'm sorry, mayor.

>> Mayor Adler: I'm sorry. Ms. Houston.

>> Houston: Councilmember Zimmerman hasn't asked a question. I'll wait until him.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you. Real quick question. The federal highway administration transportation enhancement grant is what we're talking about. They have heard of this pathway called interstate 35 that really needs enhancement.

[11:02:15 AM]

I mean, is this the same group that would -- when they're talking about transportation enhancement would they give us grants to improve interstate 35 or do they or have they?

>> Locations, we submitted locations along I-35 for bicycles as part of this.

>> Zimmerman: I was talking about the hundreds of thousand of automobiles going up I-35 about in addition to bikes do they do anything about -- or do they have any grants or any money to solve the traffic congestion?

>> That's -- that's definitely being looked at right now for the I-35 redesign.

>> Mayor Adler: Councilmember, Robert spillar, director of transportation. So of course the usdot has a variety of grants and rest assured I know Texas Texas dot is pursuing monies for I-35 where they might be appropriate but this type of grant, if we're not using it, another jurisdiction within the state of Texas will use it on a similar type, either bicycle or similar enhancement project so it's sort of a color of money kind of thing. This money is blue money for lack of a better number or description. It really needs to be used on non-motor raised stuff. Rest assured, I know txdot in the whole region is pursuing federal money.

>> Zimmerman: That would make more sense, the state would go after federal grants and the cities would do bicycles. That's the division.

>> Bicycles and other, yeah.

>> Zimmerman: Thank you.

>> Mayor Adler: Ms. Houston.

>> Houston: Mayor, my last question has to do with we're seeing a lot of mobility kind of modality issues coming before the council as we're prepping for a huge, massive mobility bond. At some point will we be able to see a side by side to make sure that we're not double paying for something or we're not counting something in one capital improvement budget we're also capturing in another budget in this bond proposal that's going to be issued?

[11:04:23 AM]

So I get the -- to feeling uncomfortable when there's so many moving parts over here and we've got this big monster over here so I'm not counting bicycles or trails or something over here that we're actually gonna already have a grant to fund or we're gonna have -- move something from a -- what do you call it? -- Capital budget into -- from operating budget to capital improvement. So incorporation want to know at some point will we be doing a side by side to make sure we know what we're funding out of what buck senate.

>> I see my cohort in public works wanting to say something weapon I would just say to answer that question partially is, you know, again, we understand mobility funds are limited and so we certainly don't want to duplicate costs or duplicate payments. That said, we have been known in the past on bond programs to go pursue grant monies that then replace bond monies. And so we relief -- leave bond monies for other projects because we know as y'all had a discussion as you get into projects you may find unanticipated needs in one project versus another and that gives us the ability to leverage those funds over the future.

>> Mayor, councilmembers, interim director for the public works department. We keep track of that, when there is bond and grant money available, we do keep track of it. We do have a reporting mechanism to do that. So we do have a good system in place to do that.

>> Houston: I would be very comfortable, Mr. Hinijosa, if you would share that so we know what that mechanism is because sometimes things fall through the cracks.

>> We'll do.

>> Houston: Thank you so much.

>> Councilmember, to add of course when we do find opportunities to leverage funds through partnerships or grants we come back to council for those kind of directions.

[11:06:31 AM]

>> Houston: I move approval.

>> Mayor Adler: Ms. Houston moves approval of item 9. Is there a second to that? Mayor pro tem. Any further discussion? Those in favor please raise your hand. Those opposed? Zimmerman, troxclair, voting no. Others voting aye. The item passes. That gets us to item 10. Ms. Houston, you pulled this one as well.

>> Houston: Thank you so much. I think I understand this except I have a question whether or not the city of Austin use -- gives any additional funding to Austin city limits other than this contract that we're talking about this morning?

>> To koru, this is to kuru -- excuse me, mark tester, mayor, council, director of the Austin convention center department. This is to koru. There is no other funding that either goes to koru or separately to the concert series or the festival. We do not participate in the festival at all.

>> Houston: So the convention center doesn't give any additional funding except this \$2,250,000 annually -- \$250,000 annually. My question is does the city of Austin through any other revenue stream give any other dollars to koru.

>> I don't believe so, but bill stokes from koru is here. I can ask him.

>> Houston: Okay.

>> If that's the case.

>> Councilmember, I'm bill stokes, general manager of koru, and the answer is no. There may coastally be a project that would come along where we would do something but there's nothing right now and hasn't been separate funding for some time.

>> Houston: Thank you so much. Thank you both.

>> Thank you.

>> Mayor Adler: Do you move adoption of item 10? Is there a second? Ms. Pool. Discussion? Those in favor of item 10 please lay your hand. Those opposed? Those abstaining. Mr. Zimmerman voting no P the others voting aye. This matter is approved. That's item number 10.

[11:08:33 AM]

Business plan item 14, Ms. Houston, you pulled this one as well.

>> Houston: I guess y'all don't want me to go on vacation again, huh?

[Laughter] Thank you, mayor. I have a couple of questions regarding -- let's see, in the backup, it says that over the course of two years the city by receiving this grant will get training and support from the governmental alliance on race and equity through six opportunities. Was the grant awarded based upon us using this particular company?

>> Mayor, council, ray beret, chief of staff, city manager's office. The grant we applied for is through living cities, which is a national foundation based out of New York City and their subconsultant who is doing most of the work working with the different cohort cities, we would be one of five cohort cities from across the country. We selected the governmental alliance for race and equity, yes.

>> Houston: Because we've been working with other groups in the city of Austin already to talk about race equity and looking at equity scorecards and so I'm wondering why we're bringing yet another entity into the playing field. And did we have -- did we have a choice? I'm hearing you say we didn't have a choice.

>> Under this grant, that's who they selected, living cities selected, government alliance for race and equity. I'll also mention the government alliance is also our consultant as we are working on our equity journey, as we create our equity office, as well as the recruitment of the equity officer. So we're working with them already. The good thing about this grant in effect I met with living cities, I went in grand Rapids, Michigan, this past week, and asked about the actual grant requirements and there are very little requirements or strings attached. Basically what they want us to do is commit to advance equity within our organization and within the community. So when we come up with our equity plan, in fact we're being challenged to come up with an equity plan by spring 2017, they basically said every plan is going to be unique to each city so with that we're gonna partner with of course the community but with our chief equity officer who is going to lead the effort along with the city manager's office in advancing equity within, again, the organization and community.

[11:10:53 AM]

>> Houston: First of all, let me tell you how much I appreciate y'all going after grants to be able to fund the kinds of things that are not included in the general fund or maybe outside of the budget. The concern that I have is that we had grass roots organizations here in Austin that are already doing this work that know the community, that have some respect from the communities that they serve, and now we're going to bring in somebody from New York City who doesn't know the community. I'm not saying they're not professional and don't know exactly what they're doing. But it's that rub that we consistently -- and you may not have known that we were working with some of the grass roots organizations, but, again, it's that rub between how do we use the people who are here to develop these kinds of concepts and then -- versus bringing in somebody from outside, when we have expertise right here in the city?

>> Councilmember Houston, I would say because of the grant, because of our few strings attached it does allow for the flexibility for us to figure out how to work with the community and work with other organizations. We can certainly put that in our plan. Of course also visiting with living cities. We certainly want to do that because this is going to be a community-engaged effort. We understand that. So absolutely we will include that component. I'll certainly commit to that.

>> Houston: Thank you. And then the other question I have is, will they be updating the time frames for completion of this six convening opportunities? Because it was supposed to start in May of 2016. And we're way past that. So what might the time frames be is now.

>> So the time frames still remain starting with May 2016 all the way into 2017. It's a two-year commitment and so members of city staff we have also had members of the mayor's office who have attended the first two convenings. The first one with a in Chicago in May. Then the second one just this past week in Grand Rapids, Michigan. We're looking to have the chief equity officer on board for the next convening in November so these meetings will take place over the course of the next two years and so I hope that addresses your question.

[11:13:04 AM]

>> Houston: It does. And although I appreciate the grant that you wrote and the fact that they're gonna give us \$75,000 to do that because the community has not been engaged from the beginning, again, the community kind of is an afterthought. The mayor's office, the city manager's office has been engaged in two convenings but the community comes on afterwards, as an afterthought, I'm going to have to vote no.

>> I would mention the convenings are for staff and what I would also mention is that we understand the community engagement is so important. It's one of the reasons we did have a town hall meeting when we were doing the chief equity officer job profile. We did that and then also we had two community meetings, one at the Dove Springs recreation center, one also at the Asian-American center. We basically went out to the community and said tell us what you would like the equity office to do. What do you see as its mission? What other work would you like for it to do? We had over 135 people who showed up during the course of two days, and we heard some great feedback from the community.

>> Houston: I was there so I remember that and it was great. I'm talking about the convenes that have gone on twice now, that there were no people from those grass roots organizations that have been talking about equity and brought this whole concept to the city of Austin.

>> Understood.

>> Houston: They were not participating in the conversation so I agree that you're doing -- I hope that you will continue to work with them to make sure that the communities are engaged but we have got to start building that process in from the beginning. Not at -- in the middle range.

>> Absolutely. And, councilmember Houston, I'll mention that as we put our equity action plan because we have a commitment to do that by spring of 2017, that we're gonna engage the community to do that as part of this grant.

>> Renteria:mayor. >> Mayor Adler: Mr. Renteria?

[11:15:06 AM]

>> Renteria: I'm going to be supporting this. This is a -- this is a grant that I have participated in the first one. I didn't have time to go to the second one because I was busy with capital metro. But it was -- it's a real -- I'm talking to see that how far we are ahead of other cities. It's just amazing. Some of these cities are required to attend because of the records they have in their community. We've met with other communities that showed up there and there was just -- they were just amazed we were so far ahead in the equity issue and we have already implemented some of the programs they are looking into. These other cities that are having problems, especially in the northeast, they are learning a lot from us and it's really rewarding for me especially when I attended this conference, they really look at us and really want to learn because they are having such issues in their community over race, especially cities like Baltimore. You know, some of these places where there's a lot of race problems that are going on. And they are having an opportunity to learn from us that, you know, we're so far ahead and it's also, you know, rewarding for other cities to see that Austin is not only talking about it but we're already -- we are already committed, we already allocated fund to go create the equity office that we're doing now. So I really want to thank the city management and especially frank Rodriguez for applying for this grant because, you know, if he didn't, we wouldn't have been discuss ING this at all right now.

[11:17:06 AM]

>> Mayor, one more comment and it's not anything about the grant, it's about the process. The reason we're so far ahead is because grass roots organizations like undoing racism Austin started this movement in the city many years ago. That's why we're so far ahead, but yet they were not included in this process. And so I -- everybody will probably vote for it, but for those reasons I'm going to have to vote against it.

>> Mayor Adler: Anyone else to discuss this? Mr. Zimmerman.

>> Zimmerman: Well, Mr. Mayor, I'm not going to let councilmember Houston be in the 10-1 club today, I'm going to vote against this as well.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I have a quick question. I believe it's related and if you are not able to answer it today, that's fine, we can talk about it later. But I'm curious about the relationship between this and the resolution that we passed last year related to developing the equity assessment tool that we would use -- it says development of an equity assessment tool to be used by every city department during the budget process. So I'd like to understand the status of developing that tool. And again, if you don't have the answer today, you can bring that to me.

>> Mark Washington. Let me address your question and it also speaks to I think one of the concerns that we heard earlier. The intent of the convenings is to not only help us understand the need to develop an equity tool, but also the equity action plan. But the convenings for all the cities are designed for city staff to further sensitize them to community concerns. So unfortunately the way the grant is designed, it's not designed as a dialogue between city staff and city community members to regionally convene as cohorts. It's staff consulting with the living cities in gear.

[11:19:11 AM]

However, when we go back to our communities the grant is designed for them to help us reengage or engage the community members locally in the development both of an equity assessment tool or in this

sense the staffing of the equity office in getting community feedback. So there is a component for them to help us both with the tool locally and as we gathered in the various convenings we do have representatives from the health department that met with -- with us to share perspectives on what the community has already decided on the health equity assessment tool.

>> Kitchen: Okay. We can talk more about this later. I'm really talking about not just a health equity. This is equity assessment tool to use as part of the budget and I'm certain that's not been developed yet. Ly follow up and see where that is a what the plans are. That was designed to be used during our budget process.

>> Mayor Adler: Yes, Ms. Garza.

>> Garza: I just -- I guess I want to echo what councilmember kitchen said. This was a resolution, I believe it's over a year old to establish the equity tool. I know wife been working with our office and advocates. In fact, advocates are what brought this to us so there has been conversations with community group. So I hope -- I hope to see a time line of when we're going to -- because the purpose of it was to use that equity tool in our budgeting process which would have -- I believe, would have been helpful during this budget session. But I understand, you know, the process of trying to get the best structure in place and the best person in place to lead us so I thank you for your efforts. I will be supporting this. I think it's important to see what other cities are doing.

[11:21:12 AM]

I think it's important for us to understand, you know, the difficulties that other cities have faced in implementing this. And then we can use that and it's not to say that our local advocates -- it's not to dismiss what they've done. In fact, it's to -- I feel like it's to prepare us to make their voices louder and to make sure that we're listening to them more. So thank you for getting this and I look forward to seeing the final -- the final product.

>> Mayor Adler: Okay. Any further discussion? Is there a motion to approve this item number 14? Ms. Garza. Is there a second? Mr. Renteria. Those in favor please raise your hand. Those opposed? Ms. Houston and Mr. Zimmerman voting no. Ms. Troxclair voting no, 8-3. It passes. That gets us then to item number 21. Ms. Kitchen, I think that's the hazard mitigation plan.

>> Kitchen: Okay. I just have some questions about the plan. I'll be supporting this. I just want some clarification. I want to understand the relationship between this plan and our flood mitigation task force recommendations. And the reason I'm asking that is because this plan has recommendations for action and so does our flood mitigation task force. Now, I understand this plan was developed prior to the completion of flood mitigation task force so my question is really a two-part. How do you update this plan, and, you know, when is what I'm thinking. And I'm making an aslun sun when it's updated you will take a look at the recommendations from the task force?

[11:23:19 AM]

>> Absolutely. Scott Swearingen. This is a fairly long bureaucratic process to put this plan together and it started in early 2015 and is now just going through approval sentence. We'll have the ability once approved by council to review it annually or more frequently or less frequently. Those other actions can be incorporated into our mitigation action plan which thence assists us in getting the mitigation funds from the federal government.

>> Kitchen: Okay. I would be happy to work with you on that because of the -- all our city has experienced with flooding recently. It think it would be helpful to update it as soon as feasible instead of waiting a year.

>> Absolutely.

>> Kitchen: Okay. Then I would also ask -- so I think you answered my question. My question was what happens next. But it sounds to me from what you're saying having this plan is helpful to us in getting funding from the federal government. Is that correct?

>> That's correct. To get hazard mitigation funding, which may either be some annual funding or it may be keyed into particular disasters, this funding is contingent on having an approved hazard mitigation action plan. Approval of this plan will keep us eligible for those funds.

>> Kitchen: Okay. I just have a few more questions. So I notice that perhaps the -- and I'm not sure if I'm saying this correctly, but that in putting the plan together there wasn't participation by our utilities? Is that correct or not?

>> They were invited in all the departments that had participated in the previous one. It's my understanding were invited. Their actual level 6 participation I'm not entirely sure.

>> Kitchen: Well, I was concerned from some language in the plan about the level of participation.

[11:25:22 AM]

So I would like to also understand we could talk about this off line, but also would like to understand what we can do to encourage their participation because that's particularly important, I would think.

>> Thank you, councilmember.

>> Kitchen: Okay. Let's see then. My last question is -- has to do with the fire plans.

>> Uh-huh.

>> Kitchen: And I apologize if I'm not understanding, but do we include in -- and is it appropriate to include in this plan the consideration of developing neighborhood -- neighborhood level plans for responding to fire? Wildfire is what I'm talking about.

>> I think that's something that could be considered as a mitigation action and that's something that as plans approved again we have the ability to go back and amend it. But as we were developing this, the wild land fire plans were also being developed and now those things are coming together I think we have the opportunity to make some of those updates in the future.

>> Kitchen: Thank you. That's all the questions I have.

>> Mayor Adler: Is there a motion to approve item number 21? Ms. Kitchen moves. Is there a second in Ms. Pool. Discussion? Those in favor of item 21 please raise your hands. Those opposed? Unanimous on the dais with Ms. Garza off. That gets us to 25. Library parking. Ms. Houston, you pulled this one.

>> Houston: Thank you. You don't have to rush. I just had one quick question.

>> Sure.

>> Houston: What's the contract rate for noncity employees? So if I was just paying a monthly contract to park in the Travis county parking garage, what would I pay?

>> Mayor, councilmembers, Lorraine riser, officer of real estate.

[11:27:25 AM]

Councilmember, we're paying the same rate as all the other tenants of the building whether they be city or they have some private companies in there. Everybody else that just comes in pays an hourly rate in that building so we pay what the other tenants are paying in the building. We tried to negotiate a lower rate but they said we had to pay the same as everybody else is paying.

>> Houston: That was my question. Thank you so much. So we're not getting any discount for those 150 spots.

>> No, no, ma'am.

>> Houston: Although we're constant, we're going to always be there.

>> That's correct.

>> Houston: Okay. Thank you.

>> Mayor Adler: Is there a motion to approve item 25? Ms. Houston moves. Second, mayor pro tem. Those in favor of 25 please raise your hand. Those opposed? Mr. Zimmerman abstains, the others voting aye on the dais. That gets us to item number 28. Mr. Zimmerman, I think you pulled 28 and 29.

>> Zimmerman: Thank you, Mr. Mayor. Let me -- yesterday I was in the Travis county courthouse hearing testimony over the utility associate's protest against the awarding of the body camera, police body camera contract. To taser. And one of the remarks that was made towards the end of that hearing was -- there was an argument made, this is all public and open court, you can look up the transcript if you want, but one of the city attorneys said that a rationale for denying the utility associate protest was that the grant had to be approved, the state of Texas grant had to be approved this month. So the rationaleization for denying this protest against the taser contract award that the judge denied that because we had to do the grant this month.

[11:29:32 AM]

So I would like to know if somebody could tell me exactly again on the record here if that's true or not because I thought I had heard that the state of Texas would be quite happy to let the city of Austin if it needed to postpone that application. So could somebody speak to that?

>> Mayor, councilmember Zimmerman, while they are coming down to address the timing of the grant, I believe the issue was raised at the courthouse in order to alert the court that this was on the council's agenda today to make sure there was no confusion about that for the judge as she was making a ruling. You were there so you heard what you heard, but I believe that was really the importance of bringing it to the court so there would be no confusion about today.

>> Zimmerman: Okay, so I was there and that's not what I heard. What I heard was an argument that judge, you have to deny this because we have to approve this application for state funding. Tell me where we are on that, what your understanding is.

>> I just want to make sure we have the correct question. You're saying does the grant have to be approved today as opposed to going forward with the taser litigation?

>> Zimmerman: The question was would the state of Texas be willing to accept a grant from us after an August deadline. Could we make a grant application in September and still be awarded state of Texas money for our body camera program.

>> The grant application was due already. We had to submit it in July. As far as accepting the funds, I think we have 45 days post-award and the award hasn't reached us yet.

>> Zimmerman: Again, the question is if we were to make this application and if we were to approve this in September, wouldn't the state of Texas still entertain our grant application and provide the money? In other words, did the state of Texas say you must apply for this body camera grant funding in August or else you will never get it?

[11:31:36 AM]

>> Yeah, the deadline to apply was -- I don't remember the --

>> Zimmerman: It was in July. So in other words, the July deadline passed and we moved it to August. So if the August deadline were to pass, we could ask the state of Texas would you let us do this grant in September and the answer would probably be yes.

>> There's not an August deadline. The deadline to apply was in July. We're here now just asking for you to approve a resolution that meets the requirements of cjd and to absorb the funding into the current budget. That's what we're here today to do.

>> Mayor Adler: Okay. Further comment? Ms. Houston.

>> Houston: No, I take that back.
>> Mayor Adler: Mr. Casar.
>> Casar: I would just like to thank the staff for their hard work on these grants and thank you for helping us reduce the cost of what is some costly equipment, so I appreciate you all's diligent work on this and your patience with us.
>> A lot of great work.
>> Mayor Adler: Ms. Kitchen.
>> Kitchen: I just have a clarification. So the action today has to do with pursuing these grant funds, right? So the action today is not tied to using any particular vendor; is that correct?
>> Correct.
>> Kitchen: So the action today is independent of any rfp process related to selection of the vendor.
>> We didn't name a vendor in the grant application.
>> Kitchen: And the expectation is in order to receive the grant you won't have to name a vendor?
>> Correct.
>> Kitchen: Okay.
>> Houston: Now, mayor, I have --
>> Mayor Adler: Ms. Houston.
>> Houston: And you will come back to us with that recommendation as to which vendor?
>> That's purchasing.
>> That would be a purchasing question, but from my understanding with the litigation going on right now, it will depend on the outcome of that.
>> Excuse me?
>> I'm sorry.

[11:33:37 AM]

With the litigation going on right now, it's going to depend what the outcome is on that. If taser goes forward, then obviously we're going to use taser, which was picked by the rfp. If the litigation decides we have to go back to rfp or some other avenue, then we'll have to advise you then.

>> Mayor, if I can just clarify, the council has already made that decision and it's been challenged and that's what's happening in the courthouse, but you've already made a decision.

>> With taser.

[Lapse in audio]

>> Mayor Adler: Let's take a vote. Make a motion.

>> Make a motion.

>> Mayor Adler: Adoption of 28 and 29.

>> Zimmerman: I move adoption, Mr. Mayor, of the 750,000. Greg already did.

>> Mayor Adler: Mr. Casar moves passage of 28 and 29.

>> Mayor, there are speakers.

>> Mayor Adler: Oh, there are speakers. Sorry. I apologize for that. We have speakers. First speaker would be Joe Lopez. Is he here? Then Gus peña. On deck Zenobia Joseph. Mr. Peña.

>> Good morning, mayor, councilmembers, Mr. City manager, Gus peña. I'm a former federal investigator with the irs. I attending the sheriff's academy class of '93 when I was an officer and bailiff and also former bailly with municipal court. I understand what everybody else is saying, but the community is not getting the gist of this item. Just like you passed another item also and there were speakers but I just didn't feel like raising my hand. The issue is this is this impacts the community.

[11:35:39 AM]

And I understand the logistics, I understand the parameters, but darn it, I said darn it, it should be the community because the community is impacted, this is their funding also and they should have participation. Sometimes they are allowed to participate, they don't educate the community. You need to have more education through the newspapers, community papers, whatever. And your constituents when you have town hall meetings, councilmembers. This impacts the community. I support APD, but I don't support the brutality or any other issues that are going on. They know it. I have family on the force. But do a better job of educating the community before we start -- a lot of people won't come to dialogue about these issues. They don't want to. Some are disgusted, I apologize, the way some of the council meetings are -- the issues that are surrounding council meetings and the way it's being run. So word to the wise, educate the public also and not just y'all or us that come here. It's the community's decision also. And it's a very, very important decision also. I have friends on the force. Some things I don't support and many things I do support at APD, but the issue is this. I learned a lot at municipal court and criminal court, a lot of the laws, both civil and criminal, and I think it's about time that we have more meetings out there in the community also. That's all have I to say. Thank you.

>> Mayor Adler: Thank you. Next speaker, yes.

>> Thank you, mayor, councilmembers. I'm Zenobia Joseph. I spoke to you on June 9, 2016 and my opposition is the same. I am speaking specifically in then context of the government coat 552 which is public information act.

[11:37:40 AM]

I am concerned because the first line of your resolution specifies what's in the best interest of the citizens of Austin. And I think in the best interest of the citizens APD should comply with the open records act. Specifically if you look at their June 24, 2016 policies, it specifies that they will comply with the ten days that's required by law for them to release information. I asked you on June 9 and I'm asking you again today to ask APD to specify for you the number of full-time equivalents that they need in order to respond to the open records request that citizens will give them when it comes to these videos. They are not compliant with the law as it specifies ten days. It takes approximately 60 business days to get a request from Austin police department today. So if they are unable to comply with the law as it is written, how are they going to come by with the 21 days that's specified for the body worn cameras. I would submit to you that that is three times the amount of time that's allocated in the law. In addition to that, the attorney general's office must comply within 45 days to a citizen's requests, and is that is in excess of the amount of time that the attorney general has. And I have specified before that I put in a complaint and asked if there was some special provision for Austin police department and there is not one in government code chapter 552. So with that in mind, I would ask you to recognize that even though Jason dusterhoff, assistant chief, specified when he testified before the senate that this was a good idea and senator west, the author of the bill, senate bill 158, specified APD helped him with the voluminous request they are not compliant. It is very disingenuous for you to specify what is in the best interest of the citizens.

[11:39:40 AM]

And I do recognize the resolution does meet the four criteria that's specified by the -- by the state of Texas in order for you to get this grant, but I would recognize or ask you to recognize there is an exception for every policy. And for the sake of the citizens, I would ask you to put in writing a request for a delay and see what the attorney -- what the state of Texas will tell you. Don't just assume that the governor's office will not give you a requested extension because you've already gotten one. So I would

ask on behalf of the citizens that you do a little bit more and specifically that policy is 116.2.2 in Austin police department's open records policy. They are not complying now. I can't see how they are going to comply in the future. I thank you for your time --

[buzzer sounding]

-- And if you have any questions, I'll gladly answer them at this time.

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

>> Zimmerman: Thank you. Ms. Joseph, thank you for being here and testifying. I concur with your remarks, but my understanding is what we're going to be voting on is our authorization to get the fund to go help pay for whatever system we put in place. So I do see them as separate issues. We have a huge policy problem in question, but then we also have the fiscal issue of how we pay for them because we agree we need the police body cameras. The question is the policies for how information is released and how the cameras are turned on and off, so we have those policy questions. But I'm going to be voting for this to get an application in progress to help us pay for the camera solution. As you heard before, there is still a lawsuit in district court over the award process or the vendor. That's still out there.

>> And I appreciate that, councilmember Zimmerman. I understand the \$750,000 that -- and the 25% matching, but I would just ask the council to recognize that even though it's the proclamation and it's supposed to support that particular grant, there is an issue with transparency and the lack of integrity.

[11:41:42 AM]

So that's something that should be recognized as well. Thank you very much.

>> Mayor Adler: Thank you. Next speaker -- sorry, Mr. Renteria. Next speaker is Fatima Mann.

[No microphone on]

>> Mayor Adler: Take your time.

[No microphone on].

>> Okay. Good morning. I'm Fatima Mann, co-founder of Austin [indiscernible]. I've been working with the APD to create policy based on them getting the grant funding. I want to give you an update on that process. That process is still a process. We still haven't gotten to the fact how the footage would be released. Aclu actually released data that showed some of the issues a lot of other cities are having in terms of their body wearing policy. Yes, they are going to get the money and I totally understand they need the money. We all want them to have body worn cameras. I'm going to say the same thing, having cameras means nothing if we can't see the footage and if people affected by it can't see the footage. If there is nothing written down on paper, having cameras is just a thing. Just being able to see we have them to have them. Yes, buy them, that's amazing, and give them to them, but how is the footage going to be given to the community? How are people going to be affected by what's happening? There are so many things happening, the king footage, it would be dope, I'm using dope but I'm using it. It would be dope if those police officers had cameras on them the entire time so you can see not just from the dash cam but from their perspective what happened when people walked away or when the dash cams weren't there, but all those things could be seen if there was policy that said how the footage would be seen. How could she see the footage? These things happening I'm talking about money which is great.

[11:43:43 AM]

Money is awesome, but the money is buying cameras and if there's nothing that says how those cameras are going to be used, you are just giving money blindly and the community is affected because you are giving money blindly for things there's no accountability, there's no oversight and there's nothing that the community is saying we agree with. That's not in writing yet. So you keep on saying yes, give them the money, but as a community member, as someone who knows sitting at the table, nothing

is in writing that says what that's going to look like if I get into an encounter with the APD and how I get that footage and what that looks like. Thank you.

>> Mayor Adler: Thank you.

>> Casar: Mr. Mayor. Ms. Mann already knows this, but I'll just remind my colleagues and community members who may be watching that two months ago we passed a resolution asking for that policy to be -- to occur. In four months time, two was ago, in about two months I would suspect that those community members will have worked with the police department for us to have that discussion here and we can best understand what our preference might be as far as release goes. So thanks to the department and those community members for continuing to do that work.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor, and thanks councilmember Casar. You are the vice chair of our public safety committee and if you might remember as far back as April of 2015 our public safety committee unanimously agreed that we wanted to be involved in that policy discussions very, very important. Here we are in August of 2016, our committee still hasn't really had a meaningful policy discussion that our constituents are asking for. So let's still do that. I agree with you that needs to happen in the next two months. So we're a year and a half late, but hopefully we'll finally have it. And again, I want to call attention quickly to item 29, Mr. Mayor, if you want to consider those together because they are related.

>> Mayor Adler: Yes.

>> Zimmerman: I want to point out under the amount and source of funding, it says the grant period is August 1, 2016 through August 31, 2017.

[11:45:53 AM]

That's what's in writing right here. So the grant period goes from this month to August of next year. That's what's in the document.

>> Mayor Adler: Okay. Is there a motion to approve items 28 and 29? Mr. Zimmerman moves. Mr. Renteria seconds. Those in favor please raise your hand. Those opposed? It's unanimous on the dais. That gets us then up to item number 31. Ms. Houston, you've pulled that.

>> Houston: Thank you, Mr. Hinojosa, for coming back again. Last year I thought there was somewhere in my memory that we talked about this trail being finished with a grant, and now that's not happening and somebody is putting -- somehow money is being put in, moved around to finish this trail. And I'm not part of that conversation. Could you tell me how that happened?

>> So Robert Hinojosa, interim director for public works department. This is a grant, the matching grant portion is coming from the four cent and I believe that comes from the mayor's portion of it.

>> Houston: So how much is the grant for?

>> I think it's 1.1. It's \$1.114 million.

>> Houston: And the mayor's office is putting in a quarter cent -- putting in how much?

>> It's a little over \$200,000. Sorry, it's 361,000. And again, that portion comes from the quarter cent process we will last year.

>> Houston: And the other does come from the grant.

[11:47:54 AM]

>> Yes.

>> Houston: Thank you. I didn't have anyone -- wasn't included in those conversations so I was trying to figure what happened to the grant and how this came before us today. Appreciate it.

>> Mayor Adler: This is our match to pull down the grant. This is our match to pull down that grant. Is there a motion to approve this item 31?

>> Houston: The money -- you make the motion.

>> Mayor Adler: I move passage of 31. Is there a second in Mr. Renteria. Those in favor of item 31 please raise your hands. Those opposed? Any abstentions? Ms. Houston abstains, Mr. Zimmerman abstains. It passes 9-0-2. That gets us to item number 32. Ms. Gallo, you pulled this one. Item 32.

>> Gallo: Thank you. Sorry about that. Had to get reorganized here. So I pulled this just because I wanted to have a little bit of conversation. As we move into the budget discussions, it's my understanding that one of the libraries that's in district 10 has been cut from the opportunity to be -- have some substantial needs met and addressed. The Elkhoury library was built in 1973. It's very used with our community and it is very outdated, has outdated plumbing, electrical, asbestos, the bathrooms are not even ADA compliant.

[11:49:55 AM]

And so as we look at the difficulty in funding and directing money to our local libraries so that our neighborhoods can use those and many of our neighborhood people can walk or bike to them so we're taking vehicles off the street, I just want to be very careful with how we're spending on our funds with libraries. And so I just had some questions on this because one of the things I think that's happened recently that I want to applaud is that the libraries, Austin public libraries has launched the Hoopla, which is an online media streaming service that includes music, movies and e-books. And I think yesterday the staff indicated that the city of Austin is actually the largest user of that in the state. So I want to understand why we're spending money on, once again, libraries are important, but our neighborhood libraries are really suffering from the standpoint of being able to get renovated and get updated and be ADA compliant. I want us to be very careful in what we're spending money on with nonbricks and mortar-type items so we can address those needs in all our neighborhoods. So I'm trying to understand why we're going to be spending the money on compact disks and related services when it looks like we have a more innovative and forward-thinking process with the Hoopla that obviously is really being embraced by the community. Seems like a duplication of effort. If you could help me understand the difference. As I'm going to be very careful about how we're spending money because we have so many needs in our neighborhood libraries that are not being met.

>> Dana McBee, assistant director. This is a contract for physical materials, music CD's that are still very popular. Just because Hoopla is extremely popular and exploded doesn't mean that the need and the demand for physical materials isn't -- isn't just as -- that there's just that much need and that much demand.

[11:52:07 AM]

This is a contract to continue to buy those materials for all the libraries. All the branches.

>> Gallo: So do you have information that shows actually how many people are using this? I mean you are saying that it's still -- and I believe you that there are people still looking to use this.

-- Still continuing to use this. Obviously the newer opportunity because I applaud this because that's the direction we'll be moving, but could you talk about something -- how you know it's needed, what the numbers are that say these are the number of people actually using this?

>> Sandra Cannon, division manager of direction development cataloging at the library. We have been trying to balance our collection with digital as well as with physical items. Our physical items address the need of many of our constituents, our customers, I should say, that don't have access to computers. And so our physical items, especially the C.D.'s that you are wanting to go have approved today are in a lot of

demand and usually you are running around -- back up. Our digital circulation is around 95,000 a month. And we have approximately maybe 20,000 or about that with music cds and DVD endangered species. -- DVDs.

>> Gallo: So this is -- this is money that will be funding -- I'm reading this -- a wider selection of music cds.

>> Correct.

>> Gallo: This is related to listening to music.

>> Correct.

>> Gallo: Thank you.

>> Also just to let you know, and I will support our music here in Austin, we will be loading our local musicians' music and we're hoping to be able to promote that on our digital content as well.

[11:54:32 AM]

>> Mayor Adler: Okay. Ms. Pool moves approval of item number 32. Is there a second? Mayor pro tem. Those in favor? Comment, Ms. Gallo?

>> Gallo: I'm going to abstain and the reason is when I hear we don't have money in the budget to be able to improve our local libraries, our neighborhood libraries and remove asbestos and make the bathrooms Ada compliant, that I think we have to find balances and if this is money that's being allocated specifically to music cds that I think that's a place perhaps we can tighten our belt and use money and direct it towards the neighborhood libraries so that we can give those -- we can give those supported and get those improved and make those available to our entire community and make sure they are at the very least Ada compliant and make sure they are safe because they do not have exposed asbestos in them. It's not I'm saying this isn't worthwhile. I think life becomes balancing the budget and when I hear our budget doesn't have the money to make improvements on a library that was built in 1973, I think that's where we have to make choices and make tough choices so I'll be abstaining from this vote.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I want to speak quickly to the point you were making about demand. And absolutely there's a demand for used and new music cds. Shrinking demand but there's a demand. That demand is being met by places like Waterloo records, half price books, planet replay. There are quite a few private businesses. I mean whenever there's a demand, it's an economics term, demand. People are willing to purchase something because they have a need or use for it. What offends me about this is this is another perfect example of government subsidizing a business and competing with people who are providing, you know, used and new cds and what have you.

[11:56:41 AM]

And so the city government wants to come in and be a company renting, you know, music cds. And I just -- I can't understand -- how much do the constituents pay for these services?

>> Nothing.

>> Zimmerman: Nothing. So it means it's an entirely subsidized industry that can compete with private industry that open their own businesses, they run their own companies, provide jobs, charge a nominal amount, they have to charge something. So what's happening is the library is now competing with private businesses to meet a demand at the taxpayers' expense. In principle this is completely wrong. As councilmember Gallo pointed out, we have a severe problem with unaffordability in the city. We need to find places to cut costs and this is a perfect place to cut costs so I'll be enthusiastically voting no.

>> Tovo: And I'm be enthusiastically voting yes because -- because I disagree with my colleague, councilmember Zimmerman. By that line of logic we wouldn't be providing books through our public libraries. I support the public libraries providing access to a range of materials that individuals rely on for all kinds of purposes from leisure to work to learning new languages to a variety of other important functions and I think it is one of the really valuable resources that we provide to residents of Austin and that they support through their taxes. Thanks for the work that you do.

>> Mayor Adler: Ms. Pool.

>> Pool: And I just add in that America has a long tradition of public lending libraries. It goes back a really long time and it's a core value of our nation. I did want to give Mr. Gillham an opportunity to respond if he wanted to the issues that were raised about asbestos removal.

[11:58:50 AM]

It makes us sound like our libraries are not safe and I don't think that's the case. Would you care to respond?

>> I'm John Gillham, the libraries facilities process manager. Mayor, council, city manager. We have an inventory of libraries that have been built since 1933 and for many of those decades asbestos was used in the construction. It was a perfect insulator, no one realized it was going to be a carcinogen. The city of Austin, of course, can't afford to abate all asbestos in all its buildings so we manage it. We make sure it's not disturbed. Asbestos is dangerous when it's made friable, when it's made air born so we have to be careful not to disturb anything that has asbestos containing material. The Elkhoury branch library like three or four other buildings has asbestos in the wall. It has a vermiculite that was put in the cinder blocks, this was a common insulating method of the '60s and '70s. We take pains not to put any holes in those walls. And -- but when we renovate, when we remodel our buildings, we try not to disturb the asbestos. If we have to move a wall, we conduct it under asbestos protocol and make sure it doesn't get out into the environment. And the Elkhoury branch library is one of the libraries that needs to be renovated. The life cycle has caught up with it and when we do renovate it, if we have to move walls to make the restrooms larger or something like that, we'll be very careful not to disturb that asbestos.

[12:01:00 PM]

When we get through and it looks brand new again, it will still have asbestos in some of the walls. It's just that would -- it's beyond anybody's financial capability to actually abate all asbestos.

>> Pool: But you are -- you take pains to properly encapsulate the asbestos when you do do renovations. Is that correct?

>> The city of Austin is very stringent about that. I may know beyond a shadow of a doubt there's no asbestos in a wall, but before I put a nail in it so hang a picture I'm going to get permission from the engineers in charge of asbestos management every time.

>> Pool: Does the library have a list, for example, the Millwood library was just completed using bond funds from 2012. Four years later we were able to have the ribbon cutting. It takes some time. Does the library have the list of those libraries that are in need, like Will Hampton branch, for example?

>> I think we have a dozen branch libraries in some phase of design or construction for renovations. Most of it funded by the 2012 bond program. Some -- some by other means. The Elkhoury is one we want to renovate sometime. The time has come in and renew that infrastructure, but we're fairly aggressive about renovating and retrofitting our buildings and I'm going to guess that we have a dozen right now that are in progress and we -- you know, when we complete more of those, we will start on others.

>> Pool: And is there a reason why old quarry wasn't on the list for 2012? Were the libraries that were on that list in worse shape, for example, the roof is leaking over the air conditioning being inadequate so that we needed to deal with maybe older or buildings that were in dire repair at the time?

[12:03:12 PM]

-- Disrepair at the time?

>> Well, we put together the 2012 bond election essentially in 2011 and we did property condition assessments for all our buildings. We do that annually. The old quarry branch library had just undergone a complete mechanical retrofit. All heating, ventilation and air conditioning equipment had just been torn out and new equipment and controls put in. And we did some other work while we were there. So the libraries that appeared in the 2012 bond program on proposition 18 for us were libraries we hadn't touched for a longer period of time.

>> Pool: Thank you very much.

>> Mayor Adler: Okay. Ms. Gallo.

>> Gallo: Thank you, councilmember pool, for those questions. If I could ask you one more, it's my understanding the bathrooms there are not Ada compliant. Is that correct?

>> When the Americans with disabilities act was passed in 1992, that was the first edition of it, in 2013 they upgraded it and made it more stringent. And after the 1992 bond election, the -- the public works department and the library department moved throughout all the libraries and assessed what was Ada compliant and what wasn't. At old quarry we did run into the situation where the restrooms -- this was built in 1976, the old quarry branch was. The restrooms were, you know, too small to have the correct turning radius for wheelchair users, but we had the problem with asbestos in the walls. And just a physical constraints of a -- a smallish library, 8,000 square feet. At that time we solved the -- the Ada compliance for the restrooms by creating a third public restroom that was completely Ada compliant and we made it a unisex restroom because we had room from the build to go create one completely compliant restroom.

[12:05:31 PM]

So that's how we met the 1992 Ada standards. As we're moving through our buildings right now, as I said we have about a dozen branch renovations going on, we're discovering that the 2013 Ada requirements are more stringent and so I'm anticipating that when we do start the design and -- of the old quarry branch renovation that we may -- we very likely may be asked to, you know, meet more stringent Ada requirements. So those public restrooms that we have will have to somehow be enlarged and we'll have to come up with money to pay for the asbestos abatement to allow that to happen.

>> Gallo: Thank you.

>> Mayor Adler: Is there a motion to approve item 32? Ms. Pool. Second, Ms. Houston. Those in favor please raise your hand. Those opposed? Those abstaining. Fox Claire and Zimmerman no, the others voting aye. 8-2-1 it passes. We're now going to move to citizens communication. On our agenda. The first speaker I think is Susana Almanza.

>> Kitchen: Mr. Mayor, could we understand our schedule for today? Will we be breaking for lunch after that?

>> Mayor Adler: I think we'll be breaking for lunch. As I look at the schedule, I would imagine a lot of items are set later. I would -- we're going to do this to 12:30 and then probably come back at 1:30 after lunch. Does that work for folks? Do we have executive session items?

>> Kitchen: Yes, we do.

[12:07:33 PM]

I would like a break for lunch that's beyond just executive session. 30 minutes is fine, I don't know what others want, but I would like -- I think it would be helpful for us to have a break over lunch.

>> Mayor Adler: Okay.

>> Tovo: Mayor, can I propose we come back at 2:00?

>> Mayor Adler: That would give us an hour and a half. That would be fine by me.

>> Kitchen: What now?

>> Mayor Adler: At 12:30 we'll have lunch, executive session. That will give us --

>> Kitchen: What I'm saying is I would like a lunch break that doesn't include executive session. Perhaps we break at 12:30 and start executive session at 1:00. Because our executive session could take a while.

>> Mayor Adler: That would be fine. Yes, Ms. Houston.

>> Houston: I appreciate that, councilmember, but I need to eat before we go into executive session if it's going to take a while. That's what I'm saying.

>> Mayor Adler: We're going to break at 12:30 for lunch and at 1:00 we'll meet for executive session. Okay? Susana Almanza.

>> Good afternoon, mayor. Danielle and I was wonder to we could put together because we're showing a video and I did ask the gentleman for speaker number 2.

>> Mayor Adler: That's fine. So six minutes for this presentation.

>> Very quiet. I have been told by so many neighbors [inaudible]. And we love it here. It's very affordable.

[12:09:33 PM]

[Inaudible] Ab and provide us with homes.

[Speaking in Spanish].

>> We have complete love and respect for one another. And that's what's so hard is that there is a possibility that these families could be displaced.

[Inaudible]

[Speaking in Spanish] .

>> Suzanna, how likely is it they will be able to find another home kind of like in central Austin with 2, 15, \$5,000?

[12:11:46 PM]

>> They will never find a place for 5,000 or 3,000 or even 1500 for the renters because those places don't exist.

[Speaking in Spanish].

>> So that's why they are saying on this 23 acres could the developer set aside a couple of acres to make a new trailer park.

[Speaking in Spanish] .

>> 95% of them are homeowners. They own their home. But because of the age of their trailers, they can't be moved because they will break apart. And none of the movers will take on the responsibility of moving these trailers. And so that's our message to the city and to all the residents of Austin of why they need to participate and support these families so that the city will appropriate land and make a new trailer parring and then purchase new or used trailers for the people.

>> There's going to be low-income, consideration on the low-income part or not?

>> Well, they are being gentrified because they are going to be replaced with 366 market apartments so none of them are going to be affordable.

[12:13:47 PM]

This is a precedent setting case right here because the council said we've got to keep affordable housing in the urban core. And now here is a test case for them. Will they keep affordable housing in the urban core? Will they stop or slow down the gentrification? Those are the questions that the city council people will have to answer to. And it's going to be up to the community of the city of Austin to say wait a minute, we can't get rid of the affordable housing and we can't continue to displace people of color and the poor and working poor. Those are all things this is a test case about and that we all have to work together to resolve this issue.

[Speaking in Spanish]

>> Mayor Adler: Thank you. Next speaker Carlos Leon.

[Buzzer sounding]

>> Soy Carlos Leon in Austin, Texas, August 4, 2016 to speak what's right. First and foremost [speaking in Spanish] For letting me fight back. Document on screen. July 25th, 2016, cap metro director of security David martin handed me this ctw letter and told me to stop harassing his drivers.

[12:15:54 PM]

However, public servant martin does not own or control them or me. In fact, an evil network of cap metro drivers and staff has been harassing me bringing down and staining all good drivers and staff at cap metro. Apparently to retaliate against me for communicating to the cap metro board of directors verbally and in writing. The gas lighting and psych warfare tactics the evil network uses to confuse and control passengers, they are paid to professionally and courteously serve per Austin transportation code 13-2-132. Martin threatens martin threatens to have me removed from cap metro properties for six months, for bullet points like falling asleep in my seat or choosing to stand if seats are open, two nonsensical rules, attacking my freedom of choice and movement, protected by the U.S. Constitution's fifth and 14th amendment due process clause and Texas institution article 1, section 19. Instead, remove evil passengers for real offenses, like assaulting drivers, harassing other passengers. And remove evil drivers for harassing us passengers. Camera on me. Cap metro should be thanking me, not threatening me for quality control to improve cap metro service for all. To reverse the 20% ridership drop the last four years.

[12:17:57 PM]

This backwards abomination exemplifies what's wrong with Austin and our country at large. Showing why crooked Hillary and the demonic Democrats should be crushed in November to start making America great again. In Jesus's name I pray. Amen, thank you, lord. God bless Texas and the united States of America.

>> GLI Anna Canada. Ed English is on deck.

>> Councilmembers. The economic development department has done a wonderful job to carry out the city administrator's social policies. The city should contract beyond to understand the value of the ordinance. How can employers offer to applicant -- make an offer to an applicant seeking to integrate if they're not surrendering their preexisting beliefs when making a hiring decision. The disproportional impact that lingers has become the probable cause of the applicant's discouragement and led to insurmountable ineligibility. There needs to be the appropriate anchor points for the fair chance hiring

to be successful. The interview is where reintegrate is possible, that is where we lay the foundation for healthier screening practices. To bring momentum to the ordinance, I created a 95-minute, 21-phase module called the maverick's journey to optimize the learning experience to see organic transformation and confidence instead of leaning on easy to take methods that appear to be balanced but in actual fact are not nutritious to long-term corporate stability.

[12:20:08 PM]

Per the ordinance denying opportunity to an otherwise qualified applicant, based on the history that is receptor illvant to Dute -- irrelevant to duties, is not working. They looked at the gravity of my past offense. 42% of companies offer cross training to develop skills that are not related to an employees current position. Ion seeks to increase this number through the agency of the mavericks journey. Why are we the best consultants for this endeavor? For starters, James has a gold edge knack for research, he's passionate about civil service and teaching. I follow the hero's journey for the development. In the maverick journey we use philosophy, archetypes, exercises and stories to take employers into the journey of the conscious mind of equitable hiring practices. The discovery channel aired an American reality TV series where it takes a thief, where two former thieves use their unique perspectives to teach homeowners in unusual ways to protect their properties. The time for action is now. It is not too late for the city to recognize that the strength of this ordinance is in its training. We can do so much more. We do understand that a contract of this magnitude needs time and consideration and we're asking to be placed on the agenda I'm open for questions if you have any to address.

>> Thank you, questions? Thank you very much. Ed English, Anthony walker is on deck.

>> Ed English, I will forfeit my time tonight and wait for a better opportunity.

[12:22:08 PM]

>> Thank you.

>> Anthony walker. James Walford is on deck.

>> I have an alert for you I want to give you that at the end of the speech. Whatever you do, you want to hear that, it might be the most important thing as the group that you might hear that for the entire year. I want to thank the mayor, thank councilmember Houston for at least acknowledging that the city of Austin is filled with race and this city is divided among racial lines. November 22, 1963, that is the day Kennedy was assassinated, as leader, CEO, president of the United States of America, I have more respect for him than any other leader. He didn't turn a blind eye. He saw what the blacks were going through in the south, he used resources to fight for justice, to fight against racism, however, that still was a racist governor George Wallace who let it be known he was filled with race. On his deathbed he asked for forgiveness. I'm sure there are those that forgave him. In America, 2016, Austin, Texas, 2016, there is political leaders and people who are in power that have the mind-set of a George Wallace. You see, I'm in a lot of pain. Not pain of hate. But pain of anger, because there are many civil rights leaders and activists that died angry because they didn't get to see the changes they wanted to see as far as better race relationships and as far as with the police department. I want to say you know, we can have all the rallies, protests, demonstrations we want. If the political leaders are not on board and help pushing your agenda, it is like being in a car with no gas. You might be in it, but you are not going nowhere. We don't have hate per law enforcement, but there is anger, anger leads to hate, hate leads to violence, and violence leads to death.

[12:24:16 PM]

We have to do something to fix that. If I can get one -- just one word to every law enforcement in America, just one message, when you come to the community, you have to like the way I look. You don't have to like the way I talk, the way I dress. In fact, you don't have to like anything all about me. All I want you to do is respect me, and respect don't cost a dime. You know, I want to tell you something, this is very important. You know, the Dallas shooting, I have to relate on this. This is the Dallas shooting. That individual had a mind-set very delusional, a frustrated about what's happening in America, with no prosecution. Like here in Austin, tell me how I'm supposed to feel when a black man is shot in the back of the head and no prosecution. You write in the report that they were racial profiled one is dead. No prosecution. One black individual pulled over in the back alley, the cop said he was rough. There is no prosecution. The video you saw with the schoolteacher. If she had made a report and it was not on camera, what do you think would have happened? Back to Dallas, I have to tell you this, this is alert. I will wind it up real quick. He was very delusional. The mind-set he had of being frustrated going on in America, there is many other peoples in America still have a mind-set of him. But the international terrorists will recognize these type of people and recruit them to bring them in inside cells to commit terrorist acts against America if we don't reform the system. Before we can change at a national level, we must start at a local level. Every business, every community in this city makes up Texas. In America, my brothers and sisters in Christ is one nation under god with liberty and justice for all. My god bless us all!

>> Thank you.

[12:26:17 PM]

Next speaker is James Walford, Allen Schroeder is on deck.

>> Councilmembers, good afternoon. Everybody deserves a second chance. And that's why we're here today. That's what today is. It's a chance, a chance to build a better world. British film director Steven freer said when I go out and teach, it opens me up. When I'm open, I'm more receptive. When I'm more receptive, I'm more open minded and I learn more. That is what ion training group's mission is. It is to teach others how to teach others. That's exactly what the mavericks journey is going to do. The mavericks journey eliminates bias in the workplace, gives colleagues and employers tools they need to succeed so they can be fair, welcome only the most qualified applicants. Also trains them on how to train their colleagues to make better hiring decisions in the name of better education. So we can all agree that we can't rely solely on the threat of penalty to curtail recidivism and ignore the need of education for the merits of equal opportunity. So that's why I'm here today. We need to ask ourselves, how strong is the fair chance hiring ordinance? Can we rely on businesses to train themselves to release their own biases? Can we rely on them to put people back to work? Is it actually putting people back to work? And that's why we're here. We're here to guide those in positions of power, those in businesses with 15 or more employees who are actually making hiring decisions, we're here to guide them toward a better paradigm, one of openness, inclusiveness, fair mindedness. When cayenna brought me this, after the ordinance was passed, I had never seen anyone more creative, driven for social justice, more driven to fix this in my entire life.

[12:28:24 PM]

That is something we have in common. When we began working on this project, we had a lot to talk about, research and everything from the rise in incarceration rates, the cyclic issue of recidivism, we have incorporated ground breaking ways to actually train businesses, train hr, motivate the employers to eliminate constructive dismissal and train them to release their biases. We want to give back. We want to give back to the city of Austin. One way we pan to give back is visit the Travis county

correctional complex once a month, speak with inmates there in the jobs program and let them know what the merits of the ordinance is, how it affects them. We have come up with several ways to let their true talents and skills and qualifications shine through the criminal background, to go out and get hired. I feel really comfortable with that, we are tackling the issue from both ends.

[Beep] And if you put us on the agenda, we'll give you an outline of each individual phase, how it encourages, promotes fair chance hiring and we're going to give you the details of our initial strategy in the beginning, how that will unfold, carry us forward with the momentum to accomplish this over the, in 12 months and inside look at ground breaking ways to change the city. Fundamentally change the sentiment in the workplace of ours. Thank you for your time.

>> Mayor Adler: Allen Schrader. Jared lamb is on deck.

>> Y'all have the handout I have given you?

>> Mayor Adler: Yes.

>> The first five pages is a presentation. Page number 6 --

>> Mayor Adler: Can you hold the microphone closer.

>> Page 6 has my picture next to a cart load of food.

[12:30:24 PM]

My name is Allen Schrader I'm a food recovery coordinator. I'm primarily working with wheatsville food co-op. What I am here to talk about is the uro that's rolling out, phase one has already been written. Phase two is going to be in the works. And since I started writing this paper, I have been approached by Austin resource recovery division, Aiden Cowan who is here. Edwin Marty with the office of sustainability. Both assured me they will take me in, listen to what I have to say about the practical experience I have of capturing food in the grocery stores and getting it out to the community. The wheatsville model I developed over the last eight years is a model that I hope I can show this to the folks. And my presentation here on the first page, it says, you all already know this. Austin, like other municipalities is allowing perfectly good produce leftover food, dated food go to the landfill. Austin also, like other municipalities has food scarcity issues. So I detail problem number one and two, which I will skip, because time is limited. Page 3, proposal number one. This is the gist of what I'd like to say, is that the city of Austin should pass an ordinance mandating the donation of food diverted from the waste stream. As written now, and I think as will be written if the mind-set doesn't change is that we will leave it up to the grocery stores to determine whether or not they want to donate this food.

[12:32:27 PM]

Already, food is being thrown away. Food is being composed and I don't see that mind-set changing. I think the city council should pass an ordinance saying you will be fined if you throw good food away. There are hungry people out here. So I'm hoping to work with these folks to develop an ordinance that says that you must donate leftover food. Do not compost it, do not -- of course, we won't allow it to go to the landfill, because organics will not go to the landfill, but right now, I'm getting lots of push back when I go in to ask about donated food. They say no, there is a liability, which is not true. Or they [beep] Say just say no. So ... I hope to maybe come back to you and present another -- at another time saying that things are going very well and that all these retailers are now donating their food. It is a possibility, but it will work. I know mandating the donation of food is harsh, but there are thousands that can benefit from such a mandate.

>> Mayor Adler: Thank you. Jared lamb and on deck is Stephanie macano.

>> I apologize for talking fast, slightly short period of time. Thank you for your time, good afternoon. I was speaking to you guys about a year ago, thank you again, for the opportunity to speak once again on

this similar issue. About a year ago, I referenced how Texas is the fifth worst state for energy use per capita in the country. I reference in 2007, this council aimed to have 60 to 75% energy savings by 2015. We're close to 5%.

[12:34:27 PM]

Depending on what metric you use. I commented how fragmented code system makes it hard for all including local code officials to manufacture the homeowners alike. And the rule that makes this issues. There are studies with the nonsignificant correlations between league base requirements and actual energy savings. Last and most importantly, I reference the numerous conflicts of interest in the local and federal system. That brings me to today, speaking of conflicts of interest in the local system and follow-up with the last point is one thing for a concerned citizen to ask for taxpayers funds for hvac upgrades similar to the failed payback period multiweatherization tax incentive a few years back, but the other thing for the citizen to be on commissions, committees with the supposed initiative to reduce energy savings. If they were to achieve reduction of energy savings, he would directly lose money with his company through direct reduction in hvac upgrades, maintenance and so on. Last time I did not speak to the fact that only one individual is in charge of building code -- excuse me, of changing building code to accommodate for advancements in new products and advancements in changing and understanding of the science behind energy conservation. This wouldn't be a big issue, other than a large workload until you see that he works for Austin energy, not Austin. So since Austin energy makes money on usage per kilowatt hour, any advancement in energy efficiency reduces the number of kill -- kilowatt hours demanded, that is a direct conflict in that position. I see common conflicts in the main entities that control the science, policy and product entry of anything to do with making Austin more energy efficient.

[12:36:28 PM]

It is not all bad news though, luckily the city has two extremely hard working code enforcement officers and managers that go way above and beyond what they need to do to try to get Austin more energy efficient. I am not looking for a huge program costing taxpayers millions of dollars with a ridiculous 58-year payback period. I'm not looking to make my business better. I'm simply looking for the council's acknowledgment and action on issues in a movement for the allowance of new science and new technology to be in the allowed in our code.

[Beep] Sorry. That's it.

>> Mayor Adler: Thank you very much. Stephanie nacano.

>> Good afternoon. Thank you for having me here. I wanted to invite the city councilmembers and mayor to our event, go games 360, coming up in October. The 28, 29, 30th. It is a really unique gaming event that incorporates video games, tactical games, which is board games and things you do with your hands as well as physical games. So it is a really fun event, and I think it will really bring a lot of attention and busy press for Austin and surrounding areas. And I have invitations and information for you all. And this is going to be the first event, we just started it this year. And some unique highlights would be things like mine craft to life, which is, you know, we're trying to bring video gaming components to physical activity. So we have this mine craft realm, which is -- I don't know if you know mine craft. That is a very popular video game.

[12:38:30 PM]

What we are doing is bringing it to life, meaning we're going to build a realm and attendees can actually participate and help build it physically versus virtually. And have some good virtual reality demonstrations. We're working with a lot of community event -- community businesses to make this a fun event. During the day, it will be for kids, mainly family and kids. After 6:00 P.M., we kind of flip the switch and do some fun, you know, adult gaming activities, like we have anime angels runway show. And we'll have zombie karaoke, it will be really fun. I think it will be a really good event for Austin. It celebrates everything that Austin is all about. Which is fitness, technology, education. Ok? That's it. Thank you.

>> Mayor Adler: Please hand out those invitations. The clerk will help you, I think. That is all we have for citizens' communication. We're going to adjourn now. It is 12:40 let's be back in the executive session room at 1:10. That will give people 30 minutes before we convene our executive session at 110 time time. So we -- 1:10. We will go into closed session to take up one item, pursuant to the government code. City council will discuss the following item, 72, discussing legal issues related to the general obligation bond election. Item 71 has been withdrawn. If there are no objections, we will now recess the public meeting and move to executive session meeting at 1:10. Thank you.

[Adjourned for executive session]

[3:09:54 PM]

>> Mayor Adler: All right. We are out of closed session. In closed session we took up and discussed legal matters related to item number 72. It's 3:09 P.M. We are back to our agenda. I think the next thing we have is item number 33. It's a gsa matter. Who pulled this one? Ms. Houston, this is yours.

>> Houston: Thank you, mayor. I have a question for staff, please. Thank you so much for being here today. This is more for the police. I -- you know, I've had problems with these automated license reader - license plates reader. I talk about throwing a wide net and just catching whatever. You all are still working on the policies and procedures, I guess, or whatever the language of the contract is going to be with the provider that they can't use the names and they've got to -- you've got something for us?

>> Chief Troy gay, yes, ma'am, I do believe that language has already been submitted. It's in the backup document, but all the requested information that you all -- that you've had to discuss last time in reference to language regarding not casting that wide net, not using for revenue services, only using for law enforcement purposes, the data is controllable by our department. There has to be written consent given by us before any other law enforcement agency can also get our data. So most of all the items that was requested by council are actually in the contract with the provider.

[3:11:59 PM]

>> Houston: Thank you so much. I just want you to know I appreciate that because you listened to the community. I'm going to still vote no, and the reason I'm going to vote no is because there are things that we need in the community like those mobile trailers that tell you how fast you are going. I've been asking for those on dessau road and webberville road for going on a year and a half now and I still can't get those. We can't get enough money. We don't have enough, but we can't use the money and I think that would be a better use of trying to stop speeders on those -- those major arterials. So I thank you for including that and I appreciate it. I may be a stain, but thank you.

>> Thank you, ma'am.

>> Mayor Adler: Is there a motion to approve item number 33?

>> Houston: I so move.

>> Mayor Adler: Is there a second? Mr. Casar. Mr. Zimmerman.

>> Casar: This happened to me on Tuesday. He calls on somebody and then they point to me. Thanks again, chief, for working on this policy in the interim time period. So the policy language that y'all have submitted to us and is available to the public now, is that now formal APD policy or does it still have to go through some part of your procedure?

>> Currently the policy that I sent today, it is going thousand our policy review committee. Once it goes through the committee, then it goes to the executive team for approval. At that time it will be in policy and we can submit that.

>> Casar: And so at this stage in the process you expect that this is something that the rest of the higher-up chain is supportive of? You haven't heard too much opposition to it?

>> No, I have not. I have been heavily involved in the policy so I'm sure the chief supports it as he has come before the council saying he supports the concepts.

[3:14:04 PM]

It's just an internal process that we go through. I had not -- it would have already been approved, but I had been working with Matt Simpson with aclu and wanted to hear from this body just to make sure that if there was any other requirements or anything within the policy that we needed to make some changes to that I heard from this body first.

>> Casar: Well, thank you, and to be frank, in the first few days of this week as I was going through the agenda, I was likely not going to vote in favor, but because of the policy changes and working together with community members on this, I think I'm -- I'll support the item today. And thinking through what we've dealt with on the policies related to body cameras as well as this and how many different weeks of time I'm sure we've gone through it with the department taking up a lot of y'all's time, council's time, I'm interested in potentially bringing forward to the council and to the department sort of a new strategy for how we do these technology purchases where the technology really has policy implications so that maybe we can have a discussion about the policy implications with the community earlier on so then the purchases are sort of a mix of are we purchasing this or making a policy decision with the purchase. And I think that would be appreciated I think that would be appreciated by the community and this council and future departments, as well as the department, to maybe separate the two and have the policy discussion well before technology, as I'm sure with the accelerated development of technology, we will have more cases like this in the future where -- where purchase is being made by the council has policy implications. So thank you for your work with the community. My understanding is y'all agreed on virtually everything. I know on retention, there was still some slight disagreement, but I'm glad to have worked this out, even if it was a little painful for the council and the department to have to go through several weeks, so thank you.

[3:16:15 PM]

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. So I've got a note from one of the consultants that testify -- not consultant, a policy analyst, Greg glodd from the tppf center for justice, and he had sent me a message, and his assertion is, he's gone through what he thinks is the latest policy iteration, and he does not say anything that prohibits the use of this data being shared for warrant lists and unpaid tickets. Can you point me to where there's some language prohibiting the use of the data for those purposes?

>> It is in the contract with the vendor, in reference to our policy. It's probably not clearly stated, which we -- if we need to make it clearer, we can do that. It does talk about that the information will only be used for law enforcement purposes, and our intent in that was, we are not a revenue-generating department where we would -- we would use them to generate or to collect fees. But if we need to

make that clearer, that's why it was still in draft form, so we could add additional language in our policy, if need be. Our intent is not to use it for any type of roundups or for revenue --

>> Casar: So if that's the intent, do you have some draft language for us to vote on today in conjunction with the money for the project? If it's your intent not to use it, can I ask for the draft language that underscores that intent?

>> Sorry, I was -- I've looked at policies so often, I -- it does look like that we did add it in our draft policy to where it says the license plate system will not be operated or used for any type of warrant roundup operation or any operation focused on the collection of past-due fees or fines.

[3:18:23 PM]

>> Casar: And you're reading that from where?

>> That is in the policy draft that we have been working with the aclu.

>> Casar: That's from the policy draft. Was that posted? Do you have that?

>> Houston: Is that in the backup? Chief gay, was that in the backup?

>> Casar: I was looking through the backup for it. Councilmember troxclair, did you find this in the backup for the item?

>> Troxclair: No, my staff found it for me. I don't think it was in the backup, but it was the same question we had, so --

>> Casar: Okay. So you looked it up and found it. That's why it's not in my backup material. So the draft, automatic license plate reader draft here, I see this underscore -- thank you for bringing that up. Is there an agenda item that we know of for this to be approved? Do we have this on a future agenda, this month, to get this draft policy approved? Does anybody know?

>> Mayor Adler: I don't know that we have a draft item yet. I think we had heard that the policy was --

>> Correct. Our policies usually go through an internal process and are internal policies on how we operate, are approved by the chief of police.

>> Casar: Okay. Well, I appreciate this information. Thank you, councilmember troxclair. I'm going to go ahead and vote against this because I need to have the policy done before we allocate the money. So that's the reason. But I'll be following this very closely. Thank you for being here.

>> Mayor Adler: We have three speakers to speak on this item. Matt Simpson is first.

>> Pool: Mayor I've got a quick procedural definition if I may ask, and it maybe directed to the police folks. I think in the past we may have already ticked this around a little bit. When you guys talk about policy and then you talk about it in terms of operational, is your use of the word policy really procedures that are used operationally?

[3:20:23 PM]

Because when we talk about policy, and I think this may be what Mr. Zimmerman is getting hung up on, is, when you -- is what you're drafting, is it procedure for the officers on how to use these license plate readers?

>> Correct. It is more as an operations type manual. We call them general orders, which govern lots of different areas within our department, from grooming standards all the way to the use of our computers, and in this particular general order, it's about the operation and use, and its intended use, for the license plate readers. Yes, ma'am.

>> Pool: And so the policies that you're talking about is how the officers are operationalizing a particular new piece of equipment.

>> Correct. And also the -- sort of the do's and don'ts of what the intended use for our policies -- when the chief disciplines, if you -- in regards to our general orders, whether it be our use of force, whether it

be attendance, those are all governed in our general orders which are outlined in our policies that our officers have to follow.

>> Pool: Right. So like ethics would be a policy that you would follow, for example.

>> Yes.

>> Pool: And that policy, the way you use it in the police department is different from the policies that -- or even frankly some of the operational procedures that we sometimes vote on, like we do with contracts, we're operationalizing the award of a contract, so that when you guys talk about policy, you are not intending it, I don't think -- and I don't want to put words in your mouth, but my understanding is, you are not usurping the authority of this body here to set high-level directional policy for the police department. You are taking our direction and putting it into play in the police department. Is that -- is that a good way to put it?

[3:22:23 PM]

>> Correct. Yes, ma'am.

>> Pool: Okay. I wanted to draw that distinction because I think there has been, over time, the application that you are making decisions at the police department level, and the chief would be doing that, that rightfully would be the direction from this body here. And I don't -- I don't see you doing that, but I -- and so that's why I wanted to draw some clear -- to talk about this a little bit and draw out from you all your understanding, so that when we hear you say the word "Policy," you are not intending it to say that you are taking away our authority to issue policy, but rather you are working on how, using our basis to operationalize your work.

>> Correct.

>> Pool: Okay. Thank you.

>> Mayor Adler: Okay. We have three speakers. First speaker is Matt Simpson. Mr. Simpson here? Second speaker is batima Mann, phatima Mann. Rudy Hinojosa is on deck.

>> Casar: Before she speaks, I realize we talked about the changes made by the department but didn't list some of the important ones, and that may be helpful for everyone. There is, as said, data not being used for warrant roundups, training that emphasizes the requirements that the inquiry needs to be documented so it can be audit for why the license plate data reared is used and that the data used for criminal purposes, therefore, secondary use of the data by the license plate reader users is prohibited. Those stick out to me.

>> Mayor Adler: Thank you.

>> Good afternoon. My I'm the co-founder of Austin justice coalition.

[3:24:24 PM]

So I understand that we all like new toys and technology, but that 750,000 is -- more money for more toys is not something I think council should be saying yes to right now because APD could be using that monitor to do something else, build more community relations or getting something people can know the speed limit, like the council man said. I feel like we're spending money in wrong points in terms of APD. Right? What's the point of getting these license plate readers? Like why -- what is going to be the benefit for the community? Not just APD, but how is the community going to benefit? How are the people who are targeted the most, harassed the most, pulled over the most, how are we going to benefit from these new items? And why is the money going to new toys when APD keeps on saying they need new police officers? If anything else, give them more bodies to do the work they want to do instead of the toys they don't need right now. For me, and I know a lot of people, I think it's just will ridiculous that there's more money getting put into APD for things that there isn't quality policy written

down, and that everybody agrees with, so that we know it's something that they're going to follow through with, and not just say they're going to follow through, because I've been here, you know, this summer and what I've been seeing is processes exist, just as if they exist, not because people follow through with them. Having something to say this is going to happen, just because you need it doesn't mean it's going to happen, and that's the problem. If you're going to give people money and then say, well, there's going to be a way of them utilizing the tools that they're to get to -- you know, to do that thing with, then what? Who's going to, like, be over them? Who's going to give them the oversight? Who's going to hold them responsible for making sure they do the policies that you guys said? It's beautiful. Those things that you read are awesome but who's going to make sure it happens that way, that there isn't Texas roundups based off these license plate machines? Who's going to hold them accountable? Are you going to create a commission or committee or something out of community members so they make sure they're not getting new toys to lock up poor people again? The money is great, I get it, but the money can be used for something else in the community, and/or, you put something in place so that the policies that they have really work, because it keeps saying that there's policies, means nothing.

[3:26:35 PM]

You all know, there's a whole court case going on about a process that's supposed to be a process, but that process -- it doesn't mean anything. Right? So I'm against it. I'm against it for all those reasons. I just think that you could use the money for something else, and/or create a process that allows them to be accountable to real people, that is not paid by the city of Austin.

>> Mayor Adler: Thank you. Rudy Hinojosa.

>> Thank you. My name is Rudy Hinojosa and I'm from Brownsville, Texas. I'm a new Austin resident. So at first I read this piece of -- item 33, of course, and at first it seals like a good, you know, piece of legislation, city policy. And so I looked up the vendor, and their selling point was not anything I heard come out of the representative from APD's mouths. Their selling point was that with this technology, you could catch people who have been involved -- you could catch the cars, rather, that were involved in some type of crime. That was their selling point. So with that, look, I understand the need to locate fugitives like kidnappers, rapists, armed robbers, but what I see in this is dangerous, and it comes from the vagueness, and the vagueness I hear in -- I mean the selling points that the vendor brings up, the selling points I hear from APD, the selling points I hear from a couple members on the dais, do you really want trees and flagpoles alerting police -- a car with a license plate number to a couple teenagers who console something at Walmart? I mean what would be the standard? I mean when I hear law enforcement purposes, what does that mean?

[3:28:39 PM]

In the '60s, spying on American citizens was described as, you know, law enforcement purposes. And by all means, is still done. So ... Where are the checks and balances? I want to see checks and balances on this, to make sure this doesn't, as it likely will, if you don't take action and implement safeguards, turn into mainly a tool of failed and outdated broken windows policing. I don't believe it is a far cry to claim that this equipment would be used in a bias way, and that everyone on this dais knows that fact. Are we ready to set Austin -- Austin's justice system back like that? Because I'm not. You know about this proportionality, and you know -- I'm sorry -- you know about disproportionality and you know about discrepancies in sentencing, and this is going to bring an upheaval in Austin, without proper safeguards, without proper policy. I hear talk of policy and I think that's wonderful, but it's too vague. It's just as

vague as when I went onto the vendor's website and read their selling points and went, what in the world does this mean? I still do not understand.

[Buzzer sounding] I still see -- I still see the potential for this to be used in biased ways. So with that said, these races and class bastardizations of justice have no place in Austin and we don't need to spend upwards of \$900,000 in five years to prove that these cameras will be a disastrous net loss for the working class black and brown people of Austin. Listen, I fell in love with Austin at 13. I moved here two weeks ago.

[3:30:41 PM]

Okay? And believe me, in Austin, were trees and stoplights snitch on primarily people of color, petty crimes it's not going to be a city I'm going to be proud of. Through.

>> Mayor Adler: Thank you. Those are all the speakers we have. We're back up to the -- back up to the dais. Is there a motion to approve this item 33? Mr. Renteria moves. Is there a second to this? Mayor pro tem. Any further discussion? Mr. Casar?

>> Casar: I very much appreciate the comments made by the last couple of speakers. We do need those safeguards and we shouldn't be using these things to snitch on folks for a petty crime, and if that -- if there's any indication that that is happening, then I'll be the first one to bring an item to end the contract. So thank y'all, and I hope you stay involved, as we work to make sure all of our policing is fair, not just this equipment, but everything that we do. So thank you both.

>> Mayor Adler: Any further discussion? Those in favor, please raise your hand. Those opposed? Zimmerman voting no, Houston voting no, the others voting aye on the dais. Item number 33. That gets us up to item number 47. Mr. Zimmerman, you pulled this one.

>> Zimmerman: Thank you, Mr. Mayor. I don't think this is going to take much time, either. I would like to see if I could get support to move this to a committee for some further review. The concerns are, I want a council committee to take a look at this to see if we're not funding obsolete technology. I think there are some technical aspects to, you know, the walkie-talkie system, different radiofrequencies, maybe different range, different penetration of signal and sight buildings, et cetera.

[3:32:48 PM]

There are some interesting, important technical issues, but as it stands now, I would vote against this. I'm trying to figure out if we could move this into a committee for some more scrutiny on it. I'd be happy to take this into the public safety committee at the next meeting and review it for technical merit, and understand why \$35 million is a lot of money. 35 million is a lot of money, and communication systems evolve very, very rapidly in the technological world, so -- and I think some of these walkie-talkie systems date back possibly decades, so if I could hear a justification from staff as to why we absolutely have to have that I think council should have the benefit of that discussion. It doesn't have to be a long discussion. Is staff willing to defend the \$35 million?

>> Mayor Adler: Let's get staff to come up and talk to us about this technology and whether or not it's current technology.

>> Good afternoon. Paul Hof ifengarnier. For example, on the radio system, the citycam was approved in council in 2000, was implemented in 2003. We're now going through a six-year upgrade to the existing system, which has been approved by the council in the past. This rca authorizes expenditures, and the way I would look at it, it's really an alignment to things that have already been approved, and then anticipated replacement of life cycle items. At some point in time in the future, first net, from the federal government, is probably going to offer some additional options that perhaps will provide the resiliency of a radio system, but currently the technology available through cellular systems that you do

not have enough resiliency, backup power and other types of things that you do on the radio system. So the radio system is important to be able to assure that we have both public service and public safety communication. So as radios, for example, as the life cycle of those go out, and that technology changes, we come back to council to do routine life cycle replacements, much like we do with servers and other types of equipment.

[3:35:00 PM]

>> Mayor Adler: Further discussion in mayor pro tem?

>> Tovo: I thought I'd get the process started by moving approval of this item.

>> Mayor Adler: Mayor pro tem moves adoption of 47. Is there a second to that? Mr. Casar. Is there any further discussion?

>> Gallo: Mayor?

>> Mayor Adler: Ms. Gallo.

>> Gallo: I just wanted to ask councilmember Zimmerman, were you going to -- councilmember Zimmerman?

>> Zimmerman: Yes.

>> Gallo: Were you going to put forth an amendment to send this to committee for review? I agree with you, it's a large amount of money, I do think there are departments that need a backup plan with the radio, but I'm looking at Austin resource recovery, not -- so the more -- the departments that deal with more emergency type matters, it seems like it would be appropriate, but it just seems like it's such a large amount of money that it would be a -- it would be wise to look at it.

>> Zimmerman: I would like to make that motion. I didn't know if I'd get a second, but I move that we move this agenda item to the very next public safety committee meeting for additional scrutiny.

>> Mayor Adler: The motion is referred to committee, which is a motion to refer this item to committee, to public safety committee. Is there a second to that? A motion to refer to committee is precedential mostly.

>> Casar: I'd like to speak in favor if I could. On the second page of our material here, kind of in the middle of the page, it talks about December 2000, as you mentioned, when the contract went into effect, but it says

here: The need for added spending authority exceeds 25% of the original contract. So can you talk to us about that 25-cent -- 25% spending increase? It's 25% of what?

>> Mayor, councilmember Zimmerman, James Scarborough, purchasing. The 25% amount is established in the Texas procurement chiropractor statute with regard to the amount of original contract.

[3:37:03 PM]

In this case the original contract was created in 2012, based on the anticipated amount at that time. Over the years the amount has been increased. To increase it further, to extend the contract further, we would exceed the 25%. So as not to have a contract going on for years and years, it's best to reestablish the contract. So this would be reestablishing the contract, going back to effectively year one, in a new contract.

>> Zimmerman: Okay. The question is -- I see a number here. It says in 2012, the year you just mentioned -- do I read this correctly? It says in addition to a 32 million in funding for six-year capital replacement, council authorized 10 million for the spending authority of the purchase of radios. So has \$42 million been spent from 2012 until 2016? Or what has the spending been over that time?

>> Mayor Adler, council, I'm chuck Brotherton with ctm, I'm the wireless manager. The amount that we have expended against the 32 million so far is about 22 million. So we have -- we have spent -- we're

four years into a six-year project. And then of the remaining spending authority, in 2012 we requested 10 million, and additional spending authority beyond the 32, for a total of 42. We have spent almost all of that. We have about 900,000 remaining of that 10 million.

>> Zimmerman: So we've spent in the ballpark of 32 million in four years, it sounds like.

>> Yes, sir.

>> Zimmerman: Okay. So, again, the 25% increase is 25% against what number?

>> As I understood it, it's 25% of the original contract that was approved in November of 2000, and that was a \$74 million contract. That was the contract that about this time the radio system.

>> Zimmerman: 74 million. Okay. And so we're talking -- okay. So it's in the ballpark of 14, 15 million, I guess.

[3:39:06 PM]

Okay.

>> And I'd also offer, sir, that this is a coalition funded in, and the city's portion over that time has been from 60 to 65% of that total.

>> Zimmerman: Is it central Texas area? Are other counties contributing? Who else?

>> The parents are city of Austin, Travis county, Austin independent school district, and the university of Texas at Austin.

>> Zimmerman: Okay. Thank you.

>> You're welcome.

>> Mayor Adler: Is there a motion -- there's a motion to refer this to committee. It's been seconded. If there's no further discussion, we'll vote on the motion. That's in favor, please raise your right hand.

Zimmerman, troxclair, Gallo, Houston. Those opposed, please raise your hand. It's the balance of the dais with Ms. Kitchen off, to refer to committee, does not pass. We are back to the motion, item number 47. Is there any further discussion? It's been moved and seconded. Those in favor of item number 47, please raise your hand. Those opposed? Houston --

>> Zimmerman: I'll be abstaining.

>> Mayor Adler: Mr. Zimmerman abstains, Ms. Troxclair abstains. The others voting -- and Gallo abstaining. So I think that makes the vote six to one to three, since Ms. Kitchen is off the dais. Is six votes all we need to pass this, since it's an authorization and not an ordinance? Council, I think six votes is all that's required to pass this since it's not an ordinance. In fact, Ms. Kitchen is here. Did you -- how do you vote on item number 47?

>> Kitchen: On.

>> Mayor Adler: For. So that makes it easy, 7 to 1 to 3, this passes. Thank you. Gets us to the next item on the agenda. I think those are all the consent items.

[3:41:08 PM]

That gets us to item number 66. It's the animal advisory commission item. Is staff here for this? And then we'll take up the eminent domain items.

>> Hi. I'm boards and commissions coordinator. This is item 66; right? Animal --

>> Mayor Adler: 66. Yes.

>> Okay. Animal advisory commission. I'm here to answer any questions.

>> Mayor Adler: Okay. So this is an item here, 66 --

>> This would be adding two additional appointments to the board, both nominated by the tract commissioners court and officially appointed by council, so this will remove one of the requirements from our current city code, which states that a councilmember must appoint somebody nominated by

the tract commissioners court. So that councilmember could appoint anyone they'd like, and this would make the board 13 members instead of 11.

>> Mayor Adler: Is there a motion to adopt this item?

>> I so move.

>> Mayor Adler: Ms. Houston moves adoption of item 66. Is there a second? Ms. Pool. Any discussion? Those in favor? I'm sorry? 66, no speakers have signed up. Those in favor, please raise your hand. Those opposed? It's unanimously with kitchen and Casar -- it's unanimous with Mr. Casar off the dais. All right. That gets 66. That gets us to 67 and 68.

[3:43:14 PM]

With respect to item 67 and 68, we have no speakers. These are non-consent condemnation items. Is there a motion to the effect that the city of Austin authorizes the use of the power of eminent domain to acquire the properties set forth and described in the agenda for the current meeting for the public uses described therein? Mr. Renteria so moves. Is there a second to that? Ms. Garza seconds that. Is there any discussion? Those in favor of this item -- sorry?

>> Houston: Mayor, I just wanted to ask about the people. We couldn't reach an agreement. Where's real estate? And the reason I ask that question is because I've -- my neighborhood has been the victim of eminent domain, and so I always want to make sure that we offered them an opportunity before we take their land.

>> Mayor and councilmember, Lauraine Rizer, real estate. Councilmembers, we have one, the property owners that has a debt on the property, they have an IRS lien and judgment so they could not close on their property, so we are taking that. The other property owner is a landlord, and we just could not agree on a price. He's -- basically has tenants constantly moving in and out. He has a construction company and he has about ten people living in the unit.

>> Mayor Adler: Okay. Those in favor of 67 and 68, please raise your hand. Those opposed? It's unanimous on the dais with Troxclair abstaining. Okay. 10-0-1, both those votes. That gets us then to the next item, which I guess is item number 69.

>> Mr. Mayor, Jerry Rusthoven, planning and zoning department. Item 69, c14-2014-00198, known as one two east for property 1109, 1105, and 11 on north I-35 service road northbound.

[3:45:18 PM]

This case has been withdrawn about the applicant, and a vote is not necessary or allowed. Case 70, this case c14-2016-0023-sh --

>> Mayor Adler: You have to hold on to 70, that's the one we can't call till 4:00. We're 15 minutes early so we'll come back to that.

>> Sorry about that.

>> Mayor Adler: Thank you. So 69 is withdrawn. That gets us to -- we can get to some of these others, though, I think. What about item number 71? That's executive session. 72. We can pass those. 73, the housing and finance corporation meeting, are we ready to take up these items? Okay. So I'm going to go ahead and recess the city council meeting, to conduct a board of directors meeting of the Austin housing finance corporation. So with that recess, I now convene the Austin city council as the board of directors meeting of the Austin housing finance corporation. The time is 3:46. We're in the Austin city council chambers. Take us through our meeting.

>> Good afternoon. David Potter, program manager with the Austin housing finance corporation. Today we've got -- one thing I need to point out is we need to withdraw item 6. That will be brought back to the board at a future time. And item 1, we have to approve the minutes of June 23rd. Item 2, we have

negotiation and execution of a loan agreement with accessible housing Austin to construct a 27-unit multifamily complex that will serve very low income persons with disabilities, and at 1920 Gaston place in district 1.

[3:47:38 PM]

Items 3 and 4 are related --

>> Mayor Adler: Let's go ahead and take these in order. Is there a motion to approve the minutes of the June 23rd meeting? Ms. Pool moves that. Mayor pro tem seconds it. Any discussion? Those in favor, please raise your hand. Those opposed? It's unanimous on the dais. Take us through number 2.

>> Number 2 is the approval of negotiation and execution of a loan agreement with accessible housing Austin, or an affiliated entity, in an amount not to exceed 2.192 million for an affordable multifamily rental development to be located at 1920 Gaston place in district 1.

>> Mayor Adler: Is there a motion to approve this item?

>> Houston: I'll approve it, then I have a question.

>> Mayor Adler: Okay. Ms. Houston makes the motion, seconded by the mayor pro tem. Ms. Houston?

>> Mayor Adler: I needed to ask -- thank you so much for being here. Please tell me, describe what an affiliated entity is, and how would we know when -- if that term is used.

>> Sure. Sometimes a developer will create, for example, a limited partnership or a limited liability company, and that would be the affiliated entity, and what it does, is access -- it shields the parent corporation from liability, and the liability would only be limited to that property and not to the entire assets of the organization, so the affiliated entity would be the one that might own the property, rather than the non-profit itself. I hope that made sense to you.

>> Houston: Okay. Okay. That does. And then the other question, is there already a development on Gaston place drive?

>> No, this is vacant property right now.

>> Mayor Adler: This is vacant? How close to it is it to the Gaston -- is it the senior citizen -- or there's some low income multifamily units on Gaston place already that are subsidized.

[3:49:49 PM]

>> Actually, this proposed development will be on the vacant portion of that property.

>> Houston: Next to those.

>> Yes, ma'am.

>> Houston: Okay. And who -- I'm trying to get my brain straight here.

>> Uh-huh.

>> Houston: So does the developer own the two that are occupied, or does the Austin finance corporation --

>> I'll explain that. The property total is owned by the Austin affordable housing corporation, which is an affiliate of the housing authority of the city of Austin.

>> Houston: Okay.

>> And they are going to lease the vacant portion of this property to accessible housing Austin, the non-profit that is going to develop these 27 units.

>> Houston: Okay. Okay. Thank you.

>> Sure.

>> Mayor Adler: Item number 2 has been moved and seconded. If there's no further discussion, we'll vote. Those in favor, please raise your hand. Those opposed? Mr. Zimmerman voting no, the others -- and Ms. Troxclair abstaining. The others voting yes. It passes 9 to 1 to 1.

>> Thank you.

>> Mayor Adler: Number 3?

>> Items 3 and 4 are related. The first is to improve an inducement resolution for private activity bond financing to be submitted to the Texas bond review board for an allocation of up to 20 million in private activity volume cap multifamily non-recourse bonds, for a proposed affordable senior multifamily development by villages at fiskville, L.P., or an affiliated entity, located at 10017 -- or 10017 middle fiskville road in district 4. And if the item number 3 is approved, then we would ask that a public hearing be set regarding the issuance of the bonds on Thursday, September 1st.

[3:52:05 PM]

>> Mayor Adler: Okay. There are speakers that are signed up to speak on this item number 3. Is Stewart Hirsch here? Do you want to come up and speak? No?

>> No, thanks.

>> Mayor Adler: Ross Smith or Fred Lewis? Okay. We'll continue on then with number 3. Is there a motion to approve item number 3? Mr. Casar so moves. Is there a second to that motion? Mr. Renteria. Is there any discussion on item number 3?

>> Mayor?

>> Mayor Adler: Yes.

>> Casar: I just want to indicate, I of course support this being an affordable development. In our quarter-cent funds we helped allocate some money so we could get a sidewalk up that street to the nearby transit, and as we proceed, if you could be in touch with the transportation department to make sure that the folks in this development are forced to walk in a ditch like the existing apartment residents in the street, I appreciate the council's support of that and if we could do our best to time those, that would be helpful.

>> Absolutely.

>> Zimmerman: Could you briefly explain what's meant by non-recourse bonds and how that contrasts with other bonds?

>> I will have to defer to our bond council, Mr. Mark malgo who is here today.

>> Good afternoon. My name is mark, bond council of the Austin housing finance corporation. Non-recourse in this situation means that other than the property in which the property, the actual project, there's no recourse to any assets of the Austin housing finance corporation or the city of Austin.

>> Zimmerman: So it has to do with conditions of potential default; right? So if there's a default on the bonds and the payments aren't made, that the only security for those bonds, are only that particular piece of property, and the debtors couldn't go after other assets a or come after the Austin housing finance corporation or any of its affiliates, whatever?

[3:54:09 PM]

>> That's correct.

>> Zimmerman: Is that the basic idea?

>> That's correct similar thank you.

>> Zimmerman: Thank you.

>> Thank you.

>> Mayor Adler: Any further discussion on item number 3? Those in favor of number 3, please raise your hand. Those opposed? Zimmerman voting no, Ms. Troxclair abstaining. 9-1-1. That gets us to item number 4. It's a related item is there a motion to approve item number 4? Ms. Houston, second, mayor pro tem. Any discussion? Those in favor, please raise your hand. Those opposed? Zimmerman voting no,

abstaining. No? Okay. So that vote was 10 to 1, and that passes. I'm going to double back to item number 2. Item 2 we took a vote on. It passed. I had not noticed that we had speakers for that. If the speakers want to speak, it's appropriate to file a motion to reconsider, I would do that so they could be heard. Mr. Hirsch, do you want to speak to item number 2?

>> No, thank you.

>> Mayor Adler: Okay. We're going to let that action stay the way it was. That gets us to the next item on the agenda.

>> Yeah, item 5 is to conduct a public hearing regarding the issuance of up to \$13 million of multifamily housing revenue bonds to be issued by the Austin housing finance corporation to finance the development of the housing first oak springs apartments by housing first oak springs L.P., which is affiliated with the Austin Travis county integral care, and development is to be located at 3000 oak springs drive in district 1.

>> Mayor Adler: Okay. Item 5 is a public hearing. I'll open the public hearing. We have no speakers signed up to speak. Is anyone here to speak on that? Seeing none, is there a motion to close the public hearing? Ms. Houston so moves. Second, Mr. Renteria. Those in favor of closing the public hearing, please raise your hand.

[3:56:13 PM]

Those opposed? It's unanimous on the dais. That gets us then to item number 6.

>> Thank y'all very much.

>> Mayor Adler: Was there one more item?

>> We asked that item 6 be withdrawn. We'll be bringing that back at a later time.

>> Zimmerman: Point of order, did we vote on 5 or just closing the hearing?

>> Mayor Adler: We just closed the hearing. All that was on the agenda was the public hearing.

>> Zimmerman: Okay. Thank you. Can I ask one question on that quickly?

>> Mayor Adler: Yes.

>> Zimmerman: The revenue bonds, speaking of item 5 here, multihousing -- multifamily housing revenue bonds, are those -- is that the revenue bond definition that's in the city charter, in the article 7 under finance? Sections 10, 11, and 12?

>> I'm afraid I don't know the answer to that.

>> Zimmerman: Could I ask your counsel again? What definition of bonds are we talking about here?

>> I don't think it applies to the charter. I haven't really looked at the charter but when you say eleven bonds in this situation you're talking about the revenues that are going to be accrued from the operation of the project, which would be rents.

>> Zimmerman: So how does that differ from the non-recourse bonds that we just mentioned in item 3? Because those bonds presumably are paid off by the asset and the performance, right, of the property and the assets? So the non-recourse bonds, aren't they also revenue bonds?

>> Correct.

>> Zimmerman: And why are they mentioned differently in those two agenda items?

>> I don't -- I can't speak to that. But both of in them are bonds that will be paid from the actual operations of the project. Both of them are non-recourse to the city of Austin, the Austin housing finance corporation.

>> Zimmerman: So the revenue bonds are non-recourse as well?

>> Yes.

>> Zimmerman: Okay. Could you just follow up with a quick note as to where that legal authority comes from? I'm curious if that -- if these revenue bonds come from something with the housing and finance corporation, or else if they're under city charter.

[3:58:16 PM]

>> Chapter 394 of the local government code create -- provides authority to create a housing finance corporation. It also provides authority to issue multifamily housing revenue bonds. The Texas bond review board will accept applications for these private activity bonds, pursuant to their rules, but the main sort of authority to issue these revenue bonds is 394 --

>> Zimmerman: 394. That's really interesting. I appreciate that, but I'm just kind of wondering if the city has a charter, you know, that talks about revenue bonds, I'm not completely understanding how, if you have state law, chapter 395 -- 394, how are those connected?

>> I think what you're talking about -- again, I haven't looked at the city's charter in a while, but I think what's going on is whether you have an actual project that is owned and operated by the city, that is being paid from revenues like your wastewater -- water and wastewater system, where you actually pay the balance from the revenues you create from the fees you.

>> Zimmerman: Fees. Yeah.

>> That's different from this project, where it is not operated, not owned by a city projectors it is owned by a private developer.

>> Zimmerman: So it's not owned by the Austin housing finance corporation?

>> No, it's not.

>> Zimmerman: So the Austin housing finance corporation is a bank for some other private development interest?

>> It's not a bank in the sense --

>> Zimmerman: It's acting in the bank in the sense it's loaning money to somebody.

>> It's loaning money that they're receiving from the sale of the bonds. So the Austin hfc is not coming out of its pocket to make the loans to the private developer. It's the proceeds from the bond issuance.

>> Zimmerman: Okay. Thank you.

>> Thanks. Thank you.

>> Mayor Adler: Thank you. We're going to then adjourn the meeting of the --

>> There's a piece --

>> Mayor Adler: Which one?

[4:00:16 PM]

Number 6 was withdrawn. I'm going to adjourn the meeting of the Austin housing finance corporation. I'm going to bring us back into the city council, coincidentally, at exactly 4 o'clock. We timed that well. Why don't you --

>> Planning and zoning, case 70, c14-2016-0023, lesion and park for the property located at 3300 oak creek drive, we have indefinite postponement request by the applicant on this case.

>> And, mayor, I'd like to make that motion. I support the applicant's request for the indefinite postponement on the case, and I understand the neighborhood is also in support, and all the parties are here so I'd like to move to grant the indefinite postponement as requested.

>> Mayor Adler: It's been moved to postponement item number 70 indefinitely by Ms. Pool, seconded by Mr. Zimmerman. Is there any discussion? Mr. Casar.

>> Casar: Mr. Mayor, I'd like to ask the reason for the indefinite postponement from either the councilmembers or the applicant.

>> Mr. Mayor, mayor pro tem, councilmembers, my name is Dave Anderson. I represent the owner and applicant on this case. As you know, we made a commitment to put an affordable housing project in place at this site with certain levels of affordability and a certain number of units. Our primary funding

source at this time did not come to fruition, so we are currently in the process of evaluating what this means for an affordable housing project at this location.

[4:02:19 PM]

We just need time to determine if anything is possible. My client remains committed to providing affordable housing in high opportunity areas throughout the city of Austin. Thank you.

>> Casar: So I have some -- Mr. English? Were you going to --

>> If I may. Ed English. Mayor, mayor pro tem, and councilmembers, the neighborhood has undergone several months of very amicable conversations with the applicant, and there's been just a good understanding, a good back and forth of information as to what this project is, and we have no objections to their request for a postponement. We are very aware of the fact that their funding was contingent upon the awarding of some state tax credits. They were not notified that that not going to happen until late last week. Given scope of this project and the implications, we completely understand and we think it's fair that they be given time to assess their options and how they wish to proceed. The neighborhood has no objection to this postponement request.

>> Casar: Mr. English? When we were voting on whether or not to support -- or actually not object to the tax credits, neighbors were here opposing both the tax credits and the zoning. We all recall that. Are you still objecting to the zoning?

>> There were concerns, and we'd be more than happy to present those at the appropriate time, when and if this case should come before council again.

>> Casar: The reason I asked the question is, we did receive a packet from neighbors, a glossy packet, explaining in detail, and the reasons for opposing the zoning, a ticket to come visit the neighborhood as to why the zoning should be opposed. And I did come visit. It's a very large site, far away from -- you know, it seems like the perfect place for multifamily housing.

[4:04:27 PM]

There were yard signs around the site saying no apartments. So is it the position of many people there that they oppose this zoning?

>> Councilmember, with all due respect, I'm confining my comments to the postponement request. We will be more than happy to have a very robust conversation with you, any other councilmembers, at the appropriate time.

>> Casar: Thk you, mrenglish. Have some real concerns with postponing this without talking about it. We talk a lot about being a Progressive, forward-thinking city. We think -- we talk a lot about affordable housing. We talk a lot about economic integration. This project is a really great way for us to do that, and I don't want to give any indication that this city council is against this project. I don't want this indefinite postponement to indicate to the community, to the developers, or to the neighborhoods, that the city council is going to use a down zoning request and not approve a downzoning request in order to thwart an affordable housing project specifically because it's an affordable housing project. The reason we are in this place in the first place, as was detailed, was the 9% tax credits did not go through. That is because the state representative representing the area did not sign a letter of support, and so it did not earn enough points, and ultimately all the projects went to Georgetown. That happened in the past. Now it's on our watch. And I do not think that we should essentially kill an affordable housing project on our watch, which really is a downzoning. It's a downzoning from a more intensive use and a more traffic use, down to a lesser use, and I don't think that anybody would object to this except for the fact that it's affordable housing, which is what we heard during the affordable housing hearing.

[4:06:27 PM]

And so I don't think that we should pass up an opportunity to put affordable housing where families will have access to much more middle with a hundred to \$125,000 a year, west of mopac, where we have little subsidized affordable housing so before I could support a postponement, I would like to hear from the dais that we're in support of putting affordable housing at this site and that we're not going to deny this zoning case just because it's affordable housing. Again, we talk a lot about affordable housing, we talk a lot about being an economically segregated city, and this is a chance for us to do something about it. So I want to, before supporting a motion for any kind of postponement, understand that that's the commitment of the council.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: You know, councilmember Casar, we have all, over and over and over again, expressed our support for affordable housing. The question you're asking is not in front of us. So what's in -- what's in front of us is an agreement between a neighborhood and -- well, actually, it's the developer -- they can't go forward. We're not doing anything to stop this. So I'm just really perplexed about what you're asking from us right now. I mean, there's no indication from this dais that we -- that we're not supporting affordable housing. We've done a lot of support in the past. So I'm really -- I appreciate your remarks and I agree, and I have supported oftentimes in the past, so I don't know what you're expecting us to do right now.

>> Casar: My understanding, from every indication of the mail we've received of what we saw at the last hearing on this project, is that, indeed, there is not support from lots of the folks that have been showing up and contacting us for affordable housing at the site and I am just asking for folks to clarify that we aren't postponing this because we don't support affordable housing we site, as a matter of fact, that we do, and the fact of the matter is, I don't -- I don't believe -- I understand the applicant's remarks, but I don't believe that there's any problem with moving forward on first reading or all three readings today.

[4:08:44 PM]

This is going from -- this is a downzoning request, and so the only reason that there is a postponement request, as far as I can tell, is because of opposition to the affordable housing, and I just want to -- I just want to make clear, there's a postponement request because what I heard from the applicant and from the neighbors just now, and in the past, is that the applicant promised or stated that they would renegotiate and have continued conversations if tax credits did not come through. The only reason that there's negotiation is because there's a valid petition against the zoning, and there is a petition against this zoning case, as it was expressed to us, not because there's going to be more traffic, not because it's a more intensive use, but because of the housing type. And I think that that's not the values of the council, and I want to hear from my colleagues to the community that we're committed to affordable housing for the site.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. So I've heard affordable housing, at least a dozen times. And remember, these taxpayer-subsidized projects are unaffordable and unsustainable. They make rich people richer, they turn more of our residents into renters, these subsidized housing projects are unaffordable and unsustainable. But let me talk about the particulars. There was a concern with traffic. Every project that comes up has a concern with traffic. The cardinal point project on 2222, you heard people coming forward bitterly complaining about the traffic on 2222. It was not a factor. It was approved by this council 10 to 1, so traffic doesn't matter. In this particular case, there was some flooding issues. This is close to a creek. Remember they brought some video about rising water in that

area, so there was a technical issue about flooding, and that would exist no matter if the property is subsidized or not. But finally, let me just ask, as a point of information, did we have a resolution of support for the project? Because normally we have these resolutions come forward in February, and they are routinely approved.

[4:10:48 PM]

So I think this council routinely approves those. So for Mr. Casar, the council already affirmed its support for this unaffordable, unsustainable, subsidized project back in February. So you already got your statement of support for the subsidized housing.

>> Casar: Thank you.

>> Mayor Adler: Mr. Casar, I would stand by the vote I took earlier with respect to supporting affordable housing and allowing that process to move forward. But given where we are today to the postponement by the parties, I'm going to be voting in favor of that.

>> Houston: Mayor, I'd like to call the question on the postponement.

>> Mayor Adler: Okay. Any further discussion in those in favor of the postponement, please --

>> Casar: I would like to hear from more members of the dais, whether or not we're supportive of affordable housing on the site, and you can call the question on me if you'd like, but I think that it shows --

>> Houston: I think the question has already been called on you, and I think I got a secretary.

>> Casar: And there's a second.

>> Mayor Adler: We did. So we can take a vote to cut off debate if we need to take a vote on cutting off the debate. Those in favor of cutting off the debate, please raise your hand. Those opposed to cutting off debate? We're going to continue with debate. Is anybody -- I'm sorry?

>> Mayor Adler: Can you give me the vote, please? I didn't hear it.

>> Mayor Adler: It lacked the two-thirds necessary to cut off debate. Is there any further discussion? And I recognize, Mr. Casar, you're asking for that let's see, obviously no one is obligated to do that, but certainly we can give them the opportunity to do it if we want to. Ms. Garza.

>> Garza: Out of respect for my colleague's obvious passion for this issue, which I share, one for affordable housing, I think it's transparent to talk about what really happened here, and I appreciate him for bringing that up. It's unfortunate that the financing wasn't -- is not going to be able to be there, and I'm absolutely committed to doing whatever we can to make sure that affordable housing is distributed throughout this city, not just in certain areas, but throughout the cities, not just in areas where families can't come to council and voice their concerns.

[4:13:07 PM]

We need that housing everywhere. And so I hope that we can get to that place.

>> Mayor Adler: Anyone else want to talk? If there's no further -- yes. Ms. Gallo?

>> Gallo: Can I ask you a question? And I'm going to certainly provide my support for not only affordable housing, but market housing. You know, when we talk about downzoning, to be able to produce both of those, I think they're both important, and I think we've been faced with many opportunities to be able to do this in our community. You know, we talk over and over again about affordability in this community, and we've got to walk that talk, and we have to put housing in places where we have the ability to do that, and when we are talking about downzoning, I think those are even more opportune locations to do that with. But I have a question. Who was it at the state level that blocked this, that didn't do the letter of support?

>> Casar: The state representative for the area.

>> Gallo: And that is who?

>> Casar: That's state representative Israel.

>> Gallo: Okay. Thank you. Was there a reason? Did they just not do a support letter? Was there a particular reason?

>> Casar: I called the state representative but I wouldn't want to represent her statements, myself.

>> Gallo: Okay. There was just no letter of support.

>> Casar: That's right. And that would have given, my understanding, from the applicants, is that that would have given sufficient points for all of the 9% tax credits to not all go to Georgetown.

>> Gallo: Well, and that's the point, is that people talk about it, using money, using tax money, but it's money that goes elsewhere, because we, as a community, can't agree to provide opportunities for that money to be spent here, and I think that is a missed opportunity and I'm sorry that that happened.

>> Casar: I'm glad to hear that you'll be supporting this as well.

>> Mayor Adler: Any further discussion? There's been a motion to postpone. Those in favor of the motion to postpone, please raise your hand. Those opposed?

[4:15:07 PM]

Those abstaining? Ms. Troxclair abstains. Others voting aye, the motion to postpone passes. Thank you. Is Mr. Gerber here? Should we pull up those items?

>> Yeah.

>> Mayor Adler: So Mr. Gerber, I think in front of us here are the paired items that are 15, paired with 74, then continuing on. Should the staff speak first, or Mr. Gerber first? What's the best way to do this?

>> David Potter, neighborhood program manager. Today we have basically five items that are a function of the housing authority's applications or plans to rehabilitate five properties that are existing using private activity bonds that will be issued by the Austin affordable --

>> Housing corporation.

>> -- Housing corporation. And a requirement of the internal revenue code is that the local governing jurisdiction provide its support or approval for those bonds to be issued. And the other are with respect to tax credit financing for these same five properties that are to be rehabilitated, the state requires a resolution of no objection to be submitted with their tax credit application, so those are what the public hearings will be for as well.

>> Mayor Adler: Okay.

>> That'll do it.

>> Mayor Adler: I think that I have the same speakers signed up on each of these items. That would be items 15 through 19 and 74 through 78.

[4:17:19 PM]

Is it appropriate for us to address all of those at the same time, to do the public hearings together? Let's do that, I'm going to call the public hearings 74 through 78, invite people to give their testimony on 15 through 19 as well. Going to let you start us.

>> My name is Mike Gerber. I serve as president of the housing authority of the city of Austin. As most of you know, HACA is one of the highest performing housing authorities in the United States, and our goal is to sustain healthy and vibrant public housing communities which help promote individual responsibility. And as you know, our agency tag line is bringing opportunity home. And the way we do this is through safe, well managed communities that are coupled with jobs and skilled training, education and after-school programs and interventions, and health and wellness programs. In order to preserve our 18 public housing communities, which total 1838 units across the city of Austin, HACA last

year embarked on an ambitious program of improvements and modernization. In the past year, we've invested \$13 million into central air conditioning, new windows, insulation, and bath vents in nearly a thousand of our public housing units. Today we're coming to council to ask for your help in the next phase of modernization that's made possible through a program of the U.S. Department of housing and urban development called the rental assistance program or R-avenue. It will enable us to do three things, protect our residents by ensuring they have updated affordable homes and that these assets will be here for at least another 40 years of guaranteed funding through HUD. Second, RAD is about improvements, updated kitchens, bathrooms, electrical and plumbing systems and other upgrades. Unfortunately, HUD has not been able to keep up with the needs of public housing across the country, but thanks to RAD here in Austin and for other high performing public housing authorities we're going to be able to make many of those long overdue improvements. Finally, choice for our residents. Currently they go to the public housing property where they're assigned, regardless of where their family, health care, or education services are provided.

[4:19:21 PM]

And through RAD, residents will be able to go to the property of their choosing. And if they prefer not to be at any particular property, but we hope they will want to continue to live at those properties for as long as they need those services, they'll also, in a limited way, be able to access housing choice or section 8 vouchers as well. So protections, improvements, and choice, that's what RAD is really all about. I'm grateful to have had the opportunity to visit with almost all of you and with your staffs to discuss RAD and I want to thank you each for that time, largely during July when I hope you all got some much deserved rest. I'd like to quickly run through the improvements that we have proposed for the five properties that are under consideration by council today. And the slides will come up as I speak. At the first property, Menchaca village, which is 33 units, that was built in 1979 and it is in councilmember Kitchen's district, we're proposing nearing 1.5 million for new bathrooms, new kitchens, washers and dryers, parking lots, and playground canopies. At the other bend ridge, a 50-unit apartment complex built in 1979 in councilmember Garza's district, we're proposing 2.2 million in new bathrooms, new kitchens, ceiling fans, washers and dryers, and playground canopies there as well. At North Gate, which is a 50 unit complex built in 1979 in councilmember Casar's district, we're proposing 2.4 million in new kitchens and bathrooms, new roofs, washers and dryers, parking lots and pretty significant drainage improvements as well. At Georgian Manor, a 94 unit property built in 1973, and is also in councilmember Casar's district, we're proposing 3.5 million for new kitchens, bathrooms, ceiling fans, and lighting, parking lots, playground canopies and some other improvements. And finally at North Loop, a wonderful community of 130 units, which serves seniors and our disabled community, which is in councilmember Pool's district, we're proposing nearly 5.7 million for new kitchens and bathrooms, roofing, security cameras, parking lots, and a cooling tower for what's really a quite large five-story apartment property. We're keenly aware that when you do this kind of work, we impact people's lives, and I want to make sure the council understands that we fully intend to follow the uniform relocation act, the relocation ordinance that's been proposed by this council, as well as we've also built a tenant protection team which includes a number of community partners, including the Austin tenants council, Austin Travis county integral care, the AIDS boys and girls clubs, Capital Metro, family elder care, Austin interfaith, Austin energy, adapt, communities and schools, and so many others.

[4:21:50 PM]

Our goal is to try to minimize the impact and our expectation is that no family will be out of the unit for more than 60 days and our hope is that it'll be much shorter. That's our story. Five properties, five sets

of significant improvements to make the difference in the lives of some of our lowest income citizens in our community. The last time we've done this kind of substantial upgrade, I will tell you, was really when councilmember Gallo was chair of our board and showed extraordinary leadership in really researching haca to a position of strength and health in our community. This is an upgrade building off the success of that tenure and we're proud to be able to bring this to you today and would ask and preach your support. Thank you.

>> Mayor Adler: Thank you. We have speakers here. Mr. Zimmerman?

>> Zimmerman: A quick question if I could.

>> Mayor Adler: Mr. Gerber?

>> Zimmerman: Thank you for that run down. Let me just go back quickly to the Georgian manor you mentioned. We had 5.6 million for 130 units works out to about 43, 44,000, I guess, per unit. What would you estimate the cost would be to create new units, you know, using your economic paradigm of the housing corporation, et cetera, as a non-profit, with the tax-exempt status that you have, et cetera?

>> So with other units that are being built in the market that we're -- that we're part of, we're estimating a hundred now, \$125,000 a unit, in that ballpark.

>> Zimmerman: Three times more. O okay. Okay. All right. Thanks.

>> Sure.

>> Mayor Adler: Okay. Thank you. Let's call people to speak now, public hearing 74 through 79, as well as items 15 through 19. First speaker, gust peña. Is he here? What about bill Alexander? What about Floyd labi?

[4:23:56 PM]

>> Good afternoon. Mayor Adler, councilmembers, thank you for letting us come out and talk with y'all today. My name is bill bandera. Alexander. I live at north loop apartments. Ihfe lived there about ten years. In that ten years I was three years vice president of the board there. I'm currently working on my second term as president, three-year terms. I've seen lots of things at north loop, and we're really excited about the Brad project, the residents assistance demonstration, because it's going to help people so much in working on people's living, you know. Haca recently was offered a chance to join in a federal rad program, which is, like I said, the residents administration. The rad -- hud offered that. The rad will unable haca to have more stable funding so they can use the properties to finance upgrades for all 18 properties. I very much am in favor of the rad program as it'll give more freedom to the residents and nicer living arrangements, with the improvements planned for those properties. The residents' quality of life would improve with the upgrading of units, and the residents would also get a chance not just to live in an existing building and not have a say-so in it, but they'll be allowed to vote on what changes and see what else they can do to help out. After two years with the rad program, residents would be able to get on several properties' waiting lists for transfer to a different property if they wanted to. Previously, the chance for a transfer to other properties was very hard to get with haca, and unless you had a medical request or a medical emergency, or a change in your status, almost impossible. They're going to let you do that now after you've been there for two years. So we're all excited about that. I'd like to say that haca provides much needed and appreciated service to those of us with a limited income. When I first came to haca, I was on the verge of being shameless -- homeless, not shameless, I'm sorry, homeless and having to sleep you should a bridge or outside in the weather.

[4:26:09 PM]

Haca gave me the opportunity for a place to live, control some of my life, and gave me back a sense of dignity in that life. I want to thank Mr. Gerber, haca in general, and the city of Austin and the mayor Adler for everything y'all have done to help the people, and we appreciate it. Thank you.

>> Mayor Adler: Thank you, thank you, sir. Next speaker would be Floyd labi. Ruth bonds is on deck.

>> Good evening, city councilmen and mayor Adler. My name is -- dear mayor Adler and the city councilmember, my name is Floyd labi. I have lived at northgate apartments for more than eight years. In 2014 the housing authority of the city of Austin, haca, installed central air conditioning and a new heating unit and replaced all windows with new windows that are energy efficient. As a result, my electric bill is much lower. I support the rental assistance demonstration, rad program, because it will allow haca to continue to improve our apartments and our quality of life. The rad program will give us a voice, after two years of being in the program, we can apply for housing choice vouchers, section 8 vouchers, choosing where we want to live. Haca has transmitted -- transformed to an online base public housing waiting list. So residents like me can apply to live at any other housing authority, 18 public properties throughout the city. Haca has several meeting to keep all 50 families at north gate informed, and the housing authority also asks us where some of the improvements, residents thought the housing authority needed to make. We told them we need new appliances, so we will get new appliances, that are energy efficient, a stove, refrigerator, and a washer and dryer.

[4:28:18 PM]

The cost of living in Austin is high, and housing is not affordable. Haca will make living in Austin affordable for people like me that's already on a fixed income. Haca will be applying for tax credit, and I respectfully ask you, mayor Adler and the city council members, to help haca to continue to improve our quality of life and to keep us, in our community, and inside of the city of Austin. Thank you, and I am looking forward to working with you. Thank you very much.

>> Mayor Adler: Thank you. Ruth bonds.

>> Mayor, she had some car problems, so hopefully she'll come before the end of the hearing.

>> Mayor Adler: Okay. We'll check back. Amando?

>> Good afternoon, mayor Adler and councilmembers. Thank you for allowing me to speak today and for the many hours you worked to serve the city of Austin, citizens of Austin. My name is Armando Valadez. I've been a resident at shadow bend for the last ten years. I've been resident council president for the last four years. I also participate in the summer lunch program. For five days a week during the summer months, our children and the neighborhood kids come to eat at the shadow bend community center. Before I moved to shadow bend, I never thought I would be involved in community -- in my community as I am now, or standing before the city bend. The city council. I feel real good about giving back to my community.

[4:30:22 PM]

I truly believe in the rental assistance program. The staff have held many meetings at all the properties. Hoca asked us what kind of improvements we needed and we gave them a list. Right now haca is working on installing central heat, air comic my unit. My maybes and I will be getting many other improvements including floors, new energy efficiency appliances and new windows. Moving now to my unit while these improvements are made is an inconvenience but I believe it will be worth it. Haca is serious about improving our quality of life. Mayor Adler, and councilmembers, I would like to ask you to support the program so haca can continue to improve our everyday living conditions and keep us inside the city. Thank you.

>> Mayor Adler: Thank you. Next speaker is ruby Roja.

>> Welcome back.

>> Mayor Adler: Thank you.

>> And thank you for your service. I had a speech prepared, but I think that the residents did a great job. And so I'm not gonna say anymore than what they expect to get, but I will say this. Most of you know me. And I was hired by the housing authority to make sure that the families at the housing authority will not fall through the cracks. And I'm gonna hold them to that, just like I hold you guys accountable. So I'm very happy to work for the housing authority on behalf of the families that you just heard and we'll be checking in with you and telling you what a great job we're doing.

[4:32:32 PM]

And thank you all for your support.

>> Mayor Adler: Thank you, Ms. Roja.

>> Mayor Adler: Mayor?

>> Casar: Ruby, you don't have to come back up. I wanted to thank you for the work you're doing. I was recently at George and manor visiting with people and they're excited about it but some did express concerns whether or not they -- the relocation was really gonna go according to plan. And I expect and appreciate that with you on the ground in conjunction with Mr. Gerber we can make sure it goes as smoothly as planned.

>> Thank you, councilmember. You've got my number and feel free to give them my phone number.

>> Casar: All right. Thank you.

>> Mayor Adler: Ms. Pool.

>> Pool: Are you sure it's George and manor? Isn't it George and manor? I also want to thank Ms. Roja for being here today and the residents of the various pathways housing projects. I am proud to say that I've got some of the property in my district and so thank you very much.

>> Thank you.

>> Mayor Adler: Thank you. Is Gus Pena here? Is Joe Lopez here? Mr. King. David king.

>> Thank you, mayor, mayor pro tem, councilmembers. I really appreciate these items today and think that it's probably one of the most important things y'all will be deciding on today and I'm glad you're doing this and I appreciate your comments, councilmember Casar, about factoring, you know, affordable housing. In my neighborhood we want affordable housing and we look for opportunities to have more affordable housing in our neighborhood and I know our councilmember kitchen supports that too and I'm very appreciative of that. I just want to make a couple points about there are a couple of housing units in our neighborhood that are going to be remodeled as well and I'm glad for that but I got calls from some of the residents there worried about what's going to happen, where would they be relocated too and they would like to be relocated as close as possible to where they currently are so they can continue to be close to their schools or close to their, you know, grocery stores and things like that.

[4:34:48 PM]

And so I hope when we're doing the relocation of these particular residents that we can do that for them as well so they can remain as close as possible to where they currently live during the remodeling. And the -- wonder if there might be an opportunity, you know, to look at making sure that the apartments when they're remodeled that they're suitable for families with children, where we have that opportunity to do that. Since we're going to go in and remodel if we need housing for children, low-income housing, can we possibly do something while we're in there doing this re-habilitation and making sure they're accessible. Can we take the opportunity to make them more accessible if they're not accessible now? And energy efficiency. I think that's really an important priority, to make sure

they're efficient in all ways, as efficient as possible. And if while we're in there to maybe look at mitigating any kinds of concerns about asbestos or lead-based paints, maybe them safe as well. So I'm assuming those things are being considered. I just want to point those out. And, again, I thank you for your work and I want to take a plug, you know, in terms of trying to look for a better strategy to make sure that we have really large amounts of funding available for affordable housing and I thank -- I hope we can pass a linkage fee in this city to really generate 50, \$60 million per year so we can then use that money to go into these neighborhoods of opportunity, buy the lots that are vacant or available for sale and build our own housing units and make sure they're affordable and occupied by low-income families. We need to take control of our destiny here and I think the linkage fee would help us do that. Thank you very much.

>> Mayor Adler: Thank you. Is Ruth bonds back? Okay. Ms. Gallo?

>> Gallo: I just want to get to the point that you're ready for a motion I'd love to make that motion. I wanted to say I'm so proud of where haca has come from in the last 20 years and, you know, the whole goal in getting it to where it is now was because of the residents.

[4:36:51 PM]

The residents were required to live or forced to live in substandard conditions, and the maintenance and the type of housing that was offered there was just not up to the scale it should have been and up to the quality that it should have been in this community. So I just wholeheartedly support this and really support where the housing authority is right now and just wanted to say thank you again and also to the residents that have been part of this process.

>> Mayor Adler: Is Ms. -- Ms. Pool?

>> Pool: Ms. Gallo would like to make the motion but the first item 74 happens to be in district 7 and I would like to be able to make that motion to move approval for item 74.

>> Mayor Adler: Okay.

>> Gallo: I will agree to that but as you can tell from the previous discussion, unfortunately, there are not any of the projects that are in my district so once again if we can come to a compromise I'd be happy to do that but if each of the councilmembers --

>> Casar: You can take one of my two.

>> Gallo: Thank you, thank you. Once again the reason we need to make sure that affordable housing is geographically dispersed through the whole community is evident today.

>> Mayor Adler: Okay. Ms. Pool moves adoption of item 74 and to close the public hearing on 15 and approve 15. Ms. Gallo makes the motion to approve 75 through 78 and to close the public hearing and approve items 16-19. Is there a second to all of that? Mr. Renteria. Any further discussion? Those in favor please raise your hand. Those opposed? It's all in favor with Ms. Troxclair out of the room and Mr. Zimmerman -- Mr. Zimmerman is abstaining. Those items pass. Thank you very much. Council, I think that gets us now to item number 79.

[4:39:05 PM]

This is the tenant relocation matter. Is that postponed?

>> Zimmerman: Mr. Mayor, there's a letter in our backup --

>> Mayor Adler: That's what I thought too.

>> Zimmerman: From Ms. Brown, requesting the postponement to August 18, I believe.

>> Mayor Adler: Is there a motion to postpone this item to August 18? Ms. Houston makes that, seconded by Ms. Garza. Any discussion? Postponing until the 18th. Those in favor please raise your

hand. Those opposed? Item is unanimously postponed until August 18. I think that gets us then to item number 80.

>> Good afternoon, mayor, council. Item with the watershed protection. I have a brief presentation for item 80 but I'd also be willing to -- happy to wait if you'd like to do public speakers first.

>> Mayor Adler: Why don't you give us the presentation and then they can react to what you say.

>> Very good.

>> Mayor Adler: Thank you.

>> Okay. As many of y'all know we had a major change to our Drath charts this past year and this created more customized and accurate bills based on impervious and% impervious cover for all properties, irrespective of land use. It also changed who we bill. We no longer bill units like apartment dwellers and commercial tenants. Now whenever possible we bill owners or property managers for the drainage fee. This streamlined our billing, fewer total bills and the city minimized debates over which apartment or commercial unit needs to pay what percent of the drainage charge. This fee is our main source of revenue, funding 95 plus% of our watershed's department funds budget.

[4:41:08 PM]

In making such a sweeping change last year we anticipated we might have to come back a year later, now, to make some minor adjustments if there were any remaining issues. This presentation focuses on three proposed changes we feel would further improve the drainage charge. Most of the presentation will focus on this first one, regarding incentives for stormwater controls but there are two other important improvements to the code which I'll briefly cover as well. There's a new requirement this year stemming from the rate restructure, the underlining here quoted from the code is added for emphasis, but basically the question that's being asked from this statement in the code is what can property owners do to reduce their drainage charge? And we heard that question several times last year being requested so we've looked into that. The additional questions we've asked ourselves is what sorts of incentives would be justified? Would they be improve equity and reduce our department's cost of service? We looked at a lot of different communities across the country, and there's several rollup national surveys we consulted as well with regards to stormwater incentive programs. Two cities in particular in Texas that had recent drainage utility fee changes and also implemented drainage programs are Houston and San Antonio. Houston has a discount program based specifically on volume, amount of volume that they store. And they basically have that relationship based on their best estimate of impact to drainage. And not trying to incentivize it beyond that. San Antonio has a more substantial discount but quantified by water quality volume specifically, so they focus on only giving discount for water quality controls but only available to commercial properties. We considered the questions of equity and effectiveness, the EPA has a recent study out that quantifies some limited flood control benefits from green infrastructure, the smaller stormwater controls.

[4:43:18 PM]

We have a local neighborhood study that we did here in Austin that generally showed on-site stormwater controls have relatively small flood control benefits similar to EPA's conclusions and also somewhat high insulation costs relatively speaking. So kind of the general conclusion about the national and local level is these on-site controls generally are accept -- expected to have some water quality benefit but not a whole lot of flood control benefit. The capacity may not be available in back to back storms if you think of rain barriers and how long it may take to drain and the cost benefit is not expected to be real high. However, on the other side is we've gotten calls from customers that have said, well, listen, we have really large cisterns or we're storing a lot of stormwater. Shouldn't there be some benefit

to my property? I've exceeded the legal requirements for development. Shouldn't I get some sort of discount? So that is essentially the essence of the proposal here, to allow credits based on stormwater controls that exceed legal requirements. So if you're exceeding your legal minimum requirement for development then you'd be available to get a credit and allowing up to 50% reduction on impervious cover and why 50%, that would be, you know, regardless of how much stormwater capacity a property provides, they still discharge into the downstream drainage system. We still have a system of pipes and creeks to maintain and there's still an ongoing cost of maintenance so the 50% cap is intended to acknowledge that need yet still provide plenty of capacity credit if desired by a property owner. Most examples we've seen are those examples of rainwater harvesting from roof tops but not as often from driveways or parking areas or other on the ground impervious cover. So that's the essence of the ordinance proposal. These next couple slides are ideas of what the program might look like as we develop the rules for it coming up in the fall. So this isn't necessarily being, you know, acted on today but just kind of are concepts right now.

[4:45:24 PM]

The idea is that the credit would be based on capturing volume, offsetting runoff from impervious cover. The relationship we've kind of established right now is 6/10 of a foot of impervious cover being offset by a gallon of stormwater control measures so practically speaking the first bar on that graph a 55-gallon rain barrel, a standard barrel size, that would offset 33 square feet of impervious but if you had an 1100-gallon cistern, much larger barrel, that would offset 660 square feet of impervious, available to all land uses and the idea is that there would be some sort of credit renewal by providing proof of continued function so we wouldn't have to go out and try to verify their functionality. And then as far as kind of turning that into dollars, if you consider kind of a median single-family home, 3100 square feet, 37% impervious cover, the volume of that one standard 55-gallon rain barrel translates to only 22 cents per month savings. However, if you size up and store a lot of rainwater the cistern could negate up to half of the interferes which would be more you'd also be reducing the percentage of I am perchessous so change the amount. Again for the single family household if it caps out at 50% the maximum discount would be \$8.10. Up to the largest size that they could provide. The next steps that we have planned are, if this ordinance passes we'd move forward through a rules process, public process with rules where we'd draft an initial set of rules and then have one or more stakeholder meetings in the fall and October, go through interest, city staff review, post the rules in early January for public comment and then plan the implementation for February.

[4:47:33 PM]

The other two proposed changes I'll go through those real quickly. They're just one slide each. For garage apartments we had a little bit of a concern where the current language in the billing, if a garbage apartment has a separate utility account we're required to divide the bill by the number of utility account holders so the garbage apartment is getting charged half of the drainage charge right now. We'd like to modify the code so that the main residence gets charged the entire charge. There are a fair amount that do not have a utility account on their properties and in those examples the house is getting the full drainage charge so we see this as a fairly straightforward adjustment. The second one is clarifying treatment of versus exemption -- various exemptions. The treatment of exempt property was discussed in some detail last year with council choosing to leave the exemption status untouched essentially for certain groups but since then some concerns have arisen over how exactly the exemptions should be applied. What we're recommending is just basically clarifying the city code to better align with the state code that we're exempting the agencies themselves not specifically if they

own and occupy the property. So that's the basic change that we're proposing to do. It removes the conflict or the confusion there between city and state codes. Since it's optional for the city to choose to exempt counties and ISDs we're proposing counties and ISDs get the same exemption that the state code requires that state and higher education agencies get. And that's pretty much it. Happy to answer any questions y'all may have.

>> Mayor Adler: Okay, let's go to public speakers. Stewart Hirsch.

[4:49:48 PM]

>> Mayor, members of the council, my name is Stewart Harry Hirsch and like most in Austin I rent. The fourth and fifth century St. Augustine for whom the oldest city in the United States is named said there is no republic where there is no justice, further that justice is that virtue which gives everyone his due. Last time at this time a few of us who rent asked you to reduce our drainage fee charges rather than bill multi-family property owners who would pass on increased expenses to us in terms of higher rents. Some of our fellow renters have proved in state court that the current assessments to multi-family renters in apartments violated state law. Homeowners who testified last year supported city staff recommendations on not billing us and you adopted city staff recommendations with some further relief for homeowners. I'm providing you a copy of the July 19, 2016, city of Austin posting that details there are 40,000 additional multi-family housing units in the pipeline. Not my numbers. Ryan Robinson's. When site plans, building permits and construction on these sites is completed these new renters could be contributing to the drainage fund and Ms. Pool buyouts if you would reconsider our suggestion from last year. I've asked to be put on the screen the open records request information I got just before lunch today, which I've been seeking for a while. When you do the math, it looks like last year roughly, according to the city, \$77 million was generated last year's proposal was supposed to be revenue neutral. When you get the first nine months this fiscal year it appears that we're heading for \$82 million and in a brief conversation I had with Mr. Pentali it looks like the number may be higher than that. Which means unlike the budget which you have, which some of us have to print out because we don't get fancy binders it looks like there's an opportunity to do way better than 35 buyouts next year, which is the performance goal in the draft budget for next year.

[4:51:56 PM]

So for getting a lot more money than we expected in drainage, there's an opportunity to set the highest risk, what's the next creek besides Lower Onion and Williamson? I don't know what that is but the technical people sure do. How many buyouts could \$5 million or \$7 million in one-time wind fall get us in the next fiscal year? And how can we make sure that gets incorporated in the budget you're set to adopt in September. So we have some opportunities to get people out of high risker, not only homeowners and renters, but the first responders who have to rescue them. I think it's a worthwhile goal pursuing. It doesn't appear it's incorporated into your current budget proposal and I beg you as you consider these changes to the drainage fee that you also consider more aggressive performance measures to get people out of harm's way. Thank you very much.

>> Mayor Adler: Mr. Hirsch, so that I understand, are you speaking against any of the changes that are being proposed or are you saying we should, in addition to those changes, earmark and adjust the budget to reflect we can do more buyouts than to set --

>> I'm saying -- I don't oppose the changes recommended. I would like to revisit the issue of how much money we really could be generating if you did what we asked you to do last year, which is charge those of us who are multi-family renters a lower fee and charge the balance to our property owners because it looks like there's 40 million in the pipeline and that's a better way to get more money than doing it the

way that we made the change last year. So do everything the staff recommended and then do some more.

>> Mayor Adler: Okay. Thank you.

>> Thank you.

>> Mayor Adler: Next speaker is Bob Thompson. Is Linda Thompson here? Mr. Thompson, you have six minutes.

[4:54:06 PM]

>> Mayor, city council, my name is Bob Thompson. I'm neutral on the changes that have been proposed, but I have an additional change that I would like to bring to your attention, recommend to you. I'm -- I just have one slide and I'm not going to read it all to you. I also passed it out so I'd ask you to look it over while I'm speaking. There are about 200,000 single family properties, houses and duplexes in Austin and about twice that many residents comprising almost half the city. And I believe that the single family property owners got a raw deal a year ago when the drainage utility fee was revised and those property owners have been adversely affected in a way that is not widely understood among the public and perhaps not among all of the council. And that has to do with the treatment of rooftop overhangs or eaves as impervious cover under the drainage utility fee. The planning and zoning department has restricted impervious cover in single family houses for decades. And I'm familiar with that because I participate in our neighborhood association involved in zoning cases all the time. And I'm sure you are as well. There's 45% limit on impervious cover in force for sf-3 property for hazardous duplexes, 70% on mf-4 apartments, 95% on cs-commercial zoning. But on all of these zoning restrictions, incidentally roof overhangs of up to 2 feet width have been disregarded and considered not to be impervious cover. So when I got involved trying to understand the drainage utility fee that was implemented a year ago, I was surprised to discover on the watershed protection website a number of single family properties that appeared to have impervious cover percentages of, like, 50% on sf-3 properties which would make them illegal lots.

[4:56:30 PM]

I couldn't understand why there would be so many illegal lots around Austin. I finally traced that down to the fact that watershed protection was treating these roof top overhangs as impervious, opposite to the way it's treated in the planning and zoning department. And because of that, the fees that accompany that impervious cover burden are higher than they would be if the eaves were not treated as impervious cover and instead were treated consistently with the way they're treated in the planning and zoning department. And that's the essence of my complaint. The city council last year was evidently also concerned with the fact that single family homeowners were the biggest losers under the new duf policy compared to the fees which have been charged in prior years, and you implemented the 50% cap, which is now about to expire. And as it turns out, my estimate is that something more than half or at least close to half of the increase in the duf fees can be traced back to this new eve policy. I don't think that the watershed protection department realized at the time that their policy was counter to the policy of the zoning and planning department, but if the -- if they had had a consistent policy and had not treated eaves as impervious cover, as they do, and instead just treated whatever the actual impervious cover was on the ground, the increase would have been only about half as much as actually occurred. In terms of dollars matched, single family property owners as a whole, little in excess of \$3 million a year because of this eve policy.

[4:58:31 PM]

And that's a repetitive expense each and every year. And the lump sum present value equivalent of that is in the hundreds of millions of dollars. And that should be a sum that's large enough to deserve council attention and council action and not just be implemented through a rule enacted by the watershed protection department. In terms of a typical median single family property owner, my estimate is that that translates to about \$18 a year of costs related to the eaves. That's of a similar magnitude to the \$23 a year cost that homeowners are expected to save through the recent enactment that you passed raising the homestead exemption from 6% to 8%. So if you do nothing and allow this eve policy to stay in place, something like 80% of your savings that people might realize through their homestead exemption increase will be lost to this new duf policy. This is a case where we're not talking be robbing the watershed protection department of any revenues. If the policy were to be changed to exclude eaves as impervious cover, the coefficient could be raised so that the same revenues could be obtained by the watershed protection department. And it's just a matter of whether this \$3 million a year -- [buzzer sounding]

>> -- Commercial property or single family property. So I would ask you to consider, while you're making these other amendments, consider excluding eaves as impervious cover and I cited a paragraph at the top of my slide where that could be done.

[5:00:32 PM]

I would suggest, though, that probably you would do something to give the watershed protection department time to comply with the new policy, maybe extend the 50% cap that you implemented previously until they could bring themselves into a position of being able to comply.

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

>> Kitchen: I just wanted to thank you for bringing this to our attention. Again, I wanted to let you know that this is -- the issue you're raising is one that I think would be one that we could talk about through the budget process and one that I intend to explore through the budget process.

>> Mayor Adler: Okay. Thank you very much. David king? It's our last speaker. On our last item. I hope some people will stay here for music and proclamations.

>> And the proclamation too.

>> Mayor Adler: And I said and the proclamations.

>> Thank you, mayor, mayor pro tem, councilmembers, my name is David king, I live in the zilker neighborhood and I'm supportive of this item. And regarding the eaves, you know, I heard the comments and I can understand the comments, but, you know, I look at my own situation. I have eaves on my house and I -- when it rains, the eaves, you know, direct the water into, you know, into a drainage pipe that goes out to the street or goes into my French drain. And so really the dirt below the eeh is not absorbing any water so really I think we have to be careful in saying -- I understand the concern, but I don't think it's that simple or that straightforward. So I want to make sure we don't -- we, you know, look at that concern but also understand that it's, you know, we have these different characteristics for each house, how the drainage actually works. I do want to be careful about granting exemptions. We already have an -- and credits.

[5:02:34 PM]

We already have 118 million square feet of P.M. That is exempted from the -- of impervious cover exempted from the drainage fee based on June 2015 data from the city and that equates to about \$7 million per year that we're not getting and we know how much we need the money for flood mitigation. I know that you've seen the flood mitigation report and how much money is needed to help address

that concern. So I hope that we're careful and that we look at the exemptions we're granting and make sure that that's the policy you want to continue. Then also these water catchment and retention facilities they don't mitigate all of the water, especially runoffs during heavy rains and some are poorly maintained and don't effectively mitigate the runoff even during a typical rain event. I hope we don't get double dipping going on, where developers get additional entitlements for providing those water catchment facilities and turn around and get a discount. I want to make sure we're equitable and don't have dumb dipping going on there. Once this program is implemented it's important we monitor it and the council review this program after, like, six months or so to make sure it's doing what you intended it to do and maybe -- and maybe not creating any unintended side effects. So thank you very much, and thank you again for your hard work for our unit community.

>> Houston: Mayor? Mayor?

>> Mayor Adler: Yes, Ms. Houston. Mr. King?

>> Houston: Mr. King, thank you so much for all your due diligence on all the things that you look at. I want to remind you that whenever we as a city council do something for a pilot or temporary time, people in their minds think it's forever and it's an entitlement. It has happened already. So we have to be really careful about how we say this is gonna be a pilot and then come back and redress it because we've said it, they've done it for six months, maybe a year, and then that's the way it's supposed to be.

[5:04:35 PM]

So just wanted to remind you we have some problems with that.

>> You're very welcome, and I know one example of a pilot that became permanent was the short-term rental ordinance.

>> Mayor Adler: Thank you. Those are all the public speakers we have. We're back up to the dais. Does someone want to move adoption for item number 80? Ms. Kitchen. Is there a second to that? Mr. Zimmerman. Is there any discussion? Ms. Gallo.

>> Gallo: I've got some questions of staff, please. And I want to first thank you for diligently working with all of the unusual circumstances that we have managed to find in district 10.

>> Yes.

>> Gallo: As the results of this it seems like because there's an abundance of homeowner associations and patio homes that we perhaps didn't really think about initially and there's been some unintended consequences but I do thank you for helping work through some of those.

>> Certainly.

>> Gallo: One of the concerns with something I heard this evening or this afternoon -- this evening, see, we're so used to going on -- was it was my understanding when we first talked about the movement to change the way the drainage fund was calculated was it was the result of legal action that we were responding to. And that it was supposed to be revenue neutral. But what I'm hearing tonight -- or this afternoon was that there's actually more income that's being produced from the change in how the draining fees are being calculated, and I just wanted to -- you to have a chance to verify that because I do think we approached this initially that it was going to be a revenue neutral situation.

>> That's correct. Joe, director of the watershed protection department. The revenue neutral term is used so that we move from one rate methodology to another. It brings in the same amount of revenue. Now, what Mr. Hirsch was presenting was a one fiscal year to the next fiscal year total revenue.

[5:06:41 PM]

And of course we increase the budget from year to year to pay for departmental cost drivers like health costs and fuel costs and things like that. So we did have an increase to the fee between fy15 and fy16

that council reviewed and approved. So there's not a wind fall of money that we didn't expect. In essence it's simply the fact that our revenues increased because we had an increase to the fee.

>> Gallo: Okay. Thank you for explaining that. I just also wanted to visit a little about two of the specific issues that we have been aware of as we've worked through some of the dilemmas in district 10 as the result of this new calculation or way of calculating. And I'm assuming that we can bring those up at a later time. I don't want to bring them forward now but I think these are two areas we need to address that we're now aware of. One is streets. So it's my understanding that in the drainage calculation, obviously, public streets are not included. The situation that we're becoming aware of is that neighborhoods that happen to have private streets, that those private streets are included in the calculation. So I think it is an inequity with -- if we're not gonna calculate the public streets in front of somebody's house as part of theirs, then we shouldn't be calculating the private streets. So I just am throwing that out as something that we're aware of that we'll want to continue to work forward on and bring something back that produces the equity in those neighborhoods that happen to have for whatever reason the private streets in their communities. And then the second is we've really had issues with green space. So in a community where perhaps it is a planned neighborhood where there are homes on lots and then there is a community center that is on a lot and then there is a lot of deeded greenbelt area that the community center, because typically it is intensely covered on the space and there's not a the love undeveloped space -- lot of undeveloped space on it is really seeing their drainage fees going up really substantially and they're not getting a benefit for the green space that is around that community building or pool or tennis court or whatever it is.

[5:09:00 PM]

So that's another place that I think we need to go back and look at some type of allocation that takes consideration on that.

>> We'd be happy to have further and continued conversations with you on that.

>> Gallo: Terrific. Once again, I really appreciate the conversation that you've had both with us and also with the neighborhoods that we've invited in to have those discussions because they've seen these particular situations have caused some pretty substantial increase in the drainage fee for these residential customers. So thank you.

>> Mayor Adler: Thank you. Further discussion? Mr. Zimmerman.

>> Zimmerman: Before you go, I appreciate the work and the detail that you put into this. I find your department is better than average when it comes to, you know, taking some complex issues and boiling them down. So -- there are some more complexities in this as you know. I just wanted to say thanks for the good work on this.

>> Thank you.

>> Zimmerman: There will probably be more stuff we have to do so thank you.

>> Certainly.

>> Mayor Adler: Okay. Anything else? It's been moved and seconded. Item 80. Those in favor please raise your hand. Those opposed? It passes with Mr. Casar and Ms. Troxclair off the dais.

Councilmembers, we're going to recess until 5:30 when we have music, I hope -- what? We adjourn? We're done? We adjourn before we do those two items? Because they're outside the meeting? Okay. So we're going to go ahead and adjourn but at 5:30 we're going to have music and we have proclamations after that. I also have been contacted by several folks on the council to remind me that it is now time to redraw for council positions on the dais for the next six months. So at the first available opportunity we're going to redraw.

[5:11:00 PM]

With that, if no one has anything else -- yes, Ms. Gallo.

>> Gallo: I just want to say what a delight it is to not have to vote no at the meeting and I hope this is a new turn -- I hope your trip to -- out of the country has convinced you that we need to end our meetings to honor the public and be respectful of the public at a decent hour and so this is a great way to start. We thank you for setting the stage for our future meetings ending early.

>> Mayor Adler: I like that you have given to me the power to be able to do that.

[Laughter] And I'll try to wield that judiciously.

>> Gallo: Thank you. So this meeting ss journeyed.

[Meeting adjourned]

[5:24:12 PM]

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

[♪Music playing♪] >>

[5:32:27 PM]

>> Mayor Adler: All right. It is 5:30 on city council day, which means we get now to the best part of city council meetings, which is live music. You know, it's only fitting that in Austin, Texas we always stop our council meetings wherever we are, even when accidentally they actually end early as they did today, to listen to live music. It is what Austin's about. It's, quite frankly, why I stayed here back in 1978 when I got here as a student along with so many other of my UT friends. So this is an important moment in our meetings, and we are so lucky to have love and chaos with us here tonight. Love and chaos are singer/song writers and long time collaborators. Al and Kendall. After having a stint as a semifinalist on American idol, Kendall hired aj, an accomplished producer and rock veteran leading his band of brothers in the Austin band vajello, to produce her full length debut, all around girl. Friends noticed Kendall and aj's onstream chemistry during her performance and it was suggested that they entertain the idea of paring up and starting a duo. And within two months the pair had cranked out 17 songs. Their track, summer song, is a prime example of what this joining of musical forces is capable of. Please join me in welcoming love and chaos.

[Applause].

[5:34:30 PM]

[♪Music playing♪].

>> This song is called wildflower.

[Music playing].

[Singing]. >>

[5:38:00 PM]

[Applause].

>> Thank you.

>> Thank you.

>> Mayor Adler: That was great. Thank you so much. So if somebody is here or watching this on TV and they want to come hear you play your next gig, where would they go?

>> Our home base is kind of the rattle inn and then on one to one. You can go to love and chaos.com and all our dates and news and everything is there.

>> Mayor Adler: Great. My next two questions are where you buy your music and what's your website, and you hit those right in that answer to that question.

>> Everything that has to do with this band is love and chaos.com. I know it takes -- that's a lot of words for people to type. They don't want to type more than five words, but it's love and chaos music.com. All the news and dates. That's where you can buy our music and videos. Everything is there.

>> It's on iTunes and you can follow us on Instagram and Twitter and Facebook. All the a good places.

>> Mayor Adler: Cool. Here's the official part of this because I have a proclamation. Be it known that whereas the city of Austin, Texas is based with many creative musicians whose talent extends to virtually every musical genre. And whereas our music scene thrives because Austin audiences support good music produced by legends, favorites and newcomers alike. And whereas they are pleased to showcase and support our local artists, now therefore I, Steve Adler, mayor of the live music capitol, do here by proclaim August 4th of the year 2016 as love and chaos. Congratulations.

[Applause].

[5:41:06 PM]

>> Gallo: Evening, everybody. I'm honored to present this proclamation --

>> Pool:, good evening, everybody. I'm honored to present this to Jim Bryce and his committee. So proclamation, be it known that whereas August 1, 2016 marked the 50th anniversary of the mass shooting from the top of the university of Texas tower, killing 14 and wounding dozens of others. And whereas police officers and bystanders risked their lives to rescue the victims and halt the shooting, and whereas students and others on campus that day formed the Texas tower memorial committee which worked tirelessly to duly honor the victims. And because of the committee's dedication, a new memorial honoring the victims was unveiled at the tower garden on the 50th anniversary of this tragedy event, which was just -- of this tragic event, which was just this past Monday. Now therefore I, Leslie pool, councilmember for district 7 on behalf of Steve Adler, the mayor, and the entire city council, do here by proclaim August 2016 as tower garden memorial month. And here to accept this recognition is Jim Bryce.

[Applause].

>> Thank you very much. The committee and all others that have been involved in this thank councilmember Leslie pool for sponsoring this, the city council for issuing the proclamation and the city of Austin for all that the city has done for the university and for those of us that have been students and involved in this. While I, Jim Bryce, am accepting this, this is only a small part, I'm only a small part of the people who worked on this.

[5:43:12 PM]

There were eight members of our committee. I'm a co-chairman with Claire Wilson. Claire was unable to be here because she is in Dallas for the film "Tower" that is being presented up there at a special showing. It will be shown commercially starting in October. She was the person -- I'm sure many of you know the person that was shot first from the top of the tower and lost her baby. She is in that film. So Claire wished to be here, but she had the obligation to be there at the film's presentation at a special showing in Dallas. I'm here with one of the eight members of the committee, and that is cliff Drummond. Cliff Drummond was the president of the student body at that time, and cliff joined our group. At the time this happened back 50 years ago, cliff and I got together and raised money for people that were injured in that, and cliff has continued his interest, as have all the other members of the

committee that include professors, former member of the board of regents and on. And their names are all listed within the records. I'm sure many of you have seen those. In addition, the most important element in making this happen has been the university of Texas. And we had hoped the key person here, assistant vice-president Erica Saenz, with the office of community relations and diversity, could attend, but I believe she's been delayed. She worked with vice-president Vinson for that division and of course ultimately everything rested on the tremendous support that we received from the new president of the university, less than a year it's been, and that is president fenves, I'm sorry.

[5:45:15 PM]

Now, we had a lot of assistance from others because this can't be done inexpensively. We had -- we were approached by Rodney moltaire with the cook Walden funeral home. Mr. Walden drove some of the ambulances that day, and this was very important to him. So cook Walden with Mr. Moltaire's assistance, provided a great deal of the support and the technical ability to erect the monument we have out there. In addition, a friend of mine coming to meet me, Sandra Wilson, was shot that day and she was cared for by a physician -- I'm sure some of you might recall, Dr. Jim Calhoun. One of Dr. Calhoun's sons, who actually has an office very close to us here, I don't believe he's here, but Tom Calhoun also provided substantial financial support for this, and we thank him for that. And we have one more person here in a dual role, cliff Martinez. He is the nephew of ray Martinez, one of the officers on the tower that stopped this tragedy from going forward. But he is also a donor because his business, Ben white florist, provided all of the florist arrangements that were at the campus during the dedication. So we have a representative of the donors here in a dual role. Thanks to all of you for what you've done for us. Thank you very much, council person Leslie, and neighbor, only a few blocks away. Thank you. [Applause].

[5:47:24 PM]

>>

>> Hi, I'm Ellen troxclair and honored to be presenting this proclamation to supply the teachers day. I am so proud that this group has leaders from district 8 who are helping teachers all over the city. And I want to read this proclamation to them now. Be it known that whereas the enduring dedication and importance of Austin's educators cannot be overstated and is in part expressed in their focus on equipping students with vital supplies, often at their own expense, and whereas Austin's district 8 short-term to supply the teachers, a group which helps bridge the resource gaps for teachers in their efforts to provide a high quality learning environment, and whereas, city of Austin families and teachers alike would benefit from a growing awareness of the importance of helping to supply our hard-working teachers with classroom supplies to further enable a quality education for students and economic relief for teachers.

[5:49:28 PM]

Now therefore, I, Ellen troxclair, and Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim August 5th, 2016 as supply the teachers day.

[Applause]. Do you want to talk about the organization and the event coming up?

>> Sure, that would be wonderful. My name is Ellen Mckenna and I'm the founder of supply the teachers. My mother was a teacher and now my daughter is going to be a teacher. And I've been on the campus advisory council for Clayton elementary for the past 10 years, and have seen the teachers struggling that they actually have to purchase their own supplies out of their pockets. So what our

organization is, and our wonderful board is here to support us, and what we're trying to do is create an account that teachers can buy their classroom supplies that they need on us and no longer out of their pockets. So that's our goal. We've got two fund-raisers coming up. We have Vern Lundquist is getting ready to retire from the sec and Bob Ballew with KEYE is going to be hosting it with chuck from the day tripper at the long center. And that will be our biggest fund-raiser for the year. And mighty fine will be doing a breakfast. So look for us online and know how important the teachers are for shaping the future of our community and let them know just how important they are. Thank you very much.

[Applause].

>> And Vern Lundquist is an Austin high alum.

>> Yes, Vern Lundquist is an Austin high alum and he will be getting his letter jacket there as well.

[5:51:33 PM]

[Laughter]. I think it was 50 years ago. >>

>> Tovo: Good evening, I'm Kathie tovo, I serve as mayor pro tem and I serve council district 9. And it is my honor to present this to rusty Morrison of the boys and girls club foundation board as well as the duck.

[Laughter]. This is my first proclamation I've presented to a duck. Some of you may know that duck derby is coming up very soon here in Austin.

[5:53:36 PM]

And you will hear a little bit more about that in a few minutes. I had an opportunity to attend last year and I can attest to the fact that it is a lot of fun and raises a lot of money for a great program here in Austin that serves many boys and girls throughout Austin in its after school program as well as its summer program. So it's really -- it's really an honor to present the following proclamation on behalf of the city of Austin. Be it known that whereas on August 6th, 2016 the duck derby will be held on the shores of lady bird lake as a benefit for the Austin boys and girls club foundation, a non-profit organization that supports and provides valuable assistance to the 23 boys and girls clubs in the Austin area. And whereas 10,000 rubber ducks will be dropped in dramatic fashion from the Ann Richards bridge to race for a first place finish for their sponsors. And whereas this benefits the boys and girls clubs in Austin whose members experience 15% higher overall GPA averages and 87% fewer absences than non-member peers with a 100% success rate of club members graduating high school on time compared to 81% of non-member peers. Now therefore I, Kathie tovo on behalf of Steve Adler, mayor of the city of Austin, Texas, do here by proclaim August 6, 2016 as Austin boys and girls club foundation duck derby day in Austin, Texas. Congratulations.

[Applause]. Now I'd like to invite Mr. Morrison to say a few words.

>> Thank you. I'm Russell Morrison, the current president of the boys and girls club foundation. And thank you, mayor Adler and mayor pro tem tovo. I want to thank all city staff that's involved putting on the duck derby, especially Bettie torres.

[5:55:38 PM]

And we're all -- we are still adopting ducks, the race, which is this Saturday. It's at 11:00 A.M. On the congress avenue bridge. That's where we will dump 15,000 rubber ducks into the water and they will race to the finish line. And if you would like to adopt a duck, you still have time. You can go to Austin duck derby.com. That's austinduckderby.com. All proceeds from this event are going to go to benefit the Austin boys and girls club foundation, which provides funding for the over 20 Austin community colleges

locate -- the Austin boys and girls clubs located in our city and as well as college scholarships for Austin boys and girls club members. I've seen this organization I moved here to Austin in 1999 and there were three clubs back then. There are over 20 today. And when asked of the alumni, the boys and girls club, you will find that over half of them will say that the club saved their life. I think that's pretty powerful testament to the work that the boys and girls club are doing, so this is a very worthy cause and I hope that you guys will come out and enjoy the day with us. It's at 11:00 this Saturday, congress avenue bridge. And hopefully we can raise a bunch of money to help all the kids here in Austin, especially the ones who are living in poverty who need us the most. Thank you so much.
[Applause].

[5:58:28 PM]

>> Tovo: Again, I'm Kathie tovo and it's my honor to present the following proclamation to scooter Cheatham and to useful wild plants. And if you haven't seen it yet, there's a really great piece in today's chronicle called "Public notice, useful wild scooter, how August 4th became scooter Cheatham and useful plants day." And it talks about the history of the project and I believe scooter may talk about some of the reasons that gave rise to the beginning of useful wild plants. I've had an opportunity to go over and to see useful wild plants and the place where this amazing work is created, and I just want to invite those of you who aren't familiar with the project to really spend some time over there or spend some time going through the volume and really hear more about the grand vision that is behind -- behind this amazing, amazing project. So again, on behalf of the city of Austin it's my pleasure to present the

following proclamation: Be it known that whereas in 1971 scooter Cheatham founded the useful wild plants project, which is a non-profit organization with the mission of advancing stewardship of the wild and naturalized plants of Texas and surrounding regions. And whereas the useful wild plants project is the first to publish a multivolume publication detailing more than 4,000 native and naturalized species and documenting the vital ecological roles these plants have for native landscaping, protection and restoration of native habitats. And whereas scooter Cheatham achieved the prestigious award from the garden club of America zone 4 for his extensive research, writing and illustrations on the usefulness of plants and the importance of conserving and protecting these natural resources.

[6:00:30 PM]

And whereas the city of Austin commends scooter Cheatham for receiving this prestigious honor and also for his work to preserve and protect the precious ecological resources of Austin and central Texas region. Now therefore I, Kathie tovo, on behalf of Steve Adler, mayor of the city of Austin, Texas, do here by proclaim August 4th, 2016 as scooter Cheatham day in Texas. Congratulations.

[Applause]. Now I'd like to invite scoottory tell us more about useful wild plants.

>> Thank you, Kathie and Steve. Some other councilmembers are in support. And I -- I'm going to accept this proclamation on behalf of hundreds of botanists and plant people who have given thousand of hours of their time. The donors and members have contributed to the project and most of all to the plant kingdom. The necessary benefits that we hope to reveal with this project. Some of you have visited the offices. I think both Steve and Kathie have and/or a as well. Owe and Ora as well. For those who haven't, the useful plants project is the first comprehensive, comprehensive economic botany ever done. And what does that mean? What does comprehensive mean? It means every potential use of a given plant species, everything from the earliest prehomework uses to the most recent work in nutrition and commodities. We're having a conversation about this outside this gathering. Many of you would agree about the importance of plants, but the burning question is why doesn't society take up the torch

and become prepared to partner with the plant kingdom in a future economy that we must develop. And why is it a priority?

[6:02:31 PM]

Right now we seem to be an entertainment driven, gadget-producing, computer-game-inventing, Mars or bust political circus paradigm.

[Laughter] But while we're spending billions of dollars to go to Mars to look for other habitable planet cetera, we're detaching from the most important resources on our own planet. In some ways we're at war with the life form that allows us to be here. Throughout the world, academic institutions are downgrading or closing their botany programs just when we're about to need them the most. It's happening all over the place and has been for the last 15 years. And just as a reminder, there are really two kinds of life on the planet. The one that conducts photosynthesis to make life from sun, air, soil and water, and then there's everything else, and that's us. And if you think about it for a minute, everything in this room, the clothes we're wearing, the dais, rug, the car you came over here in, the gasoline that got you here, is -- comes from a benefit of the plant kingdom, either old plant juice or new plant juice, old plant juice being Petro chemicals, new plant juice being those things cranking away making chemicals for us. And the reason to do this, I think, is that at some point we all know we're going to run out of this one-time gift of Petro chemicals and we're going to have to convert and look back at the plant kingdoms. So why wait? And that's why we're doing this project. And by issuing the proclamation you've already helped spread the word, you know, not enough people know about this and someone who hears this proclamation, maybe someone who helps to finish the project either as a writer or someone who helps make a contribution. And so what else can be done?

[6:04:32 PM]

I'd say spread the word beyond these chambers, support plant research in your children's schools and universities they attend. And right now there's not any counterpart to this anywhere else. And thank you all again for the proclamation.

[Applause]. >>

>> Houston:, and just so you know, useful wild plants live in district 1.

[Laughter].

[Applause].

>> Mayor Adler: And we have another proclamation. Be it known that whereas wgu Texas is a non-profit online university designed to expand access to higher education for Texas residents.

[6:06:41 PM]

Established by the state of Texas with a partnership with a nationally recognized western governor's university, wgu Texas offers more than 50 accredited undergraduate and graduate degree programs in high demand career fields such as information technology, nursing, business and education. And whereas wgu Texas expands access to higher education for adult learners by providing access to quality education, to career focused bachelor's and master's degrees, affordable tuition and a flexible online degree program. And whereas, as wgu celebrates their giveth anniversary on -- their fifth anniversary on August 3rd, 2016, we honor the currently enrolled students, over 7600 statewide, and alumni, almost 5,000. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do here by proclaim August 3rd, 2016 as wgu Texas fifth anniversary day. Congratulations. And chancellor, do you want to -- Veronica, do you want to say a few words.

>> Thank you, mayor Adler and the entire council for your support. I'm the chancellor of the wgu Texas. On behalf of the more than 7800 students across the state I wanted to thank all for supporting us. I'm proud to announce that we have reached our 5,000th graduate so you can give us our high fives in the lobby. We'll treat you to a birthday cupcake. But I want to thank all of you and really accept this proclamation on behalf of those students and our faculty and we have some of our team here today. We have mentors, faculty who support our students from the moment they enroll until they graduate, like David mall. We have fantastic students who are adding to the economy and to the workforce not only here in Austin, but throughout the state, folks like Al who is working for Austin energy and Tiffany who is at St. David's and Alice who is going to start an awesome business and I can't wait to buy her dairy products when they come out.

[6:08:58 PM]

I want to thank our team here. We've got Ann and Sherman and Nancy. And we're all part of the wgu Texas family. And we're so proud to be a non-profit, online university that is truly filling need here in the state. Our entire mission is to provide access to high quality education for more Texans and it is the reason we wake up and come to work everyday. And we want to thank all of you for your support. So thank you very much.

[Applause].

>> Houston: Good evening, everyone. My name is Ora Houston. I am proud to be the city council representative for district 1 on the city council. And it's my privilege to be able to present a proclamation today to Ms. Olyvia green.

[6:11:00 PM]

I'm going to start by saying that, as I tell everyone, I grew up in a segregated Austin and went to segregated schools and yet the expectations of educators for me and for all of my classmates were to succeed, and they set high expectations for all of us. And so it is with honor that I'm able to read this proclamation. Be it known that whereas olyvia green, the daughter of school teachers, accepted a position as the first teacher of African descent hired at Pease elementary school in Austin, Texas in 1969. Mrs. Green was initially reluctant to take the position because she was aware of the racial tensions of the times and was anxious about the potential for mistreatment that she would be forced to endure. And whereas though Ms. Green experienced unjust and mean spirited treatment by some administrators, fellow teachers and some parents, she was determined to set high expectations for her students and sent them home everyday with a hug. And whereas Ms. Green was a public educator for 26 years and spent all of her career at Pease elementary where she became a beloved member of the teaching staff, and whereas Mrs. Green continues to live her life as an example to others by loving someone along the way and making someone happy. Now I, Ora Houston, on behalf of mayor Steve Adler, mayor of the city of Austin, hereby proclaim August the 6th, 2016 as olyvia green day in Austin, Texas.

[Cheers and applause]

>> I would like to thank councilmember Ora Houston for recognizing my 26 years at Pease elementary school.

[6:13:06 PM]

Thank you. And I would like to thank all of you for coming out today.

[Applause]. >>

>> Houston: She's usually a lot more vocal than that.

[Cheering]

[Laughter]

>> Houston: She would like all of her friends to come up and take a picture with her.

>> I would like all my friends to come up and take a picture with me please. Thank you. >>