

City Council Regular Meeting Transcript – 8/11/2016

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[10:26:50 AM]

>> Mayor Adler: We about ready to go ahead? I want to call to order today, Thursday, August 11, 2016. This is a city council meeting. It's a zoning meeting so we have no invocation and no music at today's meeting. It is 10:25. We're in city council chambers, Austin city hall, 301 west sixth street. Let's begin where we are, let's go through and figure out this agenda. On changes and corrections, item number 3 is withdrawn. I'm sorry, item number 2 is withdrawn. The consent agenda will be available for us to talk about at each of our meetings beginning next week. Item number 3 is going to be pulled and done at a 4:00 time certain. We also have the convention center budget, is that going to be postponed to September 18th?

>> Tovo: Mayor, I'd like to request that it be postponed.

>> Mayor Adler: Okay. Item number 5. Is there anyone here that would speak against postponing that to September 18th?

>> Tovo: Mayor? Did you mean --

>> Troxclair: Mayor, did you mean September or August?

>> Mayor Adler: Is it September or August?

>> Tovo: Well, I believe --

>> Mayor Adler: I think it was August 18th.

>> Tovo: I think that was the preference of the convention center director and we can evaluate next week.

[10:28:52 AM]

>> Mayor Adler: I think that's what it was. I said the wrong date. Thank you for correcting that. Postponed until August 18th. So it will be postponed a week. Okay. We have -- I also have item number 12 being pulled by Mr. Zimmerman, 25 and 26 being pulled. I think this is an item that would be ultimately postponed, but I think there are one or two people who want to talk about that real briefly. I think they're being postponed, but being pulled from the consent. Item number 30 is being pulled by Mr. Zimmerman. Item number 31 is being pulled by Ms. Gallo. Item number 37 I want to pull and have us go into a brief executive session to address that. Which I would do immediately after we're done with the consent agenda, we handle the grove postponement and then executive session on item number 37. So the items I have being pulled at this point or off the consent agenda are 2, 3, 5, 12 -- I think 8 is being postponed for a week. 2, 3, 5, 8, 12, 25, 26, 30, 31 and 37. And 37 is also pulled for speakers. Anything else to pull off of the consent agenda? I will also announce on changes and corrections that item number 3 has a -- item number 40 has a 10:30 time certain.

[10:30:56 AM]

We'll get to that right away. Item number 3 has a 4:00 P.M. Time certain and by that it won't come any earlier than 4:00. 52 and 55 will come no earlier than 6 6:00. And 68 we're going to handle here at the end of the consent agenda. Anything else on the consent agenda? We have some people to speak to us on the consent agenda. Let me call them now. Gus Pena, why don't you come on down. I have you speaking on items 9 and 10.

>> Good morning, mayor and councilmembers. Assistant city manager and our outstanding city attorney and, Morgan, I'm proud of you too. I always support our females in whatever endeavors they choose to do. Mayor and council, I'm speaking primarily on item number 10. That's having to do with the funding for juvenile justice to implement the Austin police department's project entitled A.P.D. Juvenile justice delinquency project. I am the founder of the citywide nighttime teen curfew under the administration of former mayor Bruce tod that was back in the early 90s and this is the reason I'm speaking to this because I don't understand why just \$37,000 of this, just because that's what is the balance due. It's not self-explanatory on the items on the back. So anyway, having said that, I think it's a small number to help -- to combat juvenile -- I'm going to be honest with you. I used to work for juvenile probation. Here's my former id, okay?

[10:32:58 AM]

Here's when I ran for justice of the peace endorsed by Apa. The issue -- the reason I'm stating is this, Mr. Mayor, that we have to do a lot -- a lot to prevent kids from going into gangs. We have seven cartels here in Austin. I don't need the Austin police to tell me what we have out there. I know what the heck is going on out there. I have people that come over here and say I need help getting my kids out of the gangs and the cartels. Mr. Mayor, am I quite clear on that? Because we are losing kids to crime. We need to have positive activities for the kids. I've always stated since the late '60s, let's keep students in school and keep them in positive organized activities and out of organized crime. I can't specify this, I can't stress it enough, even in our district 3, Ora, yours also, and Delia's, yours also, we have problems everywhere, but specifically in the east and southeast quadrant. We need to combat that issue. And mayor, I'm going to say this, I know it's not part of the equation, but I need to say this because we need to fully staff A.P.D. We need them out there. We have kids out there who are following me, even though I'm walking on the bus, I see them, excuse my language, lord, the hoodlums causing problems, harassing people. This problem is important. If you can find more money to combat juvenile delinquency, we need it. This is an epidemic on juvenile crime. I learned it when I was working with Travis county juvenile probation. And also when I was a bailiff at municipal court and criminal district court. Mr. Mayor, I urge y'all please, please, get more money for combating juvenile delinquency, keep them in school. Thank you, Mr. Mayor for all your time.

>> Mayor Adler: Is John Ruiz here? Is Richard Seigel here?

[10:35:07 AM]

Is David king here? Do you want to speak on item 33?

>> [Inaudible].

>> Mayor Adler: Okay. Paul Robbins? Do you want to speak on 33?

>> Good morning, council. I want to thank the sponsors of this resolution for bringing it forward. We'll ask Austin energy to study new program ideas to its harder to reach customers in the rental market. I worked at the Austin energy conservation office in the mid 1980's and saw the data on the programs. I observed firsthand that our program to upgrade homes and duplexes was not affecting many rental units. Not only were most of the participants in owner-occupied dwellings, but it was apparent from energy audit data that the rental units needed more work to be efficient. So I'm glad you're moving forward with this, and maybe staff will be able to come up with some new ideas. I appreciate it.

>> Mayor Adler: Thank you. John Ross? Is he here? Is Mike burnet here? Do you want to speak on item 9?

>> My first reaction, of course, was to come in and have a rather large

[indiscernible] On the civil rights voting record of this council.

[10:37:08 AM]

Clearly the problems associated with failure on the police laboratory to complete investigations of violent criminal activities leaves a lot to be desired. Whether it's basically telling people that have no right to due process or whether they have no right of free speech or whether their test kits are still sitting in the police laboratory unresolved, it's dismal and the votes that you put forward to bring criminals back to the city hall that were potentially perpetrators of those violent crimes and the inability to clear those that have been convicted of violent crimes based upon poor laboratory results is unacceptable. And so coverdale for \$116,000 on a crime laboratory that's been closed down because of a number of reasons, let's leave it at that, seems to be an inadequate solution to what appears to be a major problem. Thank you, ladies and gentlemen.

>> Mayor Adler: Thank you. Those are all the speakers on the consent agenda. Ms. Houston wanted to be shown as abstaining on item number 32. Any other -- Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. I wanted to read into the record some changes on my vote on the consent agenda. I will be abstaining from items 6 and 7, abstaining from items 13 through 21. Against 22, abstaining from 23. Abstaining from 28. Abstaining from 32 and 33. And abstaining from -- well, that's it. 37 is pulled. Thank you, Mr. Mayor.

>> Mayor Adler: Thank you. It also should be noted for the record, late change and correction on item number 3, on August 9, 2016, the pedestrian advisory council recommended an endorsement by the urban transportation commission on a 9-1 vote with commissioner Hosek opposed and commissioner Johnson absent.

[10:39:22 AM]

I also have item number 25, a recommendation by the zero waste commission as shown by my sheet it's also shown as crossed out. I won't read that in. I think we have the other items. Is there a motion to approve the consent agenda with the notations made? Mr. Zimmerman? Is there a second to that? Councilmember Gallo. Again, I'm showing the consent agenda to be items 1 through 37, except that item number 2 has been pulled off the agenda. Being pulled are 3, 5 and 8 are being postponed to August 18. Number 12 has been pulled. 25 and 26 are pulled. 30 and 31 are pulled and 37 is pulled. Any other items?

>> Casar: Mayor, this is not pulling an item at all, but I'm a co-sponsor on councilmember kitchen's resolution about energy efficiency, number 33. She's worded it exactly how I would where we're asking the city manager and Austin energy to look at a variety of options for increasing participation, especially in rental properties and other areas of low participation, including some of the ideas that the sponsor has listed, but certainly not to the exclusion of those. My staff and I had some potential other ideas, but didn't have time to put them together and realized we didn't have to because it's worded appropriately to -- that we don't have to list all those ideas. We hope those ideas will be included in what's considered by the staff. So I wanted to be really clear that I'm very supportive of this and that I expect that the staff will bring us their evaluation of these ideas in particular and anything else that will achieve those goals that may not be listed, that it's not prescriptive to the list here.

[10:41:23 AM]

And my understanding is that's the intent of all the sponsors. I just wanted to make that extra clear.

>> Mayor Adler: Yes, mayor pro tem?

>> Tovo: Since we're talking a little bit about this, I had pulled for work session on Tuesday, but they we ran out of time. We do have some recommendations that have been forwarded to us and some other studies that were done. We had an energy efficiency summit to look specifically at multi-family housing several years ago and then of course the low income efficiency, the group that looked at energy efficiency particularly forwarded some of these. So I hope in the consideration at least one of those ideas I think is something that they wrestled with and one idea might be moving forward. I'm really interested in seeing the report back from this and I assume-- and it's my understanding that it itwill be done in context of all that other work that's gone on as well.

>> Mayor Adler: Yes, councilmember troxclair.

>> Troxclair: I want to be sure I'm shown as voting no on item 22 and abstaining from items number 7, 13, 14, 20, 28, 29, 32, 33, 34, 35 and 36.

>> Mayor Adler: Okay. With that said, those in favor of the consent agenda please raise your hand? Those opposed? It's unanimous on the dais. It looks like we have a lot of consent items we might be able to take care of real fast too on the zoning agenda. Can you take us through those real fast.

>> Thank you, mayor. First item I offer for case is number 38, c-14-2016-0016. This is to approve second and third reading for a property on hidden west boulevard to zone the property to social modem residence or mh district zoning. This is ready for consent approval on second and third readings.

[10:43:28 AM]

Item number 39, c-14-2016-0045 to approve second and third readings for a property on Brodie lane to zone the property from multi-family low density zoning. Item number 41 is case c-14-2016-08031 to approve second and third reading. This is also to close the public hearing and approve this on second and third readings. This is for the zoning to multi-family residence low density neighborhood plan combined district zoning for tract 1 and neighborhood commercial mixed use neighborhood plan combined district zoning on tract 2. Item number 42 is case npa-2015-005.04 for various addresses on bastrop highway, bastrop highway southbound. Council is requesting postponement of this item to September 22nd on the Lennox oaks property. The companion case is item 43, this is case c-14-2015-0104 for various properties on bastrop highway. This is also to postpone this item to the September 22nd agenda.

>> Mayor Adler: Mr. King, you were signed up to speak on this. Are you okay not to speak if this gets postponed? Thank you. Item number 44, case npa-2015-0015.03, this is for the property located at 5010 and 5012 Heflin lane.

[10:45:28 AM]

I understand that council has a desire to postpone this item to the November 10th agenda. Item number 45 -- excuse me, that's a staff postponement. Item number 45, case c-14--2015-0114 for 5010 and 5012 Heflin lane. This is a staff postponement of this item to the November 10th agenda.

>> Houston: Excuse me, mayor. I want to be clear that 43 and 44 are staff postponements?

>> Mayor Adler: 44 and 45 are staff postponements.

>> Houston: Yes, 44.

>> 44 and 45 are staff postponements. Item number 46, case npp-2016-0010.02 on pedernales street. Applicant has requested a postponement of this item to your September 22nd agenda. Item number 47, case c-14--2016-0041 is for the property located at 2416 east sixth street, the applicant has requested a postponement of this item to your September 22nd agenda. Item number 48 is case c-14-2016-0043 for the property located at 622 pedernales street. The applicant has requested a postponement of this item to your September 22nd agenda. Item number 49 is case c-14--2015-0119 for various properties on shoal creek boulevard. Staff is asking requesting a postponement of this item for your October 13th agenda. Item number 50 is case c-14--2015-0146 for the properties located at 1404, 1408 and 1412 and 1414 west oltorf street and 2043 south Lamar boulevard. This is to zone the property to general commercial services mixed use conditional overlay combined district zoning for tract 1.

[10:47:34 AM]

And to general commercial services vertical mixed use building conditional use overlay for tract 2. The planning commission's recommendation was to grant general commercial services combined district for tract 1 and general commercial services vertical mixed use building overlay combined district zoning for tract 2. And this is ready for consent approval on all three readings. Item number 51 is case c-14-2015-0163 at 900 west slaughter lane. This is to zone the property to townhouse condominium residence district zoning. The zoning and platting commission's recommendation was to grant the sf-6 zoning and I would like to office this as a consent item for all three readings.

>> Mayor Adler: That was 51?

>> That was 51.

>> Mayor Adler: We have one speaker signed up. Gus Pena signed up on 47. Do you need to speak on this one, Mr. Pena? How about Mr. Ruiz? Okay. Neither here. Go ahead and proceed.

>> I'll skip item number 3252. Item number 53 is case c-14-2016-0032 for 10,400 north Lamar boulevard. This is to general commercial services neighborhood plan combined district zoning. The planning commission's recommendation was to grant general commercial services conditional overlay neighborhood plan combined district zoning. This is ready for consent approval on first reading only. Item number 54 is case c-14-2016-0036 for the property located at 12636 research boulevard southbound building C, suite 108 to zone the property to neighborhood commercial district zoning.

[10:49:34 AM]

The seen zone was to grant -- the zoning and platting commission was to grant the zoning and this is to grant approval on all three readings. Item number 55 I'll skip this. It will be at 6:00. Item number 56 is c-14-2016-0044 for the property located at 13130

pond springs road: The zoning and platting commission's recommendation was to grant the zoning and this is ready for consent approval on all three readings. Item number 57, this is case c-14--2016-0046 for the property located at 7720 and 7800 south first street. This is -- actually -- this is to zone the property to general commercial services conditional overlay combined district zoning for tract 1 and community commercial mixed use conditional overlay combined districting zoning for tract 2 to change conditions of zoning. The zoning and platting commission did recommend the combined district zoning for tract 1 and zoning for tract 2. I understand we could offer this for consent approval on first reading. And councilmember Garza had a few comments regarding this.

>> Garza: Yeah.

>> This is again.

>> Garza: I just wanted to -- I believe it was ready for all three readings, but I would prefer just the first so I could talk with the owner about some noise prohibitions that I think should be in place.

>> So with that I think we could offer this for consent for first reading only.

>> Mayor Adler: On first reading only. So Ms. Garza is asking that this just be on first reading only. Without objection that's how we'll do it on this consent.

[10:51:34 AM]

Pull it back up in a bee cave and give her a chance to do that. Item number 58 is case c-14-2016-0047 for the property located at 6709 circle S road to zone the property to community commercial combined district zoning. The zoning and platting commission recommendation was to grant community commercial mixed use conditional overlay combined district zoning and this is ready for consent approval on all three readings. Item number 59 is case c-14-2016-0055 for the property located at 14 though 125 and a half the Lakes boulevard to zone the property to community commercial district zoning. The zoning and platting commission's recommendation was to grant community commercial conditional overlay combined district zoning. And this is ready for consent approval on all three readings. Item number 60 is case c-14-2016-0057 for the property located at 6101 Ross road. We have a neighborhood request on item number 60 to postpone this item to September 22nd. I've spoken with the applicant's representative. They are in agreement to that postponement to September 22nd as requested by the neighborhood. Item number 61 and 62 are related items. Item number 61, c-14-2016-0058 on university avenue to zone the property to general office neighborhood plan combined district zoning. The planning, development and review was to district the combined district zoning. Let me read item number 62 into the record, which is a companion case. C-14-2016-0059 for the property located at 2001 university avenue. This is to zone the property to general office homework landmark neighborhood plan combining district zoning.

[10:53:39 AM]

The planning, development and review recommendation was to grant the combined district zoning and I understand mayor pro tem tovo wanted to -- I see she's off the dais. She had some comments about both of those.

>> Mayor Adler: On which two?

>> On 61 and 62.

>> Mayor Adler: Let's how would off on those. She's not here.

>> Item number 63 is case c-14-2016-0060. This is for the property located at 2801 Hancock drive to zone the property to general commercial services mixed use combining district zoning. The zoning and platting commission's recommendation was to grant the general commercial services mixed use conditional overlay combining district zoning. And this is ready for consent approval on all three readings. Item number 64 is case c-14-20160062 for the property located at nine 09 one half Pearson ranch today to zone the property to limited office district zoning. The zoning and platting commission's recommendation was to grant the lo district zoning and are this is ready for consent approval on all three readings.

>> Mayor Adler: That was 64?

>> 64. We have speakers on 58. They weren't here a second ago. I want to call them again. Gus Pena and John Ruiz. They're not here. You can go ahead and proceed.

>> That brings us to item 65. Item 65 is case c-14-2016-0074 for the property located at 10728 burnet road. The staff is requesting a postponement of this item to your September 22nd agenda. That's item 65. Item number 66 is case c-14-79-065 rct for the property located at 80 red river. The staff is requesting a postponement of this item to your September 22nd agenda.

[10:55:46 AM]

Item number 67 is case c-14-80-133 rca for the property located at 6101 and 6205 east Riverside drive. This is to amend a restrictive covenant and they would like to remove the requirement for a planned development area agreement. This is consent approval on item 67. And then item 68 I think that's the time certain at 10:30.

>> Mayor Adler: That's correct. We're going to discuss that.

>> I see mayor pro tem is back in the room.

>> Mayor Adler: Mayor pro tem, did you want to talk about items 61 and 62?

>> Tovo: Yes. I apologize for being off the dais. And I would invite Mr. Rusthoven --

>> Mayor Adler: We would like to pull that?

>> Tovo: No, I would like to talk about it and I think it could be accomplished pretty quickly. I understand the applicant are fine with these zoning changes being done to make potential additional housing right along the UT campus. So I'm very much in favor of that and the uses that would be prohibited are

nonresidential uses so that we're not incentivizing the use of nonresidential uses when we need the residential uses near the campus.

>> And I understand those are administrative office, medical office and personal services. So we would offer item 61 and 62 on consent for first reading only.

>> Tovo: So it's not delaying it in any way. It's my understanding the applicant is fine with that. Is that right, Mr. Thrower? You can just nod.

>> And Mr. Rusthoven has one more item to add to that.

>> Mayor and council, Jerry rusthoven, planning and zoning.

[10:57:49 AM]

Item number 55, I understand there's been a desire for that at 6:00. I understand from the applicant they would like it postponed to the October 13th city council agenda. I guess it would be up to y'all to wait until 6:00 to do that or do it now. But it's a postponement request to October 13th.

>> Kitchen: Mr. Mayor, I think it would be fine to do it now if we can do it now. In terms of the folks that I know that wanted to testify.

>> Mayor Adler: Okay. So the question is we announced publicly that we were going to call this item at 6:00 P.M. I understand that the applicant wants to postpone this until October 18th. Ms. Kitchen, representing what she understands to be the view of the neighborhood is also okay with this going in that way. Ordinarily I wouldn't support this kind of thing, but in this situation where both the applicant wanted and the speakers apparently want it as well, I'm fine with it if there's no objection on the dais.

>> It's October 13th.

>> Mayor Adler: October 13th. We'll list it that way on the consent agenda to be postponed on October 13th. Ms. Houston?

>> Houston: Were the people prepared to come and speak to this item?

>> Kitchen: Yes. They were prepared to come at 4:00. My estimate is that they would be fine if -- I can contact them now, but I think that they would be fine to know in the morning that they didn't need to come at 4:00.

>> Houston: That's fine.

>> Mayor Adler: We do have speakers that are here. I want to give them a chance -- Mr. King, do you need to speak if this is being postponed? No. And Kim Johnson? Is Kim Johnson here?

>> Kitchen: He is who I was expecting at 4:00.

>> Mayor Adler: All right. So the consent agenda has all of the items between 38 and 68, with the exception being pulled off of 52 and 68, is that correct?

[10:59:53 AM]

>> And item 40,.

>> Mayor Adler: 40, 52 and 68. Is there a motion to approve these items on consent? Mayor pro tem seconded by Ms. Pool. Any discussion? Those in favor please raise your hand. Those opposed? And that is unanimous on the dais. We said that we were going to postpone the -- both the champion and the grove matter, both of those set, but we were going to discuss those briefly on the question of postponement. Let's call the -- I'm sorry, what? Item number 40, the champions tract first.

>> On item number 40, case c-14-20150160 for the property located at 6409 city park road. There was -- councilmember Gallo had mentioned September 1st. There is some legal documents that need to be prepared with our law department. We're working with the applicant on these because of a previous settlement agreement. So I think there's a couple of environmental items that are related to that too that I know watershed is involved with.

>> Mayor Adler: This is an applicant requested postponement until September 1st?

>> This is actually a staff, to allow us to finish those documents.

>> Mayor Adler: Okay.

>> Gallo: So mayor, I would be happy to make a motion for that. The neighborhoods are in agreement with that. I do have a letter from Glen lake neighborhood and basically the representatives of the city park road neighborhoods. So I would like to make a motion to postpone item 40, the second and third readings of the champion tract zoning case until September 1st and also at the same time to direct city staff to do the necessary work to have a mechanism for development of the eastern tract of the site.

[11:02:06 AM]

This is an agreement that the applicant and neighborhoods were reaching to limit and prohibit the development on the eastern portion of this site. In addition, I want to make sure that the public hearing will remain open for the second and third reading on the September 1st meeting.

>> Mayor Adler: Is there a second to that motion? Ms. Troxclair. Any discussion? Those in favor please raise your hand? Those opposed? It's unanimous on the dais. That gets us up to grove. Which is item number 68. Before we do that while I'm thinking about it, council, when we do the consent agenda on the regular agenda, we don't call each item individually and we don't read the style for each item individually. Because they're just part of the record. So we just say they're all approved. There's no statutory reason that we need to when we go through the zoning request call all of the information presented in the zoning request except where it differs from the recommends being made. So I would like for you to discuss with legal whether or not or to give the council on an option to truncate that process so that we can consider that.

>> Mayor, I'd be very happy to do that.

>> I'm sure.

>> Mayor Adler: Thank you very much.

>> Zimmerman: Mr. Mayor, I want to make one comment on that. To truncate I would completely agree, but it's extremely useful for, you know, the record number to be read in, but not the details. Is that what we're talking about? In other words, he would read c-14--79-065 so that's read on the record and shows up in the transcript. Then there's no need to go into further detail. But I think we definitely need to read the citation number.

>> Mayor Adler: What I suggest is we not debate that now, but get recommendations because we don't read the style in on the other ones.

[11:04:06 AM]

So without admitting what the options would be, I would like to have options because I think we may not need to do all that we're doing now. Yes, Ms. Garza.

>> Garza: It's a separate issue. Are you done with that one?

>> Mayor Adler: I was calling the grove.

>> Garza: So for 37 I understand we're going to go into executive session. There's a lot of advocates in the legal community that were willing to come speak on this, but I didn't know what the situation was going to come and I didn't want 20 people coming and speaking if it was just going to go on consent. That being said can we do a 1:00 time certain? There's also a UT law professor --

>> Mayor Adler: I thought the grove would go really fast. If the grove goes really fast I was going to immediately call executive congestion, go back and it could be that we come out of executive session

and approve 37 or approve it immediately. Or it could be we come out and say we need to do something else.

>> Garza: Because there are speakers now already. It would have been pulled for speakers anyway. Just FYI. But that's fine. That's -- I think that will get us close to 1:00 anyway.

>> Mayor Adler: So the question is can we set item 37 for a 1:00 time certain? And I'm fine with doing that?

>> Thank you.

>> Mayor Adler: So item 37 will not be called any earlier than 1:00.

>> Tovo: And I missed the first part of that. So the executive session then can -- the executive session can take place over the lunch hour, say 12:00 to 1:00? Is that our plan to break at 12:00 for an executive session lunch?

>> That sounds good to me.

>> Mayor Adler: We'll try to break at noon for lunch, in executive session where we'll talk about item 37. Yes, Ms. Houston.

>> Houston: I want to support the truncation of zoning cases.

[Laughter]

>> Mayor Adler: I agree with that. Not only should we truncate how we announce zoning cases, but if you could figure out a way to truncate zoning cases, I'm all on board there as well.

[11:06:10 AM]

[Applause]. All right. So 37 then put off. Threats talk about the grove postponement, which I think is item number 68.

>> And mayor, we actually have a postponement request by the neighborhood to be indefinite. Applicant has agreed to the 18th. I know that the neighborhood would like to come forward and speak to a postponement. And I think there's agreement to postpone to the September 22nd, but I'll let the parties speak to that.

>> I'm Sarah spikes, president of the bull creek road coalition. I've been asked to explain what that is since it's not a formal neighborhood association. We are a group of the six residential neighborhoods that surround the tract of land involved here. And we are represented by the neighborhood associations of those six neighborhoods, which includes about 7,000 households. We have more than 600-yard signs

up saying build a better pud. So we want development, but we're trying to get a better one. I just -- and then we go back to 2012 when we knew that the land was going to be developed and we came together and we brought experts in to come up with some design principles of what would make a good development. We have Sinclair black, the architect Sinclair black, and then we had engineers, urban planners and others working with us. And we studied imagine Austin and all of that sort of stuff. So that's where we come from, and we eagerly awaited the -- txdot decided to include our packet of information with the bid packets when they sent them out to those bidding.

[11:08:11 AM]

And we have looked forward to working with the developer right from the git-go. So that's kind of a little background about who we are. I sent you a letter on the postponement issues and I'll just touch on a couple of them. We are willing to go with the 22nd, September 22nd. I hope that accomplishes some positive things between now and then that we were hoping for. One thing I would point out, atd, the Austin transportation department, in your backup materials, and it's part 1, does have a memo there that recommends that you not approve this pud until the developer produces proof of acquisition of the right-of-way for the intersection of 45th and bull creek road. I believe that recommendation was to protect the city and the taxpayers so that he did not have these entitlements, unless he really could fix the traffic situation and the roads. He recently filed an addendum to the grove, which has not been looked at as far as we know yet, but suggesting that he doesn't have that right-of-way and that right-of-way isn't and I think it's important to get that issue resolved before this comes before you. Also, if you noticed in this week's Austin business journal, the owner of that tract of land where the right-of-way is, said that there has been no deal and there have been no meaningful discussions on that. So I think that's one issue that needs to be resolved to make sure that the city doesn't end up responsible for taking care of the traffic caused by a bunch of entitlements.

[Buzzer sounds] Thank you.

>> Mayor Adler: Thank you very much.

>> Thank you, mayor, I'll be brief. Good morning. My name is Jeff Howard and I represent the applicant in this case. Arg bull creek limited. This is an untimely request from the neighborhood, but we were willing to agree to August 18th.

[11:10:15 AM]

Certainly September 1 would have been available. We understand, though, that there is a lot on the council's plate and so we're agreeable to September 22nd as a postponement date. And we appreciate bc rough C being agreeable to that as well. I want to agree to the four items mentioned in there, the postponement request. Really one of those items is -- was a bicycle lane that we've agreed to. It's really not an issue and not a reason for postponement. The other three items were voluntarily items that we have sought to pursue just to move the case along or to address any potential concerns, but they're not essential to staff's recommendation. In other words, we could pull all three of those items back and this case would be ready on the staff and zoning and platting recommendations right now. And so in any case I just wanted to clarify that. The tia addendum is something that's not essential to staff's recommendation. We are pursuing is voluntarily just to answer any potential concerns. So with that, mayor, I'll be happy to answer any questions, but we look forward to coming back on September 22nd.

>> Mayor Adler: Thank you very much. Ms. Gallo?

>> Gallo: Mr. Mayor, I would like to make a motion to postpone item 68, the item the grove at shoal creek pud, to September 22nd. And once I get a second I would like a few comments I would like to take.

>> Mayor Adler: Okay. Ms. Pool seconds that motion. Discussion?

>> Gallo: Thank you. And thank you to the two speakers that came up to share their comments with us. For the past year the city staff has been working tirelessly on the zoning case working with the bull creek road coalition, friends of the grove, other neighborhoods, representatives from arg and other council offices. I just want to tell them thank you. The level of dedication and hard work that I've seen from our city staff through this process has really been extraordinary and worthy of recognition. I'd like to thank all of our city staff who has worked on this zoning case for their dedication and hard work.

[11:12:16 AM]

I know all of you have spent countless hours on this. We often see you late at night either before us or on television before the different commission meetings that you've attended. And that is noticed and it's really appreciated. In regards to the postponement, I believe a postponement to September 22nd honors the spirit of the bcrc request and it provides an additional six weeks for outstanding concerns and questions to be addressed. I appreciate the applicant in agreeing to that. I know that this has been a long process and we're already for it to come before the council. For the past few weeks my office and I have been working with city staff and arg to address many of the concerns from the neighborhood associations, the 45th street idle-wide residents. Because my council office and the district 10 staff has maintained a productive working relationship with the applicant, arg, I am confident that we will be successful in effectively advocating for the surrounding neighborhoods in conversations with arg. Based on my conversations with both sides, I believe that we are close and we need to work together to bridge the gap that's still remaining. During the next six weeks I recommend that my office, the mayor and

councilmember pool's office work together to find a compromise that benefits the surrounding neighborhoods and the city. I'm willing to have my district 10 office take the lead in coordinating these meetings.

>> Mayor Adler: Any further discussion? Mayor pro tem? I'm sorry, Ms. Pool?

>> Pool: If the mayor pro tem wants to go, then I can. Go ahead.

>> Tovo: I appreciate the offices working on this so intently. I also have questions that I'm real interested in seeing in that final -- when we have this come before council I am interested in having a really in-depth discussion both about the traffic, but about the affordability provisions.

[11:14:18 AM]

All along this tract has been -- we've talked about that with relationship to this tract and it's really important to me that the planned unit development proposals that come forward are truly superior and contain a superior level of affordability. So I'm going to have some very in-depth conversations here at council about what those affordability provisions are. It's not clear to me at this point what that component looks like in real detail, but also you remember that we had a discussion last fall about the baseline and declined at that time to set a baseline, but at the time I proposed what and to me to be a reasonable baseline. We've been working with staff to look at what that square footage would have looked like because the baseline is so critical to understanding what the affordability should look like within a planned unit development. So that's a conversation that I'm going to have too. So again, I know we're not talking about the substance to me where that baseline is set because it triggers the affordability provision is going to be really important.

>> Mayor Adler: Ms. Pool.

>> Pool: Thanks for the comments from the mayor pro tem and I echo them. I'm also very concerned that we get a superior level of affordable housing at that site. In fact that the one of the fundamental precepts that were at the top of the list of the bull creek coalition at the very start and currently the numbers, they are just not there yet. So we need to be looking for superiority in all categories. So I do support the postponement until September 22nd. I do hope it gives time to staff to do the necessary and indepth and very careful review that we would expect nothing less from our professional staff. There is a new traffic impact, tf, traffic impact analysis addendum and it was submitted after the zoning and platting commission hearings so our citizen commissions weren't able to review that.

[11:16:33 AM]

So I am happy that we have an additional five or six weeks so that staff, who I know are anxious and interested in reviewing it, will have the time to do that technical review on the new tf addendum. I'll note that the new addendum may be proposed as an alternative to the existing one and I understand that as was mentioned earlier no easements. The easement item would be dropped and if that's the case then we are looking at no improvements to bull creek road and 45th street and we really need to get to the bottom of that because we're looking at about 19,000 more cars being put on bull creek road which is rated for 2,000 and carries about 7,000. We are looking at significant impacts and for the benefit of the entire community, and this is not just the folks who live nearby, but it's for all of Austin and the folks who get on and off mopac at 45th street, this is use one block over. We don't want them to be creating traffic hazards because of backups on the roads. So I'm very interested in looking at that and making sure alternatives are fully reviewed and staff has sufficient time to dig into the analysis. I'll just close my remarks on that one note saying that I'm optimistic this work can be done and that I look forward to real serious and sincere collaboration with arg and with my office and also with the bull creek road coalition whose members have more than four years, twice as long if not longer, than arg have owned this property, have been putting in on a volunteer basis the energy, the insights and the care and concern for what happens here.

[11:18:37 AM]

So thank you.

>> Mayor Adler: Okay. There's been a motion and second. Do we have speakers that have been identified to speak on this issue given the fact that it's being postponed. Do any of those speakers want or need to speak here today? It's been moved and seconded to postpone this item till September 22nd. Those in favor completion raise your hand. Those opposed? It's unanimous with everyone on the dais. That matter is expected. I think this is effectively getting us to only nine items left on our agenda and it's only 11:20.

>> Kitchen: Can you read them out?

>> Mayor Adler: Sure. The items that I'm seeing still on the agenda are 3, 12, 25, 26, 30, 31, 37, 52, 52. Then we have four items that were set for executive session that I don't think we'll be reaching in executive session. And then number 73. Okay? Item number 3 we're going to be calling no sooner than 4:00 P.M. That gets us to item number 12. Mr. Zimmerman, this is something you pulled.

>> Zimmerman: Mr. Mayor, the quick question I had on this was there were a couple of other options to this contract award that were from local companies and that were lower price so, again, we were trying to figure out why the preference for matrix.

[11:20:51 AM]

To be fair, I did say that councilmember Houston knew more about her community and community policing needs, but I believe the matrix company was given a contract earlier and I think they did a decent job, but, again, I don't know why we should be spending so much more to give them an extension. If I could have some explanation of that.

>> Good morning, mayor and councilmembers. Assistant city manager James Scarborough, purchasing. The item before you is authorize an award to matrix consulting group to perform some human resources consulting services to the auditing office. This particular item was a request for proposal, it was a criteria based evaluation. The criteria used for the solicitation included price at 20% and local business presence at 10%. There were three proposals received. Of the three proposals two of the offers established local business presence and were given a 10-point or 10% preference. The recommended company did not establish local business presence and was not given that preference. The recommended -- excuse me.

>> The recommended price was higher than the other two received.

>> Houston: Mayor, excuse me, Mr. Scarborough, you are really tall and I cannot hear.

>> The evaluation criteria established 20% for the pricing. So 20% of the entire valuation was based on the pricing that was offered by the -- the respondents to the solicitation. So when the offers submitted their price, they were evaluated relatively so against each other and the lowest priced received all of the points or 20 points or 20%, and the next successive offers received fewer points.

[11:22:56 AM]

So although the recommended company was the highest offer in terms of price, they received the fewest points as a result of that price offering. They were not local and they did not receive the local preference as the other offers did. So notwithstanding the lower score for their price and the lack of the local business preference, the qualitative aspects of their offer still resulted in a recommendation from the evaluation committee for an award to this company.

>> Mayor Adler: Yes, Mr. Zimmerman.

>> Zimmerman: So let me look at background and prior experience, which is really where lynch services kind of lost out. So could you explain what background and prior experience you were looking for and why there's such a huge difference between matrix and lynch?

>> Certainly. While we can't speak to the details on the nonrecommended firms, the proposal -- Corey Stokes, city auditor. Sorry, y'all. And my office would be managing this contract and did the evaluations

for this. We saw that the proposal from the recommended firm reflected more experience not just conducting investigations but evaluating vest investigative practices. And then the other piece, the approach they laid out tracked most closely to the scope of work, what we were specifically looking for and that scope of work tracked back to the council resolution passed in March related to this. I think we saw overall that matrix more so had their -- experience evaluating government practices and the approach laid out within the proposal tracked very closely with what we were expecting.

>> Zimmerman: Just one more question. I don't think I remember, Ms. Stokes, I'm happy to see you here and it gives me a lot more confidence that this was done properly, the evaluation.

[11:25:00 AM]

So maybe I'll be inclined to vote for it thanks to the fact you did some work on it. The auditor's office, they evaluated the proposals?

>> Yes, three members from my office were on the evaluation team.

>> Zimmerman: Okay. Thank you.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Mayor, I would like to move approval of this item.

>> Mayor Adler: It's been moved to approve item number 12. Zimmerman seconds that. Any discussion?

>> Tovo: Just briefly, I want to thank the auditor and procurement staff. I look forward to seeing this report completed. It's my understanding because we're a little bit off the schedule that the report may come back a little later than anticipated, but I think it is really critical work and I appreciate you being involved in it.

>> Certainly.

>> Mayor Adler: Okay. It's been moved and seconded adoption of this item number 12. Any further discussion? Those in favor please raise your hand. All in favor with Ms. Kitchen and Ms. Houston off. That passes. That gets us then to item number 25 and 26. I think there were people who wanted to discuss that. There's a motion to postpone this until October 6th, I think, is the intent on this. Ms. Pool makes that motion. Is there a second to that motion? So that we can discuss it? Ms. Garza seconds that motion. Let's have a discussion about whether or not this matter should be postponed or not. We have some people that have been identified to speak. Let's hear from staff first. And then we'll call speakers. Can you tell us what the implications would be of postponing this to the 6th of October?

[11:27:01 AM]

>> Greg Meszaros, Austin water. From the utility's perspective October 6th postponement would work for us. We have operating contracts in place that will be extended through March so as long as we keep working on this kind of product I productively I think October 6th is workable.

>> Mayor Adler: Any other questions from staff about the postponement? Yes, mayor pro tem.

>> Tovo: I'm sorry, I don't have a question for staff. I just wanted to say something.

>> Mayor Adler: Let's hold off, any other questions from staff on the postponement? We have some speakers to speak. We want to call them first.

>> Pool: I just wanted to make a point of clarification, we are looking at postponing items 25 and 26.

>> Mayor Adler: 25 and 26. The question is postponing those to October 6th. Thank you, sir. >>.

>> Zimmerman: Mr. Mayor, point of order. I would also like a chance we move to refer this to the public utility committee for discussion before it comes back to council. At some point I would like to make that motion.

>> Mayor Adler: Okay. Okay. We have some people in the public to speak to this item. Bob Gregory. Is he here? Do you want to speak to the postponement --

>> [Inaudible]

>> Mayor Adler: Mr. Whalen.

>> I'm only going to speak to the postponement, not substance. First of all thank you for postponing this and thanks to Mr. Meszaros for pointing out that we have until March, March of 2017, so we can take a deep Bret -- deep breath. When you postpone it I would ask that you please add that staff is authorized to negotiate only the contract so that we don't find ourselves back here in October asking a lot of questions about something that we don't know anything about because it's back into a box and we have no idea what the triggers are for how much bulking agent will get allocated for different types of composting, et cetera, et cetera.

[11:29:18 AM]

There's a lot of questions we circulated. We will not have the answer to those by October 6th unless you authorize staff to negotiate the contract, and then just like you do with tds contracts and other people's contracts, have the considered viewed in the public at swac, at the water and wastewater commission.

The second thing I would ask, in addition to authorizing the negotiation of the contract only, that you send it back to swac and the water and wastewater commission with the contracts in front of them so they can have that full analysis. Finally, I think that's all I need to say on this. Thank you very much. So two things, negotiate only, send it back to swac and water and wastewater commission and let's be sure if we're going to change a policy like we're about to do we have a full discussion about it. Thanks.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Before you go, I want to point out that there are some very interesting technical issues having to do with this program. They are interesting to me. The idea of the bulking agents and where stuff is going to come from, how much it could potentially cost and what are the markets, what are the applications. So there's a sufficient amount of complexity and I think it's a very good issue for council to consider in the public utility committee. And I also --

>> I would like to point out our biosolids are growing with our city's growth. No big surprise.

>> Mayor Adler: Councilmember pool.

>> Pool: I just wanted to see if I could amend my motion to be on the postponement to include some of the elements that Mr. Whalen has offered which is when this comes back to us -- when it comes back to us we can take formal action, but that I would support the request for negotiate only to hold off on the execution piece, and also I agree with sending it to the zero ways advisory commission.

[11:31:21 AM]

It is more complex than what we may see at first light and we want to take a longer view, a more holistic view of how we view our organics materials. So I think -- and then I had a couple of comments so I want to make that amendment to my motion.

>> Mayor Adler: Okay. So -- I'm trying to figure out how to articulate the amendment you've made and I have a question related to that. If you would indulge me for one second that might get us to that place. It's a question for Ron as well as for staff. And I'm trying to figure out what the right water year is. There are policy questions that are being asked and I don't know how you negotiate the contract until the policy questions have been discussed or answered. In the policy, determinations dictate what the terms of the contract should be, I'm not sure it's the best use of time to negotiate the contract and then to have it come back for the policy questions if what we're trying to do is kick off a policy that -- what is being contracted for, seems we might want to have that happen quickly and directed by staff to include the policy issues that are -- that are raised by the contract. But I might be speaking way out in --

>> I think staff has a policy concept that would -- would be their proposal reflected in the contract. So the advantage of having the contract negotiated for debate is we then would have, just like we do with

zoning cases, to have at least a straw man to talk about and look at as the staff's policy or to your point if you want to do the policy separate, I would postpone this into December so that we get back here with a full policy discussion in October, then come back and have the contract in -- in December.

[11:33:25 AM]

Because you won't have time to do them sequentially the way you are talking about I don't think between now and October if you want to also send it to zwac and water and wastewater.

>> Mayor Adler: Greg, how do we resolve the policy issues that seem to be inherent in the contract?

>> Just a few thoughts. One, I think just procedurally if you postpone this and you would have to authorize this to negotiate. You have to approve something for us to negotiate. I don't know how you could postpone and still negotiate. I just want to lay down a couple other framework issues here. One, when I said we have until March, that's with our existing contract and holdover provision. The proposals we took for this expire November 15th. So we have till November 15th to work through this process or we'll have to do another procurement. I just want to be clear that biosolids come to our processing facility every single day and we can't go extended periods of time without some kind of strategies to continue to manage our biosolid inventories. I don't want to indicate we can go all the way up to March and everything is fine because we'll have transition periods and maybe a rate procurement process so we have to be mindful of. That the other thing I may need James Scarborough's assistance but these proposals have some confidentiality qualities to them. So even a negotiated contract cannot be shared in the public domain without the proposer giving the city the authorization to share those details. The proposed firms, synagro has provided some authorization, but a full contract process would require additional -- I'm not an expert but I would ask the purchasing manager to come open speak to that too.

[11:35:26 AM]

>> Mayor Adler: And again, in answering a question, what I'm trying to figure out, seems to me we have to tee up the policy issues as quick as we can because they would give direction. And if you have a contract -- part of the problem with teeing up the policy issue, there was limited to the discussion that we could have relative to the policy issue because of the contract negotiation. And it seems to me that we can't have that. We have to be able to have a full conversation about the policy. And I don't -- I'm in search for what is the best way. What I don't want to do is have staff spend six weeks negotiating the contract only to have the same basic policy issues and limitation on ability to discuss policy issues because we'll be back here moving to postpone again while we have policy discussion.

>> I know we need transition time. I hear what the director is saying. I like the idea of going then until at least December on the contract.

>> Mayor Adler: And we heard you. Let me --

>> Robin Harris with the law department. One clarification that may help. Council doesn't have to authorize negotiation of the contract. Staff can continue to do that. The only requirement is for authorizing the execution portion of the contract. They are able to to whenever it comes back just have that conversation with the vendor. As far as the confidentiality issues that were raised, there are some portions that -- that may not be able to be discussed publicly but can be viewed by any city official whether it's a commission member or a councilmember. Just to look at -- look at portions of the contract that may have been drafted and put together. That's going to be dependent somewhat on the vendor.

>> Mayor Adler: And again, and help me -- I don't know -- and it might be, Robert, a question more for you, I'm trying to figure out how to get the policy question done.

[11:37:37 AM]

I'm a little concerned about asking the contract to be negotiated and the contract made public because then we have one contract bidder who determination as to what they can do or prices are becomes available publicly for everybody. I would rather come up with what the parameters are of the contract, decide if the contract met those. If we need to reissue the rfp if the policy turns out to be different, everybody would be competing equally under the parameters of a new policy. I just don't know -- I don't know how to tee it up. I'm looking for suggestions on the process. And I'll give you a chance to speak to that.

>> Zimmerman: Professional experience writing proposals that have to do with engineering processes and what's crucial if you are careful and and rate on how you write the request for proposal, if properly done, could reflect the policy.

>> Mayor Adler: But we don't have to -- don't we have to determine the policy first?

>> Zimmerman: You do and the request for proposal could have that policy embedded if properly done.

>> Mayor Adler: Isn't the question there's some questions about what the policy should be?

>> Zimmerman: Yes, yes, there are some questions. And what bothers me, they are saying, well, we have this contract that we can't share, in other words, we can't show what you the policy is because it's embedded in the contract and the contract is proprietary. It's completely messed up. If we were to start correctly with an rfp that captures the policy correctly, then the bids would accurately reflect the policy.

>> Mayor Adler: Mr. Meszaros, is there a policy question here? Are there policy questions implicated here that are appropriate for council to consider?

>> Mayor, it's difficult to answer. It depends on your perspective we -- this proposal -- I guess the policy question is whether or not composting is superior to other methods of disposable biosolids.

[11:39:44 AM]

We have been taking steps to emphasize more composting over other methods of biosolids. We're prepared to discuss those today. We have answers to those kinds of questions. I don't know entirely what the policy questions are that -- that we would need to determine before we negotiate a contract.

>> Zimmerman: I can answer that question. Composting, there's a technical aspect to the word composting, exactly what kind of composting are we talking about and how many days, weeks or months does it take to produce the compost. Will there be solids introduced in the compost. What kind of solids? What's appropriate to use as aggregate materials? There are a lot of complex details that could be put in an rfp.

>> We have answers to those questions today.

>> Zimmerman: But the policy question is that we can define as a council a policy that says, you know, you can't use the word composting unless you specify what composting it specifically so all the companies that bid on that would know exactly what type of composting we're talking about. We don't have that description in the rfp which amounts to policies. The company says you can't look at the contracts because they are proprietary.

>> Mayor Adler: I understand one of the impacts of the decision being made today was what was the future of dillo dirt. Is that true?

>> Yes, in the sense that if city staff has made dillo dirt under the proposals we have, we would -- we would not be the responsible party for making dillo dirt. Dillo dirt-like products would still be available but it wouldn't be made directly by Austin water staff. That would be one of the considerations.

>> Mayor Adler: My sense is this is not ready for us to decide today.

[11:41:44 AM]

But I'm still unclear as to what happens next. Looks like there's two choices. One choice is to ask staff to continue negotiating, move further on a contract. Another one is to try to tee up the issue for whatever it is that that issue involves. Are those the two choices?

>> Mayor --

>> Mayor Adler: Mayor pro tem.

>> One suggestion, just throw out an idea is have like a -- because this covers water, wastewater commission issues because a lot of this is wrapped around running the water utility because biosolids is critical. As well as zero waste. We could have a joint committee of those two and sort out some of the considerations and then -- and then work after we have some feedback on that on shaping a contract or determining if we have to go out for resolicitation. That would be, you know, one way to get some input on this.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Yeah, I think that's the right path. You know, I completely agree that this really needs to be discussed further and I think those are the right two bodies to have that discussion. I am concerned about pushing the time line out so that we may get in a position of not having a contract and then having -- you know, running the risk of the fires and things that have happened in the past. I would suggest that a joint meeting or two be scheduled pretty quickly and then it come back to us. And I understood the discussion those two options weren't mutually exclusive. The policy discussions could happen among the commissions or council but staff could continue to negotiate. I want to be sure we're wrapping up that policy conversation in time for a new solicitation to be on the street if that's what's required.

>> I think what we could do is get input from these commissions on some of these considerations. You know, what is composting, does that make the definition of composting, dillo dirt, cost structures.

[11:43:44 AM]

You know, those kind of issues. And then once we see that framework we could make a determination that yes, the procurement that we have, we can shape a contract to fit those parameters and bring that back forward. Or if it comes out that no, that wouldn't work and we have to resolicit, we could work through that kind of a strategy too. So I think we could bear down on that over the next month or six weeks and, you know, I just ask that we stay focused on that.

>> Mayor Adler: I think that would be important too. Now getting back to then councilmember pool's motion. And so your motion is to postpone this item and to request that staff take it to those two

commissions for discussion and then come back to us when it's ready. I mean should we put a time limit?

>> Pool: I was going to suggest October 6th. And I do know that there are some members of the public and some other interest groups that would like to also speak, so it is good for us to clarify what the action is that we're trying to take.

>> Mayor Adler: Would October 6 give sufficient time to have that conversation?

>> Certainly from a staff perspective. You know, we'll apr appropriate resources to that and work to facilitate the meetings of the two commissions to make that happen.

>> Mayor Adler: That way you could identify those issue, you could see if the contract was in alignment with that. You could still continue negotiating the contract if you felt that was appropriate. But just to get us in a place where council has a better handle on all the issues, and Mr. Zimmerman, if there was a council committee that wanted to take this up in that interim period of time that would provide an opportunity for council committee to look at it.

>> Zimmerman: I could ask the public -- councilmember troxclair asked to put it on.

[11:45:45 AM]

>> Mayor Adler: I'll let the committee look at their agenda.

>> Zimmerman: One final technical question.

>> Mayor Adler: Give somebody else a chance to talk who hasn't had a chance. Did you raise your hand, Ms. Pool?

>> Pool: I just wanted to clarify the city clerk was asking the two commissions was the zero waste and water wastewater.

>> Yes.

>> Mayor Adler: And if as you are looking at it there are other appropriate bodies that you want to have weigh in, don't feel like you are limited by that.

>> Thank you, mayor.

>> Mayor Adler: Now we have some people in the public that we also want to give an opportunity to speak to the item. Mr. Zimmerman.

>> Zimmerman: One technical question. There's rfp is referred to several times in the memorandum. Director Meszaros, August 8th, 2016 referendum. It mentions rfp numerous time. What is the rfp number on that?

>> Oh, boy, I think we have that.

>> Zimmerman: I would think Mr. Scarborough has that.

>> Rfp cdl2003.

>> Zimmerman: Thank you very much.

>> Mayor Adler: Michael Whalen did not use up all his time. Mr. Gregory, is there something that you wanted to add at this point? No, no, sorry. Got it. Thank you. Next speaker is Paul Gregory. Okay. Michael has already spoken. Andrew bossinger.

>> Yes, Mr. Mayor, I'll donate might time to Jerry Harris.

>> Mayor Adler: Hello, Jerry.

>> Mayor, members of the council, thank you very much. My name is Jerry Harris. I'm a partner with hush Blackwell in Austin and we represent synagro.

[11:47:48 AM]

First of all, we have no problem with the P, number one. Number 2 is we do not have any problem with sharing the contract at the time that the contract is negotiated and we do not object to it being subjected to full review and questioning by whoever the council wants it to be reviewed by. I would like to say this. The rfp had some very strong policy matters to set forth. Number 1 was the city has a lot of biosolids that they cannot handle and get rid of, and therefore one of the policy decisions was let's handle that so they don't have the fire they had a few years back in the biosolids because there were too many stored there for too long that couldn't be processed and it cost the city 4 or \$5 million to remedy that fire situation. Number 2, the policy decision in the rfp was reduce the land application of class B biosolids. And that's what this proposal does. And it basically gets rid of the class B solids and makes everything come out to a class a biosolid, different levels of compost, if you will. So I hope those policy decisions keep being brought forth in the procedure that's about to proceed and everybody trying to decide what goals need to be achieved here. And there is a economic side here. Our proposal saves the city a million dollars a year that would otherwise be in this situation. So we're fine with policy decisions. We think policy decisions are important. Synagro is a service company. They are the largest biosolids processors, treaters, marketers in the united States, including Hawaii.

[11:49:54 AM]

Synagro only does biosolids. No landfills, nothing else. They have 16 locations in the United States. So we're here to serve what the Austin needs and so we're very open to everything that's been discussed here today. And Andrew bossinger, the vice president is here and I'm here to answer any questions that you might have at this time, but we're in agreement.

>> Mayor Adler: Thank you.

>> Thank you very much.

>> Mayor Adler: To be sure we get all the policy issues considered in this group. Andrew. Andrew Dobbs. Speaking on the question of postponement.

>> Yes, sir. Thank you, mayor and council. Andrew doobs. We do support the postponement to October 6. I won't be here, I'll be on vacation. The -- there are -- I think that the most important thing is that there is a lesson to be learned here which is let's not do it that way. This is the body that decides policy for the city and it doesn't really work when a contract comes up with a lot of the policy already baked in and if it's a policy everybody is okay with, I guess that's fine, but in the incidence there's concern from the public interest get in the very sort of mess we're trying to figure out now. This is something that should have been brought up to council committees months ago. Last night at the zero waste advisory commission we heard from Austin water staff that this is functionally the end of the dillo dirt program. It's an iconic, popular program. It's award winning that a lot of your constituents care a lot about. If we're going to decide to change other end that, that's a decision that should be made in the public, by the public, by our public elected officials. So that's an important thing for us to note not just for this case but for all future cases. I do have some ideas about ways we can determine -- I think that the recommendations that we have made to this point are still valid for being able to determine some of these policy questions before we come back.

[11:52:01 AM]

The first is to be in a strategic review of all city departments generating organic waste along with other stake holds in the public to take a look at where are these things coming from and going to. We've drafted a resolution, forwarded it to councilmember pool's office. We would love to see that pass so we can convene that. That's something the city manager could do. We believe there should be a council committee hearings on the future of dillo dirt and on the policy questions. Councilmember Zimmerman suggested the public utility commission. We would propose a joint committee of the public utility and sustainability. There's overlap of memberships. There's no reason we couldn't meet all together. We do believe there should be a city policy against the land application of all sewage sludges both class a and

B. We're glad to see the city department and synagro is ready to end the class B sludge, but that should be extended to all because it's bad for the environment and human health. These I believe are ways of addressing the policy questions so that we can then hopefully have a contract we can come back with and that serves everybody's interests. I'm happy to answer any questions.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: The -- Brad parsons. Is Brad here? All right. Those are all the speakers we have. We're back up to the dais. The motion is postpone this until the 8th of October.

>> 6th.

>> Mayor Adler: 6th of October, asking staff to engage in that policy conversation, certainly can continue with contract negotiations. It's been moved and -- was there a second to the motion? Ms. Troxclair seconds in case there wasn't one before.

[11:54:02 AM]

Further discussion? Those in favor? Those opposed? New Hampshire on -- new Hampshire on the dais with -- unanimous on the dais the mayor pro tem off. That takes care of item 25 and 26. That gets us to 30.

>> Zimmerman: 30 is simple. If would be would move passage , I wanted to amendment. Council member how often might make the motion.

>> Houston: Mayor, I would like to make that motion.

>> Mayor Adler: Ms. Houston makes the motion. Second, Mr. Renteria. Discussion?

>> Zimmerman: Mr. Mayor, I would --

>> Mayor Adler: Just for form since you made the motion, you would have the first opportunity to talk if you wanted to. Certainly don't have to.

>> Houston: Thank, I'm not going to because we have the amendment and then go to vote. Unless somebody needs me to make comments.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. The motion I wanted to make was to amendment this ordinance in part 1 -- let's see. Part 1 says all city of Austin development fees, et cetera, et cetera, shall be and are

hereby waived for all parcel lots, sub districts 1, 2 and 4 that are owned and developed and I would add a comma with a cap of \$20,000.

>> Mayor Adler: I'm sorry, where are you reading at?

>> Zimmerman: On part 1 of the ordinance in the backup. For item 30.

[11:56:03 AM]

>> Mayor Adler: Sorry.

>> Zimmerman: And part 1.

>> Mayor Adler: Okay.

>> Zimmerman: At the very end of part 1 where it says by nonprofit corporations, comma, my amendment is to add with a cap of \$20,000.

>> Mayor Adler: Okay. Ms. Houston, are you okay with that?

>> Houston: Uh-huh.

>> Mayor Adler: Any further discussion on this amendment? Councilmember tovo.

>> Tovo: Do we have a sense of what those fees have typically been?

>> Houston: We asked that question of development, planning -- oh, there he is.

>> Tovo: You know, I --

>> Thank you, councilmember. Rodney Gonzalez, director for development services department. With regard to the question of do we have an idea of what those fees are, they really are project specific and so without having an understanding of what projects we're talking about we can't really estimate what those fees are. But, of course, you know, the cap that's being here, that would, of course, limit the amount it would be, but we don't -- we can't provide an estimate unless there's a specific project in front of us.

>> Zimmerman: Mr. Mayor, we did ask that question and we got the Q and a backup and it said your same remarks and that's why we said, well, if it's unknown, then it's an absolute blank check so we came up with a number of \$20,000 to see where that would get us, see what these fees would look like and we could go back and look at it later once we see what's happening with the fee waivers. So we didn't just want to vote for an open-ended, unlimited amount.

>> Mayor Adler: I would assume you mean \$20,000 per project. Is that correct?

>> Houston: Yes.

>> Zimmerman: I believe that's correct, yes.

>> Mayor Adler: Okay. Are you comfortable with that limitation, Ms. Houston?

>> Houston: Uh-huh.

>> Mayor Adler: Further discussion?

[11:58:03 AM]

With a cap of \$20,000 per project. No further discussion. Those in favor of the item as amended. Those opposed? Unanimous on the dais and it passes. That brings us to lunchtime. So it's noon. We're going to go --

>> Kitchen: Could we go ahead and do 31 unless there's a lot of discussion?

>> Mayor Adler: I would like to discuss that. 31 was the bond election. And we have citizens communications. Before we break for lunch, let's do citizens communication. Robert Corbin. Mr. Corbin.

>> Ready?

>> Mayor Adler: Yes.

>> Right here 60 days ago I described a few facets of local dog lunacy of which no kill with the most destructive facet of all. No kill sounds great. Who could be against it. No question is more loaded than do you support no kill? But study and analyze no kill and you will see a flawed policy. 60 days ago I told you about a large old pit bull warehoused at our animal shelter for seven months as my estimated taxpayer cost of \$3,000. Money which instead could finance pre-k to get some at-risk child on the path to college and not jail. Also I estimate that to feed that pit bull some no killer contracted a higher killer to kill lots of chickens. That's how supply and demand economy works. Five years more of life and hundreds more chickens gets killed. In our global economy, up scale dogs compete with poor people for food and up scale dog usually wins. Meaning some child in some destitute country goes to bed hungry or starves.

[12:00:05 PM]

Up scale dog owners, third world chicken suppliers out bid the child's mother for grain. Save the children tries to assist those children affected. You've seen their fundraising TV ads and maybe the anti-child,

sapcas latest knock number of TV ads which shake Lessly feature their poster dog with the same big end of life eyes that look like they were gouged out of some malnourished save the children's skull. Maybe they were. Aspca's poster dog is accompanied by the same music and voice pleading for money. Money they proudly spent to pull off one anti-child maneuver. Rescuing 200 dogs in Korea and flying them at a huge cost to Washington, D.C. Since six dogs were flown to Texas one likely will make it to Texas to leave poop by a creek, run loose in an on leash area and make life anxious for a mother and child in local park and chickens will shudder. Back to our city's \$3,000 pit bull. For only \$70 our city shelter was going to let me walk out with it. Could that be city subsidizing me? Dog, dog industry or even a religion. With about \$3,000 of taxpayer money, my money? Maybe our city subsidizes every dog they adopt out. The subject of my next talk will be a few of the ways taxpayer money subsidizes dogs and cats. Fasten your seat belts and bring your barf bags, size extra large. After that comes invasive feral cats, protected by some as our most vulnerable citizens. Our city's website says we have 180,000. What? I wonder if they kill anything.

[Buzzer sounding] Please kill no kill. Thank you.

[12:02:05 PM]

>> Mayor Adler: Thank you. Those are all the speakers we have. We're now going to go into closed session to take up one item. Pursuant to section 551.071 the government code, city council will discuss the following item, item 37. Issues related to resolution related to indigent defendants in Austin municipal court. Items 69, 70, 71 and 72 withdrawn. Any objection to going into executive session on the item announced? Hearing none, the council will go into executive session. It's our anticipation we'll be back here about 1:00.

[1:10:01 PM]

[Break]

[1:56:01 PM]

>> Mayor Adler: all right, council. I think we're back again. We are out of executive session. While we were in closed executive session we considered item number 37. We're now back in our regular meeting. I think that we are going to call up -- we have item number 37 and 31, some people that aren't

here quite yet. Let's go ahead and go to 37 and call the speakers and dispense with that. Is Gus Pena here?

>> Yes, Mr. Mayor.

>> Mayor Adler: You want to come speak on 37? John Ruis is on deck and after we have Joel mcneue.

>> Mayor, councilmembers, Gus Pena, proud native east Austin night, proud Marine Corps veteran. The endorsement I showed you when I ran for judge. Having said that I used to work for municipal court and criminal district court as an Austin bailiff. Number 37, it's something that hits me very close to my heart because not only have I advocated for children and students, young adults at garner bets juvenile probation I also helped out adult probationers also. I can't understand -- I'm thoughtful this issue has been brought to light because, mayor, councilmembers, a lot of people are poor. This is not a good -- Mr. Mayor, this is not a good city for the poor. Middle class, okay? I don't want to hear it. Poor. And once you become poor, it's not good.

[1:58:02 PM]

You have to find an alternative way to do something you know you don't have a license, you don't have insurance. Boom. You take the hit. Judge Murphy, a presiding judge when I was there, judge Murphy and a lot of good judges showed me and taught me the law. I learned a lot from them. Jailing indigent people because they are poor and can't pay, excuse my bad English, it ain't good. Whoever brought this up, I want to thank anybody who brought it up because we need to find an alternative to incarceration and this is not it. Should I say it's not a criminal act, it's a civil act, I guess? Whatever. Anyway, incarceration is not the best interests. Let's find some way we can help the indigent people. There's a lot going on right now. I can't tell you how many have had their driver's license revoked, not because they've been dwi, whatever. As a former court officer I can tell you the horror stories, even 18 and up. So, mayor, I would request whatever -- and I read the resolution. It's good. Just find an alternative to incarceration. If you don't hurt anyone, let's find somehow, somewhere to have alternatives to jail. You know, I worked in the jails also. It ain't -- I saw some good people in there, even former elected officials that shouldn't be there. Again, mayor, councilmembers, whoever drew this up, thank you. It should have been brought up a long time ago. I'll help out in any way I can. You know me, I'm not well but I will volunteer as a volunteer at garner bets still because we need to not have incarceration for good people. Let them pay however, payment plans, et cetera. I've sent young people to the judges over there, municipal court. They've been very good in helping them out. Any, judge -- mayor. Changed your title.

>> Mayor Adler: Thanks for the promotion.

[2:00:03 PM]

>> Anyway, find an alternative manner and we thank very much whoever brought it up and support it. Thank you.

>> Mayor Adler: John Ruiz. Joel mcnue and Michelle rodri is on deck.

>> Good afternoon. Thank you for your time and thank you especially for the time you took during your session to discuss this tonic. My name is jeoelle, and I'm a founding member of stake horns. We wanted to bring up the conversation with this resolution. We are very happy with the conversation and dialogue with the council and the community engagement for the sobriety center, as well as the host team. And with this resolution, we felt that it came very quickly. I found out about it on Monday and heard it became public on Friday and then it's being voted on. So with this resolution, we don't feel that there was much community engagement and we just had questions about the verbiage and the understanding. And I was told yesterday that basically y'all are going to create a set of guidelines that must be followed, and when we hear that, we just want to make sure that the resolution doesn't take away from the judges' discretion and the judiciary system of the court with these judges that are engaging, as well as what criteria will determine whether an indigent defendant should complete community service. I know that you're talking about -- in the resolution, from conversations I've had, that the determination of indigent and the working poor.

[2:02:04 PM]

And, again, with safe horns, our concern is the safety of Austin UT campus and the areas where visitors come, our students, faculty, live and work. What is the accountability going to be? And if there is no accountability, then what is going to be the effect? Will these then become the habitual criminals that we talk about that, we see other and over, that they have over 25 with one that is still active within the last two years? And we just want to make sure that this resolution -- we wish that this resolution had more dialogue with the community and those people involved. And we want to make sure that this hardship -- how the hop is going to be determined -- hardship is going to be determined and what is the expense of this? So when you're talking about eliminating the expenses for the person being jailed, then we hope that that additional money, then, will go back to public safety and go to A.P.D. Because we strongly want the host team to continue. We want the host team to be permanent. We want Ms. Houston's area to have a host time, as well as possibly add more time to our area of concern --

[buzzer sounding]

-- Because the engagement engagement is what we think is most important.

>> Mayor Adler: You can conclude your thought.

>> Mayor Adler: You done? Thank you. The next speaker is Michelle rodri, and then John Ross is on deck.

>> Hello, everybody. I appreciate the time to talk with you today. I'm also concerned about proposition 37, and I had a couple of questions I'm hoping you can answer for me. The first one is how much additional time and money will be spent by the court officers who will now be task with evaluating all of the different circumstances and determining their indigents and whether community service or jail is appropriate?

[2:04:17 PM]

My second question is, have you considered that anniversary in community court is one of the few opportunities that the homeless and indigent people have to make contact with the system and be assessed for needed social and medical services. Sometimes that the the only contact they have and we want to make sure that's still available to them because unless you have contact, you can't determine what services are needed and they go right back out to the public. We've become a catch and release society, so what can you tell me about that? And that's it. I'm a mom of a UT longhorn. He's going to be living in west campus this year and we spend half of our income here in the city of Austin, and we love it. We absolutely love it here. So I'm just hoping that we, as a community, will still make sure that we're making contact with the people that need the help. And that's it.

>> Mayor Adler: Great it but.

>> Thank you for your time.

>> Mayor Adler: Thank you. John Ross. David king. John [indiscernible] Is on deck.

>> Thank you, mayor, mayor pro tem, councilmembers. I'm very happy to see this item today and I think it is important in past time -- I'm not being critical. I know this issue has been here for a while, for a long time, and it's time that we do something about this. You know, it's unfair to have our citizens put in jail and incarcerated because they can't pay their fines. And it's an endless spiral that's, you know, unfair and disproportionately affecting certain members of our community here, which is also unfair. So I'm glad that you're looking at this issue of inequity and doing something about it. As I read the resolution, it's not enacting anything other than going and getting information and recommendations for guidelines and standards and bringing those back to the council in 90 days and having you consider those.

[2:06:26 PM]

So we do -- it seems like we do have a 90-day window of time we could get additional input on this from other, you know, interested parties. So I hope we have that time to do that, and -- but I hope it's not delayed. We don't -- we're not delaying this and -- you know, but we do need the input. So I think the sooner we get this done the better, and have those citizens who are in jail now unfairly, let them come back to our community and live their lives and, you know, not having them insurance cars rated saves us money as well, the expense of incarcerating them. I think there are a lot of good benefits here and I appreciate you taking a real look at this issue of inequity and unfairness and doing something about it. Thank you very much.

>> Mayor Adler: Thank you. Ronjanannatarjen. Brad parsons is on deck.

>> Thank you. I'm with the university of Texas school of law, clinical professor at the law school where I direct a civil rights clinic. We've been working on issues relating to the cons constitutional rights of criminal defendants. I'm happy to see the city council is taking on this issue and the resolution looked really good and I'm hoping the city will take great advantage of this opportunity to modernize its system of municipal court practices. We're very interested to -- to make sure we can eliminate or reduce incarceration where it's not necessary and where there can be some cost savings. I wanted to provide a little bit of information about one of the provisions of law cited in the resolution that I think is really important. It's 45.203 of the Texas code of civil procedure -- sorry, criminal procedure. It's a really important section because what it says is that this contra Costa is authorized and in fact -- city council is authorized and obligated to prescribe the rules for the court about the methods of enforcement of collecting fines. In order, you would be well within your authority to set the rules for how we enforce the collection of funds, even though we then let the judges do the work and actually enforcing those rules once the rules are set in place.

[2:08:38 PM]

And that provision not only says that you can do that, it says you must do that. It says the municipal lawmakers have to set that policy, and then the judges implement it. And it also says you can in fact choose not to imprison any defendant. It says you may do it through execution of a civil judgment or you may do it through imprisonment. There's no question this municipal authority has the power to eliminate jail time for people with class C traffic tickets if you so choose. There are two other points that I wanted to make really fast if I have time. I have heard questions about separation of powers in this context. And there's case law both from the supreme court of Texas and from lower courts that make clear that there are no separation of power principles that are at stake here. For example, no municipal lawmaker could call up a judge and say, hey, my brother-in-law got a ticket, can you take care of it? Obviously, that's very wrong. You can't do that. We all know that. What you can do is set the rules for the court and then set -- and then have the court implement those rules. Your charter allows you to do that and state law specifically contemplates that you would do that. And in fact code of criminal procedure section 45.047 says that a municipal judge can convert a Jim fine on which a person has

defaulted into a civil judgment. So it actually sets forth the alternatives to imprisonment in state law, so the state has already said to the cities, you can do as you like and you can choose not to imprison people if you don't want to do so. And then last thing I wanted to say was, similarly, I know that the city attorney is the municipal prosecutor in these cases, there's a provision of state law that says the job --

[buzzer sounding]

>> Mayor Adler: You can finish your thought.

>> The job of the prosecutor is not to convict but to make sure that justice is done and that's -- I'm quoting verbatim.

[2:10:39 PM]

So I think that I'm really happy to see that this resolution is being considered, and I hope that it makes some really necessary changes. I'm happy to answer questions too.

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: I love people that have law backgrounds, really cool. Thanks for being here and making your comments.

>> Sure.

>> Zimmerman: Let's say that the city has the optimal policy for how we handle this, we're trying to avoid sending people to prison. What happens if the municipal judges don't follow the city policy? What if they cite state law that allows them to imprison people, you know, in a certain way they interpret and they say, well, state law says I can send this person to jail and they basically ignore the city policy? What happens then?

>> So under the state government code, the municipality and the city council is in charge of appointing, evaluate and firing judges so it's well within your authority to set the criteria for the judges, including you must follow the ordinance of the city and if they choose not to do that of course that would be perhaps grounds for termination. So that's one possible outcome. Another possible outcome is they may be individually liable in lawsuits for not following the law.

>> Zimmerman: Okay. I appreciate that. And we're looking for those opinions because I've heard in other quarters that there's a judicial commission that claims they have authority and the council does not. In other words, you know, maybe we could choose to not renew a contract, but it's up to the judicial commission whether they get disciplined or, you know, terminated for violating ordinances.

>> So I think that's right that the judicial commission also has authority to discipline judges. That's absolutely true. But if the job description and the job qualifications require enacting and implementing city ordinance and an employee doesn't implement the ordinance, including a judge, I think it's probably within the parameters for the municipality to hire and fire or discipline as sort of set out in job qualifications.

>> Zimmerman: Thank you.

[2:12:41 PM]

Mr. Mayor, could we get a -- our legal interpretation? We have city legal staff. Does that sound consistent with their understanding? It seems like a question of public policy and law. I don't see why this would have to be an executive session conversation. Just seems like an understanding of what the law is and what our rights are as a council.

>> There are provisions of the government code that explicitly address the power of the municipality over appointing judges and removing judges as well.

>> Zimmerman: Do you remember what that is by any chance?

>> I think it's 30.0001 to 30.0005. I might be off by a zero, but you can figure it out.

>> Zimmerman: Terrific. Thanks so much.

>> Councilmember Zimmerman, that's correct, is that the government code does allow cities to hire and remove judges. Our charter, however, does not lay that out explicitly so it would require a charter change.

>> So we've talked about that a little bit in executive session and one of the issues, can the judges be sued, and I think the law professor is well aware of that situation. So we'll provide any further advice we can -- again, later.

>> And may I add one other thing about cost, which I know that a couple of other speakers mentioned? The way I think this is a legal point also. The supreme court has made clear since 1972 if you're going to put anyone away and sentence anyone to any amount of jail time you have to make sure they're not indigent and if they are indigent you have to provide them counsel. And so currently the Austin municipal court's practice is nobody is appointed counsel at the time of trial even though they might later be sentenced to jail. And if they're indigent, that violates the sixth -- violates the sixth amendment to the U.S. Constitution. That's a grave concern I think for -- of course the city of Austin is not unique in this respect in Texas but that's a huge problem.

[2:14:48 PM]

And that's gonna -- in terms of cost it would be far costlier to appoint counsel for every person who might be eligible than to reduce or eliminate incarceration altogether.

>> Zimmerman: You brought up the point of indigent status and I think there's ambiguity as to exactly what constitutes indigent status and who you is it determined and whose judgment is followed. I don't think that's clear.

>> You're right, there are different

>> You are right. Can I address it for just a second? Indigency for purposes of counsel, we do it across the country, we ask someone can you afford counsel, what are your assets, income. The functional test is if you don't have enough money to afford counsel, the state has to provide counsel. Counties including Travis county have maybe a five-minute conversation with everyone. That's already out there. You are right what is indigency for purposes of ability to pay might be a harder question. I would submit it's not rocket science and we can figure it out and we have very short court personnel who can do that -- very smart court personnel. I think we have options in terms of where the floor might be, but for purposes of counsel it's crystal clear. If you can't afford counsel, and usually that means if you are on government assistance you might automatically qualify, certain income levels below a certain threshold, but the idea is to be as flexible as possible. If you can't afford counsel, it has to be provided for you if you are going to deal even for one day. Thank you very much.

>> Mayor Adler: Thank you very much. Next speaker is Ann tiche.

[2:16:49 PM]

Those are all the speakers. We are now back up to the dais. Councilmember Garza.

>> Garza: I would like to move the amended version, the yellow copy that everyone has.

>> Mayor Adler: It's been moved. Is there a second? Ms. Pool seconds that. Any discussion? Ms. Garza.

>> Garza: Sure. I just want to clear up any misunderstanding. I don't believe this takes away accountability. It does not take a judge's ability away to order jail time. It just provides more safeguards, I believe, and I also believe it is in line with state law. It just provides a little bit -- gives a little more teeth. Gives a little bit of policy, a lot of policy direction from this council that we do not believe that if you are indigent you should serve time in jail because you cannot pay a fine. And so I understand concerns about this coming up quickly. This has been a conversation in this community for a while and I'd also point out that this does not make any code changes. It directs the manager to come back with

some options. In addition to my amendments, also address convening relevant staff and stakeholders to add further uniformity and achieving the objectives identified in this section. So I hope that the city manager's office will include the groups that came and spoke here today and this will come before council again. This is just initiating the process to change what I believe is a part of the code that could be made a little more clear.

>> Mayor Adler: Further discussion on this item? Yes, Ms. Troxclair.

>> Troxclair: Just for clarification purposes for the couple of speakers who spoke with concerns, can we have our legal staff clarify that is already required under state law so we can have a clear understanding of what changes this is really making or not making to state law?

[2:19:10 PM]

>> [Inaudible] Judges have to follow in municipal court.

>> And so specifically before you can commit someone to jail for not discharging their fine to a court, there are two instances where a -- and I'm just going to read from the statute. Two instances where a defendant can be committed after being sentenced. It's one when the defendant is not indigent and has failed to make a good faith effort to discharge the fine and costs, or the defendant is indigent and has failed to make a good faith effort to discharge the fines and costs and could have discharged the fines and costs without experiencing any undue hardship. So as part of the determination when a judge commits someone to jail for not discharging their fine, they make the -- before they do, they make a indigency determination and then under state law they are required to do that two step. Indigent determination and that it did not cause undue hardship to discharge through that alternative means whether a payment plan or community service.

>> Troxclair: Although this resolution I think is maybe to enforce that and to set a city policy, it seems like the main points of what is required of our judges in here is not necessarily different from what is already required of our judges.

>> That's correct.

>> Troxclair: Thanks.

>> And actually, can I ask since I see the presiding judge in the audience and ask a couple questions as well?

>> Mayor Adler: Yes.

[2:21:18 PM]

>> Troxclair: And can you tell us from your perspective whether or not this process is already being followed in the courts in Austin?

>> Well, it's legally required. As far as I know, it is being followed. Our court clerk, Ms. Grub, is here. She does have some statistics that can tell you how much community service has been assigned, how much has been completed, how many waivers there have been. That may give you a little bit more information on the numbers. The judges have all been educated very recently, they've all had the opportunity to be updated on the most current law. So they know what they are supposed to do. Each judge has discretion so how they do it may vary from judge to judge.

>> Troxclair: But they already offer an indigent person unable to pay a fine to complete community service or --

>> If an indigent person comes into court and we do have the walk-in court as well as talk to defendants at dockets and when they enter pleas, if they came they are not able to pay they have a indigency hearing on the spot and assign community service if that's appropriate.

>> Troxclair: Okay. And then further on in the resolution it requires that there are -- that the presiding judge ensure there are forms available in order to facilitate the evaluation of indigency and those forms. That's something the court is already doing?

>> We already do that, yes, ma'am.

>> Troxclair: Okay. And then directed to develop a system to track the number of defendants committed to jail. Is there already a system in place to track?

>> Not a particularly good one. We have case management system. We have been working on pulling out the data that we can, but we are in the process of getting a new case management system that will certainly be part of our expectations in that system.

[2:23:18 PM]

>> Troxclair: Okay. Thank you.

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

>> Garza: While I understand judges know what they are supposed to do and there are indigency questions asked, would you say that it varies from judge to judge how indigency is determined?

>> Yes, it does.

>> Garza: Okay. And so the goal of this is to make that more uniform. And it also addresses the concerns about the counsel being appointed and ask the city manager to work with you to see what can be done about the possibility of appointing counsel when a person is facing jail time. That's for clarification.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you. So I like the goal of this and minimizing the number of people that we put in jail purely for economic reasons, you know, for not paying fines, but it seems like based on the limited knowledge I have here that there may be some disagreements between our various judges on how to interpret some of our interesting ordinances and procedures and rules. So I'm not comfortable this is the right way to do it. I agree with the objective so I'm not going to vote against this, but I'm not convinced this is going to get us to where we need to be. And I'd also made a suggestion I hope to follow up with on later that maybe there could be a policy change to where we could simply offer community service or fines to people that come before court just as a matter of course and we're not obligated to try to say who can afford to pay a fine and who can't. I'm not comfortable putting our judges in that position of who can afford to pay a municipal fine and who can't. That's a judgment call. And I don't even think you can do it necessarily by median family income. Everybody is so different and every situation is unique.

[2:25:20 PM]

I think I'm going to abstain from this but I am interested in the objective of minimizing the anecdotal problem of debtor's prison however true that might be. This is complicated, but I appreciate the fact we're working on this.

>> Mayor Adler: Item 37 has been moved and seconded. Further discussion? Those in favor please raise your hand. Those opposed? Those abstaining? The vote is 10-0-1 and it passes. Ms. Kitchen, do you want to bring up item 31 was pulled by miss Gallo.

>> Kitchen: Yes. This is item 31. I move passage first and then talk about it? I'd like to move passage of 31 and item 31 relates to creation of the bond advisory task force for -- to find findings back -- present findings back to us in time for a 2017 or 2018 bond process. I wanted to appoint to one -- point to one item, one part of it that I think would be a friendly amendment if we changed. What it has in it is for the task force to bring back to us their recommendations no later than may 1st of 2017. It was suggested to me perhaps that's a little late if we were going to consider a 2017 bond. I have no idea whether a 2017 bond is actually feasible or possible, but I was wanting to just preserve that option in case that's something the task force says to us. So I wanted to change it no later than April 1st if there's no objection from anyone. And that just gives the council more time to think about any recommendations.

>> Mayor Adler: Is there objection to changing may to April in subpart G in that resolve clause?

[2:27:22 PM]

Hearing none, we're going to go ahead and change that to April 1st.

>> Kitchen: Okay. And then I also had one other provision, and I apologize I don't have it written but I think the concept is again something that is minor and that is simply to say that when we make the appointments -- and I'll get the language -- I think it would go in C and it would be a number 4 in C. And basically what it would say is that the task force is subject to existing requirements that relate to conflicts of interest. And -- and it would reference that section and that section is -- I'm making copies of the change. That section is 2-1-24. So -- and I don't know if that would just go as a separate -- separate subsection or go in here, but basically it would just reference back to requirements that are already in existence and just make it clear that the task force is -- is subject to those conflict of interest requirements.

>> Mayor Adler: So you are adding an item number 4, this amendment shall be should be inject to conflict of interest --

>> Kitchen: Provisions in 2-1-24 of the city code.

>> Mayor Adler: Of city code. Is there any objection to adding that subpart 4? Hearing none, that's added.

>> Kitchen: That's all I have in terms of minor changes. And so I just think -- the reason -- I'm not bringing this forward alone. I know we've talked about this for a while and others have talked about it, I just think it's important to go ahead and start the process of considering bonds as soon as possible. The other language that's in here is it specifies that this task force would start meeting by I believe it's October 1st. So the idea is to get started and look at the other needs that we've all been talking about, and there's some language in here about those other needs.

[2:29:27 PM]

It's not that the task force would be limited to them, but we list -- including but not limited to needs related to flooding, libraries, housing, mobility, transit, parks, fire stations and other things. So --

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

>> Pool: I just want to offer -- because I'm one of the co-sponsors on this and I very much support this initiative and I thank you, councilmember kitchen, for bringing it forward. I am a little concerned that

introducing that we might have another bond election in 2017, I just -- we haven't even gotten through the one we're hoping to have this year so --

>> Kitchen: I'm not advocating for 2017. I'm simply providing the flexibility that it would come back to us in time in case that was a discussion the council wanted to have.

>> Pool: Okay. Thanks for the clarifying --

>> Kitchen: That language there is just for when it comes back to us. If you want to look at the language, it's G on the last page.

>> Pool: On the report, the task force report no later than April 1 instead of may 1.

>> Kitchen: That's right.

>> Mayor Adler: And in that same light in terms of this proposal, resolution not prescribing anything but just saying make sure that you consider any and everything that might be relevant. There were some people in the community that were concerned that rail or transit was something that was not something that could be either considered now or later, that it wasn't still part of something that could be considered in the community. I've handed out an amendment that points out the studies that are already taking place in the city as it has that investigation and has that conversation also going back -- forward and being considered without any determination being made here by the council.

[2:31:29 PM]

So I would move this amendment. Is there a second to this amendment? The whole thing. Which adds a whereas clause and two resolve clauses. Mr. Casar seconds it. Is there any discussion on this? Mayor pro tem.

>> Tovo: Mayor, I have a question for you. I see that you've identified the date to report back as 2018. In light of the change that councilmember kitchen made, I would suggest changing that to 2017 as well.

>> Mayor Adler: I'm fine changing that to 2017.

>> Tovo: And I appreciate this addition and we'll have an opportunity to talk more about this later today, but I think this is clearly an important priority for the community and I appreciate the discussion -- I appreciate the resolution that councilmember kitchen and others brought to set up that bond advisory committee to look more comprehensively of the needs across our city and I particularly am glad to see -- I'm glad to see also consideration also of urban rail.

>> Mayor Adler: Any objection to the change being made? None, then the change is made to the resolution. Yes.

>> Pool: Just clarification, is the change of the year that the mayor pro tem just said, is that in the second be it further resolved in the amendment sheet from the mayor?

>> Mayor Adler: Yes.

>> Pool: No later than 2017, a proposed first investment. Okay. Thank you.

>> Mayor Adler: Yes. We also have speakers on this as well. Ms. Troxclair.

>> Troxclair: I'm sorry, I just saw this and just reading through and maybe it's procedurally too late, but I really am concerned about us -- the community being ready for a rail bond in 2017 so I guess I would have objected to the last amendment to your amendment.

>> Mayor Adler: And it's at this point we take it out, but it's just saying they need to report back.

[2:33:29 PM]

It doesn't say it has to happen at that time. It could be that the bond commission comes back and says, you know, don't do this in 2017, do this in 2018. Just allowing --

>> Troxclair: That's a realistic time line.

>> Mayor Adler: Without prescribing anything to that group, I would let that group wrestle with all the questions. Mr. Zimmerman.

>> Zimmerman: Thank you, mayor. I didn't speak of any objections because the amendment very clearly says that there's a goal of identifying minimal operable segment of an urban passenger rail system. I'm going to vote against it no matter how you tweak the language or anything else because it's pretty clear the resolution says -- it assigns the tasks. It says you are going to come up with an urban rail system and I'm like no, I don't want to force them to do that so I'm going to vote no.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you. I'm sure there are many people on the dais that are speed readers but I'm not one of those. When we're handed stuff at the last minute, could we have some time to try to understand what the issues are before we have to vote on them?

>> Mayor Adler: Yes. And before we vote, we have some speakers that have signed up to speak on this issue generally and I'll call them now.

>> Mayor, I pulled the item because I had some questions.

>> Mayor Adler: Okay.

>> Gallo: What I'm trying to understand is that we have a bond oversight committee. And so council Houston, if you could explain how you feel these two will interact because one of the things that came from our public engagement task force was that we have a tendency to have too many boards and commissions so I just want to make sure there's -- I want to make sure I understand the clear delineation between the two. And then also in case we don't have staff here to answer this question, I wanted to make sure that a person can serve on more than one board or commission because it may be that some of us have appointees on the board oversight commission that would be really appropriate to appoint to this.

[2:35:40 PM]

As you explain if we have staff to address that second question.

>> Kitchen: Yes. This is an attempt to balance the interest of that connection between the bond oversight committee and this task force. And the way that it attempts to strike that balance is by having the bond oversight committee appoint two members from their committee to this task force. So that's one thing. The second thing is that -- that anybody ought to be able to appoint to this task force and they could certainly appoint someone that is on the oversight committee. I think your question is worth checking to make sure that there's no prohibition against that. It's not my intention that that not be the case. So we can talk to staff in a second about that, answer your question. And then the only reason from my perspective of having a task force instead of just giving this whole project to the bond oversight committee is because of the volume of work. The bond oversight committee is responsible for overseeing how bonds are -- you know, are done and so they are doing that with existing bond packages, and if the 720 package is passed in November, they will be taking on those kinds of responsibilities too. I was just worried that -- I was just thinking that we don't want to put all that on that particular committee and so therefore this establishes for some connection between the two and I believe it would allow for anybody to appoint someone who sits -- besides which giving that bond oversight committee two of their own appointees, it would also allow any one of us to appoint someone who's on that bond oversight committee if we want it.

>> Gallo: Thank you. That's really helpful. I just want to make sure there's a real clarity of when the function of the task force stops and the bond oversight committee and so just a couple of places and I think we can work on this, but a couple places in section B of the bond oversight committee information it says the commission shall monitor the managers' plans related to the issuance of bond and issuance of projects approved in the bond elections including the review of future potential bonds.

[2:38:07 PM]

>> Kitchen: Okay. Okay.

>> Gallo: I think it's very important to look at what we've already tasked an existing commission with and make sure that we're not adding duplication but that we're adding something that will actually integrate well into what's being done.

>> Kitchen: The other thing to look at and this point is item G where it has this task force dissolving at the end of whatever this process is. So the language you read from the bond oversight committee, if that's confusing perhaps we should do something -- I don't know if we need to do anything about that or not is what I'm saying. But it does say in here that this task force is dissolved.

>> Mayor Adler: Hang on one second.

>> That's Normal for a bond advisory committee, I've been on a number of them and the bond task force that you are setting up, it has a specific and discreet assignment as you laid it out here. It may be that some members on the oversight committee want also to serve on this and you make provision for two people to actually be financially appointed from the existing commission that councilmember Gallo is referring to, but you are also opening the door for each one of us also to appoint someone to that. It's pretty intense work and it is asking more of the existing committee and I did have some -- I did have some concerns last year when we did away with the bond advisory activity and assigned it all to the commission, I think it was on a motion that councilmember Gallo had brought about a year and a half ago and I had some detailed concerns about that which are fixed by your resolution so it assigns the discreet effort for whenever the next bond commission -- committee -- whenever the next bond would be issued so that that work is done by that group that focuses on that and doesn't get overloaded with the work because the oversight work is also fairly intense and detailed.

[2:40:20 PM]

So this allows people who would like to have the extra assignment to volunteer for it or to be appointed and it gives good overlays with the existing commission that councilmember Gallo had created last year through the two positions, and also has finite length of time, a finite service. So -- so I think that what you have brought here answers a lot of those questions, leaves the door open for those who would like the additional assignment but does not overburden those who don't have the ability to spend the additional time.

>> Kitchen: Do we need to verify with legal that we could -- that someone could serve on both? Is that a question -- both the task force and the bond oversight. They could, right?

>> Yes, that would be fine.

[Inaudible]

>> Kitchen: So you can serve on a task force and a board.

>> Mayor Adler: Thank you. Any other comments before we go to public testimony? Mr. King. Do you want to speak on this? Okay.

>> Thank you, mayor, mayor pro tem and councilmembers. I really appreciate this item and I think this is really important. I know we have an acute transportation issue that we're trying to deal with our 720 million-dollar bond program, I wish we had this particular task force in place so we can inform this bond package through that process. So -- but I know we have urgent needs and we need to move forward with them and get these problems solved. But I would like to suggest that maybe we consider on this resolution for this task force that it be required to follow the open meetings requirements and that lobbyists cannot serve on the task force.

[2:42:25 PM]

And, you know, I was trying to watch the bond oversight commission's meetings, but apparently they are not always recorded. So I don't know why, but I think this kind of an issue is important enough that the meetings should be recorded so that the public can go back and look at the comments and the testimony, you know, after the fact. So I would hope that we can require that these -- this meetings of this task force be recorded. I would prefer video recording so you can see it, but at least that they be recorded so that the public can go back and listen to those comments after the fact. Thank you very much for bringing this forward.

>> Mayor Adler: Thank you. Jay crossly is the next speaker.

>> Hello, mayor Adler and councilmembers. Thank you for your service and for this time. My name is Jay crossly and I live with my wife and two-year-old son in district 7. And I just wanted to suggest two things to work on for this future bond process at the beginning of the cycle. And that you should look at and the two things are participatory budgeting and what the city of Houston did with the rebuild Houston concept. And so first I think there's a lot to be gained through participatory budgeting in Austin on the bond process. In this last round -- and I have an image. In this last round you did the mobility talk survey that did have lots of participation and got sort of comments from people. And there was I thought one clear resounding thing from the survey, 4% of people in Austin currently are able to use public transportation as primary mode of transportation. If you go to the next one, a plurality, 42%, wish they could use public transportation as primary mode of transportation.

[2:44:26 PM]

In the in-person meetings, 65% said they wish they could use public transportation. So what that's called is a massive unmet demand and usually massive unmet demands are due to market perversion and I would suggest the spending priorities of Texas transportation priorities are not aligned with citizen priorities. And so participatory budgeting is a way to get there. And you have this resounding result from your survey, but I'm not sure how it will factor into the decision you make later today. I hope it will. In a participatory budgeting process you would give citizens meaningful ways to consider actually dollars and tradeoffs and what it might mean and what things we want to prioritize. And so I hope you will ask staff to look into how to do this better and my suggestion is city of San Antonio is doing a similar budget, they are doing an \$840 million bond where they have had a several year process of participatory budgeting. And the final thought is I hope you all understand what happened in Houston when mayor parker pushed through rebuild Houston. Houston decided for streets and drainage, Houston would go as a pay as you go system and would stop doing bonds for streets and drainage. Mayor parker took the hit. It actually meant not spending a lot of the money for several years on paying off old debt, but what Houston has now is an ongoing large amount of money to spend on fixing the streets every year and I think you should have staff look into this and try to understand at least what Houston did there and that can allow bonds to be spent -- you can spend your regular budget on keeping our streets safe. So thank you very much.

[Buzzer sounding]

>> Mayor Adler: Thank you. We're now back up to the dais. Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. Going back to these surveys, I mean the surveys, in my opinion, are extremely misleading because they don't give people a way to do a cost benefit analysis.

[2:46:33 PM]

To simply ask a question would you like to use transportation, yes or no, it's kind of a silly question because if it's going to cost you a staggering amount of taxes, if it's not going to be convenient, if it doesn't take you where you need to go when you need to get there and it costs too much money, the answer is absolutely not. But if you just put a blanket question out there as if you are going to get public transit for free and it's going to be everywhere you want it, go everywhere you want to go, sure, the answer is yes. But when you put rail up and public transit for a cost benefit analysis, it is a failure. And the memory is pretty short in 2014 the rail proposal here that the city put forward unanimously by the old city council was resoundingly defeated. And that was because people were educated on what the cost was, very, very high cost and a very low benefit and the voters voted it down. I just wanted to make that comment.

>> Mayor Adler: Okay. My amendment has been moved and seconded. Any further discussion on the amendment? Let's take care of that. Those in favor -- I'm sorry?

>> Kitchen: What are we doing now?

>> Mayor Adler: You made a motion, I made a second. It's on the floor as the amendment has been handed out on the white paper. We should dispense with that and get back to the measure in its broader form. Ms. Gallo.

>> Gallo: Thank you. I'm going to vote against the amendment because I think the way that councilmember kitchen did her resolution is that addressed in an equal way a lot of critical needs that we have in the city which said in section a including but not limited to the needs related to flooding, libraries, housing, mobility, transit, parks, fire stations and other planned unfunded capital improvement needs. And my concern is if we add these two resolutions, that is not something that we have said about any of these other needs that I feel like are just as critical and may be even more critical and we are calling attention to two different categories more or less the same.

[2:48:51 PM]

And my concern is that you are focusing attention to those and the others which were all grouped together and set as needs will not get -- will not get the concern and the attention. It just -- I think it takes a need and highlights it when we have all of the other needs addressed in a similar way. So I cannot support that because I think when I look at all these other needs, they are just as important if not more important.

>> Mayor Adler: Any further discussion? Those in favor of the amendment please raise your hand. Those opposed? Troxclair, Zimmerman, Houston and Gallo voting no. The others voting aye. The amendment is added. Bazitski being to discussion on the main -- back to discussion on the main item. Miss kitchen, yes, Ms. Pool.

>> Pool: Thanks, mayor. I wanted to talk just a little about the author of the item to find out her thinking on the items that Mr. King raised. The open meetings act about the recordings and if we have budget implications and how big they would be. I know we did add having the meetings of the citizens advisory group, the cag, be streamed, and that was about \$3,000 and we added it to the budget last year in order to ensure that folks -- folks at home could view. So I'm thinking that if we do that it would be a small amount but we would need to make sure that was allocated and I could support that. I wanted to ask what you think about that.

>> Kitchen: I think that would be great. I think this needs to be a very open and transparent process.

>> Pool: And that also has implications on where the group would meet. And so it may be a little more of a challenge for staff to figure out where that would be, but I think they are probably able to do that.

[2:50:52 PM]

And then the piece on the lobbyists not appointing anyone with a lobbying conflict of interest to the board, that's a smart -- that's a smart suggestion and I wanted to see what you thought about that.

>> Kitchen: That would be acceptable to me also.

>> Pool: Okay. I would like to -- you know, subject to additional discussion about it, I would like to move to amend the language so that we can find the fiscal implications of having these recorded for later viewing, which was about 3500 I think to do the cag last year so just say 4,000, I don't know the number but we can get that. And also subject to the proper language to ensure that no appointees would have a conflict of interest -- that we follow conflict of interest rules and lobbyists internet be appointed to the bond advisory committee. So I would make that motion.

>> Mayor Adler: Okay. So the one with respect to the conflict of interest has already been added. By the earlier work.

>> Kitchen: Well, the part she's talking about is the lobbyist.

>> Mayor Adler: No, no, she's had three things.

>> Pool: I thought I only had two. The lobby is conflict of interest, but go ahead.

>> Mayor Adler: So we have added already the members of the task force shall abide by the subject of the provisions section 2-1-24 of the city code related to conflict of interest and recusal.

>> Pool: That's good.

>> Mayor Adler: That language is already on.

>> Kitchen: That language doesn't speak to the lobbyists.

>> Mayor Adler: That's why I thought there were three sections. That leaves then two. And the first -- you want to make --

>> Kitchen: Both of those are acceptable. I guess what we need to language.

>> Mayor Adler: Right.

>> Kitchen: On the open meetings, I guess that would be a separate item in here, maybe a -- H or something?

[2:52:56 PM]

I'll look to legal to help with that. That would just say the task force shall be subject to open meetings requirements? Is that how we would do it?

>> Mayor?

>> Kitchen: Well, I don't know, how do we normally do -- what do we do with the cag?

>> Pool: I think they would automatically be subject to the open meetings. It's the recording. That's where the fiscal impact is. Maybe we could -- get a read --

>> Kitchen: Let's just state our intention. Our intention to record these. And we will examine it as part of the budget.

>> Mayor Adler: We can certainly ask staff to come back with a recommendation how it might be recorded and what the fiscal impacts might be. Let's do that. So we're going to add H that asks staff to come back to tell us how this might be recorded and what the fiscal and practical applications would be.

>> Pool: That would do. Thank you.

>> Mayor Adler: Okay. And then miss kitchen the lobby?

>> Kitchen: There is a be it resolved. In the interest of language, be it further resolved ... As needed. That's already part of this. To be presented to council to provide information. That's about bonded indentedness. I'm sorry that's not helpful.

>> Mayor Adler: Keep it where we had it in H.

>> Kitchen: Yes.

>> Mayor Adler: It would be its own separate be resolved clause. Does that sound good?

>> I think I understand what you are wanting. One is you want the task force to be subject to open meetings act. Which, of course, creates issues about them working outside of my meetings. And then you want to make sure that we look into the how much it would cost to have the meetings recorded.

[2:54:58 PM]

So we'll report back about that.

>> Pool: Yes. Thank you.

>> Mayor Adler: And then lobbyists. Did you want to put language with reference to lobbyists?

>> Kitchen: My suggestion we go back to this amendment and add -- it says the members of the task force shall abide by and be subject to the provisions of ss2-1-24 of city code conflict of interest and recusal. And shall not be registered as a lobbyist with the city of Austin.

>> Mayor Adler: Okay. So --

>> Pool: We have to talk about it.

>> Mayor Adler: Councilmember pool, you've been on these panels before. Putting it on the open meetings acts means two different things, one, they don't make any decisions except in that open forum. The other is they don't talk to each other outside that open forum. When you've been on the panels before has that been how that's worked?

>> Pool: Yes.

>> Casar: Mayor, I'm generally supportive of the values, but I do want to hop in and ask of those two components, I feel we need agreement to them voting in a publicly open meeting, but since any of their decisions would come to this body where we have the quorum rules, I just wonder and ask you considering your experience and those of any others working on these bodies if these are folks that are oftentimes volunteers and so much more busy. I wonder if there might be some value to them being able to deliberate without as many of the strictures of cross deliberation. I'm not inclined one way or the other. I mean we obviously have to abide by those and getting those folks to feel a little more free just like the community engagement task force I think. I wonder whether it's helpful or not. I don't want it to go by without maybe some discussion.

[2:57:01 PM]

>> Mayor Adler: Did you have a point?

>> Sandra Kim, law department. Section 213 of the city code already requires that all task force comply with open meetings act so it's already in there. It would be redundant. We can put it in the resolution or not.

>> Kitchen: No, we're fine if it's already in there.

>> Pool: I agree.

>> Casar: Then we're okay.

>> Casar: It was just intellectual curiosity.

>> Mayor Adler: We just add the section about conflict of interest.

>> Pool: And the piece about recording.

>> Mayor Adler: And what did you say about lobbyists?

>> Kitchen: The language was to add to this. So at the end of the clause and just add the phrase that says and shall not be registered as a lobbyist with the city of Austin.

>> Mayor Adler: Okay. Does anybody want to discuss that's amendments? Objection to putting those on? If not then those are included. We're back now to the debate on the main item. Is there any further discussion on the main item? Ms. Troxclair.

>> Troxclair: I guess I was just going to say I don't see how it's realistic. I understand that there's an interest in wanting to start discussions about future bonds that have to do with other things outside of mobility, but I don't think it's realistic to -- we were already on such a tight time line with the existing bond and it seems like we're already setting ourselves up for a really tight time line for a potential bond in 2017 and I'm really uncomfortable with that. If the dates in here were focused towards 2018, I may be more amenable to supporting it, but I'm really uncomfortable starting out with the time lines to talk about a potential -- another bond next year.

[2:59:02 PM]

>> Mayor Adler: Yes, Ms. Gallo.

>> Gallo: So first my apologies to the sponsor, councilmember kitchen, because I would have enthusiastically supported this until the direction was made with the amendments for the urban rail passenger system because I think the purpose of this was to have a task force that would evaluate all the needs in the community instead of a resolution that we're talking about right now that says you specifically will go do this. And I'm just -- I'm uncomfortable with that. I like the idea of having a task force that looks at all the needs of the community and doesn't -- doesn't start with a direction from the council of what they have to do. And so I'm going to abstain from this vote and I otherwise would have supported it.

>> Kitchen: Are you reading this language to require them to come back with putting rail on the bond?

>> Gallo: Well, what I'm seeing is your first be it resolved --

>> Kitchen: It's not mine, it's the mayor's.

>> Gallo: No, yours, in the resolution, talks about the task force is established to identify aprioritize bond funding for projects that will address infrastructure needs including but not limited to the needs related to -- and then you list in your resolution a whole group of potential needs for the community. Flooding, libraries, housing, mobility, transit, parks, fire stations and other planned unfunded. My concern is with

the mayor's amendment that passed, the second one, it says that should have a clear goal of identifying no later than 2018 a proposed first investment and a minimum operable of a comprehensive urban passenger rail system. That to me says that there is -- there is instructions to this task force that -- that there is going to be a proposed first investment, which says to me will be included in a bond or will be a bond, and I just think that your resolution has done such a good job of identifying the potential needs of the city, and my concern with this is it is so specific that it gives instructions to the task force that they will go out and do that.

[3:01:16 PM]

>> Mayor Adler: So it wasn't my intent to do that, so if we can come up with language quickly that makes it clear that was not the intent. Because I'd like to continue to have your support of this as well. This came because some people were looking at the high capacity transit in terms of the discussion and we're concerned that wouldn't be something that could be on the table. And I think the goal here is to say this could be on the table as well. The other information that's in here probably doesn't need to be there because it recognizes the processes that are already been initiated in the city. So probably don't need to repeat those because those things are already existing. It was just intended to demonstrate that this conversation was already happening in other places. So since my intent is not counter to anything that you said, I'd like to pause for just a second maybe to change what it was that I did, maybe to pull it back, maybe to make it part of that second whereas clause. I'm not sure, you know, high capacity transit, you know, including without limitation a minimal operable segment. Just so that they know that that's something that is also available to be discussed. I'm thinking maybe something as simple as that might make sure that people know that's also within the realm of things that could be considered. That was the intent.

>> Gallo: I just -- you know, I think the more specific you get -- and I guess my question would be is we have mobility -- councilmember kitchen has already listed mobility and it seems like there are lots of options and opportunities and things within mobility for them to discuss. We haven't isolated out specific things in housing, we haven't isolated out specific projects in flooding. So I mean I think the more vague we can be obviously we have a community that will be very invested in discussing potential ideas with this task force, but I think if we're too specific then I think the impression is going to be out there that we are directing this task force to look specifically at certain things rather than giving them the opportunity to address all the needs in an equal discussion without any prejudice to start with.

[3:03:35 PM]

>> Mayor Adler: And that was not my intent. Mayor pro tem.

>> Tovo: I understand the concern and I think you raise a good point. And here's how I see it. You know, there are certain programs like housing and others where we have a real concrete -- concrete understanding what the needs are and that's information our staff can be prepared to present to the bond committee. It does seem like coming up with the analysis described in that last be it further resolved, understanding exactly how much, you know, what that investment would have to be to produce a minimum operable segment of urban passenger rail does take some pre-planning. And while the staff aren't involved and engaged in all of the processes described above, I think we want to be sure -- I want to be sure that they get to the point where they have that information ready to go for the bond advisory commission. So I would like to retain enough of the details so that when that committee is coming together and looking at all the needs across that they are going to have information that's meaningful to make that decision or not. You know, one of the conversations -- anyway, that's -- so that's where I am on that. I'm fine with incorporating it in that previous list of needs, but I do -- I think there's value in calling it out and there may even be value in resizing that last be it further resolved it may not be certainty that's the recommendations that come forward from the bond advisory commission. But that they would be in a position to evaluate information that's -- that is extensive and thorough and comprehensive enough if they wanted to put that forward as a recommendation to the council, they could do so with certainty that those numbers and that that research had been done in a useful way.

>> Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: And I understand that, but I think that when we kind of specify one thing, people tend to move to work to do that.

[3:05:45 PM]

Because they think we've given them direction. There are many people in this city that continue to talk about gondolas and monorails outside of the box and I don't want people to not be creative and think of ways we can deal with the mobility of the future. I saw an Uber cargo through my neighborhood this morning. I don't want us to narrowly scope this so people are moving toward out come rather than giving them the creativity to come up with something we may not have thought about.

>> Kitchen: I am hearing the concerns that everybody is raising and I have to agree that it was not my intention to direct the task force to put any priority of one thing over another. That's the whole point of the task force is to look at all these things. I was just thinking in terms if that's one of the items they would look at. But when I reread this language, I can understand the concern you are raising, councilmember Gallo. I would have to say and I know we voted on it, I would reconsider it until we get language that's -- that really says what we're talking about.

>> Mayor Adler: I don't know how to proceed. I don't know if you want to wait until you get more language or move to strike it.

>> Kitchen: I would pull it down unless we can craft more language right now. I don't know what the procedure is because --

>> Mayor Adler: Or we could -- we could certainly reconsider this and bring it back up at 4:00.

>> Kitchen: I don't want to reconsider the whole item unless -- I was just --

>> Mayor Adler: No, no, we would reconsider the vote on the amendment. I think that clearly it's being read to do something that went beyond the intent of what it was. But then I heard -- but then the question is are you recommending we just take it out and then pass it.

>> Kitchen: Yes.

>> Mayor Adler: Or take it out and try to find language to Andre Agassi it?

[3:07:50 PM]

>> Renteria: My -- to address it.

>> Kitchen: My point would be to take it out and pass it. Unless you wanted to add to this list, clearly but not limited to needs related to flooding, libraries, housing, mobility, transit, high capacity transit, parks, fire stations, et cetera, and then these other items are really could fit into another resolution. They are not even directed specifically at the task force where we're directing the city manager to participate in future planning. And even the last one where we're suggesting the city should have a clear goal of identifying an investment. You know, that really could go into a separate resolution because it's -- it goes to the point Mayor Pro Tem was making that we're saying we want the city to come up with identifying information and actually the task force needs to have that information in order to act on it.

>> Mayor Adler: In that case then I would be willing to pull this down and take it out if there's agreement on the dais. It's already been passed so I can't do that myself. With a separate resolution directing staff to stay engaged on that issue and bring it forward. Objection to pulling out that amendment? We can if it's unanimous. If any one person disagrees, we can't.

>> Casar: Not to disagree, but I just want to make sure it's clear that we're sending the message we want to talk about this for that bond election potentially and that pulling this down is not indicative that we don't want -- especially this rail plan that's been talked about for so long to not be on the table. We're not trying to send the opposite message. It's just -- it may not seem to fit in this place enough to give people comfort.

>> Kitchen: Well, and I'm also saying we should come back with another resolution. You know, maybe next week or whenever we can that includes this kind of specificity and clearly talks about our intention and some teeth into some actions to be taken.

[3:09:52 PM]

>> Casar: And I think that will be helpful if -- that may be a helpful conversation to have after we're done with whatever we're doing in the 4:00 P.M. Item because at the 4:00 P.M. Time I want to talk about mass transit and what it is we can do about it in November so obviously depending how that conversation goes that may inform what we choose to do with this item.

>> Kitchen: Okay.

>> Mayor Adler: Without objection, we'll pull out the amendment I put in with the understanding it does not preclude the task force from considering high capacity transit issues and it will come back with a separate amendment that more directly deals with this issue in particular. The resolution deals with this in particular. If there is no objection we'll pull this out. Mr. Renteria.

>> Renteria: I don't have objection to pulling it out, but I want to make it clear that I don't hide my passion about rail and the need for the city. I grew up in this city and consider this my town and, you know, we are in desperate need for solutions to get people to move around here. And we would be fooling ourself to think that, you know, rail is not part of the solution. I just want to make that statement. I don't hide, I support rail and I always will as long as I live in this city.

>> Mayor Adler: Okay. So without objection, let's pull that one out. Now back to kitchen's --

>> Houston: I need to make a comment too because I too support rail. One of the things that my -- my passion is is to see if we can get a rail line from manor into downtown so people don't have to drive their cars into downtown but now we don't have any options. We don't have any options. And so that would have been one of my horizon issues is to be able to help partner with capital metro to bring rail into eastern Travis county. So I'm with you, councilmember Renteria.

[3:11:53 PM]

I want to see rail too. I just don't think it's in this particular resolution.

>> Mayor Adler: Okay. Any further discussion on the resolution now with that amendment out? Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I have a quick amendment to suggest that may or may not get seconded, but it's pretty simple here. On point B where it says the task force shall be composed of 15 members, I want to strike 15 and change it to 11. And then strike section C where it talks about the additional members. So my amendment was to drop it back to 11 members that are just appointed by council.

>> Mayor Adler: It's been moved to make the changes, changing the community from 15 to 11. Is there a second to that motion? Ms. Troxclair seconds the motion.

>> Zimmerman: Just for purposes of discussion, I don't know if this will be a popular amendment, but the point here I want to make is I think the fiscal conservatives like myself are already out numbered on the city council and I think the -- the commissions, you know, be appointed by councilmembers as they should be are also going to probably outnumber the fiscal conservatives. So what could end up happening with the 15-member commission is instead of a 9-2 vote, we could have a 13-2 vote. And I also think -- having a smaller number of members gives a little more credibility to each one of these volunteers that shows up for these commissions. I've heard from Mike Lee, who is my appointment to the African-American advisory commission, that having a larger group frustrated their quorum meeting requirements frequently and it was his opinion that the extra people on there kind of diluted the influence of those who were appointed by elected councilmembers. So I thought his point was very well made.

[3:13:57 PM]

When we have appointed, commissioners appointing more commissioners, it dilutes the influence of those who are directly appointed by our elected council. So I just think 11 members makes for a more influential committee and I think it better represents the district representation we've set up. So thanks for letting me make that amendment.

>> Mayor Adler: Further discussion on this item?

>> Gallo: Could councilmember kitchen address the reason for adding the more? I would be curious.

>> Kitchen: Well, because, you know, two of those additional ones are the connection to the bond oversight committee and I thought that was important. And my understanding that the connection with the planning commission is something that's traditionally done.

>> Zimmerman: Let me clarify if I could. It was my understanding the way those commissions would make appointments, councilmember kitchen, is that it would be simple majority vote. So you have a commission that says, hey, we have appointments. Let's nominate, take a vote. So it would be a simple majority vote for appointing those people?

>> Kitchen: Well, we could change that. I hadn't thought into the details about how they made those appointments, but yes, I guess that's what it is.

>> Zimmerman: That seems simple to have majority vote of the commissioner to decide who is going to represent the entire commission.

>> Kitchen: Yes.

>> Zimmerman: Thanks.

>> Troxclair: I would mention with each of our individual appointments we can appoint people who serve on these commissions. Like I'm going to think about appointing my existing appointment from the bond oversight committee to this same thing. What I'm trying to say is excepting -- supporting councilmember Zimmerman's amendment doesn't necessarily mean that you can't -- that you can't have representation from the planning commission, zoning and platting commission or the bond oversight committee.

[3:16:03 PM]

>> Zimmerman: That's true. And I might do the same thing. The point is when you move to the task force your vote means less than it did on the bond oversight committee. Your vote has less weight, right. Is that correct? Your vote would have less weight.

>> Mayor Adler: Ms. Gallo.

>> Gallo: That brings up another question. What is the makeup of the bond oversight committee, is it one appointment from each councilmember.

>> Kitchen: I'm sorry, I don't recall.

>> Gallo: It seems like it might make sense for the two to mirror each other since they're somewhat connected with what they're doing.

>> Zimmerman: The other point here is you make a good point that there's a work load in place so if one of our commissioners is busy and can't on any more, we could hire -- appoint another person and split the work load. Just by appointing another question.

>> Yes, it is one appointee per councilmember.

>> Mayor Adler: Okay. Ms. Houston?

>> Houston: I'm sorry, how often are they meeting now? They're not doing -- well, what are they doing now at their meeting?

>> I'm sorry, Mike Trimble, capital planning officer. The bond oversight committee right now is meeting on pretty much a monthly basis and right now they're still relatively new. They just came into place in the spring. So we are still getting them oriented and acclimated. Their primary role is oversight of the existing bond programs so we're still providing them some of that education information about that.

>> Houston: Thank you.

>> Kitchen: Could I ask a question? So can you clarify for me, because perhaps my understanding is not correct, but I was thinking that the bond task force traditionally had someone on the planning commission on it.

>> That's correct. Prior bond task forces have had appointments from other boards and commissions.

[3:18:03 PM]

For example, in 2012 we did have an appointment from the planning commission.

>> Kitchen: Would you say that's typical?

>> I would say that's typical.

>> Kitchen: For the planning commission?

>> We've had that in previous bond task forces, yes.

>> Kitchen: What about the zoning and platting commission?

>> I think the planning commission has been the main appointment. I don't know if we've had many from other boards and commissions. I will say that we have had other boards and commissions make recommendations to the task force and that's typically how they get involved. So staff can make briefings to them on where the bond task force is at and then provide recommendations back to the task force, and that's pretty typical.

>> Tovo: Mayor. Mr. Trimble, part of the reason there's an appointment from the planning commission, is traditionally they had a subcommittee focused on making recommendations for cip projects? Am I remembering that correctly?

>> I believe that's correct. The planning commission has a charter role in approving basically a list of priorities for the capital program. And that's typically done as part of the review now of the the long range cip strategic plan.

>> Tovo: So I think the intention of having a commissioner serve on the bond advisory commission in the past has been to provide information on the needs and what's been funded through the cip program

and what were some other -- I think they bring that expertise with them. I see the additional appointment as a positive.

>> Kitchen: I don't know that the zoning and platting commission appointee adds the same value. So I don't know about that. I don't have the same feeling that they need to stay on it. What is your thought?

>> Tovo: So what I'm not remembering right now sitting here on the dais is how the new board and commission structure shifted that responsibility. And some of the responsibilities in terms of the cip may have shifted to the joint commission. So I think, councilmember kitchen, that there may be now a role for the zoning and platting commission that I'm not aware of, but maybe Mr. Trimble, you can fill us in on how that responsibility has shifted under the new structure?

[3:20:14 PM]

>> If I could speak to that. What happened, for example, in this last process when the planning commission got involved in their review of the long range cip strategic plan, they actually formed a working group made up of members of zap and the zoning and platting commission. So the zoning and platting commission has been involved in the review of the long range cip strategic plan.

>> Tovo: So councilmember, then I would say in light of that shift -- and thank you, I had a vague memory of that, but wasn't sure I was remembering it correctly. I would say it is appropriate then to have somebody from zoning and platting commission. Just my opinion.

>> Mayor Adler: Okay. We're now on Mr. Zimmerman's motion to change it from 15 to 11. It's been seconded.

>> Gallo: Could I make a friendly amendment to councilmember Zimmerman's amendment? It seems pretty obvious from the discussion we had that it would be appropriate and maybe beneficial for the planning commission and zoning and platting commission to each have one, which would then take it from 11 to 13, but it sounds like that there are several of us that are going to probably be interested, if they will take it on, to using our bond oversight committee appointee to be on this. So I'm just wondering if perhaps it's a good compromise if we might eliminate the bond oversight committee ones, but keep the other two on there?

>> Kitchen: That's acceptable to me.

>> Zimmerman: I'll accept it too.

>> Mayor Adler: Any discussion on changing it from 11 to 15. The two appointments plus the sovereign boards. If there's no objection -- yes, Ms. Garza?

>> Garza: I heard that there was value to having somebody from the bond oversight, but I also understand that people might appoint their bond oversight, but to make sure that indeed happens, there should be language that of the 13, the goal is at least two of those appointments be from the bond oversight committee.

[3:22:27 PM]

>> Kitchen: Another way to perhaps get there -- I don't know if it gets all the way there, is you had mentioned, Mr. Trimble, you mentioned earlier about the opportunity for a connection between other boards and commissions and this one. Would there be the opportunity to have some -- someone from the bond oversight committee participate in these meetings, maybe as an ad hoc or -- or some other way to make the connection between the two groups? Have you seen that happen before?

>> That's a good question. I have seen members of other boards and commissions come and speak to the task force. For example, members of the parks bond, members of the bond oversight committee did come and talk to the task force in 2012. And in addition to having their own deliberations and making some type of deliberation back to the task force.

>> Garza: I don't feel strongly about what I just said. I just thought it would be a good idea if they want somebody from the bond oversight to make that clear in the resolution.

>> Mayor Adler: Got it. Yes, Mr. Renteria?

>> Renteria: Why don't we try to figure out maybe having you make the last two appointments to make sure that they meet the background of a civil engineer and public finance figure? And the reason I say that is we ran into a situation on one of the task force that we selected that -- that there were no African-Americans selected to this task force.

>> Kitchen: Okay.

>> Renteria: And the only option that -- I had an option a person that I had to nominate and they wanted me to nominate, and I had already asked for another person. So if we could, you know, figure a way where either the mayor or everyone would get together and vote for this, those two last persons to make sure that, you know, they're qualified in that field so that they -- they can give advice to the rest of the board members.

[3:24:30 PM]

Because I don't know the person I selected at bond oversight, if they're going to be an expert in either engineering or finance.

>> Kitchen: Okay. Okay. Well, we have language that talks about striving to appoint appoint tdmhmrs with this background.

-- Appointees with this background. So I think that might be saying that this is a goal without requiring it because again, we don't want to run into the circumstances where the last person to make the appointment has to appoint someone with a public finance background. That was not my intention here. And I know we've got caught in that with other -- so I think striving to appoint at least, that's the intention, but not a requirement. I think the language does that. Does that make sense? Okay.

>> Mayor Adler: Yes. Okay. Any further discussion on this as amended? We're voting on the amendment.

>> Tovo: We're voting on councilmember Zimmerman's amendment.

>> Mayor Adler: Going from 15 to 13. Any further discussion? Those in favor please raise your hand? Those opposed? It's unanimous. What?

[Laughter] Everybody is voting in favor. The amendment is passed. We're now to discussion on Ann's motion with a group of 13 people.

>> Zimmerman: Call the question.

[Laughter].

>> Pool: I know. A moment of celebration. I realized when we were talking about open meetings and conflict of interest and everything that councilmember kitchen, you had a most excellent amended resolution, section C and subsection 4 with the conflict of interest and recusal language already prepared when I was talking about lobbyists and everything. I realized that this is actually contained in here. And what I would like to do is to go back to the language that you had recommended on this yellow sheet, which I didn't notice when I was talking previously after Mr. King's comments.

[3:26:33 PM]

So I think the piece that was added in was about specifically about lobbyists, and because that is very broad that could be a lobbyist in any area. And I'm not sure that that would be a disqualifier.

>> Kitchen: Maybe it's over --

>> Mayor Adler: You're saying it's otherwise covered in section 2-1-24?

>> Pool: I am actually looking at section C, subblue 4, the members of the task force shall abide be and -- that's right, the provisions of conflict of interest and recuse AI. And I realize that our conversation about lobbyists was a little more broad than what -- than what I was actually intending. And I think that this does what we need it to do. So I would like to amend that language and go back to what you had actually prepared on your amendment.

>> Mayor Adler: Let's see if there's an objection to doing that. Councilmember pool is suggesting that the language we adopted earlier with respect to conflict of interest and lobbyists be changed to be the language that councilmember kitchen handed out on her motion sheet. Is there any objection to that?

>> Tovo: Yeah, I do.

>> Mayor Adler: We have an objection.

>> Tovo: I'm generally comfortable with not having registered lobbyists on our boards and commissions. And I take your point that some of them may not have a good conflict, but I just think it's a good practice and something that we hear the community wants, but certainly if the council feels otherwise, we'll move forward with that. But I would suggest we keep that provision in.

>> Mayor Adler: I would probably support what councilmember pool has if we're going to move pt T recusal and conflict of issue laws we have in this city. I think probably there should be a broader conversation about that. So I would be comfortable just adopting the ones we have. If we want to make it broader, then I would support us considering that. But until we did that I would stay with the principles that we have.

[3:28:34 PM]

So since there's been an objection it will require a formal motion to reconsider, teeing it up again.
Mayor pro tem tovo?

>> Tovo: Just to clarify, I believe it is a provision that exists on some of our other boards and commissions as a prohibition that registered lobbyists not serve on them. Am I wrong in thinking that? It may just be particular boards and commissions that have called that out specifically, but I know we've encountered it at least once. I think on the comprehensive plan advisory committee, for example, I'm fairly certain --

>> Pool: And our land development commissions as well. And they are -- and the piece that I'm focusing on is the specificity of the lobbying activities are what our code attempts to segregate out. We are trying to have a bright line between lobbyists who lobby on land development issues and having them on a policy advisory board for land development. So that's very specific. And when we were talking about lobbyists earlier I was thinking it was very broad definition of lobbyists and it may be that the conflict of

interest and recusal piece that councilmember kitchen has inserted in here is sufficient because really it's a matter of simply not taking the vote and not actively contributing to the conversation, if indeed you have a financial interest as a lobbyist on the topic.

>> Mayor Adler: What's your preference, Ms. Kitchen?

>> Kitchen: I would have to say that councilmember pool and the mayor are making points that I agree with, so I'm accept -- it's acceptable to me to take out that clause that we added.

>> Mayor Adler: Do you want to put it to a vote, mayor pro tem?

>> Tovo: Yeah. Again, I understand people disagree, but I just --

>> Mayor Adler: There's been a motion --

>> Tovo: Can't support having that.

>> Mayor Adler: There's been a motion to reconsider the earlier decision to put in the language that went beyond the Kitch inmotion sheet.

[3:30:35 PM]

Is there a second to the motion to reconsider? Mr. Zimmerman seconds that motion. We voted to put in a section that went beyond kitchen's written amendment. It's been now moved to reconsider it so as to only have the language that was contained in kitchen's motion sheet. In order to do that it requires a motion to reconsider by someone who voted in favor, as councilmember pool did. It's been moved and seconded. This is a motion to reconsider the action earlier taken. And then if we vote to reconsider it, then it will be on the floor again for discussion and then we take another vote. Those in favor of reconsidering, please raise your hand?

>> Garza: I'm not sure what clause we're --

>> Kitchen: Let me be specific. So the language that I had -- I had put two things together. The language on the motion sheet you had referenced the city code's conflict of interest requirements. We're keeping that, but then we had added another line that says, "And shall not be registered as a lobbyist with the city of Austin." It's that second line that councilmember pool is saying is not necessary because of -- not necessary and perhaps broader than intended because we have a reference to conflict of interest. And the city code provisions around conflict of interest require someone to recuse themselves and not vote on any item that they've got a conflict of interest on. As opposed to just a blanket assumption that any lobbyist -- any kind of lobbyist that lobbies for anything whatsoever would have a conflict on this task force.

>> Garza: Okay. For sake of discussion I would just add that I -- I don't have a problem making it more specific because I think the goal of these boards and commissions is to just pick your average citizen, not somebody who is here all the time.

[3:32:37 PM]

[Applause].

>> Gallo: So what we're doing is voting to reconsider the whole part of your motion or just the second part that we just added?

>> Mayor Adler: We're reconsidering adding the second part. It's been moved and seconded. Those in favor of reconsidering it, please raise your hand? Those opposed to reconsidering it? Garza and mayor pro tem. Those abstaining? And Casar voting against reconsidering. Other than those three, those voting in favor of reconsidering? Renteria is abstaining. It's 7-3-1. Now we're reconsidering it. The issue is does someone want to move to put in that second clause? We're reconsidering the vote on the second clause. We voted to reconsider it. Now we will vote again on that second clause. It's been moved to add that second clause. Yes?

>> Just for clarification so that you know, it is chapter 2-1-21 (C). That restricts lobbyists from serving on the board, not 2-1-24.

>> Kitchen: Right, that relates to the conflict of interest. The one that you just referenced, what does it say?

>> It states that basically -- I'm paraphrasing, that a lobbyist that is required to register under chapter 4-8, I believe, is prohibited from serving on a board.

>> Mayor Adler: But this is a task force.

>> And I think it doesn't apply because the beginning of the article says that it applies to board members, article 2 boards. The council may require a task force or task force member to comply with this chapter.

>> That's right.

>> Mayor Adler: But does not unless the council decides to do that.

[3:34:39 PM]

>> Tovo: Mayor?

>> Mayor Adler: Mayor pro tem.

>> Tovo: May I ask the city clerk if she happens to have this information, which boards are currently subject to that clause?

>> By default all of the chapter 2-1 boards would be subject to that clause. I don't know off the top of my head what task forces or if -- or any non-chapter 2-1 boards have either been either made subject or excluded from that provision.

>> Mayor Adler: Ms. Pool.

>> Pool: I want to be careful not to do anything through the motion that would gainsay or conflict with the provisions that the city clerk is referring to. And so if our able legal staff can confirm for us through some additional writing to make sure that what we are doing in councilmember kitchen's motion sheet on section C, subsection 4 language along the lines, and that complies with all code language relating to conflicts of interest, recusal and the service of lobbyists on boards and commissions and task forces. I don't want us to do something more broadly than we normally would, and I also don't want us to get too narrow as well.

>> Garza: I think you're still waiting on a vote.

>> And then we can make sure that you haven't done anything that --

>> Pool: That violates the code and that is in compliance with it.

>> You're working within the code.

>> Mayor Adler: I've been sitting next to counsel and she's been keeping us honest here.

[3:36:44 PM]

So the question is we've now reconsidered that vote. In the matter right now is the original item as sent out by councilmember kitchen, the date from 18 was changed to 17, and we added the language about - from the yellow motion sheet. That's how the motion exists right now. Any other amendments to the motion? Yes.

>> Tovo: Mayor, I'd like to make an amendment reminiscent of the one we adopted earlier and then removed, to make the board subject to the requirement that the city clerk just mentioned about restricting lobbyists from participating.

>> Mayor Adler: It's been moved that lobbyists be restricted from participating. Is there a second? Ms. Garza seconds that motion. Is there any discussion? Those in favor please raise your hand? Houston, Garza, kitchen, Renteria, the mayor pro tem, Zimmerman and pool. Those opposed raise your hand? I'm the only one opposed to that. And councilmember Gallo. Any abstention? Abstention, troxclair. So we're now back to the same place we were in just a moment ago. I think. Any further discussion on this item?

>> Zimmerman: I call the question, Mr. Mayor?

[Laughter].

>> Pool: And I appreciate the exercise because it does give some clarity over the involvement or the non-involvement. And how it complies with the code. So I thank you. I thank you for the bit of a

>> Mayor Adler: Okay. If there's no further discussion we'll vote on the motion. Those in favor please raise your hand? , What motion?

>> Mayor Adler: This is kitchen's motion with all of the amendments that everybody has made. This is to set up the bond advisory panel.

[3:38:45 PM]

Those in favor please raise your hand? Those opposed? Yes.

>> Troxclair: I'm sorry, I do not want to prolong this discussion -- [laughter]. I just wanted to ask why project connect is specifically mentioned in here, if there was a reasoning for --

>> Kitchen: Where?

>> Troxclair: It's mentioned twice, in the first whereas --

>> Kitchen: Okay. I see. The reason it's referenced is because what we were including is all of the different studies that are going on right now that could impact the range of subject matters that could be considered, and project connect does -- they're studying high capacity rail. And this list at the bottom, including, but not limited to, lists a whole range of needs, which includes transit. So that's why it's in there. So though we are not trying to -- though we are not trying to point to any one need over another, we're simply saying to the task force, you should look at needs that -- including but not limited to. So then you've got a list of needs. And transit is in there. So that's why project connect is just one of the studies around transit. I think the mobility plan could address transit. It wasn't an attempt to say that we had to do rail. It's just an attempt to list all the potential plans that they ought to be looking at.

>> Mayor Adler: Any further discussion on councilmember kitchen's motion to form the bond advise I have panel? Mr. Zimmerman?

>> Zimmerman: Thank you, Mr. Mayor. Like councilmember troxclair, I don't agree with the project connect and the regional high capacity transit plan. My appointment, Jeff Thomas, also doesn't support rail, but it's the majority's will to have it considered and discussed.

[3:40:52 PM]

I'm not going to vote against it because of that, but my appointment to the task force will be voting against that. I can't vote against it just because of that because it will be the majority will nato look at it.

>> Mayor Adler: Those in favor of the motion please raise your hand? Those opposed? It's unanimous on the dais. Opposed? So troxclair voting no. The others voting aye. And Casar is off the dais. Those were all those items. It's 20 until 4:00. We're going to recess until 4:00 where we will pick up item -- where we'll pick up item 3.

>> Mayor, do we just have two items? We have the number 3 at 4:00 and then we have another one at six olympic? 6:00? 73. Okay.

[♪Music playing♪]. >>

[3:45:41 PM]

Is of clear clear

[♪music playing♪] >>

[4:32:54 PM]

>> Mayor Adler: Let's pick this back up. On the agenda here, Thursday, August 11, we havous a few items that are -- we have just a few items left. I think one thing on our agenda is going to be postponed, and I want to do that quickly. I've heard the last item on the agenda, 73, is that what that is? 73? Is something that is being postponed? Is staff here on 73? Yes?

>> Thank you, mayor, council, Andy, yes, we are requesting a postponement of that item to November. We need advertisement -- time too meet with stakeholders --

>> Mayor Adler: You have to speak up, please. I can't hear you.

>> We're asking postponement to the November agenda to give us time to meet about stakeholders. I don't know that we're going to change the ordinance completely. We're still working out details and examples of how we would actually apply the ordinance and to make a presentation to the city manager before we come before you.

>> Mayor Adler: What day in November are you postponing to?

>> I believe it's the third.

>> Mayor Adler: November 3? Okay. Staff -- there are three people here to speak on it. If this is getting postponed to the third, do you need to speak? David King? Okay, Mr. King.

>> Thank you, mayor, mayor pro tem, councilmembers. The reason I need to speak is because I just want to -- wonder how many more delays we're going to have in this process. You know, it's ironic that we're talking about mitigation for traffic impacts from development here, and we're delaying implementing an ordinance that would establish those fees to pay for that impact.

[4:35:02 PM]

And yet now we're about to talk about a \$720 million transportation bond, much of what that bond is paying for is the developers have not paid their share for decades so now a big chunk of that money is because of that problem. And yet here we are delaying a solution that would help us stop that problem from growing. So I'm concerned about this delay. And, you know, if we're gonna have a continued stakeholder process it should include all the stakeholders, not just the developers, not just those that are gonna pay for these fees. It should include all the stakeholders. We've had a process before that got all the way up to getting the ordinance ready. The parkland dedication ordinance, and then at the very end there's a special secret stakeholder process for the developers and they come back and make changes at the last minute that didn't give any public input and that's an unfair process and I hope we don't have that on this process. So I am concerned about this delay. And I wonder what else did the developers want? A lower fee? What else are they asking for here? If they're asking for changes, that should be transparent. So I hope there's no more delay after this and we get these new fees in place to collect the fees that will pay 40 impact of new development. Thank you.

[Applause]

>> Mayor Adler: Next speaker is Chaz Moore. Thank you. And then Brian East will be coming up. Mr. Moore?

>> I see somebody spelled about with a Z. It's an S. First off, good evening. I agree with everything he just said.

[4:37:02 PM]

I like -- I'm here to support of course Ms. Ora Houston and her concerns with the bond being fast tracked. You know, I think everybody in this room and you guys up here can agree we do have transportation issues in Austin. It took me about 30 minutes to get here and I stay on Riverside but, you know, I think it should be a more transparent process and I really think we need to really talk about improving some of the things we already have, like our transportation system, like it's not even a bus line by my house. Cliff, who is my mentor and housemate he has to walk a mile and a half so get to a bus line it there's things like that we can improve on before we fast track \$720 million bonds with these developers and what not. I'm saying let's slow down, have a more inclusive process of this before we start moving the ball, you mow? That's really all I have to say. I think he said it very well.

>> Mayor Adler: Okay. Thank you.

[Applause] Brian east. Okay. I think those are all the folks that the to speak -- that wanted to speak. Is there a motion to postpone item 73 until November 3? Mayor pro tem moves. Is there a second? Councilmember Houston. Any further discussion? Those in favor of the postponement please raise your hand. Those opposed? That's everybody on the dais. The matter is postponed. That gets us then to item number 3. We have a lot of people signed up to speak on this public hearing. Let's go ahead and lay out a motion. I have handed out to everyone a motion.

[4:39:02 PM]

At the top of it it has item 3, mayor Adler revised ordinance. This was an attempt to reflect what was approved at our meeting in June with some modifications made by bond counsel. In going through this, it is consistent with what we have seen earlier in work sessions. It sets the election. It contains first the proposition section, which is part two. It identifies the \$101 million, breaks it out for the three buckets. Those were the regional mobility projects. It breaks it out first for the 360 corridor and spicewood springs road, separate for Anderson mil 620, Parmer lane, secondly improvements to old bee cav road. The second bucket or projects that are corridor improvement projects, part a of that is the ones that have had corridor plans. The exception to that is as we decided in June it adds William cannon or slaughter consistent with what we've decided in June. It also provides that there's going to be the next queuing of projects so they're the next ones in line for the same kind of work and it lists the ones that we had talked about queuing.

>> Including rundberg, east colony park, south congress. The third bucket, specific local mobility projects, the two buckets for sidewalks, the two that we had treated differently in terms of dispersion.

[4:41:13 PM]

It has \$30,000 for urban trails, 20,000 for bikeways, and 15,000 for vision zero action plan, 17,000 for substandard streets. The actual proposition language itself is in part three. Part three lists the 720,000, and then it lists many -- it lists many of the projects that are involved. This drops from this the instruction for staff that we had talked about putting into a separate resolution. I had posted separate resolution language on the bulletin board a couple days ago. We can't consider the separate resolution today because by breaking it up we didn't have a resolution posted. It will be posted and is posted for next Thursday. We have confirmed with counsel that we can make that resolution binding and a part of the contract if we want to by putting in a provision in that resolution so it would be as binding as if it were part of this ordinance. But we separated it based on our counsel's and bond counsel's suggestion that that leaves nursing in charge of it, of that language. So that resolution is separate. It's been posted, but we have the ability to make that binding when we consider that next week. So this is that language. What I would intend to do would be to ask for public testimony and then we'll come up to the dais for discussion and amendments. Okay? Then let's go ahead and proceed. Mr. King? By the way, obviously, the first witness we really had on this was chas Moore, who spoke to this issue.

[4:43:17 PM]

So the second speaker we'll have will be David king.

>> Zimmerman: Point of inquiry here. To make sure I've got several printed copies here for the ordinance, so is there a way I can version these and kind of know -- there's one here on white paper that says item 3 mayor Adler revised ordinance. Do I know this is the current, most recent one?

>> Mayor Adler: Yes.

>> Zimmerman: Okay. Thank you.

>> Mr. Mayor, mayor pro tem, councilmembers. First I appreciate the list of items you described and that will be included in the bond package and I just wanted to ask -- and you mentioned slaughter lane and William cannon and I'd like to ask we change that to where it says slaughter lane and/or William cannon so we can choose one if we want or one or the other. I think we need flexibility there. I also think it's important to give voters the option to vote for each one of these so-called buckets individually, and I appreciate the strategy of trying to get a big package going. I do, but I feel like I'm not really given the choice about between the individual components, it's all or nothing. And, you know, I don't like just having that option of all or nothing. I like to have a little but the more choice. So I would ask that you please separate these items on the ballot and let the voters decide if they want one or all or any of these. I think that's only fair and respectful to the voters. And I think the ballot language should have

enough information so we know what we're paying for. I'm kind of surprised that we're being asked to, you know -- here's \$720 million and we'll figure out the details later on. And I know I only have three minutes, I have to be brief in my comments here, but I know there's some level of detail, but, you know, not knowing exactly which improvements are gonna occur on the corridor, that's a concern to me because I know in my own corridor plan for south Lamar, the corridor for south la marks there are things in there -- south Lamar there are things I don't necessarily agree shun funded and without that level of detail I don't know what kinds of improvements are gonna occur and whether those improvements are gonna benefit the corridor in my neighborhood.

[4:45:36 PM]

So I just am concerned about having the details in an ordinance and not on the ballot itself. And, you know, I also have a concern that once we get the corridors improved that now all of a sudden we're gonna go full speed ahead with densify all of the corridor and go a quarter of a mile into the neighborhoods around those corridors and then densify those. What that is, what that -- lawmaker I'm saying is that's -- what I'm saying is that's incentive to remove single family housing, to actually reduce the diversity of housing along our corridor. So I hope the next step after we improve the corridors we're not going into neighborhoods and getting rid of single neighborhood homes. If you did that in my neighborhood, hundreds of single-family homes would be gone, hundreds and that would definitely change the character of our neighborhood. Also, I mentioned earlier that new development hasn't been paying its way for transportation impacts. And I worry that once these bonds are approved and the money is out there, will the developers along south Lamar corridor now not have to pay their share of traffic mission because it's covered by the bonds?

[Buzzer sounding] I'm concerned about that. Thank you for listening to my comments.

>> Mayor Adler: The next speaker is Gregory Harrison.

>> Good afternoon, mayor, councilmembers. My name is Gregory Harrison. I'm just here on behalf of some of the our friends in Austin and we're on the central Texas bureau. I have here a copy of a petition that should have been delivered to all of y'all's offices yesterday, simply requesting that this bond package be split up into individual projects to be voted on on their own merit. I think that doing something like that would massively approve accountability and transparency and bond process and allow voters to pick and choose which individual projects that they want to support with their hard earned tax dollars.

[4:47:52 PM]

But that's -- that's actually all I had to say about that. Got about a hundred or so signatures here so if anybody wants to talk to me about it, I'd appreciate it. Thank you.

>> Mayor Adler: Thank you. Next speaker is lore reinagerson -- lorenaageer son. Ken Jacob will be a speaker after that.

>> Hello, Lorraine Atherton. I live half a block from south Lamar at bluebonnet and I've been advocating for sidewalk, bike and bus improvements on south Lamar since the 1980s. I'm here to ask you to remove the consultants' capital improvement recommendations for south Lamar from the transportation bond package and shift the funding over to sidewalks and improved bus service on manchaca road. My biggest concern about the south Lamar corridor plan is the project. At the top of consultant HDR's list of long-term improvements, constructing a graded separation at fifth and sixth streets, yes, you heard that right, fifth and sixth streets. They don't intersect south Lamar. But at the top of HDR's list of capital improvements for the south Lamar corridor is an old, ridiculous proposal to rebuild north Lamar at fifth and sixth streets. The other credibility killer in the south Lamar corridor study appears on page 2 of appendix C, travel demand forecast under background traffic growth, HDR compares 2001 traffic counts with 2013 counts, and concludes that traffic volumes along south Lamar have not significantly increased over time.

[4:49:58 PM]

The counts presented are 47,900 in 2001, vehicles per day in 2001. 39,900 in 2013. And, yes, the 2013 number is not significantly larger than the 2001 number. It's significantly smaller. The corridor studies count from September 2014 is even less, 28,538,005 -- 38,500 vehicles per day, a decrease of 20% from the 2001 count and 27% from the peak in 1992. HDR, however, does not ask why traffic counts on south Lamar are dropping, despite the increase in population. It instead uses old TXDOT and CAMPO forecasts to predict an overall 23% growth in automobile traffic by 2035, which is a reversal of the demographic and travel pattern trends of the last 25 years. Austin's population wants to drive less and less, but the city council keeps making spending decisions based on increases in driving. Please stop. The only thing I would salvage from the final south Lamar corridor report is the health impact assessment in appendix E written by a different consultant. It does try to look at actual travel behavior on south Lamar, admits that the corridor was in the midst of massive changes during the period of the study. Many of the policy recommendations in appendix E have already been implemented and most important they do not require bond funding. Measures like lowering speed limits, restricting left turns, closing unsafe curb cuts and requiring new construction and remodeling projects to meet current design standards do not require bond funding.

[4:52:06 PM]

But they are transforming south Lamar right now. My friends and neighbors who %-@are living in apartment buildings lining manchaca road need better bus service. They are being forced to drive their cars down to south Lamar and increase traffic because capital metro has segregated bus service between the number 3 line and the 803 line. This would be an easy way to ensure that traffic totals tend -- continue their downward trend on south Lamar. Thank you.

>> Mayor Adler:.

[Applause]

>> Mayor Adler: Thank you. Next speaker is Ken Jacob. What about [indiscernible] Henry. Is Mike Rodriguez here?

>> Here.

>> Mayor Adler: You'll be at this podium.

>> Mayor, council, thanks for the opportunity to speak. I'm linden Henry, transportation planning consultant, former board member of capital metro, rider for railway age magazine and consultant to light rail now project. I support including funds in the proposed bond package, starter line to launch -- to launch a starter line project in the Guadalupe Lamar corridor. I'm dismayed that the Austin area's regional and mobility planning has been regressing more and more to the highway and motor vehicle oriented planning policies of decades of the past and away from a focus on public transport-based mobility. A prime example is campo's recent move to ditch the lone star rail project. Another example is Austin's continued misguidance and dithering on urban rail.

[4:54:11 PM]

This city council has an opportunity to put mobility planning back on track by adding funding for the Guadalupe Lamar light rail minimum starter line through the bond package before you. The argument that you don't have enough information to make a decision is misinformed and some of you may already sense this. Austin has at least a quarter century of professional determination of the feasibility of light rail in the Guadalupe Lamar corridor, recent professional studies under the community development corporation have documented that this rail project would have one of the highest riderships per mile of any comparable system in the country. My participation in both the streetcar subcommittee and light rail technical committee of the American public transportation association as well as decades of involvement in rail planning and advocacy from Los Angeles to Houston to Charlotte leads me to endorse the reliability of these studies and the bond funding figure as more than adequate to launch this project. In addition, a professionally done survey has recently indicated that Austin voters

support this project by a 29 point margin. You have more than enough validation and public approval to do the right thing and support placing bond funding for this project on the ballot. Thank you.

[Applause]

>> Mayor Adler: Is Jacque crossly here? You'll be speaking at this podium.

>> Good afternoon, mayor, councilmembers. I'm Mike Rodriguez, president of the onion creek homeowners association with over 3,000 voters. I wanted to talk briefly about this bond package we intend to put on the ballot this fall. I think everyone on this council ran in some fashion to address three of the major themes in the election back in 2014, to which affordability and transportation and mobility and transparency.

[4:56:15 PM]

I think this project touches on all three. First of all, the size of the proposal at \$720 million perhaps rifles that of the rejected rail package in 2014. It should be a caution. \$720 million we're told runs between 60 and maybe \$80 a year for the average household. But that's only 20% of our total tax bill if everybody did that that would be \$400 a year or good six or 7% increase in taxation by itself on top of this year's tax increases that we'll be seeing. So that is an affordability issue definitely. On transportation and mobility, I must add that much in this package does not address traffic congestion, which was one of the major concerns and has been a major concern in this decade. So when we talk about the size of the package, I think that voters might support something that addresses their biggest concerns, but if we lump in with that so many things that make the package very large that do not address directly traffic congestion you may find recorection and of course we'd like to make progress and not see rejection on those things that would be helpful. So in the area of transparency transparency then, let's say, first of all, start on time. Some of us were here this morning to speak, some at 4:00 to speak and neither one of those two council meetings started on time, number 1. It's also not very clear by the language in the agenda nor the ballot language on some of these items what's in the package and what is going to be discussed. What's in the bonds should be transparent to the public, what's in this entire package so they can discern for themselves. And I think I want to echo what a couple of the previous speakers said, we immediate to break this up into three packages. You've conveniently naught into buckets already. Citizens can discern for themselves and may vote for some of this. I suspect they will not vote for a whole \$720 million, anybody wouldn't want to bet the transportation future in Austin on putting things in there that don't address the problem.

[4:58:26 PM]

We also address aid concern from a onion creek standpoint, that is that \$720 million uses up a lot of the city's borrowing capacity. We want to see there's sufficient money left to address safety of life and property issues like flooding and flood mitigation for the future. So I encourage you to break it up into three parts and to make sure that the highest priorities are surfaced that way. Thank you.

[Buzzer sounding]

>> Mayor Adler: Is -- I'm sorry. Is [indiscernible] Here? Is Jose Carillo here? I'm sorry, when he's done, you'll be up at this podium.

>> Thank you, mayor.

>> Mayor Adler: All right, sir.

>> My name is Jay

[indiscernible], I live in district 7 with wife and 2-year-old son and I want to start with thinking about my son growing up in Austin, that I want you to prioritize everything here in terms of safety of our people. Austin is a very dangerous place to use the transportation system. As you all know. And most of those deaths are people riding in cars so everything that you can do to make it safer to ride in a car or to increase the mode shift and allow people options that are not riding in cars, shall be your priority please -- should be your priority please. Couple things I want to point out, I strongly support vision zero items and please do as much of that as you can and sidewalks is the most efficient investment you can make, make as much as you can in sidewalks. There is no American city that has reduced congestion on any major corridor ever other than Detroit and we don't really want to go down that path. The -- our city is growing tremendously. We can change the access options, and we have -- people have more safe access to various things, but in general congestion is a thing that doesn't go away.

[5:00:38 PM]

And an important thing to remember is Manhattan is very congested and it's the most desired, valuable place in the world and so there's good congestion and bad. So weekender stop tilting at the wind wheel of reducing congestion and instead provide people with safe access. In the state of Texas there's great inequity in our transportation spending and I think there's some important things for you guys to consider. We are cons constitutionally required to spend money on roads based on the vote a couple years ago, txdot and the unified transportation program had started to tell everyone how much money that will be. The central Texas region will have, my guess is about \$1.7 billion of new money over the next eight-year period of this bond, and that's on top of the Normal about \$2 billion that would be spent on roads. And so there will be tremendous money spent on roads. The Texas transportation commission decides how that is spent and it's made up of five white people and one of them is a woman. And in a diverse state like Texas I don't believe that they are making decisions that hold everyone's interests

correctly. And I don't believe they're making those optimal efficient decisions on how to allocate our transportation. And I could go through the mpo and how it's insane that capital metro, there are associates people who don't pay tax to capital metro get votes on metro through campo. And various inequities but where the people the Austin, the low-income people and high-income people who pay for this entire region and live in the city of Austin where they can't have a say is here and I think you should give them options for safe multimodal transportation and I hope that includes walking, biking, safe driving, and light rail. And I hope that you at least here let the people have a choice on the things they want.

[5:02:40 PM]

Thank you very much.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Sir?

>> Mayor and council, I'm Dave Dobbs and I am the executive director of the Texas association for public transportation and the publisher of light rail now, a website used by transit professionals all over the country and the world.

>> Mayor Adler: I'm sorry, hold on.

>> 77 years on the quest for rail in Austin. I sit on the streetcar committee, and I have written extensively about rail. How we doing with the ppp? Okay? How -- where is it? Can we got a pause.

>> Mayor Adler: It's coming up now.

>> Thank you. I don't know what we'll end up with but we were proposing a second proposition for light rail as a way to make Austin more affordability. This is a picture of California's capital. This is the plans. You've seen this before. This is something on the figures. These figures are perfectly credible. You can look this over later. The cost per mile and so forth have been verified in several different ways. Community considerations rerun in Tyler and reserve lanes with preserving most of the traffic lanes. It would correct crestview. It was adopted by the neighborhood plans, completely consistent with the mobility talks calling for more public transportation has an enormous return on investment. Dallas is an example, \$5.3 million. Portland's max, 11.5 billion. This is tax base that people can -- tax used to spend for services.

[5:04:42 PM]

Salt Lake City, \$7 billion with economic developments in 2000. Phoenix over 500% return on investment since they put in the line in 2008, and Houston, the line that's most like this, us, is 1800% return on roi, return on investment. This is a big deal, and it's really important for all the things that we want to do. Affordable housing, parks, libraries, bicycles, sidewalks, social services, street maintenance, road projects, lower taxes. Everybody benefits. Now, shortly, light rail is an excellent investment for Austin taxpayers. Let's put proposition 2 on -- or the light rail proposition on the November ballot and let the people decide. Thank you very much.

[Applause]

>> Mayor Adler: Roy Whaley is on deck. Is Roy here?

>> Yes, sir.

>> Mayor Adler: Okay.

>> Mayor Adler, council council, I'd like to guff my time to and any Cantu to present remarks from the chamber. Thank you.

>> Mayor Adler: Okay.

>> Thank you, mayor, councilmembers, Andy Cantu, the regional mobility director at the Austin chamber of commerce. My organization is pleased to support the largest single investment in our city's transportation infrastructure that we've ever had. We join not with -- not just with the business community, but also nonprofits, institutions, civic organizations, mobility organizations like bike Austin, neighborhood associations and others in support of this go big proposal. In July the chamber board of directors unanimously voted to support the framework of this bond that you voted to -- that you voted on in late June. It's no secret that congestion is our city's number 1 issue. It's our Achilles heel. And this bond will begin to address that by adding capacity, improving active transportation options, and building the competitiveness of mass transit.

[5:06:55 PM]

This is an imperfect bond. But if we continue to strive for perfection, we will never stop talking. We will continue to miss opportunities that have eluded us for decades. And we will never make the necessary improvements that our region desperately needs to remain [indiscernible]. So that's why tonight I'm encouraging you to vote yes, to allow Austin voters the opportunity to have their say on whether they want to support this ballot proposition in November. We're working with a diverse group of stakeholders to raise money and build additional public support for this measure, and we will ask the

public to say yes to that as well. So thank you for your public service and your commitment to our city's future.

>> Mayor Adler: Thank you retch. Sharon Blythe? Is Sharon here? Thank you, Mr. Whaley.

>> Howdy, y'all. I hope y'all are enjoying August as much as I am. And glad to see y'all here today. I am the conservation chair for the Austin regional group of the Sierra club, the Sierra club of course is the oldest environmental organization in America established by John Muir in 1893. We're looking at -- I signed up in favor, but, truly, it's more of a neutral position because we need to know what we're supporting. Last June, we met as a joint committee of transportation and conservation and had many

[indiscernible] From around the city participate in a great round table, got a lot of information and input and we really appreciate that. Out of that our statement that we released was that we wanted to see better east-west bus connections and east meaning everything east of I-2020 northeast, east, and southeast, along the style of the 801 and 803, which I use frequently and it works great.

[5:09:11 PM]

After that we wanted to see improved sidewalk, and then bike infrastructure. We don't believe that pavement solves our problem. We want to focus on moving more people and not just moving more cars. That said, that's not what's in front of us now. So we're going to decide what we want to support. There's a lot to like about the 720 plan. One thing we would like to ask, though, is to consider the 720 plan and the 720 plus 400 plan, the go big plan and the go bigger plan. And put it to the vote. Put it to the voters. Put both initiatives on the ballot. Let the voters decide. We have long been wanting to improve public transit. It's about moving people, not cars. We believe that a rail system will help us get there and the starter line will be much like the Denver starter line that the voters didn't like until they got it, and then they were beck begging to be next. So that is what we'd like to see. The other thing, though, in the 720 plan that, if that is what's going forward, that we would like to see a shift from 55 million for the sidewalk plan to 85 million. Please don't take that out of the urban trails. Urban trails is a misnomer. We're not talking about trails for people to skip along and do jump rope along. This is the infrastructure, the alternative infrastructure plan for Austin. Which, again, comes through traffic relief. So that's what we would like to see. As we look at making Austin a more walkable/bikable city, one component keeps getting left out, and that's where we started with August, and it's not just August. But we need public showers.

[5:11:13 PM]

Not free showers, for-pay showers. But if you want people to walk and bike in Austin, Texas, you have to give them a place to clean up. I am more than willing to pay for a shower when I get to the meeting. Even if I wasn't, everybody else in the meeting would be willing to pay for me to take a shower.

[Laughter]

-- When I get there. So that is an important -- yes, I know. Some people have had to sit next to me in meetings after a long bike ride. But that is one thing that I'm really -- really want y'all to find some money for. But let's do away -- when we talk about the sidewalk master plan, we don't need to have the pie cut up evenly. Some people need a bigger chunk of the pie. Some people need more pie than other people do. And so let's scrap that part of the plan. Let's put the pie -- let's put the sidewalks where the need is greatest. Let's make sure that the safe routes to school is the starting point. And after that, the people that walk and bike to get to where they're going, they still use their feet for their mode of transportation, need sidewalks. You have to be able to stay out. If we're going to have our vision zero come true, then let's get people out of the streets and on the sidewalks. Thank you very much.

[Applause]

>> Tovo: Mayor? May I ask Mr. Whaley a quick question?

>> Yes, ma'am.

>> Tovo: Would you repeat for me the line you said about -- you were suggesting a change, I believe, to the amount that's in for --

>> Yes, as I read it now it's 55 million. And we would like to see that be at least 85 million. We don't want that to come out of any alternative transportation plan.

[5:13:18 PM]

That means probably the corridors are going to have to have a little bite. I'm interested in the corridor planning but this is a moving target here. I love the idea of having brt on the corridors. I love the idea of having a safe bionic route. But it's still about moving people, and a bike route doesn't move enough people.

>> Tovo: Thank you. I just wanted to understand that. Colleagues, we have two -- at least two other sets of amendments on the dais, and I wonder if -- I would invite my colleagues who presented them to just lay them out. I think it wouldn't it would be useful for people here to testify to know a little bit about what some of the motions coming forward from this council might be if they want because there are a couple -- as -- I believe they speak to some of the amounts and potential --

>> Mayor pro tem, I do ask that everyone support that the sidewalks be put where they're needed the most. And studies show that they are needed in east Austin more than any other place.

>> Mayor Adler: We can do that, mayor pro tem. We had talked about doing that but we thought there were lots of amendments on the panel. I didn't debate. I laid out a base motion so we had something on the floor and then we'll do the public speaking and then come back.

>> Tovo: I understand that. I just -- again, just wanted to suggest if people felt like sharing what some of those amendments would be, that might be helpful to the public. But, again, I'm not gonna put people on the spot.

>> Zimmerman: Mayor?

>> Mayor Adler: I'm sorry, what?

>> [Off mic]

>> Mayor Adler: Okay.

>> We'll chat later.

>> Mayor Adler: I was trying to avoid us coming back up to the dais to start --

>> Zimmerman: I wanted to say I supported your idea.

[5:15:20 PM]

Let's hear from our -- because they've been waiting a long time, go ahead and hear from our constituents first. Be my choice.

>> Houston: My mic is off, my whole console is down.

>> Mayor Adler: Is Jose Carillo here? Okay. Thank you. That's what I thought. And then [indiscernible] Tuesday will be at the next microphone. Yes?

>> Good evening, mayor, mayor pro tem, and councilmembers. My name is Sharon Blythe. I live in district 6 in far northwest Austin. There's two things on this bond package that I have great concern about. Affordability and transparency. We have no idea what's gonna be given to [indiscernible] In his blank check of \$720 million to spend as he wishes. I think it needs to be spelled out what they're gonna be, what the projects are gonna be. And, secondly, for affordability, I want to say one thing. Senior lives matter. You are going to drive out all the seniors in this city outside this city because they cannot afford the massive fee increases on the utility bills, our taxes for our real estate, and now you're gonna tack on another bond issue and I certainly remember water treatment plant now, it's gonna add up to over a

billion dollars in our taxes before it's paid for and it's not being used that I can tell efficiently because it was built for Robson Ranch out on 620, which is a developer cost. Builds do not put this on the ballot in November because I think it will be doomed the way it's proposed. I need to find out also what is proposed for Spicewood Springs Road because I have no idea. There has been no comment, there has been no public hearings about that, and all of a sudden periods one of the major issues of the bond issue as far as I can tell now.

[5:17:30 PM]

And so what's going on with Spicewood Springs Road? I live right out there. I have no idea what's been proposed for that road. I think transparency is a big thing. We have no idea what's happening here and I don't think the voters do either. Thank you very much.

>> Zimmerman: Hang on.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mrs. Bottom line, for being here. According to the list I have in front of me you're the only district 6 constituent who is here, so thank you for coming. And I also haven't seen any details on the Spicewood Springs proposal. So join the club. I don't know what's being planned for that.

>> Mayor Adler: Okay. Next speaker, Ward Tisdale -- is Roger Baker here? You'll be speaking next. Ms. Tisdale.

>> Good evening, mayor, councilmembers, my name is Ward Tisdale, president of the Real Estate Council of Austin. Mr. Cantu from the chamber was up earlier and he hit most of the points I want to talk about. RICA is an organization of about 1900 members. Our board voted as well in June to support this \$720 million mobility bond. We should probably ask ourselves why are we here in the first place? We're here because over the past decades we've ignored these issues, the infrastructure. We have not invested and so that problem is now at the doorstep of this city council, but you have a great opportunity to change things. We've had hundreds of thousands of people move to this region in the last few decades. Your city demographer says we're gonna have another million people here in 15 years so we have to prepare. We didn't prepare before. We have to prepare now. This is a very broad-based plan, as was discussed earlier. We are part of a broad coalition from trail advocates to bike advocates to the business community. This community needs this plan and they need an opportunity to vote on it.

[5:19:33 PM]

The corridors are critical. I think probably everyone in this room today took a corridor to get down here. They've been neglected, not been upgraded but there are plans on the shelf, as the mayor has often said, and ready to be activated. Those corridors are gonna be accepting density over the next coming decades because that's what your imagine Austin plan calls for. So it's important that the corridors be upgraded, regional roads be improved, and bikes and trails and sidewalks are extremely important too. So this is a great plan for the whole city. It's broad based, and we encourage you to pass tonight what essentially you passed in June without too many modifications because the mayor did a great job and the council in putting together a very come prehensive plan and so we strongly encourage you to pass it. Thank you very much.

>> Mayor Adler: Thank you. Is aba soreno here? Aba? Is -- okay. You'll be on deck here. Mr. Baker.

>> Okay. Could we have my slides? Five slide presentation. I don't know how to make it happen. Please start the clock when that starts.

>> Mayor Adler: Hadn't started yet.

>> The first slide I want to --

>> Mayor Adler: You can wait. He's getting it ready.

>> What?

>> Mayor Adler: Clock hasn't started yet.

>> Okay. But -- okay. Let me draw your attention to an important feature of this first slide , which is a big blue link near the top. This link makes it easy for video viewers out there go on to the internet and read everything at your leisure because there's way too much material to read now.

[5:21:40 PM]

I will only have time to stimulate your curiosity. Let's see. Let's -- this one, slides one and two cites resource experts to tell us to get ready for a painful oil price spike in another year or two and nobody can accurately predict the timing since nobody can predict our troubled world economy. What we can say with confidence is that the collapse of the oil price in mid2014 will surely be followed by another price rebound, which is a very painful -- probably will be very painful for many drivers. Let's see. Trying to get this next one to -- okay. Now we're in slide two. This is another expert opinion. You see those blue links? When you watch the video, you can go into the details real easy that way. Now, let's get to slide three. Okay opinion slide three introduces a long article I recently wrote on txdot soaring debt. Would you believe that txdot debt is now 23 billion and that it costs txdot more than 11% of their total revenue just to pay the interest on this debt? It is only easy credit and political clout that is keeping txdot going, for now at least. And I provide full documentation of all the details. Okay. We're trying to get to slide

four. Okay. This one has to do with the wisdom of Austin building all the roads back afford. We can afford. I might be tempted to support the proposed bond package, but only if someone can find a credible expert who thinks that adding this new road capacity would in any way relieve congestion.

[5:23:42 PM]

In fact most experts know or, you know, have documentation that adding new capacity for roads would make Austin congestion much worse. Okay. The last slide, okay, this last slide has to do with the local economy. We're planning and building roads for a huge future car-driving population decades from now, but with little understanding of the validity and risk behind our growth projections. How many of us know that the local venture capital deals --

[buzzer sounding]

>> Mayor Adler: You can finish your thought.

>> Last sentence.

>> Mayor Adler: Finish your thought.

>> How many of us know that the venture capital deals that provides the tech jobs have taken a nosedive in the last year and a half? If Austin growth slows down, won't that cause our property taxes to sore?

>> Mayor Adler: Thank you.

>> Thank you for listening.

>> Mayor Adler: Yes, sir.

>> Good evening, alba

[indiscernible] I'm a community director for the commission and vice chair for the commission on immigrant affairs nominated by district 4 and I live in district 7. I was also a member of the vision zero task force and I'm a member of vision Oatx. In the last year of your tenure on the council, you have taken great strides. You inaugurated the 10-1 system with your presence and election to the council, you chose to create an office of equity and you spearheaded the spirit of east Austin, looking to what had been ignored for many decades in this city. But all of that will not matter if in practice on the decisions that you make in day to day, do you not treat will question of equity and leave behind people for many decades to come.

[5:25:50 PM]

The bond size you have elected to go forward with is definitely courageous but I encourage you to fulfill the vision of imagine Austin, that is a vision for all of us in the city to have a livable city, an equitable city, a city that functions for all of us. In this bond package, I encourage you to consider all parts of the city and all transit modalities that people need in order to fulfill their lives and basic needs. I will get -- I won't get into too much detail but other people from south Austin are here to talk tonight, again to give you the pulse from their hundreds of conversations and the leadership that they take in their daily work in order to make sure that those parts of the city are not left out. I encourage you again to think of the trajectory that you're on and the history that you're making and to fulfill that vision of equity in this decision as well. Thank you.

>> Mayor Adler: Thank you. Next speaker will be Kenya Reyes.

>> She's not here.

>> Mayor Adler: Okay. Lordes flores.

>> Is she's not here.

>> Mayor Adler: The next name I have is Andrew Clemens. Are there other people in your group that have signed up? What are their names.

>> [Off mic]

>> Mayor Adler: Lorena --

>> [Off mic]

>> Mayor Adler: Okay. Didn't get all those but Lorena I have, so please.

>> [Speaking non-english language]

[5:29:52 PM]

>> Mayor adler:gracias.

>> I'll translate. My name is Lorena , I'm a community leader that works with thousands of families in my area. I live in district 2. District 2 is an area with a lot of concentrated populations and we border district 5 in my area. The imagine Austin plan has a vision for the city that itial be livable for all of the people of Austin, not only people from certain areas in this plan of the mobility bond, south Austin is being left

out. We need monies just as other people do in south Austin not only for small modifications, but we need corridors, we need major streets in our areas in our areas.

>> Mayor Adler: Is there someone else in the group donating their time.

>> Lourdes. We cannot wait for buses, for sidewalks and for security measures for traffic calming. Our streets have to come into this plan. Our streets are stassney, south first, manchaca, all south of Ben white. In between these streets there are thousands of families who will not vote this plan into existence if they are not represented. Be with us so we can be with you. Do not leave us out and do not segregate us. Thank you.

>> Mayor Adler: Thank you. Henrietta?

>> She's not here. Maribel [indiscernible]

>> Garza: Mayor, I know we've never had this discussion, but if a speaker needs a translator can we not include that in their three minutes?

[5:31:59 PM]

>> Mayor Adler: I think we can. I asked that question and thought it wasn't right so I stopped pursuing it, but I think that that's right.

>> Casar: I think that's my preferred policy as well.

>> Mayor Adler: I think it stands without reason that's if not something that could be charged to the speaker so they could translate.

>> Proceed.

[Speaking non-english language]. >>

>> Good afternoon. My name is Maribel. I live on tejo trail in district 5. I'm a leader with gave and my community name is the strength of Westgate. We are hundreds of families working together to make improvements in our community. In our area we need infrastructure improvements that are highly needed in our district.

[5:34:01 PM]

We need those improvements in order to be able to get to work, to go to school and to reach parks. We cannot wait 10 years to be included in this plan or in some other plan. That would mean waiting my daughter's entire life to have this infrastructure. We ask that you include our major streets in this plan, Brodie lane, Westgate and stassney. These are important streets and we need them included.

>> Mayor Adler: Thank you. What is your name, please.

>> Estrella Deleon.

>> Good evening, my name is Estrella Deleon and I was born in east Austin, but now I live in dove springs. Recently bought a house there. And I have the privilege of getting to speak and work in my community through go vamos Austin. In the recently proposed mobility bond I'm concerned that much of drew is not included and not prioritized. We work with hundreds of families and traffic safety is almost always a top priority. Families in 78744 are severely needing infrastructure improvements on sidewalks, buses, road safety measures like crosswalks and hybrid beacons. Families in this area do not have the luxury to wait. Families are needing their children to get to school. They're needing to get to work. This will greatly affect them if it isn't prioritized immediately. So thank you very much.

>> Mayor Adler: Thank you. What is your name, please.

>> My name is Deidra Levan. Hello, mayor, councilmembers, I'm a resident in district 5 and I live in public housing, manchaca 2. I'm also vice-president of manchaca 2 and three other properties of south Austin.

[5:36:06 PM]

I am representing all these 190 residents. I want you to consider that everyday we walk to the bus stops in south Austin, everyday, Monday through Thursday, I walk to get to class. I need to go -- I'm sorry. Excuse me. I need to go much -- I must catch the bus two hours before I can even get to where I need to go. Two hours every morning I have to leave to get to where I need to go. When if you're driving a car it takes an hour. All right? That's ridiculous. I live off of manchaca and stassney and William cannon. It's very hard to get my groceries within our own zip code. Big streets like stassney, full lanes. Main streets in my zip code are congress, south first, stassney, west William cannon, manchaca road. Walking to stassney on manchaca road, got hit by a car. The person was in a hurry. Lack of pedestrian amenities, for example, signs, sidewalks, crosswalks for handicapped is not accessible. We need for handicaps too. Safety on the street, south Austin where all things are going up, how will traffic are safe? It's congested.

[5:38:10 PM]

Our kids, our grandkids need to be safe. Come on, going to school, crossing the street, the kids come first. Lose don't forget about the -- please don't forget about the people who put you in office. Thank you.

>> Mayor Adler: Thank you. Andrew clements? After Andrew clements we have Miller muddle. Is Miller muddle here? Okay. Sir.

>> Mayor, mayor pro tem, councilmembers, thank you for taking the time for public testimony today on this important mobility bond issue. I'm treasurer of our rail pac and a board member of the central Austin community development corporation, and I come before you today to voice support of adding a light rail component to the mobility bond in November. After the loss of prop 1 in 2014, I and other rail advocates that were active in that vote recognized and we had a commitment to come to bring rail back as soon as possible because we strongly believed that the citizenry did not reject rail in 2014, but the route and the plan. I've been involved in light rail advocacy since moving here in 2000, and I can say that there has been a great citizen involvement in that particular corridor, adding light rail to it. In fact, you've heard from Lyndon Henry and Dave Dobson has been involved in rail on Guadalupe, Lamar since 1973, believe it or not. We have strong neighborhood support. They've incorporated it into their neighborhood plans.

[5:40:11 PM]

Along Guadalupe and Lamar we have resolutions supporting a minimum operating segment on Guadalupe and Lamar from both the urban transportation commission and the sustainability committee. We strongly believe that the citizenry would support rail even though there's a lot of fear of bringing it back so quickly after the loss in 2014. We point to the Zandman poll in 2015 after the loss that showed a completely reversal and showed strong citizen support for rail. We've done our own poll specifically for the minimum operating segment that we've proposed, and we show over 57% support across the city for the minimum operating segment proposed on Guadalupe and Lamar. In fact, if half of the 17 percent undecided joined that, we'd be over the magic 62, 64 percent support. So I want to strongly support giving voters the option in 2016. I applaud mayor declaring this the year of mobility and going big. And in favor of going big, I support giving the voters the option of a minimum operating segment rail on Guadalupe and Lamar in November. We specifically tried to outline a minimum operating segment that could be expanded later.

[Buzzer sounds] And we also believe that we understand the need to have a comprehensive system, but I can honestly say this 5.3-mile section would be a part of any comprehensive system so you can feel secure if you want to go ahead with it.

>> Mayor Adler: Thank you.

>> Thank you very much.

[Applause].

>> Mayor Adler: Is Mercedes ferris here?

[5:42:14 PM]

Mercedes ferris? Is Robert Anderson here? You'll be next. Sir.

>> Mayor, mayor pro tem, council. Thank you for the opportunity to speak today. I just want to express bike Austin's full support for the proposed mobility bond election this fall. Bike Austin has 850 dues paying members and 16,000 people who follow us through email and social media. And I think it's really just, as you all have discussed, it's critical to create options for how people get around. And proposing a bond that means a substantial substantive investment in our transportation network is a way to create options for people. We have to keep them altogether and pass them as one package so we can present options, whether it's adding dedicated bus rapid transit on Riverside drive or protected bike lanes to airport boulevard, these are major transportation changes to some of our major streets and that will create the options that people need to get around safely. I applaud you to putting this forward and I hope you pass it today. I want to make note, vision zero has been mentioned a few times today. It a critical program. If you look at where a lot of these programs are happening, it's safe to say a plurality of these are happening on our major streets like Riverside drive and north Lamar where they're very wide streets with limited infrastructure for people walking or biking, the most vulnerable people on street streets. These are the streets than addressed it by this bond. Sidewalks, better transit service, all the things that are proven to reduce crashes. I think it's the right thing to do and the moral thing to do. Thank you.

>> [Off mic].

>> I also believe I had time donated to me with Patricia Schaub.

[5:44:18 PM]

>> Mayor Adler: Is she here.

>> Yes.

>> My name is Robert is Anderson. I'm a founder and board member of walk Austin. Here to speak today to the critical need of our absent sidewalk infrastructure and to other pedestrian needs. On June 16th, the council adopted the sidewalk master plan and made some amendments. Given the fact that the amendments haven't been fully made public yet and the revisions of the plan I made analysis that is

consistent with those recommendations or rather amendments to the plan. And you see the sidewalk network then that results according to that. The lines in red represent the high priority sidewalks within one quarter mile of schools, parks and transit. The lines in yellow are the very low, low and medium priority sidewalks. I sent this to your offices here the last couple of days ago and the chart at the bottom then represents the number of miles and relative share of those high priority sidewalks. What we see then, and this is our scenario a, this would be the relative share of \$55 million according to those sidewalk needs. And you see then in scenario B this is representing councilmember Gallo's sidewalk amendment and you see that council districts 1, 2, 3, 4, 7 and 9 lose significant amounts of money according to that, taking half of the high priority sidewalk money and dedicating it in equal shares to save routes to schools, a program which is inherently limited in terms of providing safety needs given the constraints of the program. So what we see then, and I'm going to skip scenario C in light of brevity here. Moving on to scenario D, this represents a compromise of that -- of the two plans, either the adopted plan or councilmember Gallo's amendment on safe routes to school. What this does is considers the fact that safe routes to school is a nascent program, focusing on crossing guards.

[5:46:28 PM]

If it's going to transfer to capital needs that's fantastic, but they don't have any identified yet. In order for them to develop that, that's going to take time. Recognizing that it's a new program then, we would like to fund it at a level equivalent to what vision zero is funded at, \$15 million. If we rouse the safe routes component to \$15 million and then allocate it according to need represented by this map, the relative share of pedestrian and bicycle deaths within one half mile of schools, we can see that we end up with a shifting of some of those dollars back to where we see the highest priority of sidewalk needs, districts 1, 2, three and 4. Adds we've already seen speakers today allude to fact that these are the areas of town where we have the highest priority sidewalk needs. This is where we have the greatest number of pedestrian and bicycle deaths. This is representing an opportunity to come to some sort of political compromise. This is not what walk Austin would like to see. We would like to see call it scenario E. What it does is it retains the basic elements of scenario D, but it upticks the level of -- the funding for the sidewalk program to \$85 million and it also creates a separate funding category of \$20 million for safe pedestrian crossings. This would be funding for non-sidewalk infrastructure, things such as the huge queue of pedestrian hybrid beacons, such as A.D.A. Compliant detection, rather signal devices for crossing streets, things of that sort, which we also have a huge capital need for. So this is our funding request at \$120 million. In and lest you think this is a huge increase in amount of money, I would say that even at this funding level we are looking at 120-year period to build out our sidewalk network. This is a modest increase and urgent sidewalk infrastructure and pedestrian safety needs for our community.

[5:48:28 PM]

And if we are going to achieve our vision of a walkable community, and if we were going to allocate our dollars in a way that represents our city's values, this is a direction we need to move in. Thank you very much.

[Applause].

>> Hi, I'm Angela Richter, also a walk Austin board member. I just wanted to give a little bit of context to some of the numbers that Robert was speaking about. We -- walk Austin has been meeting with neighbors in the blackland neighborhood in east Austin and have been talking to them about some identified problems in their neighborhood and helping them try to figure out what can be done to fix those. And a lot of those asks, a lot of what they want as far as fixing missing sidewalks between where children live and the park that they go to, and safe crossings along that same route, and between where seniors are living and the senior center by the park, these are things that are not going to get done necessarily if we don't increase sidewalk funds. It's also -- these are areas that are high priority sidewalks under the sidewalk master plan. And, you know, if more of the funds are split between districts, then these are the types of projects and the people that need the most that may not receive that funding. Thank you.

>> My name is Tom Wald. I'm with walk Austin. I really want to support this bond package and I've been working on this with fellow advocates for about a year now on it. Fellow biking advocates, trails advocates, and working to get a coalition with other people in the community such as the chamber and reca. At this stage there's just not enough funding for pedestrian mobility in this bond package and that's why we're asking for an increase of 65 million to bring it up to 120 million.

[5:50:36 PM]

My concern is that when this bond package, consuming it passes under -- assuming it passes under the current form, what will happen is we'll be taking away basically -- we won't have any transportation money left any time soon to fund sidewalks, to fund safe crossings. And what we're going to see is we will see news story after news story of teens, kids, adults crossing, walking along streets and getting hit by cars. We've had this plan for decades. We're talking about plans sitting on a shelf and wanting to fund them. This plan has been around for decades. We've had different iterations. Council just as passed its most recent iteration a couple of months ago. We're -- as Robert mentioned, we're talking about in this plan building out a few percent of the sidewalk plan. We're not going to get there any time soon, and that really concerns me. When I was asked -- I was intoed by Kate McGhee at Kut a few months ago and we talked about traffic safety quite a bit. And one of the questions she asked me was why is this happening? Why -- looking at other places around the country that have safe places to walk, why is Austin so behind? I was like gosh, I don't know. I don't know if I can really point to one particular thing,

but then I realized that it's a series of poor decisions from our leaders. It's a series of poor decisions. One after the next. This bond package, and at campo and also making transportation decisions, we're putting too much of the pie somewhere else other than for sidewalks and for safe pedestrian mobility. And that's my concern. It's not so much about cutting down the corridor plans. It's about when are we going to prioritize sidewalk funding. And I would encourage any city councilmember out there -- I know a majority of you are supportive of sidewalk funding and I know all of you have spoken in support of sidewalk funding, some of you even moving it to your district because you want it so much that you want to increase sidewalk funding.

[5:52:46 PM]

Our ask is to increase sidewalk funding overall. And I encourage you, keep in mind that not to vote for this, not to vote for an increase in sidewalk funding is an important decision. We correct the inequities of the past. I think it might not be easy to relate to people who -- who need sidewalks, but just keep in mind those people are out there and it's hard for them to come to meetings like this.

[Applause].

>> Mayor Adler: The next speaker we have -- council, I'm going to keep going with speakers and then maybe break for lunch -- break for dinner after we have the speakers. We have a group, probably a little less than an hour of speakers. Steven Zenner and Roger Stewart. Is Roger here? You will be up next.

>> Thank you. I'm Steven setner, I love near burnet road. I came here to support the mayor's mobility bond package. And I came here with some hesitation. I have some concerns. The two things that I've been wrestling with in my mind as I prepared for my presentation is the fact that Austin has so many other needs than just transportation. We have affordability crisis, we have open space needs in the urban core. One of the speakers spoke about flooding issues. So there are so many competing things that we need money for. At the same time I feel like we've been not spending on this kind of pedestrian and transit infrastructure for so long that we're in a deep crisis in the city.

[5:54:48 PM]

And I think as I was trying to put together my thoughts for my presentation I was listening to the people from south Austin who I just felt like they just nailed the kinds of concerns we have in north Austin with regard to being able to get to places, being able to walk to destinations, to use transit. And it just connected for me that that's a citywide issue. So when I think about investments in transit infrastructure, I see it as a network issue. We have economies of scale that make transportation systems

work and we have to get to that in the city before it's going to start working for us. So I don't care whether it's in south Austin or north Austin or east Austin, but any investments we do in this type of infrastructure in trees and sidewalks, trails, transit, open space, is going to work for us to start to put this system in place and for us to build on. I do have two ideas for how we can leverage the mobility funding to get other goals accomplished. I just want to put them out there for your consideration. In the case of affordability I'd like to know if codenext will substitute different element requirements, including affordable and family friendly housing for developers to get a free pass on utility upgrades and street improvements. And also please ensure that the language of the bond allows for acquiring mobility open space along corridors, transit plazas, pocket parks. These are features that contribute to mobility, but also achieve other important city goals like community building and recreation. Thank you for your time.

>> Mayor Adler: Thank you. Peter Mullin? Is Peter here?

[5:56:49 PM]

After Peter we have -- since we don't have Peter here, David Witte? Not here? Okay. I'm sorry. You're usually sitting down front. Thank you.

>> Hello, mayor and councilmembers. I have lived in Austin since the '80's, but this is my first time to participate in any city process, so it's very exciting for me in that regard. And nobody is paying me to be here, as you can probably tell from my clothes. Congestion is something that's changed a lot in Austin since my time here, and it can be annoying and it can have a cost that can seem like a high cost. But the cost of sprawl is much higher and it has a much worse long-term impact. And the Austin metro area has sprawled significantly in recent years and become much less dense, and with a lot of negative impacts to infrastructure, public safety and other factors that folks have mentioned. And I'm sorry to say it seems like this 720-million-dollar plan will actually make sprawl worse and will have bad impacts on economic and environmental sustainability. And I think the plan has some good parts and you can make it much better. And I know many people say don't let the perfect be the enemy of the good, but I think there's some very large imperfections. And here's just a few ideas a bit big. One, replace the regional and the corridor projects and other monies with light rail on Guadalupe and Lamar like the plan mentioned by, I guess, Mr. Henry and Mr. Clements I think maybe and others. Like the year 2000 plan that would have passed under -- in almost any other election year with a different -- without having so many voters from well outside of Austin.

[5:58:57 PM]

Second, fully fund the master plans for bicycles and sidewalks and urban trails. And the light rail and the good sidewalks and the trails and the bike lanes will have a much higher return on investment. They're not massively unprofitable like roads are. Roads lose trillions of dollars every year in America. And yet we somehow expect transit to make money. That makes no sense. Even if you take all the money for roads out of this bond proposal, there will still be billions spent in the Austin area and in Texas. And the history of Austin's transportation spending has unfortunately been far too much in regard to roads and not enough in terms of bicycles and sidewalks. And other things that are really important for public safety and liveability, and so I urge you to live up to the imagine Austin recommendations and make those changes, replace the roads with light rail and fully fund the master plans for bicycles, sidewalks and urban trails. Thank you.

[Applause].

[Buzzer sounds]

>> Good evening, council and mayor. Is this on on? Can you hear me? Okay. My name is David Witte, I'm with adapt of Texas, and we are a crass roots disability rights organization. Adapt of Texas is based right here in Austin. And I am one of the faces of a pedestrian. I'm what you see in the road when there are no sidewalks or no accessible sidewalks. And I just wanted to say that adapt supports the bond package. I know I signed up against, but I want to say that the reason I had to sign up against all of the elections and all the bond taxes is because we disagree with the possibility of dividing the package fairly and equitably amongst the 10 council districts simply because there's not an equitable need across the council districts.

[6:01:14 PM]

Historically east Austin has been underserved and there's a great need. I've lived in almost all parts of Austin except for the rich parts, and I've lived where there were no sidewalks for the entire time that I lived there. So I just wanted to say that it's important to have sidewalks, it's important for the safety of everyone who ever gets out of their car because that automatically defines you as a pedestrian. And it's important for people to use wheelchairs, who use wheelchairs, mothers, fathers with their children in strollers, kids who are out there playing. They need a safe place to get back and forth. Certainly to schools, but also to other parts of the city they need to go to, like the community centers and the libraries. Adapt supports walk Austin's request for an additional \$65 million. I can't believe I heard them say it, it will take 120 years to build out the sidewalk infrastructure for Austin. I've been working on sidewalks for 25 years and I don't have another 120 years left. So thank you for your time and yay sidewalks.

[Applause].

>> Mayor Adler: Is Roger Paul here? And after Mr. Paul --

>> Good evening, mayor and council, I'm Roger Faulk, analyst with the Travis county taxpayers union. Eye I'd like to digress just for a minute. I've heard a lot about safety and I've seen this vision zero plan. And if you look at your website the banner on it is a guy riding a bicycle wearing full earphones on his head and no helmet, both of which are incredibly unsafe. And this is on the zero plan website page.

[6:03:16 PM]

And it's like this is a real mixed message. I just kind of wanted to point that out. I liken Austin's traffic problem to a heart attack. It's a crisis caused by excessive congestion and blockage. We find ourselves in the er with a crushing pain in our chest and doctor Adler is prescribing a tunnel my tuck and a face -- a tummy tuck and a facelift. This bond does nothing for the congestion on I-35, mopac, 183, 360. Nothing significant. These are the blocked arteries that foremate Austin's traffic heart attack. Using false promises of congestion relief to push a high density anti-automobile agenda is deceptive. We need to stop misleading the public with false promises of significant traffic reduction that will never materialize. Austin's key traffic problem is our north-south commute congestion. It's a problem that plagues our citizens. It's one they complain about constantly. It's one they want solved. It's one that is growing. And it's one that we are ignoring with this mobility bond. Our resources are finite. We must use our money wisely. This city has a repayment of bond debt of almost \$10 billion. That's almost \$10,000 per person. We don't have a lot of money to spread around on a lot of things that aren't effective. We need to adjust and take care of the core problem in this city, which is the congestion on these roads. Tummy tucks and facelifts on corridors isn't going to fix this problem.

[6:05:18 PM]

It's only going to perpetuate and people are going to be unhappy. It's time that we focus and fix the corridors north and south, then we can move on to all of these other nice things. I agree we need sidewalks, I agree with many of the folks that have spoken here tonight, but the problem is we have a key core problem. We're not recognizing it. And until we get on to it we're going to continue to have mobility issues.

>> Zimmerman: Hang on. Mr. Faulk?

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: I want to say I appreciate you being here for the taxpayers' union. I kind of know how that feels. You're in the minority. I was representing the taxpayers union in 2012. I want to let you know they've already made a movie about our experiences. It's called the loan any guy.

-- The lonely guy. Thanks for speaking up.

>> Mayor Adler: Is Andrew Mayer here? You will be next. You can proceed.

>> All right. I am coming up to speak today generally with a sense of disappointment and missed opportunities for the potential that this package had a few months ago, and what I see before me this afternoon or this evening. I've been torn ever since this discussion on this package started because, honestly, I don't hate the underlying concept. I think that there are several things in this that can work under certain circumstances, and that's why I wanted to engage and, you know, ask the council and ask the city manager to come and show a credible plan for how you're going to actually execute what you're asking the voters to approve.

[6:07:27 PM]

In other words, I was basically asking for a plan how are you going to get from point A to point B? Instead coming back here six weeks later it looks like there's not even a firm commitment to where point B is going to be. And absent a firm commitment to what you're actually going to build and where you're going to build it and what the plan is to get it done, this is starting to look more more and more like a 720-million-dollar blank check to the transportation department, which, let's not kid ourselves, will be close to a billion dollars once interest is factored in. And absent a firm binding commitment to where the money going to be spent, what it's going to be spent on, and a credible plan for execution, it's -- it's very difficult to move forward. This is a very difficult plan to support absent those two things. So I know that there's going to be some amendments and some motions and some discussions on the dais tonight. We will see where those ultimately lead. Consider me skeptical, but right now I'm about 99% of the way towards being a firm no on this thing. And I'll wish you guys godspeed later tonight, but it's going to be a pretty tough lift.

>> Mayor Adler: Tom Turkel. I think he left. Scott Morris? John Woodley? You will be on deck.

>> I am Andrew Mayer. I would like to donate my time to Scott Morris. Is that fine?

>> Mayor Adler: Yes.

>> Sounds good.

[6:09:31 PM]

>> Mayor Adler: Is golden Powell here? Is Dave Meyers here? Is Ryan Walters here? Is Roger Caven here. Okay. You have nine minutes.

>> Thank you very much, mayor, councilmembers. My name is Scott Morris with the central Austin CDC. We can start the slides, please. Transportation success is measured in moving people, not in moving their cars. Light rail offers the greatest capacity for moving people, surpassing any other mode for its cost effectiveness, capacity and through-put against any other method, proven or unproven. We have a perfect storm approaching in November for transit. Transit referenda do exceptionally well in presidential elections. This November we'll see an overwhelming turnout at the polls, not only for the presidential election, but for a proposal that has overwhelming support in the city, blood pressure-north Lamar -- the guadalupe-north Lamar light rail plan. It will likely have the largest voter turnout of any in the city. This November is a precious opportunity to pass a light rail measure, and it may be the best and last shot we have in a generation or more. Since the November 2014 vote of the project connect rail plan, several positive signs have emerged that convinced us that it was not a rejection of rail, but a rejection of a poor rail plan. Within days of that election, campo, our regional planning body, began discussions on the return of rail. Those discussions translated into a line item in the adopted 2040 plan.

[6:11:32 PM]

It's a 498-million-dollar fiscally constrained project for a high capacity transit investment in central Austin. It has been prepared to pull down federal funding and could be used to advance the guadalupe-lamar rail plan within the federal and regional process. There is strong support in the community for moving forward with rail transit. Zandan polling in 2015 showed 26% of Austin rightsites would support a running rail mass transit project as well as the taxes to build it. That is a 23-point swing from the election results of project connect. As a confirmation of the polling and at the request of mature Adler, we -- of mayor Adler, we conducted a poll of voters in July. The poll shows if the election were to happen today a 5.3 million, 400-million-dollar light rail starter line in the guadalupe-north Lamar corridor would pass with a substantial margin. With a 4.4% margin of error, the results were 56.34% yes, 26.56% no, and 17.1% undecided. With 90 days before the election, guadalupe-lamar minimal operating segment has a 29 point lead citywide. This poll also tested the voting public's familiarity of our citywide light rail system plan, which is the ultimate goal of our efforts to build the guadalupe-lamar starter line. It showed that 47.8% of likely Austin voters were familiar with the citywide system plan. This shows that community engagement that we have taken on for the last year has made great progress in preparing the public for an informed decision this November. The light rail poll is a confirmation of the zandan poll, but it looks deeper at the issue within the context of a specific route. It is a likely voter poll, which apps was not and asked for a specific increase in property taxes.

[6:13:39 PM]

Voters will embrace light rail on guadalupe-lamar and accept the taxes to pay for it. Imagine Austin comprehensive plan contains a recommendation to create a system of high capacity transit, including elements such as urban rail and bus rapid transit, corresponding to land use, mix and intensity. Imagine Austin was fully vetted by the largest public involvement process that the city has ever undertaken. It contains specific recommendations for the construction of rail service in the following comprehensive plan elements. Brentwood highland combined neighborhood plan, crestview Wooten combined neighborhood plan, downtown Austin plan, east Riverside, oltorf combined neighborhood plan, Hyde park neighborhood plan, north Austin civic association neighborhood plan. North loop neighborhood plan, the Austin metropolitan transportation plan. The foundation in city ordinances -- the foundation in city ordinances for the guadalupe-lamar light rail exists. The studies and small area plans that have involved a very robust community engagement processes. At least two federal environmental study impact statements, one fta, new starts proposal and preliminary engineering on most of the guadalupe-lamar minimum operable segment. That preliminary engineering was conducted by parsons in 2000 and it can be updated as part of a fast tracking. The mobility talks community engagement survey asked austinites how they are getting around today and how they would prefer to do that in the future. 61% of the respondents say they drove alone now, but 64% of them would like to take public transportation.

[6:15:40 PM]

This is a clear message that a significant transit investment is needed and expected on the November ballot. Mobility talks also inventoried local planning efforts over the years that have dealt with transportation to measure past community engagement. Not including the federal studies, but looking only at the city of Austin community engagement, there have been 16,734 participants engaged or exposed to the light rail and urban rail decisions over recent years. Even project connect served as public engagement process for the guadalupe-lamar light rail, as everywhere those consultants went throughout the city they heard one consensus message from the

citizens: A starter line needs to be built in the Lamar subcorridor. The city sponsored the mobility atx initiative. It was in 2015. It was a community engagement process that catalyzed the development of our current proposal. A Gia analyst with civil analytics found two very dense residential areas to determine the alignment of a north-south proposal. This analysis that followed demonstrated that dove springs and rundberg as termni connected with 140,000 jobs in the I-35 north Lamar corridor would bring access and economic opportunity for low income and transit-dependent populations. This system has to start somewhere and we believe that that is guadalupe-lamar corridor with ridership numbers that hit it out of the park on day one. Our proposal is based on several decades' worth of planning and discussion, neighborhood planning ordinances and over \$20 million in federally funded transit studies. They have arrived at a singular conclusion. Guadalupe-lamar would be a great place for a light rail investment.

[6:17:40 PM]

It would be the next step in Austin's utilization of rail and would cost effectively serve a corridor with the highest transit ridership, the highest population density of any other corridor in the city. This proposal has greater reach than the fta approved alignment in 2000. It connects to 32 miles of existing commuter rail that did not exist in 2000, providing red line passengers from east Austin and northwest Austin a light rail transfer to 145,000 jobs in the guadalupe-lamar corridor. Our ridership estimate is 34,000 weekday boardings, and it was determined by a spreadsheet model developed by the transportation research board's fta sponsored transit cooperative research program, we used real current year 2010 census data and 2011 jobs data that would be served -- in order to establish this estimate and they would be served by this investment.

[Buzzer sounds] I'm sorry, was that nine minutes?

>> Mayor Adler: It was. You can wrap up your thought.

>> I'll wrap it up. We had a cost study that was performed by Andrew clements and I just wanted to conclude that we recommend that -- we recommend that with the presidential election on the ballot, we see the opportunity not to just go big, we'd like the council to go bigger. And a 1.1 -- \$1.12 billion bond referendum would do just that. We feel the people of Austin are ready to take this step. This is the promise and potential of what we are here today to ask you to do.

>> Mayor Adler: Thank you.

>> Thank you very much.

[6:19:41 PM]

[Applause].

>> Mayor Adler: There was an extensive bond conversation, rail conversation in the last item earlier this afternoon. I don't know if you are aware of that or had seen that. John Woodley? And then next is

[indiscernible] Mann? Is she here. You will be up next.

>> I'm John Woodley. I'm an advocate for disability access. And human services have been walking and crawling since the beginning of time. We need to rebuild our infrastructure to include the old ways of travel. We did not build buildings from the top down, you build from the foundation up. You must have a solid foundation or it will fail. You have to build the modes of travel the same way from the foundation of travel up to our modern day modes of bicycles, autos and public transit. The bond package is a great idea, but still falls drastically short to address the fully funded in access and connectivity of our very

basic fundamental needs. To fix and make our sidewalks A.D.A. Accessible in the city of Austin limits will cost a billion dollars and add txdot 2.5 billion. Many of the people I spoke are collecting petitions and agreed to fully fund the sidewalks, bicycles and urban trail. They understood that this would be a large bond package. Most of these people do not have a disability and it speaks volumes towards the need for the basic infrastructure to be built. These are not only people with disabilities, but everyone in our great city. Please, in the interest of affordable housing, increase the funding of a basic fundamental infrastructure to no less than 250 million in order to tie everyone's interest and make a formal commitment to add another 250 for every bond election.

[6:21:42 PM]

This will take eight years for Austin controlled streets and 25 for txdot. Thank you.

>> Good evening. My name is false Fatima Mann. One of my biggest concerns among many, and I think a lot of people discussed it, is the lack of diversity in terms of the polling. So who was polled in figuring out what was needed in the community and where it was needed and how it was needed? What people in the community were asked if they would even want this kind of bond on the poll? I just have a question about the initial process. So I know that you don't put up a bond for voting without having polling done and asking people if there's even something that they want to vote for, but my question is who was asked? What demographics were asked? Who were the individuals who were sought and recruited to have these survey questions and polling questions? Of the fact that most of the time these polls or these bonds -- there's no information to the community about it. So I cannot Google what this 720-million-dollar bond is and how it will actually be able to help the communities like mine that look like me. The fact that I take the bus all the time and I'm an able bodied person and I walk down streets without sidewalks is ridiculous. The only -- it seems that the neighborhoods that have sidewalks are the gentrified neighborhoods, which is a problem because all the neighborhoods aren't gentrified and they shouldn't have to be gentrified to get sidewalks, right? The fact that there's not covers over bus stops, that there's not adequate bus running north to south or east to west for people like me who have meetings, but have to take off, you know, 90 minutes to two hours just to get to a meeting because of how buses run. I can't have a job and come to city council because if I do, then I'm going to miss something because of how buses run, right? I don't know what the conversations were like before polling to see who would actually vote for this thing, but it seems that it's not usually people the pushing the margins that are asked about how we would want to vote and what that voting looks like.

[6:23:57 PM]

And even the education part, as much money as the city has, why isn't there a campaign explaining what this bond will really do and the benefit of it? And the fact that there's a park that's established with this bond, but yet maybe nothing about affordable housing, we have enough parks. So we don't have enough affordable housing. There's just so many issues with this bond. Is it going to be a line item vote? Will I be able to see what I'm voting for specifically and not say that I want to vote for the entire package? Because I may not want to vote for the entire package. I may as a voter want to vote for certain things that I see as beneficial to my community. These are all concerns I've stated already. I think that people have done it eloquently. I came from Charlotte, so that was a city that I watched actually get a light rail from beginning to end. They started it around 2007 when I started college and now I go back and it's a beautiful light rail. It took some time, but people are utilizing it in a better way. And if Austin is going to be the city that's Progressive, it needs to be thinking in a Progressive manner.

[Buzzer sounds]

[Applause].

>> Mayor Adler: Next speaker is Kathie Lawrence. John brewer. You will be on deck next. Ms. Lawrence.

>> Good evening, mayor Adler, council. My name is Kathie Lawrence. I'm the co-vice-president of the Hyde park neighborhood association and the vice-chair of the Hyde park neighborhood contact team. As you know, Hyde park is a very dense neighborhood. It is second in density to the -- west campus neighborhood and apparently we are the first street car suburb in the state of Texas. In 2000 we developed a Hyde park neighborhood plan and goal number 3 on that plan was calling for light rail planning and support to enhance pedestrian uses, residences and businesses in the Hyde park neighborhood.

[6:26:11 PM]

Our neighborhood anticipates additional traffic congestion as the state proposes to expand the winters state health complex at 51st and Guadalupe. They're going to add a million square feet of office space. Also the state is considering the stale of the Austin state hospital, which would leave 88 acres to be developed along the Guadalupe corridor. And to residences and commercial space. So in the last month the Hyde park neighborhood association and the Hyde park contact team passed resolutions to support building a starter rail line along the Guadalupe and north Lamar corridor as proposed by the central Austin community development corporation. We really hope that the Austin voters will have an opportunity to vote on light rail in November. Thank you very much.

[Applause].

>> Good evening, mayor and staff and council. My name is John brewer. I'm a resident of district 7. I currently live in the -- actually in the Justin Lamar tod. Today I want to bring forth a strong request to

please put forward the guadalupe-lamar rail plan for November's ballot. This project has been thoroughly vetted and it has been thoroughly researched. It has substantive public support here in Austin as the recently conducted polls have shown. The guadalupe-lamar starter line is estimated to move over 30,000 people per day immediately upon deployment. That's well over what we are currently -- what we're currently estimating for the future of the red line. This means potentially tens of thousands of cars are removed from the streets of central Austin, our central corridor. This means tens of thousands of people who are significantly increased mobility options going forward.

[6:28:16 PM]

There are fairly few other options now or in the future that will be able to match the high ridership numbers that this package will bring. This year we have a unique opportunity to address the problem that we have that we've been ignoring for decades. Moving people to where they need to go. We have the unique opportunity to be a truly Progressive city that we claim to be, and to correct the damaging regressive decisions of our past. We have the unique opportunity to bring incredibly significant value to our mobility and infrastructure investments. It is not a cost, it is an investment. It's an investment in our future. And as previously mentioned, senior citizens' lives do matter. Disabled lives do matter. I want to see fully funded bike lanes. I want to see fully funded sidewalks. But additionally, I want to see fully funded, high quality transit options, including the guadalupe-lamar corridor plan, to the area where they're most likely to be able to utilize it. Give them a Progressive, all-inclusive transportation option. Please fund -- fully fund the sidewalk master plan, fully fund the bicycle master plan and finally, bring forward the guadalupe-lamar rail project to the voters this fall. Thank you.

[Applause].

>> Mayor Adler: Thank you. Is Ted siff here? Okay. Come on up. The next speaker is George Cofer on deck. Ted, you're up first. George is on deck.

>> Thank you, mayor and council for the opportunity to speak. My name is Ted siff, and I come here as board chair of the shoal creek conservancy and one of the leaders of a coalition called the get Austin moving coalition. I want to support my remarks with those of -- I want to associate my remarks with those of the reca CEO, ward and Andy Cantu, mobility director for the greater Austin chamber of commerce.

[6:30:26 PM]

I would point out in the 46 years that I've lived in Austin and the 25 or so that I've been a bond advocate, there never has been a coalition of business, real estate and active transportation interests like the one that's presenting to you tonight. And it's actually been presenting to you for the last several months on the 720-million-dollar package that you, by a great majority, passed on June 23rd or actually the morning of June 24th. Question support that -- we support that package. It's not everything. There have been a lot of good other proposals tonight. It is not perfect. It is an affordable, transparent package that leaves capacity, bond capacity for 2018, though, and it is an equitable proposal in that it provides transportation benefits to all areas of the city. I could go into great detail, but in the time available remember that this structure that you pass on June 24th saves 250 million dollars' worth of bond capacity, at least as a starter discussion, for 2019 bond needs. It's transparent to anyone who goes to mobility talks on the city's website or who participated in mobility talks, the literally tens of thousands of comments or participation units that were measured in my mobility talks shows you that in the last six months it's been quite vetted, but more importantly over the last six to eight years the plans that are the core foundation of this 720-million-dollar package were -- each had public process and were ultimately passed by the prior city councils.

[6:32:38 PM]

Affordability, with this 720-million-dollar package, as the option for voters, voters -- our city finance folks say will be charged an average of -- for an average homeowner 467 cents a month. A thunder cloud suba month or the equivalent. I support it. Thank you.

>> Mayor Adler: Thank you. Mr. Cofer is up and Walter wukash, is he here? Is Scott Johnson here? You will be on deck.

>> Mayor, council. Can you for this opportunity to speak. I'm George Cofer, director of hill country conservancy. I'm glad I had the opportunity to follow Mr. Siff. I want to say ditto and sit down, but I'll add a few remarks to what he said and echo a few things. I too have been part of the get Austin moving coalition and have worked for at least a year with representatives of the active transportation community, the chamber of commerce, the real estate council, several neighborhood groups and I am here to urge you to support this package that you have crafted. And also to echo what Mr. Siff said. I am one of the citizens who have been fortunate to participate in the creation of some of the urban trails plan, the sidewalk plan and the bike plan. And we spent five or six years doing that and those plans are on the city's website. So frankly, I'm confused when people say they're having a hard time finding information. The information's there. I think you've done a great job. In closing, I extend special thanks to not only the city staff, but other staff and organizations.

[6:34:40 PM]

The city staff in particular worked way too many hours over the last couple of years to get to where we are tonight. I appreciate all their hard efforts. Thank you.

>> Mayor Adler: Thank you.

>> Garza: I have a question, mayor. I have heard from other folks that are part of the get Austin moving coalition. And you mentioned there were some neighborhood groups. What neighborhood groups were those?

>> In my work at hill country conservancy I can only speak to that. As you know we're one of the partners with the city of Austin on the violet crown trail and that urban trail, the part of the trail that is urban from zilker park down to lady bird Johnson wildflower center goes through several neighborhoods including sendera. And I think one of the big gaps is that we have to get oak hill connected. So we have spent years working with those groups. Of course, sunset valley, the violet crown trail goes through sunset valley. And then the neighborhoods south of sunset valley back into the city of Austin.

>> Garza: Okay. Thank you.

>> Mayor Adler: Okay. Thank you. I think it's Mercedes ferris after Scott Johnson. Mr. Johnson?

>> Good evening, mayor, councilmembers. My name is Scott Johnson. I spoke to y'all a month or so ago. I'm part of the vision zero task force and continue that work. And was the lead citizen on the distracted driving ordinance. This chart that you see here is one that we get during our task force meetings when we're asking for data. These processes that you're involved with need to be data driven as much as possible and I wish and I hope that you will utilize the resources of people that are in the meetings from the boards and commissions and advisory councils that get the data and use that to good effect.

[6:36:47 PM]

If you look at the chart up there, this map is a compilation of the crashes or collisions between 2010 and 2014 with the legend up there for non-fatal collisions being Orange and the fatal collisions being red. And you can see that some of the corridor projects that are underway, which will include bike and pedestrian facilities will have address this issue, which sometimes ends in fatalities, loss of life. There were 102 of them last year as stated in the mayor's state of the city address. I worked hard with your office to try to get as much vision zero focus in that speech as possible. And what I want you to know is that when we're talking about spreading the money out within the city, there are needs that aren't reflected on that map quite as well. In east Austin, south Austin as I've reached out to some of your offices such as Pio Renteria with information on that issue. Going to the next slide, when you look at page 99, this is version 9. The version that I understand from staff is the latest one. One of the my

concerns when we look at the funding, vision zero has \$15 million. That will be probably mostly intersections. And that could be spent to good effect, but there's much more to vision zero than just intersection improvements. The bike lane gets 20 million. It will benefit from the corridor plans, but the sidewalks need hundreds of millions, as was stated earlier. We need approximately 25 million for 10 years. 55 million that's co-opted by safe routes to school which has a sidewalk component, does not give us much in terms of funding for areas that need -- that have gaps in them to capital metro stops, et cetera. On the urban trails in getting the information directly from the public works department, there's 30 million budgeted in version 9, but there's only 16 million in projects that are there.

[6:38:48 PM]

That's a delta of \$14 million that could be used for sidewalk funding for district 1 or district 2 or trustee district 3. And some of the projects, country club creek trail, when it's fully integrated, will go into Guerrero park and that's a good thing, but that's not getting people to where they work. It's not getting people to the store.

[Buzzer sounds] You can't cross the bridge at longhorn dam unless you're a good cyclist. Please consider reallocating funding from the trails to sidewalks. Thank you very much.

>> Mayor Adler: Next person is Mercedes ferris.

>> Hi, good evening, council. Thank you so much for your time and away from your families this evening. My name is Mercedes, ferris, executive director of bike Austin. Also a constituent of district 3. I come to you also in support of the bond package. We support the bond and we were also part of the get Austin moving coalition, and we did do a lot of community outreach in particularly underserved communities. We worked with gave and with other areas. And any neighborhood association that would allow us to come speak. So we did make a lot of efforts to go out into the underserved communities and the represented areas that may be affected, but we have to look at the bigger picture of this bond, how it will afford people to get out of their cars and have to pay for vehicles. Have access to healthy foods. To have access of safe routes to school. So these are the bigger pictures we need to look at and understand that there may be a slight tax increase, however the benefits are well worth making that five dollar increase. So I do appreciate your time and thank you so much.

>> Mayor Adler: Thank you. Council, those are all the speakers that we had. Does anybody else think that they signed up to speak publicly this evening? Those are all the speakers we had. We promised ourselves when we did this earlier that we would at this point take a break for dinner.

[6:40:51 PM]

So the question is what time do we come back? I understand that the folks that are here for the zoning case that comes up after this knew that we would be doing the speaking, then taking dinner, finishing the debate and then going to their item and they have chosen to stay and want us to proceed with that item. So the question now is what time do we come back? We had talked about taking Austin hour for dinner before. It is 20 until 7:00 now. It is 6:40. Do we want to try to come back at 7:30? Do we want to come back at a quarter to eight? Ms. Pool?

>> Pool: I was going to suggest we come back at 8:00, but actually start the meeting at 8:00. So be ready to go at 8:00.

>> Mayor Adler: Do we need an hour and 20 minutes. Could we say 7:45 and make that a hard start?

>> Pool: The piece I'm looking for is that we start.

>> Mayor Adler: Could we come back at 7:30 and start hard start. We'll do that. 7:30 and let's start promptly at 7:30. Thank you. We'll be in recess.

[7:29:19 PM]

Safe routes to school, social security, social security, safe routes to school, safe routes to school, safe routes .[recess] Recess]

[Recess]

[7:37:26 PM]

>> Mayor Adler: Council, we ready to pick back up discussions? Council? Let's go ahead and have discussion. I laid out -- I laid out what is on the white page's upper left-hand corner, mayor Adler revised ordinance. I move passage of that and then we can talk about it. Is there a second to that? Okay, Mr. Zimmerman seconds that. There have been a lot of talk is and conversations about this bond thus far. I'm going to try to keep this brief so we can get into language changes and the like. There are two chief issues in this city that people talk about we're at crisis, one of them is mobility, traffic, the other one is affordability. And I think those things are linked to each other. I wish we could do everything that folks want us to do on moment. Our staff has told us that the price tag to do that is in excess of \$9 billion. We don't have \$9 billion. So we have to make choices. \$720 million is a lot of money. \$720 million is also less than what the cost is on highway 183 right now on east Austin. It's less than that amount that we're spending. It cost us \$250 million every time we do a philosophy fly-over intersection. This city has not

spend in bond election transportation more than \$630 million over the last 20 years. The reason we have a congestion problem in this city is because we have chosen not to do anything about it and we have an opportunity to do something that's significant and I think the community has demonstrated, as we've talked over this over the last several months, that they want us -- they want us to do that.

[7:39:38 PM]

This is a package that deals with items that have been debated and vetted by the public over the last six years. The bulk of it is the corridor studies. This community set the -- this is the next step in what the councils before us have done. This was on the ballot in 2010 after going through a bond committee, citizens committee, they set the priorities and said set the process on these bond corridors. These studies continued after that. We spent milligrams of dollars and thousands of hours of people's time of thousands of people to move this forward. This is something that has been widely discussed by the community, widely vetted by the community, and this is the next step. And Austin too often finds itself faced with alternatives, and it examines choice a and it examines choice B and neither one is perfect and it struggles to choose a or B and neither one of them is perfect and what we do all too often is, cold fronted with that, we choose to do nothing. Quite frankly, choosing either a or B would have been better than doing nothing. But we can't do that now. This is what has been set up and lined up for us to do with those corridors. We also then say let's not only do those corridors, which are the burnet road, neutrally, emergency, east Riverside, and Guadalupe, but we also then tee up the next corridors to be exactly in the position where these corridors are by initiating that process. Those additional roads, William cannon and slaughter, rundberg, east and west, east colony park loop, east martin Luther king boulevard, south congress, south pleasant valley drive.

[7:41:46 PM]

This is doing this work all over the city. It's letting -- this is how you do planning. This is how this moves forward. In the last discussion we had in, you know, we added to that list a south corridor as well. So that we would have one as part of that core group that would actually be implemented with construction in this eight-year period of time. In addition to that, we have -- we have the pain points that the community wants us to deal with, recognizing that if we're gonna pass a bond, we have to have a bond that did pass. Which means that it has to -- it has to speak to people all over the city, and it has to be something that works together. You know, there's some people that suggest we should take this bond and break it into pieces, and that's not the right thing to do because there are people who support piece a only if piece B and C get done or piece B if a and C get done or C if a and B gets done because these things all work together in this city. And they work for the things we're not dealing with. There

was a speaker today that said we have to do something on I-35, mopac, 183, that's absolutely true do, we don't do that. Rma and txdot does that, but those things have to happen as well. This plan deals with traffic congestion. Those corridors that we've listed that over half the people in our city live within a mile and a quarter of, the engineers tell us the congestion will be three times worse than it is today if we don't do anything. But if we do this work then it can be 25-50% better than it is today. This deals with congestion but it does so much more than that.

[7:43:48 PM]

This is a transit package. This was the priority of the transit experts and consultants we had that said, spend the money in this way and create the lanes and the brt passageways and the support and the infrastructure dedicate, dedicated lanes in places we can do them, the pull-outs and queues. If we can actually take this money and spend it strategically we can actually move forward to support capital metro and turn this into a city where that's a viable choice for people to make. If we can actually start it and increase ridership it will be able to snowball and build on itself and we'll build more routes in more places for more people but in order to do that you actually have to come up with a way to start it and maybe it work and that's what this package does. And then beyond that we're spending a lot of money, as we should, on the land development code and codenext as we work through that process. This week. We're not going to be able to do that well if we don't do our corridors and our streets well because if we're gonna do imagine Austin we're gonna pick up the additional housing supply and mixed-income housing and if we're gonna protect neighborhoods and not do that in the middle of neighborhoods we need the ability to be able to have the infrastructure to be able to support that kind of development with that planning, and this is consistent with -- and necessary for that planning, which is why all of these things that it's been vetted for so long and the community has pointed this way and it fits with congestion, it fits with the way we want to have our city look, with mixed-income opportunities, it has the support that it has around this community. Some of the speakers got up and talked about how this gets implemented and I think it's important to know we have talked about as a council calling this up over the next however many years, two, three, four times a year if we need to and talking to our staff about how this money is being spent and how it's being implemented and where it's being spent and Tabitha can be very public and transparent so everybody can see how this money is being spent and what we do.

[7:45:55 PM]

I think that's important for us to do. This is a -- I wish we could do \$9 billion. I wish we could do all of the sidewalks in the master plan, I believe we could do all the bikeways in the master plan. This bond

proposal has more money being spent on bikeways and sidewalks than this city has ever done before, ever done before, and I'm -- and not only as it's called on individually but as it's part of the corridor plans and other plans. That is significant. I wish we could do \$9 billion, but it takes putting together a piece of - that will all work together with the limited funds that we have and in this context \$720 million are limited funds that we have. I want to thank the thousands of people that have worked on this over the last six years, seven years, to position this. The people who spent all of their time on the corridor studies. I want to take -- thank everybody who has spent so much of their time, so much of their energy, so much of the community involvement in vetting and producing these. I want to thank the people that gathered together from lots of different parts of the city of Austin, business people, bike people, trail people, ped people who were able to fashion something that could resonate as well as this has resonated in so many places in the city for their work. And then, finally, I'd say that it would be possible for any one of us to sit down with our pencils and make changes to this plan, to make it better in the ways that are most important to us. And a lot -- in a lot of respects, this is like a case where the -- there's a dispute in the neighborhood or on the issue and the stakeholders get together and they fight and they argue and they come out with something, and they say, this is a deal that we can agree on.

[7:48:01 PM]

It's what we passed in June. I urge us not to change this because it represents the best communal work of so many people. And my hope is we'll pass this on maybe first and second reading today if it looks appropriate. Let's hold final passage and final discussion until next week so we have the resolution in place so that we approve all of it at the same time because we need that other piece, I think. But I think that if we pass this we can all be very proud that we are doing something that will fundamentally change the face of this city. So I appreciate everybody's work on it, and certainly the council's work. Y'all have spent a lot of time on this as well in so many different ways. Further discussion?

>> Zimmerman: Point of order, if I could.

>> Mayor Adler: Yes.

>> Zimmerman: To clarify, could I have my second on your motion to move this on first and second reading only, just for the record?

>> Mayor Adler: Yes.

>> Zimmerman: Okay, thank you.

>> Mayor Adler: Okay.

>> Kitchen: Mr. Mayor, I have an amendment.

>> Mayor Adler: Okay.

>> Kitchen: And I apologize for the multiple yellow sheets. We've been working with legal just to make sure that we had our language right. So this is not an attempt to change it, but I'll go over it. So I think that -- should I go ahead?

>> Mayor Adler: Why don't you lay it out for us and get a second for it.

>> Zimmerman: I was going to say you're passing out copies of.

>> Kitchen: Of a motion.

>> Zimmerman: New one.

>> Kitchen: It's not different in substance than what I passed out earlier today.

>> Zimmerman: Is there some identifying mark? Does it say version number?

>> Kitchen: Oh, I'm sorry.

>> Zimmerman: It says to mayor's posted ordinance.

>> Mayor Adler: Everybody should put a checkmark in the upper right-hand corner or star in the upper right-hand corner because this looks similar to other single yellow pages.

[7:50:10 PM]

I would suggest you put a star in the upper right-hand corner right now.

>> Kitchen: I apologize.

>> Zimmerman: Done. There's my star right there. Done.

>> Tovo: Mayor, can I make an announcement. At the break, my staff member put some copies of the amendments that we had from different colleagues in the -- over on the side so that members of the public could follow along with our discussion. To the extent that there are revised versions like the one we have, it won't be reflected in the stack back there, but the other ones should be back there.

>> Zimmerman: Could we possibly put it on the overhead? Would that be appropriate to get your could have on the overhead project -- projector down there?

>> Kitchen: Are you saying it says version three?

>> Mayor Adler: It's coming over.

>> Pool: I was signaling to my esteemed colleague it says agenda item number 2.

>> Kitchen: It should say three.

>> Pool: That had actually created a little confusion.

>> Kitchen: Okay, sorry. Okay. So I'll explain what this is, and I don't think -- I don't think it's different from what the mayor passed out with one exception. And that is in item -- on the proposition, in Roman numeral II, or II, whatever you call those, let me tell you the language and I'll explain the reasoning. Under B, it says implementation of corridor plans for slaughter and/or William cannon. So --

>> Mayor Adler: Hang on one second. Ms. Kitchen, because we didn't make those changes to it. So I think you need to go through each one of those.

>> Kitchen: You want me to go through the whole thing.

>> Mayor Adler: Go through them all.

>> Kitchen: Okay. With regard to the first Roman numeral, which is the I, there's language in here that adds some specificity around the regional mobility projects.

[7:52:11 PM]

This doesn't change the intent in any way from what we passed in June. It simply clarifies the roads and clarifies the dollar amounts for these buckets of roads. So it has 46 million for improvements to the loop 360 corridor intersections at Westlake courtyard, fm2222, lake wood drive and spicewood springs road, bluff stone road and B is 17 million for improvements to spicewood springs road east of loop 360, clarification of the roads, C is 30 million for improvements to Anderson mill road, intersection of rm620 and rm2222 and Parmer lane and D is 8 million for improvements to old bee caves road bridge. That whole section doesn't change what was voted on where the -- you know, how the funds were allocated, it simply clarifies.

>> Mayor Adler: Can I ask a quick question? I think staff and my counsel recommended take out bridge so it could do leading up to it or not, but just have it old bee caves road. My understanding is putting in \$46 million for the multiple intersections is recognizing that there may well be an opportunity for us to leverage that money to pull down from the txdot or others.

>> Kitchen: Okay.

>> Mayor Adler: Is that what the thought was?

>> Gallo: That is correct. We actually, prior to the discussions on this, months ago, reached out to txdot because they have a 360 corridor plan that is in process right now, and what we would be doing is we would be providing local matching money for those intersections. Those intersections are priority for them in the first phase of any 360, loop 360 improvement. So that's correct. It would be matching

money, using our local money to get to the top of the priority list with state and federal funding to be able to get those projects done.

[7:54:18 PM]

>> Mayor Adler: Okay. So I would hope that we would be able to leverage it and be able to do all that work. If not, we have that amount of money that we can use strategically from among that area. And with those I'm willing to accept this amendment to the motion.

>> Kitchen: Okay. Let's clarify on the old bee caves road.

>> Mayor Adler: Yeah. Would that work for you?

>> Troxclair: Well, I had not heard the objection -- the old bee caves road bridge is what sounds accurate to me so I had not heard an objection to the word bridge.

>> Mayor Adler: I would recommend let's keep it old caves road bridge here and over the course of the week let's take a look at that. With that said I would be willing to accept this change I to my deal if there's no objection to that. Yes? Mayor pro tem?

>> Tovo: So in looking over the changes, and I think this will be the same question, so I'll ask it now about the others, there's also some language changes laid out in your motion sheet. The addition of the words "The following" and the deletion of the word "Including," which further narrows it to just what is in -- what is listed in each of these individual propositions. So I think that is -- that is a conversation that I know we've had. And there are pros and cons and different opinions about that, but that is a different approach that you're laying out here in this motion sheet than what we had in our -- in our -- in the motion that was in the backup.

>> Kitchen: And this language, I put in this language at the recommendation of the bond counsel.

>> Tovo: And I wonder, then, if we could hear from the bond counsel about that change and why that was recommended. I thought that we -- I thought that one of the advantages of having some of that language is that if -- if we get a wind fall and suddenly are able to fund all of these -- all of these intersections and more, that we may have some challenges if we've identified just those particular projects.

[7:56:25 PM]

>> Bond counsel can correct me if I'm wrong, but my understanding is after conversations with the attorney general's office, they said that if we had that "Including" language it raises an issue of whether we are in fact having that narrowed contract with the voters and then another issue is that if we say "Including" and we broaden and have the flexibility and the voters do not approve this, then we have expanded the number of projects for which we cannot issue certificates of obligation because the voters would have turned down those projects.

>> Tovo: I see. Thank you. Thanks for that explanation.

>> Mayor Adler: Okay.

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Just have one quick note. I think I was told several times in the language where it says "In Parmer lane" that we were gonna specify between sh-45 and [indiscernible] Creek because Parmer lane is such a huge road and covers so much territory that -- so on the kitchen motion here, it would -- all I'm proposing is to add the language after the words "And Parmer lane" in parentheses between sh45 and

[indiscernible] Creek. So would that be accepted as a friendly amendment.

>> Kitchen: Yes.

>> Zimmerman: Okay, thank you.

>> Houston: Mayor?

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: For clarification, east martin Luther king is only that until 183, after it's 969 and 969 has been left off of the yellow sheet.

>> Kitchen: No, it's in here.

>> Mayor Adler: It's in II. We're talking just about the I section. We'll get to II in just a second.

>> Houston: It's knots there --

>> Mayor Adler: Let's fix that when we get there.

>> Kitchen: Okay.

>> Mayor Adler: If there's no objection, then, those changes will be made to the base motion.

>> Kitchen: Okay. So I'll move on to II. The change here is, as mayor pro tem pointed out, it does say the following instead of including here, and then it also adds a B -- it doesn't add a B.

[7:58:38 PM]

It takes -- the language is implementation of corridor plans for slaughter and/or William cannon. So the reason that we are bringing this forward, those -- the three of us that represent the farther south Austin -- the south Austin districts, is because -- first off, I really want to thank the council and the mayor and -- for adding, in June, the provision of a south Austin corridor. So what this language is to do is just to clarify that within that -- within that additional corridor, that those funds could be spent on slaughter or William cannon or both, with no intention to increase the amount of money that goes into that bucket. So we're still talking about eight buckets, but just in recognition that it provides some additional flexibility so that when we get the studies back from our staff, provides some additional flexibility to consider what's the best place for that funding to go. So that's the change there.

>> Mayor Adler: And my understanding is you're doing this because it's -- you see this as further clarification of what we did?

>> Kitchen: That's right. It's not a change from what we did.

>> Mayor Adler: You're going to stick with me to hold on to the buckets as they exist otherwise.

>> Kitchen: That's right. This is a further clarification of what we did in June.

>> Mayor Adler: Got you. With that understanding, then, I would also agree to this change being made.

>> Kitchen: Okay.

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: I have a question about this one too. Councilmember kitchen, I think you said there was one change and you said this was the only change from the one you handed out this afternoon, is that right?

>> Kitchen: Yes. When we went back and forth on whether it had to be listed as a B or just included in the long list.

>> Tovo: Right.

>> Kitchen: So the bond counsel is suggesting that we keep it as a B that it makes clear it's that eighth bucket and also makes the and/or clearer.

[8:00:47 PM]

>> Tovo: For those who got a copy of the earlier one, it's in substance exactly the same. It just moves back the phrase about William cannon and slaughter into a B and then the list of the a.

>> Kitchen: Right, to avoid any confusion.

>> Tovo: And that was the only change from the afternoon version.

>> Kitchen: Yes.

>> Tovo: Super. Thanks for that indication.

>> Kitchen: Are we ready for three?

>> Mayor Adler: Yes. If there's no objection that change will be made to the base motion. Seeing no objection, that change is made. Yes?

>> Renteria: Okay.

>> Mayor Adler: We're still on II. Reason so that east martin Luther king -- it would be weberville road.

>> Kitchen: Do we need to word that differently? It's worded now as east martin Luther king boulevard/969, is that correct?

>> Houston: In the lower part of that you left off the/969.

>> Kitchen: Oh.

>> Mayor Adler: It's mentioned a second time one line up. That should also say slash 969. Should that be F.M. 969?

>> Houston: F.M. Or farm to market.

>> Mayor Adler: In both places, F.M. 969 in both places.

>> Kitchen: Okay. Got that. Moving on to the next? The next bucket is the local mobility projects. And again, it uses the term following instead of including. And then it captures the language from what was passed in -- in June around the safe routes to school. So again this is just putting additional clarity, not changing the bucket or changing what was done in June. And the same thing on the 30 million for urban trails, again, it's just clarifying and again the 20 million for bikes is clarifying again for bond counsel.

[8:02:48 PM]

And the same thing on the 15 million it's clarifying that we're talking about fatality reduction strategies, including projects listed on the top crash location intersection priorities list. Then the 17 million, which is

F, just includes the list of roads that we have been considering for the substandard streets capital renewal, which includes at this point includes Jane lane and meadow lake. I don't know if there's going to be suggestions something different to be done with them, but in any case it has them in there now. So that's what this does.

>> Mayor Adler: I'm also okay with this additional detail. Is there any objection to the base motion containing this? Then the --

>> Tovo: Mayor, if I may, there was some conversation in Tuesday's work session about the sidewalk distribution plan that we voted on in June. If no one plans on changing their vote on that then I'm certainly not going to register a formal objection.

>> Mayor Adler: I think somebody might. I think there will be additional work on that. We're just working our way through this amendment and then we'll come back and do that. I know councilmember Renteria asked me about how much money was in Jane lane and wanted to be able to ask staff about that question as well. So this is not finalizing this section, this is just trying get us from two documents to one document to be able to work on. So without an objection --

>> Tovo: It didn't appear to me that any of the motions before us were modifying -- proposing to modify the language to be divided evenly among. It should be probably be among each council district. So that's why I was saying --

>> Houston: Mayor?

>> Mayor Adler: So at this point in terms of just tracking what it was that we did in June, recognizing in a second we'll talk about the equity issue with respect to the sidewalks, the Jane lane funding issue, the amendment that Ms.

[8:05:01 PM]

Houston has laid out, all those things still in play, but just trying to advance the document --

>> Kitchen: We're doing this amendment first and then the other amendments.

>> Mayor Adler: Then we'll come back.

>> [Inaudible].

>> Tovo: From between to among.

>> Kitchen: Among is fine.

>> Mayor Adler: Why? Changing among works. I'm okay with this change as well. There's no objection it will be made into the base motion. Continue on.

>> Kitchen: That's the proposition. The next part is the ballot language, which is these changes are to align with what we just did. But what it does is -- let me read it. The way this is set up is again on the advice of bond counsel it just lists all the roads and it doesn't have any of the detail about how much goes into any road. It just says issuance of 720 million and then it lists all the roads. And all the roads and the sidewalks.

>> Mayor Adler: Okay. I'm fine with that change as well. If there are no objections then that change will also be into the base motion.

>> Kitchen: So that's all.

>> Mayor Adler: Ms. Houston?

>> Houston: And add F.M. In front of 969.

>> Kitchen: Okay.

>> Gallo: Mayor, may I ask a legal question? We isolated the money for 360 to corridor intersections. And just from legal the concern that we would have if we didn't have something that passed, would we not be allowed to do the co for anything on 360 if we don't say 360 corridor intersections improvements?

[8:07:06 PM]

So we've specified in the proposition language that the 360 money is being targeted to intersections.

>> Yes.

>> Gallo: So we are not doing that with the ballot language, which is fine with me to leave it vague, but I'm just concerned if we had any issue with -- if the bond did not pass. I'm sure it will pass, but if it didn't, would we be locked out of being able to fund any other -- any improvement on 360 if we don't limit it to intersections?

>> My understanding is that the proposition, the long form is what controls.

>> Gallo: Thank you.

>> Mayor Adler: Okay. With no objection that will be made part of the base document. Base motion. All right. Those are your amendments.

>> Kitchen: That's right.

>> Mayor Adler: There were in some other people that contacted me and said they had questions and wanted to bring amendments. I'm going to start working through those. Mr. Renteria, you had a question about funding on Jane lane?

>> Troxclair: Can I make a comment before we move off that. I want to say thank you to councilmember kitchen for being such a great advocate for south Austin. I think that was a very -- it's really important that that part of our city is represented in this bond proposal. And thank you to the mayor for recognizing that it's an important part of transportation in our city. So I'm grateful to both of you that we were able to --

>> Gallo: Mayor, I want to make a quick point too. I want to thank both of you also because it's been a long road. But in addition to recognizing there were needs in south Austin, particularly mouth south of 290, it also is giving us the ability to begin to start addressing our east-west corridors, which I think as a city we've been very lacking in addressing. We need to focus on those east-west corridors and both of these would make connections from east of I-35 across I-35, across mopac and even getting all the way to 290 in oak hill.

[8:09:11 PM]

I think those type of improvements to get the connections east-west between our major north-south corridors are really critical. Thank you for letting us start addressing those.

>> Mayor Adler: Okay. Councilmember Renteria?

>> Renteria: Thank you, mayor. I've been discussing about the Jane lane and meadow lake boulevard that's in my colleague Delia's district. And we both had two resolutions that we passed and the council passed here a few months ago. And I found out there's a way to finance these two roads with co's and I'd be willing to have it funded that way and withdraw the money out of the bond. And we could refocus on how to use that money that's going to be left over from having our projects being funded because there's a big need right now that -- for affordable housing. And both of these projects are going to be helping our low income people that are in desperate need for affordable housing. And we're talking about low -- people in 50 percent, 60 and some people even in 30% mfi. So I think that would be a win for all of us if we could finance it and complete the job that way.

>> Mayor Adler: I have a question for staff. The two resolutions that were done by councilmember Renteria and by councilmember Garza asked you to find money for those two roads. Were you able to find money no those two roads?

>> Robert Goode, assistant city manager.

[8:11:15 PM]

We gave council a memo on Jane lane and we're preparing one for meadow lake that discussed the only way we could find money in the existing capital programs is really to take those funds away existing projects that are already allocated. Justin lane was up for award last week, the councilmember was kind enough to delay that project award for us to continue to pursue that, but Justin lane has issues that need to be looked at and so our recommendation is to move forward on Justin lane. So there really isn't funding in the capital programs to fund either one of those, so the answer to your resolution is the funding from existing programs is already allocated to projects and we don't think it's right to move those funds to these new projects. So your resolution we've begun to explore other opportunities and as councilmember Renteria intimated, I think using certificates of obligation and move these critical roadways forward now would be an appropriate tool for the council to consider and that would be something that we would recommend and move forward with co's on these two projects that council told us go find funding for.

>> Mayor Adler: Here's my next question. Generally I would support this because it is what we wanted to do as a council. It's consistent with the spirit of east Austin work. It's actually putting a capital investment. It's reflective of resolution this council has already passed too. What's the price to do those two?

>> Meadow lake was estimated five and a half million and Jane lane was four million. You only had in this bond program you're looking for, we only had dedicated a half a million for Jane lane so there wasn't enough money in this program so far to fund the Jane lane. So it's four million dollars for Jane and five and a half for meadow lake. In the bond program that you all had put together that's the total of six million dollars that you had allocated for those two roadways.

>> Mayor Adler: If we were as a council to do a co for those two roads at the full place to do them -- full price to do them at nine and a half or 10 -- first is in this then it would free up six million dollars.

[8:13:27 PM]

>> Yes, sir.

>> Mayor Adler: So conceivably we could take that six million dollars and move it into sidewalks.

>> Yes, sir.

>> Mayor Adler: So one option to be considered would be on what is councilmember kitchen's sheet, second page we would make -- check me. We would take the \$17 million in F, we would move that to \$11 million, we would take the -- on the Farris page we would take the 27.5 for sidewalks and we would

asked the six million so it would be 33.5. If we were to do that and do the co's, when would we see that resolution come back to us?

>> We would start the process immediately for the design work on those. So the first thing you would see is the contract for the design work. So I would suspect that to come back very quickly. And Greg can answer on the co side.

>> Mayor Adler: Is there a resolution or something we could do next week at the same time we're approving everything else that initiated the process to do the nine and a half or two-million-dollar co on those two projects?

>> Given the existing resolutions that you've passed back in April that council passed, we believe we have sufficient direction to come back and since we're going through the budget process, the capital budget process, we would include the appropriation, necessary appropriation, the nine and a half or 10 million, and then the associated reimbursement resolution, we would not be selling the debt this time anyway. It's always funded out over the cash flow.

>> Mayor Adler: So we would make it part of the budget that we're doing.

>> Yes, sir.

>> Mayor Adler: Okay.

>> Kitchen: I have a question when you're done.

>> Mayor Adler: You look confused, Ms. Houston. Do you have a question?

>> Houston: I was wondering what the financing was on the certificates of obligation?

[8:15:33 PM]

>> The financing is similar. It would be supported by the tax rate and when we issue those bonds it would not be this year, it would be in the next year or two, consistent with the project. It would be a tax supported certificate of obligation.

>> Mayor Adler: It would be the same way we funded some of the flood buyout that we fund. If that would be the case, then we would be amending this to take the number from -- that we talked about, the 17 to 11. And the 27.5 up to 33.5. I would take that amendment as a friendly amendment with the commitment that I would support that in the bond process to get those two roads initiated that way.

>> Zimmerman: Point of order, Mr. Mayor. So the amendment would be to strike Jane lane from --

>> Mayor Adler: From the list.

>> Zimmerman: From the list of part 3. And then to -- then to adjust the numbers.

>> Mayor Adler: And would also strike meadow lake boulevard. Jane lane would be stricken, meadow lake boulevard would be stricken in two places, both in language in prop 3 proposition as well as the III section.

>> Zimmerman: Part F, right?

>> Mayor Adler: And the numbers would be changed from 17 to 11 and from 27.5 up to 33.5.

>> Zimmerman: I'm going to highlight this and put it on the overhead.

>> Mayor Adler: If there's no objection I would make that change to the base motion. You okay with that? We'll be changing both. Then let's make that change.

>> Kitchen: I have a question. On 3-f do you need to adjust the 17 million?

[Gallo].

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: This doesn't go to this. This is a question for staff and perhaps you all could bring this information back to me next week.

[8:17:37 PM]

And I just wanted -- the mayor mentioned that we had used cos for flood buyouts. This is just a reminder that we passed a resolution looking for approximately five million in funding for flood buyouts for upper onion creek. And my question would simply be that there's still enough capacity-- I would think there would be, but there's still enough capacity for the five million in certificate of obligation -- in co's for that upper onion creek buyout and still be able to do these two roads. So if you don't have the answer now you can give it to me before.

>> Certainly, councilmember. I know that issue had been before you and we can relook at that and work with the watershed department.

>> Kitchen: I'm supporting this. I think it's a great idea, but I am making the assumption that it doesn't reduce our co ability so far that we won't be able to do those buyouts.

>> Mayor Adler: Okay. If you could at least do this to that degree over the next week. So when we come back next week we know the answer to that question. We are now back up to the dais in terms of discussion on the amendments to the proposal. Ms. Houston?

>> Houston: I have a question for staff if I could before somebody lays their next amendment out.

>> Zimmerman: Mr. Mayor, point of information. I've tried to make those changes reflected on the overhead. If anybody sees a problem with that, let me know.

>> Mayor Adler: Great, thank you.

>> Zimmerman: Thanks.

>> Houston: This is for transportation staff.

>> Mayor Adler: Ms. Houston has a question for staff.

>> Houston: Could you just tell me because I don't know, how much do urban trails cost per mile.

>> That's not me. Let me get somebody who does know that answer.

[8:19:45 PM]

>> Core, Sarah heartily, chief of staff for the public works department. They are three million a mile.

>> Houston: Thank you.

>> Mayor Adler: Okay. We're back up to the dais for additional amendments. Does anybody want to make an additional amendment? Mr. Casar?

>> Casar: Have we worked through everything?

>> Mayor Adler: We are now throughout the main motion, moving through additional amendments.

>> Casar: Are there additional amendments? I'll wait to talk.

>> Houston: I have the one that's on the blue sheet that I'd like to lay out. I'd like to move to amend the ordinance submitted by councilmember kitchen or now the base motion to include language that decreases the funding for urban trails by \$10 million and increase the funding for the sidewalk master plan by \$10 million.

>> Mayor Adler: It's been moved to take money out of urban trails and move to sidewalks. Is there a second to that amendment?

>> Zimmerman: I have a point of order here. I think councilmember Houston has two blue sheets. I have two amendments. And I'm trying to sort those out and I'll I would like to put it on the overhead if I could. But I'd like to second it for discussion.

>> Mayor Adler: I think you have one version that has a subpart F in the bottom of three. That is not the one to use.

>> Zimmerman: Is there only one? It's only this one?

>> Mayor Adler: It's been seconded by Mr. Zimmerman. Discussion, Ms. Houston?

>> Houston: Yes. And we've heard tonight testimony about the need for more money in the sidewalk bucket. And I know that you don't want to have your base budget fiddled with too much and we've already put some additional money in it, but as you know the need is great for sidewalks, especially in district 1.

[8:21:56 PM]

I was made unwhole by the taking of the -- the offering of the safe routes to school money, about four million dollars in the red. So I think with the high cost of urban trails I think that the people in district 1, 2, 4 and 3 would have a better chance to get additional sidewalks if we just made these bicycles and the urban trails the same, which would have been \$20 million, and then use that additional money to increase the opportunity for sidewalks in all four of those district that lost money.

>> Mayor Adler: It's been moved and seconded. Mayor pro tem?

>> Tovo: Just a couple of points of clarification. We're amended language that has already been amended. So the language no longer says sidewalk master plan. Nor does it have the amount of 27.5, it now has the amount of 33.5.

>> Mayor Adler: Whatever the number is -- so it would be up to 43.

>> Tovo: And it would use the language that's already in. Is that right, councilmember Houston? You're just amending the amount, not the other language?

>> Houston: No, not at all.

>> Mayor Adler: Councilmembers, I am going to speak against this. I would like the sidewalk nobody to be as high as I could possibly be.

>> Houston: Mayor, I can't hear you when you turn your head.

>> Mayor Adler: I'm going to speak against this. I'm not going speak against it not because I want there to be more sidewalks, because I want there to be tons more sidewalks. As people were in the community we're doing a kind of give and talk between different elements of the plan, the urban trails people want the urban trail thing to have a lot more money to do the urban trail plan.

[8:24:04 PM]

What was offered and what we voted on in June gave significantly greater money to sidewalks than it did to urban trails. And I think that was an appropriate thing to do. There was \$50 million, \$55 million put to sidewalks, and as we see here about \$30 million put to urban trails. We took that \$55 million as you know last time and we cut it in half and gave it into two different sidewalk piles, but sidewalks totaled 55. Part of the reasoning in doing that was also recognizing that there's significant sidewalk being done in the corridor plans that are being done. So there are long stretches of airport boulevard and mlk that don't have sidewalks, that will have sidewalks. Although it's not in the sidewalk bucket, it is in the corridor bucket. But that's additional sidewalk funding that gets spent. I was -- I certainly heard the issue earlier at work session with respect to trying to adjust for the vote we took where we took some -- half the money and did it evenly by districts and the impact that that has on some districts. And my hope was that by taking the six million dollars out of the 17 and moving all of that money up to the sidewalk component that we would -- recognizing that your district gets a little over a quarter, I think, of that money. That came very close to the number that you mentioned on Tuesday when you were having that conversation about what you wanted to have returned back to that pot. And that's one of the reasons why I did that. So I'm just concerned as trying to keep this as close to what we did in June as we can, recognizing that it will have a lot of people trying to change lots of parts.

[8:26:13 PM]

>> Houston: Mayor, I understand that and I understand that this coalition has worked really hard over many, many years to craft this bond proposal. And I'll say again that the bond proposal that was crafted by -- I think you call it the coalition, did not include all of the ordinary people in this city. So when we keep going back to the master plan of the bicycles, the urban trails and the sidewalks, that did not include ha where we are today and what the needs are of the district today. And it didn't. So where we're talking about being able to leverage money with txdot, I don't have that opportunity even though I have a txdot road in the district that I would like to leverage some of that money for rapid rail -- not rapid, rapid transit with capital metro. I don't have that ability to leverage those dollars like some other districts do. I would like to be able to put, as I said on Tuesday, some money to help capital metro kind of get some design ready for the green line to be able to have people leave their cars in eastern Travis county, get on a light rail and come into downtown. That's what keeps congestion down. But I don't have that opportunity, so I'm still very frustrated. And I appreciate the fact that we've moved six million dollars, and I thank councilmember Renteria and councilmember Garza for looking for other ways to fund their projects so that we could move that six million. But that still does not make it inclusive transparent way to do this bond package. So that's the frustration that you continue to hear me say. So I appreciate it and I appreciate all that you're saying, but it still leaves us short of what we need to do to try to impact the congestion on 969, which is the only east-west corridor we have from far eastern

Travis county into downtown. And so, again, it's one of those things that just is frustrating to me, but I understand that you need to keep the coalition together, and we just differ on that.

[8:28:22 PM]

Cemented.

>> Zimmerman: Mr. Mayor, I would like to speak in favor of the Houston amendment. My reasoning on this is how we set priorities and the fact that our elected council has to make those decisions for priorities. As everyone says we don't have all the money that we need, of course, and so I just think what councilmember Houston has just laid out and the sentiments she's just expressed on behalf of her constituents, I think it's a better use of our money to transfer that 10 million from urban trails to sidewalks for the reasons she's mentioned. I think that district 6 would be happier to see the urban trail money be used on sidewalks. I think the sidewalks can help more people. I think there's more of a safety issue with improving the sidewalks. I think it's better use of the money. That's why I'm supporting this amendment.

>> Mayor Adler: Let me ask this question, Ms. Houston. Your motion had to taking up to 37.5 for those sidewalks. If we took the number up to 37.5 and took that number out of the urban trail master plan, but taking that number up to 37.5 and taking the urban trail master plan money down in order to enable you to do the 37.5, would you support this?

>> Houston: Yes.

>> Mayor Adler: Then I will support it too if you would take that friendly amendment. Is there objection to taking that number? What would happen is the number two change from 33.5 up to 37.5, and the urban trail number would go down from 30 to 26.

>> Houston: And what's to the six million?

>> Mayor Adler: That was the six million we moved into the sidewalk earlier. So together it would be 37.5. Are you okay with that?

>> Houston: I'm saying yes, I would have to figure that out. Hold on.

>> Mayor Adler: That's okay.

[8:30:26 PM]

>> Houston: Y'all tricked me last time.

[Laughter].

>> Mayor Adler: It wasn't me. I told you to vote no on that deal last Tuesday.

>> Houston: Talk to councilmember troxclair and I'll figure this one out.

>> Renteria: I voted no.

>> Troxclair: I just wanted to clarify. So her original amendment moved \$10 million, and what you're saying is to move four million dollars instead?

>> Mayor Adler: Yes. It gets Ms. Houston up to the same 37.5, but we've done it now in two pieces. We've done in in part with the six million dollars from here and then the four until dollars from there and takes it up to 37.5. That last four would be found in urban trails and it would go from 30 down to 26. Is there any objection to making that change in the base motion?

>> Zimmerman: I have no objection. I just 'Ed to see it on the overhead to make sure that we got the numbers right when we put it in the visual record. Do you have a sheet --

>> Mayor Adler: On the kitchen deal, on III that number that was changed to be -- that was 27.5 and changed to be 33.5, will now be 37.5. The second change is the urban trail dollars, which is \$30 million at the bottom of that front page now would be \$26 million.

>> Mayor Adler: Okay. Since there are no objections that change is made. Are there further amendments to be made to the base motion? Yes, councilmember troxclair?

>> Troxclair: I passed a few amendments out earlier, so I'm going to start with the one that says troxclair amendment number 1 on it.

[8:32:26 PM]

And it just makes change to the ballot language in order to add the estimated tax impact. So at the end of the ballot language and the levy of a tax sufficient to pay for the bonds and notes, which would have an estimated tax impact of blank per month for a home valued at \$300,000. And I don't know its right number that goes in that -- that goes in that blank yet, but I think we could come up with it by next week.

>> Zimmerman: Mr. Mayor, I would like to second that motion, but first I just want to point out I've tried to make those changes. Let's see if that's correct for what we just passed on the overhead. Does that look right?

>> Mayor Adler: Looks right to me.

>> Zimmerman: Terrific. And I want to second councilmember troxclair's motion and I'll put that on the overhead.

>> Mayor Adler: Say again your motion. I'm sorry. Please catch me up.

>> Troxclair: It says troxclair amendment number 1 on it and it is a paragraph with just one additional red line added to the last sentence.

>> Mayor Adler: Okay. So this amendment has been moved and seconded. Mayor pro tem, I know you wanted to speak to it first. It's been moved and seconded. Do you want to speak to it, Ms. Troxclair?

>> Troxclair: Sure. I think it's critical. We don't make budget decisions as a council without knowing the total -- the dollar amount impact on the average person in Austin. And a family doesn't make financial decisions without knowing the financial impact that it's going to have on their monthly budget, and so to me this is just an important piece of the kind of cost benefit analysis.

[8:34:31 PM]

We know the rest of the ballot language kind of talks about what we're going to get for the money and that really puts into layman terms how much it's going to cost. So I think it's an important piece to include in the ballot.

>> Mayor Adler: Mayor pro tem?

>> Tovo: I wanted to ask our legal staff about this addition and whether this is something they would recommend doing. And have we ever done this in the past?

>> Lela fireside for the law department. Respectfully -- no, we don't recommend it and no, we haven't done it before. There are practical reasons in how you calculate it, the time period when you would calculate it for, the assumptions that go into it are not something that can leave expressed. Legally we have a concern that under the applicable state law, the election code, is a requirement that we have taxes sufficient to pay the annual in principal and interest. So this could potentially be in conflict with that and it creates an uncertainty. So we don't recommend it.

>> Tovo: Appreciate that. And I would just say I appreciate also the sentiment in bringing this forward for consideration but I'm not going to support adding that in. And I'm going to follow the staff's recommendation.

>> It is my understanding that this is -- the type of analysis with the assumptions that can be added that is often part of the -- of the brochure that staff puts together. And that way they can take some time, if you will, to explain the assumptions that go with any sort of analysis like this.

>> Troxclair: Mayor, I just wanted to add that I spoke with the attorney general's office today.

[8:36:34 PM]

Not only their existing public finance division, but the previous director of the public finance division. They both concurred that the ag's office would be looking for -- that the city has to meet minimum requirements that are outlined in state law when it comes to the ballot language in the proposition, but that generally adding additional information above and beyond that to provide more transparency to voters would not be something that they would have a problem with. So I just respectfully disagree with our legal staff and I did try to do my due diligence. And my question would then be if there was a will of the council to try and take the next week, I don't think we're planning on passing it on all third readings tonight, if it was the will of the council that like the general tax impact for an average priced home be included in the ballot language, I -- would it be possible for legal staff to then run that past the ag's office within the next week and let us know if there is a response from them that it's not permissible.

>> We can certainly try to run language by them. I know they have some concern about the time that it takes them do these analyses. So if we're not able to get a response back by next week we'll also let you know that.

>> Garza: And there is a concern about somebody outside of the attorney general's office as well so that's not a piece that we'll be able to bring back for next week, but we certainly will talk to the attorney general again.

>> Mayor Adler: Councilmember kitchen?

>> Kitchen: I had a question. I was thinking we had some discussion that there was some type of language and I don't remember if it's the kind of language that would go in the proposition or the ballot language itself that the ag's office had agreed to in the past that related to some transparency around the tax impact.

[8:38:49 PM]

>> Yes, councilmember kitchen. You're correct. In the 2014 rail bond election we had language that the attorney general's office had approved relating to a tax impact and certainly that goes in the part 4, which are the required disclosures. We can't put both that and the current language that's in the proposal in, but you all can choose one or the other. And if -- although the ag's office has repeatedly communicated to bond council a concern that we stick very tightly to the language that follows the state

law, we could, if that was something that you wanted to look at, ask them if we could use that 2014 language, update it in the part 4, which are the required disclosures.

>> Troxclair: And for clarification, that is troxclair 1-b, so that -- the language that she's talking about, this troxclair 1-b amendment would add the tax impact to the proposition language and the amendment that I proposed first would add -- also add a note to the actual ballot language because that's what I think is most critical. So I'm hoping that there is an interest from council for at least us to go forward and see if it can be included in the ballot language. If not, I'm -- it seems like we're confident that it can at the very least be included in the proposition.

>> For clarification, it was my understanding that wouldn't necessarily be in the proposition because the proposition is just a more complete statement of the ballot. Part 4 of the ordinance -- and if you look at the mayor's complete one -- is not part of the ballot.

[8:40:55 PM]

It is the required disclosures that are set out in 3.009 of the elections code. And you can pick either the language that is in there or the language that was used in 2014 that has a little bit of extra in 2014. The attorney general's office was a little bit more expansive at that point, but we can certainly ask him again if they will reconsider and let us do that more expansive language, but it wouldn't be in the proposition or the ballot, it would be in part 4, which are the required disclosures.

>> Troxclair: Thanks for that clarification.

>> And that's not for the last sentence. We can check on the last sentence, but the large paragraph.

>> Mayor Adler: My preference would be for us not to vote to approve these now, but we've resolved all of the other amendments to spend the next week thinking about all of those because I have significant issues with them because it seems to me to conflict with the language that they said that they were required to put into the ballot. I'm confused by that. I don't know why we would pick a house price that was more than the median. Median valued house. I don't know what that number is as we sit here. But I -- I will vote no, but am willing to engage in this conversation over the next few days so maybe we could set it on our agenda for Tuesday work session and Thursday. Both in executive session and not so it could be discussed, but that would be my preference rather than trying to craft something now because I think it would take us a long time and I don't have the basis to really be able to participate in that well.

>> Kitchen: Mr. Mayor, I think that --

>> Mayor Adler: Wait, wait. Let me give some other people have a chance to talk who haven't. Ms. Houston?

>> Houston: I would be interested in having that conversation because I have a wide variety of people in the district that and they want to know what this tax impact will be on their property.

[8:42:59 PM]

Once we figure out what the median family income is I hope we can let people know what it is. Where it goes and placed, I'm not sure, but I think it's important that people know what it may look like for them.

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

>> Kitchen: I think the discussion that the mayor suggested is important. And I thank councilmember troxclair for bringing this forward. What would it take for you to -- do you need a request from us in any formal way to go run language by the attorney general's office.

>> I think we've had the direction from you already to look into this. I don't know how the vote going to go or what the motion will look like, but it sounds like there is interest in having us inquire.

>> Kitchen: Okay. I wanted to make sure because if we spend an executive session talking about it, but we haven't asked the attorney general's office, then we're going to run out of time before next Thursday.

>> We've been in communication with the attorney general's office. We've been looking at this issue. We have made a recommendation about this issue.

>> And we'll go back and try to see if they will have further conversations with us about it. I understand that that is your direction.

>> Yes.

>> Mayor Adler: Any further discussion on troxclair amendment number 1? Yes, Ms. Troxclair?

>> Troxclair: I guess I would just prefer to give our legal staff and the ag's office clear direction of what we would like to do by going ahead and passing this. And if we need to make changes, if we hear otherwise -- the problem I think has been that even though I think we had the same conversation with the attorney general's office, they have a different interpretation of the response. So I'm concerned that based on what Ms. Morgan just said if it's the direction to go talk to them that our legal staff will come back again and say that they're not going to recommend it, even though that is not what I heard during my conversations with the attorney general's office.

[8:45:01 PM]

So I would be more comfortable in having something in writing, having something for the attorney general's office to look at and we have next week to make changes if we need to.

>> Mayor Adler: And I don't have a problem asking and would ask staff to vet every one of the series of document as -- of the versions of document as suggested by Ms. Troxclair. Not saying that I would vote for them, but in terms of having that vetting on these that have just been handed out, I think that's a fair request on Ms. Troxclair's part.

>> Renteria: Mayor, I'm not going to support this either. We actually -- I have people that own homes, if we realize that actually we don't pay taxes on the market value of a house, you know, we pay money on what the 10 percent increase that goes on -- our homestead only allows our taxes to be increased by 10%. So there's -- there's a lot of formulas out there. And I'm afraid that just because somebody say hey, my Newhouse house is appraised at \$420,000, but I only pay taxes on \$276,000 on that value because -- my taxes only increase 10% per year. So we're really going to be confusing the voters if we end up putting this in our ballot.

>> Mayor Adler: Okay. Ms. Troxclair's amendment is the one on the floor. Ms. Pool?

>> Pool: I agree with councilmember Renteria. There's so much variation in the amounts that we pay our property taxes on that it would tend to mislead the voters, and I know we have to be very careful on how we target the information. Now, what I might suggest if she is concerned about this is a discussion that each one of us can have with our constituents on how to calculate what the cost might be on their actual bills.

[8:47:17 PM]

So knowing what the increase might be and then talking individually with residents when they look at what their property tax listing is, then an individual answer could be given and I think that would actually be more helpful and that is something that we could each do. But to put something in the ballot language that might tend to mislead or collapse the information I think is not the way to go.

>> Mayor Adler: Commitment and then Ms. Garza?

>> Zimmerman: Has she talked yet. I don't think she --

>> Mayor Adler: Ms. Garza?

>> Garza: I guess I'm just confused about I've heard that kind of language can be put in the brochure. But then I'm hearing don't put it in the ballot language because it might not be right and it could confuse voters. So why don't we put that same confusing, may not be right language in the brochure?

>> And we wouldn't try to put confusing language into the brochure, but when we have put language regarding tax impacts in the brochure we have more of an opportunity to explain the assumptions that go into it. For example, a median valued home is X. You may have a homestead exemption or another type of exemption that would change the amount that you were actually taxed. Some mechanism for people to be able to evaluate that type of information in more detail.

>> So I guess I don't understand the problem if it was a general statement on the ballot language and more detail in the brochure. And so I will support --

>> Okay. The requirement of the law -- of the election code is that the voters are approving a tax sufficient to pay the bonds.

[8:49:19 PM]

So if the tax is not sufficient at that calculation there's an inconsistency. It raises some issues both mathematically and also with accuracy of the ballot and it's not something that is set out in state law.

>> Garza: I just didn't expect it to be -- I didn't expect it to be as specific that -- to say that there could be an calculation made based on two sentences that would change the intent or the value of the entire bond. I understand what you're saying. I feel like there could be some legal lease in there that -- legalese in there that says this will about what somebody would pay if their home value was about this. And there's other considerations like homestead exemptions. But I'm supportive of as much detail in the ballot language because I -- I am a pretty good voter and I have never read one of these brochures that I keep hearing about. I always see the language that -- usually when I walk into the ballot booth, but usually I know how I'm voting anyway. But anyway...

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

>> Zimmerman: Thank you, Mr. Mayor. So I commend councilmember Garza. That's one of the most insightful questions I've heard this year. Congratulations. If it's not acequiasing on one of these nonbinding so-called educational messages where would it be confusing in the the ballot language. It has to do with what's legally binding. Let me read very quickly out of the education code here, section 45.003. It's talking about bond and tax elections. In the case of school bonds those are pretty emotional and very expensive. And the legislature is a little bit ahead of the curve, but I'm going to read 45.003, part B, section 1.

[8:51:20 PM]

They say that when you do the school bond you have two choices. You either say this: That the taxes are sufficient, without limit as to rate or amount to pay the principal of and interest on the bonds. So in other words, you're supposed to put into the ballot language that the taxes are unlimited or your second choice, sufficient to pay the principal of and interest on the bonds provided that the annual aggregate bond taxes in the district may never be more than the rates stated in the proposition. So in other words, the law actually tells the political subdivision when it's school bonds you have to either tell them the taxes are unlimited or you can limit yourself and say you're not going to issue that debt if it causes your taxes to go beyond a certain level. I think that's really what our voters and taxpayers are looking for. They don't want to vote for unlimited taxes. They want to vote for an upper bond. And of course if the economy keeps booming and our assessed value keeps growing and all these projections for growth comes true you could put a limit on yourself and never hit the limit because you will keep growing as you expect and people keep moving here, the tax base expands. So there's -- you could really put a safety measure into the bond language to say, you know, we're never going to go higher than this amount on these bonds. And if there's a recession in the economy and people lose their jobs, then what it means is we'll slowdown on spending that money. That we don't claim to have the power to increase your taxes in an unlimited fashion. We'll limit our tax increases. And that's perfectly reasonable and it's perfectly legal. Not only is it legal in the case of school bonds, it's required.

>> Mayor Adler: Any further discussion on the troxclair amendment? Ms. Gallo?

>> Gallo: I think our goal in all of this, because this is certainly what we've heard from the community is to be as transparent as possible.

[8:53:24 PM]

And I think disclosing the impact of this for the people that will be voting is important. But at the same time I think it gives some direction to staff and to legal to come back. I mean, I don't want to do anything or propose that we do anything that could be a legal issue next week gives us the ability to do that. But I would like to start high with the transparency and then if there are some legal concerns that we need to back off of that and do something differently, I certainly would support that, but I think being transparent with the cost of the voters is what the voters are asking for us to do. >>

>> Mayor Adler: Further discussion on this amendment? Mayor pro tem?

>> Tovo: As I mentioned I'm not going to be able to support this. I'm going to follow staff's recommendation. And I appreciate the opportunity and the interest in providing as much information to voters as possible, but I want to be really clear that we are always transparent with voters about what the impact is going to be on their finances, and that information is always, as I understand it, conveyed in the educational brochures and some of the other supplemental materials. I would hate for anybody listening to this discussion think that we typically two G.O. into a bond proposal and not provide that

information. What we're talking about here is putting it in the ballot language, which is not our typical practice.

>> Mayor Adler: Any further discussion before we take a vote? Mr. Casar?

>> Casar: We have a lot of people who came today to talk about urban rail, and I want for us to at least entertain a discussion on it briefly.

>> Mayor Adler: We still have to take a vote on the troxclair amendment.

>> Casar: Sorry. I thought it already went down. I apologize.

[Laughter].

>> Mayor Adler: No, we haven't taken a vote yet.

>> Kitchen: He's been so anxiously sitting here.

>> Mayor Adler: If there's no discussion we'll take a vote.

>> Gallo: Would you clarify. We have troxclair amendment one --

[8:55:25 PM]

>> Mayor Adler: This is number one.

>> Gallo: Will 1 B come up after?

>> Mayor Adler: It will come up if it was urged. My suggestion that that we give all these -- I'm going to vote no with the request that legal vet all of this and that we set it for the agenda on Tuesday and Thursday for us to discuss this type of language both here and in the resolution in part 4. But it's certainly nothing to stop anyone from making whatever amendment they want to make from the dais, but what is in front of us right now is number one. Okay?

>> Zimmerman: I just are have one more thing to say.

>> Mayor Adler: Real fast.

>> Zimmerman: This will be real quick. I have in my hands right here the 2012 bond information. I'm sorry I don't have copies for everybody here. But this is 2012 bond city of Austin. And let me read the educational materials on the education sheet. It says financial and tax impact. The 384 million of project expenditures authorized by city of Austin propositions would be funded by general obligation bonds, which are repaid by property taxes. If approved the city expects to issue bonds in installments beginning

in 2013. No increase in this year's property tax rate is anticipated as a result of passage of these propositions. And that's it.

>> Mayor Adler: Thank you. If there's no further discussion, we'll take a vote. Those in favor of troxclair amendment number 1 please raise your hand. Zimmerman, troxclair, Houston, Gallo, Garza and kitchen. Those opposed? It's the balance of the dais. It passes 6-5. Any further amendments? Ms. Troxclair?

>> Troxclair: If I can move 1-b now, which is just the language that would go into the ordinance.

[8:57:28 PM]

Up 1-b has been moved. Is there a second to 1-b? Ms. Garza seconds it. Any discussion on 1-b? Legal, would you talk to us about 1-b?

>> So 1-b would be a portion that would go into part 4 of the ordinance, and it would be an "Or" item for the language that is currently in there. And for part of that language. So it would end up looking more like the language that had been in a similar part for the disclosures under the 2014 urban rail bond election. With the addition that councilmember troxclair has added a sentence, which is like the sentence that she has suggested adding to the ballot language. We have some similar concerns, especially about that last sentence, but like the other language, we can talk to the attorney general's office and we understand that that's your direction and we would talk to them about the language as drafted by councilmember troxclair.

>> Mayor Adler: This is the amendment that has 1-b, replacement, close parenthesis, in the upper right-hand corner. It's been moved and seconded. Any further discussion? Okay. Let's take a vote.

>> Zimmerman: Mr. Mayor?

>> Mayor Adler: Yes.

>> Zimmerman: I was trying to get that on the overhead so people could see what we're discussing. I would like to speak in favor of the motion here.

[8:59:29 PM]

The part on the top of the screen I just pulled it from the ban material and it shows the blanks that were in there for this meeting. I'm sorry, Ms. Fireside, is that the most recent information? I know we had this last week and they were blanks. There hasn't been time to fill the blanks in?

>> The blanks have been filled in. The mayor's proposed ordinance has the blanks filled?

>> Zimmerman: I have old information on that. I'm sorry. Maybe you could just cover up those blanks because those aren't there anymore. So what again the objection to go ahead and adding what councilmember troxclair put in? I'm not understanding the objection to adding that.

>> The first part of it is not -- is pretty much straight out of the astronaut. So that -- out of the statute. So you have to pick some different language that as you noted about the education code similarly for the other bonds there's an "Or." There is some explanatory language in the language that councilmember troxclair has put forward that is not in the statute, that the a.g.'s office in 2014 let us put into the mobility bond the rail election. They've expressed some concerns to us about that currently, but we can revisit that with them. And then the last sentence is that sentence that councilmember troxclair wanted to put in the ballot, and we do have some concerns about that and the potential for inconsistency for the required statutory language that the tax be sufficient to pay for the bonds.

>> Zimmerman: Okay. So that's a great point. As I just made a point a little while ago, it's perfectly within our rights, you know, as a council to promise our voters and taxpayers that we're not going to tax them in an unlimited fashion.

[9:01:29 PM]

Right? That we're going to say -- you know, we're going to issue these bonds over the years, you know, subject to not going past a certain taxation levy on our people, so that if we have a recession three or four years from now, we could take a look at our situation and go, you know what, we promised our voters that we wouldn't go above a certain tax rate so let's delay until our financial situation improvements I see that as a positive. It seems like there's some here in the city that see it as a negative to put limits on how we tax our constituents. I see it as a positive to put language in they are to say we promise we're not going to tax you over a certain rate, and that would protect them if we have an economic down turn. So I'm going to be voting in favor of this.

>> Mayor Adler: Any further discussion?

>> Renteria: Yes, mayor.

>> Mayor Adler: Yes.

>> Renteria: I just hope that, you know, the interest rates stay low and it doesn't go up because a lot of people are going to be project when their project doesn't get done, and that's what's going to happen. If the interest rates start going up and your borrowing cost goes up and you're restricted on what you can do, then that's -- and they're not going to issue -- the city is not going to issue more than what we can pay back per year, you know. We don't go out there and borrow all the money and not have money to

pay back. So they will cut the project back. They've done it in the past, and if they have to do it, they'll do it in the future again, because we're not going to be spending money, borrowing money if we can't pay it back.

>> Mayor Adler: Again, I'm going to take the staff's recommendation on this. They've been doing the bond elections for a long time, and I think it still enables us to have the time to be able to evaluate this which, which I'm sure we'll be doing in any event. Any debate tore further discussion on troxclair 1b?

[9:03:29 PM]

All those in favor please raise your hand. Houston, Gallo, Garza, troxclair, Zimmerman. Those opposed, raise your hand? It's the balance. This one is defeated 5 to 6. Any further amendments? Okay. So let's take a vote then on the proposition. I'm sorry, Greg.

>> Casar: No surprise about what I want to talk about. So in due respect for all the folks that have come out to talk about urban rail today and have been watching that debate, I wanted to at least bring it up for discussion. I wasn't elected to be the guy with all of the answers. I think I was elected just like many of you guys think of your jobs this way, as somebody with some values, but coming in with an open mind, and I'm willing to admit I've learned a lot on this job, and in the time that I've been on the council, it's become more and more apparent to me how much our mobility challenges, our affordability challenges, and our growth planning and growth management issues are only worsened the longer we wait to invest in mass transportation and, in particular, in urban rail. I think that good rail can help us deal with the impending fiscal health issues, development issues, and transportation issues we face as we continue to grow in the edges, and so I've been supportive since the winter, and then again at our first mobility committee meeting, to talk about putting rail back on the ballot and, in particular, picking the guadalupe/lamar corridor because as we saw in 2014, if we can't align our agencies with the advocates and activists who have worked on this for so long, it's -- it becomes very difficult to pass.

[9:05:42 PM]

And so I know that we haven't studied that corridor again and again, we've talked about it for a really long time, it's been vetted. It's not indisputably the best, but that doesn't mean that we shouldn't try to move something forward and get rail on the ground as quickly as we can. So since the winter I've been supportive of making public transit a priority in this bond. I recognize that there is some real support for a public transit in the \$720 million plan currently on the table, but I think that, given this presidential election, it would be great to do more. At the same time, I know we have lots of rail supporters here on the dais and that people may have different opinions about whether or not to put it on the ballot in

2016 versus 2017 or 2018, and I don't want to force anyone to put it on the ballot this year, considering we haven't had these discussions for the last few months, but I want to hear people's opinions if they're willing to share them, so that I know whether or not to -- for us to have a conversation about what it would look like on the ballot. But I would like to hear people's positions. I was heartened to hear earlier today that folks are considering a resolution to get us back in the rail business and to start talking about it for the future bond elections, but I feel like with the presidential year, we have a really big opportunity, and so I just want to hear from folks before we move on, if possible.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Yeah, I appreciate you raising the question and I want to thank all the community members who have been active on this issue, some for decades, and all of those of you who are here tonight to speak on it. And we've gotten lots of e-mails over the course of the last several weeks, and several from people who were here for a lot of today and had to go home.

[9:07:47 PM]

So I know there's a lot of support in the community for placing rail on the ballot, and I appreciate the conversation. Councilmember Casar, I certainly count myself among those who would like to see us moving forward with a plan sooner rather than later, and so, you know, that was a consideration for me, of whether or not we should allocate some of this money for that exploration right now. I understand some of the concerns about building more community will whether we place it on the ballot because we don't want it to fail again, but it's a real issue for me and I certainly support putting that question to voters if that's the will of the council.

>> Mayor Adler: Ms. Garza.

>> Garza: I also want to thank the rail folks had who -- I'm always really impressed when a group can organize the way that they have and gone out the community groups because it takes a lot of work, and you're all doing it on a voluntary basis because you believe passionately in that. And I've expressed my concerns about this bond package many times. I have big concerns that -- of bond fatigue in the community, and also concerns proposing a mobility bond with no public -- no direct public transit in it. And I'm encouraged by the addition of what seems to be more investment in south Austin with regards to corridors. I'm encouraged by that move tonight, but I think what would have really helped people in south Austin, and all over Austin, would have been a real investment in our public transit. So it concerns me that this package does not contain that. But as a member of the capmetro board, we haven't even had the discussion about this.

[9:09:53 PM]

We haven't even voted as a board whether -- obviously, I'm sure capmetro would be happy to take 400 million if it indeed passed, I would think. I'm not speaking on behalf of the board. But I am committed to seeing improvements and investment in our public transit, including a successful rail package. So I appreciate the efforts of all those that have ordinance to try to get -- organized to try to tell that done this time. I just don't think we can do it this time, unfortunately.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I also want to thank all the folks that were here and that have been talking with us about rail. We need to continue to all work together. I am committed to moving forward with rail in the near future. I don't think that this ballot item is the time to do it because I don't think it's Teed up, and I don't want to see us fail. I am committed to working the project connect, working with capmetro, and taking some significant step in this budget cycle with our own staff so that we can dedicate some additional resources to working on bringing forward the rail effort. So I'll be working with my fellow councilmembers to discuss some ideas of what we might add to this budget for our city staff so that we can make some concrete, tangible efforts moving forward with rail. And I also think that what we passed earlier in terms of the bond task force, which, as we discussed, does include the ability to look at funding for rail, in the near term. We're not talking about another bond package way in the future. So I think whether there's a decision to do it in 2017, which is a possibility, with the way we set up the task force, or 2018, I think that I will be committed to making sure that package has an element for rail.

[9:12:11 PM]

>> Mayor Adler: I'll join that chorus. I thank the folks who are here. You missed the conversation this afternoon on the citizens bond commission. You might go back and take a look at that. I moved to have that specifically included as a separate item, went through the work that's been done in the community, the studies that have been done and are currently being done in the community to help us tee up that issue. I know that the council reconsidered and -- and said that the language that was in the bond commission resolution was already sufficient to do that, so I'm happy that the bond commission still has the ability to take a look at that in its work for as early as 2017, or 2018. But I'm also encouraged by the conversation and discussion on the council about coming back with a separate resolution to address this in particular. And while I would have liked to have prevailed today on what I initially tried, I'm comfortable where we are and that that is moving us forward. Is there any further discussion? Mr. Renteria.

>> Renteria: Thank you, mayor. And, to me, you know, I'm a big rail supporter. I worked the first rail campaign, and we worked just the recent one, and I was the only district that actually voted. My district went for the bond for the rail, and the rest of them didn't. And the argument that I heard out there was

constantly that what is it going to do for my district. That's all I heard. I would support it if it went down south congress. I would support it if it went down south Lamar. I would support it if it went down burnet. You know. I'd support it if it went somewhere in east Austin. And that's what we're really -- that's going to have to be the big question that we need to answer, you know, are we really going to be - if it doesn't affect your district, are you going to be able to support the rail in other people -- because there's going to have to be a starter.

[9:14:26 PM]

It's not going to be able to be at once go to all the areas, all the districts in Austin. So we really need to be honest with ourself when we have this discussion and ask that question, if you really want rail, are you going to support it regardless of whether it's going to be in your district or not? If it's going to start in your district or not. So I hope that we could answer that question and we can start, you know, working on rail because I think it's one of the most important things for our future here in Austin, and it's an alternative. I always said that during the trip that I went to Dallas, there was a big, major wreck, the highway was closed. I looked to my left, and there, sure enough, was the rail. I parked in the parking lot and got on the train and went downtown and enjoyed myself, came back and got in my car and went back to my hotel. So, you know, it's good for business, it's good for tourism, and that's how we get our tax -- sale money that we finance our art and culture in this town. So, you know, it's a big plus.

>> Mayor Adler: Mr. Casar.

>> Casar: So this -- it's been a challenging process through getting -- through the bond. Frankly, for me, so much of what I learned to work on is achieving a consensus of council, and the bond issue really means getting a consensus out there also in the community. If it had been me to craft this thing, I would have done just safety and mass transit. But we are where we are, and we've come together to build something that I think gets us started on enough for me to support the proposition. But I'm -- while I'm disappointed that I couldn't figure out a way to get rail on the ballot this year, I am heartened that a majority of councilmembers just spoke up saying that we're ready to get back in the rail business.

[9:16:34 PM]

And I know when the last rail bond went down, people said it was going to be another decade before we got back in the rail business. So I think it's a testament to the work of the people who have been making phone calls and getting petitions signed and doing their own polls, which I didn't even know you could put together without some high-paid consultant, that you've gotten us back into the rail business on such a quick turn around. And I think that's something to be proud of, and I think if we build the

consensus right and we go out there and get the signatures and find out who's going to raise money to spread the message that rail isn't just good if it comes to your neighborhood but it's actually essential for all of us living in Austin, then we'll have done a really good thing. And so while I'm disappointed with that part, I'll be supporting proposition 1 even if I wish we also had been able to put together a rail proposition 2.

>> Mayor Adler: Thank you. If there's no further discussion, we'll vote on this and get to the last zoning matter. Ms. Gallo, did you want to say something?

>> I do. Just something quick, because this poor zoning case has been so patiently sitting here. I just want to say I'm really proud of this council. This has been a really difficult decision, and it's included many, many, many different priorities, and I hope that the residents of this city recognize and are really proud that every member that's sitting up here on this council has both represented the needs of their district, but also the needs of the city, and I just want to say thank you to everyone that's up here on the dais and thank you to everyone who came to speak to us tonight.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: One final comment, thank you, Mr. Mayor. We've changed and adjusted some of the numbers, but very broadly speaking, it looks like we have 685 million for the corridors and the regional, what we called regional improvements. I think we have 15 million for vision zero fatality reductions, we have 20 million for the bicycle plan, and so I'm not going to make any more motions.

[9:18:40 PM]

I'm prepared to vote for this as is, but I would like to just let you know I want to have a d'hanis DVD to have a chance when we come back to vote on third reading, to put it in three pieces, that might look like 685 and 15 million and 20 million so that we don't have the full 720. But that will be next week when we take -- I'll put it on the council message board between now and then.

>> Mayor Adler: As I was hearing, you were talking, I wasn't checking your math, but I understand the sentiment that you're making.

>> Houston: May I ask councilmember Zimmerman a question?

>> Mayor Adler: Yes.

>> Houston: Councilmember, are you talking about decoupling the three buckets, or are you just talking about making sure that the money is correct in each of the buckets?

>> Zimmerman: Well, I was going to check my math to make sure I understood what we all voted on. I've got it written down. We have some notes, but I want to break out the bikeways or the bike master

plan bucket and the vision zero bucket, and I think those numbers are in the ballpark of 15 million and 20 million, but the rest of it is about 685 million, which is still a huge amount of money. But at least we would have three things to vote on instead of one.

>> Houston: So, mayor, is that something we can take up when we do this for third reading or is that something --

>> Mayor Adler: Yes.

>> Houston: -- We should take up now to decouple that into different propositions?

>> Mayor Adler: I like Mr. Zimmerman's suggestion to do it next week. That gives us a week to talk about it. Yes, mayor pro tem?

>> Tovo: I would like to ask our legal whether there's -- whether that is a -- something they can talk with the attorney general about. Does it make it difficult for us if we provide you -- if we make such a major adjustment next week versus this week? I mean, I would be interested, frankly, in knowing whether there's support on the council to make that change.

[9:20:42 PM]

I'd be interested in knowing that today.

>> I -- whether or not to break it into those three propositions is a policy decision that you can make. The raining language is just something we would need to work on.

>> Tovo: So it makes no difference in terms of the process that you would undergo with the attorney general whether we make that decision today or next week.

>> Assuming that the language stays the same, that's correct.

>> Tovo: Thank you.

>> Mayor Adler: If you're looking for sentiment on the council, I'm strongly against breaking it into pieces. And I say that because on elections like this that concern multiple pieces, I'm supporting some pieces because other pieces exist. And if you break it into pieces, then you deny me the opportunity to be able to vote for a package, and it's the package that I want. I'm not interested in just one aspect of this, and I'm willing to vote for some other things in order to be able to get a package going. And if you break it up into pieces, you deny me that opportunity and other voters that opportunity, and I don't think that's right.

>> Tovo: I appreciate that, mayor, and I agree.

[Applause]

>> Tovo: And I would say I agree, too, in keeping them together and not decoupling them because if we're going to address our mobility challenges, we need to address them through different modes, and this package allows us to do that. So I'm with you. I'm not going to support decoupling.

>> Mayor Adler: Councilmember pool?

>> Pool: Yes, that's my sentiment as well. I think the package works because all of the pieces interrelate, and they support and they build on one another, and I would not support breaking these into separate ballot propositions, either.

>> Mayor Adler: Councilmember kitchen?

>> Kitchen: I think it's important to provide a sense of where we're -- we're coming from, and I also would not support breaking it into -- into pieces. And for the reason that's already been articulated, I think for people people it's a package deal.

[9:22:48 PM]

>> Mayor Adler: Mr. Casar?

>> Casar: That's me too.

>> Mayor Adler: Councilmember Renteria?

>> Renteria: I couldn't support that.

>> Mayor Adler: Ms. Houston?

>> Houston: I do support decoupling them because of the way the process we went through the community should have a right to decide how their taxes are levied, what they pay for and what's most important to them, so I do support decumming.

>> Mayor Adler: Anyone else want to talk? Ms. Gallo?

>> Gallo: I support leaving it all together. I think that this has been a -- a task of compromise, and I think that no one got a hundred percent of what they were looking for, but I think we got very close and managed to provide something for all of our community. And I once again appreciate the interest and concern that this council had with making sure that we had mobility projects that would reach the outer areas of our -- of our city, and so I would support keeping it all together.

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

>> Troxclair: I would go with councilmember Houston's comments. I think that people do have the option to vote as package. They can just vote yes on all of the propositions. So I think the more choice and more control that voters have over -- or where money gets spent, the better.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: I predicted there would be three votes in favor of that decoupling. The decoupling, remember, 685 million is still lumped together, and there's lots of sidewalks and bicycles within the 685 million. But it's three votes in favor, so I don't see that it's worth pushing it any further, so thank you.

>> Mayor Adler: Any further discussion? We'll now take a vote on this item number 3. Those in favor, please raise your hand.

[9:24:54 PM]

[Laughter]

>> Mayor Adler: Good. Those opposed? It is unanimous on the dais. We will now go to the zoning case.

>> Good evening, mayor and council, Greg Guernsey planning and zoning. Item number 52 on your agenda, case c14-2016-0025, this is a rezoning request at 3417 east martin Luther king, Jr. Boulevard, the property is approximately 6.27 acres in size. The zoning change request is for family residence sf-3:np district zoning and the request is to rezone it to townhouse condominium residence sf-6 np combined zoning. The property again is located in martin Luther king, Jr. Boulevard, it's about a thousand feet east of airport boulevard. It's surrounded on various sides by sf-3 zoning to the north, single-family residence, and also to the west. To the south is a cemetery, zoned P public. And then to the east is a single-family residential zoned sf-3 postpone.

>> Houston: Excuse me, mayor, could you point out where the north and south -- I know where it is, but the orientation of the map doesn't really tell you.

>> Sure. The north is at the top of the map. It is the thin little strip that you see along martin Luther king, Jr. Boulevard. The creek or that blue area is the eastern property line. The zoning on -- as I said, the zoning on the property request as to sf-6.

[9:27:01 PM]

However, the planning commission's recommendation that's brought to you this evening had some conditions that placed on the sf-6, and those conditional overlay would limit the property to a maximum

of 60 units. There was also a request for a prohibition of a payment in lieu for on-site water quality so they would have to build that on site. I'll note that our engineering staff has not been able to nor an outside engineer provide information that that would be a benefit or not. In addition to those conditions by the planning commission, that vote was on an eight to four vote. There was a direction to staff to look at a further study connecting the property to the larger J J sea Brooke trail. And if you look at the creek further to the north, the trail begins and heads north, and that's zoned P public. There is a petition that has been filed in opposition to this request. It's only ready for first reading tonight, and what that petition means, there would have to be a three-quarters vote at the time of third reading to approve the zoning beyond its existing sf-3. The reasons for the petition, there's a concern because if you take a look at the map that's on the screen, the primary access from this property would be through east 17th street. It is a local street that is on the southwestern corner of the property, and there were concerns raised by the neighborhood to the west of traffic. There are also some concerns that have been raised about flooding in this area.

[9:29:03 PM]

There's -- some of the neighbors had brought to the attention of the planning commission some flooding issues. There's also concerns about access that would not be taken to martin Luther king, Jr. Boulevard to the north. It's very narrow. It adjoins a bridge on its eastern side, and there's a culvert that is there along there that would make it difficult to provide access. Some of the other concerns, this area has been undeveloped for quite a long time, and there -- some vegetation would be lost and some of the animal life that was there. There's also concerns about the increase in the amount of construction time it would take to build. These are the reasons that were kind of listed on the petition. You have many speakers here tonight that wish to address you, and I believe most of them are still here, and so I'll pause, and if there's any questions from staff, I'll be happy to answer those later, and we can bring up the agent's representative to speak to the request.

>> Mayor Adler: If the council is ready, we'll bring up the applicant. Say your name for the record.

>> Yes. Good evening, mayor and council, I'm Laura toops with urban design group, representing the applicant today.

>> Mayor Adler: In the situation, what's usually

--what's the amount of time usually given to the applicant.

>> Usually we give five minutes to the applicant.

>> Mayor Adler: That's what I thought. Thank you.

>> Okay. If I could have the presentation.

>> Let me just start by giving some history about St. James missionary Baptist church.

[9:31:07 PM]

It was founded in 1927, the first church building on the current campus was completed August of 1969. The second building on the current campus was completed August of '86. Reverend E. M. Franklin, E. M. Franklin borders this property, led this church for 39 years, then the main sanctuary was completed in 2007. The leadership, which I note here that have been at all of our meetings with the neighborhood and are here this evening, Dr. McClendon has been the senior pastor since 1993. Samuel Matthews of the deacons board and branch chairman are all here. I always forget which way -- all right. Here's a -- the history of the project, in January of this year, January 19th, we met with the contact team for mlk neighborhood plan to just verify at that point that the plan allowed the zoning change. It did. This was dated as mixed residential. February 1st we met with the mlk neighborhood to talk about what we were proposing. And the background for this zoning case is the church has been up front since the beginning that this rezoning was to be followed by selling it and working with the developer to develop the property. And the goal of that is to help retire debt, as well as to help the church continue its mission. So the church was at all of these meetings as well, the leadership. So after meeting with them in March -- beginning of March, we submitted the zoning application. There was another meeting in March with mlk and J. C. Sea Brooke, and I will see from the beginning, the biggest concern was about traffic.

[9:33:13 PM]

The next slide will show the track. June 6th we had another meeting and I just note here that we actually only had one person at that meeting. The other meetings had a bigger turnout. We had a planning commission postponement. We met again with the neighborhood on the 23rd, and then we went to the planning commission. Here's the aerial. You'll see the area in red is the tract owned by the church. I point out the original church buildings. They own that property, but it's not this tract, so this tract is one lot right now. To the south, you see every green cemetery. Front borders, of course, mlk. On this -- those words, you can't get those words off the bottom of the screen here. What you see here is in red. It's a little hard to read, in the middle of the site is the water quality and detention pond for the church sanctuary. As you see there's a branch of Tannehill tributary, Tannehill branch that comes through the site, so it basically divides where the church was built from the western part of the property. So they were never going to cross that. It's floodplain, it has some water quality critical zone. They were never going to cross it for development. So my early discussions with them -- I've loved -- oh -- my early discussions with them was about, well, what could happen with the property that's on the west side of this creek, and it is zoned sf-3, as is the whole church lot. The blue arrows show you the drainage, so the

east portion drains to the creek and the west portion drains to the creek, so we do not drain towards the adjacent neighborhood. What this slide shows you is a concept plan we did, it's a little hard to read there, but it shows sf-3 layout, so what this shows is the possibility currently under the zoning of 30 duplex size lots.

[9:35:26 PM]

So you could do 60 units on this. And as you do see, as stated by Greg, the access is from east 17th street, from the east. And I'll repeat just briefly, the frontage is a bridge structure, basically, at mlk which is what prohibits us from having access to mlk. This is a concept plan of an sf-6 layout. And as you probably know, in sf-6, you go through the site plan process. So it's not individual lots. It actually gives you the ability to cluster development.

[Buzzer sounding] Is that -- is that -- okay -- cluster the development. So I will just end with that, that it's currently configured in a way that we could do 30 duplex size lots. The sf-6 zoning would allow us to cluster those buildings, also allow for small unit possibilities. It does require the site plan process, and the maximum number of units under the sf-6 would be 72. Thank you.

>> Mayor Adler: Victoria Blakeley. Blackey? Victoria, then Dan Blakey? See what happens when you sign up first, get here early? Thank you for coming. You have three minutes.

>> Well, as you know, my name is Victoria Blakey, and I live at 3305 east 17th street. And I just wanted to say that I am in opposition of the rezoning of the undeveloped land on east 17th street.

[9:37:32 PM]

And that's about it.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Mr. Blakey?

>> I'm Dan Blakey. I live on 17th. I've been there about 30 years. And I'm against the rezoning of the dead end land there. I think it would just be a hazard to the neighborhood. It's got the one little street, 17th, that goes two-way traffic. You've got cars parked -- everybody has three or four cars. I don't see how you can get an ambulance or safety vehicle in there. It's just a -- I think it would just be a hazard.

>> Mayor Adler: Okay. Mr. Blakey, the question I have -- and I address this, and I hope people address when it they talk, is, I understand that there's an absolute right for this property to be developed with 30 duplexes, I guess, which is 60 units. So if the approval doesn't happen, without any approval from the city, they can put in 30 duplexes with a total of 60 units.

>> Oh, they still can.

>> Mayor Adler: They can still do that without anything from us. So the question is not so much how much traffic on that street is caused by those first 60 units, but what additional traffic is caused by the next 10, 12, and whether or not those create a difference.

>> So we have airport boulevard, it's bumper-to-bumper.

>> Mayor Adler: No, no, no but the question -- the question I have, and that I want people to address is, not how are things now compared to how they might be, but how are things based on the development they can do, relative to the development that they want to do. And that's -- and there's a different delta there. That's what I'm struggling with had.

>> Okay.

[9:39:33 PM]

>> Mayor Adler: Thank you, sir. The next speaker is Brenda Alexander. Alexander. And Dorothy Alexander is next.

>> Good evening, mayor, the rest of the city council. I, too, live on Loretta drive, and I also too, with the same problem here. The traffic, and what we are really asking for is to have another way in besides just one way in, have more than just one way in, have a two-way coming in and out. Because it is a hazard there. So we're really petitioning to have another way out instead of just one way in because you have your emergency vehicles coming in and other vehicles that are coming in, so we're really petitioning to have another way out besides just the one way, because of the traffic, and with the environment and all the other things that are around it. But mainly to have another way out besides just going in, turning around, but have two ways instead of one. Thank you.

>> Mayor Adler: Thank you, ma'am. Dorothy Alexander, and Josephine Williams is up next.

>> You know, my name is Dorothy Alexander, and I've lived there on Loretta drive for 60 years. And the traffic that will be imposed on that community will be the children are there, and they won't have any place to go. They catch a bus on the end there of east 17th, a school bus stops on the corner, so you'll have all that traffic going in and out.

[9:41:37 PM]

So red wood could be a way for St. James to go out, or they have other exits that they can go out. If they can't go out on martin Luther king then they can go out on another way. They have plenty of land. And so to congest it on the neighborhood, it would just be impossible. And it would really be to our advantage that we would have our neighborhood not so congested where you can't come in and kids can't go out, can't catch the bus, because of the traffic going in and out. And the little narrow streets. If you'll go out and look at it, you can only take one car down through there. And the people have to park on each day of the street, so when they park on the street, and then you have other traffic coming in and going out, it's going to be congested. It's going to be a hardship on the neighborhood. Thank you.

>> Mayor Adler: Yes, ma'am. Thank you.

[Applause] And Dr. Debra Murphy is on deck. Maximum.

>> Thank you. Good evening, or good night.

[Laughter] Whatever it is.

>> Mayor Adler: Fortunately it's not good morning.

>> Mayor Adler and councilmembers. My name is Josephine Williams, and I've lived at 1707 Loretta drive for 49 years. I'm one of the early settlers, one of the pioneers of that street, and I have a lot of emotional attachment for my neighborhood. We've tried very hard to keep this a -- a very pleasant and safe neighborhood because we've raised a lot of children on that street. And we've also taken a lot of extreme cautions to make sure that we've had a lot of neighborhood integrity.

[9:43:48 PM]

I really have some other concerns that I want to talk about outside of safety. There's a whole litany of concerns. But one of the main things I wanted to talk about was some environmental issues. And I do want to wish St. James Baptist church the very best, and the best of prosperity and success in all their endeavors, but not at the expense of my neighborhood. So I'm in strong opposition of this proposed zoning. I'd like the talk a little bit about flooding. That's one of my main concerns because having lived there as long as I have, one of the issues that I've been -- has been problematic to me is the soil. It's really clay, is what it is. And after a heavy rain, just about any rain at all, the Earth just sponges in the water. It holds it, and believe it or not, regurgitates. So we have a lot of problems with runoffs and reservoirs and those kinds of issues. As I had mentioned in one of the meetings that we -- excuse me -- one of our neighborhood meetings, my house used to face 1707, but because of, you know, the unsettling of the Earth and what have you, I think my house has rotated all the way around a number of

times. So I'm concerned about flooding and what's going to happen when all this construction take place.

[9:45:50 PM]

[Buzzer sounding] So I guess I'm out of time. But thank you very much.

>> Mayor Adler: Thank you, ma'am.

>> Zimmerman: I just have one question. Before you go, where did you get that terrific hat?

[Laughter]

[Applause]

>> Mayor Adler: Dr. Murphy, and then on deck is Gerald Murphy. Is James dickey here? Just raise your hand. Is James dickey here?

>> He's over here.

>> Mayor Adler: Okay. I'm sorry, sir, I didn't see you. Is Virginia Patrick here? Is Bobby Jones here?

>> Yes.

>> Mayor Adler: Yes? Is Ed hearten here? You have ten minutes -- no, you have -- I'm sorry, you have 15 minutes.

>> Oh, great. Okay.

>> Mayor Adler: You don't have to use it all, but you have it.

>> My name is Debra Murphy. I am speaking on behalf of the affected neighborhood tonight. My Normal job is as a professor of psychology at houston-tillotson university. I'm with the neighborhood and my 90-year-old mother -- she's almost 90, she'll be 90 in November, lives near the undeveloped area that's in question. We have just about all of the residents of east 17th street here, 100% of them have signed in opposition to this rezoning. Many residents of Loretta street are here. That's the other street that will be most affected, in addition to east 17th street, and many of them are here as well. Thank you to the mayor and the council for listening to our concerns. While we respect St. James and their need to pay off their debt, the neighborhood's concerns have to be respected as well. These concerns are as follows, and they're listed above.

[9:47:50 PM]

The singular entry/exit onto 17th street, the safety hazard, life-threatening to some extent which it presents, the traffic congestion that it will provide, or present to us, floodplain issues, density issues pertaining to changing from sf-3 to sf-3, property values that will be lowered as a result of this rezoning, no site plan has been presented that -- we saw tonight was the most detailed we've ever seen, if you can call that a site plan. Environmental concerns and issues, historical landmarks of concern, and it is a historic African American east Austin suburban community, one of the first east Austin suburban communities. Now I'd like to go into a little bit more detail. Can you please show the next slide, which shows the singular entry and exit -- no, it doesn't, that's not it. But I can speak to this anyway. This is a sign that's on St. James property at present that warns of hunting and flooding issues. And this is in spite of the fact that the planner has said that there should not be such a concern. And you'll hear more of the residents talk about the significant flooding that they've encountered in their homes. They'll give personal testimonial to this effect. You can just show the other slide and I'll speak to that. This is the single entry and exit point, and you can see a large truck, that's Mr. -- one of our residents, Mr. Harden, Ed Harden's truck, Chris Harden is there standing by the car, and that's the proposed entry and exit way. And you can see all the congestion there with the cars parked there. So you can get a visual of how narrow that entry and exit would be into the undeveloped area.

[9:49:53 PM]

And you can show the next slide and I'll go ahead and talk about that. This is the congestion, the bumper-to-bumper traffic that exists at any point in time on Martin Luther King Boulevard. We are hemmed in by the congestion that exists on Martin Luther King Boulevard and the congestion on Airport Boulevard. Those are our only major thoroughfares out of our community because Evergreen Cemetery provides the other border, and the other undeveloped land provides the additional border. So these are the only entries and exit -- major thoroughfares which provide entry and exit into our neighborhood. So now I'd like to speak in a little bit more detail about each of those issues. In terms of the proposed singular entry/exit on the narrow east 17th street, it presents significant life-threatening hazards issues, such as fire and fire, vehicular access problems. In terms of a natural disaster, evacuation exit problems would occur, as well as the fact that safe resident entry and exit onto east 17th street would virtually be impossible. It would be unsafe for pedestrians and children. Garbage receptacle placement and parking issues are also of great concern. Number 2, traffic. The plan would more than double the existing population of the affected community and add an additional 500 traffic trips per day to our area, where we are already overtrafficked and hemmed in with bumper-to-bumper cars on MLK and Airport, shortcut -- many cars car shortcut through Tillery and Loretta drive, and this would add additional congestion and hazardous conditions to our neighborhood.

[9:52:05 PM]

There has been no other consideration of viable entry, exits, such as maybe onto the St. James parking lot, and that is not -- simply not fair to the residents of east 17th street and Loretta drive. Number 3, floodplain issues. The development would literally be in the backyards of the residents on Loretta drive, who already have significant flooding in their backyards after heavy rains. As a result of the erosion from heavy rains, many of the backyards on Loretta drive are now nothing but cliffs. One of our residents has pictures to this effect that he'll show later. Natural springs have been sighted in the undeveloped area which add to floodplain issues.

Number 4: Sf-3 to sf-6, the rezoning to sf-6 is not consistent with the preservation of single-family housing.

Number 5: Property values. The proposed development would decrease property values of the homes in this neighborhood. Site plan, there is no site plan. The neighborhood is being asked to trust the developer. Once the land is sold to a developer, the developer is under no obligations to anyone. Environmental. There is an active diverse and beautiful wildlife population which would be uprooted with nowhere to go but into the already existing neighborhood. There is a significant number of heritage trees in the area. Construction debris would expose existing residents to significant pollutants and pose significant health hazards.

Number 7: Historical landmarks. Landmarks pertaining to historical slave grave markers and American Indian burial grounds have been identified and should be preserved.

[9:54:09 PM]

Number 8: Historically historic africanamerican east Austin, one of the last remaining communities and is one of the first east Austin African American suburban communities. This has historical significance. There is no site plan. This proposal is unsafe, it is unsound, and in closing, it would be great for the church to pay off its debt, but not at the -- at the cost of destroying an entire community. The residents of east 17th street and Laredo drive will have to bear the brunt of this burden, and that is just not fair. Thank you very much.

[Applause]

>> Dr. Murphy? Dr. Murphy, I have a quick question for you. Thanks for laying out the concerns that you and other neighbors have. Do you support the planning commission's recommendation of the sf-6 zoning with the lower number of units?

>> No.

>> Tovo: Okay. And so have you had any discussions about what kind of -- whether there are any rezonings that you would support or you want to see the tract maintained as sf-3?

>> We'd like to see it maintained at sf-3.

>> Tovo: Thank you.

>> Casar: Mayor? Mayor, may I ask a follow-up question? Doctor. I wanted to follow up on the question from the mayor pro tem, which is -- and at some point maybe I'll ask the applicant the same question. Just from the first presentation that I saw to start this, from the church, they mentioned that they have the ability to do about 60 units, if they did them duplex, and that the planning commission's recommendation was also at 60, but under sf-6 instead of sf-3.

[9:56:19 PM]

Help me just understand that part, unless you disagree with what the applicant represented at the beginning, which is that right now, they could do about 60 units, and the planning commission recommended 60, but why do you prefer 60 units as an sf-3 instead of 60 units as sf-6? And my apologies if my question was unclear. It's been a long day.

>> I'm probably going to defer that question to someone else, just because that's the first that we had heard of that. We haven't had a chance to properly discuss that.

>> Casar: I understand, and I appreciate your candor, and will try to get to the bottom of it. Thank you.

>> Okay.

>> Tovo: Thank you, Dr. Murphy. Our next speaker is James dickey, and Mr. Dickey will be followed -- no, I'm sorry, you donated time. Is that correct?

>> Yes.

>> Tovo: Okay. So then our next speaker is Ed harden, who has signed up against. Mr. --

>> I think the mayor actually called Gerald Murphy after --

>> Tovo: My apologies. Mr. Murphy, you're next.

>> I'm Gerald Murphy. My mother resides, as Debra already told you, on east 17th street --

>> Houston: Mr. Murphy -- would you ask him to --

>> Is this the right one? Okay. I'm Gerald Murphy. My mother resides at 3309 east 17th street, as Debra said. My mother will be 90 years old in November, god willing. She grew up on east comal street. There's

a girls' softball stadium there now if I'm not mistaken. My dad grew up on east 12th street, two blocks off of I-35. There are some condos sitting there now. So there have been changes that as a family we've been accustomed to, like many people have been accustomed to in east Austin. This is not about those kind of changes, though, this is something different. This is something that we think is unsafe to some -- to people who currently reside in the immediate area.

[9:58:22 PM]

If you refer to the package from the staff under staff recommendations, there's a statement there that says a lot. It says zoning should allow for reasonable use of the property. But then it goes on to say: Any development on the property will face significant physical constraints due to drainage, lot configuration, and extensive tree coverage. These constraints will be a challenge when designing a site plan for our townhouses and condominiums, so on and so forth. What it's speaking to, there's already a red flag about what it's going to take to do anything over there. And you as a council already see another red flag item when it comes to this proposal, then I think you should be attentive to that. How many red flags do you need to see before you understand that this is not conducive for that area? When the planner that represents the developer -- excuse me, who represents the church or the applicant, talked with the planning commission several weeks ago now, one thing that was mentioned was -- I'm not going to talk too much about traffic because I can tell you it's hazardous. I can tell you two cars going in the opposite directions, you can reach inside the windows of the cars. You're going to hear more about it. Some things you haven't heard about, there has been mention of graveyards in that area. There's some concern that several years ago, there was some article that referenced that there were some artifacts found there from an old Indian grave site. When the applicant's planner talked to the commission, if to say planning commission, that went into having concerns that there was an undeveloped portion of evergreen cemetery that was being spoken of. Well, evergreen cemetery is right across from my mother's back fence so I know about evergreen cemetery. I've got more people in evergreen cemetery than I'd like to have.

[10:00:23 PM]

What you didn't know, to save some confusion -- I'm going to close on this. I'm giving you something maybe you don't know about or hasn't been made plain to

>> Before evergreen cemetery, there was highland park cemetery. You may not have known that. Highland park cemetery had about 170 grave sites. Only four can be found that were in that immediate area. So I close with you thinking about what we're trying to convey to you, but my final closing statement -- I'm very tired right now now like everybody else is, so I'm talking in circles but my final

closing statement, it's unsafe down there. It really is. To try and put that on the residents in that area is truly irresponsible and I hope you give it some thought on our position. Thank you very much.

>> Tovo: Before you leave, sir, is Christine Harden still here? So Ms. Harden donated time to you if you would like to -- if you have any other comments?

>> I'm talking in so many wild circles right now about to fall out, I don't think I really have to add anything but I would -- if I had to add anything, I appreciate Ms. Harden giving me that time. If I had to add something, there's a safety issue here that travels beyond just traffic about it includes rogue.

>> Tovo: I want to better understand --

>> Zimmerman: I wanted to make a motion we continue the meeting past 10:00 P.M.

>> Tovo: So moved. And councilmember Houston seconds that. All in favor of continuing the meeting beyond 10:00? Any opposed? Councilmember Gallo votes against. All others are in favor. With councilmember Troxclair off the dais. So I have a quick question. You were talking about the relationship between Evergreen cemetery and I missed what you said about another cemetery that might be in the area. What is the name of it?

>> I think what hasn't come up before is that there's a documented fact that there's a cemetery beyond Evergreen that initially was called Highland Park and Highland Park was an old slave grave cemetery that included about 170 graves, maybe more than that.

[10:02:40 PM]

Of those 170 graves only four have been located and that part of that cemetery is not undeveloped. It was developed and used. People are buried there. It's just that they can't be found.

>> Tovo: Sir --

>> I'm not saying -- I'm not alluding to the fact that's possibly in the area where the St. James' property is. I'm not saying that. It could be. We don't know. Separated from that, there's -- separate from that, there's been some concern there were Indian relics discovered right in the middle of where this proposal is. I haven't been able to substantiate that but it's my understanding that is in fact the case. What is known as a fact is that before Evergreen there was Highland Park. At Highland Park there were numerous grave sites of which only four can be found and they're in that extended area, at least the area to be developed.

>> Tovo: Thank you.

>> And they could possibly encroach into the area to be developed.

>> Tovo: I appreciate that clarification, information. Thank you. Mayor, Ms. Harden didn't really donate her time because we extended his time through questions. If you'd like to speak separately, Ms. Harden, you certainly may.

>> [Off mic]

>> Tovo: In opposition. Thank you. Mayor -- yes, thank you very much.

[Applause] Our next speaker is Andrew bucknel and ray Mirian it looks like donated time -- is ray Mirian here? So Mr. Bucknel you have have six minutes.

>> Mayor, mayor pro tem, representative for district 1, Ora Houston, it's really an honor to be here tonight. Thank you for staying up with us to hear our testimony. I'm Andrew bucknel, the president of the martin Luther king neighborhood association. I've lived in the neighborhood 17 years. I have a lot of good friends there and we've seen a lot of changes, there's a lot of pressures coming for development in the area and land values are going up.

[10:04:44 PM]

So I appreciate you, mayor pro tem, pointing out that the proposal from the planning commission was to limit it to 60 units so they do see problems with this property. One of the biggest problems that we have, mayor, you were asking about the difference between sf-3 and sf-6 and how that pertains to our concerns, with sf-6 they can go, excuse me, to three stories, as well as having the 70 units as opposed to 60. Of course with the sf-3, 60 units is the maximum amount they can build out but we know there's a lot of geographical and may be potential burial sites, there's a lot of heritage oaks, drainage issues, there's flooding issues so there's issues that make this area very difficult to develop so we acknowledge that. But we really know whens that I come, if they come really fast, what happens is they can totally tear apart a neighborhood. And this is one of Austin's few and lasting historic African-American neighborhoods. This is really important. The people who move into condos are not the same people that move into single family houses. What we often see in condos, whether it's allowed or not, is short-term rentals. And those aren't people who live in the neighborhood, not people that participate in the neighborhood association, they aren't people who carry on the tradition of that neighborhood. When we started the steering committee all the way up to our first vote and I had to honor being the first chair of our contact team, through that whole process our biggest concern and our goal in our plan is to preserve single family housing in neighborhoods. And, yes, to have mixed use where appropriate was also one of our goals

>> But our planning area was so huge and the recommendation we made for our specific area was to roll back to sf-2. Not everything we wanted was enacted in the plan, in the Flum.

[10:06:50 PM]

But we were listened to and appreciate when we were and we hope we will be tonight. We want this to be sf-3. Not all of our issues were conveyed into the Flum. This calls for property that is unusually large. This property is definitely unusually large. It's a weird property, all all these angles, a creek on one side, cemetery on the other and small residential street for access, but in the zoning district description in the city of Austin code it says sf-6 is for properties that are unusually large with access to other than minor residential streets. The only access to this, if it's zoned sf-6, will be a minor residential street. For neighbors in a neighborhood that have lived here for generations I'm gonna stand up for them, my neighbors, and I hope you will too and vote no against this change. I support the church. I support St. James Baptist. I apologize for missing the meeting on June 6. We do meeting on the -- meet on the first Monday at St. James. I don't want to start a battle between St. Jameses. We support St. James Baptist. We support retiring the debt and we want to help in whatever way that we can but we don't see the way to do the sf-6 change. So we would like to ask for you to support the church and to support our neighborhood and to support one of the last neighborhoods that is historically African-American. The condos and the changes that are gonna bring, the gentrification and those pressures is just not something we need, it's too intensive. So please vote no on upzoning from sf-3 to sf-6 to an unknown developer who he would won't be able to develop the site plan with and we just would like for you to please vote no. Thank you.

[Applause]

[10:08:57 PM]

>> Mayor Adler: Daniel strinden. Is M iera dickey here? Is she here? Thank you. You have six minutes. And Elizabeth Perry is on deck, next up.

>> There's a handout coming to you. I wanted to look at this a slightly different way from my neighborhoods. We talked a little bit about the future land use map and about the combined -- or the east [indiscernible] Neighborhood plan. It's a little hard to see on the overhead but at the top is the future land use map and I've circled there in pink the area that was originally marked mixed residential for future land use. And if you can look at the below image, the area in red, that's a satellite area view now of that same region marked mixed residential for the future land use map. And the area we're talking about in blue there is the proposed area, the proposed buildable area that you saw earlier, the urban design group showed which is about 15% of the original area. So we're going from the neighborhood plan where they wanted mixed residential for this large swath of land to 15% of that and wanting to shove condos in there, which dramatically changes, in my view, the character of the neighborhood, which -- getting to the point -- getting to the question earlier sf-3 versus sf-6, sf-6

obviously, as Andrew mentioned earlier, the kind -- the people who move into sf-6 houses or sf-6 condos and sf-6 areas are different. The character of the neighborhood changes. And as you've heard some of my neighbors mention, we're worried about the single access point to the Loreto drive area, which as you can see is a single family sf-3 zoned neighborhood.

[10:11:09 PM]

And in my view, rezoning this to sf-6 with a single access point to our street is not just rezoning the area proposed. It's rezoning our area. It's -- because mixed residential as you can see at the bottom, there's a definition there of mixed residential. It's a variety of housing types. And so what you're taking is you're taking condos in the sf-6 area, not a variety, as is required by mixed residential, and you're combining it with our single family zoned neighborhood to make the whole area sf-6. In my opinion, it changes the character of the neighborhood too much and it would be a detriment to our neighborhood and it would contribute to the erosion of single family housing in east Austin, which is also ongoing. So thank you very much. That's really all I had to say unless there are questions.

[Applause]

>> Mayor Adler: Mayor pro tem?

>> Tovo: I just wanted to mention something. I really appreciate the neighbors and concerns you're raising. I think they're legitimate and we need to weigh them carefully as we consider this decision, but I hope that we can move away from thinking that people in -- who live in particular kinds of structures behave in certain ways, in ways that are different. I understand the point about wanting to maintain the character of the kinds of structures in an area but since it's come up a couple times I feel I need to say I personally don't agree people who live in condos or apartments or house are going to interact differently in terms of how they engage with the civic process and that certainly may not have been your intent or the intent of the previous speaker but I just want to make it clear that's kind of my position on it is.

[10:13:09 PM]

>> If I may address that.

>> Tovo: Sure. I'd be glad for you to.

>> I guess there is a point to rezoning this for the church and for the development, and that's to make more money. And so perhaps -- I'm not speaking necessarily to the character of the people that move

into condos but what I'm saying is that that is less affordable housing by virtue of the fact that we're rezoning, we're trying to get more money for the property. The housing will be more costly. Especially if what we're saying is we still want to rezone, even if we're putting a cap of the same number of units on there. So that -- I guess in my view, it still -- it reduces the amount of affordable housing in east Austin as well. And that's really a concern for me. As well. Thank you.

>> Tovo: Thank you for coming up to clarify. That's a little different than what it sounded like. I appreciate it.

>> Mayor Adler: After Elizabeth Perry, Dan Daniels.

>> I go by Beth. I put that in case I need to show id or something. I'm going to address what you said as well. I agree there's not a difference between any type of person where they live, how much money they have, anything like that, but they -- I'm still a student at UT, I lived on campus and there's a huge difference between living with college students and living in a residential area, staying up later, coming home late at night, being loud, there are a lot of things, having the fire alarm at four in the morning was something we experienced on a regular basis. If these are turned into condos, those will go to students. That is a very different community. I'm still one of them. Partying is great. Awesome. That is very different than what families do in a neighborhood. I'm not saying anything to the character of people but if you have people coming in and renting they are likely to be younger, hold different hours because they're there temporarily and you have a very different mind as a young person living in a temporary place than you as a person that bought a home living there permanently.

[10:15:21 PM]

Secondly, you are asking about the difference between the sf-6 and the sf-3 when they're gonna be 60 units either way. Mr. Bucknel already said this but there are a lot of restrictions on the land so if it's sf-3 they probably won't actually be able to build 60 asking for this if they weren't -- if they didn't stand to gain a whole lot of extra money. That's why we're having this conversation and I don't think it's right for them to ask us to tang on the burden so they can get extra money. I think they should have to use the land for single family homes. I'm a newcomer but they deserve to have their neighborhood protected. We don't need to destroy another east Austin neighborhood and I don't think you want to be the city council that does that so vote against this opinion.

[Applause]

>> Mayor Adler: Dan Daniels. And then Freddy DIX son.

>> Hi, my name is Dan Daniels. I live in an adjacent neighborhood, the JJ Satisfy Brook neighborhood. I don't speak on behalf of the association. I'm past president of the association but our current president is going to speak in a few minutes. What I'm gonna say is just my own opinions. Our neighborhood is

very similar in the sense that it is very atypical in today's world. The average American lives where they live for, what, four years and then they move? What is the stat? I don't know. Very short period of time. These people who have lived here have been there 30, 40 years, forever compared to the average American, rock solid neighborhoods. One of the things that I pushed in my neighborhood when I was president was that we needed to not have to have pedestrians walking in city streets when they took a walk using the same space that vehicles used. That's what this neighborhood is gonna be burdened with and have it -- have their problems doubled by the traffic that's gonna be put on to these streets.

[10:17:29 PM]

They have no sidewalks. The city report -- city staff report doesn't give a clear picture at all of the sidewalk situation. It says there's a sidewalk on mlk but only if you walk to the east. You can't go to mlk and walk towards airport boulevard. There's no sidewalk. My opposition to the proposal is driven by many things. One aspect of my opposition is that the church has absolutely no, as near I can tell, support from its own neighbors for its proposal. This is not a win-win. It's a win-lose and I think the church should go back to the drawing board and mind a win-win outcome instead of a win-lose outcome. I think the Flum guidance is a little misguided. It should have said property east of the creek should get the mixed residential, not the property east of Loreto. I also think the city interest in this pearls has been -- parcel has been underrepresented. The city just spent a lot of money in the creek money to the north of mlk and when it came in we were told the intention was it was gonna cross mlk and obviously seemed like go through this parcel. If the city puts a continuation of its trail system hike and bionic trail system through this parcel, it will add a component to this discussion that needs to be part of the discussion. It will recharacterize, I think, who might want to move in there, people who might want to be eager to bicycle to work downtown if there's a bicycle trail through there. It might be a perspective set of buyers for part of this property. The negatives overwhelmingly outweigh the positives. There's no mitigation.

[Buzzer sounding] Thank you for your time.

[10:19:33 PM]

[Applause]

>> I would hope the council would contemplate a wish list approach to getting a win-win outcome. For example, there's a retirement community at the corner of mlk and em Franklin that the city's housing department was very instrumental in promoting and developing on a former city radar site. If the city would engage in dialogue with the church about putting retirement community in here there would be a contribution to the neighborhood that might offset all the negatives. Thank you.

>> Mayor Adler: Gregory peck is on deck.

>> Good evening, mayor, members of the city council. The hour is late. And I know we all want to return home. First and foremost, let me say, in answer to your question, first off, Mr. Mayor, the additional car traffic would impose an adverse problem for the neighborhood, the additional cars. And I do want to say that in those -- those of us from the neighborhood who were there on Tuesday as you looked at the slides, it is really impossible for persons to park their cars on the street, which they have a right to do. And to have two-way traffic at the same time. So traffic certainly is a Ron. But let me also say, at this point in time, certainly we do -- and my friend, reverend, we do want the church to sell its property, but we do not want it to adversely affect the neighborhood.

[10:21:34 PM]

And as has been said -- and I don't want to join to the litany and go over the litany again, but what I do want to say is that we have reached an impasse and by this being an impasse there comes a point in time in which we immediate to come back and gather together and try to find out how it is that we might go beyond this impasse. The impasse is the fact that the neighborhood association wants to have some questions answered. And these questions have not been answered. One, we have not had a traffic analysis. Two, we have not had any kind of impact -- environmental impact study. Certainly we have not even discussed the matter of the burial grounds of the councilman come man cheese nor of the slaves buried there. We have not had any kind of basket study on the issue of flooding and water that will affect the persons in the neighborhood. There are too many unanswered questions that need to be answered as we begin to sit and negotiate. And because of these unanswered questions, the community cannot say yea or nay to the church in terms of selling its property because it's not gonna give an issue to the church to say we can go ahead without having some type of investigation as to the adverse problems that will be affecting us. So I guess where I am right now, we are in opposition to the selling of the property because of the adverse effect it will have on the community, and we ask that if we go any further, that we have all of these analysis done so that we can come back, if there is a comback, to begin to discuss the issues. But right now nothing has been done insofar as analysis for the adverse effect that it's gonna have on the neighborhood and that's where the neighborhood stands.

[10:23:36 PM]

Thank you.

[Applause]

>> Mayor Adler: [Off mic] After Mr. Peck we have tomara goji.

>> Good evening. My name is Gregory peck. I'm at the epicenter of the Loreto -- what we call our village. Our families have lived there for over 50 years. We represent -- most of the people represent -- in the neighborhood have repaired their homes in the last several years and upgraded to preserve the neighborhood. After living with the flight path of robin Mueller, we finally were able to mend the cracks and the land erosion in our backyards. We empathize with St. John, but, you know -- with their debt short falls. However, several families, homeowners, should not have to endure the expedited deterioration of our homes for the church to be in the black. These pictures represent some of the erosions of our backyards in the wooded area in question, the undeveloped wooded area. I took these pictures myself. This is a tree that has fallen because of the, you know, rainfall and, you know, most of our backyards have sloped about 30-for the %. 30-40% in recent years. When I was a kid I used to play in these woods and the grave sites they were talking about I saw them for myself in the areas that's still barbwired off behind the evergreen cemetery.

[10:25:41 PM]

The creek that -- on the illustration, it doesn't run all the way through. There's a pond area. So the water doesn't run all the way through, and it doesn't, you know, trickle off. It stays there. With that said, with all the vegetation and the trees removed, that water is gonna, you know, further erode our properties and even back -- there's a pond right there that just sits there. Where the water has nowhere to go. So, you know, water is just gonna back up to our neighborhoods and further erode the back halves of our properties, which is gonna devalue, you know, our homes and, you know -- safety issues. You know, sitting here all day listening, there's no sidewalks. You're funding sidewalks now. There's no sidewalks. So our kids are gonna have to walk in the streets with, you know, this mass exodus of families leaving this property through this one way in, one way out. And, you know, I think it's a bad idea.

[Buzzer sounding] Thank you for your time.

>> Mayor Adler: Thank you.

[Applause]

>> Tovo: Mr. Peck, I want to make sure you understood something you said. When you were talking about the grave sites you remembered seeing as a child when you were playing in the woods were those on the church's property or in the area niche nearby.

>> Yes, it's illustrated in one of my pictures, the chain link fence and then there's a barbwire area that's still closed off. And some of my pictures show, you know, the springs that were mentioned earlier, water comes out of the background and it's like a white settlement -- sediment around that area with the -- where the underground springs come out.

[10:27:47 PM]

You know, as a child I remember playing in the woods and, you know, we saw the grave sites. We actually had a clubhouse over in that area, and, you know, it's just a bad idea. You know, so looking as an adult, the ground used to go out to the woods this way. Now it drops down and goes out. So it's tremendous flooding. The whole creek is levels down like that, going in a hill. So, you know, coming out from behind my house, it still goes downhill toward the creek.

>> Tovo: Thank you. I appreciate that additional info.

[Applause]

>> Mayor Adler: Tamara gojin and on deck is Jacob Childers.

>> Good evening, everyone. Thank you for still being here and hearing us. I don't think that I can add to what has already been said any more eloquently or emphatically, everything that everyone has mentioned is very true, the traffic, flooding and erosion are very significant issues. What I do want to say is that I think often it is seen as people get fired up when things are happening right in their backyard. We don't want that happening into our backyards, though everyone who is here isn't in their backyard. I don't think that's the case here. It is simply the fact this is a very problematic area with all of these issues adding up to a very compounded, difficult space. It's not a good idea. I strongly oppose it. Thank you.

[Applause]

>> Mayor Adler: Vera gibbons is next up.

>> Good evening. I think what I have to say will be very anti-climatic but I also oppose this and I think the neighborhood is unanimous in opposing this and that should be strongly taken into consideration.

[10:29:52 PM]

Thank you.

>> Mayor Adler: Thank you.

[Applause] Vera givens and after is Roger Taylor.

>> Hello, everyone. I won't say good morning or good night. I am an austinite. My sister lives on Loreto drive. She lives at 1803 Loreto drive. And she has lived there for -- she's -- 50 years, and when I hear about this development and reverend mistake McClinton -- I like him. I don't like his idea. And the

individuals who said that this should be what he wants to do to make money to pay his bills, they should walk that path. Mayor, you should walk that path. Every one of you should go and walk the path that this young man just showed you. You wouldn't want that to happen in your backyard. No one. I said I was not gonna talk about the fact that this is a black neighborhood, and it is. It's on the east side of east avenue. On the east side of congress after mu. On the east side of 40 acres. We live there. We know it. And we are a little upset, to say the least.

[10:31:57 PM]

About what's happening to us. I realize progress has to take place. Otherwise we'd all be in covered wagons. But, for god's sake, don't destroy a historical black neighborhood. That's all I can ask you. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Roger Taylor and vamby goldmarker.

>> Mayor, councilmembers and Ms. Houston, who is over our district, I come with a heavy heart tonight. I am president of the J.J. Sea brook neighborhood association. We just met on this Tuesday and we discussed this issue on Tuesday, and we made a motion to stand neutral. I grew up in the neighborhood. My dad is the founding president and old liaison of J.J. Seabrook neighborhood association. I feel for the neighbors in mlk. We initially were gonna go in that direction but being that we're the adjacent neighborhood across mlk, we had voted on the other night to go -- to be neutral. So at this time that's where we stand as an association. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Bami goldmark.

>> Mayor Adler: Thank you. Is Cynthia brown here?

[10:33:58 PM]

Thank you, Ms. Brown. And Chad hienz. Is Chad here? You'll be on deck opinion -- you'll be on you'll be on deck.

>> Good evening, everyone opinion I know it's late so I'm gonna make this quick. I want to voice my opposition. I am probably one of the new -- I think I am the newest neighbor on the street. My house is the last house that was developed on Loreto drive. This proposed change with all the condos there is right in my backyard. It's true that we have a lot of traffic on our street, but that's part of who our street is, but, unfortunately, we don't have the opportunity to have, like, other neighborhoods, do like a back lane, back alley kind of thing that would help alleviate that. The only place they would put that in my neighborhood would be in my backyard, which is where this proposed development is. So reiterating everything that everyone has said, for all the reasons I oppose, because of the traffic increase, the safety issues, the pollution potential issues, environmental issues, also the just integrity of the whole neighborhood I think would be at risk. I'm very admirable of the church for wanting to be an example to pay off their debt because I think that's something we're all trying to do at one point or another in our lives, but at the expense of the neighborhood, especially a neighborhood such as this, I think it would be very detrimental to everyone who lived on this street. So thank you.

>> Mayor Adler: Thank you.

[Applause] Chad hienz.

>> Hi, thank you --

>> Mayor Adler: Reverend, you're on deck.

>> I want to concur with all my neighborhoods and everything they've said today. To your point, mayor, I think going from sf-3 to sf-6 results in any increase in traffic whatsoever, it's already too much.

[10:36:05 PM]

So that necessarily makes it inappropriate to change the zoning. Thank you.

[Applause]

>> Mayor Adler: Reverend McClinton.

>> Good evening, mayor, and to the council, my name is Billy McClinton, senior pastor of the St. James church on 3417 east mlk boulevard, and we are here tonight, we have some of our deacons with us tonight and from the very beginning we have made it an issue that we are going to be good neighbors. From all the meetings we have had. Because we agree with the community in all of our meetings about the traffic issue that proposed could do. And so we are committed to working with the community in every way that we can to minimize the impact of traffic. That means also another access? We're open to that because we told them we want to be good neighbors, and that's our whole thing. We could have sold the land, as you know, as-is, sf-3, and just let the community deal with the developer. But we're not doing that. Because, first of all, our testimony as Christians, lord Jesus Christ, and then our testimony as

a congregation, we are organized -- St. James organized in 1927. They moved out to that area in 1969. Second building we built in 1986. Our new facility was built in 2006. So we plan to be there, and we plan to be good neighbors, and we still plan to meet with the community as we go through this process in the selection of a developer, all of that.

[10:38:08 PM]

We know there is nothing that we can etch in stone to make any developer do anything, but we have plans to have the community go along with us for this ride. We understand all that. We have been at this location, like I said, since 1969. So we are still committed to being good neighbors. Whatever we can do to minimize the impact of this development on this community, we are committed to doing just that. And let me say, again, about the fight. We could have sold the land, sf-3, the way it was, and let the community then deal with the developer. But that's not the way we operate. As a good solid Christian church, we want to do everything that we can, look at every possibility so that we can still be good neighbors. So as I told the community in our meetings and I'll say it again, whether they come to St. James or not, when they pass by St. James, we want them to say those people kept their word. So as senior pastor, that's what we're trying to do and we're still gonna do all that we can to help minimize the impact of this addition.

[Buzzer sounding] In closing -- you know a Baptist preacher always got to have a closing. Our purpose is not only to liquid debt, we also do mission work, we do a mission in Kenya, Africa, mission work in Belize, mission work in the state and also national. So we have a whole community of concern that what we are trying to do and we're still gonna work with the community to do all we can to minimize this impact of this decision. So thank you for your time. Thank you, again, for your consideration. And thank this good community for coming out and for us -- and that's the kind of community we live in, and we want to keep it like that.

[10:40:11 PM]

Thank you.

[Applause]

>> Mayor Adler: Thank you, sir. Those are all the speakers that we have. Is there anybody else here signed up that I did not call? Okay. Does the applicant's representative want to close?

>> Yes, mayor. I'll try and address as quickly as possible some of the issues. First off, the flooding. The neighborhood is uphill from us. So we will not be flooding them. So the erosion issues, obviously there is

clay soils out there. When the development comes through, they have to address that with the foundations for the new development. We will have water quality and detention before it goes into the creek. So we are downhill from the neighborhood. The issue about the sf-6 versus sf-3 -- and I know this is sometimes a controversial topic, but the condominium -- and these will be for sale. Not for rent -- does allow to do smaller units. That is a way today that we address affordability. It's not like it's subsidized housing, but it enables the developer to do smaller units, which the sales price then can be smaller. The type of people, I think that was addressed. It will be homeownership. Maybe families will not will you in condos as often, but there will be a mix of bedroom units. The issue of the graves, the neighborhood has mentioned that. The church is not aware of any specifically there, but of course when you combo through development -- when you go through development, there will have to be -- during the survey, there will be an opportunity to look at that. If you find graves, do you a setback from them so they would not be disturbed.

[10:42:13 PM]

But we do not have any evidence at this time exactly where those might be. Tree preservation, of course will happen. There are some beautiful trees on this site, and that's one of the biggest reasons for sf-6 allows us the clustering of buildings so that we can create bigger green space. Others, what I wanted to just show you -- you would look -- basically -- let me get to this one. The neighborhood to the left of us, to the west of us, is about the same size. There's 28 lots, and if you can imagine that being transplanted onto our site, you can see the disturbance tends to be in a greater area than you're able to do in -- and this is a concept plan, and we did show it at the meetings with the neighborhood. This is just to illustrate. This is 72 units. It's just to illustrate how you could buffer from the neighborhood. There's a 25-foot setback for compatibility. Then the parking and then your units are closer to the creek area. But we do stay out completely of -- people who brought up environmental issues, we stay out of the floodplain completely. I think that remains -- a lot of that area will remain a place for habitat and for wildlife, which was something else that was brought up. You know, traffic. And I hate to get into the traffic conversation, but in traffic numbers, when you have smaller units in condos, they do have an assumption of a smaller number of trips per day. So when you compare the 60 duplexes to 72 units of the condos, there isn't a big difference in that transportation but I'm not an transportation engineer.

[10:44:23 PM]

I am an engineer but not a transportation engineer. So the traffic, again, is what it is. And I know it's a hard issue for people who have lived there for a long time at a dead end street. But the property is entitled to the sf-3 at this point, and we would like to do the sf-6 because we believe it creates a better

product. And it -- and our intention is not to degrade an existing neighborhood. It's actually to hope mri enhance it -- hopefully enhance it. We're not taking away any housing. We're actually adding housing. We don't have -- we can't restrict who is going to buy those condos but our hope is it's a diversion population. They come and become a part of this neighborhood as well with St. James' support in backing that. So with that, I'm valuable for questions. I think -- available for questions. I think that were the primary issues that we wanted to address.

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

>> Casar: I have a quick question. My staff tried to look into it, but maybe y'all can shed some light on it. Several speakers brought up another exit out of the development. How feasible would that be? I appreciate the senior pastor mentioning it's something you're willing to look into, but what information do you have?

>> I hate that this -- the words are cross -- I wanted to show you what we did work with looking at with staff is 17 -- there's a 17th street to the west of us, which of course is at issue for the entrance, and then there's one to the east. If you have a map in front of you, and it's hard to see with the word -- it's right where the words are all going on it. We looked at that. You're crossing floodplain in critical Zones so that connection of building a street was creamly costly and extremely -- had environmental concerns so we couldn't do that.

[10:46:34 PM]

The other thing we looked at was of course trying to connect to mlk, but we're at a bridge and we're at the floodplain. The only other thing would be what has been brought up is about connecting through the church lot. And I would leave that to the church to address. But there are no other options. Basically, extending 17th street wasn't feasible and connecting up at mlk. So the only other thing is connecting through the church.

>> Mayor Adler: How do you connect through the church?

>> Casar: It looks like the senior pastor was about to get up, and I love hearing your voice so.

>> Again, any kind of access we can provide if it's going through our lot, we're open to that. Like I said earlier we're open to any possible feasible way to minimize the impact on the neighborhood. So, yes, we are open.

>> Mayor Adler: Is there an access to the church that also does not cross the critical --

>> No. It would have to cross it at a different place, and it would require an access easement. It's not part of this, but that would be the only thing. It would still be a crossing, but trying to find a crossing somewhere along that creek at a different place. Than it is. It's very, very wide down at 17th street.

>> Mayor Adler: It's very wide at 17th street. It narrows as you get closer to east mlk. Is it also cost prohibitive and environmentally prohibit, uh, to cross up there?

>> I think anything is possible. I wouldn't -- you know, I believe what the church is wanting to do is to -- since they are not developers, is to -- after we got the zoning was to pick a developer, work with them, and see what would be required from their

[10:48:37 PM]

[indiscernible] On it. But there is probably a location there, yes. We haven't designed anything to go across it. But it does narrow there. Compared to the wide -- critical zone down at the southern edge.

>> Mayor Adler: Okay.

>> Again, I want to make sure that the council understands that we are willing to do that, to use -- come across on our property where we are now -- we are open to that because, again, we don't want to do anything to destroy this historical black neighborhood and it's part of our community. So we are open to that as well.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: I have a question for staff right quick.

>> Mayor Adler: Thank you, sir.

>> Houston: Thank you.

>> Mayor Adler: You may be called back up.

>> Houston: Mr. Guernsey, what would need to happen to get permission to go across the narrow end of the creek if it's some critical water feature? Can we get a waiver to do that?

>> It's possible. Probably would have to engage an engineer to take a look at that crossing. There might be environmental variances that would probably have to be granted to cross it there would have to be a zoning change for that additional land and we would have to provide notice to neighbors again and go back to the commission in order to have the landing on the other side. Right now the property where the church is is sf-3, and if there is a proposed condominium project it would have to have similar zoning to make that crossing because that type of use is not allowed in the sf-3 and to have driveway access would have to make that accommodation.

>> Houston: But if the property was sf-3, then that could go across? If it's sf---

>> But we would still need to have the crossing to design land in sf-6 as well so you'd need both sides to have that access to mlk.

[10:50:44 PM]

>> Houston: What I'm asking is if it's sf-3 on the property and the land on the other side of the creek is sf-3, then do we have to go through that whole process?

>> You wouldn't need a rezoning but you would need to get the variances to have the crossing.

>> Houston: Variances. After people have -- if they have any more comments, I have a couple comments that I need to make.

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: I have some questions for staff and for the applicant. Mr. Guernsey, since you're up here, I'll ask you yours first. Are there any -- I apologize, I do not have this in my book. I thought did I. Can you tell me if there are any parking -- any differences in the parking calculations for sf-3 versus sf-6?

>> The sf--- well, depends how large the duplexes are. If they were to build duplexes. But typically you'd have two per unit.

>> Tovo: On the duplex.

>> For the condo, that's more based on the number of bedroom count so I'd have to go back and run those calculations.

>> Tovo: I think that would be interesting to know. I assume we're only taking this up on first reading tonight?

>> This is only available for first reading.

>> Tovo: Okay, thanks. I had forgotten that. I think I'd be interested in knowing that. There were assertions made that the condominiums would probably generate less traffic or have fewer cars associated, and I'd be interested in knowing how that translates into the parking in light of some of the neighbors' concerns. And then within the staff report -- I think I'll get to that in a minute because I need to find that page. The parks and recreation department, one of the speakers talked about this being a key area for a trail. Do you know if that's ever been a point of exploration in the past with our parks and recreation department, whether they've identified this tract as critical in a linkage in that area?

>> I don't have that information at this time, but we can certainly have that before third reading.

[10:52:47 PM]

>> Tovo: That would be great. Then the other -- the last question I had for you and then the rest of the ones I have are for the applicant -- can you talk a little bit -- the planning commission recommended, as you know, that the lower cap but also they recommended that the on-site -- that the eventual developer not be allowed to pay a fee in lieu but have on-site water quality controls and our staff said they don't support incorporating drainage unless there's been a recommendation by a licensed professional engineer. What are the options there, if that's something the council is interested in pursue do you know if the applicant intends to get a licensed engineer to do that work is this.

>> We can certainly go back and ask the applicant if they want to do some analysis ahead of time but normally at the time of zoning you're not at the site plan stage so those details are usually worked out at that point in time. I think where our development services staff was concerned is that sometimes it's actually better to release the water than -- rather detain it on the property for flooding situations because of the -- how the characteristics of the creek operate. I don't think yeah, that seemed like a --

>> Tovo: Yeah, that seemed like a legitimate concern to make that a requirement without that analysis. Sounds like a legitimate concern, but I just wondered if there was any way to get that information while we're evaluating that recommendation from the planning commission.

>> And I think we would have to ask the applicant if they want to go through that expense.

>> Tovo: Thanks. At the appropriate time, makers I have questions for the applicant.

>> Mayor Adler: I think you could ask those questions now. The applicant is there.

>> Tovo: Okay. If this is the appropriate time --

>> I could answer your last question.

>> Tovo: Sure.

>> The payment in lieu of is the water quality part of it. And the staff's policy is if a tract is larger than an acre, they do not allow you to pay a fee in lieu of, water quality.

[10:54:53 PM]

So, I mean, I'm anier and I've been doing -- an engineer and doing this 33 years and I would never assume you can do a project like this and not do on-site water quality. So the commission just wanted to make sure water quality would be done, but my understanding was staff doesn't like to put a drainage

restrictive covenant on a zoning case this but there would be on-site water quality for a project of 6.2 acres and you would not pay the fee-in-lieu of.

>> Tovo: I guess I'd like to hear that from our staff because I'm surprised that wouldn't have been the response they provided in the staff report just to say we don't recommend putting it in the zoning because it's already gonna be the requirement but that wasn't really -- that really wasn't the language that came through to us in our report.

>> Mayor pro tem, I'm sorry, I did not hear it. I was talking --

>> Tovo: Sure. You know what, we don't need to resolve it here today but do I want to get an answer to that on the second and third reading. Is it going to be required because of the size of the tract, is it going to be required they have on-site water quality or would they be able to pay a fee-in-lieu?

>> We can certainly check on that.

>> Tovo: Great. That would be great. So one of the issues that I would like to get more information about is the issue of whether or not there are graves on the site and what -- have you had an analysis of that? Have you had any -- anyone come out and review the site or go through any historical records of evergreen cemetery or any other relevant documents?

>> I have not. And I guess anyone at the church can address it. It's just been brought up as hearsay at this point. We would do --

>> Tovo: I'll ask for one of the speakers to come up.

>> Yeah. We haven't been given some specific with a map on it, but typically at zoning you wouldn't do that survey yet. You would do it at site plan. But I personally have no knowledge.

[10:56:53 PM]

>> Tovo: Okay.

>> Of it.

>> Tovo: Thank you. And does the -- so as I understand it, the church still owns the site. Is it under contract?

>> Oh, no.

>> Tovo: Okay.

>> What would happen after zoning is subdivision, before they would then sell it so. . .

>> Tovo: And is there any intention to ask the developer to reserve any of the units as affordable?

>> I think I have to defer to the church on that as well.

>> Tovo: I know we've heard testimony. Maybe it was in yours that the units would be smaller so, therefore, the marketplace would be less but I didn't know if the church had a commitment or intended to extract one from the developer to have any of those units reserved as affordable.

>> Again, from the church's perspective, we were trying to do everything decent and in order. So our first thing was trying to get the site rezoned and then all of those things. Because the more units we have the more we can talk about the affordability, and I think the more you do have, the more affordable they can be. But right now workforce just trying to make sure we get -- we was just trying to make sure we get the site approved first before we tried to do anything to would seem as if we're overlooking the preview of the council. So we would do all that. We're gonna look for all -- we already discussed it, about the potential of graves and all that. And we're gonna do all of that because, again, like I said earlier, we want to be good neighbors. That's what we're here for. And I know that's sort of a cliché today, people say one thing but the bible teaches us your word is your bond and whenever I stand up to declare the word of god, wherever I am, people may not agree with what I say but I want them to respect my integrity and that's all I have, is the word from St. James and the word of the lord and my word and that will be told to the community and we will continue to meet with the community to iron out all those kinds of differences we have.

[10:58:58 PM]

>> Tovo: Thank you very much, reverend. I have one last question, and that is the planning commission.

[Applause]

>> Tovo: -- Did recommend -- the planning commission did recommend a lower number, and is that something the applicant supports, the 60 units?

>> We would prefer the 72.

>> Tovo: Okay. Thank you. And, mayor, I saw some responses to the audience that prompt me to want to call up one of our speaker -- previous speakers, but I didn't know if there were additional questions for the applicant.

>> Mayor Adler: I'm fine with you doing that.

>> Tovo: Is that all right? Dr. Murphy, I think I saw that you may have had -- if you could respond quickly, I think you may have -- please come up, if you'd like. And I may have misinterpreted that but when we

were talking about the graves and whether or not there had been an analysis, I didn't know if you had additional information to offer to that. I thought I saw you responding.

>> Dr. Fred Mcgee has identified the grave sites.

>> Tovo: Thanks very much. We'll reach out to him or if councilmember Houston --

>> Houston: Who has?

>> Tovo: Dr. Mcgee.

>> Houston: Okay.

>> Mayor Adler: Do you want to give us some thoughts.

>> Houston: Do >> Houston: I want to thank everybody for staying and being so engaged in this process. Some of you may not know that we've had other conversations with congregations about rezoning. And this has been, by far, the most respectful conversation we've had, so I'm very grateful to the members of St. James missionary Baptist church and to the neighborhood for participating those conversations because we all want this to be a win-win, as someone else said, for everybody. As I talked to pastor McClendon and the senior leadership of the congregation, I told them that I, too, had some concerns about the one way in and one way out, and the fact that I drive a 20-year-old odyssey van and I can barely get down 17th street with cars with parked on both sides of the street.

[11:01:12 PM]

But I know everybody's heart is in the right place, and I know everybody in the neighborhood knows that they have a right to sell their property. What we want to do is make as little impact on the surrounding neighborhood as we can, and so this is probably not going to be something that people want me to say, but I'd like to request a postponement so that we can sit down and have a conversation about other ways that we can address the one way in, one way out, the access for emergency vehicles, look at Kimberly Mcknight with the parks and recreation has done a master plan of all the cemeteries in Austin and maybe get her engaged so we can find out where these burial grounds are, because we don't want to rezone a property and then the developer comes in and says, well, now I've got -- I've got some historic graves on the site. We need to be clear with them as we are with the community and with the church. I know you guys are trying to sell it, but I think due diligence says that we need to take at least another month, and Chris will make sure that I'm available to meet with everybody. He was out and walked the grounds the other day, and he had some concerns about some of the degradation of the banks. So we'll work with Greg and his staff to see if we can't talk about ways that we can look at an additional way in or out, what needs to happen, how -- a fire truck cannot get down that street with the cars parked on it. And so those are legitimate concerns for me, and I don't live in the areas. But I know

the area, and so that's something we really need to talk about, and then some other issues about topography and cliffs and all that kind of stuff, so that the next time we come back for a hearing, we are all on the same page. And so that's my recommendation tonight, and that's the motion that I'll make in just a few minutes, that we postpone until the 22nd of September, I think is our next meeting -- is that right?

[11:03:22 PM]

And then we have time within that time to work those issues out and come up with a win-win situation. That's my plan. Okay?

>> Mayor Adler: Ms. Houston, if you were going to do that, and engage in that conversation, I, for one, would support the waivers or rezoning, whatever was necessary, to be able to allow for the driveway crossing close to mlk, and only to allow that driveway crossing to mlk, if that helps with the issues, councilmember Houston, that you're going to be trying to work through.

>> Houston: Correct. Thank you.

>> Mayor Adler: Ms. Pool.

>> Pool: I would just say that on the environmental waivers, I think we would want to know what they are and what it is that would be waived before we would say categorically that they're okay because there may be some areas where they're better placed than others, so would we be able to have an environmental assessment to see if we are going to cross the creek, what all is involved.

>> Houston: Well, I think that's what we're going to work with Mr. Guernsey and the folks in watershed protection.

>> Mayor Adler: Point well taken. I can't say I would approve something I haven't seen. Point well taken. But if there's a way to make that work, I sure would like to be able to look at it.

>> Pool: And I think that that was, in fact, your intent. And I'd be happy to second councilmember Houston's proposal -- motion to postpone when she does indeed --

>> Houston: Make it? Yeah.

>> Pool: Yeah.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: Point of order. Mr. Mayor, would it first be in order to close the public hearing? Or you want to keep it open?

>> Houston: I want to keep it open, because based upon what we find out between now and the 22nd, people might want to be able to respond to that.

[11:05:26 PM]

>> Zimmerman: Okay. Thanks.

>> Mayor Adler: Ms. Houston, why don't you go ahead and make that motion.

>> Houston: I move that we postpone -- oh, where is the -- do I need the number?

>> Mayor Adler: It's item 52.

>> Houston: Oh, item 52. I move to postpone item 52 to September the 22nd.

>> Mayor Adler: Okay. Seconded by councilmember pool. Any further discussion on the amendment? Yes, Mr. Renteria.

>> Renteria: Mayor?

>> Mayor Adler: Yes, sir.

>> Renteria: I really hope that you all both can sit down and work it out, because with a valid petition, you need a super majority up here to get anything passed, and the way I see it now, you might not get that. So I hope that, you know, y'all really sit down there and really be serious when y'all do your negotiation because if you don't, I just don't see it with a some majority, of it passing the way it is now, so ...

>> Mayor Adler: It's been moved and seconded to postpone until September 22nd. Any further discussion? Hearing none, those in favor of the postponement, please raise your hand. Those opposed? It's unanimous on the dais with Ms. Troxclair gone. I think -- there's Ms. Gallo.

[Applause]

>> Mayor Adler: We are -- we're adjourning and done tonight. I want to thank the council for the work today. Thank you.

>> Houston: And I want to thank the neighbors for staying here so late. Thank you.