

## City Council Regular Meeting Transcript – 02/02/2017

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[10:13:36 AM]

>> Mayor Adler: We ready to go? Before we convene the meeting today just a couple of things. First, this week we had the passing of Bettie baker. Ms. Baker started her career at the city of Austin as a stenographer in 1974 and she quickly rose through the ranks of the planning department and was instrumental in the creation of the city's homework preservation office. And she led that office for over 20 years. She also served on the planning commission and the zoning and platting commission. She served as chair of the of both on those and was on there over 18 years. It was during that time she earned the title of land use queen. Both as a staffer and as a planning commissioner, Bettie was not afraid to let people know when she disagreed with them. But if sometimes she came across as a little abrasive, it was only because she felt so passionately about doing what she felt was right for the city of Austin. She was a tireless advocate for preserving the history of Austin and we and future austinites should all be grateful that thanks to her efforts, places that are significant in our city's heritage are there for us to be able to appreciate. I note that her service so Sunday. Visitation at 12:30. Services at 2:00 P.M. At the weed corely fish funeral home on south congress. And in her memory if we could have just a moment of silence.

[10:15:54 AM]

Thank you. Before we go to the invocation one other item as we go from the sad to the happy. There is a birthday on the dais today. And as is our custom when there's a birthday on the dais, -- [laughter]. Our city attorney, Ms. Morgan's birthday. If you would all join me in happy birthday. Ready?

♪♪ Happy birthday to you...

[Applause]. If everyone will please rise for the invocation. We have kelsang dechok of the kadampa meditation center medication center today.

>> Honorable mayor, distinguished council, respected guests. Good morning and thank you for inviting me today with this prayer. I'd like to start by inviting you to take a few moments to turn your attention inward. If you would like to close your eyes and listen as I share today's invocation prayer. In these turbulent times of our world we are more than ever needing the mental strength of wisdom and compassion in our leaders. You have kindly stepped forward as citizens of our community to guide, protect and establish an environment in which we all wish to live. All the tasks you undertake at times may seem difficult and the outcome of your decisions uncertain.

[10:17:56 AM]

It is through always maintaining a good heart, wishing to benefit others that benefit is sure to come. Good results come from a good heart. May your minds be at peace and free from self concern as you take on responsibility of shaping the future of our city. In conclusion we can pray. May I become a protector for the protectorless, a guide for those who travel on the road, and for those who wish to cross the water may I become a boat, a ship or a bridge? May I become an island for those seeking dry land, a lamp for those needing light, a place of rest for those who desire one and a servant for those needing service. Thank you.

>> Mayor Adler: Thank you. Be seated. All right. I call us to order today is February 2nd, 2017. We are here in council chambers, 301 west second street.

[10:20:01 AM]

We're going to begin and go through the agenda. We have a couple of changes and corrections that I will read into the record. Item 4 and 16 of ethics commission issue and the ethics issue are postponed by staff until February 9th. We also have items number 8 and 21. 8 was a request by Ms. Houston to postpone that item to February 16th. Anybody have any objection to that? Item 21 was the waste hauling contract. Staff has requested a postponement until February 16th. February 19th the date was wrong. It was for the initial period of September 1, 2015 to September 30th of 2018, not 2108. Item number 43 is a request.ms. Garza to postpone this until March 2nd of 2017.

[10:22:02 AM]

43 is the library issue.

>> Kitchen: I was going to give it time to postpone, but what time did you say?

>> I have it on the changes and corrections form from Ms. Garza's office to postpone to March 22nd or March 17.

>> Kitchen: Let me talk to my staff.

>> Mayor Adler: Also, item number 56 there will be a request at 2:00 for the item to be set at a 4:00 time certain. That is the eliseium park matter. We can't call that before 2:00, so can't postpone it until 2:00, but it's to give people notice that there will be an issue to postpone that until 4:00. We had also -- we also have the esd number 12, which is item number 12. I don't know if there was interest in postponing that item. We had touched on that briefly at the work session.

>> Houston: I had pulled item 12 so that we hear it after the briefing, but we can postpone it and deal with both of them on the same day.

>> Mayor Adler: Staff, is there any reason not to have those both considered at the same time?

>> Assistant city manager ray arrellno. This is the item 15 and when were we thinking to postpone that to?

>> Houston: Two weeks. February the 16th.

>> Mayor Adler: It's when esd 4 would be coming back.

>> In accordance with the request before council this is an item where council is being asked to either object or actually we're recommending that we support this particular item.

[10:24:06 AM]

It's before the Travis county meeting on the 14th and whether or not this particular item the esd won't be able to move it forward with Travis county.

>> Houston: So mayor, so assistant city manager, we have to approve it before it goes to the Travis county commissioners' court?

>> Good morning, Carey bridge with the law department. Yes, the commissioners' court will hold a hearing on the 14th, I believe, on the petition to create the new overlay district. And by then the city needs to have taken action for them to call the election.

>> Houston: So mayor, I have some questions about it, so if we could just pull it.

>> Mayor Adler: Okay. So we will pull item number 12. Also on changes and corrections as I continue through we have item number 12 pulled by Ms. Houston. We have item number 40 being pulled -- that will be real quick just to add something on number 40. And we also have item number 45 where there's a request that that be pulled. And put on a time certain at 2:00. That's the textile matter.

>> Mayor, I don't know why it has that. According to us -- we're okay with it.

>> Kitchen: It's on consent. Nobody has pulled it.

>> Mayor Adler: Then 43 stays on the consent agenda. Is Joe Epstein here?

[10:26:10 AM]

Is John Roberts here? Are there any other items that council wishes to pull? I'm showing the item being pulled, item 12 and 45. And 40. 12, 40 and 45.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Yes.

>> Kitchen: At the right time, there's a slight change. It's not a substantive change, to item number 42.

>> Mayor Adler: What would the change be?

>> Kitchen: It just changes it from title 25 to title 4, business regulation and permit requirements.

>> Mayor Adler: So that pass song would be put out of the land development code and put into the business code?

>> Kitchen: That's right.

>> Mayor Adler: That would remove the requirement for there to be a waiver of policy?

>> Kitchen: Right. We'd be following the Normal process, there's no change to the Normal process.

>> Mayor Adler: Anybody object to that amendment being to item number 42? So without objection that change is made to item 42. It's being put in a different part of the code. And what part of the code is it put into?

>> Kitchen: It's going into title 4, which is business regulation and permit requirements. We ran it by legal.

>> Mayor Adler: Is there any objection? Ms. Houston, you are going on to other stuff?

>> Houston: No. I was going to say it was not that you didn't run it by, we just didn't hear the title.

>> Kitchen: Got it.

>> Mayor Adler: So that objection, that change is made to that so when we consider it on the consent agenda it will contain those two items T Ms. Troxclair?

[10:28:20 AM]

>> Troxclair: Can I pull that item.

>> Mayor Adler: Yes. Pulling item number 42.

>> Garza: I have clarification on 43. I was to be added as a co-sponsor.

>> Kitchen: Was that what it was?

>> Garza: I don't know what's going on with the postpone part. I think it's fine now. I wanted to add to the record I was a co-sponsor.

>> Kitchen: So that's what we need to add.

>> Mayor Adler: So noted. Mayor pro tem?

>> Tovo: I have a few questions. I think they'll be relatively quick about 14.

>> Mayor Adler: Okay. And we also have some people to speak on the consent agenda and don't think that I've forgotten about you. We'll call that in a second. Do you want to pull 14 or after the speakers do you want to ask your questions?

>> Tovo: I'm happy to just ask my questions.

>> Mayor Adler: Let's make sure we do that. Don't let me forget. Let's have some speakers to speak on the consent agenda. Mr. Pena, are you here?

>> I am here, your honor. Sorry about calling you your honor.

>> Mayor Adler: They've called me worse.

>> They call me worse than that. Ty won't. I will be respectful. Ms. Pena hopes also. Mayor and council, Gus Pena, I am a native east austinite, I am a proud Marine Corps veteran, mayor, I'm over here Kennedy of disappointed, I'm here on item 13 and 18 on housing, support for people looking for housing. Ms. City clerk, could you pass this out for them, please? I don't want to go up there and cause them havoc. As it relates to housing item 13 and 18, Mr. Mayor and councilmembers, has to do with housing.

[10:30:22 AM]

I am here to speak on specifically housing the homeless veterans and women with children who are homeless and this is germane to one of the items in the agenda, number 13. Mayor, you were quoted as saying at the state of the city there are no more homeless veterans. That's what I heard. And also in the article that's being passed by it specifically states as such. We effectually ended veteran homeless because we brought in providers to the same table to solve an old problem in a new way. There are a lot more homeless veterans that you and I can count, sir. Just yesterday I went to the library on montopolis, I counted 20. At the library yesterday I counted 30. Yesterday at the arch I counted 75, 75. So I'm here to tell you this is that I sent a letter to Washington. I don't know Mr. Trump. I'm a Democrat, proud yellow dog Democrat, but I'll work with anybody that's in office. And Mr. Hogan is the va designee pending approval by the house. I sent letters to both those people and I'm hoping for a reply that we need more help to house the homeless veterans. Now, I can bring in witnesses, Mr. Mayor, that cat coricly heard you state that there's no more homeless veterans in Austin, Travis county, Texas. I'm angry, I'm not supposed to get angry, I'm an old man, but the issue exists that that's not acceptable to us and we have a lot of angry veterans that are homeless because of this statement. And I can bring them here in you want to, but I choose not to. Some of them have PTSD and I'm not going to let that occur to my good veterans that might be jailed. This is a very erroneous statement. I know that you made a promise to me when I stated I was going support you for mayor and even when I was in the hospital I got you doctors, x-ray technicians, nurses, but I want you to know this, this type of statement, whether you say you didn't make it or not, are not acceptable.

[10:32:33 AM]

We are not toys to be played with. I have a lot of lives out there that are seeking homeless units and they're being denied.

[Buzzer sounds] Anyway, mayor, let's work together on that, but not make erroneous statements for the record. Thank you.

>> Mayor Adler: Mr. Nyous is the next speaker. Is he here? Is synovia Joseph here?

>> Morning, mayor. Thank you, mayor and councilmembers. My concerns are specifically related to item 43. I just wanted to ask specifically if north village library was one of the locations that was considered? Do you know what the methodology was in order to determine which libraries would be the pilot for this particular project?

>> Mayor Adler: This is for the communications issue, and I don't know how staff picked those. But if you want to address it.

>> So one of the concerns is that little walnut creek is on the list of libraries that would be considered for the second phase of the video conferencing, however, north village esthetically is a better location if you're looking at north northeast area of Austin. Little walnut creek is fine, however it is often littered tremendously in that location. As you know, they had a million dollars for restore rundberg, so if you have to choose a north location I was just wondering why they didn't choose that one in particular?

[10:34:37 AM]

The other question that I had as it relates to expansion and it has -- trying to figure out the methodology to figure out the gap, if you will, is whether or not they would consider an interlocal agreement with capital metropolitan throw policy tan transportation, I know that three of the councilmembers are on that board. Would councilmember kitchen know the answer to that?

>> Kitchen: I think that the idea behind that provision is to open up all possibilities. So I don't think that the resolution is written to foreclose that possibility and that's an interesting idea that I think is worth exploring. We can talk to staff about that.

>> Right. And I would just say that it's germane in that if I can just give you an historical context, January 26, 2011, capital metro actually had their port meeting here and that's when Mike Martinez was the chairman. And as you are aware, the last connections 2025 meeting is February 17th. And I've tried to work with councilmember Garza's chief of staff to get the -- not teleconferencing, but Skype for those individuals specifically in northeast and northwest Austin, but it's been difficult. So it's a little bit of a challenge to figure out where the connectivity is, information technologywise. I talked to the gentleman here jj, but I also talked to Ed easton from cap metro. When I look at videos for cap metro, I got to atxn. So there seems to be there is collaboration when it comes to vision zero and other issues, and if there's a way for them to collaborate so that the citizens can actually come here as opposed to going to the cap metro board meeting as always.

[Buzzer sounds] That would just be helpful.

[10:36:38 AM]

>> Kitchen: Thank you for that idea and I'll follow up on that.

>> Mayor Adler: Thank you. We have item number 8 which has been postponed but we had speakers that wanted to speak on it that are here. Now that it's been postponed I don't know that you still want to, but let me check. Peter to goson, Peter Alexander, Peter Bailey and Danny hobby, does anyone want to speak? On item number 18, we just handled that one, sorry. Item number 41 is the energy code staffing issue. My understanding on this item number 41 is staff is being asked to come back and tell us what the funding options would be for the next fiscal year. And hopefully get that information to us in it time for the discussion when we do the deep dive on March 1st. And to the degree that they could implement that with an existing funding if they can, they're certainly encouraged to do that. That's my understanding. Is that right, Ms. Pool?

>> Pool: Yes.

>> Mayor Adler: There were some people that were signed up for that. It's going to go on consent so I need to know if you still want to speak. David Dixon, Scott Burton? Okay.

[10:38:38 AM]

Okay. I think those are all the speakers I have speaking on the consent agenda, the non-pulled items. I've handed out --

>> [Inaudible].

>> Mayor Adler: I handed out an additional be it number 40. Actually that's been pulled by speakers too. We'll keep that as being pulled. We're now back up to the dais on the consent agenda. Again, the items that I see being pulled for discussion are items 12, 40, 42, 43 is being pulled, 42 rather, and 45 is being set for 2:00. Again, that's 12, 40, 42 and 45. Any discussion on the dais? Mayor pro tem?

>> Tovo: And 56 is pulled for 4:00?

>> Mayor Adler: 56 is not in the consent agenda.

>> Tovo: Okay. And I want to check, mayor, that 16 is postponed. I believe you read it on changes and corrections, but I wanted to be sure that one is noted as postponed.

>> Mayor Adler: As being postponed to February 9th.

>> Tovo: New.

>> Mayor Adler: The postponed items I have are 4, 8, 16, 21 as postponed items. Okay. Anybody want to register any votes for others? Ms. Troxclair?

>> Troxclair: I would like to be shown voting no on item number 13. This is a 20-million-dollar housing bond. My staff asked to see a copy of the contract and we were told that the city council isn't privy to see the contract, and I just -- I'm uncomfortable approving something that I don't know all the terms and details, especially for that amount.

[10:40:45 AM]

And then I want to be shown just abstaining from item number 20, the healthy corner store initiative I know I believe this was in the purpose of the program, but this is something I know we started I believe two years ago, but I haven't seen any measurable metrics or outcomes associated with whether or not we're reaching our goals that the program is intended to reach. So I'm going to abstain from that item as well. Thank you.

>> Mayor Adler: Okay. Mayor pro tem?

>> Tovo: I'll move approval of the consent agenda, but I also remember I wanted to pull 14 for a couple of quick questions. And I think maybe I was going to ask them as part of the consent agenda.

>> Mayor Adler: As part of the consent agenda. Let's do that real fast. Is staff here to speak on 14?

>> Tovo: Thank you, Ms. Rizer. I wanted to go over a couple of pieces of it. It's my understanding there are 11 employees who are moving, is that correct?

>> Councilmember, there are 16 employees, but 11 of them are the prosecutors.

>> Tovo: But 16 total employees. I guess my main question to you is it looks from the backup that it's a five-year lease with an additional five-year renewal. And given some of the possibilities and opportunities that exist within the area of real estate, including some new purchases, some new acquisitions and some other things in the works, I wonder if it's possible to have a shorter term lease. It worries me a little bit to lock in a five-year lease when there may be some other opportunities for those staff members.

>> Councilmember, the reason for the five-year lease is that we were looking at the final place that we would place the prosecutors, that that space would be ready in about five years, but there was a delay in the five-year plan, then we would have the option to renew in that space.

[10:42:59 AM]

So let me back up. We're going to be coming to you in the next month with some solutions for the new menu courthouse and when -- the new municipal courthouse and when we do that that will have space

for the prosecutors, but that is very specialized space and it will take a little more time than Normal administrative space to prepare.

>> Tovo: Thank you for that in terms of the long-term solution. I'm just wondering whether -- and I know my staff had an opportunity to discuss with you a little bit before we started here today, but if -- if there is a short-term opportunity that presents itself, is the city locked into a five-year lease if we approve this today on consent?

>> Every lease that we sign in the city has a funding out clause. So at any time when council does the budget that they do not want to continue a lease, then they can decide during the budget process not to fund the lease and then we can leave the space at the beginning of that fiscal year. So in the budget process if you decide that October 1st you no longer want to be in this space, then during the budget process you direct me to do so and we would be required to move.

>> Tovo: Thank you. And so that would -- and that would not prevent those staff members from relocating in another space?

>> No.

>> Tovo: I mean, they would have to be relocated, but if we ended up having to do another lease or something like that, it's not -- that wouldn't be a legal issue?

>> Right.

>> Tovo: So when does the lease begin?

>> The lease begins March 15th and that's just to get the space ready for them to get into and for us to organize the move.

>> Tovo: All right, thank you.

>> Mayor Adler: All right. It's been moved and seconded to approve the consent agenda. Discussion? Those in favor please raise your hand? Those opposed?

[10:45:00 AM]

It passes unanimous on the dais with Mr. Casar off. That gets us then to the pulled items because the zoning cases are all set for 2:00 or later. So let's look at then item number 12, which is the esd 15. Let me ask this question. There's a briefing set on our calendar for esd number 4. Are there issues relating to that briefing that would be germane for the esd 15 discussion? My question is should we take that briefing before we take up that item?

>> Ray Arrellano, assistant city manager. I think the answer is no to that. Do you have any questions about esd 15, item number 12?

>> Houston: Correct. So would you explain to me again why we're taking this up before Travis county even adopts the petitions?

>> I'd ask the attorney that's representing the esd on behalf of the petitioners to introduce herself to answer that question.

>> Good morning to the mayor and councilmembers. I'm Kelly Carlton. I represent the petitioners bringing the petition before the commissioners' court for the overlay district to be called Travis county esd number 15. And the reason that we are here today is -- well, let me back up. What we're trying to create is an overlay district over the top of the existing Travis county esd 11. And in order to create an overlay district the statute requires us to get consent from all of the cities that have either their etj or their city limits within the proposed district.

[10:47:07 AM]

The city of Austin has a significant portion of its etj -- well, esd 15 would have a significant portion of the etj of the city of Austin in its boundaries if created. So the reason we're here is to ask the consent of the

council through a resolution to allow the voters in that area to participate in an election in may. So that's -- our issue is we're seeking consent to create an overlay district and in order to do that we must have -- in order for the people in that area, your etj, to vote in that election, we must have this body's consent to the participation and the inclusion of that area in the overlay district.

>> Houston: Thank you. And on the contract it says this consent is valid for a period of six months from the date of the adoption. What happens if -- if it -- if the election -- the folks say no, they don't want the overlay?

>> Then it would essentially expire at that point.

>> Houston: It expires.

>> Yes. Because we would be using that consent, the consent that we're seeking today, for the may election.

>> Houston: Okay, thank you.

>> Mayor Adler: Thank you. Is Danny hobby here? Hold on. Why don't you go ahead and ask your question and then Mr. Hobby you can speak.

>> Alter: Is the intent here is to have the two districts combine to tax at \$20?

>> The intent is to replace some income that the esd is losing because of an annexation that the city is going to do later this year.

>> Alter: But effectively they would be able if the voters agreed to tax combined at 20 cents at \$100?

>> That would be the maximum, yes, ma'am. I can't promise you that it would be 20 cents, but that would be the absolute maximum because each esd can tacts up to a maximum of 10 cents per 100.

[10:49:15 AM]

>> Alter: Thank you for the clarification.

>> Mayor, I don't have any comments to make other than to be here to answer any questions. Ms. Houston, I believe you asked a few questions yesterday of Travis county so I was just here to assist you if you needed it.

>> Mayor Adler: Thank you. Is there a motion to approve this item number 12? Ms. Houston makes that motion. Is there a second to that motion? Mr. Renteria. Any discussion? Ms. Houston?

>> Houston: Mr. Hobby, if you would come back up. How many esds do we have in Travis county now?

>> We have 14.

>> And this one would be the 15th?

>> No, ma'am. We are also right now they've actually just approved esd 7, so this would make -- actually, we'll go from 14, 15 -- this would make the 16th. And the reason why it's called esd 15 is that follows the 14. 7 was actually consolidated years ago, about 10 years ago, and they reinstated the 7. So this would actually make 16 emergency services districts. There is a little piece of bastrop that's actually in Travis county and so a lot of people say we only have currently 13. With esd 7 we have 14, but this will -- I know this is confusing, but we're actually going to have 16.

>> Houston: 16 esds, and they're all in Travis county and surround Austin and some parts of bastrop.

>> Yes, ma'am. Am I correct here? They say I'm correct, so that's good.

>> Houston: Nothing in -- well, cedar park is in Travis county.

>> We actually have Leander. Leander comes into Travis county now as well as cedar park.

>> Houston: Thank you. Thank you for being here.

>> Mayor Adler: It's been moved and seconded for approval. Any further discussion? Ms. Pool?

>> Pool: I just wanted to see if I could get some sense from our staff and maybe from the county. We're looking for -- I was looking at a memo that our new E.M.S. Director Marcus Scott had issued, and he says I think it's critical that medical oversight, data collection and dispatch remain uniform across the county in order to maintain a system approach to E.M.S.



[10:51:32 AM]

Care. Is this going to be affected in positive ways by creating this additional overlay on esd 15?

>> Good morning. My name is Ken Bailey, the fire chief for esd 11. The esd 15 will be taking over fire protection. Esd 11 will retain, assuming that everything is cassettesful, with retain E.M.S., first response. And there are discussions right now between the ask of medical director and esd 11, but that is separate from esd 15.

>> Pool: So my guess is that what you would be seeking would be the uniform application of all our services and procedures across and continuing. Sounds like esd 15, because it's fire, will not affect E.M.S. Operations in 11.

>> That is correct.

>> Pool: Okay. Thank you.

>> Mayor Adler: Okay. Ms. Troxclair?

>> Troxclair: So would the creation of this new esd be necessary if it weren't for the planned annexation of the whole property?

>> Good morning. The simple answer would be no. At least for today and now under the situation as it is. And just to bring us backwards a little bit, when the city decided to annex, that represents 32% of our revenue in that single 27-acre tract. And so that was what created the situation where we would have to replace that revenue in some way to maintain the services in southeast Travis county. So effectively we are asking the residents in southeast Travis county to pay 20 cents to maintain their current services.

[10:53:33 AM]

>> Troxclair: And is the annexation of that property complete?

>> No. The city -- y'all agreed and staff supported delaying it for one year to allow us this ability to solve this problem prior to it impacting service, which we were extremely grateful for.

>> Troxclair: So I'm going to be voting against this item because the city is creating -- I understand you're trying to solve the problem, but the city is in the process of creating the problem for you in the first place so we are creating a new taxing entity because -- simply because our annexation of a property. So we should instead choose to not annex the property and therefore not have the need to create the new esd.

>> Yes. And I would just -- somewhat related to that and if I could just speak to -- this moving forward is really important in that when the city set this up and we were looking at removing one-third of our avenue, that brings questions to our current employees and the stability of their job. And then you're in a position of potentially laying people off from emergency services. Unfortunately it's not like something elsewhere we just say well, we'll ride short. Those positions have to be filled. It makes it more challenging to then recruit people to replace those positions. So from a morale standpoint within esd 11 right now we need to firm this up in order to maintain our current services.

>> Troxclair: But you wouldn't be in this situation if it wasn't for the city trying to annex the whole property, right? I won't support --

>> Or if we had done that to circuit of the Americas, that would also have been helpful.

>> Troxclair: I won't support the annexation of this property and I won't support this today.

>> Mayor Adler: Any further discussion? Those in favor of this item 12 please raise your hand? Those opposed? Ms. Troxclair voting no, the others voting aye.

[10:55:34 AM]

It passes. Thank you. Next item we have is item number 40. , Which is the solar ready issue. So that the motion has been made, do you want to -- so that we have a motion made, would you like to make a motion?

>> Pool: I'd be happy to make the motion to approve item 40.

>> Mayor Adler: Is there a second to that item? Ms. Houston seconds that item. We had the conversation about enabling as it goes through the process. Ms. Pool, we had a conversation about as it goes through the process enabling a full discussion about the related items. I really appreciate the work done by the boards and commissions that are most keenly associated with this, but as it goes through the process we just want to allow for new ideas or new suggestions or to have the issues debated without feeling prescribed by the council. My feeling is you agreed with that and are okay with the language I've handed out on the dais, is that right?

>> Pool: I think she's conferring with her staff right now, but the mayor pro tem indicated that she wanted to make some -- oh, sorry. Mayor pro tem had a couple of amendments.

>> Mayor Adler: Let's get this one on first and then we can then amend it. Do you accept this amendment so that we can now work on it?

>> Pool: Yes, I do.

>> Mayor Adler: Any objection to this amendment being added? Hearing none, it's now --

>> Tovo: Sorry. Mayor, I guess I have an objection because I wanted to edit the language.

>> Mayor Adler: We'll do that next. If that's okay we'll add it on and then you can offer your amendment to that language or you can offer that amendment now. Either way.

>> Tovo: I think I'd like to suggest the language if that's okay, otherwise I will have to vote against the amendment. So I'm --

>> Mayor Adler: So that we have this then, then I move this amendment to number 40 S there a second to that amendment? Mr. Renteria seconds that.

[10:57:35 AM]

Would you like to make an amendment to this?

>> Tovo: Yes, thank you. So I appreciate and understand the rationale for what you're doing. I would be more comfortable with the language if it didn't talk about the city's competing priorities in quite that way. So my suggestion would be that the language be adjusted to read "And city departments with regard -- let's see. As part of the above process, the city manager shall solicit recommendations from the appropriate boards and commissions and city departments with regard to owe and here's where I would amend the language -- to these potential ordinance changes and to recommend any other best practices or considerations they suggest city council consider. I think that achieves the aim of making sure that the --

>> Mayor Adler: I didn't catch the language, I'm sorry? To?

>> Tovo: So the language that I would propose striking is city's competing priorities of environmental development and affordability goals as well as. I'd strike that and instead make it, with regard to these potential ordinance changes and to recommend, and then pick up the rest of your language, any other best practices or considerations. And again the rationale for that is we want -- I understand that you would like for the boards and commissions to feel free to provide other recommendations or other alternatives to the ones that have been suggested, but I'm -- I have a high level of discomfort with talking about our environmental goals as competing priorities of affordability and development.

>> Pool: And I'll second that amendment.

>> Mayor Adler: Is that because of the word competing? There's been a second to your amendment to the amendment. Is that because of the word "Competing"?

>> Tovo: That's part of it, but it's also -- I think even if we don't have competing in there we're still setting up a situation where we believe it's not possible to support our environmental goals and our goals toward affordability. I think it sets up a comparison between those that is awkward for listen -- awkward for me.

[10:59:44 AM]

>> Mayor Adler: That's a point well taken because hopefully they are not competing, but they can be reconciled in advance. At the same time just making the change that you made makes it seem to me to be prescriptive, where people will think that this is the track that they have to follow. So there's someplace in between that. By taking out the word "Competing," we're just asking them to look at the other priorities we have, environmental development and affordability. And I would hope that they would take into account those when they came back and not feel prescribed to the direction or the suggestion that was laid out in this ordinance. And I'm not saying I object to this result, because it might very well be the best thing we can possibly do. But I want to make sure that there's a full airing and at this point there hasn't been. I just don't want the folks to be prescribed, and I'm not sure without having heard from these other folks and have the wider community debate that we can know the answer to that.

>> Tovo: And I think that we may have a little bit of a difference of opinion on that point. So while I am very comfortable making it clear to the boards and commissions that they can recommend against a change or provide alternative suggestions or do some -- something in between, as we have an issue being somewhat prescriptive from the dais and stating a policy directive that we want them to follow, and it's my understanding from the sponsor that some of this has gone through various processes and they've asked us to adopt this change. So I'm really comfortable at this point saying please go forward, consider language that would effect this change. If the boards recommend against it or a different opinion or direction, I'm happy to hear that, but I don't have discomfort with providing them with some information about the direction that it appears, you know, that we support or that appears to be the right -- the right moving to in.

[11:01:53 AM]

But I think, again, we have some differences of opinion about the policy direction.

>> Mayor Adler: Mr. Renteria.

>> Renteria: I just want to state that I have a lot of trouble -- I have trouble supporting this resolution without that information in there. You know, as my experience on the community development commission, we're constantly adding on and it does affect the formate -- affordability of a home. Even though I support and have a lot of problems with making these homes so expensive that none of our -- our east side residents can afford to move in there. And especially unless you are giving them solar and financing at zero interest or have a pot of money somewhere where you can just offer those people to put solar system on their house, I have a lot of problem having all that added cost. Not knowing how much it's going to cost. So that's why I would like to see it go through the commissions and really get the information that we really need.

>> Mayor Adler: To that end, if your amendment is defeated, I will come back and move because I think the point is well taken to take out the word "Competing" and would do that. We'll take a vote on your amendment to the amendment. Further discussion? Those in favor of the mayor pro tem's amendment to amendment please raise your hand. Ms. Houston, mayor pro tem, Ms. Pool, Ms. Kitchen, Ms. Garza and Ms. Alter. That's six. Those opposed? It's the others on the dais.

[11:03:54 AM]

Mr. Casar was off to abstaining. So -- then I am probably going to move to postpone this item because, again, my problem is with us posting something on a Friday that's intended to be a policy decision, which is what I understand we just did, we made a policy decision on something that was coming up on a -- it was laid out for us on Friday and we're being asked to make a policy decision on Thursday, and I -- I think that's just the wrong thing for us to be doing. There are people in the community that have raised questions on this and even if we have debated more, asked speakers to speak here in a second, for us to act that quickly on a policy decision I have concerns over. But anyhow, let's --

>> Houston: Mayor, if you had made a motion to postpone so we would have that kind of time to think about and work through it, I would have been happy to second that. But I had to work on what was given to me.

>> Mayor Adler: Okay. Ms. Pool.

>> Pool: What I want to point out is that this simply sets forth the -- triggers the additional stakeholder conversations, and we won't be making a policy decision any earlier than March on whether to pass this as part of an ordinance change to the code. And I do know that the -- the group that came together between the home builders and our environmental advocates did attempt -- and I don't know to what level of success to talk with everybody on the dais or their staff in advance of this so that everyone understood what was intended. And then I think Debbie Kimberly with Austin energy pointed out we had a couple of briefings from Austin energy in advance of this as well.

[11:06:00 AM]

What this does, it doesn't add any -- this does not put solar panels on people's roofs, but what it does do is make it possible for you to do the installation in a less expensive way because the hardware that's on the roof, all the venting pipes and so forth would be put to one side so that they are not in the way of where potentially the best sun would be shining to be captured by panels so that in the end actually saves a homeowner who may have purchased a house the money to move all of that hardware. I likened it to a reporter yesterday as maybe in your kitchen your refrigerator has a pipe in the back to allow if you have an ice maker in your refrigerator, you can just hook it up. But your refrigerator without the ice maker can still work, it's there to use it. Similar with our dryers, we have outlets for gas and electric, but it's already in the wall. You don't have to bring in an electrician or plumber to come in and put those outlets in there. So this is -- probably those are really simple explanations for with what this would do.

>> Mayor Adler: My concern is not that it's good policy because it very well might be. I tried to make it so it wasn't prescriptive and so that you could consider multiple priorities and offer to take out the words "Competing." The mayor pro tem came back and said no, she shot it was time for us to make policy prescriptive decisions from the dais and pointed out that she disagreed with me on that issue. So despite the protest stations that we're not making some kind of policy decision, I understand that last vote to be that we are, in fact, making some policies decisions here and that's my concern.

[11:08:04 AM]

Ms. Kitchen.

>> Kitchen: I'll just explain where I'm coming from on this. I consider this to initiate a process and to initiate a process that will involve full stakeholder participation. I don't consider this making a final decision and because we're not adopting a change to the energy code. We are initiating the process, and, you know, while I understand the concerns about having more time to think about before we initiate a process and I appreciate that. I think in this case it's okay because we're just initiating a process. And my vote in favor of the -- of mayor pro tem's amendment was not a statement that, you

know, that we were -- anything other than that, that we were just initiating the process. And I think it's okay and I think the language the way it's adopted does not prevent the boards, commissions and city departments to comment on environmental development and affordability goals, and also if they view them as competing, they can even come in on that. I don't think it's that prescriptive. I don't think it matters. I think the language is fine as it is and I think we're just initiating a process and a stakeholder process. That's why I'm okay with moving forward with it.

>> Mayor Adler: We have people from the public to speak. Let's give them a chance to do that. David Dixon. Scott Burden. Leslie Libby.

>> Good morning, Mayor and Council.

>> Mayor Adler: Hi.

>> Appreciate the opportunity to speak on this item today. I have a solar energy consultancy, Libby Solar, and I'm a Austin energy retiree. Spent 24 years working on solar energy issues for the city of Austin.

[11:10:06 AM]

And this item has been in the works for a very long time. We envisioned it in Austin at least five years ago. And the reason is that time and time again a solar contractor will go to install solar on a house and there will be roof vents right in the prime location on the south side of a building and it's, I think, time that customers are protected from that practice of just randomly, you know, putting up the roof vent right above the bathroom instead of trying to relocate it to the north side of the building so when they do want to put in solar, they don't have to work around. They never reroute those vents, they just have to put solar panels in patches on the roof around those vents. And those vents actually cast shadows on the solar panels as well. So you could have a really beautiful south facing or continuous array on that side of the build, but these vents that could be for very cheap moved with just pvc pipe to the north side of the roof, it doesn't -- I don't think you will find that it costs very much to do that. But in the end, it really does provide the homeowner who does want to put in solar a much cheaper and efficient solar array. And I would also like to mention that the SunShot initiative with the Department of Energy just announced that they met their goal of solar reaching a dollar a watt, which was supposed to be achieved in 2020, but it has been achieved today. And that's for utility scale solar. But rooftop solar is not that far behind. And so the -- I would say there is going to be a time very soon where all homes, even low-income homes are going to want solar because it will reduce their utility bills, and so it will be a good investment for all homeowners.

[11:12:09 AM]

And so we should enact this as soon as possible to prevent these new houses from going in that can't accept solar when the solution is very, very modest, the cost of moving those vents. It's pvc pipe. It's not rocket science and you just put it on the north side of the roof instead of the south side. So that's my contribution today. Thank you very much.

>> Mayor Adler: Thank you.

>> Renteria: Mayor?

>> Mayor Adler: Ms. Libby.

>> Renteria: You sound like you have a lot of experience with solar. How many solar houses have solar system in Austin, do you know?

>> I wouldn't know. I don't have those statistics.

>> Renteria: So you're saying --

>> Thousands.

>> Renteria: Everyone in Austin is going to have a solar panel in their house so we should require that?  
>> I think that eventually you will see solar becoming a standard piece of equipment. I have worked with solar contractors whose grandparents got into the air conditioning business and at that time the grandparent was told you're crazy, who wants air conditioning. So they got in the solar business because they know some day it's going to be just a standard appliance on a house. Especially if you --  
>> Renteria: Have you gone by east Austin and seen all the air conditioning systems they have?  
>> Pardon?  
>> Renteria: Have you gone by east Austin -- I know they have window units a lot of them.  
>> Renteria: If you could find a way where low-income people can afford to put solar on there and if their committee can come up with that information knowing that this added cost is really going to benefit these low-income people, I would be 100% behind you.  
>> I would love to work on this. Thank you.  
>> Mayor Adler: Ms. White.  
>> Good morning. Thank you for the opportunity to speak. I am serving on the resource management commission and so I want to remind you all that the resource management commission and the electric utility commission actually took this issue up the better part of a year ago.

[11:14:20 AM]

I think we started our discussion last March when the energy code updates came to the resource management commission and we started talking about adding in the solar-ready amendment. And at the time there was support, but staff wanted to do a more robust outreach process. Unfortunately we did not realize that there was a requirement to have a formal initiation of that process in order for it to legally count. So that's why we're here today. We have actually already done a lot of outreach and everyone will have another opportunity if this resolution passes to come to the euc and the rmc and give any input they want to give, but I just want everybody to know that this is not at all a hurried process. To the contrary, it's been going on for the better part of a year. I want to address the issue of affordability. Although every person is not going to be able to have solar on their roof because we have a lot of trees and that's great. Leslie is right, this is becoming more and more a standard option for homeowners. In fact, many builders are offering solar as a standard option. It isn't something that is driving up cost, it is something that is reducing the operating cost of a building. So it's not just about what you pay up front, it's about what you pay every month, year over year. And that's why foundation communities, which is building affordable housing right here in Austin is using solar because they are taking that holistic approach. If you look at their homestead building, it is covered in solar and they have just done the basic common sense thing of grouping the other equipment on the roof so that there is room for solar. And that is really all that this solar ready is about. It's not about the requiring any additional equipment, there aren't even any conduit requirements, it's simply group things in a rational way, take a moment to consider is that the place to set up my equipment if it's a commercial building or maybe could I just move it a few feet and there would be room for solar panels.

[11:16:29 AM]

Or like Leslie mentioned, those venting pipes. You think oh, it's just a small pipe, but it's casting a shadow many feet especially at certain times of the day. To if you were thinking about affordability, this is on the side of making things more affordable because you cannot just consider the up front costs and we are really talking about such a minimum school amount. The Mueller development already has a solar-ready requirement and I've spoken to a couple builders over there and they described it as not a

big deal at all, it's like a blink of an eye and they've met the requirements. Some of them had to change building plans. Some had to change a couple plans to make their roofs more solar friendly.

[Buzzer sounding] I don't want the perception to be out there this is anti-affordability. This is pro affordability. Thank you.

>> Mayor Adler: Ms. White, from my perspective, I look at this and as I read this I think I'm in favor of this. This issue just got caught in the wrong place in terms of the larger policy issue. I know that this has gone through the energy and resource management folks, but what I don't know is whether those people that would raise objections that we would be answering whether it also went to them or the boards and commissions that have nothing to do with energy, but might give people an opportunity who are not in those verticals to be able to comment. And part of the question is is that I want it to be widely available in a public domain so that people who are not associated with any boards or commissions but can see it on an agenda and can say, well, I have an interest in that, whatever their interest might be. And I would like for us as a deliberative body of the council to be able to provide that opportunity to the community generally before we start taking policy positions or weighing competing interests.

[11:18:33 AM]

So my concern that I've expressed has nothing to do with the merits of this particular one. It more goes to how we deliberate as a body on the council.

>> Can I address that?

>> Mayor Adler: What?

>> May I respond?

>> Mayor Adler: Sure.

>> So I understand that desire. I would just remind you that both the euc and the rmc meetings are publicly posted so anybody who is interested in any sort of energy or energy code-related issue, that's where they should be keeping an eye. I'm not sure why this item would go to boards or commissions that don't deal with the energy code, but I guess if somebody else wants to take it up, I don't have objection to that. But -- and I just would remind you it has actually been discussed here with city council, I believe it was in the committee level at the Austin energy utility oversight committee, but those are also publicly posted, everybody knows that's where you come to learn about those sort of issues.

>> Mayor Adler: And my sense would be that everybody in this community that is interested in energy policy or those kinds of things or those tracks probably knew this was happening. But I think that there are probably a lot of people in the community or could be people in the community that are not interested in -- energy issues or resource management issues, they would probably say not particularly. But they -- so they might not see in those agendas or go to those boards or commissions. But when it comes to the Austin city council agenda, there's a limited number of items that are now reaching the council agenda and there might be people who say, well, I didn't know -- I never went to any of those because my interest intersects in a different way. And the first place they really see this item coming forward is when it's posted on the city council agenda. In this case this was posted just several days ago. And -- and I want to make sure that those people in the community have an opportunity to be able to weigh in.

[11:20:35 AM]

Because they might not have been attuned to the vertical that it came out of.

>> And that's exactly what this resolution will do is allow the next step in the process which includes public hearing here at city council.

>> Mayor Adler: So these -- so these people would be allowed to come back and say we really didn't have a direction to return to council with something that did this because we could decide we think this is bad policy and you shouldn't be doing this. They wouldn't feel like they had a charge from council to come forward with an ordinance that accomplished this. They would feel free to come up with different alternatives or different things aweing together or contravening things. And I'm not sure they would. I think if I read this language if I was on a board or commission I would think I had a job to do and I would say even though I think this is a bad idea I'm supposed to make this as best as I can. If they believe this is a horrible thing for us to do, and I don't, but from a process standpoint if they did, I want them to feel really comfortable to come back with something very different or a very different kind of alternative. And that's -- I wanted to go through the debate. I'm not sure in this instance anybody is going to come back with anything any different, but from the larger perspective -- it's that larger issue I'm trying to deal with.

>> Yeah, I guess I would just remind you that the euc and rmc already deliberated at some length at least at the rmc level. You know, we had a full deliberation. We had stakeholder input, and, you know, I think we're likely to come back with a favorable recommendation on this item since we have already made a favorable recommendation, it just was not in the right legal process.

>> Mayor Adler: And I understand. Thank you.

>> Thank you.

>> Mayor Adler: Councilmembers, I touched base with Ms. Kitchen and when this couples back to us I'll probably move a change to this that says that they can consider -- these potential ordinance changes, which is the wording from the mayor pro tem, and I would add the word alternatives or in front of best practices just so that the folks down below feel like they have a wide berth to be able to deliberate on this issue.

[11:22:58 AM]

So we have another speaker and it is Glenn Coleman. Is Mr. Coleman here?

>> Good morning. Thank you, mayor and council. Glenn Coleman on behalf of the home builders. I have a letter here for you in a couple hours. We delayed writing it because we were so irritated at just externally at having to stand up and oppose this item. San Antonio and Dallas come to mind and for those of you who haven't heard this sort of sad tale, I got a call from the home builders a few months ago saying that the Sierra club and public citizen were -- very familiar with the -- with solar ready and have represented solar firms before. I said why, why home builders are you opposing this in Austin, Texas? I know you support it in San Antonio, in Dallas, why in Austin, Texas would you want this not to come to pass? And their answer is one that is very familiar to me and that was the plumbing code. Austin, Texas is -- first of all, permitting costs are already exorbitant and much higher in this city than other markets, just to change a light bulb has an extra cost. So you already have a constituency very suspicious of changes and cost sensitive. Another one is the fact we are on the uniform plucking code instead of the international plumbing code. All the other large cities are on the international plumbing code. I went to -- so I said let's do this. Let's find a great councilmember and see if he or she will sponsor your solar-ready bill and a parallel bill to move us to the international plumbing code. We found one and I want to thank her and her staff publicly for her efforts on this. I want to express our support for item 41, the resource and staffing issue. But the plumbers union had a different view of this and we saw an exercise repeated that we've seen every three years when this council goes to refresh its mechanical codes and its plumbing codes.

[11:25:02 AM]



Your staff comes to you says the ipc is better, it's cheaper, it's veteranly more flexible, you -- environmentally more flexible and you need to switch to it and every year an incumbent interesting the local 86 and plumbers union gets that tapped back down and we stay on the upc. This has been going on two decades. It's not going to go away. I want to express my thanks to the bill's sponsor. She felt like the political pressure was too much for that item but we're very interested in supporting solar often other initiatives if we can find a way to reduce costs through a new plumbing code or better permitting. I wanted to express that to you, express our thanks. Regrettably we're going to oppose this item here today. Thank you very much.

>> Mayor Adler: Those are all the speakers. Ms. Pool.

>> Pool: A couple of things. Thanks, Mr. Coleman. A couple things I wanted to point out since Glenn brought up the plumbers union. My understanding it's not just the plumbers union in Austin, but it sounded like from what I was advised by staff was that it's all the plumbers in the city of Austin, not just the plumbers union. So I wanted to make that a broader inclusive group. And the concerns about the uniform plumbing code and international plumbing code are not what we're talking about her, not germane to this topic except for the fact the vents do come up through the roof. The plumbers' chief concern was that the international plumbing code allowed the diameter of the upper pipes to be half the width of the lower ones and they were concerned about the pressure situation that was not equalized. I am not a plumber, I'm just trying to remember what staff had advised me. So that was the issue there. It was a risk factor that had not been resolved. So we -- I did pull down the plumbing code piece, but back to the solar-ready item number 40, the -- the uniform plumbing code does not hinder solar road.

[11:27:14 AM]

So I would like to -- solar ready. I would like to ask my colleagues to put that piece aside because it does not affect what we're trying to do here today with item 40. So the vents can be merged into one under either code. I just wanted to weigh in and bring a little bit of additional information. And I do want to thank everybody that has put in a lot of time and effort both in reviewing this over the last couple of years, bringing it through the rmc and the euc, realizing that the process had not been officially kicked off by a council and then coming back to have to check that box off and then reinstituting the same policy discussions at rmc and oh. Uc that had been accomplished previously. I want to thank Debbie Kimberly for being here today and talking with us about this the past couple of months. I don't know if there was anything you wanted to add to the -- okay. Thanks. I would just urge approval of this. It really is just going to allow everyone who has an interest in these issues to step up to the plate one more time and speak to it from our community.

>> Mayor Adler: Okay. I'm going to move to amend this to say these potential ordinances changes with language that the mayor pro tem changed it to and that I would add and any alternatives or, before other best practices, and I think I could do that in lieu of moving to postpone this item. I didn't even know till this morning that there was a plumbing code -- plumber issue associated with any of this. And that goes to the issue I'm talking about where sometimes councilmembers will work on something and I understand work with stakeholder groups for a long period of time and everything will be ready and everything will be set and it will come to us on a Friday and most of us have not been part of those conversations over the last several months.

[11:29:19 AM]

But that's why I make that amendment. Is there a second to that amendment? I'm just adding and alternatives. Ms. Houston seconds that. Ms. Houston seconds that. Is there any further discussion on the amendment to the -- to the --

>> [Inaudible]

>> Mayor Adler: It's an amendment -- actually it's an amendment to the amendment at this point.

>> Tovo: To the amended amendment.

>> Mayor Adler: To the amended amendment.

>> Alter: I had a question for Mr. Coleman at the appropriate time.

>> Mayor Adler: Does it relate to the amendment?

>> Alter: Sure.

>> Mayor Adler: Further discussion on the amendment to the amendment as it is amended? Those in favor please raise your hand. Those opposed. Is there -- we're now to the amendment itself. Let's go ahead and add that. Those in favor of the amendment now as amended please raise your hand. Those opposed. Both are unanimous on the dais. Misalter.

>> Alter: I had a question for Mr. Coleman. I think it's always good if we are able to bring the developers and the environmental community together on something and we heard from some of the other speakers that it didn't cost a lot to prepare the roofs in this way. I did have an opportunity to speak with you about the plumbing concerns, but in terms of the assertion that was made that this does not cost a lot, I would be curious to know from the home builders association your perception of the cost of having the roofs solar ready and maybe if you want to tell us a little about if difference under the two plumbing codes you are welcome, but I'm most interested under the current code what do those Kansas involve and how much in -- costs involve and how much on a average home.

>> It's very hard to quantify the cost on the residential side. So, you know, we reached out to our builders and I have private clients doing building in both markets and they say how much.

[11:31:27 AM]

\$1,500. It's very difficult to price the opportunity cost that is lost by using the upc. Our anecdotal estimates from builders it hovers around 1500 bucks. Now, they have told thaws the cost of solar ready will fall as they adopt solar ready into their design process, that the costs per building -- they expect to see the costs of solar ready fall. We're okay with that in Dallas and San Antonio because we knew the initial cost would drop. But the opportunity cost of using the antiquated plumbing code with its requiring more pipes, requiring us to drag the vents over, bring more venting around, that is a -- that is a lost opportunity, an extra cost and we think it's going to stay with us. We think it's about also 1500 bucks. So the two kind of cancel each other out initially and we think that will be with us as long as you have the older code.

>> Alter: I want to make sure I'm understanding what you just explained. So is my understanding that the home builders are comfortable with having the proofs be solar ready --

>> Yes.

>> Alter: -- But that there's an additional cost that we're occurring over and above because of the plumbing code that's in place which adds additional cost? There is a cost to doing it to update the code, but there's also a cost if we don't update it which is higher.

>> Correct. An unnecessary cost, that is exactly it, councilmember.

>> Alter: Okay. But this particular resolution speaks to only the solar-ready portion of it and doesn't dictate either way on the plumbing code. I just wanted to clarify that.

>> Yes, ma'am.

>> Alter: Thank you.

>> Houston: Mayor? Mr. Coleman, before you leave, and I'm not sure there are any plumbers or people out there to talk to us about this, but why is it taking so long to move from one code to the most recent one?

[11:33:30 AM]

What seems to be the problem?

>> Well, in Austin -- I met with the plumbers, I had a long visit with the plumbers and Ms. Pool is correct, it's pretty much throughout the market that the plumbers are resistant to that. They feel for reasons I'm going to let them express to you that the uniform plumbing code is better for our city and I'm not going to second guess them here. Let me tell you under the uniform plumbing -- plumbing code costs are higher and there's more pipe and material needed. You don't see it very much on residential, but when you get to commercial build, four, five, six stories high, it becomes tens of thousands of dollars and there may be some treppes where we will want the commercial code next they are right. And I think there will be billable hours they don't want to let go of. But -- it's an Austin story to me where incumbent interests almost always prevail over the forces of change. Thank you.

>> Mayor Adler: Anything else before we vote? Item 40 has been amended. It's been moved and seconded. All those in favor --

>> Troxclair: Mayor, I would have supported your postponement because it does seem like this needs some additional conversation. I guess you are not --

>> Mayor Adler: At this point I believe the discussion on the dais together with the amendment that allowed for the consideration of alternatives gives a really wide berth to the folks who would consider this and come back to us with recommendations. I think the issue has been Teed up, but it enables everybody in any part of this community to come in at this point and what we could get back from the boards or commission or from staff could be different than what we're seeing here.

[11:35:36 AM]

And with that I don't feel the need to postpone it because I think that would then have that community conversation and it would come back to the council.

>> Troxclair: And do you feel like with the language that you added about alternatives that that would -- could include discussion of the plumbing code?

>> Mayor Adler: I think -- I don't pre-judge that. It's whatever alternatives those bodies think are appropriate.

>> Troxclair: But you feel like the language is wide enough to allow for that discussion?

>> Mayor Adler: I think it would allow for anybody to come back with any alternatives.

>> Troxclair: I just have to point out even though these issues have maybe been in front of some of our boards and commissions for a while, there was a comment if everybody knows they have to go to those boards and commissions and pay attention to what they are doing. And I have to say there are a lot of people in Austin who care about the cost of living, who care about the cost of buying a new home or renovating their home that do not know that they have to pay attention to a board or a commission. So, you know, I -- sometimes we're in a bubble here and I when we're talking about affordability, that affects a lot of people in a lot of different ways and it's not all people who are so connected to the city they have the time and ability to attend all our board or commission meetings.

>> Mayor Adler: Further discussion? Those in favor please raise your hand. Those opposed? Mr. Renteria, Ms. Troxclair voting no, the others voting aye. It passes. It is 11:37. We have staff here to make a briefing on E.S.D. 4. It would take about 15 minutes. I would suggest we go to that so we can let the staff go. Let's move into the briefing.

[11:37:55 AM]

>> Thank you, mayor, council.

>> Mayor Adler: Before we begin, I'm sorry, I just wanted to identify that item number 48, which was on consent, it set a public hearing to adopt local standards of care for pard's youth programs. The rca indicated the date of that public hearing would be February 16th. That date was left out of the posting language, but was in the backup. So I think that would probably be okay, but out of abundance of caution, I wanted to take another quick vote on this item number 48 so as to make clear the public hearing is being set for February 16th. Is there a motion? Ms. Houston makes that motion. Mr. Zimmerman seconds that. Mr. Flannigan. Jeez. I don't know how I can ever apologize for that.

[Laughter] Those in favor of this -- noting the date as February 16th please raise your hand. Those opposed? It passes unanimously with the mayor pro tem off the dais. And I --

[laughter] Words escape me. Let's please now go to the --

>> Are you sure I can go now?

>> Mayor Adler: Yes.

>> Mayor and council, what we're doing here is just providing you a briefing, and it was in response to council resolution to look at the emergency service district number 4, and we do have a recommendation that we believe meets the majority of the objectives that you outlined for us during budget adoption. And then we will come back to you in two weeks to -- seeking your approval to proceed with negotiations of a contract to provide fire service to E.S.D.

[11:40:03 AM]

4. So just a bit of a background, E.S.D. 4 changed from a single contiguous district, as you can see in the map before you, in 1976, that 40 years later it is now five islands. And I will show you the next slide that will sort of give you a visual of that. The annexations have reduced E.S.D. 4 tax base and the E.S.D. 4 commissioners argue that the geography and their annexation faced reductions to their tax base will eventually lead to their inability to fund fire service for the citizens in that area. E.S.D. 4 commissioners actually asked us to explore the terms and costs of a service contract whereby AFD would then provide service to the esd areas. So here is esd4 in 2016. There are two E.S.D. Fire stations, 407 to the west, 401 to the east T council districts are numbered and in different colors. The light blue dots on the map are the AFD fire stations. There we go. June 2016, the council resolution directed us to explore a contract for service with esd 4, and then in September 12th of '16 during budget adoption, council asked AFD to bring back options and cost projections. And those options needed to consider integrating esd 4 firefighters into the afc workforce, minimizing impact and providing that cost and esd revenues and projecting them into the future.

[11:42:11 AM]

So we have come back with three options and we believe that we have met those objectives that you set out. Option 1 allows us to add 30 firefighter positions to staff two esd 4 stations. If you remember on the map the esd 401 and 407, those two stations. The stations and the vehicles would remain esd 4 property. AFD would maintain the stations and the vehicles except for any major repairs or replacements. And the option would become -- would no longer remain cost neutral if the stations are purchased and the esd would remain intact as they need to collect the property and sales tax, and the esd 4 would then use some of their funding to take care of their operations such as the book keeping, the audits, banking, insurance fees, et cetera. And they do have a healthy reserve account with over a

million dollars that will increase when they sell off excess property and receive rent for their other properties. The reserve account will then cover capital maintenance and replacements. Option 2 involves adding only 15 firefighter positions to staff esd 4 station near city park, which is on the west side esd in a nation 407. AFD then responds to all calls on esd islands except the one on the east side, station 401. And then esd 4 would then be responsible for the residents and the calls in the esd island 401. And again, 401 is on the east side. AFD maintains the station and the vehicles. The esd 4 commission are very opposed to option 2 and they state that they want a permanent sustainable solution and that they feel like this would be just a gap measure, and it really would not allow for sustainable future for their services.

[11:44:27 AM]

And then there's option 3, and this is one that's not recommended, but we did want to make sure we offered all three options. And this was to add 32 firefighter positions to staff. The two esd stations, and initiate the annexation of all of the esd 4 territory. And this would probably be about a five-year process because the state law requires any annexation with over 100 homes to go through a specific process. And we estimate that it's about a five-year process. The stations and the vehicles become city property, and we, again, don't recommend this due to the initial cost, difficulty meeting the requirements of existing agreements, and then identifying the resources that would be need to do provide full municipal services. And like I said, there's little support for this option, either the city or esd 4 are in favor of this option. So an estimated cost of service, and again this varies between 400 and 800 thousand and that depends which option it is. But the costs are involved in fire station upgrades, initial firefighter training, uniforms, equipment. The actual cost, again, is based on the number of esd firefighters that are moving over to AFD. And this cost is paid from the esd 4 reserve fund. And then continuing with the estimated costs of service, ongoing operating costs are somewhere between 200 to 400,000 annually and that's to provide support functions such as administration, our wellness program, and then it would include maintaining facilities and vehicles. And the actual costs would be based on the number of fire stations staffed. And then the ongoing cost of firefighter salaries and benefits, overtime and city of Austin overhead ranges from 1.9 million, that's for the 15 positions in one station, or 3.8 million, which is two stations and 30 firefighters.

[11:46:41 AM]

So the estimated revenue from esd 4 emergency service district 4 selects both property and sales tax that are dedicated to funding fire services. In 2016 their estimated property tax is at 1.6 million, but it projected to 1.9 million in 2017. The 2016 estimated sales tax is at 3.4 million and it does include a \$1.6 million in one-time adjustments that will go to a reserve account. The estimated monthly sales tax is at \$200,000 monthly, which equates to 2.4 million annually. And the estimated ongoing combined tax revenues is at 4.3 million. And this chart just shows you the different options, one, two and three, and the different costs, the one-time costs, the staffing costs based upon the number of ftes, the support costs, the annual ongoing total costs, and then the balance that esd would have based upon their \$4.3 million available revenue. And as see, annexation number 3 puts them in a negative balance, and then the one station, no ownership allows them to continue to run their esds at one station 401, but they don't support that or they feel it's not sustainable. And then our cost summary and projections as you asked us to do, the blue bars represent option number 1, which is 30 ftes and two stations. The yellow bar represents option number 2, which is 15 ftes and one station. And then the red dotted line is the esd 4 available revenue.

[11:48:43 AM]

You can see on the notations there that it assumes years 1 through 3, the revenue is 4.289 million plus 4% growth, and years 4 through 10, the revenue is 4.23 million plus a 3% growth. Excuse me. So you can see that it does remain cost neutral throughout the almost 10-year projections. And then our final conclusion, I recommend as does the fire department and the city that esd -- I'm sorry, option number 1 is probably our best solution. It provides better service not only to the city residents living near esd 4 stations, but it maintains standards that are described in our collective bargaining agreement and it's also supported by esd commissioners and our local union 975. Option 1's key points, it does not transfer fire stations or apparatus or vehicles to city of Austin. Esd 4 stays in place to collect those taxes. And esd 4 administers the reserve fund to pay for capital repairs and vehicle replacements, et cetera. And over time annexations will continue to hinder the ability for revenues to cover operating costs. And then the next steps, if council approves the contract negotiated by AFD, city legal and executed by city manager, council action would be needed to amend fy-17 budget to accept the one-time funding from esd 4 for the training and purchase of equipment. And then the fy-18 budget would have to include the changes to the classification ordinance that adds the 30 firefighters positions, and the esd 4 ongoing operations that are added to the fire budget.

[11:50:51 AM]

And then finally, I do want to mention that this morning I was given a letter, and I believe you all received it as well, from the Travis county commissioners court that is in support of us moving forward with negotiating a contract. That concludes my presentation. I would be happy to answer any questions. I know we're on a tight time frame so I'm trying to stay quick and fast.

>> Mayor Adler: You did well. Hold on. Did anybody have any questions? You did well but that may not be the same as you get away. Ms. Houston.

>> Houston: Thank you so much, chief Kerr. You all have been working on this for a very long time. I have two esd stations in 401. You mentioned 401 but you didn't reference the other one. What's going to happen to the other?

>> The other station is 4040, up north, -- 404 and that station is not operational or staffed now, if I'm correct, and it would no longer be staffed. But if you look at that map that I provided and you look up there, you see that there are adequate Austin fire stations that can cover those northern territories.

>> Houston: Okay, that's the one on tuscan off Springdale road.

>> I'm going to say yes but I'm not positive.

>> Houston: So talk to me because I didn't have any backup on this, so talk to me about the modified -- is this going to be a modified training class, how long, how many hours?

>> So all of --

>> Houston: And can we get that in writing? All of this information I'm asking for can we get it in writing so we can look over it the next two weeks?

>> You can, but most of those things have not yet been determined and that would be part of the negotiations of the contract.

[11:52:51 AM]

But there is some things in the collective bargaining agreement and we can give you some of the language, and if we haven't provided you -- I thought we provided some of the detail earlier in our first report, but we will get that information back to you.

>> Houston: Because I'm really concerned about the training, modified or the traditional training most cadets go through?

>> So we do know that in order to qualify the individuals from esd 4 will have to pass all AFD screenings. They will not have to take a written test or participate in a structured oral process. So they will not be ranked on a list, but they will have to pass our screenings that we put all employees through which would include a background investigation, a candidate physical ability test, includes a mile and a half run, includes a medical screening, drug screening, that type of thing.

>> Houston: Okay. Thank you. And so this option number 1 is budget neutral. So esd 4 will pay for the personnel benefits, the salaries and all the benefits once they get in -- well, I guess once this is adopted, then they will start paying all of those, so the city will not have to add any of those personnel costs to our budget.

>> That's correct.

>> Houston: Tell me again where this money came from because last year there was a huge gap, a million three on the first year or more, and then a million for each out year. Explain that to me where you all found the money.

>> So --

>> Houston: Where esd 4 found the money.

>> So it might be better if esd 4 would try to explain where they found that money, but you are correct initially we thought there would be a large gap of either \$1.5 million and that would increase annually, but they have found funding to support that and it -- the initial operations including taking the assumption of taking the fire station so we're not taking ownership of the fire stations.

[11:55:07 AM]

>> Houston: Okay. Thank you.

>> And we can provide that information to you. Eel ask esd 4 to provide that to you in writing.

>> Houston: That would be helpful. Okay. Thank you.

>> You're welcome.

>> Mayor Adler: Any further discussion, questions? Ms. Alter.

>> Alter: Thank you chief bail -- chief Kerr. I wanted to ask about the qualifications. I'm trying to understand are you asking the esd 4 firefighters to come in under the standards that you would apply to incumbent AFD firefighters or to new hires?

>> So the qualifications that we're applying are ones that every firefighter that comes into the Austin fire department has got to complete. So the medical exams, the background investigation, all those things are what we put incumbent firefighters through, but if during the term of their tenure they violate one of those standards, you know, for some reason get involved in something Chrysler, they are terminated. I guess it's an incumbent standard as well.

>> Alter: I guess I'm particularly -- I've heard concerns about the mile -- I think it's a mile and a half run in 12 minutes. I've heard some concerns about that and I understand that esd 4 has a very diverse force and we're trying to improve diversity of AFD and these are firefighters with a lot of experience. So my concern, you know, moving forward with the initiation and authorizing execution as well is how do we make sure that these firefighters are taken care of in the process and that we benefit from their expertise and the diversity they would bring to our force. And I'm just trying to understand sort of how - how the qualifications may be impacting them and their ability to move forward in the profession that they've chosen and dedicated themselves to.

[11:57:18 AM]

>> So I would hope that none of the qualifications would impede them from moving forward as becoming an Austin firefighter. We have a great amount of time for individuals that maybe are concerned about completing a mile and a half run, but we have -- and once we get the authorization to begin the negotiations, we'll be offering training classes like we do to firefighters, other firefighters that are trying to get through our process in regard to the mile and a half run, in regard to the candidate physical ability test. And so I -- I feel like that with adequate time in which we are in that adequate time frame that everybody should be able to pass those standards. Unless it's a background investigation or a drug screening issue and then I don't have any control over that and they do and that's their fault for doing that.

>> Alter: Yeah,

>> Alter: I agree with that. I was trying to understand some of the physical requirements where they've been acting and fulfilling their duties as a firefighter, presumably in good standing. How we make sure that we don't create obstacles for this diverse force to be part of our AFD and add value through this process.

>> And I understand that and I intend to make sure we do everything we can to give everybody opportunity and to become an Austin firefighter.

>> Alter: Thank you.

>> Garza: Mayor, I want to piggyback on that as well because I heard from firefighters specifically about the mile and a half run. Does a lieutenant in the Austin fire department that's 20 years in have to complete a mile and a half run in 12 minutes every year?

>> No, they do not.

>> Garza: I guess that's a concern. If they have an esd firefighter lieutenant, why we be held to a different standard than a lieutenant for AFD?

[11:59:25 AM]

He's not a cadet, he's -- or she is a 20 year veteran.

>> In actuality they are going to become cadets. Every single individual coming over from esd 4 will start at the firefighter rank.

>> Garza: I understand that. It seems like a harsh standard to apply to a 45-year-old who has, you know, committed their career and now they're in a situation where they could be in the department. I would ask that you continue to listen to stakeholders and keep an open mind about that. I know for a fact I never ran a mile and a half on the fire ground or at a medical call. So I think sometimes we have some standards that are a little antiquated and don't really apply to the actual job. So I hope you keep an open mind about that.

>> And we are. And I do want y'all to know that we have included the stakeholders. We've had numerous meetings to get to this point. So we have never excluded them, not excluded their perspective and the two unions have been working together. And there are more reasons and I would be happy to sit down and explain the mile and a half run. You're right, don't run a mile and a half on the fire ground. We don't run a mile and a half on a medical call, but there are reasons why that's a good qualifier for being a capable firefighter.

>> Garza: I'd love to know those reasons because I never ran an eight minute mile in my life and I hope I was considered a good firefighter. Thanks.

>> Mayor Adler: Ms. Houston.

>> Houston: I would have to hold mine because it's 12:00 now and we have citizens communication. I had one last question.

>> Mayor Adler: Go ahead.



>> Houston: Go ahead? This kind of segues from something that councilmember Garza had. I've had concerns about the mile and a half as well. I wouldn't be able to make it, but some people might be able to do it.

[12:01:25 PM]

You started talking about the placement in the fire service. Somebody in an esd 4 is a captain or whatever the ranks are. They would not be put in that same rank, they would start as a firefighter in the fire service in Austin?

>> That's correct.

>> Houston: Then they would kind of work up?

>> That's correct.

>> Houston: Okay. And I think that's all I had.

>> Mayor Adler: Ms. Pool?

>> Pool: And just to follow up on that. Chief Kerr, you did say that the firefighters union, 975, had looked at the proposals and they understand about the change in the ranks for the new firefighters that would come on and they support that?

>> That's correct. This whole presentation I just gave to you had all of the work that's done previous to this presentation has included local 975 and it's included local 4848 as well as the esd 4 commissioners, as well as staff from finance as well as our staff. I mean, it's included a huge number of stakeholders, and it's taken a long time to get to this point. And what we're asking you for is to negotiate that contract and iron out a lot of these details that have come before you individually.

>> Pool: And I just wanted to close by thanking you for the -- yeah.

>> I keep hearing this voice!

>> Pool: I really appreciate, chief Kerr, the leadership that you took on this issue when we first talked about it during budget. It looked like that gap would be too broad and too wide for us to span. And I think with the -- I guess a bit of luck with the controller's office and so forth we were able to -- esd was able to find the additional money. So I appreciate everyone staying at the table and continuing to work through this and I do hope that we're able to get to a good place with the negotiation so that we can Evan actually execute. Thanks.

>> Thank you very much. I appreciate it.

[12:03:27 PM]

>> Houston: And mayor, my last comment. Over here by Mr. Zimmerman. I'm teasing you.

>> Flannigan: Wow.

[Laughter].

>> Houston: My last comment is I want to remind my colleagues that as you heard Mr. Hobby say today there are 15, 16 esds surrounding austin-travis county. Whatever we do on this one will be the template for how the rest of those mergers come in. We really need to do our due diligence on this one to make sure everything is in place. So thank you.

>> Thank you.

>> Mayor Adler: If that's all we'll now go to citizens communication. The first speaker is nailah sankofa. I don't see her. Callie limes. Is Callie limes here? Take your time.

[12:05:30 PM]

>> Good afternoon, mayor and councilmembers. Thank you for your time. My name is Callie Limes and I represent Texas Talking Pies, based out of Rockdale, Texas. We've developed a unique process for engraving messages on our handmade pecan pies to make very memorable and talked about gifts. We were fortunate to work with some of central Texas' larger businesses over the holidays this year, baking and delivering thank you pies on their behalf to all the grateful clients on their lists. We very much enjoyed the process of developing our business this past year, along with our partners' needs, reimagining our limits to successfully deliver over 300 pies in one order, fresh and packaged. The reduce from these deliveries have offered hey praise for both the taste and presentation our pies, which we make according to our own family-tested recipe. We are proud to use only fresh Texas pecans and unlike many pie companies we hand craft our crust from scratch which we believe matters in quality and taste. All of this is the foundation for the personalized messages and designs that we engrave personally for each recipient. I brought some samples today for the members to share for themselves. Being that Austin is famous for its excellent taste and Texas of course for its renowned proposed crops, we propose presenting visitors to the city with. I know that the mature has had a privilege of hosting such guests as the princess of Belgium, the U.S. Secretary of education and the rocky mountain institute to name a few. We would be honored to commemorate biobirthdays and holidays for the city of Austin itself. As a growing small business and approved vendor of the city of Austin, we highly appreciate the diversity of our city and the ability to prosper in the place we and our families call home. We would like to offer our sincere thanks to all the members of the council for the work that they do each day to make this possible. Please enjoy our gifts to you and we hope that when you think of hospitality or gratitude, you will think of Texas talking pies.

[12:07:35 PM]

>> Mayor Adler: Thank you. We need for the clerk to log those in as gifts received. The next speaker we have is Richard Viktorin. Is Mr. Viktorin here? What about Shirl Renee Fuqua? Those are all the names that I have signed up for -- is there anyone here who thinks they were signed up for citizens communication that I have not called? Okay. That gets us through citizens communication. Council, it is 12:08. We have some additional items that have been pulled for us to talk about. Do we want to come back here at 1:00 or 1:15? Is there a preference? Let's come back at 1:00. We'll come back then. We stand in recess.

[12:13:12 PM]

[Recess].

[1:19:37 PM]

>>> All right, council, it is 1:19. We have a quorum present. We're back into our meeting here. The only item we can take before 2:00 is item number 42, which is the item on expedited permitting. We have one person who signed up, but is not here wishing to speak. This item number 42 is pulled by Ms. Troxclair. You'll recall the way that it sits before us now, there was an amendment added that changed the section of the code where this would be found, and it omitted the line about waiving any of the city processes. Ms. Troxclair, you pulled this.

>> Troxclair: Yeah. Is there -- I just had a question for the legal staff.

>> Mayor Adler: Okay. We have the city attorney here. You want to see if she can answer it?

>> Troxclair: Oh, okay. Well, I passed out a resolution, basically to strike the specific mention of a specific program, and rather just stay consistent with those outlined in the resolution that we passed.

The resolution that we passed previously -- actually, it might be helpful to put it up on the overhead. Let me start over. What I understand the intent of this ordinance is, or this resolution is to enact the things that we did in the previous resolution, so in the previous resolution, we -- instead of specifically calling out an individual program, we said, here are the things that would qualify -- that would meet the intent of this resolution when it comes to workers' rights, and -- are you able to put that up?

[1:21:38 PM]

Okay. So you see there at the bottom, we listed out, at a minimum, these worker protection standards must include a living wage, osha safety training, and the next page goes on to list a few more bullet points. In this version, we specifically say, better builder program. So my amendment was just to stay consistent with those outlined in and refer back to this resolution. Can you tell me if that would be -- Brent, are you the right person to answer this question? I was told in my conversations with one of the co-sponsors, they said the legal advice that we received was that it would be better to specifically mention the better builder program. So I just wanted to clarify that.

>> Brent Lloyd, assistant city attorney. And, no, this is fine. The listing, just simply being more generic in general, and listing the third party certification is going to be for those particular criteria from a drafting standpoint is perfectly fine. So, if that's the way council wants to proceed, we can certainly implement that amendment.

>> Troxclair: Okay. And I guess the reason would just be there's a lot of money potentially at stake here, and it may be that workers' defense project is the only entity that currently offers this kind of certification, but that may not be the case in the future, so it seems like if we're going to submit this in code, we should leave it open to other organizations who might offer the same certification.

>> The draft in backup refers to other comparable program. This would make it even a little bit more generic in that regard, so it's fine.

>> Kitchen: Mr. Mayor?

[1:23:39 PM]

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: Well, I appreciate the intent of what council member troxclair is trying to do, but to my mind, it's clearer if we leave it as is, because it clearly states that certification by -- and I'm going to read it. Certification by a third party for construction under the better builder program or a similar program that provides for comparable worker protection standards. With the amendment -- what the amendment does is it takes out the line about better builder program and just refers back to the previous resolution. For clarity, I think it's clearer just to leave it like it is, because it is clear that -- it doesn't have to be better builder, it can be a different program, but just from my personal preference, I appreciate that it's legal either way, according to what Mr. Lloyd is saying, but my preference would be to leave it as it is.

>> And so that I understand, is there any difference between those two? I heard you say that you interpret your -- this language to be consistent with what --

>> Kitchen: No, that's not what I'm saying. What I'm saying is I think it's clearer to leave the language as written right now. Now, because -- I know the intention is the same, but what council member troxclair is doing is adding language that refers back to a previous resolution, which means you have to go back to the previous resolution. And the other concern that I had was that we thought that with the previous resolution, we were going to be able to move forward, but then we understand from staff and from legal that just relying on the previous resolution was not acceptable to move forward with initiating the code change, and that's why we're bringing this again.

>> And that part I get, and I wasn't suggesting that we go with Ms. Troxclair's amendment. I'm just trying to get the understanding of the language that's in yours.

>> Kitchen: Okay.

>> And my understanding from what I heard is that when people are reading this and interpreting this, the intent of the language as it appears in the backup is the same as what Ms. Troxclair was doing.

[1:25:42 PM]

There's not a substantive difference between the two.

>> Kitchen: Well, I mean, it depends on how you interpret it.

>> Mayor Adler: If there is --

>> Kitchen: I understand that she doesn't intend it to be different, if I'm understanding correctly.

>> Mayor Adler: I'm just trying to figure it out. I'm trying to figure out if there's a substantive difference.

>> Kitchen: I don't think she intends it to be different, right?

>> Troxclair: Right. I understood that the intention of this resolution was to allow the changes from the previous resolution to be codified, and so if that's what we're trying to do, I wanted to be consistent with that resolution instead of this version specifically mentions a better builder program. Which calls out, again, one organization and one program. I understand that we also say that there could be other options, but if we're trying to -- if all we're trying to do here is to enact the changes from a previous resolution, then I think we should be consistent with that and not insert a specific program.

>> Kitchen: Well, I think it is consistent, because it doesn't say -- it references better builder program for a reference point for what the standards are. So -- and the clarity that we're seeking is to make sure we understand what the standards are. So anyway, that's my position.

>> Troxclair: The standards are outlined -- it doesn't have to stay consistent with those outlined in the resolution. We could actually just go back to the resolution and list them all in here as the amendment. But we don't have any control over a third party. This is codifying some kind of certification that's offered by a third party. We don't have any -- we don't have any control as a city over what those standards are that they set.

>> Kitchen: No, no, no, that's what this is about.

>> Mayor Adler: Let's get some other people on the dais a chance to talk, too. Mr. Casar.

>> Casar: So, this is doing two things. First, it's putting this into ordinance because it's important from the stops perspective that this be an ordinance, and that's the primary thing that's being addressed. Secondarily, with the language presented by the sponsor and co-sponsors, specifically calling out better builder program, it clarifies the intent of the council for this to be monitored and implemented on a third party basis, rather than having the city do that verification ourselves, and that wasn't perfectly clear in prior conversations, and I think putting in better builder program really clarifies that we want this third party to be doing that verification, in the same way that lead silver, lead gold indeed is not verified by the city, but the U.S. Green building council, which is a third party non-profit organization, regularly publishes those standards that the private market needs to meet.

[1:28:21 PM]

And my intent would be, because council member troxclair, you make a good point, we don't want to hand something over to a third party that we have no control over. What we can do, though, is list what certification, as of which date is appropriate for the city standards. So if all of a sudden a third party, be it U.S. Green building council, workers defense project, or anyone else does something that lowers or heightens the standards to a level that's unreasonable by the city, then those would no longer apply. So long story short, it does do two things. It puts this into ordinance, which is what the staff has asked us to

do. And second, it clarifies whether or not the city would be doing the verification of those standards, or whether it would be by a third party. And by leaving better builder or similar projects like project labor agreements in place, we are essentially starting to list out for the staff as they draft the ordinance what those possibilities would be.

>> Mayor Adler: So let me ask a question, to make sure that I understand. Because I understand these changes. And putting in ordinance form, obviously we need to be able to do. The city recommended that we not be the verifier of this, that there be an independent entity to do that. I understand that as well. This doesn't change, confirm for me please, that doesn't require there to be any specific third party verifier, that qualified verifiers could verify, is that right?

>> Ultimately, we can list ourselves which -- this is still under our control as the ordinance comes back, what verification it is that we want.

>> Mayor Adler: Okay. So that part as contained in the resolution hasn't changed?

>> Right. In the original resolution, we didn't get into that because we thought there would be project guidelines being brought back, and that we would deal with it then. But since then, we've had the interpretation, this needs to be put into ordinance. And so essentially, all of those discussions about the appropriate square footage, how monitoring would work, etc., we thought we would get to have that discussion today. But indeed, we need to pass a resolution for staff to bring back an ordinance so that we can.

[1:30:22 PM]

>> Mayor Adler: At one point, when we talked about verification by a third party, as was contained in one of the bullet points before, we talked about having the city recognize people that were qualified to give that kind of verification or something like that.

>> Right. I think all of those conversations would be interesting and useful to have once we have the ordinance in front of us. The challenge is, again, we're not trying to decide that right now. We are simply trying to get to the point where we can have that conversation with the staff and the community, but we unfortunately have to pass a third resolution. We've already passed two to get there.

>> Mayor Adler: I think part of it is making sure we know what this does not do. So my last one, on the question of what this does not do, is this doesn't set any higher or greater bar than existed in the resolution? Is there anything about this language that does that? The answer to that is no? It doesn't set any higher bar? Is that right, Ms. Kitchen?

>> Kitchen: That's correct.

>> Mayor Adler: Okay. So as long as it doesn't set any higher bar than was contained in the prior resolution, then for me, this language then, as it sits for me, meets that need and concern. Further discussion of the dais? Yes, Mr. Flannigan.

>> Flannigan: I just want to say that I had some similar concerns of council member troxclair's, but as I talked with staff and stakeholders, I felt that moving the resolution forward as existed is fine, because we'll end up having these conversations again as the ordinance comes back. I think that's where we'll see the more delineated details come out rather than litigated now and litigated again later. I don't think it's as much of an issue, but I do appreciate your concerns, because I had very similar concerns.

>> Mayor Adler: Okay. Further discussion.

>> Troxclair: Mr. Gonzalez, did you have anything to add?

>> There was just one comment. Rodney Gonzalez, director for development services. My comment was that if you reverted back to the language from the September resolution, Austin community college did give a significant feedback with regard to one of those components of the language, and that was with regard to a 30% hiring of a department of labor organization certification turning program.

[1:32:31 PM]

ACC felt that that would be in conflict with its construction program, and I think the language as worded in the current resolution adds that flexibility such that the organization workers defense project could work with ACC with regard to that provision, and it's my understanding that they currently have several of their projects as better builders certified. So I just wanted to say if you did revert back to the old language from the previous resolution, that there would be that one component, the ACC has found to be problematic.

>> Mayor Adler: So you find the language what's in backup to give you the flexibility to address the ACC concern?

>> I believe it does, because it's my understanding that ACC does have some better builders certified projects currently, and it's a situation that they would work out with workers defense project or another organization that is chosen.

>> Mayor Adler: Great. Thank you. Any further comments? Okay. Then let's take a vote.

>> Troxclair: I'll withdraw the amendment.

>> Mayor Adler: So we'll take a vote.

>> Kitchen: I move that we pass item number 42.

>> Mayor Adler: Ms. Kitchen moves. Is there a second to that? Ms. Pool seconds it. Any further discussion?

>> So, mayor, could you for the public one more time explain the change in moving this resolution from where it was to where we have it now? Because you told us that, and some people may not have heard it.

>> Mayor Adler: My understanding from listening to the debate is that it accomplishes two things. It puts it in a different form than it was in before that legal says we need to follow. Oh. And the initial thing we did? The initial thing -- the initial change from what was presented to us earlier in the week was that instead of amending the land development code to include this language, it's now going to amend a different chapter business code to put in the same way.

[1:34:35 PM]

A different place in the code. Okay? Any further discussion?

>> Troxclair: Sorry, I have one more question. Brent, can you -- was that -- I'm looking for the original posting language. Did the original posting language speak to amendments to the land development code? Are we able to just change the code to something different than what was in the posting language?

>> The original posting language -- the posting language for this item refers to the land development code. We've internally discussed the issue of whether council could change the codification from land development code to title 4 business licenses, and we're okay with that from a legal standpoint. This is just an initiation. When the ordinance comes back to you, the posting language will refer to the correct code title. So we've discussed that internally with reference to the open meetings' requirements, and at this point, we're comfortable that at this stage you can make that change and we'll conform it to the correct title when the ordinance comes back to you.

>> Troxclair: Okay. Thanks for that clarification.

>> Mayor Adler: And it's good to get that advice, but for just precedence sake, that's a decision ultimately that we make as a council, and I concur and accept that advice. Anything else? Let's take a vote then. Those in favor of this item, number 42, please raise your hand. Those opposed. Ms. Troxclair voting no, the others aye. This item passes. We can't take up any item now until 2:00, so we will recess until 2:00.

[ Recess ]

[1:36:51 PM]

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[1:55:43 PM]

[Recess]. >> >>> >> >>> >> >>> >> >>> >>  
>>> [Recess].

[2:13:47 PM]

>> Tovo: Welcome back. I'm mayor pro tem Kathie tovo and I want to call us back to order to do a couple of things and then we'll probably need to recess again. It's 2:13 and I'd like to call this meeting of the Austin city council back to order. We have a couple of items that are -- let's start with item 56 which I believe there's a request for a time certain, that's the elysium park item. Mr. Rusthoven? Any objections to a time certain on that item? Seeing none, that will be set for four toke so we'll take that -- so we'll take that up in a little bit. Then I believe we have some requests for postponement.  
>> The remainder of the zoning are requests for a postponement. Item number 54 is cake npa 2016--0013.01, this is a postponement request by the applicant on this indication to postpone one week. The next case is 55, case c-14-2016-077, at 9900, 904, 908, 1000 and 1002 south second street. The neighborhood? Agreement with the postponement agreement. 56 is elysium. And finally item 57, C 814-2014-08120 for the Austin oaks pud for the properties on executive center drive and 7601, 7718, 7719 wood hollow drive. There's a request from I believe equal to postpone this item two weeks to your February 15 agenda. And we left the public hearing open because it was left open last time so we will be requesting that postponement for second reading only.

[2:15:55 PM]

>> Tovo: I will turn over to Ms. Houston because I have recused myself from the two items.  
>> Houston: You heard the zoning items on consent for postponement. Is there a motion?  
Councilmember pool moves that we postpone items 54, 45, 47. Is -- 54, 55, 57. All those in favor? All those in favor raise your --  
>> Garza: I have a question. Which one is the elysium park?  
>> That is item 56. 56. It's set for our oak.  
>> Garza: Okay. I'm sorry. I was -- it's set for 4:00.  
>> Garza: I'm sorry, I was confused there.  
>> Tovo: And again, if the record would reflect my recusal on 54 and 55.  
>> Houston: All in favor raise your right hand? It's unanimous on the dais with mayor pro tem tovo recusing herself on 54 and 55.  
>> Thank you, council. See you back at four oak.  
>> Houston: Mayor, -- at 4:00.  
>> Houston: Mayor, you have the chair back.  
>> Mayor Adler: Thank you for doing that. So the only other we have item is -- that we can take up before 4:00 it looks like is this item 45, which is the textile deal.  
>> [Inaudible].

>> Mayor Adler: Council, some of the stakeholders are talking to themselves. Can we take -- talking with one another.

[Laughter]. Talking to one another. I was going to suggest that we take a five-minute recess to give them a chance to get back down here. On item 45. If there's no objection, let's take five minutes.

>> Kitchen: Could I ask a question?

[2:17:57 PM]

I'm sorry, items 58 and 59, are those set at a time certain? They're 4:00 also. Got you.

[2:21:07 PM]

With a a woo a a Rio

[2:30:33 PM]

>> >>

[2:34:44 PM]

>> Mayor Adler: All right, council, we have a quorum present. We're going to go ahead and gear this up. The last item we have that we can do before 4:00 is item 45, textile issue. Ms. Troxclair, do you want to make a motion?

>> Troxclair: I guess so we have a motion on the table should I move passage of my resolution?

>> I think you should. And if you're going to make an amendment to it I think you should go ahead and let people know that as well. So that if speakers want to speak to it, they can speak to it.

>> Troxclair: I'll go ahead and make that motion. If I get a second I can --

>> Mayor Adler: It's been moved to adopt item number 45 Ms. Ms. Troxclair. Seconded by Ms. Garza. Ms. Troxclair?

>> Troxclair: So this issue I think has been tough for every single one of us on this dais. We've been torn - - not just the fact that we entered into a contract with a provider who made expenditures based on commitments from the city, but also then the concerns of the non-profit community who are worried about the impact that the potential loss of revenue could have on not only the organizations, but then the services that they provide to our community. And then there's the environmental concerns that council wants to make sure that we're furthering our efforts to get to zero waste. Lots of working parts in this item and not a whole lot of clear answers or clear solutions. But and although I side with the non-profits.

>> Support their work in the community as everybody on this dais does,. I think the best way for it at this point is to look at potentially coming back in six months when we have a little bit more data.

[2:36:51 PM]

We're in a tough position right now because of course this is a new business model as the city and not only are councilmembers being torn in lots of different directions, but we also might not have the data we need to make a logical decision that benefits the community as a whole. So I'm going to offer an amendment to my resolution. We're working on the language right now and I'll pass it out as soon as I have it. But in essence to come back within six months, have simple recycling and the non-profit community gather data during that time, not only about the impact on their collections, but is also the



impact on our community and potential loss of services, as well as zero waste goals. And also have arr and simple recycling work proactively with the non-profit community to make sure that people are donating first, recycling second. So I would love to hear any feedback from our speakers on that proposal.

>> Mayor Adler: Okay. If there's no objection we'll start calling speakers. The first speaker is Fred blunt. Is Michelle blunt here? Is Linda gillner here? You have six minutes.

>> Mayor and councilmembers, my name is Fred blood. I am retired, but ran an environmental consulting company in Austin for 15 years and then worked for the city for 15 years. In a full disclosure, my wife and I donate time, talent to the assistance league of Austin, but they are assisted here with some very capable voices.

[2:38:53 PM]

I am here as a citizen doing my civic duty doing what I believe is best for the city of Austin. First off I want to acknowledge that simple recycling has an eloquent concept, simple yet comprehensive. It provides for the first bite of the apple and resource stream for implementation. As a former employee and current payor of their resources, I applaud them for taking a large step towards a council mandate for zero waste. I believe in this case there's a severe conflict between the striving for a council goal and critical policy issues. This is the zero landfill waste goal versus affordability and civic participation policies, which are necessary objectives for liveable city. The risk is what is in front of you today. We citizens vote for you and pay you your huge big bucks to resolve these sort of policy issues with the wisdom of Solomon for the good of the city. And of course in our favor. There are plenty of competent voices here that can discuss tons, dollars, advertising, scope of contract and so forth. I'm coming at a little different level. There is a resource flow created by citizens trying to properly zeros of their belongings. The risk is created by the choice of who and how the resource flows capture is used. I want to talk about this risk for there are winners and losers and I do not want the city to be a loser. On one side we have for profit enterprises, business models based on profit. They are a business. They sincerely want to assist the city in the concept of zero waste, but can we ever really get to zero waste as long as there are disposable baby diapers? This business will use the resource flow to their benefit, they are abs, most of the resource flow went up in Houston or high other a balance sheet.

[2:40:55 PM]

On the other hand, Austin based sources that range to small local neighborhood groups, some of the organizations collect donations and most provide progress towards the zero landfill waste direction. Together they can all can. The identities associated with thrift shops and garage sales take the donated belongings that they sell at a discount for citizens, which greatly increased affordability for thousands of families trying to survive in this community at this time. In addition, the non-profits take the proceeds and then leverage them with tens of thousands of volunteer hours to provide hundreds of social services, providing jobs and job training, addiction counseling, help for wayward girls, scholarships for the most needy, gifts to the hospitalized children and their families, associated with AIDS costs and on and O all the way to planting shrubbery at the local church or school. They also provide very valuable local services in the way of is jobs, sales taxes, property taxes to the city and school district. Without these hundreds of supported social services Austin could become a hard, mean spirited and affordable. Doesn't it sound a little bit like Gotham? Or since we are trying to be a caring and inclusive committee Austin would have to raise taxes past California levels to provide equivalent government services to an underserved community. Allowing a for non-profit non-local business to take the first bite of the apple makes this scenario a very real risk. Should these non-local business -- should these community services

be put at risk even for the advance of a highly available direction which for now is towards a currently unobtainable goal? It's not part of the name of the department Austin resource, Austin resource? When we say I live here and I give here, shouldn't here be Austin, Texas? I believe there's a better way to move in the distribution of the goal with a lot less risk. Assist like putting on steroids the existing non-profits, thus increasing their take of the resource stream, as well as their positive impact on the community.

[2:42:59 PM]

Help them help you strive in that direction of zero landfill waste as well as affordability and be socially responsible. Then maybe, just maybe, the creative person that can now afford to live here in this liveable city will figure out what to do with the baby diapers. Thank you for the time and attention, and by the way, good luck with that Solomon thing.

>> Mayor Adler: Next is Ms. Sharon Blythe, is she here? The next is Deena Houston?

>> Hello, my name is Deena I live in district 10. I was take stakeholder meeting on Tuesday as a recycling block leader for the city of Austin and as one of the 7,000 residents of Austin who are using simple recycling service. We met for over two hours. The object of the meeting was to come to some sort of terms, some sort of agreement between the stakeholder and simple recycling to work together to support both the charities and continue simple recycling's curb side service. Some great ideas were presented at this meeting. Adam Wingfield, president of simple recycling, offered the suggestion of attaching a car to all of his green bags that would include the following information. Number 1, that he is a for profit company to everyone would be aware of that. Everyone should donate first to their favorite charity and then a website listing all of the charities in the Austin area. After more than two hours of really productive conversation and suggestions, at the very end goodwill, Salvation Army, the assistance league of Austin and Easter seals declared that simple recycling was taking business away from them and the only solution they would support was to cancel the simple recycling contract.

[2:45:06 PM]

I was very disappointed. I thought we had come a lot further at that meeting. As a recycling block leader and recycling educator, I am committed to helping the city achieve its goal of zero waste by 2040. I have learned that most people do what is the most convenient, and unfortunately that is throw everything away. Simple recycling is a small business with the mission to reduce the amount of textiles and goods that go into our landfill. They provide a very important service to the city by picking up unwanted goods curb side and keeping them out of the landfill. I think we should be applauding them rather than kicking them out of town. I personally donate goods and money to all of the charities represented here today and I donate to simple recycling. I want a choice. I would love a choice. Canceling the contract will work against the city's zero waste goal and will cost the city a lot of money. It's not fair to simply recycling or the citizens of Austin to do so. Please do not take a recycling choice away from us. I ask that the city council not cancel the city's contract with simple recycling. Please allow them to continue this wonderful service to help Austin achieve its goal of zero waste. Thank you so much.

>> Tovo: I have a quick question for you, if you don't mind.

>> Yes.

>> Tovo: Thank you very much for being a block leader for the recycling.

>> You're welcome.

>> Tovo: So we've gotten certainly some feedback over the last couple of weeks from block leaders such as yourself and I wondered how you found out about the issue, how you were moneyed with? If you could give us a little bit of context about how the block leaders were motivated and informed about this issue?

>> I would be happy to. First of all, about a year ago I met someone from sugarland. We were talking about recycling and she told me oh my gosh, that's a service that comes by on recycling.

[2:47:09 PM]

She told me about simple recycling. So I had heard about it. So when they came here I came a point of learning more about it and I went to the block leaders meeting that they had at Austin rereads, where simple recycling presented its program and how we as block leaders can help share the information, what they won't take, what they will take, to encourage people to still donate to their favorite charities. And that was encouraged from the very beginning. So I started trying to get data in simple recycling on how much are you really collecting? How many people are involved? They have to keep that data for the city for their records. And so I was in touch with some of the people at simply recycling. Adam winnfield particularly, to say so, how much have you gathered now and how many people are participating? And that's when he told me that this issue was in front of us. So I started contacting other recycling block leaders and saying how do you feel? And it went from there.

>> Tovo: Thank you. Thank you for explaining that.

>> Thank you. Any other questions? Thank you.

>> Mayor Adler: Thank you. Next speaker is Laurie shrinebloom. On deck is Jan gunter.

>> Thank you, Mr. Mayor and councilmembers. I appreciate the opportunity to address you. My name is Laurie shineblum and I'm here as a member of the Salvation Army adult rehabilitative center advisory council. For those of you who aren't familiar with that, that's the facility out on south congress that is operated by the Salvation Army that is a rehabilitation program that serves 133 men at a time. And provides them with substance abuse, counseling and intervention services, as well as other life skills, job training and azests these individuals in getting back on their feet and to work.

[2:49:13 PM]

We are also working on a project that is already off the drawing board and in progress that would provide a 48 bed shelter exclusively for women to address the needs of that at risk population that is not being served at a level that's viable here in the city of Austin. I've been on the council at the adult rehab center for over 20 years and I also teach classes out there and have direct contact with the men who are the beneficiaries and our clientele. My position, and it may or may not be consistent with some of the other non-profits or even the Salvation Army as a whole, but my position is that the contract clearly should be canceled and I have several reasons why I would like to address that with you. The first reason is because the problem that you have created is bigger than the problem you set out to solve. The zero waste initiative is a commendable, laud aable initiative, but my position is that we the army as well as goodwill and the other stakeholders involved in this process can help you reach that goal by 2040 without crippling our revenue stream that is so absolutely essential, not only from an altruistic level, but in hard dollars that the city would otherwise be spending on social services -- expending on social services, legal services and other services to the clients that we serve. And my position is further that those costs would not be optional for the city to make up and would far exceed whatever the real cost of canceling this contract might be for the city. And the reason is that the costs that we generate in serving our clients would ultimately have to be picked up by the city even if they didn't elect to replace the social services that we provide. Because our clients would end up in jails, they would end up in mental health facilities, they would end up a burden to law enforcement.

[2:51:19 PM]

They would end up in hospitals where the city has no recourse but to pick up the tab for them. I would question the inherent viability of the contract because there is a stipulation that I would quote in the scope of work, and I'll read it to you. The scope of work, by the way, has been --  
[buzzer sounds] I don't know what that is. Excuse me.

>> Mayor Adler: That means your time is up so you have to finish your thoughts.

>> The scope of work has been incorporated into the contract and it reads that the collection services program will not complete with the charitable clothing donation centers. That is stated two times in the scope of work. And it's also further stated that it is to be an alternative of the last resort. Thank you.

>> Mayor Adler: Thank you. Jan gunter is up next and David Sames is on deck.

>> Mayor, city council. The Salvation Army applauds the city of Austin's zero waste goal and in fact already plays a large role in local recycling efforts. Last year alone we diverted 983 tons of textiles, only textiles, 983 tons, out of our community's landfills. If you add in the furniture and the strong and all of the -- electronics and all of the larger items, that number goes up to 3400 tons. The Salvation Army wishes to come alongside the city of Austin and increase our efforts toward this zero waste initiative. If given the opportunity, and we did spin out some good ideas in that meeting earlier this week, to implement some of those ideas. The Salvation Army could further enhance its environmental impact. The Salvation Army adult rehabilitation center is 100% operated through funding that comes in from our four local family stores.

[2:53:33 PM]

All of those-- so it's funded by the items that are donated. The majority of which are textiles like we put in those green bags. The Salvation Army adult rehabilitation center is only one of many programs of the Salvation Army here in our community and receives no government funding. We are taking textiles, the very things that go in those green bags, and turning them into changed lives. And we have a number of those folks here with us today. Would you all stand for a moment? These are all men that are currently in our adult rehabilitation program. Thank you. You can stay standing or sit. 1427 men in our community served this last year, 40,000 nights of lodging and 135,000 meals. These services come at a cost of \$7 million. In one year funded entirely by donations. Laurie mentioned our plans to expand. We have raised the money to build the new women's facility desperately needed for this underserved population. But you have to know that you can imagine as we've been planning for this facility that we have known that we will have to up our game in terms of operating costs. We've got to bring in more donations, not less. Over the last several weeks we have tried to come to grips with this and make a response that we now find ourselves making. We believe, and in fact know that we cannot, we cannot do more with less. In fact, we know that we can't do the same amount of service as we struggle through to even make today's --

[buzzer sounds]

-- Operational budget with less and not more. So I want to ask you this, as you count the costs -- I know you're counting the costs.

[2:55:33 PM]

As you count the costs, count the cost to lost services. And the burden that would fall to the city. And I want to say that unfortunately if we delay in canceling the contract, what we risk is bankrupting our community. Thank you, councilmember troxclair, for -- we will accept the six-month delay reluctantly today, and I will leave that with you. Thank you.

>> Mayor Adler: Thank you.

>> Afternoon, council, thank you for your service. I'm major David Sames, the administrator for the adult rehabilitation center here in Austin. The adult rehabilitation center model saved my life. I checked into the adult rehabilitation center in Charlotte, North Carolina in 1994 as a beneficiary needing my life transformed. The Salvation Army helped me do that through this model, through this program. I am very rare in the Salvation Army as a whole in the country that I have risen from being a beneficiary or a client to being the administrator. I understand the part about addiction that is so ruinous to lives of the citizens of Austin. I have brought some of our men who are by the way wearing donated clothes today that they would not have had to look so nice if it wasn't for the generosity of the citizens of this community. We ask today that you do consider the human cost of the contract with simple recycling and give us a chance to reclaim that tonnage. We agree wholeheartedly with sustainability and that is our goal also as members of this community. And I thank you and we would accept six months if we could to provide more data to this council so that you might be informed. Thank you for your service.

[2:57:43 PM]

>> Mayor Adler: Thank you. The next speaker is Brian doneman and Kathie hourwits is on deck.  
>> Good afternoon. My name is Brian doneman. Within the past year I became homeless from the use of drugs and alcohol. I lost all hope. Even to the point that committing suicide was my only option. And I found myself homeless on the streets of Austin. I heard about the salvation Army adult rehabilitation through the arc. I made my way to the Salvation Army adult rehabilitation center where I was taken in with open arms. At that time when my family and friends wanted nothing to do with me. This is where the healing started. Not only did I -- not only did my health begin to change for better, my mind and spirit began to heal. The Salvation Army clothed me and fed me. They provided me with hope and gave me a purpose in life through counseling -- counseling, classes and spiritual regeneration. The adult rehabilitation program has been provided to me and so many other men free of charge. This can only be done through donations to the public. If we lose the donations it would have a dramatic negative effect on the Salvation Army's ability to save lives as they have done mine and so many others. The Salvation Army rehabilitation center provides an invaluable service to the Austin community, accepting men off the streets of Austin and ultimately transforming us into respectable, productive part of society with a new life gained as none we've known before. I am one of these men. I have gained my family back. Without the Salvation Army adult rehabilitation center, I would not be standing before you today. I am no longer homeless.

[2:59:45 PM]

I now have respect for myself and others. I know I'm worthy of this new life I've been given. I express my gratitude to the people of Austin for their donations and thank you to the city of Austin for listening.

>> Mayor Adler: Thank you.

[Applause] On deck is Jamie garanflo.

>> Good afternoon, mayor, councilmembers. This being groundhog day, I'm taking the liberty of repeating some of what I said here last week. I think it's so important to make the point of who the assistance league is and what we give back to this community. Assistance league of Austin has been part of the Austin community for nearly 45 years. We are a 400 member all-volunteer organization. Every year our members give more than 60,000 hours to our community. At the current value identified by the department of labor, those hours are worth \$1.3 million of service. All of our nine programs address local needs. They are funded by our thrift house which was established in 1987. Assistance league has been recycling and repurposing in Austin for 30 years. Many people know of us because of our flagship program operation school bell. In the 35 years that school bell has been serving the greater Austin area,

we have provided a school wardrobe to more than 85,000 at-risk children. This year we will dress at least 6,000 kids. As just a few examples, we established a uniform closet at martin middle school and this year alone served 250 children from there. We took 130 teenagers from east side memorial high school to target to dress them so they would feel comfortable going to school. And we provided clothing to 68 children from safe place.

[3:01:49 PM]

Those who have children and grandchildren may know assistance league because of our toy cart at the hospital. We're the nice ladies who treat the sick children to a toy for as long as they are at the hospital. Last year we gave 22,000 patients and their visitors gifts from assistance league. Besides those two programs we have seven additional ways in which we serve the community. We take 1,000 low-income seniors on outings every year, we give scholarships and assign mentors to 50acc students. Fresh start prepares life kits for 40 to 50 kids aging out of foster care to help them prepare for their next stage of life. Operation wish list adopts a school and provides items requested by the faculty that will enhance the educational experience of the students. This year we will purchase \$30,000 worth of items for Norman elementary school. Last year in addition to fulfilling the wish list from Allison elementary, our program performed \$40,000 of books for libraries throughout the city. None of these programs happen without the revenue from our thrift house. Thrift house provides 75% of the funds to operate our programs and our thrift house does not operate unless we have donations. A very large portion of the material sold in our store would be classified as house wears, clothing and accessories, the very items residents are encouraged to put in the simple recycling bag.

[Buzzer sounding]

>> Mayor Adler: Hold on just one moment. Is Marsha Adams here? You have another three minutes.

>> I do. Thank you very much. Let me find my place again. While large charitable organizations may be able to survive for several years while the city experiments with this program and studies its effect, assistance league of Austin's thrift store may not. We live or die based on our donations. If our thrift house closes, our programs close with it.

[3:03:52 PM]

We do not know what this initiative will do to us, but we know it will not strengthen us. We ask you to cancel the contract with simple recycling and to work with local organizations that recycle, resell and repurpose to find a better way to solve the problem of goods going into our landfills. Our program that may be relevant to this discussion as well is waste not. Those items that we are not able to sell in our store are shared with other 5013cs. Very little of what is given to assistance league ever goes to a landfill. And having said that I would like to see the contract canceled, I would like to say that we will support councilmember troxclair's amendment to postpone for six months. So we thank you all for hearing us.

>> Mayor Adler: To be clear, what I understand councilmember troxclair said was look back in six months.

>> We would gather data as I would assume you would gather data from simple recycling to see if they are meeting the terms of the contract, if they are picking up the items as required this the contract. I would assume that would be part of it. Okay. Thank you.

>> Mayor Adler: Mike nessie is on deck.

>> I'm sorry. I thought you called --

>> Mayor Adler: You are on.

>> I'm a member of assistance league of Austin. And our president Kathy has really gone over why I believe that long-term the simple recycling project will be harmful to the local nonprofits of Austin. I have a concern and it does go to what you were speaking about in terms of gathering data, councilmember troxclair. My concern is what are the project's measures of success and who is monitoring it, how frequently is that done, is the monitoring done just by simple recycling or are we measuring what goes into landfills and how is that being done?

[3:06:04 PM]

Also the consequences of not complying with the terms of the contract. And I bring this up because in my area in district 10 I started seeing a couple people put out green bags shortly after I think it was December 4th they began. I myself never received a green bag. Neither did about half of the members that I have talked to in my neighborhood never received a green bag. The few green bags that I did see out on the neighborhood curb languished for days beyond the recycling pick up day. It's my understanding that this contract with Austin is large for the company. They previously -- I had heard Pearland, maybe it was sugarland but on a scale that does not compare with Austin and I wonder whether they are prepared for the scale we have here in the city. I would really like to see some type of audit of the customers using simple recycling and ask them did you ever get a green bag. How long did it take to pick it up. I don't want to just measure what goes in the landfill but what are they actually doing. In closing, I would just like to say that it might cost a million dollars to cancel this contract, but in terms of the value that is provided by the local nonprofits back to our central Texas community, we give you back many times over a million dollars a year and I would hate to see that lost. Thank you.

>> Mayor Adler: Thank you.

[Applause] The next speaker -- next speaker, sir, and then Todd Marvin is next.

>> Thank you, mayor and council. First of all for your service. I echo what Fred said. It's a great service to our community. I serve as the salvation Army's chairman of the advisory board in Austin.

[3:08:07 PM]

I'm honored to serve in that role and I've honored to be involved with the salvation Army for about 13 years on its advisory board. I won't repeat the great value that these great organizations bring to the community, you have heard and will continue to hear that. I'm going to narrow in on two themes very specifically. One, you've heard a little about this, were your partner in the zero waste goal. It is not just laudible, it's an essential goal. We are a part of that solution and I hope that's become clear and will continue to become clear. The second is we can do better than this contract. In my day job, I'm an environmental lawyer, and for about 23 years I've been involved in recycling efforts in our community that have been awesome, in our state that have been effective and across the country. And community engagement and partnership is always the central ingredient of success. I respect councilmember troxclair's motion and certainly we would like the contract canceled, but we understand the value of a six-month look, a look back to evaluate really a much more meaningful total cost benefit analysis on this contract. The costs to social services. The benefits of this contract versus a more cooperative community engaged solution that involves these great partners. We look forward to that process. We respect the desire to resolve this and allow for time to evaluate. I will point out that during that process we would ask for the contract to be carefully scrubbed. The advertisement for this program, the collection bags, the lists of things that they are advertising to collect are indirect competition with these entities. The clauses of the contract prohibit competition.

[3:10:08 PM]

There are serious questions here legally. We are certainly going to do our job to bring data to the council to unfortunately have to document the damage that will be done in that six months. We would simply ask for a continued careful evaluation because I do not believe based on these materials and what's going on that we have compliance with the contract. Turning to the positive, if we can come up with ideas to in fact talk about these nonprofits and materials, which they are not referenced, that -- the idea of not having competition and having this be an outlet of last resort is to remind folks of these great nonprofits and their opportunity to collect. That's not in the advertisements. That's not in the collection bags. So at minimum let's do some mitigation during this six months to fix that problem --

[buzzer sounding]

-- And I appreciate your time and willingness to hear us today.

>> Mayor Adler: Thank you. Mayor pro tem. Excuse me, sir.

>> Tovo: I just handed out on the dais and councilmember troxclair this may have been the direction you were going with the amendments. But I did just hand out some amendments asking our city manager to develop and implement specific plans for increasing the reuse and resale of household items and textiles within the Austin economy and it picks up on some of the ideas so I of -- some of you have circulated, we could make that part of the amendments. The first was notifying Austin resource recovery customers that simple recycling is a for-profit company that sells goods or items in markets other than Austin and encouraging customers to donate first to one of the many nonprofit organizations in the city and as appropriate facilitating such donations. Then it concludes by asking the city manager to work with city recycling to communicate these messages maybe in the ways you've suggested through their literature or by an addition to the bag, as well as deploying city resources such as our atxn network and other methods.

[3:12:15 PM]

As we have additional speakers, if you have other ideas you think we should forward to our city manager this would be a great time to let us know about them. Thank you. I think that picks up on at least one of the ideas you mentioned.

>> Great. Thank you for your time.

>> Mayor Adler: Thank you. Andrew Dobbs will be the next speaker up. I'm sorry, hold on one second. Ms. Alter.

>> Alter: I have a question for councilmember troxclair. I just want to make sure I'm understanding the amendment. So it's saying that the city manager is directed to return to council within 180 days, so the city manager could come back before 180 days if the data suggested that we needed to act more quickly?

>> Troxclair: Yeah, thanks for that clarification. The amendment is actually councilmember Renteria's amendment so I think maybe he was thinking the same thing, but I think his amendment more or less summarizes the direction I was heading. And I would want to make sure in whatever we passed that, you know, six months is a -- is a good amount of time to collect data, but if there's -- I don't want us to get six months and the assistance league isn't around anymore because the impacts have been so drastic that they couldn't make it six months. So if in two months or three months or four months or whatever that time is, if the council feels like there's an action that needs to be taken, I don't think there is anything stopping us from bringing this issue back up before the six-month time period.

>> Alter: Do we need to clarify that in this language or does this type of language address that? The other thing was there a magic reason for six months in the first place that there was some reason to think six months was a particularly useful time period?



>> Troxclair: I think that six months is long enough that we will have the ability to% collect meaningful data, but not so long that if there are impacts that we want to mitigate that it doesn't go beyond six months without us reevaluating.

[3:14:22 PM]

Councilmember Renteria might also want to speak to his amendment.

>> Renteria: I just feel like that, you know, this would give us more data. We did go for six months, but if there is -- you know, if we can -- we get information up front that's saying, hey, something is going on and it's going to hurt us extreme. There's a lot of other nonprofit groups. I give to good will. I have another [inaudible] On 7th street that I donate to. But I do recycle my socks and torn-up clothes, I put them -- unfortunately there's not a place there to recycle like my neighbors, they will just go ahead and throw it in the trash and it will end up in a landfill. So I think that 180 days will give us enough time to evaluate all that information and we can make a decision that's -- so that's the reason why. Now, if you feel like there should be a shorter date and you can tell me that what you recommend, I would love to hear that.

>> Mayor Adler: We still have some other speakers to speak. Ms. Kitchen.

>> Kitchen: Well, we can talk more about this later. I might be suggesting, you know, some language as you mentioned and as others have talked about to clarify that we definitely want to be reported back sooner than six months if we're seeing losses to the nonprofits. So --

>> Mayor Adler: Mayor pro tem.

>> Tovo: I appreciate this exchange and I guess I would ask both the nonprofits and simple recycling if they are collecting this data on an ongoing basis it would be really useful to get it even if just in a memo form once a month so we can monitor in realtime.

[3:16:26 PM]

>> Mayor Adler: Okay.

>> Tovo: Can I just be also clarified. This is from councilmember Renteria; is that right?

>> Mayor Adler: Yes.

>> Tovo: Councilmember troxclair, do you think this captures what you have in mind?

>> Troxclair: I have one I could distribute but I think councilmember Renteria's amendment gets to the same point of issue.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Sir.

>> My name is Todd Marvin, president and CEO of Easter seals central Texas. And I am here today to express support for cancel ING is contract contract on behalf of the 15,701 people with disabilities and their family members that we serve in this community. We cannot support accomplishment of a zero waste goal if it's at the expense of Austin's homelessness and the affordability goals. We shouldn't advance progress to one goal to the detriment of others. The city of Austin today invests an impressive amount of money to provide basic safety net services to thousands of people in need of this community. The simple recycling contract weakens the return on investments you are making in safety net services by undermining the financial stability of your nonprofit partners that provide those safety net services. At the end of the day, there really isn't anything magical about -- or unique about simple recycling's business. That any local nonprofits could not accomplish. By canceling this contract, we can still make progress, and I would suggest based on the more than 100,000 tons that your local nonprofit providers are diverting away from local landfills today, we could make progress much more quickly by partnering

with local nonprofits and canceling this contract. We can make progress. We can accelerate progress to Austin's zero waste goal.

[3:18:31 PM]

Towards accomplishing the city's goals to end homelessness and increase affordability. And you will leverage current investments the to the is already making on safety net services in that community. Thank you.

>> Mayor Adler: Thank you. After Mr. Dobbs, Vicky printen will go next. Mr. Dobbs.

>> Thank you, mayor, council. I'm Andrew Dobbs with Texas campaign for the environment. I want to thank everybody for coming out today. Sorry it has to be like this. I do want to clarify something as I start my comments because we do oppose canceling the contract. We do support the compromises on the table right now. What I want to clarify is that if it does end up being the case that we determine that simple recycling's collections are coming from the nonprofits or substantially coming from the nonprofits, we would absolutely support canceling this contract because these nonprofits are a higher and better use than simple recycling and zero waste is all about driving materials to the higher and better use. The issue for us is that has not been established at all. And the fact that we do know is tomorrow the city of Austin will be collecting textiles at the curb at 191,000 homes one way or the other. We're either going be to collecting them in the garbage can or have an alternative available, right? It is our hope and it is the belief of simple recycling that the predominant number of these collections are coming from what would have gone into the landfill otherwise. We don't know that either. That is what has to be clarified. So that's why we're very excited to see there has been a compromised placed on the table to collect that data so that we can determine. What we do know is that simple recycling is operating in other communities and they've operated for a long time and the nonprofits in those communities have influence and organization there like they do here and they haven't been run out of those towns.

[3:20:31 PM]

I think it would be very premature for us to run them out of here. I want to clarify the one point there seemed to be a great deal of consensus on Tuesday was about placing some sort of literature with the bags as your amendment said to clarify to people because there is a universe of people right now that believe that they are giving to charities when they put it in the simple recycling bags and they need to know that they aren't. I think that is going to do a lot to prevent this. The other thing I think is important to note is we believe the city should be doing -- to prevent, to get ahead of this, doing some positive things to drive donations to these nonprofits. To make that work successfully, there will need to be a specific goal set. If you just say we want to do this in the abstract, we all know you are all successful, we wouldn't be up here. You have to have a specific goal and we have to talk about what sort of resources does the city have available, material resources, human resources to make that happen. If we can do that, we can have a win-win. That's the best chance of having a win-win is the city putting their shoulder into collecting nonprofits. One, I do want us to stay away from any Carolina of talk of, you know, this stuff is going to Ohio or Houston so it doesn't count because I think --

[buzzer sounding]

-- One of poisonous ideas if you are not where I live it doesn't count and people elsewhere can get bent. We need to respect the humanity of everybody. We need to respect the needs of those communities too. We need to prioritize this and stay away from that. I can wrap up with that. Happy to answer any questions.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I just wanted to say thank you for your message you sent along last evening with those ideas that have been discussed in the stakeholder comment, I think they are very good ideas and hope we can move those forward.

>> Thank you.

>> Mayor Adler: The balance of the email that you sent out yesterday is not always seen in the communications that come to those of us on the dais and that was appreciated as well.

[3:22:39 PM]

>> Thank you very much.

>> Kitchen: Yes, I wanted to say I appreciate that also. I think I'll have some more comments. I think we're close. I think -- I'm not quite comfortable with just postponing for six months and collecting data in the meantime. So but I think we've already started talking about some things we could perhaps do to make sure that during that six-months period we don't have an inadvertent impact on our nonprofits.

>> Yes, absolutely. I was not suggesting we wait six months to start those things. They should start immediately. We should be doing everything now.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Okay.

>> Thank you very much.

>> Mayor Adler: Thank you. Next speaker identified is Vicky printen and on deck is Tracy Barry.

>> That's a hard act to follow. I serve both as a zero waste block leader for the city of Austin and also as a real good will ambassador with good will of central Texas. I've organized real good will tours with a number of organizations, namely the Austin chamber and the young professionals of Austin. We had 105 professionals attend real good will tours last year to learn more about good will's mission and the services it provides here in central Texas. I know because of my involvement with real good will that good will central Texas can recycle that single shoe, that broken blender, those torn-up clothes that councilman Renteria mentioned, the good will of central Texas has the band width to maximize the value of each item donated to you. Even when the goods aren't in good enough shape to put on the shelves and sell back to the community. But most people don't know that. Most people don't know the extent of good will's recycling capabilities and they are still choosing to throw that single shoe away instead of donating it to good will or another reuse nonprofit.

[3:24:45 PM]

We need more education and community outreach around the reuse and recycling options here in Austin. We don't need fewer options so thank you for postponing your decision until you feel you are able to make one. I was also at Tuesday's stakeholder meeting and I was impressed by Adam Winfield, founder of simple recycling generosity and willingness to partner with the local nonprofits, provide them free marketing to educate them about their local reuse options and nonprofits that exist here, free to the nonprofits, not free to Adam. He seems to really want to work with our community. I'll skip a lot of this because I've already emailed you guys. But in a city of innovation, let's work together to bring storm waste recycle more and together improve citizens awareness about all of our recycling and reuse options here in Austin. Thanks.

>> Mayor Adler: Is Roberta short here? Is Amy wood here? Is Marilyn Wilson here?

>> Here.

>> Mayor Adler: You have 12 minutes if you want to take it.

>> Thank you very much, Mr. Mayor and council. My name is Tracy Barry and I'm the senior vice president for community engagement education with good will central Texas, and I first want to start

out by thanking councilmember troxclair for your unwavering support. We appreciate all you've been doing for the nonprofit community. This turned into far more of a debate I think any of us thought so I just want to express my appreciation. So we are here to respectfully request the cancellation of the contract. And I want to start with also saying that we are 100% committed to zero waste. And we understand that you are in conflict and want to propose that you don't have to choose, that you have demonstrated track record of success with the not for profit community, and that we can solve the problems for both the community.

[3:26:58 PM]

We don't have to choose between affordability and housing and social services and the environment. So I just want to take this opportunity to walk you through a few things because there is an education factor. We're a unique community and I think on the slides that I passed out the first thing is that on that textiles diverted in the city of Austin is simple recycling uses nationally EPA data to support their business case. And this data may be true in some communities, but as you can tell it's very much not true in our community. 85 -- they are saying 15% textiles are donated and 85% are in landfill and actually in Austin 81% of textiles are donated. 19% end up in landfills. And so what this tells us is that we have already achieved tremendous success. The reason our zero waste in textiles is only 3300 tons is because we all exist and are already taking it out of the landfill. And so because of that, because of nonprofits who have invested so much in our community and invested hundreds of millions of dollars, responded to evolving needs, we want to you bet on us to solve these problems. You know, we're successful because of the principles we use on business and we work to achieve a greater good, and one of the most critical investments is market research. Most businesses do it. We're no different. And so it's important to know that the market data shows that convenience is key. We have had -- there's four different studies that have been conducted over -- since 2003 across the nation and it talks about convenience being the primary indicator of why people give. And so what's important in that and that we have clearly bought into this because good will has built our strategy around this.

[3:28:59 PM]

Just since 2010 we have built 13 stores. We've moved three into bigger and better locations, remodeled two just to make it most convenient for people to give to us. We have increased donations by opening those stores. That has generated more than \$97 million to our community. If this data wasn't accurate or convenience wasn't king, that strategy would have failed. But with one fell swoop without decades of investment this contract with a out-of-state company is taking money out of our community and they have the competitive advantage because they are now the most convenient. And it specifically is counter to the rfp that says it will not compete with charitable donation centers. It clearly does. And I would suggest that it competes with one of Austin resource recovery's master plan initiatives where we talk about home grown prosperity. If you read that side of -- this is directly lifted from Austin resource recovery's master plan, we are home grown prosperity. Not-for-profits, we exemplify this in every way, shape or form. Moreover, if you look at the next slide that demonstrates sustainability, the virtues Austin resource recovery talk about, people plan and prosperity, we have demonstrated track record here. We have over 60% of people with criminal backgrounds. A problem this community has addressed, we have a need for. We have opened the only adult high school for high school diploma for the entire state of Texas is here. People never would have graduated before and are now earning on average \$8,000 more a year having just graduated.

[3:31:10 PM]

That's an investment in our community. The planet, we alone have collected 50,000 tons of donated goods. If we didn't exist, where would they be? 19,000 tons of interiors recycle, we are a zero waste organization. We have devoted ourselves to that. And we're 83%. I would say that's tremendous success and we keep moving forward and moving forward. We are one of the only organizations in the entire city that accept almost everything. The only things we don't accept are mattresses and hazardous materials. We accept everything else. Like I said before at a cost to us. So we accept, the big TVs. We lost \$64,000 last year recycling those because we're that committed to zero waste. Then, of course, there's prosperity. Those stores that we have, keeping the money in our community has generated over 2.5 million in sales tax. We have generated over '4,000 jobs -- 74,000 jobs and the wages are 94 million, again, that's all in our community. I think that's a really important concept of this home grown prosperity is we are doing all the things that you want done. Social services, zero waste, people. And I challenge you to think not of how these are all add on the with each other, but we can actually solve the problem here. We have the brain trust. Unfortunately, we're focused on now a threat of our donations from simple recycling and that's not an empty threat. We increased donations by 18% more in the same seven weeks of December and January last year versus this year while only opening one store. This last November and December we invested in opening four new stores and spent an additional \$16,000 in advertising to mitigate simple recycling, when we found out they were coming, we sent out mail, we did more advertising.

[3:33:19 PM]

Yet we have 13,000 fewer donations. With all of that investment, 13,000 fewer donations. That's a value of over half a million dollars. The data is already there. We are seeing the effects. We don't need a six or nine-month study to echo what we need to be true today. This is just the beginning. We've been talking about what is true today, but what we haven't talked about is that long-term impact. What happens when there are institutionalized competitor. They've built their business and their footprint and we just as a community can't afford for that to happen when we have all these things that we want to do to make this community great and to thrive and be the place that we're all proud of. With those fewer donations, already less money for job training, education, child care, basic needs for people with disabilities, people with criminal backgrounds, people who are homeless and people who are lacking education. And we are fully committed to serving people who are economically disadvantaged. People who we know can add vibrancy to this community. We are investing in the mayor's regional workforce development plan by building our current technical education program. We have been developing an innovative work entry program so people who are being released, actually released early into a solid work program and we can get them set in a job training, case management so they can be successful. And we've also looked at creating ideas for our stores to be used in mixed use developments that support the city's affordability issues. But with a decrease of resources, all these things are in jeopardy. We're going to have to make really tough business decisions. These are the unintended consequences. I know we didn't intend for any of this to happen. What I'm offering is a solution that we can fix this here. And on the last -- on these slides, commodities recycled, the last one, the life cycle of a donations is we do take almost everything.

[3:35:23 PM]

And it's important, we value and are so thankful for our donors when they give us no matter what it is that we believe that to this community we must do everything with that. So whether you give it, we try to sell it in the store. If it doesn't sell in the store, it goes to our outlets. We have two outlets, one down

south, job health center and recycling center. It's tremendous. We're doing all the work of simple recycling here in our own backyard. We just opened in December a 90,000 square foot facility in north Austin to do the same thing because the demand is too high and we are so committed to this. In both of those places the people we employ there, almost 300, 80% of those individuals have a criminal background. We are giving them an opportunity. But if it doesn't sell in the outlet, it goes to the recycling center. At every point in the life of a donation we are extracting revenue and putting it into those job training programs here in our own city. And like I said, I just keep coming back, I understand we're looking at different options here, but I just want you to think about how we can do both. You have this brain trust of home grown prosperity. All of these not-for-profits who have a demonstrated track record. We have been doing what simple recycling is doing for a really long time. You are going to hear more about the business model from one of my colleagues, but I do want to say that simple recycling had 18 months of planning and conversation with arr prior to the rfp being released. And in just a short time the not for profit has collaborated, which has been an awesome experience and we've all come together on this issue. While we don't have a master plan yet, we're willing to immediately support the city and mitigate simple recycling obligations in three different actions. Hire all simple recycling staff, equaling no job loss, acquire all their leased vehicles, and taking responsibility for the grand avenue property lease.

[3:37:29 PM]

That is taking all obligation off the city so there should be no cost to the city if they were to cancel this contract. We're putting skin in the game and investing in our community. We also believe in partnership not to really just do that, but we're willing to increase house calls. Work together to host citywide donation and recycling drives, work closely with schools, continue to launch a donation valet service in multi-family opportunities, increase advertising for more donations and develop a public education campaign. All of those are things that if we're going to add some amendments are things I would urge the city to look at doing if they are going to be doing marketing campaigns to make sure it's smart goals -

[buzzer sounding]

-- To ensure that they are specific and that -- that whatever we do versus the least impact to overall not for profit unit which. So we'll accept the amendments, but I do want you to really consider about the whole idea of letting us solve this problem and you don't have to choose. Thank you.

>> Houston: Thank you. And thank you so much for coming back again today. I've got some questions.

>> Yes, ma'am.

>> Houston: Regarding the amount of diversion that's happened in a month, because half of the city hasn't even gotten their green bags yet. It took from simple recycling. And so I'm not sure they are not up to speed. It took them three weeks to come pick up my bag that I put out on the sidewalk so I'm not sure how you said they've already impacted the business. How do you know that?

>> I know nothing else has changed and I know that in the stores that we have outside of Austin have actually seen a growth in donations and only Austin stores have not.

>> Houston: Well, you can see where there's a confusion there. I mean that's why I'm going to support the -- that's why I'm supporting the time to take a look at it over long term because if some parts of the city haven't received the bags and it's taken them a long time to pick them up and that's between December 4 when I think I got my first bag and today.

[3:39:44 PM]

I'm not sure how you say it could be something else, but I metrics are over a little longer term than a month. The other thing I wanted to ask is did -- why didn't good will bid on this contract?

>> Well, we couldn't have bid on it because we would have been competing with all of our fellow -- it said not to compete. There's that aspect. I think that we -- to be fair, the rfp is only available, it was not a public rfp, it was only available to those it was sent to and you had to be registered in the vendor system under specific commodity codes so a lot of nonprofits didn't get it. It went to the wrong people in our organization, but we would have struggled to have that conversation whether we would do it or not again because we believe in that -- a lot of people think we compete against each other but we don't so I think we would have had to look long and hard if we were willing to take something on like that.

>> Houston: Thank you. Mayor, when we get to our staff, I would like to ask them because I saw a submittal and most of the nonprofits were on that one but I need to clarify that with staff after this is over.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I just wanted to ask, you put forth some pretty specific ideas.

>> Yes, ma'am.

>> Kitchen: About how the city could perhaps partner with you and so my question was that with good will or was that an idea for partnership with the -- a group of nonprofits?

>> All the things that I specifically talked about, marketing, that was for the entire not for profit community.

>> Kitchen: Would you read those to me again?

>> Yes, ma'am. So one of them was a specific --

>> Kitchen: You went through five or six things.

[3:41:46 PM]

>> About increasing house calls. Not every --

>> Kitchen: The things that you talked about absorbing the --

>> We said we would hire all simple recycling staff, that we would acquire all their leased vehicles and take responsibility for their current lease, it's a year lease that they have right now and it's actually not far from our good will facility that we just opened.

>> Kitchen: And I think I heard you say you would increase house calls and that you would work on valet and multi-family; is that right?

>> Right. So we have been highlighting we're in eight different buildings including like the W and Brazos street, the idea of door step donations and easy and convenient so looking at expanding that program. That is a good will program. We would love to see how we could leverage other not-for-profits. I talked about citywide sponsored and recycling donation drives. Same thing with schools. And developing one of the biggest things I think developing a public education program. And then also the advertising. And I think that's the thing, you know, when I say smart goals is very specific about the city devoting resources because what the other problem is in six months we can't afford to do nothing. And so otherwise we're going to have to increase our advertising dollars significantly and that's money that would not go into services. So we would ask council to make a specific investment in marketing and public education campaign.

>> Kitchen: Well, the -- I have an amendment I'll pass out too when we get to amendments we can talk about it. I think I'm going to support, you know, the six months that we've been talking about, but I've got some ideas of some things that could be done in between. And I'm particularly interested in making sure that we discuss ways to partner with the nonprofits, and I think you just laid out four or five ways that are worth conversation. To me the question is not whether or not you are being harmed -- I mean that's important -- the question why aren't we partnering with you in the first place.

[3:43:49 PM]

That really is the concern for me.

[Applause]

>> Mayor Adler: Ms. Alter.

>> Alter: Thank you. Councilmember kitchen covered a lot of the ground I wanted to cover, but one thing I did want to clarify is I'm kind of confused. What is it that simple recycling can recycle that you are not recycling?

>> Nothing.

>> Alter: Nothing?

>> Nothing. They are not doing anything we can't do.

>> Alter: So it's really a matter of convenience for folks and whether that convenience is getting more things to the landfill.

>> That's exactly it. Thank you for understanding that point.

>> Alter: I'm sort of uncomfortable with the six-month time frame. I feel like that's too long. I also -- I don't have an amendment written, but we can try and draft it, but I'm wondering if there is a way to postpone extending this to other parts of the city where it hasn't already been extended to. If we're worried about the implications of people getting used to it and that hasn't been rolled out yet, I'm wondering what kind of -- this may be a question for staff rather than Ms. Barry, but I'm wondering what we could do to hold off on extending it further at this point. And I don't know if staff would answer that now or --

>> We would be very appreciative --

>> Mayor Adler: Let's hold that because we may want to break and meet in the back, but let's finish with the discussion of people. Anything else? Yes. Mayor pro tem.

>> Tovo: I think I would like to understand more about -- about the offer you talked about which was to, as I understand, to take over simple recycling's lease at their cost.

>> Correct.

>> Tovo: To bring on their employees, again at the level they are currently being paid?

>> Correct.

>> Tovo: And how about the trucks?

[3:45:50 PM]

>> Whatever their lease rates are, we would take them on. We don't want -- we understand trying to find ways to put skin in the game and not have it all be on the city and we felt like we wanted to solve this problem, but we needed a step in good faith and that was what we thought we could do. We won't want anybody to lose their job. We don't want to cause harm to people, but we are concerned about the people, we have to advocate for the people.

>> Tovo: I understand that and I think that's something I wanted to just understand a little more about maybe when we get to the point where the representative from simple recycling comes up. I know he's made a significant investment in the Austin contract and so absorbing his ongoing costs I think is certainly part of that equation. I guess we'll need to hear from him what costs or what of his investment would not be recouped under this plan.

>> And we looked specifically under the clauses of that, of obligation and had legal counsel look at it so any obligations as it's defined had the contract that we --

>> Tovo: I'm having trouble hearing you.



>> Any obligations for the contract that said about obligations, not necessarily expenses but hard obligations. And that would be what the city, our legal counsel said it would be liable for and we didn't want the city to have any potential -- we didn't want to open you guys up for anything to help solve this problem.

>> Tovo: Thank you. I appreciate your approach to responding to this issue.

>> Mayor Adler: Anything else before we go to the next speaker? Thank you very much.

>> Thank you.

>> Mayor Adler: Mark Hime himesteer.

>> Good afternoon. Mr. Mayor, councilmembers, appreciate the time to get to speak about the issue. I am mark heenstra, I serve the community as chief operating officer and live in district 10.

[3:47:53 PM]

I wanted to share our organization's concerns related to the agreement signed by simple recycling by the city's resource and recovery division. At the previous council meeting we were charged with making a genuine effort to find ways to resolve concerns and work with Adam Winfield of simple recycling. We gathered the not-for-profits and worked to identify each organization's models to understand capabilities, restrictions and financial positions. We also worked through the model for Adam Winfield based on available information. We did this to understand where there may be opportunities to overlap, in addition to setting realistic expectations for what Adam and simple recycling may be capable of doing. We quickly agreed as a group there was little margin in simple recycling's model that's been presented and the contract would not allow a mandate to simple recycling that would mitigate any loss for those nonprofits that were those that weren't represented in the meeting. I wanted to comment when Ms. Barry presented in the slide the planet people prosperity, that was just for 2016. That's not in the existence of the organization. So if you compare those numbers of what we've been able to divert as an organization, compared to what is actually hitting the landfill, those are even more impressive numbers than stated. In the group meeting when we identified an opportunity to purchase -- one of the opportunities that we identified if we were to work with simple recycling was the possibility of just purchasing the donations outright from simple recycling. We later were informed that the cost of these donations from simple recycling would be 56 cents per pound. So do the quick math here. In December simple recycling collected 60 tons, paid the city of Austin \$20 per ton, totaling a payment to the city of \$1,200. In the not-for-profits, if the not-for-profits were to purchase these donations, it would come at a cost to them of \$67,200.

[3:50:01 PM]

Good will central Texas has multiple sources where we're able to purchase similar product at 29 cents a pound so we didn't feel that was necessarily a viable business platform for us other the over not profits that don't currently pay for donations. Organizations like Austin sense league that spoke earlier, their charters restrict them from purchasing donations so they wouldn't be eligible to purchase the donations in the money was available. As we continue to understand the simple recycling models, we found the following. , And most of this near was available on the secretary of state website. We know that -- [buzzer sounding]

-- In fact I have --

>> Mayor Adler: Is Donnie brown here? You have six more minutes.

>> Thank you. We understand and it's fact Adam Winfield is the president of simple recycling. We also understand that Adam Winfield signed the lease for his facility in north Austin to process these goods as vice president of March -- of mercantile thrift stores. This would indicate simple recycling does not have

a legal presence in the city of Austin at this point in time. Simple recycling is a dba, doing business as, under the premise of -- or business titled great Lakes recycling, that's as indicated on the original contract with the city. Great Lakes recycling was registered for business in the state of Texas by a gentleman named Stewart sotulo. Stewart sotulo is also an officer of mercantile thrift stores, incorporated. Mercantile thrift stores operates the purple heart thrift stores as indicated in a 1978 filing with the state of Texas. Mercantile thrift stores have connections to donate stuff in value village thrift stores.

[3:52:03 PM]

We don't have those in Austin. All for profit entities outside the city. Purple heart charity is an F rated charity, this is part of their business model. Also we know mercantile thrift store, incorporated, purple heart and simple recycling and donating stuff all have connections to an address in Houston, 6116, millweed street, Houston. All operating out of the same address. Simple recycling maintains a similar relationship in sol on. N, Ohio and possibly other areas of the country. We were not able to identify that. Did he don't know exactly how the product flows through this complex system of for profit organizations, but the facts I shared don't appear to be consistent with the uncomplicated presentation provided at our last council meeting where we left with the impression simple recycling was just a recycling business. Instead it appears simple recycling may serve mercantile thrift, purple heart, value village as a material acquisition pipeline with the donations acquired at our door step in Austin. On the current collection trajectory, simple recycling is on, they will only reduce the stated total of 3,300 tons by 2017. There have been comments related to why the parties including did nonprofits have not addressed this sooner on behalf of the city's zero waste efforts. I would content we have been collectively as a nonprofit group laser focused on the social services this community requires. With this decision we have heard loudly and clearly we must pivot and balance this with the environmental responsibilities of this community. There have been reference points simple recycling has provided where the service does not impact other communities. I would contest that other communities do not depend upon not for profit services nor have the secondhand thrift presence of Austin. This is what makes Austin weird, supportive, different and helps drive the economic engine that continues to help continue be Austin.

[3:54:10 PM]

There is threat to our community's not for profit organizations and the benefit to this has been we've unified as a group. Our organization at good will has realized we will be stronger together than we currently are apart and competing against each other for those donations. We believe that as a collective unit we will outpace and outperform the previously stated trajectory simple recycling is on. We also know that with the council support we can maximize the value of these goods for the benefit of the community without additional costs and would not require any sort of legal document with the city to commit our services, though you would receive a plan. We understand the potential ramifications of exercising the clause in the current contract and it is part of the contract, there is a clause that allows the city to provide 45 days of notice to cancel and agree by removing one pointed of this product from the landfill. However, please understand that by reducing any one of these not-for-profits by one dollar you will alter our current efforts and negatively impact your social service agenda moving forward. Because of this agreement our not for profit organizations have been asked by the city of Austin to validate our concerns. In doing so we have shared information that potentially is detrimental to our models with relation to the for profit competitor that's been invited in. We've been exposed. We formally request at this time that the council consider canceling the agreement, but understand that we

would appreciate the opportunity to prove over the course of the next several months or what is decided by the council to provide more information if what was provided hasn't been compelling enough. We want to work with the city of Austin and Austin resource recovery to improve upon an already impressive zero waste goal. Does anyone have any questions or anything of interest?

>> Mayor Adler: Mayor pro tem.

>> Tovo: Would you mind telling us the name of those operations again?

[3:56:12 PM]

I didn't quite capture all of them.

>> Sure.

>> Tovo: It was mercantile -- and if you've got this in a form you can send it to us. Email it to us quickly, but I was interested in doing a little research.

>> We're looking at great Lakes recycling is the company in which simple recycling is doing business as under. We look at mercantile thrift stores, incorporated. Purple heart thrift shop, I believe is the name. And then when we did an aerial view of the site at millionweed, they had donate stuff, trucks in their yard and there's also if you do some searching you can see where there's connections to value village.

>> Tovo: Value village?

>> Value village. It's a for forecast thrift store.

>> Tovo: Donate stuff?

>> That's how you get on. You'll click on, make scheduled house call and see in the top right-hand corner where the service that's provided in Houston is through purple heart charities.

>> Tovo: Thank you very much.

>> Thank you.

>> Mayor Adler: Thank you. Adam Winfield is on deck.

>> Good afternoon, mayor and councilmembers, Gus Peña, 2327 east fifth street was where I grew up. Do you all know that there was a landfill at zilker park on the north side of it? Do you all -- any of you all? Any of you all? Natives?

>> [Inaudible].

>> I didn't ask you if you knew not a the look of landfills but there was one. When dad had a good job with Heintz company working in the cannerys.

[3:58:22 PM]

His first heart attack, diabetes and other ailments, from providing for us -- well, anyway, he was a good provider, but he was disabled. We had to go -- we went to the landfills to get clothes and bottles to sell and that was part of our income. Okay? But I support Salvation Army because I remember as a kid we received assistance from Salvation Army not only at Christmas time, toys, food, whatever, but if we needed help, they were there for us. And having said that, I know about being very poor. I know about being very poor and serving in the military and the military sometimes doesn't help us, so I'm supportive of not only Salvation Army but the assistance league has helped many, many people and children. With new clothes assistance, whatever. I don't know the parameters of a six-month time frame, but I'll leave it up to the experts. But I want to support and really again recognize the young men and women that were homeless and really got transitioned out of homelessness. That is exactly what we're talking about, single women and children with their kids, with kids that are homeless and they're building a new housing for them. And I applaud whoever started that also. But there's a lot to do in the community. You hear hurt, you hear poverty, you hear people making fun of you because you used to pick up bottles and used clothing, but that's how we survived. So what I'm saying is to support the non-profits. Kathie

ridings from Salvation Army, good friend of mine, she's helped a whole lot. She need our help and assistance as much as we can do it. I'm going to leave the six-month deal up to y'all, but I want to you know even our veterans and homeless receive help from salvation Army and other non-profits that deserve. So then I heard a horror story from Round Rock that Austin residents throw away.

[4:00:30 PM]

On let's go ahead and make a more concerted effort to support the organizations and again I'll leave the decisions to the non-profits, but I support them and I love my single women with children, help them.

Anyway, thank you.

>> Mayor Adler: Thank you. Adam Winfield. Sam presser? You have six minutes, Mr. Winfield. So while we bring up the presentation I'd just like to address the question and that sort of convoluted cloak and dagger sort of scenario that was brought up in all these multiple companies. I'm a small businessman. The city of Austin is the biggest contract that we have. I put everything on the line for this opportunity. I took a mortgage out on my house to pay for the bags and mailers to go out. Small businesses built on partnerships. There's been no question about our process and what we do with the material we collect. We seek highest and best uses with partnerships, international retail, retail shops and traditional recycling. Mar can tile thrift is a partner. They've been a long time partner. I couldn't get the credit to rent a warehouse without them backing us. So there's not this convoluted profiteering masking of things. It's simply a small business that's doing whatever it can to create the partnerships that it can, to execute a business model that's going to benefit the residents of Austin and benefit the environment. So I'm happy to answer any more questions, but I'd like to continue with my six minutes.

[4:02:30 PM]

So I started this program as an environmental entrepreneur. There's a noted problem with the amount of material going in the residential trash cans cross America and in Austin. I developed a solution and a model that captures that material. The intention and the result that we found in our experience is that this material that we're collecting is coming out of the waste stream and not out of the donation stream. All of these organizations that are up here today I support 100%. I agree if all that material was going to those organizations there would be no place for us, but it's not. It's going in the trashcan and ending up in the landfill and offering a convenient alternative to throwing it in the landfill as a last resort is why we exist. So obviously there's concerns. There's concerns, there's questions from all of these organizations and I understand their fear. I appreciate the council's position and taking the opportunity to gather data and to gather information. I request that as this information gathering process occurs, it's reviewed and requires transparency from all these organizations and also has some sort of validation of the factors that are considered. So we have operated and continue to grow. We have operate in over 50 communities. This is the first time we've ever had such an out cry from these organizations that exist on a national and local level. So after that stakeholder meeting last week, we came to the table and we're trying to do everything we can to inform the residents that they have these options. We want them to do that, but there's still a segment of the residential population that is going to throw it in the trash and we're that alternative. Our commitment is to work with Austin resource recovery and all of these non-profits to fully understand the impact of our program.

[4:04:36 PM]

We've committed that we will help to create and distribute information promoting all clothing and waste diversion options. We will put mourn where our mouth is and we will distribute this information

for the non-profits. An additional commitment is amplify Austin on March 2nd and 3rd is a great program. We support it. We will commit that we will donate 100% of everything that we collect in Austin during the amplify Austin program to the local non-profit organizations. There's a huge opportunity that's not being addressed. All of the multi-family units in Austin still don't have a convenient solution. These organizations talk about the local brain trust and they can all come together to provide a solution. There is a huge opportunity in these multi-family units that simple recycling doesn't address and all of these organizations don't address on a citywide level. So we'll offer our expertise to help these non-profits and help them come up with a solution for a problem that exists that nobody is addressing. In addition to that we'll work to develop local Austin based partnerships with for-profit and non-profit recycling groups. That is our process. That's what we're committed to. But according to take on a massive undertaking like the city of Austin and provide a program like this, we needed to have certain assurances and certain pieces in place to ensure that we can provide a high level of service and continue this program at no cost. We believe that we were fairly selected in a public rfp process and we have great results. We have great results everywhere that we have operated for a number of years. We've operated primarily in northern Ohio and southeast Michigan at a scale comparable to the coverage we have in Austin since late 2014. I want to share some data with you that validates when I say we are not here to negatively impact the charitable organizations.

[4:06:44 PM]

We went and took the federal tax filing, public information from the past five years from organizations like goodwill of southeast Michigan, goodwill of northeast Ohio that represent large organizations. We also took the national council of jewish women that represent small single thrift store organization. What you can see here in this graph is they've continued to flourish, grow and prosper. Their total revenue over time is at an all time high when simple recycling has penetration across these markets. Residents residents to continue to support these organizations and bringing exposure and conversation to what are all of the options that residents can have takes the material out of the waste stream -- [buzzer sounds]

-- And creates opportunities for everybody. I'm happy to answer any questions.

>> Tovo: I think I need that last slide back one question about the data here is are the revenues that you've indicated here all from thrift stores or is it other kinds of donations as well?

>> So these are the total revenue for each of these organizations reported as their total revenue. I have all the supporting documentation that breaks down the detail and I'm happy to provide that. But the primary concern that all of these organizations have expressed, as I understand it, is that this is going to dramatically negatively impact our revenue stream that provides funding for the great services that they do. This information provides factual independent financial data that shows that these organizations continue to thrive even when simple recycling is offering.

[4:08:53 PM]

>> Tovo: Okay. But it includes other kinds of donations, not just donations through their -- it includes -- if they suddenly -- one of these --

>> Yes.

>> Tovo: If they were doing more Galas or more events to supplement their donations.

>> It doesn't provide the specific detail in the reporting of-- it doesn't report that level of detail. I don't have access to it. The only access that I have is the publicly filed.

>> Tovo: I got you, thanks. The reason I'm asking that question is because while the drop-in donations, I hear the concern about it impacting the programs and I certainly share that concern. To me it's also

important to continue to support what is really a thriving culture of reuse here in Austin. And so even if some of those donations are made up through other means it doesn't necessarily help support this reuse economy that I think is really so prevalent here in Austin. I go to other places and including the one I grew up in, there are communities that don't have dozens of thrift stores in their areas and it's really challenging for people to find places to donate and it's challenging for people who would like to buy secondhand clothing or secondhand appliances to find those more economical choices. So for me it's important not just from the revenue perspective, but also the goods perspective and making sure that those stay available.

>> Absolutely. And the revenue is the driver for all of these social services. And Austin may have more local thrift store and donation options. And I think that that's great, but there's still six and a half million pounds of clothing going in the waste stream and landfill and that is what is our intention to divert.

[4:10:53 PM]

I think we make decisions off of the data we have available and I think given the opportunity to have a six-month look we'll see these organizations continue to see success and increase revenue, and that given the opportunity to drive that revenue and what those factors are that are impacting donations and revenue are looked at thoroughly because the statistic of goodwill saying that they've lost 13,000 donations in the month of January, and that the only thing that's changed is simple recycling, saying that simple recycling is taking those donations, well, simple recycling has had just over 4,000 residents participate in the program in January. So there's got to be something else going on. We haven't taken 13,000 donations because we haven't had 13,000 residents participate in the program. So I just want to make sure that there's transparency and understanding as we collect this data moving forward because there seems to be some confusion.

>> Tovo: Thank you. I had a couple other questions for you. Can you help me understand what you do with the bags. So you have plastic bags as I understand them. You send the plastic bags down to Houston and they come back to arr. Do you reuse them and put them out for future donations? I ask this because we have banned bags here in Austin and several people have said why are we doing collections through bags?

>> Right. Let me first establish why we use plastic bags. So seeking highest and best use for clothing is a focus on reuse first, finding reuse markets. So in order for that material to be reused and repurpose it needs to remain clean and dry. So for the program to be cost-free for the city and cost-free for the residents, the only economical option is a plastic bag with a drawstring. The bags that we use are made with recycled content.

[4:12:56 PM]

They cost more than virgin material bags, but it's our commitment to the environment to use bags with recycled -- made with recycled content. In addition, when that material is sorted and those bags are torn open, all of those bags are baled, aggregated and taken to Austin resource recovery for recovery. So it is a closed loop in terms of the usage.

>> Tovo: So the bags can't be reused, but you're using bags with recycled content, but you can't reuse the bags once you open them?

>> Right. They're single use bags. And reusable bags are very expensive. And to distribute them to the whole city at no cost when you know you only have a small portion of the city participating because a lot of the residents are using those local donation options, to maintain a cost-free program it's the only option.

>> Tovo: I understand that from a business perspective. Let me say as a councilmember who is sometimes asked to talk about that policy of discouraging single use bags it makes me a little uncomfortable that we've entered into a contract that relies on single use bags. But I certainly appreciate from your perspective that was the option that made the best sense. I have on two more questions and I'll try to make them fast. I'm sure my colleagues have questions for you. With regard to the for-profit thrift stores, those are the ones that you partner with to sell the goods. Does your company also have investments in those or those are your -- those are the ones that you're selling --

>> We have partnerships, but there's no shared ownership.

>> Tovo: Thank you. And what was my last question? Ah. Earlier we had a representative from goodwill talking about their interest, willingness to purchase your lease, take on your lease, the lease of your vehicles and some of the other costs that you've incurred.

[4:15:03 PM]

Would that be of interest to you? And if you could respond to that? I mean, if you feel comfortable responding to that.

>> Well, my initial concern and thought with that is that comes into play when this service is removed from the residents. My being, everything that I've done, is to offer a convenient alternative to throwing this material in the trash. And in order for that to happen, our service needs to be taken away and this material is committed to going in the trashcan. It's removing a curb side service. And while I appreciate that offer from goodwill, our expenditures and our investments to establish a new program extend well beyond leasing of a truck, leasing of a warehouse and hiring, you know, the employees.

>> Tovo: Thanks very much for your candor and the information that you've offered.

>> Mayor Adler: Any questions before we go back?

>> Renteria: I just wanted to ask that what has been -- I know that y'all went and met -- what kind of -- what's some of the things that were discussed at your meeting? Can you give us just a brief overlay of what's the problem with the -- what kind of discussions about that?

>> In the stakeholder meeting?

>> Renteria: Yes.

>> So while I appreciate everybody's time and participation in the stakeholder meetings, I think that there's a -- we're in a difficult situation because there is a panic from the organizations that this is going to dramatically negatively impact their revenue stream and they're concerned about the services that they provide to the city and to the residents of Austin. And I get that.

[4:17:04 PM]

But all of our experience at this point in the years that we've been operating is that residents continue to recognize the good that these organizations are doing in the community. They continue to support these organizations and continue to donate their clothing in the community. So while I talk about my commitments and what I would like to do to help the non-profits and address additional problems and situations in terms of multi-family collection, in terms of educating residents about all donation options, at the end of the meeting the consensus amongst all of those groups is they were not interested in proceeding in that direction. That their concern was strictly on not collecting the information and cancelling the contract immediately.

>> Renteria: Has any other groups shown you any kind of data about how is it affecting them? Like this --

>> Yeah. So it's anecdotal information. So when we've been operating in marketplaces, we cross paths. We are collecting similar types of material. The difference is I'm collecting the material through a recycling program that is -- that's destined for the landfill and these organizations have a benevolent

donation-based model, but it's similar material and our paths cross. What we've found is that what you see on that graph has proven true. That these organizations continue to flourish, continue to grow, continue to in some cases even increase their donations because of conversations like this. We've brought more exposure to what to do with that clothing you no longer want or need in your closet through these conversations than I think the city has brought a similar amount of attention in any previous case.

[4:19:17 PM]

So I think having these conversations and bringing this attention is very valuable, I think all of these organizations will benefit from this. I think our path forward in terms of educating the residents about all of the options will benefit all of these organizations. I hope that the residents see all thieves gentlemen from Salvation Army and come out and support them. This gives them a platform to get their message out and I'm proud of that. And I think that all of these organizations are going to continue to flourish in Austin while simple recycling fulfills its commitments and its contracted commitments to provide a curb side alternative to throwing this material in the trash.

>> I have some other questions, but they're for the staff members.

>> Mayor Adler: Okay.

>> Thank you. I had some confusion with staff about the list of addresses that we're using and apparently there's a discrepancy that the list you're serving does not match up to the list they think you should be serving. I think councilmember Houston brought that up about maybe not all parts of the city are getting this service right now and I think that's an interesting thought process about how we move through this. If we go into this six months is it now somewhat of a modified pilot program because they're not currently serving the entire city and maybe that's a way we can mitigate at least some of the impact. I also had a constituent who unfortunately was signed up to speak and didn't get to speak and was concerned about the plastic bags like councilmember Tovo mentioned and she was concerned that in her neighborhood that was a little more hilly that the bags were being washed away and into the storm drains. So I don't necessarily expect you to have an answer for that, but it's another concern I have about the program.

>> So in terms of the discrepancy of the list, we provided materials and launch information to every address that Austin resource recovery provided us with.

[4:21:19 PM]

We're happy to review if there was a miss there. And in terms of offer rant bags, replacement bags, our policy is to secure that bag in some fashion, whether it be to tie it to the handle of the recycling cart. Or if that cart is not available to bring it to the front door, put it under the doormat, put it into the storm door, tie it on to the handle. That's what our policy is. If we're finding that that's not occurring, severally let us know and we'll reinforce that messaging with our collection team.

>> Mayor Adler: Okay. Council, I think it would be appropriate for some of the questions that we have --

>> Houston: Could we ask our staff some questions before we go back.

>> Mayor Adler: Sure, we can. Thank you.

>> Sam Malgory, Austin resource recovery recovery.

>> Thank you for being here and to help us understand all this. There's been some -- first of all, can you tell me if the non-profits that are here tonight, if any of those were notified that this rfp was out?

>> I'd have to check with our purchasing group --

>> Houston: They're coming down. They're on their way.



>> Thank you, council. Good afternoon, councilmember Houston, James Scarborough. The question was?

>> Houston: The question was on the initial submission were some of the non-profits included on that listing?

>> This particular item was the result of a request for proposals.

[4:23:20 PM]

It was issued last spring in April and offers were due in May. We published the solicitation on the city's financial website and we also did active notifications to all entities who have registered with the city to receive notifications under a commodity code associated with recycling services. That resulted in 289 notices being sent to companies registered with the city, and further resulted in 23 such describers or individuals -- subscribers or individuals responding to us saying they wanted to continue to be updated about the solicitation. That notification process does not differentiate entities, whether they're a single individual, whether they're a for-profit, not for profit. It just acknowledges companies or individuals who have contacted us stating that they wish to be notified, we notify everyone.

>> Mayor Adler: Do you know if Salvation Army was on the list? And --

>> Houston: Goodwill.

>> Mayor Adler: And goodwill?

>> [Inaudible].

>> It's a substantial list. I'm glad to provide a copy of it, but if you have a few minutes I'll have to look through it and see if they were on the list.

>> Mayor Adler: I think her question is of the people who were here --

>> I'm told that goodwill is on the list.

>> Houston: So Mr. Scarborough, did they have an opportunity to submit a proposal?

>> All firms were identified and all firms that were not notified have an opportunity to submit their proposals.

>> Houston: One of the things that I heard is something about competition. Is there something in our policies and procedures about people not competing or was that something in the --

>> That would be a unique requirement to this solicitation.

>> Houston: And that's in the solicitation now that they could not compete with --

[4:25:20 PM]

>> I believe there was --

>> Mayor Adler: Let's raise that as one of the questions we'll talk about in the back here.

>> Houston: Okay. We can do that in the back.

>> Mayor Adler: Councilmember Kitchen?

>> Kitchen: I'm not sure who can answer this, but I'm curious about the -- I'm curious about the discussions that occurred before the rfp was issued. Can someone tell me whether there were any discussions with the non-profits before the rfp was issued?

>> For this particular case I don't believe there was a discussion with non-profit from what I understand. Now, what I would also say that and I said it on Tuesday at our meeting with the non-profits, this is I believe -- I really believe that the reason it did not happen was because the city was going after that 3300 tons that goes into trash. So that was the intent. The intent of this as I also mentioned before, it really wasn't really to hurt anybody or any business.

>> Kitchen: I understand that. I didn't mean to imply at all that there was any negative intent. I was just trying to understand to what extent there was stakeholder conversation prior to the rfp going out. And I'm understanding now that didn't occur. Okay. Thank you.

>> Mayor Adler: Okay. Let's go ahead into closed session so that we can consider this item number 45 pursuant to section 551.071. Without objection -- yes, mayor pro tem?

>> Tovo: Mayor, I have no objection. I think that sounds like a good idea. I was just going to ask, I believe that the two items on our 4:00 public hearing are both postponements?

>> Mayor Adler: No. One is a hearing. And one is a postponement. Well, actually, both 56, which is not a postponement, and then the 59 is the public hearing also not a postponement.

[4:27:21 PM]

>> Mayor Adler: Could we take up 58. I believe that is a postponement, before we go. I'm not sure if there are associated staff.

>> Mayor Adler: We could certainly postpone item 58 before we leave. Do you want to headache that motion?

>> Tovo: I would like to make the motion. I would like to change it a bit. I would like to move that that be postponed indefinitely. We have heard concerns about this item from Travis county, from the school district, from some other civic organizations, and I know that we are working on some policies and some practices that are going to, I hope, further increase preservation of civic buildings and other kinds of buildings within our community. And I'm satisfied with those. So I would move that we postpone this indefinitely at this point.

>> Mayor Adler: It's been moved to postpone item 58 indefinitely. Is there a second to that motion? Councilmember Houston seconds that. Any discussion? Mr. Renteria? No? Okay. We got that. Those in favor of postponing please raise your hand? Those opposing? That matter is postponed indefinitely -- let me make sure that there was no one to speak on this. We're on item number 58. And there were no citizens. That item will be postponed indefinitely.

>> Renteria: When we get back, are we going --

>> Mayor Adler: When we come back we have two items. One we're going to finish this item. Hang on a second, please. Hang on a second. Item number -- when we come back we'll finish this item and then we have 56, which has 32 speakers. And 59, which has nine speakers. We'll take up those two items. All right. We'll stand in recess while we go back to closed executive session.

[4:56:31 PM]

[ Executive session ]

[5:24:48 PM]

>> Mayor Adler: all right. We have a quorum. We are back from executive session. In executive session we took up one item, which was item number 45. It is 5:24 we're back. This is what we're going to, do coming back in with the indulgence of council, councilmembers have asked for a few more moments to write on this item that we were considering, which was item number 45. We're obviously not going to be able to finish that before we have to break for the 5:30 scheduled items and 6:00, the proclamations and the music, but we do have enough time to squeeze in item number 59, the public hearing. If it's true that I only have two or three speakers to speak, two or three minutes, and then Mr. Gerber. Who is it that wants to speak on item 59? Item 59. Would you come down? And I want to see if there's enough time for us to do this before we take the break.

>> Thank you.

>> Mayor Adler: Let me see. I have just the three speakers speaking. Okay.

>> Mayor Adler: Just the three speakers. With council's indulgence we're going to limit the debate on this item to the three speakers who have come forward and to I think Mr. Gerber who is going to close. That said we're now going to begin the public hearing on this item number 59.

[5:26:48 PM]

Introduce yourself and then you can start.

>> My name is Alice. Mayor, mayor pro tem, and councilmembers, thank you for allowing me to speak today. My name is Alice, and I'm a resident of Gaston place. I also serve as Gaston place resident council and housing authority of the city of Austin. The advisory board. Gaston place is located at 1941 Gaston place in northeast Austin. The property was built in 1978 and has 100 units. Our residents are mostly seniors and folks with all types of disabilities. I have been a resident at Gaston place for more than 20 years. Today we are here to talk about hud residential assistant. We like to call pick, protections, improvement and choice. Protections, the first protection is the right to stay in subsidized housing and the right to return to an upgraded unit at the same property. The [indiscernible] Residents adjusted income. Programs focused on education, employment, health, and wellness. H.U.D. Commits to a 40 year contract for housing assistant in Austin. We have the resident protection team so no one would fall through the cracks. Improvements, most of the units will receive extensive improvements and amenities, new kitchens, bathrooms, appliances, flooring, washer and dryers and more as needed. My neighbors with disabilities will get their units upgraded and better living spaces will improve the quality of life. We as residents have had opportunity to be part of the planning with our voice and opinions are needed.

[5:28:54 PM]

Choice. Residents in the rad program may now apply for housing but by sight -- site-based waiting lists. After being a resident apply for a housing choice voucher. Gaston place is a tired property and like many of our public housing properties, it is in need of many improvements. For example, Gaston place needs a new elevator, new appliances, better plumbing, energy-efficient windows and weatherization. We also need handicap accessible units and enough electrical plugs for electrical wheelchairs, hospital beds, computers and TVs. Many units need accommodations for wheelchairs. We are excited and pleased to hear that more units at Gaston place will make accessible persons with disabilities as a result of the rad project. Haca does and --

[ buzzer sounding ]

-- An excellent job in keeping up with the maintenance. Gaston is a toured property and needs some -- toured property and needs help so it will last another 40 years for other seniors.

>> Mayor Adler: Thank you. That was the buzzer. You can finish your thought if you want to.

>> Haca has completed renovations at several units in manchaca village and 33 -- 3322 manchaca road. I'd like to invite you on a tour of the wonderful improvements they have done. Thank you.

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

>> Hello, my name is Rachel. I'm a resident in manchaca village located at 3628 manchaca road. I'm a proud single mother of a beautiful 5-year-old little girl. We were blessed to get our home when she was six months old. We now have been with haca for almost five years.

[5:30:55 PM]

Haca has blessed our quality of life. Rad, the rental assistant demonstration program has allowed H.U.D. To upgrade our home with the amenities that many of you probably have in your own home. Our home has been remodeled from the floor to the ceiling. Everything is brand-new. And our quality of life has improved 200%. Haca has installed new, high-efficient energy kitchen appliances, including washer and dryers. Our bedroom have ceiling fans, as well as our living room. We even have door stoppers that are updated and upgraded. We are -- our new blinds, our wooden blinds. We all have garbage disposals, some with dishwashers. Again, I want to emphasize that our apartments have been remodeled from the floor to the ceiling. We have updated and upgraded sinks, new paint, new doors, and new installation. It has totally been an upgrade in the quality of life for my daughter and -- quality of life for my daughter and myself. The housing authority resident protection team has made a big difference. Residents can call the resident protection team manager and get assistance with all their needs that need to be met. I want to encourage you, mayor and mayor pro tem and councilmembers to come and visit Manchaca village. I would love to introduce to you my daughter and show you our new home. Thank you, and we look forward to your support.

>> Mayor Adler: Thank you very much opinion we have this speaker and then I didn't see Gus Pena, who is also standing with that group so we're gonna have these last two.

[5:33:01 PM]

Go ahead.

>> My name is Jean Rogers. I'm here to request endorsement by the council for renovation of Haca owned property called Gaston place of which I'm a resident. Gaston place is in dire need of renovation. It was built before the great deliberation of technology, before the need to run computers, external hard drives, printers, modems, routers, stereos, DVD boxes, battery and phone charges and microwave ovens. Some of us need to recharge wheelchairs or scooters or to run an electric bed or have the need for other medical devices. There simply isn't enough electrical outlets in the apartments to meet demand. Please support the renovation of Haca property at Gaston place. Thank you.

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

>> Mayor, councilmembers, Gus Pena again from east Austin. We do support the rehabilitation of Gaston place and this gentleman has eloquently said. I do have concerns -- I'm hoping that the current residents none will be displaced and I'll keep it short. But I just want to say that housing authority of the city of Austin, again, has been known to take some negative steps against veterans and a certain veteran had a voucher taken away from him just because they claimed that he was not actively seeking, which in fact that veteran has been in several different hospital sessions for different hospitals. I don't want this to happen to any resident at Gaston place but we support rehabilitation but don't harm the current residents and make sure they're able to stay there as much as they can. I have sent a letter, like I said to, President Trump and I'm a Democrat but there are concerns here in the housing authority with city of Austin with Lisa Garcia and others that have brought on negatives.

[5:35:09 PM]

Anyway, mayor, please support -- we support it very much, veterans for progress. Thank you.

>> My name is Mike Gerber, president of the housing authority of city of Austin. Thank you. I don't think I could say it any better than our residents already have. We are in the process of rehabilitating or making dramatic improvements, all 18 of our public housing properties. Basically we have six properties in south east Austin, six in east Austin, six in north Austin and our intent is to try to improve the quality of those significantly. Gaston place is a property, hundred unit property serving seniors and persons with disabilities, built in 1978, and really hasn't had significant improvements made since that time. Our

intention here is to try to put, as you've heard, new elevators, plumbing, electrical systems, ceiling fans, new flooring, washers, dryers, new restrooms, new kitchens and a host of other improvements to make that -- to preserve that property for another 40 years. To address Mr. Pena's concern our highest priority is keeping the opportunity to live at Gaston place as well as at all of our public housing properties open to any resident who moves and because of that we've asked Ruby Roa a long time advocate here to be the head what we refer to as the HACA DEM, she's in charge of making sure when we have issues with tenants who are struggling to find access to services or to have critical needs met that they are met as part of the relocation and they're temporarily moved to a place that's of high quality and then they're able to move back to their property. It's really important to make sure we get it right to the benefit of our residents. With that said I'd answer any questions you have and, again, appreciate the council's support. I'll make one last point. This is the ninth property that the council will be approving. Did eight properties that you already approved through referendum. Towards the end of last year, November time frame, the progress is going very well as you heard from our resident at Manchaca village.

[5:37:12 PM]

This will be our ninth and we'll have nine more we bring you to identify the next year, year and a half. Thank you, mayor.

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

>> Houston: Yes. I want to make a motion.

>> Mayor Adler: To close the public hearing.

>> Houston: To close the public hearing and adopt a resolution to send to the Texas department of housing and community affairs in support of this application.

>> Mayor Adler: Okay. It's been moved and seconded by Mr. Renteria. Close the public hearing and to support the resolution. Any discussion? Those in favor please raise your hand. Those opposed? It's unanimous on the dais with Mr. Casar off. Thank you very much. All right, council. That means we have two items when we come back we need to finish up on the textile item and then we have the Elysium matter. There are only two proclamations tonight. Both of which I'm not presenting. So we can do a really short break here. It is now 5:40. Do we want to come back at 6:30? Does that work? People can work in the meantime. So we will now break for live music -- not break, move to live music and proclamations and intend to come back about 6:30. Thank you. .

[5:39:46 PM]

Teen dating violence awareness month. .

[5:45:50 PM]

>> Check. Testing. Testing one, testing, check, check, check, testing one, two, test. Hello, hello, hello, test, one, two, hello, test, one, two, one, two, test. We got it. One, two, test one, two, test, one, two, testing. One, two, testing, one, two, testing. One, two, testing. Hello, check. Hello. One, one, one, one, one, one, one, one, test, test, test, test, yeah, check, testing one, two. Beautiful. Thank you. Check, test.

[5:50:10 PM]

>> Mayor Adler: So now we are at my favorite part of city council meetings because we are the live music capital of the world. We stop every city council meeting for some live music, and today we are privileged

and honored to have with us Augustin Ramirez. Mr. Ramirez has established himself as one of the most popular singers in tejano music. His musical career began at an early age, performing with groups -- various groups. El guti as everyone knows him by was born in Lockhart, Texas, a small town 30 miles south of Austin. Augustin has been in the music business over 50 years. He's recorded over 60 albums and has also been recognized for his contribution to tejano music on several occasions. In 1997 he was inducted into the health music hall of fame and in 2000 he won his first grammy award for best tejano album with his participation in "The legends." Please join me in welcoming Augustin Ramirez. Thank you, sir.

[ Applause ]

>> I want to do a check. Hello. One, two. Testing. One check. Hello. One, two. Hello, hello. Hello, hello.

[5:52:11 PM]

I'm gonna do a song that I wrote quite a few years back. I wrote this for my family for my mother that's in heaven. It's a song about my 31st born kids, dedicate -- three first born kids up in heaven. Thank you.

[ ♪ Music ♪ ]

[5:56:45 PM]

[ Music ]

[ Applause ]

>> Thank you.

>> Mayor Adler: Thank you so much. So if people are watching or out here and they want to come see you play, where's your next gig?

>> Well, we're gonna be traveling to Arizona, so I don't know if you want to go to Arizona, Tucson, Arizona, we'll be performing at the casino there.

>> Mayor Adler: When are you back in town?

>> I'm sorry, sorry?

>> Mayor Adler: When are you back in town?

>> We're gonna be back in Texas one weekend, around the area of Houston, Rosenberg, Angleton, Victoria, and pretty soon or town, Austin, Texas. We'll let you know.

>> Mayor Adler: Do you have a website if people want to go online and find you?

>> Yes, [augustinramirez.com](http://augustinramirez.com), you can check the website.

>> Mayor Adler: And if they want to buy some of your music, what would be the best way for that to happen?

>> They also log into the website and go to band camp. You can download any song you want out of there.

>> Mayor Adler: Great, well, great. I have a proclaiming. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our music scene thrives because Austin audiences support good music, produce by legends, our local favorites and newcomers alike and whereas we are pleased to showcase and support our local artists, therefore, I, Steve Adler, mayor of the live music capital, do here by proclaim February 2 of the year 2017 as Augustin Ramirez day.

[5:58:48 PM]

Congratulations.

[ Applause ]

>> Mayor Adler: Can I have my picture taken with you guys?

>> Sure. You want to hold my guitar?

[ Laughter ]

>> Mayor Adler: . Mr. Renteria is gonna join us.

[6:03:50 PM]

>> Pool: Evening, everybody. We only have a couple of proclamations tonight and I'm honored to be able to read one of them. I'm joined with -- tonight with kirsha haverlah, the chair of the austin-travis county family violence task force. We have a proclamation to -- to name today as teen dating violence awareness and prevention month, so I'll go ahead and read this proclamation. Y'all ready?

>> Ready.

>> Pool: The proclamation: Be it known that whereas all young people deserve to be treated with respect, respectful, supportive and non-violent relationships are key to safety, health and academic success. And whereas victimization increases teens' risk for injury, substance abuse, eating disorders, unwanted pregnancy and suicide, and young people exposed to violence are at greater risk for becoming victims and perpetrators in adult relationships. We have lost precious members of our own community to dating violence. And whereas parents, teachers, coaches, health care providers, clergy, artists, musicians and other important people in teens' lives have the power to influence youth in positive ways. Therefore we urge citizens to join the austin-travis county family violence task force in promoting healthy teen relationships and call upon youth and adults to observe national teen dating violence awareness and prevention month with activities and conversations about respectful and non-violent relationships in their homes, schools and communities. Now therefore I, Leslie pool, councilmember for district 7, on behalf of mayor Adler and the entire city council, do hereby proclaim February 2017 as teen dating violence awareness and prevention month.

[6:05:55 PM]

Thank you so much.

[Applause]. Kirsha?

>> Good afternoon. My name is kirsha haverlah, chair of the austin-travis county family violence task force. What a pleasure it is to be here today at Austin city hall. A big thank you to councilmember Leslie pool for sponsoring our proclamation. Thank you for taking the time to focus on an important health and safety issue for teens and families. As a community we have made great strides in confronting domestic violence. Unfortunately there are many young people in abusive relationships and they are next in line to become victims and perpetrators in their adult relationships. Adolescence is a critical time to break the cycle of abuse. It is a time when young people are most interested in dating and learning from peers and the important adults in their lives even when they don't appear to be listening. This afternoon we ask you to recognize February as national teen dating violence awareness and prevention month with this proclamation. We believe our combined efforts can reduce and prevent teen dating violence, protect vulnerable teens and create a safer and healthier community for all. Now I'd like to introduce you to some of my esteemed colleagues who I'm so proud to be here with today. We have Travis county juvenile probation, Mary Rosen bluetooth from the safe alliance. She's the direct either of the expect respect program. We have Austin police department victim services. We have the African-American youth harvest foundation. And Elizabeth christianity, an advocate and survivor who would like to say a few words. Thank you.

[Applause].

>> Good evening. My name is Elizabeth and 11 years ago my 18-year-old daughter Jennifer was brutally murdered by her ex-boyfriend.

[6:08:03 PM]

Over two and a half years my strong, quirky, beautiful daughter was in an increasingly abusive relationship. His mental conditions and addictions also escalated. He was treated at hospitals, rehabs, by therapists and was a felon, not related to my daughter, at only 18 years old. Meanwhile, my daughter was depressed, anxious, losing friends, isolated, failing classes. Terrified I went to numerous people to try to obtain help for her. At that time I didn't know there was something called teen dating violence. I beseeched counselors and administrators at her school, her individual therapists, the police and others. Each time I was told that I was being overprotective, that I needed to let her make her own mistakes and that she was just in a bad boy stage. At the same time Justin's mom was trying to get help for her son. She also understood that their relationship was dangerous. Her search for help was as wide as mine. The truth is her son was missed. Misdiagnosed, dismissed, kicked out when the insurance money ran out as his violent words were ignored. We've come a long way, but there's still work to be done. We must continue to educate, legislate, fund. We must not allow dating violence to continue. We need to support parents and professionals that work with teens and we must exemplify healthy relationships, respect for others, and when it is time to stand up against abuse. Thank you.

[Applause].

[6:12:03 PM]

>> Houston: Good evening, everyone, I'm standing here with councilmembers Renteria, council district number 3, I'm Ora Houston, councilmember for district 1. And it is our pleasure -- it is our pleasure to recognize one of our local family owned small businesses that have been operating for 45 years. At the end of this proclamation you will hear us say January 18th, 2017. That's the date that this small business was founded, but we're doing the proclamation today because Dan was born yesterday and so the family asked that we do this today. So be it known that whereas Dan's hamburgers was founded by Mr. And Mrs. Dan junk on January 18th, 1973. They later opened a second location at 1975 on south Lamar. In August of 1977 they opened the third location at 844 airport boulevard. Two more locations were opened in 1980 and 1982. And whereas the location at 844 airport boulevard was one of the first breakfast locations, Dan's customers asked for more than just burgers, thus sandwiches and chicken fried steak were added to the menu. And whereas Dan's hamburgers has the best loyal customers and loves that they are still able to continue an Austin tradition, they are very grateful for their long time customers. Over the years they have watched their customers bring their children and now grandchildren. They employ many students from the former Johnston high school and they actively support the east side memorial high school with food donations and fund-raisers. Now therefore on behalf of mayor Steve Adler, city councilmember Pio Renteria and might self, Ora Houston, we proclaim January 18th, 2017 as Dan's hamburgers day in Austin, Texas.

[6:14:18 PM]

[Applause].

>> Thank you, thank you. Thank you so much.

>> Houston: And this is Dan's daughter Katie congon.>> Good evening. I want to thank the mayor and all the councilmembers for inviting us. We'd like to say that we were truly blessed to be here in the Austin community. We love the Austin community. With here is part of my family. We have a very big family.



That's why we're in the the restaurant business. This is just part of us. Part of us had to work. My brother John junk is my general manager. He's part of the business. Yvonne Wilson is technical support in my office. Mary, my sister, she is administrative, takes care of -- she pays all the bills. That's very important. But what I would like to tell the Austin community mainly what I'm very proud of is to be part of the Austin community, and we love that our Austin customers still support the small businesses because it's hard and there's more of them falling by the way side and we are very proud that Austin residents support the local eateries and we're proud to be a part of this community. Thank you.  
[Applause].

[6:39:28 PM]

>> Mayor Adler: Councilmembers, we have six of us back. My sense is that some of the councilmembers are working on language. I don't know if we're ready to pick that up yet. If we aren't we can start in on the public testimony in the case while we're waiting for language. Does that make sense to y'all? Ms. Kitchen, is Ann here? We can either start right in or start calling the public speakers. How about we start on the public testimony in the zoning case? That will give us time to come back --

>> Do you want me to introduce the case.

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

>> Thank you. I'm Greg Guernsey, the director of planning and zoning. The last remaining zoning we have today is item number 56, case c-14-2016-023. Sh, elysium is park located at 2300 oak creek drive, west of mopac and north of Parmer lane. The property itself is about seven acres in size and it's a zoning request to mf-4-co, a multi-family category. There is a limitation on the number of units that the applicant has amended to 90 residential units. The dot is undeveloped -- the property is undeveloped. It's essentially vegetated. There is a floodplain east of the site. To the north and to the west are single-family residences. And they're zoned residential. To the south are single residences in an undeveloped tract and office and residential use and it's zoned single-family, townhouse, condominium residence and office zoning.

[6:41:28 PM]

And to the east is the mopac self-storage, a convenient storage facility, and that's zoned cs-co. Our zoning and platting commission did make a recommendation to approve the staff recommendation with some additional conditions. Those conditions would be to maintain a 75-foot building and parking facility set back from the north, south and west property lines with exception for emergency access from current ordinance on the property. To limit the overall impervious cover to a maximum of 30%. That 75 feet from the north property line to 150 feet to the south there's a maximum height of 52 feet. From the critical water quality line along the eastern side of the tract, that's adjacent to the floodplain area that I'm speaking of, to 100 feet to the west the maximum height may be 52 feet and the remainder of the property would be limited to a maximum height of 35 feet. They did recommend this to you unanimously in a 10-0 vote. There is a petition that's been filed by the adjacent neighbors within 200 feet and stands at 58.82%. This is a discussion item. I know you have a the least 30 or more speakers tonight. If you decide to go forward and to consider this for three readings, your third reading would require a vote of three-quarters or nine votes out of 11 to override the petition filed by those adjacent property owners. At this point I'll pause. I'm aware that the applicant has a presentation and the neighbors have a presentation.

>> Mayor Adler: Okay. Councilmembers, our Normal rules on this kind of debate, we have this deal would be to -- we had a certain number that would speak and not speak and if it's to 90 minutes.

[6:43:30 PM]

We're 18 minutes over that with the folks that are signed up. So what I would propose is that we just stop with the 21 speakers that have signed up at this point and we give everyone three minutes and we just run through the time. Unless people want to do it differently.

>> Pool: Mayor, did you say that the first number would have the three minutes and then everybody else would have one minute?

>> Mayor Adler: We're so close to the 90 minutes in this. The way we have it -- I think we have it set up where it's 20 minutes with 10 people on each side roughly, that 20 minutes at three minutes each get us to -- let's see. That wasn't what it was. Let me look.

>> Pool: So what I would maybe propose is we can limit maybe the first 18 or 20 to three minutes, but I think as a zoning case everybody should have the opportunity to speak. Maybe we could limit that --

>> Mayor Adler: And everyone does. It's the first 20 people on the agenda get three minutes each and then each subsequent speaker gets one minute. Do we just stay with the rules? Okay. We'll do it that way. The first 20 people that speak -- some people have time that's been donated to them. Do we count the donated people as a speaker? So that's someone who has donated time donates in at three minutes? Okay. So that we have balance on that, I'm going to go back and forth in that first 20 speakers so that we have an equal number of people speaking for three minutes. Okay. The first speaker will be Susan Hensley.

>> [Inaudible].

>> Mayor Adler: The applicant would be up first, thank you. The applicant starts off with five minutes and then closes with three minutes pursuant to the ordinance.

[6:45:34 PM]

Is the applicant here? You can open with five minutes.

>> Good evening, Mr. Mayor, mayor pro tem. I believe that between Megan and I we have some donated time so that that would be four speakers, 12 minutes between the two of us? That was our plan if that's okay with the council.

>> Mayor Adler: Yes, you can do that.

>> All right. We'll get started then. Councilmembers, my name is Dave Anderson. I'm here with Megan lash and we're here to discuss elysium. The elysium affordable housing project. This project lies north of Parmer line, lane, right along mopac expressway, as can be seen in the figure in front of you. To the southeast you'll see a number of businesses. Further to the southeast or maybe directly south you will see St. David's north medical center. You can see an H.E.B., food establishments down Parmer, et cetera. So I think that the overview with this slide is that there are numerous types of services and employment centers around the property. Here's a closer picture. I think the important facts here are to look from a planning principle perspective, from a planning principle perspective you see a highway, you see commercial services, you see what is an open field, and you see single-family. And planning principles tell us in the city's planning manual tells us that this is an excellent location for multi-family in a transition from commercial and even more dense -- more intense highway use to single-family.

[6:47:49 PM]

This is a quick zoning map. I'm sure you can't read this, but I'll walk you through it. To the east is commercial services with a conditional overlay. To the west is sf-3. To the north is large lot single-family. Southwest is sf-2. Directly to the south is a church and to the southeast is limited office. The request tonight is from ip-co, a majority of the site, and rr on a portion of the site to mf-4-co, and we'll talk

about the conditional overlay requirements. Or what we're proposing from a conditional overlay perspective. This is a mixed income family community, 80 to 90 apartment homes. Important fact here, it's a mix of 30, 50, 60 and market rate units. The majority of these, 66% of these are at the 30 and 50% median family income rate. This, Mr. Mayor, mayor pro tem, councilmembers, is what we've talked about as being the most important kind of sector from an affordability perspective, where the largest hole is in the city of Austin. This is what we're calling a conceptual layout or a development envelope. This is a zoning case. I will give my client an extreme amount of credit as she has sent staff out to look at environmental issues, to look at tree issues, to look at water quality issues, to make sure that what is proposed here can be built on the site. What we are here for tonight, however, is zoning. Does the zoning make sense for this tract of land? Here's a quick timeline. We went through the city process last year, finishing on may 17th with the zoning and platting commission recommendation that was instance.

[6:49:53 PM]

We then went to city council with an indefinite postponement when funding at the state level dried up. Megan then went back, sharpened her pencil, shifted some units to the lower affordability range and is now back seeking another nine percent tax credit deal, and that's why we are here today. This is essentially the same project that we came forward with last year. Why this makes sense, they can do a 45,000 gross square feet of office on the site today. The site from a planning perspective functions more appropriately as a residential transition zone, which is consistent with staff's own guidance document as far as zoning principles go. This provides needed affordability in an area of town that doesn't have it. We're doubling the no-build setbacks that are usually associated with compatibility standards and complying with height compatibility standards, we're reducing the traffic in what is entitled today, reducing the traffic over what is entitled today. And from a height perspective we're compliant with 82% of the tract with the existing conditional overlay at 35%. Some other portions are higher. We can talk about that in detail. Megan?

>> Good evening, council. Dave mentioned my name is Megan lash. I'm a co-developer and co-owner of the proposed development. As a team we've developed over 6,000 units across the southeast, 1200 of which are in Texas. While I'm a resident of Austin, I build and our team builds throughout the entire state. Often when I approach a city or a neighborhood and talk about building apartments, they react like I've said a four-letter word, and they're right. I have said a four-letter word, because what we're really talking about is a home. A home for people -- for families, for seniors that are starting out in life, and it's the same thing that everyone in this room deserves is a quality place that they can call home.

[6:52:03 PM]

Unlike many apartment developers, we are portfolio owners, which means we are long-term owners. Our typical ownership is 15 years and we have actually not sold a property that we've financed under this program. Because of the long-term ownership, the standards in which we build in and the roots that we put down in a community when we build are very important to us. We don't want to just come in and build an apartment complex and create just another dense property. We're worried about the quality of what we live, that the quality of life, our residents are able to achieve at our property are the best that they can possibly achieve. That's the exciting part is creating what we do on a daily basis. What sets this particular development apart is on-site we all have residential programs, we have on-site training for career counseling. We'll even have an on-site case manager for some of the residents' needs, have a broad range of affordability, as Dave mentioned. We'll have a commitment to help residents through public transit if needed. Our management practices we will have aside from the case

manager, two on-site full-time staff, maintenance staff and management staff. Something very unique to our organization, we have an art in public places program. This is something specific to our firm that we do at every single development. Recently we built a property called art at Bratton's edge in north Austin, and in that particular property instead of just picking a piece of art, we engaged the neighborhood association that we built next to and we actually had them select the art that was installed at the property. We will also have green development practices in addition to pursuing Austin energy green building, we will have an ngbs national green building certification that we'll be pursuing. Here's a few examples of the quality of construction. Again, I mention this is the fun part. The zoning cases aren't necessarily the fun part of what we do, but creating this space for our residents to live in is what really gets us excited.

[6:54:05 PM]

And then here are a few projects that we have under construction. Dave?

>> I mentioned the city's own zoning principles and here are two that this project fits nicely with. I won't read them to you, but zoning staff, city staff, zoning and platting commission, planning commission, get handed a list of zoning principles, which is the lens through which the city has decided to evaluate situations like to and zoning principle 7 and zoning principles 10 both directly talk to this kind of project. Here's a quick comparison. We've got about four minutes left. Here's a quick comparison of existing zoning with what we're requesting. From a watershed perspective, 60% is what we're authorized -- which covers the site. We're willing to limit that by conditional overlay to 30% of the total site. Maximum building height, current conditional overlay is 35 feet. We can do four-fifth of the site at 35 feet. 10% at 42 feet. 90 feet away from the single-family to the west. And eight percent at 52 feet, about 300 feet from the single-family to the west. So we have taken buildings and moved them away from the single-family at the request -- at the request of the neighbors and throughout kind of the evolution of the project. From a compatibility perspective, we're compliant with compatibility standards and from a setback perspective, the existing conditional overlay has a 75-foot set back for buildings, parking facilities and non-emergency internal drives.

[6:56:07 PM]

We're asking that we could be compliant with 75-foot setbacks for buildings in the internal drives. We would like a little bit of that area for parking. Here's what could be built there today. Things like professional offices, business offices, but also group homes, local utility services, et cetera. We're proposing a maximum of 90 multi-family units. From a traffic perspective, the existing conditional overlay is a 2,000 vehicle cap. Through discussions with folks, there's been talk of a professional office going in there. That would generate about 716 trips according to the ITE manual. We're looking at just over 700, so a little bit less, very similar, but you look at total A.M. Peak and P.M. Peak and we're cutting those in half. The second part of that table talks about capacity. I won't get into that. This is site lines. The city did an analysis to make sure that site lines were safe for our entries in and out of the development. And this graphic tells you that they are. Here we talk about access to local transportation infrastructure. Megan's units on average have about 1.4 cars per unit so this is not a situation where no one has a car. We are challenged to provide transportation projects across the spectrum, so some will have vehicles, some can walk on the dedicated sidewalk from this site to the train station or to a bus stop. The train station is at about a mile. Bus stops are at .6 to .8 miles roughly. Megan is committed to providing shuttle services if those are not options. From a bike perspective, these bikes are coded as blue on the bike map, which means the roads are good for cycling.

[6:58:07 PM]

There's also -- there's also bus service, the 243 to 801 and the 260 to the north. 240 maybe.

[Buzzer sounds] I thought I had 30 seconds. Here's the mix of units. I would just say if you look at the mix, two-thirds of those units are below 50% mfi and it is a mix of units, geographically disbursed as well so it is not segregated in the development. With that I guess we will turn it back to you, Mr. Mayor and council and be open for questions.

>> Mayor Adler: Thank you. We'll we'll go on to some of the other speakers now. Thank you, Mr. Anderson. Is Susan here

>> I don't know if the applicant was given an opportunity to say how they'd like to line up their speakers. Our first seven speakers included donated time include 36 ceremonies we'd like to have that time as planned. As additional speakers opposed this prong we would be willing to stop at whatever the time limit is with each beyond --

>> Mayor Adler: I have ten speakers at three minutes each so I have 30 minutes.

>> Some do have donated time. The way I've got it calculated our first seven speakers total 36 minutes.

>> Mayor Adler: Right. Some of the speakers will -- would be 1-minute speakers so in order to have six minutes we need six speakers that are further down the list donating time for that additional six minutes.

>> We do have our donors here.

>> Mayor Adler: Okay. Do you understand what I'm saying, Amy? The people who are donating time need to either be in the first ten where they would donate three or if not they would donate one minute each, okay? Go ahead.

>> Our first speaker is available.

[7:00:08 PM]

>> Mayor Adler: Okay.

>> Hello, Susan Hendsley and I'm using my three minutes as well as my husband's, Kevin, who is in the audience. I'm reading on behalf of Max today who had a family emergency so I'm reading from his words. Good evening. Thank you for the opportunity to speak with you today. And live -- I live in the Northwood neighborhood, and I want to thank city staff and especially Sherry for their assistance throughout this process, her patience is greatly appreciated. The Northwood neighborhood is a diverse community with over 600 homes located just north of the Mopac Parmer Lane intersection. We are neighbors with many adjacent neighborhoods and have a live -- have many representatives in the audience tonight.

[Applause] In addition we have a petition with 1,100 signatures stating the opposition to the proposed apartment project. The neighborhood has significant concerns with the proposed zoning change. The city of Austin zoning guide states the following: Multi-family residents, moderate high density, district is intended to accommodate multi-family and group resident use with a -- residential use with a maximum density of 36 to 54 units per acre, depending on unit size and mix. This district is appropriate for moderate high density housing in centrally located areas near supporting transportation or employment centers, and other adjoining downtown Austin and major institutional or employment centers in other selected areas for moderate high density, multi-family uses desirable.

[7:02:11 PM]

The subject property is located over 10 miles from the central business district, negating the argument that it is adjacent to downtown Austin. In addition, the property lacks public transportation and

commercial facilities within close proximity, it is not located close to any major institutional or employment centers. The criteria only leaves other selected areas where moderate high density multi-family use is desirable. The city of Austin lacks any current adopted future land use maps for the area, leaving the determination of desirable multi-family open to interpretation. Therefore, the proposed rezoning fails to comply with the purpose statement of the district. The current ipco zoning for the property significantly limitation the use of typically allowed by the ip district, incorporates a required 75-foot setback, caps the building size and average daily trips. The applicant and city staff have stated zoning from the ip-co to mf-4co is considered a downzoning and provides a buffer between the commercial uses on mopac and the ff-3 and the rr-zoned residential uses of the north and west of the subject property. The proposed mf-4 allows the property to exceed the current building height and building size, reduce the requiredbacks, it allows for increased impervious cover. While a typical ip to mf-4 zoning would be considered a downsizing this scenario creates higher intensity use currently allowed for the property, therefore, the proposed rezoning fails to promote consistency and orderly planning. The proposed use of the subject property may appear reasonable when viewed out of the neighborhood context.

[7:04:17 PM]

However, the staff report justifies the zoning district because the use allows for apartments, which are needed in the area to provide a mix of housing opportunities. In reality, the area within a two-mile radius of the property includes a single family residential homes, multi-family apartment units, condominiums and developments and senior housing. This information clearly demonstrates that a mixture of housing types currently exist within the area, negating the need for apartments at this location. There are several other factors that impact the rezoning request, including the water/wastewater infrastructure currently serving the neighborhood. The current infrastructure is not sufficient for existing residential uses in the neighborhood. The neighborhood streets are marked with patches of new asphalt, indicating hasty repairs to broken water mains. The section of the street in front of my house, this would be, excuse me, Matt's house, on silver creek drive has been excavated six times over the last four years. To repair the waterline. The staff report states that the developer will be responsible for developing the on-site utilities, but no attention has been paid to the impact on the overall system. Why was a utility evaluation not required by this project? The addition of 90 residential units along with the laundry facilities, grounds maintenance, et cetera, will significantly increase the demand on existing system, further impacting the neighborhood and, therefore, the apartment project is not appropriate for this site. The applicant shared a conceptual site plan with you during their presentation. The current site plan does not meet fire department requirements, city of Austin parking requirements, or provide enough protection to the neighborhood.

[7:06:21 PM]

The proposed rezoning fails to comply with the stated goals of the imagine Austin comprehensive plan and fails to address the lack of connectivity for the project.

[Buzzer sounding] I have five sentences?

>> You had six minutes and that was the time you could finish your thought.

>> Okay. I will leave with this summary. I do not support interrupting the middle of the neighborhoods to try to find increased density, especially because the density you could make in those neighborhoods is not enough to move the needle in a way that is commensurate with the price that would be paid both emotionally and orientation within our city.

>> Mayor Adler: Thank you.

>> Austin mayor, Steve Adler, November 19, 2015.

>> Mayor Adler: Thank you. Next speaker.

[ Applause ] So let's call Joe Katherine Quinn. Is she here? No. Okay. What about Jean Talarico.

>> Good evening. I'm here wearing two hats tonight, one hat is I live across mopac from this proposed development. I am very much in favor of this development. Our neighborhood needs it. We do have apartments in the area, but we don't have apartments of that affordable housing in them. My other hat is I'm the executive director of the Texas association of local housing finance agencies, so we deal with this all the time.

[7:08:23 PM]

It just happens that this one is in my neighborhood and that's why I was willing to come speak about it. We have -- they were talking earlier about a lack of services convenient to the property. There's a fire station right across mopac. There's a hospital within walking distance from this property. If you had to walk to it, you could get there. It is an area that has a lot of services for all of us who own our single-family homes and also for apartments in the area. I think it's a very necessary development for our neighborhood, and we welcome it. I drive right by the road that comes how the to mopac from this apartment every day. It's part of my commute. And it's very convenient. It's -- having 80 more families is having 80 more families whether it's single family or multi-family, but I believe that we need this in our neighborhood. Thank you.

[ Applause ]

>> Mayor Adler: I'm sorry. So on the list, Ed, you had one, two, three, four -- 12 speakers of that that were listed, some were donating time, some weren't. The last two can only donate one minute.

>> I'm not sure we'll need that but I appreciate that.

>> Mayor Adler: Okay. So Leanna Lang.

[7:10:24 PM]

>> My name is Leanna Lang,

[off mic] Today I will be discussing safety hazards due to traffic and the train and the so-called downzoning of this case. Northwood is a pocket neighborhood surrounded by rural residential homes, open land, mopac and Parmer. There are no restaurants, cafes, stores or anything easily accessible by foot or bike. We have limited ingress and egress to our neighborhood with one traffic light at silver creek and Parmer. There's no major street through Northwood, only short knowledge divided residential streets where kids ride their bikes, play, walk to bus stops, residents walk dogs and back out of driveways. All neighbors, especially mothers like myself, are very concerned about the added traffic from an apartment complex from a safety standpoint. Many parents already have signs in their yards like these because we already have a major problem with cut-through traffic speeding through our neighborhood. Many motorists cut off mopac frontage and drive through our neighborhood to Parmer as a shortcut. The developer told us that they do not believe that the apartment residence would cut through the neighborhood but anyone who lives in Northwood knows that will not be the case. Using oak creek can be inconvenient, slow, and unsafe. Just look at the morning traffic on the frontage road by oak creek. A driver has to wait 33 lights to get through the intersection at mopac, and Parmer. Also, depending on the direction you're headed or coming from, using Parmer and silver creek often provides a more direct route so apartment residents will drive through the neighborhood to enter and exit at Parmer. Most apartment complexes are not situated where access will require driving through a residential neighborhood. Usually access to an apartment would be on a main road, not a neighborhood road. The neighborhood's concerns of cut-through traffic are not now this case.

[7:12:27 PM]

When this exact same piece of property was rezoned single family three to ic-po, the owner stated they would only have emergency exits towards the neighborhood. Likewise, when the office building went in at oak creek and mopac they agreed to restrictive covenant to use the entry and exit at oak creek even constructed a driveway to help force people to go the direction of mopac. But this hasn't stopped the office complex from going through our neighborhood. However, since it's a business, like with the current -- with the subject property is currently zoned for, traffic is limited Monday through Friday 8:00 P.M. To 5:00 P.M. Going in the opposite direction with barely any weekend traffic. With apartments traffic will be every day, same direction at all times. And that is worse. It doesn't matter that silver creek and oak creek are technically wide enough to handle the amount of cars. What matters is those streets are surrounded by a residential neighborhood and extra cars pose safety risks, not only to Northwood but also to any potential apartment residents. Cars are usually driving very fast near the proposed apartment location. The site is located very close to the frontage road so cars turning on to oak creek are driving fast so it's not very safe to walk there. There is also a blind curve as you can see on the screen at this location which is dangerous to cars and pedestrians. The train tracks are very close to the property, which is dangerous to pedestrians, especially children. There is only space for two cars to wait on oak creek while the train is passing. Any additional vehicles turning on to oak creek are forced to a complete stop on the mopac frontage to wait for the train while traffic behind them is coming at 60 miles per hour plus. This is a terrible accident waiting to happen. And adding 90-plus apartment units greatly increases the chances of a tragic accident.

[7:14:29 PM]

There was a deadly accident on these tracks a few years ago when a car was hit by a train. The so-called downzoning. This case may seem like a simple case of downzoning. However, the reality is it's not due to the conditional overlay on the existing ip zoning ordinance. The ip-co limits square footage to 45,000 square feet, the apartments will be significantly larger and taller and have more impervious cover. This will greatly impact -- increase the negative impacts to the environmentally sensitive area, potential for flooding and traffic. The ip-co prohibits many business types listed on the screen, many of which produce a lot of traffic. Essentially the business type is limited to neighborhood office. The ip-co may say it allows up to 2,000 vehicle trips per day. However, with the square footage limitation and the prohibited business types, the reality is you won't come close to that. The ip-co gives a 75-foot setback, including parking and interior drives. The proposed zoning will allow parking and interior drives all the way to the residents' property line, profoundly decreasing the quiet enjoyment of the homes adjacent to the property. When it floods it will affect a business versus a home under current zoning. A business can tell employees not to come into work when it floods. That is safer. When homes flood residents are displaced and incur personal loss. Any apartment complex is too big and too dense on this location due to the environmentally sensitive land and surrounding neighborhood. The current zoning is much more appropriate. If you pass the zoning today you leave our neighborhood in a vulnerable position. Keep in mind if the developer does not get its funds any developer can come and build apartments on this land. Thank you for your time today. And please do not grant this zoning request. Thank you.

[ Buzzer sounding ]

>> Mayor Adler: Thank you.

[7:16:30 PM]



[ Applause ]

>> Mayor Adler: Is Donna Clayton here? You have three minutes.

>> Hello, my name is Donna and I'm a resident at the brightton's edge. I think I talked to you when I went to go vote, couple of y'all. My situation was that I was homeless up until these apartments came up. The affordability has allowed me to have more than one bedroom for my teenage son and I. I can afford it. I can do what I need to do. There are a lot of properties and a lot of people who need properties like this who are in situations like we are. Thank you.

>> Mayor Adler: Thank you.

[ Applause ] Next speaker is Donna Bloomberg. Is John cavahala here? Just want to make sure you were here. You have six minutes.

>> Good evening. Is this non- is this on? Okay. Thank you. Good evening, my name is done in a Blum berg, I've lived at Northwood 28 educators I'm the association secretary. Some of the reasons for opposition to apartments on the site include problems with emergency evacuation of residents, the terrain, and flooding. There are over 860 homes in four neighborhoods and we share four exits. In case of a forest fire it would be impossible to evacuate everyone. This map from the Austin water website clearly shows there is a high to extreme risk of fire surrounding the homes at this corner of mopac and Parmer.

[7:18:37 PM]

My house is next to one of the very high areas so this worries me. Hot embers can travel up to a mile so this entire area is vulnerable to a single spark. Apartments would just add more people to evacuate. It's worse if oak creek has been damaged again from flooding or other reasons and is closed for repairs. The two yellow arrows up there show the main exits as Leanna's map did previously. Two other streets exit to Parmer but do not have traffic lights which limits their usefulness. Imagine people in all of these neighborhoods trying to exit at the same time while first responders are trying to enter to fight the fire. Not a pretty picture. Another concern is the terrain itself. Numerous nearby caves and voids are known. The blue star in the red circle at the left of the map is cold cav, which is known to have an endangered creator. Even closer to the property there are ten known underground voids per well drilling reports. On the site itself there's already one critical environmental feature that is known. It is an opening to the underground. That's right there in the middle. That cannot be developed at all. It cannot be touched, limiting where they can place apartments there. Also the initial survey does show some of the large heritage trees that are there. You can see where they are in the -- by the apartments, also very close. Finally, with that, at the southwestern portion of the -- or area of the tract, there are two concrete caps in the ground. These were the original water source for a house years ago at what is now 3503 oak creek drive. That was where that house got their water before they tied into the city system there.

[7:20:41 PM]

This could have been coming from a spring, underground spring. If that's the case that will increase the critical water quality area and further limits the buildable area of the site. Walnut creek floods through the eastern edge of the property. The sides being -- besides being in the floodplain much of the tract is in the critical water quality zone is hence not easily buildable. Apartments built on the site would potentially impact the critical water quality zone and increase the floodplain. Is it wise to use tax dollars when only part of the tract is buildable and there are other nearby suitable sites? The top photo here is the Normal appearance of oak creek drive just back by the -- where the apartments are proposed. It is not a low water crossing. It's just a bridge over William cannon. During the October 2013 deluge William cannon flooded oak creek making it impassable. Fortunately the road itself was intact. It was -- it's one

of the major exits for residents from this corner of parmer-mopac and it is the primary access to the apartment site. The street remained flooded and impassable until after dark, resulting in water rescue. This is literally at the apartments backdoor. Does it make sense to build residences so close to a known flooding dank center -- danger? Less than two years later oak creek drive was, again, swamped by another so-called 100-year flood. Huh. Another 100-year flood in two years? Must be the new math. Oak creek was again impassable. You could see the tract very close to the apartment's planned location is being flooded and also see the flood waters under oak creek making their way south towards other streets and homes already in the floodplain.

[7:22:47 PM]

Here just south of Parmer you see the normally dry William cannon both looking north -- walnut creek south toward the appropriately named and frequently flooded waters park road located near the walnut crossing neighborhood. You can also see the normally dry waters park road. Beware a number of the walnut crossing homes are already in the floodplain. During the may 2015 flood there was a significant amount of water in walnut creek which flooded waters park road and nearby areas. These environmental issues make this a poor site for apartments. Please deny this zoning request. Thank you.

>> Mayor Adler: Thank you.

[ Applause ] Is Ann Howard here? You have three minutes.

>> Thank you, sir. My name is Ann Howard, executive director of the ending community homeless coalition and we cannot end homelessness without affordable housing. I live in district 10. I share the same schools that this neighborhood does. And, you know, I've coached little league up in there. There are lots of trees and it's beautiful. I think it will be a great place for people to live, to add some housing there. I'm not concerned about the lack of business or -- you know, there's a hospital across mopac. There's lots of restaurants and places to work. And so we need affordable housing. We've been getting to know the developer. I've looked at their properties in different states. They seem to do good work. I've met one of Megan's partners in the business. I think we will have -- see some partnership there to do more affordable housing and to get the work done we need to do here in Austin.

[7:24:49 PM]

So I'm here if you have any questions, and I appreciate the hard work you guys do. Thank you.

>> Mayor Adler: Thank you.

[ Applause ]

>> Mayor Adler: Mr. English. You have six minutes. Is Jeanie Beckham here?

>> We did have one speaker ahead of me, was that order missed? Craig Shempert.

>> Mayor Adler: I'm sorry. Yes, Craig Shempert. Sorry about that, Mr. Shempert. You have six minutes.

>> And I have buddy Taylor for six minutes.

>> Mayor Adler: Mm-hmm.

>> Okay.

>> Mayor Adler: Is -- Betty Taylor is here? Ms. Taylor is donating time to you. You have six minutes.

>> Okay. Good evening, ladies and gentleman of the staff, city staff, I moved to Northwood in 1986, I commute daily out oak creek and out mopac to the domain. I'm here to speak to concerns with the elysium project, mobility, safety, affordability, imagine Austin, and the city's strategic outcomes. What if -- okay. Ah, there we go. Thank you. What if some elysium residents wanted to walk to the area's bus stop or HEB to get a few Ghosh summaries look at what Google says about the trip. What does not suited for walking mean? They head out oak creek to mopac, head up the hill, eventually they arrive at

the first of two barriers. Here we see that to get to HEB or the bus stop the elysium residents must cross two continuous right turn lanes very busy with cars approaching them at up to 55 miles per hour.

[7:27:02 PM]

Coming up from oak creek this is what the driver sees. The traffic is moving very fast. The drivers aren't looking for anybody in the crosswalk. And they're looking to their left to see if they can merge. The cars just keep flying by not aware of potential pedestrians or bicyclists. One day I hung out and saw five people use this intersection in about an hour's time. I met alisan, a daily commuter. I told him I was coming to talk to you about this intersection. This is what he wanted to say to you. This is a frightening and dangerous place even for the seasoned commuter. The upper picture, can you see the five vehicles about to descend on this crosswalk? Is this where you want a single mom to walk with her son to and from tee ball? How about send him on his bike?

-- Him on his bike? Here is a picture of another pedestrian heading north. It's clear by the curb destruction by the bridge this isn't a safe place to walk either. If a car lost it in the double left turn like they often do could you get out of the way in time? Let's talk bikes. There are no bike lanes on the mopac froth. Cyclists would all have to share the same narrow sidewalk. For the bike lane on Parmer, here is one cyclist's opinion. Not many people walk or bike through here daily. It's just too dangerous. Imagine Austin. This is a great vision, in my opinion. Planned communities where people can actually walk or bike with each other to work, play, or school. With access to groceries and other services. Reminds me of growing up in a small town. Imagine Austin is how all residents should live. Let's see how elysium stacks up against imagine Austin. For the zoning and planning meeting city staff looked at the project and thought these three, land use and transportation prescriptions were applicable to the projects.

[7:29:06 PM]

Three out of 44. Is it encouragement if you won't let your kid use it? Is it realistic if it's your only option and you're afraid every time you use it? How is this location maximized? There's no significant employer or retail space with safe and reasonable access except by car. This is interesting. City-wide strategic outcomes. I've seen this in various corporations, envision the outcome, create concrete measurements, execute, evaluate, repeat. Manufacturing does something similar. The outcome is generally a function of the input of the suppliers. Austin has a need for affordable housing. Imagine if we treated -- we considered developers our housing suppliers. Here's a snapshot of the tdhca preapps with the developments ranked in order of walkability, transit access, and bikeability. The top five seem to have reasonable marks in these areas. Only three will get funded. How does the city of Austin decide which to support? Is safe mobility options are part of our strategic outcomes, shouldn't the preferred developments provide such measurable solutions? Some of you may be familiar with some of these quotes. My key points are, aren't safe mobility choices important for elysium residents? The location -- the location has a walkability index of only 21 out of 100. Transportation is terrible at 18. Biking 37. The location is car-dependent. Aren't good mobility choices important for elysium residents too? I have not yet read a city of Austin document that says a car-dependent development should be accessible.

[7:31:11 PM]

The -- acceptable. The city of Austin clearly defines affordable as more than just reduced rent. I've got a great story back that up if you want to hear it. The location is confirmed by the developer as car-dependent. The land use does not meet the goals and the direction specified by the city of Austin. There

are better options for affordability, housing in this city. There are 6,000 acres of land directly to our west waiting for such a planned development. Please vote to decline this application. Thank you.

[ Applause ]

>> Mayor Adler: Thank you. Thank you. Is Nancy Moreno here? You have three minutes.

>> Hi, I'm Nancy Moreno. I'm the resident at

[indiscernible]. Megan was the one who built this property, so you're looking at the person who is a resident at one of these properties. When they say affordable housing, people have the bad idea about it sometimes. They look at people like, oh, they can't afford it or what are they doing? What kind of people live there? They have all these ideas. So I'm here. I'm a person who lives there. So I'm for this because I am a single mom, and that's not what I want you to look at. I want you -- I don't want you to look at the fact I'm a single mom. I have different situation that's happened to me as a single mom. So at this time, I'm not always in a situation where I need affordable housing. But at this time I am. There's times where I'm doing good, me and my boys don't need this, we're doing great, we're doing good, money is flowing, things are happening. I had a situation happen to me whether the father of my kids stopped paying me child support so I got in a situation where I needed to be in affordable housing and thank god it was there because I was not expecting to be there, in that situation.

[7:33:25 PM]

I'm a mother of three kids. I have three boys. One of them is aau, is very involved with basketball camp. Is very involved in basketball. So I need to have a part-time job. So to me it's more -- how do you say it? You have a part-time job in order for me to be a mother because their dads are not around. I have two fathers. One constantly pays me child support and never gets behind. The other one is on and off and believe it or not the one that's on and off is military, he's a va, retired veteran. And so I have two children out of these three that are military dependent. And they get benefits and that's how I got approved for this affordable housing, because we have income that comes in regularly. So I am the person needing help at that time and they were there to help me. So this is important to me. I'm not always in a situation where I'm struggling and I need help. Sometimes I'm doing really great and I don't need people to help me and I'm doing great, but there's times when I get stuck as a single mom raising three kids. I have one -- right now, my son goes to Chism retaliation he's a basketball player so, therefore, I'm involved with him and I can only work part-time. I have another at Mcneil high school, also a basketball player. I have athletic kids that need their mother to drive them and take them places and do things for them and be there for them. So really right now I can't be in a full-time job so you have a part-time job. I work for a medical research company part-time. So having to live in this affordable housing really helps me a lot. Now, five years ago I didn't need affordable housing. I need it now. He stopped paying me child support for two years so I needed help. So they were there for me.

[ Buzzer sounding ] So I'm for this. Do I have more time?

>> Mayor Adler: That was your time.

[ Laughter ]

[ Applause ]

[7:35:27 PM]

>> I got some more.

>> Mayor Adler: You can finish your thought real fast.

>> So I am for this affordable housing. I'm not looking at where the location is. When you're in need of affordable housing, you're not sitting there thinking, oh, I need a location. I need this. I need -- I need -- I'm not thinking about the other people when I'm gonna be in their neighborhood and they're building

this affordable housing. I'm not thinking that, oh, these other people's thoughts and they're used to living in that area, been there 20 years and here I'm new to this neighborhood. At the time you're not thinking about that. You're thinking I need a place for me and my kids to live.

>> Mayor Adler: Thank you very much.

>> Mayor Adler: Thank you. Mr. English, you also have six minutes.

>> Good evening, mayor, mayor pro tem, and councilmembers. My name is Ed English. You've heard the other speakers expressing their opposition to the zoning change request. The current site for the proposed project is flood-prone, there's no public transportation available nearby and even the closest route, 142 on the south side of Parmer lane is being eliminated. The site exhibits poor walkable and a whole host of other risk, limitations and concerns. The neighborhood -- and I hope this point is made. The neighborhood recognizes the need for housing. All types of housing. Including affordable and supportive throughout the city and in high-opportunity areas, including north central Austin. Build it. Build it in our part of the city. We welcome it. If the proposed site is an unsuitable location, is there another nearby with less risk, fewer limitations combined with better services and opportunities?

[7:37:33 PM]

There is. I call your attention to the map that's on the screen. It should be in a packet I hope you received that includes the Parmer lane and Mcneil intersensation. By the way if you're wondering what the black stop with the address is, that's where I live. Surrounding the Parmer Mcneil intersection you have undeveloped land far better suited for apartment projects, fewer personal safety risks, fewer limitations and better valuable of services. I'll draw your attention on the map to the block labeled apartments existing and under construction. Within that block there are two large existing complexes and another one under construction. Adjacent to that is undeveloped land, also behind those projects. The Robinson ranch owns and has owned for many years that undeveloped land. They have shown in recent years quite a willingness to sell those tracts at that intersection and near that intersection for residential use and other purposes. You'll notice that the apple campus is directly across Parmer lane from an undeveloped area suitable for development. If you haven't seen the campus it's a real gem. Please go by when you can, tattle it, it's quite impressive. I want to point out as they ramp up employment this year and next they will have 3,000 to 3500 jobs. Access across Parmer lane is provided by three lighted intersections with crosswalks, ymca available, great for people living in apartments in that area, including families with children, and perhaps those who are in a supportive environment and need access to exercise equipment. There's an HEB. On the north side of Mcneil there's more undeveloped land, also on the north side of Mcneil you'll narrates Mcneil high school. Residents that would be living in the apartments at the proposed site will not have any nearby schools. The closest is summit elementary on the south side of Parmer lane close to me and is certainly not a short or safe walk for an elementary school child.

[7:39:41 PM]

Any medical school or high school students would have long bus rides to the nearest school. I point out Mcneil drive has bike lanes that run toward 183. There are many shops, employment opportunities, restaurants, and entertainment activities along that route. I'd offer a few additional comments on alternative locations. We hope that councilmembers will champion the idea of working with developers to target better locations for housing than the proposed site. Land cost differential can be mitigated in many cases and in this one a larger complex with even more affordable apartments could be built without the risk of being an extremely close proximity to a known floodplain that has flood repeatedly. If the developer should secure some funding from a bond program or other source and elect to use those

funds on a project in a better site, that's great. We applaud that. The developer has proposed a host of services at their site. We think those are great. But services are not glued to the ground. They can be moved to better locations. The mcneil-parmer area also has newer and properly sized water and wastewater lines for the developments going in there and those are not unimportant factors. I'd like to talk to you in the remaining time I have about labels. We as humans easily are misled by labels. Labels make it easy for us to overlook details and avoid the time and work required to fully understand what's behind the labels. We label people. We label places. We label things. And in this case a project. This project carries the label of affordable, but what are the facts and details behind that label? The site is flood prone with no public transportation, walkability anywhere is very poor, there's no park, no school, no library, no drugstore, no bank, no restaurant, no supermarket, and that's just the short list.

[7:41:48 PM]

I ask you, how many risks, limitations and concerns should be overlooked? At what point do we draw the line? What is acceptable? What's not acceptable? Shunned developers be held to some kind of minimum standards? Where do you cross the line between acceptable and unacceptable when you put people at personal safety risk? And make no mistake about it, this case sets a precedent, how low are you tolling set the bar? How much are you willing to overlook. Please hold developers to a higher standard than just picking a site for tax credit purposes and plopping down a zoning change request for your consideration that benefits who? Them. The safety, welfare and availability of nearby opportunities for residents should always be the highest priority. I ask that you consider the details of this project, the site on which it is proposed.

[ Buzzer sounding ]

-- And deny this zoning change request. Please make the decision to target better locations for a project like this rather than making a decision based simply on expediency and our head long rush to add housing. We can do better than that. I'll be happy to take your questions but before I do I'd like to ask the residents here from the Northwood neighborhood to stand.

[ Applause ] And I'm here for any questions that you may choose to ask.

>> Mayor Adler: Thank you very much. Next speaker is Greg Anderson.

[ Applause ]

>> Mayor Adler: Not here? Next speaker would be ferita deits. Is -- I'm sorry. We'll call him up in a second. Ms. Diets, you can come down. Is Glen parker here? You have two minutes.

>> Thank you, mayor. Good evening, I'm ferita.

[7:43:49 PM]

We are not challenging affordability, housing, or the developer. We are challenging of suitability of apartment at this site. We know residents in need of affordable housing are decent, hard-working individuals and families who just happen to have a lower income. Our neighborhood is diverse, but it lacks public transportation and has a low walkability score. This goes against imagine Austin and vision zero initiatives. The nearby train track crossing also presents a challenge. Much of the site is in the floodplain. Oak creek has flooded and is likely to flood again. The site -- the 7-acre site is really more like three plus acres being developable, and even then a critical environmental feature, perhaps a cave or sinkhole, makes even more of the site undevelopable. But to then compensate for the site's short fall and still obtain the density it seeks, the developer's proposal to put four and 5-story structures with topography causes still more uncertain risk. Is this the best use of our tax dollars when the same number of units or more could be at a safer and more suitable site and better serve perspective residents? Can you really convince yourselves that this mf-4 zoning district with four and 5-story structures is correct

for this neighborhood? Where commercial structures are one and two stories, where modest one and two-story single-family homes are nestled? This area is far from a city center and doesn't warrant the density, height and lack of setbacks being sought. This site is on a neighborhood street and not a major corridor. Even apartments on nearby parks and recreation are only three -- Parmer lane are only three stories.

[7:45:53 PM]

This is flat out wrong within our suburban environment.

[ Buzzer sounding ]

>> I hope some of you will interpret our reasoning not as against affordable housing but mf-4 zoning is wrong for this site.

>> Mayor Adler: Thank you.

>> Thank you for your consideration.

[ Applause ]

>> Mayor Adler: Mr. Anderson? Greg Anderson?

>> Mayor, council, it's really hard to find land in this city, unbelievably hard. I've spent a lot of time looking for land and to put affordable hopes on the west side of mopac, I don't know how many opportunities you guys are gonna have to get that done so I hope you guys can vote in favor for this and help us produce some housing of all types across the city. Thank you.

>> Mayor Adler: Thank you.

[ Applause ] The next speaker is Joanne brial. Is bill risan here? You have two minutes.

>> Thank you.

>> I'll make this short so I have half my speech gone. It is not affordable housing that we are against. This proposed development is not only endangering our neighborhood lifestyles but also that of the tenants. If you are truly trying to assist people to better their lives, why you would want to subject them to any of these possible dangers? As recent as Saturday, mayor Adler gave his 2017 state of the city address and in it he states, I quote, for starters let's agree we will not force density in the middle of neighborhoods. There's no sense in shoving density where it would ruin the character of the city we're trying to save in the first place, where it's not wanted by its neighbors and where we would not -- we would never get enough of the additional housing supply we need anyway.

[7:47:54 PM]

End of quote. In addition, it was stated the housing supply needs to be focused along major corridors like Lamar, burnet and airport boulevard and our major activity centers. Also at this time due to a change in guidance we received from the city staff regarding the expected 3 day delay between the first and second reading, it is here -- I'm sorry, if there is one we respectfully request a minimum of two weeks. This time is necessary in order to convey to our neighborhood where things stand and receive their input. In closing, we respectfully request that you deny this rezoning application. Thank you for your time and your community service.

>> Mayor Adler: Thank you.

[ Applause ] Is Betty learner here? Is Loretta Lang here? Loretta Lang? That's okay. Thank you.

[ Laughter ] Is Sandra Meyer here? Thank you. You have three minutes.

>> Thank you. My name is Betty learned. I've been a resident of Northwood since 1992. I'm also a licensed social worker. I have worked for the city of Austin and Travis county for 23 years, I have worked extensively with populations and clients who sorely need affordable housing. However, when we're looking at affordable housing -- affordable housing has become somewhat of a buzzword. We need to

consider more than just affordability. You've heard about the issues with transportation and central services. We have a nonprofit in this community that does an excellent job in how they locate their affordable housing. That is foundation communities. They have been providing affordable housing for 20 years. They have 13 family properties and six single residency occupancy properties and they have all kinds of supportive services working at keeping people housed and moving on to being self-sufficient.

[7:50:00 PM]

Those are excellent ideas. The challenge of the potential site has more to do with the dangers that are inherent. We have already experienced more than hundred year floods. We have had plenty of experience with onion creek and the flooding that was in there. There were houses way outside of the floodplain that were flooded. And we've seen the reduction and -- destruction that it's done to the families, the property, the expense to the and I and everybody else. They are -- when you look at what you can get, the max grant for 2016 from FEMA is \$33,000. The 2016 Houston flood average payout was only \$5,702. Yes, they're building outside of the hundred-year floodplain. We're not having hundred year floods. We're having flooding events much greater than that and it's important to think that we're putting vulnerable people in an area where they are vulnerable to and cannot recover from these kind of devastations. I also have worked with Texas department of emergency management in creating long-term recovery groups and working directly in Travis county and with the Travis county recovery group, and I was on their board. I have seen personally the pain of having to try to recover from flooding and the Mier that it gets involved with when you have floodplains and areas they can no longer rebuild and they have to give up their home but they can't afford to go someplace else. I've seen elderly people living in their garage because their house is full of mold from the flooding because they're waiting on decisions. Y'all know this. A lot of you have seen the pain. I don't think we want to create another spot for that, which is the potential for that. In addition to the idea that the transportation, if you're having people that are needing to get caregivers in to take care of them, one of the biggest hard -- barriers is the lack of transportation because a lot of providers rely on public transportation to get to their clients.

[7:52:08 PM]

I worked for four years for helping the db.

[ Buzzer sounding ] And that was one of our major betters to maintaining providers in the home.

Affordable housing is a great idea. Our infrastructure has not caught up to our section of the city yet, and I think you put residents in a really bad situation.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Thank you very much.

[ Applause ]

>> Mayor Adler: Megan is already gone and then next name would be Mike Conwell. Is Mike Conwell here? Is Mike Conwell here? You're gonna have one minute, Mr. Conwell. David skinning on -- David king is on deck. I'm sorry?

>> [Off mic]

>> Mayor Adler: Okay.

>> Sorry for the delay. I thought I was out of the first group. Good evening, my name is Mike Conwell, I'm a resident of Northwood and I'd like to ask y'all to vote no on this upcoming zoning change. And take the unusual step of knocking my neighborhood. And it's primarily about the interpretation of mopac and oak creek and the traffic pattern that's gonna result from it. As you look at the star, if you can imagine that you are facing mopac and about to turn right, the only direction you can turn, to the left is two



lanes of traffic accelerating to 60 and 70 miles an hour up a hill. It's a blind hill. When I'm in my truck, I don't have a big time -- or a big problem turning right. When I'm in my prius, which sits much lower to the ground, I can't see cars.

[7:54:09 PM]

You basically have to be in a sporting mood to make a right turn on there. I've raised this issue with txdot. They have not -- they do not see it as an issue, and ignored some other concerns we have with this portion of the road. The sight line is so bad that there are neighbors who volunteer and take a lawn mower down and mow the right-of-way so we can have some chance of seeing the cars that are coming at us. This is kind of not proper. And I'm discouraged by the state of Texas. But we have to maintain our own property because the state of Texas does not maintain that road. The weeds get high, and we have a difficult time seeing oncoming cars. For an indication of how unusual this stretch of road is, just at the top of the screen there's a u-turn at skoal field ridge. It's the only U Saturn in town where everybody comes to a stop and that is because three lanes of southbound mopac are all going to compete to get onto one on-ramp in a short period of time.

[ Buzzer sounding ] This makes --

>> Mayor Adler: You can finish your thought.

>> All of this discourages my wife from using this exit. It discourages other people from using the exit. I believe everybody will have to own a car to be in this unit is gonna have to go through the neighborhood to safely get in and out.

>> Mayor Adler: Thank you.

[ Applause ] Is Andrew Kyle here? Andrew Kyle? Kile. Is Craig Ingram here? Okay. You have two minutes. Mr. Kile.

>> Thank you. I probably won't enthuse. A lot of stuff I was gonna talk about was already covered.

[7:56:10 PM]

Also I was a little unprepared in that what I was gonna present to you was printed. So I couldn't hand it over. Anyways, what I wanted to talk about was the -- the mobility that they're proposing in this area. And the application it lists it lists some distances of -- from the proposed site to HEB, areas like that, and the problem with those -- with those distances is they don't take into account where the apartments are going in relation to the creek that often floods and the railroad crossing, which could both prohibit pedestrians from going that direction. Also cars. But I think this is a bigger issues for pedestrians. Because I was using some figures and found that we're at -- up to 38 minutes of a detour for a pedestrian should they encounter either a train on the railroad tracks that stop there such as a freight train or if the creek is flooded and both of those prohibit access to all the items listed on the application. Given that the -- I'm sorry I'm not more prepared with this, but given the nature of the apartments we're looking at, a lot of the residents will rely solely on public transportation or be on foot so it's just kind of makes this a real-world scenario. Where they're likely to take extra risk on stuff. Anyways, thank you.

>> Mayor Adler: Thank you.

[ Applause ] Next speaker is don

[7:58:14 PM]

[indiscernible]. Is she here? Those were all the speakers that I had. Mr. King, who were you donating your time to? Did you sign up to speak?

>> I signed up. Karen tutle. But I also had donated a minute.

>> Mayor Adler: I'm sorry, what? I just don't see you on my list. I'm sorry.

>> That's okay. Can I go now?

>> Mayor Adler: Eri got me?

>> Mayor Adler: And David ding is donating time.

>> I'll do like I do with my two-year-old and set my clock so I know how much time I've got. Thank you so much for the time to speak to you. I'm used to speaking to a judge and non-tribunal in an uncontested probate court in front of judge Herman. My husband and I live directly adjacent to the proposed development on the north. We are the single largest landowner. We represent 15% P I sent an email to a few of you. The proposed apartment complex would actually be five stories, which in our backyard. We're zoned rural residential and we're part of an entire neighborhood that is rural residential. It's an acreage neighborhood of one to 10 acres. I understand the city has a focus on affordability and that the developer has made a commitment to this. Albeit I read through like the hundreds of pages and I am a lawyer and it was really complicated, my understanding is that most of the affordability was only for four years and that there is a committed 16 units that's permanent, but most of the affordability is only for four years. So it's kind of a drop in bucket when you're talking about affordability, and what this apartment complex is meant to do. Regardless there is a balancing that occurs with city planning and zoning.

[8:00:15 PM]

The subject property is zoned ip commercial, and rural residential for a reason. The affected adjacent areas are all rural residential or single-family. The proposed zone change would be too intense of a zoning change as compared to other adjacent zoning areas. There's no real transition. You have a five-story apartment complex right next to a single-family home. We're not Houston, okay? When I was in law school they made jokes about zoning meant nothing in like Houston and Dallas. Austin has had principal development based on environmental issues, and I understand that affordability is an important principle. It doesn't override good zoning and city planning goals. We've already read section 25-2-65 of the city code, but I'll point you to the fact that the subject property is not centrally located -- [buzzer sounds] It's not near a suburban area -- it is a suburban area. It's not near any neighboring properties that are --

>> Mayor Adler: You can go ahead and finish your thought.

>> Okay, thank you. I've lived in the area for 15 years. I've seen the changes in our area. I want smart growth, but I hope that the case here is that there will be smart growth and this zoning change will be denied. Thank you.

[Applause].

>> Mayor Adler: Council, that gets us back up to the dais.

>> Pool: Mayor, does the applicant --

>> Mayor Adler: The applicant gets a chance to close. Three minutes. Thank you.

>> Mr. Mayor, mayor pro tem, council. Thank you for hearing us. Just a couple of notes that I jotted down and then I'll let Megan wrap up. You tell me how I'm doing on time. There was talk of moderate high intensity usage. The numbers were thrown out 34 to 56 units per acre.

[8:02:18 PM]

What we're talking about in this case is about 12 units an acre. So when you think about transition, you think about land use, what they're claiming is that the use is too intense. The reality is we're at 12 units an acre, which is a very moderate intensity. There was discussion about no institutional employment

centers. There's a very big hospital not very far away. The domain, tceq. There are other smaller employment centers that are walkable, bikable. Almost 4 --

>> 449,000 jobs within a 10-mile radius of this property.

>> 449,000 jobs within a 10-mile radius. From an infrastructure perspective, from a flooding perspective, this project is outside of the floodplain. I have a license as a certified floodplain manager. I do not advise my clients to build in the floodplain. This-- two things to think about. We're looking at 30% impervious cover. The existing conditional overlay -- no, the existing zoning would limit you to 60% so we're cutting that in half. In addition, the impervious cover that contributes to oak creek at this location is .1%, .1% of the watershed that's contributing water to this point. That means the impact of this particular project on the floodplain is less than minuscule. With that, Megan, do you have any thoughts to wrap up?

>> One of the things that I I'm asked a lot is why this site? It's easy to run up and down the road and say that would be a great place, that would be a great place. The reality is finding a site with all the metrics we need to meet is like finding a needle in a hay stack.

[8:04:25 PM]

We have to meet our funding criteria and then find a loaned within a city with increasing land prices like Austin N this case it's taken two years to go through the process. Finding all those metrics to overlay, not to mention some of the other areas that have been pointed out as possible locations, those are needed too. We recently built a property not more than two miles from here, 78 units similar in size. At least in three months 100% without showing a single unit. So the demand is there, so not only do we need, but we need more.

[Buzzer sounds]

>> Thank you, council.

>> Mayor Adler: Thank you.

[Applause].

>> Mayor Adler: Hold on, councilmember kitchen?

>> Kitchen: One of the previous speakers was saying that the affordable housing is only for four years. Could you speak to that?

>> I'm sorry, that is not accurate. We have to put a land use restriction on the property that lasts for 35 years and that was a requirement of our funding.

>> Kitchen: That means the affordable housing is for 35 years?

>> Correct.

>> Mayor Adler: Any further questions from the dais. Shhh.

>> When we apply for our funding we have to have a certain percentage of units. At 30% and 60% median family income. Once we commit with our funding to that range we're setting a that area median income for that 35 years. So the 30% area median income to 60% area median income is what we are pursuing and will be restricted to for that 35 years per our land use restriction agreement.

>> Mayor Adler: Okay. Any further questions on the dais? Thank you. I'm sorry, Ms. Alter?

[8:06:25 PM]

Hold on.

>> Alter: My office is hearing concerns that the funding could not be granted and a different project could be built, maybe 70 to 80 luxury apartments. You just said our funding was contingent on you having that restriction. How would you respond to this concern and what is it that should Emile lower 80 those concerns?

>> We spent a significant amount of money on this site F I were not successful in getting our nine percent credits, the next step would be to pursue the four percent housing tax credit, which is a non-competitive cycle, which those tax credits are more readily available. If that was a concern of whether or not this site would be developed as affordable housing, we would be willing to enter into an agreement, it would have to be a private restrict agreement, but a private restrict agreement with the neighborhood that only affordable housing could be built if that was a concern of the neighborhood. But we are committed to pursuing the additional funds, you know, whether it be gob bonds or in conjunction with the four percent housing tax credits that are out there and available.

>> Mayor Adler: Okay, thank you. Yes, I'm sorry, mayor pro tem?

>> Tovo: I know we're somewhat limited on a what we can do with a conditional overlay with regard to affordable housing, but it's my understanding that a developer could voluntarily offer to build a certain number of units at an affordable rate and that could be codified within our agreement -- well, I guess I would ask our legal counsel if the developer is voluntarily committing to various -- to a certain percentage of affordable units. Is there a way we could codify that within the conditional overlay? If it were an offer there? Bring it to us?

>> I'm getting a signal from Greg Guernsey, so before I answer I'll let him say whatever he's mouthing to me and I'll chime in.

[8:08:26 PM]

[Laughter].

>> We could not make it a requirement of the zoning. If they wanted to offer something of lower affordability or a mix of more units, they would be compatible with all the overall number of units. I think those are things we can accept, but we can not remember affordable units.

-- Require affordable units. Nor can we require a lower level of affordability. But it could be offered.

>> Mayor Adler: Can we accept it in the conditional overlay?

>> I think it would have to be done as a private agreement or something, but I don't think we can make that a requirement.

>> I think I can make Greg an honorary attorney for the day. He's correct, we can do that as a private restrictive covenant, but we can't do that --

>> Tovo: It seems like we've had some other cases where when a developer stepped forward and said I want to do five percent at X or 10 percent at X mfi, it's been codified in some way in the decision we've made. It's not been a requirement of council, it's been voluntarily from the developer. That is, I would guess, the situation we have here since that's their intent.

>> What we can do if this would to be approved on first reading, it can come back and take a look at a mechanism on how to do that. I know we just last week were just discussing projects where we had a developer that offered lower affordability on some of those, but again that was an offer. We could not require it in those cases as well.

>> And I might add that -- this is not a density bonus case either. It's just a straight zoning whereas some of those other cases were pursuant to a density bonus program.

>> Kitchen: Could I ask a question? I'm remembering specifically the ones from last week where they offered the five percent and the five percent -- was that a density bonus case?

[8:10:28 PM]

>> I think we were talking about vmu, but this isn't a vmu case.

>> Kitchen: Okay. So that would be -- so it would be something that you could explore I guess is what you're saying?

>> We could explore the mechanism.

>> Kitchen: Right.

>> Mayor Adler: Okay. Further discussion on the dais. Ms. Pool?

>> Pool: Well, I wanted to move to close the public hearing and then I had some comments to make.

>> Mayor Adler: There's a motion to close the public hearing. Is there a second to that motion? Ms. Garza seconds that motion. Any discussion? Those in favor please raise your hand? Closing the public hearing. Those opposed? It's unanimous on the dais. The public hearing is closed. Do you want to make a motion on the property?

>> Yes. I wanted to make some comments first, though, if that's possible.

>> Mayor Adler: Okay. You can have a talking motion so when you go back to the motion we can go back to the dais and back to you.

>> Pool: Fine. First I wanted to thank the neighborhood for coming out and speaking on the case and for all the work and all the feedback over these months. My staff and I are very appreciative of the work that you are doing and have done. And also to the developer and the applicant and the representative for the work that you've put out on this case too. It's the second time we've been talking about tax credits for elysium park. And I want to be clear that the choice that I'm making today I'm not making lightly because I do understand, and it has amply communicated to everybody here how unpopular this project is with the neighborhood. I also understand that developing the property will have an impact on you. And when I look at market forces that we're facing, though, I know that this property will be developed, and if it isn't developed now it will be at some point.

[8:12:30 PM]

And when it's developed I don't want it to be an industrial park project or a massive complex of efficiencies. I think part of the strength of this application is the mix of bedrooms, the mix of income levels and the size. So what I am hoping to see here, what I'd like seeing here is it's a residential property that can support families, and that complements the community, it fits in naturally as a transition between the neighborhood and that storage facility that's between it and the access road. To mopac. I also believe that the project delivers a number of other benefits. The much needed affordable housing that I talked about earlier for middle and low income residents and that we talk about almost every week from this dais. And it includes permanent supportive housing for some of our most vulnerable families and I think that piece is really, really important. I also want to thank the applicant for working with echo, with Ann Howard and her staff, and Jo Katherine Quinn from caritas who was going to be here today too. I think she had to leave earlier, but she was in support also. There are other local non-profits that provide critical support services to families who may live here and what they may need and I think that's a really important piece and I really appreciate everyone's work on that. So the last thing I would say is that I believe that this project's success offers a number of potential benefits to the community. The applicant has expressed allegeness to engage with the neighborhood -- a willingness to engage with the neighborhood to open up the green space and common space within their facility for your use, for the community's use. And I hope that the neighborhood and the applicant can both continue to work with my office and find ways to help provide community benefits to make the project a success as a part of the north woods neighborhoods community.

[8:14:35 PM]

>> [Inaudible - no mic].

>> Pool: Thank you.

>> Mayor Adler: Further discussion on the dais? Ms. Pool, do you want to make your motion?

>> Pool: Thank you. With those comments in mind, I move to approve the mf-4-co zoning request with the zap recommendations.

>> Mayor Adler: On which reading?

>> Pool: First reading.

>> Mayor Adler: First reading only? Okay. There's been a motion to approve this on first reading. It's been seconded by Mr. Renteria. Discussion on the dais? Mayor pro tem tovo, were you trying --

>> Tovo: No, I was just stalling so she can make a motion and --  
[indiscernible].

>> Mayor Adler: Got you. Is there discussion on the dais? This is a hard case because the neighborhood is so uniform in its sentiment. This is a hard city. We have these cases because there's virtually no part of this city that has mobility and traffic and transportation that works. And the arguments that we hear here we hear all over this city, which points to the challenge and need we have to fix mobility here. This tract actually has advantages over many, in part because of its proximity to the Howard station. Probably about a five minute drive away, ride away on a bicycle. By way of distance, on a continuous sidewalk. The activity center in that area. I think if you were area planning that you would probably include mopac frontage running back and forth from that. The issues that you raise with respect to the environmental issues I'm going to want staff to speak to in a second.

[8:16:38 PM]

It's my understanding that the environmental officer in the city has looked at this and determined that this tract can be developed this way -- is that right? That comports with the environmental challenges that might otherwise be present. And that's not a department that let's those kind of things slide. I look at what the development would be in the alternative and the arguments made by councilmember pool and I agree with that analysis of this. So for that reason because I think that it represents the highest and best use multi-family, we're trying to get additional housing supply in this city and this is a tract that is not in the middle of a neighborhood in that it has commercial services zoning on one side of this tract and single-family on the other side of the tract, so it's a tract that is prime for a transition type zoning. So for those reasons I will be supporting the motion. Further discussion on the dais? Mr. Casar?

>> Casar: And while I appreciate and agreed with many of the points made here and I understand that as councilmember pool mentions, this hadn't been a popular zoning case in the area, but where I would disagree is that even though it would be a hard case in deliberation, frankly in looking at it, I don't think compared to all the work that we have done in the past and the work that we do have to do that it ultimately comes down as a very hard zoning case objectively. The fact of the matter is I appreciate how much the neighbors care about their neighborhood and have come together around that and I think a lot of the amenities, concerns that we discussed, you know, that while it's clearly lacking some things like grocery stores nearby or a dry cleaner nearby, there's clearly great things about this neighborhood that the neighbors care about, and having the opportunity for more folks to be able to appreciate the great things about this neighborhood I think are really important.

[8:19:01 PM]

And as far as unsafe conditions and flooding goes for those new residents, we can't -- we have to leave it up to our staff to make sure that nothing unsafe is built in this city. We can't make zoning decisions based on that, we traditionally don't do that. And finally on the traffic front, the fact of the matter is the existing zoning allows for more traffic than the zoning that we're going to. So while I understand that this has been a case that's been ongoing for some time, it has been difficult in this chamber, I think it is important for us to note for ourselves that sort of objectively in the world of zoning cases we deal this,

with frankly is not a hard zoning case. It is, I understand, hard for us to change and it's hard for us to all accept in the world of land use that we're all going to get new neighbors in this city, but the opportunity for us to get some new neighbors back, some neighbors that have been priced out of this city into an affordable building is really important and our ability to transition old light industrial uses relatively, what is becoming relatively near the central city into residential uses, whether they be affordable, income restricted or not. So while I understand we've been dealing with this case for some time and I don't mean at all to belittle the political difficulty of dealing with some of these zoning cases, I do think it's important for us to mark that in the world of zoning this one is not -- should not be particularly controversial just like I would hope it's not controversial that hopefully this year we will get the maximum number of tax credit deals inside of this city instead of in the last cycle where we got none.

>> Mayor Adler: Further discussion on the dais. There's been a motion and second. Mr. Renteria?

>> Renteria: Yes, mayor. And I agree with my colleague. This is a really hard decision. Someone that worked at that time IBM for 34 years and seeing this area grow, I remember when I first started working, basically it was just country out there.

[8:21:08 PM]

There was nothing out there. And I saw it slowly growing and growing. And I really feel for you because as that area grew, people that lived there before that had their -- they had also raised a lot of concerns about development into that neighborhood, especially along Parmer because Parmer wasn't developed along the area, it was just a small country road. And I seen it develop over the years and, you know, I was alarmed, but, you know, growth does bring diversity, it brings prosperity. I know it's a sacrifice. I wish that in my neighborhood, which is the most densified area in -- almost in the whole country except for New York, in just that little area. And there's a lot of concerns. In fact, I have a zoning case next week that's coming up here where we're probably going to have a crowd just like we have today. And -- but we have to accommodate the future. And, you know, if we don't build these housing, we are going to be like San Francisco where there is no poor people living in the town, where they don't have kids anymore downtown. They just disappeared. They can't afford to live there. So we really have to look at the big picture here because affordability is just -- there's a lot of people, especially in my area, I live in east Austin. The struggle is even harder there. We're losing families left and right. If we don't bring in these working class people they're going to be out, commuting in, taxing our roads, taxing our transportation. It just is going to be very hard. So we need to bring in more density into this area. So I'm going to be supporting this.

[8:23:09 PM]

>> Mayor Adler: Ms. Garza?

>> Garza: I just had a question on the readings and why we couldn't do all three of them today?

>> Mayor Adler: We could do all third readings. It would take nine votes to do it, but there's no reason we can't. The motion that Ms. Pool made was for first reading only.

>> Pool: There's some technical reasons relating to the engineering, the applicant's engineers have some additional work to do with the zap recommendation so we have to wait for those. And also the valid petition means that third reading has to be separate.

>> Garza: Is that true for valid petitions?

>> Mayor Adler: Does third reading have to be separate if there are nine votes?

>> I don't believe so. Greg, correct me if I'm wrong. I think it just requires the nine votes.

>> It just requires nine votes to meet the threshold. I know there was a threshold -- the agent can address that. I think there was some question we had also about the field notes for the -- for the

envelopes of the structure to vary the height on the property, but I don't know if that's been resolved or not.

>> May I, Mr. Mayor?

>> Mayor Adler: Yes.

>> The discussion from legal, my understanding, was I provided an exhibit, and legal -- miss cotton, I think legal thought that could have been construed as a zoning site plan and so they would prefer that to be in words as opposed to via an exhibit. And so I am happy to do that whenever the council -- however that works for you. I'll just leave it at that.

>> Mayor Adler: Thank you.

[8:25:11 PM]

>> Is that all? It's not so much that it needs to be -- we need field notes so we know exactly where it is on the property that the different heights can be allowed. And while you're capable of doing the three readings today, it would be our preference that we wait to make sure we have all that together before you do that.

>> Mayor Adler: Okay Ms. Alter and then Ms. Houston.

>> Alter: Since this is first reading, I would hope we could do some study on the concerns with traffic. And I wasn't sure from the mature's comments if -- from the mayor's comments if we would hear anything about the environmental concerns.

>> Mayor Adler: We could call them up to recognize that. I'm now going to now call up one of the 10 Austin women that we love in the edition of Austin monthly that we love. Ms. Houston?

[Applause].

>> Houston: Okay. Can I be recognized for a statement? Thank you, mayor. First of all, I want to say to the mayor I appreciate all the work that you've done these past several years or I know how disappointed you must feel. I've gotten really good supportive information about the developer and I want to encourage you to stay in contact and stay in touch with them as this process is developed out. I've heard nothing but good things about how they stay engaged with the community because they want to make this the best community not only for the people who will be residing there, but also for the people who have already lived there. So that's just my ask is please continue to stay engaged with the developer.

>> Mayor Adler: Thank you. Would staff come up to speak to the environmental issue?

[8:27:19 PM]

>> Good evening, mayor and council. Chuck Lesniak. I can speak generally about the property and what we know about it and then answer any questions. Usually during the zoning case we really don't address these kind of issues because they're more appropriately addressed in the site plan when we know exactly what the layout is. Excuse me. The neighborhood does have their facts correct, it does have floodplain on the property, critical water quality zone that covers a significant portion of the property. There are at least two critical environmental features or Karst features, likely a third one that will need to be excavated out and investigated in site plan. It's filled with brush and debris and we can't tell what it is. Our geologist thinks it's likely another sinkhole. The applicant does understand -- I spoke with the applicant's agent. The applicant does understand they will need to work around all these three and maybe more once we dig into it more, they'll have to work around these. City code requires 150-foot critical environmental feature buffer around those environmental features. That can be reduced down to 50 feet through an administrative variance if certain conditions are met. We don't know if they will be able to do that or not and we'll be able to evaluate that at site plan. So I think the applicant is aware of



the challenges involved in developing this site, that those are all more appropriately addressed at site plan.

>> Mayor Adler: Thank you. Any further discussion on the dais? The motion is to approve this item on first reading. Those in favor please raise your hand? Those opposed? It's unanimous on the dais. It passes on first reading.

[8:29:21 PM]

Thank you all.

>> Kitchen: Mr. Mayor? I also think when we get to second reading we should have our staff speak to the traffic concerns also. I don't see anyone here right now that could speak to that, so we can do that on second reading.

>> Mayor Adler: Okay. That gets us to the last item on the dais, which is the textile matter. We've had all the -- I'm trying to figure out where we were procedurally. Was there a motion that was actually made on this? You made your motion, as I recall? You did. Have you seen this copy? Are you okay substituting this for yours? If there's no objection by council, the maker of the original motion is willing to set that aside so that the pending motion would be was just handed out to us. Is there any objection to that? That will be our point of departure. Mayor pro tem?

>> Tovo: No, I don't have an objection, but I have a question. There was a draft that looked sort of like this at city legal at brief. Is this the same one or a different one?

>> Kitchen: No. I can explain the difference if you would like me to.

>> Mayor Adler: So everybody should probably put a star or something on the draft that just got handed to them so they don't confuse it with something they got handed earlier.

>> Kitchen: Should I speak to it.

>> Mayor Adler: So this is now the pending motion. The yellow page that we've all stuck the star on. Ms. Kitchen?

>> Kitchen: To answer mayor pro tem's question, what this does is it -- I think it captured all the discussion that we had earlier, but what I did is I worked with the legal staff to make it clear that the language that I was proposing was incorporated.

[8:31:22 PM]

So the difference is if you look at the first be it further resolved, that is different than what you had in what you looked at at the break. So it says now the city manager is directed to investigate options for amending the contract between city and simple recycling, transferring service, work or terminating the contract and will report to council within 30 days of the date of this resolution on the results of that investigation. The city manager shall conduct stakeholder meetings that include city staff, industry stakeholders and simple recycling to develop possible recommendations. So this was not captured in what our legal staff had worked on earlier, and it captures what I put out earlier as an amendment that says within the first 30 days that there will be an effort to investigate options. Does that make sense, mayor?

>> Mayor Adler: It does.

>> Houston: Mayor, could we put that up so people who care about this could see what it says?

>> Mayor Adler: What does the second resolved do?

>> Kitchen: The second be it resolved captures what the mayor pro tem had proposed earlier in terms of gathering -- I think it was the mayor pro tem's. In terms of gathering data and research into potential impact on non-profits. And that the data would be reported to us monthly. That's what the second be it resolved is.

>> Mayor Adler: Okay. The third be it resolved?

>> Kitchen: The third be it resolved, let's see, that has to do with working with the non-profits on other ways to increase reuse and resale of household items and textiles. So it captures our thought about continuing to work with the non-profits on our goal?

[8:33:22 PM]

And the fourth --

>> Mayor Adler: And the fourth be it resolved on page 3.

>> Kitchen: To come back to us within six months.

>> Mayor Adler: And the last be it resolved clause?

>> Kitchen: The last one was -- that's the one that the mayor pro tem had brought forward about informing the Austin resource recovery customers about the various things that simple recycling is a for profit company and encouraging customers to donate first to the non-profits.

>> Mayor Adler: Okay. Does this capture -- -- collecting the data on the actual collections themselves?

>> Kitchen: Yes. That's supposed to be covered by the second be it resolved.

>> Mayor Adler: Is that the one that speaks to non-profit organizations?

>> Kitchen: Yes, it's directed to gather from all stakeholders on textile collections and research the potential impact to non-profits.

>> Mayor Adler: And I think that's real important and I support that, but I'm trying to figure out do we need a separate one that speaks to the resource recovery goals that we had. We were also going to be getting the data for those. Part of it was to make sure that doing the -- there was some question about -- would you come up for a second? Wasn't there some question about getting that kind of data?

>> Kitchen: Well, it does say that on textile collections maybe you want to be more specific than that?

>> Yeah. I don't know exactly what you're referring to, mayor?

>> Mayor Adler: I see, never mind. Thanks. It's all data from stakeholders on txdot collections and also data and research on potential impact to non-profit organizations.

>> Kitchen: Right. So it's supposed to be broadly stated.

>> Mayor Adler: There was also the thought of not only the impact on the non-profit organizations but the impacts on the community, it was a concern they had that they stated.

[8:35:23 PM]

>> Kitchen: Okay. I'm not sure if that got in there. Let's see...

>> Mayor Adler: Can we say potential impact to non-profit organizations in the community, which that covers globally what that was?

>> Kitchen: You could just add it in.

>> Mayor Adler: Non-profit organizations and community. Further discussion, Ms. Troxclair?

>> Troxclair: On the last resolved clause I would like to suggest a change so that it reads concurrently the city manager is directed to develop and implement a public awareness campaign within 30 days to inform Austin resource recovery customers, et cetera, et cetera, et cetera. Basically strike "If possible" and insert a public awareness campaign within 30 days.

>> Houston: Could you say that again and where?

>> Troxclair: On the first sentence under the last be it further resolved clause, I'm going to strike "If possible" and add "Public awareness campaign in 30 days" so it reads the city manager is directed to develop and implement a public awareness campaign within 30 days to inform Austin resource recovery customers. For a couple of reasons. The first is because everything else in here pretty much has a time frame on it, so I didn't want to keep this hanging and not start this until the end of the six months. I

wanted to make sure the public awareness campaign is started immediately. And striking if possible to ensure it happens.

[8:37:24 PM]

I think it can be done pretty easily within our existing programs to make sure that people know that there are non-profits out there and that they should be donating to them first before using their recycling guide.

>> Mayor Adler: Is that something the staff thinks they can do within 30 days?

>> Interim director Austin resource recovery. I also have Jessica King here. I would really would like to have a little bit more time to work on the program. I don't know if you can do it in 30 days.

>> Councilmembers, perhaps just to -- we can do certain things in 30 days. So what that means is when you're developing ads, when you're purchasing ads that takes some time. So that could take a little bit longer. But what we can do very quickly is get our block leaders on the ground. We can make some changes to our website, promote through Facebook and other snowed. So when we -- and other social media. When we talk about marketing campaigns we can start there and broaden as we go. I want to make sure we are meeting expectations before we go there. And if that is if you're amenable to that approach, kind of a grassroots first and then broaden, from there we can accommodate the 30 days.

>> Mayor Adler: So we could say it's directed to develop and begin to implement within 30 days a public awareness campaign to? Does that work for you, Ms. Troxclair?

>> Troxclair: Yes.

>> Mayor Adler: Is there any objection to that being made to the resolve clause? So that one is now incorporated. Yes, mayor pro tem?

>> Tovo: That was consistent with the original language that wanted you to get started with that amendment, so I appreciate that amendment, councilmember troxclair.

[8:39:27 PM]

The language in the original also -- this is going to sound overly something. We really do need commas in that last sentence as it was in the original so that it says and, comma, as appropriate, comma, otherwise it's almost impossible to figure out what that last sentence really means. Soiled just put the comments back in there. So one of the things that did get dropped from my amendment sheet to here, and I understand -- I think I probably understand the reasons why, though I would like to hear from the staff. The language had said the city manager is encouraged to work with simple recycling to communicate these messages and as appropriate and reasonable should deploy city resources and it offered a few examples. And really if we don't-- if there are reasons why it shouldn't be in this resolution because it's too print active, it sounded like simple recycling was willing to provide those notices. I would accept that partnership and ask them to do that and that was some of the language that captured that. I also think that I'd like to encourage you to use the utility bill inserts in atxn and some of the other means we've specified here in the original amendment. Is there any reason why those were removed from the language as it was moved over to the resolution draft?

>> Mayor and council -- mayor pro tem, this is Cindy Crosby with the law department. There was no Marin reason. I wasn't sure of that last paragraph that specified atxn and all of that was included in the language. But we can certainly add that perhaps to the first be it resolved where we discussed the coordination between the city and simple recycling and take the language from your previous motion sheet and maybe add there that they'd help with the advertising and then specify the different methods later in the resolution.

[8:41:33 PM]

>> Tovo: Either place is fine with me. And it's also fine with me just to provide intent from the dais. One is really about simple recycling to be a partner. The other is simply a piece that -- in a way this is kind has provided us with a good opportunity to talk with Austin resource recovery about encouraging our customers to donate more to our local non-profits. So this was not just about kind of asking simple recycling to pick up a part of that, but also asking Austin resource recovery to target your efforts towards getting customers to donate. So one seems to be handled in one piece of the resolution and one in the other. It makes no difference to me where we put this additional language or if we just talk about heartened have that be the understanding and leave it out altogether. Either is fine.

>> Mayor Adler: Councilmember kitchen?

>> Kitchen: I wouldn't be to be it in the first be it resolved. I don't think it fits there. But otherwise I don't have a preference whether you want to put it in the last one or just give direction from the dais.

>> Mayor Adler: If it doesn't go in please consider that direction from the dais.

>> I'm not sure, I've kind of lost track who is be a making the motions and the amendments and the resolutions.

>> Mayor Adler: At this point working off the base resolution we've made two changes to it or three probably. The first change that we make --

>> I had a specific question. The first be it resolved talks about going through the process and investigating options for contract amendments, et cetera, report in 30 days. Then we talk about data every 30 days. Then we talk about report back in 180 days. So how does the first 30 days on the contract amendment -- don't we need the data to really understand the first 30 days' requirement?

>> Kitchen: Not necessarily. I think that these different time periods could work together.

[8:43:35 PM]

The back stop is the 180 days. But with the first one maybe they'll come to some conclusion in 30 days and maybe they won't. They'll report back regardless. Because it just says to investigate options. Okay? And report back to using within 30 days.

>> So there might be some resolution regardless of data that the stakeholder might come to in 30 days and let's investigate that while we collect the first month's worth of data.

>> Kitchen: That's right.

>> Mayor Adler: Mayor pro tem?

>> Tovo: So I think upon reflection I would like to make that language addition to the last be it further resolved. So that language is what's captured on my motion sheet right here. And it just reads, the city manager is encouraged to work with simple recycling to communicate these messages and as appropriate and reasonable should deploy city resources such as atxn, utility bill inserts and other communication methods.

>> Mayor Adler: The language again, I'm sorry, mayor pro tem? I see the section. Okay. Is there any objection to adding that language in the last resolved clause? Hearing none, that one is added as well. Ms. Alter?

>> Alter: I have a question for staff of recycling. Has this been rolled out to the whole city or just to portions of the city?

>> I'm sorry, council, Jessica king, Austin resource recovery. I apologize I didn't introduce myself earlier. We do have to do a quality check on the address list that was given to simple recycling in comparison to the address list that is utilized. Often times what we find, too, is that when we pull those lists from our billing system, which is a very controlled system, it doesn't always update with new customers that

might have come on board as well. So there's always a gap in the period of time when the new customer is able to come on and be identified under the system.

[8:45:50 PM]

So, for example, if the list went out, I believe in November, meaning all of our customers -- the quick answer is it should have been rolled out to all of our customers. There could have been some mistakes in the addressing list that prevented us from being able to communicate correctly to the customer -- to every single customer. We will work to fix that, though.

>> Mayor Adler: Okay. We have the motion, it's been seconded. It's as was passed out by Ms. Kitchen except that in community is added in the second resolved clause, in the last resolve clause the language was say to direct the developer to -- we added commas before and after as appropriate in what will be the penultimate, and the very last sentence has the language from the mayor pro tem's sheet that says the city manager is encouraged to work with simple recycling to communicate these measures and as appropriate and reasonable to employ the resources of atxn utility inserts and other communication methods. Any other changes or additions? Discussion? Then let's take a vote? Those in favor of this as amended please raise your hand. Those opposed? It's unanimous on the dais. That I think concludes all of our business. We can adjourn this meeting well prior to 9:00. The meeting is adjourned. >>